

INTRODUCTION TO THE CRIMINAL JUSTICE SYSTEM

CRIM 154-001 Spring 2015p (85147)

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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. (2014) **Canadian Criminal Justice, A Primer**. 5TH Ed., Thomson Nelson.

RECOMMENDED TEXTS:

Writing Reference Manual for the Criminal Justice Program
Criminal Code of Canada

CLASS SCHEDULE OF TOPICS AND READINGS

(subject to revision)

THE CRIMINAL JUSTICE SYSTEM – AN OVERVIEW

Week #1 May 4 and May 6th, 2015

- Introduction to the course
 - Website for textbook
 - Website for course
- What is the criminal justice system (CJS)?
- What is ‘criminal’? What is ‘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 purpose or objectives of the criminal justice system
- Is the criminal justice system a ‘system’?

Chapters 1 and 2

CHALLENGES IN CRIMINAL JUSTICE

Monday, May 11, 2015

- 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
- The Criminal Code Activity – bring a Criminal Code to class if you have one.

Chapter 3

POLICING IN CANADA

Wednesday, May 13, 2015

- 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

Chapter 4

Wednesday, May 20, 2015 and Monday May 25, 2015

- 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”

Chapters 5 and 6

Thought Paper 1 due May 25, 2015

THE COURTS

Wednesday, May 27, 2015

- 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”

Chapter 7

Midterm – Monday June 1, 2015

PROSECUTION AND TRIAL

Wednesday, June 3, 2015

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
- Wrongful convictions

Chapter 8

SENTENCING

Monday, June 8, 2015 and Wednesday, June 10, 2015

- 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
- Additional sentencing options:
 - Extraordinary measures
 - Sentencing and crime victims
 - Sentencing and restorative justice
- Measuring effectiveness of sentencing options

ALTERNATIVES TO CONFINEMENT

- Diversion
- Probation
- Conditional sentences
- Electronic monitoring
- Behaviour change programs
- Fines

Chapter 9 and 10

Thought Paper 2 due June 8, 2015

CORRECTIONAL INSTITUTIONS

Monday, June 15, 2015

- 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

Chapter 11

RELEASE AND RE-ENTRY

Wednesday, June 17, 2015

- 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 and statutory release supervision

Review and Final Exam Prep

Chapter 12

Group Synthesis Project due June 17. 2015

EVALUATION:

Component	Per Cent of Final Grade	Due Date
Thought Paper 1	10%	May 25, 2015
Midterm	20%	June 1, 2015
Final Exam	20%	Final Exam Period
Thought Paper 2	10%	June 8, 2015
Group Synthesis Project	30%	June 17, 2015
Participation	10%	June 17, 2015

METHODS OF EVALUATING LEARNING

Thought Papers - 2 – Due May 25, 2015 and June 8, 2015

Thought Paper 1 Assignment

Assignment 10% of final grade Due May 25 2015

Your thought paper should be a short (1 page minimum, 4 pages maximum) independently written paper where you explain your opinion towards the assigned question. For this short paper you can write using the materials from the lectures and assigned textbook for this class. No additional research or references is required but is accepted. In the thought papers, I am looking for evidence of critical thinking. While I will assign some points for grammar, writing style, and organization, the main focus of my feedback will be the degree to which you demonstrate comprehension of the important concepts discussed in this course and discuss them adequately and concisely in the allotted page range.

There are many interesting topics and issues that arise when examining the criminal justice system in Canada. You will be required to write your first Thought Paper on one of the following questions:

1. Why is the Charter of Rights and Freedoms important to any study of the Canadian CJS?
2. Does Canada 'need' a criminal justice system? Are there any alternatives to a criminal justice system?
3. Discuss the role of discretion in the criminal justice system. Would our criminal justice system be better with MORE or LESS discretion?
4. 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? Does the Charter of Rights and Freedoms provides sufficient safeguards against police abuse of power, or too many roadblocks for police trying to do their jobs?
5. 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?

Thought Paper 2 – Due June 8, 2015
Assignment 10% of your final grade

Your thought paper 2 should be a short (1 page minimum, 4 pages maximum) independently written paper where you explain your opinion towards the question. For this short paper you can write using the materials learned from the lectures and assigned textbook for this class. No additional research or references is required but is accepted. In the thought papers, I am looking for evidence of critical thinking regarding an important course concept. While I will assign some points for grammar, writing style, and organization, the main focus of my feedback will be the degree to which you demonstrate comprehension of the important concepts discussed in this course and discuss them adequately and concisely in the allotted page range. Answer one of the following questions:

1. 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?
2. Could we have a fair justice system without Legal Aid? What might be an alternative? With all the cutbacks in Legal Aid funding, what do you feel would be a fair system for access to legal aid?
3. 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 or why not?
4. 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?
5. Surveys tell us there is huge public dissatisfaction with sentences imposed by the courts. How could this be changed? In particular, do you think the sentences needs to be changed, or the way they are communicated or explained?

Exams (40%)

Two exams are scheduled for this course.

Midterm Exam- Monday, June 1, 2015

Final Exam - during exam period (20%)

Each exam will cover classroom materials, discussions, videos, speakers and all assigned readings. Be sure complete all assigned readings. .

The format will include multiple choice, short answer, definitions, and a short essay question.

Criminal Justice Process Synthesis (30%)

Due: Wednesday, June 17, 2015

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 (i.e. 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 – Mid May
- Pre-Trial Activities and Procedures – End of May
- The Trial and Sentencing - End of first week of June
- Incarceration – Second week of June
- Conditional release – Prior to due date

Due: Wednesday, June 17, 2015 at the start of class.

Class Participation 10%

Students are expected to be very active, critical and respectful participants, listeners and learners in class and with their presentation groups. Each student will be asked to submit a brief summary of their participation and contributions in class and with their groups on the last day of class.

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.