

Course Outline

COURSE:	LAWS 3307 D – Youth and Criminal Law
TERM:	Winter 2013
PREREQUISITES:	1.0 credit from LAWS 2004 [1.0] (no longer offered), LAWS 2301, LAWS 2302.
CLASS:	Day & Time: Monday, 6:05 p.m. – 8:55 p.m. Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Lisa Micucci Public Prosecution Service of Canada
CONTACT:	Office Hrs: By appointment Telephone: (613) 957-4771 (work) Email: Lisa.Micucci@carleton.ca

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/>

COURSE DESCRIPTION

This course provides an in-depth examination of the *Youth Criminal Justice Act* (YCJA). It examines substantive criminal law and procedure as it pertains to young people between 12 and 17 years of age who become involved with the criminal justice system. It will also review the special rights afforded a young person under the YCJA.

The roles of parents, judges, lawyers and the police will also form part of the discussions. The course will also highlight proposed changes to the Act and discuss relevant court decisions. The role of restorative justice in dealing with young people involved in the criminal justice system will also be explored.

The course will further examine the reasoning and philosophy behind the creation of a separate legislation dealing specifically with young persons before the criminal justice system. The course will also take a historical perspective of the treatment of young offenders in the Canadian criminal justice system and examine the underlining societal values that have shaped and modified the legislation dealing with youth who have committed criminal offences.

REQUIRED TEXT

Lee Tustin and Robert Lutes, *A Guide to the Youth Criminal Justice Act, 2013 Edition* (LexisNexis Canada Inc. 2012)

SUPPLEMENTARY TEXTS

1. Nicholas Bala and Sanjeev Anand, *Youth Criminal Justice Law*, Second Edition (Irwin Law Inc., 2009)
2. Any edition of the *Criminal Code* that includes the *Youth Criminal Justice Act* and the *Canadian Charter of Rights and Freedoms*
3. Sherri Davis-Barron, *Canadian Youth and the Criminal Law – One Hundred Years of Youth Justice Legislation in Canada* (LexisNexis Canada, 2009)

EVALUATION

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

The grade in this course will be based on the following:

1. **50 % Mid-course examination (in class) - To be held: February 11, 2013**
2 hour exam, closed book exam, multiple choice format.
The examination will cover class lectures no. 1 to 5 and assigned readings from those lectures.
2. **50 % Final examination – To be held during formal exam period at the end of the term**
2 hour exam, closed book, multiple choice format and essay question(s).
The examination will cover class lectures no. 7 to 12 and assigned readings from those lecture.

SCHEDULE AND READINGS

Other readings will include articles/documents placed on reserve in the library or as provided on WebCT. It is expected that students will be checking WebCT on a regular basis for course updates.

Subject to their availability, guest lecturers will be invited to provide further information relating to the YCJA.

<u>Class Date</u>	<u>Topic</u>	<u>Readings</u>
1. January 7	Introduction to course and overview of the YCJA	None
2. January 14	Responding to Youth Crime in Canada	<p><u>Required Reading</u> Tustin and Lutes: Introduction - pages 1 to 9, 15 to 32; Appendices – pages 335 to 346</p> <p><u>Recommended Reading</u> Bala and Anand: Chapters 1, 2 and 3 Davis-Barron: Chapters 1, 2 and 3</p>
3. January 21	Extrajudicial Measures	<p><u>Required Reading</u> Tustin and Lutes: Part 1- pages 33 to 46; Appendices – pages 293 to 304</p>

		<p>Recommended Reading Bala and Anand: Chapter 5 Davis-Barron: Chapter 5</p>
4. January 28	Arrest, Police Questioning and Pre-trial Detention	<p>Required Reading Tustin and Lutes: Part 3 - pages 65 to 78; Part 7 - pages 247 to 253; Appendices – pages 305 to 313</p> <p>Recommended Reading Bala and Anand: Chapter 4 Davis-Barron: Chapters 6 and 7</p>
5. February 4	Organization of Youth Criminal Justice System	<p>Required Reading Tustin and Lutes: Part 2 - pages 46 to 56; Part 3 - pages 57 to 65, 84 to 87</p> <p>Recommended Reading Bala and Anand: Chapters 1 (pages 73 to 75), 6 and 7 (pages 417 to 450) Davis-Barron: Chapter 4</p>
6. February 11	Mid-course examination (in class)	<ul style="list-style-type: none"> - worth 50% of your mark - 2 hour exam, closed book, multiple choice format - the examination will cover the assigned readings and class lectures no. 1 (January 7) to 5 (February 4) only
7. February 18	No Class – Winter Break	
8. February 25	Sentencing under the YCJA	<p>Required Reading Tustin and Lutes: Part 3 - pages 79 to 84; Part 4 – pages 87 to 136; Part 237 to 246</p> <p>Recommended Reading Bala and Anand: Chapter 8 (pages 469 to 560) Davis-Barron: Chapter 8</p>
9. March 4	Sentencing under the YCJA continued - Custody and Supervision	<p>Required Reading Tustin and Lutes: Part 5 - pages 164 to 206</p> <p>Recommended Reading Bala and Anand: Chapter 8 (pages 561 to 616) Davis-Barron: Chapter 8</p>
10. March 11	Adult Sentencing for Youth	<p>Required Reading Tustin and Lutes: Part 4 - pages 136 to 162</p> <p>Recommended Reading Bala and Anand: Chapter 9 Davis-Barron: Chapter 8</p>
11. March 18	Publication, Records and Information	<p>Required Reading Tustin and Lutes: Part 4 - pages 162 to 164; Part 6 – pages 206 to 233; Appendices – page 287</p> <p>Recommended Reading Bala and Anand: Chapter 7 (pages 450 to 468) and 9 (pages 671 to 673)</p>

		Davis-Barron: Chapter 9
12. March 25	Revising the YCJA?	Required Reading Tustin and Lutes: Introduction, pages 9 to 15 Appendices – p. 314 to 319 Recommended Reading Bala and Anand: Chapter 10 Davis-Barron: Chapter 10
13. April 1	Review Class	None