



**CAMOSUN COLLEGE**  
*Aboriginal Education and Community Connections*  
**CRIM 236**  
**Fall 2015**

**COURSE OUTLINE**

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**1. Instructor Information**

- (a) Instructor: Todd Ormiston
- (b) Office hours: Thursdays 10:00-11:00am or by appointment, Ewing 204
- (c) Class Location and Time: Thursdays 11:00am-1:50pm-WT 234 (unless otherwise stated)
- (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 (6 thEdition) 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 10: 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 17: Youth Custody: Exercising our Rights and Responsibilities to Indigenous Youth**

- Small group discussions- Youth Justice
- Indigenous Worldviews and the concept of Justice
- 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)

**Special Guest:** Trevor Good-Youth Custody Center

### **September 24: What is a crime?**

- As Indigenous people, what are our experiences with the Criminal Justice System? For non-Indigenous people-What are some of the stereotypes you have about Indigenous peoples?
- 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
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Course Text: Goff, "An Overview of the Criminal Justice System in Canada," Chapter 1- pages 1-9

Handout: <https://www.ccja-acjp.ca/en/abori4.html>

### **October 1: What is Criminal Justice?**

- An adversarial system
- Criminal Justice funnel

- What is bail and how is it determined?
- Due process and Crime control Model
- Mens Reus and Actus Reus
- Speak to MOCK Trial and provide handouts
- Small groups for Indigenous justice presentations

**Readings:**

Course Text: Goff, "An Overview of the Criminal Justice System in Canada," Chapter 1- pages 9-30

Course Text: Goff, "Criminal Justice in Canada," Chapter 2, pages 55-56( Mens and Actus Reus) and pages ,60-61..

**October 8: 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
- The Jury
- The trial process
- Contemporary structure and operations of the police
- Police role and function
- police subculture
- How do we police the police?

**Second half of class**

- Mock trial roles defined-review of the case
- Indigenous Justice group meeting
- defining roles for Mock trial

**Readings:**

"The Courts and Trial Procedures," Chapter 8(p.258-273)

Criminal Justice in Canada -Chapter 5 (p.147-153) and Chapter 6 –(p180-194)

**October 15-Quiz (FIRST HALF OF CLASS)**

- Meet in Indigenous justice groups
- Prepare for Court Visit
- Marijuana debate particulars

**October 22- Court Visit- this class will be from 9:00am-12:30pm**

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

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

**October 29-**

**William Head tour-note this class is from 9:30-12:00pm in Metchosin-**

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

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

**November 5: De-brief on Court Visit and prepare for mock trial/ Indigenous Law principles-**

**Readings:** Criminal Justice in Canada p. 167-169 AND P 204-206

**\*Court Report due**

**November 12: Exploring Aboriginal Justice and class debate on Marijuana legalization and Prepare for Mock Trial**

**Readings:** Criminal Justice in Canada –Chapter 10

**November 19 Mock Trial @TBA-10:30am-1:20pm**

**November 26- The Gladue Case and student presentation 1 and 2**

- 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

**Prep for Group Presentations**

**Readings**

<http://resources.lss.bc.ca/pdfs/pubs/Gladue-Primer-eng.pdf>

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**December 3- Student Presentations 3, 4 and 5- Justice from an Indigenous perspective**

**December 10 Closing sentencing circle and potluck-**

**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	20%
2. Court Report or William Head Reflection	20%
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 – Oct 15

**20%**

There will be one 'in class' quiz scheduled after 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

**20%**

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, the prosecutor and the native Courtworker, and provide a critical analysis of the court proceedings from a

critical or 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 or you will have to attend on your own.** You will be provided with an example and guidelines for this paper. If you choose the William Head reflection paper, this must be 5-7 pages and include a title page, introduction, description/summary of the class at William Head and a critical analysis. How does this inform your understanding of the CJS? How does it inform your understanding of Indigenous Justice? What is restorative justice from the perspective of the inmates/this institution? How might you suggest improvements/ reform to the CJS based on your experience at William Head? Please ensure you include 2 citations and references from outside readings or the Goff text.

**\*\*Due Date of Court Report: Nov 5 at the beginning of class OR William Head reflection paper due November 12**

**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.

**Date of Mock Trial: November 19 at TBA**

**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 October 2. 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 – October 22**

**5. Indigenous Justice Project 30%**

Students are expected to form groups of four and research an Indigenous Justice theme. Students are expected to facilitate a 35-40 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 26 and Dec 3**

**6. Sentencing Circle 5%**

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 10 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 at the BEGINNING of classes. Please ensure you connect with me prior to class if you cannot be there by e-mail or telephone.

**6. Course Grading System:**

%	Grade	Grade Point Equivalent
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 Indigenous 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 Indigenous advisors and support people there for you to talk with. Please stop by the office or call 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. APA Citations and referencing must be used for papers in this class.

### **4. Course Withdrawal**

The last day to withdraw from this course without receiving a failing grade or academic penalty is November 3, 2015.

### **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)