

**SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY**

**SAULT STE. MARIE, ON**

**COURSE OUTLINE**

**COURSE TITLE:** CANADIAN CRIMINAL PROCEDURES  
**CODE NO:** CJS 210  
**SEMESTER:** TWO  
**PROGRAM:** LAW AND SECURITY ADMINISTRATION  
**AUTHOR:** BOB TULLOCH  
**DATE:** JANUARY 1997  
**PREVIOUS  
OUTLINE DATED:** JANUARY 1996

**APPROVED:** *M. D. Donnell.* *Jan. 97.*  
DEAN DATE

**TOTAL CREDITS:** 4  
**PREREQUISITES:** NONE  
**LENGTH OF COURSE:** 4 HOURS / WEEK FOR 16 WEEKS  
**TOTAL CREDIT HOURS:** 64

**I. COURSE DESCRIPTION**

This course is designed to set out and examine the principles and procedures, which are the legal authorities with respect to arrest, custody, search and seizure, use of force and compelling appearance in court. The student will examine the principles and concepts of the Canadian system of justice and their application as they affect the rights and freedoms of the individual. Emphasis will be placed on the role, the responsibility and the accountability that the police have in the criminal justice system.

**II. LEARNING OUTCOMES AND ELEMENTS OF PERFORMANCE**

(Generic Skills and Learning Outcome placement on the course outline will be determined and communicated at a later date.)

**A. Learning Outcomes:**

\*\*\*\*\*

1. Discuss various principles and concepts of the Canadian Criminal Justice System and in particular discuss how they affect the rights and freedoms of the individual.

\*\*\*\*\*

2. List citizen arrest authorities and apply these authorities in various given situations.
3. List peace officer arrest authorities and apply these authorities in various given situations.

\*\*\*\*\*

4. State criteria which must be considered by peace officers before effecting an arrest in certain circumstances and apply these criteria in given situations.
5. State criteria which must be considered by peace officers after effecting an arrest in certain circumstances and apply these criteria in given situations.
6. State criteria which must be considered by an Officer-in-charge after an arrested person has been turned over to him/her by a peace officer and apply these criteria in given situations.

**PAGE 3**

\*\*\*\*\*

7. List various documents which may be used by peace officers and Officers-in-charge to compel the appearance of an accused in court and state the elements which are required in these various documents.

\*\*\*\*\*

8. State the common law authorities to search without a warrant and apply these authorities to given situations.
9. State some common statutory authorities to search without a warrant and apply these authorities to given situations.
10. State criteria to be considered in order to acquire a search warrant pursuant to either the Criminal Code or the NCA/FDA.

\*\*\*\*\*

11. Discuss various considerations of which a peace officer should be aware in dealing with young offenders.

**B. Learning Outcomes with Elements of Performance**

**Upon successful completion of this course the student will demonstrate the ability to:**

1. Discuss various principles and concepts of the Canadian Criminal Justice System and in particular discuss how they affect the rights and freedoms of the individual.

**Elements of Performance**

- \* Discuss the effect of section 52(1) of the Constitution Act of 1982.
- \* State legal rights contained in sections 7, 8, 9, 10 and 11 of the Canadian Charter of Rights and Freedoms.
- \* Discuss these and other relevant sections of the Canadian Charter of Rights and Freedoms such as sections 1, 13, and 24 and in particular discuss their impact on criminal procedures.

- \* Define other terms as set out by the instructor.

\*\*\*\*\*

2. List citizen arrest authorities and apply these authorities in various given situations.

**Elements of Performance**

- \* State citizen arrest authorities as contained in the Criminal Code of Canada.
- \* From a given scenario, determine whether a citizen would have an authority to effect an arrest.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

3. List peace officer arrest authorities and apply these authorities in various given situations.

**Elements of Performance**

- \* State peace officer arrest authorities as contained in the Criminal Code of Canada.
- \* From a given scenario, determine whether a peace officer would have an authority to effect an arrest.
- \* List the steps in effecting a proper arrest.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

4. State criteria which must be considered by peace officers before effecting an arrest in certain circumstances and apply these criteria in given situations.

**Elements of Performance**

- \* Discuss the concept of the "public interest" which must be considered before effecting an arrest in certain circumstances.

- \* List the various components that comprise the "public interest".
- \* Discuss in which circumstances these "public interest" considerations apply.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

5. State criteria which must be considered by peace officers after effecting an arrest in certain circumstances and apply these criteria in given situations.

**Elements of Performance**

- \* Discuss the concept of the "public interest" which must be considered after effecting an arrest in certain circumstances.
- \* Discuss in which circumstances these "public interest" considerations apply.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

6. State criteria which must be considered by an Officer-in-charge after an arrested person has been turned over to him/her by a peace officer and apply these criteria in given situations.

**Elements of Performance**

- \* Discuss the concept of the "public interest" which must be considered after an arrested person has been received by the O-I-C in certain circumstances.
- \* Discuss in which circumstances these "public interest" considerations apply.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

7. List various documents which may be used by peace officers and Officers-in-charge to compel the appearance of an accused in court and state the elements which are required in these various documents.

**Elements of Performance**

- \* List the options that are available to a peace officer when considering the release of a suspect or an arrested person.
- \* From a given scenario, determine the proper release option(s) which would apply.
- \* List the options that are available to an Officer-in-charge when considering the release of an arrested person.
- \* From a given scenario, determine the proper release option(s) which would apply.
- \* List and describe various documents commonly used by peace officers and O-I-Cs to compel the appearance of an accused in court including but not limited to appearance notices, promises to appear and recognizances.
- \* Also, describe other documents relevant to this topic including but not limited to informations, summonses, warrants and undertakings.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

8. State the common law authorities to search without a warrant and apply these authorities to given situations.

**Elements of Performance**

- \* State the common law authorities to search without warrant.
- \* From a given scenario, determine whether these authorities apply.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

9. State some common statutory authorities to search without a warrant and apply these authorities to given situations.

**Elements of Performance**

- \* State some common statutory authorities to search without a warrant which are found in the Criminal Code and the Narcotic Control Act.

- \* From a given scenario, determine whether these authorities apply.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

10. State criteria to be considered in order to acquire a search warrant pursuant to either the Criminal Code or the NCA/FDA.

**Elements of Performance**

- \* List places which may be searched with a search warrant pursuant to the Criminal Code.
- \* List places which may be searched with a search warrant pursuant to the Narcotic Control Act.
- \* From a given scenario, determine which type of search warrant would apply.
- \* State the steps which are necessary to properly obtain a search warrant.
- \* State the steps which would be necessary to execute a search warrant in another province.
- \* Define other terms as set out by the instructor.

\*\*\*\*\*

11. Discuss various considerations of which a peace officer should be aware in dealing with young offenders.

**Elements of Performance**

- \* Define key terms applicable to the Young Offenders Act
- \* Discuss the role of the police in the investigation of offences involving young offenders.
- \* List dispositions that a young offender may face upon sentencing in young offender proceedings.
- \* Discuss the issue of a "criminal record" as it pertains to young offenders.

\* Define other terms as set out by the instructor.

\*\*\*\*\*

**III. TOPICS TO BE COVERED**

Note: These topics sometimes overlap several areas of skill development and are not necessarily intended to be explored in isolated learning units or in the order below.

1. The Canadian Charter of Rights and Freedoms
2. Powers of arrest for citizens and peace officers
3. Considerations for release of a suspect or an arrested person
4. Compelling the appearance of an accused in court
5. An introduction to search and seizure authorities
6. An overview of the Young Offenders Act

**IV. REQUIRED STUDENT RESOURCES**

The Police Manual Of Arrest, Seizure and Interrogation, 6th Ed., Salhany

The Criminal Code of Canada (Carswell Pocket Code 1997 is recommended)

**V. METHODS OF EVALUATION**

The final grade will be derived from a combination of unannounced quizzes, announced tests, a mid-term test, a final exam and assignments(as required).

Unannounced Quizzes	20%
Announced Tests and Assignments	30%
Midterm Test	20%
Final Exam	30%
	-----
Total	100%



\* COLLEGE GRADING POLICY

A+	90% - 100%	Outstanding Achievement
A	80% - 89%	Above Average Achievement
B	70% - 79%	Average Achievement
C	60% - 69%	Satisfactory Achievement
U		Unsatisfactory (given at mid-term only)
S		Satisfactory (given at mid-term only)
R	Below 60%	Repeat
X		A temporary grade that is limited to instances where special circumstances have prevented the student from completing objectives by the end of the semester. An "X" grade must have the Dean's approval and has a maximum time limit of 120 days.

\* ADDITIONAL NOTES

Students enrolled in CJS 210 will be subject to unannounced quizzes. Should a student miss any quizzes without a reasonable explanation, that student shall receive a 0% grade for that quiz. A student may be excused for any two (max) unannounced quizzes without adversely affecting the student's mark simply by calling the instructor in advance.

If a student misses any other test or exam, the student **must** make arrangements with the instructor to rewrite within 7 days of the original test after first producing **written documentation** of a valid reason for the absence.

VI. SPECIAL NOTES

1. All students should be aware of the Special Needs Office in the college. If you have any special need such as a visual impairment, a hearing disability, a learning disability or any other special need, you are **encouraged to discuss** required accommodations confidentially with the professor and/or personnel in the Special Needs Office. The Special Needs office is located in Room E1204 and the phone number is: (705)759-2554 Ext.493.

2. Your professor reserves the right to modify the course as he/she deems necessary to meet the needs of the students.
3. It is the responsibility of the student to retain the course outline for possible future use in gaining advanced standing at other post-secondary institutions.
4. **Plagiarism:** Students should refer to the definition of "academic dishonesty" in the Statement of Student Rights and Responsibilities. Students who engage in "academic dishonesty" will receive an automatic failure for that submission and/or such penalty, up to and including expulsion from the course, as may be decided by the professor.

#### **VII. PRIOR LEARNING ASSESSMENT**

Students who wish to apply for advanced credit in the course should consult with the Co-ordinator of the Law and Security Administration Program. Credit for prior learning will be given upon successful completion of the following:

1. Successful completion of the **Recruit Training Level One at the Ontario Police College.**
- or
2. Experience in a Law Enforcement setting, accompanied by an oral test and written test encompassing the learning outcomes of this course.