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**York University**  
**Division of Social Science, Criminology**  
**2010-11**  
**AP/SOSC 2652 6.0 - Criminal Justice System**

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### **Course Description**

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This course is designed to introduce students to the stages of the Canadian criminal justice system, and to selected issues and debates in the administration of justice. Drawing on criminological, sociological and historical resources, we will analyze the key stages in the criminal justice process, from how crime is defined to how it is dealt with by the police, the courts, and correctional institutions.

Although the focus of the course is on institutional responses to crime, emphasis will be placed on debates concerning the discretion, accountability, and authority of various decision-makers in the criminal justice system. Particular attention will be paid to the differences between theory and practices within the system, and to the links between criminal justice practices and broader social, political and economic processes that shape institutional possibilities. Students can expect to develop a familiarity with the Canadian justice system and with a broad range of critical views and research on the administration of criminal justice. Students will also be encouraged to think critically about the policy implications of different approaches to crime and justice.

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### **Required Texts**

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- Griffiths, Curt T. *Canadian Criminal Justice: A Primer* 4<sup>th</sup> edition (Scarborough: Thomson Nelson, 2011)
- Roberts, Julian and Michelle G. Grossman, eds., *Criminal Justice in Canada: A Reader* 3<sup>rd</sup> edition (Scarborough: Thomson Nelson, 2008)
- Glasbeek, Amanda, ed. *Criminal Justice System Reading Kit* (Toronto: Canadian Scholars Press, 2010)

## Summary of Assignments and Evaluation

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Seminar Attendance/Participation	10%
In-Class Test #1 (Nov. 4)	15%
In-Class Test #2 (Dec. 9)	15%
In-Class Test #3 (Feb. 10)	15%
Court Assignment (due week of March 10)	25%
In-Class Test (March 31)	20%

## Assignments and Evaluations - Detail

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### Attendance/Participation (10%)

The course outline includes seminar questions for each week. At a minimum, you are expected to come prepared to discuss these questions. It is not enough just to share your personal opinions: there is a difference between *opinion* and *informed opinion*. Your comments should draw on the readings and show consideration for opposing views.

#### General Grading Scheme:

- If you come every week and say little or nothing: 0 - 3 /10
- If you come every week and talk mostly about your personal opinion: 4 - 6 /10
- If you come every week and discuss the articles and weekly questions: 7 - 10 /10

Missed classes will also result in overall deductions from your grade, at a rate of 0.5 marks deduction per class missed. Students who miss more than 5 classes will receive an automatic 0 for attendance/participation.

The success of the seminars (and your success in the course!) is dependent on everyone's regular attendance and meaningful participation.

### In-Class Tests (3 x 15% = 45%; 1 x 20%)

On the specified dates (November 4, December 9, February 10, March 31), students will write a test during the lecture period. The tests will consist of a variety of short answer formats, and will draw on the readings, lecture material, films and guest lectures. Tests will be cumulative, meaning that materials from an earlier part of the year may be used (or retested), and will certainly be necessary information for later parts of the term.

### Court Assignment (25%) - due week of March 10 (in seminar)

Students will spend some time observing the criminal courts in the Toronto region, documenting practices and agents. By the week of January 27, students will hand in a proposal that lays out their informed expectations and hypotheses about the court system, drawing on relevant course readings, themes, and concepts. *This proposal, with seminar leader comments, must be resubmitted with the final essay.* Failure to do so will result in an automatic 10% deduction from the final essay grade.

After visiting the court, students will write a critical essay about their observations of court processes. The essay will draw links between student observations and course materials. You may but are not required to use outside secondary sources. At a minimum, the essay must draw on at least four (4) course readings to provide context for and discussion of the observations. Length: 5-7 pages (not including title page and bibliography), typed, double spaced, 12 pt font, 1 inch margins.

Detailed instructions for this assignment will be handed out in class.

## **General Course Notes**

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### **Webpage**

The course webpage ([www.yorku.ca/aglasbee](http://www.yorku.ca/aglasbee)) contains the course outline and assignment instructions and may contain **supplemental** course information, like additional readings or weblinks, announcements or other information that students may need. Lecture notes will **not** be posted. It is a good idea to check the course website at least once a week, although it should not be treated as a substitute for communicating with me or your seminar leader if you have any questions/concerns during the course.

### **Late Policy**

It is expected that you will hand in all assignments on the specified due date, unless arrangements have been made with your seminar leader at least 1 (one) week before the due date. If no arrangements are made, late papers will be penalized by 5% per day (including weekends), and may not receive comments. Papers more than 10 days late may not be accepted. You are responsible for ensuring that your assignments are handed in on time. If you are handing in a late paper, you are responsible for ensuring that your seminar leader receives it. We will date the paper the day we *receive* it, not the date you hand it in (if these are different).

Written assignments are due in your seminar at the beginning of class. Electronic submissions will not be accepted.

### **Tests and Exams**

There is no late policy for tests and exams. Make-up tests may only be considered with proper documentation. Please note you do not have an automatic right to write a make-up test.

### **Final Grade**

Final course grades may be adjusted to conform to Program or Faculty grades distribution profiles.

## **Academic Misconduct**

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Academic integrity is vital to the well-being of the university community, and York University takes academic misconduct very seriously. Academic misconduct includes plagiarism, which involves presenting the words and ideas of another person as if they were your own, and other forms of cheating, such as buying papers, handing in the same assignment to more than one

class, and so on. The penalties for academic misconduct can be very severe. Students are strongly encouraged to familiarize themselves with the full definition of, procedures related to, and penalties for Academic Misconduct. See: <http://www.yorku.ca/univsec/policies/>

In some cases, your seminar leader may ask to see your rough or original work. For your own protection, make two copies of your written work – one to hand in and one for your files – and keep all your research notes and graded assignments until the end of term.

For student resources and/or more information on definitions of, and how to avoid, academic misconduct, see: <http://www.yorku.ca/academicintegrity/students/index.htm>

Students are also reminded that the **Centre for Academic Writing** offers writing support. The Centre is located at S329 Ross; phone: 416-736-5134, or <http://www.arts.yorku.ca/caw/>

## **Definitions of Grading Descriptions**

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**A+ Exceptional. (90-100).** Thorough knowledge of concepts and/or techniques and exceptional skill or great originality in the use of those concepts/techniques in satisfying the requirements of an assignment or course.

**A Excellent. (80-89).** Thorough knowledge of concepts and/or techniques together with a high degree of skill and/or some elements of originality in satisfying the requirements of an assignment or course.

**B+ Very Good. (75-79).** Thorough knowledge of concepts and/or techniques together with a fairly high degree of skill in the use of those concepts/techniques in satisfying the requirements of an assignment or course.

**B Good. (70-74).** Good level of knowledge of concepts and/or techniques together with considerable skill in using them to satisfy the requirements of an assignment or course.

**C+ Competent (65-69).** Acceptable level of knowledge of concepts and/or techniques together with considerable skill in using them to satisfy the requirements of an assignment or course.

**C Fairly Competent. (60-64).** Acceptable level of knowledge of concepts and/or techniques together with some skill in using them to satisfy the requirements of an assignment or course.

**D+ Passing (55-59).** Slightly better than minimal knowledge of required concepts and/or techniques together with some ability to use them in satisfying the requirements of an assignment or course.

**D Barely Passing (50-54).** Minimum knowledge of concepts and/or techniques needed to satisfy the requirements of an assignment or course.

**E (marginally below 50%) Marginally Failing**

**F (below 50%) Failing**

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## CRIMINAL JUSTICE SYSTEM LECTURE AND READING SCHEDULE

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### I. INTRODUCTION

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#### September 16                      Introduction to Course

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*No readings.*

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#### September 23                      Introduction to the Criminal Justice System

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- Griffiths, Chapter 1, pp. 3-23
- Roberts and Grossman, Chapter 1
- [kit] Douglas Hay, "Property, Authority and the Criminal Law," in Austin Sarat, ed., *The Social Organization of Law: Introductory Readings* (Roxbury Publishing, 2004):75-83.
- [kit] Peter Small, "On the docket today: Murder most foul," *Toronto Star* 20 May, 2006:B5

*Seminar Questions: What differentiates the criminal justice system from other state and administrative systems? Do you think Hay's analysis of majesty, justice and mercy in the 18<sup>th</sup> century (British) CJS applies to the contemporary (Canadian) CJS? Why or why not?*

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#### September 30                      Models of Criminal Justice

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- Griffiths, Chapter 1, pp 23-34
- [kit] Herbert Packer, "Two Models of the Criminal Process," *The Limits of the Criminal Sanction* (Calif: Stanford University Press, 1968):149-173
- [kit] Augustine Brannigan, "Criminal Justice: A Crime Funnel or a Crime Net?" *Crimes, Courts and Corrections: An Introduction to Crime and Social Control in Canada* (Toronto: Hold, Rinehart & Winston, 1984):93-110

*Seminar Questions: What is the difference between the crime control model and the due process model? between the presumption of guilt and the presumption of innocence? between the funnel and the net? Which of these various metaphors do you think best describes the current Canadian CJS and why?*

## II. THE POLICE

### October 7 Canadian Policing (1): Structure and Powers

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- Griffiths and Cunningham, Chapter 3 (all); Chapter 4, pp. 92-113
- [kit] David H. Bayley, "What do the police do?" in T. Newburn, ed., *Policing: Key Readings* (Willan Publishing, 2005):141-149

*Seminar Questions:* What is the difference between popular representations of police (e.g. in tv shows and movies) and what Bayley says police really do on a regular basis? Why do you think this difference exists? Do you think this difference is significant? Why or why not?

### October 14 READING WEEK

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### October 21 Canadian Policing (2): GUEST LECTURE: JOHN SEWELL\*

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\*John Sewell is former Mayor of Toronto and a member of the Toronto Police Accountability Coalition ([www.tpac.ca](http://www.tpac.ca))

- [kit] David MacAlister, "Canadian Police Subculture," in S. Nancoo, ed., *Contemporary Issues in Canadian Policing* (Canadian Educators Press, 2004): 157-198
- [kit] David Bayley, "Getting Serious about Police Brutality," in P. Stenning, ed., *Accountability for Criminal Justice: Selected Essays* (UTP, 1995):93-109
- [kit] John Sewell, "Making Sense of Crime Statistics" and "Police Governance" in his *Police in Canada: The Real Story* (Lorimer Press, forthcoming)
- [kit] Robyn Doolittle, "SIU, police square off in landmark court battle," *Toronto Star* 11 May, 2010

*Seminar Questions:* What is the significance of police accountability? To what degree and in what way do you believe police should be accountable to the public? How much discretion should police be allowed to have? Why?

### October 28 Canadian Policing (3): Community, Race, and Accountability

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- Griffiths, Chapter 4, pp 113-121; Chapter 5 (all)
- Roberts and Grossman, Chapters 15, 9
- [Kit] David Tanovich, "Exposed," in his *The Colour of Justice: Policing Race in Canada* (Irwin Law, 2006):31-51
- [kit] Jim Rankin, "Race matters: Blacks documented by police at high rate," *Toronto Star* 6 February 2010
- *Recommended:* Toronto Star's "Race and Crime" Series (available on Toronto Star webpage)

*Seminar Questions:* How does racial profiling occur? How does this link to police roles, subcultures and policing practices? What implications does this have for the public accountability of police? For 'community policing'? Do you think the police share your definition of "community"? Why or why not?

### November 4 IN-CLASS TEST #1 (15%)

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### III. THE COURTS

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#### November 11                      Criminal Courts: Structural Overview

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- Griffiths, Chapters 6 & 7 (all)

*Seminar Questions: What are the processes by which one can arrive in court, and exit from it? Does this look more like a funnel or a net?*

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#### November 18                      Professional Actors in the Court

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- Roberts and Grossman, Chapters 3, 4, 5

*Seminar Questions: What are the similarities and differences between the prosecution and the defence attorneys? How important is the role of discretion for these actors and for the judge? Should there be more or less discretion for lawyers and judges in the courtroom? Why?*

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#### November 25                      Discretion and Decision-Making

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- Roberts and Grossman, Chapter 10
- [kit] Gail Kellough, “‘Getting Bail’: Ideology in Action,” in T. O’Reilly-Fleming, ed., *Post-Critical Criminology* (Toronto: Prentice-Hall, 1996):159-183
- [kit] Betsy Powell, “New law restricts jail-time credit,” *Toronto Star* 27 March 2009

*Seminar Questions: Why does Kellough call the bail process a way of systematizing inequality? How does this relate to racial profiling by the police?*

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#### December 2                      Access to the Courts: Legal Aid and Juries

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- [kit] Shelley Gavigan, “Poverty Law, Theory and Practice: The Place of Class and Gender in Access to Justice,” in E. Comack, ed., *Locating Law: Race/Class/Gender Connections* (Fernwood, 1999)208-230
- [kit] Tracey Tyler, “First Nations say their names left off jury lists,” *Toronto Star* 12 September, 2008
- [kit] Tracey Tyler, “Judicial committee urges higher pay for jurors,” *Toronto Star* 23 October, 2006

*Seminar Questions: What are the implications of unequal access to justice for the fundamental principles of justice? Should the Canadian Government have a positive duty to provide every Canadian with legal assistance? Why or why not?*

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#### December 9                      IN-CLASS TEST #2 (15%)

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## **January 6                      Victims and Offenders in Court**

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- Griffiths, Chapter 2, pp 49-55
- Roberts and Grossman, Chapter 22
- [kit] Richard Ericson and Patricia Baranek, “Order in the Court,” in their *The Ordering of Justice* (UTP, 1982):179-215

*Seminar Questions:* What are the relative positions of the victim and the offender? How are they represented in court? Should each have more of a role to play? If so, what and how?

## **IV. SENTENCING AND ALTERNATIVES**

### **January 13                      Sentencing (1): Principles and Guidelines**

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- Griffiths, Chapter 8 (all)
- Roberts and Grossman, Chapters 6, 16
- [kit] James Morton, “Mandatory jail sentences bad strategy,” *Toronto Star* 3 March, 2009

*Seminar Questions:* What is the relationship between sentencing principles and sentencing options? What is the relationship between sentencing and the over-representation of racialized groups in the CJS (such as Aboriginal persons)?

### **January 20                      Sentencing (2): Reform and Alternatives**

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- Griffiths, Chapter 9 (all)
- Roberts and Grossman, Chapters 12, 24

*Film:* Communities and the Challenge of Conflict

*Seminar Questions:* What is the “conditional sentence of imprisonment” and why is it an important sentencing option? What are the principles of restorative justice? Should restorative justice mechanisms be available to all offenders or only some (and if so, who?)?

### **January 27                      Youth Justice**

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- Roberts and Grossman, Chapters 19, 20
- [kit] Diana Zlomislac, “Superjail for youth raises troubling questions,” *Toronto Star* 9 November, 2009

*Seminar Questions:* Do you agree that youth constitute a distinct group of offenders? Should young people be diverted from the criminal justice system and, especially, from custodial sentences, as often as possible? Why or why not?

**Court Assignment Proposal DUE in seminar**



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**February 3                      Domestic Violence Courts**

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- Roberts and Grossman, Chapter 21
- [kit] “His sentence is my freedom: Processing Domestic Violence Cases in the Winnipeg Family Violence Court,” in L. Tutty and C. Goard, eds., *Reclaiming Self: Issues and resources for women abused by intimate partners* (Fernwood, 2002)

*Seminar Questions: How do family violence courts change the overall practices of policing, trials and sentencing? Can family violence courts offer a model for other courts? Why or why not?*

**February 10                      IN-CLAS TEST (15%)**

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**February 17                      Court Assignment**

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**February 24                      READING WEEK**

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**V. CORRECTIONS, RELEASE, & SUPERVISION**

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**March 3                              Corrections (1): What do Prisons Do**

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- Griffiths, Chapter 10 (all)
- Roberts and Grossman, Chapter 8

*Seminar Questions: What role should prisons play in our justice system? Who should go to prison and why? Can you imagine a CJS without prison? If so, what does it look like? If not, why not?*

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**March 10                            Corrections (2): Prisons and Inequality**

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- Roberts and Grossman, Chapters 13, 14
- [kit] Ann Hansen, “Prisons are the looking-glass of society: the struggle toward dignity for women,” 36 *Canadian Dimension* (2002):30-33
- [kit] Interim Report of the Commission on Systemic Racism in the Ontario Criminal Justice System. “Racism behind bars: hostile environments,” *Racism behind bars: The treatment of black and other racial minority prisoners in Ontario prisons* (1994)
- Royson James, “Racism rampant in jails, 2 guards say,” *Toronto Star* 6 April, 2006:A20

*Seminar Questions: Why does Hansen argue that “prisons are the looking-glass of society”? Do you agree? How do prisons fit with the racialized processes of discrimination in policing, the courts, and in sentencing?*

**Court Assignment DUE in seminar**

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**March 17**                      **Parole, Supervision and Release**

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- Griffiths, Chapter 11 (all)
- Roberts and Grossman, Chapters 7, 23
- [kit] Tonda McCharles, “Tories eye repeal of ‘faint hope’ for killers” *Toronto Star* 6 June 2009
- [kit] Tonda McCharles, “Conservatives table tougher pardon rules,” *Toronto Star* 12 May 2010
- [kit] Gunnar Sewell, “When one mistake haunts the rest of your working life,” *Toronto Star* 8 June 2010

*Seminar Questions: Many states in the United States have eliminated parole, meaning that prisoners must serve the full length of their sentences: what do you think of this idea and why?*

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**March 24**                      **Review**

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**March 31**                      **IN-CLASS TEST (20%)**

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