

Course Outline

COURSE:	LAWS 3307 A – Youth and Criminal Law
TERM:	Fall 2024
PREREQUISITES:	LAWS 2301 and LAWS 2302
CLASS:	Day & Time: As of August 26, 2024 the lectures are scheduled on Thursdays at 2 6:05-8:55 PM. Room: Please check Carleton Central for current Class Schedule. This course will be taught on average once per week via Zoom, asynchronously ¹ , but days and times will vary depending on the instructor's court schedule any given week. Advance notice will be given so that students may join the lecture and participate by Zoom. All lectures will be recorded and posted to Brightspace.
INSTRUCTOR: (CONTRACT)	John HALE, B.Sc., LL.B., B.C.L., member of the Bars of Ontario and the Northwest Territories
CONTACT:	Office Hrs: There are no set office hours. Meetings with students can be conducted by phone or by Zoom. Our teaching assistant can be reached by email: Vered BEN DAVID, VEREDBENDAVID@cmail.carleton.ca Telephone: 613.290.5247 (cell) Email: JohnHale@cunet.carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/290258

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, bail, statements to police and others in authority, sentencing options including adult sentencing, diversion, sentence reviews, and possible amendments.

¹ In the course description the course is listed as “combined synchronous/asynchronous”. To be clear, students will never be required to attend a lecture; the intention was simply to indicate that sometimes the lecture will be delivered at the scheduled time.

COURSE DESCRIPTION

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 20th time (not counting summers), to be somewhat of an extension of the introductory criminal law courses. The focus will continue to be on jurisprudence, statutory provisions and established (or controversial) 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.

Because the 2003 *YCJA* is a relatively new piece of legislation (compared to the 130-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 Brightspace.

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 including 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 adolescents, 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. Quizzes 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.

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: You will require a copy of the *Criminal Code*. I have asked the Carleton Bookstore to order the 2025 Martin’s Annual Criminal Code, Student Edition (Thomson Reuters, August 2024). This is an excellent resource for any criminal-law-related course that you might take, and as such will be easy

to sell second-hand at the end of the course if you no longer need or want your copy. This annotated version of the *Criminal Code* also includes several other statutes, most notably 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>.

EVALUATION

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.

Quizzes: There will be four 3-hour quizzes, each covering 3 lectures. You will have a window of roughly 4.5 days in which to write each 3-hour quiz. In other words, you can start the quiz at any time during the 3-day window; once you start you will have 3 hours to complete the quiz (except for students who have been approved for extra time by the Paul Menton Centre). The quizzes will take place as follows:

- September 23 12:00 PM to September 27 11:00 PM: covers Lectures 1-3 (as taught)
- October 14 12:00 PM to October 18 11:00 PM: covers Lectures 4-6 (as taught)
- November 11 12:00 PM to November 15 11:00 PM: covers Lectures 7-9 (as taught)
- The fourth quiz, which covers the final 3 lectures (as taught), will be done during the final exam period (December 9-21); the specific date will be announced later in the term, but the quiz will be the same format as the first 3 quizzes and will be done online on Brightspace.

The quizzes will be weighted as follows:

The first 3 quizzes will be weighted as follows: the quiz on which you get your lowest mark will be worth 10% of your final grade; the other three quizzes will be worth 30% each.

All components must be completed as individual work, You may not reuse more than 20% of any work prepared for another course.

All components must be successfully completed to get a passing grade in the course.

Artificial Intelligence tools may be used only as authorized. See my Statement on Artificial Intelligence at the end of this Outline.

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 short-term extensions, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>.

Final exam deferrals must be applied for at the Registrar's Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student's control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

Fall 2024 Sessional Dates and University Closures

September 4, 2024

Fall term begins

October 14, 2024

Statutory holiday, University closed

October 21-25, 2024

Fall Break, no classes

December 6, 2024

Fall Term ends; classes follow Monday schedule

December 9-21, 2024

Formally scheduled final exams

COURSE OUTLINE

<u>Class No.</u>	<u>Topic(s)</u>	<u>Readings</u>
1 September 5	1. Introductory comments 2. Criminal procedure in a nutshell	See "Resources" folder, Lecture 1 materials
2 September 12	3. History of the YCJA 4. Principles for responding to youth offending; 5. Development of the adolescent brain	See "Resources" folder, Lecture 2 materials
3 September 19	6. Jurisdiction of the Youth Justice Court	See "Resources" folder, Lecture 3 materials
September 23-27	QUIZ #1: covers Lectures 1-3 (as taught)	
4 September 26	7. Arrest, police questioning and pre-trial detention Guest speakers²: Det. Geneviève Madden and Kevin Williams, Ottawa Police (Youth Section)	See "Resources" folder, Lecture 4 materials
5 October 3	8. (Cont'd) Bail 9. Diversion, Extrajudicial Measures and Conferences 10. Lawyers in the Youth Justice Process	See "Resources" folder, Lecture 5 materials
6 October 10	Guest lecture: Tom Scholberg, Manager of the Boys and Girls Club of Ottawa, Ottawa Community Youth Diversion Program Guest lecture: Tara Dobec (Assistant Crown Attorney, Ottawa)	See "Resources" folder, Lecture 6 materials
October 14-18	QUIZ #2: covers Lectures 4-6 (as taught)	
7 October 17	11. Mental Health Issues Guest Lecture: Michelle Pasztor, Youth Mental Health Court	See "Resources" folder, Lecture 7 materials

² Names of guest lecturers is tentative. The names provided are of guests who lectured previously.

	12. Youth Court records	
October 21-25	FALL BREAK – NO CLASSES	
8 October 31	9. Sentencing: the statutory framework	See “Resources” folder, Lecture 8 materials
9 November 7	10. Sentencing (cont’d): custodial sentences Guest lecture: Ben G.	See “Resources” folder, Lecture 9 materials
November 11-15	QUIZ #3: covers Lectures 7-9 (as taught)	
10 November 14	Guest lecture: Geneviève Lescault, youth worker (probation officer) Guest lecture: Melanie Herweyer, John Howard Society, re NRAC	See “Resources” folder, Lecture 10 materials
11 November 21	11. Sentencing (cont’d): custodial sentences Guest lecture: Marisa Moher, YouTurn and Ryan McKay, William E. Hay Centre	See “Resources” folder, Lecture 11 materials
12 November 28	12. Adult sentencing for youths 13. Special topic: The s. 11(b) right to trial within a reasonable time: How <i>R. v. Jordan</i> applies in youth cases 11. Guest lecturers: Madam Justice Marlyse Dumel, Ontario Court of Justice, Ottawa	See “Resources” folder, Lecture 12 materials
December 9-21 (specific date TBD)	QUIZ #4: covers Lectures 10-12 (as taught)	

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department’s expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

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

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

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 for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

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 where 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/equity/sexual-assault-support-services>

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

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).

STATEMENT ON LEARNING, ASSIGNMENTS, AND ARTIFICIAL INTELLIGENCE

(With thanks to Prof. Brettel Dawson for the following language)

Advances in the capacity of artificial intelligence models to retrieve information and present academic analysis are moving at exponential speed. We are in a phase of high disruption for university assignments. Professors, including me, are engaged in a process of re-designing (and realigning) evaluation methods to assess relevant student knowledge and understanding. We are also trying to sort how to help you generate benefits from AI and minimize the risks that it poses in your academic work. There's a quote that stands out for me in this regard, "used well, [artificial intelligence] tools can show students the wonders and responsibilities of acquiring and building powerful knowledge. It can assist rather than being in opposition to their

learning.”³ In light of these thoughts, I do permit you to use AI in your work in this course, subject to my observations and requirements as set out below.

Observations on AI

- You need to have a conceptual grasp of the topics you are exploring to be able to craft effective search (prompt) strategies to use AI effectively and appropriately in academic work. It works best for topics you understand.
- You may find it useful to ask AI to rephrase academic writing or concepts into ‘plain English’ so you can understand it a bit more easily (e.g, ask for definitions). But note: AI can change words and meanings that matter in quoted passages. There is no shortcut for learning!
- AI may help you develop your understanding of the subject area. Check out a new tutorial tool: www.aitutorpro.ca It looks great!
- You may (and likely already do) use something like Grammarly to check (proof) your writing.

When doing quizzes:

- Do not trust anything AI gives you. If it gives you a number or fact, assume it is wrong unless you either know the answer or can check with another source. AI tools can and do fabricate (‘hallucinate’) in their responses.
- When doing assignments, you should read suggested articles before you head to AI to ask it to summarize, as AI will begin to shape your research path and understanding. The key is to try to remain ‘independent’ of what AI produces for you.
- AI may help you broaden your understanding of area relevant to your paper but this is only complementary to and not a substitute for researching scholarly sources/articles.
- AI is not reliable as a research tool for sources. Some tools like Bing and Perplexity AI, give a list of consulted sources. But, overall, it remains opaque to me how AI tools select/give sources. There is no guarantee that they are the best quality or most on point. They are certainly not comprehensive! For example, Perplexity.ai gives only a few sources for prompts and follow-ups if you are using free access. Even with a paid account and more sources, the opaqueness remains. Use the library (Omni tool) and traditional research methods to locate relevant scholarly sources for you work and ensure that you are using peer-reviewed sources.

General Requirements on AI use

- Your actual, submitted work - or any part of it - may not be generated by AI even if you do some editing on the content.
- You are required in this course to include an Appendix in all written work which contains an account of your use of AI and also your research process without AI.
- If you want to rely on/build from/present aspects of answers as generated from AI you

³ See “ChatGPT is the push higher education needs to rethink assessment”, The Conversation, March 23, 2023, online at ChatGPT, <https://stuff.co.za/2023/03/13/chatgpt-is-the-push-higher-education-needs/#:~:text=We%20believe%20ChatGPT%20could%20be%20a%20powerful%20impetus,intelligence%20tools%20like%20chat-bots%20in%20the%20world%20today.>

must verify by using traditional research methods. You must include a note in any work using AI about how you have done this verification. You are fully responsible for any errors or omissions in your work arising from the use of AI.

- When considering AI responses, you must ask the tool you are using for the sources it has used and follow-up what it gives you. AI still fabricates completely false citations to non-existent sources. I will likely know the field well enough to raise my eyebrows and catch you out if you put fake stuff into your work.
- You must assess the quality and relevance of sources being used by the AI you access. You should make a note in your work about how you have done this.

Final comments on AI use in Laws 2302

Given the nature of evaluation in this course, where you will be doing quizzes based on lectures and readings, AI will be of limited use to you and will be easily spotted if you use it. I expect that AI will provide you with answers that go well outside the course material, so you could well end up spending a great deal of time trying to scrub your AI-generated answer of anything that looks like you did separate research outside what we talked about in class.

Quizzes will be a blend of different types of questions: Multiple choice, True/False, short answer, and short essay. AI would only be of assistance on short essay questions, but would be of limited help on the quizzes that I set.