

CARLETON UNIVERSITY

Department of Law

LAWS 3307B/T: YOUTH AND CRIMINAL LAW

INSTRUCTOR (CONTRACT)	John Hale , B.Sc., LL.B., B.C.L. (Contract Instructor, criminal lawyer)
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OFFICE HOURS	Office hours are by appointment only.
LECTURE SCHEDULE	Mondays, 6:05 – 8:55 PM; Please check with Carleton Central for current room location
BROADCAST	Tuesdays 9:00 – 11:30 AM
PREREQUISITE	Laws 2004
WEB SITE	See WebCT
REQUIRED READING	Nicholas Bala and Sanjeev Anand, <i>Youth Criminal Justice Law, Second Edition</i> (Irwin Law, September 2009)
RECOMMENDED READING	Tustin, Lee and Robert E. Lutes: <i>A Guide to the Youth Criminal Justice Act (2010 Edition)</i> (Lexis-Nexis/Butterworths, 2009). This is a <i>recommended purchase</i> . It is available at the University bookstore. <i>A 2010 Criminal Code (including the Charter of Rights), such as:</i>

- *Pocket Criminal Code 2010 (Carswell, 2009)*
- *Tremear's Annotated Criminal Code 2010 (Carswell, 2009)*
- *Martin's Annotated Criminal Code 2010 (Student Edition) (Canada Law Book, 2009)*
- *The Practitioner's Criminal Code 2010 (Student Edition) (Alan Gold, ed.; LexisNexis/Butterworths, 2009)*
- **Any other copy of the *Criminal Code* and the *Charter of Rights*, including downloadable versions from the Department of Justice website**

Used copies of the 2009 *Criminal Code* are adequate; earlier editions are useful but in many respects obsolete, and you may purchase them at your own risk. You are permitted to bring copies of these required and recommended readings to the exams in November and December.

METHOD OF EVALUATION

- (1) **Mid-Term Exam:** this open-book exam is scheduled for Saturday, November 7, 2009 from 2:00 – 4:00 PM, and will cover the first 6 lectures
- (2) **Final examination,** 2-hour open-book, to be held in the December examination period (December 9-22), covers Lectures 7-12.

“**Open book**”, for the purpose of the exam, means that the following materials may be brought into the examination room: (1) any required or recommended text, including an annotated *Criminal Code*; (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 slides; (4) any e-mails sent by the instructor. You may NOT make use of a computer during the exams, except with permission of the Paul Menton Center.

Grade breakdown: 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.

TEACHING ASSISTANTS / MARKERS

There are 2 TA's for this course. One TA has been assigned to the “B” section, while the other has been assigned to the “T” section. I will provide contact information, as well as specifics about their duties, at a later date. However, the TA's are...

- Angela Lee (3307B)
- Alessia Decorso (3307T)

DESCRIPTION OF THE COURSE

Students who have taken my section of Introduction to Criminal Law, Laws 2004, 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 fifth time, to be an extension of the introductory criminal law course. 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.

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), the recommended textbooks are just a starting point for readings. To be prepared for class (and exams), you will need to read various 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 various 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.

The required text by Bala and Anand has not yet been published, so I do not know at the time of this writing what the readings will be. I chose the text because Professor Bala is a hugely influential figure in the area of youth criminal justice, and I know that the text will be helpful. The text should be available at the Bookstore on October 1st. In the meantime, I will provide the first 2 chapters as a PDF.

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.

With there being an election likely in the fall, I expect that issues relating to youth crime will be highlighted and that this course should be particularly timely.

One final note regarding CUTV 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 weekly, and avoid the temptation to fall behind. By all means, come to class whenever you like, whichever section of the course you are in.

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.

CARLETON UNIVERSITY, DEPARTMENT OF LAW

LAWS 3307B/T: YOUTH AND CRIMINAL LAW (FALL 2009)

COURSE OUTLINE¹

<u>Class No.</u>	<u>Readings²</u>	<u>Topic(s)</u>
1 September 14, 2009 TV: September 15	Chapter 1	1. Introductory comments 2. Criminal procedure in a nutshell 3. Responding to youth crime in Canada: History of the <i>YCJA</i>
2 September 21, 2009 TV: September 22	Chapter 2	3. History of the <i>YCJA</i> (cont'd) 4. Principles for responding to youth offending
3 September 28, 2009 TV: September 29		5. Bail under the <i>YCJA</i> 6. Youth Court records
4 October 5, 2009 TV: October 6	ss. 13, 14, 16, 89, 142, 148; Chapter 3	6. Jurisdiction of the Youth Justice Court
5 October 19, 2009 TV: October 20	Chapter 4	8. Arrest, police questioning and pre-trial detention
6 October 26, 2009 TV: October 27		9. Tentative guest lecture : Youth Justice Court Judge
7 November 2, 2009 TV: November 3	TBA; s. 146	7. Arrest etc. (cont'd): Case studies re legality of searches; tentative guest lecture (police officer Sgt. Mark Houldsworth)
November 7, 2009 2:00 – 4:00 PM	Location TBA	Mid-Term Exam covers Lectures 1-6
8 November 9, 2009 TV: November 10	Chapter 5; ss. 18, 19; Chapter 6	8. Diversion and Extra-Judicial Measures 9. Lawyers in the youth justice process (tentative guest lecture : Crown Attorney Lisa Miles)

¹ Tentative outline, subject to change depending on the release of noteworthy cases throughout the year and on the availability of guest lecturers

² Section numbers refer to the *Youth Criminal Justice Act*; page and chapter numbers refer to Bala & Anand, *Youth Criminal Justice Law, Second Edition*

9 November 16, 2009 TV: November 17	Chapter 7; ss. 142, 38, 39; Part XX.1 <i>Cr. C.</i> Chapter 8	10. The Youth Justice Court process 11. Case studies: The law of Assault 12. Mental health issues (fitness and criminal responsibility) 13. Sentencing
10 November 23, 2009 TV: November 24	Chapter 8	14. Sentencing under the <i>YCJA</i> (cont'd) (tentative guest lecture: Probation Officer Hal Grossner)
11 November 30, 2009 TV: December 1	Chapter 8, 9	14. Sentencing under the <i>YCJA</i> (cont'd) (tentative guest lecture: Gord Boyd, Youth Services Bureau)
12 December 7, 2009 TV: December 8	Chapter 9	14. Adult sentencing for youths (tentative guest lecture: TBA)
December 9-22, 2009		FINAL EXAMINATION (Date, time and location TBA)