

SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

SAULT STE. MARIE, ONTARIO



Sault College

COURSE OUTLINE

COURSE TITLE: CRIMINAL AND CIVIL LAW

CODE NO. : PFP 301

SEMESTER: ONE

PROGRAM: POLICE FOUNDATIONS
LAW AND SECURITY ADMINISTRATION

AUTHOR: James Pardy

DATE: Sept 2006 **PREVIOUS OUTLINE DATED:** Sept. 2005

APPROVED:

M. C. [Signature]

DEAN

Sept 05/06

DATE

TOTAL CREDITS: THREE

PREREQUISITE(S): NONE

HOURS/WEEK: THREE

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For additional information, please contact the Dean
School of Health and Human Services
(705) 759-2554, Ext. 2603 / 2689

I. COURSE DESCRIPTION:

This course will enable the student to analyze the elements of an offence, to classify offences and to identify possible defences in criminal cases. This course will also enable the student to analyze the rights and obligations of citizens involving areas of civil law. The student will recognize the responsibilities and limitations of citizens and police officers in light of the Charter of Rights and Freedoms. The student will develop legal research and analysis skills to locate, interpret and apply statute and case law.

II. LEARNING OUTCOMES AND ELEMENTS OF PERFORMANCE

Upon successful completion of this course, students will demonstrate the ability to:

Locate, interpret and apply Canadian Statute and case law.

- i) Define terms as set out by the course instructor;
 - Law
 - Procedural law
 - Substantive law
- ii) Discuss the sources of Canadian Law
 - Legislation
 - Common Law
 - Case Law
 - Church Law
- iii) Identify functions of law
- iv) Identify law making areas of jurisdiction of the various levels of governments
 - Federal
 - Provincial
 - Municipal
- v) Locate Federal and Provincial statutes using print and on line sources
- vi) Describe typical layout of statutes including the breakdown of sections
- vii) Locate case law using print and on line sources
- viii) Explain the system of precedent

Identify basic rights under the Charter of Rights and Freedoms under the Canadian Constitution:

- i) Sec. 2: Fundamental Freedoms;
- ii) Sec 3: Democratic Rights;
- iii) Sec 6: Mobility Rights;
- iv) Sec 7: Legal Rights;
- v) Sec 8: Unreasonable Search and Seizure;
- vi) Sec 9: Arbitrary Detention or Imprisonment;
- vii) Sec 10: Rights on Arrest or Detention;
- viii) Sec 11: Rights Related to Criminal and Penal Matters;
- ix) Sec 12: Cruel and Unusual Treatment or Punishment;

- x) Sec 13: Right Against Self Incrimination;
- xi) Sec 15: Equality Rights;
- xii) Sec 24: Charter Remedies

Apply the basic principles of criminal law to given factual situations.

- i) Define terms as set out by the course instructor:
 - Indictable
 - Summary Conviction
 - Hybrid or Dual Procedure
 - Mens Rea
 - Actus Reus
 - Facts in Issue
- ii) Identify the most common criminal and quasi criminal offences in Federal and Provincial Statutes that influence the law enforcement process
- iii) From a given list, classify offences as indictable, summary conviction or dual procedure
- iv) Explain the reasons for the classification of offences
- v) Describe the role of the police and the Crown Prosecution in proving the elements of a crime (Facts in Issue)
- vi) Identify the "Actus Reus" elements of an offence
 - Conduct
 - Act
 - Omission
 - State of being
 - Circumstances
 - Consequences
- vii) Apply the legal principles of actus reus by describing types of actus reus, causation and voluntariness
- viii) Identify the "Mens Rea" in a given offence
 - Made a choice
 - Made choice of own free will
 - Made choice with knowledge that it was wrong
- ix) Apply the legal principles of mens rea by describing the types of mens rea and the methods of logical proof of the same
- x) Describe the differences between absolute and strict liability offences
- xi) Identify the various participants to a crime
 - Committer
 - Aider
 - Abettor
 - Counselor
- xii) Explain the role and criminal liability of the aider and abettor, counselor, accessory after the fact and conspirator;
- xiii) Compare the commission of an offence to attempts and conspiracies;

- xiv) Identify the most commonly used defences in criminal cases and describe the elements of each:
- Automatism
 - Drunkenness
 - Consent
 - Self Defence
 - Mistake of fact
 - Mistake of law
 - Duress

Apply civil law with respect to the rights and obligations of citizens in specific law enforcement areas.

- i) Classify issues in specific civil law areas of torts, contracts and property
- ii) Determine liability by applying the principles of the law of torts of assault, battery and trespass
- iii) Apply the principles of the tort law of false imprisonment
- iv) Apply the principles of tort law to the doctrines of negligence
- v) Recognize property ownership by applying basic law of property
- vi) Identify basic landlord and tenant contract elements and related legislation
- vii) Identify basic elements of contracts
 - Employment contract
 - Insurance contract
- viii) Identify issues in family law with respect to custody, property and support and related legislation
- ix) Identify labour law as it relates to labour disputes

Students will demonstrate their learning achievement of course learning outcomes by completions of:

- Application level tests (open and closed book)
- Application assignments
- Case Studies

III. TOPICS

1. Interpretation of Statute and case Law
2. Canadian Charter of rights and Freedoms
3. Basic Principles of Criminal Law
4. Civil Law

IV. REQUIRED RESOURCES

Martin's Annotated Criminal Code 2007, Emond Montgomery, Police Foundations edition
Criminal Law and Civil Law for Law Enforcement, second edition

V. EVALUATION PROCESS / GRADING SYSTEM

Students will be evaluated in the following manner:

Mid Term	50%
Final Exam	50%
TOTAL	100%

Students are also responsible for attending and writing their mid term and final exams on the scheduled dates. **Re-writes will not be permitted unless accompanied by a doctor's note.**

The following semester grades will be assigned to students in postsecondary courses:

<u>Grade</u>	<u>Definition</u>	<u>Grade Point Equivalent</u>
A+	90 – 100%	
A	80 – 89%	4.00
B	70 - 79%	3.00
C	60 - 69%	2.00
D	50 – 59%	1.00
F (Fail)	49% and below	0.00
CR (Credit)	Credit for diploma requirements has been awarded.	
S	Satisfactory achievement in field /clinical placement or non-graded subject area.	
U	Unsatisfactory achievement in field/clinical placement or non-graded subject area.	
X	A temporary grade limited to situations with extenuating circumstances giving a student additional time to complete the requirements for a course.	
NR	Grade not reported to Registrar's office.	
W	Student has withdrawn from the course without academic penalty.	

Note: For such reasons as program certification or program articulation, certain courses require minimums of greater than 50% and/or have mandatory components to achieve a passing grade.

Students enrolled in Police Foundations or Law and Security Administration programs will require a minimum of 60% (C) as a passing grade in each course.

It is also important to note, that the minimum overall GPA required in order to graduate from a Sault College program remains 2.0.

VI. SPECIAL NOTES:

Special Needs

If you are a student with special needs (e.g. physical limitations, visual impairments, hearing impairments, or learning disabilities), you are encouraged to discuss required accommodations with your instructor and/or the Special Needs office. Visit Room E1101 or call Extension 703 so that support services can be arranged for you.

Retention of Course Outlines

It is the responsibility of the student to retain all course outlines for possible future use in acquiring advanced standing at other post secondary institutions.

Plagiarism:

Students should refer to the definition of “academic dishonesty” in *Student Rights and Responsibilities*. Students who engage in “academic dishonesty” will receive an automatic failure for that submission and/or such other penalty, up to and including expulsion from the course/program, as may be decided by the professor/dean. In order to protect students from inadvertent plagiarism, to protect the copyright of the material referenced, and to credit the author of the material, it is the policy of the department to employ a documentation format for referencing source material.

Course outline amendments:

The Professor reserves the right to change the information contained in this course outline depending on the needs of the learner and the availability of resources.

Attendance

There is no specific grade assigned to attendance, however, it has been demonstrated year after year that students who do not attend classes on a regular basis will have a very difficult time in being successful. Attendance for tests and exams is **MANDATORY**. Only in the case of illness (accompanied by a doctors slip and a phone call to the faculty administering the test or exam) or compassionate (to be determined by the faculty) will any re-write be permitted.

VII. PRIOR LEARNING ASSESSMENT:

Students who wish to apply for advanced credit in the course should consult the professor. Credit for prior learning will be given upon successful completion of:

- A challenge exam
- Portfolio Development
- An Interview

VIII. DIRECT CREDIT TRANSFERS:

Students who wish to apply for direct credit transfer (advanced standing) should obtain a direct credit transfer form from the Dean's secretary. Students will be required to provide a transcript and course outline related to the course in question.

The following table shows the results of the survey conducted in the year 1970-1971. The data indicates a significant increase in the number of students enrolled in the program, which is attributed to the improved quality of the curriculum and the availability of financial aid.

