



Services to support Aboriginal people

LAO provides appropriate legal representation to people who self-identify as Aboriginal. We train our staff lawyers to help them understand the legal issues that impact Aboriginal people in the Canadian justice system. In addition, we require lawyers who represent Aboriginal clients in criminal matters to take additional special training to ensure they understand the unique legal status of Aboriginal people.

Fast facts

Between April 1, 2010 and March 31, 2011, LAO issued 9,912 certificates to people who identified as Aboriginal – a total of 10 per cent of all certificates issued in this time period.

In 2007, LAO began developing an Aboriginal Justice Strategy to help it meet the needs of – and achieve measurable improvements in its services to – First Nations communities across Ontario. LAO intends to:

- remove barriers to accessing justice
- address the lack of Aboriginal representation in its management team
- address the need for increased Aboriginal legal representation
- improve services on legal issues specific to the Aboriginal community and address the role of LAO in participating in or supporting those processes specific to or driven by Aboriginal people.

Programs and services for Aboriginal people

LAO funds a number of programs and initiatives in partnership with the Aboriginal community. All integrate traditional Aboriginal practices and customs with the justice system. All also address the over-representation of Aboriginal people who require legal aid assistance within the justice system.

Fast facts

Aboriginal offenders are over-represented in Canada's correctional facilities

Though Aboriginal people made up 3.1 per cent of Canada's adult population, they made up about 18 per cent of all inmates sentenced to provincial/territorial custody.

Statistics Canada, 2007/2008

Community Justice Program

The Community Justice Program has been available in five friendship centres and one reserve community since 2001.

LAO supports this initiative in partnership with the Ontario Federation of Indian Friendship Centres, the Ministry of the Attorney General and the Department of Justice. It provides administrative support for culturally based programs to help Aboriginal youth, adults, and families stay out of jail. Where appropriate, it also provides meaningful alternatives that address the needs of victims and offenders.

Healing circles

These are traditional events. They 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, members of a healing circle discuss the offences and their impact on the victims and the community.

Healing circles are a non-judgmental approach that helps re-integrate participants into the community; promotes active responsibility of the offender and his/her family; repairs relationships; and promotes reconciliation among parties.

The goal: to develop a sentencing plan that addresses the root causes of the crimes and also reflect the best interests of the victims, the community and the offender. Once all members of the healing circle agree upon and support this plan, it is filed with the courts.

Expansion of *Gladue* court model

The *Gladue* court model initiative goes back to a 1999 Supreme Court ruling, [R.v. Gladue](#). The Supreme Court ruled that courts must consider an Aboriginal offender's background when he or she is sentenced for a crime.

Today every criminal court in Canada is required to take *Gladue* factors and principles into consideration when sentencing an Aboriginal person. Courts in Ontario are also required to take a person's Aboriginal background and *Gladue* principles into account at all stages of the criminal court process, including bail.

As a result, when a person who identifies himself or herself as Aboriginal is to appear in court, defence counsel, crown prosecutors or judges can request that *Gladue* caseworkers provide a report on his or her life circumstances and appropriate sentencing recommendations.

Furthermore, just as lawyers with specialized legal expertise belong to family panels and immigration panels, lawyers who represent Aboriginal clients in criminal matters must now meet *Gladue* panel standards. These panel standards require:

- knowledge of the application of *Gladue* principles
- awareness of resources for Aboriginal clients and
- compliance with best practices for the representation of an Aboriginal client in a criminal proceeding.

Toronto, London and Sarnia have dedicated *Gladue* courts. These courts provide culturally-based interpretation and administration of justice that considers the needs of Canada's Aboriginal people and also addresses the root causes of offenders' behaviours.

In January 2012, LAO began providing duty counsel services in a new *Gladue* court in London. *Gladue*-related services are also offered at courts in Toronto, Hamilton, Brantford, the Waterloo-Wellington area and Sarnia.

For more information

For more information on this topic contact media@lao.on.ca