

Introduction to the Criminal Justice System

CRIM 154

Instructor: Kelli Moorhouse,
M.S.W., B.Soc.Sc. (Honours Criminology), V.I.C.

Office: Fisher 128 E (co-op; down the hallway next to the bookstore)

Office Hours: Posted on my door

E-mail: moorhouse@camosun.bc.ca
Email me anytime – this is the best way to contact me

Course Description:

This course provides an examination of the Canadian criminal justice system, its components, processes, objectives, and functionalities. 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:

The marks for this course include:

Court Report	5%
Participation	5%
Examinations	60%
Synthesis	30%

1. Court Report (5%) Due: February 1, 2005

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 Participation (5%)

This will be a self-evaluation using criteria developed by you as a class. It is assumed that you are adult learners and therefore will come to class prepared.

3. Examinations (60%)

There are 3 examinations (20% each), 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, guest speakers, and your textbook.

Examination #1 - February 15, 2005

Examination #2 – March 17, 2005

Examination #3 – Final Exam week

4. Criminal Justice Process Synthesis (30%)

Due: April 7, 2005

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.

CRIMINAL JUSTICE SYNTHESIS

The purpose of this assignment is to apply the knowledge gained within this course to the reporting of criminal proceedings related to an accused who you will guide through the criminal justice process from the time of arrest to their release from the correctional system.

You will either use the offender you reported on in your court report or a fictional offender.

Working in pairs, the synthesis requires that you “walk” the offender through the criminal justice proceedings, documenting and describing in detail, the various applicable procedures, options, and decisions made along the way (ie. Arrest, release, formal charge, court appearances, plea, trial, sentencing, incarceration, post-incarceration release, etc.).

Assumptions:

1. all offenders are adults
2. all will be tried in adult court
3. all accused will go to trial
4. all will be found guilty
5. all sentences will include a period of incarceration of at least 2 years
6. all offenders will appear before a Parole Board and will be granted conditional release

In your description of walking the offender through the justice system, you should include:

1. a description of the criminal event or offence
2. relevant criminal code sections spelling out the offence and possible punishment
3. a description of involvement of police, defense lawyer, Crown Prosecutor, Judge, Probation officer, Parole Board, Parole officer, etc.
4. a clear step by step description of all proceedings and decisions and reasons therefore, including:
 - a. all pre-trial procedures
 - b. the trial
 - c. sentencing and appeal
 - d. the process of incarceration and application of punishment
 - e. the release of the offender back to the community

note: be sure to address all 'options' available at the various stages, as well as the discretionary powers of the various participants in the justice process (e.g. Judge, CP, Police officer)

Format:

Your synthesis should be approximately **15 pages** in length, typed, 1.5 line spacing, 1 inch margins, & 12 font Arial or Times Roman.

When you use a textbook or any other sources, follow the proper referencing format and include a Work Cited.

Provide a title and cover page. No folders!

Use proper essay format and include headings that highlight the various steps along the way to bringing your offender to justice. Headings will make it easier to follow the transitions you are making between components and procedures.

Evaluation of Synthesis:

1. 10% - Your ability to write; organization, flow, clarity, spelling, grammar, paragraphs
2. 20% - quality and quantity of the content of your synthesis;

Instructional Policies:

1. Attendance and Participation

Regular attendance and active participation are required. It is expected that you will arrive on time, be attentive, non-disruptive, constructive and respectful to others in their class participation. I encourage you to bring in current events that relate to the course.

2. Class Preparation

Students are expected to complete the assigned readings before coming to class. You are also expected to participate in class discussions and activities based on the readings.

3. 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.

4. 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!

4. Grade Description

A: Designates a “superior level of achievement”; A letter grade of “A” is awarded to the student who surpasses course expectations by doing additional reading and providing well thought out and clearly articulated idea on exams and assignments. The student demonstrates outstanding organizational, analytical, and critical thinking skills and shows added resourcefulness and initiative in meeting course requirements.

B: Designates a “high level of achievement”; A letter grade of “B” is awarded to the student who exhibits substantial comprehension of the course readings and lecture materials and is able to reflect this knowledge verbally and in writing. The student demonstrates concrete analytical thinking skills and clearly performs above average in meeting course requirements.

C: Designates a “satisfactory level of achievement”; The “C” student meets all course requirements satisfactorily and has a competent understanding of course materials. Further improvement is attainable with effort and the refinement of reading, writing, organizational, and analytical skills.

D: Designates a “minimum level of achievement”; The “D” student generally performs below average and does not show signs of having read the assigned readings and/or is unable to present ideas in writing or with sufficient clarity or detail. The student may need remedial assistance to elevate reading and writing skills.

F: Designates “below a minimum level of achievement”; The “F” student fails to meet most or all course requirements which may be due to poor or non-attendance at lectures, hastily prepared assignments, not having done the required readings or some other problem.

4. Course Completion Requirements

You must complete all evaluative requirements (examinations, court report, and synthesis) to receive a passing grade in this course. Unfortunately, if you don't complete all requirements, you will receive an F grade.

WEEKLY SCHEDULE – WINTER 2005

I. WHAT IS CRIMINAL JUSTICE?

Jan. 11 Syllabus
 Purpose of the Criminal Justice System (p. 5)
 Structure of the Canadian Criminal Justice System – an overview (p. 8 – 10)

January 13/18/20/25

 Processing Cases through the CJS – an overview (p. 10-14)

 The Criminal Justice Funnel (p. 14-15)

 A Test of Justice (VIDEO)

 Principles of Fundamental Justice and Individual Rights (p. 19-21; 34-39)

- 1.. Crime control model
2. Due process model
3. CCRF
4. The Charter at 20 (VIDEO).

 Crime Control Philosophies (p. 58-70)

1. Justice model
2. Deterrence model
3. Selective Incapacitation model
4. Rehabilitation model

 General features of crime (p. 39-44)

 Classification of Offences (p. 44-45)

 The Canadian Criminal Code

II. POLICING IN CANADA

Jan. 27 /Feb 1/3

 Canadian Law Enforcement Today (p. 107-109; 146-151)

1. Federal and local levels
2. Organization and distribution

 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)

4. Police efficiency (p. 109-111)
5. Police accountability (p. 145-146)

III. POLICING – LEGAL ASPECTS

Feb. 8 Abuse of police power
 police misconduct (p. 144-145)
 police use of deadly force (p. 141-144)

Feb. 10 READING BREAK – NO CLASS

Feb. 15 EXAMINATION #1

Feb. 17/22
 Search and Seizure (p. 168-170)
 Feeney Case (p. 159-161)
 Search warrants (p. 170-172)
 warrantless searches (p. 172-173; 174-176)

Arrest
 arrest vs. detention (p. 161)
 arrest without a warrant (p. 161-162)
 searches incident to an arrest (p. 173-174)
 vehicle stops
 arrest with a warrant (p. 163)

IV. ADJUDICATION

Feb. 24 / Mar. 1 /3

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

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

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)

Mar.8 / 10 /15

Professional Courtroom Actors (p.189-193)

Non-Professional Courtroom Participants

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

March 17

EXAMINATION

V. SENTENCING

Mar. 22 /24 /29

The Philosophy of Criminal Sentencing

1. Deterrence
2. Selective Incapacitation
3. Rehabilitation
4. Justice

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)

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

Sentencing Disparity (p. 219-221)

VI. CORRECTIONS

Mar 31 / Apr. 5

Introduction to Community Corrections

Probation (p. 236-239)

Conditional Sentencing (p. 239-242)

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)

Intermediate Sanctions (p. 242-251)

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

Apr. 7 / 12 /14

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

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)

The Adult Correctional Population (p. 263-265; 269-273)

1. Male
2. Female
3. First Nations

On the Inside

1. CORCAN
2. Treatment Programs
3. Warehousing / Overcrowding
4. Prison Violence (p. 275)

Prisoners' rights (p. 276-278)

The Faint Hope Clause (p. 299-300)

Release (Chapter 12)

1. Expiration of Sentence
2. Statutory Release / Parole
3. Recidivism