

Course Outline

COURSE:	LAWS 3307C and 3307V – Youth and Criminal Law
TERM:	Winter 2021
PREREQUISITES:	LAWS 2301 and LAWS 2302 (grade of D- or higher), or permission of instructor
CLASS:	Day & Time: Please check Carleton Central for current Class Schedule. All Courses in the Winter 2021 term are offered online. Lectures will be prerecorded and uploaded to cuLearn each week, prior to 6:00 PM Thursdays. In addition, CUOL will make these lectures available as VOD to all students.
	Room: N/A
INSTRUCTOR: (CONTRACT)	John HALE, B.Sc., LL.B., B.C.L., member of the Bars of Ontario and NWT
CONTACT:	Office: The instructor will not be on campus during the Winter term. Any in-person meeting would take place at the instructor's law office, located at Suite 101-116 Lisgar Street.
	Office Hrs: There are no set office hours. Meetings with students can be conducted by phone or by Zoom, or in person at the above address.
	Telephone: 613.695.4253 (office) or 613.290.5247 (cell)
	Email: John.Hale@Carleton.ca

CALENDAR COURSE DESCRIPTION

A review of the Youth Criminal Justice Act within the framework of the Canadian justice system, with particular emphasis on historical and philosophical developments and objectives. Current topics include: constitutional issues, procedure, confessions, transfers, sentencing options, alternative measures, reviews, and possible amendments.

COURSE DESCRIPTION

I have adapted my usual course description – and the course itself – to take into account the reality that, for the first time, I will not be teaching this course live to students in a classroom. There may be some growing pains as we discover what works, what doesn't work, and as I receive your feedback; as a result, this outline is not carved in stone.

I have always enjoyed having back-and-forth with students in the classroom, and will miss that this year. We will all have to adjust to this new way of teaching and learning, at least for a little while longer.

In order to generate some participation, I invite students to send me questions about the lectures, either by email or, if you like, as a video message that I can play to the class. I will start each lecture by answering questions that I have received about the previous lecture; or, if there are sufficient questions, I will record a

separate Q&A and post it with the lectures. If you have done the readings in advance and have a question about a case, I will answer your question at the appropriate point in the lecture.

I plan on holding two live sessions, in the 6th and 12th lecture time slots (February 11th and April 1st at 6:00 PM Ottawa time). I will send Zoom invitations when the time comes. These will not be lectures, but instead will be Q&A sessions. I will record full lectures for those dates.

What follows is the version of the course description that I would normally provide, adapted to online teaching during the pandemic.

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 17th 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, particularly in the second half of the course, to help put the readings and statutory provisions into real-life context.

There is NO REQUIRED TEXT. You need access to a *Criminal Code* and a *Youth Criminal Justice Act*. If you have a recent copy of the *Criminal Code* from another course, then you already have a copy of the *Youth Criminal Justice Act*. Both statutes are available as PDF downloads from the Justice Canada website: <https://laws-lois.justice.gc.ca/PDF/C-46.pdf> and <https://laws-lois.justice.gc.ca/PDF/Y-1.5.pdf>.

Because the 2003 YCJA is a relatively new piece of legislation (compared to the 129-year-old *Criminal Code*) 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. All materials will be posted to cuLearn.

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 connect with professionals who can give them practical career advice and even provide career and volunteer 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 *Better Call Saul* 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.

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.

REQUIRED TEXTS: N/A

SUPPLEMENTARY TEXTS – N/A

EVALUATION

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

- (1) **Quizzes:** There will be three 2-hour quizzes, worth a total of 70% of your grade. Each quiz will cover 3 lectures and will be done online, through cuLearn. They will be weighted such that the two quizzes you do best on will be worth 30% each, and the other quiz will be worth 10% of your grade. You will have a window from 5pm-10pm in which to write the 2-hour test. In other words, you can start the quiz at any time between 5-8 PM; once you start you will have 2 hours to complete the quiz. The quizzes will take place as follows:
 - February 4: covers Lectures 1-3 (as taught)
 - March 4: covers Lectures 4-6 (as taught)
 - March 25: covers Lectures 7-9 (as taught)
- (2) **Final examination**, 3-hour exam, to be held in the formal exam period at the end of the course (April 16-27, 2021), covering lectures 10-12; again, the exam covers the lectures *as taught*. You will have a window of 4 days in which to write the 3-hour exam.

Grade breakdown: The quizzes are worth a total of 70% of your final grade. The final exam is worth 30% of your final grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is

granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

January 11, 2021	Classes Begin
February 15, 2021	Statutory Holiday, University Closed
February 15 – 19, 2021	Winter Break, No Classes
April 14, 2021	Winter Term Ends
	Classes follow a Monday Schedule
April 16 – 27, 2021	Formally Scheduled Final Exams

COURSE OUTLINE

<u>Class No.</u>	<u>Topic(s)</u>	<u>Readings</u>
1 January 14, 2021	1. Introductory comments 2. Criminal procedure in a nutshell	None
2 January 21, 2021	3. History of the YCJA 5. Principles for responding to youth offending; development of the adolescent brain	TBA
3 January 28, 2021	6. Jurisdiction of the Youth Justice Court 7. Arrest, police questioning and pre-trial detention; Bail	TBA
February 4, 2021	QUIZ #1: covers Lectures 1-3 (as taught)	
4 February 4, 2021	8. Diversion, Extrajudicial Measures and Conferences 9. Lawyers in the Youth Justice Process	TBA
5 February 11, 2021	Guest lecture: Judge of the Ontario Court of Justice (TBA) Guest lecture: Emmet Q.	TBA
February 18, 2021	NO LECTURE (WINTER BREAK)	
February 25, 2021	LIVE Q&A starting at 6:00 PM ET	
6 February 25, 2021	Guest lecture: Det. Cory McAree (Ottawa Police Service) Guest lecture: Tom Scholberg, Manager of the Boys and Girls Club of Ottawa, Ottawa Community Youth Diversion Program	TBA
March 4, 2021	QUIZ #2: covers Lectures 4-6 (as taught)	
7 March 4, 2021	9. Mental Health Issues 10. Youth Court records	TBA
8	11. Sentencing: the statutory framework	TBA

March 11, 2021		
9 March 18, 2021	Guest lecture: Dave Roberts, Assistant Crown Attorney, Ottawa	TBA
March 25, 2021	QUIZ #3: covers Lectures 7-9 (as taught)	
10 March 25, 2021	Guest lecture: Probation Officer (TBA) Sentencing to custody	TBA
11 April 1, 2021	Guest lecture: Awale Robleh (John Howard Society) 12. Adult sentencing for youths	TBA
12 April 8, 2021	Guest lecture: Marisa Moher, YouTurn Guest lecture: Melanie Bania, Youth Services Bureau 12. Adult sentencing for youths (cont'd)	TBA
April 16-27, 2020	FINAL EXAMINATION: covers Lectures 9-12 Date and time TBA	

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact 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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or 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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

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:

<https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit:

<https://carleton.ca/studentssupport/svpolicy/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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.

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

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:

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