



CKNÚCWENTN

“The place where help is given”

FIRST NATIONS COURT

An information bulletin developed by the Aboriginal Justice Council

Cknúcwentn - First Nations Court is a sentencing court that commenced sitting in March 2013 at the Kamloops Courthouse. Cknúcwentn - First Nations Court will be held once a month and is open to all Aboriginal¹ people.

It is one of four First Nations Courts operating within the Provincial Court of B.C. It is modelled after the New Westminster provincial First Nations Court and the Aboriginal Peoples Court in Toronto. It is a problem solving court that brings full meaning and effect to *Gladue* using restorative justice principles and the involvement of the Cknúcwentn Elders Council.

You **may** be able to have your case heard in Cknúcwentn - First Nations Court if you:

- self-identify as an Aboriginal person;
- plead guilty;
- are charged with any offence within the provincial court jurisdiction;
- are willing to comply with your sentence: the healing plan and expectations of this Court.

How can Cknúcwentn - First Nations Court help you?

Cknúcwentn - First Nations Court takes a problem solving and restorative justice approach to sentencing. Where the sentence includes a probation order, a healing plan² is developed with you to address the underlying reasons that have brought you into conflict with the law. A sentence could include a period of jail and a probation order. The overall objective of this approach is to reduce your involvement with the law.

Sentencing

The judge decides what sentence is appropriate for you. Before deciding on your sentence, the judge will consider:

- type of offence;
- your background and personal circumstances;
- the underlying reasons that have brought you into conflict with the law; and
- what community and cultural resources are available to help you.

Gladue Principles - Restorative Justice Approach

As an Aboriginal person, the judge must consider your personal circumstances, the offence, and all sentencing options other than jail, such as a community sentence.

A restorative justice approach to sentencing means:

- The judge, with input from Court participants, will consider the harm caused to victim(s) and hold you accountable for your actions, with an objective to restore your relationship within the community.

What happens at Cknúcwentn - First Nations Court?

Cknúcwentn - First Nations Court focuses on making sure everyone involved in the outcome has a chance to be heard, including:

- you;
- your lawyer;
- Cknúcwentn Elders Council members;
- your family or supports;
- members of your community;
- the victim;
- the victim's family and/or supports; and
- others such as: social workers, counsellors, court workers, probation officers, and police officers.

Each person will be given a chance to provide input. Afterwards, the judge takes into consideration what was said in the Court to come up with a sentence.

What is the healing plan about?

It is a probation order with conditions developed by the Court, the Cknúcwentn Elders Council, and you that:

- focuses on helping you, your community, and the victims of your crime;
- will help you to address the problems that got you into trouble with the law. For example, if you struggle with addictions then you may be required to participate in drug or alcohol counselling.

You will be expected to:

- work with identified service providers and supports;
- return several times to the court, so you can report your progress with your healing plan;
- engage in appropriate treatment or counselling or cultural supports;
- build healthy personal support networks and develop personal goals in order to become productive and self-reliant member of the community.

¹ Aboriginal – includes “Indian, Inuit and Métis peoples of Canada as defined in s.35 (2) of the Constitution Act, 1982.

² Federal sentences or sentences without a probation order will not include a healing plan.



Cknúcwentn

"The place where help is given"

FIRST NATIONS COURT

An information bulletin developed by the Aboriginal Justice Council

Applying to Cknúcwentn - First Nations Court

If you are eligible, you may transfer your case to the Court by contacting:

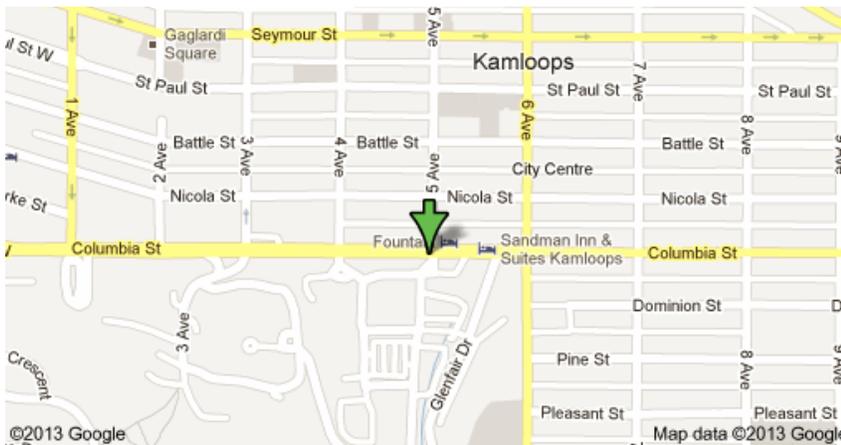
- Your lawyer to assist you in transferring your case.
- The assigned Cknúcwentn-First Nations duty counsel lawyer by calling Kamloops Legal Aid at 250-314-1900 for the duty counsel contact.
- The Native Courtworkers and Counselling of BC, Kamloops Native Courtworker at 778-375-3289 or toll free at 1-855-221-5728.

Where is Cknúcwentn - First Nations Court located?

Cknúcwentn-First Nations Court is in the Kamloops Court House in Courtroom 3C. The street address is listed below. You can see where the court is located on the map.

What if I don't live near Kamloops?

You may be able to have your matter transferred to the First Nations Court if you live outside of Kamloops. You will need to be able to travel to Kamloops courthouse for your sentencing hearing.



Cknúcwentn – First Nations Court Kamloops Court House Registry

455 Columbia Street
Kamloops, B.C. V2C 6K4
Tel: 250 828-4344

Resources

LSS online and print resources

- *What's First Nations Court?* <http://www.lss.bc.ca/publications/pub.php?pub=489>
- *Your Gladue Rights* <http://www.lss.bc.ca/publications/pub.php?pub=488>
- *Gladue Rights at Bail and Sentencing* (infographic poster) <http://www.lss.bc.ca/publications/pub.php?pub=487>
- *First Nations Court of BC*, article by the Honourable Judge Marion Buller Bennett [http://www.cba.org/BC/bartalk_06_10/06_10/guest_bennett.aspx]
- *Aboriginal Courts in Canada* (fact sheet and research paper), SCOW Institute [http://www.scowinstitute.ca/library/documents/Aboriginal_Courts_Fact_Sheet.pdf and http://www.scowinstitute.ca/library/documents/Aboriginal_Courts.pdf]
- *Native Courtworker and Counselling Association of BC* – this association provides culturally appropriate services to Aboriginal people involved in the criminal justice system. [<http://www.nccabc.ca>]

The Aboriginal Justice Council is an inter-agency committee composed of local justice stakeholders external to the Court and acts as an advisory council to the Cknúcwentn – First Nations Court.

Thank you to Legal Services Society, Indigenous Services for your ongoing support