

CARLETON UNIVERSITY

Department of Law

LAWS 3307B/T: YOUTH AND CRIMINAL LAW

INSTRUCTOR **John Hale**, B.Sc., LL.B., B.C.L. (Contract Instructor, criminal lawyer)

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(I check messages daily and will respond promptly)

OFFICE HOURS **Office hours** are by appointment only.

LECTURE SCHEDULE Thursdays, 6:05 – 8:55 PM, in Southam 624; broadcast Mondays 2:00 – 5:00 PM

PREREQUISITE Laws 2302, or permission of instructor

WEB SITE [See WebCT](#)

REQUIRED READING **No purchases necessary (Readings will be from material available online)**

**RECOMMENDED
READING**

Any version of the *Criminal Code* that also includes the *Youth Criminal Justice Act* and the *Charter of Rights*

METHOD OF EVALUATION

- (1) **Mid-Term Exam:** this open-book exam is scheduled for Saturday, October 29, 2010 from 5:30 – 7:30 PM, and will cover the first 6 lectures
- (2) **Final examination,** 2-hour open-book, to be held in the December examination period (December 8-21), 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 version of the *Criminal Code* or *YCJA*; (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 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 normally 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. The TA’s have not been assigned as of the date of this handout, but I will provide contact information once I have it.

DESCRIPTION OF THE COURSE

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 7th 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 am experimenting 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.

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 weekly, and avoid the temptation to fall behind. By all means, come to class whenever you like, whichever section of the course you are registered 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.

COURSE OUTLINE¹

<u>Class No.</u>	<u>Topic(s)</u>
1 September 8, 2011 TV: September 12	1. Introductory comments 2. Criminal procedure in a nutshell 3. Responding to youth crime in Canada: History of the <i>YCJA</i>
2 September 15, 2011 TV: September 19	3. History of the <i>YCJA</i> (cont'd) 4. Principles for responding to youth offending; development of the adolescent brain
3 September 22, 2011 TV: September 26	5. Bail under the <i>YCJA</i> 6. Youth Court records
4 September 29, 2011 TV: October 3	7. Jurisdiction of the Youth Justice Court
5 October 6, 2011 TV: October 10	8. Arrest, police questioning and pre-trial detention
6 October 13, 2011 TV: October 17	8. Arrest etc. (cont'd): Case studies re legality of searches; tentative guest lecture (police officer)
7 October 20, 2011 TV: October 24	9. Tentative guest lecture : Youth Justice Court Judge
8 October 27, 2011 TV: October 31	9. Diversion and Extra-Judicial Measures 10. Lawyers in the youth justice process (tentative guest lecture : Crown Attorney)
October 29, 2011 5:30-7:30 PM	Mid-Term Exam covers Lectures 1-6
9 November 3, 2011 TV: November 7	11. The Youth Justice Court process 12. Case studies: The law of Assault 13. Mental health issues (fitness and criminal responsibility) 14. Sentencing
10 November 10, 2011 TV: November 14	14. Sentencing under the <i>YCJA</i> (cont'd) (tentative guest lecture : Probation Officer Hal Grossner)
11 November 17, 2011 TV: November 21	14. Sentencing under the <i>YCJA</i> (cont'd) (tentative guest lecture : Gord Boyd, Youth Services Bureau)
12 November 24, 2011 TV: November 28	15. Adult sentencing for youths (tentative guest lecture : TBA)
12 December 1, 2011 TV: December 5	Final exam review, and cushion (in case of missed lectures etc.)
December 8-21, 2011	FINAL EXAMINATION (Date, time and location TBA)

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