



**CAMOSUN COLLEGE**  
*Access Programs and First Nations Education*  
*First Nations Community Studies*  
**CRIM 135**  
**Winter 2003**

## **COURSE OUTLINE**

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### **1. Instructor Information**

- (a) Instructor: Todd Ormiston
- (b) Office hours: Wednesdays, 12:00 pm – 1:00 pm, or by appointment, Ewing 218
- (c) Class Location and Time: Mondays, Ewing 200, and Wednesdays, both at 2:30 pm – 3:50 pm
- (d) Phone: 370-3111, Alternative: 370-3299, (24-hour voice mail message system for both numbers)
- (e) E-mail: [ormiston@camosun.bc.ca](mailto:ormiston@camosun.bc.ca). Or [toddo@shaw.ca](mailto:toddo@shaw.ca)

### **2. Intended Learning Outcomes:**

- 1. Describe and critically assess the role of various social control agencies, law, policy and practice in processing of First Nation's offenders.
- 2. Describe the nature and extent of First Nations' people's involvement in committing crime.
- 3. Demonstrate understanding of the impact of colonization and the economic, structural, political, and social factors contributing to the criminal behavior of First Nation's peoples.
- 4. Identify and describe the major issues surrounding the delivery of justice services to First Nations' peoples and communities.
- 5. Describe traditional, new and emerging models of justice and practice employed in addressing the needs of First Nations' peoples and communities.

### **3. Required Materials:**

**Text:** Justice In Aboriginal Communities: Sentencing Alternatives (1998) by Ross Gordon Green  
Course Reading Pack, available in Bookstore.  
Additional reading resource material will be recommended or distributed in class.

#### **4. Course Content and Schedule**

1. First Nations' people in Canadian society: historical, social, political, legal and economic issues.
2. Government policy, colonization, and the disintegration of First Nations' communities.
3. The nature and extent of First Nations peoples' involvement in criminal behavior.
4. Historical and contemporary social control responses to First Nations' crime.
5. Delivery of justice services to First Nations' peoples: police, courts and corrections; rural versus urban experiences and issues.
6. Emerging models of justice and alternative responses to First Nations' offenders.

#### **Class Schedule**

##### **January 6: Introduction to the course**

- What are your expectations?
- Overview of themes/issues to be covered in the course.
- Course business: class expectations of students and instructor.
- Introduction to definitions and discussion of relevant terminology.

##### **January 8: Defining Justice from a First Nations perspective**

- As Indigenous people, what are our experiences with the Criminal Justice System?
- Why are First Nations over-represented in the Criminal Justice System (CJS)?
- Introduction to the mainstream CJS.

#### **Readings:**

Course text: Justice in Aboriginal Communities, Introduction

#### **Readings:**

Course text: Justice in Aboriginal Communities Chapter 1 and 2.

##### **January 13: What is a Crime?**

- Sources of law
- Criminal Code
- Classification of crimes
- Elements of a crime
- Robert Latimer and the Criminal Code- group work

Readings:

Course Pack: Goff, "An Overview of the Criminal Justice System in Canada," Chapter 1

Course Pack: Goff, "Criminal Law and Criminal Justice in Canada," Chapter 2.

**January 15: What is Criminal Justice?**

- An adversarial system
- 4 models of justice
- Costs of dispensing justice in Canada

Readings:

Course Pack: Goff, "Crime, Control Philosophy and Criminal Justice Policy," Chapter 3.

**January 20: The Courts and Trial Procedures**

- The organization of the Court system
- The roles of defense lawyer, Crown prosecutor and judge
- Introduction to plea bargaining

Readings:

Course Pack: Goff, "The Courts and Trial Procedures," Chapter 8.(p.244-254)

**January 22: The Courts and Trial Procedures - continued**

- Preliminary enquiries
- Types of sentences
- Summary and indictable offences

Readings:

Course Pack: Goff, "The Courts and Trial Procedures," Chapter 8 (p.254-272)

**January 27 or January 29- Court Visit from 1-4 pm**

**February 3: Role of policing**

- Contemporary structure and operations of the police
- Police role and function
- How do we police the police?

Readings: Goff -Chapter 6 Issues in Canadian Policing

**February 5: Issues in Policing**

- Police powers and discretion

- Issues for FN working in mainstream police forces
- Tribal Police forces

**Guest: Cyrill Morris**

Readings:

A Feather, Not a Gavel Chapter 12 Police and Holding Facilities

**February 10: Leonard Pelletier video**

**Court Report Due**

**February 12: Discussion of video  
Preparation for Mock Trial**

**February 17-Mock Court Trial at the Court House**

**February 19- no class**

**Feb 24:The Gladue Case**

- Overview of the Supreme Court of Canada decision
- What are the impacts of the decision?

**Guest Speaker- Shirley Lang**

Readings

Course Pack: MaryEllen Turpel- Lafond, "Procedural Implications of Gladue."

**February 26: The Gladue case continued**

- Further implications
- Case scenarios

**Quiz review handout**

Readings

Course Pack: Reasons for Independent Background Cultural Impact Reports

Course Pack: Crime and Punishment Revisited

**Guest: Shirley Lang**

**March 3- Working with Incarcerated First Nations People:**

**OUTLINE- GROUP PROJECT DUE**

- Experiences of working with Incarcerated First Nations People
- Elder Assisted Parole Hearings

**Guest Speaker: Lloyd Haarala, Native Advisor, William Head Institution**

**Article:**

Elder Assisted Parole Hearings, Kathy Louis:

[http://www.csc-scc.gc.ca/text/forum/international/int\\_e-05\\_e.shtml](http://www.csc-scc.gc.ca/text/forum/international/int_e-05_e.shtml)

Commissioners Directive: Aboriginal Programming

[http://www.csc-scc.gc.ca/text/plcy/cdshtm/702-cde\\_e.shtml](http://www.csc-scc.gc.ca/text/plcy/cdshtm/702-cde_e.shtml)

**March 5- Quiz**

**March 10: Lived Realities**

- Current realities and failures of mainstream justice and F.N's
- Analysis of injustices towards First Nations
- Case analysis of 4 First Nations people

Readings

Course Pack: Royal Commission on Aboriginal Peoples: Current Realities.

**March 12- Honoring our Women**

- Creating a voice for Aboriginal women in the Criminal Justice System
- Aboriginal Women and Conflict with the law.

Readings:

Course Pack: Patricia Monture Angus- The Roles and Responsibilities of Aboriginal Women: Reclaiming Justice

Handout in class on Native Courtworkers of BC

Guest Speaker: **Donna Joseph, Native Courtworkers of BC**

**Freda Shaunnessy, Victoria Native Friendship Center**

**March 17: Restorative Justice/ preparation of April 9 role play**

- What is restorative Justice?
- Circle sentencing

Readings:

Course Pack: Restorative Justice: Should Canadians Embrace it?

<http://canada.justice.gc.ca/en/ps/voc/rjpap.html#principles>

**March 19: The Hollow Water Experience**

- Healing circle

- Critical analysis

**March 24: Student Presentation # 1**

**March 26: Student Presentation #2**

**March 31: Student Presentation # 3**

**April 2: Student Presentation # 4**

**April 7: Student Presentation # 5**

- Course Instructor Evaluation

**April 9- Role play- Restorative Justice- Circle sentencing**

**Student Presentation topics:**

- 1) Circle sentencing
- 2) Tribal Policing
- 3) Healing lodges
- 4) Treatment Centers
- 5) Looking at a foreign Indigenous justice model: (e.g.) U.S.A, Australia, New Zealand

Recommended readings in Course Pack for student presentations:

Nishawbe Aski Legal Services Corporation: "Sentencing Circle."  
Healing Lodges of Aboriginal People  
Power in the Spirit: Okimaw Ohci Healing Lodge  
Parallel Justice System in "Feather Not a Gavel."

**5. Basis of Student Assessment**

The total marks in this course are distributed as follows:

1. Court Report	25%
2. Quizzes ( <a href="#">1@15%</a> )	15%
3. Outline of Group Project	10%
4. Group Project- Indigenous Justice	30%
5. Participation and attendance	10%
6. Mock Trial	5%
7. Circle Sentencing	5%

## 1. Court Report

Each student is required to attend and observe a criminal case in Provincial or Supreme Court at 850 Burdette Avenue in Victoria. Your written report will summarize the proceedings observed, provide any insights given by a judge or the native Courtworker, and provide a critical analysis of the court proceedings from a First Nations lens. This written report must be 4 -5 pages in length and double-spaced. **Note: One week during the semester will be given for completion of Court Visit**

Value:

25%

Due Date: February 10 at the beginning of class.

## 2. Quiz

There will be one 'in class' quiz scheduled during the first half of term. The quiz will be comprised of a number of multiple choices, short essay type answers and true/ false questions and will be based on the class lecture material. The dates will be as follows:

Quiz – March 5

15%

The quiz must be written on the date it is assigned. No provision will be made to write a quiz earlier and a student will only be allowed to write a missed quiz on provision of a valid medical certificate attesting to the fact that he/ she was ill on the date in question. In addition, the student who misses the quiz due to illness must inform the instructor on the date of the quiz of the reason of his/ her absence.

## 3. Outline of group project

Prior to the end of January, the instructor will give students guidelines. Outline is due no later than March 3. It is highly recommended that students visit with the instructor during office hours to discuss the scope of this project. Essentially, this is a research assignment/ presentation which will have a First Nations healing perspective on a designated theme i.e. Tribal Policing, Circle sentencing, analysis of a FN sentencing etc.

Outline due - March 3

## 4. Group Project

Students are expected to form groups of four (4) and research a First Nations Restorative Justice model. Students are expected to facilitate a 1-hour presentation in class on their topic. All presentations should include a background of the topic; a clear understanding of the topic; pros and cons of the topic (critical analysis), and what could/ should be done in the future to ensure the success of the topic chosen.

## 6. Course Grading System:

%	Grade	Grade Point Equivalent
95+	A+	9
90-94	A	8
85-89	A-	7
80-84	B+	6
75-79	B	5
70-74	B-	4
65-69	C+	3
60-64	C	2
50-59	D	1

Minimum Level of achievement for which credit is granted; a course with a "D" grade cannot be used as a prerequisite.

## 7. Recommended Materials or Services to Assist Students to Succeed Throughout the Course:

The First Nations Education Department and Services, located in Ewing 272, is a valuable resource for you. If you are having difficulty with course content, registration, course selection, funding issues or anything that would get in the way of you being successful in this program, there are First Nations advisors and support people there for you to talk with. Please stop by the office or call Jeanine, our secretary, to make an appointment, at 370-3299.

### Learning Support And Services For Students

There are a variety of services available for students to assist them throughout their learning. This information is available in the College Calendar, Registrar's Office or the College web site at <http://www.camosun.bc.ca>

### Instructional Policies

#### 1. Late Penalty

All assignments must be completed and submitted on the date assigned. All late written work will be penalized by 5% per day unless an extension is legitimately warranted and approved by the instructor in advance of the assignment due date.

#### 2. Written Assignment Requirements

All assignments must be handed to the instructor at the beginning of class. Assignments should be turned in to the instructor personally; assignments put under the door or in the mail, or otherwise submitted will not be accepted. If the



submission of an assignment is problematic, come see me well in advance of the submission date.

Written assignments for this course must be typewritten, double-spaced and meet the basic requirements set out in the Criminal Justice Writing Reference Manual.

### **3. Plagiarism, Cheating and Academic Dishonesty**

If plagiarism, cheating or academic dishonesty can be documented, the penalty will be an automatic “zero” on the assignment in question.

### **4. Course Withdrawal**

The last day to withdraw from this course without receiving a failing grade or academic penalty is March 10, 2003.

### **5. Course Completion Requirements**

Students must complete all evaluative requirements (court report, group project, and quizzes) to receive a passing grade for this course. Unless granted prior instructor approval, students who fail to complete any one of the evaluative requirements will automatically receive an “F” grade.

### **6. Student Responsibility**

It is each student’s responsibility to familiarize her/himself with course and college policies. Students experiencing difficulties during the term are encouraged to talk to the instructor and/or the First Nations’ Student Advisor at the earliest opportunity.

The policy is available in each School Administration Office, Registration, and on the College web site in the Policy Section.  
[www.camosun.bc.ca/divisions/pres/policy/2-education/2-5.html](http://www.camosun.bc.ca/divisions/pres/policy/2-education/2-5.html)