**UNIVERSITY OF GUELPH**

**DEPARTMENT OF POLITICAL SCIENCE**

**POLS 4900 FALL 2019**

**PUNISHMENT: POLICY AND PRACTICE**

**Time: Mondays, 2:30 - 5:20 PM**

**Location: TBA**

**Instructor: Elliott Allen**

**Email:** [**jeallen@uoguelph.ca**](mailto:jeallen@uoguelph.ca)

**Office Hours: By appointment**

**Course Description**

Criminal sentencing is subject to a number of conflicting forces, from punitive populism to the restorative justice movement, from attempts to ensure uniform sentences to assertions of judicial independence. In this seminar students will examine topics such as mandatory minimum sentences, therapeutic courts, and the role of victims, as well as issues in sentencing offenders for particular crimes such as drugs and domestic violence.Students will also have the opportunity to explore impunity-who gets away with it. These topics will be examined in the larger context of questions about who should and who does exercise influence in sentencing: politicians, judges (trial and appellate), Crown Counsel and victims. Statements of policy from government and appellate courts, the application of those policies by the judiciary, and the results, intended or otherwise, will form the basis of class discussion, presentations and term papers. Students will have the opportunity to improve their ability to read case law and to develop and express informed opinion on issues in this battleground of competing political and social perspectives.

**Course Requirements**

1. Three case comments – two shorter papers worth 15% each and one longer paper worth 30%
2. Group presentation: 25 %
3. Individual class participation: 15%

**Course Materials**

The course text will be Manson, Healy et al. Sentencing and Penal Policy in Canada (3rd ed) (Toronto: Edmond Montgomery, 2016). It may be purchased at the University Bookstore. Supplementary materials will be identified on Courselink. Those not available online will be handed out during the semester. These will be referred to extensively. Students should also consult the relevant sections of the Criminal Code (C.C.C).As well students should follow related stories in the press and search out alternative narratives,such as Prof.Palmater’s book club.

**Course Outline (Subject to change based on speaker availability and emergent issues)**

**(P) denotes student presentation**

**1. September 9**

a. Course Introduction

b. Template: S718, CCC

Supplementary material: Fish, Morris J. “[An Eye for an Eye: Proportionality](https://www-jstor-org.subzero.lib.uoguelph.ca/stable/20185360?seq=1" \l "metadata_info_tab_contents)

[as a Moral Principal of Punishment”.](https://www-jstor-org.subzero.lib.uoguelph.ca/stable/20185360?seq=1" \l "metadata_info_tab_contents) Oxford Journal of Legal Studies, v.28, issue 1, Spring 2008, pp.57-72.

**2. September 16**

a. Philosophical Dimensions of Punishment (P)

b. The Daily Practice of Sentencing

Supplementary material: R. v. Song, 2009 ONCA 896; R. v. DeSousa, 2012 ONCA 254

3. September 23

a.The Roles of Counsel

Guest speakers:Julia Forward of the Wellington County Crown’s office and Matt Stanley,defence counsel.

**4. September 30**

a. Bail: First the Sentence, Then the Evidence

Guest speaker: Her Worship Justice of the Peace Karen Murphy

b. Judicial Methodology

Text: pp. 37-232

**5. October 15**

a. The Consequences of Incarceration (P)

b. Discussion of Case Comments

**6. October 22**

a. Race and Class in Sentencing (P)

b. Discussion of Selected Topics

Text: Chapter 16

**7. October 29**

a. The Perspective of a Police Officer

Guest Speaker: Inspector Cate Walsh, Gueph Police Service

b. The Role of Victims (P)

Text: Chapter 6

**8. November 5**

a. The Prosecution of Police

Guest Speaker: The Honourable Michael Epstein of the Ontario Court of Justice

b. Discussion of case comments.

**9. November 12**

a. Domestic and Sexual Violence (P)

b. Discussion of selected topics

**10. November 19**

a. Drug Addiction and Mental Health(P)

b. Discussion of Selected Topics

**11. November 26**

a. Mandatory Minimum Sentences

Guest Speaker: The Honourable James Stribopoulous of the Ontario Court of Justice

b. Discussion of Case Comments

Text: Chapter 17

**12. November 30**

a. Therapeutic Courts

Guest Speakers: Rachel Doyle, Stonehenge Therapeutic Community; Joslyn Gaston, CMHA; Armin Sethi, Waterloo Crown’s Office

b. Wrap Up

**Participation and Evaluation**

Individual participation is an essential part of the course. Students are expected to attend on time and to remain for the entire class. Note taking by hand is encouraged. Use of laptops and devices is to be kept to a minimum. Phones are off and stowed.

The basis for participation evaluation is set out below. Please note that I regard active listening as participation. Some people are quiet in class but show up, follow the conversation and do good work.Their participation mark is the average of their other marks in the course.

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| --- | --- | --- |
| Grade | Discussion | Reading |
| 13 -15 | Excellent: offers original analysis and comment; uses assigned reading to back up arguments. Valuable comments in virtually every seminar. | Clearly has done and understands readings; intelligently uses this understanding in discussion. |
| 9-12 | Good: thoughtful comments for the most part; willing, able and frequent contributor. | Has done most reading; provides competent analysis of reading when prompted. |
| 6-8 | Fair: has basic grasp of key concepts; but analysis at times incomplete or poorly supported. | Displays a familiarity with most reading, but tends not to analyze it or explore connections between different sources. |
| 3-5 | Not good: remarks in class marred by misunderstanding of key concepts; only occasionally offers comments or opinions. | Actual knowledge of material is outweighed by improvised comments and remarks. |
| 1-2 | Poor: rarely speaks, or parrots readings when put on the spot to offer an opinion. | Little apparent familiarity with assigned material. |
| 0 | Never speaks. | No apparent familiarity with assigned material. |

The requirements and basis of evaluation for the group presentations and case comments will be discussed during the first class.

***Notes****:*

*1. Students who need course adaptations or accommodations because of a disability, or who have emergency medical information to share, please speak to me during the first two weeks of classes.*

*2. Students who require accommodation on the basis of religious obligations are referred to the policy at:* [*https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-accomrelig.shtml*](https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-accomrelig.shtml)

*3. I would also like to draw your attention to the regulations and procedures on Academic Misconduct contained in the undergraduate calendar at:* [*https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml*](https://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml)