



Provincial Court of British Columbia

There are nine specialized sentencing courts in BC for Indigenous people charged with criminal offences. These courts do not conduct trials. They are courts for people who identify as Indigenous, indicate an intention to plead guilty to a criminal offence and depending on the specific court, have Crown counsel's agreement to participate.

Locations

- New Westminster First Nations Court (opened November 2006)
- North Vancouver Chet wa nexwníw ta S7ekw'í7tel Indigenous Court (opened February 2012, serves Whistler, Squamish and the North Shore)
- Kamloops Cknucwentn First Nations Sentencing Court (opened March 2013)
- Duncan First Nations Court (opened May 2013)
- Nicola Valley Indigenous Court (opened in Merritt, October 2017)
- Prince George Indigenous Court (opened April 2018)
- Williams Lake Indigenous Court (opened December 2020)
- Hazelton Indigenous Court (opened August 2021)
- Lillooet Indigenous Court (opened September 2023)

Development

Each Indigenous court is developed through extensive consultation, preparation and

collaboration with local First Nations, and is uniquely designed to meet the needs of the communities it serves. The Indigenous communities at large, Elders, Legal Aid BC, Government of BC, Crown and defence lawyers, Community Corrections, police and groups like the Native Courtworker and Counselling Association of BC are instrumental in this process.

Indigenous courts' goals include:

- Acknowledging the history and recognizing the unique circumstances of Indigenous offenders within the framework of the *Criminal Code* and other laws
- Examining the causes of an offender's crime and using a collaborative, holistic approach for healing to help them avoid criminal behaviour in the future
- Acknowledging and repairing harm done to victims, families, and communities

Indigenous Elders play an important role in BC's Indigenous courts, helping an offender create a healing plan, lending support and monitoring their progress. Elders act as advisors to the judge and provide support to the offender, but they also hold the offender accountable. Local Indigenous communities, their therapeutic resources, and those in the wider community offer support to victims and offenders.

Operation

Each Indigenous court is uniquely designed to meet the needs of the communities it serves. While procedures may vary, their approaches are similar.

Prayer or other ceremony

Court may begin and end with a prayer. It may include a ceremony used by Indigenous groups to cleanse the spirit and bring forth good energy, such as smudging. These ceremonies serve to acknowledge traditional Indigenous practices, engage with Indigenous culture, and ground the day ahead.

Court layout

Offenders (referred to as clients) usually sit in a circle with the judge, Elders, lawyers, and others. The circle may include victims, family members, and support people. Local Indigenous communities are encouraged to contribute to the proceedings.

Process

Participants discuss the offending behaviour and its impact. Clients share their backgrounds and special circumstances. Together, they create a healing plan that may be part of the judge's sentence.

Healing Plan

The healing plan is at the heart of BC's Indigenous Courts. It balances the legal requirements of the traditional court system with Indigenous ways and laws. A healing plan can include both traditional and therapeutic forms of sentencing. For example, a probation order might include attending sweat lodges, undergoing treatment for substance use disorder and steps to reconnect with an Indigenous community.

A client whose sentence includes a healing plan leaves court with two key responsibilities:

- To work with support and service providers
- To report their progress to the Court, usually every few months. When they do this, they receive feedback from Elders and the judge

Graduation

A client who successfully completes a healing plan graduates from the Indigenous Court and may have a blanket ceremony symbolizing a new beginning. The blanket represents strength against vulnerabilities and the unknown. When an Elder wraps someone in a ceremonial blanket, it symbolizes the client's acceptance of responsibility, support, protection, growth and a welcoming back to the community.

In some cases, clients complete their healing plans while on bail and Crown counsel do not proceed with their charges.

[What does it take to start an Indigenous court in BC? \(2023 article\)](#)

[How the Heiltsuk Nation surprised a judge](#) (2020 article, updated 2024)

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