



ABORIGINAL LEGAL SERVICES
ANNUAL REPORT

2020



ABORIGINAL LEGAL SERVICES

Pictured Above: Clayton Shirt (traditional teacher) and Christian Morrisseau, Artist that created Thunderbird with the Seven Grandfathers artwork for the ALS stain glass project and logo.

About the painting: ALS commissioned an original art piece from Christian Morrisseau that could be used in a stain glass project created by staff to have in the waiting area of our 211 Yonge Street office in Toronto. Red Pepper Spectacle Arts worked with our staff to recreate the three panel piece into stain glass mural. Our staff got to participate and do stain glass work under the guidance of the creative folks at Red Pepper Spectacle Arts. It has resulted in a dramatic ,large and beautiful piece that proudly hangs in our office. The Thunderbird represents many things in Anishinabe culture and woodland art and the inclusion of the seven grandfathers is to remind us to follow those good teachings in our relationships with clients and communities and towards each other. The natural world of plants , those that swim, those that fly as well as grandfathers is to create a welcoming and safe space founded in respect towards one another.

In the near future ALS will be updating our website and logo. The logo is be based on this artwork.

* Christa Big Canoe and Ryan Walsh provided the pictures in this report. Pictures of the Thunderbird with the Seven Grandfathers painting and the stain glass that staff created are based on the original artwork of Christian Morrisseau.

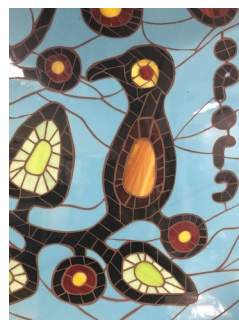
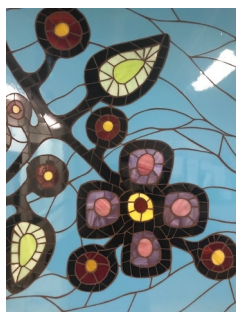


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SPECIAL THANKS!

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 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.**

MESSAGE FROM THE PRESIDENT



This is my eleventh AGM and my last as a voting board member. This is my seventh message as the president of the board. They say to go out with a bang. I'm fairly sure this year qualifies...

Shortly after our 2019 AGM we started to hear reports of a novel coronavirus outbreak in Wuhan, China. Most of us had never heard of Wuhan, or a coronavirus, and I doubt anyone could have imagined in the early days of 2020 what this year would bring. As Indigenous people, our ancestors have experienced untold suffering in the many generations since settlers arrived, *en masse*, to Turtle Island. We've seen plagues of smallpox, tuberculosis and ignorance that have killed millions of our people. We also know, better than anyone, about the resilience of our people. This pandemic has made clear how incredibly resilient our staff, managers and community are. The ways in which folks have worked together to shift programming and change the way we work so we can continue to serve the community are nothing short of inspirational. From the opening of outdoor locations to the use of technology - including podcasts - to deliver our programs, I'm absolutely in awe of our team. I'm also so proud of the way ALS has worked together with TASSC and other Indigenous agencies in the city to go above and beyond our usual services to ensure the safety of our community members. I lift up our staff and say the most sincere and grateful *chi miigwetch* to everyone who put the needs of others before their own.

While these moments of resilience require great celebration, we must also acknowledge the deep and tragic losses that we have experienced this year. I don't think there's an Indigenous person in the country who has been untouched by the pandemic. Many of our staff have lost loved ones and we have lost clients. I offer my deepest and most heartfelt sympathy to all of you. For the board, the loss of our Vice President, Justin Basinger, was the most terrible shock. To me personally, the loss has been almost unbearable.

Justin has been one of my best friends since our first year of law school, 2009. I invited him to join the board years ago because I knew he would make an excellent board member. He loved ALS so much and was so dedicated that when he missed our May meeting this year without having sent his regrets, I immediately knew that something was wrong. Last Friday marked the six-month anniversary of Justin's passing. I am still processing the fact he is gone. His contributions to ALS were countless and his loss has been felt, not just by the board, but by many in our community. I love you Justin and thank you for all the ways you made our board work better.

I grew up with ALS. I joined the board as a first-year law student. (I can't say that I actually knew what a board was, or what it did, when I joined.) I've learned so much and met some incredible friends and mentors along the way. Unfortunately there aren't enough opportunities for the board to work closely with the staff but I've had occasion to work with Ryan Walsh, Mayumi Jones and Dorothy Peters over the years and they are all incredible people whose dedication and love for the agency and the community we serve are unparalleled. I'm so grateful to have had the support and friendship of Emily Hill and Jonathan Rudin, I am forever grateful to ALS for bringing former board members Maggie Wenthe, Marisha Roman, Tera Orchard, Darcy Belisle and Carol Montagnes into my life.

Justin Basinger (1987-2020) >



I am so grateful to have worked with Barbara Yip on the HHH fundraisers. Barbara's dedication and attention to detail are unmatched and ALS has benefited in untold ways from her support. Finally, special thanks to Kent Elson for always making time for ALS, for his patience, kindness, generosity and excellent legal advice. I sincerely apologize to anyone I have missed; it has been a long eleven years.

To the current board members, many of whom have recently joined the board, please know that I would not be able to say my goodbyes if it wasn't for all of you. At the risk of tooting my own horn, I must say that we have put together an incredible, diverse, talented, smart and dedicated board. Each board member carries unique gifts, wisdom and experience that instill confidence for the future of ALS.

I'd like to say a special thank you to Vieve for her years of dedication to her role as Treasurer. Vieve balanced the demands of two small children and her career while ensuring our books were balanced. (She's also an experienced cyclist so she balances in that way as well). Vieve is also kind, funny and an absolute joy to work with. I will deeply miss working with you.

Rose, thank you so much for your many years of dedication to ALS. I am sad to see you step away for now but as one of our longest serving board members, you have more than done your time! Thank you for bringing your language, teachings and love to the board. We are all better people because we got to work with you. I sincerely hope that you will come back to ALS one day!

Jessie. I hope you know how much I appreciate the ways in which you've stepped up for ALS. Your humility and sense of humour make you an absolute pleasure to work with but, above all, your lists. I've never met someone who finishes everything that she starts, and you are exactly what ALS needs right now. You will be an outstanding President and my husband will be forever grateful that you are taking this on.

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 Child and Youth Services, the Ministry of Correctional Services and Miziwe Biik. I would especially like to thank the Law Foundation of Ontario for the support of the Catalyst Grant. We could not have gone through the last two years without an ED and we would not have an ED were it not for the LFO. Your support has made a huge impact on the way we have been able to serve the Indigenous community in Ontario and across the country. Chi miigwetch!

The last eleven years have been a journey, with many bumps in the road. I worked hard and made decisions that I thought were in the best interest of the organization and community. I apologize and take responsibility for the mistakes that I've made. I look forward to staying involved with ALS, especially to assist with fundraising. I believe deeply in the work and am grateful to have been part of the organization.

Marsee! Pishshapmishko (take care),

Amanda Carling

PRESIDENT OF THE BOARD OF DIRECTORS
ABORIGINAL LEGAL SERVICES

OUR VOLUNTEERS

2020 Community Council Volunteers

Alan Colley
Arrow Delangis
Ayn Cooney
Bear Charles
Brian Provo
Candace Goss
Dave Smith
Dawn Stiles
Denise Booth
Diane Hall
Dyan Roy
Elaine Grant
Emily Clairoux
Francis Herbert
Janet Schnuerer
Jarret Leaman
Jenny Blackbird
Joseph Schuchert
Kris Pheasant
Larissa Crawford
Lisa DelCol
Lori Mishibinijima
Megan Fowler
Megan Scribe
Melissa Deleary
Michael White
Minowaywayjiwan (Mino) Sinclair
Natalie Marsh
Nicole Penak
Pamela McNeill
Rene Timleck
Ruth Koleszar-Green
Sarah Doxtator
Shallen Murray
Shannon Bernard
Shannon Simpson
Shardae Fortier
Stephanie Pangowish
Steve Teekens
Tanya Macmillan
Theresa Burning
Victoria Pezzo
Wylie Stonefish

2020 Giiwedín Anang Council Volunteers:

Bella Lafontaine
Billie Jean McBride
Clayton Shirt
Jeffery MacDonald
Jenny Blackbird
Jimmy Dick
John Brown
Ken Robertson
Madeline Brown
Marie Gaudet
Sarah Doxtator

Our volunteers care for our community. It is this kindness that ensures our people are safe and loved. For that and all the support they give, we say:

G'chi Miigwech;
Niá:wen;
Marsee;
Tansi;
Nakurmiik;
Many Thanks;
Merci beaucoup!



OUR STAFF



ADMINISTRATION

Loretta Watetch, Legal Secretary
Michelle Rice, Finance Officer
Nazanin Najafizadeh, Manager, People's Operation
Rae Lynn Jackson, Administrative Assistant Trainee

LEGAL CLINIC

Christa Big Canoe, Legal Advocacy Director
Emily Hill, Senior Staff Lawyer,, Courtworker Supervisor
Caitlyn Kasper , Staff Lawyer
Doug Varrette, Staff Lawyer
Keenan Miller, Law Clerk
Audrey Huntley, Paralegal
Sheila Warner, Tenant Rights Paralegal
Brandon Fenton, Victim Rights Case Worker
Carlene Pheasant,Victim Rights Case Worker
Epiphany Hunt ,Victim Rights Trainee
Jody Paul, Victim Rights Advocate Trainee
Desiree Duplessis, Articling Student
Jasmine Lapratt-McLennon,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, Giiwedin Anang Case Manager
Isabelle Brown, Giiwedin 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



Despite the year we have all faced, there is a lot to be thankful for and reasons to share all the hard work the advocacy staff has done to assist others. It has been an unusual year but our staff continue to work remotely and we maintained our regular intake days and hours since Mid-March 2020. Although there was a short slowdown when Covid-19 first hit, our intake has remained busy. Unfortunately in times like these those often hit the hardest are already experiencing poverty, food insecurity, under housing and legal risk. Our dedicated staff have continued to serve clients during shutdowns and through almost painful uncertainty. Where courts and tribunals have operated via video or by teleconference we continue to support people through various processes. .

Legal Advocacy and Victim Rights Programs

The Legal Advocacy Program is currently operating with a full time staff of 13 people; consisting of 1 Director/lawyer, 3 lawyers, 2 paralegals, 1 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, a victim rights advocate, 2 victim rights caseworker, and one victim rights advocate trainee.

This year the staff has had to adapt to working from home and remotely while still maintaining high quality services via phone and video conferencing. It has been an adjustment for clients and staff not to be able to do in-person intake or meetings. We have taken advantage of the current work environment to increase on-line training, learning and attendance at CLE and workshops.

In addition to the regular summary advice and representation, the advocacy team continues to participate in law reform activities, provide public legal education sessions and test-case litigation. This year our community also had new arising issues as a result of covid. A number of the litigation and actions we were part of was specifically because of the new obstacles or health concerns Covid raises for those experiencing poverty or custody. We have had a stellar year as it relates to litigation and test case litigation as described in more detail below. Staff found themselves at all levels of the court including the Ontario Court of Appeal and the Supreme Court both in person and via video. We have done quite a bit of advocacy this year in community advisory committees, public speaking and in the media.

The following section highlights some of the significant cases and projects the Legal Advocacy Program has worked on this past year. We continue to maintain a strong presence in Toronto's Aboriginal community. 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,
- Staff have been guest speakers and University lecturers in a number of events throughout the year. This has included conferences on housing and poverty law, criminal law, head of agencies of Civilian Oversight, policing associations, and classes at various Universities and Colleges. Senior staff have also delivered presentations or training at judicial conference or training sessions
- participated in the Missing Person's Review of the Toronto Police Services at the Indigenous specific meeting with the community
- Staff attended Toronto clinic training
- Continued to participate in a number of in-person meetings as ALS's representative in 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.
- Was deputized to make submissions to the provincial committee regarding amendments to the *Legal Aid Service Act (LASA)*
- A learning session with Knowledge Now on Racism delivered to the clinic system
- deputized to make submissions to police service board
- Guest speaker at Changes to the Police Oversight Legislation in Ontario
- As members of the Sinclair Expert working group, along with health advocates , ALS wrote an open letter on combating systemic racism in health care that includes a request for Ottawa to make the change to the act, which lays out federal goals for publicly funded care. The letter, which went live on Oct. 21, and has gained many signatures.



COVID related litigation and action:

As a coalition of housing advocates in Toronto the Sanctuary Ministries of Toronto, Aboriginal Legal Services, the Advocacy Centre for Tenants Ontario, the Black Legal Action Centre, the Canadian Civil Liberties Association, and the HIV & AIDS Legal Clinic Ontario filed a lawsuit against the City of Toronto in April 2020 and took them to court in September because the city was continuing to permit the operation of shelter sites with bunk beds less than two metres apart.

Ontario Superior Court Justice Lorne Sossin wrote in his decision of October 15, 2020: "Taken as a whole, the record leads me conclude that the city had not used its 'best efforts' to achieve physical distancing standards in the shelter system by June 15, 2020," Now, the coalition will continue to watch and review reports that the City must release on their compliance of safe social distancing to protect those most vulnerable during the pandemic.

Read the case here:

<https://ccla.org/cclanewsites/wp-content/uploads/2020/10/2020-10-15-ONSC-Decision-re-non-compliance-with-settlement-FINAL.pdf>

ALS IN THE NEWS

The Agenda: Removing Barriers to Justice in Ontario (May 26, 2020)

Video link: <https://www.tvo.org/video/removing-barriers-to-justice-in-ontario>

Transcript <https://www.tvo.org/transcript/2616610/removing-barriers-to-justice-in-ontario>

Time to rethink policing in Toronto? Here are some ideas about what that might look like (June 11, 2020)

<https://www.thestar.com/news/gta/2020/06/11/time-to-rethink-policing-in-toronto-here-are-some-ideas-about-what-that-might-look-like.html>

Coalition pushes Ontario for information on Coronavirus in jails (July 7, 2020)

<https://www.woodstocksentinelreview.com/news/local-news/coalition-pushes-ontario-for-information-on-coronavirus-in-jails/wcm/16858e79-0e9d-4cdb-8aa3-836063da46c9>

Deadly force, neglect kills dozens of Indigenous people in Ontario's justice system (August 11, 2020)

<https://www.cbc.ca/news/canada/thunder-bay/headlines/deadly-force-indigenous-1.5680668>

London, Ont. police officer sentenced to 12 months in jail for death of Debra Chrisjohn (September 21, 2020)

<https://www.cbc.ca/news/canada/london/nicholas-doering-sentencing-1.5732615>

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>

Supreme Court says government's jury reforms are constitutional (October 7, 2020)

<https://www.cbc.ca/news/politics/stefanovich-supreme-court-hearing-peremptory-challenges-1.5752251>

The Push to Make Anti-Racism a Key Medicare Principle (October 30, 2020)

<https://thetyee.ca/News/2020/10/30/Push-Make-Anti-Racism-Key-Medicare-Principle/>

Thousands spent flying Manitoba man to Winnipeg because RCMP can't take cash: lawyer (November 10, 2020)

<https://globalnews.ca/news/7440454/thousands-spent-flying-winnipeg-rcmp-take-cash/>

Lawyers familiar with Ontario inquest process call for more accountability after deaths at Thunder Bay jail (November 25, 2020)

<https://www.cbc.ca/news/canada/thunder-bay/headlines/deadly-force-indigenous-1.5680668>

Restoring civil liberties in Canada post-pandemic a concern for legal experts (November 30, 2020)

<https://chatnewstoday.ca/2020/11/30/restoring-civil-liberties-in-canada-post-pandemic-a-concern-for-legal-experts/>



Some of the Court Cases from this past year

R. v. Itturiligaq (Nunavut Court of Appeal)

Jonathan Rudin was counsel on this file on behalf of ALS. On June 8, 2020, the Nunavut Court of Appeal released its decisions in *R. v. Itturiligaq*. The Court of Appeal determined that the mandatory minimum sentence of four years for discharging a firearm contrary to s. 244.2(1)(a) of the *Criminal Code* was constitutional. This was not the outcome ALS was arguing for.

<https://www.canlii.org/en/nu/nuca/doc/2020/2020nuca6/2020nuca6.html>

R. v. Sharma (Ontario Court of Appeal)

Jonathan Rudin and Emily Hill were counsel on this file on behalf of ALS. Ms. Sharma is a 25-year-old Canadian woman of Ojibwa ancestry and is a member of the Saugeen First Nation who was convicted of importing a controlled substance. On July 24, 2020, the Ontario Court of Appeal struck down two sections of the *Criminal Code* that removed the availability of conditional sentences, as an alternative to custodial sentences, for certain offences. This is an important victory that gives effect to the sentencing principles of *Gladue* and breathes new life into section 15 of the Charter.

The Court stated: “The impugned provisions, in their impact on Aboriginal offenders including Ms. Sharma, create a distinction on the basis of race,” Justice Kathryn Feldman said for the court. “The provisions deny Ms. Sharma a benefit in a manner that has the effect of reinforcing, perpetuating and exacerbating her disadvantage as an Aboriginal person.”

Specifically they “declare that ss. 742.1(c) and 742.1(e)(ii) of the Criminal Code unjustifiably infringe ss. 7 and 15 of the Charter and are, therefore, of no force or effect.”

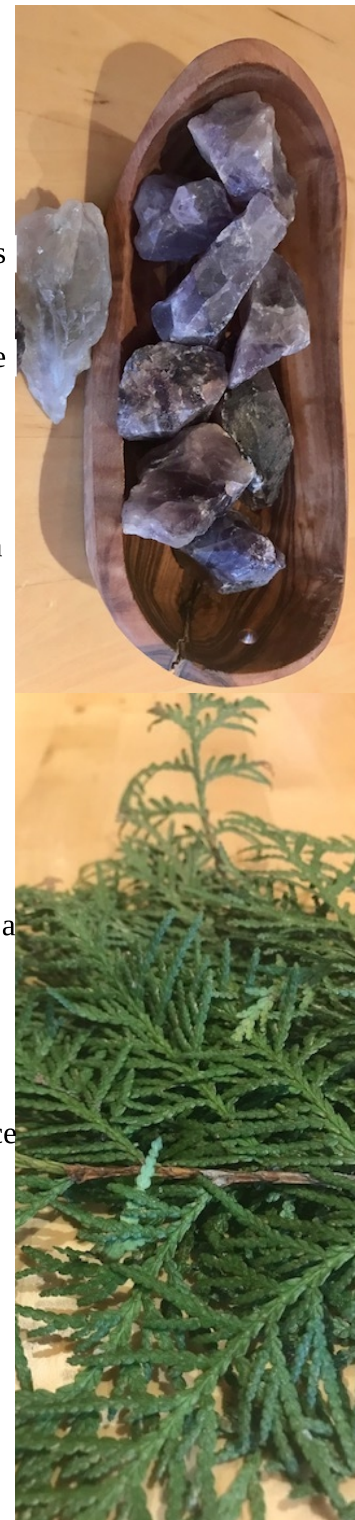
<https://www.canlii.org/en/on/onca/doc/2020/2020onca478/2020onca47>

R. v. Turtle

Jonathan Rudin and Caitlyn Kasper were counsel on this file on behalf of ALS. This was a case before the Ontario Court of Justice. A decision was released by Justice Gibson in October of this year. As he states, “The question at the heart of this joint application, namely, whether particular Criminal Code provisions of general application have an unconstitutional impact on Pikangikum First Nation residents requires a close look at the history of the people of Pikangikum, their place in Canadian confederation and what it means for them to be equal under the law.” It is in-depth, and looks accurately at evidence of the reality of Indigenous people in remote locations. Reading the whole case is strongly recommended. At the time that the decision was read into Court, the decision was translated into Anishinaabemowin in real time. That act itself demonstrates that the court was taking the community's lived experience into account.

Full decision here:

<https://www.canlii.org/en/on/oncj/doc/2020/2020oncj429/2020oncj429.html>



Each case is really a team effort and all of the work that goes into each case whether it is at an administrative tribunal or to the Supreme Court is really a opportunity for a client or to make an impact and change laws that discriminate against Indigenous people. Getting to have a hand in that is something special."

R v. Chouhan

Caitlyn Kasper and Jonathan Rudin were counsel on this file. Caitlyn made oral submissions on behalf of ALS before the Supreme Court of Canada (SCC). On September 19, 2019, Bill C-75 came into force and modified the jury selection process under the Criminal Code by eliminating peremptory challenges and empowering trial judges to decide challenges for cause. Mr. Chouhan brought a constitutional challenge to the Criminal Code amendments, Mr. Chouhan submitted that, even if constitutionally valid, the amendments should not apply retroactively. ALS sought intervener standing to remind the court the purpose the amendments were made is because too often Indigenous people are discriminated against and peremptory challenges are used to eliminate Indigenous people from the jury.

The SCC rendered their decision from the bench, with written reasons to follow. They found that:

A majority of the Court is of the view that the statutory change is constitutional and purely procedural and therefore has retrospective application. Accordingly, the appeal is allowed, the cross-appeal is dismissed and the conviction is restored.

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/18497/index.do>

R v. Reilly

Jonathan Rudin was counsel and made oral submissions to the SCC on behalf of ALS. Mr. Reilly was not brought before a justice for his bail hearing within 24 hours of his arrest. The law requires that a detained person be taken before a justice within a period of 24 hours and “without unreasonable delay” when a justice is available and brought “as soon as possible” when a justice is not available. The Crown conceded that the appellant had been held for longer than 24 hours before he was taken before a justice contrary to s. 503(1)(a) of the Criminal Code, R.S.C. 1985, c. C-46, and that this was a breach of his ss. 7, 9 and 11(e) Charter rights. The provincial court judge issued a stay of proceedings. The Court of Appeal set aside the stay of proceedings and ordered the applicant to stand trial.

The SCC rendered their decision from the bench, with written reasons to follow. They found that:

...that the breach of s.503 of the *Criminal Code*, R.S.C. 1985, c. C-46, was an instance of a systemic and ongoing problem that was not being satisfactorily addressed, we are all of the view that there was no basis for the Court of Appeal to interfere with the trial judge’s exercise of discretion.

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18509/index.do>

Floyd Deleary and Justin Thompson Inquest

Christa Big Canoe and Douglas Varrette were counsel on behalf of ALS for this inquest. It was originally a joint inquest for three men but one was withdrawn during the course of the inquest when testimonial evidence led to the need for further investigation. This inquest looked into the death of three inmates at Elgin-Middlesex Detention Centre EMDC. The Inquest heard of deplorable conditions, huge understaffing issues and the Jury made 80 recommendations. One such recommendation of note is 45 on "transforming the culture of corrections", specifically the recommendation speaks to "... identifying whether certain non-evidence-based security policies or practices may cause more harm than good for the well-being of the prison population, and identifying strategies for cultural transformation"

<https://www.mcscs.jus.gov.on.ca/english/Deathinvestigations/Inquests/Verdictsandrecommendations/OCCInquestDelearyThompson2020.html>





There are challenges for ALS in responding to the demand for our service in and outside of Toronto. ALS will need to seek continued funding and resources, with focus on:

- I. Recognition as an Indigenous Legal Service Corporation;
- II. To sustain and expand the victim rights program;
- III. Innovative service delivery for self-help and referred clients particularly in these times where face to face interactions are not possible.

ALS acknowledges our current supporters and expresses our sincere gratitude. Our community benefits enormously from the services that we are able to provide because of the support we receive from our funders. I would also like to say G'chi Miigwech to the volunteers, staff and private bar lawyers that have assisted our community members over this past year. It has been a difficult year for many but kindness and generosity create ways to move through difficult times.

In times when we cannot gather to even celebrate lives of family members we have lost over this past year because of social distancing or facing the impacts everyone is experiencing because of COVID-19, I have to share that I believe the advocacy staff, and all ALS staff have really gone above and beyond in order to serve our community while overcoming their own adversity and adjustments. I am so grateful for the chance to learn and grow with all of them.

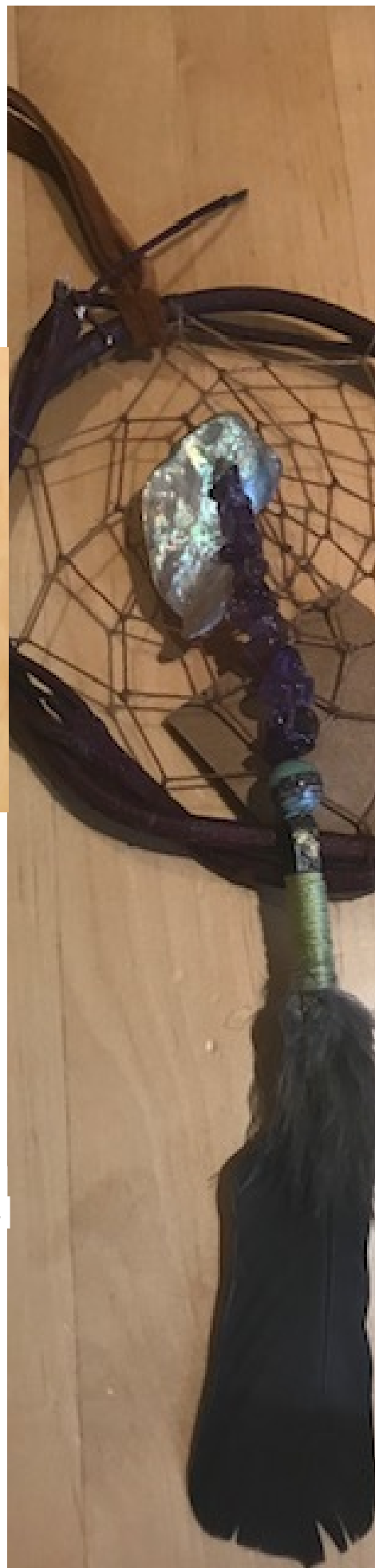
Each year the Clinic receives between 865-1400 intakes/cases. Despite our offices being physically closed to the public due to COVID-19, we have had 1043 cases this year.

*Miigwech,
Christa Big Canoe*

CHRISTA BIG CANOE
LEGAL ADVOCACY DIRECTOR

"Our ability to get through this difficult time is due to the commitment, ingenuity and dedication of all our staff and volunteers."

REPORT OF THE PROGRAM DIRECTOR



2020 marked the 30th anniversary of the founding of Aboriginal Legal Services and my 30th year working for ALS. Without question this year has been the most challenging – due of course to the COVID 19 pandemic. I am very happy to report that we met the challenge as best as we could and have remained clear and focussed in our work.

When the province shutdown most activity in the middle of March, ALS shifted immediately to providing our programs and services remotely with very little disruption. Staff moved from their offices to working from home but, thanks to our phone system, those calling in for assistance could still use our main numbers and extensions. From the perspective of our clients it was as if we were all still working from the office. Moving to a virtual environment did create some challenges for staff who did not have the necessary equipment to allow for remote working but we have been addressing these issues over the past few months.

As will be detailed below, our programs adapted as well as could be hoped to a new environment where face to face meetings became the exception rather than the norm. One way we adapted to the new environment was to provide more programming outdoors during the summer and fall when it was feasible to do so.

Our experience with outdoor programming and the universal popularity of providing services in this manner has impressed on us the need to continue to have this option available even after the pandemic ceases (soon I hope) We will be looking to establish more permanent outdoor sites both downtown and in Scarborough to allow for this work to continue in 2021.



PLEASE DO NOT ENTER

The Toronto Archives' green space is shared with Aboriginal Legal Services, until October 31, 2020, to facilitate its programs.

During this time, this area will be temporarily closed to the public.

Thank you for welcoming this service into the neighbourhood.



Call 3 1 1

Thanks to assistance from the City of Toronto we were able to put up an outdoor space at the Toronto Archives at Spadina and Dupont, The site operated from August to the end of October and allowed us to offer a range of programming outdoors under a tent. The programming included Indigenous justice circles, group programming, one on one counselling and meetings and teachings from Dorothy Peters, our Traditional Teacher. Funding secured for Indigenous organizations by TASSC (Toronto Aboriginal Support Services Council) allowed us to quickly obtain the resources we needed to start up outdoors.

We were also able to provide similar services in Scarborough thanks to great cooperation with Gabriel Dumont Non-Profit Homes. There the outdoor space also allowed for Indigenous justice circles as well as a range of group programming and one on one counselling.

As the weather got colder and working outdoors was no longer feasible we looked to find suitable locations to continue to provide indoor programming in a manner that met all safety guidelines and recommendations. Unfortunately our space at 211 Yonge Street is not well suited for this purpose. The elevators in the building can only safely take two people at a time and we really have only one space large enough to allow for a five or six people to meet while observing social distancing measures. Again, Gabriel Dumont was very supportive and provided us with access to a portable that allows us to offer many our programs while still maintaining social distancing. We also found a site downtown at Queen and Bellwoods that similarly allows us to safely continue our work indoors.

As I write this report, Toronto has gone back into lockdown and this will undoubtedly have some impact on our services but, we are better prepared to weather these disruptions and I know that while they will present challenges, that we can overcome them.

What follows is a brief outline of how each of our programs has adapted to our new environment in 2020.

Gladue Program

In February 2020 I went to Sydney and Melbourne in Australia to discuss our Gladue program. There is a great deal of interest in adapting our experience to the Australian Indigenous context. During my time in Melbourne I met with a group of people leading a pilot project to develop Gladue type reports in the state of Victoria. This work is part of our partnership with VALS - Victorian Aboriginal Legal Service. They were in the process of getting the pilot project started when COVID set things back. Work is continuing however and I look forward to assisting the project remotely over the next few years.

The COVID shutdown did not stop the work of our Gladue team. Gladue Reports were still being requested by the courts, although the writing of those reports took more time.

Face to face meetings with in-custody clients could now only take place between the glass which meant that it was harder to discuss some issues and more trips to the jails were required. And of course, when outbreaks in the jails occurred, meetings of all kinds were cancelled.

Because the courts put matters involving out of custody clients on hold until the fall, our volume of Gladue Letters was reduced. As the courts opened up in the fall, the volume of requests increased. Our Gladue team has done a great job meeting the timelines from the courts while doing much of the work remotely, primarily over the phone.

Community Council Program

Restrictions on face to face meetings took a toll on the work of the Community Council – our Indigenous alternative criminal justice program. For the first few months of the pandemic courts were diverting fewer matters as out of custody cases were adjourned automatically. By the summer the number of diversions started to increase and we were able to hold Community Council hearings with our volunteers at our outdoor sites. We will continue to hold these hearings indoors when we are sure we can do safely.

In the meantime, Council staff have continued to provide support to clients who are trying to get through the pandemic. These times have made it very clear that those who are living at the socio-economic margins of society – our clients - are the most severely impacted by the pandemic. Council staff have worked hard to try to respond to their needs as best we can. This programming has been provided both in-person and virtually.

Giiwedin Anang

The pandemic has caused pressures on families and the Giiwedin Anang program – our Indigenous alternative justice program for child welfare matters - continues to be busy. We were able to hold Giiwedin Anang Circles in our outdoor space and will do so in our indoor locations as well. We are able provide counselling to our clients in the program both in person and remotely.

Our Dreams of Growing Children Healthy Relationships program started up again in the summer. The program is now offered through a mix of in-person, phone and virtual meetings and continues to meet a real need. The lessons we are learning around program delivery will continue in post-pandemic world. Our increasing connections to Scarborough have led to us planning to offer a Dreams group there when it is safe to do so.



"The pandemic has also meant greater isolation for many people. Our group programming has been a real lifeline for clients – giving them a place where they can share their feelings and concerns and obtain teachings from Elders, Traditional Teachers and others that can help them through this difficult time."

Aboriginal Courtworker Program

When the pandemic hit, the courts basically shut down. This didn't mean that people were not being arrested, they were, but it did mean that the processes that had been established for the holding of bail hearings and sentencings changed dramatically. Our Courtworkers followed along with these changes and started to provide services remotely. Bail hearings and sentencings by phone and Zoom became the default method for addressing cases. We continue to help clients even though we are no longer able to meet with them face to face. As the courts start to open up our Courtworkers are on a number of committees looking at what opening up looks like and ensuring that there is always a role for our staff.

One important initiative that Courtworkers took on early in the pandemic was preparing resource guides for the courts. These guides provided judges and lawyers with up to date listings of what programs were operating and how they were delivering their services. These guides have been updated regularly and have been greatly appreciated by courts.

Indigenous Knowledge Helper Program

The pandemic shut the Indigenous Persons Courts (IPC) in Brantford and Niagara. 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 not operating at all. During this period consultations are still taking place addressing how the role of Indigenous Knowledge Helpers can be expanded when the courts open up again.

The Road to Your Name

The Road to Your Name or Yoha:Te:Ne:Kahsen:Na provides group programming based on cultural teachings and knowledge for clients and families who have matters in the Brantford courts and serves primarily, but not exclusively, people with links to Six Nations. The pandemic has made group programming impossible. Virtual meetings are also very difficult because internet connections on Six Nations are not very stable.

For these reasons the program has pivoted to develop a series of 10 podcasts that will launch very soon. The podcasts feature a range of speakers who address a variety of fascinating topics. Once season one launches, work will begin on season two.

FASD Worker Program

Our FASD Worker Program continues to be very busy. She made many visits to hospitals and social service agencies as well taking a lot of socially distanced walks with clients. We have also been able to provide clients with help with grocery cards and other assistance.

We recently partnered with Surrey Place to allow us to provide FASD diagnostic services for adults – a service that is not currently funded by OHIP. Of course, diagnostic services are also impacted by OCVD but our FASD Worker is now able to do some of the diagnostic work herself and is able to pass the information on to the team at Surrey Place. That fact that we can obtain diagnoses for clients during a pandemic is remarkable and speaks to the ingenuity and commitment of our staff and our partners.

"Negotiating a pandemic world is challenging for everyone, but our FASD affected clients face particular hurdles. Fortunately, our FASD Worker is able to provide the clients with the support they need however they need it. "



Welcome Home Program

Dorothy Peters, our Traditional Teacher, has been an integral part of the Welcome Home program. During the pandemic Dorothy has been called upon in many different ways. She has done a number of circles for those who have lost loved ones. Some of these circles have taken place over the phone, some in small funeral services and some in outdoor circles.

Dorothy has also been doing a lot for one on one counselling sessions. Some are done over the phone and some in person. She continues to be a valued support to many of our other programs. Dorothy also gave community teachings once every two weeks at our downtown outdoor site. The teachings were valued by all who attended.

Prior to the shutdown of the courts, Dorothy was very involved in conducting sentencing circles. As the courts have slowly started to open up again, plans are being put in place for sentencing circles to start up again. The first of these circles is tentatively scheduled for December at the Old City Hall Court but we'll have to see how things develop.

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

Chi miigwetch.

Jonathan Rudin

PROGRAM DIRECTOR
ABORIGINAL LEGAL SERVICES

APPENDIX A- 2020 AGM AGENDA



Tuesday December 1, 2020 – 6 p.m.

DRAFT AGENDA

1. Opening Thanksgiving and Teaching – Dan and Mary Lou Smoke
2. Adoption of Agenda
3. Adoption of Minutes from the 2019 AGM (Nov 28 2019)
4. Miigwetch Rose Cameron
5. Auditor’s Report and Financial Statements
6. Appointment of Auditor
7. President’s Report
8. Presentation of the Timeline
9. Managers’ Reports
10. Board Elections
11. Other Business
12. Closing – Dan and Mary Lou Smoke

APPENDIX B- 2019 DRAFT AGM MINUTES



ABORIGINAL LEGAL SERVICES

Annual General Meeting
Thursday, November 28, 2019

DRAFT MINUTES (JS)

Present: Amanda Carling (Chair), Claire-Lise Beaudesne, Genevieve Easton-Poole, Justin Basinger, Leslie Anne St. Amour, Jessie Stirling, Ian Manning (auditor), Micheal Miller, Christa Big Canoe, Joseph Schuchert, Jay Caron

Regrets: Rose Cameron, Brandon Jacko, Sinead Charbonneau, Sunny Freeman

1) Opening Thanksgiving

- Jay Caron provided the opening

2) Adoption of Agenda

MOTION #1: To approve the November 28, 2019 agenda as amended.

Moved: Jessie Stirling

Seconded: Leslie Anne St. Amour

Carried

3) Adoption of Minutes from 2018 AGM (held March 25, 2019)

MOTION #2: To approve the minutes from the 2018 AGM (held March 25, 2019) as amended.

Moved: Genevieve Easton-Poole

Seconded: Claire-Lise Beaudesne

Carried

4) Auditor's Report and Financial Statements

i CLINIC

MOTION #3: To approve the audited final financial statements for ALS Legal Clinic for the fiscal year which ended on March 31, 2019.

Moved: Genevieve Easton-Poole

Seconded: Jessie Stirling

Carried

ii. 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-profit's 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 #4: To approve the audited final financial statements for ALS Inc for the fiscal year ending on March 31, 2019.

Moved: Leslie Anne St. Amour

Seconded: Justin Basinger

Carried

5) Appointment of Auditor

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

Moved: Genevieve Easton-Poole

Seconded: Amanda Carling

Carried

6) President's Report

- An error in the 2019 President's Message and 2019 Nominating Committee Report was brought to the membership's attention. The message and report state that Claire-Lise Beaudesne has decided to resign from the Board, but in fact Claire-Lise intends to stand for re-election.

7) Manager's Reports

- Executive Director, Micheal Miller's Report
- Legal Advocacy Director, Christa Big Canoe's Report
 - The report prepared by Christa and Emily is incredibly thorough and detailed, and includes helpful links for readers. It was written with the intention that it be posted on the ALS website for the public to see, and Amanda noted that it is a useful resource for fundraising and for increasing membership.
- Program Director, Jonathan Rudin's Report

8) Board Elections

- The five Directors whose terms expire at this AGM are:
 - a. Claire-Lise Beaudesne
 - b. Amanda Carling
 - c. Sinéad Charbonneau
 - d. Sunny Freeman
 - e. Leslie Anne St. Amour
- Sunny Freeman has decided to not stand for re-election.
- The following four Directors stand for re-election to a two-year term for the Board of Directors on the recommendation of the Nominating Committee:
 - a. Amanda Carling **6 votes in favour; 0 against. ELECTED.**

**nominated at the AGM by Justin Basinger as Amanda was the only member of the Nominating Committee present*

- a. Sinéad Charbonneau **6 votes in favour; 0 against. ELECTED.**
 - b. Leslie Anne St. Amour **6 votes in favour; 0 against. ELECTED**
 - c. Joseph Schuchert **6 votes in favour; 0 against. ELECTED.**
- The Nominating Committee recommends that the remaining two positions stay vacant until suitable candidate are found.
 - Genevieve Easton-Poole nominated Claire-Lise Beaudesne for the Board of Directors.
 - a. **Claire-Lise Beaudesne 0 votes in favour; 6 against. NOT ELECTED.**
 - Claire-Lise was recognized by the Board for her years of service.

~~9) Question Period~~

~~10) Other Business~~

11) Closing

- Jay Caron provided the closing

APPENDIX C- 2020 Report of the Governance, Policy & Nominating Committee



An objective of the Governance, Policy & Nominating Committee (the “**GPN Committee**”) is to seek appropriate candidates for the board and to present a slate of candidate to the AGM where vacancies exist. The current members of the GPN Committee are Jessie Stirling, Branden Cave, and Jessica Kras.

Aboriginal Legal Services is governed by a Board of 10 Directors. At present, there are four vacancies. The following are currently Directors:

1. Amanda Carling
2. Genevieve Easton-Poole*
3. Jessie Stirling*
4. Sinéad Charbonneau
5. Leslie Anne St. Amour
6. Branden Cave*

The three Directors whose terms expire at this AGM are indicated with an asterisk.

The following are currently shadow (non-voting) Board Members:

- Rose Cameron
- Haley Cochrane
- Basima Roshan
- Jessica Kras
- Paul-Emile McNab

The Nominating Committee nominates the following candidates for the Board of Directors:

- Genevieve Easton-Poole
- Jessie Stirling
- Branden Cave
- Haley Cochrane
- Basima Roshan
- Jessica Kras
- Paul-Emile McNab

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. We will post this report and both sets of Audited Statements on our website.



ABORIGINAL LEGAL SERVICES

211 Yonge Street, Suite 500
Toronto, Ontario
416-408-3967
aboriginallegal.ca