

# **Introduction to the Criminal Justice System**

## **CRIM 154 - 01**

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Office Hours: Monday, Tuesday, Wednesday, Thursday from 10:30 to 12:00  
Monday and Wednesday from 1:30 to 3:00pm  
Tuesday and Thursday from 2:00 to 2:20pm  
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Email me anytime – this is the best way to contact me

Class: Tuesday and Thursday 9:00 to 10:20 am (Young 211)

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### **Course Description:**

This course provides an examination of the Canadian criminal justice system, its components, processes, objectives, and functionaries. This includes an analysis of discretion, diversion, decision-making processes, and the operational practices of the system.

### **Learner Outcomes:**

After successful completion of this course, you should be able to:

- Communicate your understanding of the legislative basis, structure, and functions of the various components making up the Canadian criminal justice system.
- Identify and critically discuss contemporary issues facing our criminal justice system.
- Map the progress of an accused person through the criminal justice process and identify the various options the system has for holding offenders accountable for their crimes.

### **Required Texts:**

Goff, Colin (2004). Criminal Justice in Canada (Scarborough, Ontario: Nelson Canada).

### **Recommended:**

Writing Reference Manual for the Criminal Justice Program  
Canadian Criminal Code

**Course Format:**

It is expected that you will share your thoughts about the material as it is presented. Guest speakers, audio-visual presentations, and small group discussions complement the basic lecture-discussion delivery of this course.

**LEARNER EVALUATION:****1. Court Report (5%)**      Due: September 28th

You are required to attend and observe a criminal case in Provincial or Supreme Court at 850 Burdett Avenue in Victoria (Youth Court is not an option). Your written report will summarize the proceedings observed. This report may provide the basis of the offence you use in the Criminal Justice Process Synthesis.

**Guidelines:**

While observing the entire trial related to a criminal case is desirable, your report can be based on your attendance for a morning or afternoon session only, and therefore may cover only part of a trial, a sentencing hearing, a remand, or arraignment of an offender.

Regardless of what part of the proceedings you are able to attend, there are a number of common facts you need to report on for the purpose of this assignment:

- a) the charge(s) or offence(s) – Criminal Code sections if possible
- b) the level of court in which the case is being heard
- c) the identity of the accused(s), Crown Prosecutor, Defense lawyer
- d) the nature of the offence (brief description)
- e) the nature of the proceedings
- f) the outcome (sentence, judicial reason for sentence)
- g) your personal observations of what you saw that day

**Format:**

Your assignment is to be written in essay format, typed, proper margins and font size, not single spaced, and have a title page. Use the CJ Writing Reference Manual for the appropriate format and for assistance with other aspects related to writing this report. Your report should be approximately 3 pages in length.

Don't recreate the dialogue of what you heard; instead, give me enough detail so I can have an understanding of what it was you observed.

**Evaluation:**

Content and clarity

Structure/organization (title page, essay format, transitions, introduction/summary or conclusion, bibliography – if included)

Spelling/Grammar (for every 5 errors 1% off the 5% will be eliminated) – proof your work!

## 2. Classroom Assignments (5%)

At various times throughout the semester I will be asking you (in groups) to complete an activity such as discussing and answering some questions. Your written responses/answers will be handed in (1 submission per group). I will not accept an 'individual' assignment as I am encouraging you to work with others.

I will be evaluating the detail, insight, and reflection you provide. Your response will be graded as either excellent (3 marks), good (2 marks), or okay (1 mark).

## 3. Examinations (65%)

There are 3 examinations, each covering different subject matter. The format is true / false, fill in the blank, short answer, matching, and multiple choice. Each examination will have questions from the classroom material presented, videos shown in class, and your textbook. Your three scores will be added up and divided into a mark out of 65.

Examination #1 – October 5<sup>th</sup>

Examination #2 – November 4<sup>th</sup>

Examination #3 – Final Exam week

## 4. Criminal Justice Process Synthesis (25%)

Due: December 9<sup>th</sup>

Working in pairs, you are required to apply the knowledge gained in this course by guiding a criminally accused person through the criminal justice process from the point of arrest to release from the correctional system.

You will receive a guideline for this assignment.

### Instructional Policies:

#### 1. Late Penalty

All assignments must be completed and submitted on the date assigned. All late written work will be penalized 20% per day unless an extension is legitimately warranted and approved by me in advance of the assignment due date.

#### 2. Written Assignment requirements

All assignments must be handed to me by you, personally, at the beginning of class. Assignments put under the door or by mail, or otherwise submitted **will not be accepted**. Do not have someone else hand in your assignment.

#### 3. Plagiarism, Cheating, and Academic Dishonesty

See the College calendar!



**II. POLICING IN CANADA**

Sept. 23/28/30

- A. Early Canadian Experience (p. 106-107)
  
- B. Canadian Law Enforcement Today (p. 107-109; 146-151)
  - 1. Federal and local levels
  - 2. Organization and distribution
  
- C. Police Management
  - 1. Styles of policing (p. 112)
  - 2. Patrol function (p. 112-116)
  - 3. Policing modern society (p. 117-119)
    - community based (p. 120-121)
    - problem oriented (p. 120)
    - zero tolerance (p. 121-122)
    - First Nations (p. 122-124)
    - CoPS: Working Together (VIDEO)
  - 4. Police efficiency (p. 109-111)
  - 5. Police accountability (p. 145-146)

Oct.5

***EXAMINATION*****III. POLICING – LEGAL ASPECTS**

Oct. 7/12/14

- A. Abuse of police power
  - 1. police misconduct ( p. 144-145)
  - 2. police use of deadly force (p. 141-144)
  
- B. Search and Seizure (p. 168-170)
  - 1. Feeney Case (p. 159-161)
  - 2. Search warrants (p. 170-172)
  - 3. warrantless searches (p. 172-173; 174-176)
  
- C. Arrest
  - 1. arrest vs. detention (p. 161)
  - 2. arrest without a warrant (p. 161-162)
  - 3. searches incident to an arrest (p. 173-174)
  - 4. vehicle stops
  - 5. arrest with a warrant (p. 163)

### III. POLICING – LEGAL ASPECTS continued

#### D. Intelligence Function

1. informants
2. custodial interrogation (p. 163-165)
3. right to counsel (p. 165- 166)
4. electronic surveillance (p. 176)

### IV. ADJUDICATION

Oct. 19/21

A. Functions of the Canadian Courts (p. 186-187)

B. Organization of Canadian Criminal Courts (p. 187-189)

C. Pre-Trial Activities (Exhibit 7.2; **Exhibit 8.1**)

1. First Appearance or Arraignment (p. 194; 12; 196-197)
2. Pre-trial Release by the police (p. 10-11)
3. Judicial Interim Release (p. 12; 166-168)
4. Preliminary Inquiry (p. 12-13; 194-196)
5. Plea Bargaining (p. 197-198)

D. Stay of Proceedings (176-177)

Oct. 26/28/Nov.2

E. Professional Courtroom Actors (p.189-193)

F. Non-Professional Courtroom Participants

G. The Criminal Trial Procedure (Exhibit 8.1; 198-206)

1. Trial Initiation
2. Jury Selection
3. Legal Rights of the Accused
4. Opening Statements
5. Presentation of Evidence
6. Closing Arguments
7. Charge to the Jury
8. Jury Deliberations and the Verdict

H. R. v. Trent (VIDEO)

Nov. 4

***EXAMINATION***

**V. SENTENCING**

Nov. 9/16/18

- A. The Philosophy of Criminal Sentencing
  1. Deterrence
  2. Selective Incapacitation
  3. Rehabilitation
  4. Justice
  
- B. Deciding on the Appropriate Sentence (p. 216-217)
  1. Aggravating and Mitigating Circumstances (Exhibit 9.1)
  2. The Principles of Sentencing (Exhibit 9.2)
  3. The Pre-sentence report (p.217)
  4. The Victim Impact Statement (p. 224-226)
  
- C. Common Sentencing Options (p. 217)
  1. Imprisonment
  2. Intermittent sentences
  3. Fines (p. 247-249)
  4. Restitution / community service
  5. Probation
  6. Restorative Justice
  7. Discharges – Absolute/conditional
  8. Community based sanctions
  
- D. Sentencing Disparity (p. 219-221)
  
- E. Supreme Tape (VIDEO)

**VI. CORRECTIONS**

Nov. 23/25/30

- A. Introduction to Community Corrections
  
- B. Probation (p. 236-239)
  
- C. Conditional Sentencing (p. 239-242)
  
- D. Parole (and other forms of early release) (Chapter 12)
  1. Federal Parole
  2. Provincial Parole
  3. Temporary Absences
  4. Victim Issues for Parole Boards (VIDEO)

**VI. CORRECTIONS continued**

- E. Intermediate Sanctions (p. 242-251)
  - 1. Split sentencing
  - 2. Intensive Supervision Probation (p243-244)
  - 3. Home Confinement and Electronic Monitoring (p. 244-247)

Dec. 2/7/9

- F. A Brief History of Punishment and Prisons in Canada (p. 259-263)

- G. Prisons Today in Canada (p. 266-268; Exhibit 11.1)
  - 1. Federal Penitentiaries
  - 2. Security Levels
  - 3. Provincial Prison System
  - 4. New Generation Correctional Facilities (p.268)

- H. The Adult Correctional Population (p. 263-265; 269-273)
  - 1. Male
  - 2. Female
  - 3. First Nations

- I. On the Inside
  - 1. CORCAN
  - 2. Treatment Programs
  - 3. Warehousing / Overcrowding
  - 4. Prison Violence (p. 275)

- J. The Prisons: Lock 'em up, throw away the key (VIDEO)

- K. Prisoners' rights (p. 276-278)

- L. The Faint Hope Clause (p. 299-300)

- M. Lifers (VIDEO)

- N. Release (Chapter 12)
  - 1. Expiration of Sentence
  - 2. Statutory Release
  - 3. Parole
  - 4. Recidivism