

## CURRICULUM GUIDELINES

**A: Division: INSTRUCTIONAL**

**Date: SEPTEMBER 1999**

**B: Department/  
Program Area: CRIMINOLOGY**

**New Course**

**Revision**

**If Revision, Section(s) Revised: F, M, N, O, P, Q**

**Date Last Revised: JANUARY 1987**

**C: CRIM 261**

**D: ADMINISTRATION OF JUSTICE**

**E: 3**

Subject & Course No.

Descriptive Title

Semester Credits

**F: Calendar Description:** This course introduces students to an overview of the study of law, politics, and the administration of justice in Canada. The first part the course examines elements of governmental structures and processes impacting on justice policy making and administration. Topics covered in the second part of the course include the roles of and interplay between police, Crown and defence counsel, corrections agencies, judges and legislators in creation and implementation of justice policy. The third part of the course will deal with the application of the understanding developed in parts one and two to a variety of significant current issues in the administration of justice.

**G: Allocation of Contact Hours to Types of Instruction/Learning Settings**

Primary Methods of Instructional Delivery and/or Learning Settings:

**Lecture**

Number of Contact Hours: (per week / semester for each descriptor)

**Lecture: 4 Hrs.**

Number of Weeks per Semester: **14 Weeks**

**H: Course Prerequisites:**

**CRIM 160**

**I. Course Corequisites:**

**NONE**

**J. Course for which this Course is a Prerequisite:**

**NONE**

**K. Maximum Class Size:**

**35**

**L: PLEASE INDICATE:**

Non-Credit

College Credit Non-Transfer

College Credit Transfer:

Requested

Granted

SEE BC TRANSFER GUIDE FOR TRANSFER DETAILS ([www.bccat.bc.ca](http://www.bccat.bc.ca))

Subject and Course Number

**M: Course Objectives/Learning Outcomes**

At the conclusion of the course, the successful student will be able to:

1. Identify the components of the Canadian legal and political systems involved in the administration of justice and describe a variety of interactions between them.
2. Locate sources of political authority/responsibility for the operations of the various components of the system and discuss the effects of the division of powers and the fragmented nature of the system on the implementation of policy.
3. Describe the adversarial context of the criminal justice system and explain its effects on the administration of justice.
4. Discuss the effect of the introduction of the *Canadian Charter of Rights and Freedoms*, the limits to parliamentary sovereignty, the expanded scope of judicial review and the policy dialogue between courts and legislators under the *Charter*.
5. Critically analyze the roles of and interplay between legislators, police, crown and defence counsel and correction agencies in development and implementation of justice policy.
6. Explain the concepts of the separation of powers, judicial selection, control and discipline, independence of the judiciary and the effects of different judicial orientations to decision making on the administration of justice.
7. Discuss the development and current status of policy initiatives and judicial decisions on a variety of significant current issues in the administration of justice.

**N: Course Content**

**I. Legal, Political and Constitutional Framework for the Administration of Justice in Canada.**

1. Concepts and definitions of public law, politics, policy and the administration of justice in Canada.
2. The effects of the division of legislative powers in Canada on the administration of justice.
3. Components of the system and locus of policy making authorities for each.
4. Concepts of parliamentary sovereignty and the limits to legislative power.
5. The effect of the introduction of the *Canadian Charter of Rights and Freedoms* as the supreme law of Canada.
6. Expanding roles of the judiciary and the developing interplay between courts and legislatures
7. Legislative options
  - ▶ The non-obstante clause
  - ▶ Past and potential applications.

Continued...

Subject and Course Number

N. Course Content Cont'd.

II. Governmental Structures, Agencies and Processes and Their Impact on Justice Policy Making and Administration

1. The separation of powers in Canada and the roles of the executive, legislative and judicial branches of government in policy making and implementation.
2. The adversarial context to the administration of the criminal justice system.
3. Roles of police, crown and defence counsel.
4. Police and prosecutorial discretion, plea bargaining, legal aid, work load and compensation issues.
5. The role of the jury in the administration of justice, jury selection and issues related to complexity in the law.
6. The Judiciary: judicial selection, control and independence of the judiciary and proposals for reform.
7. Judicial orientations to decision making; the Supreme Court of Canada and the *Charter of Rights and Freedoms*; activism and judicial self restraint.

III. Current Issues in the Administration of Justice

This part of the course covers case studies on a number of current issues. The number and kinds of cases covered will vary over time to maintain currency in the course. Issues to be considered could include some of the following:

1. Ethical/policy issues in developing reproductive and new medical technologies, such as:
  - ▶ Abortion
  - ▶ Euthanasia
  - ▶ Assisted suicide
  - ▶ Surrogate parenting
  - ▶ Sale of human organs/tissue
2. Developing civil liberties--The impact of *The Charter of Rights and Freedoms*
  - ▶ Legal rights and exclusion of evidence in criminal cases
  - ▶ Fundamental freedoms--Balancing individual/collective interests.
3. Issues in sentencing and victims' rights, such as:
  - ▶ Faint hope provisions
  - ▶ Conditional sentences
  - ▶ Sentencing aboriginals
  - ▶ Initiatives in restorative justice

Continued....

**Subject and Course Number**

**Course Content Cont'd.**

N.

**III. Current Issues in the Administration of Justice Cont'd.**

4. The impact of DNA and other new forensic technology in criminal justice and society
5. Gun control
6. Domestic violence - policies and procedures
7. Hate legislation

**O: Methods of Instruction**

The course will employ a number of instructional methods to accomplish its objectives. These will include some of the following:

1. Lectures
2. Presentations
3. Audio-visual material
4. Small group discussions
5. Research papers

**P: Textbooks and Materials to be Purchased by Students**

Roberts, J. V. (Ed.). (2000). Criminal Justice in Canada: A Reader. Toronto: Harcourt Brace Canada

A manual of relevant selected readings will be available. Subject to copyright approval, the manual may include readings from:

Burtch, B. & Larsen, N. (Eds.). (1999). Law in Society: Canadian Readings. Toronto: Harcourt Brace Canada.

Decisions of the Supreme Court of Canada.

Hartnagel, T. (Ed.). (1998). Canadian Crime Control Policy. Toronto: Harcourt Brace Canada.

Knopff, R. & Morton, F.L. (1992). Charter Politics. Scarborough: Nelson Canada.

Larsen, N. (Ed.). (1995). The Canadian Criminal Justice System - An Issues Approach to the Administration of Justice. Toronto: Canadian Scholars' Press Inc.

Mandel, M. (1994). The Charter of Rights and the Legalization of Politics in Canada (2<sup>nd</sup> ed.) Toronto: Thompson Educational Publishing Inc.

Subject and Course Number

**Q: Means of Assessment**

Evaluation will be carried out in accordance with Douglas College policy. The instructor will provide a written course outline with specific evaluation criteria at the beginning of the semester. Evaluation will be based on some of the following:

1. Exams
2. Research project / term paper
3. Oral presentations
4. Class participation

An example of one possible evaluation scheme would be:

Seminar Attendance and Participation	10%
Term Paper	25%
Oral Presentation	10%
Midterm Exam	25%
Final Exam	30%

**R: Prior Learning Assessment and Recognition: specify whether course is open for PLAR**

Under review.

*Cynthia A. Fulder*

Course Designer(s)

*[Signature]*

Dean/Director

Education Council/Curriculum Committee  
Representative

*P. H. Ong*

Registrar