



Alberta Court of Justice

Lethbridge

Indigenous Court Practice Note

Effective: November 10, 2025

Purpose

1. Lethbridge Indigenous Court (LIC) was established in 2025 to provide a culturally relevant, restorative, and holistic system of justice for Indigenous individuals, including accused persons, victims of crime, and communities harmed by criminal offenses. LIC aims to connect or reconnect participants with Indigenous culture and/or support networks to promote recovery, reduce stigma, and enable communities to safely recover and thrive in peace.
2. The creation of LIC was guided by Treaty 7 and Metis Elders and Traditional Knowledge Keepers. The central coordinating agency is Native Counselling Services of Alberta (NCSA). The LIC utilizes Justices who are either Indigenous or experienced in Indigenous Restorative Justice principles, and a dedicated team of lawyers, Restorative Justice Peacemakers, Traditional Knowledge Keepers, Indigenous Court Workers, and many community support agencies.

Procedure and Guidelines

Application of Practice Note

3. This Practice Note applies to all matters referred to and accepted into LIC.

LIC at the Lethbridge Courthouse

4. LIC operates on the second and fourth Monday of each month in Courtroom #7 at the Lethbridge Courthouse. The case management team, along with LIC participants and their lawyers, will attend a pre-court meeting at 9:00 am prior to LIC starting at 1:00 pm that same day. The purpose of the pre-court meeting is to exchange information, in advance of the formal court process, to ensure participants are moving towards completion of their Healing to Wellness plans. The formal court process of LIC will commence at 1:00 pm, with a Justice presiding over court, and will typically open with a smudge and prayer led by the presiding Elder.

Eligibility in LIC: Participants and Offenses

5. Any Indigenous person (regardless of status, community of origin or upbringing, or cultural and community connections) with ongoing criminal charges in Lethbridge may apply to participate in LIC. Criminal matters arising from any jurisdiction outside of Lethbridge may be considered for LIC on a case-by-case basis. At the current time, LIC is exclusively focussed on summary disposition matters and, in time, will expand to include judicial interim release hearings.
6. All *Criminal Code* and *Controlled Drugs and Substances Act* offences, except for those offences found in Section 469 of the *Criminal Code*, may be dealt with in LIC. Other quasi-criminal offences (i.e., offences contrary to the *Traffic Safety Act* or City of Lethbridge By-law offences) will typically not be resolved in LIC, unless the charges relate to other substantive criminal offences which have been accepted into LIC. In exceptional circumstances, matters which involve only quasi-criminal offence(s) will be considered for acceptance into LIC.

Application to and Acceptance in LIC

7. Any person interested in having their matter(s) resolved in LIC should complete the **Lethbridge Indigenous Court Referral and Disclosure Consent Form**. When complete, the form will be reviewed by NCSA and the Crown(s) Prosecutor managing the matter. If the application to LIC is approved, the applicant and their lawyer will be informed of their acceptance, and the charges will be transferred into LIC. If an application is not approved by NCSA or the Crown, a participant may still ask a Justice presiding over LIC for their matter to be approved for LIC. The final decision as to eligibility and acceptance into LIC rests with the presiding Justice in LIC, after the Justice considers the application and hears representations from all of the interested parties.

LIC Participant Expectations

8. After being accepted into LIC, the participant will undergo an assessment with members of the NCSA team. In that assessment process, participants will have an opportunity to share their story and identify what is important to them moving forward. Participants are expected to provide information that will allow for their initial needs and strengths to be identified by the NCSA team, and will have an opportunity to ask any questions they may have about LIC processes and expectations.

9. LIC participants are required to complete the **Lethbridge Indigenous Court Community Member Expectations, Understandings and Removal Conditions Form**, which outlines expectations, responsibilities, and potential consequences for LIC participants. Participants will be expected to attend regular follow-up meetings with NCSA and LIC dates as required to ensure that they have connected with the supports necessary to begin their healing.
10. LIC participants may find it personally difficult to share their stories and experiences with the LIC team, fearing these stories will form part of the public court record. Participants may feel confidence, though, in knowing the NCSA team is governed by Confidentiality Agreements, and that participants can decide, together with other stake holders, what information will be shared about their story, both past and future.
11. Participants may be removed from LIC for not complying with LIC's procedures and requirements, their Healing to Wellness Plans or Release Plans, or other existing Court Orders or conditions. Participants may also be removed from LIC for violence, harassment, or other inappropriate behavior, including being charged with further offences.
12. Participation in LIC is completely voluntary. If a participant determines they are unwilling or unable to participate in LIC, including Healing Plan requirements, they can request to be removed from the program.
13. When participants are removed from LIC, their charges will return to the originating docket court where the Crown may continue its prosecution.

LIC Case Management Team

14. Every participant in LIC is supported by a case management team led by NCSA. The team includes a Coordinator and Gladue Support Worker (GSW) from NCSA and representatives from various community agencies that provide specialised support and services. The Case Management Team agencies (with the consent of participants) openly share information amongst themselves and, via the GSW and Coordinator, with the lawyers involved, the Court, and Probation Services. The purpose of the information sharing is to ensure LIC Participants have access to the resources available to achieve their Healing to Wellness Plans.
15. Matters dealt in LIC may be considered for restorative justice peacemaking. The Case Management Team is equipped to make referrals to that program, if the Crown consents.

LIC's Healing to Wellness Plans

- 16.** After the intake and assessment phases, the information collected is used to help the participant draft a Release or Healing to Wellness Plan. Participants craft their own plans with the assistance and oversight of a GSW. The agencies engaged during a Healing to Wellness Plan will be based on the needs identified during intake and assessment and may change over time as the plan unfolds. The purpose of the Healing to Wellness Plan is to develop clear steps to address a participant's health and wellness needs at any given time.
- 17.** Healing to Wellness Plans will be shared with defense counsel and the Crown prosecutor. A copy of the Healing to Wellness Plan or a summary of it will be filed with the Court. Any changes made to a Healing to Wellness Plan will be recorded and shared with defense counsel, the Crown prosecutor, and the Court.
- 18.** While a participant is working on their Healing to Wellness Plan, they are expected to keep in contact with members of the Case Management Team and attend review dates to inform the Court of the progress they have made on their Healing to Wellness Plan and address any arising challenges.

Graduation from LIC

- 19.** Once participants have completed their Healing Plan as determined by the case management team, the team will recommend the participant's graduation, and a final hearing will be scheduled in the LIC.
- 20.** At a final hearing, the presiding Justice will review the graduation application made by the team and may issue an order finding that the participant has completed the LIC Program. A graduation ceremony will then be set where LIC Participants can invite friends, family, and/or support members to come and celebrate their success. A decision regarding the disposition of a participant's criminal charges will be made by the presiding Justice, with input from the stakeholders, at this time. Completion of a Healing Plan or an order finding that a participant has completed the LIC Program does not guarantee that the participant's charges will be withdrawn or otherwise changed.

LIC: Waiver of Delay

21. Mindful of the individualized healing journey of each LIC participant and the time that these journeys may take, LIC participants will be required to waive any delay in their prosecution that results from their participation in LIC on the Court's record. This is a waiver of rights guaranteed under Section 11(b) of the *Canadian Charter of Rights and Freedoms*, and participants are encouraged to seek legal advice regarding this waiver prior to being asked to waive delay on the record.

If you have questions about Lethbridge Indigenous Court or want additional information, you may contact NCSA via email at: lethbridgeic@ncsa.ca