

MIDDLE YEARS TEACHER'S KIT

THE THREE R'S OF JUSTICE EDUCATION

RIGHTS, RESPONSIBILITIES AND RESPECT

(FIELD TEST EDITION)



CLEA
Manitoba



Department of Justice
Canada

Ministère de la Justice
Canada



Manitoba
Justice



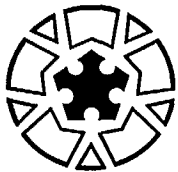
WSD #1

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Introduction

The following lessons are aimed at students in grades five, six and seven. Testing indicated that the reading level was that of a good grade-five reader. However, you are advised to adapt the kit to their own classroom level. You know best what suits your class.

Lessons are complete with background material for you, the desired outcomes from each lesson, reading, and even take-home assignments. From these resources you can choose what is most appropriate for your classes.

Where possible, the books recommended and the films are Canadian. The books are generally available from good bookstores. Details required for ordering are in the resource guide, with a more detailed review of the material. Many of the books have received literary awards. Films are available in video, many from the National Film Board of Canada.

New words and concepts introduced in the text are in **bold type** and defined fully in the **Key Words Section**. You and the students need familiarity with the new words and concepts to understand the section. Some of these words and concepts will be recalled in the quizzes.

It is suggested that students use index cards or other similarly sized cards to make their own flash cards to help recall and personalize the learning.

Enjoy the historical trivia. The historical and original photographs and drawings, unless otherwise indicated, may be photocopied, but not reproduced in any other published form. They are meant to enhance the lessons.

Acknowledgments

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Lesson 1

WHY HAVE LAWS? WHO MAKES THEM?

BACKGROUND

The world as we know it today has evolved from small, loosely organized family hunting groups to societies made up of all sorts of different people. While members of these earlier groups did what they were expected to do for the sake of survival, following unwritten laws, more complicated situations arose as our societies settled into towns and villages. The Industrial Revolution initiated enormous societal changes including disrupted families, the inequities of job distribution and the accumulation and distribution of money and other resources. Today, fewer and fewer people's work concerns survival. Resources were once shared among family groups. People no longer know who provides for whom and who is supported, so problems are inevitable. Some people have power over others; some people, even some communities, have a larger share of wealth.

Students will be asked to examine and consider what life would be like without rules and laws. They will discuss the necessity for laws and examine briefly how laws evolved from custom and traditions, practices that had been accepted by all of society.

The class will examine the types of criminal offences committed by offenders, especially among youth like themselves. As the class progresses, the students will learn how youth have been treated by the law through time. In that context, they will see what the *Young Offenders Act* means to them: the rights and responsibilities it invokes. You and your class will learn about the judicial system in Canada. The class will also study tenets of Aboriginal justice and examine *Youth Court*.

In a later class when students begin to examine the dynamics of a group, they may be asked to regroup several times, forming larger entities and observing the different guidelines necessary for them to interact successfully. Students will be encouraged to accept responsibility, as it is currently defined by the law, and to make



decisions, especially within the context of peer groups, which keep them out of trouble with the law. Finally, students will undertake a study of societal role models, like the vigilante and the rebel. What messages do these "heroes" provide for youth tempted to break the law and thus prove their worth to peers?

The first lesson - about the evolution of law and the need for it - will be taught with you leading a group discussion about the need for law and some teaching about its evolution.

DESIRED OUTCOMES

The students will:

- briefly examine how and why rules and laws evolved and why they are necessary;
- distinguish between rules and laws, identify who makes them and who enforces them; and
- discuss the significance of the *Young Offenders Act* to youth between 12 and 17 years of age.

PROCEDURES

- I. Photocopy and distribute the first reading to the class and read aloud.
- II. Conduct a question-and-answer period to answer the questions below.
 1. What's wrong with these scenes?
 - no control - no rules - no organization
 2. How would you feel about living in a situation like this? Is this fair? Is it safe? How would you cope? What would you change?
 3. Have the class break into small groups of about four to identify individuals who are guilty of actions which are harmful and should not be allowed. Ask them to reach a consensus and present it to the rest of the class.
 - What would you do about these people?
 - Would you punish them? If so, how?
 - What does punishment do?
- III. Explain the difference between rules and laws. You may want to have the students make a computerized banner about this.

Court Hearing, N.W.T. 1880s Manitoba Archives,
Brokowski, Edwin



- IV. After students have had time to read the following lesson, have small groups consider the following questions in discussion.
- What rules would help the schoolyard become a friendlier place?
 - How would you put them in place?
 - What would be the first laws you would develop?
 - Why? For whose protection?
 - How would you prevent or stop it from happening?
 - What would you do to them afterward?
- V. Ask the students to write the laws and or rules which they think are necessary in these circumstances.
- VI. Students should start to develop their own vocabulary or dictionary of **Key Words - List:**
Young Offenders Act, laws, rules, customs, offender, Justinian Code, trial by ordeal, Magna Carta, the Charter of Rights and Freedoms and the British North America Act.
- VII. With any remaining time, consider the role of the peace-keeper, the police, principals, students, teachers and parents.

LESSON

FIRST READING

The scene is a schoolyard. A boy is taking a hat away from a girl wearing glasses. A boy in a wheelchair is confronting a girl who had bullied him earlier. A fight is going on between two boys over a girl. One boy is attacking another with a baseball bat. Some girls are trying to skip rope, but they keep getting run into by boys on skateboards.

The road is loud with the sound of horns. Cars are racing everywhere, and cyclists are on the sidewalk. One has just bumped into a pedestrian. There are no stop signs. A big old wreck of a car weaves in and out of traffic. There is garbage everywhere. A group of kids have surrounded an old couple. They take the lady's purse and frighten the older couple before walking away. There is a store with broken windows.



SECOND READING (TO BE PHOTOCOPIED)

While family groups hunted together, members followed unwritten rules and did what they had to do to survive. When they settled down to farm and started to build villages and towns, they needed rules and laws to help them live together peacefully. People needed to know how to behave and what to expect. They had to be protected from those who were bigger and more powerful.

With more people, laws had to be written down. Seventeen hundred years before Christ, Hammurabi, the King of Babylon, had laws carved into a column of beautiful green stone. These laws protected people's property from theft and set punishments for people who stole. Punishment was harsh. A thief could be put to death, no matter how old he was or what he stole.

According to the Bible, after Moses led the Jews out of Egypt, God gave him the Ten Commandments carved in stone. These were laws which told people how to behave and what was right and wrong.

The Greeks used juries or groups of 12 men to listen to an accused's story and decide whether the person was guilty or not. People told their own stories and were judged by their fellow men.

The Romans trained people to explain the law, just like lawyers do now. The Roman Emperor Justinian published four books of law known as the **Justinian Code**. In all of these societies, including England, the King or Emperor was above the law. Kings and emperors made laws for everyone else and then did whatever they wanted to do.

In England, for many years no law was written down. Customs, the way things had been done for years or for generations, and traditions became the law. People who were accused of a crime like theft could be tried in a **trial by ordeal**. The accused had to carry hot irons for a hundred yards. If their burns healed after three days, they were considered innocent. People thought God would never heal a guilty person's hand.



Lesson 1 WHY HAVE LAWS, WHO MAKES THEM?



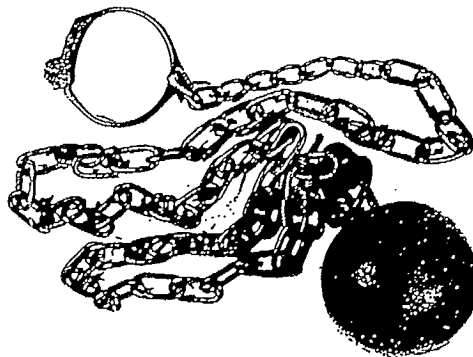
English Knight, 14th Century

Trials by combat, like jousting matches, or small wars were often held to settle disputes between two lords over, say, which lord owned what land. To stop this practice, the King sent around travelling justices or judges who held court and made rulings about people accused of crimes or involved in arguments. These judges made all the decisions. After their travels, the judges swapped stories about their decisions and about the punishments they had handed out. They began to treat the cases that were alike in the same way. If one judge had made a man work two days on another man's land as a punishment, another judge would hand out the same punishment.

In 1215, noblemen forced the King to sign the *Magna Carta*. This charter said that the King had to follow the law like anybody else. Parliament was formed and men were elected by other men to make the laws. Parliament decided on the laws and the King proclaimed them.

When British, French and other explorers came to Canada, Aboriginal peoples lived on the land and governed it according to their own laws, which were mostly unwritten. Across the country, these laws had developed according to the lifestyle and the needs of each nation. The Europeans ignored Aboriginal customs, tradition and justice and imposed their own system of justice. The justice system across Canada is beginning to use some alternative methods to decide how offenders - those who break the law - should be treated.

In 1867, the British Parliament passed the *British North America Act*, which created the Dominion of Canada. Until 1931, Canadian laws were passed by our elected members of Parliament but then had to be approved by the British Parliament to become law.



Ball and chain worn by prisoners, late 1800s.
Permission of Dorchester Penitentiary. Bulmer,
Herman. *Echoes of Freedom*, 1993.

RULES AND LAWS

There is an old saying that rules are what is needed when common sense runs out. **Rules** set up a code or pattern of behaviour and expectations. They tell people how to behave and what to expect in games, in schools and in other institutions and organizations like churches and workplaces and even at home. Unlike laws, they are not passed by Parliament or provincial legislatures. Anyone or any group can make rules for themselves. Courtesy, custom and tradition generally guide people to follow rules.

Laws are the rules that govern behaviour. Laws are passed by our government representatives, nationally, provincially and territorially. Laws are not passed locally. Locally, municipal regulations are passed by City Council and are called by-laws.

An old law in Winnipeg declares that one may be fined for kissing a woman on the street.

ASSIGNMENTS

- I. Ask students to make their own cartoons or drawings about the development of laws/rules in situations which directly affect them. These could be done on flash cards or index cards.
- II. Ask students to look in newspapers and periodicals for articles which talk about laws and rules. Start a clipping collection (perhaps to produce a poster/collage with photos from magazines and headlines) to display and discuss as the lessons unfold.
- III. Have students take home the readings from this class and with parents/guardians list as many places as they can where there are rules and laws. Which are rules? Which are laws?
- IV. Start reading Brian Doyle's *Angel Square* with the class. This book will be used for future discussion. Alternatively, you may choose to read *False Face* by Welwyn Wilton Katz. Reviews of both these Canadian books appear in the resources section.

THE FEDERAL AND PROVINCIAL JUSTICE SYSTEMS

BACKGROUND

Origins of Canadian Law

Canada was established through the *Constitution Act, 1867*, originally called the *British North America Act, 1867*. This Act established the responsibilities of the federal government and the provincial governments. All levels of government are bound by the rules of the Constitution. The *Constitution Act, 1867*, was changed in 1982 to include the *Charter of Rights and Freedoms*.

Under the *Constitution Act, 1982*, the federal government has the power to pass laws which deal with criminal law and the procedures to be followed in criminal matters (subsection 91(27)), and the provincial and territorial governments have the authority to pass laws which deal with the administration of justice (subsection 92(14)).

A proposed law, called a bill, is introduced and debated in the House of Commons. Before a bill becomes a law, both the House of Commons and the Senate must approve it. Provinces and territories pass laws about property and traffic, and municipalities pass by-laws on such matters as parking and noise.

Criminal and Civil Law

The *Criminal Code* lists all the activities that are considered criminal in Canada. These are called criminal offences. It also lists the procedures for dealing with people who have been charged with a crime and the penalties and punishments for those who are found guilty of a crime.

The provincial, territorial and municipal governments are responsible for enforcing all laws, including the *Criminal Code*. This is done by the police, Crown attorneys and judges. Therefore, responsibility for the criminal justice system in Canada is shared by all levels of government.

Civil law refers to all areas of law other than criminal. It includes such things as contracts, property and divorce. The provincial governments, according to section 92 of the *Constitution Act, 1982*, have jurisdiction over property, civil rights and many of the laws governing relations between people. The federal government also makes laws about relations between people. For example, the provinces make laws about who can get married and the federal government makes laws about divorce. Each province and territory has different civil laws. Governments make civil laws to clarify how people should conduct their personal business, and the courts are the place where people settle disputes. People can sue others if they are not satisfied with how someone else has acted in a dispute.

In all provinces and territories in Canada except Quebec, the justice system follows the **common law** tradition. This tradition is based on the British system of justice and relies on the concept of precedent. Past cases set precedents that judges follow when making decisions on similar cases. Judges also refer to the statutes that are detailed descriptions of the law.

Quebec's justice system is different. It follows the civil law tradition and is based on the Civil Code. The reason for the difference is an important one, based on the history of Canada.

When Jacques Cartier crossed the Atlantic in 1534 and landed in Gaspé, he claimed the land for France. More than 70 years later, Samuel de Champlain brought French settlers up the St. Lawrence River and began to colonize the area to be known as New France. The French dominated New France until the Marquis de Montcalm lost a battle against General Wolfe in 1759, on the Plains of Abraham. While Britain gained overall control of the colony, daily life was allowed to go on much as before. In 1774, the *Québec Act*, developed by British Governor Sir Guy Carleton, decreed that the people of the region should be governed by the institutions and practices with which they were familiar, and so the French civil law system was not replaced. In 1857, the laws of Quebec, which were

based on the *Napoleonic Code* of France, were consolidated, and a first version of the Quebec *Civil Code* was developed. The idea of a code is to put all fundamental civil law concepts, principles and rules in one place. Today, the *Civil Code*, with thousands of articles covering all aspects of civil law, continues to be the key civil law document in Quebec, although the past decisions of judges on how to interpret these articles are also important.

DESIRED OUTCOMES

The students will:

- understand the basic differences between civil law and criminal law;
- become more familiar with the role of federal and provincial governments in law making;
- learn that the federal government makes criminal laws;
- distinguish between the common law and civil law traditions;
- appreciate the role of history in the evolution of our legal system; and
- recognize the different legal system in Quebec.

PROCEDURES

- I. Lead a group discussion during which you ask students to list different laws or rules that they know about. Write their ideas on the board under two columns: "civil laws" and "criminal laws." After everyone has had a chance to speak, review the two lists and explain why you wrote some laws in the civil law column and others in the criminal law column. Challenge students to explain why society needs both kinds of laws. Help students draw the distinction between public laws to protect society and private laws to make sure that private matters among citizens run smoothly.
- II. Using the list of civil and criminal laws, talk about laws which are made by the federal government (criminal law, the *Young Offenders Act*, divorce law, labour laws for businesses such as banks and airlines that operate interprovincially, laws on fish, the postal service, money, and unemployment insurance) and the laws which are made by the provincial government (the age of majority for making contracts, labour laws for most local businesses, laws concerning roads and

highways, education, marriage, and social assistance). Make sure students understand that the *Criminal Code* is a federal law, which can only be changed by Parliament in Ottawa.

- III. Read the first reading aloud. Ask the students which example being discussed is a criminal or civil law case. Ask students to explain the differences between the two examples.
- IV. Photocopy and distribute the second reading. Explore the idea that the Norman Conquest by William the Conqueror resulted in Britain developing the common law tradition, which is now the basis of the legal system in nine Canadian provinces and the two territories. Also examine the idea that the British conquest of New France resulted in the continuation of the French civil law tradition, which is still followed in Quebec.
- V. Contrast the common law tradition, which relies on precedent, with the civil law tradition, which relies on a code in which all the law is written. Note, however, that there are similarities in the two systems. For example, in the common law system, there are many written laws which detail what is supposed to happen, and in the civil law system, precedents decided by judges are becoming more important. Although the two systems developed from quite separate roots they are becoming more similar over time.
- VI. Students should add the following to their dictionary of Key Words: **Criminal Law, Civil Code, Common Law.**

It's illegal to fish in the Yukon with an unbaited hook.

LESSON

FIRST READING (TO READ ALOUD)

At Lake School, students are playing baseball after finishing their classes for the day. A student hits a home run, and the ball ends up breaking a window. The owner of the house asks that the student pay for a new window. The student refuses, and the owner of the house sues the parents of the student for damages. The student's parents decide to pay the damages before they have to go to court.

At River School, the principal catches a student breaking into another student's locker. The principal calls the police. The police decide to charge the student with breaking and entering. The student is found guilty and is placed on probation for a year.

SECOND READING (TO BE PHOTOCOPIED)

The conquest of Britain

In 1066, William the Conqueror led the Norman invasion of Britain and took over control of the country. He decided to set up a central government, and he had judges travel around to the small communities throughout the land. Before his arrival, each community had had its own rules and ways of enforcing them.

Over time, the judges who visited these communities decided on punishments for people who broke the local laws, and they began to talk to each other about their decisions. Slowly, they developed a common law that they used in all the communities they visited. Judges made their decisions based on decisions that other judges had made in similar situations.

The Norman Conquest of Britain resulted in a new system of law, the common law, which became part of Canada's legal tradition when people from Britain began to establish colonies here.

The conquest of New France

During what was called the Seven Years' War between Great Britain and France, in 1759, General Wolfe led the British forces to an important victory over the Marquis de Montcalm's troops on the Plains of Abraham, now part of Quebec City. After this battle, Britain took control of New France. But the new British governor did not try to change the laws and practices of New France, and the people there continued to go about their lives the way they had before.

New France's laws had followed the civil law tradition of France, in which all the laws, values and principles are written together in one code. In 1857, under British rule, the laws of Lower Canada, as New France was now called, were put together in one code. The *Civil Code of Lower Canada* was based, in part, on the *Napoleonic Code* of France.

Today, the *Civil Code of Quebec* continues the legal tradition of having all the civil laws and values of a legal system described in one code. History explains why Quebec's civil law system is different from the rest of Canada's.

ASSIGNMENTS

- I.** Ask students to collect articles from the newspaper for Lesson # 1. Distribute the clippings to groups of students and ask them to note whether the law being discussed is a criminal or civil law.
- II.** Assign each student in the class (or create teams) to look up one of these items in a Canadian encyclopedia. Have the students report to the class on what they find. Try to make links between history and the laws we have in Canada today.

Jacques Cartier
Samuel de Champlain
New France
Plains of Abraham
Marquis de Montcalm

General Wolfe
General James Murray
Sir Guy Carleton
Quebec Act
John Simcoe

Upper Canada
Lower Canada
British North America Act
civil law
common law

- III.** Ask students to write a list of laws that might apply when they buy a candy bar in a store or a compact disc or a pair of jeans. Their lists might include laws about the contents of the candy bar (if it says "no peanuts," for example, there should be no peanuts); laws about paying sales tax; laws about stealing; laws about being able to return merchandise that is defective; laws about telling the truth on labels (if the tag on the jeans says "100% cotton", they must be 100% cotton); laws about how old someone has to be to work in a store and how much they have to be paid; or laws about safety in a store (for instance, fire exits and sprinkler systems). Discuss which laws might be made by the federal government, the provincial or territorial government or the local municipality.

Lesson 3

CRIME AND CONSEQUENCES

BACKGROUND

Our justice system currently incorporates three vital **principles**: the right of people and their goods to be protected; the presumption that a person is innocent until proven guilty; and the right of everyone to be fairly and equally treated in the eyes of the law. In the course of the discussion, students will consider the meaning of **fairness** and **justice**. Our law is no longer based on the principle of "**an eye for an eye**." The role of **punishment** will be examined as part of the justice system, and alternatives to punishment will be considered. **Mediation** is one of those alternatives. Mediation brings the victim and offender face to face and possibly assists in **reconciliation**.

DESIRED OUTCOMES

The students will

- understand the principles on which laws are based;
- examine the consequences of breaking the law;
- discuss the question of society's right to demand punishment; and
- understand the following terms: **fairness, justice, rights, punishment, "an eye for an eye", reconciliation, criminal act, Criminal Code, innocent, group home, probation, community service, a record, probation officer and payment for damages.**

Boys of 14 and 16, arrested for murder in Winnipeg, July 1918. Manitoba Archives, Foote Collection.



PROCEDURE

- I. This class is best conducted using the round-table discussion forum. Distribute blank cards (possibly index cards) to each of the students. After reading each principle individually, write it on the blackboard and have students write it on their own deck of cards. They will need to discuss and learn to interpret these principles.
- II. Use the enclosed case studies to help students understand the application of the law.
- III. Explain the concept of punishment as one of the consequences of lawbreaking. Review the case studies to decide what consequences would be appropriate in resolving each case.
- IV. Have the students add the following words/concepts to their dictionary: **criminal offence, fairness, justice, rights, reconciliation, community service and a criminal record.**

WHAT ARE THE
THREE PRINCIPLES



LESSON

FIRST READING

A person breaks the law. Consequence—a police investigation, criminal charges, going to court, being sentenced, punishment or mediation—follow for the person or persons who broke the law. Our laws are based on certain principles in which we believe as a society. They provide the thinking behind a law, what it is meant to achieve and how it protects or otherwise helps to achieve our goals as a society. The *Criminal Code* sets standards of behaviour and identifies what is a crime in Canada. The *Young Offenders Act* outlines special ways of doing things and certain penalties that are used for youths between the ages of 12 and 17, whenever they are accused of committing **criminal offences**. Both the *Criminal Code* and the *Young Offenders Act* are based on the following principles.

Answer

RIGHTS
RESPONSIBILITIES
& RESPECT

PRINCIPLES

I. Society and all members of that society have the right to be protected and to have their property and themselves safe from harm.

What does this mean?

How does this work in a schoolyard fight?

- a bully cannot take all - teachers and principals uphold rules;
- all children, regardless of race, age, sex, religion or sexual orientation are protected.

What other meanings does this have for you or for your family?

II. Anyone accused of a crime is presumed innocent until proven guilty. In other words, a person is not guilty until they have been proven guilty. Until then, they are considered innocent. The government has to prove beyond any reasonable doubt in an open court that the accused person is guilty as charged.

Why is this important?

How is this done?

In the case of a schoolyard fight, does the principle still hold true? If not, why not?

III. Justice or a fair chance must be given to everyone regardless of race, age, sex, religion or sexual orientation.

- the person in charge also has to be kept in line and governed and limited by law;
- the principal lays down the law to keep the peace but does not hit the students involved, belittle them or otherwise abuse his or her power;
- anyone accused of a crime should be given a chance to tell his or her story.

CASE STUDIES



- I. This example is based on two incidents from the Hudson Bay Archives in Winnipeg, Manitoba.

A young Saulteaux boy had killed his friend while they were playing with bows and arrows. Both boys had been armed. The boy, 10 years old, was thrown in jail and charged with murder. He spoke not a word of English. His parents were not told about the case. No one came forward in his defence. The only witness was a woman who claimed to have seen the incident while she was hanging up her laundry.

Was this fair? What was wrong with the way the case was handled?

- II. Jody was a schoolyard bully. When he broke Sam's arm in a fight, the older kids in the schoolyard surrounded him and beat him up. The principal broke up the fight and gave Jody and the two oldest in the schoolyard group two weeks detention. "If you don't clean up your act, you're out," the principal threatened. No questions were asked. No one had a chance to explain.

Was this fair? What was wrong with the way this case was handled?

- III. This case is based on Vancouver Court Records around 1912.

Jennie was always making fun of her older brother, Benjamin, because he was fat and did not have any friends. After putting up with it for more than a year, Benjamin took Jennie down to the police and told them that she had run away so many times that he couldn't look after her any more. Jennie was put into detention for two months before any questions were asked.

Was this fair? What was wrong with the way this case was handled?

SECOND READING

Society has the right to insist that consequences follow every criminal act. In the past, this principle has meant the right to punish someone who disobeyed or who broke the law.

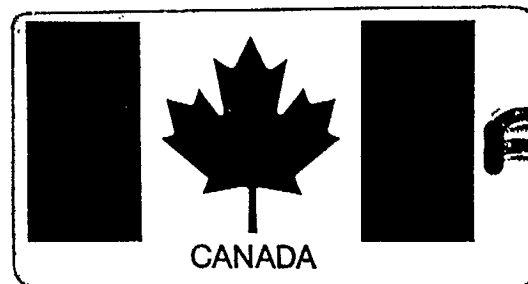
What are some of the reasons for punishment?

- to stop other people from doing the same thing,
- to keep the offender from repeating his mistake,
- to make society feel better,
- to fix what was broken.

If there is no punishment, how would you treat the offender?

WHAT HAPPENS IF YOU BREAK THE LAW?

- I. You may get a record.
- II. You may be sentenced to time in an institution or a **group home**, where freedom is limited, or given **probation**. This means that you have to report to a probation officer every week or two weeks for a certain period of time, as set by the courts.
- III. You may have to perform **community service** or face other consequences like a curfew and write a letter of apology for the damages you caused.
- IV. You may also be banned from the place where you committed the offence.
- V. You may have to pay for the damages you caused as a form of restitution.





CONSEQUENCES OF THE CASE STUDIES

- I. The boy was not charged because of his age. He was under twelve. The Saulteaux elders had him spend time with the victim's parents to help do some of the chores their son would have done. They did not talk about the case together.
- II. Sam's parents called the police. The police pressed charges against Jody. Sam chose mediation. He wanted to clear up the situation so it would not happen again when everyone returned to the schoolyard.
- III. Jennie was released after spending two months in detention, charged with "incorrigibility". This means that she was considered impossible to handle by the courts and/or her parents. Without any further evidence of the charge, it was dropped. Her brother was later charged but also released.

ASSIGNMENTS

- I. Read chapter six of *Angel Square* and write a short essay to discuss whether Shadow's decision about how to deal with the man who beat up his friend's father was fair. Was it justice?
- II. On flash cards or index cards, have students outline the possible consequences following an incident of lawbreaking such as a theft or vandalism. Ask them to connect the crime with the consequence they feel is fair. Ask them to choose from the list of consequences on page 20 or from their own ideas or experiences.

Some of these examples may include:

- shoplifting - being apprehended by mall security - paying back - being banned from shop, washing windows, written apology.
- breaking into a house - being charged by police - going to court and getting probation.
- stealing a car - being charged by police - going to court and getting sentenced to a group home.

It's against the law in Ottawa to lead any animal other than a dog on a sidewalk.

- III. Continue to collect clippings from the paper and use them to generate class discussion about real concerns in society today. A community paper may be a source of information closer to home.
- IV. Invite a lawyer and/or policeman into the class to talk with the students.



Lawyers Mary-Jane Bennett and Jim Macdonald, in front of old Courthouse, Winnipeg, MB, 1995, photo by D. Toews.

CHILDREN AND THE LAW. IS IT FAIR?

BACKGROUND

Children's lives have changed significantly in the past 200 years as society and our concept of family have evolved. As a result, children are now treated differently by the law.

The Industrial Age brought increased migration to the cities. More children were separated from their families. Children as young as five often worked beside adults. As society began to recognize a child's need for protection, child labour laws were enacted.

Charitable groups and church organizations tried to provide care for many of these children. In the 1840s, reformatories and industrial schools were built in Canada, the United States and England. They were built for wayward children, those who had committed crimes and those whose parents did not provide adequate care. They were intended to keep the children separate from adult criminals for fear that mixing them would harden youthful criminals. Although the ideals were good, too often these institutions were run by sadistic and untrained adults.

At the beginning of the twentieth century, child savers like J.J. Kelso fought for better social conditions in Canada. Kelso was ultimately responsible for drafting the *Child Protection Act*, for forming the Children's Aid Society and for helping draft the *Juvenile Delinquents Act* in 1908. Offenders between the ages of 7 and 16 were recognized as delinquents requiring guidance and support, not simply punishment. They were tried in separate courts and generally segregated from adult criminals. Children under the age of seven could not be tried because it was presumed they could not have criminal intent. In other words, it was assumed that they could not recognize that the offence was wrong.

**THE EVENING
TELEGRAM**
*Toronto, Thursday,
May 25, 1876*

STONE- THROWING

David Mow, a very young boy, was charged with stone-throwing, for which he was fined \$2.

Inadequacies in the *Juvenile Delinquents Act* eventually led to the passage of the *Young Offenders Act* in 1984. This Act covers youths between 12 and 17 years of age, and recognizes offenders' rights and responsibilities. Children under 12 cannot be prosecuted. Instead, in serious cases they can be taken over by child welfare agencies.



Incidents of the Week from *Canadian Illustrated News*, 1872, slightly altered.

DESIRED OUTCOMES

The students will:

- explore the way children were treated by the law in the last 200 years;
- be introduced to the *Young Offenders Act*; and
- learn the following words and terms: **offence, accused, plea, custody, community justice, committee, mediation, penitentiary, proceedings** and **juvenile delinquent**.

PROCEDURE

- I. Photocopy and distribute the lesson for students to read. Review the reading aloud and then ask students to write down the main points of the *Young Offenders Act* (e.g., covers youth between the ages of 12 and 17). The students will need to know the Act well for later classes. Encourage them to ask questions.
- II. Discuss and determine the roles of the offender, the victim and the police.
- III. Read the case studies. How would offenders be treated then and now?
- IV. Have the students add the following words to their dictionary: **offence, accused, plea, custody, community justice committee, mediation, penitentiary, juvenile delinquent** and **Youth Court**.

Boys of 14 and 16, arrested for murder in Winnipeg, July 1918. Manitoba Archives, Foote Collection.



LESSON

FIRST READING (TO BE PHOTOCOPIED)



Incidents of the Week from *Canadian Illustrated News*, 1872, slightly altered.



Until the nineteenth century, children were treated like adults under the law. They worked in mines, on farms and in factories. If they were caught committing a crime, they were tried in adult court by a judge and jury. Many went to jail where they were often badly treated. In 1850, 12-year-old Herbert Smith was sentenced to five years in Dorchester Penitentiary, New Brunswick, for breaking and entering. Thirteen-year-old Enos Medley was jailed for three years for several thefts.

In the nineteenth century, Canada, the United States and Britain built reformatories and industrial schools. Children who committed crimes were sent to these prisons to learn how to behave. Rules were strict, and the children had few rights. They could only see their parents when the head of the school allowed them a visit. Children could also be sent to reform school if their parents were considered inadequate or if the parents told authorities that they could not control them.

In 1908, the *Juvenile Delinquents Act* was passed in Canada. This law tried to treat people between 7 and 16 years of age who broke the law like children in need of help. The crimes they were accused of ranged from riding a bike on the sidewalk, to purse-snatching or even murder. Unless a crime was violent, offenders were sent to juvenile court. There were no judges and no jury; instead, social workers and special judges were in charge. Sometimes the location was a courtroom, but at other times it was a judge's chambers or a room in a school or welfare office.

More often than not, youths were sent to reform schools, group homes or foster homes until they were "better". Their stay could be from four months to two years. They had no rights and no lawyer to defend them. Adults made all the decisions. Those juveniles who protested by running away or acting out were sent to locked institutions, even penitentiaries for discipline. As late as 1920, in British Columbia, juveniles worked on chain gangs with adult prisoners. Newspapers would print the names of young people along with a story about their crimes and sentences.

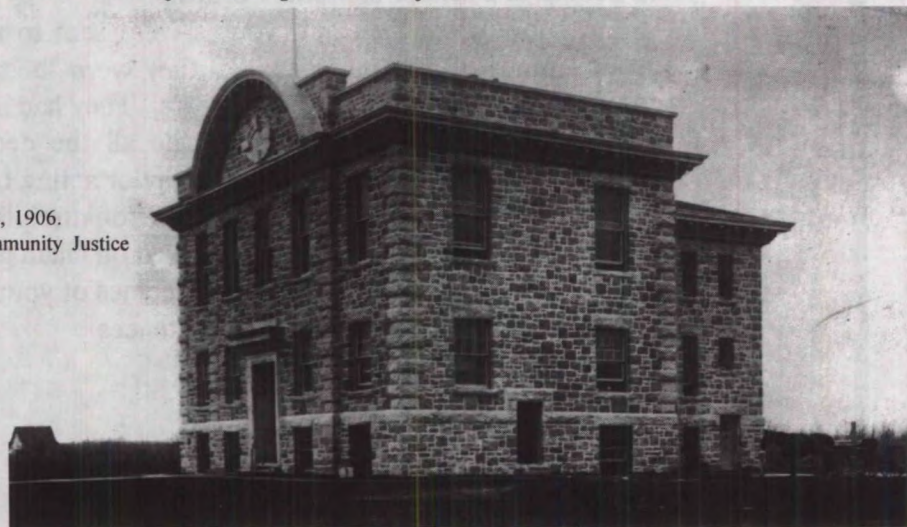
The *Young Offenders Act*, passed in 1984, covers all youths between the ages of 12 and 17 who are accused of committing a crime. A crime is defined by the *Criminal Code* and includes mischief (vandalism), drinking and driving, breaking and entering, theft under a certain amount (shoplifting) and hurting someone deliberately. If the police decide to press charges, the offender is allowed to contact a lawyer for help and advice. The parents of the youth are contacted, and they or another adult may be present when the youth is questioned. Then, if the youth is charged, he or she may be fingerprinted and photographed and given a date to appear in court. The accused may be allowed to go home with their parents until the court date or they may be kept in detention. A young offender's name cannot be published.

Under the *Young Offenders Act*, all children have the right to be heard and to say what happened. Parents are not held responsible for the actions of their children, but they have a special place in the proceedings. Parents are allowed to be with their children, unless the children are being kept in **custody** or locked up. Parents must be told what is happening to their children.

If you're charged under the *Young Offenders Act*, you will go to court or in some provinces or territories meet a **community justice committee**. What happens to you depends on these things:

- the recommendations of the police who pick you up;
- the offence you have been charged with;
- the **plea** you make (whether you plead guilty or not); and
- whether you have been charged before.

If you've hurt someone, the police may press charges and then may arrest you. There are always consequences to your actions.



Courthouse and Gaol in Morden, MB, 1906.
Manitoba Archives. N3821. The Community Justice Committee meets here today.

CASE STUDIES

*In Saskatoon,
Saskatchewan, it is
illegal to try to
catch fish with your
hands.*

- I. Twelve-year-old Benjamin was proud of the autographed baseball cap he got when his Dad took him to the Blue Jays game. He wore it everywhere. On the other hand, Adam's father had never taken him anywhere. He got attention by being a bully. He beat up Benjamin after school and stole his cap. Benjamin missed a day of school and was in a good deal of pain. His arm hurt too badly for him to pitch at the community championship baseball game. Benjamin wanted his cap back, but he did not want to complain about Adam. He was afraid of what Adam would do to him. Benjamin's family was angry and wanted the police to charge Adam.
- II. Chelsea and Bradley had been caught cheating on an exam at school and had been in detention after school all week. Angry about staying in, they decided to get back at the teacher. On Thursday night around nine, the pair smashed the window in the front door of the school, broke into the office and sprayed it with neon red paint. They were just about to leave when the head coach returned to the school unexpectedly. He called the police, who caught Chelsea and Bradley in the school and took them to police headquarters.
- III. Every night after school, 10-year-old Emma hung around with her older sister's friends at the mall. Janine, Emma's sister, was supposed to be looking after Emma, but she found babysitting boring. Instead, she brought her younger sister to the mall. Janine's friends were always teasing Emma about being a baby. To prove she was grown up, Emma stole a compact disc from the record shop and was about to hand it over to her sister when the mall security guard caught up with her. The guard called Emma's parents immediately.

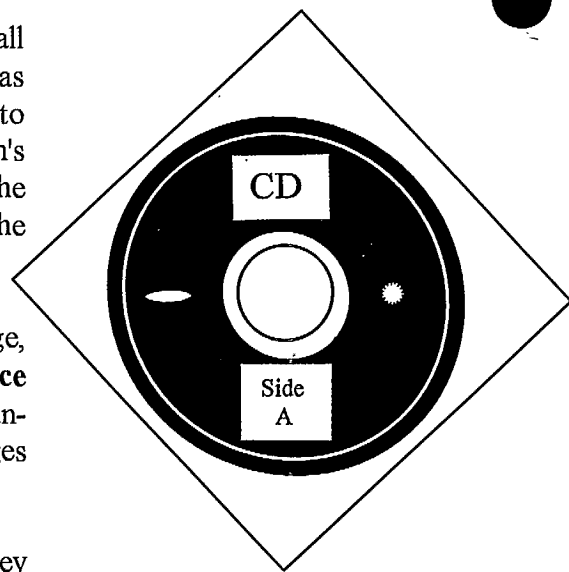
CONSEQUENCES OF THE CASE STUDIES

I. Adam was charged with stealing Benjamin's baseball cap. The case was sent to **mediation**, before any plea was made. With the help of counsellors, both boys were able to talk out the situation until Benjamin could accept Adam's apology and feel unafraid. Adam felt bad. He returned the baseball cap and apologized for the pain he had caused. In the past, Adam might have been sent to reform school.

II. Chelsea and Bradley were brought up before the judge, pleaded guilty and were sent before a **community justice committee**. The committee recommended 10 hours of clean-up duty in the school for each of them to pay for the damages they had caused.

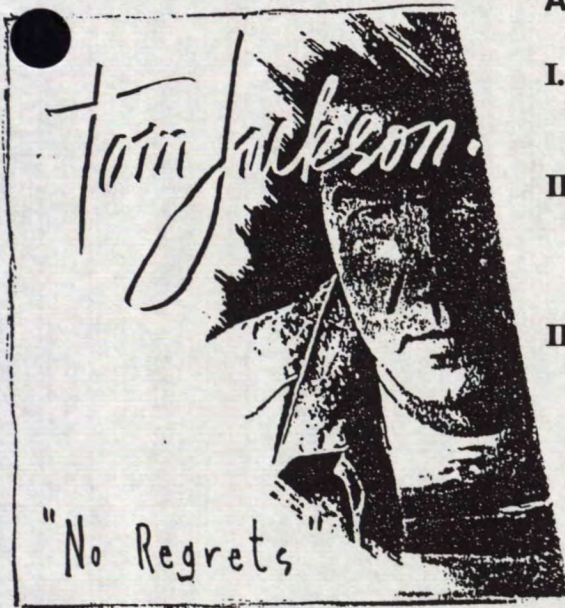
In some locations in Canada, both Chelsea and Bradley might have been sent to a group home or to an industrial school to learn how to behave more appropriately. They might have been expelled from school.

III. Emma was only 10, so she was too young to be charged under the *Young Offenders Act*. The security officer contacted her parents by phone, and her dad picked her up. He was angry and immediately imposed a curfew. Emma was also banned from the record store. When she was involved in another theft a year later her parents received a letter from Children's Services. Emma was banned from the mall completely. Prior to the *Young Offenders Act*, Emma might have gone to court and been charged with shoplifting. She might have got a record, and her sister might have been charged as an accessory. The parents could have been judged as providing inadequate care and the girls might both have been sent away to a group home or another institution.



ASSIGNMENTS

- I. Write out the main points in the *Young Offenders Act* on your deck of cards to keep for reference.
- II. Continue to clip stories from the paper. Ask the class to consider the cases and compare how youths are treated now and how they used to be treated.
- III. Watch *Who has Seen the Wind?*, a Canadian film which portrays life on the Prairies during the 1930s as seen through the eyes of a 12-year-old boy and his 13-year-old companion. Efforts are made to send young Ben to reform school. Would this be fair? What do you think should happen to him?



Peg Music, 1995.



Album cover, 1973. Reproduced with permission.

WHAT HAPPENS AFTER A CRIME HAS BEEN COMMITTED

BACKGROUND

Whenever a crime is committed, there are consequences for the offender, for the victim and for society. This lesson is intended to familiarize students with these specifics: what happens when they are caught; what their rights are; what they can expect; and how they will pay for what they have done.

The *Young Offenders Act* has established the principles by which society deals with young offenders. Since no law is perfect, there is constant evolution and change in the way law is interpreted. What remains constant is that young persons have certain rights, including the right to have a lawyer to advise them. The roles of both the police and lawyers will be discussed later, as the accused is followed through the system.

Attempts to reintegrate offenders into the community and to give victims' needs greater attention have resulted in alternative systems of justice. Not all cases go to court and to trial. Mediation, alternative measures, youth justice committees, victim impact statements and sentencing circles are results of this thinking.

Students are encouraged to recognize that offenders and their victims are people, not mere names or targets. Whether they rob a supermarket or an elderly lady, there are personal and financial costs to society. These will be examined in greater detail later. Punishment or alternative measures are designed to make the offender recognize the damage he or she has caused and make up for it.

THE EVENING TELEGRAM

**Toronto, Tuesday,
June 13, 1876**

HOW CRIMINALS ARE MANUFACTURED

Montreal, June 13

The two orphan boys who made their first communion a few days ago, previous to being given up by their aunt to the authorities here, with a view to being placed in a reformatory, have not yet been taken from their poverty-stricken guardian. The boys are neat, clean, well-behaved little fellows, and it is a pity to see them go amongst hardened criminals. Their names are Henri and Oliver Loiselle.

DESIRED OUTCOMES

The students will:

- become familiar with what happens to young people accused of a criminal act and apprehended by the law;
- learn their rights according to the *Young Offenders Act*;
- learn what Youth Court looks like inside;
- learn the meaning of alternative measures, including youth justice committees and mediation and sentencing circles;
- learn the following new words: **Legal Aid, resolution, restitution, alternative measures, statement, record and disposition.**

***EVERY
ACTION
HAS A
REACTION***

PROCEDURE

- I. The first reading, a discussion of individual rights upon arrest, should be read aloud and discussed, then copied onto the students' reference cards.

- II. To familiarize the students with the way things work after the offence, read aloud the second reading while projecting the overhead which illustrates in a simplified form, the sequence of events, **Young Offenders - Court Process** diagram. Students should become familiar with the process. Teachers should distribute a photocopy of this drawing to the students. Display the second overhead, **How it Works**, when students reach the heading **Alternative Measures**. Encourage students to copy this too and question them to be sure they understand all of it.
- III. Have students add the following words to their dictionary: **Legal Aid, resolution, restitution, statement, record and disposition.**

LESSON

FIRST READING

Rights on Arrest

Whenever anyone in Canada is arrested, he or she is guaranteed certain rights, such as the right to counsel. These rights ensure that everyone gets the same fair treatment. If the police arrest or detain you, they must tell you why they are detaining you. They must give you a phone number for **Legal Aid**, or if you wish, give you the opportunity to contact a lawyer.

The *Young Offenders Act* makes absolutely sure that any young person accused of a crime has certain extra protections. The police have a responsibility to tell you about your rights, as outlined below. In talking with you, they should use language you understand.

1. You do not have to make a **statement**, even if the police request it.
2. If you make a statement, it can be used in court against you.
3. You can talk to a lawyer and a parent or any other adult you choose.
4. That same adult and a lawyer can be with you if you decide to make a statement.
5. If you choose to make a statement before you have talked to an adult, the police must give you a form to sign which says you have given up the right to remain silent.

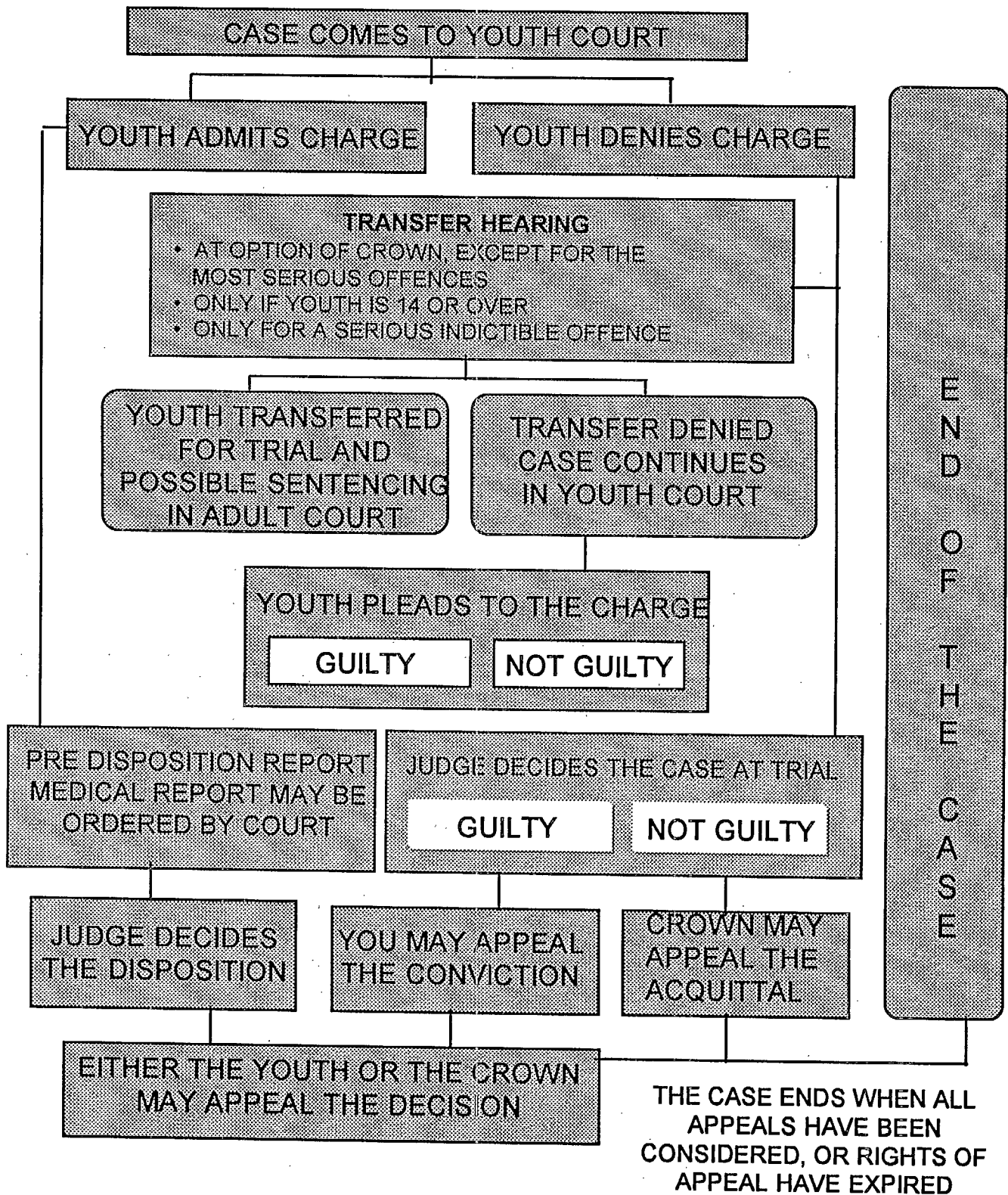
THE EVENING TELEGRAM

*Toronto, Wednesday,
June 7, 1876*

DISORDERLY BOYS

John McGiven, a ring-leader of a tribe of rough lads, was charged with being disorderly on Front Street last night. McGiven had been all night in the cell. His Worship thought that should be a lesson to the boy and therefore he was discharged.

YOUNG OFFENDERS - COURT PROCESS



SECOND READING

If the police have reasonable and probable grounds to believe that you committed a crime, you can be charged with a criminal offence such as theft or robbery. If you are charged with an offence, you are called an "accused person" or "the accused".

Under the *Criminal Code* and the *Young Offenders Act*, there are various ways in which the accused can be treated

Once a criminal offence is discovered and reported, the police conduct an investigation to help the victim of the crime and to bring the person who committed the crime to justice.

Depending on the seriousness of the charge and the personal situation of the accused (for example, he or she may be on the run), the police can do one of three things:

I. THE POLICE MAY RELEASE THE SUSPECT

- 1) Your parents or guardians are notified.
- 2) A summons for a later court date is sent out to you and your parents.
- 3) At court, the charge is read aloud and you are asked, "do you understand the charge?"
- 4) The judge asks, "Do you want a lawyer?"
- 5) In some instances, lawyers from **Legal Aid** may be in the courtroom in case the accused wants someone to offer advice, and sometimes a judge will suggest that you get help in deciding what to do.
- 6) If you want a lawyer, court is adjourned to give you a chance to meet with him or her.

REMEMBER -

YOU ARE

CONSIDERED

INNOCENT

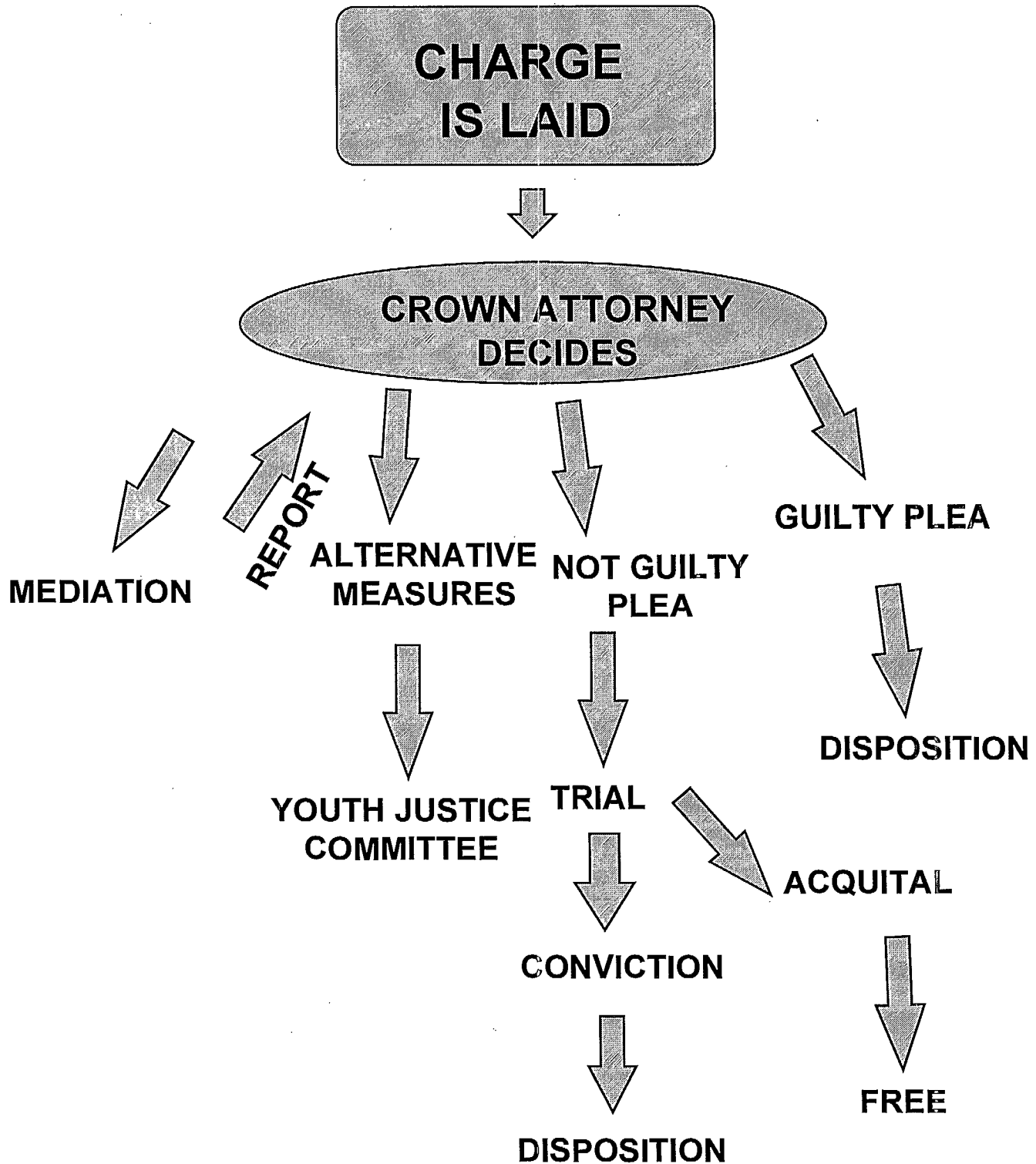
UNTIL YOU

ARE PROVEN

GUILTY



How It Works



- 7) If you plead "guilty," the judge hands down a **disposition or sentence**. If you plead "not guilty," a trial date will be set for you and your case will be heard and decided by a judge and witnesses will be called.
- 8) If you are found guilty, the judge will make a disposition and you'll have a record.
If you are found not guilty, you are free to go and you have no record.

II. THE POLICE MAY RELEASE A SUSPECT AND GIVE THEM AN APPEARANCE NOTICE AT THE SAME TIME

- 1) You will go through the same steps as above but you will be given a court date before you are released.

III. THE POLICE MAY DECIDE TO KEEP THE SUSPECT LOCKED UP UNTIL THE COURT APPEARANCE

- 1) Your parents or guardian will be told where you are.
- 2) You must be taken before a judge or court official within 24 hours or as soon as possible.
- 3) Your charge is read aloud to you.
- 4) You may apply to be released by the judge until your charges are dealt with.
- 5) You are told your rights, including the right to consult a lawyer. You will also be told how to contact Legal Aid if you need a lawyer.
- 6) What happens next is the same as above, but you may be kept in custody until the trial.

**THE EVENING
TELEGRAM**
*Toronto, Wednesday,
May 31, 1876*

**A \$1000.00
BURGLARY**

Burglars are again at work and \$1000.00 worth of dry goods were stolen last night from Messrs. Mondion & Co., of No. 438 St. Joseph Street, through a fan light. The goods stolen are chiefly satins, silks, ribbons and gloves. A small boy is supposed to be amongst the burglars, as his foot marks were discovered on a canvas covering inside the store.

New Cell Front, South Wing B-4 building of
Dorchester Penitentiary, New Brunswick, 1993, Ibid,
p. 237.



WHEN YOUNG
PERSONS 14 AND
OVER COMMIT
SERIOUS CRIMES,
THEY MAY BE
TRANSFERRED TO
ADULT COURT

**THE EVENING
TELEGRAM**
*Toronto, Tuesday,
May 30, 1876*

ROBBERY

Waverley, May 30

The Store owned by Mr. Thompson, merchant, here, was robbed Sunday night last of about \$230. Two boys, Henry Bohn and George Brentier, are suspected of committing the robbery. Both have disappeared. A span of horses were taken away about the same time.

ALTERNATIVE MEASURES

In Canada, the prosecutor/Crown attorney may decide to refer you to an **alternative measures program**. This depends on the seriousness of the charge and whether you have any previous record. In most provinces, this is done before you are charged. In Ontario, the charge is laid before a referral can be made.

"Alternative measures means you'll be given a punishment to make up for what you did, and if you do the punishment, you'll have no record." This is the way lawyer Michael Walker explains the system to the young persons whom he defends.

To participate, you must accept responsibility for the offence and must agree to participate in the alternative measures program. **ACCEPTING RESPONSIBILITY IS NOT THE SAME AS PLEADING GUILTY.**

Alternative measures are ways of keeping people out of court. They offer you a chance to accept responsibility for your actions and possibly even to make restitution or payment to the victim(s) or perform services for them.

In some communities, **youth justice committees** are made up of people from your community. They will talk with you and decide upon an appropriate punishment or consequence for you to make up for the harm you've done in committing the crime. Alternatively, a letter may be sent out to your parents requiring them to choose the punishment. They would then be responsible to see that you did what you were told to do.

Mediation can be suggested as well by the prosecutor. You and your parents, guardian or other chosen adult meet with the victim and his support person, if the victim is willing, to talk about what happened face to face. You will have **mediators** there to help you work out the problems between you. After one or several meetings, a report, outlining what has been resolved, is sent to the prosecutor.

The prosecutor may then decide to accept the mediation report and not proceed against you. This means you will have no record. Charges commonly referred to mediation include assault, mischief and theft.

When you are told to appear before a youth justice committee or in court, you must turn up when and where you are told, even if you are afraid.

ASSIGNMENTS

1. Draw your own diagram about what happens to someone accused of an offence by the police.
2. Continue to keep the newspaper clippings, and make a display of crime and its consequences in society.
3. Create a poster or a collage of current events, illustrating "Know Your Rights."
4. Watch *Free Willie*, a film in which Jessie, a young runaway convicted of vandalism and now on his last chance, is given community service work in the aquarium which he had spray painted. The film is a good depiction of a young boy's troubles with the world and what might happen to him when he finds something to break the cycle of getting into trouble and running away, that has marked his life. Ask students to consider and discuss the following questions:
 1. Why is Jessie in the position he is in?
 2. Was it fair for him to have to do community service? Would other consequences be more fair?
 3. What rules did Jessie break? What laws?
 4. Was Jessie right to free Willie? What was wrong with his action?
 5. What else could he have done? What would you have done?
5. Invite a lawyer, police or probation officer into the classroom to talk with the students and answer their questions.



THE PLAYERS AND THE RULES OF JUSTICE

BACKGROUND

There is no separate background reading for this lesson, since the previous reading should provide background information.

DESIRED OUTCOMES

The students will:

- learn the roles of lawyers, the judge, the prosecutor or Crown attorney, the court clerk and the probation officer;
- learn more about the following parts of the justice system: youth justice committees, mediation and a sentencing circles;
- learn about the most common dispositions under the *Young Offenders Act*; and
- learn the meaning of community service work.

PROCEDURE

- I. Review and have students copy the players' roles onto cards, each player on a separate card. Do the same thing with the places of justice and the rules of conduct. Encourage students to ask questions which help them understand how the various parts of the justice system and its players work together.
- II. A drawing showing the arrangement of a sample of a Youth Court is enclosed and could be photocopied or redrawn by the students.



Lady Justice with the scales of Justice, by Wendy Bailey. From *Women's Legal Handbook*, Community Legal Education Association, 1994, page 65, used with permission.

- III. Review the second schematic from the past class ("How it Works") to make sure students know how the various parts of the system work together. In discussion, encourage students to ask questions about the way each organization works and the differences between each.
- IV. Have students write out the dispositions on cards for reference.
- V. Break the class into small groups and discuss the three case studies enclosed. If you have time, you may want the students to role play the various parts in each scenario.

STUDENTS SHOULD CONSIDER

- Why did the accused have to face the consequences he or she did? Are the consequences fair?
- How would you feel about going to court; about going into mediation; and about facing a youth justice committee?
- What kind of disposition do you think the offenders should face? (Choose from the list provided.)

1. THE PLAYERS

(See the attached drawing of the layout of a Youth Court.)

If you go to court, having a lawyer is one of your rights under the *Young Offenders Act*. Called the defence lawyer, he or she speaks to the court on your behalf, giving your side of the story. He or she will sit at a table closest to you and facing the judge. You must speak to the lawyer yourself. The lawyer is not there to speak with your parents.

A defence lawyer helps you decide whether going to court is the best way to fight the charge you are facing. He or she may also recommend that you plead guilty and accept the consequences. The lawyer knows a lot more than you do about the law and the police, including what can happen to you now that you are in the justice system. In other words, the lawyer is there to protect you, so you should listen to what he or she says before you make up your mind, even about talking to the police.

**THE EVENING
TELEGRAM**
*Toronto, Saturday,
May 20, 1876*

STABBING CASE

Ottawa, May 20

A young lad named Samuel Collins, 14 years of age, while under the influence of liquor last evening, stabbed companion named O'Neil in the arm with a knife. Collins has not yet been arrested.

SECOND READING

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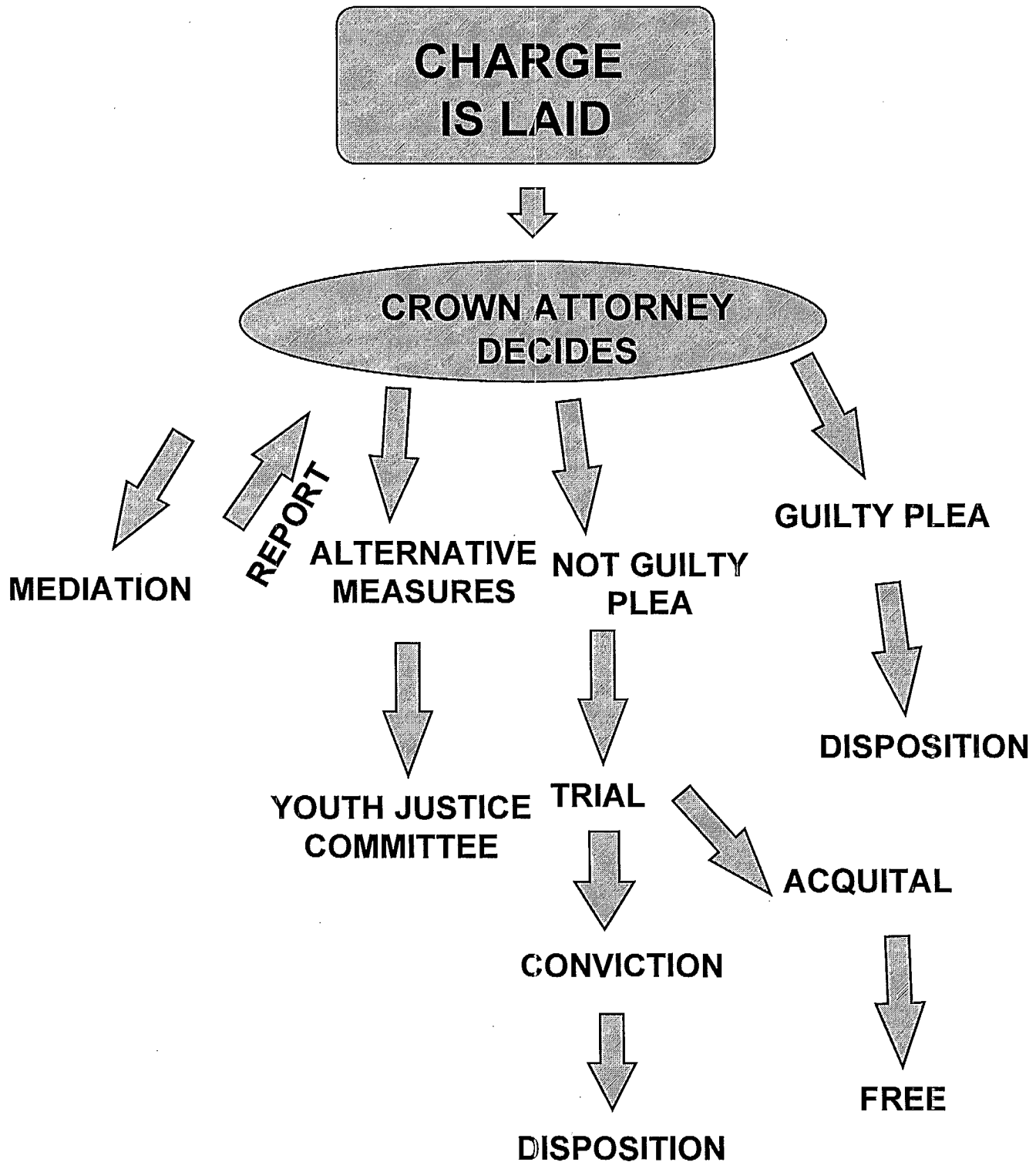
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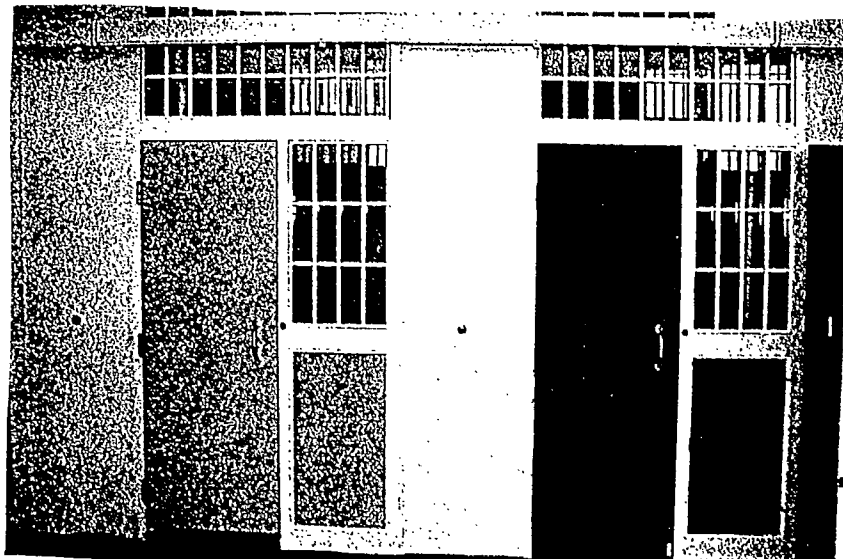
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**THE EVENING
TELEGRAM**
*Toronto, Wednesday,
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In Canada, the prosecutor/Crown attorney may decide to refer you to an **alternative measures program**. This depends on the seriousness of the charge and whether you have any previous record. In most provinces, this is done before you are charged. In Ontario, the charge is laid before a referral can be made.

"Alternative measures means you'll be given a punishment to make up for what you did, and if you do the punishment, you'll have no record." This is the way lawyer Michael Walker explains the system to the young persons whom he defends.

To participate, you must accept responsibility for the offence and must agree to participate in the alternative measures program. **ACCEPTING RESPONSIBILITY IS NOT THE SAME AS PLEADING GUILTY.**

Alternative measures are ways of keeping people out of court. They offer you a chance to accept responsibility for your actions and possibly even to make restitution or payment to the victim(s) or perform services for them.

In some communities, **youth justice committees** are made up of people from your community. They will talk with you and decide upon an appropriate punishment or consequence for you to make up for the harm you've done in committing the crime. Alternatively, a letter may be sent out to your parents requiring them to choose the punishment. They would then be responsible to see that you did what you were told to do.

Mediation can be suggested as well by the prosecutor. You and your parents, guardian or other chosen adult meet with the victim and his support person, if the victim is willing, to talk about what happened face to face. You will have **mediators** there to help you work out the problems between you. After one or several meetings, a report, outlining what has been resolved, is sent to the prosecutor.

The prosecutor may then decide to accept the mediation report and not proceed against you. This means you will have no record. Charges commonly referred to mediation include assault, mischief and theft.

When you are told to appear before a youth justice committee or in court, you must turn up when and where you are told, even if you are afraid.

ASSIGNMENTS

1. Draw your own diagram about what happens to someone accused of an offence by the police.
2. Continue to keep the newspaper clippings, and make a display of crime and its consequences in society.
3. Create a poster or a collage of current events, illustrating "Know Your Rights."
4. Watch *Free Willie*, a film in which Jessie, a young runaway convicted of vandalism and now on his last chance, is given community service work in the aquarium which he had spray painted. The film is a good depiction of a young boy's troubles with the world and what might happen to him when he finds something to break the cycle of getting into trouble and running away, that has marked his life. Ask students to consider and discuss the following questions:
 1. Why is Jessie in the position he is in?
 2. Was it fair for him to have to do community service? Would other consequences be more fair?
 3. What rules did Jessie break? What laws?
 4. Was Jessie right to free Willie? What was wrong with his action?
 5. What else could he have done? What would you have done?
5. Invite a lawyer, police or probation officer into the classroom to talk with the students and answer their questions.



THE PLAYERS AND THE RULES OF JUSTICE

BACKGROUND

There is no separate background reading for this lesson, since the previous reading should provide background information.

DESIRED OUTCOMES

The students will:

- learn the roles of lawyers, the judge, the prosecutor or Crown attorney, the court clerk and the probation officer;
- learn more about the following parts of the justice system: youth justice committees, mediation and a sentencing circles;
- learn about the most common dispositions under the *Young Offenders Act*; and
- learn the meaning of **community service work**.

PROCEDURE

- I. Review and have students copy the players' roles onto cards, each player on a separate card. Do the same thing with the places of justice and the rules of conduct. Encourage students to ask questions which help them understand how the various parts of the justice system and its players work together.
- II. A drawing showing the arrangement of a sample of a Youth Court is enclosed and could be photocopied or redrawn by the students.



Lady Justice with the scales of Justice, by Wendy Bailey. From *Women's Legal Handbook*, Community Legal Education Association, 1994, page 65, used with permission.

- III. Review the second schematic from the past class ("How it Works") to make sure students know how the various parts of the system work together. In discussion, encourage students to ask questions about the way each organization works and the differences between each.
- IV. Have students write out the dispositions on cards for reference.
- V. Break the class into small groups and discuss the three case studies enclosed. If you have time, you may want the students to role play the various parts in each scenario.

STUDENTS SHOULD CONSIDER

- Why did the accused have to face the consequences he or she did? Are the consequences fair?
- How would you feel about going to court; about going into mediation; and about facing a youth justice committee?
- What kind of disposition do you think the offenders should face? (Choose from the list provided.)

1. THE PLAYERS

(See the attached drawing of the layout of a Youth Court.)

If you go to court, having a lawyer is one of your rights under the *Young Offenders Act*. Called the defence lawyer, he or she speaks to the court on your behalf, giving your side of the story. He or she will sit at a table closest to you and facing the judge. You must speak to the lawyer yourself. The lawyer is not there to speak with your parents.

A defence lawyer helps you decide whether going to court is the best way to fight the charge you are facing. He or she may also recommend that you plead guilty and accept the consequences. The lawyer knows a lot more than you do about the law and the police, including what can happen to you now that you are in the justice system. In other words, the lawyer is there to protect you, so you should listen to what he or she says before you make up your mind, even about talking to the police.

**THE EVENING
TELEGRAM**
*Toronto, Saturday,
May 20, 1876*

STABBING CASE

Ottawa, May 20

A young lad named Samuel Collins, 14 years of age, while under the influence of liquor last evening, stabbed companion named O'Neil in the arm with a knife. Collins has not yet been arrested.

You will meet a **judge** who tries your case, listening to the arguments of both the defence lawyer and the Crown attorney, all of the witnesses and sometimes comments from the accused. After listening to all these words, the judge will decide if you are guilty of the crime with which you are charged. If you are found guilty, the judge will then decide on your sentence, or disposition. The disposition says what will happen to you because you were found guilty. You should address the judge as "Your Honour."

The **Prosecutor or Crown Attorney** tries to prove charges that have been laid against you by the police. He or she works on behalf of the Crown or the people, and must prove beyond a reasonable doubt that you have committed the crime. The Crown attorney sits at another table, also facing the judge.

The **court clerk** keeps order in the court. He or she opens the sessions, reads the charge, tells the court what law has been broken and swears in witnesses. Before the trial begins, the clerk makes sure that the judge has everything he or she needs.

There is no **jury**. However, anyone can sit in on the trial—your neighbours, school friends or parents of friends. Your parents or guardians can be there to support you. Your name cannot be published in the newspaper or given on the radio or television.

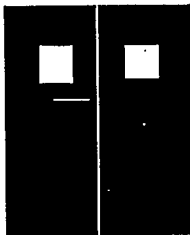
Probation Officers work in the community to make sure that the accused and offenders follow the court's orders, as stated in the disposition or sentence. They are often directed by the court to prepare a **predisposition report**. You and your lawyer should get a copy of the predisposition report. This report, ordered by the judge, tells the judge about a young person's character, friends and life. The judge may base his or her disposition on what it says in the report. Probation Officers supervise anyone committed to probation or to do certain community work (e.g. to shovel school sidewalks).

Mediators are people specially trained to conduct talks between the accused and the victim. They set ground rules, introduce both people to each other and explain the way mediation works—who is to do what and how it should be done. If things get bogged down, mediators help restart the talk. In round table talk, they help the participants reach some common understandings about the facts of the case and how both parties feel about it.



Drawing of courtroom interior from *Jack and the Beanstalk Mock Trial*, Student's Guide, published by Community Legal Education Association, Winnipeg, artist unknown.

YOUTH COURTROOM DIAGRAM



**Judge's
Entrance**



JUDGE



Court Clerk



Witness

**CROWN
Prosecutor**



**DEFENCE
Lawyer, Accused**



Public Gallery



2. THE PLACES

In most parts of Canada, there is a separate Youth Court or a room set aside for the purpose, where you will meet the judge and hear the charges read aloud to you.

Courts in some smaller or remote communities may take place in a gymnasium, school library or even a nursing station.

Mediation generally happens around a coffee table in the offices of the mediation organization. The victim and the accused sit at the table with a mediator; their parents or guardians sit slightly back from the table.

3. THE RULES

Courtroom

This is a very formal place, and written rules explain how you must behave and what you are expected to do. For instance, everyone rises when the judge enters the room. You are to speak only when spoken to and answer every question truthfully. No one entering the courtroom may wear a hat, even a baseball cap. You will have to take an oath if you testify. Your lawyer will help you to answer properly.

Sentencing Circles or Northern Court

Here too, there is a time and place for you to talk. You will be directed by those who are there. Elders can speak at any time to the offender.

Mediation

This is a less formal setting, and a straightforward approach to the process is necessary. Parents are there to support the accused, but they cannot take over the proceedings.

*Newfoundland
law requires
vessels in the seal
hunt to serve soup
on Saturdays.*

***THE GOLDEN
RULE***
*Do unto others
as you would
have them do
unto you*

4. THE MOST COMMON DISPOSITIONS OR SENTENCES UNDER THE YOUNG OFFENDERS ACT

A. Absolute Discharge

You are free to go. However, you do have a criminal record because you were found guilty.

B. Fine of no more than \$1000

This money is to be paid by the young offender and not by his or her parents.

C. Compensation to the Victim

You pay to help the victim or victims recover from the damage and/or pain you have caused.

D. Community Service

You are given certain tasks to carry out for the community like working in a daycare centre or shovelling sidewalks. This is unpaid work, and you will have to report to a probation officer or some other community worker to ensure that your work is done correctly and as often as required.

E. Probation for up to two years

You will be expected to report regularly to the Probation Officer for as long as the court tells you. The Probation Officer makes sure you behave; you generally have to follow a curfew and certain other rules to prove that you are going to go straight and not get into trouble again.

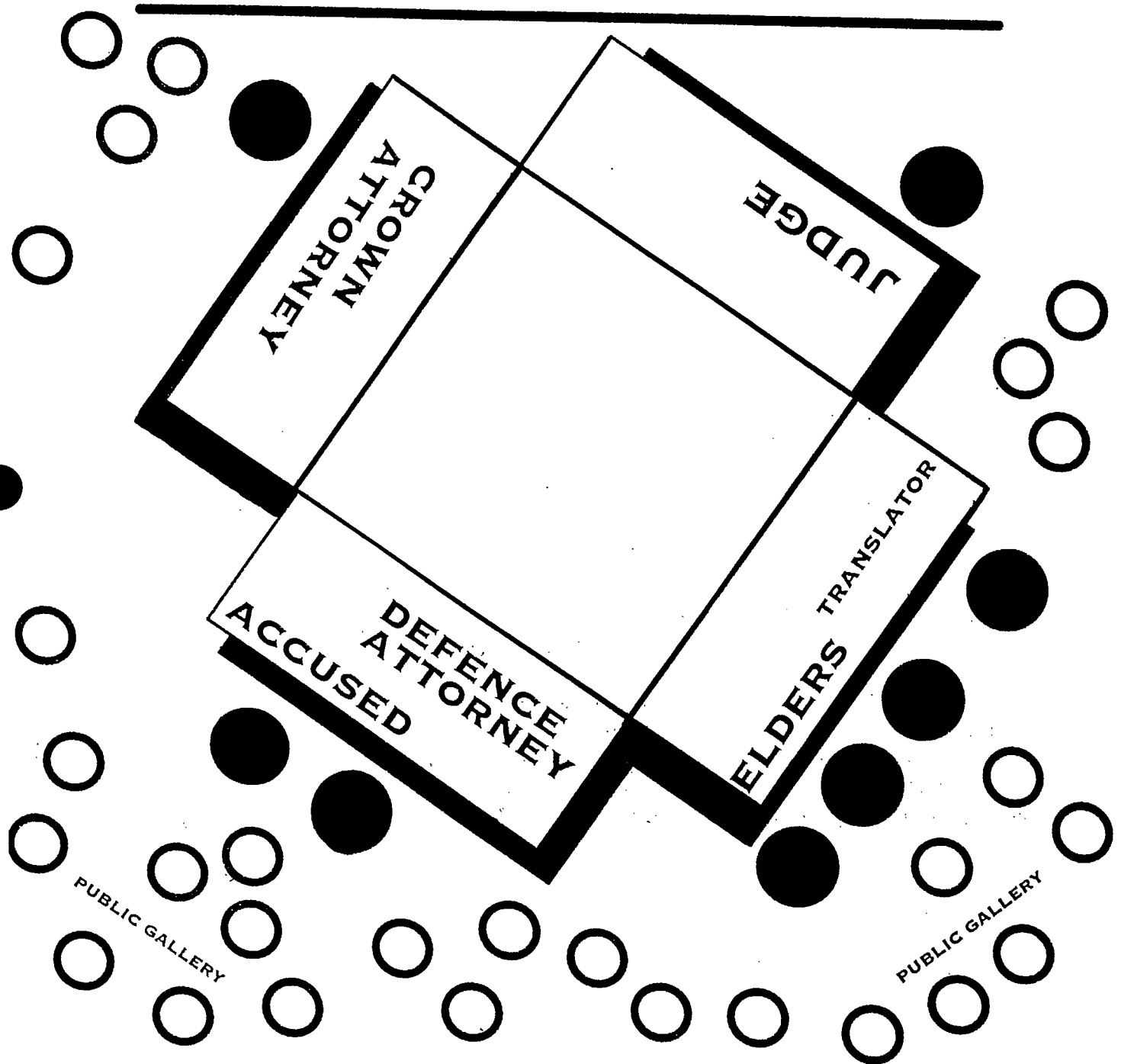
F. Custody for up to three years

You are no longer free to live at home or on the street. You will be locked up in secure custody and/or sent to an unlocked but supervised group home. You can even be sent to a wilderness camp or a farm setting where you are expected to work.



Graffiti on Winnipeg exterior, 1995, photos by D. Toews.

NORTHERN COURTROOM DIAGRAM



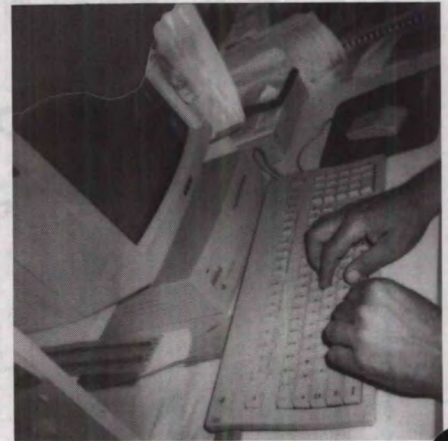
CASE STUDIES

I. Neither Chelsea nor Jennifer had been chosen for the baseball team. They were hurt and angry. The girls, both 13, decided to do something about it. After the community club was closed that night, they told their parents they were going to play baseball. With their baseball bats, they smashed every window in the building. They carved the coaches' names on the door, calling them "turkeys". They couldn't agree on what to do next.

"Let's burn it down," Jennifer suggested. Chelsea wasn't so sure. She thought they'd done enough harm and began to worry that they might really get into trouble. The girls began to argue. Before they could take any further action, the police came and caught them redhanded.

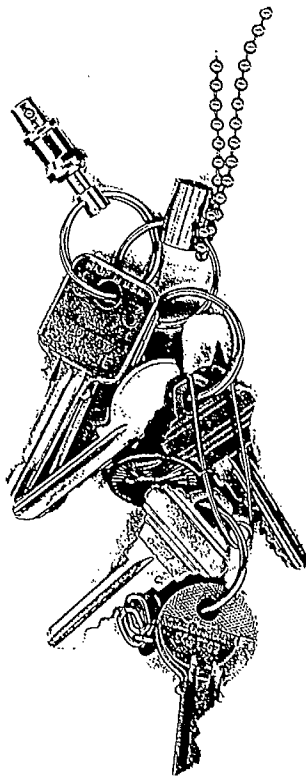
The girls were charged with vandalism, sometimes called mischief. Chelsea pleaded guilty and was directed to mediation.

Jennifer was angry at Chelsea and her mother. Jennifer's mother threatened to lock her out of the house if she got into more trouble. She had already hit Jennifer and had called her a troublemaker. "You're just like your dad," her mother said. "Maybe you should go live with him and let him straighten you out. He's good with his fists." She left Jennifer in detention until her court appearance, telling the judge "I can't handle the girl."



II. Bob and Jamal had seen the movie *War Games*, in which two kids break into the school computer and change their grades. It was a neat movie, and the two of them decided to take on the challenge. It would be really "rad" if they managed to get in unnoticed. Maybe they would shift around some marks of their own. Both boys were honour students.

It took them weeks, spending hours and hours after school trying one code after another, and finally, bingo, they did it. It was cool. They didn't need to alter their own grades, so they pulled up the marks of a friend who'd had a bad break. They gave him an extra ten points; it would help his grades and get the teachers off his back.



The boys were pretty pleased with their move, but who could they tell? It wasn't any good unless they could boast to somebody about it. They kept it quiet for several weeks, but things came to a head when Danny said in class "Hey, Mr. Blondell asked me about my science marks yesterday. He suggested I'd changed them or something. What was he saying? Sure, I would have done it, if I'd figured out how, but what...?"

Before Bob could stop him, Jamal blurted out what they had done. When it looked as if he might land in serious trouble, Danny told Mr. Blondell what had happened and begged the teacher not to say anything to his friends.

That night, both Bob and Jamal were visited by the police at home. They were charged with mischief, a criminal offence. The boys pleaded guilty and were told to report to the community justice committee.

III. For years, Jane, now 15, had come home from school alone, let herself in and looked after herself. Her mom always worked; so did her dad when she stayed with him. Though it was often lonely, she was never allowed to have anybody over to stay. Jane was quiet and it didn't seem to bother her. Things changed, when her mom found herself a new boyfriend, and Jane didn't like him. It seemed her mother was never at home without her new man. Jane became withdrawn and unhappy.

Carl, 16, was the oldest of four children, and for years his job had been to mind them all after school. He talked his sister into taking care of the younger ones when he got interested in dating Jane. He wasn't paid, so why should he lose his social life? Neither Jane nor Carl had any money; it was a drag. They couldn't get jobs; they didn't know how to go about looking. Now they wanted to go to a show or to a rock concert, but where could they get the cash?

Carl knew that most of the parents around the neighbourhood worked outside the house. He decided to sneak into their houses and lift a few things. With luck, they'd never miss what he took. He could pawn some things for cash in a shop not far from home. There was little risk. He did it three times and made an easy 50 dollars. When he decided to take a VCR because the pawnbroker suggested he had a buyer, Carl got Jane to help him. It was a lark, he told her, and if they got caught, she wouldn't be blamed. They were caught on the sixth house they entered when a neighbour came home unexpectedly. The man called the police, and the two fled down in the back alley.

Both were found and charged with break and entry. They pleaded not guilty and hoped to go before a community justice committee. Then the police began to uncover the pattern of their behaviour. They had been doing this for some time. The Crown attorney decided they must go to court.

ASSIGNMENTS

1. Illustrate the players' cards in your deck with appropriate costumes and other visuals which indicate the players' roles: e.g. the judge's card might have a gown. (No wig is worn in Canada.) Spell out in detail what each player does. Match player, place of justice and rules of conduct.
2. Ask the students to write a letter of apology to the club for vandalizing the property, to the school for computer hacking, or to the various victims of the break-and-enters.
3. Write an essay about how your family would feel or has felt about a crime in their family. You could use one of the case studies as the crime, unless you have another experience you want to write about.
4. Display the clippings you have been keeping to illustrate how society deals with crime.

Dear Merchant,
I am writing to apologize
for my

Brenda C. (age 14)

THE EVENING TELEGRAM **Toronto, Thursday,** **June 8, 1876**

...Central Prison Cruelty
which if even approximately true, ought to be investigated. Prisoner said he had been "hung up" by his arms being placed in rings, his arms being elevated above his head, and been kept in that position for three days and three nights, except half an hour's rest for breakfast and supper. The truth of prisoner's story was questioned, but Wells said that he had known prisoners to be "hung up" for five days and nights, to their great suffering and extreme inconvenience. Prisoner was remanded in order that further inquiries might be made.

- Part of a report
of the arrest of a middle-aged
man, John Wells

Lesson 7

ABORIGINAL JUSTICE

BACKGROUND

Aboriginal peoples lived in what is now called Canada long before traders and settlers arrived. Living throughout the continent in small communities of many interconnected families, they had a complex system of laws, based on customs and traditions.

Laws are often based on the need for **harmony** at a personal level, with the community and with their natural environment. Laws and traditions were passed on by example. The young were taught by working and living alongside adults, who imparted their wisdom and taught practical survival skills. The rules for living, then and as they exist now, have a strong spiritual emphasis on the interconnectedness of people and their environment. Some were recorded on wampum belts, bitings on bark, through stories or legends and later syllabics. Harmony and balance are considered elements in the continuing survival of the Aboriginal community. Criminal activity like stealing or murder causes an imbalance which must be resolved to restore the community's harmony. Both victim and offender need to be healed and restored to health. Individual Aboriginal communities had different customs, legends and traditions, but shared certain principles such as restoring rightness to the victim or victims who had been hurt and to the community itself. Justice was determined through community **resolution**, discussion and sometimes, ultimately, the decision of either chiefs or elders.

Healing and teaching were used to restore the balance and to reintegrate both the accused and the victim. Laws like the Mohawk **Law of Orders** and the Ojibway's **Seven Teachings** decreed spiritual and natural laws which governed people's lives.



Woman and Child, 1885. Collection: Indians-Saulteaux, Photographer-John Best. N12794, Manitoba Archives.



Angeline Wolf and Son, Blood Reserve, September 1907. Edmond Morris Collection, Photographer: Edmond Morris, N13726, Manitoba Archives.

When Aboriginal peoples and European settlers and traders first interacted, their separate systems of justice continued to operate within each community. Each came to respect the other's laws, even though they did not always understand them. Difficulties arose when the two systems conflicted. These problems escalated as new Canadians imposed their values of land ownership and social control on the First Nations people whose land they now claimed. Christianity was enforced by churches and missionaries who took some Aboriginal children from their parents and forced them to give up their language and their culture. In this way the Aboriginal tradition of oral and exemplar teaching was broken, and some children were unable to learn their culture, including its laws. This is slowly being reversed as Aboriginal people reclaim their heritage and teach themselves and others about their traditions, including their concept of justice.

In Aboriginal justice, each person is responsible first to himself or herself, then to his or her family and the community. If the person breaks a community law, the community is responsible for healing and teaching the person how to reintegrate back into the community. The **circle of healing** is interpreted differently by various First Nations peoples, but it is used by many to restore peace. **Elders** have a respected place in this circle of healing because their experience has given them wisdom. A chief or chiefs may also have certain powers imparted by a combination of heritage or what was decreed by their clan or their family connection and by their connectedness to people.

The case studies in this lesson are based on information about historic examples of Aboriginal justice and current experiments in integration of the two systems. Teachers are encouraged to supplement this information with local experiences wherever possible.

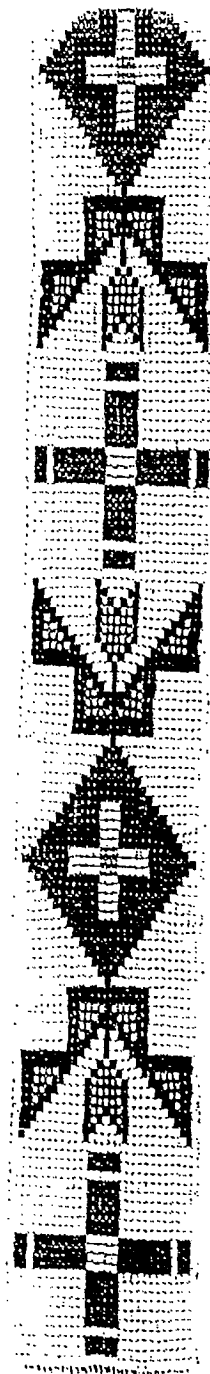
DESIRED OUTCOMES

The students will:

- learn about Aboriginal principles of justice;
- explore some historic examples of Aboriginal justice;
- examine current examples of the integration of the two systems of justice;
- practise group decision-making;
- compare Aboriginal justice with Canadian justice;
- add new key words to their dictionary, including **principles, group decision-making, The Law of Orders, the Ojibway's Seven Teachings, elders, banishment, harmony and compensation.**

PROCEDURE

- I. Photocopy the first reading and read aloud with the students. Encourage them to ask questions about the ideas included in it.
- II. Read the second reading with them, including the principles of justice. Instruct them to copy the principles onto index or other similarly sized cards.
- III. Break the class into small groups of approximately six to ten students. Have the students within each group take turns reading aloud the short historical case studies which follow. After each reading have the group discuss the questions outlined below. The groups should then engage in **group decision-making**. There is one ground rule: everyone must be given the opportunity to give their opinion on something. Consensus or agreement is not necessary. Questions to consider include:
 - 1) How do you feel about these laws?
 - 2) Are they fair? Are they harsh?
 - 3) Would you have changed any of them? If so, how?



IV. After this discussion group, bring the class together again and ask them to consider:

1) Did everyone have a chance to speak? How did you make sure?

2) What is good about working this way?

- it brings the group together;
- it makes everyone feel important;
- it helps you to know each member of the group better.

V. Have the students add the following terms to their own dictionaries: **group decision-making, elders, banishment, balance, harmony and compensation.**



Group in front of teepee. Collection 155. Manitoba Archives.

FIRST READING

First Nations people across Canada were as different in their ways of living as those of the different countries of Europe. The different land on which they lived—mountains, plains or sea coast—influenced greatly the way they lived. Balance and harmony between the people and their environment was a common concern to all nations. Tradition and law kept this balance.

Aboriginal law was recorded on wampum belts, bitings on bark, legends and other systems. It was passed on from the older people in the community to the younger through example and storytelling; children were shown how to do things. They were told why things were done as they were done. They were taught to listen and to watch carefully what the **elders**, including their parents, did.

Children were taught **respect** for themselves and for each other. Certain forms of behaviour which caused hurt or unhappiness for another person or for themselves were not allowed. They were taught to **balance** their own needs with those of their families, their community and the natural world in which they lived. Everybody and everything had its place.

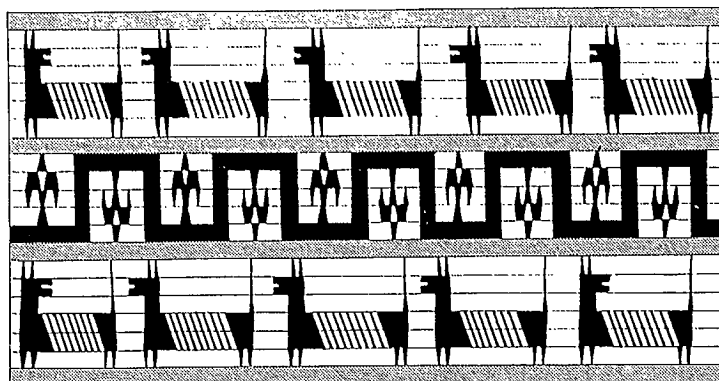
Living with the Creator in balance and harmony (at peace) with the natural world was at the heart of Aboriginal justice, as it was at the heart of all rules which governed their daily lives. When disruptive behaviour like stealing and even murder took place, balance had to be brought back to the community through teaching and healing. In a circle, people came together with the victim, his or her family and the accused to talk about what had happened and to find a way to help the victim feel better after the hurt the victim had suffered. Everyone talked and helped make the decision, but sometimes the elders and the Chief had to make the final decisions. Compensation was given; peace was restored.

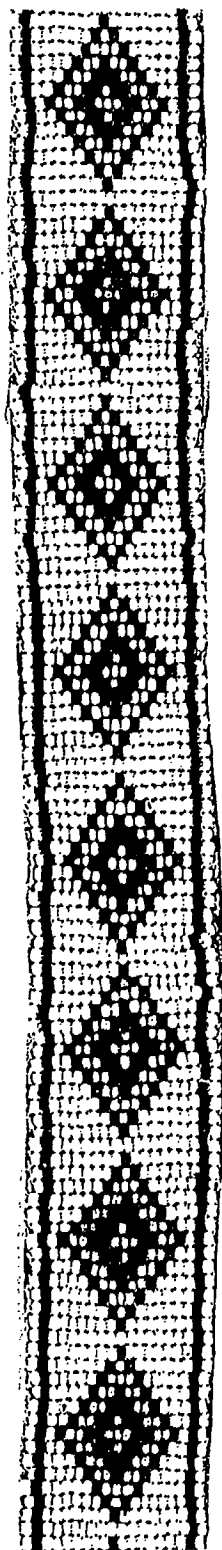
SECOND READING

Principles are the ideas and beliefs behind the laws. Society's laws are based on these principles. Aboriginal principles of justice include:

- 1. Connectedness and communication with the Creator guides all thinking and action.** For life to be in harmony, everything must work together. People must live as they are directed by their Creator, without hurt and injustice.
- 2. Responsibility to oneself, one's family and one's community guides all actions.** Balance and harmony must be kept among all community members. After a crime has disrupted this harmony, the balance must be restored or returned. This principle recognizes that criminal activity hurts the person who does it, the victim and the community itself. Peace is restored by getting the community to work together toward solving the problem.

Designs of deer and thunderbird motifs. The Great Lakes, 19th century.





3. Community justice recognizes every person's right to speak and to be listened to equally. This principle recognizes everybody's right to have an opinion and to speak their mind and have their opinion considered with respect. Everyone contributes to a discussion, and differing opinions are not swept aside. What one person says does not have to follow what the person beside him or her said. For example, John said "I saw Matthew hurt someone. He was bigger than the other boy." Mary, sitting beside him might say "Mothers need to value their sons and to be valued by them." Within the Aboriginal community, it is considered a mark of strength and maturity to have changed your opinion after a discussion.

4. The victims of any crime are compensated or paid back for their hurt and suffering through goods and services (and in later times money), through a gesture, or through the solution accepted by anyone that returned harmony to the community.

THE WAY IT WORKS

Aboriginal justice is often handed out during a circle gathering. The circle is considered the natural way for all things, including the earth and the sun, the four seasons and the four directions of the earth. In a healing circle, for instance, the four parts of the person—physical (body), mental (mind), emotional (feelings) and spiritual—are considered. With this help, people are brought back to balance within themselves.

Everyone—the accused and the victims, the families and the rest of the community—sits in a circle and talks and listens to others talk about what has happened and what can be done to make the situation right again. Elders have a special position in the circle because their wisdom and experience is respected, and their words listened to and given weight. They have learned wisdom through living according to their beliefs.

In a close community, everyone cares what the other person thinks of them and how people feel. Love and concern are given to everyone. Teasing, shaming and ridicule can also persuade people to behave in a way that the group accepts.

CASE STUDIES

1. The Hurons

The Hurons, living in Georgian Bay, Ontario, did not fine a thief. Taiearonk was a respected tobacco farmer, but he did not have a special pipe for smoking. He had always loved the one his neighbour had carved, and one day he took it. Asked how he came to have it, Taiearonk could not say. He could not lie. He was considered to have done wrong.

That night the neighbour and his relatives raided Taiearonk's longhouse, removing all the tobacco he had stored and some precious bones he had been saving for a neckpiece. Taiearonk's relatives also lost all of their cooking pots. Having a thief in their midst meant they could lose all of their things. The victim and his family were free to take the offender's belongings and those of his family. Everyone paid for the crime of one person.

2. The Assiniboines

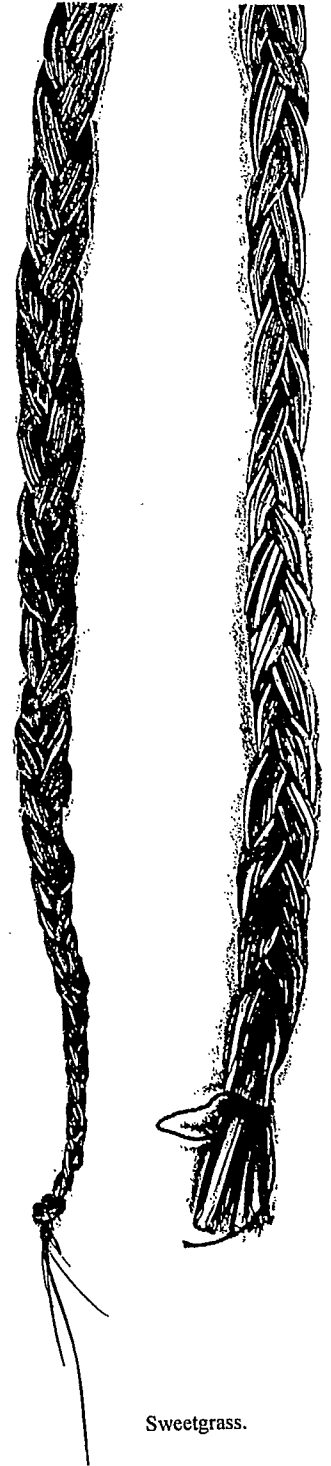
The survival of members of the Assiniboine First Nation depended on everyone working together, especially during a hunt.

Samuel ColdWater was a brave warrior during the many battles he had fought. Individual action was encouraged during war parties, especially if it was based on a dream or a vision. But ColdWater was also foolhardy. He went off after a rarely sighted lynx and left his hunting party to fight off a bear without his help. He was killed by the lynx.

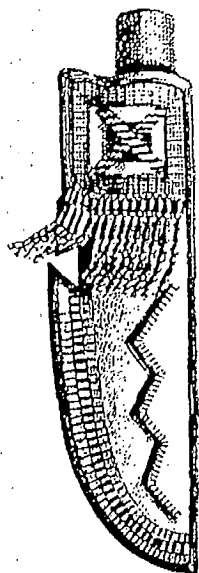
LittleMan fled when the bear charged his horse. For weeks afterward, he was mocked and teased by the rest of the tribe, even the women and children. LittleMan could have been shunned or turned away by his community, but they had already lost one man and could not afford to lose another.

3. The Mohawks

Around 900 A.D. the Iroquoian nation settled in what is now northeastern New York and southern Ontario. The powerful Five Nations included the Mohawks, Senecas, Onondagas, Onedias and Cayugas.



Sweetgrass.



When a Huron called Deganawidah had a vision of peace, he brought his message to the Five Nations Council. They demanded proof of his vision by ordeal. When he survived, a tree of peace was planted and the great Peace Law of Kayenerenhawa was established. Everyone was divided into animal tribes of kinship and loyalty including the Wolf Tribe, the Heron Tribe and others. Each tribe elected a Speaker, with women choosing the representatives. There were two Houses and a Speaker, who made all the laws and made sure they were followed. This Council punished offenders.

Tom and Jack both wanted to marry Mary Sagawash. Both men dated the young girl. However, before she could make a decision, Jack laid a trap to ambush Tom in the deep of the August night. He stayed quiet by the water, waiting until his foe readied himself for an evening of swimming and washing, then dashed out of hiding and slashed him with his knife. He might have killed him, but Tom was swift to react and put his arm up to protect himself. The large gash took weeks to heal. During the next meeting in the longhouse, the Council took away Jack's citizenship. He could no longer vote or gain any protection if he was threatened by someone outside the community. Worse, Mary would never marry him. Weeks later, she married Tom.

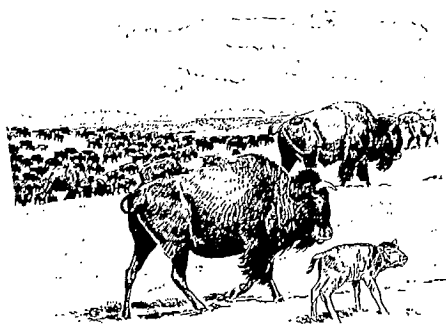
4. Metis Buffalo Hunt Laws

The Metis formed strong communities who worked together guiding fur traders and killing buffalo during the annual hunts which fed the entire community and provided meat to sell to the traders. Everyone knew the order of command and the proper way of doing things.

Gilbert Paquin had been drinking the first time he pulled his horse out of formation and caused the hunt to lose several dozen buffalo. For his disobedience, his saddle and bridle were cut up and he was scolded. The 16-year-old boy vowed not to let it happen again. But the very next day, he was still acting wild; his coat was taken off his back and cut up in pieces.

Gilbert's mother despaired. What would happen to her brave son? He knew the rules. She hid the whisky, fearing it would cost him his life. When Gilbert and his friend found the stash, they drank it all, sang raucously into the night and failed to show up for the early morning start. Gilbert was taken into the circle and beaten.

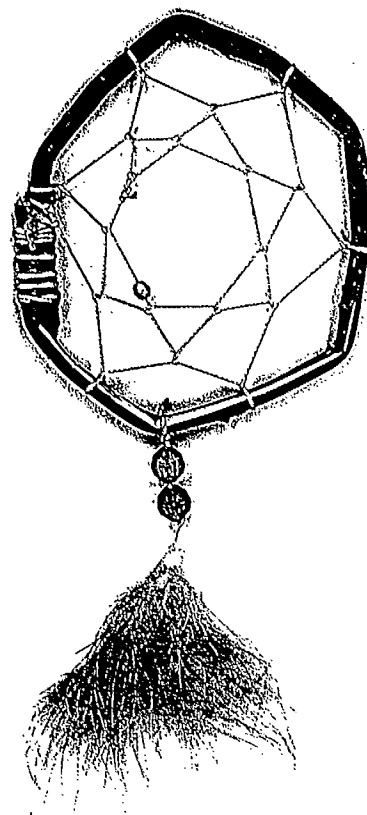
Jean, who had run off and stolen another man's liquor stash, was brought to the middle of that same circle and his name called out three times with the word "thief" attached.



Artist: James Cooper, used with permission-
Manitoba Provincial Parks, Interpretation Unit.

ASSIGNMENTS

1. Clip articles from the newspaper about Aboriginal justice and discuss them in class.
2. If possible, have students interview Aboriginal elders in the community to ask them about what they can recall from the time when they were younger. Ask about the reserve system and about how crime was dealt with then.
3. Illustrate the principles of Aboriginal justice as written on students' cards to show what each principle means.
4. Read together from a book like Welwyn Wilton Katz's *False Face*, Hugh A. Dempsey's *The Amazing Death of Calf Shirt* or Edward Benton-Banai's *The Mishomis Book*. Katz's book is a fictional tale concerning issues of ethics, lawbreaking and cultural tradition. The second contains colourful historical accounts of the Blood, Blackfoot and Peigan people. The third book documents the Creation story which guides Ojibway thinking and provides insights into the Ojibway clan system. The students could write book reports on any of these books or simply enjoy and benefit from the readings. The first two are Canadian. The third is published by a small United States press.
5. These books and others listed in the back of the teacher's kit provide insights into Aboriginal ways of dealing with conflict. After the readings, ask students to write essays which explain how different Aboriginal societies were from the portrayal of these societies on television or in movies. Ask the students to discuss how they dealt with conflict and crime in their communities.

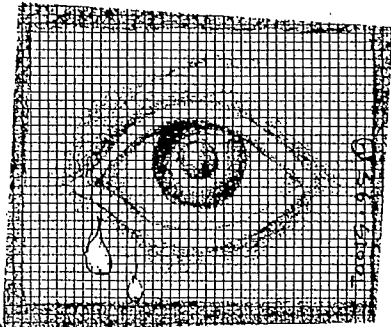


Dreamcatcher.



THE PRICE OF CRIME - REAL PEOPLE ARE HURT

BACKGROUND



The preceding lessons have been planned to inform students about the law, specifically the *Young Offenders Act*, what rights it gives them and what their inherent responsibilities are as a result of these rights. For instance, if you get a lawyer, you are responsible for answering his or her questions and deciding whether to take his or her advice. Neither your parents nor your peers can do this for you. It's your responsibility, as the young accused.

The intent of this curriculum is for students to reflect on and learn about what impact the law has on them and how getting into trouble with the law can hurt them now and in the future. This lesson is a more personal exploration, trying to help students understand popular models of conflict resolution and the hidden messages in popular culture.

Students will be asked to personalize their learning and write about how they feel or react to what they have learned.

DESIRED OUTCOME

The student will:

- reflect on what their rights and responsibilities are when it comes to the law;
- personally explore the impact of their own decisions about what is right and wrong, versus decisions based on peer pressure;
- examine some of our cultural heroes like vigilantes;
- consider alternative means of resolving problems, which are neither violent nor against the law.

PROCEDURE

- I. Read the first reading aloud to the class and then give the students the case studies. They have been devised to help students understand the relevance of lawbreaking in their own lives. Use a small group forum to discuss the questions.

1. How did this situation affect the victim?
2. How do you think the victim's family felt?
3. Was what the offender did right or fair?
4. How do you think his family felt about the crime?
5. How would you feel as the offender's brother or sister?
6. What do you think should happen to the offender?

- II. The remainder of the class could be spent with everyone watching an episode from *Power Rangers* or watching the National Film Board film *For Angela*, a film based on a true story about an Aboriginal mother and her child who decide that they cannot accept some crass racist remarks to which they had been subjected—they hurt too much. Discuss, and decide what this means.

1. Is the resolution fair?
2. What else could the mother have done?
3. What could have happened to the offender?

Power Rangers extols the virtues of violence as a means of solving our problems. Their vigilante stance is a common and very popular one in our culture, especially in films and comic books. After the program, consider the same questions as above.

Afterwards assign a personal essay to consider the following:

- 1) What are some alternative ways of solving problems which do not break the law and lead to violence? The story in *For Angela* is an example of how Aboriginal people resolve problems—encouraging talk to resolve conflict and enable both parties to return to harmony in the same community.



Still from *For Angela*, National Film Board of Canada, Tina Keeper (top), Tiffany Peters (bottom).

- 2) When someone breaks the law and uses violence of any kind to get their way, who is affected? Who is involved?

Have students add the word **vigilante** to the course dictionary and reflect on what it means to them.

1. FIRST READING

Whenever young people or adults break the law, society is touched. If the victim is an old person, it could be your own grandmother who is made to feel fear and to suffer loss. If someone steals something from her, she may have to give up buying medicine she is supposed to take or something special she might have shared with you because she cannot afford it.

Even if the victim is not someone you know but is a business, like a large supermarket in your community or a department store, society pays the price. Your parents may own or work in a shop from which young people steal. How can one small lipstick or a single chocolate bar really make a difference? There are all sorts of spinoffs. Most obvious, the price of shoplifting every year is so high that merchants raise the price they charge for goods. That means you and your family must pay a higher price, possibly one you cannot afford.

When someone, particularly a young person, goes to court and is charged for a crime, parents, brothers, sisters and other family members, close friends and supporters are hurt and embarrassed. They feel the pain of the victim, and they may take some responsibility for the hurt their family has caused.

When you are dared to steal a compact disc, knock over a convenience store or beat up someone to prove your loyalty to a club, think about the hurt you are causing. Crime costs everybody in society, including the person hurt and the person who does the hurting. We all do stupid things. It doesn't mean that we are stupid people. Think before you act stupidly, especially if it is criminal.



CASE STUDIES

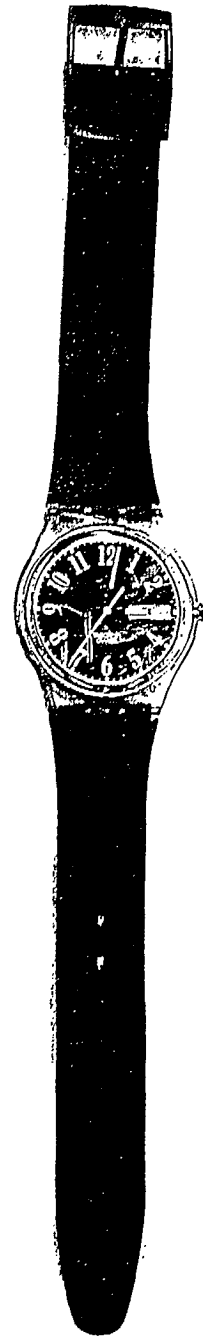
1. Brendan had always wanted to be a member of the Lost Raiders. He liked their cool jackets with the secret symbol on the sleeve; he envied the way they seemed to stick together. His parents never seemed to have much time for him; he wasn't good at making friends. He was rough because he was angry most of the time and wanted attention.

When Lou told him that he had to beat up the rich boy, Tommy, to get into the club, Brendan waited and watched Tommy for a few days. He knew that after a game, Tommy's team walked home together and dropped each other off along the way. Tommy was the last. When Tommy was finally alone after the next game, Brendan attacked him. He left the boy bleeding on the street, unable to get up. Brendan just wanted to hear him cry, but Tommy was tougher than he thought. Brendan was charged, and he never did become a member of the Lost Raiders. He went to a wilderness farm instead and was kept in custody for two years.

2. Sandra's dad had always been tough when it came to her curfew. When he told her to be home at 10 o'clock, she was expected to be home at that time, no questions asked. They had never talked about what would happen if she called to explain a real reason for being late, for instance, if her boyfriend had a flat tire or couldn't get the car to start in the cold.

Sandra and Charles went to the school dance for a few hours but they had an argument when Sandra danced three times with another fellow, someone Charles knew wanted to date Sandra. Instead of going home when she was supposed to be in, Sandra went out for coffee with Charles and didn't arrive home until midnight. Her parents were furious and grounded her for a month.

At first Charles called her every night and came over to visit. Then he stopped calling. Sandra's dad had told him off about calling so late and so often. Sandra was unhappy about the unfairness. Was her dad trying to break up her relationship with Charles because



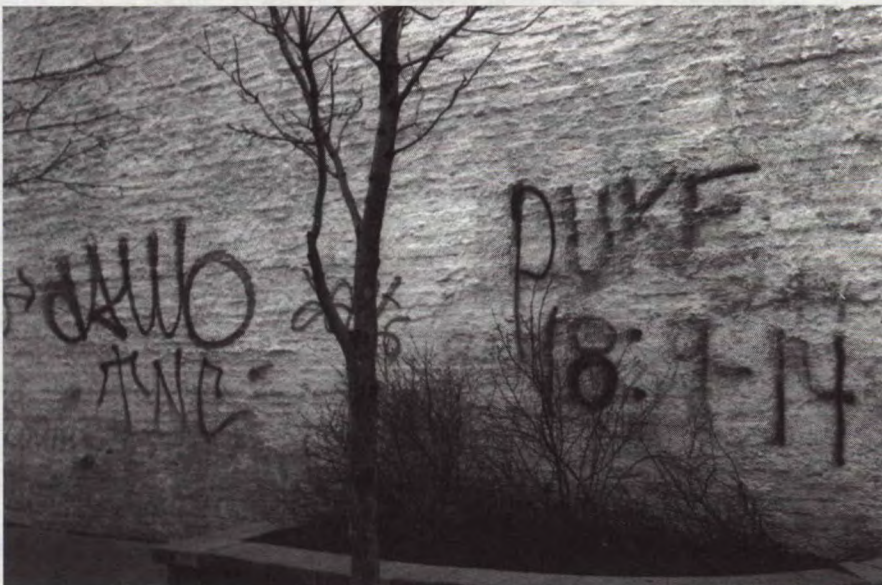


he was older? She argued with him and then insisted that if she couldn't go out, she should at least be able to use the telephone as often as she wanted. Could she have Charles over to her house instead? If she had to stay in, could she have special phone privileges? Could she have a larger video allowance?

3. When Raja Singh's parents arrived in the community and opened their store, people were a little unhappy. They'd all known the elderly couple who'd run the store before she died and he moved away. The elderly couple let the kids hang out on the steps; they sold single cigarettes to the boys when they considered them old enough. They had even caught one or two of the kids taking candy or other small items and had not called the police. Instead, they had made the offender wash their windows or otherwise pay them back. They were like family.

Mr. Singh had his own ideas. He sold curry and some of his own foods; he wore a turban. He took all of the cigarettes out of his store and stocked green vegetables, fresh milk and cheese, and Indian-language videos. He was polite but he didn't joke around; it wasn't his way. He chased the boys off his steps and wouldn't extend credit. Nobody knew how he would act if they stole from him.

The boys started to harass his children, Amah and Raja, at school, calling them insulting names and using racial slurs. Then they spraypainted Mr. Singh's store. Mr. Singh himself whitewashed it the next day and when the boys came back again that very night, he was in the shadows with five friends and flashlights. The adults surrounded the boys, took away their spray cans and called their parents. Instead of pressing charges, Mr. Singh asked the boys to paint a mural on the wall of the store.

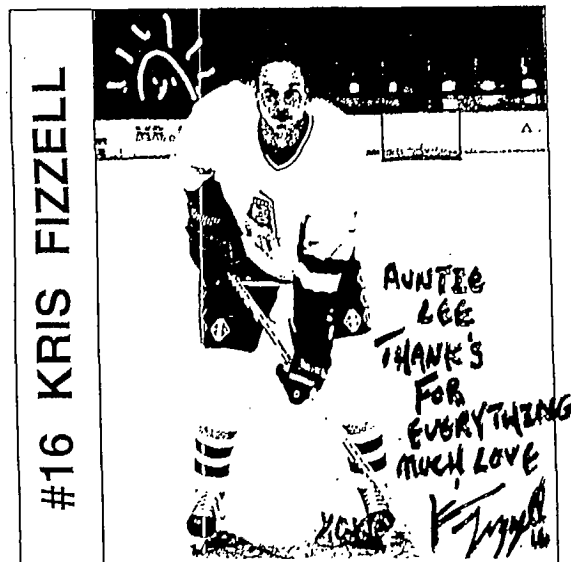


Graffiti on Winnipeg exterior, 1995, photos by D. Toews.

ASSIGNMENTS

1. Organize a class debate or have students talk and take different sides, in which one side advocates reconciliation as a solution and the other says that violence is the only way.
2. Ask students to devise a game like Trivial Pursuit, using the cards and information provided to them in the course. Call it the Game of Justice.
3. Have students play the parts of offender and victim in the case studies used in the classes.
 - How does it feel to be a victim?
 - How does it feel to be a bully?
4. Have students make a poster illustrating the caption "Crime does pay—judges, lawyers and police." or "The YOA has teeth and you'll get a record."
5. Have students collect popular images of cultural heroes or heroines that are vigilantes. Have them also collect heroes and heroines that use alternative resolutions to tough problems.

*A Winnipeg
by-law forbids
anyone striking a
sidewalk with any
metal object.*



Personal memorabilia, Kris Fizzell player for the Prince Albert Raiders, 1994-95.

KEY WORDS

Absolute discharge is one of the dispositions which can be given to a young person accused of a crime and after a finding of guilt in the Youth Court. An absolute discharge means the offender is not convicted of the offence but still will have a record.

The Accused is the person who has been charged with a crime. In each of the case studies, the person who committed the crime, is considered the **accused** until they have been found guilty or not guilty.

Alternative Measures are ways of keeping youthful offenders out of court. In some provinces or territories alternative measures offer the accused a way of accepting responsibility for the crime and for making compensation to the victim or victims hurt by the crime in payment or community service work.

Balance is achieved when a person's spirit, physical body, feelings and mind are working together well enough to create a state of equality within the person and with the world around the person.

Banishment means that a person or a family is turned away from their society and is no longer able to live among them and benefit from their protection and companionship.

The British North America Act, passed in 1867, was the Act passed in British Parliament which recognized Canada as a country.

The Charter of Rights and Freedoms became part of Canada's Constitution on April 17, 1982. The **Charter of Rights and Freedoms** is a law which applies to the federal government, and to provincial and municipal governments. As part of Canada's constitution, the **Charter** is in the supreme law in Canada and guarantees protection in such areas as: democratic rights, equality rights, legal rights and fundamental freedoms.

Circle of healing is an Aboriginal means of bringing people accused of wrongdoing and their victims together and back into the community. As the name suggests, the community forms a circle and works to heal a person through talking together.

Community justice committees exist in some provinces and territories. They are groups of people from a community who meet with an offender who has pleaded guilty or accepted responsibility for a crime. They talk to the offender about his or her crime and decide what the offender should do to put the situation right. For instance, an offender guilty of placing an offensive or rude phone call would probably have to write a letter of apology, present it to the person he or she had phoned and maybe even wash windows for the next two months. The **community justice committee** would decide what should be done.

The Criminal Code is the list of offences which Parliament has said are crimes. The **Code** also lists the consequences if a person is found guilty of a crime.

KEY WORDS

Community service work is work performed free by a person who owes a debt to society because of a crime for which the offender admits responsibility. The judge often directs young persons to do **community service work** like working in a daycare or mowing the lawn of an older person.

Compensation is money or services which are given for something that has been taken away. A young person accused of making hateful remarks to a disabled adult might have to pay **compensation** for pain and suffering caused by the remarks. Compensation may also be given through services offered, so perhaps he would do the adult's shopping for one month.

Crown attorney/prosecutor is the lawyer who represents the people. The Crown is an officer of the court and assists the court by presenting all relevant and admissible evidence.

Custody means being kept by the authorities in a place other than your home. If the judge decides that you need to be kept in **custody**, you will be kept in a place which is locked up like a jail or has unlocked doors but strict rules for a period of time determined by the judge.

Customs are the ways in which the people of a country or a smaller group within a country have done things for generations. They are like unwritten laws.

Defence lawyer is the lawyer who tries to make sure that the person accused of the crime has proper advice and is given a fair trial.

Disposition is the sentence given to a young person by the Youth Judge after they have pleaded guilty or been proven guilty of a crime in Youth Court.

Elders are the older people in the Aboriginal community who know and live by traditional practices. They are respected for their wisdom. They play an important part in the community as the keepers of history and knowledge passed down from the previous generation. **Elders** also have an important role to play in sentencing circles and in northern court.

"An eye for an eye" is a biblical reference that suggests that the punishment should fit the crime.

Fairness means that everyone is given the same kind of chance and the same kind of treatment. Judges, principals and parents try to exhibit **fairness** when a child has done something wrong and is going to be punished.

Group decision-making was the traditional way of making decisions used by many Aboriginal peoples. In this system, everyone had a chance to talk and everybody's opinion was heard and considered. Today, group decision-making is often used in a sentencing circle, for instance.

KEY WORDS

Group home is a place where young offenders may be placed in custody, away from their own homes, with strict curfews and rules which are directed toward changing the attitude and behaviour of those inside the home. It is not uncommon for the judge in a Youth Court to hand out a disposition requiring two years in a **group home**.

Harmony is a feeling of well-being when the world's environment, its people and animals are living together as they are meant to do. This does not mean that people do not kill animals for food or that things are always happy. Harmony is a state of being that is in constant change, like the rest of the world.

Innocent is what you are considered to be, according to Canadian law, until you have been proven guilty of a crime by a court of law. After a trial, if the Crown has not proven its case beyond a reasonable doubt, you are free to go and will have no record.

Judge is the person who sits in court and listens to the arguments from the defence lawyer, the person accused of a crime and the Crown attorney who is trying to prove that the accused is guilty of the charged offence. In Youth Court, the **judge** makes the decision about guilt or innocence and hands down a disposition without the assistance of a jury.

Mediation is an organized meeting of two parties or people who have disagreed and need to resolve their problems with the help of a third party or mediator. In the justice system, **mediation** is often arranged for the victim and the accused to see if they can talk together and find a solution to the problem, something other than the unlawful one which was chosen. The report resulting from these discussions may mean that a young offender can be kept out of the court system.

Offence is another word for a crime. The **offender** is the person who has been found guilty of a crime and has been sentenced.

The Ojibway's* Seven Teachings are

1. To cherish knowledge is to know wisdom.
2. To know love, is to know peace.
3. To honour all of the Creation is to have respect.
4. Bravery is to face the foe with integrity.
5. Honesty in facing a situation is to be brave.
6. Humility is to know yourself as part of the Creation.
7. Truth is to know all of these things. The need is to strike a balance and to find your way.

Payment for damages is what it suggests: money given to pay for damages inflicted by an offender.

Peacekeepers are the people chosen by society to make sure that laws are kept and that society is free of violence. The police are peacekeepers and so are Canadian soldiers overseas. **Principals** and parents are often **peacekeepers**.

* Benton - Banal, Edward. *The Mishomis Book*, Red School House, St. Paul, Min., 1988, p. 64.

KEY WORDS

Penitentiary is a federal prison in which adults are placed after being found guilty of a serious crime like attempted murder. Everyone in a penitentiary has been sentenced to more than two years of jail.

Plea is the reply that an accused person gives when charged with a crime. You must plead either guilty or not guilty to what you are accused of doing.

Principles are the ideas behind the laws. For example, the principle that youth are not yet adults and need extra protection means our laws must ensure that young people are told what charges have been made against them and their parents or guardians are told if they are being held by the police.

Social organization is the way a group or community is organized; it includes customs, tradition and law. In some communities, the social organization has a King as the head; others have laws which give elected representatives the power to make sure that rules are kept and that society works as it should.

Statement is a record of what the accused, victim or witnesses says happened during the carrying out of crime. It is signed by him or her in presence of the police, a lawyer and often the parents or guardian.

Trial by ordeal was a way of deciding whether a person was guilty of a crime by testing how his body reacted to a physical test like carrying hot bricks or being thrown into the water. People believed that God would save the innocent, so a person whose hands healed from the burns or who did not drown would be not guilty.

Vigilantes are people who step outside of the law to resolve conflicts. They are often heroes in books, films or comic books. Many use violence, sometimes a great deal of it, to get revenge for a wrong their family or they have suffered or feel they have suffered. They act as judge and jury in identifying the guilty party; they even carry out their own sentences.

The Young Offenders Act is the federal law passed in 1984 dealing with young people between 12 and 17 years of age who break the law.

LESSON 1

QUIZ STUDENT'S NAME:

ROOM #. **DATE:**

1. When young people come in contact with the law, they have certain rights under the.....Act.
2. The Act covers kids between the ages ofand.....
3. For serious crimes, children 14 and over may be sent to
4. Police enforce.....; principals enforce.....
5. Before today's laws were worked out, those accused of crimes sometimes had to carry hot bricks in a trial by; knights often held trials bylike jousting.
6. When laws are unwritten, people's actions are organized by and....., the ways their people have acted over generations.

Answers

rules	customs
adult court	<i>Young Offenders</i>
traditions	twelve
ordeal	combat
laws	seventeen

LESSON 2

QUIZ STUDENT'S NAME:

ROOM #.....DATE:

1. The lists all the actions that are crimes in every part of Canada.
2. When a person is accused of committing a crime, the judge, or the jury, must believe that the person did the crime before saying that the person is guilty.
3. In the common law legal system, judges decide on a case by referring to what other judges have decided in similar cases in the past. Past court decisions are called
4. In Quebec, the lists all the rules that apply to disputes between individuals. Judges in Quebec look at the law first, before they refer to other judges' decisions.
5. The criminal law is an example of a law that is made by the and applies across the country. Laws about how old you have to be before you can drive or get married are made by the and are different across the country.

Answers

beyond a reasonable doubt

Civil Code

Criminal Code

federal government

precedents

provincial government

LESSON 3

QUIZ STUDENT'S NAME:

ROOM #.DATE:

1. Before a person is found guilty of a crime, the person is called the
2. Until proven guilty, everyone is considered
3. Laws, like the *Young Offenders Act*, are based on certain or ideas in which society believes.
4. Society has the right to offenders for their crimes.
5. People have the right for themselves and their property to be against harm or theft from others.
6. or fair treatment must be given to everyone, regardless of their sex, race and creed.

Answers

justice	principles
punish	innocent
accused	protected

LESSON 4

QUIZ STUDENT'S NAME:

ROOM #.DATE:

1. A person found guilty of a crime is called an
2. Whenever you commit an, someone is hurt.
3. If you are accused of a crime, yourmay go to court with you to give you support.
4. After you have been charged with a crime, you must enter a of guilty or not guilty.
5. Children used to be locked up in if their parents found them impossible to handle.
6. When you are locked up or kept in a group home, you are in until the law says you are free to go.
7. Sometimes, the Crown attorney decides that or having the accused and the victim talk together may be more helpful in resolving the problems than a court trial.

Answers

offence	plea	mediation	reformatories
offender	parents	custody	

LESSON 5

QUIZ STUDENT'S NAME:

ROOM #.DATE:

1. When a young person is apprehended by the police, he has the right to have a with him to offer advice.
2. When you are picked up by the police, you may be charged with a certain Police must be sure that you understand the which is read aloud to you.
3. Defence lawyers often suggest to young people accused of crimes that they not make a to the police, explaining their side of the story.
4. In Youth Court, you will be tried by a and may be called to speak for or against you.
5. When a person has stolen some goods or hurt someone in a fight, the judge may demand that the offender make or make amends to the victim.
6. When the judge decides upon a "guilty" verdict, he or she hands down a which states what consequences the offender must face for this crime.
7. A person found guilty of a crime gets a criminal which may make it impossible to get certain jobs.

Answers

judge	record	charge	lawyer	witnesses
statement	offence	disposition	restitution	

LESSON 6

QUIZ STUDENT'S NAME:

ROOM #. DATE:

1. If you are accused of a crime and have to go to court, you have the right to have the assistance of a
2. The presses charges against you, as laid by the police.
3. When a young first-time offender is found guilty, he or she may have to meet with the who decides what the offender should do to pay for the crime.
4. The community justice committee may order you to perform like spending 20 hours in a daycare centre, unpaid.
5. A young offender often has to report to a for two years to guarantee good behaviour.
6. The have a special place in a northern court or in in which offenders are being healed.

Answers

community justice committee
community service work

Crown attorney
elders

defence lawyer
probation officer

sentencing circle

LESSON 7

QUIZ STUDENT'S NAME:

ROOM #. DATE:

1. Aboriginal people believe they need to be in harmony within themselves, with the natural world and the
2. The Aboriginal justice system works to bring.....and.....
back into the community after the crime has upset both.
3. For community justice to work, the offender must accept.....for what he or she has done.
4.and.....help the victim and the offender be comfortable in the community again.
5. To help the wounds, the community sits in aand talks together.
6.are like the grandparents of the communities; they are keepers ofand culture.

Answers

offenders	healing	victims
responsibility	elders	teaching
Creator	circle	tradition

LESSON 8

TRUE AND FALSE

QUIZ STUDENT'S NAME:

ROOM #. DATE:

1. In Canada, the judge wears a gown and a wig and uses a gavel. T/F.
2. There is no jury in Youth Court. T/F.
3. In court, it's all right to wear a baseball cap if it makes you feel better. T/F.
4. Today, young offenders are not locked up in penitentiaries as they used to be. T/F.
5. Aboriginal children were taken away from their parents and sent to residential schools, even though they had committed no crime. T/F.
6. In Canada, you are considered innocent until you are proven guilty. T/F.
7. If you are believed to have committed a series of robberies, the police may keep you in a cell until you are charged, without telling your parents or guardian. T/F.
8. Until recently, only countries like Canada had laws to govern people that set out what was right and wrong. T/F.

ANSWERS

• Lesson One

1. *Young Offenders*
2. 12 - 17
3. adult court
4. laws rules
5. combat ordeal
6. customs traditions

• Lesson Four

1. offender
2. offence
3. parents
4. plea
5. reformatories
6. custody
7. mediation

• Lesson Five

1. lawyer
2. offence/charge
3. statement
4. judge/witnesses
5. restitution
6. disposition
7. record

• Lesson Two

1. *Criminal Code*
2. beyond a reasonable doubt
3. precedents
4. *Civil Code*
5. federal government and provincial

• Lesson Six

1. defence lawyer
2. Crown attorney
3. community justice committee
4. True
5. True
6. True
7. False

• Lesson Three

1. accused
2. innocent
3. principles
4. punish
5. protected
6. justice

• Lesson Seven

1. Creator
2. offenders victims
3. responsibility
4. teaching and healing
5. circle
6. elders; tradition

• Lesson Eight

1. False
2. True
3. False
4. True
5. True
6. True
7. False
8. False

RESOURCES

FILE

The next few pages list some fictional and historic books and films which could be used to supplement the class activity, as described in the preceding lessons. Most of the books are Canadian and, if not available in the school library, can be obtained through good Canadian bookstores, since all are in print.

BOOKS

Benton-Banai, Edward. *The Mishomis Book, The Voice of the Ojibway*, Red School House, Saint-Paul, Minnesota, 1988.

This is an easy-to-read and fascinating book which outlines Ojibway beliefs and legends, philosophy, stories of the Creator and other valuable insights. It is an excellent resource, and sections of it could probably be read aloud with the students. Its simple illustrations may also be valuable for students wanting more insight into the Ojibway imagery and belief system. There is also some excellent information about the clan system and about the system of teachings of the Ojibway law.

Dempsey, Hugh A. *The Amazing Death of Calf Shirt and other Blackfoot Stories*, Fifth House, Saskatoon, 1994.

This is a collection of factual stories, collected by a noted western historian and based on interviews with elders, research into government documents, early travellers' diaries and records of people like the RCMP. Incidents are of Blackfoot Confederacy warriors and people of note—including members of the Blackfoot, Blood and Peigan tribe—about the clashes of culture when the Aboriginal people began to settle on the reserves allocated to them. It would probably be best read aloud by the teacher or with students.

Doyle, Brian. *Angel Square*, A Groundwood Book, Douglas & McIntyre, Vancouver, 1984.

This is a fun and fabulous book, with considerable slang, which chronicles the community life of Young Tommy, aka the Shadow, in Ottawa in 1945. Angel Square is a square in Ottawa with schools for Catholics, Protestants and Jews on the different corners; when the boys go through this square they fight. This is a book that looks at prejudice, in this case religious prejudice. When Tommy's friend's father is beaten up because he is a Jew, the Shadow takes revenge. The resolution is non-violent and quite ingenious, and makes the entire book worth reading.

Gibson, Dale and Lee. *Substantial Justice*, Perguis Publishers, Winnipeg, 1972.

This is a good resource book exploring the evolution of justice in the province of Manitoba from time when furtraders the Hudson Bay Company and then Selkirk usurped Aboriginal lands. There is a sense of the need to determine due process.

Katz, Welwyn Wilton. *False Face*, A Groundwood Book, Douglas & McIntyre, Vancouver/Toronto, 1987.

This is an International Fiction Contest Winner and a sophisticated read. It deals with a family separated and a mother struggling to make ends meet and to make a little extra money. When Laney and Tom discover false-face masks in the marsh near their home, their lives change. Tom must deal with his own Aboriginal heritage. This may be written too much from the European perspective, but has some questions which might be worth exploring. Laney deals with family conflict. The book deals with moral issues, racial difficulties and some interpersonal difficulties in the middle of a very good story.

Leigh, Gordon T. *The Law of the Land, A Criminal Code for Kids*, 1990 - originally funded by Alberta Law Foundation.

This booklet is sometimes used by the police with an accompanying video, to illustrate what happens to kids apprehended by the law. It is written from the perspective of the police and often fails to consider the kids' rights under the *Young Offenders Act*.

Liepner, Michael. *Applying the Law*, McGraw Hill Ryerson Limited, Toronto, 1985.

This book is written as a text for grades 10 or 11. It is a good source of the history of law, but is better as a resource book for teachers than as a book to be shared with middle-years students.

Ross, Rupert. *Dancing with a Ghost*, Reed Books Canada, Markham, 1992.

Although written from the perspective of a white Canadian, the book is a fascinating read and a good resource book, although too sophisticated to be read to the class. It defines and refines the Aboriginal reality as a perspective on European justice.

Wieler, Diana. *Bad Boy*, Groundwood Imprint, Douglas & McIntyre, Toronto/Vancouver, 1989.

This is a young adult story about a 16-year-old hockey star whose violence costs him heavily. It's a Governor General's Award winner, probably best for students in grades seven and up, because of the issues of sexuality and violence explored. A mature grade six class might benefit from reading it together. It deals with moral issues and violence among peers.

Wieler, Diana. *Last Chance Summer*, Western Producer Prairie Books, Saskatoon, Saskatchewan, 1986.

This Canadian book chronicles the struggle of 15-year-old Marl Silversides, a boy who has already landed himself in trouble. He has one last chance, to make it at a farm for young offenders like himself. His internal struggles with the forces that have made him a runner

make this a very insightful and fascinating book. It could be read to a class of kids who have some life experience, probably grade six, or could be read individually by kids in grade seven.

FILMS

The following films are available in video format. Except for *Free Willie*, they can be obtained from the National Film Board. Teachers may want to order *Just for Kids*, a listing with notes of the NFB video core collection for kindergarten to grade six students. Call the toll free number 1-800-267-7710.

Bala Block is a short animated film about violence. This is an abstract film which could be difficult for less sophisticated children to understand. It provokes conversation among students in grade seven. Director is Bretislav Pojar.

Duel-Duo is a very short animated film about a trumpet and a saxophone at odds with each other who finally solve their conflict and play in harmony. Director is Jean-Michel Labrosse.

For Angela is based on a true story about an Aboriginal woman whose daughter is upset by some youths taunting her. It is a moving film, with a feel of real life to it. The resolution is a contemporary interpretation of Aboriginal justice. The woman and daughter appear on film afterwards to discuss the issues. Director is Nancy Trites-Botkin; writer is Daniel Prouty.

Getting Serious is a dramatization, a story within a story about some students planning a mock trial when a peer becomes involved in a real brush with the law. What follows is what happens when theoretical becomes real. Director is Robert Callaghan.

Pies is an animated film based on a short story by Regina's Wilma Riley about two women whose neighbourhood friendship is riddled with difficulties of ethnic prejudice. The solution is non-violent but may raise some questions of taste or suitability when one tries to take revenge for the other's cow who defecates on her flowers. Director is Sheldon Cohen.

Trouble with the Law is a half-hour film of skits performed by some Dalhousie law students. Each skit acts out a crime and follows with a discussion of what law was broken and why. A teachers' guide is included. Director is Paula Fairfield.

Watching TV is a provocative, animated film about violence on television which uses a hail of bullets and bloodshed to make its point. Some teachers may not want to expose their students to this violent film because it is powerful and tough to watch. It comes with a discussion guide. Director is Christopher Hinton.