

COURSE OUTLINE			
TERM: Fall 2026		COURSE NO: CRIM 431	
INSTRUCTOR:		COURSE TITLE: Discretionary Justice	
OFFICE: LOCAL:		SECTION NO:	CREDITS: 3.0
E-MAIL: @capilanou.ca			
OFFICE HOURS:			
COURSE WEBSITE:			

Capilano University is named after Chief Joe Capilano (1854–1910), an important leader of the Skwxwú7mesh (Squamish) Nation of the Coast Salish Peoples. We respectfully acknowledge that our campuses are located on the unceded territories of the səlilwətał (Tsleil-Waututh), shíshálh (Sechelt), Skwxwú7mesh (Squamish), and xʷməθkʷəy̓əm (Musqueam) Nations.

COURSE FORMAT

Three hours of class time, plus an additional hour delivered through on-line or other activities for a 15-week semester, which includes two weeks for final exams.

COURSE PREREQUISITES

CRIM 304, CRIM 305, or CRIM 330

CALENDAR DESCRIPTION

This course explores the role of discretion within the criminal legal system. Discretionary power is examined in terms of the ethical challenges it raises, the risks of bias it presents, and its role in flexible and humane decision-making. Examined in this course will be factors that influence decision-making at key junctures in the criminal legal system, from arrest to parole to detention reviews. By exploring the manner in which discretion operates, this course offers a critical lens into forces that shape 'justice' in practice.

REQUIRED TEXTS AND/OR RESOURCES

Jacobs, J. & Jackson, J. (2017). *The Routledge Handbook of Criminal Justice Ethics*. Routledge.

Brown, K. (2019). *The Oxford Handbook of Criminal Process*. Oxford University Press.

Gelsthorpe, L. & Padfield, N. (2012). *Exercising Discretion*. Routledge.

**Sample texts*

COURSE STUDENT LEARNING OUTCOMES

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

- Examine the role of discretion in the operation of the criminal legal system.
- Identify actors in the criminal legal system with the power to exercise discretion and analyze the factors influencing the exercise of discretion by these actors.

- Evaluate ethical considerations around the use of discretion in criminal justice decision-making.
- Assess the risks presented by discretion, including opportunities for potential abuse and misuse of power.
- Investigate the relationship between discretion, bias and systemic inequality in the criminal legal system.

COURSE CONTENT

Week	Topic
1	Introduction
2	Discretion in law enforcement: The power to arrest
3	Discretion in law enforcement: To release or detain
4	Case Brief
5	Powers of Crown counsel
6	Discretion and “pre-punishment” (Bail and remand)
7	Discretion and sentencing
8	Conditions of release
9	Custodial Risk assessments
10	Temporary absences
11	Case Brief
12	Parole and parole decision-making
13	Detention orders
14/15	Final Exam Period: Final Exam

EVALUATION PROFILE

In-class Reflections	15%
Midterm Exam	20%
Research Paper	20%
Individual Research Presentation	20%
Final Exam	25%
Total	100%

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” are assigned only in exceptional circumstances when a student requests extra time to complete their coursework. Such agreements are made only at the request of the student, who is responsible to determine from the instructor the outstanding requirements of the course.

Late Assignments

Assignments are due at the beginning of the class on the due date listed. If you anticipate handing in an assignment late, please consult with your instructor beforehand.

Missed Exams/Quizzes/Labs etc.

Make-up exams, quizzes and/or tests are given at the discretion of the instructor. They are generally given only in medical emergencies or severe personal crises. Some missed labs or other activities may not be able to be accommodated. Accommodations can be made to honour community needs and traditional practices.

Attendance

Students are expected to attend all classes and associated activities.

English Usage

Students are expected to proofread all written work for any grammatical, spelling and stylistic errors. Instructors may deduct marks for incorrect grammar and spelling in written assignments.

Electronic Devices

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

On-line Communication

Outside of the classroom, instructors will (if necessary) communicate with students using either their official Capilano University email or eLearn; 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-services/>

Capilano University Security: download the [CapU Safe Alert 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 Policy and B.401.1 Sexual Violence 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.