

Course Outline

COURSE:	LAWS 4504 A – Indigenous Criminal Justice
TERM:	Winter 2023
PREREQUISITES:	LAWS 2908, CRCJ 3001, or CRCJ 3002 and LAWS 2301, LAWS 2302 and fourth-year Honours standing.
CLASS:	Day & Time: Wednesdays , from January 9 to April 12, 2023 6:05 p.m. to 8:55 p.m. Room: Please check Carleton Central for current Class Schedule. <i>This is an online, blended course. The synchronous hour and a half seminar will take place via Zoom each week on Wednesday at 6:05 p.m. EST, and the asynchronous portion of the course will be available on Brightspace.</i>
INSTRUCTOR:	Jo-Anne Muise Lawless , BA (Hon), Contemporary Studies (Option in Indigenous Studies); MA (Hon), Cultural Analysis and Social Theory; PhD candidate, Law and Legal Studies
CONTACT:	Office: Online, via Zoom, by appointment. Hours: <u>Please email the professor to arrange for a five-minute introductory Zoom meeting to be held between Wednesday, January 4, 2023 and Friday, January 6, 2023, anytime from 9 a.m. to 3 p.m. EST.</u> Email: joanne.lawless@carleton.ca

CALENDAR COURSE DESCRIPTION

Indigenous peoples and the administration of Canadian criminal justice including policing, courts, corrections, and aftercare. Content and effects of past and present policies, processes, and laws. Alternatives such as self-government and self-determination; potential approaches to an appropriate justice system for Indigenous peoples.

COURSE DESCRIPTION

This blended (online, synchronous and asynchronous) course critically explores the relationship between Indigenous peoples in Canada and the criminal justice system. We consider the causes and ramifications of offending amongst the Indigenous population and their over-representation in a western-based system. The course offers a critique of policy approaches aimed at ameliorating the effects of over-incarceration and repairing the relationship between Indigenous peoples and the state, as well as an examination of the Crown's coercive apparatus.

REQUIRED TEXTS

All required reading will be **available online** using the ARES link on Brightspace. No textbook is required.

WEBSITE

Course information, ARES links to the weekly readings, links to the asynchronous lecture, summary slides, updates, and other important materials will be posted on the course website **on Brightspace**. Links to attend the weekly synchronous lecture (that is, our one-hour-and-a-half Wednesday seminars) using **Zoom** will also be available on Brightspace, along with any announcements and grades. Students are strongly encouraged to **regularly check the website, along with their Carleton email**, for any communication from the professor regarding the course. You must be registered in LAWS 4504 A to access the course website.

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

Evaluation will be based on the following five elements:

- Attendance and participation in weekly one-hour-and-a-half seminar: **20%**
- In-class presentation: **20%**
- Annotated bibliography: **10%** (Due **February 27, 2023**)
- Weekly reading synthesis: **20%** (8 required)
- Research Essay **30%** (Due **April 7, 2023**)

Attendance and Participation in Seminar: worth **20%** of final course grade. As there is no final exam in this course, our focus will lie in close engagement with weekly readings, the online asynchronous lecture, and especially with your colleagues' presentations. *Participation in all elements of the course is expected and encouraged* in order for you to fully understand core concepts which will be incorporated into your weekly reading syntheses, in-class presentations, and the final research essay.

In-Class Presentation: worth **20%** of the final grade. Each week, two pairs of students will be required, separately, to **locate and report on one or two recent, good-quality research articles or reports** which are *directly relevant* to the subject covered in that day's seminar. Students will be required to facilitate discussion by presenting a *critical summary* of the article or report they have found and **contextualizing those studies within the week's assigned readings and asynchronous lecture (10%)**. The short presentations (**20 minutes**), given during the seminar, will be based on a **4 to 5-page paper** you write on the topic (**10%**) that will be submitted on Brightspace *before the presentation*. Topics will be chosen during our introductory Zoom one-on-one.

Weekly Reading Synthesis: worth **20%** of the final course grade. Students will create a **250-word reading synthesis**, to be submitted in Word doc format on Brightspace, outlining the overarching elements of **the two readings for the week and all elements of the online asynchronous lecture. Eight (8) submissions are required in total.** The weekly reading synthesis must be submitted no later than the day before the seminar, which addresses the topic (ie: Tuesday by midnight EST) to receive a mark. *It is strongly recommended that you begin submitting these early on in the course.*

Annotated Bibliography: worth **10%** of the final grade. In preparation for your final research paper, you will present an annotated bibliography of your chosen sources, due by midnight on **February 27, 2023**. The annotated bibliography will include twelve (12) sources. The sources you choose **must include** legal cases, scholarly sources such as peer-reviewed journal articles, books (or book chapters), at least *two* of the assigned course readings, and up to two credible online sources. Up to three sources from Indigenous communities or organizations will also be required.

The Research Essay: worth **30%** of the final grade. The essay will be written on a topic of your choosing, with guidance from the professor, and will incorporate themes from the course. The paper will be **15-18 double-spaced pages long**; no more, no less, *not* including cover page, footnotes, and bibliography, and must be written in Times New Roman 12-point font. The Law and Legal Studies research librarian will speak to the class on **January 25, 2023** to provide guidance on conducting research and on citing sources in McGill format. Detailed instructions for this assignment will be posted on Brightspace in Week 3, before the seminar.

The final research essay will **be due by 4:30 pm EST, on Friday, April 7, 2023**, and will be **submitted online** only (no hard copies) through the LAWS 4504 A Brightspace website. You are strongly advised to save your work regularly in multiple ways and to retain a copy of all submitted papers. Essays submitted past the due date will incur a **late penalty** of *five percent for each 24-hour period* following the deadline of 4:30 pm on April 7th, including weekends. Papers submitted beyond seven days late will be accepted towards course completion but will receive a mark of 0. Suspected incidents of plagiarism will be reported to the Dean's office, pursuant to Carleton University policy.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Any late submissions of the annotated bibliography or the final research paper will be penalized **five (5) percent per 24-hour period**, beginning one hour following the assignment deadline. Papers submitted beyond seven days late will be accepted towards course completion but will receive a mark of 0. Late weekly reading syntheses will not be accepted. Extensions will be granted only under the gravest circumstances, and written documentation of the reason for the request will be required.

The granting of extensions is determined by your instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions of longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE AND READINGS

Wednesday, January 11, 2023. Week 1: Course Introduction (Synchronous hour-and-a-half seminar, every Wednesday, beginning at **6:05 p.m.** See Zoom link on Brightspace).

January 18, 2023. Week 2: Framing the Context of Indigenous Criminal Justice: History, Colonization, and Trauma

Readings:

Elizabeth Fast & Delphine Collin-Vézina, 'Historical trauma, race-based trauma and resilience of

indigenous peoples: A literature review.' *First Peoples Child & Family Review: An Interdisciplinary Journal Honouring the Voices, Perspectives, and Knowledges of First Peoples through Research, Critical Analyses, Stories, Standpoints and Media Reviews* 5, no. 1 (2010): 126-136.

Amy Bombay, Kim Matheson & Hymie Anisman, 'The Intergenerational effects of Indian Residential Schools: Implications for the concept of historical trauma', 51(3) *Transcultural Psychiatry* (2014) 320-338.

January 25, 2023. Week 3: The Impacts of Trauma: Offending Patterns and Over-Representation in the Criminal Justice System

Guest speaker: Law and Legal Studies Research Librarian, Julie Lavigne

Readings:

Vicki Chartrand, 'Unsettled times: Indigenous incarceration and the links between colonialism and the penitentiary in Canada.' *Canadian Journal of Criminology and Criminal Justice* 61, no. 3 (2019): 67-89.

Julian V Roberts & Andrew Reid, 'Aboriginal Incarceration in Canada since 1978: Every Picture Tells the Same Story.' 59(3) *Canadian Journal of Criminology and Criminal Justice* (2017):313-345.

February 1, 2023. Week 4: The Role of the System: Policing

Readings:

Savvas Lithopoulos, 'International comparison of Indigenous policing models'. Ottawa, ON: Public Safety Canada, 2007.

John Kiedrowski, Nicholas A Jones & Rick Ruddell, 'Set up to fail?' An analysis of self-administered Indigenous police services in Canada.' 18(6) *Police Practice and Research* (2017): 584-598.

February 8, 2023. Week 5: Indigenous People and the Courts

Readings:

Michaela M McGuire & Danielle J Murdoch, '(In)-justice: An exploration of the dehumanization, victimization, criminalization, and over-incarceration of Indigenous women in Canada.' *Punishment & Society* 23(2) (2021).

Shelley Johnson, 'Developing First Nations Courts in Canada: Elders as Foundational to Indigenous Therapeutic Jurisprudence', *Journal of Indigenous Social Development* 3(2) (2014):1-14.

February 15, 2023: Week 6: 'Indigenizing' Justice**Readings:**

R. v. Ipeelee, [2012] 1 S.C.R. 433

Jonathan Rudin, 'Looking backward, looking forward: The Supreme Court of Canada's decision in *R. v. Ipeelee*.' *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference*, vol. 57, no. 1, p. 17. 2012.

February 22, 2023. Week 7: **NO CLASSES****March 1, 2023.** Week 8: Indigenous People, Social Context Evidence and Gladue**Readings:**

R. v. Gladue, [1999] 1 SCR 948.

Alexandra Hebert, 'Change in Paradigm or Change in Paradox: Gladue Report Practices and Access to Justice.' *Queen's LJ* 43 (2017): 149.

March 8, 2023. Week 9: The Experience of Incarceration by Indigenous Offenders**Readings:**

Jen MtPleasant, "Gangs" in Jen MtPleasant, ed, *Annihilate. Assimilate. Appropriate. The Systemic Genocide of Indigenous People in "Canada."* (Independently published, 2019): 257-270.

Jason Demers, 'Warehousing Prisoners in Saskatchewan: A Public Health Approach' (Regina: Canadian Centre for Policy Alternatives, 2014).

March 15, 2023. Week 10: Coming Home: Parole, Aftercare, and the Re-integration of Indigenous Offenders**Readings:**

Jason D Brown, 'Managing the Transition from Institution to Community: A Canadian Parole Officer Perspective on the Needs of Newly Released Federal Offenders', *Western Criminology Review* 5(2) (2004):97-107.

Wai-Yin Wan, Suzanne Poynton & Don Weatherburn, 'Does parole supervision reduce the risk of reoffending?' *Australia and New Zealand Journal of Criminology* 49(4) (2016):497-511.

March 22, 2023. Week 11: Returning to the Teachings: Restorative Justice and Indigenous Justice Reform

Readings:

Meagan Berlin, 'Restorative Justice Practices for Aboriginal Offenders: Developing an Expectation-Led Definition for Reform', 21(3) *Appeal* (2016):3-20.

Chris Cunneen, 'Reviving Restorative Justice Traditions?' In Gerry Johnstone & Daniel Van Ness, eds, *Handbook of Restorative Justice* (2007): 113-131.

March 29, 2023. Week 12: The Place of Circles in Indigenous Criminal Justice

Readings:

Tony S Goldbach, 'Sentencing circles, clashing worldviews, and the case of Christopher Pauchay.' *Illumine: Journal of the Centre for Studies in Religion and Society* 10, no. 1 (2011): 53-76.

William Hollingshead. 'Indigeneity Through the Eyes of the Colonizer: An Analysis of Sentencing Circles.' *York University Criminological Review* 3, no. 1 (2021).

April 5, 2023. Week 13: The Future of Indigenous Justice Reform

Readings:

William R Wood & Masahiro Suzuki, 'Four Challenges in the Future of Restorative Justice.' *Victims & Offenders* 11, no. 1 (2016): 149-172.

Teresa Naseba Marsh, David C Marsh, Julie Ozawagosh, & Frank Ozawagosh, 'The sweat lodge ceremony: a healing intervention for intergenerational trauma and substance use.' *International Indigenous Policy Journal* 9, no. 2 (2018).

April 12, 2023. Week 14. Make-up class for any earlier canceled classes.

Note: This course includes sessions that use video conferencing platforms, such as Zoom. This raises some important privacy considerations that all students should know. You are not required to turn your camera on, and may decide to turn it on or off at any time. Keep in mind that the professor may call on you at random times during the synchronous seminar to confirm your presence. Students are not permitted to take photographs, screenshots, or record other students, TAs, or instructors unless they obtain explicit permission from the professor and all other students well in advance of the session. Classes or sessions will **not** be recorded by the instructor.

Winter 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website:</i> https://calendar.carleton.ca/academicyear/	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held. Examinations are normally held all seven days of the week.
April 27, 2023	All final take-home examinations are due on this day.

COVID-19 INFORMATION

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend

campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: Please write to the professor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious obligation: Please write to the professor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details [click here](#).

Academic Accommodations for Students with Disabilities: [The Paul Menton Centre for Students with Disabilities](#) (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send your professor your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with the professor to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working, and living environment where sexual violence will not be tolerated and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Plagiarism

Plagiarism is presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas, or works of others may be drawn include but are not limited to books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. **Plagiarism is a serious offence.** More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>.

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/student-experience-resources/>.