

INCREASING ACCESS TO LAO SERVICES: THE EMBEDDED LAWYER PROGRAM

2022-23 ANNUAL REPORT

DECEMBER 2023



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LAO services in the community

In 2016, Legal Aid Ontario (LAO) developed a unique health justice partnership with a mental health agency in downtown Toronto to address the legal needs facing clients managing mental health disabilities and experiencing homelessness¹.

Since then, over 1600 clients have received comprehensive legal aid services through direct access to an LAO Staff Lawyer embedded at the agency. They have additionally accessed complimentary health services onsite, including case management, counseling, and access to a psychiatrist.

Holistic defence services:

The Embedded Counsel Program is an example of a holistic defence initiative. In this model, clients are:

- Provided criminal defence services; and
- Provided legal services that address the legal consequences of their criminal justice sector involvement, such as a loss of housing, income and/or immigration status.

Holistic defenders also address the underlying issues that brought an accused person in contact with the criminal justice system².



Figure 1: Clients without access to telephones, internet and homes face barriers accessing justice sector services. The Embedded Counsel Project is designed to remove them. Photo: The Toronto Star

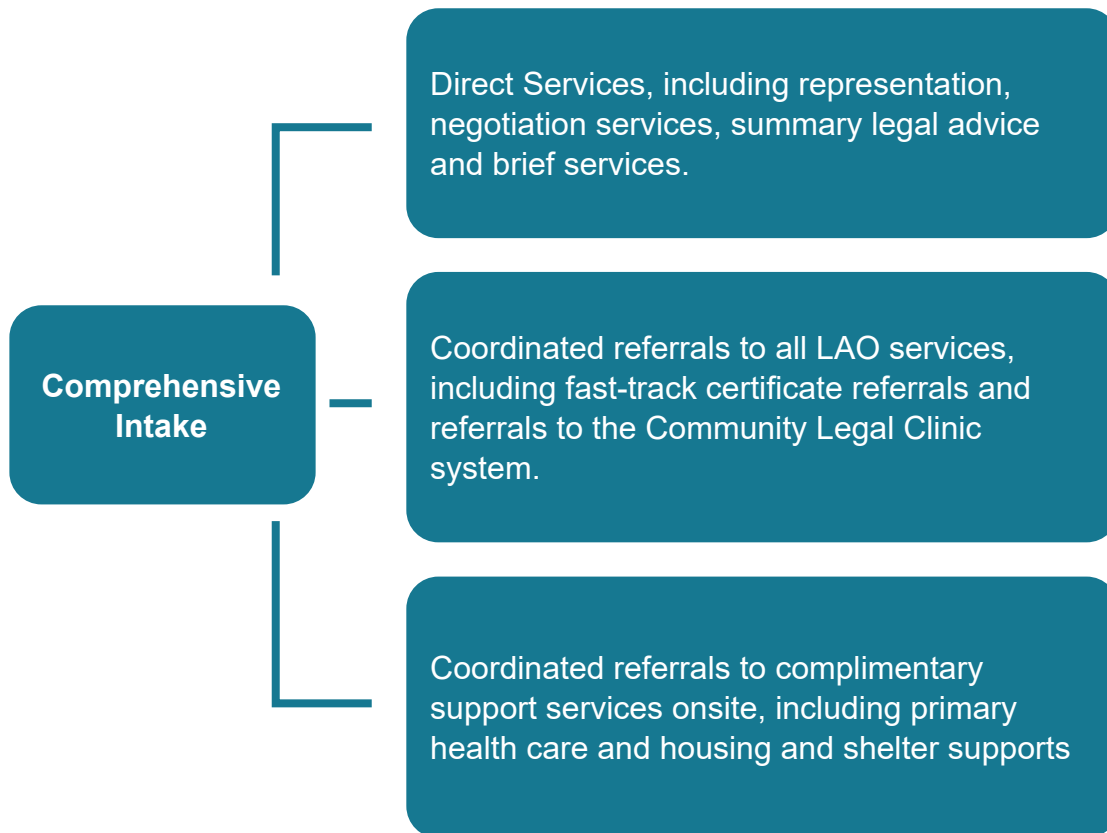
2022-2023 project highlights

- Increased demand for housing, income, and family law services
- 245 clients served with over half identifying 2 or more legal issues
- 8 evictions prevented
- 3 clients successfully challenged their housing provider's refusal to transfer them to safer housing units
- 20 clients had a total of 38 charges withdrawn or stayed
- A further 43 clients with criminal law issues were provided with summary legal advice and/or limited representation
- 23 clients of were issued LAO certificates through a fast track application with LAO's Centralized Services

¹ This report covers the August 2022-2023 period.

² See <https://www.bronxdefenders.org/holistic-defense/>

The embedded lawyer model



The process

Clients are screened for multiple legal issues and collateral legal consequences that flow from criminal justice system involvement. Clients involved in the criminal justice system are rarely aware of the potential collateral consequences which flow from a criminal charge³. Proactive screening is required.

Public legal education, community outreach and secondary consultations with service providers build community trust.



Figure 2: A high proportion of residents in Moss Park are involved in the criminal justice system and face poverty, homelessness, mental health and addictions disabilities. Photo: BlogTO

³ <https://johnhoward.on.ca/wp-content/uploads/2020/07/Legally-Bound-The-Civil-Legal-Needs-of-Justice-Involved-Populations.pdf>

The Impact

Clients benefit from having one person manage their legal issues. This reduces inefficiencies and is cost saving, as one staff person is responsible for screening the client for a range of services. Research conducted prior to program development revealed that this client group frequently engaged with multiple LAO service providers and could benefit from receiving services at one access point.

Holistic defence is a promising practice and there have been positive reports that it results in better case outcomes⁴. This model helps to ensure that the negative impacts of criminal justice sector involvement are minimized⁵. Merely being charged with a crime can trigger negative civil legal consequences and can contribute to a cycle of homelessness and incarceration⁶. The number of homeless individuals in Ontario's provincial jails continues to grow annually⁷.



Figure 3: Picture of one of the outdoor patios onsite. The LAO Staff Lawyer meets with clients and conducts public legal education sessions in the spaces.

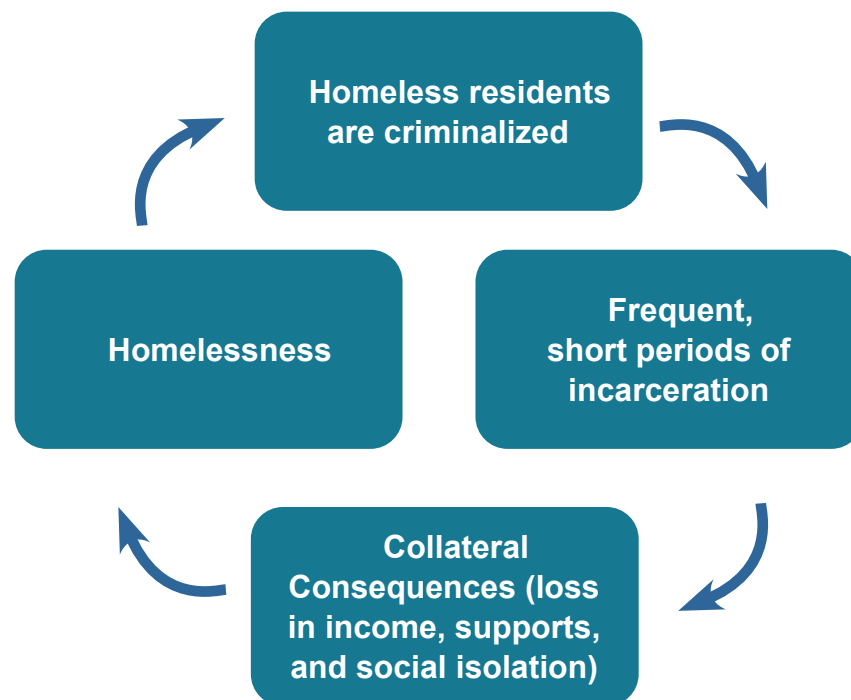


Image: The Cycle of Homelessness and Criminal Justice Sector Involvement.

Source: Author's Own Rendition.

⁴ This includes a reduction in custodial sentences. See: harvardlawreview.org

⁵ Ibid.

⁶ See: *No Fixed Address. The Intersection of Justice Involvement and Homelessness*. John Howard Society.

⁷ Ibid.

The Embedded Counsel Program seeks to break this cycle by providing legal services to homeless residents who are experiencing criminal and quasi-criminal charges in relation to their homelessness⁸. The program seeks to minimize the harmful legal consequences of incarceration and criminal justice sector involvement.

The partner agency

- Low barrier community mental health agency in Moss Park
- Serves over 3,500 annually
- A virtual justice hub and access point for those without phones, internet services and/or those who require accommodation
- Primary health care delivered onsite with the Inner City Health Associates
- Drop-in addictions, anger management and housing help groups
- Involvement in the Moss Park Community Justice Centre (CJC)

Clients served

- All clients served identified as managing one or more mental health disabilities
- 10% self-identified as Indigenous
- 16% self-identified as a Black Ontarian
- 76 clients were sleeping on the street and/or in the shelter system
- 38 clients were living in precarious housing or in danger of losing their housing

The value of embedded counsel initiatives

Through its' formal partnership with Sound Times Support Services, LAO continues to provide high quality, responsive and innovative legal services to vulnerable clients. It is heavily aligned with organizational priorities, including LAO's Five Year Strategic Plan⁹.

The program ensures that LAO services are streamlined and responsive to client need. Through this model, clients who have traditionally faced barriers accessing justice sector services get the legal support they need when they need it. This includes homeless clients with complex mental health and addictions disabilities, many of whom are Indigenous and/or racialized. The partnership additionally allowed LAO to maintain direct client services to this vulnerable client group throughout the public health emergency.

The program is subject to an annual evaluation which incorporates partner agency and client feedback to ensure that services are designed to meet client need.

⁸ The Embedded Counsel additionally coordinates a program at Provincial Offences Court one day a week representing clients who are faced with Provincial Offences rooted in their homelessness.

⁹ The strategic goals that guide the organization's work include: 1. Client-centred focus 2. Demonstrated value for money 3. Innovative Services 4. Engaged Staff 5. Effective Collaboration.

See: [Legal Aid Ontario Strategic Plan](#)

There are over 10,000 homeless people on the streets of Toronto on any given night¹⁰ and this number is expected to rise¹¹. For these clients without access to a telephone or access to the internet, an access point in the community is one of the only ways that they can access LAO services.

Embedded counsel initiatives and community partnerships help to ensure that LAO maintains its' commitment to high quality legal services for low income Ontarians, in particular to disadvantaged client groups.

The value added of such initiatives extend beyond the justice sector. There are significant cost savings in the health care, social services and housing sectors, which are attributable to early legal intervention.

Program evaluation at a glance

100% felt the Program increased awareness of all LAO services

98% responded that the Program met the legal needs of the client group

98% noted the Program was accessible to and accomodated the needs of clients

¹⁰ <https://www.fredvictor.org/facts-about-homelessness-in-toronto/#:~:text=There%20are%20over%2010%2C000%20people,just%20to%20name%20a%20few>

¹¹ Toronto's homeless population increased 60% between 2013 and 2018. Toronto Street Needs Assessment. 2018. <https://www.toronto.ca/wp-content/uploads/2018/11/99be-2018-SNA-Results-Report.pdf>

Cost savings

To Legal Aid Ontario

- Sound Times Support Services contributes 2.5 support staff personnel, a private office, PPE and cleaning supplies.
- Having one staff member screen clients for legal issues streamlines access to services, avoids inefficiencies in the duplication of labour and enhances the client experience.

To the Province of Ontario

- Over the past year, 20 clients had their charges withdrawn, resulting in approximately \$955,631.60 savings in court costs.*
- 23 homeless clients were issued certificates through a fast-tracked process with LAO's Centralised Services team, decreasing wait times for processing and allowing clients to obtain private counsel as soon as possible.

To the City of Toronto

- Over the past year, 8 clients maintained their housing representing cost savings of over \$153,014 to the City of Toronto.**

* Court/trial proceedings ranged between \$1,445 and \$44,280, depending on whether the unit of analysis was per contact, case, or conviction. For the purpose of this report, an average cost was utilized. The actual cost is likely higher as these estimates were released in 2014. See: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2015-r022/index-en.aspx#s53>

** Based on average shelter costs times average length of stay. The average length of stay was calculated as an average between 'transitional shelter users' (51 days per stay) and 'chronic shelter users' (507 days per stay) in Toronto. See: www.toronto.ca/wp-content/uploads/2017/12/93f0-SSHA-2017-Operating-Budget-Notes.pdf and <https://www.homelesshub.ca/sites/default/files/attachments/Published%20Paper.pdf>



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