



ABORIGINAL LEGAL SERVICES
ANNUAL REPORT

2021



SPECIAL THANKS!

We are, as always, very grateful to all of our funders and those who have made donations to ALS. We could not do our work without your support!

The Indigenous Justice Division of the Ontario Ministry of the Attorney General;

The Ontario Arts Council

The Ontario Ministry of Children, Community and Social Services;

Ontario Ministry of Health and Long Term Care;

Legal Aid Ontario;

The Government of Canada – Department of Justice and the Anti-Racism Action Program;

The Law Foundation of Ontario;

Delta Bingo;

Miziwe Biik Aboriginal Employment and Training;

The Toronto Foundation;

The Sonor Foundation;

Toronto Aboriginal Support Services Council; and

Private Donors.

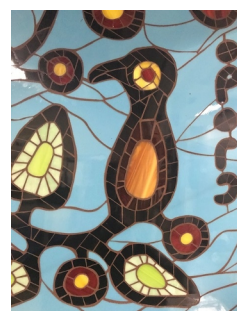
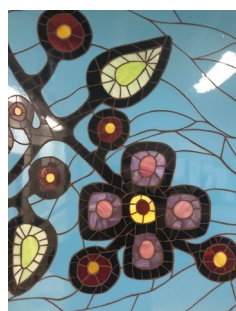


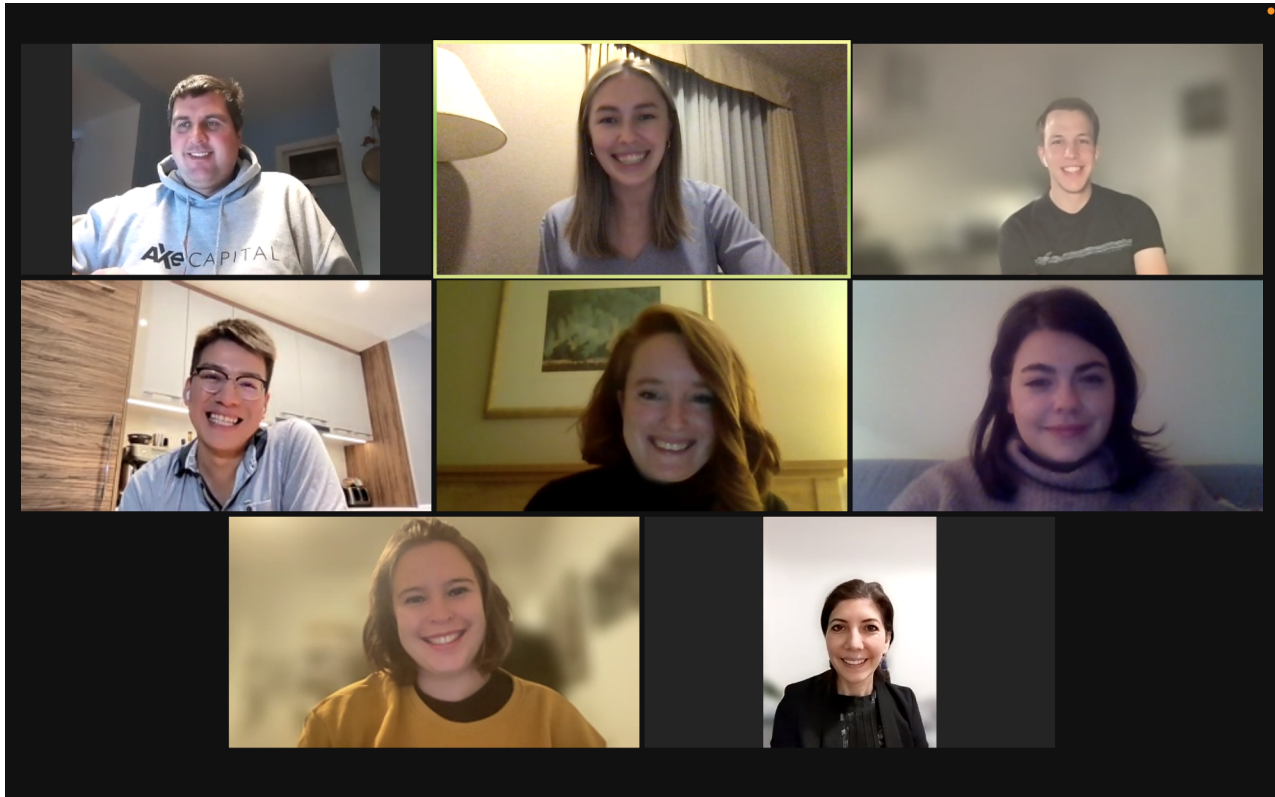
TABLE OF CONTENTS

Message from the President.....	4
Our Staff.....	6
Report of the Legal Director.....	7
Report of the Program Director.....	13
Appendix A- 2021 AGM Agenda.....	18
Appendix B- 2020 Draft AGM Minutes.....	19

Note: Financial Statements and Bylaws effective October 27, 2021 are addendum and separate to this document



MESSAGE FROM THE PRESIDENT



Top to bottom, left to right: Paul-Emile McNab, Jessie Stirling, Branden Cave, Darian Baskatawang, Sinead Charbonneau, Erika Dawson, Leslie Anne St. Amour, Basima Roshan. Not pictured: Amanda Carling, Genevieve Easton-Poole.

Welcome, everyone, to the Aboriginal Legal Services' Annual General Meeting!

This is my fifth AGM as a Board Member and my first as President. To those I have not met yet, my name is Jessie Stirling (Wa'ya T'so-la). I am Kwakwaka'wakw of the Wei Wai Kum First Nation located in Campbell River, BC and, by day, I am associate lawyer at OKT LLP where I practice children's law. I was introduced to ALS in 2017 while a law student by my predecessor, past-President (and current shadow board member) Amanda Carling, and I am thankful every day for my good fortune. I believe in the work ALS does and feel grateful to be part of this organization.

2021 was another successful year for ALS. Our success is directly attributable to the dedication, perseverance, and innovation of ALS staff and volunteers who have continued to support the Indigenous community in the midst of the COVID-19 global pandemic. Our people bear a heavy load, but never fail to meet the needs of the community. It has been incredible to witness the strength of this organization and I would like to express my appreciation for everyone's continued efforts. Chi Meegwetch!

The Board also had a busy year working on various initiatives to strengthen the Board and, in turn, the governance of ALS, including: developing new bylaws for ALS and new policies for the Board; introducing new meeting procedures and practices to increase efficiency; clarifying decision-making authorities within the organization; recruiting new Board Members; and leading the search for the new Executive Director. Alongside senior management, the Board has also been involved with strengthening our relationship with Legal Aid Ontario, creating the new ALS website, and operationalizing our new corporate fundraising strategy.

None of this work could have been accomplished without the dedication of my fellow Board Members – thank you all for your service to ALS! In particular, I recognize Branden Cave, an outgoing Board Member who has served for the past year as Secretary and Chair of the Governance, Policy & Nominating Committee. Our resident “governance nerd”, Branden brought drive, know-how, and a laser-like focus to his Secretary duties and will be missed dearly – thank you, Branden! This AGM will also be the last for Board Members Jessica Kras and Haley Cochrane. We are so grateful to each of them for their contributions to ALS!

Finally, I would like to recognize and thank our funders, Legal Aid Ontario, the Department of Justice Canada, the Ministry of the Attorney General, the Ministry of Children, Community and Social Services, the Ministry of Correctional Services, and Miziwe Biik. I would especially like to thank the Law Foundation of Ontario for its continued support of ALS through the Catalyst Grant.

I thank all of the staff, management, and my fellow Board members for making this year so great and look forward to continuing to serve ALS in 2022. May you and your families have a very merry holiday season and a happy New Year.

Gila’kasla (Thank you),

Jessie Stirling

President, Board of Directors of Aboriginal Legal Services



OUR STAFF

ADMINISTRATION

Loretta Watetch, Legal Secretary
Michelle Rice, Finance Officer
Nazanin Najafizadeh, Manager, People's Operation

LEGAL CLINIC

Christa Big Canoe, Legal Advocacy Director
Caitlyn Kasper, Senior Staff Lawyer,, Courtworker Supervisor
SumranaTaher, Staff Lawyer
Keenan Miller, Law Clerk
Sheila Warner, Tenant Rights Paralegal
Audrey Huntley, Paralegal
Brandon Fenton, Victim Rights Advocate
Quinn, Victims Righthts Advocate
Carlene Pheasant,Victim Rights Case Worker
Jocelyn , Student-at-Law, VRA
Tawny Students-at-Law
Samantha ,Tenant Rights Advocate

PROGRAMS

Jonathan Rudin, Program Director

FASD

Charlotte King, FASD Worker

COMMUNITY COUNCIL

Colette McCombs, Adult CCP Caseworker & Manager
Bailey Waukey Greer, Youth CCP Caseworker
Steven Bondy, Youth CCP Caseworker

WELCOME HOME

Dorothy Peters,Traditional Teacher

GIIWEDIN ANANG

Ryan Walsh, Giiwedini Anang Case Manager
Isabelle Brown, Giiwedini Anang Program Assistant

COURT WORKERS

Cristina Nebenionquit, Aboriginal Courtworker
Jacob Washington, Aboriginal Courtworker
Lana Morissette, Aboriginal Courtworker
Pamela McNeill, Aboriginal Courtworker – Trainee
Patricia Watetch, Aboriginal Courtworker
Sue MacLennan, Aboriginal Courtworker

GLADUE PROGRAM

Angie Assinewe, Gladue Caseworker Coordinator
Ginny Boissoneau, Gladue Program Assistant
Kim Whiteduck, Gladue Report Coordinator
Leanne Moses, Gladue Program Specialist

GLADUE WRITERS

Amanda General, Senior Manager, Gladue Writer Program
Brittany Wylie- Toronto
Erica L. Jamieson- Brantford
Julie Broomfield- Durham
Katharine Melanson– Ottawa
Maggie Linklater- Sudbury
Marie Embury- Sault Ste. Marie
Melanie Garant - Windsor
Michael MacDonald - North Bay
Michel Sands - Sarnia
Paula Hill- Ohsweken, Brantford, Hamilton
Quinn Read-Baxter- Guelph
Shirley Hay- Barrie
Stephanie Matchiwita - Toronto
Tanis Desjarlais- Toronto

GLADUE CASEWORKERS

Stephanie Bean, Senior Manager, Gladue Caseworker Program
Abby Carpenter – Ohsweken Office
Bronson Bob - Sudbury
Theresa Sandy- Barrie
Dianne Hamilton,- Durham
Edna Campos – Brantford
Iris Taylor - Toronto
Jamie Metallic - Ottawa
Jasmyn Galley- Toronto
Jonathan Yellowhead,- Toronto
Kathy Priolo,- North Bay
Kristal Nahmabin - Sarnia
Margret Larochelle– Sault Ste. Marie
Meghan Skyum- Windsor
Sharon Archer - Guelph, Waterloo

ROAD TO YOUR NAME (BRANTFORD)

Lisa Van Every, Coordinator



REPORT OF THE LEGAL DIRECTOR



Legal Advocacy and Victim Rights Programs

The Legal Advocacy Program is currently operating with a full time staff of 14 people; consisting of 1 Director/lawyer, 3 lawyers, 2 paralegals, 2 Student-at-Law, a law clerk, a tenant's right trainee and four victim service staff. Our Victim Advocacy staff includes a victim rights paralegal, 2 victim rights advocates, 1 victim rights caseworker, one of our students-at-law is also in a designated VRA trainee role. We have also had the benefit of law student working with us on a p/t basis.

Like last year, the staff have mainly been working from home and remotely while still maintaining high quality services via phone and video conferencing. It definitely has become a new world with many tribunals and courts operating remotely online. This has created its own challenges and difficulties for clients. It has enabled our staff to observe more hearings and see some of the cases we have standing in or interested in following. Online access is really increasing the use of open court principle and one benefit is the opportunity to watch court proceedings in geographical areas we would never have been able to afford to send additional staff to attend. Our staff continue to work remotely and we maintained our regular intake days and hours since Mid-March 2020. Increase need for services, particularly for tenants. The move to online hearings at the LTB has been difficult for clients and decreases their access to the system and justice.

Despite increases in landlord tenant issues due to the hardship of Covid, ALS has been able to provide some temporary rental relief to tenants thanks to funding through the Toronto Aboriginal Social Services Committee (TASSC) and we are grateful to be in a position to help tenants retain their housing and prevent eviction this way. The program will end March 31, 2022.

One of our new initiatives is working with the Committee to support Indigenous youth aging out of care. ALS, the Native Canadian Centre of Toronto and the Committee is working on a project that will share high quality legal information in a culturally relevant manner with Indigenous youth aging out of care. The information will be made available to a broad audience via a website that is designed to convey information in a culturally relevant manner. A smaller group of 80-120 youth aging out of care will be provided with legal information packages "wrapped in dignity" at a ceremony designed to communicate the community's support for their success, which will empower the young people to act on the information provided and use the law to improve their laws. The Committee is made up of Indigenous and non-Indigenous lawyers, many of whom met while working on the National Inquiry into Missing and Murdered Indigenous Women and Girls. In October, a naming ceremony was held with Elder Blu Waters and partners along with First Nation and Inuit youth named the program

"Welcoming courageous young journeys"

The following section highlights some of the significant cases and projects the Legal Advocacy Program and Victim Service Program has worked on this past year. There are a number of events that staff attended or spoke, made submissions in or performed outreach duties at including but not limited to:

- Participated in LAO Aboriginal Issues and Prison Law Advisory group meetings
- ALS sits on advisory committees for the SIU, OPRID, Community engagement tables, the Health Justice Initiative. This is a partnership between ARCH, St. Michael's Hospital Academic Family Health Team, St. Michael's Hospital, and legal clinics Aboriginal Legal Services, HIV & Aids Legal Clinic of Ontario (HALCO), and Neighborhood Legal Services.
- Staff have been guest speakers and University lecturers in a number of events throughout the year. This has included conferences for various disciplines and legal topics Senior staff have also delivered presentations or training at judicial conference or training sessions. This past year I delivered 10 key note speeches at various events or conferences.
- ALS participated in the Missing Person's Review. Missing and Missed- the Report of the Independent Civilian Review into Missing Persons Investigations was release April 2021. The story of Arthur Louttit was featured in the review. ALS had assisted Arthur's family at the time tht he went missing. ALS also assisted the family in making submissions to the Review along with other submissions. The report can be found at <https://tpsbc.ca/component/jdownloads/send/61-missing-and-missed/678-missing-and-missed-vol-1>.
- As members of the Sinclair Expert working group, along with health advocates, ALS continues to advocate for legislative changes recognizing anti-racism as a pillar of health services. The group was quite vocal in media about the death of Joyce Echaquan and the Inquest into her death.
- The Victim Rights Advocacy Services had some significant highlights this past year. The mens circle began to be delivered on-line and recently with safe measures and protocol in a vaccinated environment the Compassionate Circle of care began in person sessions with female identifying clients. Earler this year with funding from the Ontrtio Arts Council ALS was able to deliver: Healing Through Performing Arts: CREATE- Self-Care through Culture and Arts. Clients, volunteers and staff were able to attend online sessions with the following amazing Indigenous performing artist:
 - Healing through Performing Arts: Music is Medicine with Lacey Hill
 - Healing through Performing Arts: Story is Medicine with Juliana Armstrong
 - Healing through Performing Arts 1: Laughter is Medicine with Stephanie Pangowich
 - Healing through Performing Arts 2: Laughter is Medicine with Kaniehtiio Horn



ABORIGINAL LEGAL SERVICES You are invited to attend Healing through Performing Arts: MUSIC IS MEDICINE

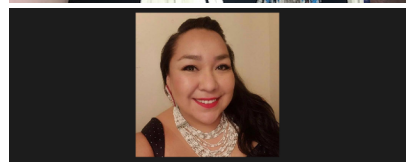
with
Lacey Hill
Tuesday March 23, 2021 at 4pm

ALS invites you attend an online session with this amazing Indigenous Musician for an hour and 15 minutes of sharing music and story. To register and receive the link to the performance, please email als@alservices.ca by Monday March 22 at 12noon

Social media links: facebook <https://www.facebook.com/alservices>, spotify <https://open.spotify.com/artist/4120894116142604934>, instagram <https://www.instagram.com/alservices/>

This programming has been made possible thanks to a grant from the Ontario Arts Council to ALS for CREATE- Self Care Through Culture and the Arts.

ONTARIO ARTS COUNCIL
CONSEIL DES ARTS DE L'ONTARIO
an Ontario government agency
financed by government of Ontario



ABORIGINAL LEGAL SERVICES You are invited to attend Healing through Performing Arts: LAUGHTER IS MEDICINE

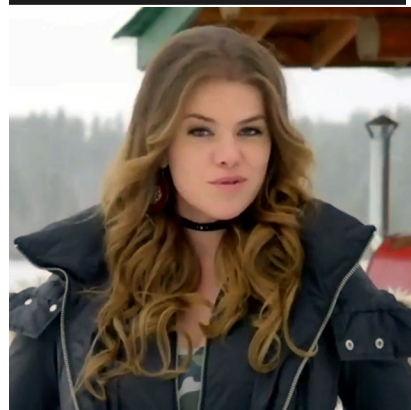
with
Stephanie Pangowich
Thursday March 25, 2021 at 6pm

ALS invites you attend an online session with this amazing Indigenous Comedian for an hour and 15 minute online session sharing music and story. To register and receive the link to the performance, please email als@alservices.ca by Wednesday March 24 at 12noon

Stephanie Pangowich is a sassy, bad ass, yet classy Anishinaabekwe from Wikwemikong on Manitoulin Island. She is an active community member, stand up comedian, Northern Style Women's Traditional dancer, educator, back up singer & an avid leader. Stephanie obtained her western education at Trent University, taking Indigenous Studies where she barely passed. NINE months NINE. Currently working on her Master's in Education, she continues to learn from her children, family and community.

This programming has been made possible thanks to a grant from the Ontario Arts Council to ALS for CREATE- Self Care Through Culture and the Arts.

ONTARIO ARTS COUNCIL
CONSEIL DES ARTS DE L'ONTARIO
an Ontario government agency
financed by government of Ontario



ALS in the Media

Man convicted of manslaughter after throwing trailer hitch at Indigenous woman gets sentenced today (January 7, 2021)

<https://www.cbc.ca/news/canada/thunder-bay/brayden-bushby-sentencing-decision1.6054337>

Coroner deliberates whether to exclude footage of Thunder Bay police dragging Indigenous man from inquest (Jan 14, 2021)

<https://www.cbc.ca/news/canada/thunder-bay/mamakwa-mckay-preinquest-video-motion-1.5871920>

6 months after Joyce Echaquan's death, federal response to racism in health-care system remains tepid (March 6, 2021)

<https://www.cbc.ca/news/canada/manitoba/opinion-anti-racism-canada-health-care-1.5936802>

Family calls for upgraded criminal charges following Curve Lake First Nation woman's death (March 23, 2021)

<https://globalnews.ca/news/7714367/family-upgraded-criminal-charges-curve-lake-first-nation-woman-death/>

Family of Cileana Taylor wants charges against boyfriend upgraded (March 26 2021)

<https://www.aptnnews.ca/national-news/cileana-taylor-assault-police-peterborough-ontario/>

Learn lessons — like more heads-up on inmate releases — from 2 Thunder Bay outbreaks, corrections experts say (April 2, 2021 -audio)

<https://www.cbc.ca/news/canada/thunder-bay/corrections-lessons-learned-tbay-covid-1.5971829>

Partially paralyzed Indigenous man left in wheelchair he can't operate outside Toronto ER files complaint (June 3, 2021)

<https://www.cbc.ca/news/canada/toronto/partially-paralyzed-indigenous-man-wheelchair-complaint-1.6049092>

Police chief should have no say in reinvestigations of sudden deaths, Thunder Bay, Ont., families say (June 9, 2021)

<https://www.cbc.ca/news/canada/thunder-bay/broken-trust-reinvestigations-legitimacy-questioned-1.6058486>

Seven Youth Inquest overall grade drops in year four (September 30, 2020)

<https://www.tbnewswatch.com/local-news/seven-youth-inquest-overall-grade-drops-in-year-four-2754839>

Brian Sinclair, Joyce Echaquan died years apart in hospitals. Only one of their inquests points to change (Oct 12, 2021)

<https://www.cbc.ca/news/opinion/opinion-sinclair-echaquan-inquest-contrast-1.6204930>

Inefficient systems, 'serious lack' of cultural sensitivity for Inuit in Gravenhurst prison, death inquest hears: Indigenous prison elder Wes Whetung testified on Day 3 of Mark Jeffrey's death inquest (Nov 24, 2021)

<https://www.muskokaregion.com/news-story/10526552-inefficient-systems-serious-lack-of-cultural-sensitivity-for-inuit-in-gravenhurst-prison-death-inquest-hears/>



SOME COURT CASES & OUR INQUEST WORK

R. v. Chouhan 2021 SCC 26

Caitlyn Kasper appeared on behalf of ALS before the Supreme Court to support the elimination of peremptory challenges which have been used to keep Indigenous people off juries on October 7, 2020. ALS argued that continued use of peremptory challenges to exclude prospective Indigenous jurors “has a corrosive impact on the jury process” and will “further stoke the reluctance of Indigenous people to participate in the jury process”

At the SCC, eight of the nine justices held that the amendments to Bill C-75 were constitutionally valid, confirming the abolition of peremptory challenges.

The written reasons for Judgement were released June 25, 2021 and can be read at:

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18932/index.do>

R.v.Parranto 2021 SCC 46

Jonathan Rudin and Douglas Varrette were counsel for ALS in this intervention. In part the Court was looking at what role starting points and sentencing ranges in appellate review of sentences played in sentencing. The appeal was dismissed. You can read the decision at:

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/19074/index.do>

R v. Morris

Caitlyn Kasper and Douglas Varrette were counsel on behalf of ALS’ intervention at the Ontario Court of Appeal. This case looked at what is the appropriate manner in which systemic factors should shape the sentencing framework for Black Canadians. ALS supported the need for considerations of systemic and background factors when sentencing a Black person but argued that s.718(2)(e) of the Criminal Code and *Gladue* factors are distinct to Indigenous people’s sentencing. The Court accepted that evidence of anti-Black racism and its impact on the specific offender can be an important consideration when determining the appropriate sentence but also that 718.2(e), *Gladue* and *Ipeelee* applies to Indigenous people. On these points they found:

[121] The language of s. 718.2(e) could not be clearer. Aboriginal offenders have been singled out for the purposes of the application of the restraint principle described in s. 718.2(e). It does not fall to the court to effectively amend that language to include other identifiable groups.

[122] ...Although there can be no doubt that the impact of anti-Black racism on a specific offender may mitigate that offender’s responsibility for the crime, just as with Indigenous offenders, there is no basis to conclude that Black offenders, or Black communities, share a fundamentally different view of justice, or what constitutes a “just” sentence in any given situation. The Indigenous offender’s culture and historical relationship with non-Indigenous Canada is truly unique. That uniqueness explains the very specific and exclusive reference to “Aboriginal offenders” in s. 718.2(e).

You can read the full decision at:

<https://www.canlii.org/en/on/onca/doc/2021/2021onca680/2021onca680.html>

Inquests

Covid definitely has had an impact on ALS' inquest work and representation. There is a backlog of inquest hearings. During the pandemic most hearings have been rescheduled and delayed. We have now begun Inquest hearings remotely, online and more are scheduled into the spring and onward of 2022. It will be interesting to see how an online process impacts verdicts and jury recommendations. Where it is possible Inquest ideally will be called in person.

The Jeffrey Inquest

ALS is currently a party with public interest standing at this Inquest from November 22- December 1, 2021. The hearing is taking place online and remotely. Christa Big Canoe, Caitlyn Kasper and Sumrana Taher are counsel on the file. This is only the second inquest into the death of a CSC Inuk inmate in Ontario. The first Inquest did not make any recommendations. ALS is involved in hopes of assisting the jury in making meaningful recommendations.

<https://news.ontario.ca/en/release/1001051/inquest-into-the-death-of-mark-jeffrey-announced>

The Davis Inquest

This inquest was originally part of the inquest into the deaths of Justin Thompson, Floyd Deleary and Murray Davis who all died at the Elgin-Middlesex Detention Centre. During testimony at that inquest, evidence came out that required further investigation in relation to the death of Mr. Davis. The Inquest into his death will be heard in February 2022. Christa Big Canoe and Sumrana Taher will be counsel for ALS, which has public interest standing.

Mamakwa & McKay Inquest

ALS has public interest standing at this inquest. Last January Emily Hill and Douglas Varrette made submissions on behalf of ALS on whether or not the Inquest should exclude video of an Indigenous man being dragged inside a police station. ALS took the position that the videos in question are relevant to the scope of inquest and treatment of Indigenous inmates. The presiding Coroner reserved their decision and no decision, almost a year later, has been released. The Inquest is scheduled to occur in the Spring of 2022. Christa Big Canoe and Sumrana Taher will be representing ALS.

Freeman Inquest

Devon Freeman was a member of the Chippewas of Georgina Island First Nation. He was also a son, grandson, and brother – he was very loved. On October 7, 2017, he left Lynwood Charlton Centre, the group home he had been placed in by the Hamilton Children's Aid Society. He was 16 years old and had been in care for over one year. Devon's body was found more than six months later hanging from a tree near the group home.

ALS has sought public interest standing and are awaiting a determination on whether we will be granted standing. The Inquest will proceed in Spring of 2022. If ALS is granted standing it will be represented by Christa Big Canoe and Caitlyn Kasper, both members of Georgina Island First Nation themselves.

Other Inquest that we have standing at or will seek standing at for families or in public interest, but for which a date has not yet been set includes : the Blair Inquest, the Beaver Inquest, the Nicholas Inquest, the Sargent Inquest, the Ruthann Quequish Inquest, the Chrisjohn Inquest

Podcasts

Senior staff lawyer Caitlyn Kasper is featured on the Matriarch Movement podcast discussing how law does and does not respond to the needs of Indigenous people.

Listen here: <https://www.matriarchmovement.ca/blogs/news/caitlyn-kasper-we-are-all-treaty-people>.

Program Director Jonathan Rudin can be heard talking about sentencing on the Lawyered podcast

Listen here: <http://lawyeredpodcast.com/jrudin>

Legal Director, Christa Big Canoe is featured in Episode 3: Jury Fairness and the Charter with Kent Roach on Charter: A Course podcast created by the David Asper Centre for Constitutional Rights.

Listen here: <https://charteracourse.podbean.com/e/jury-fairness-and-the-charter/>

NOTEWORTHY ACCOLADES:

All Staff and volunteers deserve ongoing accolade for the amazing work they do daily in the face of barriers and difficult cases, however occasionally it is worth mentioning special accolade that our staff members receive because it does not just reflect their hard work but how their work with ALS has impact. It takes a whole team to get our work done and both Caitlyn and Christa are very grateful for working with such dedicated staff and colleagues. This year both of them were recipients of awards:

Precedent Setter Awards 2021: Caitlyn Kasper: *Meet the lawyer who's pursuing justice on behalf of Indigenous people* (MAY 25, 2021)

<https://lawandstyle.ca/career/precedent-setter-awards-2021-caitlyn-kasper/>

Christa received the Spirit of Schlifer Award from the Barbra Schlifer Commemorative Clinic. More information on that award can be found here

<https://www.schliferclinic.com/spirit-of-schlifer/#:~:text=Spirit%20of%20Schlifer%202021%20Award&text=Read%20more-First%20Republic%20Capital%20Corp.%20is%20an%20exempt%20market%20dealer%20that,and%20U.S.%20micro%20cap%20companies>

First Nation lawyer Christa Big Canoe wins award for gender equity leadership (Law Times September 27, 2021)

<https://www.lawtimesnews.com/practice-areas/criminal/first-nation-lawyer-christa-big-canoe-wins-award-for-gender-equity-leadership/360200>

The donation of \$10,000 USD from this award was donated to

Miigwech,

Christa Big Canoe, Legal Advocacy Director



REPORT OF THE PROGRAM DIRECTOR

In the middle of March 2020, ALS moved all our staff and operations into a virtual world. The transition was almost seamless and we were back up and running at full capacity, with different service delivery models, almost immediately. I remember when all of this happened I thought we'd back in the office by June or July of 2020. I was very wrong.

Here we are almost two year later and we are now, tentatively, starting to move operations to more an in-person activities. I will try to refrain from speculating too much on what might happen in the future because I'm obviously very bad at that, and focus this report on what we accomplished over the past year – and we accomplished a lot.

Gladue Program

As pandemic restrictions have begun to ease and courts have started to deal with more cases, the work of the Gladue program is ramping up again. In the 2020-21 fiscal year we wrote 270 Gladue Reports and Letters, well down from our pre-pandemic levels. In the first six months of this fiscal year we have already written 186 Reports and Letters and the volume continues to increase.

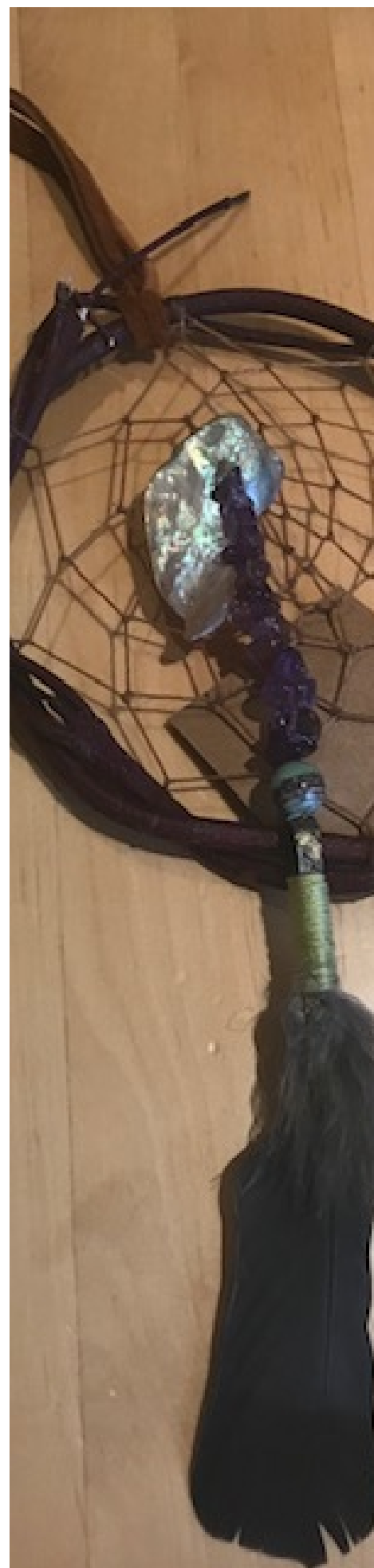
Pandemic restrictions have meant that we have done fewer in person interviews with our out of custody clients and our meetings with clients in custody have often been “behind the glass” interviews rather than face to face interviews. While this is not an ideal situation, we are making the best of it and courts continue to find our reports extremely helpful. Let me give you an example.

Recently we wrote a Gladue Report for a young man (who I am not naming) who pleaded guilty to dangerous driving causing bodily harm. In the decision the judge said the Gladue Report:

...assists me in understanding Mr. X's unique circumstances. He was both isolated from his culture and raised without adequate parenting, both of which are features of his unique circumstances as an indigenous person that have direct links to Canadian colonial policies.

Mr. X, himself, has also experienced racism in the community. He has also suffered significant traumas in his life. Shortly before the commission of the offence that I have to sentence him for, he lost his grandmother who he was close to and other extended family members.

R



He is also the survivor of abuse at the hands of a father figure in his life. I don't wish to dwell on this out of respect for Mr. X's privacy, but it is important I think to acknowledge the trauma that he has experienced.

What is clear to me is that by the time Mr. X committed the offence that I now have to sentence for, that he had experienced a great deal of trauma in his young life, much of which is linked to his identity as an indigenous person.

Most of this trauma was unresolved, and like many survivors of trauma Mr. X had turned to the abuse of alcohol and drugs as a coping mechanism.

The decisions that he made that led to the commission of this offence must be understood in the context of his unique background. While these factors do not excuse his behaviour, in my view, they do significantly reduce his level of personal moral responsibility for committing this offence.

At the end of the day, based on the Report, and the healing work that the client did following his arrest, he received a conditional sentence and thus he was kept out of jail. These sorts of outcomes are not unusual – Gladue Reports and Gladue Letters make a very real difference in the way Indigenous people are sentenced in Ontario.

This year, Professor Carmela Murdocca published an article in the Criminal Law Quarterly entitled “Understanding Gladue from the Perspective of Indigenous People.” The paper looked at how Indigenous people who had Gladue reports written about them felt about the process. We collaborated with Dr. Murdocca on this research because we wanted to know how our clients experienced the Gladue process.

There is a lot of very interesting information in the article and I encourage people to read it. One of the things we were particularly interested in was whether having a Gladue Report written about a person could set them back and retraumatize them. We were very encouraged when we read the following:

Participants reported feeling overwhelmingly supported by their Gladue report writers. For all participants, the support received from Gladue report writers was the most positive aspect of the Gladue process. Many participants expressed gratitude toward their Gladue report writer and explained that the support received from the Gladue report writer was a motivating factor in starting a healing journey.

At the end of the day, based on the Report, and the healing work that the client did following his arrest, he received a conditional sentence and thus he was kept out of jail. These sorts of outcomes are not unusual – Gladue Reports and Gladue Letters make a very real difference in the way Indigenous people are sentenced in Ontario.

This year, Professor Carmela Murdocca published an article in the Criminal Law Quarterly entitled “Understanding Gladue from the Perspective of Indigenous People.” The paper looked at how Indigenous people who had Gladue reports written about them felt about the process. We collaborated with Dr. Murdocca on this research because we wanted to know how our clients experienced the Gladue process.

There is a lot of very interesting information in the article and I encourage people to read it. One of the things we were particularly interested in was whether having a Gladue Report written about a person could set them back and retraumatize them. We were very encouraged when we read the following:

Professor Murdocca is expanding her study and interviewing more clients and we are pleased to continue to assist her in this work. The more we know about the impacts of the work we do the better that work will be,

Community Council Program

As courts open up more the work of the Community Council is also increasing. We are now doing Council hearings back at our office at 211 Yonge St as well as at Gabriel Dumont Non-Profit Homes in Scarborough. As courts face an increasing backlog of cases we anticipate that more and more Indigenous clients will be diverted to the Council.

This past year we have been working on a project to have charges against adult offenders diverted by the police rather than the crown. This process is known as pre-charge diversion. Initially we were discussing a pilot program with the Toronto Police Services (TPS) that would focus solely on pre-charge diversion for Indigenous people in one or two police divisions in the city. The initiative has now expanded and the TPS is considering rolling out a city wide pre-charge diversion program for all offenders. If that is the road the TPS does go down then our Indigenous pre-charge program will work with people from across the city. We will continue to meet with representatives from the TPS and the Ministry of the Attorney General (MAG) to make sure our program is fully integrated into the city wide model.

While the total number of diversions is down we continue to work with clients to help them through the pandemic and all of its challenges. Thanks to the Toronto Aboriginal Support Services Council (TASSC), funding from the federal government to assist people with COVID relief has been provided to all TSSC members. Community Council staff have used this funding to help people with food cards, rent and to purchase items that they need to get back or stay on their feet.

Funding from the federal Department of Heritage, that was applied for pre-pandemic but arrived in the midst of the pandemic, has allowed us to provide on the land programming for clients at a location outside of Peterborough. We have had great uptake on this program and have been able to introduce many clients to ceremonies that they have never experienced and allowed other clients to reconnect with these practices. We have also used the space for teachings and outings.

As I mentioned in my report last year, the importance and value of on the land work has been really clear to us during the pandemic and we will do our best to continue that work going forward.

Giwedin Anang

There have been a number of significant changes in the Giiwedin Anang program this year. We are now formally working with the Peel Children's Aid Society to provide Indigenous alternative dispute resolution and assistance to Indigenous families in Peel. We have hired a full time staff person for Peel and look forward to building new relationships in the region.



There have been a number of significant changes in the Giiwedin Anang program this year. We are now formally working with the Peel Children's Aid Society to provide Indigenous alternative dispute resolution and assistance to Indigenous families in Peel. We have hired a full time staff person for Peel and look forward to building new relationships in the region.

With the addition of Peel and continued requests for Giiwedin Anang services in other areas, we have now have a Manger of the Giiwedin Anang program. The Manager will supervise our programs in Toronto and Peel and look to expand the program to respond to requests from Indigenous families, communities and children's aid societies. The new Manager is Ryan Walsh who has been working in the program for over a decade. We have been able to create this new position thanks to a two year grant from a private foundation. We are working to solidify the funding base for this position.

In Toronto the Giiwedin Anang circles and Dreams from Growing Children programs have been operating primarily at St. Mathias Anglican Church at Bellwoods and Queen. Our clients really like the location and we have had great support from the church. We recently put up a tipi in the back of the church and it has been used a great deal (see the discussion below about the Traditional Teacher for more information on the tipi).

This summer, the discovery of the bodies of children on the grounds of the former Kamloops Residential School and then other former schools shocked the country. While this discovery was not a surprise to many Indigenous people or frankly anyone who took the time to read the report of the Truth and Reconciliation Commission, it certainly opened up a lot of wounds and hurt for the clients of the Giiwedin Anang specifically and the Indigenous community more generally. The Elders who are involved and advise Giiwedin Anang instructed us to hold regular sacred fires for the children and we have been doing that at Bellwoods every Wednesday evening at 6 pm. The sacred fire has been an important gathering place for our clients, for other members of the Indigenous community and for people in the Bellwoods neighbourhood who have been coming out the fire as well. Funding from a private foundation has assisted with the costs associated with the sacred fire.

Aboriginal Courtworker Program

As the courts are now beginning to open up we see that reflected in the number of clients we are assisting in the Courtwork program. Pre-pandemic we worked with over 1,000 people a year. Last fiscal year we had just over 400 clients. In the first six months of this fiscal year we have worked with almost 300.

At this moment, two of the Gladue Courts in the city are planning to resume some level of in person operations in January and we anticipate that over the next few months all of the courts will be back to largely in person activities. What all of that will look like for our Courtworkers is something that we are still working out.

If you have been downtown by the City Hall you will probably have seen the New Toronto Courthouse (NTC) taking shape on Centre Avenue. When finished, the NTC will replace the six current adult and youth criminal courts in the city and will deal with all matters that are in the jurisdiction of the Ontario Court of Justice other than bail hearings. Bail hearings will be held at the Toronto Regional Bail Centre (TRBC) which will be inconveniently located at 2201 Finch Ave. West. ALS has been very involved in ensuring that both the NTC and the TRBC will have purpose built dedicated courtrooms for Gladue Courts.

The NTC and TRBC were originally planned to open in the summer of 2022 but that date has been pushed to the summer of 2023. We continue to work on committees and outside of committees to ensure that these developments make life easier for Indigenous people coming before the courts, not harder.

Indigenous Knowledge Helper Program

The Indigenous Persons Courts (IPC) in Brantford and Niagara are opening up. The Niagara IPC continues to meet twice a month by phone and the Indigenous Knowledge Helpers are present for those phone sessions. The Brantford IPC is also opening and has held a number of sentencing circles by Zoom with the assistance of Indigenous Knowledge Helpers. We hope both these courts will be able to move to in person activity in early 2022.

The Road to Your Name

The Road to Your Name or Yoha:Te:Ne:Kahsen:Na has had to pivot during the pandemic but has done so very well. The first two 10 episode seasons of the Road To Your Name podcast are done and we are working on season 3. I may be biased but this is one of my favourite podcasts and I strongly recommend you subscribe on your preferred podcast app. Lisa Van Every is a great host and interviewer.

The program was also able to hold one in person event over the summer – a two day session on the Haudenosaunee Thanksgiving address. The program was full and it went really well. We hope that the Road to Your Name will be able to start their regular cycle of programming early in 2022 but we'll have to see how things go.

FASD Worker Program

Our FASD Worker Program continues to be very busy. Many of our clients are not able to negotiate a virtual world and so our Worker meets with people in person safely and usually out of doors. She provides a real lifeline to clients and continues to assist with a wide range of services. We look forward to when we can start our group activities up again.

One of the important tasks of the Worker is to assist clients obtain an FASD diagnosis through our arrangement with Surrey Place. As noted in last year's report, we are able to facilitate remote diagnoses for clients and that is making a big difference. This year we have done diagnoses for clients of our Gladue program who live well outside of Toronto, the first client to receive a diagnosis in this way lived in Sudbury. Big thanks to our Gladue Caseworker and FASD Worker who made it all happen.

Youth Mental Health and Addictions Worker

As pandemic reinstructions have gradually eased, our Youth Mental Health and Addictions Worker has been able to meet clients outdoors. One initiative she has started is a walking group for clients in Scarborough. Members of the group meet together and go for walks with the Worker and just talk about whatever is of interest to them. Thanks to the TASSC funding described above, we were able to purchase Fitbits for members of the group so they have increased motivation to go for walks and stay a part of the group.

Funders

We are, as always, very grateful for the funding we receive to operate our programs from our funders. To them, to our staff, to our volunteers and to our clients, from whom learn so much, chi miigwetch.

Jonathan Rudin,
Program Director

APPENDIX A- 2021 AGM AGENDA



ABORIGINAL LEGAL SERVICES ANNUAL GENERAL MEETING 2021 AGENDA

Date and Time: Tuesday, December 7, 2021 at 6:00pm EST

Held via Zoom: <https://utoronto.zoom.us/j/89314253503>

ITEMS

1. Opening Thanksgiving and Teaching
2. Approval of the Agenda
3. Approval of the Minutes – AGM 2020
4. Consideration of the Financial Statements and Auditor’s Report
5. Appointment of Auditor
6. President’s Report
7. Management’s Reports
8. Election of Directors
9. Special Business - Confirmation of New Bylaws
10. Closing

Note: All documentation for Annual General Meeting 2021 can be accessed here. [NTD: Insert public link.]

APPENDIX B- 2020 DRAFT AGM MINUTES



ABORIGINAL LEGAL SERVICES

Annual General Meeting
Tuesday, December 1, 2020

DRAFT MINUTES (JS)

Present:

Board of Directors: Amanda Carling (Chair), Genevieve Easton-Poole, Jessie Stirling, Leslie Anne St. Amour, Sinéad Charbonneau, Branden Cave, Rose Cameron, Haley Cochrane, Paul-Emile McNab, Basima Roshan, and Jessica Kras

Non-BOD Presenters: Dan Smoke, Mary Lou Smoke, Christa Big Canoe, Jonathan Rudin, and Ian Manning

Welcome Guests: Brent Eisenkirch, Margaret*, Caitlyn Kasper, Claudia*, Doug Varette, Emily Hill, Heather Evans, Holly Gomes, Jody Paul, Katy Allen, Kim Murray, Nazanin Najafizadeh, S Reynolds*, Shirley Hay, and Theresa*

* *no last name indicated on Zoom*

- [Aboriginal Legal Services Annual Report \(2020\)](#)
- [Aboriginal Legal Services Inc. Audited Financial Statements \(March 31, 2020\)](#)
- [Aboriginal Legal Services - Legal Clinic Audited Financial Statements \(March 31, 2020\)](#)

1. Opening Thanksgiving and Teaching from Dan and Mary Lou Smoke
2. Adoption of Agenda

MOTION #1: To approve the December 1, 2020 agenda

Moved: Genevieve Easton-Poole

Seconded: Jessie Stirling

Carried

3. Adoption of Minutes from 2019 AGM (held November 28, 2019)

MOTION #2: To approve the minutes from the 2019 AGM (held November 28, 2019)

Moved: Leslie Anne St. Amour

Seconded: Genevieve Easton-Poole

Carried

4. Miigwetch, Rose Cameron

- Rose joined the board of then-Aboriginal Legal Services of Toronto in 2004 while pursuing her PhD at the University of Toronto in Indigenous Child Welfare. She has remained on the board since 2004 in voting and non-voting (shadow member) capacities.
- Rose is now the Director of the Social Work Program at Algoma University in Sault Ste. Marie and has many demands on her time, which has led her to decide to leave the board effective today.
- ALS thanks Rose for her 16 years of service. She will be missed and is welcome back anytime!

5. Auditor's Report and Financial Statements – Presented by Ian Manning

i. INC

- Ian shared that it is practically impossible for an auditor to verify the totality of any not-for-profits' donated revenues.
- The industry standard among auditors is to address this inherent challenge by including a qualification in the not-for-profits' report that states that we (the auditors) cannot be materially certain that all donations/ funds raised have been deposited.
- A qualification of this type can be found in the Independent Auditor's Report for Inc under "Basis for Qualified Opinion."

MOTION #3: To approve the audited final financial statements for ALS Inc. for the fiscal year which ended on March 31, 2020.

Moved: Leslie Anne St. Amour

Seconded: Jessie Stirling

Carried

ii. CLINIC

MOTION #4: To approve the audited final financial statements for ALS Legal Clinic for the fiscal year ending on March 31, 2020.

Moved: Genevieve Easton-Poole

Seconded: Jessie Stirling

Carried

6. Appointment of Auditor

MOTION #5: To reappoint Edward and Manning LLP Chartered Accountants as Aboriginal Legal Service's auditor.

Moved: Amanda Carling

Seconded: Leslie Anne St. Amour

Carried.

7. President's Report
 - Amanda has served as the President of the Board for the last seven years, and this AGM will be the last she attends as a voting member.
 - Chi Miigwetch to our staff, managers, and volunteers who have gone above and beyond to continue to serve our community since the outbreak of the novel coronavirus
 - The Board continues to mourn the sudden loss of our Vice President, Justin Basinger
 - Amanda thanks Vieve (who is stepping down from her role as Treasurer) and Rose for their dedication to the organization, and wishes Jessie the best of luck as she steps into the role of President
8. Presentation of the Timelines by Leslie Anne St. Amour
 - Thank you, Heather Evans for your work assembling the Timeline deck.
 - The deck presented this evening is a beta version of what will eventually be uploaded to our redesigned website in early 2021. In the meantime, if you have photos or other content you would like to see added to the Timeline, please email Leslie Anne St. Amour at leslieanne.stamour@aboriginallegal.ca.
9. Managers' Reports
 - Legal Advocacy Director, Christa Big Canoe's Report
 - See pages 9-13 of the AGM Report
 - Chi Miigwetch, Christa, for continuing to excel in your role as Legal Advocacy Director despite the hardship and loss you have faced as a result of the pandemic.

 - Program Director, Jonathan Rudin's Report
 - See pages 14-18 of the AGM Report
10. Board Elections
 - The three Directors whose terms expire at this AGM are:
 1. Genevieve Easton-Poole
 2. Jessie Stirling
 3. Branden Cave

 - The GPN Committee nominates the following candidates for the Board of Directors:
 1. Genevieve Easton-Poole
 2. Jessie Stirling
 3. Branden Cave
 4. Haley Cochrane
 5. Basima Roshan
 6. Jessica Kras
 7. Paul-Emile McNab

 - The GPN Committee recommends filling the vacancy left by Amanda (who is transitioning from a voting member to a shadow member effective today) in the new year.
 - There were no nominations from the floor.
 - The seven candidates nominated by t

- The seven candidates nominated by the GPN Committee in its 2020 Report are hereby elected to Aboriginal Legal Services' Board of Directors to a two-year term.

11. Other Business

- The Board recognizes Amanda's steadfast leadership as President of the Board and her unwavering commitment to serving this organization and the Indigenous community in Toronto. Thank you, Amanda!
- Celebrating Naz's 1 year anniversary with ALS!

12. Closing

- Dan and Mary Lou Smoke provided the closing

PLEASE NOTE



Our Financial Audited Statements for this report are separate as PDF documents. There are two reports.

One is for ALS Clinic and one is for ALS Inc.

Also please note that the Bylaws effective October 27, 2021 are also addendum to this report in a PDF format.