



Université d'Ottawa | University of Ottawa

Département de criminologie | Department of Criminology

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LEGAL AND CRIMINOLOGICAL PERSPECTIVES ON WRONGFUL CONVICTION

FIELD RESEARCH COURSE SCS 3210/4210

**KATHRYN M. CAMPBELL
SPRING 2015**

COURSE OUTLINE

COURSE DESCRIPTION

This course will allow students to gain a greater understanding of the phenomenon of wrongful convictions, and their sequela, as they occur in Canada and in the state of Louisiana. Students' experiences in this field research course will be both pedagogical and practical. Classroom instruction will provide students with an introduction to wrongful convictions as well as provide a greater understanding how they may occur within both Canadian and American criminal justice systems. Students will be exposed to research on the many contributing factors to wrongful conviction, including eyewitness misidentification, the role of jailhouse informants, false confessions, police/prosecutorial misconduct and faulty forensic science and expert testimony. The course will also focus on wrongful convictions as they occur in the southern United States and on the role of the death penalty. In addition to classroom instructions, students will undertake a field placement in a community organization in New Orleans Parrish that focuses on wrongful convictions and their aftermath. Combining a field placement with classroom instruction will provide the students with a theoretical and practical understanding of how the criminal justice system can both create and address miscarriages of justice.

COURSE OBJECTIVES

The objectives of this course are to provide students with a well-rounded understanding of how wrongful convictions may occur and how the system attempts to address them. By using both classroom instruction and field placement practice, students will not only be exposed to the

research, case law and literature on wrongful convictions, but also to how the community attempts to rectify miscarriages of justice and provide supports for the exonerated upon release. New Orleans is an opportune setting for such a class, as it has a strong innocence project, a history of addressing wrongful convictions and a number of community agencies that support the exonerated upon release. In addition to classroom and field placement experiences, students will also be provided the opportunity to undertake educational excursions while in New Orleans to visit a prison, a courthouse, an innocence project and a youth custody facility.

GENERAL

For students to:

1. Gain a better understanding of the problems related to defining what constitutes a miscarriage of justice or a wrongful conviction.
2. Situate miscarriages of justice within both legal and criminological frameworks.
3. Explore the research, literature and case law that illustrate miscarriages of justice in Canada and the state of Louisiana.

SPECIFIC

For students to:

1. Have a basic understanding of the functions of both Canadian and American criminal law.
2. Understand how particular legal and extra-legal factors contribute to wrongful convictions.
3. Understand the role of various actors in the criminal justice system (including police, prosecutors, defense counsel and judges) that play in part in contributing to wrongful convictions, but may also facilitate exonerations.
4. Be exposed to how wrongful convictions are addressed by various community organizations in New Orleans.

PROPOSED COURSE STRUCTURE

The pedagogical aspect of the course will involve meeting three times per week, for three hours each time. Students will be given instruction by myself and a number of guest lecturers on an introduction to basic criminal law in Canada and the United States, on the differing contributing factors to miscarriages of justice, on how wrongful convictions occur in the southern United States and on the role of the death penalty. The field placement aspect of the course will take

place in a number of settings where issues of wrongful convictions are addressed, including Innocence Project New Orleans, Resurrection after Exoneration, and offices of defense counsel. Students are expected to do a minimum of ten hours per week in their field placement (but are free to do more) for a total of thirty hours. Finally, students will be provided the opportunity to participate in a number of educational excursions, including visits to a courthouse, a prison and a youth facility, where they will be exposed to the actual workings of the criminal justice system.

EVALUATION

Students will be evaluated according to a number of activities.

Evaluation Format	Weight
Participation/Discussion	10%
Brief Presentation	20%
Field Placement Reflections	30%
Final Essay	40%
Total	100%

1. **Participation/Discussions** – 10%

Given the seminar format of the class, students will be encouraged to actively participate during class discussion both at the pre-placement seminars in Ottawa and during class time in New Orleans.

2. **Brief Presentation** – 20%

During the second week of classes in New Orleans, students will make a brief, individual, 15-minute presentation on an American case (preferably from the state of Louisiana) that illustrates one of the contributing factors to wrongful conviction. The factors include eyewitness misidentification, the use of jailhouse informants, false confessions, police/prosecutorial/judicial misconduct, and faulty forensic science. Students will choose a case that demonstrates how one of these factors contributed to a specific wrongful conviction and present the issue to the class.

3. **Field Placement Reflection** – 30%

Students will be required to keep an ongoing journal of their field placement experience while they are in New Orleans. The journal will allow the students to keep track of the evolution of their own learning. Following completion of their placement, students will compose a 1000 word reflection on their placement, based in part on their journal entries, as well as on what they have learned throughout the course.

4. **Final Essay** – 40%

Students will be expected to research a topic related to the issue of wrongful convictions as they occur in the state of Louisiana. Further detail on this paper will be provided during the course but will be due at the last class.

TEXT

Students will be able to purchase a bound copy of the required readings for this course prior to departure.

COURSE SCHEDULE

1. Pre-Departure Training - Ottawa

Students will be required to meet for one day each in February, March and April 2015 to review issues and expectations regarding the field research course. Each session will take approximately three hours and cover content related to the course, travel, expectations and living abroad for three weeks. The pre-departure classes will likely be held on the weekend so as to not conflict with class hours during the winter semester. Dates will be arranged in consultation with the students.

Date	Training
Day 1 – February – date to be determined	<ul style="list-style-type: none">- Introduction to course, professor and other students;- Orientation;- Course Requirements – academic, administrative, financial;- Teacher’s objectives and expectations;- Student’s objectives and expectations.
Day 2 – March – date to be determined	<ul style="list-style-type: none">- Review of course content;- Student performance, evaluation, marking;- Student field placements;- Information on visas, health, security.
Day 3 – April – date to be determined	<ul style="list-style-type: none">- Orientation toward the American legal system;- Viewing of a documentary film regarding the New Orleans Innocence Project;- Final arrangements for flights and housing.

2. In the Field – New Orleans, Louisiana

The New Orleans component of the course involves exposing the students to how wrongful convictions occur in this jurisdiction, and how they are addressed by the courts and by state governments. In-class sessions will focus on understanding the many causes of wrongful convictions, including eyewitness misidentification, the use of jailhouse informants, false confessions, police/prosecutorial/judicial misconduct and faulty forensic science. Throughout the three weeks, educational excursions will be arranged to visit a number of facilities, including New Orleans Innocence Project, Louisiana State Penitentiary, Orleans Parish Criminal District Court and a youth facility. Students will also be expected to undertake a ten-hour per week field placement for a total of thirty hours; field placements will be arranged beforehand and take place in facilities where wrongful convictions are addressed. Participation in field placements will enhance the students' overall experience and will help them in developing their research papers.

Course Schedule

While on site in New Orleans, the class will meet three times per week for three hours each session, the total class room instruction time over the three weeks will 27 hours. At the same time, students will be involved in a field placement whereby they will be working ten hours per week (total of 30 hours), for three weeks engaged in activities in the field. In addition, educational excursions will take place each week whereby the class as a whole will visit sites of interest and relevance to the course.

WEEK I

DATE (subject to change)	SCHEDULE
Saturday May 2 nd , 2015	Flight: Ottawa (YOW) to New Orleans (MSY) Students arrive and will check in at the residence.
Sunday May 3 rd , 2015	Free time to acclimatize to New Orleans, to the commute to the classroom, etc...
Monday May 4 th , 2015	9:00-12:00 – Seminar i. Introduction to Wrongful Convictions: In this seminar, we will briefly explore some of the factors that contribute to miscarriages of justice. Readings: Campbell & Denov (2015); Gould & Leo (2010); Gross et al (2005); Roach,

	<p>(2012).</p> <p>Case law: <i>District Attorney's Office for the Third Judicial District, et al. v. Osborne; US v. Burns and Rafay</i></p>
Tuesday May 5 th , 2015	<p>9:00-12:00 – Seminar</p> <p>ii. Introduction to Criminal Law: USA & Canada.</p> <p>Readings: Davenport (2014); Griffiths (2011); Robinson & Dubber (2007)</p> <p>Guest Lecturer:</p>
Wednesday May 6 th , 2015	<p>9:00-12:00 – Seminar</p> <p>iii. Contributing Factors to Wrongful Conviction – Eyewitness Misidentification and the Role of Jailhouse Informants</p> <p>Readings: Baxter, 2007; Clements, 2007; Sherrin (1997a; 1997b); Wells & Olson, 2003.</p> <p>Case law: <i>Manson v. Braithewaite; R. v. McIntosh, US. v. Sudikoff; Vetrovec v. The Queen;</i></p>
Thursday May 7 th , 2015	<p>9:00- 12:00: Field Visit to Innocence Project New Orleans</p> <p>1:00-5:00: Students in field placements</p>
Friday May 8 th , 2015	<p>9:00- 12:00: Field Visit to Resurrection after Exoneration</p> <p>1:00-5:00: Students in field placements</p>
Saturday May 9 th , 2015	<p>Day off – visit sites of New Orleans</p>

Sunday May 10 th , 2015	Day off – visit sites of New Orleans
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WEEK II

DATE	SCHEDULE
Monday May 11 th , 2015	<p>9:00-12:00 – Seminar iv. Contributing Factors to Wrongful Conviction – False Confessions and Police Misconduct</p> <p>Readings: Drizen & Leo (2004); Kassin (2008); MacFarlane (2008); Moore & Fitzsimmons (2011).</p> <p>Case law: <i>R. v. Oickle</i>; <i>Hill v. Hamilton-Wentworth Regional Police Service Board</i>; <i>State v. Adams</i>.</p>
Tuesday May 12 th , 2015	<p>9:00-12:00 – Seminar v. Contributing Factors to Wrongful Conviction – Prosecutorial Misconduct</p> <p>Readings: Balko, R. (2013) Bandes (2006); Medwed (2004); West (2010).</p> <p>Case law: <i>Connick v. Thompson</i>; <i>Stinchcombe v. The Queen</i>; <i>Dix v. Canada</i>.</p> <p>Guest Lecturer:</p>
Wednesday May 13 th , 2015	<p>9:00-12:00 – Seminar vi. Contributing Factors to Wrongful Conviction – Student 15 Minute Presentations</p>
Thursday May 14 th , 2015	<p>9:00- 4:00 Field Visit: Louisiana State Penitentiary, Angola, Louisiana</p>

Friday May 15 th , 2015	9:00- 12:00: Field Visit to Orleans Parish Criminal District Court 1:00-5:00: Students in field placements Students in field placements
Saturday May 16 th , 2015	Day off – visit sites of New Orleans
Sunday May 17 th , 2015	Day off – visit sites of New Orleans

WEEK III

DATE	SCHEDULE
Monday May 18 th , 2015	9:00-12:00 – Seminar vii. Contributing Factors to Wrongful Conviction – Faulty Forensic Science and Expert Testimony Readings: Campbell (2011); Goudge (2008). NAS Report (2009). Case law: <i>R. v. Mohan</i> ; <i>Truscott Re.</i> ; <i>Daubert v. Merrel Dow Pharmaceuticals, Inc.</i>
Tuesday May 19 th , 2015	9:00-12:00 – Seminar viii. Wrongful Convictions in the Southern United States: The Role of Race Readings: Bright (1994); Rizer (2002); 1 & Hattery (2010). Guest Lecturer:
Wednesday May 20 th , 2015	9:00-12:00 – Seminar ix. The Death Penalty and Wrongful Convictions Readings: Blackerby (2003); Garland (2005); Grann (2009); Wiseman (2011).

	Case Law: <i>Texas v. DeLuna</i> ; Posthumous Full Pardon Application (Todd Willingham).
Thursday May 21 st , 2015	9:00- 12:00: Field Visit to Bridge City Centre For Youth (BCCY) 1:00-5:00: Students in field placements Last day of Field Placements Farewell dinner
Friday May 22 nd , 2015	Flight: New Orleans (MSY) to Ottawa (YOW)
Saturday May 23 rd , 2015	Flight: New Orleans (MSY) to Ottawa (YOW)

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