



Gladue Courts Needs Assessment Report

SPRING 2025



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EXECUTIVE SUMMARY

The New Court Structure: Improvements

Indigenous clients, Gladue Court users, and Indigenous community service providers all identified several improvements that they have experienced and observed since Toronto's Gladue Courts moved to the New Toronto Courthouse (NTC) in 2023. These improvements are described in detail in this report, and can be summarized into the following categories:

- **Increased Respect and Dignity:** respect, humanity, understanding and compassion are prioritized in the new Gladue Courts.
- **Support for culture and creating community in the courtroom:** changes to courtroom design, including the addition of Indigenous artwork, smudging, food and water, and the removal of colonial 'formalities' have contributed to making the courtroom into a more culturally safe space for Indigenous accused people and all those working within the Court on a regular basis.
- **Increased availability of Gladue Court and access to justice:** Gladue Court now operates five days a week at the NTC, which has improved Indigenous clients' access to justice and has allowed for more consistent and timely attention to Gladue cases.
- **Centralization:** the NTC's Gladue courtrooms are located across the hallway from ALS offices. The duty counsel office is located on the second floor of the NTC, and the Toronto Bail Program is located on the tenth floor. Having all of these offices located within the NTC makes it easier for clients who appear in person to access many of the services that provide them with supports and resources.
- **Efficiency of Proceedings:** interviewees, particularly clients, feel that matters at the NTC's Gladue Courts are heard faster, and proceedings are better organized compared to experiences in other courtrooms.

The New Court Structure: Ongoing Issues

Clients, Gladue Court users, and Indigenous community service providers also identified several ongoing challenges that they experience since the Court's amalgamation. These issues and challenges can be summarized into the following categories:

- **Inconsistency of Gladue teams:** while there have been efforts to assign experienced Gladue judges and duty counsel to Gladue Court at the NTC, there are still challenges with ensuring consistency of experienced Crowns who are able to exercise their discretion in accordance with Gladue principles.
- **Location of the court:** the location of the NTC creates challenges for Indigenous people who live outside of downtown, who access services in other parts of the city, and/or who face barriers using or accessing public transportation if they want to appear at court in person.
- **Lack of formalized processes:** many of the successful practices taking place at the NTC's Gladue Court (i.e., food and water being provided in the courtroom) are driven by the dedication and will of certain practitioners, but are not necessarily upheld by firmly established policies.

Continuous Movement Towards Access to Justice

- **Improving accessibility of hybrid options:** Clients get the most out of Gladue Court when they appear in person, however others face significant barriers to appearing in person. Hybrid options need to be made more accessible to ensure that Indigenous clients have as many options to appear in Court as possible.
- **Establishing process and accountability:** Without clear, formal policies, the successful practices supporting Indigenous clients in Gladue Court are at risk of being lost. It is essential to establish formal policies and processes to ensure these successful practices can be sustainably and consistently implemented and improved upon.
- **Indigenous representation in the courtroom:** Increasing Indigenous representation within the courtroom (i.e., judges, lawyers, justices of the peace, etc.) will contribute to improved operations and policies within Gladue Court processes, and improved outcomes for Indigenous people involved in the criminal justice system.
- **Training and professional development:** Gladue Court practitioners, including judges, crowns, duty counsel, Toronto Bail Program supervisors/workers, private lawyers, and Justices of the Peace, should have access to continued training and education on the practical application of Gladue principles, and the importance of Gladue Court processes to support Indigenous communities and broader goals of reconciliation.
- **Integration and collaboration with community service providers:** Representatives from Indigenous community service providers including Anishnawbe Health, Native Child and Family Services, Centre for Addiction and Mental Health, and others should have physical and regularly scheduled presence on the 9th floor of the New Toronto Courthouse to enhance their availability to Indigenous people appearing in Gladue Court at the NTC.
- **Exploring options for satellite spaces to support virtual appearances for clients outside of downtown Toronto:** In response to concerns about equitable access to justice for Indigenous peoples residing outside the downtown core, the possibility of setting up a satellite space in Scarborough may be explored for individuals to access Zoom and attend court hearings remotely.

HOW IT STARTED

In 2017, the Ontario government announced that it would be opening a new courthouse in downtown Toronto “as part of its plan to modernize and improve access to the justice system” . The New Toronto Courthouse (NTC) consolidates six Ontario Court of Justice (OCJ) criminal courts , including the Gladue Courts that had been operating at each location. As part of this consolidation, the Toronto Regional Bail Centre (TRBC) was established at the site of the former courthouse at 2201 Finch Avenue West.

In the Fall of 2022, Aboriginal Legal Services (ALS) contracted policy and engagement consultants to conduct a series of three Needs Assessments on how the new court structure can best incorporate Gladue principles and Indigenous justice approaches. The Phase 1 Needs Assessment took place in 2023 and was focused on determining how many Gladue Stakeholder Committees would be required for the new court structure, and the participation that is needed from Indigenous peoples moving forward. As part of Phase 1, key informant interviews were held to gather the perspectives of Indigenous and non-Indigenous legal professionals involved in Toronto’s Gladue Courts and to understand how the Gladue Courts in each location would be impacted by the new court structure.

The Phase 1 Needs Assessment report summarized the findings of Phase 1 research, provided conclusions about the anticipated challenges and opportunities created by the new court structure, and proposed a Gladue Court Committee structure for decision-making at the NTC based on the input gathered through research and engagement.

Since the conclusion of the Phase 1 Needs Assessment in Spring 2023, the NTC and TRBC have been operating within the new court structure. However, during the first year of operations, the location of the bail centre was highly contested by Gladue Court users and stakeholders — including judges, Crown attorneys, duty counsel, and Indigenous community service providers — who raised concerns that the location of the TRBC negatively impacted clients’ access to bail services, legal aid and programming, health and social community supports, and more. Based on this advocacy, bail hearings were transferred to the NTC in downtown Toronto beginning October 1, 2024.

Needs Assessment Objectives

This report captures the results of the Phase 2 Needs Assessment, which evaluated how well the new court structure is working for Indigenous people going through the courts. Phase 2 involved obtaining feedback from Indigenous clients, members of the Gladue Court Committee, and community service providers who are working with Indigenous clients involved in the criminal justice system.

¹ Government of Ontario. (2023, February 28). Ontario Opening New Courthouse in Toronto. <https://news.ontario.ca/en/release/1002759/ontario-opening-new-courthouse-in-toronto>.

² The courts involved in the consolidation are: Old City Hall, College Park, 1000 Finch, 2201 Finch, 311 Jarvis, and Scarborough.

This Needs Assessment shares reflections from clients, Gladue Court users, and community service providers about the improvements that have been made since the new court structure began operating in Spring 2023. It identifies the ongoing issues that have continued to persist under the new court structure, and recommendations for future improvements that can support opportunities for increased access to justice for Indigenous people in the court system. The Needs Assessment also highlights an emerging issue related to Indigenous self identification within the court system, and the challenges that this issue poses for Gladue Courts and Indigenous service organizations.

This is the second of three Needs Assessments related to the NTC and TRBC. The third and final Needs Assessment will take place in early 2025, and is expected to include members of the broader Gladue Court community in Toronto, including Elders and Indigenous service providers who will be able to share their visions for the future of Gladue Court processes at the NTC.

Methodology

The objectives of engagement for the Phase 2 Needs Assessment were to:

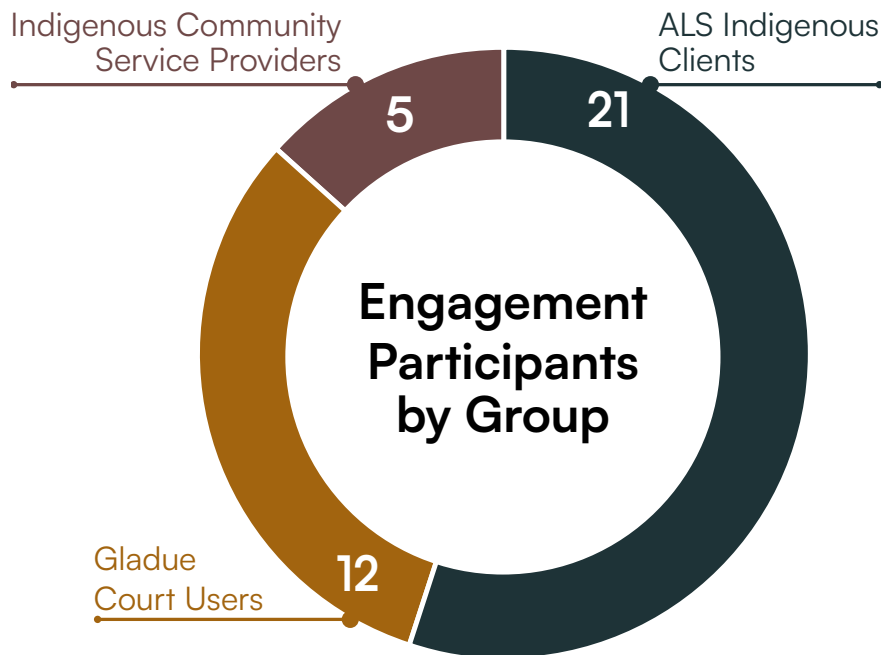
- Assess how the new court structure is working for:
 - » Indigenous clients (Indigenous people going through the court system including ALS Community Council clients)
 - » Gladue Court users (individuals who work at the courts)
 - » Indigenous community service providers (professionals and individuals providing services to Indigenous clients who are involved in the criminal justice system)
- Understand how the implementation of Gladue principles may provide transformative and restorative justice options to First Nations, Inuit and Métis people
- Understand how well ALS is serving Indigenous clients within the new court structure
- Identify opportunities for continuous improvement and expansion of access to justice for First Nations, Inuit and Métis people involved in the court system

Interviews were the main method of engagement used to achieve these objectives in Phase 2. Client interviews were held in person, while interviews with Gladue Court users and Indigenous community service providers were held virtually over Zoom. This was important to guarantee privacy and protect the anonymity of participants and to ensure they would feel safe to openly share their experiences with the court system, give their opinions about the new court structure, and share feedback about how well ALS is serving their needs.

The engagement team worked with ALS to identify individuals in the following three categories based on their involvement and experiences within the Toronto court and bail systems:

ALS Indigenous clients	<ul style="list-style-type: none"> • First Nations, Inuit and Métis clients accessing services through ALS • ALS Community Council clients (individuals who have been diverted out of courts, now working in the ALS Restorative Justice program)
Gladue Court Users	<ul style="list-style-type: none"> • Judges • Crowns (who have worked in/involved with Gladue Court) • Duty Counsel • ALS Staff: Court workers, lawyers, Elder • Toronto Bail Program supervisors/workers • Private lawyers • Justices of the Peace
Indigenous community service providers	<ul style="list-style-type: none"> • Professionals providing a range of services to Indigenous clients involved in the criminal justice system (i.e., housing, health, healing supports, etc.)

The figure below illustrates the number of people from each category who participated in engagement for Phase 2.



ALS INDIGENOUS CLIENT INTERVIEWS

21 in-person client interviews were held over the course of five different days between July-September 2024. Client interviews were held during designated 'drop-in' times at ALS offices (10 Armoury Street and 211 Yonge Street) in downtown Toronto, and informational posters about the Needs Assessment and interviews were available at both offices. ALS Court Workers and Community Council staff also shared information about the

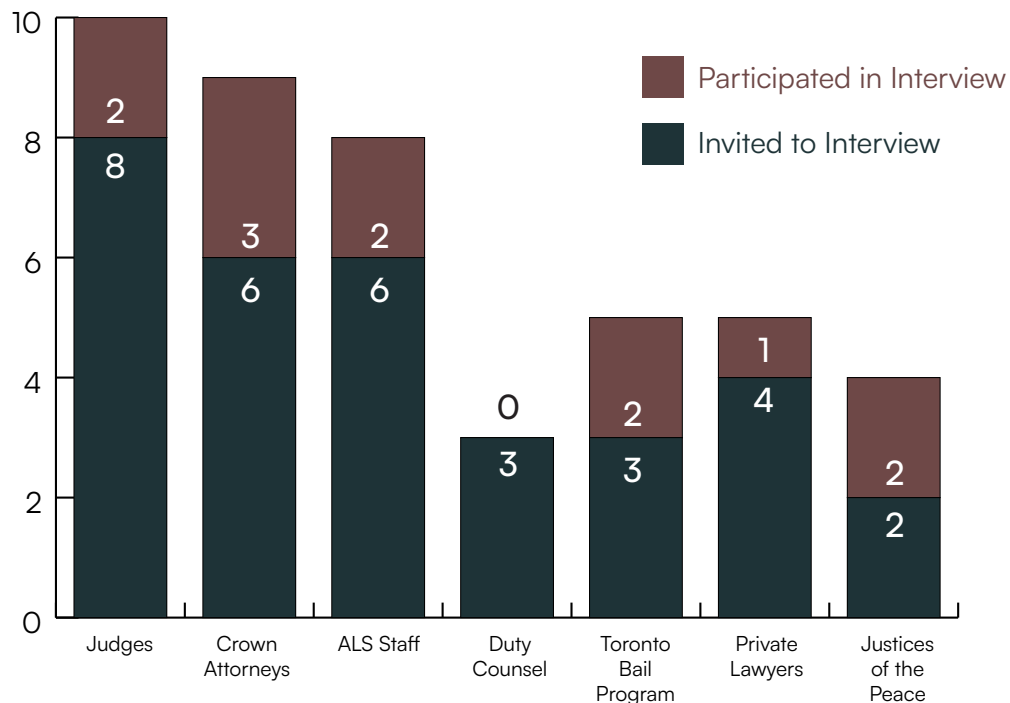
interview process with clients, and facilitated introductions between clients and the interviewers. Clients were able to request their Court worker remain in the interview room if preferred, however most clients requested private interviews. Interviews included snacks and refreshments, and each interviewee received a \$50 VISA gift card as honoraria for their time and participation.

GLADUE COURT USERS INTERVIEWS

12 virtual interviews were held with Gladue Court users in October and December 2024, following the move of Indigenous bail hearings from the TRBC to the NTC. Aboriginal Legal Services sent out initial invitations to 32 individuals via email, inviting them to contact the interviewers.

The figure below compares the number of Gladue Court users who were invited to interviews to the number of those who participated.

Gladue Court User Interviews Invitees vs. Participants



It is important to note that despite multiple invitations sent, interviewers did not receive any responses from duty counsel or members of Legal Aid Ontario who were willing to participate in interviews, which was a limitation of the Phase 2 Needs Assessment.

INDIGENOUS COMMUNITY SERVICE PROVIDERS INTERVIEWS

Virtual interviews and meetings were held with five individuals from Indigenous community service providers to share more about the project and to invite insights from their staff regarding the consolidation of the courts and its impacts on Indigenous peoples' access to justice.

Aboriginal Legal Services sent out initial invitations to seven individuals via email, inviting them to contact the engagement team to schedule an interview.

All insights shared during interviews remained strictly confidential and comments have not been attributed within this report to specific speakers. This anonymity also applied to internal record keeping practices, and ALS was not given access to any interview notes or transcripts. The research questions that guided the key informant interviews can be found in Appendix A of this report.

Limitations

Researchers encountered the following limitations in conducting Phase 2 engagement:

- **Honoraria for clients currently in custody:** the initial Phase 2 engagement plan included plans to interview Indigenous clients who were in custody. However, logistical challenges and barriers prevented interviewers from being able to provide clients in custody with honoraria for their contributions to interviews. It is important to recognize and compensate participants for their time and efforts, and given these barriers, clients who were actively in custody did not participate in interviews.
- **Youth client interviews:** no youth clients were available to participate in interviews. The client interviews were only held on dates that were pre-determined by the interview team and therefore, participation was limited to clients who were available at the ALS offices on those dates.
- **Duty Counsel:** interviewers did not receive any response from duty counsel and therefore their voices are not represented within the results of this Needs Assessment. Multiple invitations were sent to individuals and to partners at Legal Aid Ontario, however those invitations went unanswered and the consultants were told that duty counsel had been instructed by their supervisor to not participate in an interview.
- **Virtual appearance clients:** client interviews were planned and held at the NTC (10 Armoury Street) with clients who were appearing in court on pre-determined dates. This meant that interview participation was limited to people appearing in court in person, and did not include clients who were appearing by phone or video.
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HOW IT'S GOING

Indigenous Client Voices

The clients who agreed to participate in interviews were diverse in age and their nationhood, and interviewers did not ask clients to identify their gender during the interview. A number of interviewed clients shared that they were currently experiencing homelessness and living on the streets of Toronto, with the majority of clients staying or living in the downtown area where they could easily travel to the NTC. Seventeen clients disclosed that they have previously been involved in the criminal justice system prior to the matter that they are currently dealing with at the NTC. One client shared that this was their first ever experience with criminal charges and Gladue Court, while two clients were unsure. Two clients disclosed that their previous experiences were in another province, but the majority shared that their previous and current legal matters occurred in Ontario and Toronto specifically.

From the clients who were interviewed at the NTC, four have gone through diversion processes before. Two clients reported that this was their first time appearing at Gladue Court. In their past charges, they were not aware or did not have access to speak to an Indigenous Court worker or participate in Gladue Court. This was the case either in Toronto and in other jurisdictions in Ontario.

INCREASED RESPECT AND DIGNITY

The majority of clients reported that dealing with their current matter at the new Gladue Court has been a more positive experience in comparison to their previous experiences in mainstream criminal courtrooms. When comparing their recent experiences in the new Gladue Court at the NTC to previous courtroom experiences, clients emphasized that they feel as though they are treated with more respect, dignity, and compassion in the new Gladue Courts.

“The judge looks me in the eyes [...] Downstairs I feel like a number, whereas here I feel like a person.”

Many clients shared that they felt more recognized as human beings in the new court and appreciated that judges made eye contact with them and treated them as people, not just someone being accused of a crime. There was a clear sense among clients that judges and court staff in Gladue court are more compassionate, willing to take into account the circumstances behind their cases, and make efforts to understand their lives and circumstances. As one client explained, “they take in the circumstances of my case here; it’s not so black and white. It feels like they’re more understanding.”

“It feels like people here are interested in helping me make my life better.”

The design elements of the new Gladue courtroom were also noted by clients as factors which contribute to their feeling safer and more respected in court than they have in previous courtrooms. Clients noted that the presence of Indigenous artwork on the walls, the availability of smudge, as well as food and water for those appearing in court all contribute to a more welcoming environment that is far less intimidating than other courtrooms that they have experienced.

“It’s still nerve wracking, but the layout is better and it’s nice to see people from the street, get food, and feel like I’m being treated with respect”

LOCATION OF THE COURT

As noted, many of the clients who were interviewed lived or stay in the downtown area and did not find the location of the NTC to be a barrier in terms of transportation and attendance. However, some noted potential barriers if there are public transit delays, or if they do not have money to use transit or Uber. Some clients disclosed that coming downtown can be a triggering experience for them, because certain situations or encounters might negatively impact their mental health, addictions, or overall well-being. They prefer to avoid being downtown, with one person sharing that their mental health and anxiety challenges pose a barrier to them appearing in court.

Clients highlighted that the New Toronto Courthouse feels like a “one-stop shop” where they can access multiple services in one location, making it easier to navigate their various needs, such as bail, ALS Court workers, and information about other important services such as housing, mental health care, and ID cards. They appreciated that there are multiple services available in the New Toronto Courthouse, with two clients reporting that they stop in to see their bail supervisor when they must attend Glade Court.

“[I am] happy that we’re all in one place and that the court is close to Legal Services. This makes it feel more homey.”

PHYSICAL SPACE OF COURTROOMS

Client feedback on the design of the new Gladue courtrooms is generally positive, with many people appreciating the thoughtful layout, artwork, and attempts to make the space more comforting and welcoming to Indigenous people.

Several people mentioned that the new courtrooms feel spacious with more room for people, which allows for a more comfortable experience. This sense of openness helps foster a more relaxed environment for everyone involved: “I have more room to think,” explained one client.

“It smelled like sweetgrass, and reminded me of home.”

Clients also shared their appreciation for the cultural aspects of the new court, including the Indigenous artwork that is displayed within the courtroom, as well as the option to smudge before their matter is heard. “There was none of that at Old City Hall,” said one client as they compared their previous experiences with their matter being heard at the NTC. They noted that they enjoy sitting in circle and on the same level as the judge, lawyers, and other participants in the courtroom, which allows them to speak to people in a more human way, and look each other in the eyes. Almost all clients interviewed were very pleased about the availability of snacks and water in the courtroom, as they can often face issues of food scarcity. Some even noted that they will appear in person at the NTC largely because they know that they will be able to get something to eat and drink by attending court in person rather than virtually.

“It’s nice to have snacks. People don’t always have food.”

EFFICIENCY OF PROCEEDINGS

Clients expressed a clear sense that the proceedings at the NTC’s Gladue Courts are more expedient and better organized compared to their previous experiences. They reflected on the operations of the new Gladue Court, highlighting that it “flows better” and operates in a more streamlined manner, reducing unnecessary delays. They compared these efficiencies with the long wait times and slower processes they had experienced in other courts, with some clients noting that the new courtrooms are particularly less crowded than their previous hearings at Old City Hall and Finch Court.

“[The NTC] seems more professional and more organized than my experiences in [other courts].”

However, while they shared that court processes move more quickly, two clients raised a concern about the openness of the court processes and public disclosure of personal traumatic experiences. They found it upsetting that a client’s trauma was being discussed openly during their hearing in the presence of others. These clients were empathetic and felt uncomfortable listening to another stranger’s trauma. One client emphasized that the personal information that they heard while sitting in Gladue Court might be triggering to someone else sitting in the courtroom awaiting their turn, and asked if there was a way for Gladue Court matters to discuss personal information more privately.

CULTURAL PROGRAMS AND SUPPORTS

Many clients expressed interest in receiving more information about the availability of more cultural programs, services, and community connections. “I would recommend finding ways to bring more awareness for people to know about Native-specific services and supports,” shared one client. For example, interviewees expressed interest in more opportunities to participate in sweats, drum circles and to become more involved in their community and traditions. Others also noted that since so many have the shared experience of being disconnected from their homes and communities at the hands of the criminal justice system and foster care systems, cultural and community-based programming can be incredibly helpful in their healing and recovery.

“So many of us are from similar upbringings, have had similar experiences in foster homes. It would be nice to have more connections to community.”

Clients further expressed frustrations with how hard it is to access cultural programs, noting that they must actively search for services and request them, rather than information being proactively provided to them. “Access and availability of programs is not consistent, [it] feels more ad hoc,” shared one client who explained that they would like these types of programs to be available in a more organized and consistent way, with a request for services to be brought directly to clients, rather than clients having to seek them out on their own. “If there was more information about what’s available, I’d participate,” they explained, suggesting that pamphlets, brochures, and information about local events and programs happening in the community should be offered to them at the NTC and ALS offices.

OPPORTUNITIES FOR IMPROVEMENT

The large majority of clients shared that they generally feel well-supported by ALS staff, especially the Court workers who “go above and beyond” to support them through the intake process and in the court room. However, two clients also felt that Court workers encouraged them to plead guilty to their charges in order to be diverted to the Community Council program. While they understood the benefits of diversion, these clients said that they did not want to plead guilty because having a criminal record would have repercussions on their ability to secure employment and housing in the future.

Despite the generally positive reflections that clients shared about their recent experiences in Gladue Court, they still highlighted the need for more Indigenous representation in the courtroom. One individual mentioned that the courtroom still felt like “[non-Indigenous people] are sitting in our circle”, and that it “still feels like an attempt to assimilate us.” Without having more Indigenous judges, Crown and defence counsel and staff, some clients believe that the new court process perpetuates discrimination against Indigenous peoples.

Gladue Court User Voices

Gladue Court users are the professionals, practitioners and experts with experience working in the Gladue Courts at the New Toronto Courthouse. They shared their reflections on the new Gladue Court structure; its successes, ongoing challenges, and recommendations for future improvements that can support Indigenous people in the court system. Their reflections are summarized into several key themes, described below.

CREATING SAFETY IN THE COURTROOM

One of the key changes celebrated by Gladue Court users is the shift toward a more personal, relationship-based approach being taken within the courtroom. Practitioners shared overwhelmingly positive impressions of the reimagined design and use of Gladue Courts in courtrooms 907 and 908 at the NTC. They noted that they appreciate being able to sit in circle and at the same level with everyone — including the accused — in the courtroom, allowing them to speak to each other in more direct and personal ways. “Our approach to try to be more personal and build relationships has made a difference,” said one practitioner, highlighting the positive impact of connecting with clients on a deeper level. This includes offering food, water, and smudge, which helps to create a welcoming and culturally relevant space where Indigenous accused people can feel more at ease.

“There is artwork that doesn’t feel performative. There is tobacco and smudge available, and medicines available to Indigenous clients if they choose to have them. That part is an A+.”

In addition to the newly designed 907 and 908 courtrooms, Gladue Court users shared that the new courthouse offers several nearby enclosed meeting rooms which allow for increased privacy for clients to meet with lawyers, Court workers, and legal supports. This is “a significant improvement that has allowed for more confidential conversations” and a greater sense of respect for clients’ privacy, shared one interviewee.

“My sense is that we have started to build some trust back and faith with folks who think that the justice system is there just to hurt them.”

Gladue Court users also explained that since the move to the NTC, there has been a shift away from mainstream courtroom “formalities”; the Coat of Arms and dias are covered by a screen, people are not required to bow to the judge, and food and water are available to clients during and after their matter is heard. Gladue Court users explained that they believe these elements have contributed to creating a sense of community connection within the Gladue courtrooms at the NTC, making it more welcoming and comfortable for Indigenous people.

“Our approach to try to be more personal and build relationships I think has made a difference.”

“We try to connect with folks on a different level by providing food, water, and smudge if they want it,” shared one practitioner, explaining that moving away from the traditionally colonial and intimidating atmosphere of the courtroom has been a major improvement in the ways that they are able to connect with accused people appearing in Gladue Court. By minimizing the typical “formalities” and making the space more welcoming, practitioners believe they have been able to foster a sense of trust and safety for clients who may have previously viewed the justice system as something that only seeks to punish them.

INCREASED AVAILABILITY OF GLADUE COURT AND ACCESS TO JUSTICE

Another notable improvement that Gladue Court users discussed was the increased availability of Gladue Court, which now operates five days a week at the NTC. According to the practitioners interviewed, this change has had a significant impact on Indigenous clients’ access to justice and has allowed for more consistent and timely attention to cases that require Gladue reports and considerations. As a result, Indigenous people are better supported throughout the Gladue Court process; there are fewer delays in their cases and there are more opportunities to have their unique circumstances heard and understood.

“Having the court run five days a week I think means [access to justice] has increased.”

Having Gladue Court running every day of the week has allowed for the consistent presence of Court workers who can assist ALS clients in navigating their hearings and court processes in general. Since ALS has offices directly across the hall from courtrooms 907 and 908, Court workers are present and available at the NTC Gladue Court every day, sharing information about important community services, providing culturally relevant resources, and supporting clients before and after their court appearances. The consistent and supportive

presence of Court workers makes the court process smoother for clients, but also supports the work of the judges, Crowns, bail programs workers, and other practitioners. “The ALS Court workers seem to have very good coverage and are so helpful when we need assistance tracking people down,” explained one Gladue Court user, “I think that has improved — they seem to be more present and available in the courtroom now.”

“[The Court workers] go above and beyond to ensure clients understand their rights, assist with court appearances, and set up necessary diversions or hearings.”

In addition to the increased availability of ALS Court workers, the centralization of the NTC allows for more collaboration between Gladue Court users and provides clients with easier access to other services that they may require. Many explained that having the Toronto Bail Program offices located in the NTC has increased access between bail workers, Crowns, and lawyers. “[Bail Program] staff are only a walk away, so we can go down there to interact with Crowns,” explained one Bail Program worker, “there are empty rooms everywhere — private rooms for clients to talk to us or to their lawyers or Court workers, or we can all meet together.” According to Gladue Court users, the centralized location of the new Gladue Court allows clients to have services like bail and legal aid within their reach whereas in the past, they would have to go looking for a different office. “It’s also easier for the lawyers,” explained another interviewee, “the set up of the courthouse is more conducive to those types of interactions to have little mini meetings.”

“Centralizing the Gladue matters in one location has enhanced access and reduces the need for clients to navigate different courtrooms and offices.”

Overall, the decision to hold Gladue Court five days a week has been a key improvement, providing more opportunities for Indigenous clients to access the services and supports they need in a timely manner. It reflects a broader commitment to ensuring that Indigenous people are treated with respect and dignity within the justice system, and that their unique needs are met. This, in conjunction with Gladue Court, ALS Court workers, bail services and legal aid all being under one roof has supported Indigenous clients’ access to justice, according to Gladue Court users.

IMPORTANCE OF HYBRID OPTIONS AND ACCESS TO JUSTICE

Despite the benefits that have come from having various legal services in the same location as the Gladue Court at the NTC, some practitioners also reflected on their concerns about the location of the Court. Since the amalgamation, concerns have emerged regarding its accessibility, particularly for Indigenous clients who do not live near downtown or who have transportation barriers. “People in Scarborough are underserved for transit,” explained one Gladue Court user, “it is really difficult for those people to get downtown, specifically youth. We used to have Youth Court on Finch and in Scarborough so now, if a young person has to appear in person, it’s very difficult.”

“The concern with consolidation was always about the location of the NTC, client’s transportation and access, as well as their sureties, to be able to get to hearings.”

Gladue Court users said that for many clients, simply getting to the courthouse is a significant hurdle. Public transportation can be difficult to navigate, especially for anyone facing physical or financial barriers. The location of the NTC, while central, poses challenges to those who live in areas on the city’s outskirts, and who may have previously attended courts in Scarborough or North York. Travelling downtown can also be overwhelming for those already dealing with stressors, mental health challenges, or anyone who sees the downtown as a trigger based on previous experiences or struggles that they have encountered. This underscores the importance of continuing to explore ways to make Gladue Court more accessible, whether through expanding virtual options or ensuring that physical accessibility challenges are addressed.

“The area itself can be intimidating — many people we serve feel vulnerable around authority and police, it can feel like an overly daunting area to be in such a busy area where there is so much going on.”

Gladue Court users said that for some clients who face such barriers, there has been an increased reliance on Zoom for virtual hearings. While hybrid options have provided some flexibility, practitioners are concerned that this undermines the very goals of the new Court. One practitioner noted that they are seeing “more people relying on Zoom, which defeats the purpose of the new court.” Clients who cannot make it to the courthouse will miss out on having the option to smudge before their matter is heard, and will not get to experience the full benefit of the redesigned Gladue courtroom space. “We are still trying to figure out a solution to that. We really need them to be able to come in here in order to benefit the most from the new Court,” shared another interviewee.

“People are used to having a neighbourhood courthouse. It’s a bit of an issue because some people don’t want to come downtown for various reasons but they have to in order to benefit from the Gladue system for the most part.”

The same challenge is experienced by those Gladue Court users who need to have private meetings with clients: “It is a lot harder to connect with clients when we are not in the same room — they rely on visual cues from us to know that we are listening intently and paying attention to them, but they can’t get any of those cues on the phone or even on video.” Nevertheless, others explained that hybrid options and virtual hearings are vital for ensuring access to justice. Some people may in fact prefer to appear for their matters virtually to avoid having to take a day off of work, or to be at home to care for children and family members. Another interviewee also noted that “the virtual appearances have been a benefit for those who are just doing case management appearances,” and who are simply checking in with the Court as required.

“There are people who are concerned that they might go to court and be arrested that day, so for them being able to use Zoom, it is something that calms them down. But they need to be able to use the tech. It is an advantage for those who can use it to their advantage.”

While virtual appearances have proven to be an essential tool for maintaining access to the Court, it is not without its drawbacks. Some clients, particularly those with limited tech capabilities, may struggle to navigate the virtual video platforms or worry about potential technical difficulties. In light of these concerns, having hybrid options is very important to ensure that Indigenous clients have as many options to appear in Court as possible. Practitioners say that they are continuing to work toward solutions that balance the benefits of the new Gladue Court space with the need for accessibility and flexibility, recognizing that access to justice requires a multifaceted approach.

CONSISTENCY OF GLADUE TEAMS

According to Gladue Court users, the assignment of experienced judges, Crown attorneys, and duty counsel to Gladue cases is vital to ensuring Gladue principles are applied fairly, and ultimately ensuring that Indigenous clients receive the appropriate level of understanding and care in the courtroom. All practitioners who were interviewed explained that this continuity is especially important to provide Indigenous people with full access to justice. “The theory that ‘any judge is a Gladue judge’ is not correct,” explained one interviewee. Given the importance of this judicial consistency, many noted that there have been obvious efforts to schedule judges accordingly: “there are certain judges who seem to sit more regularly on Gladue, and that is really helpful,” said one practitioner, emphasizing that continuity helps to build trust with Indigenous accused individuals.

“Ensuring that the same judges, Crowns, and duty counsel are regularly assigned to Gladue cases would improve predictability and outcomes for Indigenous clients.”

The assignment of duty counsel to Gladue Court has also shown notable improvements, with Gladue Court users acknowledging that there has been a concerted effort to keep experienced duty counsel in Gladue Court. This has helped to ensure that clients receive consistent support throughout their legal proceedings and has led to better outcomes for clients, as duty counsel with the necessary knowledge and sensitivity to Indigenous legal and cultural matters are more frequently assigned to Gladue cases. Their expertise allows for a deeper understanding of the challenges facing Indigenous people within the justice system and ensures that the court’s decisions are informed by that understanding.

“There is opposition to having specialty teams in Gladue courts. This is still the biggest issue we face.”

However, while there have been concerted efforts to have experienced Gladue judges and duty counsel assigned to Gladue cases at the NTC, there are still challenges with ensuring consistency of experienced Crown attorneys who can appropriately exercise their discretion in accordance with Gladue principles. Gladue Court users attributed these challenges to multiple factors, including staffing issues within the Crown’s office, limited opportunity for Gladue-related learning and professional development, lack of confidence from less-experienced Crowns to exercise Gladue principles, and a general resistance within the justice system to have specialized Gladue teams.

“There should be a smaller, well trained, consistent group of Crowns.”

Without dedicated Crowns, the court faces challenges in ensuring that each client has Gladue principles applied to the facts of their case in the manner that they deserve. These challenges are compounded due to staffing issues in the Crown’s office, which continues to make it difficult to create consistency. Some Crown attorneys noted that they continue to advocate for having a smaller group of people who are experienced in engaging and practicing Gladue principles, and be consistently assigned to Gladue Court. However, the issue remains a key area for further attention as Gladue Court practitioners continue to push for improvements to the system.

“There is a lack of consistency in Crown assignments, with some days seeing a rotating list of prosecutors rather than a dedicated Gladue Crown. This undermines the consistency needed for effective case resolution.”

Gladue Court users further pointed to a desire for more Crowns to have access to Gladue training in order to support their learning and development, and to ultimately increase the number of Crowns who would have the understanding and experience necessary to work on Gladue cases. “There may be opportunity for less experienced people to learn, but any time we have two Crowns in one court it is a problem,” explained one Crown attorney, “we are finding it is harder to have people shadow. We try but it is hard [because] they need to be working rather than shadowing.” They explained that part of this issue would be resolved by having specialty teams, which would allow for more Crowns to get experience in different areas. “We found that there were really good reasons for having speciality teams: you could alternate between teams to get many different types of experience,” shared one Crown attorney, resulting in more Crowns gaining practical experience applying Gladue principles.

Gladue Court users also said that in the case of newer, less experienced Crowns — including those working on temporary contracts — there may be a hesitation to apply Gladue principles due to lack of confidence and fear of “appearing too lenient.” As one person shared, “the more senior the Crowns the better, because they are not afraid to apply those principles, especially when it comes to bail.”

“To have specialized groups of people — judges, Crowns, duty counsel all doing the same thing, it minimizes the effects of having different people on different days.”

Given the positive results that have come from efforts to create consistency with judges and duty counsel in Gladue Court, many practitioners expressed hope that a similar approach will eventually be taken with Crowns.

FORMALIZATION OF PROCESS AND ACCOUNTABILITY

Gladue Court users expressed the concern that currently, many of the successful practices in Gladue Court at the New Toronto Courthouse are driven by the dedication and will of a specific cohort of practitioners, rather than being backed by clear, well-established policies. This has created a system where positive practices, such as bringing food and drinks into the courtroom to help create a more welcoming environment for Indigenous clients, are ad hoc and dependent on personal donations. While these efforts have been appreciated by

clients and practitioners alike, the lack of process for these types of practices raises concerns about their long-term sustainability. “We would like to have some structure and a special fund that people could donate to for ceremonies and food,” said one practitioner, emphasizing the need for a more permanent approach. Without a formalized processes, there is the risk that these practices will be lost if the individuals currently driving them move or retire.

“It feels like everything is built on sand.”

This food issue is symbolic of a broader challenge facing Gladue Court. Several practitioners spoke to the lack of solid, standardized policies in place to govern how the Gladue Court at the NTC operates. Currently, many aspects of the Court’s processes rely heavily on the personal commitment of a specific group of people who are dedicated to applying Gladue principles and collaborating with each other in order to achieve the best possible outcome for Indigenous people appearing in the Court. This makes the successes of Gladue Court vulnerable, as there are no guarantees that these efforts will be continued if those key individuals are no longer involved. The absence of formal policies means that each success is built on the goodwill of a few, rather than on a sustainable, institutionalized framework.

While there has been some positive collaboration, practitioners worry that without established processes, these efforts could falter in the future. “I don’t want to have to reinvent the wheel,” one practitioner said, echoing the desire for a system that can operate smoothly and consistently, regardless of who is involved. They shared that without clear and formal policies in place, the successful practices that have been implemented to support Indigenous clients in Gladue Court are at risk of being lost or diluted in the long-term. To ensure that these practices continue to be established and improved upon, Gladue Court users said it is crucial to establish policies and frameworks that can be sustained beyond the efforts of a specific group of dedicated individuals.

INTEGRATION AND COLLABORATION WITH COMMUNITY SERVICE PROVIDERS

Gladue Court users emphasized the importance of enhanced collaboration among community service providers and legal supports at the NTC. Vital services such as housing, health care, mental health treatment, and addiction support must be more readily accessible to Toronto’s Indigenous communities in order to facilitate successful outcomes for those navigating the court system. To address this, several Gladue Court users suggested finding ways to have staff from external community service providers present at the NTC on a regularly scheduled basis. “I would love to have a housing worker in one of the offices once a week and mental health workers in once a week to connect people,” said one practitioner. Others echoed the same sentiment and suggested having a housing worker stationed at the NTC once a week alongside mental health workers who can engage with clients directly, conduct intakes, and ensure individuals have access to the resources they need, particularly for those who have been given bail conditions. These professionals could play a crucial role in linking clients to vital services, cultural activities, and ceremonial practices. Practitioners specifically noted that it would be important for agencies such as Anishnawbe Health, Native Child and Family Services, CAMH, and Na-Me-Res to have a scheduled presence in the courthouse on a weekly or monthly basis.

“Outside agencies don’t have presence at new courthouse. If I want to refer someone to Anishinawbe Health, the process is still the same. I give the referral, tell them where it is and I hope for the best. There is no mechanism in place to complete the referral. I wish all other service agencies could have a presence at the NTC.”

Another suggestion provided by Gladue Court users was to establish a community advisory board to meet bi-annually or quarterly. Practitioners suggested that this would provide a platform for service providers, including ALS, Toronto Bail Program, and legal aid to discuss their efforts, identify broad community needs, and strategize on improving service delivery for their Indigenous clients. They explained that increasing community outreach is vital, and increased collaboration among service providers is key to facilitating more positive outcomes for Indigenous people facing legal matters in Toronto.

“The lack of resources in community makes it harder for [Indigenous people] to access resources, and then that makes it harder for us to give alternate sentences.”

INDIGENOUS IDENTITY AND SELF-IDENTIFICATION

According to Gladue Court users, identifying whether a person within the court system is Indigenous — and then redirecting their case to Gladue Court — has proven to be challenging. One major issue is the timing of self-identification, as practitioners explained that it often does not occur early enough in the process and some expressed fears that “currently, many Indigenous individuals fall through the cracks”. Interviewees shared that some Indigenous clients are hesitant to disclose their identity at the outset out of fear that they will be racially discriminated against, however this can become a disadvantage later in their proceedings.

Another Gladue Court user pointed to a lack of resources within police divisions which further exacerbates the issue. They explained that it might be helpful for people to learn about their options with Gladue Court at the point of arrest, but some Indigenous people do not know how to be referred to Gladue services or that it is even an option that is available to them. One interviewee suggested that there could be more prominent signage posted within police divisions that explains what Gladue services are, how they could benefit an Indigenous person who has been arrested, and encourages Indigenous individuals to self-identify. However, others noted that they understand why Indigenous people may choose not to self-identify to the police.

“Once they are streamed into Gladue, there are a lot more resources [...] but I’m afraid we have a lot of people falling through the cracks.”

Once an individual does identify themselves as Indigenous, it becomes essential for the Crown to consider their identity through a Gladue lens during court and bail hearings. However, one interviewee explained that if individuals are released from the police division without this identification being acknowledged, they often end up in mainstream case management courts, where there may be no legal counsel to guide them. This situation perpetuates cycles of disadvantage, as those who are not in custody may not have anyone to explain the benefits of opting for Gladue Court, further limiting their access to the legal processes and resources that they are entitled to.

To address these challenges, more information about Gladue services needs to be shared beginning at the point of arrest, and throughout a person’s journey through the court system. Justices of the Peace play a pivotal role in this process. By actively encouraging individuals to self-identify and raising awareness of how Gladue Court differs from traditional court proceedings, they can help ensure that more Indigenous individuals are appropriately recognized and directed to the resources available to them.

INDIGENOUS BAIL

Gladue Court users emphasized that there is room for future improvements in the approaches to bail for Indigenous peoples and Gladue cases. As one Justice of the Peace explained, “release plans often fall short of effectively supporting individuals through the bail process,” explaining that they typically involve “merely providing a list of phone numbers” for service providers that the individual is responsible for contacting. “It places an undue burden on those who are already navigating a challenging situation,” they said.

Other interviewees agreed that for all Gladue bail releases, more thorough follow-up support is necessary, noting that it would be beneficial to assign a dedicated worker to provide continuity and support throughout the Indigenous bail process. They explained that by taking a more supportive approach and not putting the onus on the individual, the chances of successful adherence to bail conditions would increase.

Practitioners suggested that the establishment of Gladue Bail workers would serve as a valuable resource, helping to navigate the complexities of the system while applying Gladue principles effectively. They also shared that they would like to see an expansion to the range of bail conditions available for Gladue cases. Currently, as one Crown shared, the main tool at their disposal is to require individuals to check in at Gladue Court weekly or biweekly. “I don’t know if that is effective — it gets them on a consent release out of jail which is good,” shared the interviewee, “but are we setting them up for breaches because it is onerous to attend weekly? Are those check ins helpful? Or are they just reminded that they are part of this system that they might not feel is legitimate?”

“I think it would be very beneficial to have a bail program that is specific to Gladue for ensuring compliance with these terms, and telling us if these terms are the right ones for Indigenous accused.”

By creating clear principles and guidelines around bail conditions, the justice system can ensure that individuals are provided with the options that best suit their circumstances, fostering better outcomes for Indigenous people.

Additionally, the Toronto Bail Program’s recent creation of an Indigenous Mental Health Coordinator position is a significant step toward addressing the challenges faced by clients dealing with mental health and addictions issues. This role should be fully integrated into the bail process to provide tailored support, ensuring that Indigenous individuals receive the comprehensive care they need as they navigate both the legal system and their personal challenges. By prioritizing these improvements, the justice system can take meaningful steps toward creating a more supportive and effective bail process for Indigenous peoples, promoting better outcomes for individuals and their communities.

INDIGENOUS REPRESENTATION IN THE COURTROOM

Gladue Court users emphasized that increasing Indigenous representation in the courtroom is vital for creating a justice system that is equitable and reflective of the communities it serves. Interviewees highlighted the need for more Indigenous judges, Crowns, defense counsel, Justices of the Peace, and other legal practitioners within Gladue Court who understand and honor Indigenous community connections. One judge who was interviewed said that having individuals on the bench “who bring their cultural knowledge and heritage to their roles allows for a more nuanced application of justice that respects Indigenous perspectives and values”. They explained that these judges are better prepared to integrate their understanding of traditional practices and legal orders into their work, which can help to “merge the court systems” and bridge the gap between Indigenous and non-Indigenous legal systems.

This integration not only enriches Gladue legal processes but also allows for the voices of Indigenous communities to be heard as leaders within Toronto’s Gladue Courts. Having more experts who have both lived and professional Gladue experience can inform practices and policies that better serve Indigenous peoples, leading to more culturally relevant and effective legal outcomes.

“[We] still need more Indigenous people working in the courts — they have strong connections to communities. We need people with those connections to be the ones applying Gladue principles and leading the rest by example.”

Community connections are essential for applying Gladue principles authentically and effectively. Gladue Court users explained that Indigenous legal professionals can lead by example, guiding the Court in understanding and implementing restorative and transformative practices that align with the realities and values of Toronto's Indigenous communities. By increasing Indigenous representation among Gladue Court users, the justice system may be able to move toward a future where there is more trust and engagement between Indigenous communities and the justice system. Practitioners said that they hope increased representation will benefit individuals who are involved in the court system while also contributing to a broader cultural shift towards understanding and respect within the legal landscape.

Indigenous Community Service Provider Voices

The engagement team interviewed representatives from four different Indigenous service providers to gather their insights and recommendations regarding the consolidation of Toronto's six Gladue Courts into the New Toronto Courthouse. In addition to these interviews, the consultants also attended a meeting of the Toronto Aboriginal Support Services Council in November 2024 to discuss the needs assessment. The feedback revealed key themes around improved cultural safety, increased integration of ALS in the courtroom, the ongoing systemic bias and inequities that must be challenged, and suggestions for better collaboration with community partners.

When asked about their familiarity with the new courthouse, three service providers indicated they were unaware of its consolidation, while one has visited the courthouse with clients. Impressions of the new court process and structure varied. All interviewees recognized the importance of Gladue Court, although one provider noted accessibility challenges for Indigenous clients living outside the downtown core. The service provider who had attended the courthouse highlighted positive aspects, including the redesigned space, artwork, the ability to appear in person or on Zoom, and the visibility of ALS Court workers within the courtrooms. However, service providers emphasized ongoing challenges, particularly for clients struggling with mental health who can find attending court overwhelming.

IMPROVED CULTURAL SAFETY

When reflecting on client experiences in Gladue Court, one service provider shared specific positive feedback about the incorporation of smudging into court practices, which clients found meaningful. However, they cautioned that despite these efforts, the court system can still be a violent process for some Indigenous peoples who face punitive outcomes such as family separation. Other providers emphasized the positive impact of clients being diverted to ALS's Community Council program.

“The court personnel seem more accessible. I feel more comfortable approaching [court personnel] and asking questions [for my clients].”

ADDRESSING SYSTEMIC BIAS

Service providers shared that clients often feel disempowered, believing their input in legal proceedings will not affect the outcome. Additionally, one provider noted that clients who are required to access health services as part of their court conditions may face bias from health providers, who often perceive their participation as compulsory rather than voluntary. TASSC members also highlighted the general difficulty some clients experience in finding information about community events.

When asked about gaps and needs within the court system, the service providers did not mention specific issues related to the new courthouse but instead pointed to broader systemic inequities. One provider highlighted the ongoing power imbalance between the legal system and Indigenous peoples, which continues to create barriers. TASSC members expressed concerns about how the Court is addressing victims' needs and promoting healing and community integration. "People in Gladue Court need to have more options at their disposal for encouraging healing," explained one participant. They emphasized that Gladue Courts and principles are intended to focus on healing the broader community, and so the solutions, outcomes, sentences, and consequences that are decided upon within Gladue Court must consider the well-being of the entire community as well.

INCREASED COLLABORATION AMONG COMMUNITY PARTNERS

When asked how Indigenous voices and knowledge could be better integrated into Gladue Court, service providers highlighted the importance of creating a supportive network around clients. This approach could involve including community case workers and health professionals in courtroom discussions, allowing for a more holistic view of individuals and consideration of their life experiences. Additionally, service providers emphasized that increasing the number of Indigenous professionals within the court system is essential for fostering positive outcomes.

"[There] needs to be true commitment in centering decolonization; more sovereignty for Indigenous people in terms of decision-making and policy."

Service providers expressed a strong interest in becoming more involved in court-related processes, collaboration with ALS, and policy development surrounding the Gladue Courts however, they acknowledged the capacity constraints they face. To better integrate Indigenous perspectives into Court processes, some service providers suggested regularly scheduled meetings with ALS and the broader community of Indigenous service providers in order to keep each other up to date on changes within the Court processes, as well as to ensure they are up-to-date on broader dynamics, priorities, and needs within the broader Indigenous community in Toronto.

There were also suggestions for future training of Gladue Court users to ensure their ongoing education and professional development is aligned with the needs of the communities that they work with. CAMH's Workforce Development Training was one example suggested by interviewees to increase understanding of Indigenous knowledge, services, and practices. Additionally, TASSC members recommended that ALS Court workers utilize the Tkaronto Indigenous Peoples Portal as a resource for accessing up-to-date information on events and programming within Toronto's Indigenous community. These efforts could foster greater collaboration and enhance the overall support for Indigenous individuals within the court system.

EMERGING ISSUE: INDIGENOUS SELF-IDENTIFICATION IN THE COURT SYSTEM

During interviews with Indigenous service providers, a significant concern emerged regarding the absence of a structured process for verifying Indigenous self-identification within the court system in order to access Gladue services. Community service providers explained that, without a consistent and reliable framework, individuals who are not Indigenous have falsely self-identified as such, creating tangible challenges for Indigenous service organizations and the communities they serve.

Some service providers reported that individuals use the court's acceptance of their self-identification as a means to access Indigenous health and social services. This places a considerable strain on Indigenous service agencies and their staff, who are often required to invest time and resources into verifying claims of Indigenous identity. In some instances, this leads to conflict when individuals are informed that they are ineligible for these services.

Additionally, service providers highlighted the pressure this issue places on already limited resources. Indigenous service agencies typically operate with fixed capacities, including limited bed spaces, program slots, and other essential supports. When resources are allocated to individuals who are not Indigenous, it diminishes the agency's ability to serve those in the community who need it most, further exacerbating gaps in services.

From their perspective, service providers emphasized that this issue is growing and requires immediate attention. They proposed the establishment of a formal process to verify Indigenous ancestry for individuals accessing Gladue Courts, and suggested a process that would ensure that the benefits of these programs are directed to those they are intended to support, safeguarding the integrity of services provided to Indigenous clients.

WHAT COMES NEXT

Based on the key themes and topics that have been raised throughout the Phase 2 assessment, several opportunities have been identified to improve the function and role of Toronto's Gladue Courts for Indigenous people, as well as the stakeholders and practitioners who work within the Court on a regular basis. These include opportunities related to policy development, training and education, and approaching access to justice from a holistic, community-based lens that incorporates social and health-related factors that can lead an Indigenous person to become involved with the courts and criminal justice system.

Below is a list of recommended opportunities that should guide future work for enhancing Gladue Court processes and procedures:

- **Improving accessibility of hybrid options:** clients get the most out of Gladue Court when they appear in person, however some face significant barriers to appearing in person. Hybrid options need to be made more accessible to ensure that Indigenous clients have as many options to appear in Gladue Court, and benefit from it, as possible.
- **Establishing process and accountability:** Without clear, formal policies, the successful practices supporting Indigenous clients in Gladue Court are at risk of being lost. Formal policies and processes need to be established to ensure these successful practices can be sustainably implemented and improved upon.
- **Increasing Indigenous representation in the courtroom:** Increasing Indigenous representation within the justice system will contribute to improved operations and policies within Gladue Court processes, and improved outcomes for Indigenous people involved in the criminal justice system overall.
- **Formalizing regular training and professional development:** Gladue Court practitioners should have access to continued training and education on the application of Gladue principles in the courtroom, and the role of Gladue Court processes in supporting Indigenous communities and broader goals of reconciliation.
- **Increasing levels of collaboration with community service providers:** Representatives from Indigenous community service providers including Anishnaabe Health, Native Child and Family Services, CAMH, and others should have physical and regularly scheduled presence on the 9th floor of the New Toronto Courthouse to enhance their visibility and availability to Indigenous people appearing in Gladue Court at the NTC.
- **Exploring options for satellite spaces to support virtual appearances for clients outside of downtown Toronto:** given the concerns about access to justice for those Indigenous peoples living outside of the downtown core, there is interest in the establishment of a Scarborough satellite space where individuals may go to access Zoom and participate in court hearings remotely. This would address situations where individuals are unable to attend court in person due to transportation issues or lack of access to technology and would help prevent bench warrants for those who miss hearings simply because they cannot log into Zoom or travel to the courthouse.

- **Addressing Indigenous self-identification and verification:** the lack of structure for communicating and documenting Indigenous self-identification has created different gaps. In some contexts, Indigenous persons are unsure or unaware that they need to self-identify to access Gladue court and so they fall through the cracks in the mainstream court system. In other contexts, non-Indigenous people are misusing Gladue Court services and falsely self-identifying as Indigenous because there is no process in the court system to document or verify Indigenous citizenship or ancestry.

Phase 3 Gathering

The third and final phase of the Needs Assessment series is being planned for early 2025. Phase 3 will center around a Gathering to explore opportunities to enhance the future of Toronto's Gladue Court, and will focus on the ongoing integration of Gladue Principles and Indigenous justice approaches within the Court's operations.

The Gathering will include dialogue to identify Indigenous approaches to justice that can serve as models for ongoing change, with the goal of providing a consolidated list of recommendations for systemic improvements. It will offer an opportunity for members of Toronto's Gladue Court community to engage in meaningful discussions, enabling them to collaboratively explore and select specific actions that can be implemented in the short and long term.

This collective effort is intended to build a deeper commitment to Indigenous rights and reconciliation, with the ultimate objective of creating a more equitable and culturally safe justice system in Toronto.

The Gathering is to be hosted in the Indigenous Learning Centre located on the first floor of the New Toronto Courthouse and will aim to bring together members of Toronto's Gladue Court community, including the Gladue Court Users and Indigenous Community Service Providers who participated in Phases 1 and 2, as well as ALS Community Council, Elders, and Indigenous people with experience in Toronto's Gladue Courts.

APPENDIX A: NEEDS ASSESSMENT #2 RESEARCH QUESTIONS

Needs Assessment #2 Engagement Questions — clients currently involved in court system

1. Have you ever been in the criminal justice system in the past? If yes, where?
2. If previously involved in court in Toronto:
 - a. Since the courthouse changed last year, what kind of changes have you noticed?
 - i. Harder/easier/the same for you to get to court?
 - ii. Harder/easier/the same for you to talk to your lawyer?
 - iii. For those released on bail: Harder/easier/the same for you to get in touch with your bail supervisor/services?
 - iv. Harder/easier/the same for you to get in touch with other service providers you might need?
 - v. Do you feel like you're getting the services and supports you need?
3. Has anything been made easier or better for you since you since the courthouse changed?
4. If you have been appearing in person, what do you think of the courtrooms at the NTC?
5. If you have not been appearing in person, why?
 - a. What has been your experience with virtual appearances?
6. Do you feel like you are well-supported by ALS/Court Workers?
7. What else do you think could change to make the court process better or easier for you?

Needs Assessment #2 Engagement Questions — ALS Community Council clients

1. Have you ever been in the criminal justice system in the past? If yes, where?
2. If previously involved in court in Toronto:
 - a. Since the courthouse changed last year, what kind of changes have you noticed?
 - i. Harder/easier/the same for you to get to court?
 - ii. Harder/easier/the same for you to talk to your lawyer?
 - iii. Harder/easier/the same for you to get in touch with other service providers you might need?
 - iv. Do you feel like you're getting the services and supports you need?

3. Has anything been made easier or better for you since you since the courthouse changed?
4. If previously involved in court elsewhere, can you compare that experience to your experience in the Toronto courts?
5. If you have appeared at the NTC in person, what do you think of the courtrooms?
6. Do you feel like you are well-supported by ALS/Court Workers?
7. What else do you think could change to make your experience with the court process better?
8. Describe the process it took for you to participate in the Community Council program.
9. What is your experience with the Community Council program so far?
 - a. What do you think works well?
 - b. Do you feel like you're getting the services and supports you need?
 - c. Is there anything you would change?

Needs Assessment #2 Engagement Questions — Gladue Court Users

1. How would you characterize the impacts of the new court structure on Indigenous peoples, (including the NTC, TRBC and Gladue Courts) since Spring 2023?
2. Discuss any improvements that have resulted from the New Toronto Courthouse as it relates to Indigenous peoples: What have you observed? What have you heard from clients?
3. Discuss any challenges that have resulted from the New Toronto Courthouse: What have you observed? What have you heard from clients?
4. Discuss any improvements in the bail process as it relates to Indigenous peoples: What have you observed? What have you heard from clients?
5. Discuss any challenges with the bail process: What have you observed? What have you heard from clients?

Prompts:

- **Client access to the NTC? Client transportation after bail hearing?**
 - **Client familiarity or comfort level with court, court process?**
 - **Ability to access or communicate with clients or navigate the process after bail?**
6. In your opinion and experience, how has the consolidation of the courts impacted Indigenous clients' access to justice (i.e., positively, negatively, neutral)?
 - a. **Increase/decrease in appearances (in-person/virtual)?**
 7. Have you observed any changes in terms of the gaps and needs that exist when it comes to ensuring Indigenous people within the Court system have access to Gladue Courts and services? **(i.e., have those gaps been closed, increased, or no change?)**

8. What insights have you gained as you navigate the evolving changes in the court structure?
9. Have you heard or received any feedback about how well ALS is serving Indigenous clients within the new court structure?
10. Based on your observations of the new court structure thus far, what opportunities do you see for continuous improvement and expansion of access to justice for First Nations, Inuit and Métis people involved in the court system?
11. Reflecting on your role within the court system, what changes or enhancements do you believe would contribute to a more effective process? How do you envision your role evolving to meet the needs of all stakeholders?

Needs Assessment #2 Engagement Questions — Indigenous community service providers

1. How familiar are you with the consolidation of Toronto's six Gladue Courts into the New Toronto Courthouse?
2. To the extent that you're able to, how would you describe your impressions of how the new court process is functioning since the consolidation in Spring 2023?
3. Do you hear any positive feedback from clients about their experiences in Gladue Court?
4. What challenges do you hear about from clients with respect to their experiences in Gladue Court since last Spring (since the court changed)?
5. Have you observed any changes in terms of the gaps and needs that exist when it comes to ensuring Indigenous people within the Court system have access to Gladue Courts and services? **(i.e., have those gaps been closed, increased, or no change?)**
6. Have you heard or received any feedback about how well ALS is serving the Indigenous clients that you work with?
7. What opportunities do you see for continuous improvement and expansion of access to justice for First Nations, Inuit and Métis people involved in the court system in Toronto?
8. How can Indigenous voices and knowledge (individuals, communities) be centered in Gladue Court?
9. Would you like to be involved in court-related process? If yes, how would you like to be involved?
 - a. **Be invited to committee meetings?**
 - b. **Receive regular communications?**
 - c. **Invite Gladue Court users to meetings or gatherings of your organization?**
10. If yes, do you think that you would face barriers to being involved in court-related processes? (i.e., time constraints, outside of your job description, wouldn't receive support from my organization to do this, client privacy issues?)

Gladue Courts Needs Assessment

SPRING 2025

