

INTRODUCTION TO THE CRIMINAL JUSTICE SYSTEM

CRIM 154-001

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CALENDAR 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 will 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 TEST:

Griffiths, C.T. (2011) **Canadian Criminal Justice, A Primer**. 4th Ed., Thomson Nelson.

RECOMMENDED TEXTS:

Writing Reference Manual for the Criminal Justice Program
Canadian Criminal Code

CLASS SCHEDULE OF TOPICS AND READINGS
(*subject to revision*)

THE CRIMINAL JUSTICE SYSTEM – AN OVERVIEW

Week #1 April 22nd, 23rd, & 25th

- Introduction to the course
 - Website for textbook
 - Website for course
- What is the criminal justice system (CJS)?
- What is 'justice'? Whose law? Whose justice?
- The role and responsibilities of governments in criminal justice
- The flow of cases through the CJS / The crime funnel
- The foundations of the legal system
- Models of criminal justice administration
- The 'emergence' of restorative justice
- Is the criminal justice system a 'system'?
- Challenges in criminal justice:
 - Addressing the high cost of crime and the CJS
 - Responding to organized crime and terrorist threats
 - Addressing public perceptions of crime and the CJS
 - Increasing community involvement in the CJS
 - Gathering accurate information on crime rates and patterns
 - Addressing issues in First Nations, Inuit and Metis communities
 - Providing effective programs for victims of crime
- April 25th- The Criminal Code Activity – bring a Criminal Code to class if you have one.
- **For week #1 read pages 3-23.**

POLICING IN CANADA

Week #2 April 29th, 30th, & May 2nd

- A brief history of policing
- Defining police work
- The structure of policing
- Structures of police governance
- Wrongdoing in police work
- Police accountability
- The evolution of police practice
- Community policing
- **For week #2 read pages 68-89.**

Week #3 May 6th, 7th, & 9th

- Police powers:
 - Charter Rights
 - Detain and arrest
 - Search and seizure
 - Entrapment
 - Use of Force
- Measuring the effectiveness of police strategies
- Police discretion and decision-making
- The police and visible/cultural minorities
- Video: “Two Worlds Colliding”
- **For week #3 read pages 93-113.**

COURTS

Week #4 May 14th & 16th

- The provincial court system
- Federal courts
- Where do Judges come from?
- Specialized provincial courts
 - Video: “The Vancouver Drug Treatment Court”
 - Victoria Community Court
- Laying an Information and Laying a charge
- 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”
- **For week #4 read pages 178-191.**

Week #5 May 20th & 23rd

- **TRIAL**
- Mode of trial
 - Preliminary inquiry
- The trial
- Appeal
- Access to legal aid
- Fitness to stand trial
- Delay and backlog

- Judicial accountability
- Crime victims and the court process
- Restorative justice approaches
- Wrongful convictions
- **Midterm Exam- May 20th**
- **For week #5 read pages 164-168; pages 185-188; and pages 191-199.**

Week #6 May 27th, 28th & 30th

- **SENTENCING**
- Purpose and principles of sentencing
- Sentencing options
- Concurrent and consecutive sentences
- Judicial determination
- Judicial restraint order
- How do Judges decide?
 - Statutory guidance (S.718 CCC)
 - Maximums and minimums
 - Appellate decisions and legal precedents
 - Aggravating and mitigating factors
 - Gladue Reports
- **TRY JUDGING EXERCISES**
- Additional sentencing options:
 - Extraordinary measures
 - Sentencing and crime victims
 - Sentencing and restorative justice
- Measuring effectiveness of sentencing options
- Diversion
- Probation
- Intermediate sanctions
- Conditional sentences
- Electronic monitoring
- **For week #6 read pages 213-227 and pages 243-259.**

CORRECTIONS

Week #7 June 3rd, 4th & 6th

- **CORRECTIONAL INSTITUTIONS**
- Structure
- Life inside prison
- Doing time
- Assessing inmate risk and needs
- Treatment programs

- Managing correctional institutions
- Working in corrections
- Accountability in corrections
- How effective is incarceration
- **For week #7 please read pages 265-273 and pages 279-295.**

Week #8 June 10th, 11th & 13th

- **RELEASE & RE-ENTRY**
- Parole process
- Parole flow chart
- Conditional Release
- Release options for Provincial / Territorial inmates
- Release options for Federal inmates
- Parole Board decision making
- Reintegration process
- Parole supervision
- **For week #8 read pages 294-296; pages 305-309; and pages 324-329.**

Week #9 June 17th, 18th & 20th

- Special categories of offenders (p.317-319)
- Victims & Conditional release (p.319)
- Recidivism among Parolees (p.337-340)
- Does Parole work? (p.340)
- Revisiting accountability (p.340-345)
- Aftercare agencies and programs
- Reintegration process (p.324-329)
 - Video “One Hundred Days of Freedom”
- **For week #9 read pages 317-319 and pages 324-329.**

- **Final Exam- June 20th**
- **Synthesis Due date- June 20th**

METHODS OF EVALUATING YOUR LEARNING

Discussion Posts (4 posts) (20% of final grade)

There are many interesting topics and issues that arise when examining the criminal justice system in Canada. You will be required to develop a response to a few of these questions and post your responses. Please do not have your responses submitted as attachments (e.g. as a word doc) but instead cut/paste your answer to the question. In the subject area, write down the question you are answering.

Note. **Choose any 4 of the 5 weeks below and then choose 1 question to answer.** For example you might choose to respond to question (b) for week 2; question (a) for week 4; and question (c) for week 7.

Here are the questions for the semester

Due by April 26th – Friday 6pm for original post; Monday 6pm for responses.

- a. Why is the Charter of Rights and Freedoms important to any study of the Canadian CJS?
- b. Does Canada 'need' a criminal justice system? Why or why not?
- c. Discuss the role of discretion in the criminal justice system. What are your views on the use of discretion?

Due by May 10th – Friday 6pm for original post; Monday 6pm for responses.

- a. Many police services include post secondary education as a preferred qualification. What is your view about the importance that is attached to a college or university degree? What assumptions do you feel are being made by such a requirement?
- b. In considering police powers in Canada, do you feel that the police have too much power or not enough power to carry out their role? Do you think that the Charter of Rights and Freedoms provides sufficient safeguards against police abuse of power?
- c. Affirmative action programs enable visible minorities priority in employment positions in order to reflect the gender, racial and cultural proportionality within a community. What are your thoughts on the importance of the police force reflecting the gender, racial and cultural make-up of the community they are serving?

Due by May 24th – Friday 6pm for original post; Monday 6pm for responses.

- a. Discuss the pros and cons of an adversarial system of justice. How does this affect the ability to examine the “true story” around any particular crime?
- b. What do you see as the pros and cons of specialized provincial courts?
- c. With all the cutbacks in Legal Aid funding, what do you feel would be a fair system for access to legal aid? How important is Legal Aid to the Criminal justice System?

Due by May 31st – Friday 6pm for original post; Monday 6pm for responses.

- a. What is your opinion about victim offender mediation? If you were a victim of crime, would you be interested in participating in victim offender mediation? Why? Why not?
- b. A convicted person who is subsequently determined by the presiding judge to be a “dangerous offender” may be ordered by the judge to spend an indeterminate period of time in detention. The process of establishing that a person is a “dangerous offender” requires that judges predict, based on patterns of past behaviour, the likelihood of serious offences in the future. What issues are raised for you by this process?
- c. When sentencing people who are suffering from mental disorders, some disorders are seen as aggravating factors while others are seen as mitigating factors. What concerns does this raise for you? Do you feel that this is an issue the courts should be deciding upon, or an issue for psychiatric professionals?

Due by June 14th – Friday 6pm for original post; Monday 6pm for responses.

- a. Halfway houses are an important way in which to monitor offenders during their reintegration back into the community. Many communities want their crime rates to be addressed and to have offenders returning to their communities to be under supervision. How would you feel if a halfway house opened in your community? What factors would you want to have considered when they are assessing suitability for offenders to be living there?
- b. How would you have responded to the inmate who stated to your textbook author (C.T. Griffiths), “I did the crime, I’ll do the time. But the State does not have the right to inflict additional punishment on me by failing to protect me while I’m incarcerated.”
- c. Should prisons be abolished?

Grading Rubric:

	<u>Marks / 5</u>
Responds appropriately to the question(s) Discussion thoroughly relates to the discussion question(s) Response is within 15 to 25 lines Responds to two classmates’ notes in the thread (posts) Always demonstrates proper online etiquette	<u>4.25 - 5</u>
Responds appropriately to the question(s) Response is approximately 10 to 25 lines Discussion mostly relates to the discussion question(s) Responds to two classmates’ notes in the thread (posts) Often demonstrates online etiquette	<u>3.5 – 4.25</u>
Responds appropriately to the question(s) Response is between 5 and 10 lines Discussion somewhat relates to the discussion thread Responds to one classmates’ note in the thread Sometimes demonstrates online etiquette	<u>3 – 3.5</u>

Responds appropriately to the question(s) Response is between 5 and 10 lines Discussion loosely relates to the discussion question Does not respond to another classmates' note in the thread	<u>2 – 3</u>
Does not respond appropriately to the question(s) Response is less than 5 lines Discussion not related to the discussion question(s) Does not respond to another classmates' note in the thread Does not demonstrate online etiquette	<u>2 marks maximum</u>

Exams (40%)

Two exams are scheduled for this course.

May 20th (20%)

June 20th (20%)

Each will sample your recollection of the content from the textbook readings as well as the material addressed in class (powerpoint, video presentations, etc).

This is a content heavy course so be sure to actively read your textbook.

The format may include true / false, short answer, and multiple choices.

Criminal Justice Process Synthesis (40%)

Due: June 20th, 2013 (start of class)

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 use a fictional offender.

Working in groups, 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
7. You will not have offenders receive a life sentence

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

1. a description of the criminal event or offence (No more than one page)
2. relevant Criminal Code sections spelling out the offence and possible punishment
3. a description of the role and 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) Please use the grading rubric that will be provided on the D2L to guide you through this process.

Format:

Typed, double spacing, 1-inch margins, & 12 font Arial or Times Roman, numbered pages.

Provide a cover page (follow the CJ Writing Reference Manual).

Use a 'report' 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. Include a table of contents.

As we move through this course, I strongly suggest you use the following outline to stay on top of this assignment and use the Synthesis Marking Rubric as a guide to address all pertinent issues and steps.

- The Offence (write up by end of April)
- Pre-Trial Activities and Procedures (write up by mid-May)
- The Trial and Sentencing (write up by end of June)
- Incarceration (write up by first week of June)
- Conditional release (write up prior to the due date)

Due: June 20th at the start of class (if handed in during class time it is deemed late – no exception). If you will be missing class, ensure that you submit a copy of your synthesis on the D2L site using the ‘drop box’ feature. You will still need to bring in a hard copy.

INSTRUCTIONAL POLICIES

1. Attendance & Participation

Regular attendance and active participation is required. It is expected that you will arrive on time, be attentive, non-disruptive, constructive and respectful. For example, using headphones, engaging in text messaging, looking at voice messages, surfing the internet or using any means of disengaging with your classmates and the learning process is not accepted in this class. You will be asked to leave the classroom setting.

2. Class Preparation

You are expected to complete the assigned readings before coming to class. This often becomes increasingly more difficult as the semester moves along and as the completion of assignments and preparation for exams takes a great deal of your time. I would strongly recommend that you use some type of daybook where you can keep track of each week assignments, readings, exams and other expectations being placed on you.

You are also expected to participate in class discussions and activities based on the readings. To help you engage in this, you will likely want to find an active means of doing your readings. For example, you can take notes (questions and answers often work well) or highlight your textbook and write in the margins before coming to class.

3. Late Penalty

All assignments must be completed and submitted on the date and at the time assigned. There are no marks for late submissions on the discussion posts (initial posts and responses). Late synthesis will be penalized 10 percent (off 100 percent) per day late (starting at the time the assignment is due: 6 pm) unless an extension is legitimately warranted and approved by me in advance of the assigned due date.

4. Plagiarism, Cheating & Academic Dishonesty

Please see the College calendar!

<http://camosun.ca/policies/Educatio-Academic/E-2-Student-Services-&-Support/E-2.5.pdf>

Plagiarism is theft! Academic honesty is a critical trait to have within your life. It shows that you respect the contributions of others and use those contributions with respect.