

Course Outline

COURSE:	LAWS 3307C – Criminal Law
TERM:	WINTER 2024
PREREQUISITES:	LAWS 2301 and LAWS 2302
CLASS:	Day & Time: Lectures will be held every Tuesday between 18:05 and 20:55
	Room: Please check Carleton Central for current Class Schedule and room location.
	This is an in-person course.
INSTRUCTOR:	Paolo Giancaterino
CONTACT:	Office Hrs: By Appointment – Via ZOOM
	Telephone: 613.297.8745
	Email: Paolo.Giancaterino@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

A review of the Youth Criminal Justice Act within the framework of the Canadian justice system, with particular emphasis on historical and philosophical developments and objectives. Current topics include: constitutional issues, procedure, confessions, transfers, sentencing options, alternative measures, reviews, and possible amendments.

COURSE DESCRIPTION

This course is an extension of the concepts and information that were covered in LAWS 2301 and 2302. It is designed to provide a practical introduction to Youth and Criminal Law in Canada and to the institution, processes, and rules. The goal is to highlight the elements of criminal offences, the policies, procedures, and foundation of law relating to young persons involved in the criminal justice system. This course will also examine the effectiveness of the various approaches taken when dealing with young persons. Students will be provided with an opportunity to put their theoretical knowledge to use through the completion of a class assignment.

REQUIRED TEXTS

Bala, Nicholas and Anand, Sanjeev. *Youth Criminal Justice Law* 3rd Edition (Irwin Law: 2012)

May also be purchased through the Carleton University Bookstore website:

<https://www.bkstr.com/carletonstore/home>)

SUPPLEMENTARY TEXTS

Youth Criminal Justice Act: <https://www.canlii.org/en/ca/laws/stat/sc-2002-c-1/latest/sc-2002-c-1.html>

Criminal Code: <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

Charter: <https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html>

TA

Your TA for the semester is Sidney Weeks sidneyweeks@cmail.carleton.ca

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.

1. Paper Assignment: 35% (Due March 15, 2024 at 11:59pm)

Requirements of the assignment will be posted on Brightspace

2. Quizzes: 30% (February 2, March 1 and April 3, 2024)

A quiz will be posted on the above dates on Brightspace. The quiz will be based on the lecture material from the prior weeks.

3. Final exam: 35% (To be scheduled)

Exam to be scheduled during the formal exam period

All components must be successfully completed in order to get a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Please refer to the individual assignments for specifics on late submission penalties.

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

The lectures are organized into various topic areas with assigned readings. Chapter number corresponds with chapter number in required coursepack/textbook.

NB: I may also post readings such as news articles, case law etc. on Brightspace. These various items are considered to be "required reading"

TOPICS:

January 9: Course Introduction, Overview and Assignments

January 16: Responding to Youth Crime in Canada

Chapter 1 – Pages 1 to 81

January 23: Principles for Responding to Young Offenders

Chapter 2 – Pages 83 to 177

January 30: Jurisdiction of the Youth Justice Court

Chapter 3 – Pages 178 to 218

February 6: Arrest, Search and Questioning by Police & Pretrial Detention Part 1

Chapter 4 – Pages 219 to 281

February 13: Arrest, Search and Questioning by Police & Pretrial Detention Part 2

Chapter 4 – Pages 281 to 339

February 20:

Winter Break – No classes

February 27: Diversion, Extrajudicial Measures and Conferences

Chapter 5 – Pages 340 to 392

March 5: Lawyers in the Youth Justice Process

Chapter 6 – Pages 393 to 431

March 12: The Youth Justice Court Process

Chapter 7 – Pages 433 to 491

March 19: Sentencing under the YCJA Part 1

Chapter 8 – Pages 492 to 573

March 26: Sentencing under the YCJA Part 2

Chapter 8 – Pages 573 to 649

April 2: Adult Sentencing for Youths

Chapter 9 – Pages 651 to 709

April 10: Exam Preparation/Course Review

Chapter 10 – Pages 710 to 739

University and Departmental Policies**DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and

- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

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 accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation

Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

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 where 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: <https://carleton.ca/equity/sexual-assault-support-services>

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. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.