

INTRODUCTION TO THE CRIMINAL JUSTICE SYSTEM

CRIM 154-001-RH03

Instructor: Stephen Howell, B.A., M.Phil. (Cantab)
Office: Young 210 at Lansdowne Campus
Office Hours: By appointment or by e-mail
Phone:
E-mail: howells@camosun.bc.ca
Class: Parkland Secondary School
Tuesday, Wednesday, Thursday @ 1:47
Online: online.camosun.bc.ca

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**. 5th Ed., 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 April 5, 6 & 7

- 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’?

- **Read pages Chapter 2**

CHALLENGES IN CRIMINAL JUSTICE

Week #2 April 12, 13, 14

- 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
- Unique issues in Canadian geography and demography

April 14th -The Criminal Code Activity – bring a Criminal Code to class if you have one.

Read Chapter 3 and Chapter 14

1st discussion post due April 15/Response due April 18th

POLICING IN CANADA

Week #3 April 19, 20, 21

- 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

Read Chapter 4

Week #4 April 26,27,28

- Police powers:
 - Charter Rights
 - Detain and arrest
 - Search and seizure
 - Use of Force
- Measuring the effectiveness of police strategies
- Police discretion and decision-making
- The police and visible/cultural minorities

Read Chapter 5 and Chapter 6

2nd discussion post due April 29/Response due May 2nd

THE COURTS

Week #5 May 3, 4, 5

- The provincial court system
- Federal courts
- Where do Judges come from?
- Specialized provincial courts
 - Vancouver Drug Court
 - Vancouver Community 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”

Read Chapter 7

PROSECUTION AND TRIAL

Week #6 May 10, 11, 12

Midterm Exam- May 10

- **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

Read Chapter 8

3rd discussion post due May 13th/Response due May 16th

SENTENCING

Week #7 May 17, 18, 19

- Purpose and principles of sentencing
- Sentencing options
- Concurrent and consecutive sentences
- How do Judges decide?
 - Statutory guidance (S.718 CCC)
 - Maximums and minimums
 - Appellate decisions and legal precedents
 - Aggravating and mitigating factors
 - Gladue Reports

Read Chapter 9

4th discussion post due May 20th/Response due May 23rd

CORRECTIONAL INSTITUTIONS

Week #8 May 24, 25, 26

- 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

Read Chapter 11

5th discussion post due May 27th/Response due May 30th

RELEASE AND RE-ENTRY

Week #9 May 31, June 1, 2

- 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

Read Chapter 12

ALTERNATIVES TO CONFINEMENT

Week #10 June 7, 8, 9

- Probation
- Conditional sentences
- Electronic monitoring

- Behaviour change programs
- Fines

Read Chapter 10

Synthesis Due Date – June 7th in Class

FINAL EXAM – TBA

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 write 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. If you choose to complete all 5 posts, you will receive the marks for the best 4.

Here are the questions for the semester:

Due by April 15, 6pm for original post; April 18, 6pm for responses.

- On balance, has the Charter of Rights and Freedoms been a benefit to Canada, or has it promoted justice for accused persons at the cost of safety for all Canadians?
- Does Canada 'need' a criminal justice system? What alternatives to a criminal justice system could there be?
- Discuss the role of discretion in the criminal justice system. Would our criminal justice system be better with MORE or LESS discretion?

Due by April 29, 6 pm for original post; May 2, 6 pm for responses.

- Many police services include post secondary education as a preferred qualification. How important is education for police officers compared to some other attributes?

- b. How do you feel about police wearing body cams to record ALL interactions with the public? What are the advantages and disadvantages of this proposal?
- 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 about the police force reflecting the gender, racial and cultural make-up of the community they are serving?

Due by May 13, 6pm for original post; May 16, 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. Do wealthy accused persons who pay for expensive lawyers get a better defence than those represented by Legal Aid? What could we do to make the system fairer?

Due by May 20, 6pm for original post; May 23, 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 or 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. 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 just the way they are communicated or administered?

Due by June 3, 6pm for original post; June 6, 6pm for responses.

- a. Should prisons be abolished? Could good alternatives to confinement manage all the offenders in the system?
- b. Should all prison sentences be “indefinite”- that release would be at the discretion of prison or parole authorities depending on the offender’s progress in addressing their behaviour?
- c. . Why do many members of the public think that a sentence of probation is a “joke”. What could make community sentences more acceptable in the eyes of the public?

Grading Rubric:

Relevance and insight of original post:	2 points
Insight and new ideas in response	1 point
Length of original post and response (Original post should be at least ten sentences, response at least five)	1 point
Writing skill	1 point
TOTAL	5 points

Exams (40%)

Two exams are scheduled for this course.

Midterm – May 10 (20%)

Final – TBA (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 read your textbook, and make notes on both the text and the classroom presentations.

The format may include multiple choice, short answer, fill in the chart, definitions, and short essay

Criminal Justice Process Synthesis (40%)

Due: June 7th, in class

The purpose of this assignment is to apply the knowledge gained within this course to a specific accused person 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.

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. No offenders will 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.

To ensure you are moving through this process in a timely manner, the instructor will check your progress at the following points

- The Offence and Offender (May 3)
- Pre-Trial Activities and Procedures (May 17)
- The Trial and Sentencing (May 24)
- Incarceration (May 31)
- Conditional release (June 2)

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 or your device may be removed for the duration of the class period.

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) 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 for any scholar. It shows that you recognize the contributions of others and use those contributions with respect.