

The University of Western Ontario
DEPARTMENT OF SOCIOLOGY
SOCIOLOGY 3312/001: WRONGFULLY CONVICTED
Fall 2016

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Class Times: Thursday 12:30 – 3:30pm
Class Room: 3014 SSC
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Web Site: <https://owl.uwo.ca/>



Some Canadian wrongful conviction victims: Donald Marshall Jr., James Driskell, David Milgaard, William Mullins-Johnson, Steven Truscott, Kyle Unger

COURSE DESCRIPTION

The course will critically explore the phenomenon of wrongful convictions with an emphasis on systemic bias and the intersection of race, gender, class, age, and mental disability; the causes of wrongful convictions – eyewitness testimony, informants, expert testimony; forensic evidence; tunnel vision, interrogation techniques; and the biases of the police, the prosecution, and the judiciary, as well as, ineffective defense counsel.

Prerequisite for the course: SOC2253 and enrollment in third year or fourth year of Honours Specialization or Majors in Sociology. Unless you have either the requisites or written special permission from your Dean to enroll in it, you will be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites.

REQUIRED TEXTS

The following books are required and available at the University Bookstore.

- *Manufacturing Guilt* (2nd edition), 2009, Anderson & Anderson, Fernwood Press, **MG**
- *When Justice Is a Game*, 2009, Maidment, Fernwood Press, **JG**

Note: In addition, further required readings have been uploaded to **Readings** on the class' OWL homepage.

LEARNING OUTCOMES

The successful student will be able to:

1. Think critically about the way in which the criminal justice system perpetuates wrongful convictions.
2. Understand the etiology of systemic bias through examining the impact of factors associated with the wrongful convictions of those who are marginalized in this country.
3. Make an argument about the relevance of racial or gender or class bias on the wrongful conviction phenomenon in a particular case.
4. Identify what remedies are available once a finding of systemic bias has been made.
5. Identify and propose areas of reform to address the fallibility of the criminal justice system.

METHOD OF EVALUATION

Participation - Weekly Wiki	15%
Multiple Choice Questions (4)	5%
Group Lecture Project	20%
Video Project or Essay	30%
Exam	30%

COURSE ATTENDANCE REQUIREMENTS:

With the exception of legitimate medical/personal excuses (documentation required to be submitted) students are expected to attend at least 80% of the class meetings for this course. A passing grade in the course cannot be obtained without meeting this attendance requirement. This class will be a community of learners, so everyone must be present to learn and to help others learn. Punctual and regular attendance at classes is expected.

Class Structure:

This class may be different from any other class in which you as students have participated. There are 40 students in the class – students in the first week, will choose to be part of a team of four (4). This team will work together in the “Group Lecture

Project” (one lecture), and each member of the team will send me a multiple choice question from the readings and films that they cover in their designated group lecture. Throughout the course, we (students & and professor) are going to become a class of collaborators working together to develop a “Wiki Master Notebook” about the Wrongfully Convicted, from which all participants can study. This Master Wiki notebook will be the basis of the final exam. On a weekly basis, a group of four will review, copy and paste the ideas, concepts, legal terms and theories to which all students will contribute during class discussions, in the ‘Comments’ section of the Wiki. Laptops will be required.

Participation:

This is worth 15% of your final grade in this course. Attendance is **compulsory** for each class, and if it is not your group’s turn to lead a class discussion, you are still essential in the creation and development of the materials in our “Wiki Master Notebook”. Wiki credits all input such that participation can be tracked. Failure to attend will result in a **substantially reduced** grade.

Group Lecture Project:

Students will create groups of four in the first week. Then each group will sign-up to do the leading of one of the ten (10) lectures in the course. The preparation for the ‘leading’ will require that the group members read, comprehend and know well, the key factors, ideas, data and theories central to the week’s readings. This will ensure that the group provides all material central to the ‘structure’ laid out in every week’s Wiki. During the class, following the showing of a relevant film, the designated group will lead the discussion given their familiarity with the readings. As we work through and discuss the issues following the ‘structure’ provided, all students will be able to input their ideas in the ‘Comments’ section of the Wiki, using their laptops.

Video Project:

Students can choose to develop a 15 to 20 minute video examining or analyzing an “Exonoree”, detailing the components / factors which led to the conviction of their Exonoree. The Exonoree **cannot** be one covered in the Andersons’ text.

A video can incorporate materials (video clips, transcripts, Internet material) to add to or clarify a case.

Organize your presentation very carefully (introduction, review of relevant issues, conclusion). The video is worth 30%.

Instructions on the technical aspects of creating a video will be made available under the Course Content tab.

The video will be uploaded to the “Assignment” folder by 5pm on the 26th of November.

Or

Essay:

Students can choose to write an analysis of an Exoneree, detailing the components / factors which led to the conviction of their Exoneree. The Exoneree **cannot** be one covered in the Andersons' text.

The paper must be 8 pages in length, double-spaced, and typewritten. The paper is worth 30%. The papers will be graded on writing quality, clarity of ideas, and evidence of solid comprehension. Lack of proofreading, grammatical, and punctuation errors will result in a **substantially reduced** grade. Please see marking matrix at end of syllabus for requirements. It will also be available under the Course Content tab. Essays must be uploaded to Turnitin in the "Assignment" folder by 5pm on the 26th of November.

Plagiarism

Students must write their assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence (see Scholastic Offence Policy in the Western Academic Calendar).

Plagiarism Checking

All reaction papers will be uploaded to Turnitin.com on the class web site. These papers will be subject to submission for textual similarity review. All papers submitted will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Policy on Laptops in Class

The use of laptops is permitted in class as authorized by Professor Luton in developing the 'Master Class Wiki Notes'.

Exam

The exam will be composed of multiple-choice questions. It will be held in the December exam schedule and will be 2 hours long.

Scantron Exams

Computer-marked multiple-choice tests and/or exams will be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating.

Missed Exam and Late Assignments

You should understand that academic accommodation will not be granted automatically on request. If, due to medical illness, you cannot write a test, or submit an assignment by the due date, it is your responsibility to follow the University's **new** "Policy on

Accommodation for Medical Illness". This policy can be accessed at:
http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf.

Grades and Grading

Grades (except the final year-end mark) will be posted to the OWL site as they become available.

Grade Distributions

The Department of Sociology at the University of Western Ontario has adopted grade distribution guidelines which all instructors are required to follow. For Sociology courses at the 3100 and 3200 level:

- "A"s are not to exceed "B"s and
- Means must be in the range of 70-74%

Policy on Accommodation for Medical Illness

Western's policy on Accommodation for Medical Illness can be found at
www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf.

Students must see the Academic Counsellor and submit all required documentation in order to be approved for certain accommodation:

http://counselling.ssc.uwo.ca/procedures/medical_accommodation.html

Accessibility Options:

Please contact the course instructor if you require material in an alternate format or if you require any other arrangements to make this course more accessible to you. You may also wish to contact Services for Students with Disabilities (SSD) at 519 661-2111 x 82147 for any specific question regarding an accommodation. Information regarding accommodation of exams is available on the Registrar's website:

www.registrar.uwo.ca/examinations/accommodated_exams.html

Scholastic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site:

www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Mental Health

Students who are in **emotional/mental distress** should refer to Mental Health@Western (http://uwo.ca/health/mental_wellbeing/index.html) for a complete list of options how to obtain help.

Policy on Make-Up Exams

The exam date is firm and will not be changed. A make-up exam will be offered only in the most compelling of circumstances, such as serious illness or a death in the family. Be advised that if you miss the exam you run a serious risk of getting a zero on that component of your grade. To be considered for a make-up, you must:

- Notify Professor Luton of your circumstances BEFORE the scheduled exam and
- Obtain clear documentation of your illness and file that documentation with the Academic Counseling office of your faculty.

Once these things have been done, and once Luton has been notified by your Academic Counseling office that the documentation has been examined and found to be legitimate, then a date for a make-up will be set. Sociology department policy is that all make-ups will be scheduled for a Friday, and a failure to take the make-up at the assigned date and time will result in a zero being earned.

Email

Every student has been assigned a UWO email address by the Registrar's office. If you have not as yet activated that account, you should do so immediately. The ITS desk in the Western Service building can help you with questions about your account. Every so often Professor Luton will be sending out mass emails to the class and you are responsible for any information (about exams, your grade, missed assignments, etc.) in those emails. This means that you are expected to check your UWO account at least three times a week. If you have your UWO mail forwarded to another account (Hotmail, Yahoo, etc.), it is your responsibility to insure that messages do not bounce back because your disk quota is full.

If you have any questions about the course, the quickest way to have them answered is to contact Professor Luton via email. If at all possible, each message will be answered within 2 working days. Please check this syllabus or the course homepage on WebCT before writing to see if the information you want is posted there.

Because an active UWO email account is needed to access OWL, and because the use of OWL is an important part of this course, **only** questions sent using your UWO account will receive an answer.

HOW TO CONTACT ME

Please feel free to come by during my office hours to discuss any questions you have regarding the course or simply to chat about some issue raised in class. If you e-mail me, I will reply to you within 24-48 hours, only if you use your UWO account. However, I do not read e-mails on the weekends.

COURSE TOPICS AND READING SCHEDULE

(Subject to change)

Week One: Introduction to the Course (Sept. 8th)

- Requirements
- Expectations
- What are WC's? What Do You Know?
- "Causes Célèbres"

Week Two: History of Wrongful Convictions and AIDWYC (Sept. 15)

- The "Numbers"
- The Rule of Law – "*Beyond a Reasonable Doubt*"
- The Blackstone Ratio
- Social Inequality
- Person of Interest → James Lockyer
- Film → AIDWYC (YouTube)

Reading Assignments:

MG – Ch. 1

Wrongful Convictions Preventing Miscarriages of Justice: Sorochan

Week Three: Pre-Trial Issues (Police) (Sept. 22)

- McFarlane Typology
 - Pressure From the Public to Convict
 - Unpopular Suspect
 - The 'Game'
 - Noble Cause - Tunnel Vision, Interrogation Tactics → Mr. Big
- Film -> Mr. Big Sting: Kyle Unger

Reading Assignments:

MG – Ch. 5 - Morin

JG – Ch. 2 (p. 28-50) & 4

Convicting the Innocent – Executive Summary: MacFarlane

Week Four: Trial Issues (Court) (Sept. 29)

- Jailhouse Informants
- Plea Bargaining
- Pressure to Win Case (Prosecutor)
- Role of Defense Counsel
- Bias of Judge
- Person of Interest → George Dangerfield
- Film → Fifth Estate (Dangerfield)

Reading Assignments:

MG – Ch. 8 - Driskell

Media's Role in Wrongful Convictions: Krajcek

Week Five: Trial Issues – Eye Witness Testimony and Expert Testimony (Forensic Evidence) (Oct. 6)

- Circumstantial Evidence
- Falsified Evidence
- Hidden/Withheld Evidence
- Inquiry Into Pediatric Forensic Pathology
- Case of Interest → William Mullins-Johnson
- Person of Interest → Dr. Charles Smith
- Films
 - Fifth Estate (Mullins-Johnson), Dr. Smith
 - MisDiagnosis: Murder (Jeff Smith)
 - The Eye Witness Test
 - The Problem with Eyewitness Testimony

Reading Assignments:

MG – Ch. 9 – Mullins-Johnson

JG – Ch.3

Expert Testimony Eyewitness Memory Research:
Yarmey

Week Six: Trial Issue – False Confession (Oct. 13)

- How they are Produced and the Bias Effect
- Types of False Confessions
- Third Degree or the “Reid’ Technique
- “PEACE’ Model
- Case of Interest → Cory Armishaw
- Films → CBC “Truth, Lies & Confessions”

Reading Assignments:

Reading Assignments:

MG – Ch. 6 - Sophonow

Justice Imperiled: Moore & Fitzsimmons

An Offer You Can’t Refuse: Brockman

Week Seven: Post-Trial Issues (Prison) and Death Penalty (Oct. 20)

- Filing for Exoneration
- Additional Difficulties Associated With Wrongful Conviction in Prison → Issue of Remorse
- Secondary Victimization
- Death Penalty
- Case of Interest → Steven Truscott
- Film → “Innocent Prisoner Dilemma”

Reading Assignments:

MG – Ch. 4 – Coffin, Ch. 7 – Truscott

Wrongful Convictions and the Criminal Conviction Review Process:
Scullion

Showing Remorse: Weisman

Burden of Innocence: Campbell & Denov

Oct. 27 – Study Break – no class

Week Eight: Issues of Gender and Age (Nov. 3)

- Differences Between Female and Male Wrongful Convictions
- Smith Case- 15/ 24 Convicted were Women
- Differences Between Child and Adult Wrongful Convictions
- Case of Interest → Ludmila Ilina
- Films → 5th Estate “A Question of Innocence”
→ Youtube: CWCY

Reading Assignments:

MG – Ch. 3 - Milgaard
JG – P. 57 -61
Wrongful Convictions Among Women: Ruesink & Free
Susceptability of Juveniles to False Confessions and False Guilty Pleas: Redlich

Week Nine: Guest Presentation (Nov. 10)

- **Class Visit by Anthony Hanemaayer**

Week Ten: Issues of Race and Class (Nov. 17)

- Overrepresentation of African American (US) and Aboriginal (Canada)
- CRE
- Blalock’s “Power-Threat” Ho:
- Ghettoization
- Inability to Afford Respectable Lawyer and Forensic Testing
- Case of Interest → John Moore
- Film → Justice & Freedom for John Moore

Reading Assignments:

MG – Ch. 2 – Donald Marshall
Examining the Cross-Race Effect in Lineup Identification using Caucasian and First Nations Samples: Jackiw et al.

Week Eleven: Structure vs. Agency (Nov. 24)

- Effect of Pre-Trial Publicity of Case
- “Normal Crime” Frameworks
- Retrospective Rationalization
- Systemic Inequality
- The “Wedge of Injustice”

Reading Assignments:

MG – Ch. 10

JG – Ch. 5

Week Twelve: Life After Exoneration - Commissions of Inquiry (Dec. 1)

- Stigma
- Retribution
- What Missed While in Prison – Reintegration

Reading Assignments:

Psychological Consequences of Wrongful Conviction and

Imprisonment: Grounds

Criminal Injustice: Denov & Campbell

*****Final Exam to be held during December Exam period*****

SOCIOLOGY 3312 - 'WRONGFUL CONVICTIONS' ESSAY OR VIDEO TOPICS

Students will write an individual paper or create a documentary about an "Exonoree" of their choice. The purpose of the 8 page paper or the 15 minute video is to identify and analyze the various factor(s) that contributed to the wrongful conviction. A list is provided below, but this is only a guide as some of these factors may or may not apply to the case that you are examining in your paper/ video.

"Exonorees" cannot be one from the Andersons' text.

Please note that all essays must be double-spaced with an appropriate bibliography identifying the various research sources that were used when preparing your paper. In the video, credits must be listed at the end of the documentary.

Some factors students should consider when writing their paper or developing their video, include the following:

Target practices of the police
Suppression/falsification of evidence
Falsified forensic evidence
Judicial malpractice
Police bullying/intimidation of witnesses
Police tactics- e.g. Mr. Big
Prosecution and defense misconduct
Judicial error or misapplication of the law
Media bias or prejudice in reporting
Eyewitness Testimony
The significance of being granted/not being granted bail
Financial status of the accused
Confessions obtained in the absence of a lawyer
The role of plea-bargaining
Community pressure for a conviction
Age of the victim
Possession of a criminal record
Race

NB- This is not an exhaustive list so please do not hesitate to include any other factor(s) that come to your attention with respect to the wrongful conviction case that you are using as the basis of your paper or video.

Note:

Please note that your paper or video is due to be uploaded to the Assignment folder on the designated date as set out in the course outline. Late essays submitted after the due date without adequate documentation (medical certificate) or other justification will be subject to a **5%** penalty each day following the date the essay is due to be uploaded to the Assignment folder tab on the left side of the OWL Home Page.

ESSAY EVALUATION CRITERIA – SOCIOLOGY 3312A

Requirement	Value	Score
<p>Proper Style and Format of essay presentation</p> <ul style="list-style-type: none"> • The paper includes a title page and page numbers • The paper is produced in an academic tone • Proper use of paragraphs and headings (if used) • Clarity of expression, eloquence and creativity of writing, mechanics of word choice • Grammar and spelling 	10	
<p>Structure and Organization of the essay</p> <ul style="list-style-type: none"> • Statement of the problem or question (thesis statement) – clarity, sharpness of focus • Several appropriate subtopics are presented • Logical development of the discussion from one idea to the next • Introduction – provides a context for the essay, summarizes the arguments, is of adequate length (about 1 page) • Conclusion – summarizes the arguments presented in the body, and negotiates the perspectives in the essay so that the reader is left with a clear impression of what is accomplished in the essay (about 1 page) 	10	
<p>Proper Use and Relevance of Research</p> <ul style="list-style-type: none"> • Located appropriate academic literature • The essay relies on contemporary and insightful research • Draws out major arguments • All arguments have appropriate literature to support them • Enough sources are used in each paragraph or section to support the arguments 	10	
<p>Level of Analysis and Substantive Adequacy</p> <ul style="list-style-type: none"> • The student displays a strong grasp of the topic • Arguments are relevant to the thesis statement • The arguments present adequate depth • The essay reflects careful analysis (theoretical/topic-related) • Overall substantive adequacy of the interpretation or argument presented 	10	
<p>Referencing/Bibliography</p> <ul style="list-style-type: none"> • In-text citations are correct and consistent • Bibliographic citations are structured correctly and consistently according to the APA reference format 	10	
Total mark	50	

Exonoree:

Student Name:

VIDEO EVALUATION CRITERIA – SOCIOLOGY 3312A

EXONOREE: _____

Student Name: _____

<p>Research – relevant information from multiple sources; quotations are credited; research is utilized throughout video to substantiate the themes of wrongful conviction put forth. It is apparent that the student spent time researching for information</p>	1	2	3	4	5
<p>Argument – (content and organization) Argument is clear and evident throughout and is organized to flow in a logical manner. Information is presented in a coherent manner with accurate and supporting data. Sources are credible and authoritative. Student has made strong and well-argued points (emphasis is on a critical and objective analysis, not an emotional and subjective appeal)</p>	1	2	3	4	5
<p>Production Quality / Editing – Variety of transitions are used; good pacing and timing; audio is clear and assists in communicating the main idea; no spelling mistakes. Effort and time spent editing are evident</p>	1	2	3	4	5
<p>Critical Analysis – Demonstrates a deep understanding of the issues with clear connections made to societal structures / institutions / ideologies. Student has created a video with a comprehensive focus on the interconnectivity of societal and individual factors.</p>	1	2	3	4	5
<p>Creativity – overall impact of presentation is compelling. Demonstrates an effort to ‘go beyond’.</p>	1	2	3	4	5
TOTAL MARK _____ / 25					

ADDITIONAL COMMENTS
