

Course Outline

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| <b>COURSE:</b>                    | <b>LAWS 3307 V – Youth and Criminal Law</b>   |
| <b>TERM:</b>                      | <b>Late Summer 2020</b>   |
| <b>PREREQUISITES:</b>             | <b>LAWS 2301 and LAWS 2302 (grade of D- or higher), or permission of instructor</b>   |
| <b>CLASS:</b>                     | <b>Day &amp; Time: Mondays and Thursdays from July 2 to August 14, 2020<br/>(There are no live lectures in this course. Lectures will be available via Video on Demand)<br/>Room: N/A</b>   |
| <b>INSTRUCTOR:<br/>(CONTRACT)</b> | <b>John HALE, B.Sc., LL.B., B.C.L., member of the Bars of Ontario and NWT</b>   |
| <b>CONTACT:</b>                   | <b>Office: Room B442 Loeb Building (Contract Instructor's Office)<br/>Office Hrs: By appointment only<br/>Telephone: 613.695.4253 (office) or 613.290.5247 (cell)<br/>Email: <a href="mailto:John.Hale@Carleton.ca">John.Hale@Carleton.ca</a></b> |

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**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 SPECIFIC TO THIS SECTION OF THE COURSE (SECTION V)****(a) A few words about the summer section of the course**

The lectures that you will be watching were, for the most part, given in the Winter term of 2020. All but one of Lectures 1-9 were presented live in class on a Monday evening. I (your humble instructor) was ill on February 3<sup>rd</sup>, the date of the 5<sup>th</sup> lecture, and instead of canceling class I rebroadcast two guest lectures from previous years.

COVID-19 swept through Ottawa in mid-March 2020. The last lecture that I gave on campus was delivered on March 9<sup>th</sup>, when there were three guest lecturers. On Sunday March 15<sup>th</sup>, the Province of Ontario announced emergency public health measures: university campuses shut down, as did the courts.

At this point I had three lectures remaining in the term. Luckily I had a bank of lectures from the previous year, so I finished up the semester with rebroadcasts of old lectures.

There will be no new material taught this summer. You will receive the same lectures that students in Laws 3307CV received a few months ago. There has been no change in the law – not surprisingly, as Parliament has not been sitting – so the information provided is still current.

Please feel free to contact me as we go through the term. I am hoping to arrange a couple of Zoom (or whatever platform) meetings with the class, given that there are no on-campus exams and I will otherwise not get to see you.

I will update you by announcements through cuLearn as we go through the course. I hope that you enjoy it.

**(b) The course description for the course as originally taught**

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 16<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 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 YCJA is a relatively new piece of legislation (compared to the 128-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.

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 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) **Mid-term examination:** 3-hour open book exam to be written online, via cuLearn, between July 24-26, covering the first 6 lectures.
- (2) **Final examination,** 4-hour open-book exam, to be held in the formal exam period at the end of the course (April 13-25, 2020), covering lectures 7-12; again, the exam covers the lectures *as taught*.

“**Open book**”, for the purpose of the exam, means that you may access any materials that you wish during the exams, including any texts, any online materials (including materials that I have posted on cuLearn), and your own notes. Students are reminded that it is an academic offence to collaborate with others while completing an examination.

**Grade breakdown:** The exam that you do better on will be worth 60% of your final grade; the other exam will be worth 40% of your grade.

**SCHEDULE**

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|--------------|--|
| July 2       | Late summer term classes begin   |
| July 9       | Last day for registration and course changes                                   |
| July 17      | Last day for withdrawal from late summer term courses with full fee adjustment |
| August 3     | Statutory holiday, University closed   |
| August 14    | Last day of late summer term classes   |
| August 17-23 | Formally scheduled exams take place  |

**COURSE OUTLINE**

| <u>Class No.</u>             | <u>Original lecture</u>                  | <u>Topic(s)</u>   |
|------------------------------|--|---|
| <b>1</b><br>July 2, 2020     | <b>1</b><br>January 6, 2020              | 1. Introductory comments<br>2. Criminal procedure in a nutshell   |
| <b>2</b><br>July 6, 2020     | <b>2</b><br>January 13, 2020             | 3. History of the YCJA<br>4. Principles for responding to youth offending; development of the adolescent brain  |
| <b>3</b><br>July 9, 2020     | <b>3</b><br>January 20, 2020             | 5. Jurisdiction of the Youth Justice Court<br>6. Arrest, police questioning and pre-trial detention; Bail   |
| <b>4</b><br>July 13, 2020    | <b>4</b><br>January 27, 2020             | 5. Jurisdiction of the Youth Justice Court (cont'd)<br>6. Arrest, police questioning and pre-trial detention; Bail (cont'd)   |
| <b>5</b><br>July 16, 2020    | <b>5</b><br>February 3, 2020             | <b>Guest lecture:</b> Justice Celynne Dorval – OCJ Ottawa<br><b>Guest lecture:</b> Emmet Q.   |
| <b>6</b><br>July 20, 2020    | <b>6</b><br>February 10, 2020            | 7. Diversion, Extrajudicial Measures and Conferences<br>8. Lawyers in the Youth Justice Process   |
| <b>7</b><br>July 23, 2020    | <b>7</b><br>February 24, 2020            | 9. Mental Health Issues<br>10. Youth Court Records<br>11. Sentencing: the statutory framework   |
| July 24-26, 2020             |  | <b>Mid-Term Exam covers Lectures 1-6</b>  |
| <b>8</b><br>July 27, 2020    | <b>8</b><br>March 2, 2020                | 12. Sentencing to custody   |
| <b>9</b><br>July 30, 2020    | <b>9</b><br>March 9, 2020                | <b>Guest lectures:</b><br>- Hart Shouldice, Assistant Crown Attorney, Ottawa<br>- Rachel Davis, Youth Mental Health Court worker<br>- Paul Ste. Marie, Probation officer / youth worker |
| August 3, 2020               |  | <b>NO LECTURE (HOLIDAY)</b>   |
| <b>10</b><br>August 6, 2020  | <b>10</b><br>March 13, 2019              | Review mid-term exam<br><b>Guest lecture:</b> Det. Cory McAree (Ottawa Police Service)  |
| <b>11</b><br>August 10, 2020 | <b>11</b><br>March 20 and March 27, 2019 | 13. Adult sentencing  |
| <b>12</b><br>August 13, 2020 | <b>12</b><br>April 3, 2019               | <b>Guest lecture:</b> Melanie Bania, Youth Services Bureau; William E Hay Youth Detention Centre<br><b>Guest lecture:</b> Awale Robleh (John Howard Society)                            |
| August 17-23, 2020           |  | <b>FINAL EXAMINATION covers Lectures 7-12</b>   |

## **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 Services (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](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 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/>