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BC Prosecution Service announces additional policy changes aimed at increasing fairness and reducing overrepresentation of Indigenous persons in the criminal justice system

Victoria – Today the BC Prosecution Service (BCPS) announced a third series of policy changes aimed at addressing overrepresentation of Indigenous persons in the BC criminal justice system. Other BCPS policies have also been updated as part of the ordinary policy review process, to reflect current developments in the law.

In April of 2019, the BCPS publicly announced its [Indigenous Justice Framework](#) along with an initial series of [policy changes](#). In January of 2021, the BCPS announced its second series of [policy changes](#). The additional policy changes announced today continue with this approach. Today's changes include:

- *Child Victims and Witnesses* ([CHI 1](#)) – This revised policy (formerly *Children and Vulnerable Victims – Crimes Against*) expands its application to all prosecutions under the *Criminal Code* and the *Youth Criminal Justice Act* that involve a victim or witness under the age of eighteen. It also adds an Indigenous persons section, which provides Crown Counsel guidance when an Indigenous child is involved as a victim or witness.
- *Dangerous Offenders and Long-Term Offenders* ([DAN 1](#)) – This revised policy provides guidance to Crown Counsel regarding the process and procedures for sentencing provisions under Part XXIV of the *Criminal Code*. The DAN 1 policy adds a new section respecting Indigenous victims which advises that Crown Counsel's position should be free of systemic bias and should reflect the seriousness of the problem of violence against Indigenous persons. It also adds a new section which sets out steps to be taken when an accused identifies as Indigenous, requiring Crown Counsel to carefully consider the least restrictive sentence that will reasonably manage risk and public safety and outlines the factors to consider.
- *Firearms* ([FIR 1](#)) – This revised policy provides Crown Counsel with guidance on all firearm-related offences, addressing the risk of serious bodily harm or death associated with the illegal possession, use, and misuse of firearms and requiring Crown Counsel to consider the protection of society at all stages of any firearms-related prosecution. The revisions also include a section dealing specifically with Indigenous persons, which provides guidance to Crown Counsel about exercising restraint when dealing with Indigenous persons alleged to have committed a non-violent firearms offence and to recognize the cultural significance of firearms in the exercise of Indigenous rights and practices.

- *Intimate Partner Violence (IPV 1)* – This revised policy provides additional guidance to Crown Counsel on the very serious, prevalent, and complex problem of violence within a relationship. The revised policy now includes a section dealing specifically with Indigenous persons that outlines considerations for Crown Counsel when an Indigenous person is involved in an IPV-related matter, as either a victim or the accused.
- *Recognizances and Peace Bonds (REC 1)* – This revised policy provides guidance to Crown Counsel regarding the use of section 810 recognizances or peace bonds to prevent future offences and protect society. The REC 1 policy also adds considerations specifically relating to Indigenous persons.
- *Guiding Principles (GUI 1)* – This is a new policy, replacing the former Introduction. It provides an overview of the legal context in which Crown Counsel independently exercise their discretion and the fundamental principles that guide the work of the BC Prosecution Service. The new policy includes a specific section relating to miscarriages of justice and urging Crown Counsel to be aware of the factors that can cause them. It also includes a section specifically referring to Indigenous persons.
- Several policies have been revised or updated as part of the ordinary process of policy review, to reflect developments in caselaw and legislation. These updated policies include: *Charge Assessment Decision – Police Appeal (CHA 1.1)*; *French and Bilingual Trials (FRE 1)*; *Legal Advice to the Police (LEG 1)*; and *Medical Assistance in Dying and Related Prosecutions (MED 2)*.

For decades government commissions and reports and judgments of the Supreme Court of Canada have recognized that Indigenous persons experience discrimination in all parts of the criminal justice system. This discrimination, and the continuing consequences of colonialism in Canada, have resulted in the unacceptable overrepresentation of Indigenous persons in all parts of the criminal justice system.

“These policy changes represent another step on the path towards changing the status quo for the better” said Peter Juk QC, Assistant Deputy Attorney General and head of the BCPS. “They help guide Crown Counsel in exercising their discretion, giving full effect to established principles of the criminal law as passed by Parliament and interpreted by the courts of Canada” said Juk.

Media Contact: Dan McLaughlin,
Communications Counsel
Daniel.McLaughlin@gov.bc.ca
250.387.5169

To learn more about BC's criminal justice system, visit the British Columbia Prosecution Service website at: gov.bc.ca/prosecutionservice or follow [@bcprosecution](https://twitter.com/bcprosecution) on Twitter.