



FACING CRIMINAL CHARGES?

KNOW YOUR GLADUE RIGHTS

NISHNAWBE-ASKI LEGAL SERVICES CORPORATION

To access the Gladue Report for all
regions please contact us:

Toll Free: 1-800-465-5581

Tel: 807-622-1413

Fax: 807-622-3024

www.nanlegal.on.ca

YOU HAVE GLADUE RIGHTS


What is Gladue?

- Gladue applies to Aboriginal offenders during the **bail and sentencing** stages of criminal law.
- The court **MUST** consider systemic and background factors, such as colonialism, the Sixties Scoop, and Indian residential schools, that may help explain why the offence was committed.
- The court **MUST** consider the offender's unique circumstances as an Aboriginal person and whether an alternative to custody or a reduced sentence as part of the healing plan would be suitable.
- Gladue is not a "get-out-of-jail-free-card". In certain serious cases, the sentence may not be reduced.

Who has Gladue rights?

- All Indigenous people: First Nations, Métis or Inuit
- On-reserve and off-reserve
- Status and non-Status Indians

How do I access this right?

- At the bail or pre-sentencing stage, inform your lawyer, court worker or judge that you are an Aboriginal person and would like to exercise your right to a Gladue report.
 - It is an option to waive Gladue rights but the time spent on the Gladue report may well result in an alternative to custody or a reduced sentence.
- 

Gladue recognizes Aboriginal people are overrepresented in prison and encourages a restorative sentencing approach under s. 718.2 (e) of the *Criminal Code*.

To access a Gladue report through our Gladue Workers contact:

NAN-East Region: Timmins (705) 268-1455

NAN-Central Region: Thunder Bay (807) 623-3967

NAN-West Region: Sioux Lookout (807) 737-8065

To speak to a Lawyer, call Nishnawbe-Aski Legal Services at 1-800-465-5581