

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
Protection Security Investigation

AUTHOR: Frank Caputo

DATE: Sept 2013 **PREVIOUS OUTLINE DATED:** Sept. 2012

APPROVED: _____
"Angelique Lemay" **May/13**
DEAN **DATE**

TOTAL CREDITS: THREE

PREREQUISITE(S): NONE

HOURS/WEEK: THREE

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I. COURSE DESCRIPTION:

This course will enable the student to analyze the elements of an offence, to classify offences and to identify possible defenses 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 2003, Emond Montgomery, Police Foundations edition
Criminal Law and Civil Law for Law Enforcement

V. EVALUATION PROCESS / GRADING SYSTEM

Students will be evaluated in the following manner:

| | |
|------------|------|
| Test one | 35% |
| Test Two | 35% |
| Test three | 30% |
| 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% | 4.00 |
| A | 80 – 89% | 3.00 |
| B | 70 - 79% | 2.00 |
| C | 60 - 69% | 1.00 |
| D | 50 – 59% | 0.00 |
| F (Fail) | 49% and below | |
| 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:**Attendance:**

Sault College is committed to student success. There is a direct correlation between academic performance and class attendance; therefore, for the benefit of all its constituents, all students are encouraged to attend all of their scheduled learning and evaluation sessions. This implies arriving on time and remaining for the duration of the scheduled session.

It is the departmental policy that once the classroom door has been closed, the learning process has begun. Late arrivers will not be granted admission to the room.

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. COURSE OUTLINE ADDENDUM:

The provisions contained in the addendum located on the portal form part of this course outline.

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.

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 postsecondary institutions.

Prior Learning Assessment:

Students who wish to apply for advance credit transfer (advanced standing) should obtain an Application for Advance Credit from the program coordinator (or the course coordinator regarding a general education transfer request) or academic assistant. Students will be required to provide an unofficial transcript and course outline related to the course in question. Please refer to the Student Academic Calendar of Events for the deadline date by which application must be made for advance standing.

Credit for prior learning will also be given upon successful completion of a challenge exam or portfolio.

Substitute course information is available in the Registrar's office.

Accessibility Services:

If you are a student with a disability (e.g. physical limitations, visual impairments, hearing impairments, or learning disabilities), you are encouraged to discuss required accommodations with your professor and/or the Accessibility Services office. Visit Room E1101 or call Extension 2703 so that support services can be arranged for you.

Communication:

The College considers *Desire2Learn (D2L)* as the primary channel of communication for each course. Regularly checking this software platform is critical as it will keep you directly connected with faculty and current course information. Success in this course may be directly related to your willingness to take advantage of this Learning Management System (LMS) communication tool.

Plagiarism:

Students should refer to the definition of “academic dishonesty” in *Student Code of Conduct*. 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.

Tuition Default:

Students who have defaulted on the payment of tuition (tuition has not been paid in full, payments were not deferred or payment plan not honoured) as of the first week of <choose November, March, or June> will be removed from placement and clinical activities due to liability issues. This may result in loss of mandatory hours or incomplete course work. Sault College will not be responsible for incomplete hours or outcomes that are not achieved or any other academic requirement not met as of the result of tuition default. Students are encouraged to communicate with Financial Services with regard to the status of their tuition prior to this deadline to ensure that their financial status does not interfere with academic progress.

Student Portal:

The Sault College portal allows you to view all your student information in one place. **mysaultcollege** gives you personalized access to online resources seven days a week from your home or school computer. Single log-in access allows you to see your personal and financial information, timetable, grades, records of achievement, unofficial transcript, and outstanding obligations, in addition to announcements, news, academic calendar of events, class cancellations, your learning management system (LMS), and much more. Go to <https://my.saultcollege.ca>.

Electronic Devices in the Classroom:

Students who wish to use electronic devices in the classroom will seek permission of the faculty member before proceeding to record instruction. With the exception of issues related to accommodations of disability, the decision to approve or refuse the request is the responsibility of the faculty member. Recorded classroom instruction will be used only for personal use and will not be used for any other purpose. Recorded classroom instruction will be destroyed at the end of the course. To ensure this, the student is required to return all copies of recorded material to the faculty member by the last day of class in the semester. Where the use of an electronic device has been approved, the student agrees that materials recorded are for his/her use only, are not for distribution, and are the sole property of the College.