

Course Outline

COURSE:	LAWS 4504 B – Indigenous Criminal Justice
TERM:	Winter 2022
PREREQUISITES:	LAWS 2908, CRCJ 3001, or CRCJ 3002 and LAWS 2301, LAWS 2302 and fourth-year Honours standing.
CLASS:	Day & Time: Mondays , from January 10 to April 12, 2022, 8:35 a.m.-11:25 a.m. EST. Room: Please check Carleton Central for current Class Schedule. <i>This is an online, blended course. A synchronous seminar hour and a half will take place via Zoom each week on Monday at 10 a.m. EST, and the asynchronous portion of the course will be available on Brightspace.</i>
INSTRUCTOR:	Jo-Anne Lawless , BA (Hon), Contemporary Studies (Option in Indigenous Studies); MA (Hon), Cultural Analysis and Social Theory; PhD candidate in Law and Legal Studies
CONTACT:	Office Hours: Online, via Zoom, by appointment. <u>Please arrange for a five-minute introductory Zoom meeting with the professor between Wednesday, January 5, 2022 and Friday, January 7, 2022, 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 (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 face-to-face Monday 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 regarding the course. You must be registered in LAWS 4504 B 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: **15%**
- Annotated bibliography: **15%** (Due **February 22, 2022**)
- Weekly reading synthesis: **20% (8 required)**
- Research Essay **30%** (Due **April 8, 2022**)

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 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. **Students will be required to complete a brief Learning and Writing Support workshop** on Brightspace as part of this course element.

In-Class Presentation: worth **15%** 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**. The short presentations (**20 minutes**), given during the seminar, will be based on a **4 to 5-page paper** you write on the topic 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 document format on Brightspace, outlining the overarching elements of **the two readings for the week and 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: Sunday by midnight, EST) to receive a mark. It is strongly recommended that you begin submitting these early on in the course.

Annotated Bibliography: worth **15%** 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 22, 2022**. 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), *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. **Students will be required to complete a brief Learning and Writing Support workshop on Brightspace, as part of this course element.**

The Research Essay: worth **30%** of the final grade. The essay will be written on a topic of your choosing, with guidance from the course instructor, 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 24, 2022 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 Wednesday, April 8, 2022**, and will be **submitted online** only (no hard copies) through the LAWS 4504 B 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 8th, 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 most grave 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

January 10, 2022. Week 1: Course Introduction (Synchronous hour-and-a-half seminar, every Monday, beginning at **10:00 a.m.** See Zoom link on Brightspace).

January 17, 2022. 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 24, 2022. 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.

January 31, 2022. 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 7, 2022. 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 14: 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*, 2012, vol. 57, no. 1, p. 17.

February 21, 2022. Week 7: NO CLASSES**February 28, 2022.** 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 7, 2022. 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 14, 2022. 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 21, 2022. 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 28. 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 4, 2022. 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 11, 2022. 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 2022 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
January 5, 2022	University Reopens.
January 10, 2022	Winter term classes begin.
January 31, 2022	Last day for withdrawal from winter term and winter portion of fall/winter courses with full fee adjustment. Withdrawals after this date will result in a permanent notation of WDN on the official transcript.
February 18, 2022	April examination schedule available online.
February 21, 2022	Statutory holiday. University closed.
February 22-25, 2022	Winter break, no classes.
March 29, 2022	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade before the official examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
April 12, 2022	Winter Term Ends. Last day of fall/winter and winter term classes.
April 13, 2022	No classes or examinations take place.
April 14- 28, 2022	Final examinations in winter term and fall/winter courses may be held. Examinations are normally held all seven days of the week.
April 15, 2022	Statutory holiday. University closed.

April 28, 2022	All take home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
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University and Departmental Policies

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 from 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/>.

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/>.

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not

have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

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

Pregnancy obligation: write to 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. For accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

Religious obligation: write to 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. 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 instructor 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 your instructor 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>

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 will be provided to students who compete or perform at the national or international level. Write to 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.