

Module 3: Criminal Law

Enduring Understanding

Law provides order and serves to protect individuals in society. It is designed to ensure the sanctity of life and well-being of citizens, to deter violence, and to provide rational solutions to protect people and goods. The purpose of justice has changed over time from being purely punitive to including principles of restitution and rehabilitation. Indigenous peoples have also developed viable alternatives to sentencing, some of which have been adopted into the Canadian legal system. The bigger picture of a crime, including victim rights and factors concerning the offender and the offence, are taken into account in sentencing.

Learning Experiences

- 3.1 Define the purpose and characteristics of criminal law in Canadian society, including the *Youth Criminal Justice Act*, and explore the challenge of finding balance between retribution and rehabilitation that recognizes the legal rights of both the offender and the victim.
- 3.2 Demonstrate an understanding of the elements of a criminal offence, such as *actus reus*, *mens rea*, and absolute liability.
- 3.3 Describe and analyze criminal offences that involve people, such as homicide, assault, and sexual assault.
- 3.4 Describe and analyze criminal offences that involve property, such as theft, robbery, and breaking and entering, as well as other criminal offences, such as drug trafficking and possession, identity theft, and fraud.
- 3.5 Develop an understanding of how persons other than a principal offender can be charged and convicted of a criminal act, such as with charges of conspiracy, attempt, or aiding and abetting.
- 3.6 Describe the major steps involved in investigation and arrest, including the collection and analysis of evidence, detention, and pretrial release.
- 3.7 Identify and describe defences for the accused, such as mental state, self-defense, and duress.
- 3.8 Describe the structure of the Canadian criminal court system and the roles of participants, such as the judge, witnesses, jury, Crown counsel, defence counsel, and other court personnel.
- 3.9 Describe the steps of a criminal trial, including preliminary inquiry, plea negotiations, opening statement, examination, verdict, and appeal.
- 3.10 Discuss the various goals of sentencing, such as protection of the public, deterrence, and restitution, as well as the advantages and disadvantages of different types of sentences, such as probation, conditional sentences, and incarceration.

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Module 3: Criminal Law (*continued*)

- 3.11 Distinguish between adult sentencing and the procedures for sentencing young offenders, as outlined in the *Youth Criminal Justice Act*.
 - 3.12 Explore the concept of restorative justice through alternative measures, such as sentencing circles and family group conferencing, as recommended by the Aboriginal Justice Inquiry (1991) and the Gladue ruling (1999).
 - 3.13 Analyze the overrepresentation of Indigenous people incarcerated in Manitoba and in Canada, and how the judicial system is responding to this issue, particularly in light of the recommendations made by the Aboriginal Justice Inquiry (1991) and in the *Truth and Reconciliation Commission of Canada: Calls to Action* document (2015).
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