

University of Guelph
College of Social and Applied Human Sciences
Department of Sociology and Anthropology

Courts & Society
SOC 3730

Thurs: 7-9:50 pm – MAC-149

Winter 2014

Instructor: Michelle Dumas

Office: MACK – 632

Office Hours: Thursdays, 4:30-6:00 pm

E-mail: mdumas@uoguelph.ca (put course code/name in subject line)

Teaching Assistant:

Ilona Andersen: ianderse@uoguelph.ca

Another: TBA

As the main teaching assistant for this class, Ilona will start to hold office hours the week before (or the week of) the midterm exam and will continue until the end of the semester. The place, day and time will be announced in class and/or on CourseLink. There will be another TA assigned part time to this class and therefore will hold a specific office hour after the return of the midterms and the week of the final exam for any concerns for the midterm or essay marking.

Course Description

This course focuses on various aspects of the criminal justice system – primarily with the period between when an individual is charged with an offence to the final determination (guilty/not guilty) and sentence (if found guilty). Thus, issues around plea-bargaining, pre-trial detention, witnesses and evidence, juries, sentencing goals, and restorative justice will be explored. Other substantive topics explored in this course include: the role of the defence and prosecutor lawyers; the role of victims in court, juveniles in court, media representations of court procedures, and the effects and ramifications of wrongful convictions. Throughout the course, the historical, sociological, and social-psychological aspects of the decisions made within the courts, will also be explored. The course will consist of both lectures and required readings.

There are two main objectives for this course. The first objective is to help students gain a broad understanding of how our criminal courts processes function within society. The second objective is to get students to critically assess aspects of our 'justice' system and our ability to achieve the values that we, as a democratic society, hold.

Evaluation

Midterm Exam: 25%

Media paper: 35%

Final exam: 40%

The mid-term and final exam will be based upon course readings, lecture material and class discussions. The format of these exams will be discussed in class along with a specific review. The final exam is cumulative.

The media paper will be discussed in class (March 6) and instructions will be distributed in class and later updated on CourseLink. Note that the paper can only be written on the videos shown in class on March 6, **so please make arrangements to attend**. You will not need to do any outside class research to write this paper, nor do you need to do any preparation prior to watching the videos. The only resources needed are the videos, class lectures and readings. You will be required to hand in an electronic copy into CourseLink and a hard copy in class.

Required Text

1) **McCormick**, Peter. 2001. Canada's Courts. Toronto: James Lorimer Co.

2) **Greene**, Ian. 2006. The Courts. Vancouver: UBC Press

3) More readings will be placed on reserve and/or available through CourseLink, listed in the schedule below.

NOTE THE FOLLOWING:

EMAIL: I am best reached by email. ***Please put the course code or course name in the subject line.*** If you omit this, I **will not** reply. If you do not receive a reply from me within 48 hours, then there was a problem (e.g., I didn't receive your email or my reply didn't go through. It happens. Technology isn't perfect, nor am I). Also note that in your emails to me, you must spell out all of your words (i.e., no "ur" or "u no") as these emails should be professional in nature.

COURSELINK: is an integral part of the course. Outlines for the weekly lectures will be placed there (either before or after class), as well as additional information and announcements. This service can be used to contact other students in the course regarding asking questions about the materials, collecting missed notes, etc. Please use it to your advantage, while remaining respectful.

(see <http://www.uoguelph.ca/courselink/>)

PARTICIPATION: The courts are probably the most controversial (albeit misunderstood) area of the criminal justice system, but also the most important one. It is where the decision is made regarding a person's legal guilt, where (controversial) plea bargains are made, the decision regarding a convicted person's punishment (what that punishment is, for how long and for what reason), and any decisions made regarding wrongful convictions. As such, the public may not always hold consensus of said decisions. As such, part of the lecture time will be devoted to discussing and debating the weekly topics. These exercises will also help form the question on the midterm (and possibly final) exam.

ATTENDANCE: You will need to attend lectures to successfully pass this course. Please note that videos shown in class in the 8th week (March 6) that are needed to write the paper will not be made available outside the class period during which they are shown. They may or may not be available on the Internet (in previous years, there has always been one not found to watch outside class). As a rule, I do not make copies of my lecture notes available to students. While there will be *some* overlap between material from lectures and from the text, this overlap is by no means complete. Thus, students are strongly urged to both attend lectures and to read the material assigned. Most importantly, you *will* be tested on any material from lectures.

MAKE-UP MIDTERM EXAM: Students will not be exempt from the exam without medical reasons accompanied by official written documentation. Medical reasons do not exempt students from exams they have already written. In other words, once an exam is begun or completed, the mark will stand. If proper documentation can be provided for missing the exam, a make-up will be given, but it **must** be written within two weeks of the originally scheduled date. There is only one opportunity to do a make-up exam. Missing the final exam is coordinated through the registrar's office and medical documentation must be submitted.

EXTENSIONS: An extension for the media paper will only be granted for medical reasons with the submission of proper documentation or for compassionate reasons. This extension will not be extended past the last day of acceptance (Mar 28, 2013). Note, however, that contact with me for an extension must be made **before** the due date. Please remember to back-up your work on a regular basis. Computer related issues (e.g., printer problems, hard drive crashes, viruses, etc) will not be grounds for an extension.

LATE PENALTY: Late papers must be turned in during my office hours, the TA's office hours or in class (the date/time it is uploaded in CourseLink will determine its lateness). The last date to upload an electronic and hand in a hard copy is **Thurs, Mar 27th (week 11)** at the beginning of class (7:00 pm). Please do not leave a paper under an office door as I share an office with 2 other professors and it can be easily lost or damaged. There will be a **penalty of 5% per day** for late papers, including weekends.

TOPICS & SCHEDULE

These topics may be subject to change. If changes occur, they will be announced in class and/or in CourseLink.

Week 1: Jan 9

Introduction; Legal system, principles of law, sociological explanations

- Greene: Intro
- McCormick: Ch 1

Week 2: Jan 16

Models of Justice, Historical Context, Cases in Court & Public Perceptions

- Sung, Hung-En. 2006. Democracy & Criminal Justice in Cross-National Perspective: From Crime Control to Due Process. AAPSS. 605: 311-337
- Greene: Ch 1
- McCormick: Ch 2

Week 3: Jan 23

Structure of Canadian Courts; Role of the Supreme Court & Extraditions

- McCormick: Ch 3, Ch 4, Ch 6

Week 4: Jan 30

Role of the Crown (Charter of Rights & Plea Bargains)

- Greene: Ch 3 (pg 65-68), Ch 4 (pg 88-93)
- Kassin, Saul M, Christian A Meissner and Rebecca Norwick. 2005. "I'd know a False Confession if I saw One": A Comparative Study of College Students & Police Investigators. Law and Human Behavior. 29(2): 211-227
- Kellough, Gail and Scot Wortley. 2002. Remand for Plea: Bail Decisions and Plea Bargaining as Commensurate Decisions. British Journal of Criminology. 42: 186-210
- Diebel, Linda. 2005 (May 28). Why 'devil' got her deal. Toronto Star. A27 (News)

Week 5: Feb 6

Midterm Exam – Good luck! ☺

(no lecture)

Week 6: Feb 13

Role of Defence Counsel, Legal Aid & Pre-Trial Detention

- McCormick – Ch 10
- Payne, Brian K and Wendy P Guastaferrero. 2009. Mind the Gap: Attitudes about *Miranda* Warnings among Police Chiefs and Citizens. *Journal of Police and Criminal Psychology*. 24(2): 93-103

Feb 20 – Reading Week, No Classes ☺

Week 7: Feb 27

Various Modes of Trial (Laws of Evidence, Witnesses, Experts)

- Greene – Ch 2
- Shaw, John S III and Tana K. Zerr. 2003. Extra Effort During Memory Retrieval May Be Associated with Increases in Eyewitness Confidence. *Law and Human Behavior*. 27(3): 315-329
- Odnot, Geralda, Gezinus Wolters and Peter J. van Koppen. 2009. Eyewitness Memory of a Supermarket Robbery: A Case Study of Accuracy and Confidence After 3 Months. *Law and Human Behavior*. 33: 506-514

Week 8: Mar 6

Discussion of Paper: instructions and criteria of evaluation

Viewing video episodes for paper (they may not be available outside of class)

No readings

Week 9: Mar 13

Inclusiveness & Juries

- Greene, Ch 3
- Arkes, Hal and Barbara Mellers. 2002. Do Juries Meet Our Expectations? *Law and Human Behavior*. 26(6): 625-639
- ForsterLee, Robert, Lynne ForsterLee, Irwin Horowitz and Ellen King. 2006. The Effects of Defendant Race, Victim Race, and Juror Gender on Evidence Processing in a Murder Trial. *Behavioral Sciences & the Law*. 24: 179-198

Week 10: March 20

Paper due: an electronic copy AND hard copy must be submitted

Media, publicity & effects in court; Juveniles in Court

- Goodman, Douglas J. 2006. Approaches to Law and Popular Culture. Law & Social Inquiry. 31(3): 757-784
- Kovera, Margaret Bull. 2002. The Effects of General Pretrial Publicity on Juror Decisions. Law and Human Behavior. 26(1): 43-72
- Smith, Steven M., Marc W. Patry and Veronica Stinson. 2007. But What is the CSI Effect? How Crime Dramas influence People's Beliefs about Forensic Evidence. The Canadian Journal of Police & Security Services. 5(3/4): 187-195

Week 11: March 27

Role of Judges & Sentencing options; Victims & Impact Statements

- Greene – Ch 4 (pg 76-88; 94-108)
- McCormick – Chpts 8, 9, & 11
- Cameron, Angela. 2006. Stopping the Violence: Canadian feminist debates on restorative justice and intimate violence. Theoretical Criminology. 10(1): 49-66
- Rose, Mary R., Janice Nadler & Jim Clark. 2006. Appropriately Upset? Emotion Norms and Perceptions of Crime Victims. Law and Human Behavior. 30: 203-219

Week 12: April 3

Restorative Justice & Wrongful Convictions & Review

- Greene – Ch 5, Ch 6
- McCormick – Ch 5, 12
- Denov, Myriam and Kathryn Campbell. 2005. 'Criminal Injustice'. Journal of Contemporary Criminal Justice. 21(3): 224-249

FINAL EXAM: (scheduled by Registrar's office) **Mon, April 14, 2014: 2:30 – 4:30 pm**
Location, TBA

STANDARD STATEMENTS

E-mail Communication

As per University regulations, all students are required to check their <uoguelph.ca> e-mail account regularly: e-mail is the official route of communication between the university and its students.

When You Cannot Meet a Course Requirement

When you find yourself unable to meet an in-course requirement because of illness or compassionate reasons, please advise the course instructor (or designated person, such as a teaching assistant) in writing, with your name, id#, and e-mail contact. See the Undergraduate Calendar for information on regulations and procedures for Academic Consideration:

<http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-ac.shtml>

Drop Date

The last date to drop one-semester Winter 2014 courses, without academic penalty, is **Friday, March 7th**. For regulations and procedures for Dropping Courses, see the Undergraduate

<http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-drop.shtml>

Copies of out-of-class assignments

Keep paper and/or other reliable back-up copies of all out-of-class assignments: you may be asked to resubmit work at any time.

Student Rights and Responsibilities

Each student at the University of Guelph has rights which carry commensurate responsibilities that involve, broadly, being a civil and respectful member of the University community. The Rights and Responsibilities are detailed in the Undergraduate Calendar:

<http://www.uoguelph.ca/registrar/calendars/graduate/current/geninfo/geninfo-srr.shtml>

Academic Misconduct

The University of Guelph is committed to upholding the highest standards of academic integrity and enjoins all members of the University community – faculty, staff, and students – to be aware of what constitutes academic misconduct and to do as much as possible to prevent academic offences from occurring. The Academic Misconduct Policy is detailed in the Undergraduate Calendar:

<http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml>

Recording of Materials

Presentations which are made in relation to course work—including lectures—cannot be recorded in any electronic media without the permission of the presenter, whether the instructor, a classmate or guest lecturer.

Resources

The Undergraduate Calendar is the source of information about the University of Guelph's procedures, policies and regulations which apply to undergraduate programs. It can be found at: <http://www.uoguelph.ca/registrar/calendars/undergraduate/current/>

If you find yourself in difficulty, contact the undergraduate advisor in your program, or the BA Counselling Office: <http://www.uoguelph.ca/baco/contact.shtml>