



CAPILANO UNIVERSITY

COURSE OUTLINE		
TERM: Fall 2022	COURSE NO: LAW 303	
INSTRUCTOR:	COURSE TITLE: Criminal Law II	
OFFICE: LOCAL: E-MAIL: @capilanou.ca	SECTION NO(S):	CREDITS: 3.0
OFFICE HOURS:		
COURSE WEBSITE:		

Capilano University acknowledges with respect the Lil'wat, Musqueam, Squamish, Sechelt, and Tseil-Waututh people on whose territories our campuses are located.

COURSE FORMAT

This course will be offered alternatively in either a classroom or on-line format, four hours per week for a 15-week semester, which includes two weeks for final exams. For the on-line format, the instructor will provide written lectures and weekly case readings to students in advance, and students will work, either with an on-line partner or on-line group, to complete weekly exercises and discussions. For the classroom format, three out of the four instructional hours will be completed with lectures in the classroom and a fourth hour will consist of a combination of at-home and online work supported through e-Learn.

COURSE PREREQUISITES

LAW 101, 110, 130, and 210; OR LAW 130 and 45 credits of 100-level or higher coursework

CALENDAR DESCRIPTION

This course is intended to further students understanding of the sources, theory, and practice of criminal law in Canada. Students will study the law of criminal procedure which regulates the investigation, prosecution, and adjudication of criminal offences. This will include the principles and rules of criminal case law in their current and historical contexts.

REQUIRED TEXTS AND/OR RESOURCES

C Sherrin, D Ives, and A Bien-Aimé, *Criminal Procedure: Cases and Materials*, (Toronto, Emond, 2020).

Instructors' supplemental materials, legislation, and case law posted to e-Learn.

Recommended Texts

K Roach, B Berger, E Cunliffe & J Stribopoulos, *Criminal Law and Procedure, Cases and Materials*, 12th ed (Toronto: Emond, 2020).

COURSE STUDENT LEARNING OUTCOMES

On successful completion of this course, students will be able to do the following:

1. Effectively communicate to explain major sources of Canadian criminal procedure;
2. Apply research of basic issues on criminal procedure through online resources;
3. Understand and analyze common law principles and statutory principles with regard to:
 - a) jurisdiction;
 - b) search and seizure;
 - c) detention;
 - d) the right to be informed of the reasons for arrest or detention;
 - e) the right to silence;
4. Understand and analyze the procedures under the Criminal Code dealing with charging, arrest, bail, and judicial interim release;
5. Analyze pre-trial processes, resolutions, elections, and preliminary inquires;
6. Understand jury selection and trials; and
7. Understand criminal appeals.

COURSE CONTENT

WEEKLY COURSE CONTENT	
WEEK	CONTENT
PART I – INTRODUCTION	
1	INTRODUCTION TO CRIMINAL PROCEDURE The introductory lecture looks at jurisdiction over the types and sources of criminal procedure in Canada.
2	SEARCH AND SEIZURE: GENERAL PRINCIPLES & SEARCH AND SEIZURE WITH A WARRANT One of the most important tools available to state authorities is the power to search and seize. This lecture starts with an examination of the general principles of search and seizure and then looks at search and seizure with a warrant.
3	SEARCH AND SEIZURE WITHOUT A WARRANT This week examines the power of the police to search and seize without a warrant and the requirement of the state to demonstrate that the search or seizure is reasonable and authorized by law.
4	DETENTION AND INVESTIGATIVE DETENTION AND SEARCH This lecture examines the categories of detention, the general power to detain individuals for investigation, and searches incidental to investigative detention.
5	SECTIONS 7 AND 10 OF THE CHARTER This week of the course will examine the right to be informed of the reasons for arrest or detention and retain or instruct counsel without delay, as well as the right to silence.

WEEKLY COURSE CONTENT	
WEEK	CONTENT
6	CHARGING, ARREST, AND POLICE BAIL In this lecture we look at three different, but related items – charging, the powers of arrest, and release by the police from custody pending trial.
7	MID-TERM EXAM
8	JUDICIAL INTERIM RELEASE The next lecture will look at the conduct of a bail hearing and the different forms of judicial interim release.
9	DISCLOSURE AND THIRD-PARTY PRODUCTION The recognition of a constitutional right to disclosure is one of the most important developments in our criminal justice system. For this week of the course we will examine Crown and defence disclosure obligations and third-party production under the common law and <i>Criminal Code</i> .
10	PRE-TRIAL PROCESSES & RESOLUTIONS In this lecture we examine the pre-trial processes involved in a criminal matter in addition to the potential resolutions before trial.
11	ELECTIONS & PRELIMINARY INQUIRIES This week looks at elections and the reasons for them. We also examine the purpose, procedural, and evidentiary issues surrounding the preliminary inquiry.
12	JURY SELECTION & TRIAL This lecture looks at some of the procedures involved a criminal trial, including jury selection.
13	APPEALS The final lecture in the course will focus on criminal appeals.
14-15	FINAL EXAM PERIOD: FINAL EXAM

EVALUATION PROFILE

Mid-Term Exam	30-35%
Final Exam	30-35%
Group Discussions & Participation	0-10%
Research Paper*/Assignments	<u>25-30%</u>
TOTAL	100%

***Research Paper**

This course will include either one comprehensive research paper or several smaller assignments on matters related to criminal law and procedure.

Participation

If a participation grade is provided, then it is allocated to the consistency, quality, and frequency of contributions to class discussions and class presentations. Consistency means attending every class and actively contributing to discussions on a regular basis. Quality means demonstrating respect for peers and their contributions, listening attentively during lectures and when other students are speaking, and participating in all activities with an open and inquisitive mind.

Mid-Term and Final Exams

There will be a mid-term exam in Week 7 covering Weeks 1 – 6 of the materials and a final exam covering Weeks 8 – 13 of the materials. The format of the exams will be determined by the instructor and may include a combination of true/false, multiple choice, matching, short answer, and essay questions. The final exam will be scheduled at a date to be determined by the Registrar's Office. Please plan to be available to write the final exam at any point during the final exam period.

GRADING PROFILE

A+ = 90-100	B+ = 77-79	C+ = 67-69	D = 50-59
A = 85-89	B = 73-76	C = 63-66	F = 0-49
A- = 80-84	B- = 70-72	C- = 60-62	

Incomplete Grades

Grades of Incomplete "I" will not be assigned in this course.

Late Assignments

Homework assignments are due at the **start of class** on the due date unless otherwise advised by your instructor. Late assignments will only be accepted if prior approval for a late submission date has been given by the instructor.

Missed Exams/Quizzes/Labs, etc.

Missed exams or quizzes will receive a grade of "0" unless PRIOR arrangements (wherever possible) are made with the instructor. Permission to make up an exam will only be given in extraordinary situations such as illness of the student or the death of a close family member. A doctor's certificate, or other proof supporting the reason for the absence, may be required.

Attendance

Regular attendance and punctuality are both essential and expected due to the nature and format of the course materials.

English Usage

All assignments are marked for correct English usage, proofreading, and formatting.

Electronic Devices

Students may use electronic devices during class for note-taking only.

On-line Communication (email, e-Learn, etc.)

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or e-Learn; please check both regularly. Official communication between Capilano University and students is delivered to students' Capilano University email addresses only.

UNIVERSITY OPERATIONAL DETAILS**Tools for Success**

Many services are available to support student success for Capilano University students. A central navigation point for all services can be found at: <https://www.capilanou.ca/student-life/>

Capilano University Security: download the [CapU Mobile Safety App](#)

Policy Statement (S2009-06)

Capilano University has policies on Academic Appeals (including appeal of final grade), Student Conduct, Academic Integrity, Academic Probation and other educational issues. These and other policies are available on the University website.

Academic Integrity (S2017-05)

Any instance of academic dishonesty or breach of the standards of academic integrity is serious and students will be held accountable for their actions, whether acting alone or in a group. See policy and procedures S2017-05 Academic Integrity for more information: <https://www.capilanou.ca/about-capu/governance/policies/>

Violations of academic integrity, including dishonesty in assignments, examinations, or other academic performances, are prohibited and will be handled in accordance with the Student Academic Integrity Procedures.

Academic dishonesty is any act that breaches one or more of the principles of academic integrity. Acts of academic dishonesty may include but are not limited to the following types:

Cheating: Using or providing unauthorized aids, assistance or materials while preparing or completing assessments, or when completing practical work (in clinical, practicum, or lab settings), including but not limited to the following:

- Copying or attempting to copy the work of another during an assessment;
- Communicating work to another student during an examination;
- Using unauthorized aids, notes, or electronic devices or means during an examination;
- Unauthorized possession of an assessment or answer key; and/or,
- Submitting of a substantially similar assessment by two or more students, except in the case where such submission is specifically authorized by the instructor.

Fraud: Creation or use of falsified documents.

Misuse or misrepresentation of sources: Presenting source material in such a way as to distort its original purpose or implication(s); misattributing words, ideas, etc. to someone other than the original source; misrepresenting or manipulating research findings or data; and/or suppressing aspects of findings or data in order to present conclusions in a light other than the research, taken as a whole, would support.

Plagiarism: Presenting or submitting, as one's own work, the research, words, ideas, artistic imagery, arguments, calculations, illustrations, or diagrams of another person or persons without explicit or accurate citation or credit.

Self-Plagiarism: Submitting one's own work for credit in more than one course without the permission of the instructors, or re-submitting work, in whole or in part, for which credit has already been granted without permission of the instructors.

Prohibited Conduct: The following are examples of other conduct specifically prohibited:

- Taking unauthorized possession of the work of another student (for example, intercepting and removing such work from a photocopier or printer, or collecting the graded work of another student from a stack of papers);
- Falsifying one's own and/or other students' attendance in a course;
- Impersonating or allowing the impersonation of an individual;
- Modifying a graded assessment then submitting it for re-grading; or,
- Assisting or attempting to assist another person to commit any breach of academic integrity.

Sexual Violence and Misconduct

All Members of the University Community have the right to work, teach and study in an environment that is free from all forms of sexual violence and misconduct. Policy B401 defines sexual assault as follows:

Sexual assault is any form of sexual contact that occurs without ongoing and freely given consent, including the threat of sexual contact without consent. Sexual assault can be committed by a stranger, someone known to the survivor or an intimate partner.

Safety and security at the University are a priority and any form of sexual violence and misconduct will not be tolerated or condoned. The University expects all Students and Members of the University Community to abide by all laws and University policies, including B.401 Sexual Violence and Misconduct Policy and B.401.1 Sexual Violence and Misconduct Procedure (found on Policy page <https://www.capilanou.ca/about-capu/governance/policies/>)

Emergencies: Students are expected to familiarise themselves with the emergency policies where appropriate and the emergency procedures posted on the wall of the classroom.