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**ABORIGINAL PEOPLES AND CANADIAN CRIMINAL JUSTICE**

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

**OFFICE LOCATION:** Classroom

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**COURSE OFFERINGS** Classes: Thursdays  
**DAYS & TIMES:** Time: 7:00 p.m. - 10:00 p.m.  
Room: A2601

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**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**

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 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**

**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. Available topics and more details will be provided in class.

**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.

### **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%
Oral Presentation	15%
Written Essay	25%
Midterm Examination	20%
Final Examination	30%
<b>TOTAL</b>	<b>100%</b>

### **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](http://www.yukoncollege.yk.ca/downloads/Yukon_College_Academic_Regulations_and_Procedures_-_August_2013_final_v1.pdf)

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## **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](http://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](mailto:lassist@yukoncollege.yk.ca).

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

<b>Week</b>	<b>DATE</b>	<b>TOPICS</b>	<b>READINGS</b>
<b>Week 1</b>	January 7, 2016 D	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).
		<b>Who are Canada's Aboriginal Peoples?</b> - 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).
<b>Week 2</b>	January 14, 2016 L	<b>Aboriginal and Treaty Rights and Self-Government through a Criminal Law Lens</b> - 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.
<b>Week 3</b>	January 21, 2016 L	<b>Aboriginal Concepts of Justice</b> - 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.
<b>Week 4</b>	January 28, 2016 L	<b>Theories of "Aboriginal" Criminality &amp; Overrepresentation</b> -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."
<b>Week 5</b>	February 4, 2016 L	<b>Missing and Murdered Aboriginal Women</b> - 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)
<b>Week 6</b>	February 11, 2016 D	<b>Gladue Sentencing</b> - 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).
<b>Week 7</b>	February 18, 2016 L	<b>Mid-Term Examination</b>	
<b>Week 8</b>	February 25, 2016	<b>Reading Break: Feb 22-25, 2016</b>	
<b>Week 9</b>	March 3, 2016 L	<b>Separate Justice Systems</b> - 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 &amp; 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) <a href="http://justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html">http://justice.gc.ca/eng/fund-fina/gov-gouv/acp-apc/index.html</a> .
			<i>R. v. Moses</i> ,(1992), 71 C.C.C. (3d) 347
<b>Week 10</b>	March 10, 2016 D	<b>Corrections</b> - 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).
<b>Week 11</b>	March 17, 2016 L	Oral Presentations	
<b>Week 12</b>	March 24, 2016 L	<b>Aboriginal International Criminal Justice Issues</b> - 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	
<b>Week 13</b>	March 31, 2016 D	<b>Hope and Change</b> -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 discrimination on Aboriginal peoples.	Ma'ja Korhonen, "Resilience: Overcoming Challenges and Moving on Positively," Ajunnginiq Centre (Ottawa, Ontario: Ajunnginiq Centre, National Aboriginal Health Organization, 2007).
<b>Week 14</b>	April 7, 2016 D	<b>Class Review and Discussion</b>	

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<b>Week 15</b>	April 14, 2016 D	<b>Final Exam (Date &amp; Time TBA)</b>	
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