

**COURSE:** LAWS 4307A - Medical Criminal Law Issues

**TERM:** Fall 2017

**PREREQUISITES:** Fourth-year Honours standing and LAWS 2301, LAWS 2302

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

**INSTRUCTOR:** Adriana POLOZ  
**(CONTRACT)**

**CONTACT:** **Office:** B442 Loeb Building  
**Office Hrs:** By appointment

**Email:** [adriana.poloz@carleton.ca](mailto:adriana.poloz@carleton.ca)

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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](mailto: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](http://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 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://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/>

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### **COURSE DESCRIPTION**

This course will explore the legal and psychological dimensions associated with investigative fact finding and prosecution evidence in Canada. It will focus on some of the more controversial investigative techniques used to elicit confessions as well as the current legal and procedural protections against the admission of unreliable evidence and the prospect of wrongful convictions.

### **REQUIRED TEXTS**

There is no required textbook. Required readings and materials will be available through cuLearn at the beginning of the semester and throughout the duration of the term.

PLEASE NOTE: The class will be primarily delivered in a seminar format and students should come prepared to engage in group discussions. Regular attendance and participation are crucial to success in this course, as not all course content reviewed in class will be posted on cuLearn. Students are responsible for checking the course website on a regular basis for updates.

### **EVALUATION**

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.

**All components must be successfully completed in order to get a passing grade.**

**i) Participation: (20%)**

Student grades will reflect attendance and participation in class discussions. As this is a seminar style class, student participation is an essential element of the learning process. Students must complete and hand in all assignments in order to meet the course requirements and to be eligible to pass the course.

**ii) Student-led Presentation & Handouts (30%)**

Individual or groups of two students will be required to present on select readings to the class. Presentations are expected to last approximately 30 minutes and should provide an overview of the author's central thesis, a description of the supporting arguments, and critical reflection on the strengths of these points. Students are further required to develop 2 questions reflecting the article to guide class discussions. Students must also prepare a handout for classmates in attendance to be provided at the beginning of the presentation.

The presentation and handout will be graded using the following criteria:

- (a) Demonstration of the students' understanding of the topic (40%)
- (b) Ability to identify and initiate discussion on critical issues related to the topic (40%)
- (c) Delivery of presentation (20%)

**iii) Final Assignment (50%)**

Students are required to submit a reflective paper not to exceed 3000 words that draw on the readings from atleast two discrete areas of the course, beyond the subject matter of their in-class presentation topic. Students are therefore encouraged to consider and engage the whole curriculum and spectrum of issues in their approach. The use of outside materials is not required, and will not be accepted. Format: PDF document, size 12 font. NB: word count must be respected with use of footnotes and full citation of articles. Footnotes and bibliography do not count towards word count. Final assignments are to be submitted in hard copy at the beginning of the last class: December 7th, 2017. **PLEASE NOTE:** Late assignments will be marked down by one-third letter grade per day. A medical certificate or other official supporting documentation will be required to support any request for extension.

**Final Assignment Grading:****Style**

Has the author used proper formatting, referencing and grammar? Has the word count been respected?

**Structure**

Has the author presented a clear and persuasive argument for the reader? Was the introduction and overview concise and reflective of the supporting points?

**Content**

Has the author demonstrated a clear understanding of the subject matter? Have arguments been supported by course materials and references? Has the author demonstrated thoughtful, reflective and concise analysis of the subject matter?

**Research**

Has the author's approach been thoroughly researched, substantiated and properly referenced?

**Analysis**

Has the author presented a thorough understanding and engagement of the course materials? Has the author satisfied the stated requirements of preparing a set of reflections that engage atleast two other areas of the course beyond the section that was the subject of their in-class presentation? Has the author demonstrated critical treatment and analysis of the subject matter.

**Referencing**

The Law Department recommends that you follow the Legal Style set out here:  
[http://www1.carleton.ca/law/ccms/wp-content/ccms-files/legal\\_style\\_sheet.pdf](http://www1.carleton.ca/law/ccms/wp-content/ccms-files/legal_style_sheet.pdf)

If you prefer another referencing style, you may use it provided that you are consistent throughout and the style is academically recognized (e.g. Harvard, MLA, Chicago). If you are unsure about the proper format of a particular referencing style, please consult a referencing style guide from the library.

The Academic Writing Centre and Writing Tutorial Services provide students and faculty assistance with the teaching and learning of academic writing. Please contact them in advance and make use of their services:  
<http://www.carleton.ca/wts/>

Tips for avoiding plagiarism:

- Allow yourself enough time to work on your assignment, so you are not tempted to copy text from other sources.
- Take notes carefully so that you include specific sources and page numbers. Be sure to clearly identify which ideas are your own and which come from your sources.
- Reference as you write, rather than leaving all the referencing to the end. Even if you just use shorthand as you write (i.e. note the author's last name and page number), you can then go back and do the formatting later. It is always better to reference as you go – it will save you time in the long run and you are less likely to forget something.
- Consult a referencing guide! If you are unsure about referencing format or procedure, check a referencing style guide.
- For additional assistance please see: <http://www.library.carleton.ca/help/citing-your-sources>

<b>Seminar Schedule</b>	
<b>Date</b>	<b>Topic</b>
September 7, 2017	- Introduction and Course Overview
September 14, 2017	- Psychological dimensions of confession evidence - Canadian confession law and potential complicating factors
September 28, 2017	- Police questioning, admissibility and safeguards - Common law limits on police interrogation under the confessions rule - Case study
<b>Student-led presentations on Readings*</b>	
October 5, 2017	Self-Incrimination under the Charter
October 12, 2017	The Right to silence and police questioning
October 19, 2017	Protections for Interrogated Suspects
<b>October 26, 2017</b>	<b>[Fall reading week - no class]</b>
November 2, 2017	Legal and Psychological Perspectives on the 'Mr. Big' Strategy
November 9, 2017	Unreliable Prosecution Evidence
November 16, 2017	Abuse of Process and Exclusion of Evidence
November 23, 2017	False Confessions and Admissions
November 30, 2017	Future Directions and Ongoing Debates
December 7, 2017	Course Wrap Up session / Final Paper submission

\* Student-led presentations will be based on individual articles that will be posted on CuLearn and discussed further in class. A detailed schedule of individual presentation assignments and readings will be available to students in class and online. Students must base their reflective papers in part on the subject matter of their presentations.