

Course Outline

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<b>COURSE:</b>	<b>LAWS 3307B and 3307C – Youth and Criminal Law</b>
<b>TERM:</b>	<b>Winter 2023</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: Please check Carleton Central for current Class Schedule. As of December 20, 2022 the lectures are scheduled on Wednesdays at 2:35-5:25 PM for section C, and at 6:05-8:55 PM for section B, locations below.</b>
	<b>Room: Section B (6:05 PM): Southam Hall (SA) 518 Section C (2:35 PM): MacKenzie Building (ME) 3269</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>John HALE, B.Sc., LL.B., B.C.L., member of the Bars of Ontario and the Northwest Territories</b>
<b>CONTACT:</b>	<b>Office: N/A; my physical office is off-campus, at 101-116 Lisgar St., Ottawa</b>
	<b>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.</b>
	<b>Telephone: 613.695.4253 (office) or 613.290.5247 (cell)</b>
	<b>Email: <a href="mailto:JohnHale@cunet.carleton.ca">JohnHale@cunet.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, bail, statements to police and others in authority, sentencing options including adult sentencing, diversion, sentence reviews, and possible amendments.

**COURSE DESCRIPTION**

On March 16, 2020 I was supposed to teach the 10<sup>th</sup> lecture (out of 12) in this course. The day before, a pandemic was declared and classes were cancelled at all schools, colleges and universities. Fortunately I had been teaching this course on CUOL for several years, and was able to finish up the term by making previously-recorded lectures available. It is hard to imagine that this was a time before anybody had heard of Zoom. Since that time, and up to Winter 2022, I have been teaching my two courses exclusively remotely.

This is my first time back in a regular-enrolment Fall/Winter classroom since March 2020. I confess to being very excited to be in the same room as my students once again; as much as I enjoyed the flexibility that doing lectures by Zoom offered, I have missed the opportunity to interact with a classroom of students. I have

just completed a full term of teaching Laws 2302 in person, and am looking forward to teaching this course in person come January.

Lectures will mostly be in person, subject to last-minute issues that may arise, in which case the lecture will be taught by Zoom. Because of commitments that I made prior to accepting these courses, there are a few times where I am not available to come to campus; those lectures will be recorded on Zoom, and you will receive invitations to join in remotely. Any recorded lectures will be uploaded to Brightspace so that students who are unable to join in live can still watch the lecture.

In addition, guest lectures will be recorded remotely. I am teaching two sections of this course simultaneously, and I cannot realistically expect guests to come spend seven hours on campus. I learned over the last two years that guest lectures worked well remotely, when I could interview the guest over Zoom at the guest's convenience, often out of order. Whenever I record a guest lecture I will invite students from both sections to join in on Zoom.

In order to generate some participation, I will be sending Zoom links to every remote lecture, and as well I will be holding separate live Q&A sessions 4 times during the term (prior to quizzes).

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 19<sup>th</sup> 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.

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 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: 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 3-hour quizzes, worth a total of 70% of your grade. Each quiz will cover 3 lectures and will be done online, through Brightspace. 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 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:
  - January 30 12 PM to February 3 11 PM: covers Lectures 1-3 (as taught)
  - February 27 12 PM to March 3 11 PM: covers Lectures 4-6 (as taught)
  - March 20 12 PM to March 24 11 PM: covers Lectures 7-9 (as taught)
- (2) **Final exam:** The final exam is really a fourth quiz, covering Lectures 10-12; it is called an “exam” because it has to be held during the formal examination period. It will be the same in format and timing as the first three quizzes.

### **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).

### TEACHING ASSISTANTS

We have two teaching assistants for this course. The TAs will be marking quizzes, and will also act as your point of contact should you wish to review a quiz grade or should you prefer not to send a question directly to me.

Regardless of what section of the course you are in, you are assigned alphabetically by last name to a TA as follows:

Student last name begins...	Teaching assistant	Contact info
A-Le	Corinne Baray	<a href="mailto:CorinneBaray@cmail.carleton.ca">CorinneBaray@cmail.carleton.ca</a>
Li-Z	Jenaissa Lajoie	<a href="mailto:annemichelelajoie@cmail.carleton.ca">annemichelelajoie@cmail.carleton.ca</a>

### Winter 2023 Sessional Dates and University Closures

January 9, 2023	Classes Begin
February 20, 2023	Statutory Holiday, University Closed
February 20-24 2023	Winter Break, No Classes
March 15, 2023	Last day for academic withdrawal
April 12, 2023	Winter Term Ends; classes follow Friday schedule
April 15-27, 2023	Formally Scheduled Final Exams

### COURSE OUTLINE

<u>Class No.</u>	<u>Topic(s)</u> <sup>1</sup>	<u>Readings</u>
<b>1</b> January 12, 2023	1. Introductory comments 2. Criminal procedure in a nutshell	See "Resources" folder, Lecture 1 materials
<b>2</b> January 19, 2023 <b>REMOTE</b>	3. History of the YCJA 4. Principles for responding to youth offending; 5. Development of the adolescent brain	See "Resources" folder, Lecture 2 materials
<b>3</b> January 26, 2023 <b>REMOTE</b>	6. Jurisdiction of the Youth Justice Court	See "Resources" folder, Lecture 3 materials
January 30 – February 3, 2023	<b>QUIZ #1: covers Lectures 1-3 (as taught)</b>	
<b>4</b> February 2, 2023 <b>REMOTE</b>	7. Arrest, police questioning and pre-trial detention 8. <b>Guest speakers</b> , <sup>2</sup> : Det. Geneviève Madden and Kevin Williams, Ottawa Police (Youth Section)	See "Resources" folder, Lecture 4 materials

<sup>1</sup> Guest lectures will be recorded either fully remotely, or live in on section and uploaded for both sections.

5 February 9, 2023	6. (Cont'd) Bail 9. Diversion, Extrajudicial Measures and Conferences Lawyers in the Youth Justice Process	See "Resources" folder, Lecture 5 materials
6 February 16, 2023	<b>Guest lecture:</b> Tom Scholberg, Manager of the Boys and Girls Club of Ottawa, Ottawa Community Youth Diversion Program  <b>Guest lecture:</b> Lisa Miles (Assistant Crown Attorney, Ottawa)	See "Resources" folder, Lecture 6 materials
February 20-24	<b>WINTER BREAK – NO CLASSES</b>	
February 27 – March 3, 2023	<b>QUIZ #2: covers Lectures 4-6 (as taught)</b>	
7 March 2, 2023 <b>REMOTE</b>	9. Mental Health Issues  <b>Guest Lecture:</b> Michelle Pasztor, Youth Mental Health Court  Youth Court records	See "Resources" folder, Lecture 7 materials
8 March 9, 2023	10. <b>Sentencing: the statutory framework</b>	See "Resources" folder, Lecture 8 materials
9 March 16, 2023 <b>REMOTE</b>	<b>Guest lecture:</b> Geneviève Lescault, youth worker (probation officer)  11. <b>Guest lecture:</b> Melanie Herweyer, John Howard Society, re NRAC	See "Resources" folder, Lecture 9 materials
March 20-24, 2023	<b>QUIZ #3: covers Lectures 7-9 (as taught)</b>	
10 March 23, 2023	11. Sentencing (cont'd): custodial sentences  <b>Guest lecture:</b> Emmet Q. (recorded approx. 2010)	See "Resources" folder, Lecture 10 materials
11 March 30, 2023	11. Sentencing (cont'd): custodial sentences  <b>Guest lecture:</b> Marisa Moher, YouTurn and Ryan McKay, William E. Hay Centre	See "Resources" folder, Lecture 11 materials
12 April 6, 2023	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  12. <b>Guest lecture:</b> Madam Justice Marlyse Dumel Ontario Court of Justice, Ottawa	See "Resources" folder, Lecture 12 materials
April 15-27, 2023 (date TBA)	<b>Final Exam: covers Lectures 10-12</b>	

## **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**

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/>.

## **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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

### **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 [click here](#).

### **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).

### **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/>.

<b>Winter 2023 Sessional Dates and University Closures</b>	
<i>Please find a full list of important academic dates on the calendar website:</i> <a href="https://calendar.carleton.ca/academicyear/">https://calendar.carleton.ca/academicyear/</a>	
<b>January 9, 2023</b>	Winter term begins.
<b>January 20, 2023</b>	Last day for registration and course changes (including auditing) in full winter and late winter courses.
<b>February 20, 2023</b>	Statutory holiday. University closed.
<b>February 20-24, 2023</b>	Winter break. No classes.
<b>March 15, 2023</b>	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
<b>April 7, 2023</b>	Statutory holiday. University closed.
<b>April 12, 2023</b>	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
<b>April 15-27, 2023</b>	Final examinations in full winter, late winter, and fall/winter courses will be held.
<b>April 27, 2023</b>	All final take-home examinations are due on this day.