



The Provincial Court of Saskatchewan

PROTOCOL INDIGENOUS SMUDGING CEREMONY

Purpose for Smudging Ceremonies

Smudging is a traditional practice of Indigenous peoples which involves the burning of substances such as sweetgrass, cedar, and sage. This practice is based on traditional beliefs that the smoke produced is a means of purification of the body, the spirit, or a particular place, and to create a positive mindset for those involved in the ceremony.

Purpose for Granting a Request for Smudging Ceremonies

The Provincial Court recognizes that supporting and incorporating Indigenous customs and practices within the Court will foster understanding and respect.

The Provincial Court supports smudging in courtrooms in appropriate circumstances and places to confirm the establishment and maintenance of a mutually respectful relationship between the Court and Indigenous people, thereby achieving a measure of reconciliation in the criminal justice system over which the Provincial Court has authority.

Request and Authorization Procedure

The Provincial Court supports the use of smudging ceremonies and recognizes that there will be times when smudging may be appropriate as part of a court proceeding such as a sentencing hearing, or in order that testimony from an accused, complainant, or witness may be more effectively provided.

The Provincial Court further recognizes that there will be times when smudging may be appropriate for a special courtroom event, such as a dedication, swearing-in, or other special ceremony.

This Indigenous Smudging Ceremony Protocol outlines how smudging ceremonies may be facilitated on these occasions.

An application to conduct a smudging ceremony in a Provincial Court House may be made to the presiding judge or the Chief Judge.

1. *Smudging as part of a Court Proceeding*

This application may be made by a party to a proceeding or by a witness in a proceeding. A written or verbal application must be approved by the presiding judge. The application will be forwarded to the Court Manager who will determine if all the relevant information in support of the application is included on the application and whether a smudging ceremony can be held in compliance with the Government of Saskatchewan, Ministry of Central Services “Ceremonial Smudging/Burning of Sweet Grass or Sage in Government Leased and Owned Buildings” effective date of April 17, 2019. If the application requires additional information, the Court Manager will contact the applicant for additional information. Once the application is in order, the Court Manager will forward the application to the presiding judge for determination.

2. *Smudging Ceremony for a Special Ceremony or Event*

This application may be made by a judge or a person requesting such a ceremony. A written or verbal application must be approved by the Chief Judge. The application will be forwarded to the Registrar of the Provincial Court (jwhitridge@skprovcourt.ca) who will determine if all relevant information in support of the application is included on the application and whether a smudging ceremony can be held in compliance with the Government of Saskatchewan, Ministry of Central Services “Ceremonial Smudging/Burning of Sweet Grass or Sage in Government Leased and Owned Buildings” effective date of April 17, 2019. If the application requires additional information, the Registrar will contact the applicant for additional information. Once the application is in order, the Registrar will forward the application to the Chief Judge for determination.

In consideration of the approval of a smudging ceremony, the presiding judge/Chief Judge will consider where applicable:

- the circumstances in which the request is being made;
- who will hold the smudging ceremony;
- whether there is a location for the smudging ceremony identified or an alternative location identified if the initial location is not appropriate or viable;
- if there is sufficient time to facilitate the smudging ceremony without impeding or hindering other court matters;
- if a smudging ceremony is customarily practiced by the person making the request.

If the application is approved, the Court Manager or Registrar will give notice to the Director, Court Accommodations and Planning with Court Services and/or the SaskBuilds Building Manager/Operator.

Facilitation of Smudging Ceremonies

An approved application should identify the courtroom or other location where the smudging ceremony will occur.

The SaskBuilds Building Manager/Operator will ensure that members of the judiciary and Court staff have been notified in a timely manner that a smudging ceremony will be taking place at the Provincial Court House, such that matters can be scheduled to accommodate such a ceremony.

The applicant party will be responsible for providing the necessary materials for the smudging ceremony to occur.

The SaskBuilds Building Manager/Operator will ensure that the location is properly cleaned up and that any matches, ashes, or other burning material will be disposed of in an appropriate manner after the conclusion of the smudging ceremony.