

Course Outline

COURSE:	LAWS 3307C – Youth and Criminal Law
TERM:	Winter 2015
PREREQUISITES:	LAWS 2301, LAWS 2302
CLASS:	Day & Time: Mondays, 11:35-2:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Rebecca Bromwich
CONTACT:	Office: B 442 Loeb Building Office Hrs: By appointment Telephone: Email: <u>Rebecca_Bromwich@carleton.ca</u>

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material,

regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION and OBJECTIVES

This course will be a venue for critical analysis and exploration of the ways in which the power of criminal law is now, has historically been, and could in the future be, deployed as a tool to govern adolescents in Canada.

By the end of the course, students will be expected to be able to:

- Understand how the formal discourses of the criminal law are currently employed in Canada's criminal justice system;
- Appreciate that Canada's current youth criminal justice regime exists in a historical, geographical and social context and be able to critically analyze how that context affects the operation of youth criminal justice law;
- Have an appreciation for other possible ways to address adolescent criminal offending, with reference to historical approaches in Canada and current regimes in other jurisdictions; and
- Critically analyze representations of adolescent criminal behaviour in popular culture and formal legal texts.

REQUIRED TEXTS

Bala, Nicholas and Anand, Sanjeev *Youth Criminal Justice Law* (3d Ed.) Toronto: Irwin Law, 2012
Available from Irwin Law online at <http://www.irwinlaw.com/titles/youth-criminal-justice-law>

Any current copies of the:

- *Youth Criminal Justice Act*;
- *Criminal Code*; and,
- *The Canadian Charter of Rights and Freedoms*,

including downloadable electronic versions from CanLii or the Department of Justice website

SUPPLEMENTARY TEXTS**Recommended Reading:**

Tustin, Lee and Robert E. Lutes: *A Guide to the Youth Criminal Justice Act (2009 Edition)* (LexisNexis/Butterworths, 2007). This is a *recommended purchase*.

Background Reading:

- Anand, S., *Children and the Law: Essays in Honour of Professor Nicholas Bala* (Toronto: Irwin Law, 2011)
- Bala et al., *Young Offenders Service* (looseleaf)
- Bloomenfeld et al., *Annotated Youth Criminal Justice Act Service* (Markham: Butterworths, looseleaf)
- Davis-Barron, S., *Canadian Youth & the Criminal Law: One Hundred Years of Youth Justice Legislation in Canada* (Markham: LexisNexis, 2009)
- Doob & Cisaroni, *Responding to Youth Crime in Canada* (Toronto: University of Toronto Press, 2004)
- Doyle, Farrell & Sheppard, *For the Record: the Youth Criminal Justice Act: a New Law for Canadian Youth: a New Collaborative Approach, 2nd ed.* (St. John's, Nfld: Public Legal Information Association of Newfoundland, 2003)
- Halsbury's laws of Canada, *Youth Justice* (Markham: LexisNexis, 2006)
- Harris, P., *Youth Criminal Justice Act Manual* (Aurora: Canada Law Book, looseleaf)
- Harris, P., *Young Offenders Act Manual* (Aurora: Canada Law Book, 2002)
- Harvey & Dauns, *Sexual Offences Against Children and the Criminal Process*, 2nd ed. (Markham: Butterworths, 2001)
- Kelly & Totten, *When Children Kill: A Social Psychological Study of Youth Homicide* (Peterborough: Broadview Press, 2002)
- Mann, R., *Juvenile Crime and Delinquency: A Turn of the Century Reader* (Toronto: Canadian Scholars' Press, 2000)
- Maxim & Whitehead, *Youth in Conflict With the Law*, 2nd ed. (Toronto: Nelson, 2004)
- Olivo, Cotter, Bromwich, *Youth and the Law: New Approaches to Criminal Justice and Child Protection*, 2nd ed. (Toronto: Emond Montgomery, 2007)
- Platt, *Young Offenders Law in Canada*, 2nd ed. (Markham: Butterworths, 1995)
- Scott, S., *Defending Young Offender Cases* (Toronto: Carswell, 1997)
- Tustin & Lutes, *A Guide to the Youth Criminal Justice Act* (Markham: LexisNexis Butterworths, 2010)
- Vandergoot, M., *Justice for Young Offenders: Their Needs, Our Responses* (Saskatoon: Purich Pub., 2006)

EVALUATION**(All components must be completed in order to get a passing grade)**

- 1) **Paper** – 10 page persuasive essay on a topic to be selected by the student that relates to youth criminal justice. Detailed instructions to be provided. Due on the last day of class. (50%)

- 2) **Final Examination** - date to be scheduled during Winter 2015 Final exam period April 11-23, 2015
Duration: two hours. Closed book. (50%)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

SCHEDULE

Note: Winter break is February 16 – 20, 2015; no class.

Topic	Assigned Readings:
1. Introduction – Adolescence, Diversity, Social Context	pps. 1-7
2. A Range of Responses: Historical and International	pps. 7-20
3. The YCJA – Principles	Chapter 2
4. Jurisdiction: Ages	Chapter 3
5. Diversion	Chapter 5
6. The Pre-trial Period	Chapter 4
7. The Youth Justice Court Process	Chapter 7
8. Legal Representation for Youths	Chapter 6
9. Sentencing under the YCJA	Chapter 8
10. Adult Sentencing	Chapter 9
11. Youth Justice Futures Chapter 10	