

## Course Outline

<b>COURSE:</b>	<b>LAWS 3307T: YOUTH AND CRIMINAL LAW</b>
<b>TERM:</b>	<b>Summer 2012</b>
<b>PREREQUISITES:</b>	<b>LAWS 2302, or permission of instructor</b>
<b>BROADCAST:</b>	<b>Day &amp; Time: (TV rebroadcast only: Tuesdays 8:30 – 11:00 AM and Saturdays 11:00 AM – 2:00 PM starting May 8, 2011)</b>
<b>INSTRUCTOR:</b>	<b>John Hale, B.Sc., LL.B., B.C.L. (Contract Instructor, criminal lawyer)</b>
<b>CONTACT:</b>	<p><b>Office: c/o Hale Criminal Law Office Suite 101, 116 Lisgar Street Ottawa, K2P 0C2</b></p> <p><b>At Carleton:</b> Deliver any mail or messages to the Department of Law and Legal Studies, 4th floor Loeb Building</p> <p><b>Office Hrs:</b> <b>Office hours</b> are by appointment only.</p> <p><b>Telephone:</b> <b>(613) 695-4253</b></p> <p><b>Email:</b> <a href="mailto:john.hclo@me.com">john.hclo@me.com</a> <b>(I check messages daily and will respond promptly)</b></p> <p><b>Fax:</b> <b>(613) 695-8500</b></p>
<b>WEB SITE</b>	<b>See WebCT/cuLearn</b>
<b>REQUIRED READING</b>	No purchases necessary (Readings will be from material available online)
<b>RECOMMENDED READING</b>	Any version of the <i>Criminal Code</i> that also includes the <i>Youth Criminal Justice Act</i> and the <i>Charter of Rights</i>
<b>METHOD OF EVALUATION</b>	<p>(1) <b>Mid-Term Exam:</b> this open-book exam is scheduled for Friday, June 1, 2012, from 6-8 PM, and will cover the first 6 lectures</p> <p>(2) <b>Final examination,</b> 2-hour open-book, to be held in the June examination period (June 22-27), covers Lectures 7-12.</p> <p><b>“Open book”</b>, for the purpose of the exam, means that the following materials may be brought into the examination room: (1) any version of the <i>Criminal Code</i> or <i>YCJA</i>; (2) your lecture notes (or any notes that you shared with a study group or that you have with the permission of their author), and (3) any material downloaded from the course website, including the instructor’s lecture notes and PowerPoint/Keynote slides; (4) any e-mails sent by the instructor. You may <b>NOT</b> make use of a computer during the exams, except with permission of the Paul Menton Center.</p> <p><b>Grade breakdown:</b> the exam that you do best in will be worth 60% of your final grade; the other exam will be worth 40% of your final grade. The TA(s) has not been assigned as of the date of this handout, but I will provide contact information once I have it.</p>
<b>TEACHING ASSISTANTS / MARKERS</b>	

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Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, **613-520-6608**, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website. <http://www1.carleton.ca/pmc/students/dates-and-deadlines/>. 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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## DESCRIPTION OF THE COURSE

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Students who have taken my section of Introduction to Criminal Law, Laws 2004 (or more recently, Laws 2301 and 2302), know already that I am a criminal defense lawyer who teaches from a practical perspective, as if it were a law school course. I consider this course, which I am teaching for the 7<sup>th</sup> time, to be an extension of the introductory criminal law courses. The focus will continue to be on jurisprudence and legal principles, i.e., the tools that lawyers use when defending or prosecuting young persons accused of crime, and the tools available to Judges who deal with youths. I will rely heavily on guest lecturers to help put the reading materials into real-life context.

I experimented this year with having no required or recommended textbook. Having said that, feel free to purchase a copy of Sherri Davis-Barron's excellent recent text that I used last year, and/or a recent copy of the *Youth Criminal Justice Act* (included in any version of the *Criminal Code*). Because the *YCJA* is such a new piece of legislation that is still in the early stages of being interpreted by the courts (and reacted to by politicians), you will need to read various recent cases from the Supreme Court of Canada as well as provincial appellate courts, likely some of which have not yet been decided. I will direct you throughout the term to a number of recent decisions. In addition, I will rely on information available on the internet, including background papers at the Department of Justice (Canada) website, and statistics available there or at the Statistics Canada website. Finally, we will spend a significant amount of time on *Sebastien's Law*, which was originally Bill C-10, and was finally passed recently as part of the omnibus crime bill, Bill C-10.

We will begin the course with a brief review of criminal procedure generally: it is necessary to understand the general law before examining how the law is different for youths. We will then review the history of the *Youth Criminal Justice Act*, including its antecedents such as the *Young Offenders Act* and the *Juvenile Delinquents Act*. Reviewing the history of the law will involve comparing the changing philosophy with respect to youth crime. We will also rely on statistical information in order to appreciate the true magnitude of youth crime, as well as to observe the practical impact of the *YCJA*.

The bulk of the course will be taken up with procedures and considerations that relate specifically to youths, particularly sentencing.

My objective is that students finish the course with a practical knowledge of the Canadian criminal justice system as it relates to youths, and that students be capable of critically analyzing media reports on youth crime, including its “prevalence” and the notion that young people are dealt with too leniently. I do not expect students to agree with me on all points. Exams will be structured so that you will be tested on your knowledge of facts relating to youth criminal justice in Canada, and not on your knowledge of my opinions.

One final note regarding CUOL courses. It is wonderful that university courses can be provided to students other than via the traditional classroom lecture. This enables students who, because of distance, employment, family responsibilities or disability to take courses that would otherwise be inaccessible to them. The downside, though, is that the ability to see the lectures any time at one’s convenience causes many students to fall behind, saving up the lectures until just before the exam and then cramming them in during a marathon session. While this is better than nothing, I strongly discourage this strategy in this or any other course. Do your best to keep up with the lectures that are broadcast twice weekly, and avoid the temptation to fall behind.

I hope that you enjoy the course, and I look forward to hearing from you as we go along. Course-content-related questions sent to me by e-mail may be answered to the class as a whole so that all students have the same information.

<b>COURSE OUTLINE<sup>1</sup></b>	
<b><u>Class No.</u></b>	<b><u>Topic(s)</u></b>
<b>1</b> September 8, 2011 <b>TV:</b> May 8, 2012	1. Introductory comments 2. Criminal procedure in a nutshell
<b>2</b> September 15, 2011 <b>TV:</b> May 12, 2012	3. History of the <i>YCJA</i> 4. Principles for responding to youth offending; development of the adolescent brain
<b>3</b> September 22, 2011 <b>TV:</b> May 15, 2012	5. Discussion of Bill C-4 (“Sebastien’s Law”) 6. Bail under the <i>YCJA</i>
<b>4</b> September 29, 2011 <b>TV:</b> May 19, 2012	6. Continued discussion of Bill C-4 (C-10) and Bail) 7. Youth Court records 8. Jurisdiction of the Youth Justice Court
<b>5</b> October 6, 2011 <b>TV:</b> May 22, 2012	9. Arrest, police questioning and pre-trial detention
<b>6</b> October 13, 2011 <b>TV:</b> May 26, 2012	10. Diversion and Extra-Judicial Measures 9. <b>Guest lecture:</b> Sgt. Mark Houldsworth (Ottawa Police Service) 10. <b>Guest lecture:</b> Tom Scholberg, Manager of the Boys and Girls Club of Ottawa, Ottawa Community Youth Diversion Program

<b>7</b> October 20, 2011 <b>TV:</b> May 29, 2012	11. Lawyers in the youth justice process 12. Mental Health issues; s. 34 of the <i>YCJA</i> 13. Sentencing: the statutory framework
<b>June 1, 2012</b> <b>6-8 PM,</b> <b>Location TBA</b>	<b>Mid-Term Exam covers Lectures 1-6</b>
<b>8</b> October 27, 2011 <b>TV:</b> June 2, 2012	11. <b>Guest lecture:</b> Fara Rupert, Assistant Crown Attorney, Ottawa 11. <b>Guest lecture:</b> Det. Randy Wagner, Ottawa Police, Major Crimes
<b>9</b> November 3, 2011 <b>TV:</b> June 5, 2012	13. <b>Guest lecture:</b> The Hon. Dianne Nicholas, OCJ Ottawa 13. Sentencing (cont'd)
<b>10</b> November 10, 2011 <b>TV:</b> June 9, 2012	Review mid-term exam 13. <b>Guest lecture:</b> Probation Officer Hal Grossner
<b>11</b> November 17, 2011 <b>TV:</b> June 12, 2012	13. <b>Guest lecture:</b> Sean Freeburn (John Howard Society) 13. <b>Guest lecture:</b> Gord Boyd, Youth Services Bureau
<b>12</b> November 24, 2011 <b>TV:</b> June 16, 2012	13. <b>Guest lecture:</b> Emmet Q. 13. Sentencing (cont'd)
<b>13</b> December 1, 2011 <b>TV:</b> June 19, 2012	14. Adult sentencing for youths  Final exam review
<b>June 22-27, 2012</b>	<b>FINAL EXAMINATION</b> <b>(Date, time and location TBA)</b>