Course: LAWS 4504 A - Aboriginal Peoples and the Canadian Criminal Legal System

Term: Fall 2009

Seminars: Day & Time: Thursdays, 14:35-17:25
Room: Please check with Carleton Central for current room location

Instructor: Professor Jane Dickson-Gilmore, PhD.

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 16, 2009 for December examinations and March 12, 2010 for April examinations.

For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE DESCRIPTION:

There can be little doubt that the relationship between the Canadian criminal justice system and First Nations peoples is, and long has been, fraught with conflict, tension and for many, an absence of the justice the system claims to embody. It is the goal of this course to deconstruct that relationship and attempt to come to grips with the range of factors which have fed into this fractious relationship and, most importantly, the over-representation of Aboriginal people within Canadian criminal courts and correctional system. Here, analysis will focus upon institutional efforts to ameliorate over-representation as well as the rise of traditional and restorative justice initiatives which exist primarily as amendments to, or outside of, the dominant system. Among those initiatives studied will be sentencing circles, family group/community conferencing, and healing circles.
EVALUATION PROCEDURES:

Participation: 15% Students will be expected to take an active and informed role in class discussions and analysis; no marks will be granted for attendance, as this is a prerequisite to participation.

Term Paper: 25% Students will be expected to prepare and submit a paper of no less than 15 double-spaced pages, exclusive of references and appendices. As a general rule, late papers are not accepted; students who are able to justify late submission through formally documented excuse may be permitted to hand in the paper, but may also face penalties.

Presentation: 20% Students will present their papers to the class in a presentation of approximately 20 minutes; presentations will begin in the third or fourth week of classes, depending upon enrolment.

DUE DATES: The papers are due in class, two weeks following the date of the class presentation; students who present in the last two weeks of term are required to submit their papers to the instructor in the last class of the term (note: this does not mean the LAST DAY OF CLASSES, but rather the last 4504 class for a given term).

Final Exam: 40% The final examination in this class will be held in the formally scheduled examination session. The examination will be comprehensive and closed book; it will be two hours in duration.

MATERIALS AND TEXTS:

There is a single required text for this course, however, each week the assigned readings will include a small selection of journal articles from which students will be expected to select and read a minimum of one article. These articles may be retrieved from the library or online.

E.J. Dickson-Gilmore and Carol LaPrairie, Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change (Toronto: University of Toronto Press, 2005)

COURSE SCHEDULE AND ASSIGNED READINGS

Course Introduction - no assigned Readings.

Creating the Context: The Aboriginal Reality in Canadian Society

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.5-26.

One of:


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Aboriginal People and the Police

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.27-47

One of:


Aboriginal People and the Courts


One of:


Aboriginal People and Corrections

Shifting Current Criminal Justice Patterns: Restorative Justice

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.91-110.

One of:


Traditional Healing in the 'New Justice'

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.111-130.

One of:


Sentencing Circles

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.131-153.

One of:


Healing Circles

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.168-178.


Family Group and Community Conferencing

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.154-168.

One of:


Sustainability, Consequences and the Potential for Positive Change

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.179-205.

One of:


The Future

Will the Circle be Unbroken: Aboriginal Communities, Restorative Justice and the Challenges of Conflict and Change, pp.206-236.

One of: