

COURSE: LAWS 3306A – Crime, Law, Process & Politics

TERM: FALL 2017

PREREQUISITES: LAWS 2301, LAWS 2302

CLASS: **Day & Time:** Mondays – 18:05 – 20:55
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Paolo Giancaterino
(CONTRACT)

CONTACT: **Office:** B442 Loeb
Office Hrs: By Appointment
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Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your ***Letter of Accommodation*** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn

from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

The aim of the course is to develop a critical understanding of the constant evolution of criminal law in Canada. The course will examine the way Canadians think, talk and act on criminal justice and how this has shaped the criminal justice system today.

The course will be taught from a legal-process perspective that will concern itself with legislative, administrative, judicial and private ordering and their interactions. This process is also rooted in a pragmatic approach to politics which attempts to understand competing perspectives and achieve some form of reconciliation between them.

The course will concentrate on the ongoing conflict and evolution of the due process vs. victims' rights perspective, the parties involved in said conflict (accused, victims, police, public and politicians) and the resulting debates on criminal law currently in the public domain. We will also focus in on specific offences and offenders to gain a better understanding of how the ongoing conflict affects criminal law today.

REQUIRED TEXTS (Coursepack)

Roach, Kent. *Due Process and Victims' Rights: The New Law and Politics of Criminal Justice*. Toronto: University of Toronto Press Incorporated

SUPPLEMENTARY TEXTS

Roach, Kent. *Criminal Law, 5th edition*. (Irwin Law: August 2012)

Students should also have a copy of the *Criminal Code* available for reference. Available online at <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Participation: 10% (based on answering a weekly question emailed to students after lecture)

Mid-term exam: 35% (October 16, 2017 -18:05 to 21:05)

Final exam: 55% (Formal Examination Period - December 10 – 22, 2017) (3 hours, closed book)

SCHEDULE

The lectures are organized into various topic areas with assigned readings. Chapter number corresponds with chapter number in required coursepack/textbook.

NB: I will also post readings such as news articles, case law etc. on cuLearn. These various items are considered to be “required reading”

TOPICS:

September 11: Basic Introduction to the Course followed by Models of the Criminal Process

- Course Outline
- Overview of Topics and Methodology

Chapter 1 – pgs 11 to 50

September 18: Introduction to the Charter Application Process & The Police

Canadian Charter of Rights and Freedoms – Sections 7 to 24(2)
Chapter 2 – pgs 51 to 87

September 25: The Criminal Trial

Chapter 3 – pgs 88 - 114

October 2: Victimless Crimes?

Chapter 4 – pgs 115 - 150

October 9:

Thanksgiving Holiday – No Classes

October 16:

Mid-term Examination – In-class

October 23

Fall Break – No Classes

October 30: Women

Chapter 5 – pgs 151 - 190

November 6: Young People

Chapter 6 – pgs 191-220

November 13: Minorities

Chapter 7 – pgs 221-249

November 20: Aboriginal People

Chapter 8 – pgs 250 - 277

November 27 Crime Victims

Chapter 9 – pgs 278 - 309

December 4:

Course Review and Exam Review/Preparation