
CRIM 154

Introduction to the Canadian Criminal Justice System

Instructor: Prof. Kendal Foster
Office hours: by appointment
Office: Young building 205
Phone:
E-mail: kfoster@camosun.bc.ca
Class Time Tuesday 4-7pm
Class Location Kelsey

COURSE DESCRIPTION

This course examines how we administer criminal justice in Canada by analyzing the individual processes, functions and objectives of each of the components that comprise our justice system, namely policing, the courts, and corrections. These components do not function in isolation however, as such we will explore successful cooperation and areas of incongruency between agencies.

COURSE OBJECTIVE

The overarching objective is to have you think objectively and critically about the system of justice in which we live. To do this you must be able to understand the goals of the justice system and how government has structured the justice system in an attempt to achieve those goals.

INTENDED LEARNING OUTCOMES

1. Students should be able to identify the legislative basis, structure, and functions of the various criminal justice components
2. Students should be able to explain how policing, the court system, and corrections interrelate to one another and how they work together to serve the community at large in administering justice
3. Students should be able to describe the steps an accused person undertakes from arrest to release, identifying critical decision-making points along the way.
4. Students should be able to discuss contemporary criminal justice issues intelligently. Your criticism or support of an aspect of the system should be defensible with evidence, not simply based on opinion or pop culture.

REQUIRED TEXT:

Griffiths, C.T. (2010). Canadian Criminal Justice. A Primer. Fourth edition. Thomas Nelson.

SUPPLIMENTARY READINGS:

Writing Reference Manual for CJ

Canadian Criminal Code

On Reserve:

Samuel Walker, Sense and Non-Sense about Crime and Drugs: A Policy Guide (Chapter 6). Fifth edition, Ontario: Nelson Thomson, 2001. ISBN 0-534-55436-9

METHOD OF INSTRUCTION

This course will consist of lectures and class-directed discussions. Students are expected to attend class and to read each assigned chapter prior to class. Classes are student-directed by way of inquiry-based learning. **It is therefore imperative that you come to class prepared to discuss issues outlined in the readings.**

We will examine current events and you will be expected to share your thoughts and opinions with the class or in small groups. As such discussion can become heated and I will remind everyone to be respectful of their classmates during such discussions. We will strive to discuss topics without prejudice and keep an open mind when confronted with ideas that challenge our beliefs. Disagreements between students are expected, you may in fact find yourself disagreeing with textbook or lecture material. The objective is to defend what you have come to believe intelligently, through academic scholarship.

Students are responsible for all lecture material, some of which is not available in the assigned readings. Students are advised to read the section "Academic Policies and Procedures" on pages 30-36 of the current College calendar.

REQUIRED READINGS

The text book provides comprehensive coverage of the course material; however supplemental readings from the library will also be required where noted in this outline.

EVALUATION

Tests and written work will measure student's conceptual as well as factual knowledge. Please note that the ownership of all examination and test papers belongs to the College.

| | |
|-------------------------------------|------------|
| Attendance and Participation | 10% |
| Group Discussion Assignments | |
| • 3 @ 10% each | 30% |
| Case Studies | |
| • 2 @ 15% each | 30% |
| Tests | |
| • 3 @ 10% each | 30% |

A grade of zero is given for absence from exams/assignments. Students must inform the instructor by email by the day of the examination or assignment. In the event that students miss an exam/assignment they must produce a medical certificate confirming illness. At such a time students will write the substitute exam or complete the assignment within the prescribed period after recovery.

GRADING SYSTEM

| | | | | | | | |
|----|---------|----|-------|----|---------|---|--------|
| A+ | 90 -100 | B+ | 77-79 | C+ | 65-69 | F | 0 - 49 |
| A | 85-89 | B | 73-76 | C | 60-64 | | |
| A- | 80-84 | B- | 70-72 | D | 50 - 59 | | |

STUDENT CONDUCT POLICY/ACADEMIC MISCONDUCT

There is a Student Conduct Policy. It is the student's responsibility to become familiar with the content of this policy. The policy is available in each School Administration Office, Registration, and on College web site in the Policy Section. See: <http://www.camosun.bc.ca/policies/Education-Academic/E-2-Student-Services-&-Support/E-2.5.pdf>

PROCEDURE CHANGES

In order to deal with the day-to-day management of the course, new procedures may be implemented from time to time throughout the semester. Such procedures are announced in class before they are implemented. **It is the responsibility of the student to keep informed of such developments.**

TENTATIVE COURSE OUTLINE IN SEQUENCE

Class 1: September 13th Introduction Readings: Chapter 1

- ❖ Review outline and expectations, learning environment
- ❖ Importance of critical and analytical thinking
- ❖ Criminal justice fundamentals
- ❖ How the criminal justice system functions (or dysfunctions)
- ❖ Defining justice in a dynamic society
- ❖ Discussion topic: Summer riots in Vancouver and the UK

Next Class: Discussion Assignment #1

Class 2: September 20th Issues in Canadian criminal justice Reading: Chapter 2

- ❖ How important is the perception of justice v. the reality?
- ❖ Dynamic societies and One-size-fits-all justice
- ❖ Reaching consensus on goals of the system
- ❖ Gather accurate information on crime rates/patterns
- ❖ The role of victims in the system

Theories and Models of Criminal Justice

Reading: On Reserve: Walker

- ❖ Crime control v. due process
- ❖ Who commits crime? Why? How should society respond?
- ❖ Review of popular crime theories
- ❖ How theory drives practice (sometimes...)

Discussion Assignment #1

Read chapter 5: “*Deterrent Theory*” from Samuel Walker’s book *Sense and Non-Sense about Crime & Drugs*.
On a typed piece of paper to be submitted at the start of class:

- Prepare 3 convincing arguments that support or refute Deterrent Theory (3 marks),
- Provide one example in which Deterrent Theory works (1 mark), and
- Provide one example in which Deterrent Theory does not. (1 mark) /5 marks

Class 3: September 27th Policing: In theory Reading: Chapter 3 & 5

- ❖ Police are civil servants, shouldn’t they do what I tell them?
- ❖ Explore the role of police
- ❖ How are police forces organized
- ❖ Introduction to the Charter of Rights & Freedoms
- ❖ Community policing, old is new again and again...
- ❖ Broken Windows, Kansas City and radical non-intervention
- ❖ *Video on policing or guest speaker (TBA)*

Next Class: Discussion Assignment #2

Class 4: October 4th Policing: In Practice**Reading: Chapter 4 & 5**

- ❖ Discretion of the officer – diversion vs. arrest
 - Broken windows re-visited
 - Community policing
 - Crime, what crime?
 - Safety first and the blue line
- ❖ Discretion when dealing with suspected terrorist or emanate danger
- ❖ The policeman's *working personality*
- ❖ Limits on the powers of the police
- ❖ Exceeding their limits, dirty cops or public defender?

Discussion Assignment #2:

A police officer has arrested a known criminal. She is certain this individual will re-offend if not incarcerated but the arrest has violated a number of Charter rights. She decides to plant evidence in order to make the arrest stick.

Do you condone this behaviour or, if caught, should the officer be disciplined, maybe even fired? How does your response differ if the offender is a marijuana dealer versus a sexual predator of children?

Class 5: October 11th **Test on Policing****Readings: review**

- ❖ Test on policing
- ❖ Intro to courts
 - Video (TBA)

Class 6: October 18th the Courts**Reading: Chapter 6**

- ❖ Provincial and Federal courts
- ❖ Appointment of Judges
- ❖ Diversion courts
- ❖ Compelling the appearance of the accused
 - Appearance notice
 - Summons
 - Arrest
 - Pre-trial release by the police
 - Judicial interim release & pre-trial remand
- ❖ First appearance or arraignment / plea
- ❖ Plea bargaining
 - Video: "Lets Make a Deal"

Next Class: Case study on plea bargaining

You will have time to form your groups for next class and make sure at least one member brings a laptop.

Class 7: October 25th Case Study on Courts**self-directed research**

- ❖ We will examine a real case that involves plea bargaining
- ❖ We will explore the adversarial vs. collaborative relationship
- ❖ You will discuss the usefulness of pleas in gaining information and expediting cases

Class 8: November 1st the Courts – Trial & Sentencing Reading: Chapter 7 & 8

- ❖ Mode of trial
 - Preliminary inquiry
- ❖ The trial
- ❖ Appeal process
- ❖ Access to legal aid
- ❖ Fitness to stand trial
- ❖ Delay and backlog
- ❖ Judicial accountability
- ❖ What role do victims play in trials?
 - Restorative justice approaches
 - Participation beyond witnesses
- ❖ Wrongful convictions

SENTENCING

- ❖ Purpose and principles of sentencing
- ❖ Sentencing options
- ❖ Judicial determination
- ❖ Judicial restraint order
- ❖ How do Judges reach decision
 - Statutory guidance and Max-Mins
 - Appellate decisions and legal precedents
 - Aggravating and mitigating factors
 - Gladue Reports

Class 9: November 8th **Test on Courts Chapters 6-8 and lectures**

- ❖ Test on courts
- ❖ video for after test on prison life

Class 10: November 15th Corrections - Institutions Reading: Chapter 9 & 10

- ❖ How do we modify behaviour?
- ❖ How does Corrections Canada attempt to modify criminal behaviour?
- ❖ Overview of the goals of corrections
 - Punishment vs. Treatment
- ❖ Prison structure
- ❖ Prison life
- ❖ Alternatives to incarceration

- ❖ Video on alternatives to incarceration

Next Class: Discussion Assignment #3

“Prisons are filled with drug addicts and dealers. This is an ineffective way of dealing with drug crimes. Addicts require treatment not punishment”

Class 11: November 22nd Corrections – Release & Re-entry Reading: Chapter 11

- ❖ Parole Process
- ❖ Conditional release
- ❖ Special category of offenders
- ❖ Supervision
- ❖ Effectiveness of programs
 - Crime rates, recidivism rates

Discussion Assignment #3

“Prisons are filled with drug addicts and dealers. This is an ineffective way of dealing with drug crimes. Addicts require treatment not punishment”

1. Agree or disagree with this statement.
2. (a) If you agree, offer a different approach.
(b) if you disagree, explain why.
3. Support your position with an example

Class 12 November 29th **Test on Corrections Review readings & lecture notes**

- ❖ Test on corrections
- ❖ Case study next class
 - You will have time to meet in your groups to discuss how to prepare

Class 13: December 6th Putting it all together... Reading: Case on file

- ❖ **Case study:** You will be given the details of an actual criminal case. Taking into consideration the nature of the crime, the offender and the victim you will construct the process one or more players will take through the criminal justice system, in particular:
- ❖ Theory → policing → courts → corrections → release
- ❖ Discretion at every level will be important to incorporate into your response

The final examination date is set by College administration and is posted on Cam Link and in the hallway by the bookstore.

GUIDELINES FOR WRITTEN ASSIGNMENTS

These assignments involve students meeting in smaller groups to discuss class-related material. For each assignment you will have to come to class prepared in order to participate.

Please read carefully:

Discussion Assignments (30%)

1. Read or research carefully the required material for each assignment. Follow the instruction given in this outline for each assignment. Each assignment will be explained in further detail in the week before the assignment is due. Keep your responses as concise as possible and wherever you can use your own words and avoid quoting directly from the reading(s).
2. Make a **COPY of your TYPED RESPONSES and bring the original to class**. Your **TYPED RESPONSES** are your admission ticket to the **DISCUSSION ASSIGNMENT** classes.
3. Once in your small groups, each student in turn should share their responses. Once everyone has gone, the small group will discuss and debate the issues raised and work together to produce one response to present to the class and explain how they came to a consensus. The purpose of the discussion is **NOT** to win arguments but rather to help each other understand the material better and share different perspectives. **You cannot participate meaningfully unless you are prepared. YOU WILL NOT BE ADMITTED unless you have prepared your responses prior to class.** This rule will be strictly enforced to avoid students being unprepared and hindering the efforts of other students.
5. Students will receive a mark out of 10 for each of the 3 Discussion Assignments. Grading will be based on the quality of the response and completion of each aspect of the assignment. In order to be fair to all students the following conduct will be penalized:
 - Emailing your questions to the instructor or sending them with another student and therefore not participating in the discussions will result in a 0 for the group portion of the assignment.
 - The late submission of questions without a satisfactory excuse (-2 marks).
 - failing to complete the assignment on your own (-1 mark)
 - having questions that are not typed (-3 marks)

Case Studies (30%)

1. Case studies are worth 10% each and there will be two throughout the term. Grades will be given to the group and not individually unless you speak with me regarding unequal effort within the group.
2. Case studies will involve researching or reading material prior to class similar to the discussion assignments, However, unlike the discussion assignments, you will not be informed of the work required until you arrive at class.
3. You will work within a group and email your case study within a given time limit during class. It is important to be familiar with the material prior to class otherwise you will not have enough time to complete the case.
4. Responses will require you to think critically and apply knowledge from lectures and readings. It will be up to you and your group to recommend ways of administering justice in real life cases. You may examine many aspects of the criminal justice system or focus on one particular area in your response.
5. The length of your response is at the discretion of your group. You are graded on your ability to justify your response using material we have covered in the course.