

## Course Outline

COURSE:	LAWS 3307D - Youth and Criminal Law
TERM:	Winter 2014
PREREQUISITES:	1.0 credit from LAWS 2301, LAWS 2302.
CLASS:	<b>Day &amp; Time:</b> Thursday, 6:05 p.m. – 8:55 p.m. <b>Room:</b> Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Lisa Micucci Public Prosecution Service of Canada
CONTACT:	<b>Office:</b> <b>Office Hrs:</b> By appointment <b>Telephone:</b> (613) 957-4771 (work) <b>Email:</b> lisa.micucci@carleton.ca

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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](mailto: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/>

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## **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 TEXTS**

Lee Tustin and Robert Lutes, *A Guide to the Youth Criminal Justice Act, 2014 Edition* (LexisNexis Canada Inc. 2013)

## **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: March 6, 2014**  
2 hour exam, closed book exam, multiple choice and true or false format.  
The examination will cover class lectures no. 1, 2, 3, 4, 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. 6, 8, 10, 11, 12 and assigned readings from those lectures.

## **SCHEDULE**

Other readings, should there be any, will include articles/documents as provided on CuLearn. It is expected that students will be checking CuLearn on a regular basis for course updates.

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

<b><u>Class Date</u></b>	<b><u>Topic</u></b>	<b><u>Readings</u></b>
1. January 9	Introduction to course and overview of the <i>YCJA</i>	None

2. January 16	<b>Responding to Youth Crime in Canada</b>	<p><b><u>Required Reading</u></b> Tustin and Lutes: Introduction - pages 1 to 8, 14 to 33;</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapters 1, 2 and 3 Davis-Barron: Chapters 1, 2 and 3</p>
3. January 23	<b>Extrajudicial Measures</b>	<p><b><u>Required Reading</u></b> Tustin and Lutes: Part 1- pages 33 to 42; Appendices – pages 282 to 293</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapter 5 Davis-Barron: Chapter 5</p>
4. January 30	<b>Arrest, Police Questioning and Pre-trial Detention</b>	<p><b><u>Required Reading</u></b> Tustin and Lutes: Part 3 - pages 61 to 75; Part 7 - pages 236 to 244; Appendices – pages 294 to 302</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapter 4 Davis-Barron: Chapters 6 and 7</p>
5. February 6	<b>Organization of Youth Criminal Justice System</b>	<p><b><u>Required Reading</u></b> Tustin and Lutes: Part 2 - pages 42 to 52; Part 3 - pages 53 to 61, 80 to 82; Part 7 – pages 224 to 225</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapters 1 (pages 73 to 75), 6 and 7 (pages 417 to 450) Davis-Barron: Chapter 4</p>
6. February 13	<b>Sentencing under the YCJA</b>	<p><b><u>Required Reading</u></b> Tustin and Lutes: Part 3 - pages 75 to 80; Part 4 – pages 83 to 132; Part 7 – pages 225 to 234</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapter 8 (pages 469 to 560) Davis-Barron: Chapter 8</p>
7. February 20	<b>No Class – Winter Break</b>	
8. February 27	<b>Sentencing under the YCJA continued - Custody and Supervision</b>	<p><b><u>Required Reading</u></b> Tustin and Lutes: Part 5 - pages 153 to 195</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapter 8 (pages 561 to 616) Davis-Barron: Chapter 8</p>
9. March 6	<b>Mid-course examination (in class)</b>	<ul style="list-style-type: none"> <li>- worth 50% of your total grade</li> <li>- 2 hour exam, closed book, multiple choice and true or false format</li> <li>- the mid-course examination will cover class lectures no. 1 (January 9), no. 2 (January 16), no. 3 (January 23), no. 4 (January 30) and no. 5 (February 6) and assigned readings from those lectures only</li> </ul>

10. March 13	Adult Sentencing for Youth	<p><b><u>Required Reading</u></b> Tustin and Lutes: Part 4 - pages 132 to 153</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapter 9 Davis-Barron: Chapter 8</p>
11. March 20	Publication, Records and Information	<p><b><u>Required Reading</u></b> Tustin and Lutes: Part 4 - pages 144 to 145; Part 6 – pages 195 to 222; Appendices – page 276</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapter 7 (pages 450 to 468) and 9 (pages 671 to 673) Davis-Barron: Chapter 9</p>
12. March 27	Revising the YCJA?	<p><b><u>Required Reading</u></b> Tustin and Lutes: Introduction, pages 9 to 13 Appendices – p. 303 to 308, 323 to 334</p> <p><b><u>Recommended Reading</u></b> Bala and Anand: Chapter 10 Davis-Barron: Chapter 10</p>
13. April 3	Review Class	None