



APPLIED ARTS DIVISION
CRIM 219
3 Credit Course
Winter Semester, 2017

ABORIGINAL PEOPLES AND CANADIAN CRIMINAL JUSTICE

INSTRUCTORS: David Christie, BA, LLB and Lauren Whyte, BA, JD, Barristers & Solicitors

OFFICE HOURS: One hour before class each week, or as can be arranged

OFFICE LOCATION: Classroom

CLASSROOM: A2601

E-MAIL: lwhyte@yukoncollege.yk.ca **TIME:** 7:00 - 10:00 p.m.

TELEPHONE: (867) 667-5255

DATES: Thursdays

COURSE DESCRIPTION

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

COURSE PREREQUISITES

Criminology 101 or 131.

EQUIVALENCY/TRANSFERABILITY

CAMO CRIM 200 lev (3)
SFU CRIM 2XX (3)
TWU HUMA 200 lev (3)

KPU CRIM (3)
TRU SOCI 2XX0 (3)
UBC ARTS 2nd (3)

OC No credit.
TRU-OL CRIM 2XX1 (3)
UFV CRIM 1XX (3)

UNBC FNST 2xx (3)
UR HJ 332 (3)

UVIC SOSC 100 lev (1.5) UAS SOSC Elec (3)
UAF JUST Elec. S. (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 First Nation peoples
2. Analyze the over representation of First Nation peoples as offenders and victims in the criminal justice system
3. Compare the Canadian criminal justice system to the traditional systems of justice in First Nation communities
4. Know the various sentencing processes and alternative measures available to First Nation people in Canada
5. Identify initiatives within First Nation 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

Essay: Students are also required to submit a 2000 - 2500 word (8 - 10 pages typed) essay worth 25%. Based on the lectures, readings, and research from at least five journal articles, draft a written essay that addresses one of the topics provided in class. Available topics and more details will be provided in class.

Oral Presentation: Each student is required to prepare an oral assignment which will be worth 15% of your final grade. Each student must prepare a 15-20 minute presentation to the class. Students will be graded on their presentation style and

substance. In the alternative to doing an oral presentation, students may choose to do a second written essay. Available topics and more details will be provided in class.

Exams

There will be a midterm (20%) and a final exam (30%).

Attendance and Participation

Students will be expected to have read and be prepared to discuss the assigned readings for each class. Students will also be expected to read and study materials handed out in class. Students are expected to participate fully in any group exercises that may be assigned during class time. Class attendance and participation will be worth 10% of your final grade.

Mere presence in the classroom is not sufficient. Students will be assessed for active listening skills, demonstrated knowledge of the required readings, and proven understanding of the issues. Students are encouraged to express their own views, to criticize the instructors' analysis, and to raise questions from current events that relate to course content. The Instructor will call upon individual students to answer questions about the materials each week. Students are strongly encouraged to keep up with the assigned readings and to be prepared for each class.

Scheduled Examination Dates

Unless legitimately warranted and approved by the course instructor in advance, alternative arrangements will not be made for those students who are unable to write examinations on the scheduled examination dates or during scheduled examination periods. Students should be aware that the completion date for this course includes the two week examination period which follows the termination of regularly scheduled classes in December.

REQUIRED TEXTBOOK(S)

Course Reader and handouts

Additional, Required Course Readings will be provided in class or by email

COURSE REQUIREMENTS / EVALUATION

Student performance will be evaluated by grading in each of the following areas:

Attendance and Participation	10%
Written Essay	25%
Oral Presentation or 2 nd Written Essay	15%
Midterm Examination	20%
Final Examination	30%
TOTAL	100%

WRITTEN ASSIGNMENT REQUIREMENTS

Written assignments for this course must be word processed and meet the basic requirements for FORMAL ACADEMIC PAPERS. **LATE ASSIGNMENTS WILL BE PENALIZED BY 10% PER DAY** unless an extension is legitimately warranted and approved by the instructor in advance of the assignment due date. Assignments submitted late without instructor approval will not be graded. Proper referencing (APA) will be required. Note also that despite APA guidelines I require that all quotations and paraphrases include the page number of the source when referenced.

ACADEMIC AND STUDENT CONDUCT

Information on academic standing and student rights and responsibilities can be found in the current Academic Regulations that are posted on the Student Services/ Admissions & Registration web page.

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 College.

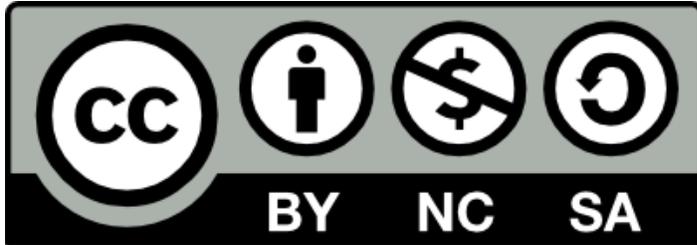
YUKON FIRST NATIONS CORE COMPETENCY

Yukon College 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 College program, you will be required to achieve core competency in knowledge of Yukon First Nations. For details, please see www.yukoncollege.yk.ca/yfnccr.

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 College Academic Regulations (available on the Yukon College 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 lassist@yukoncollege.yk.ca.



This work is licensed under the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-sa/4.0/>.

**ABORIGINAL PEOPLES AND CANADIAN CRIMINAL JUSTICE
SYLLABUS - TOPIC OUTLINE**

Week	DATE	TOPICS	READINGS
Week 1	January 5, 2017	Overview - course content, objectives, rationale, evaluation, and materials.	Royal Commission on Aboriginal Peoples, <i>People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal Peoples</i> (Ottawa: Minister of Supply and Services Canada, 1996).
		<i>Who are Canada's Aboriginal Peoples?</i> - Overview of the historical processes of colonization, including the Indian Act, residential schools and the Truth and Reconciliation Commission. Critical examination of the current demographic, geographic, social, economic, and political positioning of Aboriginal peoples within Canadian society.	Shawn Atleo, "We Can't Afford to Lose Another Generation," <i>The Ottawa Citizen</i> (July 15, 2011).
			Giokas & Groves, "Collective and Individual Recognition in Canada," From <i>Who Are Canada's Aboriginal People?</i> Ed. Paul Chartrand (2002).
			Truth and Reconciliation Commission of Canada, <i>Summary of the Final Report of the Truth and Reconciliation Commission of Canada - Introduction</i> (Truth and Reconciliation Commission of Canada, 2015).
Week 2	January 12, 2017	<i>Aboriginal and Treaty Rights and Self-Government through a Criminal Law Lens</i> - Analysis of the effect section 35 of the Constitution and modern treaties have had on the criminal justice system's treatment of Aboriginal people.	<i>Constitution Act, 1982</i> , s. 35, being Schedule B to the <i>Canada Act 1982</i> (U.K.), 1982, c. 11.
			<i>R v. Van der Peet</i> , [1996] 2 S.C.R. 507 [headnote only]

			Tony Penikett, <i>Reconciliation: First Nations Treaty Making in British Columbia</i> (Vancouver, Canada: Douglas & McIntyre Ltd, 2006) at Chp. 8: Northern Treaties.
			Teslin Tlingit First Nation Self-Government Agreement, May 29, 1993.
			Teslin Tlingit Administration of Justice Agreement, February 21, 2011.
Week 3	January 19, 2017	<i>Aboriginal Concepts of Justice</i> - Examination of the aboriginal concepts of justice, including the dichotomy between individual versus collective rights, the ethic of non-interference, the rule of non-competitiveness, and emotional restraint.	Report of the Aboriginal Justice Inquiry of Manitoba, <i>The Justice System and Aboriginal People</i> , Vol. 1, Ch. 2: Aboriginal Concepts of Justice (November 1999).
			Hon. A.C. Hamilton, <i>A Feather Not a Gavel: Working Towards Aboriginal Justice</i> . (Winnipeg, Manitoba: Great Plains Publishing, 2001).
			John Borrows & Leonard Rotman, <i>Aboriginal Legal Issues: Cases, Materials and Commentary</i> , 3rd ed (Canada: LexisNexis, 2007), pgs 908 - 919.
Week 4	January 26, 2017	<i>Theories of "Aboriginal" Criminality & Overrepresentation</i> -An examination of various theories surrounding the overrepresentation of Aboriginal people in the criminal justice system, including the social roots of crime and systemic discrimination in the justice system.	Report of the Aboriginal Justice Inquiry of Manitoba, <i>The Justice System and Aboriginal People</i> , Vol. 1, Ch. 4: Aboriginal Overrepresentation (November 1999).

			David Long & Olive Dickason, <i>Visions of the Heart</i> , 2nd ed. (Canada: Harcourt Canada, 2000) at Chp. 12: Lessons in Decolonization: Aboriginal Over-representation in Canadian Criminal Justice.
			Jane Dickson-Gilmore & Carol LaPrairie, <i>Will the Circle be Unbroken? Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change</i> (Toronto, Canada: University of Toronto Press Inc., 2007) at Chp. 2: Communities and Conflict: Offending Patters and Over-Representation.
			Rupert Ross, "Criminal Conduct and Colonization: Exploring the Link."
Week 5	February 2, 2017	<i>Missing and Murdered Aboriginal Women</i> - Critical examination of the ongoing issue of missing and murdered Aboriginal women.	Forsaken: The Report of the Missing Women Commission of Inquiry - Executive Summary (British Columbia: 2012), pgs. 1 - 23.
			"Lawyer resigns from B.C. inquiry into missing women," <i>Toronto Star</i> , Petti Fong, March 7, 2012.
			"What Their Stories Tell Us: Research Findings from the Sisters in Spirit Initiative" (Ottawa: Native Women's Association of Canada, 2010)
Week 6	February 9, 2017	<i>Gladue Sentencing</i> - Discussion of the amendments to the <i>Criminal Code</i> addressing the particular circumstances of Aboriginal offenders upon sentencing and the case law and practices that have resulted from the amendments.	<i>R. v. Gladue</i> , [1999] 1 S.C.R. 688
			<i>R. v. Ipeelee</i> , [2012] 1 S.C.R. 433 (majority decision only).

			Department of Justice Canada, <i>Gladue Practices in the Provinces and Territories</i> (Research and Statistics Division, 2013).
			Yukon Gladue Research and Resource Identification Project, "Introduction" (Whitehorse, Yukon: Council of Yukon First Nations, 2015).
Week 7	February 16, 2017	Mid-Term Examination	
Week 8	February 23, 2017	Reading Break	
Week 9	March 2, 2017	Separate Justice Systems - Critical examination of the implementation and success of separate Aboriginal justice structures, including First Nation justice systems, courtworker programs, and circle sentencing.	Stephanie Irlbacher-Fox, <i>Moving towards Justice: Legal Traditions & Aboriginal Justice</i> (Saskatoon, Canada: Purich Publishing, 2008) at Chp. 7: Justice Authorities In Self-Government Agreements.
			Teslin Tlingit First Nation Self-Government Agreement, May 29, 1993 (from Week 2 materials).
			Teslin Tlingit Administration of Justice Agreement, February 21, 2011 (from Week 2 materials).
			Department of Justice, "Aboriginal Courtworker Program" (June 2015) http://justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html .
			<i>R. v. Moses</i> , (1992), 71 C.C.C. (3d) 347
Week 10	March 9, 2017	Corrections - Aboriginal issues in the federal, provincial and territorial corrections systems. A look at a different approaches and alternatives.	Curt Griffiths & Danielle Murdoch, <i>Canadian Corrections</i> , 4th ed. (Toronto, Ontario: Nelson Education, 2014) at 302 - 329.

			Michelle M. Mann, <i>Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections</i> (Ottawa: Office of the Correctional Investigator, 2009) - Introduction and Synopsis only.
			<i>Report of the Auditor General of Canada to the Yukon Legislative Assembly: Corrections in the Yukon</i> (Ottawa: Office of the Auditor General of Canada, 2015).
Week 11	March 16, 2017	Oral Presentations	
Week 12	March 23, 2017	<i>Aboriginal International Criminal Justice Issues</i> - An examination and comparison of international responses and movements outside of Canada regarding indigenous peoples and criminal law.	United Nations Declaration on the Rights of Indigenous Peoples, GA Res. 61/295, UN GA, 107th Mtg., UN Doc. A/61/L.67 (2007).
			Bartolome Clavero Salvador, <i>Study on international criminal law and the judicial defence of indigenous peoples' rights</i> , UN ESC, 10th Sess., UN Doc. E/C.19/2011/4 (2011).
			Austl., Commonwealth, <i>Select Committee on Regional and Remote Indigenous Communities: Indigenous Australians, Incarceration and the Criminal Justice System</i> , Senate (March 2010).
		ESSAY DUE	
Week 13	March 30, 2017	<i>Hope and Change</i> -An overview of changes to Canadian society and the Canadian criminal justice system stemming from the growing awareness and recognition of the effects of colonization and	Ma'ja Korhonen, "Resilience: Overcoming Challenges and Moving on Positively," Ajunginiq Centre (Ottawa, Ontario: Ajunginiq Centre, National Aboriginal Health Organization, 2007).

		discrimination on Aboriginal peoples.	
Week 14	April 6, 2017	Class Review and Discussion	
Week 15		Final Exam (Date & Time TBA - potentially April 13, 2017)	