

Question 1: Crime Control

- I think the criminal justice model of “crime control” best fits the government's measures aimed to reduce the spread of covid for these reasons:
- I think if you took out the word “crime” in crime control and replaced it with “covid”, each aspect of crime control would match with how the government is dealing with covid. For example, the main idea of the crime control model is “repression of criminal conduct”. This is the same idea that the government has with covid, their main goal being “repression of covid cases”. Their focus is to reduce crime in mass amounts, just as the government wishes to reduce covid in mass amounts.

Question 1: Crime Control

In the subheading “notion of efficacy” in the class notes on crime control, it says “The system’s capacity to apprehend, try, convict, and dispose of a high proportion of criminal offenders”. This is the method that the government is using for covid control because they are testing people in mass numbers, including all air travellers. The government is not concerned with each individual's case but more trying to prevent the spread of covid as a society.

The presumption of guilt in crime control is similar to the presumption of infection in the government's requirements for all air travellers. In the crime control method, defendants are considered most-likely guilty. In these covid measures, travellers are considered likely infected until they receive their negative covid test.

Question 1: Charter violations

- Life, Liberty, and Security of the person, except in accordance with the principles of fundamental justice.
- **To be secure against unreasonable search and seizure.**
- Not to be arbitrarily imprisoned or detained.
- Upon arrest:
 - To be informed why.
 - To retain legal counsel.
 - To be released if the detention is unlawful.
- If charged:
 - To be informed on what grounds.
 - To be presumed innocent.
- No cruel or unusual punishment.

Question 2

Criminal Law: Did the accused commit the crime?

Criminal Procedure: Did the government act legally with respect to the accused?

Examples:

Criminal Law

A killed B. Did A commit the crime for which A is tried?

Criminal Procedure: Did the government respect A's rights when they detained, arrested, prosecuted, and tried A for killing B?

Question 3

Rights infringed

- The right not to be found guilty on account of any act or omission **unless, at the time of the act or omission, it constituted an offence under Canadian or international law.**
 - Hotel Code of Conduct is not a LAW under Canadian (or international) Law. So, there is NO offence.
 - It is not a behaviour that is known beforehand. The underlying goal of this right is that we should all know what is prohibited or not before we engage in a certain conduct.
- Life, liberty and security of the person, except in accordance with the principles of fundamental justice.”
- Unreasonable search and seizure.
- Unlawful detention, and failure to release everyone who is unlawfully detained.
- Cruel and unusual punishment.

Question 3

The Quarantine Act extends very broad powers to public health authorities to indefinitely detain anyone who doesn't follow their orders, and even to authorize "arrest without warrant." This seems against the fundamental rights of dignity and liberty granted by the charter. In this specific restriction the government extends the power of law further to hotel's owners, managers and staff and allows for control of individuals' future based on the discretion of the third party (the hotel).

Question 3

Now health officials and private entities involved in the goal of “public good” and safety are granted enormous powers over individuals’ rights in Canada. S. 7 of the Charter grants individuals life, liberty and security this right is infringed on because during the mandatory stay individual’s life is not in his hands, his liberty is taken away and he must follow the code of conduct of the hotel or he will face sanctions and penalties. The actual law enforcement is not the decision maker here that accuses the individual of committing an offence, it is the “hotel” as it imposes the quarantine act onto its own code of conduct and takes law into its own hands. Now we have other individuals use law to incriminate other individuals when they are not qualified to do so. The security, privacy and autonomy is stripped away as the individual is monitored and observed by hotel security ensuring the compliance.

Question 3

CHARTER SECTION 1 AND THE CODE OF CONDUCT

Rights and freedoms in the Charter s.1 are granted with reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Giving power to hotel to enforce the law prescribed by the parliament while they are not law enforcement officers goes against everything the democratic society and law stands for. Only law is law not hotel code of conduct. Depending on what the hotel's code of conduct might include the individual's actions will be measured against it and compared with the Quarantine act. However, who makes the code of conduct of the hotel, implements it and determines the code has no legal status as the hotel's code of conduct is not a legal document passed by the parliament. on the other hand the individual has been forced to stay at the hotel regardless of their will by the government therefore during the mandatory stay they must do what the hotel requires . The individuals are destined for a 3 day stay at hotel with strict limitations on what they can do and not do governed and enforced by a regular individual not a government official or law enforcement officer, or public wealth officer.

Question 4

- **CHARTER SECTION 2**

- S. 2(c) grants freedom of peaceful assembly and (d) freedom of association but Vanegas is not allowed to talk to anyone or to tell the location he is staying at to his own family members. This violates his rights to see and be with his family or friends. This is one of the fundamental freedoms every Canadian citizen is owed and Vanegas's rights have been infringed on .

- **CHARTER SECTION 6(1)**

- This situation does not respect the mobility rights of Canadian citizens to enter, remain and exit Canada. Vanegas is stopped at the border and contained against his will and against his rights of mobility.
- Vanegas believes it is because the border agent did not like his isolation plan, which was at his family home.

Question 4

- **CHARTER SECTION 7**

- Vanegas describes his experiences such as someone taking you in a van with tinted windows and won't tell you where you are going, . Life, liberty, and security of person is guaranteed by the charter but in this scenario no security or liberty is present. Vanegas is sequestered and kept in secrecy, with limited outdoor time and no medical guidance. His rights are violated.

- **CHARTER SECTION 9**

- Vanegas was forced to stay for 14 days at the Calgary Westin Hotel, against his will and his plan for quarantine. The charter states that Everyone has the right not to be arbitrarily detained or imprisoned and Vanegas's forced 14 day stay violates his right's and imposes his detention without grounds for criminal offence. Vanegas has not committed any crime and he is detained against his wishes.