

APPENDIX “A”- Selected Research and Resources

***Please note that ALST’s brief and submissions are informed by but not limited to the following case law, resources and publications:**

JURISPRUDENCE

R. v. B.W.P., [2006] 1 S.C.R. 941
R. v. Brizard, [2006] O.J. No. 768829.
R. v. Gladue, [1999] 1 S.C.R..
R. v. H.P.W., [2003] A.J. No. 479.
R. v. Ipeelee, [2009] O.J. No. 5402.
R. v. Jensen, [2005] O.J. No. 1052.
R. v. Ladue, [2011] 2 C.N.L.R. 277.
R. v. Smickle, 2012 ONSC 602 (CanLII),
<http://www.canlii.org/en/on/onsc/doc/2012/2012onsc602/2012onsc602.html>
R. v. Wells, [2000] 1 S.C.R. 207.
R. v. Williams, [1998] 1 SCR 1128.

SECONDARY MATERIAL: ARTICLES AND REPORTS

Aboriginal Healing Foundation. *A Compendium of Aboriginal Healing Foundation Research* (Ottawa: Aboriginal Healing Foundation, 2010).

online: <http://www.ahf.ca/downloads/research-compedium.pdf>.

Barlow, J Kevin. *Residential Schools, Prisons, and HIV/AIDS among Aboriginal People in Canada: Exploring the Connections* (Ottawa: Aboriginal Healing Foundation, 2009).

online: <http://www.ahf.ca/downloads/hivaidis-report.pdf>.

Beavon, Daniel & Martin Cooke. “An Application of the United Nations Human Development Index to Registered Indians in Canada, 1996” in Jerry White, Daniel Beavon & Paul Maxim, eds, *Aboriginal Conditions: Research as a Foundation for Public Policy* (Vancouver, UBC Press: 2003) 201.

Bopp, Michael, Judie Bopp & Phil Lane Jr. *Aboriginal Domestic Violence in Canada* (Ottawa: Aboriginal Healing Foundation, 2003).

online: <http://www.ahf.ca/downloads/domestic-violence.pdf>.

Canadian Bar Association, Submission on Bill C-10 *Safe Streets and Communities Act*

online: <http://www.cba.org/cba/submissions/PDF/11-45-eng.pdf>

Doob, Anthony & Jane Sprott. “The Sentencing of Aboriginal and Non-Aboriginal Youth: Understanding Local Variation” 49 Can J Crim Jus 109.

Hylton, John. *Aboriginal Sexual Offending in Canada* (Ottawa: Aboriginal Healing Foundation, 2006).

online: http://www.ahf.ca/downloads/revisedsexualoffending_reprint.pdf.

- Jackson, Michael. "Locking Up Natives in Canada" (1988-89) 23 UBC L Rev 215.
- Knazan, Brent J. "Time for Justice: One Approach to *R. v. Gladue*" (2009) 54 CLQ 431.
- Legacy of Hope Foundation. "Where are the Children?: Intergenerational Impacts" online: <http://www.wherearethekids.ca/en/exhibit/impacts.html>.
- Myers, Nicole. "Shifting Risk: bail and the Use of Sureties" (2009) 21 Current Issues in Criminal Justice 127.
- Roach, Kent. "One Step Forward, Two Steps Back: Gladue at Ten and in the Courts of Appeal" (2009) 54 Crim LQ 470.
- Rudin, Jonathan. "Aboriginal Over-representation and *R. v. Gladue*: Where We Were, Where We Are and Where We Might Be Going" (2008) 40 Sup Ct L Rev 687.
- Rudin, Jonathan. "Addressing Aboriginal Overrepresentation Post-*Gladue*: A Realistic Assessment of How Social Change Occurs" (2009) 54 CLQ 447.
- Rudin, Jonathan. "Eyes Wide Shut: The Alberta Court of Appeal's Decision in *R. v. Arcand* and Aboriginal Offenders" (2011) 48 Alta L Rev 987.
- Tait, Caroline et al. *Fetal Alcohol Syndrome Among Aboriginal People in Canada: Review and Analysis of the Intergenerational Links to Residential Schools* (Ottawa: Aboriginal Healing Foundation, 2003).
online: <http://www.ahf.ca/downloads/fetal-alcohol-syndrome.pdf>.
- Toronto Aboriginal Support Services Council. *Toronto Aboriginal Research Project: Final Report* by Don McCaskill, Kevin FitzMaurice & Jaime Cidro, (Toronto: Mukwa Associates, 2011).
online: <http://abdc.bc.ca/uploads/file/09%20Harvest/TARP-FinalReport-Oct%202011.pdf>
- Trocmé, Nico, D. Knoke & Cindy Blackstock. "Pathways to the overrepresentation of Aboriginal children in Canada's child welfare system" 78 (2004) Social Service Review 577.
- Webster, Cheryl, Anthony Doob & Nicole Myers. "The Parable of Ms. Baker: Understanding Pre-Trial Detention in Canada" (July 2009) 21 Current Issues in Criminal Justice 79.
- Wesley-Esquimaux, Cynthia & Magdalena Smolewski. *Historic Trauma and Aboriginal Healing* (Ottawa: Aboriginal Healing Foundation, 2004).
online: <http://www.ahf.ca/downloads/historic-trauma.pdf>.

SECONDARY MATERIAL: GOVERNMENT DOCUMENTS

- Office of the Correctional Investigator. *Annual Report of the Correctional Investigator, 2009-2010*, (Ottawa: Office of the Correctional Investigator, 2010).

Office of the Correctional Investigator. *Good Intentions, Disappointing Results: A Progress Report on Federal Aboriginal Corrections* by Michelle Mann, (Ottawa: Office of the Correctional Investigator, 2009)

Statistics Canada. *Aboriginal Peoples in Canada in 2006: Inuit, Métis and First Nations, 2006 Census, The Daily*, (Ottawa: Communications and Library Services Division, 2008).

Statistics Canada. *Aboriginal Statistics at a Glance* (Catalogue no 89-645-XWE) (Juristat: Canadian Centre for Justice Statistics).

Statistics Canada. *Adult Correctional Services in Canada, 1995-1996* (Catalogue no 85-002-XIE, vol 17, no 4) (Juristat: Canadian Centre for Justice Statistics).

Statistics Canada. *Adult Correctional Services in Canada, 1999-00* (Catalogue no 85-002-XIE, vol 21, no 5) (Juristat: Canadian Centre for Justice Statistics).

Statistics Canada. *The incarceration of Aboriginal people in adult correctional services* by S Samuel Perreault (vol 29, no 3) (Juristat: Canadian Centre for Justice Statistics, July 2009).

online: <http://www.statcan.gc.ca/pub/85-002-x/2009003/article/10903-eng.htm#a2>.

SECONDARY MATERIAL: REPORTS OF INQUIRIES AND COMMISSIONS

Cariboo-Chilcotin Justice Inquiry. *Report on the Cariboo-Chilcotin Justice Inquiry* (Victoria: Canadian Cataloguing in Publication Data, 1993).

Commission on the Reform of Ontario's Public Services. *Public Services for Ontarians: A Path to Sustainability and Excellence* (Toronto: Queen's Printer for Ontario, 2012).

online: <http://www.fin.gov.on.ca/en/reformcommission/chapters/report.pdf>.

*See Chapter 14

Ipperwash Inquiry. *Aboriginal peoples and the Criminal Justice System* by Jonathan Rudin (Toronto: Ipperwash Inquiry, 2005).

online: http://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/research/pdf/Rudin.pdf

Royal Commission on Aboriginal Peoples. *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*, (Ottawa: Supply and Services Canada, 1996).

Royal Commission on Aboriginal Peoples. *Report of the Royal Commission on Aboriginal Peoples*, vols 1-5 (Ottawa, Supply and Services Canada, 1996).

online: <http://www.collectionscanada.gc.ca/webarchives/20071115053257/http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html>.

Royal Commission on the Donald Marshall, Jr., Prosecution. *Commissioners' Report: Findings and Recommendations*, vol 1 (Halifax: Canadian Cataloguing in Publication Data, 1989).

BRIEFS AND TRANSCRIPTS OF PAST ALST SUBMISSIONS TO PARLIAMENT

Brief to the Standing Committee on Justice and Human Rights on Bill C-9 on October 17, 2006, Marisha Roman – Vice-President of the Board of Directors; Jonathan Rudin - Program Director

<http://aboriginallegal.ca/docs/c-9.htm>

Transcript of October 17, 2006 hearings

<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2411208&Language=E&Mode=1>

Brief to the Standing Committee on Justice and Human Rights on Bill C-10 Aboriginal Legal Services of Toronto, November 23, 2006, Jonathan Rudin - Program Director

<http://aboriginallegal.ca/docs/c-10.htm>

Transcript to of November 23, 2006 hearings:

<http://www.parl.gc.ca/HousePublications/Publication.aspx?DocId=2539476&Language=E&Mode=1>