



**School of Arts & Science**  
**CRIMINAL JUSTICE DEPARTMENT**  
**CRIM 135-001 & X01A**  
**First Nations and Justice**  
**Winter 2007**

## COURSE OUTLINE

The Approved Course Description is available on the web @ \_\_\_\_\_

Ω Please note: this outline will be electronically stored for five (5) years only.  
It is strongly recommended students keep this outline for your records.

### 1. Instructor Information

(a)	Instructor:	Todd Ormiston
(b)	Office Hours:	Wednesday, 11:30am – 1:00pm, or by appointment Ewing 204
(c)	Class Location and Time:	Mondays and Wednesdays, both at 1:00-2:30pm
(d)	Phone: 370-3122	Alternative Phone: 370-3299, (24-hour voice mail message system for both numbers)
(e)	Email:	toddo@shaw.ca

### 2. Intended Learning Outcomes

Upon completion of this course the student will be able to:

1. Describe the nature and extent of First Nations peoples' involvement in committing crime.
2. Demonstrate understanding of the impact of colonization and the economic, structural, political and social factors contributing to the criminal behaviour of First Nations peoples.
3. Describe and critically assess the role of various social control agencies, law, policy and practice in the processing of First Nations offenders.
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 to address the needs of First Nations peoples and communities.

### 3. Required Materials

(a)	Texts	Criminal Justice in Canada (3rd Edition) by Colin Goff.
(b)	Other	Course Reading Pack, available 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 8: 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
- Court Report Guidelines.

##### **January 10: Defining Justice from a First Nations perspective**

- Indigenous Worldviews and the concept of Justice
- 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

#### Readings:

Course text: Justice in Aboriginal Communities, Introduction

#### Readings:

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

##### **January 15: 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 17: What is Criminal Justice?**

- An adversarial system
- 4 models of justice
- Costs of dispensing justice in Canada
- Court Report expectations presented and examples provided

Readings:

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

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

- The organization of the Court system
- The roles of defense lawyer, Crown prosecutor and judge
- Introduction to plea bargaining
- Handout provided on MOCK TRIAL- thinks of what role you would like!

Readings:

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

**January 24: 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 29: Preparation of Mock Trial/ Group Presentations overview**

- defining roles
- Overview of Mock Trial Scenario
- Small groups for presentations.

**January 31: Court Visit from 9-12 or 1-4 pm**

**February 5: No class due to January 31 Court Visit**

**February 7: Two Worlds Colliding video  
Questions to be reviewed**

**Court Report Due**

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

## **February 14: Role of Policing & Issues of Policing FN People**

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

Readings: Goff -Chapter 5

## **February 19: Test Review & Mock Trial Prep**

**Feb 21: Mock Court Trial at the Court House-UVIC Fraser building-1:00-4:00pm**

**February 26: Test**

**Feb 28-: 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

**March 5: Working with Incarcerated First Nations People. Note: This is a 2 hour class**

- Experiences of FN in the CJS and those working with Incarcerated First Nations People

**Guest Speaker: Wayne Seaward, Native Liaison Worker, William Head**

**Article: TBA**

**March 7: No class**

**March 12: Murder, Violent Crimes and Capital Punishment- Outlines due for Presentations/ research paper.**

- 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?

Readings: Richard Clark: Thoughts on the Death Penalty.

## **The Gladue Case**

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

Readings

Course Pack: MaryEllen Turpel- Lafond, "Procedural Implications of Gladue."  
Lang, Shirley, "Reasons for Independent Background Cultural Impact Reports."

**March 14: Restorative Justice/ preparation of April 10 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: 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

Readings

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

**March 21: 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

Guest: Liz Cook

Readings:

Course Pack: Restorative Justice: Should Canadians Embrace it?

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

**March 26: Student Presentation # 1**

**March 28: Student Presentation #2**

**April 2: Student Presentation # 3**

**April 4: Student Presentation # 4**

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

Course Evaluation

**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 (Weighting)

The total marks in this course are distributed as follows:

(1)	Court Report	25%
(2)	Test	%15
(3)	Outline of Group Project/ research paper	%10
(4)	Group Project-Indigenous Justice (%20)/ Written paper (%10)	%30
(5)	Participation and Attendance	%10
(6)	Mock Trial	%5
(7)	Circle Sentencing	%5

### a) 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. You will be provided with an example and guidelines for this paper.**

**Value:**

**25%**

**Due Date of Court Report: February 7 at the beginning of class.**

### b) Test

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 – Feb 26**

**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.

### c) Outline of group project

Prior to the end of January, the instructor will give students guidelines. Outline is due no later than March 12. It is highly recommended that students visit with the instructor during office hours to discuss the scope of this project. Essentially, this is a presentation or research paper which has a First Nations healing perspective based on a designated theme i.e. Tribal Policing, Circle sentencing, analysis of a FN sentencing etc.

**Outline due – March 12**

**10%**

#### d) Group Project

Students are expected to form groups of three or four 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. A 3-4 page written summary is also required with the same headings used.

#### 6. Grading System Standard Grading System (GPA)

Percentage	Grade	Description	Grade Point Equivalency
95-100	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
0-49	F	Minimum level has not been achieved.	0

#### Temporary Grades

Temporary grades are assigned for specific circumstances and will convert to a final grade according to the grading scheme being used in the course. See Grading Policy at [camosun.ca](http://camosun.ca) or information on conversion to final grades, and for additional information on student record and transcript notations.

Temporary Grade	Description
I	<i>Incomplete:</i> A temporary grade assigned when the requirements of a course have not yet been completed due to hardship or extenuating circumstances, such as illness or death in the family.
IP	<i>In progress:</i> A temporary grade assigned for courses that are designed to have an anticipated enrollment that extends beyond one term. No more than two IP grades will be assigned for the same course.
CW	<i>Compulsory Withdrawal:</i> A temporary grade assigned by a Dean when an instructor, after documenting the prescriptive strategies applied and consulting with peers, deems that a student is unsafe to self or others and must be removed from the lab, practicum, worksite, or field placement.

Temporary grades are assigned for specific circumstances and will convert to a final grade according to the grading scheme being used in the course. See Grading Policy E-1.5 at [camosun.ca](http://camosun.ca) for information on conversion to final grades, and for additional information on student record and transcript notations.

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

### 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, at Student Services or the College web site at [camosun.ca](http://camosun.ca).

### STUDENT CONDUCT POLICY

There is a Student Conduct Policy **which includes plagiarism**. It is the student's responsibility to become familiar with the content of this policy. The policy is available in each School Administration Office, at Student Services and on the College web site in the Policy Section.

### Instructional Policies

#### 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.

#### 1. 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.

#### 2. 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/him 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)