

Course Outline

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<b>COURSE:</b>	<b>LAWS 3307B and 3307D – Youth and Criminal Law</b>
<b>TERM:</b>	<b>Winter 2022</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. Both sections of Laws 3307 (B and D) are offered online. The official class times are Mondays 6:05-8:55 PM (Section B) and Thursdays 6:05-8:55 PM (Section D). Lectures and supporting materials will be prerecorded and uploaded to Brightspace each week, generally prior to 6:00 PM Mondays.</b>
	<b>Room: N/A – Course is online, recorded asynchronously</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: 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.</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**

I have adapted my usual course description – and the course itself – to take into account the reality that, for the second 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 will be sending Zoom links to every lecture, and as well I will be holding separate live Q&A sessions at least 4 times during the term. I will start each lecture by answering questions that I have received (if any) about the previous lecture. 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.

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

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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 18<sup>th</sup> time (not counting summers), 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 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 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 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.

One final note regarding online 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, disability and/or the ongoing pandemic. 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 quiz and then binge-watching them in a marathon session. If you are going to binge-watch something law-related, I suggest you watch *Better Call Saul* or *The Wire* (for non-law-related, binge *Yellowjackets*). 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 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 3 days in which to write the 3-hour test. 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. The quizzes will take place as follows:
  - January 31 6 PM to February 3 11 PM: covers Lectures 1-3 (as taught)
  - February 28 6 PM to March 3 11 PM: covers Lectures 4-6 (as taught)
  - March 21 6 PM to March 24 11 PM: covers Lectures 7-9 (as taught)
- (2) **Final examination,** 3-hour quiz, to be held in the formal exam period at the end of the course (April 14-28, 2022), 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. The exam will be similar in format to the 3 quizzes, and will be done on Brightspace. The only reason it is called an exam rather than a quiz is that it has to take place during the exam period.

**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).

**Winter 2022 Sessional Dates and University Closures**

January 10, 2022	Classes Begin
February 21, 2022	Statutory Holiday, University Closed
February 22-25, 2022	Winter Break, No Classes
April 12, 2022	Winter Term Ends
April 14-28, 2022	Formally Scheduled Final Exams

**COURSE OUTLINE**

<b><u>Class No.</u></b>	<b><u>Topic(s)</u></b>	<b><u>Readings</u></b>
<b>1</b> January 10 (B) and January 13 (D) 2022	1. Introductory comments 2. Criminal procedure in a nutshell	See "Resources" folder, Lecture 1 materials
<b>2</b> January 17 (B) and January 20 (D) 2022	3. History of the <i>YCJA</i> 4. Principles for responding to youth offending; 5. Development of the adolescent brain	See "Resources" folder, Lecture 2 materials
<b>3</b> January 24 (B) and January 27 (D) 2022	6. Jurisdiction of the Youth Justice Court	See "Resources" folder, Lecture 3 materials
January 31 – February 3, 2022	<b>QUIZ #1: covers Lectures 1-3 (as taught)</b>	
<b>4</b> January 31 (B) and February 3 (D) 2022	7. Arrest, police questioning and pre-trial detention 8. <b>Guest speakers:</b> Det. Geneviève Madden and Kevin Williams, Ottawa Police (Youth Section)	See "Resources" folder, Lecture 4 materials

<b>5</b> February 7 (B) and February 10 (D) 2022	6. (Cont'd) Bail 9. Diversion, Extrajudicial Measures and Confer- ences Lawyers in the Youth Justice Process	See "Resources" folder, Lecture 5 materials
<b>6</b> February 14 (B) and February 17 (D) 2022	<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 21-25	<b>WINTER BREAK – NO CLASSES</b>	
February 28 – March 3, 2022	<b>QUIZ #2: covers Lectures 4-6 (as taught)</b>	
<b>7</b> February 28 (B) and March 3 (D) 2022	9. Mental Health Issues  <b>Guest Lecture:</b> Scott Rickman, Youth Mental Health Court  Youth Court records	See "Resources" folder, Lecture 7 materials
<b>8</b> March 7 (B) and March 10 (D) 2022	10. <b>Sentencing: the statutory framework</b>	See "Resources" folder, Lecture 8 materials
<b>9</b> March 14 (B) and March 17 (D) 2022	<b>Guest lecture:</b> Geneviève Lescault, youth worker (probation officer)  11. <b>Guest lecture:</b> Melanie Herweyer, John How- ard Society, re NRAC	See "Resources" folder, Lecture 9 materials
March 21-24, 2022	<b>QUIZ #3: covers Lectures 7-9 (as taught)</b>	
<b>10</b> March 21 (B) and March 24 (D) 2022	11. Sentencing (cont'd): custodial sentences  <b>Guest lecture:</b> Emmet Q. (recorded approx. 2010)	See "Resources" folder, Lecture 10 materials
<b>11</b> March 28 (B) and March 31 (D) 2022	11. Sentencing (cont'd): custodial sentences  <b>Guest lecture:</b> Marisa Moher, YouTurn and Melanie Bania, Youth Services Bureau	See "Resources" folder, Lecture 11 materials
<b>12</b> April 4 (B) and April 7 (D) 2022	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: Madam Justice Marlyse  Dumel Ontario Court of Justice, Ottawa)</b>	See "Resources" folder, Lecture 12 materials
April 14-28, 2022	<b>FINAL EXAMINATION: covers Lectures 10-12</b> Date and time TBA	

## **University and Departmental Policies**

### **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/>.

### **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/student-experience-resources/>.

### **COVID-19 PREVENTION MEASURES**

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that

maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs. For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca)

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

### **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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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