



<ul style="list-style-type: none"> <li>• Course Instructors</li> <li>• Contact &amp; Office Hours Information</li> </ul>	<p><b>Jacqueline Briggs:</b>              jacq.briggs@mail.utoronto.ca              416 978 3722 ext 224              Office hours: Tuesdays 1-2 pm or by appointment.              Room 256, Centre for Criminology &amp; Sociolegal Studies              Canadiana Gallery Building</p> <p><b>Mayana C. Slobodian</b>              m.slobodian@mail.utoronto.ca              Office hours by appointment.              Room 211, Centre for Criminology &amp; Sociolegal Studies              Canadiana Gallery Building</p>
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**Course Description:**

This course is an introduction to issues affecting Indigenous peoples in the Canadian criminal justice system identified by Indigenous scholars, activists and allies. Topics include: Indigenous legal traditions, treaties and settler colonialism, the Indian Act, residential schools and the Truth & Reconciliation Commission, policing, gangs, sentencing, risk-assessment, community justice, Missing & Murdered Indigenous Women and Girls, Indigenous resurgence, and the Indigenous legal profession.

**Learning Objectives:**

- By the end of this course students will be able to make connections between historical laws and policies of settler colonialism and current crises in Indigenous criminal justice in Canada.
- Students will gain a vocabulary to speak knowledgeably about past and current iterations of the *Indian Act*, and its centrality to the governance of Indigenous personhood.
- Students will learn to employ criminological methods to evaluate and interpret media depictions of over-incarceration, gang violence, and violence against women.
- Students will be able to articulate the central role of Indigenous communities and legal traditions in the development and application of alternative justice methods.
- Students will be challenged to reflect on individual and institutional capacities and obligations for reconciliation and justice.
- This course will contextualize sociolegal and critical criminology methods such as legal history, data analysis, and qualitative interviews.

**Land acknowledgement:** This course takes place on territory governed by the Dish With One Spoon Treaty, home to the Anishinaabe, Mississauga and Haudenosaunee peoples. We are grateful to work and learn on this land.

**Attendance:** Summer courses are particularly intensive, and attendance in class is mandatory. Please be prepared to take notes on lecture material and contribute to discussion. Participation will be evaluated based on short reflections hand-written at the end of each class.

**Student Support & Accessibility:** People with diverse learning styles and needs are welcome in this course. If you require accommodations for a disability, or have any accessibility concerns about the course, the classroom or course materials, please contact us and Accessibility Services (<https://www.studentlife.utoronto.ca/as/contact-us>) as soon as possible.

**Course Policies**

**Missed Short Reflections:** Due to the nature of this exercise there are no makeup opportunities for missed reflections. Missed reflections will be assigned a grade of zero. If there are extenuating circumstances for missing the class (medical or personal emergency) you must submit valid documentation within one week of the missed reflection. Excused absences will result in the weight of the missed assignment being transferred to the Criminal Justice Analysis. Late requests will not be accepted.

**Evaluation:**

Short Reflections	1% each = 10% total	Every class	Short remarks written in the last 15 minutes of each class, reflecting on lecture & discussion.
Positionality Statement	10%	Due May 24	Assignment handed out on May 17. Returned on May 29.
Midterm Test	20%	May 31	Short-answer and multiple choice. Returned on June 5.
Criminal Justice Analysis	25%	June 12	In-Class essay. One page outline allowed, to be submitted with the essay booklets. Returned on June 19.
Final Exam	35%	June 26-30	Short answer and essay questions. Closed book, will cover entire course.

**Late Positionality Statement:** Late assignments will lose 3% per day (including weekends and holidays), and will be accepted up to one week late. Penalties will be excused only if there are legitimate medical or compassionate grounds. Documentation (Verification of Student Illness or Injury form etc.) must be submitted to the instructor no later one week after the due date.

**Missed Midterm or Criminal Justice Analysis:** A missed midterm or in-class analysis essay will be assigned a grade of zero. A make-up opportunity will only be granted if there are legitimate medical or compassionate grounds. Documentation (Verification of Student Illness or Injury form etc.) must be submitted to the instructor no later than one week after the due date (June 7<sup>th</sup> for the midterm and June 19<sup>th</sup> for the analysis).

**Remarking Policy:** If you wish to have an assignment remarked, please submit a detailed memo in writing to the course instructor who graded the work. You must specify which questions or portions of the assignment or test that you believe were marked incorrectly, and why you think the marking was incorrect, together with the test or assignment. The Instructor will remark the entire assignment, not simply the questions or portion you believe were scored improperly. Note that in the course of remarking your assignment, she may discover errors or defects that were not originally detected on the paper or test. As a result, it is possible that your revised mark may actually go down, rather than going up or staying the same. The revised mark stands. It is not to your advantage to submit a request for a second remarking unless you believe you will actually gain points.

The deadline for requesting a remarking is two weeks from the date the term work was made available for pickup. Late requests will not be accepted.

**Plagiarism:** Academic integrity is essential to the pursuit of learning and scholarship in a university, and we are obligated to report *any* suspicion of misconduct. The University treats cases of cheating and plagiarism very seriously. Many cases of plagiarism are accidental, but accidental plagiarism is still plagiarism. (*When it comes to academic integrity, ignorance of the law is no defense!*) The University of Toronto's Code of Behaviour on Academic Matters outlines the behaviours that constitute academic dishonesty and the processes for addressing academic offences. If you have questions about appropriate research and citation methods, you are expected to seek out additional information from the instructor or other available campus resources like the College Writing Centers, the Academic Success Centre, or the U of T Writing Website. Take time to familiarize yourself with this policy, and come speak to us if you have any questions or concerns. In lecture we will learn to take notes effectively and cite sources with integrity.

**Faculty Final Examinations:** Final examinations are held at the end of each session or sub-session. Students taking courses during the day may be required to write evening examinations, and students taking evening courses may be required to write examinations during the day. Examinations may be held on Saturdays. Students who make personal commitments during the examination period do so at their own risk. No special consideration is given and no special arrangements are made in the event of conflicts resulting from personal commitments. Students who are unable to write their final examinations due to illness, domestic affliction, etc., must petition for a deferred examination. Instructors are not authorized to excuse or reschedule faculty examinations. Students are expected to write the exam on the date, time & location listed in the schedule. Contact your College Registrar's Office if you require assistance. The final examination for this course will take place during the examination period from June 26<sup>th</sup> to 30<sup>th</sup>, 2017. The examination schedule will be posted on the Arts and Science website on June 9.

**Course Schedule and Readings:**

Note: The only required text is the graphic novel, *The Outside Circle* by Patti LaBoucane-Benson; it is available for purchase at the University Bookstore. Readings marked with ○ are posted on Blackboard. All others can be accessed via the library website (please come see us if you need any assistance with this). Supplementary readings appropriate for each lecture will also be posted to Blackboard.

Day	Readings	Due Date
May 15	<b>Introduction: Indigenous Law is Law.</b> Syllabus, Course Organization, Readings, Evaluation.	
May 17	<b>Locating Ourselves: Territory, Treaties, the Crown and Settler Colonialism.</b> <ul style="list-style-type: none"> <li>• Borrows, John (2005). "Crown and Aboriginal Occupations of Land: A History &amp; Comparison." <i>Ipperwash Inquiry</i>, pp. 1-24 + one land occupation of your choice</li> <li>• Spotton, Noelle (2005). "A Profile of Aboriginal Peoples in Ontario." <i>Ipperwash Inquiry</i>, pp. 1-25</li> </ul>	
May 22	<b>No Class – University Closed (Victoria Day)</b>	
May 24	<b>From the ‘cradle to the grave’: <i>The Indian Act</i>.</b> <ul style="list-style-type: none"> <li>• Rueck, Daniel (2014). "Commons, Enclosure, and Resistance in Kahnawá:ke Mohawk Territory, 1850–1900." <i>Canadian Historical Review</i> 95(3), pp. 352-381</li> <li>• Comack, Elizabeth (2012). <i>Racialized Policing: Aboriginal People’s Encounters With the Police</i>. Winnipeg: Fernwood. Excerpt: Chapter 3: ‘Colonialism Past and Present’ [15 pages total] ○</li> <li>• Rutherford, Scott (2010). "Colonialism and the Indigenous present: an interview with Bonita Lawrence." <i>Race &amp; Class</i>. 52(1), pp. 9-18.</li> </ul>	<b>Positionality Statement Due in class by 5:10 pm</b>
May 29	<b>Indian Residential Schools and the TRC.</b> <ul style="list-style-type: none"> <li>• Truth &amp; Reconciliation Commission of Canada (2015). <i>The Survivors Speak</i>, ‘Preface (pp. v-xiii), Forced Departure (pp. 13-17), Language &amp; Culture (pp. 47-58), and one other chapter of your choice.</li> <li>• Halliday, William (1935). <i>Potlatch &amp; Totem: Recollections of an Indian Agent</i>. Excerpt: pp. 232-240. ○</li> <li>• Saddleman, Dennis (2013). "Monster." Poem reading, 3 min.</li> </ul>	
May 31	<b>Criminal Justice Issues Part 1: Policing and Pathways.</b> <ul style="list-style-type: none"> <li>• Comack, Elizabeth et al. (2013). <i>Indians Wear Red: Colonialism, Resistance and Aboriginal Street Gangs</i>. Winnipeg: Fernwood. Excerpt: Chapter 3: ‘The Trouble With Normal.’ ○ [40 pages total]</li> <li>• Blackstock, Cindy (2007). "Residential Schools: Did They Really Close or Just Morph into Child Welfare?" <i>Indigenous Law Journal</i> 6(1), pp. 71-78.</li> </ul>	<b>Midterm Test</b>
June 5	<b>Criminal Justice Issues Part 2: Gladue and Risk (Sentencing, Incarceration, Release).</b> <ul style="list-style-type: none"> <li>• Turpel-Lafond, M. E. (1999). "Sentencing within a restorative justice paradigm: Procedural implications of R. v. Gladue." <i>Criminal Law Quarterly</i>, 43(1), pp. 34-50.</li> <li>• Webster, C. M., &amp; Doob, A. N. (2004). "Classification without validity or equity: An empirical examination of the custody rating scale for federally sentenced women offenders in Canada." <i>Canadian Journal of Criminology and Criminal Justice</i>, 46(4), pp. 395-421.</li> <li>• R. v. Pelletier. 2016 Ontario Court of Justice. ○</li> </ul>	
June 7	<b>Criminal Justice Issues part 3: Community Justice: Diversion, Re-Entry, and Culturally-Appropriate Programming.</b> <ul style="list-style-type: none"> <li>• Monture-Angus, Patricia (1999). "Women and risk: Aboriginal women, colonialism, and correctional practice." <i>Canadian Woman Studies</i>, 19(1/2), pp. 24-29.</li> <li>• Monture-Angus, Patricia (2006). "Confronting Power: Aboriginal Women and Justice Reform." <i>Canadian Woman Studies</i>, 25 (3/4), pp. 25-33.</li> <li>• Bracken, Denis C and Deane, Lawrence and Morrissette, Larry (2009). "Desistance and social marginalization: The case of Canadian Aboriginal offenders." <i>Theoretical Criminology</i>, 13(1), pp. 61 - 78.</li> </ul>	

June 12	<b>Missing and Murdered Indigenous Women and Girls</b>	<b>Criminal Justice Analysis (written in-class)</b>
June 14	<b>Indigenous Resurgence</b> <ul style="list-style-type: none"> <li>LaBoucane-Benson, Patti (2015). <i>The Outside Circle</i>. Toronto: Anansi.</li> </ul>	
June 19	<b>Colonialism and the legal profession: Indigenous Lawyers</b> <ul style="list-style-type: none"> <li>Henderson, James (Sákéj) Youngblood (2002). "Postcolonial Indigenous Legal Consciousness" <i>Indigenous Law Journal</i>, 1(1), pp. 1-56.</li> </ul>	
June 21	National Indigenous Day. <b>Course Review &amp; Exam Preparation</b>	
June 26 - 30	Faculty Final Exam	

### Additional Resources

#StandingRockSyllabus: A great collection of readings, blogs and sources that provide background to Indigenous activism in the US and Canada.

Briggs, Jacqueline (3 April 2016). "Shameful anniversary should spur action on Aboriginal justice crisis." *Toronto Star*. Online.

CBC's *Missing & Murdered: Who Killed Alberta Williams?* An eight-part podcast investigation that unearths new information and potential suspects in the cold case of a young Indigenous woman murdered in British Columbia in 1989.

*Canada by Treaty: Histories of a Negotiated Place*. Exhibit at Hart House (to May 25) then University College (to June 29): [history.utoronto.ca/research-publications/canada-treaty](http://history.utoronto.ca/research-publications/canada-treaty)

Slobodian, Mayana (9 June 2015). "The TRC Report Is Not Only a History of Residential Schools, but a History of Canada." *Vice Canada*. Online.

U of T First Nations House: Located at 563 Spadina, this centre has events and resources for students interested in studying Indigenous issues or becoming more involved in Indigenous activities on campus.

Vowel, Chelsea (2016). *Indigenous Writes: A Guide to First Nations, Metis & Inuit Issues in Canada*. Winnipeg: Highwater Press.

For additional information on issues in Indigenous corrections, see:

- *Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections* by Michelle Mann for the Office of the Correctional Investigator [online].
- *Spirit Matters: Aboriginal People and the Corrections and Conditional Release Act*, by the Office of the Correctional Investigator [online].