

Columbia College
Criminal Procedure and Evidence (CRIM210)

Lecture 1

Course Outline

Semester Dates: September 04, 2017 to October 07, 2017

Please note that when a holiday falls during the week, your class will be rescheduled for the Friday of that week. Students are required to make arrangements to be present at the rescheduled class.

Facilitator: Chris Sheehan *MSc*

Email: christophers@COLUMBIA.ab.ca>

Class Time: 8:30 AM - 5:00 PM (Sat.)

Room: 805-114

Credit: 3

Prerequisite: None

Note: It is the student's responsibility to be familiar with the information contained in the Course Outline and to clarify any areas of concern with the facilitator.

Course Description:

This course examines selected topics in criminal procedure and evidence within the Canadian context. Emphasis is given to how criminal cases are processed through the court system. An investigation of the system of rules and standards through which the admissibility of evidence is determined will be made. The Charter of Rights and Freedoms and its impact on criminal procedure and evidence will also be examined in detail.

Learning Outcomes:

Students who successfully complete this course will demonstrate:

- Know and describe the nature, purpose, sources and principles of Canadian criminal procedure and evidence.
- Explain the process for bringing an accused to court, trials, dispositions, and appeals.
- Critically assess the procedures for gathering evidence in a criminal trial and its admissibility in court.
- Evaluate the procedures for search and seizure, electronic surveillance, admissions and confessions, and types of evidence and exclusionary rules.
- Critically examine the effects of the Charter of Rights and Freedoms on the rules of procedure and evidence.

Course Format:

This course uses a variety of teaching/learning methods including discussion, personal reflection, experiential exercises, student presentations, role-plays, group activities and especially case studies. Our faculty aims to create a learning environment where the learner is actively engaged in inquiry, critical thinking and problem solving. The classroom provides you with a place where you can learn with and from others in a cooperative and collaborative manner.

You are expected to take a very active part in class discussions and take responsibility for your own learning. Be a positive and co-operative team member. Columbia College uses a facilitation model of instruction where the facilitator's role is to facilitate your learning. The expectation is that you will come to class prepared with pre-class homework completed. Your facilitator will engage you in activities that are based on your completed homework and readings. Your enthusiastic and positive approach in the classroom will create an atmosphere that will help every student develop the knowledge, skills and attitudes that are needed for success.

How you conduct yourself in our classes will, to a large extent, mirror your conduct in society and your future work site. For example, if you have a tendency to ask questions, challenge the ideas of others in a respectful manner, draw out the best from your colleagues, and encourage both group development and task accomplishment in this class, it is likely you will do the same at work. A high level of student involvement and developing professionalism is expected in the classroom as you work towards your goal.

Required Textbooks and Equipment:

Brockman, J. & Rose, V. (2011). An introduction to Canadian Criminal Procedure and Evidence, 5th Edition, Toronto, ON: Nelson Education Ltd.

Haig, J., MacMillan, V., & Raikes, G. (2017). Cites & Sources; an apa document guide (5th ed.). Toronto, ON: Nelson Education Ltd.

Martin's Annual Criminal Code 2017 (2017). Carswell, A Division of Thomson Reuters Canada Ltd; Toronto CA.

Instructor handouts.

Recommended Readings and Resources:

Students may access this source from the College and from home.

GALE InfoTrac Custom Journals

- <http://infotrac.galegroup.com/itweb/calq145?db=SP00>
Password: cclibrary09

Further Recommended Readings and Resources:

N/A

Homework Assignment Due for the First Class:

- Read the Preface, Introduction and Chapter One in your text
- As a result of your reading assignment write down at least three questions that you would find beneficial to discuss in class.
- Read this course outline and be prepared to discuss in class.
- Be prepared for a test on your readings.

- **Evaluation - Assessment of Student Performance:**

The final grade in the course will be based on the following elements. Wherever possible facilitators will use rubrics to assess your performance and offer feedback.

Title of Assignment/Examination	Due Date	Weight
Daily Tests: at the start of the class	Classes 1 through 8	20%
Daily Summary Activity: at the end of the class	Classes 1 through 8	10%
Term paper	Class 8	20%
Presentation	Class 9	20%
Final exam	Class 10	30%

Please note that all homework and assignments are due at the beginning of each class.

Grading:

Grades for each component will be added together at the end of the semester. The final total will be translated to the Columbia College's 4.0 grading scale as follows:

Marking and Grading Conversion:

Description	Letter Grade	Grade Points	Percentage Scale	
Excellent	A+	4.0	100	95
	A	4.0	94	90
	A-	3.7	89	85
Good	B+	3.3	84	80
	B	3.0	79	75
	B-	2.7	74	70
Satisfactory	C+	2.3	69	65
	C	2.0	64	60
	C-	1.7	59	55
Poor	D	1.0	54	50
Failure	F	0.0	49	0

Please note that to pass this course you must earn at least a “D” (a minimal pass).

Submission and Completion of Assignments:

You are expected to submit assignments by the due date. Any late assignments may be assessed a marking penalty of 5% per day. If you are unable to submit an assignment on the due date, you must request an extension **before** the due date by filling out an *Application for Assignment Extension form (SSPP-F012)* that is to be submitted to the Department Chair for approval. This form is available on Columbia's website, Bldg. 802 – Main Office and from Department Chairs.

Requesting an Examination Deferral:

If you are requesting an exam to be deferred, you must submit an Application for *Deferred Examinations form (SSPP-F012)* to the Department Chair **within 48 hours of the missed examination date and time**. Applications for deferred examinations will only be considered due to medical or personal emergency. A medical certificate or other appropriate documentation may be required. This form is available on Columbia's website, Bldg. 802-Main Office and from Department Chairs.

Attendance Requirements:

Columbia College believes that students are committed to their program and learning experiences. However, it is understood that there are times when students may be absent. Any absences can be viewed as a potentially serious disruption of the learning process and necessary achievement of the learning objectives. Being late is also considered unacceptable as it interferes with the learning opportunities of others. Unavoidable absences or lateness must be reported to the course facilitator in advance. Please refer to Columbia College's *Attendance Policy and Regulations (ADM-P151)* for detailed information on Attendance Requirements.

Academic Integrity:

Academic dishonesty is a serious offence and can result in suspension or expulsion from Columbia College.

There is no tolerance for academic dishonesty and any student caught plagiarizing is subject to serious sanctions as outlined in the *Student Code of Conduct Policy (ADM-P229)*. Students are encouraged to familiarize themselves with this policy and avoid any behavior that could possibly be seen as cheating, plagiarizing, misrepresenting, or putting into question the integrity of one's academic work.

Student Conduct:

It is the responsibility of each student to uphold the expectations and responsibilities outlined in the *Student Code of Conduct Policy (ADM-P229)*, *Columbia's Commitment to Human Rights and Diversity Policy (ADM-P029)*, and any additional requirements established by your program.

Generally, each student will:

- be respectful and courteous toward others;
- demonstrate appropriate and supportive communication skills, and coach, assist, advise and otherwise support other students in their studies;
- manage any personal stress and conflict in a positive and resourceful manner, and assist others to do the same;
- be dressed in a manner appropriate for their workplace or learning environment, as established by the program;
- conduct themselves in a professional manner with regard to their communication with others and their behavior in class;
- conduct themselves with academic integrity in all of their learning activities, tests, exams, and assignments
- keep up with day-to-day classroom and course expectations.

Important Dates:

Description	Date
Last to add/drop courses	5 school operating days from the start of the semester OR before the third scheduled class, whichever is greater
Last day to withdraw without academic penalty	50% or less of the semester has been completed
Final Examination	A final exam may take many formats. If a final exam is scheduled, it will be taken in an assigned room under the supervision of a Test Proctor. <u>Students must be on time as they will not be permitted to enter once the exam has started.</u> Exam schedules are available in each building on a bulletin board, as well as, online at www.columbia.ab.ca/exams . <u>It is the student's responsibility to check this exam posting.</u>

Appeals:

Please refer to the *Student Appeal Policy (ADM-P177)*.

Students with Temporary or Permanent Disabilities or Medical Condition:

Students with temporary or permanent disabilities or medical condition may apply for accommodations. To be considered for an accommodation, a student must register with Columbia College's Accessibility Services by making an appointment with an Accessibility Services Advisor – Main Office – Bldg. 802 or emailing accessibilityservices@columbia.ab.ca. The Department Chair or facilitator is not able to provide you with any accommodations without you taking this step. Please refer to Columbia College's website to review *the Student Accommodation Policy (ADM-P188)* and *Student Guide to Accessibility Services (SSCM-001)*.

Student Support:

Students should be aware that Life Coaching, Career and Accessibility Services, and Student Support Services (i.e. tutoring, academic strategists, etc.) are provided by Columbia College. Inquire how to request these services at the Main Office in building 802. It is the student's responsibility to discuss their specific learning needs with the appropriate service provider.

Class Schedule/Overview:

Please note that this schedule is subject to change. Any changes or cancellations will be emailed to you. It is your responsibility to check the email address you have given to the school on a daily basis for any messages from the Department Chair/designate, facilitator or College Administration. It is the student's responsibility to be familiar with the information contained in the Course Outline and to clarify any areas of concern with the facilitator.

Class Session	Topics	Pre-Class Readings
1	<ul style="list-style-type: none">• Introduction and course overview• Perspectives on criminal procedure and evidence and the constitutional framework• Classification of offences, elections, and jurisdiction of the court	<ul style="list-style-type: none">• Preface, Introduction,• Chapter 1
2	<ul style="list-style-type: none">• Compelling the appearance of the accused and judicial interim release• Information and indictments, arraignments and pleas	<ul style="list-style-type: none">• Chapter 2• Chapter 3
3	<ul style="list-style-type: none">• Crown disclosure and preliminary inquiry	<ul style="list-style-type: none">• Chapter 4
4	<ul style="list-style-type: none">• Juries and procedures at trial	<ul style="list-style-type: none">• Chapter 5
5	<ul style="list-style-type: none">• Sentencing and appeals• Evidence that is illegally or improperly obtained	<ul style="list-style-type: none">• Chapter 6• Chapter 7
6	<ul style="list-style-type: none">• Search and seizure• Electronic surveillance and interception of private communications	<ul style="list-style-type: none">• Chapter 8• Chapter 9
7	<ul style="list-style-type: none">• Admission and confessions• Types of evidence	<ul style="list-style-type: none">• Chapter 10• Chapter 11
8	<ul style="list-style-type: none">• Types of evidence (cont'd.)• Exclusionary rules• Term Paper is Due	<ul style="list-style-type: none">• Chapter 11 (con't)• Chapter 12
9	<ul style="list-style-type: none">• Judicial notice, secondary sources, and opinion evidence• Presentations• Review	<ul style="list-style-type: none">• Chapter 13
10	<ul style="list-style-type: none">• <i>Final Exam – 3 hrs.</i>	<ul style="list-style-type: none">• N/A

Appendix 1 Assignment Outlines

Daily Tests

Due Date: Each class from classes 2 through 8.

Weight: 20%

Description: Students will be expected to read the assigned chapters in the text and other assigned readings and be prepared to write a graded test based on these reading assignments.

Class Summary Activity

Due Date: Daily (at the conclusion of the class; 1 through 8)

Weight: 10%

Description: Students will conclude each of the classes with a summary of the day's topic that answers the following: "What did I learn? What do I need to know more about? What steps do I need to do to be successful in light of what I learned today?" Be sure to specifically refer to what was discussed during the class. Write in a reflective journaling style and turn your answers into the facilitator for grading. The paper will have a minimum length of 250 words and contain insight into each of these three questions. Answers are to be written in the last 30 minutes of the class. No answers will be accepted that were prepared prior. If you are absent from the Summary Test, you will receive a "zero". Students will be evaluated according to the appended Short Writing Reflective Rubric.

Term Paper

Due Date: Class 8

Weight: 20%

Students will write a term paper critically examining the impact of the Canadian Charter of Rights and Freedoms on the Rules of Procedures and Evidence.

Students should refer to their Moodle course site for information on writing their term paper and use of an electronic template. The *Cites* text is the College's official source to use as an APA Reference. The paper will have a minimum length of 1200 words, but is not to exceed a maximum length of 1400 words (not including the title page, references, appendixes, table, and figure captions). The paper should meet APA standards. No abstract is required. The paper should have at least four references from scholarly journals like Gale. Students will be evaluated according to the attached rubric: Term Paper.

Team Presentation

Due date: Class 5 through 9

Weight: 20%

Description: Students will be organized into a team of 4-5 members. Each team will pick a topic of their choice from the text and assigned readings, make a 15 to 20-minute PowerPoint presentation to the class, and be prepared to respond to questions from class members. Students will be evaluated on their individual presentations.

Final Exam

Due Date: Class 10

Weight: 30%

Description: Students will be required to write a final exam consisting of multiple-choice questions covering the content of classroom learning and assigned text and other readings.

Appendix 2
Assignment Rubrics
Columbia College
Short Writing Reflective Rubric
 Last Revised: July 2017

Student's Name **Course Code** **Date** **Facilitator/Evaluator's Name**

Area	8	7	6-5	4-3	2-0	Score
Depth of Reflection	<ul style="list-style-type: none"> Reflection reveals a thorough insight of the subject matter. Shows depth of critical thinking. Uses specific and convincing examples to support reflective statements. 	<ul style="list-style-type: none"> Reflection reveals insight into the subject matter. Often there are thoughtful statements. Uses well-chosen examples to support reflective statements. 	<ul style="list-style-type: none"> Reflection reveals a basic understanding of the subject matter with an effort at reflection. At times, some reflective statements are evident. Uses some examples to support ideas on the subject matter and reflections. 	<ul style="list-style-type: none"> Reflection is limited. The writer produces some basic understanding of the subject matter. Uses limited number of examples to support ideas. This seriously affects the integrity of the reflection process 	<ul style="list-style-type: none"> Little to no reflection is present. Uses few to no examples. 	
	2	1.5		1-0		
Use of Writing Conventions: spelling, punctuation, capitalization, grammar	<ul style="list-style-type: none"> Demonstrates control of the writing conventions with few errors. 	<ul style="list-style-type: none"> Demonstrates some control of the writing conventions with errors that do not yet interfere with understanding. 		<ul style="list-style-type: none"> Demonstrates limited to no control of the writing conventions with frequent errors that make understanding difficult. 		

Total Score out of 10:

Facilitator/Evaluator's Comments:

Columbia College
Term Paper Rubric
Last Revised: January 2012

Student's Name	Course Code		Date	Facilitator/Evaluator's Name		
	A	B	C	D	F	Score
Writing Focus	5 <ul style="list-style-type: none"> • Presents a precise well developed thesis, reflecting insightful, original perspective. • Demonstrates direction in the development of the paper. 	4 <ul style="list-style-type: none"> • Presents a clear, carefully constructed thesis, reflecting original perspective. • Demonstrates direction in the development of the paper most of the time. 	3 <ul style="list-style-type: none"> • Presents a simplistic and/or unclear thesis. • Demonstrates some direction in the development of the paper, but often the paper is hard to follow. 	2.5 <ul style="list-style-type: none"> • Presents a partly developed thesis. • Demonstrates little direction in the development of the paper. 	2.4-0 <ul style="list-style-type: none"> • No thesis presented. • Development of the paper is unclear. 	
	10-9	8-7	6	5	4-0	
Content, Ideas & Analysis	<ul style="list-style-type: none"> • Displays extensive in-depth knowledge of the topic. Comprehends deeper meaning and relevance of topic. • Conveys insightful, original points of view. • Critically synthesizes and evaluates information. • Clearly supports all statements with examples. 	<ul style="list-style-type: none"> • Displays good knowledge of the topic. • Conveys some original points of view. Comprehends meaning and relevance of topic. • Demonstrates careful analysis, synthesis and evaluation of information. • Clearly supports most statements with examples. 	<ul style="list-style-type: none"> • Displays adequate knowledge of the topic. Requires further exploration. • Demonstrates some analysis, synthesis and evaluation of information. Supports some statements with examples. 	<ul style="list-style-type: none"> • Displays limited basic knowledge of the topic. • Explores topic inadequately, leaving areas unexplored. Displays limited analysis, synthesis, and evaluation of information. • Most statements are unsupported with examples. 	<ul style="list-style-type: none"> • Unable to display relevant understanding of the topic. • Critical thinking not evident. • Statements are unsupported with examples. 	

	10-9	8-7	6	5	4-0	
Style Expression of Ideas	<ul style="list-style-type: none"> • Uses highly effective, clearly focused, varied sentences. • Conveys all ideas with originality and clarity. • Uses rich, accurate and effective word choice. • Uses relevant, timely and varied sources to support ideas. • Shows smooth integration of quoted material into sentences and overall paper. 	<ul style="list-style-type: none"> • Mostly uses effective, well structured, focused, varied sentences. Conveys most ideas with originality and clarity. • Uses accurate and effective word choice. • Uses relevant, timely and varied sources to support ideas most of the time. • Quotes and evidence integrated well into sentences and overall paper. 	<ul style="list-style-type: none"> • Uses some variety in sentence structure. Conveys some ideas clearly. • Uses some effective word choice. • Uses some varied sources to support ideas. • Quotes and evidence at times integrated into sentences and overall paper. 	<ul style="list-style-type: none"> • Demonstrates limited variety of sentences. Many sentences are awkward. • Conveys few ideas clearly. • Uses vague, ineffective word choice. • Uses limited resources that are not well selected to support ideas. • Quotes and evidence poorly integrated into sentences and overall paper. 	<ul style="list-style-type: none"> • Uses simplistic sentence structures that are awkward. • Most ideas are not conveyed clearly. • Inadequate, simplistic word choice. • Lacks the use of support for ideas. • Quotes and evidence not integrated properly. 	
Organization and Structure	<ul style="list-style-type: none"> • Presents information in a consistently logical structure. • Shows sophisticated development of paragraph and sentence structure, with effective transitions. • Introduction and conclusion is very well developed. 	<ul style="list-style-type: none"> • Presents information in a logical structure. • Shows well developed paragraph and sentence structure with effective transitions. • Introduction and conclusion mostly shows good development. 	<ul style="list-style-type: none"> • Presents some of the information in a logical structure. • Shows some paragraph development and at times, awkward sentence structure. • Introduction and conclusion shows little development. 	<ul style="list-style-type: none"> • Presents information in a random manner, lacking in logical structure. • Paragraph and sentence structure is often faulty. • Introduction and conclusion not well developed or missing. 	<ul style="list-style-type: none"> • Presents poor overall organization, lacking logical structure. • Paragraphs lack focus and appropriate structure; sentence structures are simplistic, lacking development and transition. • Lacks introduction and conclusion. 	

Mechanics, Grammar, Professional Format	5	4	3	2.5	2.4-0	
	<ul style="list-style-type: none"> • Mainly error free. • Uses APA citation correctly. • Meets and exceeds all requirements for an excellent academic response. • Meets and exceeds all requirements of the assignment. 	<ul style="list-style-type: none"> • A few minor errors in usage, grammar, or mechanics. • Generally uses APA citation correctly. • Meets requirements for a well written academic response. • Meets requirements of the assignment. 	<ul style="list-style-type: none"> • Some errors in usage, grammar, and mechanics, beginning to interfere with the readability and meaning of the paper. • Uses APA citation inconsistently and with some errors. • Meets some requirements for an academic response. • Meets some of the requirements of the assignment. 	<ul style="list-style-type: none"> • Frequent errors in usage, grammar, and mechanics, interfering with the readability and meaning of the paper. • Use of APA citation contains many errors. Meets a few requirements for an academic response. • Meets few requirements of the assignment. 	<ul style="list-style-type: none"> • Numerous errors in usage, grammar, and mechanics, affecting the readability and meaning of the paper. • Many errors in APA citation, demonstrating lack of citation knowledge. • <input type="checkbox"/> Does not meet enough requirements for an academic response. • Does not meet any requirements of the assignment. 	

Plagiarism: A “0” grade will be given to a paper where significant sections of the paper were copied from other, unattributed sources.

Total out of 40:

Comments:

Columbia College
Oral Presentation Rubric
 Last Revised: January 23, 2014

Student's Name	Course Code	Date	Facilitator/Evaluator's Name		
Area	A (85% - 100%) 10.0 – 7.0	B - C- (55% - 84%) 6.9 – 5.5	D (50% - 54%) 5.4 - 5.0	F (0 - 49%) 4.9 - 0	Score
Organization	<ul style="list-style-type: none"> Creates introduction that is unique, clearly focused and engages the audience. Organizes content logically, making entire presentation easy to follow. Builds main points through carefully selected and original examples/ references. Has effective transition between sections. Summarizes all key points and stimulates thought at the end. 	<ul style="list-style-type: none"> Creates introduction that is original, clearly focused and gets the attention of the audience. Organizes content logically, making most of the presentation easy to follow. Builds main points through carefully selected examples/ references. Has a transition between most sections. Summarizes most key points and stimulates some thought at the end. 	<ul style="list-style-type: none"> Creates an introduction that tends to be unfocused. Doesn't engage the audience's interest. Content appears disorganized, without logic and consistency. Builds a few main points with details, but most ideas are unsupported. Few to no transitions are evident. Little to no summarizing evident. Ending does not stimulate much thought. 	<ul style="list-style-type: none"> Presentation shows little to no logical organization. Content is difficult to follow. Not a thoughtful presentation. 	
Content	<ul style="list-style-type: none"> Provides evidence of supporting research to back all main points. Gives a complete explanation of all key points. Uses relevant examples/ references. 	<ul style="list-style-type: none"> Provides evidence of supporting research. To back most points. Gives an explanation of most key points. Uses some relevant examples/ references. 	<ul style="list-style-type: none"> Provides evidence that not enough research has been done to support the content. Gives an incomplete explanation of key points. Uses a few relevant examples/ references. 	<ul style="list-style-type: none"> Indicates little to no research. Gives a limited explanation of a few points. Uses little to no examples/ references. 	

Area	A (85% - 100%) 10.0 – 7.0	B - C- (55% - 84%) 6.9 – 5.5	D (50% - 54%) 5.4 - 5.0	F (0 - 49%) 4.9 - 0	Score
Delivery Style: Nonverbal Effectiveness	<ul style="list-style-type: none"> • Demonstrates ease and confidence through carefully maintained posture, poise, and facial expression. • Uses continual eye contact. 	<ul style="list-style-type: none"> • Demonstrates confidence through most of the presentation with careful posture, poise, and facial expression. • Uses fairly consistent eye contact. 	<ul style="list-style-type: none"> • At times demonstrates developing confidence in presenting content. At times uses posture, poise, and facial expression to support presentation. • Uses eye contact inconsistently. 	<ul style="list-style-type: none"> • Shows lack of ease in presenting through poor posture, lack of poise, and lack of facial expression. • Uses poor to no eye contact. 	
Delivery Style: Verbal Effectiveness	<ul style="list-style-type: none"> • Conveys passionate interest for the topic. • Speaks naturally at a moderate rate with correct pronunciation, enunciation and volume. • Uses few unnecessary pauses “ums”. • Makes no obvious grammatical errors. • Uses cue cards or other supports effectively and does not read the presentation. • Uses rich, precise, and varied vocabulary. • Well-rehearsed and prepared. 	<ul style="list-style-type: none"> • Conveys enthusiasm for the topic. • Most of the time speaks clearly at a moderate rate with correct pronunciation, enunciation and volume. • Uses few unnecessary pauses “ums”. • Makes few grammatical errors. • Most of the time uses cue cards or other supports appropriately, without reading the presentation. • Uses well-chosen and varied vocabulary. 	<ul style="list-style-type: none"> • Demonstrates minimal enthusiasm for the topic. • Speaks with some lack of clarity in pronunciation and enunciation with varying volume and rate of speech. • Uses too many unnecessary pauses (“ums”), distracting from the presentation. • Makes some grammatical errors. • Tends to not use cue cards effectively and mostly relies on reading the presentation. • Uses ineffective vocabulary. 	<ul style="list-style-type: none"> • No enthusiasm is conveyed for the topic Speech is unclear with poor enunciation and incorrect pronunciation. • Volume and rate of speech are often inappropriate, making comprehension difficult. • Uses too many unnecessary pauses “ums”, making comprehension difficult. • Makes frequent grammatical errors. • Reads presentation. • Uses inappropriate or simplistic vocabulary. 	

Total Score out of 40:

Facilitator/Evaluator’s Comments: