
COURSE:		LAWS 3307 C – Youth and Criminal Law
TERM:		Winter 2022
PREREQUISITES:		LAWS 2301 and LAWS 2302
CLASS:	Day and Time:	Mondays 11:35 am – 2:25 pm
	Location:	Azrieli Theatre 301
		Online as needed:
		https://carleton-ca.zoom.us/j/99933788676
		Meeting ID: 999 3378 8676
		Passcode: 842447
INSTRUCTOR:		Taryn Hepburn, M.A.
(CONTRACT)		
TEACHING		
ASSISSTANT:		Danica Nardi-Lamadeleine
CONTACT:	Office:	Virtual - Zoom
	Office	By appointment
	Hours:	If several students contact me with the same questions or concerns, I will likely schedule a work/information session that anyone interested in will be welcome to attend. Information for these will be emailed.
	Telephone:	(780) 803-8399 (cell)
	Email:	tarynhepburn@cmail.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 intended to give students an in-depth overview of youth criminal law in Canada, with particular focus paid to the current *Youth Criminal Justice Act* (2002). The course will review theories and concepts of central to youth justice and the legal foundations of governing young people, historical contexts for the practice of youth justice in Canada, as well as current understandings of youth justice and its most recent interpretations and amendments.

This course will be centered around three themes:

1. Core concepts and assumptions of governing young people: This section will consider how theoretical conceptions of young people, justice, and culpability shape law.
2. Historical context of youth justice: In this section, we will consider the development of youth justice as it arose from the *Juvenile Delinquents Act* and the *Young Offenders Act* and how that development shapes the present.
3. Current youth justice practice: Building on the knowledge from the previous weeks, we will analyse the current rendition of youth justice, consider its (often uneven) application, its amendments, and its critics.

REQUIRED TEXTS

Students are not required to purchase a text for this class. All required readings will be shared on Brightspace or available online through MacOdrum Library.

Recommended text (not required for purchase, but for further information or background):

- A Guide to the Youth Criminal Act – by Lee Tustin and Robert E. Lutes

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.

The final course mark will be based on:

Assignment:	Total percent of final grade:	Due Date:
Small Group Presentation	30%	See sign-up sheet (available in class and on Brightspace) To be completed in the opposite half of the course as the discussion question
In-Class Discussion Question	10%	See sign-up sheet (available in class and on Brightspace) To be completed in the opposite half of the course as the presentation
Discussion Post: Paper Workshopping	25%	Jan 25 th by 11:55pm
Final Paper	35%	Apr 12 th by 11:55pm

Note: Given the quickly shifting nature of current health regulations, there may be changes should we need to shift to online learning long term at any point. The evaluation breakdown above will remain the same, though the instructions will change slightly to accommodate the different environment. Please find the attached page with online assignment instructions for affected assignments at the end.

Small group presentations (30%):

There will be presentations each week starting the second week, so students are asked to sign up for a week in Part A or Part B of the semester. Groups will be determined by sign-up. **This week must not be in the same part of the course as the week students sign up to ask a discussion question.** Presentations are expected to run 15 - 20mins and to introduce and discuss the reading for that week. On weeks in which there is more than one reading, groups may select one reading to focus on. Visual components (i.e., video, powerpoint, etc.) are encouraged, but not required. There is no particular structure or order a presentation has to follow, but it does need to be organized well and flow well. Following the presentation, audience members will be called on to ask their discussion questions for the week, which presenters are encouraged to attempt to answer.

It is recommended that the presentation cover *at least* these points, though more depth is always beneficial:

- **A brief summary of the reading.** Being concise is good here – the goal is to provide enough information that everything you want to discuss makes sense, but that you leave majority of your time for your analysis.
- **Key points.** Try to identify a few (3-4) take away points from the article. Think: if I only had 3 sentences to teach someone the most important thing I learned from this article, what would it be?
- **The goal of the reading.** What was the reading trying to convey? Did it do that?
- **Tricky points.** Were there any spots that caught you up or that seemed wrong? Did something particularly challenge you or your beliefs? Why was this spot tricky?
- **Critiques.** Try to identify one or two points you would push back on or don't agree with. Keep in mind that you need to conceptualize and give reasoning for your pushback (e.g., give evidence). This section might be a good spot to bring in an outside source, though outside sources are not required. If you do use any outside sources, make sure they are academic and that they are cited.
- **Questions.** Did any questions arise for you as you were reading?

Evaluation for the presentations will have both a shared component for the overall presentation and an individual component. The individual component will be assessed from confidential peer and self-assessments submitted by each member of the group. **Each student will be asked to submit feedback on their presentation by the end of the next day (Tuesday, 11:55 pm) after they present.** Feedback forms can be found on Brightspace and can be submitted in person in class or via email. The breakdown for how evaluations will be tallied is below:

1. The score for the presentation will be the starting point for each group member (i.e., for a good presentation, every group member will receive 85% as a starting point).
2. Each member will submit a confidential peer and self-assessment. The average score of this assessment will be multiplied against the group score (i.e., a student who gets a 9 or 10 average will be multiplied by 1.1 and a student who gets a 5 or 6 average will get multiplied by a .9)

Scale:

- 11: x1.15 up to 100%
- 9 or 10: x1.1 up to 100%

- 8: x1.05 up to 100%
- 7: x1 (keeps baseline)
- 6: x0.9
- 5: x0.8
- 4: x0.7
- 3: x0.6
- 2: x0.5
- 1: x0.4
- 0: x0.3

Note: Averages will always be rounded up to the nearest whole number (i.e., a 5.2 will be calculated as a 6 and a 9.6 will be calculated as a 10).

If there are issues during the preparation of the presentation, please contact the instructor as soon as possible so arrangements can be made. Please contact the instructor as soon as possible about any problems presenting, so alternative arrangements can be made.

In-Class Discussion Question (10%):

Following each week's presentation, students are asked to sign up for a week in the first or second half of the semester in which they will pose a discussion question based on the reading for that week. **This week must not be in the same half of the course as the week students sign up to present.**

The discussion question is intended to ask something insightful, critical, or thoughtful about a reading. The goal is to ask something that generates conversation in the class. Discussion questions can dig into specific content from a reading, apply the content to real life situations, consider implications of something they read, examine how readings relate to one another, etc.

Students are asked to submit their questions in writing to the instructor at the beginning of class (11:35 am on Mondays), either in person or by email. They will be called on following the presentation to ask their question of the class.

Discussion Post: Paper Workshopping (25%):

Students are asked to submit a 350-word discussion post on Brightspace providing a short outline of their proposed final paper. The goal of the final paper is to put the topic from two different weeks from the course into conversation with one another, so the discussion post should identify and roughly outline which two weeks students intend to use. These two weeks *must not* be weeks students present on or ask questions about – the goal is to represent your breadth of knowledge. These short outlines, and the weeks they identify, do not have to determine the content of your final assignment. Students are welcome to adjust their approach (e.g. the weeks they put into conversation) as the course progresses. The goal of this post is to provide some feedback and direction. More information about the final assignment can be found below – it is recommended that students review it for more context.

The outline in the post should include:

- **Topics.** You should identify the topics from the two weeks you are putting together.
- **A research question.** What are you trying to find out?
- **A hypothesis.** What do you expect to find?

- **Context.** Provide some context from your question. Why are you interested in it? What is important about asking this particular question? What does would an intelligent non-expert need to know in order to understand your research question?
- **Data.** This section can be flexible, but try to consider what kinds of information will you need to answer your question. Your non-academic source might help with this section.
- **Proposed sources.** Please include at least 2 academic sources and 1 non-academic source you expect to use in your final paper and a short explanation *why* you have selected them. The academic sources must be peer reviewed sources from academic journals and books; these *should not* be sources from the syllabus. The non-academic source can include things like news articles, blog posts, poems, videos, non-academic books (including fiction). The non-academic source should add to your understanding – keep a critical eye out to make sure it is reputable. While the sources should be briefly named (think: in-text citation) in your explanation, a full bibliography citation should be included at the end of the post. The bibliography citation will not count towards your word count.

For a bonus 2% at the end of term, students are welcome to post useful feedback to each other's projects.

Final Paper (35%):

For this assignment, students are asked to place the topics of two weeks from the course into conversation. Course materials should be used – especially those from relevant weeks – alongside at least 3 external sources (2 academic and 1 non-academic, described above). The goal of this paper is to critically analyse youth criminal justice topics to demonstrate both your understanding and your own ideas and thoughts. These two weeks *must not* be weeks you present on or ask questions about – demonstrate your breadth of knowledge.

Technical Details:

- 8-10 pages in length, not including bibliography
- Typed and double spaced
- Arial, size 11, or Times New Roman, size 12, font
- 1 in. borders (standard borders)
- Include page numbers
- Include a title page with: a title, student name and number, the date, the course number, the instructor's name, and the citation style.
- Students are welcome to choose a citation style they are comfortable with. I recommend in-text citation styles like Chicago or APA for this style of paper.

Some general notes for this assignment:

- While students are not required (or even expected) to do exactly as they say they will do in their outline, it is recommended that they keep the feedback they receive on their discussion posts in mind as they develop their paper.
- Wherever possible, students should try to paraphrase over directly quote – paraphrasing demonstrates understanding better. That said, paraphrasing still needs to be cited.
- Make sure you have a clear thesis and a clear roadmap in your introduction.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

For submitted assignments that are submitted past the scheduled due date a late penalty of 3% per day will be applied. In the case that a student is unable to be present for their presentation, please let the instructor know as soon as possible so alternative arrangements can be made on a case-by-case basis (i.e., arrange a different week or submit a short video presentation individually).

Extensions may be granted by the instructor *only*. Please contact the instructor via email with relevant information. It is recommended that students contact the instructor as far in advance as possible, so arrangements can be made in advance of the deadline. If students have not made arrangements prior to the deadline, no extension will be applied, so plan accordingly.

SCHEDULE

**Location is given where confirmed, but I will update location as more information becomes available

Week 1	Topic:	Course Introduction, overview, and assignments	Location:
	Reading:	None	Zoom
Jan 10, 2022	Reading Location:	N/A	Synchronous (11:35am – 2:25pm)
Part A			
Week 2	Topic:	Youth and culpability	Location:
	Reading:	Tanner, Julian. 2015. "Deviant Youth: The Social Construction of Youth Problems." In <i>Teenage Troubles: Youth and Deviance in Canada</i> , 1–39. Beckman, Mary. 2004. "Crime, Culpability, and the Adolescent Brain." <i>Science</i> 305 (5684): 596–99.	Brightspace
Jan 17, 2022	Reading Location:	Brightspace	Asynchronous
Week 3	Topic:	Young people and risk	Location
	Reading:	Foster, Karen Rebecca, and Dale Spencer. 2011. "At Risk of What? Possibilities over Probabilities in the Study of Young Lives." <i>Journal of Youth Studies</i> 14 (1): 125–43. https://doi.org/10.1080/13676261.2010.506527 . McCulloch, Jude, and Dean Wilson. 2016. "Risking the Future: Pre-Emption, Precaution and Uncertainty." In <i>Pre-Crime: Pre-Emption, Precaution and the Future</i> , First Edition, 36–55. Routledge Frontiers of Criminal Justice 28. London ; New York: Routledge.	Brightspace
Jan 24, 2022	Reading Location:	Brightspace	Asynchronous

Week 4 Jan 31, 2022	Topic:	Reality of youth crime	Location:
	Reading:	Sprott, Jane B., and Anthony N. Doob. 2008. "Youth Crime Rates and the Youth Justice System." <i>Canadian Journal of Criminology and Criminal Justice</i> 50 (5): 621–39.	Azrieli Theatre 301
	Reading Location:	Brightspace	
Week 5 Feb 7, 2022	Topic:	History of Youth Justice	Location:
	Reading:	Doob, Anthony N., and Jane B. Sprott. 2004. "Youth Justice in Canada." <i>Crime and Justice</i> 31: 185–242. Bala, Nicholas, and Sanjeev Anand. 2013. <i>Youth Criminal Justice Law</i> . Toronto Ont.: Irwin Law. Pp. 7 – 19 (all of Section B).	Azrieli Theatre 301
	Reading Location:	Brightspace	
Week 6 Feb 14, 2022	Topic:	Where we are now: Youth Criminal Justice Act	Location:
	Reading:	<i>Youth Criminal Justice Act, SC 2002, c. 1.</i> – Preamble and Declaration of Principle sections. Bala, Nicholas, and Sanjeev Anand. 2013. <i>Youth Criminal Justice Law</i> . Toronto Ont.: Irwin Law. Pp. 19 – 36 (all of section C).	Azrieli Theatre 301
	Reading Location:	YCJA - https://www.laws-lois.justice.gc.ca/eng/acts/Y-1.5/page-1.html Bala and Anand - Brightspace	
Feb 21	Winter Reading Break – No scheduled classes		
Part B			
Week 7 Feb 28, 2022	Topic:	Policing youth crime	Location:
	Reading:	Bala, Nicholas, and Sanjeev Anand. 2013. <i>Youth Criminal Justice Law</i> . Toronto Ont.: Irwin Law. Ch 4 (pp. 214 – 306, up to the end of Bailing Hearings section)	Azrieli Theatre 301
	Reading Location:	Brightspace	
Week 8 Mar 7, 2022	Topic:	Extrajudicial Measures and Sentencing	Location:
	Reading:	<i>Youth Criminal Justice Act, SC 2002, c. 1., pt. 1.</i> – Extrajudicial Measures section Cesaroni, Carla, and Nicholas Bala. 2008. "Deterrence as a Principle of Youth Sentencing: No Effect on Youth, but a	Azrieli Theatre 301

		Significant on Judges.” Queen’s Law Journal 34 (1): 447–82.	
	Reading Location:	YCJA - https://www.laws-lois.justice.gc.ca/eng/acts/Y-1.5/page-1.html#h-470190 Cesaroni and Bala - Brightspace	
Week 9 Mar 14, 2022	Topic:	Adult Sentencing	Location:
	Reading:	<i>R. v. D.B.</i> 2008 SCC 25, [2008] 2SCR 3. Judge’s opinions – all above “Cases Sited” Bala, Nicholas, and Sanjeev Anand. 2013. Youth Criminal Justice Law. Toronto Ont.: Irwin Law. Pp. 623 – 661 (to the end of Sentencing a Young Person as an Adult)	Azrieli Theatre 301
	Reading Location:	https://canlii.ca/t/1wxc8 Brightspace	
Week 10 Mar 21, 2022	Topic:	Mental Health and Youth Law	Location:
	Reading:	Gretton, Heather M., and Robert J. W. Clift. 2011. “The Mental Health Needs of Incarcerated Youth in British Columbia, Canada.” <i>International Journal of Law and Psychiatry</i> 34 (2): 109–15. https://doi.org/10.1016/j.ijlp.2011.02.004 . Peterson-Badali, Michele, Sarah McCormick, Nina Vitopoulos, Krista Davis, and Zohrah Haqanee. 2015. “Mental Health in the Context of Canada’s Youth Justice System - ProQuest.” <i>Canadian Criminal Law Review</i> 19 (1): 5–20.	Azrieli Theatre 301
	Reading Location:	Brightspace	
Week 11 Mar 28, 2022	Topic:	Indigeneity and Criminal Justice	Location:
	Reading:	Anthony, Thalia, and Harry Blagg. 2020. “Hyperincarceration and Indigeneity.” <i>Oxford Research Encyclopedia of Criminology and Criminal Justice Online</i> (February). Bracken, Denis C., Lawrence Deane, and Larry Morrissette. 2009. “Desistance and Social Marginalization: The Case of Canadian Aboriginal Offenders Explorations in Theories of Desistance: Societal-Level Approaches to Reform.” <i>Theoretical Criminology</i> 13 (1): 61–78.	Azrieli Theatre 301
	Reading Location:	Anthony and Blagg - https://doi.org/10.1093/acrefore/9780190264079.013.656	

Week 12 Apr 4, 2022	Topic:	Immigrant young people and criminalization	Location:
	Reading:	Rossiter, Marian J., and Katherine R. Rossiter. 2009. "Diamonds in the Rough: Bridging Gaps in Supports for At-Risk Immigrant and Refugee Youth." <i>Journal of International Migration and Integration / Revue de l'integration et de La Migration Internationale</i> 10 (4): 409–29. https://doi.org/10.1007/s12134-009-0110-3 .	Azrieli Theatre 301
	Reading Location:	Brightspace	
Week 13 Apr 11, 2022	Topic:	TBA	Location:
	Reading:	None	Azrieli Theatre 301
	Reading Location:	N/A	

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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) <https://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: <https://carleton.ca/registrar/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: <https://carleton.ca/studentssupport/svpolicy/>

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

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

ONLINE LEARNING ASSIGNMENT INSTRUCTIONS

Reading presentations (30%): (Replaces small group presentation in online format)

There will be presentations each week starting the second week, so students are asked to sign up for a week in Part A or Part B of the semester. **This week must not be in the same part of the course as the week students sign up to ask a discussion question.** Students are asked to create a short video, audio, or narrated presentation of the reading. Presentations are expected to run 7 – 9 mins and to introduce and discuss the reading for that week. On weeks in which there is more than one reading, students may select one reading to focus on. There is no particular structure or order a presentation has to follow, but it does need to be organized well and flow well. Presenters are encouraged to attempt to answer the discussion questions posted for the week.

It is recommended that the presentation cover *at least* these points, though more depth is always beneficial:

- **A brief summary of the reading.** Being concise is good here – the goal is to provide enough information that everything you want to discuss makes sense, but that you leave majority of your time for your analysis.
- **Key points.** Try to identify a few (1-3) take away points from the article. Think: if I only had 3 sentences to teach someone the most important thing I learned from this article, what would it be?
- **The goal of the reading.** What was the reading trying to convey? Did it do that?
- **Tricky points.** Were there any spots that caught you up or that seemed wrong? Did something particularly challenge you or your beliefs? Why was this spot tricky?
- **Critiques.** Try to identify one or two points you would push back on or don't agree with. Keep in mind that you need to conceptualize and give reasoning for your pushback (e.g., give evidence). This section might be a good spot to bring in an outside source, though outside sources are not required. If you do use any outside sources, make sure they are academic and that they are cited.
- **Questions.** Did any questions arise for you as you were reading?

Evaluation for the presentations will be individual.

If there are issues during the preparation of the presentation, please contact the instructor as soon as possible so arrangements can be made.

Students must submit their presentation on Brightspace by the end of day Monday (11:55 pm) of their assigned week.

Forum Discussion Question (10%): (Replaces in-class discussion question in online format)

Responding to readings each week, students are asked to sign up for a week in the first or second half of the semester in which they will pose a discussion question to the discussion forum. **This week must not be in the same half of the course as the week students sign up to present.**

The discussion question is intended to ask something insightful, critical, or thoughtful about a reading. The goal is to ask something that generates conversation in the class. Discussion questions can dig into specific content from a reading, apply the content to real life situations, consider implications of something they read, examine how readings relate to one another, etc.

Students must submit their questions to the forum by the end of day Monday (11:55 pm) of their assigned week.

All other assignments will follow the original instructions.