

# CARLETON UNIVERSITY

## Department of Law and Legal Studies

### LAWS 3307B/T: YOUTH AND CRIMINAL LAW FALL 2016

**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**        Wednesdays, 6:05 – 8:55 PM, Location to be announced (please check  
   online)

**PREREQUISITE**                Laws 2301 and Laws 2302, or permission of instructor

**WEB SITE**                        See [cuLearn](#)

**REQUIRED TEXT**              **Susan Reid, Rebecca Bromwich & Sarah Gillis, *Youth and the Law: New Approaches to Criminal Justice and Child Protection (Third Edition)* (Emond, 2016).** This text is available at both the Carleton Bookstore and Haven Books.

**SUPPLEMENTARY  
TEXTS**                                N/A

**METHOD OF EVALU-  
ATION**                                (1) **Mid-Term Exam:** this 3-hour open-book exam is scheduled for Friday, October 21, 2016 from 6-9 PM, and will cover the first 6 lectures.

   (2) **Final examination,** 3-hour open-book, to be held in the December examination period (December 10-22), 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) the Reid, Bromwich & Gilliss textbook; (2) any version of the *Criminal Code* or *YCJA*; (3) your lecture notes (or any notes that you shared with a study group or that you have with the permission of their author), and (4) any material downloaded from the course website (cuLearn), including the instructor’s lecture notes and PowerPoint/Keynote slides; (5) 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**

Once teaching assistants are assigned, I will provide you with their contact information.

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**Academic Accommodations:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own. Plagiarism includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University’s **Academic Integrity Policy** can be found at:

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<http://carleton.ca/studentaffairs/academic-integrity/>

### Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

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## DESCRIPTION OF THE COURSE

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Students who have taken my section of Criminal Justice System (Laws 2301) or Criminal Law (Laws 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 12<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 to a great degree on guest lecturers to help put the reading materials into real-life context.

Last year, for the first time, I required students to buy one text: *Youth and the Law* by Susan Reid et al. One nice thing about this text is that it includes the full text of the YCJA in it, so there is no need to buy a separate copy.

You may wish to have a copy of the *Criminal Code*, which you can download or view online (<http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html>) or which you can purchase in the form of an unannotated or annotated Code. If you buy a *Criminal Code*, it will have included in the same book the YCJA, the *Charter of Rights* and other legislation. It is not necessary to buy a *Criminal Code*. However, if you are taking other criminal law courses you will want to have one. Buy one that is a 2016 or 2017 edition.

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), 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. As we go through the material, we will

look at recent amendments to the *YCJA*, which are an excellent example of the interplay between politics and the criminal justice system.

The second half of the course is largely taken up with guest lectures. My experience is that students truly enjoy these lectures and take advantage of the opportunity to speak with professionals who can give them practical career advice and even opportunities.

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 or even any 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 to take courses that would otherwise be inaccessible to them because of distance, employment, family responsibilities and/or disability. 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 binge-watching them in a marathon session. If you are going to binge-watch, I suggest you watch *Breaking Bad* or *The Wire*. While this approach 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 OUTLINE<sup>1</sup>

<u>Class No.</u>	<u>Topic(s)</u>	<u>Readings<sup>2</sup></u>
<b>1</b> September 7, 2016	1. Introductory comments 2. Criminal procedure in a nutshell	Chapters 1 and 2
<b>2</b> September 14, 2016	3. History of the <i>YCJA</i> 4. Principles for responding to youth offending; development of the adolescent brain	Chapters 3 and 4

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

<sup>2</sup> Readings are from Reid et al, *Youth and the Law (Third Edition)*, unless otherwise indicated.

<b>3</b> September 21, 2016	5. Jurisdiction of the Youth Justice Court 6. Arrest, police questioning and pre-trial detention; Bail	Chapters 5 and 6
<b>4</b> September 28, 2016	7. Diversion, Extrajudicial Measures and Conferences 8. Lawyers in the Youth Justice Process	Chapter 5 and 7
<b>5</b> October 5, 2016	<b>Guest lecture:</b> Cst. Amy Sturgeon (Ottawa Police Service) <b>Guest lecture:</b> Tom Scholberg, Manager of the Boys and Girls Club of Ottawa, Ottawa Community Youth Diversion Program	
<b>6</b> October 12, 2016	9. Mental Health Issues 10. Youth Court records	pp. 232-4 pp. 189-90
<b>7</b> October 19, 2016	11. Sentencing: the statutory framework	Chapters 8 and 9
October 21, 2016 6:00 – 9:00 PM	<b>Mid-Term Exam covers Lectures 1-6</b>	
October 26, 2016	<b>NO LECTURE (FALL BREAK)</b>	
<b>8</b> November 2, 2016	<b>Guest lecture:</b> Fara Rupert, Assistant Crown Attorney, Ottawa	
<b>9</b> November 9, 2016	<b>Guest lecture:</b> Youth Justice Court Judge 12. Sentencing to custody	Chapters 8 and 9
<b>10</b> November 16, 2016	<b>Guest lecture:</b> Probation Officer Hal Grossner <b>Guest lecture:</b> Emmet Q.	
<b>11</b> November 23, 2016	Review midterm exam <b>Guest lecture:</b> Jessica Charron (John Howard Society)	
	13. Adult sentencing for youths	Chapter 8
<b>12</b> November 30, 2016	<b>Guest lecture:</b> Gord Boyd, Youth Services Bureau 14. Adult sentencing for youths (cont'd) Final exam review and prep	Chapter 8
<b>13</b> December 7, 2016	Cushion (in case a class was cancelled) Final exam review and prep	
December 10-22	<b>FINAL EXAMINATION</b> Date, time and location TBA on October 7 <sup>th</sup>	