

Justice Institute of British Columbia COURSE OUTLINE

Course Code: AJS102

Course Title: The Gladue Decision – Implications for Community Supervision and Development

Sponsoring Division: Aboriginal Programs and Services

Previous Course Code & Title: N/A

Course Effective Date: May 2008

# of Credits:	1.5
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Course Description:

This training course is for persons working within Aboriginal communities who are implementing or supervising restorative justice programs that meet the legislative requirements of both the *Criminal Code* sentencing provisions for Aboriginal offenders and the *Regina vs. Gladue* decision that interprets the legislation.

The course will examine the legalities, impact and challenges of the *Gladue* case, with particular focus towards building trusting relationships between the Aboriginal communities and the criminal justice system. The training will also analyze the unique circumstances and discrimination of Aboriginal offenders and their communities that led to the legislative changes.

Appropriate protocols to work more effectively with Aboriginal communities will be discussed. In addition, we will outline the implementation of strategies and practical considerations to consider when meeting with communities who are developing programs and services to meet the specific factors of the *Gladue* decision. The training will also identify what strengths and initiatives exist in Aboriginal communities and identify how various jurisdictions in Canada are currently responding to the *Gladue* decision.

Participants in this training are expected to come from across Canada and include those working in the justice system, those working with Aboriginal offenders or those who are establishing justice programs and services in Aboriginal communities. The course will also attract international students interested in Canada's lead in restorative justice initiatives.

Course Goal(s): N/A

Course Learning Objectives:

Upon successful completion of this course, the participant will be able to:

- Examine how traditional Aboriginal justice compares to the current Canadian justice system and how the systemic discrimination of Aboriginal people has led to overrepresentation of Aboriginal people in the justice system.
- Discuss the impact of dislocation, discrimination and social injustice to Aboriginal people and how a paradigm shift can help restore balance between Aboriginal offenders and their communities.
- Locate the principles of sentencing mandated in the *Criminal Code* that relate to Aboriginal offenders.
- Review the written decision, *Regina v Gladue* and the factors judges must consider when sentencing an Aboriginal offender.

- Discuss the considerations and challenges of the *Gladue* decision from both the court and the community's perspective.
- Consider what impacts the *Gladue* decision has had on the current criminal justice system.
- Examine the treatment of Aboriginal women offenders.
- Consider Aboriginal offenders who exhibit fetal alcohol spectrum disorder.
- Discuss whether the *Gladue* decision is too lenient on the sentencing of Aboriginal offenders.
- Examine issues of community safety and victim safety in rural communities.
- Examine the Toronto *Gladue* (Aboriginal Persons) Court as a role model for other provincial Aboriginal courts.
- Consider what strengths and initiatives exist in Aboriginal communities and discuss how to build trust between Aboriginal communities and the courts.
- Describe how to work with local Aboriginal communities within local protocols.
- Identify the organizations and resources in or near your community with whom you could work to establish restorative justice practices that meet *Gladue* standards.
- Using a case scenario, examine how a *Gladue* report to the court is different from a standard pre-sentence report.
- Read about how other jurisdictions in Canada are responding to the *Gladue* decision.
- Complete a final research assignment related to the learning objectives in this training.

Course Topics/Content:

1. COURSE INTRODUCTION
 - 1.1. Your discussion assignments
2. *REGINA VS. GLADUE*
 - 2.1. A historical look at Aboriginal justice
 - 2.2. Systemic discrimination
 - 2.3. The *Criminal Code*
 - 2.4. Legal factors in the *Gladue* decision
 - 2.5. The impact of *Gladue* on the justice system
3. LOOKING AT SPECIAL CONSIDERATIONS IN THE *GLADUE* DECISION
 - 3.1. Aboriginal women offenders
 - 3.2. Fetal alcohol spectrum disorder
 - 3.3. The issue of leniency
 - 3.4. Rural communities and victim safety
 - 3.5. *Gladue* (Aboriginal Persons) Court
4. WORKING WITH ABORIGINAL COMMUNITIES
 - 4.1. Cultural dynamics and strengths in Aboriginal communities
 - 4.2. Collaborating with Aboriginal bands
 - 4.3. Community alternatives to incarceration
 - 4.4. How to approach an Aboriginal community
 - 4.5. Establishing an offender plan and court *Gladue* reports
5. RESEARCH AND RESOURCES
 - 5.1. Final research assignment
 - 5.2. Other resources
 - 5.3. Concluding the course

Each module will be explored using:

- Short prepared summaries of key learning points.
- Questions to encourage the development of personal case management strategies.
- Links to resource materials to enhance the course materials and promote independent study.

Text and Resource Materials: Use APA style; specify chapters where applicable. ([APA Style Guidelines](#))

Required:

All course materials are provided online.

Recommended: N/A

Course Level:

	First Year		Second Year		Third Year		Fourth Year
	Other (describe):						
	1. One of the elective courses in Aboriginal Programs and Services' Aboriginal Leadership Diploma and Certificate programs.						

Prerequisite Courses: None. AJS101: Justice Issues in Aboriginal Communities is recommended to be taken first, but not required.

Equivalent Course(s) within the JIBC: N/A

Class Delivery Methods:

Delivery Methods	Class Option A (Hours)	Class Option B (Hours)	Class Option C (Hours)	Class Option D (Hours)
Classroom/Lecture/Discussion		21		
Simulation/Lab				
Practicum/Fieldwork	7			
Online	14			
Correspondence				
Total Class Hours	21	21		

Comments on Delivery Methods: Class can be delivered face-to-face or online.

Related Program(s): (where applicable) N/A

Credit Transfer exists at: N/A

Course Grading System:

Check the system that applies to this course:

Letter Grades	Percentage	X	Pass/Fail	Credit/No Credit
Complete/Incomplete	Attendance Only		Not Applicable	

Passing Grade:	Pass
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JIBC Standard Grading Scale for Letter, Grade Point and % Grades:

Letter Grade	Grade Points	% Range	Letter Grade	Grade Points	% Range
A+	4.33	90-100	C+	2.33	64-67
A	4.00	85-89	C	2.00	60-63
A-	3.67	80-84			
B+	3.33	76-79	C-	1.67	56-59
B	3.00	72-75	D	1.00	50-55
B-	2.67	68-71	F	0.00	0-49

Evaluation Activities and Weighing: (complete the %'s which apply – total must equal 100%)

Final Exam	%	Assignments	100%	Project	%	Capstone Project	%
Midterm Exam	%	Portfolio	%	Participation	%	Other	%
Quizzes/Test	%	Simulations	%	Practicum	%	TOTAL	100%

Comments on Evaluation:

- **Course Requirements:**

Two Assignments (Pass/Fail). In order to receive a Pass in this course, students must successfully complete **both** required assignments.

1. Assignment 1: Participate as required in an ongoing online discussion about specified course topics.
2. Assignment 2: Complete a research project in your community as specified by your course instructor.

- **Student Evaluation:**

Participants complete an online evaluation of course content and instructor abilities in order to ensure quality control.

Other Course Guidelines, Procedures and Comments:

- This course is delivered online and (for contracted agencies) face-to-face. In order to receive a *Pass* in this course, students must complete both evaluative components listed above.
- Technical requirements are listed on the JIBC Distance Training website at <http://www.jibc.bc.ca/corrections/programs/public/onlineHardware.htm> .
- Computer login information will be emailed to students prior to the online course start date.
- Students have five (6) weeks from the course start date to complete this course.
- Upon successful completion of this course, students will receive a *Certificate of Achievement*.

View the Justice Institute of BC Policies listed below at:

<http://www.jibc.bc.ca/studentServices/main/AcademicServices/policies.htm>

Access Policy

Academic Appeals Policy



Harassment Policy
Prior Learning Assessment Policy
Student Code of Conduct

Intellectual Property Rights Policy
Research on Human Subjects: Ethics
Student Records