

## Course Outline

<b>COURSE:</b>	<b>LAWS 3307 D – Youth and Criminal Law</b>
<b>TERM:</b>	<b>Winter 2009-10</b>
<b>PREREQUISITES:</b>	<b>LAWS 2004</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday, 6:05 p.m. – 8:55 p.m.</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Lisa Micucci Department of Justice Canada</b>
<b>CONTACT:</b>	<b>Office Hrs: By appointment</b>
	<b>Telephone: (613) 957-4691 (work)</b>
	<b>Email: <a href="mailto:Lisa.Micucci@carleton.ca">Lisa.Micucci@carleton.ca</a></b>

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **March 12, 2010 for April examinations**.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.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 TEXT**

Nicholas Bala and Sanjeev Anand, *Youth Criminal Justice Law*, Second Edition (Irwin Law Inc., 2009)

### **SUPPLEMENTARY TEXTS**

1. A 2010 edition of the *Criminal Code* that includes the *Youth Criminal Justice Act* and the *Canadian Charter of Rights and Freedoms*
2. Lee Tustin and Robert Lutes, *A Guide to the Youth Criminal Justice Act, 2010 Edition* (LexisNexis Canada Inc. 2009)
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 9, 2010**  
2 hour exam, closed book, multiple choice format  
The examination will cover the assigned readings and class 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  
The examination is cumulative and will cover all the assigned readings and all class lectures.

**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*.

<b><u>Class Date</u></b>	<b><u>Topic</u></b>	<b><u>Readings</u></b>
1. Jan 5	Introduction to course and overview of the <i>YCJA</i>	None
2. Jan 12	Responding to Youth Crime in Canada	<p><b><u>Required Reading</u></b> Bala and Anand: Chapters 1, 2 and 3</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Introduction - pages 1 to 24 Davis-Barron: Chapters 1, 2 and 3</p>
4. Jan 19	Extrajudicial Measures	<p><b><u>Required Reading</u></b> Bala and Anand: Chapter 5</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Part 1- pages 24 to 37 Davis-Barron: Chapter 5</p>
3. Jan 26	Arrest, Police Questioning and Pre-trial Detention	<p><b><u>Required Reading</u></b> Bala and Anand: Chapter 4</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Part 3 - pages 49 to 74 and Part 7 - pages 224 to 234 Davis-Barron: Chapters 6 and 7</p>
5. Feb 2	Organization of Youth Criminal Justice System	<p><b><u>Required Reading</u></b> Bala and Anand: Chapters 1 (pages 73 to 75), 6 and 7 (pages 417 to 450)</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Part 2 - pages 37 to 48, Part 3 - pages 74-75 and Part 7 - pages 215 to 224 Davis-Barron: Chapter 4</p>

6. Feb 9	<b>Mid-course examination (in class)</b>	<ul style="list-style-type: none"> <li>- worth 50% of your mark</li> <li>- 2 hour exam, closed book, multiple choice format</li> <li>- the examination will cover the assigned readings and class lectures</li> </ul>
7. Feb 16	<b>No Class – Winter Break</b>	
8. Feb 23	<b>Sentencing under the YCJA</b>	<p><b><u>Required Reading</u></b> Bala and Anand: Chapter 8 (pages 469 to 560)</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Part 4 - pages 76 to 122 Davis-Barron: Chapter 8</p>
9. March 2	<b>Sentencing under the YCJA continued - Custody and Supervision</b>	<p><b><u>Required Reading</u></b> Bala and Anand: Chapter 8 (pages 561 to 616)</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Part 5 - pages 148 to 190 Davis-Barron: Chapter 8</p>
10. Mar 9	<b>Adult Sentencing for Youth</b>	<p><b><u>Required Reading</u></b> Bala and Anand: Chapter 9</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Part 4 - pages 123 to 148 Davis-Barron: Chapter 8</p>
11. Mar 16	<b>Publication, Records and Information</b>	<p><b><u>Required Reading</u></b> Bala and Anand: Chapter 7 (pages 450 to 468) and 9 (pages 671 to 673)</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Part 6 - pages 190 to 215 Davis-Barron: Chapter 9</p>
12. Mar 23	<b>Revising the YCJA?</b>	<p><b><u>Required Reading</u></b> Bala and Anand: Chapter 10</p> <p><b><u>Recommended Reading</u></b> Tustin and Lutes: Appendices - Summary Report of Nunn Commission of Inquiry Davis-Barron: Chapter 10 Bill C-25, <i>An Act to amend the Youth Criminal Justice Act</i> [(39th Parliament - 2nd Session (Oct. 16, 2007-Sept. 7, 2008)]</p>
13. Mar 30	<b>Review Class</b>	None