

Course Outline

COURSE:	LAWS 3307A – Youth and Criminal Law
TERM:	Fall 2023
PREREQUISITES:	LAWS 2301 & LAWS 2302
CLASS:	Day & Time: Tuesday, 8:35-11:25 Room: Please check Carleton Central for current Class Schedule
PROFESSOR:	Dr. Dale Spencer
CONTACT:	Office: Loeb D494 Office Hrs: By Appointment. Telephone: 613-520-2600 extension 8096 Email: dale.spencer@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 will provide an in-depth overview of the youth criminal justice act and its antecedents. This course will review various approaches to youth criminal offending and on the legal and moral regulation of youth. It will review the theories and concepts underpinning these approaches to youth offending.

Course Objectives

1. To read and discuss a variety of theoretical perspectives and empirical investigations of issues related to youth and criminal law, utilizing legal, historical, sociological, and criminological, and interdisciplinary perspectives.
2. To assist in the development of critical reading, writing, discussion, and analytical skills through class participation, class readings, and written assignments.

REQUIRED TEXTS

All course readings are available through Brightspace.

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.

EVALUATION

Assignments	Percentage of Total Grade	Due Date
Paper Abstract and Sample Bibliography	5%	October 17 th , 2023
Critical Commentaries	20%	Weekly
Small Group Presentation	20%	See sign-up sheet
Research Paper	25%	December 8 th , 2023
Final Exam	30%	TBD

Please Note: All components must be completed in order to get a passing grade.

Descriptions of Assignments***Paper Abstract and Bibliography (5%):***

This assignment involves the development of a specific research question and research parameters for your final paper. The abstract (1 double spaced typed page) should briefly outline the thesis, issues, and arguments you will present in your final paper. Try to choose a clearly delineated and manageable topic and avoid embarking on vast research enterprises.

The bibliography should present the literature you propose to use to address these issues. The bibliography is expected to conform to the minimum requirements for the final research paper (see below).

Research Paper (25%):

For this assignment, students shall write an essay on a subject matter suitable to the course. It is important to utilize ideas, arguments, and concepts presented in class and in course readings and to discuss and critically evaluate the materials you use in your paper. The aim of the research paper is to synthesize, discuss, and assess (not simply describe or summarize) scholarly literature and to develop a conceptual analysis of the topic chosen.

Papers shall be **8-10 pages** and must be *typed* and *double-spaced*.

Composition of the Research Paper: The paper should reflect and communicate specific information from the writer to the reader. It should start with a statement of intentions and objectives, followed by a discussion and analysis of supporting and illustrative materials. Do not limit yourself to descriptive analyses only; employ relevant concepts and incorporate theoretical (or formal explanatory) arguments within your study. In writing your essay, you should be able to summarize the **thesis** (major argument) in a brief statement or short paragraph.

Layout of the Research Paper:

Introduction: The introduction presents the theme or issues explored in the essay. It briefly outlines your approach to the topic and the major ideas and argument(s) advanced in the main body of the essay. This section is 1-2 pages in length.

Main body of the research essay: This section develops and contains the central thesis or argument(s) of the essay. This main body should review and assess the appropriate literature, while providing an exposition of the central points. The research theme, together with ideas relating to the central thesis, should be clearly presented and substantiated. Ideally, each paragraph should focus upon a major point related to the central argument(s) or theoretical framework. Internal headings and sub-headings are useful as a device to mark shifts in discussion while, at the same time, maintaining an integration of points to the central theme. This section is 6-8 pages in length.

Conclusion: This last section provides a brief summary of the essay's major argument(s) within the context of the central theme addressed. The conclusion is 1-2 pages in length.

Bibliography/References: A minimum of fifteen cited scholarly references is required including journal articles or academic quality book chapters on your selected topic by different reputable social scientific authors. You are not allowed to use Wikipedia or newspaper articles as sources.

References to source(s) of information should include the author's surname, year of publication, and pagination as in the *American Psychological Association Style Guide 5th or 6th edition*.

Citation of the sources must always be given for the following: all direct quotations; paraphrases of the statements of others; opinions, ideas, and theories not your own; and, information which is not a matter of general knowledge. Even when using proper citation, it is a mistake to place too much reliance on one source. Furthermore, direct quotations from one or more authors should seldom occur in an essay and should not be longer than two or three sentences in length. All quotations of over four text lines should be indented and single spaced with quotation marks omitted. Quotations of any kind, however, must be acknowledged by a reference to the source, and include the page number(s). Quotations should be used as a way to emphasize a point or because the original author has an authority of expertise that can be best expressed by her/him).

Critical Commentaries (20%):

To promote class discussion and participation, each class member shall prepare one written critical commentary on the required reading (choose one per week) and be prepared to raise issues from their commentaries in class each week (20%) from week 2 through week 12.

Critical commentaries should briefly outline the central claims and issues, the central debates or points of comparison, and the scholarly strengths and limitations of material as you see it (interpretations of the material are encouraged).

Commentaries must include at least one critical question that will inform class discussion and stimulate debate of issues of scholarly importance.

Each submission of critical commentaries must be 1.5 double-spaced typed pages in length and ***handed in on the day that the reading is assigned***. Students must submit their critical commentary at the beginning of class. Throughout the semester, students will submit a total of 10 critical commentaries.

Students ***are not required to submit*** a critical commentary on the week that they are presenting.

Small Group Presentation & Attendance (20%):

Class attendance is mandatory. The attendance and participation mark is based on formal attendance (an attendance sheet will be signed prior to the small group presentations) and in-group reading presentations, which is completed during each Tuesday's class (the last 30 minutes). You will have to present one of the readings to your group and you will have to submit your presentation notes to me at the end of the class. 10% will be apportioned for weekly attendance and 10% for your in-class presentation.

You will be assigned to small groups on the second day of class (Tuesday, September 19th, 2023). A sheet will be distributed, and you will sign up to present on one of the readings between week 4 and week 12. If you do not sign up for a presentation, it is your responsibility to contact teaching assistant or me to sign up.

This class will feature lively discussion each week. The class rewards good attendance and class participation, which will work to the benefit of 90 per cent or more of you. One of my commitments to you is that you should find the class interesting to attend and should not want to miss it. On top of that, a pattern of missing class regularly will lower your final mark and, for some, will put you in danger of failing the course. You should not take the course if you are unable to attend regularly. If an issue comes up for you during the term that will mean you are unable to attend class for an extended period, as soon as possible you should talk to Dr. Spencer to clarify the situation and get any help he can offer.

Final Examination - To be held during formal exam period at the end of the term.

30% - Cumulative exam

Your feedback about the course: If you have any suggestions about the course, they are encouraged at any time. I have incorporated several students' suggestions in the past.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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

Week 1 – September 12th, 2023 – Course Introduction

Week 2 – September 19th, 2023 – Youth as a Concept

Reading:

- Foster, K. R., & Spencer, D. C. (2011). At risk of what? Possibilities over probabilities in the study of young lives. *Journal of Youth Studies*, 14(1), 125–143.

Week 3 – September 26th, 2023 – Theoretical Approaches to Youth Offending

Reading:

- MacDonald, R., Shildrick, T., & Furlong, A. (2020). ‘Cycles of disadvantage’ revisited: Young people, families and poverty across generations. *Journal of Youth Studies*, 23(1), 12–27.

Week 4 – October 3rd, 2023 – The Development of Youth-Related Laws in Canada

Reading:

- Doob, A. & Sprott, J. Youth Justice in Canada. *Crime and Justice*, 31, 185-242.

Week 5 - October 10th, 2023 – Youth Criminal Justice Act

Readings:

- Carrington, P., & Schulenberg, J. (2004). Introduction: The Youth Criminal Justice Act - A New Era in Canadian Juvenile Justice? *Canadian Journal of Criminology and Criminal Justice/La Revue Canadienne de Criminologie et de Justice Pénale*, 46(3), 219–224.
- Ricciardelli, R., Crichton, H., Swiss, L., Spencer, D., & Adorjan, M. (2017). From knowledge to action? The Youth Criminal Justice Act and use of extrajudicial measures in youth policing. *Police Practice and Research*, 18(6), 599–611.

- Smandych, R. C., & Corrado, R. R. (2018). Too Bad, So Sad: Observations on Key Outstanding Policy Challenges of Twenty Years of Youth Justice Reform in Canada, 1995-2015. *Manitoba Law Journal*, 41, 191.

Week 6 – October 17th, 2023 – Youth, Risk and the YCJA

Reading:

- Maurutto, P., & Hannah-Moffat, K. (2007). Understanding Risk in the Context of the Youth Criminal Justice Act. *Canadian Journal of Criminology and Criminal Justice/La Revue Canadienne de Criminologie et de Justice Pénale*, 49(4), 465–491.
- Pei, J., & Burke, A. (2018). Risk, needs, responsivity: Rethinking FASD in the criminal justice system. *Ethical and Legal Perspectives in Fetal Alcohol Spectrum Disorders (FASD) Foundational Issues*, 269-285.

Week 7 – October 24th, 2023 - Fall Break – **No class**

Week 8 – October 31st, 2023 – Police and the Courts

Readings:

- Greene, C., Sprott, J. B., Madon, N. S., & Jung, M. (2010). Punishing Processes in Youth Court: Procedural Justice, Court Atmosphere and Youths' Views of the Legitimacy of the Justice System1. *Canadian Journal of Criminology and Criminal Justice/La Revue Canadienne de Criminologie et de Justice Pénale*, 52(5), 527–544.
- Ricciardelli, R., Adorjan, M., & Spencer, D. (2020). Canadian Rural Youth and Role Tension of the Police: 'It's Hard in a Small Town'. *Youth justice*, 20(3), 199-214.

Week 9 – November 7th, 2023 – Youth Sentencing and Incarceration

Reading:

- Cesaroni, C., & Peterson-Badali, M. (2013). The Importance of Institutional Culture to the Adjustment of Incarcerated Youth and Young Adults. *Canadian Journal of Criminology and Criminal Justice/La Revue Canadienne de Criminologie et de Justice Pénale*, 55(4), 563–576.
- Adorjan, M., & Ricciardelli, R. (2018). The last bastion of rehabilitation: Contextualizing youth correctionalism in Canada. *The Prison Journal*, 98(6), 655-677.

Week 10 – November 14th, 2023 – Mental Health, Intellectual Disabilities, and Young People

Readings:

- Marinos, V., & Whittingham, L. (2019). The role of therapeutic jurisprudence to support persons with intellectual and developmental disabilities in the courtroom: Reflections from Ontario, Canada. *International Journal of Law and Psychiatry*, 63, 18–25.

- Gretton, H. M., & Clift, R. J. W. (2011). The mental health needs of incarcerated youth in British Columbia, Canada. *International Journal of Law and Psychiatry*, 34(2), 109–115.

Week 11 – November 21st, 2023 – Indigenous Young People, Crime, and the Criminal Justice System

Reading:

- Cesaroni, C., Grol, C., & Fredericks, K. (2019). Overrepresentation of indigenous youth in Canada's criminal justice system: Perspectives of indigenous young people. *The Australian and New Zealand Journal of Criminology*, 52(1), 111–128.
- Bracken, D. C., Deane, L., & Morrissette, L. (2009). Desistance and social marginalization The case of Canadian Aboriginal offenders. *Theoretical Criminology*, 13(1), 61–78.

Week 12 – November 28th, 2023 – Immigrant Youth and the Criminal Justice System

Readings:

- Rossiter, M. J., & Rossiter, K. R. (2009). Diamonds in the Rough: Bridging Gaps in Supports for At-Risk Immigrant and Refugee Youth. *Journal of International Migration and Integration / Revue de L'integration et de La Migration Internationale*, 10(4), 409–429.
- Francis, J. (2021). I Am Nobody Here: Institutional Humanism and the Discourse of Disposability in the Lives of Criminalized Refugee Youth in Canada. *Race and Justice*, 11(2), 226–246.

Week 13 – December 5th, 2023 – Future Directions/Class Summary

No readings

December 8th, 2023 – Hand in Final Papers

Fall 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 6, 2023	Fall term begins.
September 19, 2023	Last day for registration and course changes (including auditing) in fall and fall/winter courses.
September 30, 2023	Last day to withdraw from full fall and fall/winter courses with a full fee adjustment.
October 9, 2023	Statutory holiday. University closed.
October 23-27, 2023	Fall break, no classes.
November 15, 2023	Last day for academic withdrawal from full fall courses.
November 24, 2023	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 8, 2023	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
	Last day that can be specified by an instructor as a due date for term work for full and late fall courses.
	Last day for receipt of applications for undergraduate degree program transfers for winter term.
December 10-22, 2023	Final examinations in full fall and late fall courses and mid-term examinations in fall/winter courses will be held. Examinations are normally held all seven days of the week.
December 22, 2023	All final take-home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.

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

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/>.

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/>.