

A photograph of a wooden canoe on a calm lake at sunset. The sky is filled with vibrant orange, yellow, and blue clouds. The water reflects these colors. In the background, there is a dense forest along the shoreline.

WINTER 2025

# ABORIGINAL LEGAL SERVICES

NEEDS ASSESSMENT 2: TORONTO'S GLADUE COURT

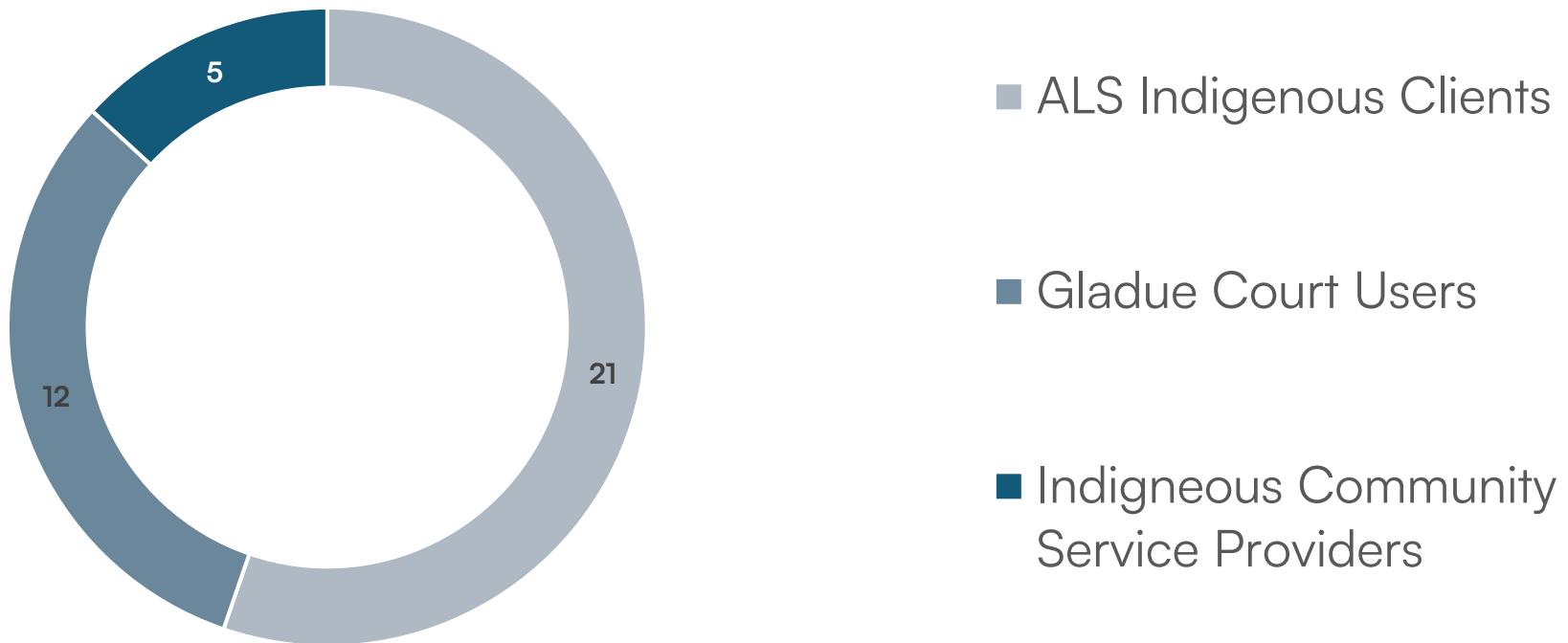
# AGENDA

1. Overview of project and Phase 2 objectives
2. Phase 2 methodology and interviews
3. New Court Structure: Improvements & Ongoing Issues
4. Sharing Voices
5. Emerging Issue: Indigenous self-identification in the court system
6. Continuous movement towards access to justice

# OBJECTIVES

- **Assess how the new court structure is working from the perspective of:**
  - Indigenous clients
  - Gladue Court users
  - Indigenous community service providers
- Understand how the implementation of Gladue principles may provide **transformative and restorative justice options** to First Nations, Inuit and Métis people
- Understand **how well ALS is serving Indigenous clients** within the new court structure
- **Identify opportunities for continuous improvement and expansion of access to justice** for First Nations, Inuit and Métis people involved in the court system

# DISTRIBUTION OF INTERVIEW PARTICIPANTS



# DISTRIBUTION OF GLADUE COURT USER INTERVIEWS



# STUDY LIMITATIONS

- Interviews with clients actively in custody
- Youth client interviews
- Duty counsel
- Virtual appearance clients

# NEW COURT STRUCTURE: IMPROVEMENTS

- **Increased Respect and Dignity:** respect, humanity, understanding and compassion
- **Support for culture and improving safety in the courtroom:** changes to courtroom design, artwork, smudging, food and water, removal of colonial ‘formalities’
- **Increased availability of Gladue Court and access to justice:** operation five days/week
- **Centralization:** ALS and other services all located within the NTC
- **Efficiency of Proceedings:** clients feel the NTC’s Gladue courtrooms are run more efficiently compared to past experiences

# NEW COURT STRUCTURE: ONGOING ISSUES

- **Inconsistency of Gladue teams:** challenges remain with ensuring consistency of experienced judges, duty counsel and Crowns
- **Location of the court:** challenges for those who live or access services outside of downtown and/or who face transportation barriers
- **Lack of formalized processes:** practices are driven by the dedication and will of individuals, not upheld by policy

# INDIGENOUS CLIENT VOICES

*“The judge looks me in the eyes [...] Downstairs I feel like a number, whereas here I feel like a person.”*

*“It feels like people here are interested in helping me make my life better.”*

*“It’s nice to have snacks. People don’t always have food.”*

*“It’s still nerve wracking, but the layout is better and it’s nice to see people from the street, get food, and feel like I’m being treated with respect”*

*“It smelled like sweetgrass and reminded me of home.”*

*“[The NTC] seems more professional and more organized than my experiences in [other courts].”*

# GLADUE COURT USER VOICES

*“My sense is that we have started to build some trust back and faith with folks who think that the justice system is there just to hurt them.”*

*“Having the court run five days a week I think means [access to justice] has increased.”*

*“The concern with consolidation was always about the location of the NTC, client’s transportation and access, as well as their sureties, to be able to get to hearings.”*

*“[The Court workers] go above and beyond to ensure clients understand their rights, assist with court appearances, and set up necessary diversions or hearings.”*

*“Centralizing the Gladue matters in one location has enhanced access and reduces the need for clients to navigate different courtrooms and offices.”*

*“Our approach to try to be more personal and build relationships I think has made a difference.”*

# GLADUE COURT USER VOICES

*“The area itself can be intimidating – many people we serve feel vulnerable around authority and police, It can feel like an overly daunting area to be in such a busy area where there is so much going on.”*

*“People are used to having a neighbourhood courthouse. It’s a bit of an issue because some people don’t want to come downtown for various reasons but they have to in order to benefit from the Gladue system for the most part.”*

*“There is a lack of consistency in Crown assignments, with some days seeing a rotating list of prosecutors rather than a dedicated Gladue Crown. This undermines the consistency needed for effective case resolution.”*

# GLADUE COURT USER VOICES

*“Outside agencies don’t have presence at new courthouse. If I want to refer someone to Anishinawbe Health, the process is still the same. I give the referral, tell them where it is and I hope for the best. There is no mechanism in place to complete the referral. I wish all other service agencies could have a presence at the NTC.”*

*“It feels like everything is built on sand.”*

*“[We] still need more Indigenous people working in the courts – they have strong connections to communities. We need people with those connections to be the ones applying Gladue principles and leading the rest by example.”*

# INDIGENOUS COMMUNITY SERVICE PROVIDER VOICES

*“The court personnel seem more accessible. I feel more comfortable approaching [court personnel] and asking questions [for my clients].”*

*“People in Gladue Court need to have more options at their disposal for encouraging healing.”*

*“[There] needs to be true commitment in centering decolonization; more sovereignty for Indigenous people in terms of decision-making and policy.”*

## EMERGING ISSUE: SELF-IDENTIFICATION IN THE COURT SYSTEM

- Many Indigenous clients do not self-identify early enough in the process, causing them to "fall through the cracks."
- Fear of racial discrimination leads some clients to hesitate in disclosing their identity.
- Police divisions often lack the knowledge/resources to inform Indigenous individuals about their Gladue Court options.
- Lack of awareness of how to access Gladue services or that they are even available.

# SELF-IDENTIFICATION IN GLADUE COURT

- People claiming Indigenous identity without verification in Gladue processes attempting to access services within the community
- Key concern of Indigenous community service providers

# CONTINUOUS MOVEMENT TOWARDS ACCESS TO JUSTICE

- **Improving accessibility of hybrid options:** While clients benefit the most from attending Gladue Court in person, some face significant challenges in doing so. It's essential to expand and improve hybrid options, ensuring that Indigenous clients have multiple ways to participate in Court proceedings.
- **Establishing process and accountability:** Positive and successful practices that support Indigenous clients in Gladue Court could be at risk of disappearing if no clear policies and processes are established to ensure they are maintained and implemented.
- **Training and professional development:** Gladue Court practitioners should have access to ongoing training and education to emphasize the significance of Gladue Court processes in supporting Indigenous communities and advancing reconciliation efforts.

# CONTINUOUS MOVEMENT TOWARDS ACCESS TO JUSTICE

- **Integration and collaboration with community service providers:** Representatives from Indigenous community service providers should have regular presence at the NTC.
- **Exploring options for satellite spaces to support virtual appearances for clients outside of downtown Toronto:** explore the possibility of setting up a satellite space for individuals to access Zoom and attend court hearings remotely.
- **Aspiration for more Indigenous representation in the courtroom:** more Indigenous judges, lawyers, justices of the peace, etc. will contribute to improved operations, policies, and outcomes for Indigenous people in the court system.