

CARLETON UNIVERSITY

Department of Law

LAWS 3307T: YOUTH AND CRIMINAL LAW

**INSTRUCTOR
(CONTRACT)**

John Hale, B.Sc., LL.B., B.C.L. (Criminal Lawyer)

HOW TO REACH ME

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(I check messages daily and will respond promptly)

OFFICE HOURS

Office hours are by appointment only.

LECTURE SCHEDULE

Broadcasts every Wednesday and Friday (except May 26 and 28), 10:30 AM to 1:30 PM, from May 12 to June 25 inclusive

PREREQUISITE

Laws 2004

WEB SITE

[See WebCT](#)

"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 . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **June 11, 2010 for June exams and July 30, 2010 for August exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

REQUIRED READING Nicholas Bala and Sanjeev Anand, *Youth Criminal Justice Law, Second Edition* (Irwin Law, September 2009), plus cases assigned by the instructor throughout the course

RECOMMENDED READING Tustin, Lee and Robert E. Lutes: *A Guide to the Youth Criminal Justice Act (2010 Edition)* (LexisNexis/Butterworths, 2009). This is a *recommended purchase*. It is available at the University bookstore.

A 2010 Criminal Code (including the Charter of Rights), such as:

- *Pocket Criminal Code 2010* (Carswell, 2009)
- *Tremeeear'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 June.

METHOD OF EVALUATION

All components must be completed to pass this course

- (1) **Mid-Term Exam:** this open-book exam is scheduled for Friday, June 11, 2010 from 7:00 – 9:00 PM, and will cover the first 6 lectures
- (2) **Final examination,** 2-hour open-book, to be held in the formal examination period (June 30 – July 4), 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 should be at least one TA assigned to this course. I will provide information once I have it.

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 was published in September 2009 and was not available until October 2009. The text provides background information and, more detail than I cover in the lectures.

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 the threat of a federal election constantly in the air, 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.

COURSE OUTLINE¹

<u>Class No.</u>	<u>Readings</u> ²	<u>Topic(s)</u>
1 May 12, 2010	Chapter 1	1. Introductory comments 2. Criminal procedure in a nutshell
2 May 14, 2010	Chapter 2	3. History of the YCJA 4. Principles for responding to youth offending
3 May 19, 2010		5. Bail under the YCJA 6. Youth Court records
4 May 21, 2010	ss. 13, 14, 16, 89, 142, 148; Chapter 3	7. Jurisdiction of the Youth Justice Court
5 June 2, 2010	Chapter 4	8. Arrest, police questioning and pre-trial detention
6 June 4, 2010		9. Guest lecture: The Honourable Madam Justice Cathy Kehoe, Youth Court Judge
7 June 9, 2010	TBA; s. 146	8. Arrest etc. (cont'd); Guest lecture (police officer Sgt. Mark Houldsworth)
8 June 11, 2010	Chapter 5; ss. 18, 19; Chapter 6	9. Diversion and Extra-Judicial Measures 10. Lawyers in the youth justice process 11. The Youth Justice Court process 12. Case Studies: the law of Assault 13. Mental health issues (fitness and criminal responsibility)
June 11, 2010 7:00 – 9:00 PM	Location TBA	Mid-Term Exam covers Lectures 1-6
9 June 16, 2010	Chapter 7; ss. 142, 38, 39; Part XX.1 Cr. C. Chapter 8	Guest lecturer: Lisa Miles, Assistant Crown Attorney 14. Sentencing
10 June 18, 2010	Chapter 8	15. Sentencing under the YCJA (cont'd) (Guest lecture: Probation Officer Hal Grossner)
11 June 23, 2010	Chapter 8, 9	16. Sentencing under the YCJA (cont'd) (Guest lecture: Gord Boyd, Youth Services Bureau)
12 June 25, 2010	Chapter 9	17. Adult sentencing for youths (Guest lecture: Emmet Quinn)
June 30 – July 4, 2010		FINAL EXAMINATION (Date, time and location TBA)

¹ The first date refers to the original lecture date; the second date refers to the broadcast date in Spring 2010

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

