

Social Studies 11, B.C. First Nations Studies 12, or Social Justice 12

Project Title: Aboriginal over-representation in the Justice System

Project Critical Question: What are the causes for the Aboriginal over-representation in the Justice System?

Rationale

This project aims to unveil the reasons behind the Aboriginal over-representation in the Canadian justice system. To that extent, the staggering statistics of Aboriginals in the correctional system will be presented as a “hook” that will motivate students' research about the matter. The complexity of the numerous causes involved require a multiple research effort from students, who will form groups that will focus on one factor each. Following this train of thought, in order to comprehend their subject matters, students will have to get in contact with academic texts of a university level. Therefore, the teacher will present an initial bibliography that is not quantitatively extensive, so that students have time to unpack the challenging academic language they will come across with. Finally, the groups will share their findings with the class. The contributions of the groups should add on to each other, so that by the end of the project students will have a clear picture of the historical and current reasons that are the root causes for the Aboriginal over-representation in the justice system. This will lead to a deep understanding about the mechanisms through which colonialism takes place.

Objectives

- o Understand that the Aboriginal over-representation in the justice system is a result of historical and current colonialism.
- o Identify the main factors that lead to this reality.
- o Improve students' familiarity and comprehension of academic language and scientific research.

Resources

- o Statistics about the Aboriginal over-representation in the justice system (attached)
- o Handout with the bibliography for each group (attached)
- o Rubric (Attached)
- o Copies of the bibliography

Prescribed Learning Outcomes

Social Studies 11:

Skills and Processes of Social Studies

- apply critical thinking—including questioning, comparing, summarizing, drawing conclusions, and defending a position—to make reasoned judgments about a range of issues, situations, and topics
- demonstrate effective research skills, including accessing information, assessing information, collecting data, evaluating data, organizing information, presenting information, citing sources
- demonstrate effective written, oral, and graphic communication skills
- demonstrate skills and attitudes of active citizenship, including ethical behaviour, open-mindedness, respect for diversity, and collaboration

Society and Identity

Demonstrate knowledge of the challenges faced by Aboriginal people in Canada during the 20th century and their responses, with reference to residential schools, reserves, self-government, treaty negotiations.

Social Justice 12:

A1 demonstrate understanding of concepts and terminology of social justice, including hegemony, human rights, oppression

A2 demonstrate effective research skills, including accessing information, assessing information, collecting data, evaluating data, organizing and presenting information

A3 apply critical thinking skills to a range of social justice issues, situations, and topics

A4 analyse selected social justice issues from an ethical perspective

A5 assess how belief systems can affect perspectives and decisions in relation to social justice issues

A7 demonstrate attributes and behaviours that promote social justice, including, recognizing injustice, fair-mindedness, embracing

diversity, empathy, taking action

B1 describe social injustice based on characteristics including race and ethnicity, socioeconomic status

B2 analyse causes of social injustice

B3 describe consequences of social injustice

B4 analyse specific examples of injustice in Canada related to characteristics such as race and ethnicity, socioeconomic status

B5 analyse the roles played by legislation, the courts, public policy, and other forms of government action in promoting or failing to promote social justice in Canada

B.C First Nations Studies 12:

A1 apply critical thinking – including questioning, comparing, summarizing, drawing conclusions, hypothesizing, and defending a position – to make reasoned judgments about a range of issues, situations, and topics

A2 demonstrate effective research skills, including accessing information, assessing information, collecting data, evaluating data, organizing information, presenting information, citing sources

C4 analyse post-Confederation government policies and jurisdictional arrangements that affected and continue to affect BC First Nations

C5 analyse the varied and evolving responses of First Nations peoples to contact and colonialism

PROJECT GRID

Lesson	Lesson- Specific Objectives	Activities	Resources	Assessment Strategies (As, For, Of)
<p># 1: Aboriginal over-representation in the Canadian Justice System</p>	<p>- Become familiar with the staggering levels of Aboriginal over-representation in the Justice System.</p> <p>- Appraise the importance of questioning the reason behind this reality.</p> <p>- Understand the research project ahead.</p>	<p>Hook: Ask X students to stand up. X should be the proportion of students in the class that equals the proportion of Aboriginal population compared with the total Canadian population. Then, ask Y students to stand up. Y should be the proportion of students in the class that equals the proportion of Aboriginals in the correctional system.</p> <p>Introduction: show YouTube video with a news report about the Aboriginal over-representation in the justice system. Ask what may be the limitations of this report. Address the lack of reference to the causes of those numbers.</p> <p>Brainstorm: What may be the causes that lead to the Aboriginal over-representation in the justice system?</p> <p>Explain the project: Groups (of four) will receive a selected bibliography about one topic that is related to the Aboriginal over-representation in the justice system. The teacher should justify these topics within the umbrella of colonialism. Based on these readings, and on optional further research, the group will prepare a poster or a Power-Point presentation to share with the class (from 5- 10 minutes) the main points of their research and to answer the overarching question: <i>How does the (specific topics) contributes to the Aboriginal over-representation in the justice system?</i> To guarantee accountability, students will be asked to submit summaries of the readings before the presentation. The summaries can be divided by four</p>	<p>YouTube video: http://www.youtube.com/watch?v=xa42mlkM9wM</p> <p>Handout with initial bibliography (attached)</p> <p>Statistics (attached)</p> <p>Rubric (attached)</p> <p>Copies of the bibliography.</p>	<p>As- During the brainstorm, assess the level of knowledge students have about the matter.</p>

		so that each student is responsible for one section, but all students should do all of the reading.		
# 2: Work block	-Improve students' familiarity and comprehension of academic language and scientific research.	If possible, book a computer lab for those who want to do online research, to make the summaries, or to prepare the presentation. If this is not possible, encourage them to bring their laptops.	Poster paper and coloured markers	As – Go around the groups to check their progress.
# 3: Work block	-Improve students' familiarity and comprehension of academic language and scientific research.	If possible, book a computer lab for those who want to do online research, to make the summaries, or to prepare the presentation. If not, encourage them to bring their laptops.	Poster paper and coloured markers	As – Go around the groups to check their progress.
# 4: Presentations	<ul style="list-style-type: none"> - Conveying the main points of each theme to the rest of the class - Relating the information back to the Aboriginal over-representation in the justice system - Developing public speaking skills, as well listening skills 	Groups will present their poster or Power-Point with the class. Presentations should be between 5 and 10 minutes. Depending on the number of groups and class duration, some groups may have to present in the next class. To guarantee that the class pays attention to the presenters, ask them to write in bullet point form the main points of each presentation and collect the notes in the end of the class. In parallel, It is strongly advised that the teacher either asks for a final essay or communicates that an open-ended question will be posed in the exam about the reasons behind the Aboriginal over-representation.		<p>As – Collect the summaries of the readings to check whether students have understood the main points of their theme.</p> <p>Of – Assess whether the presentations convey the main points and offer a thoughtful answer to the overarching question.</p> <p>As – Collect the “listeners' notes” to check if students captured the main points of each presentation</p> <p>Of – Propose an essay or an open-ended question in an exam to assess whether students understood the main causes of the Aboriginal over-representation.</p>

Resources

Research topics

Overarching question: How does the (specific topics) contribute to the Aboriginal over-representation in the justice system?

1. Historical Marginalization of Aboriginals in Canadian Society

Suggested reading:

Hamilton, A.C., and C.M. Sinclair. "Chapter 3, An Historical Overview". In *Report of the Aboriginal Justice Inquiry of Manitoba, Volume 1: The justice System and Aboriginal People*. Winnipeg: Public Inquiry into the administration of justice and aboriginal people, 1991. Web. 22 November 2013.

Dupuis, Renee. "Chapter 2, Second-Class Status" In *Justice for Canada's Aboriginal People*. Trans. Robert Chodos and Susan Joane. pp 39-76. Toronto: James Lorimer, 2002.

2. The Displacement of the Traditional Roles of Aboriginal Women

Suggested reading:

Hamilton, A.C., and C.M. Sinclair. "Chapter 13, Aboriginal Women". In *Report of the Aboriginal Justice Inquiry of Manitoba, Volume 1: The justice System and Aboriginal People*. Winnipeg: Public Inquiry into the administration of justice and aboriginal people, 1991. Web. 22 November 2013.

McGillivray, A., and B. Comaskey. "Everybody had black eyes: Intimate Violence, Aboriginal and the Justice System." In *No Place for Violence: Canadian Aboriginal Alternatives*, ed. J. Proulx and S. Perrault. pp 39-57. Halifax, NS: Fernwood Publishing and RESOLVE, 2000.

Further resources:

Monture-Angus, P. "Chapter 11, The Roles and Responsibilities of Aboriginal Women" In *Criminal Injustice: Racism in the Criminal Justice System*, edited by Robynne Neugebauer, pp. 319-340. Toronto: Canadian Scholars' Press, 2000.

3. Residential schools

Suggested Reading:

Truth and Reconciliation Commission of Canada. *They came for the children: Canada, Aboriginal Peoples and Residential Schools*. Winnipeg: Truth and Reconciliation Commission of Canada, 2012.
Read Pages 5-54 and 77-88

Further resources:

Barman, J. "Schooled for Inequality: The Education of British Columbia Aboriginal Children," in Jean Barman, Neil Sutherland, and J. Donald Wilson, eds., *Children, Teachers and Schools in the History of British Columbia*. Calgary: Detselig Enterprises, 1995. pp.57-80.

Jainie, Linda (ed.). *Residential Schools: The Stolen Years*. 2 ed. Saskatoon: University Extension Press, Extension Division, University of Saskatchewan, 1995.

4. Aboriginals and the justice system: fitting in

Suggested reading:

Hamilton, A.C., and C.M. Sinclair. "Chapter 2, Aboriginal Concepts of Justice". In *Report of the Aboriginal Justice Inquiry of Manitoba, Volume 1: The justice System and Aboriginal People*. Winnipeg: Public Inquiry into the administration of justice and aboriginal people, 1991. Web. 22 November 2013.

Mandamin, Leonard, Denis Callihoo, Albert Angus, and Marion Buller. "The Criminal Code and Aboriginal People." *University of British Columbia Law Review*, 1992 Special Edition: 5-39.

Further resources:

Frideres, James and Gadacz, René. "Chapter 5, Aboriginal People and the Canadian Justice System" In *Aboriginal Peoples in Canada: Contemporary Conflicts*. 6 ed. Toronto: Prentice Hall, 2001.

5. The Police and Aboriginals

Suggested Reading:

Hamilton, A.C., and C.M. Sinclair. "Chapter 16, Policing". In *Report of the Aboriginal Justice Inquiry of Manitoba, Volume 1: The justice System and Aboriginal People*. Winnipeg: Public Inquiry into the administration of justice and aboriginal people, 1991. Web. 22 November 2013.

CaribooChilcotin Justice Enquiry. Report on the Cariboo Chilcotin Justice Inquiry. Campbell River, BC: 1993. **Read Pages 17-28**

Zimmerman, Susan. "The Revolving Door of Despair: Aboriginal Involvement in the Canadian Justice System." *University of British Columbia Law Review*, 1992 Special Edition: 367-426. **Pages 373-378**

Further resources:

Forcese, Dennis. "Chapter 9, Police and the Public." In *Criminal Injustice: Racism in the Criminal Justice System*, edited by Robynne Neugebauer, pp. 161-207. Toronto: Canadian Scholars' Press, 2000.

Harding, Jim. "Chapter 10, Policing and Aboriginal Justice." In *Criminal Injustice: Racism in the Criminal Justice System*, edited by Robynne Neugebauer, pp. 209-229. Toronto: Canadian Scholars' Press, 2000.

6. Racism and the Criminal Justice System

Suggested Reading:

Zimmerman, Susan. "The Revolving Door of Despair: Aboriginal Involvement in the Canadian Justice System." *University of British Columbia Law Review*, 1992 Special Edition: 367-426. **Read pages 379-411**

Turpel, M.E. (Aki-Kwe). "Chapter 14, Further Travails of Canada's Human Rights Recorded: The Marshall Case." In *Criminal Injustice: Racism in the Criminal Justice System*, edited by Robynne Neugebauer, pp. 319-340. Toronto: Canadian Scholars' Press, 2000.

Donald Marshall Jr. 1953-2009. The National. CBC. 08 Aug. 2009. Web. 19 Nov. 2013.
<<http://www.cbc.ca/player/Shows/Shows/The+National/Canada/ID/1305509254/?page=27&sort=MostPopular>>

Donald Marshall exonerated of wrongful conviction. CBC. 1990. Web. 19 Nov. 2013.
<<http://www.cbc.ca/archives/categories/society/crime-justice/general-3/donald-marshall-exonerated-of-wrongful-conviction.html>>

Further resources:

Royal Commission on the Donald Marshall, Jr. Prosecution. Halifax: Government of the Province of Nova Scotia, 1989.

7. Incarcerated Aboriginals

Suggested reading:

Hamilton, A.C., and C.M. Sinclair. "Chapter 11, Jails". In *Report of the Aboriginal Justice Inquiry of Manitoba, Volume 1: The justice System and Aboriginal People*. Winnipeg: Public Inquiry into the administration of justice and aboriginal people, 1991. Web. 22 November 2013.

"Aboriginal corrections report finds systemic discrimination" *CBC* 07 Mar. 2013. Web. 23 Nov. 2013.
<<http://www.cbc.ca/news/politics/aboriginal-corrections-report-finds-systemic-discrimination-1.1338498>>

Zimmerman, Susan. "The Revolving Door of Despair: Aboriginal Involvement in the Canadian Justice System." *University of British Columbia Law Review*, 1992 Special Edition: 367-426. **Read pages 399-411**

Further resources:

"Strategic Plan for Aboriginal Correction 2006-2011" *Correctional Service Canada*, n.d. Web. 05 Apr. 2013. <<http://www.csc-scc.gc.ca/text/prgrm/abinit/plan06-eng.shtml#7>>

Nielsen, M.O. "Chapter 15, Canadian Correctional Policy and Native Inmates: The Control of Social Dynamite" In *Criminal Injustice: Racism in the Criminal Justice System*, edited by Robynne Neugebauer, pp. 319-340. Toronto: Canadian Scholars' Press, 2000.

8. Aboriginals' socioeconomic status

Suggested reading:

Zimmerman, Susan. "The Revolving Door of Despair: Aboriginal Involvement in the Canadian Justice System." *University of British Columbia Law Review*, 1992 Special Edition: 367-426. **Read pages 369-373**

Dupuis, Renee. "Chapter 1, Disadvantaged and Apart" In *Justice for Canada's Aboriginal People*. Trans. Robert Chodos and Susan Joane. pp 13-38. Toronto: James Lorimer, 2002. **Read Pages 13-76**

"Aboriginal Peoples, Work, Income and Spending" *Statistics Canada*. 12 January 2013. Web. 23 Nov. 2013.
<<http://www5.statcan.gc.ca/subject-sujet/subtheme-soustheme.action?pid=10000&id=10009&lang=eng&more=0>>

"Infographic: Aboriginal Poverty" *TVO*, n.d. Web. 23 Nov. 2013.
<<http://ww3.tvo.org/whypoverty/info/aboriginal-poverty>>

Rubric for presentation
(adapted from www.rubistar.4teachers.org)

Teacher Name:

Student Name: _____

CATEGORY	4	3	2	1
Quality of Information	Information clearly relates to the main topic. It includes several supporting details and/or examples.	Information clearly relates to the main topic. It provides 1-2 supporting details and/or examples.	Information clearly relates to the main topic. No details and/or examples are given.	Information has little or nothing to do with the main topic.
Coverage	All the main points are addressed.	Most of the main points are addressed.	Most of the main points are not addressed.	None of the main points are addressed.
Answer to the overarching question	Answer to the overarching question contains thoughtful and coherent arguments.	Answer to the overarching question contains arguments that could be further explored and/or are somewhat questionable.	Answer to the overarching question lacks arguments.	Overarching question was not answered.
Poster / slides	Poster or slides are neat, accurate and add to the reader's understanding of the topic.	Poster or slides are accurate and add to the reader's understanding of the topic.	Poster or slides are neat and accurate and sometimes add to the reader's understanding of the topic.	Poster or slides are not accurate OR do not add to the reader's understanding of the topic.

Statistics

The Aboriginal over-representation in the justice system has reached staggering levels, and actually continues to increase. According to Correctional Service Canada and Statistics Canada, in 1989 Aboriginals comprised 9% of all federal inmates and 2.5% of Canada's population; respectively, by 1996 they represented 14% and 2.8% and in 2006 reached 16.7% and 3.8%. Confirming the predictions made in 2006 that such disproportionate representation would continue to grow (Correctional Service Canada, n.d, p.12), the Indigenous population in federal prisons has grown 43% in the last 5 years, reaching 23% of the incarcerated population (CBC, 2013).

Numbers for provincial custody are generally even worse. In 2010/2011 the representation of Aboriginal adults in provincial custody compared to their percentage in the overall population was 40.6% to 4.9% in Alberta, 77.6% to 11.9% in Saskatchewan and 11.4% to 1.8% in Ontario (Dauvergne, 2012). When concerning youth, statistics keep disturbing. In Ontario, young (12 to 17 years old) male Aboriginal jail population is five times, and female ten times greater than what they comprise of the province population (Rankin and Winsa, 2013).

References

- “Aboriginal corrections report finds systemic discrimination” *CBC* 07 Mar. 2013. Web. 23 Nov. 2013. <<http://www.cbc.ca/news/politics/aboriginal-corrections-report-finds-systemic-discrimination-1.1338498> >
- Correctional Service Canada. *Strategic Plan for Aboriginal Correction 2006-2011*. Correctional Service Canada, n.d. Web. 23 November 2013. <<http://www.csc-scc.gc.ca/aboriginal/092/002003-1000-eng.pdf> >
- Dauvergne, Mia. *Adult Correctional Statistics in Canada 2010/2011*. Statistics Canada, 2012. Web. 10 November 2013. <<http://www.statcan.gc.ca/pub/85-002-x/2012001/article/11715-eng.htm>>
- Rankin, Jim and Winsa, Patty. *Unequal Justice: Aboriginal and Black inmates disproportionately fill Ontario jails*. The Star, Mar 01 2013. Web. 20 November 2013. <http://www.thestar.com/news/insight/2013/03/01/unequal_justice_aboriginal_and_black_inmates_disproportionately_fill_ontario_jails.html>