

# CARLETON UNIVERSITY

## Department of Law

### LAWS 3307T: YOUTH AND CRIMINAL LAW

**INSTRUCTOR (CONTRACT)**      **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**      (TV rebroadcast only: Wednesdays and Sundays 1030-1330 from May 11, 2011)

**PREREQUISITE**      1.0 credit from LAWS 2004 [1.0] (no longer offered), LAWS 2301, LAWS 2302

**WEB SITE**      [See WebCT](#)

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see:

[http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by June 10, 2011 for Spring term exams and July 29, 2011 for Summer term exams. 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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<b>REQUIRED READING</b>	<p>Sherri Davis-Barron, <i>Canadian Youth &amp; the Criminal Law</i> (LexisNexis, September 2009)</p>
<b>RECOMMENDED READING</b>	<p>Tustin, Lee and Robert E. Lutes:  <i>A Guide to the Youth Criminal Justice Act (2011 Edition)</i> (LexisNexis/Butterworths, 2010). This is a <i>recommended purchase</i>. It is available at the University bookstore.</p> <p><b>A 2011 Criminal Code (including the Charter of Rights), such as:</b></p> <ul style="list-style-type: none"> <li>➤ <i>Pocket Criminal Code 2011</i> (Carswell, 2010)</li> <li>➤ <i>The Practitioner's Criminal Code 2011 (Student Edition)</i> (Alan Gold, ed.; LexisNexis/Butterworths, 2010)</li> <li>➤ <i>Tremear's Annotated Criminal Code 2011</i> (Carswell, 2010)</li> <li>➤ <i>Martin's Annotated Criminal Code 2011 (Student Edition)</i> (Canada Law Book, 2010)</li> <li>➤ <b>Any other copy of the Criminal Code and the Charter of Rights, including downloadable versions from the Department of Justice website</b></li> </ul> <p>Used copies of the <i>2010 Criminal Code</i> 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 October and December.</p>
<b>METHOD OF EVALUATION</b>	<p><b>Both components must be successfully completed in order to pass this course.</b></p> <ol style="list-style-type: none"> <li>(1) <b>Mid-Term Exam:</b> this open-book exam is scheduled for Saturday, June 4, 2011 from 1:00 – 3:00 PM, and will cover the first 5 lectures</li> <li>(2) <b>Final examination,</b> 2-hour open-book, to be held in the final examination period (June 24-29), covers Lectures 6-12. <b>Please keep this entire period free until the exam date is confirmed.</b></li> </ol> <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 <u>required or recommended</u> text, including an annotated <i>Criminal Code</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 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.</p>
<b>TEACHING ASSISTANTS/ MARKERS</b>	<p>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>

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**DESCRIPTION OF THE COURSE**

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Students who have taken my section of either LAWS 2004, 2301 and/or 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 fifth 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.

Because the *YCJA* is a relatively 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, some of which have been only recently 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.

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 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.

**LAWS 3307T: YOUTH AND CRIMINAL LAW (SPRING 2011)****COURSE OUTLINE**

<b><u>Class No.</u></b>	<b><u>Readings<sup>1</sup></u></b>	<b><u>Topic(s)</u></b>
<b>1</b> September 13, 2010 <b>TV:</b> May 10, 2011	Chapter 1	1. Introductory comments 2. Criminal procedure in a nutshell
<b>2</b> September 20, 2010 <b>TV:</b> May 13, 2011	Chapter 3	3. Responding to youth crime in Canada: History of the YCJA 4. Principles for responding to youth offending; development of the adolescent brain (continues in Lecture 3)
<b>3</b> September 27, 2010 <b>TV:</b> May 17, 2011	Chapter 4 Chapter 9	5. Bail under the YCJA 6. Youth Court records (continues in Lecture 4)
<b>4</b> October 4, 2010 <b>TV:</b> May 20, 2011	ss. 13, 14, 16, 89, 142, 148; Chapter 2	7. Jurisdiction of the Youth Justice Court (continues in Lecture 5)
<b>5</b> October 18, 2010 <b>TV:</b> May 24, 2011	Chapters 4, 6	8. Arrest, police questioning and pre-trial detention
<b>6</b> October 25, 2010 <b>TV:</b> May 27, 2011	Chapter 5; ss. 18, 19; Chapter 6	9. Diversion and Extra-Judicial Measures
June 4, 2011 1:00 – 3:00 PM	Location TBA	<b>Mid-Term Exam covers Lectures 1-5</b>
<b>7</b> November 1, 2010 <b>TV:</b> May 31, 2011	Chapter 6 Part XX.1 Cr. C.	<b>Guest lecture: Sgt. Mark Houldsworth, Ottawa Police</b> 10. The role of lawyers in the youth justice process 11. Mental health issues (fitness and criminal responsibility)
<b>8</b> November 8, 2010 <b>TV:</b> June 3, 2011		Guest lecture: Emmet Q.
<b>9</b> November 15, 2010 <b>TV:</b> June 7, 2011	Chapter 4; ss. 142, 38, 39; Chapter 8	12. Sentencing
<b>10</b> November 22, 2010 <b>TV:</b> June 10, 2011	Chapter 8	12. Sentencing under the YCJA (cont'd) ( <b>Guest lecturers:</b> (1) Sean Freeburn, John Howard Society [NRAC]; (2) Probation Officer Hal Grossner)
<b>11</b> November 29, 2010 <b>TV:</b> June 14, 2011	Chapter 8	12. Sentencing under the YCJA (cont'd) (tentative <b>guest lecture:</b> (1) Gord Boyd, Youth Services Bureau [re youth custodial facilities]; (2) Mike Boyce, Assistant Crown Attorney)
<b>12</b> December 6, 2010 <b>TV:</b> June 17, 2011	Chapters 4, 8	<b>Guest lecture: Madam Justice Heather Perkins McVey</b> 13. Adult sentencing for youths Exam review
June 24-29, 2011		<b>FINAL EXAMINATION</b> (Date, time and location TBA)

<sup>1</sup> Section numbers refer to the *Youth Criminal Justice Act*; page and chapter numbers refer to Sherri Davis-Barron, *Canadian Youth & the Criminal Law* (2009, Lexis-Nexis)