



Action Committee on Modernizing Court Operations

INDIGENOUS PRACTICES IN THE COURTS: REPOSITORY OF CANADIAN EXAMPLES

A Statement from the Action Committee

Our Committee supports Canada's courts in their modernization efforts. It provides guidance for addressing challenges, and highlights opportunities and innovative practices to modernize court operations and improve access to justice for court users.

1. CONTEXT

As previously outlined in the Action Committee's publication [*Indigenous Practices in the Courts*](#), incorporating Indigenous practices in the existing court system is one of many reforms being pursued by courts on the path of reconciliation. Incorporating such practices both 1) creates space for Indigenous identity and dignity to be seen and honoured, and 2) contributes to different ways of knowing and working that fosters innovation and enriches modernization efforts. Key to these important reconciliation efforts are four guiding considerations that underpin successful relationship-building, learning and understanding, and respectful planning and action when incorporating Indigenous practices in the courts:

- Creating space and fostering an inclusive environment where Indigenous people lead
- Adopting an orientation of humility, respect and receptivity towards Indigenous people
- Recognizing and honouring a distinctions-based approach
- Comprehending Indigenous cultural and spiritual significance

By using these guiding considerations, judges and court administrators across the country are taking important steps to address systemic discrimination and provide better access to justice for Indigenous people in the existing court system.

2. EXAMPLES

While recognizing that many responses and steps towards reconciliation lie beyond the court system - including reforms to other parts of the justice system and the revitalization and implementation of Indigenous laws - this repository focuses on examples in which courts have incorporated Indigenous practices into their operations, by, for example:

- Welcoming Indigenous ceremonies
- Including sacred objects and other meaningful symbols in the courtroom
- Using circles
- Modifying courtroom location and layout
- Integrating Indigenous Justice and Healing Programs
- Working with Elders and Knowledge Keepers

The profiles included below are organized alphabetically according to jurisdiction. They complement the examples captured in section 5 of the first Action Committee publication on this subject: [*Indigenous Practices in the Courts*](#), which highlights the following examples:

- Alberta Court of Justice – Indigenous Justice Strategy
- Manitoba Court of King's Bench – Trust, Reconciliation, and Access to Justice Committee



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- Federal Court – Practice Guidelines for Aboriginal Law Proceedings
- Provincial Court of British Columbia – BC Indigenous Criminal Sentencing Courts

When considering integrating Indigenous practices into their operations, courts should be mindful that Indigenous communities are best placed to determine the practices that will work for them, and priorities and needs may differ across the country.

This repository is current as of 2024-11-20. As examples continue to emerge, the Action Committee invites courts and justice stakeholders to forward any further information of interest to the following address: AC-secretariat-CA@fja-cmf.gc.ca. This information may be used to inform future Action Committee publications or to update this repository.

2.1 Elsipogtog Healing to Wellness Court (New Brunswick)

The Elsipogtog Healing to Wellness Court (HWC) was created in 2012 through the partnership and collaboration of the Elsipogtog First Nation, the Provincial Court of New Brunswick, and several provincial and federal departments and agencies. It incorporates First Nations practices and culture and takes an Indigenous-centric healing approach to justice by dealing both with crime and its underlying causes. Court sittings in Elsipogtog follow one of two streams: a Healing to Wellness stream and a conventional court stream.

The **Healing to Wellness stream** (HWC program) is a judicially supervised therapeutic program aimed at providing treatment and support for individuals living with an addiction to alcohol or drugs, mental health problems, and/or an intellectual disability, including Fetal Alcohol Spectrum Disorder (FASD). The treatment provided through the HWC program aims to reduce recidivism by combining intensive monitoring with a comprehensive, culturally sensitive approach to addressing the needs of participants.

Accused who are Elsipogtog Band members, meet the legal eligibility criteria, and are interested in treatment are assessed for suitability for the program. These individuals work with the Healing Team (which includes community and health care service providers) to develop individualized treatment plans. These plans can incorporate a wide range of programming and cultural components such as a grief recovery program, a restoring balance program, alcohol and drug treatment and support, opportunities for participants to learn about their family tree, contact with elders, or assisting or participating at sweat lodges. Throughout their program involvement, participants are supported to access necessary services and supports and closely monitored by the Primary Case Manager, the Healing Team, and the Court.

The HWC program may take approximately 12-36 months for adults (3-12 months for youth) to complete, with the specific date of completion dependent on the needs and progress of each participant. Participants who are not first-time offenders, that plead guilty, and who successfully complete their treatment plan will generally receive a community-based sentence; while a participant who is a first-time offender, who entered the program upon an admission of responsibility, and who successfully completes the program will have their charge(s) withdrawn.

The court is supported by two teams:

- **Court Team** composed of a provincial court judge, provincial and federal Crown prosecutors, Legal Aid and some private defense counsel, a Primary Case Manager, court/project coordinator, RCMP, Victim Services coordinator, Justice Support worker, Restorative Justice case worker, Domestic Violence Outreach worker, court clerk, and community members (including Elders and others who provide support to both



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participants and victims); and

- **Healing Team** composed of a Primary Case Manager, Mental Health Clinician, Alcohol and Drug Prevention Counsellor, Elder/Traditional Care Provider, Victim Services worker, Crisis Outreach worker, Nurse Practitioner, and Child and Family Services worker.

The **conventional stream** primarily consists of adult and youth plea courts that are both held each week. While the conventional stream is primarily focused on hearing pleas, some trials are conducted under this stream. To assist community members who would find it difficult to get transportation to the nearest court outside of Elsipogtog, the trials that do take place have recently been focused on driving while suspended. Referrals to restorative justice also form an important element of the conventional stream by diverting cases to Indigenous restorative justice processes. To increase support and accountability, these cases remain on the court's docket with regular updates from participants and/or the Elsipogtog Restorative Justice Coordinator. Diversion is especially helpful for cases where there are some underlying factors, but a full healing to wellness stream approach is not required.

In addition to incorporating the HWC program and referring cases to restorative justice, the court incorporates Indigenous practices through:

- The choice of location: At the request of Elsipogtog First Nation, the court sits directly within the community, an arrangement that helps residents who may face challenges, in the absence of public transit options, in making the hour-long trip to the closest Provincial courthouse.
- Courtroom layout: the court sits in the existing Chief and Council room in the Elsipogtog Band office. This room, which is circular, includes a circular table that the Court Team sits around along with participants, and incorporates Indigenous artwork and symbols, is set up to support Indigenous ways of working.
- Sentencing circles: circles are a regular part of court processes, and often include ceremony such as smudging, the presence of a male and female Elder from the community, and the use of a sacred eagle feather.

Beyond these tangible practices, the court prioritizes responsiveness to the lived realities of its participants through a flexible and respectful approach that ensures they have space to speak for themselves and feel seen, heard, and understood as Indigenous people.

2.2 Kahnawà:ke - Protocol on Settlement Conferences in the Mohawk Territory of Kahnawà:ke (Québec)

Over the past several years, the Court of Québec has started discussions with the Mohawk community of Kahnawà:ke to improve access to practices and processes that are meaningful to that nation in child protection matters. To be responsive to community needs, partners have adopted a collaborative approach that combines traditional Mohawk ways of problem-solving with certain traditions and skills of the Court.

This process has culminated in a *Protocol on Settlement Conferences in the Mohawk Territory of Kahnawà:ke* between the:

- Court of Québec



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- Mohawk Council of Kahnawà:ke
- Kahnawà:ke Shakotiiia'tahehnas Community Services
- Youth Protection of Montérégie

Although the first settlement conference under the Protocol has yet to take place, the preamble to the Protocol makes space for Indigenous practices and ways of working by acknowledging that:

- Indigenous people are best suited to meet the needs of their children in the way that is most appropriate
- Settlement conferences allow for collaborative problem-solving, taking into account the perspectives and needs of all parties, while focusing ultimately on the best interests and rights of the child
- Cultural safety is essential for the well-being of Indigenous children

This importance for cultural safety will be operationalized, at least in part, by several operating guidelines within the Protocol:

- Settlement conferences, by agreement, can take place within the Mohawk community of Kahnawà:ke.
- The conferences will be held in circle in a specially designed room at Kahnawà:ke Shakotiiia'tahehnas Community Services, without robing or formal court attire, to allow for a more relaxed and familiar setting to support confidential, open, and fruitful discussions.
- The Justice Services Division of the Mohawk Council of Kahnawà:ke will oversee the administrative support and management of the processes within Mohawk community.
- The judge will play a facilitating, rather than a decision-making, role in these settlement conferences. The judge can express their opinion, but the parties are not bound by this opinion.

If the parties do not reach an agreement and the case is referred to a court hearing, the facilitating judge may not discuss the case with the adjudicating judge. If the parties reach an agreement, the judge shifts their role from facilitator to adjudicator. The judge will invite the parties to participate in a ratification of the agreement, and the parties will connect virtually to a courtroom in Longueuil so that the judge can formalize the agreement by judgement, thereby marrying the traditional ways of the Mohawk with the more formalized processes of the Court.

2.3 Kenora Community Justice Centre (Ontario)

The Kenora Community Justice Centre (CJC) was opened in 2023 and combines traditional court and Indigenous concepts of justice with a clear focus on healing over punishment for youth and young adults (aged 12-24).

The Co-Creation Process

Co-creation of the Kenora CJC was possible because of longstanding relationships of mutual respect between court actors and the Indigenous communities the Centre serves. These links created a common understanding and acknowledgment that the existing approach was not working for Indigenous people in those communities, while both the Court and the surrounding



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Indigenous communities also recognized they each had equally important knowledge, roles, and responsibilities with respect to the effective administration of justice.

While flexibility had been incorporated in court processes over the years to respond to community needs, the CJC was born out of the recognition that more was required. Through the co-creation process, the equal value placed on both the court's and the community's traditions allowed for important problem-solving and a unique way of conceptualizing how justice could be achieved. When challenges arose, the partners took the time necessary to work through them. When the partners arrived at a good understanding of how they would seek justice together, tobacco was given to the Chief of Grand Council Treaty # 3, himself an Anishinaabe Elder, and he was asked if he could seek the help of his spirit guides to offer a name for the physical location where the work would be done. The Advisory group was told that once a name was given the Centre would have its own independent identity, as a being in and of itself, and would need to be treated with respect and care as you would a human being. The Centre has been named Ga Naa na ga da waa ba dang which translates as 'the place where we deliberate and decide'.

How the Centre Functions

The Kenora CJC model implements a continuum of criminal and Indigenous restorative justice processes, focusing on healing and the restoration of relationships while simultaneously encouraging a sense of autonomy in the criminal process for youth and young adults. Through a multi-sector holistic lens, the Justice Centre focuses on reconnecting individuals and families with services, community, land, and culture.

Work is guided by the Kenora CJC Advisory Council and Circles, a broad engagement structure based on the Anishinaabe clan model that includes participation by Indigenous leadership from Grand Council Treaty #3 and the Nishnawbe Aski Nation, Elders, multi-sector service providers, the judiciary, and local representatives working in justice, health, housing, education, and social service community organizations.

At their first appearance, youth and young adults are assigned a Community Circle of Care Case Manager who conducts a Community Wellness Intake – a unique intake process developed with local organizations to limit repetitive, redundant, and intrusive questions. Through a trauma-informed and strengths-based approach, healing goals are identified both through the Wellness Intake and through community discussions with Elders and Traditional Knowledge Keepers and the Court. These goals are then used to develop a Circle of Care Plan. Each Circle of Care Plan is tailored to the individual to address underlying root causes that have brought them into the criminal justice system. Progress on Circle of Care Plans may inform criminal justice outcomes and reduce sentences.

The Kenora CJC model also integrates community-based and Indigenous-led victim service organizations to facilitate connections to supports for witnesses, persons harmed, and their families. These organizations work collaboratively to provide wrap-around support, and timely updates and information, and incorporate the voice and input of the person harmed into the court process.

Local Elders and Traditional Knowledge Keepers play a fundamental role at the Kenora CJC, both in and outside the courtroom. They open court with ceremony and prayer, conduct Feasts, and participate in Circles, Lunch and Learns and workshops.



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The Physical Space

The Justice Centre Team worked in collaboration with Indigenous leadership, the Ontario Court of Justice, Indigenous Elders and Traditional Knowledge Keepers, local police services, and community organizations to thoughtfully design a space that provides on-site resources and serves a wide spectrum of community needs.

In collaboration with local Indigenous-led organizations, the Kenora CJC hosts activities and events that promote art and culture, language revitalization, music, education and inspire community members to engage with restorative and rehabilitative cultural programming. It also features artwork from local artists including justice-involved youth and young adults.

2.4 New Westminster Aboriginal Family Healing Case Conferences (British Columbia)

Driven by Elders, a Working Group and Steering Committee were formed to look for ways to help reduce the number of Indigenous people being apprehended by child protection services with a court file at, or transferred to, the New Westminster courthouse. As a result of this collaboration between Indigenous and justice sector partners, the British Columbia Provincial Court has been conducting specialized [Aboriginal Family Healing Court Conferences \(AFHCC\)](#) since 2016 which have adapted the more traditional Family Case Conference model to incorporate a healing circle.

Prior to convening an AFHCC, significant work occurs with the family. The court has made space for Indigenous family and communities to resolve issues using their own cultural practices within their own communities. At the first contact with the Ministry of Children and Family Services (the Ministry), Indigenous families are assigned a Program Coordinator who will work with them through their involvement with the Ministry. The Program Coordinator helps the family to better understand themselves, where they come from, and what other family supports might assist them, and prepares a report for the family, as well as connecting them with Elders for further support. This important groundwork either assists the family to the extent that involvement of the Court through the AFHCC is not necessary or prepares them for the AFHCC.

If an AFHCC is necessary, a conventional courtroom, with Indigenous artwork, symbols and sacred objects including a ceremonial blanket that covers the round table, is used to provide a sense of identity and comfort. Circle participants include the family, their supporting Elders and Program Coordinator, the judge, other extended family members, legal counsel, representatives from the Ministry and other supports as necessary, such as counsellors, family strengthening workers, and substance use and mental health workers. Judges play a “quieter role” than in a mainstream judge-led family case conference, working with Elders to create an environment of trust that allows participants to speak from the heart, listen, and have the collective wisdom of the group emerge. The judge further creates space for the Elder to provide advice to the family, which may be more readily accepted than if it came from a judge or a Ministry social worker. For more details on the role of the judge in this process, see [Making Space: Prioritizing Aboriginal Practices in Aboriginal Child Protection Case Conferences](#) on the British Columbia Provincial Court website.

The circle creates an environment that is attentive to cultural practices and the family’s unique personal situation and allows the family to benefit from the teachings and wisdom of the Elder and others present. In doing so, it provides a space that supports the family to tell their stories,



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reflect on what is happening in their lives, and actively create a healing plan in a way that is both culturally safe and addresses Ministry-identified child protection concerns.

Ceremony often plays an important part in these circles, from smudging and prayers to blanketing ceremonies, to honour the hard work and success of family members who have achieved the goals set out in their Healing and Wellness Plan.

2.5 Nova Scotia Eagle Feather Initiative

In 2018, after significant collaboration between justice actors and local Indigenous communities and leadership, the courts of Nova Scotia (Provincial Court, Supreme Court, and Court of Appeal) were gifted eagle feathers for use across the province. The impetus for the gifting of the feathers came from lessons learned by justice actors when, two years earlier, an Indigenous witness who was providing a statement to the RCMP wished to use an eagle feather, as opposed to swearing on a Bible or affirming. The use of an eagle feather provided her with an important connection to her Creator and the ability to find the right words.

The eagle feathers gifted to the courts were harvested and blessed by members of the Mi'kmaq community. The gifting ceremony was led by a local Mi'kmaq Chief, and included the prayers, teachings, and instruction of proper protocol surrounding the care, handling, and use of the eagle feathers. Each feather was gifted along with a satchel for appropriate storage and written instructions to ensure anyone who encounters it is aware and informed of its sacred importance to the Mi'kmaq community and its proper care and use.

2.6 Sydney Family Division Courts (Nova Scotia)

Judges must remain impartial and independent at all times. However, they also have an obligation to know and better understand the realities of those who appear before them.

To better understand Indigenous communities and to support better outcomes for child apprehension cases involving First Nations children and families, the leadership of the Supreme Court of Nova Scotia – Family Division met with the Indigenous community near Sydney. The Associate Chief Justice started by visiting every Indigenous community on the Island of Cape Breton to meet with Indigenous leaders. These visits led to further connections with others, better understanding of the issues facing those communities, and more collaborative approaches. After a strong foundation had been built, the wider judicial leadership of the Family Division, with the help of the Cape Breton University Unama'ki College, met with the Indigenous communities.

In preparing for this broader meeting, the judiciary accepted responsibility to educate themselves, listen, and learn. Recognizing that respect should never be demanded, but instead earned, the judiciary met with the First Nations Chiefs in their territories. The goal of this meeting was to demonstrate openness to listen and to learn. This approach was responsive to the values of Indigenous people who view relationship building as key and foundational to working with others.

This meeting fostered positive and productive communication between Court and Indigenous leadership. Ongoing, regular contacts have produced important solutions and shifts within the Family Division, including moving court sessions from traditional courthouses to Indigenous community centres at Wagmatcook and Eskasoni.



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2.7 Thunder Bay Courthouse (Ontario)

Indigenous knowledge, ceremonies, and teachings of the Anishinaabe peoples of Northern Ontario were an important part of the conception and construction of the Thunder Bay Courthouse, which opened in 2014. As part of the design process, an Elders Committee was established to serve as a forum for acquiring spiritual guidance and sanction from local Elders throughout the course of the project.

This guidance led to several important ceremonies prior to construction, including Sweat Lodge, Shaking Tent, Pipe Ceremony and Cleansing Ceremonies. The ceremonies, intended to guide the building of the courthouse, were led by Elders or Traditional Knowledge Keepers and participants included local community members, government leadership and staff, courthouse staff, and the courthouse design team.

In addition, the courthouse design incorporates Anishinaabe teachings and symbols. The exterior has a broad civic plaza that faces east, toward the rising sun. The plaza incorporates a spiritual garden where Smudging Ceremonies can be performed. The wall by the spiritual garden is inscribed with a motif, designed with the assistance of the Elders Committee, of seven figures representing the Seven Grandfathers, whose teachings are passed down to every generation of Indigenous children. Indoors, the design of the courthouse includes lots of natural light and colours in meaningful ways and incorporates an Aboriginal Conference Settlement Suite with a spiritual room where Smudging Ceremonies can take place.

Additional details of the courthouse and the process surrounding its creation, including details about the significance of the construction-phase ceremonies, can be found in an online publication entitled [The Thunder Bay Courthouse](#).

2.8 Toronto Gladue Courts (Ontario)

The first Gladue Court in Toronto began offering services in 2001. Today, several courtrooms in the New Toronto Courthouse are home to the Toronto Gladue Courts, which do not hear trials, but address bail and sentencing matters. These Courts exist in a highly urban environment with an extremely diverse Indigenous population that includes people and communities from across the country. Where courts in rural settings can reach out to build relationships with neighbouring Indigenous communities and incorporate Indigenous practices meaningful to those communities, the Toronto Gladue Courts must include a large range of Indigenous practices that respond to and represent the diverse population it serves. To do this, they have built relationships with Urban Indigenous agencies that operate in Toronto, such as [Aboriginal Legal Services](#).

Whether the Gladue Courts are dealing with bail, bail reporting, general appearances, disclosure, case management, or sentencing, Indigenous ways of knowing and working are woven holistically throughout the process.

Many of the people coming through the Toronto Gladue Courts struggle with similar issues common to most people funnelled through the criminal courts: poverty, lack of proper housing, serious health and mental health struggles, and a serious dearth of culturally appropriate community resources to address these concerns. The Gladue Courts recognized early on the need for community. To that end, the Courts have worked hard to not only address peoples' legal concerns in as culturally appropriate a manner as the law allows but have striven to meet the other more basic needs of the people passing through beyond just their legal concerns. As



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the Courts continue their work, they equally continue to challenge themselves to divest any colonial practices that only serve to further alienate the people who come before them.

In courtroom 907, for example, the traditional dais and emblem are hidden by a retractable screen, and the courtroom is set up with a circular table that allows all those involved in the court process, including the judge, duty counsel, accused, their lawyer, and the court clerk, to sit in circle. Indigenous artwork is permanently on display, including pieces by artists who have been before the Court. There are other deeply significant symbols, such as a braid of sweetgrass and several eagle feathers, that are connected to important stories of people that have been part of the Court.

Food is a unique part of the Toronto Gladue Courts. To both build trust and relationship by offering hospitality and acknowledge the reality of food insecurity for many who are before the courts, items such as cereal bars and juice boxes are available during court within the circle.

Each morning, the Court begins with an open smudge that is partaken by a number of judges (not just those presiding in that particular court), court staff, other justice actors and court participants. A smudge can also be provided through the day as requested or needed. The Court also holds quarterly seasonal ceremonies that mark the change of seasons and allow court actors and participants to reflect on Indigenous teachings that come from each season. Ceremony has also been integrated through grief circles. These circles are open to all who wish to partake and have been attended by those in the Indigenous community as well as court staff and others who were dealing with grief in their personal lives.

Underpinning the incorporation of Indigenous practices in the Toronto Gladue Courts is a shift in orientation and tone. There is a clear focus on healing over punishment and a commitment to building relationships and humanizing the court processes for each participant. The Courts focus on the positive, allow space and time to genuinely acknowledge the difficult realities of those who come before the Courts, and offer support while promoting accountability. Simple acts such as allowing individuals the autonomy and agency to come forward and identify that they would like to be part of the Gladue Courts, removal of cuffs and leg irons while in the circle, a focus on finding alternatives to bench warrants to locate individuals, and the regular use of sentencing circles, all contribute to a way of working that recognizes the human experience of each individual before the courts.

2.9 Wagmatcook Provincial Court (Nova Scotia)

The [Wagmatcook Provincial Court](#) opened in 2018 to address challenges faced by the Wagmatcook First Nation following the closure of several provincial courthouses, including:

- Significant barriers in accessing the justice system and attending court appearances arising from the lack of public transportation to the next closest court
- Clients losing contact with their counsel and probation officers
- An increase in missed court appearances and issuance of bench warrants

Given the high rates of incarceration of Indigenous people and the recognition from the Supreme Court of Canada of the need to address this concern, the presiding judge sought a meeting with local Mi'kmaq Chiefs to explore solutions. After reviewing various options, the Chiefs of Wagmatcook and We'koqma'q First Nations suggested the creation of a court be held in their community, which would serve both First Nations. The funding of the court space was



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undertaken by the Wagmatcook Chief and Council administration. The concept of the court, ensuring complete in-community access to justice with Mi'kmaq legal traditions as its foundation, was led by the presiding judge and community Elders. The Province of Nova Scotia provided funding for equipment and furniture. The Wagmatcook Courthouse is a full-service court that hears trials, conducts bail hearings, and has both a *Gladue* and Healing to Wellness Court.

Located in the Donald Marshall Junior Centre for Reconciliation and Justice, and rooted in the Mi'kmaq concept of *Etuaptmumk* - or Two-Eyed Seeing - the Wagmatcook Provincial Court was intended to rebuild confidence in the justice system by ensuring that the Mi'kmaq way of life was reflected in the Court. *Etuaptmumk* can be understood as a gift of multiple perspectives, or the recognition that better outcomes are more likely when two or more perspectives are brought into collaboration.

Physical Space

Court leadership, who had already developed relationships with local First Nations communities, worked in collaboration with local Elders in the design and layout of the Court. The resulting space includes a circular bench as well as sacred objects, symbols, and other elements that incorporate the First Nations Medicine Wheel and Seven Sacred Teachings. The space was built to support Mi'kmaq ceremonies such as smudging and pipe ceremonies. Mi'kmaq ways of life are equally reflected in artwork by local Mi'kmaq artists throughout the courtroom.

In addition to the main circular courtroom, there are also offices for the Crown, Legal Aid, Probation, Court Navigators, Knowledge Keeper (Healing to Wellness Program), and the Mi'kmaq Legal Support Network, as well as private interview rooms available to court users. Additionally, there are holding cells for in-custody bail hearings and a Circle Room for Circle sentencings.

Court Operations

The physical space supports all court processes. For trials, the modular circular bench disassembles for a more traditional adversarial court layout, with separating sections for the Crown, Defense, and witness stand. Otherwise, to reflect the teachings and Mi'kmaq legal traditions in *Gladue*, and Healing to Wellness Courts, the bench stays in its circular formation.

The *Gladue* (sentencing) court process incorporates a number of Indigenous practices. After a finding or plea of guilt, the facts of the case are provided to an Elders Community Justice Council led by volunteers. Using the Medicine Wheel and Seven Sacred Teachings, the Council reviews the facts and creates written recommendations for sentencing. This can take the Council as much as a day or more on just one case. During the sentencing hearing, Crown and Defense provide their submissions and recommendations, and an Elder from the Council sits in the circle next to the judge and provides their recommendations as well.

The Healing to Wellness program equally makes space for Mi'kmaq practices and ways of working. It is available to Indigenous accused who would benefit from its resources and programming, and who wish its support. This is a voluntary court wellness program in which an accused applies for admission and accepts responsibility for their actions by way of a guilty plea. The program is supported by a team who are largely First Nations individuals and includes:



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- A provincial court judge
- Crown
- Defense
- A Knowledge Keeper
- A Court Navigator
- A Mi'kmaq Legal Support Network (MLSN) Indigenous Courtworker and Bail Verification Worker
- A Cultural Advisor (from Mi'kmaq Mental Wellness)
- A social worker
- A psychologist
- A Mi'kmaq interpreter
- A Probation Officer

In this Court, the team identifies a Healing plan for each accused to address issues identified through a *Gladue* and a Presentence Report, such as a need to address mental health, addictions, education, residential school trauma, housing, employment, etc. Participants attend Court each month to monitor progress.

The Court Navigator guides them through the healing plan and continues to provide support after the proceeding is complete. It normally takes 18-24 months to complete the program and can take longer.

Each court session starts with a smudging ceremony and is opened in Mi'kmaq, and a teaching is shared by an Elder or another traditional person.

A graduation ceremony involving the participant, court team, and Elders from the community, takes place for each accused who completes the program.