

**CAMOSUN COLLEGE**  
**Access Programs and First Nations Education**  
**First Nations Community Studies**  
**CRIM 135**  
**Winter 2005**

**COURSE OUTLINE**

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**1. Instructor Information**

- (a) Instructor: Todd Ormiston
- (b) Office hours: Mondays, 2:30 pm – 3:30 pm, or by appointment, Ewing 270
- (c) Class Location and Time: Wilna Thomas Cultural Center (unless otherwise specified). Mondays and Wednesdays, from 1:00 pm – 2:20 pm (occasionally there will be one extended class a week and no other class that week).
- (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:** Criminal Justice in Canada (3<sup>rd</sup> Edition) by Colin Goff.  
Course Reading Pack, available in Bookstore.  
Additional reading resource material will be recommended or distributed in class.

Criminal Justice Writing Reference manual-in Bookstore.

**Recommended reading:** Justice In Aboriginal Communities: Sentencing Alternatives (1998) by Ross Gordon Green

#### **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 10: 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.
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- Indigenous and Mainstream values

##### **January 12: 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.
- Group Presentations sign up
- Court Visit sign up

#### **Readings:**

Course Pack: Justice in Aboriginal Communities, Introduction

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

Video: Frank Brown, Voyage of Rediscovery

##### **January 17: Women and the Criminal Justice System**

- 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

**Guest Speaker: Liz Cook**

**January 19: What is a Crime?**

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

Readings:

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

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

**January 24: What is Criminal Justice?**

- An adversarial system
- 3 models of justice-Justice, Deterrence and Selective Incapacitation
- Costs of dispensing justice in Canada
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- Criminal Code-Should Marijuana be legalized?- group work
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- Handout of Mock Trial Scenario-begin to define roles

Readings:

TEXT: Goff, "Crime, Control Philosophy and Criminal Justice Policy," Chapter 3 (pages 57-69)..

**January 26-** Justice from an Indigenous perspective

**Guest-John Borrows:** Law Foundation Chair in Aboriginal Justice & Governance. Faculty of Law, University of Victoria

Readings: Introduction and With or Without You: First Nations Law in Canada by John Borrows

**January 31: Court Visit from 9:00 am-12:00pm or 1:00-4:00 pm- 850 Burdette Street**

**February 2: No class due to extended Court visit January 31**

### **February 7: The Courts and Trial Procedures**

- The organization of the Court system
- The roles of defense lawyer, Crown prosecutor and judge
- **Preparation for Mock Trial**

#### Readings:

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

### **February 9: The Courts and Trial Procedures - continued**

- Preliminary enquiries
- Types of sentences
- Summary and indictable offences
- Group Project Presentation time allowed/ outlines handed out

Criminal Code Case Scenario- "stalking and assault, causing bodily harm."

#### Readings:

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

\* **February 14-No class-**( Mock Trial meeting for those of you who are the Defence and crown at 1:00pm)

**\*\*February 16- 1:00-4:00 Mock Trial at University of Victoria-Fraser Building. Room 150**

### **February 21: What is Criminal Justice?**

- An adversarial system
- 3 models of justice- Rehabilitation, Aboriginal and Restorative Justice
- Criminal Code-Hate crimes scenario group work

#### Readings:

TEXT: Goff, "Crime, Control Philosophy and Criminal Justice Policy," Chapter 3 (pages 70-80).

\* **COURT REPORT DUE BY 4:00PM (stamped at First Nations office-Ewing 272)**

### **Feb 23: Role of policing**

- Contemporary structure and operations of the police
- Police role and function. Their powers and functions.
- How do we police the police?

Readings: next page

TEXT: Goff -Chapter 6 Issues in Canadian Policing  
Video: Police powers, discrimination and racism

**February 28: The Gladue Case**

- Overview of the Supreme Court of Canada decision
- What are the impacts of this important First Nations decision?

Readings

Course Pack: MaryEllen Turpel- Lafond, "Procedural Implications of Gladue."  
Course Pack: Reasons for Independent Background Cultural Impact Reports  
Course Pack: Crime and Punishment Revisited

**OUTLINE- GROUP PROJECT DUE**

**March 2: Murder, Violent Crimes and Capital Punishment**

- Classifications of the crime
- Types of Sentencing options for murder in the US and internationally
- Criminal Code Case scenario- Do you believe in Capital punishment?
- **QUIZ REVIEW**

Readings:

Course Pack: "Thoughts on the Death Penalty." By Richard Clark

**March 7- Quiz**

**March 9: Working with Incarcerated People:**

- Experiences of Incarcerated People serving life sentences
- Elder Assisted Parole Hearings

Guest Speaker: Patrick Rafferty, former inmate

**March 14- First Nations Discrimination in the Justice System**

- Case scenarios

**March 16: Restorative Justice/ preparation of April 6 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 21: Critique and other Indigenous Models. Where do we go from here?**

Readings:

Course Pack: Restorative Justice: Exploring the Aboriginal Paradigm

Course Pack: The Wet'suwet'en Unlocking Aboriginal Justice Program

Video: Voyage of Rediscovery: Frank Brown

**March 23: First Nations and The Charter of Rights and Freedoms**

Readings:

Coursepack: The Charter and Human Rights

**March 28: Student Presentation # 1 and 2**

**March 30: Student Presentation # 3 and 4**

**April 4: Student Presentation # 5 and 6**

**April 6: Role play- Restorative Justice- Circle sentencing**

-Course Evaluation

**Student Presentation topics:**

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

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, Crown Prosecutor, or the native Court worker, 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 21 by 4:00pm, stamped at FN office.

### 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 7 15%

The quiz must be written on the date it is assigned and will be based on lectures and course readings up to and including February 28. 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, a student who misses the quiz due to illness must inform the instructor prior to the date of the quiz.

### 3. Outline of group project

Prior to the end of January, the instructor will give students guidelines. Outline is due no later than February 28. 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 through a designated theme i.e. Tribal Policing, Circle sentencing, analysis of a FN sentencing etc.

Outline due - February 28

#### 4. Group Project

Students are expected to form groups of 4 or 5 and research a First Nations Restorative Justice model. Students are expected to facilitate a 40 minute presentation in class on their topic. All presentations should include an 1) Introduction, 2) Background of the topic 3) a clear description of the topic today; 3) pros and cons of the topic (critical analysis), and 4) what could/ should be done in the future to ensure the success of the topic chosen.

Oral and written presentation are both due on date of your outline. Written paper is expected to provide a 4-5 page overview of your topic with same headings above. PROPER REFERENCING IS ESSENTIAL.

#### 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 (excluding Saturday and Sunday)** 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)