

Course Outline

COURSE:	LAWS 3307A – Youth and Criminal Law
TERM:	FALL 2018
PREREQUISITES:	LAWS 2301, 2302
CLASS:	Day & Time: Friday 2:35 – 5:25 PM Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Rebecca Bromwich
CONTACT:	Office: C475 Loeb Building Office Hrs: By appointment only Telephone: 613-520-2600 x. 2621 Email: rebecca.bromwich@carleton.ca

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: Please contact 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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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://carleton.ca/studentaffairs/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

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://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course will critically explore the operation of the *Youth Criminal Justice Act*. It will introduce students to the history, underlying philosophy and framework of youth criminal justice as administered in Canada. It will also engage students in critical analyses of contemporary issues surrounding youth criminal justice in Canada. This course will be divided into three parts:

First, we will look at the current regime in historical and social perspective. We will review policy rationales behind the *YCJA* and the problems that it was intended to address. We will examine its antecedents (such as the *Young Offenders Act* and the *Juvenile Delinquents Act*) and will also look at the amendments that have been made to the *YCJA* over time, most significantly in 2012. We will trace and compare changing philosophies in Canada with respect to youth crime. Further, we will look at how youth criminal justice as administered in Canada has constructed criminality differently, and had a differential impact on those identified as girls, boys, visible minority individuals, and, especially, persons of Indigenous heritage.

Second, we will closely examine the *YCJA*'s provisions and how they differ from those governing adults, as prescribed by the *Criminal Code*. In doing so, we will review the many procedural and evidentiary differences between the *YCJA* and the *Code*, with a particular focus on detention, arrest, police questioning, the provision and use of statements, bail (pre-trial detention), sentencing, and disclosure and retention of records, and privacy.

Third, we will review and analyze past and present controversies surrounding the youth criminal justice system in Canada, such as the tension between punitive and rehabilitative measures, the use of adult sentences, and the

proper role and scope of criminal law as a social measure.

REQUIRED TEXTS

Bromwich, Reid & Gilliss, *Youth and the Law* 4th. Ed. (Toronto: Emond Montgomery, 2018).
(TEXT)

Bromwich, *Looking for Ashley: Re-Reading What the Smith Case Reveals About the Governance of Girls, Mothers, and Families in Canada* (Bradford: Demeter, 2015).
(MONOGRAPH)

Students will also be required to have access to current copies of the *Criminal Code of Canada* and *Youth Criminal Justice Act*. These can be accessed via the Department of Justice's websites or on CanLii. It is crucial that students work from the current versions of these legislative texts.

Texts are available for purchase at the Campus bookstore.

SUPPLEMENTARY TEXTS

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

Recommended 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)

Davis-Barron, S., *Canadian Youth & the Criminal Law: One Hundred Years of Youth Justice Legislation in Canada* (Markham: LexisNexis, 2009)

EVALUATION

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.

Details of assignments and evaluation criteria will be posted on CU Learn. All assignments are to be submitted via CU Learn.

1. Participation Self Assessment – due **December 7** 20%

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| 2. | Paper: YCJA and Law Reform (10 pages) due October 30 | 35% |
| 3. | Final Exam: Scheduled during final exam period. (December 9-21) | 45% |

SCHEDULE

	Text:	Mongraph:
1. Introduction – Adolescence, Diversity, Social Context	pps. 1-7	Introduction
2. A Range of Responses: Historical and International	pps. 7-20	Chapter 1
3. The YCJA – Principles	Chapter 2	Chapter 2
4. Jurisdiction: Ages	Chapter 3	Chapter 4
5. Diversion	Chapter 5	Chapter 5
 The Fall Break is October 22 -26.		
6. The Pre-trial Period	Chapter 5	Chapter 6
7. The Youth Justice Court Process	Chapter 7	Chapter 3
8. Legal Representation for Youths	Chapter 6	Chapter 3
9. Sentencing under the YCJA	Chapter 8	Chapter 3
10. Adult Sentencing	Chapter 9	Chapter 3
11. Youth Justice Futures	Chapter 10	Chapter 6
12. Review Class		