



**CAMOSUN COLLEGE**  
*Aboriginal Education and Community Connections*  
**CRIM 236**  
**Fall 2012**

## **COURSE OUTLINE**

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### **1. Instructor Information**

- (a) Instructor: Todd Ormiston
- (b) Office hours: Thursdays 9:30am-10:30 am or by appointment, Ewing 204
- (c) Class Location and Time: Thursdays 10:00am-12:50pm-Ewing 201 UNLESS OTHERWISE SPECIFIED IN THE OUTLINE.
- (d) Phone: 370-3122, Alternative: 370-3299, (24-hour voice mail message system for both numbers)
- (e) E-mail: [toddo@shaw.ca](mailto:toddo@shaw.ca) or [ormiston@camosun.bc.ca](mailto:ormiston@camosun.bc.ca)

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

#### Learning Outcomes

*At the conclusion of this course each student will be able to:*

1. Describe the nature and extent of Indigenous 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 Indigenous peoples.
3. Describe and critically assess the role of various social control agencies, law, policy and practice in the processing of Indigenous offenders.
4. Identify and describe the major issues surrounding the delivery of justice services to Indigenous peoples and communities.
5. Describe traditional, new and emerging models of justice and practice employed to address the needs of Indigenous peoples and communities.

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

**Text:** Criminal Justice in Canada (5th Edition) by Colin Goff.

Various handouts

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

## 4. Course Content and Schedule

### Class Schedule

#### **September 6: Introduction to the course and Defining Justice from a First Nations perspective**

- 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.

#### **September 13: Youth Custody: Exercising our Rights and Responsibilities to Indigenous Youth**

- Small group discussions- Youth Justice
- 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)?
- Exploring definitions of a crime/ What is criminal Justice?
- Introduction to the mainstream CJS.
- Court Report Guidelines.
- Sign up for group justice projects

#### **Readings:**

**Youth Custody: Exercising our Rights and Responsibilities to Indigenous Youth:**  
at: [http://www.fncaresociety.com/sites/default/files/online-journal/vol5num1/Wickham\\_pp57.pdf](http://www.fncaresociety.com/sites/default/files/online-journal/vol5num1/Wickham_pp57.pdf)

Handout: Justice in Aboriginal Communities, Introduction

Handout: Justice in Aboriginal Communities Chapter 2

Course Text: Goff, "An Overview of the Criminal Justice System in Canada," Chapter 1- pages 1-9

#### **September 20: What is Criminal Justice?**

- An adversarial system
- Criminal Justice funnel
- What is bail and how is it determined?
- Due process and Crime control Model
- Substantive and procedural law

- Sexual assault legislation
- Charter of rights and freedoms
- Mens Reus and Actus Reus
- Speak to MOCK Trial and provide handouts

### **Readings:**

Course Text: Goff, "An Overview of the Criminal Justice System in Canada," Chapter 1- pages 9-25

Course Text: Goff, "Criminal Law and Criminal Justice in Canada," Chapter 2, pages 35-38 AND 47-51.

### **September 27: The Courts and Trial Procedures and : Role of Policing & Issues of Policing**

- The roles of defense lawyer, Crown prosecutor and judge
  - Preliminary hearings
  - Introduction to plea bargaining
  - Video:Plea Bargaining- Homolka
  - The Jury
  - Right to a speedy trial
  - The trial process
  - Court Report expectations presented and examples provided
  - Indigenous Justice group meeting
  - defining roles
  - Contemporary structure and operations of the police
  - Police role and function
- police subculture
- How do we police the police?

### **Quiz**

### **Readings:**

"The Courts and Trial Procedures," Chapter 8(p.243-269)

Goff -Chapter 5 (p.156-158) and Chapter 6 –p168-181

**October 4- No class due to extended class on Oct 25**

### **QUIZ**

**October 11- Court Visit- this class will be from 9:00am-12:15pm**

- Students will meet at the Victoria Courthouse-850 Burdette Street

**October 18- De-brief on Court Visit and Indigenous Law principles-Shake out BC evacuation of building@10:15**

**Readings: TBA**

**Guest:** Wayne Seaward-Aboriginal Liaison Worker-guest appearance

Readings: <http://www.justice.gc.ca/eng/pi/ajs-sja/>

**October 25: William Head tour-note this class is from 10:30-2:30pm in Metchosin-combined with second year circle**

**\*Court Report due**

**November 1: Exploring Aboriginal Justice**

**Guest- Johny Mack** in Aboriginal Justice & Governance. Faculty of Law, University of Victoria

**Prepare for Mock Trial**

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

Sentencing Circle particulars

**\*\*\**Outline Due for Indigenous Justice Project***

**November 8- Mock Trial @University of Victoria-9:30AM-12:20pm**

**November 15- The Gladue Case and student presentation**

- Overview of the Supreme Court of Canada decision
- What are the impacts of the decision?
- Restorative Justice/ Indigenous Justice- a closer look
- Sentencing Circle particulars

**Two Worlds Colliding video**

**Court Report Due**

**Discussion of video**

**Prep for Group Presentations**

**Readings**

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

**November 22 and 29- Student Presentations- Justice from an Indigenous perspective**

**December 6-Closing sentencing circle and potluck-THIS CLASS WILL BE HELD AT WILNA THOMAS ROOM 234**

**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 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. Quiz	15%
2. Court Report	25%
3. Mock Trial	5%
4. Outline of Group Project/ research paper	10%
5. Indigenous Justice Project	30%
6. Sentencing Circle	5%
7. Participation and Attendance	10%

**1. Quiz**

**Quiz – Sep 27**

**15%**

There will be one 'in class' quiz scheduled during the first month 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 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 prior to the date of the quiz of the reason of his/ her absence by e-mail.

## 2. Court Report

25%

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 critical/Indigenous perspective. This written report must be 5 – 7 pages in length and double-spaced. **Note: One class during the semester will be given for completion of Court Visit. It is essential you are there in order to maximize potential for marks.** You will be provided with an example and guidelines for this paper.

**\*\*Due Date of Court Report: October 25 at the beginning of class.**

## 3. Mock Trial

5%

All students are expected to participate in mock trial which is based on a case presented to students. Students will sign up for roles in the mock trial, everyone will have a role to play. Bonus marks of 2% are given to those playing the prosecutors and/or defence lawyers.

**Date of Mock Trial: November 8 at University of Victoria**

## 4. Outline of Indigenous Justice project/ research paper

10%

Prior to the end of September, the instructor will give students guidelines. Outline is due no later than November 8. 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 an Indigenous led policy/initiative based on a designated theme i.e. Tribal Policing, Circle sentencing, analysis of a FN sentencing etc. See above for possible topics.

**Outline due – November 8**

## 5. Indigenous Justice Project

30%

Students are expected to form groups of three or four and research an Indigenous Justice theme. Students are expected to facilitate a 30-40 minute 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 (from an Indigenous lens) to ensure the success of the topic chosen. Students will be graded on their presentation- 20% and their group written summary- 10%. Point form summary is okay and references are essential. Powerpoint presentation must also be handed in. Those choosing to do a paper will be graded on a 9-11 page paper. More info in class.

**Due date/ Presentation date: November 22 and 29**

## 6. Sentencing Circle

All students are expected to participate in the sentencing circle which is based on the same case presented to students at the mock trial. Students will be assigned to similar or same roles as the mock trial, everyone will have a role to play. The purpose of this scenario is to show the differences between western justice and Indigenous justice.

**Date of Sentencing circle: Last day-December 6 in Wilna Thomas room 234**

**7. Attendance and participation**

**10%**

Attendance is important in order to successfully complete this course. **You must attend 80% of classes** to successfully complete this course. As this is an experiential based course, attendance will be taken periodically at the BEGINNING of classes. Please ensure you connect with me prior to class if you cannot be there by e-mail or telephone. Students cannot miss more than two classes without a doctor's note.

**6. Course Grading System:**

<b>%</b>	<b>Grade</b>	<b>Grade Point Equivalent</b>
90-100	A+	9
85-89	A	8
80-84	A-	7
77-79	B+	6
73-76	B	5
70-72	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 Aboriginal Education and Community Connections Department, 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 Aboriginal advisors and support people there for you to talk with. Please stop by the office or call Marcy our receptionist, 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 November 6, 2012.

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

Students must complete all evaluative requirements (court report, Indigenous Justice project, and quiz) 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 Aboriginal 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)