

## School of Liberal Arts

CRIM 219



Aboriginal People and Canadian Criminal Justice

Winter 2022

3 Credits

# Course Outline

<b>INSTRUCTOR</b>	David Christie, BA, LLB Lauren Whyte, BA, JD	<b>OFFICE HOURS</b>	As can be arranged
<b>OFFICE</b>	n/a	<b>CLASSROOM</b>	Online, Moodle and Zoom
<b>E-MAIL</b>	<a href="mailto:lwhyte@yukonu.ca">lwhyte@yukonu.ca</a> <a href="mailto:dchristie@yukonu.ca">dchristie@yukonu.ca</a>	<b>CLASS TIME</b>	Thursdays 7:30 – 8:30 p.m.
<b>TELEPHONE</b>	867-668-8870	<b>CRN</b>	20189
Additional video and written lecture materials will be provided			
<b>Liberal Arts office:</b> Ayamdigut Campus A2501, liberalarts@yukonu.ca, 867-668-8770			

### **COURSE DESCRIPTION**

This course critically examines the relationship between Canadian Indigenous peoples (First Nations, Inuit, and Metis) and Canadian criminal justice. The course considers Indigenous peoples' involvement in the criminal justice system, theories of criminality and national and international justice programs designed to reduce conflict between Indigenous peoples and criminal justice systems. Specific issues such as Indigenous women and youth in conflict with the law, substance abuse and suicide, and family and sexual violence in Northern and Indigenous communities are also canvassed.

### **COURSE PREREQUISITES**

Criminology 101 or 131.

## **EQUIVALENCY/TRANSFERABILITY**

UBC	Arts 2 <sup>nd</sup> yr (3)	UAS	Sosc Elec. (3)
SFU	Crim 2XX (3)	UR	HJ 332 (3)
UVIC	Sosc 100L (1.5)	UNBC	FNST 2xx (3)
UAF	Just Elec. S (3)	TRU-OL	CRIM 2xx (3)

For information about the transferability of this and other Liberal Arts courses go to <http://www.bctransferguide.ca/> or contact the Chair of Liberal Arts at Yukon College.

Crim 219 meets Yukon College Yukon First Nations core competency requirements.

## **LEARNING OUTCOMES**

Upon successful completion of the course, students will have demonstrated the ability to:

1. Explain the effects of colonization on Canada's Indigenous peoples
2. Analyze the overrepresentation of Indigenous peoples as offenders and victims in the criminal justice system
3. Compare the Canadian criminal justice system to the traditional systems of justice in Indigenous communities
4. Know the various sentencing processes and alternative measures available to Indigenous people in Canada
5. Identify initiatives within Indigenous communities that empower the communities in their move towards self-determination and greater control over the administration of justice

## **COURSE FORMAT**

Course content is canvassed through a lecture/seminar format. As part of the seminar portions of this course, students are responsible for discussion of the required readings and individual/group exercises assigned by the instructor. The course may also include guest speakers, audio-visual presentations, and field observations.

## **ASSESSMENTS**

Due dates and instructions for quizzes, essay, and the final exam will be posted on the Moodle class page.

## REQUIRED TEXTBOOKS/MATERIAL:

The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada, by Lisa Monchalin, published by the University of Toronto Press (2016). ISBN-10: 1442606622; ISBN-13: 978-1442606623.

This text will be supplemented by additional materials on the Moodle course page.

## COURSE REQUIREMENTS / EVALUATION

Student performance will be evaluated by grading as follows:

Moodle Quizzes	30%
Written Essay	30%
Final Examination	40%
<b>Total</b>	<b>100%</b>

## WRITTEN ASSIGNMENT REQUIREMENTS

Written assignments for this course must be word-processed and fulfil the basic requirements for formal academic papers. Instructions will be provided on Moodle. You also should note that **LATE ASSIGNMENTS WILL BE PENALIZED BY ONE MARK PER DAY** unless an extension is legitimately warranted and approved by the course instructor in advance of the assignment due date. Assignments submitted late without instructor approval will not be graded.

## WRITING CENTRE

All students are encouraged to make the Writing Centre a regular part of the writing process for coursework. Located in Room C2211 (in the University Library), the Writing Centre offers writing coaching sessions to students of all writing abilities. For further information or to book an appointment, visit the Centre's website: <https://www.yukonu.ca/student-life/learning-matters/academic-support-centre>. At the instructor's discretion, students may be required to attend Writing Centre coaching sessions during the composition process of their paper(s) as a condition of assignment completion.

## ACADEMIC AND STUDENT CONDUCT

Information on academic standing and student rights and responsibilities can be found in the Academic Regulations: <https://www.yukonu.ca/policies/academic-regulations>

## **PLAGIARISM**

Plagiarism is a serious academic offence. Plagiarism occurs when students present the words of someone else as their own. Plagiarism can be the deliberate use of a whole piece of another person's writing, but more frequently it occurs when students fail to acknowledge and document sources from which they have taken material. Whenever the words, research or ideas of others are directly quoted or paraphrased, they must be documented according to an accepted manuscript style (e.g., APA, CSE, MLA, etc.). Resubmitting a paper which has previously received credit is also considered plagiarism. Students who plagiarize material for assignments will receive a mark of zero (F) on the assignment and may fail the course. Plagiarism may also result in dismissal from a program of study or the University.

**Do not jeopardize your academic future with plagiarism. It is dishonest and can have serious consequences.**

## **ACADEMIC ACCOMMODATION**

Reasonable accommodations are available for students requiring an academic accommodation to fully participate in this class. These accommodations are available for students with a documented disability, chronic condition or any other grounds specified in section 8.0 of the Yukon University Academic Regulations (available on the Yukon University website). It is the student's responsibility to seek these accommodations. If a student requires an academic accommodation, he/she should contact the Learning Assistance Centre (LAC) at (867) 668-8785 or <https://www.yukonu.ca/student-life/learning-matters/learning-assistance-centre>

## **YUKON FIRST NATIONS CORE COMPETENCY**

Yukon University recognizes that a greater understanding and awareness of Yukon First Nations history, culture and journey towards self-determination will help to build positive relationships among all Yukon citizens. As a result, to graduate from ANY Yukon University program, you will be required to achieve core competency in knowledge of Yukon First Nations. For details, please see <https://www.yukonu.ca/yukon-first-nations-core-competency>

**ABORIGINAL PEOPLES AND CANADIAN CRIMINAL JUSTICE  
SYLLABUS & TOPICS OUTLINE**

CLASS	Dates for Live Zoom Sessions, Essay, break, and Exam	TOPICS	Assigned Readings from Monchalin textbook  ADDITIONAL READINGS ON MOODLE
<b>Class 1</b>	Jan 6	<p><b>Class Overview and Introduction to Canada's Indigenous Peoples</b> Critical examination of the current demographic, geographic, social, economic, and political positioning of Indigenous peoples within Canadian society.</p>	<p><b>The Colonial Problem</b> Chapter 1: Introduction to Indigenous Peoples in Canada</p>
<b>Class 2</b>	Jan 13	<p><b>The Historical Context</b> Overview of the historical processes of colonization, including the impact of the <i>Indian Act</i> and residential schools.</p>	<p><b>The Colonial Problem</b> Chapter 6: Indigenous Peoples and the State: Legal Manipulation and Indian Legislation  Chapter 7: The Impact of Assimilation: Residential Schools and Intergenerational Trauma</p>
<b>Class 3</b>	Jan 20	<p><b>Indigenous Concepts of Justice</b> An examination of Indigenous concepts of justice and methods of addressing crime contrasted with the Western justice system.</p>	<p><b>The Colonial Problem</b> Chapter 2: Introduction to an Indigenous Perspective  Chapter 3: Indigenous Governance and Methods of Addressing Crime  Chapter 12: Euro-Canadian "Justice" Systems and Traditional Indigenous Justice, pp. 274 - 284</p>

<b>Class 4</b>	Jan 27	<p><b>Indigenous and Treaty Rights and Self-Government through a Criminal Law Lens</b>          Analysis of the evolution and effect that section 35 of the <i>Constitution</i> and modern treaties have had on the criminal justice system's treatment of Indigenous people.</p>	<p><b>The Colonial Problem</b>          Chapter 5: Canadian Legal History: The Interpretation of Indigenous Treaties and Rights           Chapter 11: Modern Agreements and Land Claims</p>
<b>Class 5</b>	Feb 3	<p><b>Theories of " Indigenous" Criminality &amp; Overrepresentation</b>          An examination of various theories surrounding the overrepresentation of Indigenous people in the criminal justice system, including the social roots of crime and systemic discrimination in the justice system.</p>	<p><b>The Colonial Problem</b>          Chapter 8: Crime Affecting Indigenous Peoples: Overrepresentation, Explanations, and Risk Factors</p>
<b>Class 6</b>	Feb 10	<p><b>The Pre-and Post-Charge Experience</b>          A look at issues related to the entry of Indigenous offenders into the Canadian criminal justice system, including language barriers, under- and over-policing, bail, courtworker programs, and jury selection.</p>	<p><b>The Colonial Problem</b>          Chapter 12: Euro-Canadian "Justice" Systems and Traditional Indigenous Justice, pp. 258 – 267;           Chapter 9: pp. 186 - 190   <b>Supplementary Readings:</b> see CRIM 219 Moodle page</p>
<b>NO CLASS</b>	Feb 17	<p>READING BREAK AND HERITAGE DAY          Monday, February 21 - Friday, February 25</p>	

<b>Class 8</b>	Feb 24	<p><b>Sentencing of Indigenous Offenders</b> Discussion of the <i>Gladue</i> and <i>Ipeelee</i> decisions, as well as restorative justice sentencing practices such as circle sentencing and Indigenous Courts.</p>	<p><b>The Colonial Problem</b> Chapter 12: The Court System at pp. 267 – 274 and 280 – 286.</p> <p><b>Supplementary Readings:</b> see CRIM 219 Moodle page</p>
<b>Class 9</b>	Mar 3	Essay Writing Tips	
<b>Class 10</b>	Mar 10	<p><b>Post-Sentencing Approaches</b> Critical examination of the treatment of Indigenous offenders in federal, territorial, and provincial corrections and the availability of indigenous-focused aftercare programs.</p>	<p><b>Supplementary Readings:</b> see CRIM 219 Moodle page</p>
<b>Class 11</b>	Mar 17	<p><b>*ESSAY DUE*</b></p> <p><b>Missing and Murdered Indigenous Women</b> Overview of the ongoing issue of missing and murdered Indigenous women in Canada.</p>	<p><b>The Colonial Problem</b> Chapter 9: Violence Affecting Indigenous Women: Struggle, Sexualization, and Subjugation</p>
<b>Class 12</b>	Mar 24	<p><b>International Indigenous Criminal Justice Issues</b> An overview and comparison of international issues outside of Canada regarding indigenous peoples and criminal law.</p> <p><b>Moving Forward</b> A review of changes to Canadian society and the Canadian criminal justice system stemming</p>	<p><b>The Colonial Problem</b> Chapter 13: Moving Forward: Lighting the Eighth Fire</p>

		from the growing awareness and recognition of the effects of colonization and discrimination on Indigenous peoples.	
<b>Class 13</b>	Mar 31	Review Class	
<b>Class 14</b>	April 21	<b>Final Exam</b>	