

## Responding to the Aboriginal Community

### **Providing Culturally Based Services**

Legal Aid Ontario (LAO) has responded to the unique needs of First Nations communities with innovation and openness. Partnering with the Aboriginal community, LAO supports programs that integrate traditional native practises and customs with the justice system and that address the over-representation of First Nations people before the justice system that require legal aid assistance.

Since 2001, LAO has partnered with the Ontario Federation of Indian Friendship Centres, the Ministry of the Attorney General and the Department of Justice to develop and implement the "Community Justice Program." Available in five Friendship Centres and one reserve community, this initiative administers culturally based pre and post-charge programs for Aboriginal youth, adults, and families who are in conflict with the law and where appropriate, provides meaningful alternatives dispositions that addresses the needs of victims and offenders.

### **Healing Circles**

Traditional Healing Circles bring offenders together with victims, family members, community representatives, elders, and social services providers in a safe, supportive and non-adversarial setting. With the assistance of trained restorative justice workers, the members of the circle non-judgementally discuss the offences and their impact on the victim and the community.

The outcome is generally a sentencing plan that reflects the best interests of the victims, the community, the offender and addresses the root causes of the crimes. The plan, which is filed with the courts, is agreed upon and supported by all members of the Healing Circle.

Healing Circles:

- Re-integrate participants into the community;
- Promote active responsibility of the offender and his/her family;
- Repair relationships;
- Promote reconciliation among parties.

### **Talking Together: Protecting Children and Youth**

Using traditional Aboriginal restorative justice in conjunction with court processes, the Talking Together program works to reduce the number of Aboriginal children and youth being removed from their communities. The program increases the capacity of communities to minimize the risks to children, resolve protection issues, and find solutions that reflect the needs of the children and the wider community.

**Although Aboriginal people represent only 1.7 per cent of the Ontario population, they account for 5.3 per cent of LAO's child protection certificates.**

The Talking Together program is an innovative method of dispute resolution based on traditional circles held in First Nations communities. Family members, community representatives, community elders and social service agencies come together with restorative justice workers to discuss the situation of a child at risk. Collectively, the circle decides on a Plan of Care that is filed with the court and supported by the child's home community.

The Talking Together Program, which is administered by Nishnawbe-Aski Legal Services is being used in six northern Ontario communities: Mishkeegogamang, Wahgoshig, Timmins, Pikangikum, Weagamow and Cat Lake. LAO welcomes the partnership with the Ministry of Children and Youth Services for the delivery of this important program.

### **Gladue Court Services: Promoting Justice**

The Gladue court, located in Toronto's Old City Hall, provides culturally based interpretation and administration of justice that not only considers the needs of Canada's First Nations peoples, but also addresses the root causes of the offenders behaviour.

Building on the success of the court model, LAO has partnered with Aboriginal Legal Services of Toronto to expand Gladue court services to non-native courts in Toronto and Brantford where Aboriginal people appear. Two additional Gladue caseworkers have been hired to provide reports at the request of defence counsel, crown prosecutors, or judges, on the life circumstances of an Aboriginal offender and appropriate sentencing recommendations.

**Aboriginal offenders continue to be over-represented in Canada's correctional facilities. Though Aboriginal people made up 2 per cent of the adult population, they made up about 19 per cent of all inmates sentenced to provincial/territorial custody and 17 per cent of those in federal custody.**  
*Statistics Canada, 2000/01*

