



ABORIGINAL PEOPLES AND CANADIAN CRIMINAL JUSTICE

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

Telephone: (867) 667-5255 Fax: (867) 393-6361
Emails: dchristie@legalaid.yk.ca; lauren.a.whyte@gmail.com

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

OFFICE LOCATION: Classroom

COURSE OFFERINGS **Classes:** Thursdays
DAYS & TIMES: **Time:** 6:30 p.m. – 9:30 p.m.
 Room: A2605

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 nd 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

1. Essay / Presentation: CHOICE: Each student is required to do either:
 - a. Essay: an 8 - 10 page, typed essay in APA format, which will be worth 20% of your final grade. Based on the lectures, readings, and research from a minimum of 10 sources, of which there must be at least 5 peer-reviewed 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; or
 - b. Presentation: an oral assignment which will be worth 20% 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. Available topics and more details will be provided in class.
2. Essay: Students are also required to submit an 8 - 10 page, typed essay in APA format, which will be worth 20% of your final grade. Based on the lectures, readings, and research from a minimum of 10 sources, of which there must be at least 5 peer-reviewed 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

NOTE: Each student will do either two essays (#1(a) and #2) or one Presentation (#1(b)) and one essay (#2).

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)

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.

Additional supplemental course readings will be provided in class, by email or will be available on Moodle.

COURSE REQUIREMENTS / EVALUATION

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

Attendance and Participation	10%
Written Essay	20%
Oral Presentation or 2 nd Written Essay	20%
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.

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 College 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: [dl1.yukoncollege.yk.ca/Writing Centre](http://dl1.yukoncollege.yk.ca/Writing%20Centre). 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:

http://www.yukoncollege.yk.ca/downloads/Yukon_College_Academic_Regulations_and_Procedures_-_August_2013_final_v1.pdf

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.

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

WEEK	DATE	TOPICS	READINGS
Week 1	Jan 9	<p>Class Overview and Introduction to Canada's Indigenous Peoples Critical examination of the current demographic, geographic, social, economic, and political positioning of Indigenous peoples within Canadian society.</p>	<p>The Colonial Problem Chapter 1: Introduction to Indigenous Peoples in Canada</p>
Week 2	Jan 16	<p>The Historical Context Overview of the historical processes of colonization, including the impact of the <i>Indian Act</i> and residential schools.</p>	<p>The Colonial Problem Chapter 6: Indigenous Peoples and the State: Legal Manipulation and Indian Legislation Chapter 7: The Impact of Assimilation: Residential Schools and Intergenerational Trauma</p>
Week 3	Jan 23	<p>Indigenous Concepts of Justice An examination of Indigenous concepts of justice and methods of addressing crime contrasted with the Western justice system.</p>	<p>The Colonial Problem 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 Supplemental Readings: see CRIM 219 Moodle page</p>
Week 4	Jan 30	<p>Indigenous and Treaty Rights and Self-Government through a Criminal Law Lens 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>The Colonial Problem Chapter 5: Canadian Legal History: The Interpretation of Indigenous Treaties and Rights Chapter 11: Modern Agreements and Land Claims Supplemental Reading: see CRIM 219 Moodle page</p>

Week 5	Feb 6	<p>Theories of " Indigenous" Criminality & Overrepresentation 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>The Colonial Problem Chapter 8: Crime Affecting Indigenous Peoples: Over-representation, Explanations, and Risk Factors</p> <p>Supplemental Readings: see CRIM 219 Moodle page</p>
Week 6	Feb 13	<p>The Pre-and Post-Charge Experience 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>The Colonial Problem Chapter 12: Euro-Canadian "Justice" Systems and Traditional Indigenous Justice, pp. 258 – 267; Chapter 9: pp. 186 - 190</p> <p>Supplementary Readings: see CRIM 219 Moodle page</p>
Week 7	Feb 20	Mid-Term Examination	
Week 8	Feb 27	<p>Sentencing of Indigenous Offenders 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>The Colonial Problem Chapter 12: The Court System at pp. 267 – 274 and 280 – 286.</p> <p>Supplementary Readings: see CRIM 219 Moodle page</p>
Week 9	Mar 5	<p>Post-Sentencing Approaches Critical examination of the treatment of Indigenous offenders in federal, territorial, and provincial corrections and the availability (or lack thereof) of indigenous-focused aftercare programs.</p>	<p>Supplementary Readings: see CRIM 219 Moodle page</p>
Week 10	Mar 12	Oral Presentations & Essay Writing Tips	
No Class	Mar 19	Reading Break	NO CLASS

<p>Week 11</p>	<p>Mar 26</p>	<p>Missing and Murdered Indigenous Women Overview of the ongoing issue of missing and murdered Indigenous women in Canada.</p>	<p>The Colonial Problem Chapter 9: Violence Affecting Indigenous Women: Struggle, Sexualization, and Subjugation</p> <p>Supplemental Readings: see CRIM 219 Moodle page</p>
<p>Week 12</p>	<p>April 2</p>	<p>International Indigenous Criminal Justice Issues An overview and comparison of international issues outside of Canada regarding indigenous peoples and criminal law.</p> <p>Moving Forward A review of changes to Canadian society and the Canadian criminal justice system stemming from the growing awareness and recognition of the effects of colonization and discrimination on Indigenous peoples.</p>	<p>The Colonial Problem Chapter 13: Moving Forward: Lighting the Eighth Fire</p> <p>Supplemental Readings: see CRIM 219 Moodle page</p>
<p>Week 13</p>	<p>April 9</p>	<p>Review Class</p>	
<p>Week 14</p>	<p>April 23</p>	<p>Final Exam</p>	