

### The Role of a Gladue Worker is:

- To prepare and complete a Gladue report, at the bail stage or sentencing stage, when a request is approved
- To interview the Aboriginal offender about his/her background information; his/her immediate & extended family members; and others from his/her community
- To make recommendations for alternative sentencing, other than imprisonment, e.g. restorative justice, healing circles or culturally appropriate treatment options

### Is there a Difference between a Gladue Report and a Pre-Sentence Report? YES!

- A Gladue Worker writes the Gladue report, which gives the court a detailed report of an Aboriginal offender's life, background information, Aboriginal community and the circumstances that brought him/her before the court
- A probation officer writes the pre-sentence report giving the court a picture of an offender and is based on the offender's criminal record; the report focuses on an offender's criminal behavior and risk analysis, i.e. what is the likelihood the offender will re-offend

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Nishnawbe-Aski  
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## The Gladue Worker Program



[www.nanlegal.on.ca](http://www.nanlegal.on.ca)

## Gladue Workers

There are three Gladue Workers at Nishnawbe-Aski Legal Services Corporation (NALSC). They prepare Gladue reports for **qualifying First Nation members from Nishnawbe Aski Nation (NAN)**.

The Gladue Workers are based out of NALSC offices located in Thunder Bay, Sioux Lookout and Timmins.

## What is Gladue?

*Gladue* is a 1999 Supreme Court of Canada decision that said judges must take into account the unique circumstances of Aboriginal people when passing sentence on Aboriginal offenders.

*Gladue* focused on the *Criminal Code of Canada* section 718.2(e).

### Section 718.2 (e) of the *Criminal Code of Canada*

718.2 A court that imposes a sentence shall also take into consideration the following principles:

(e) all available sanctions other than imprisonment that are reasonable in the circumstance should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders.

Judges must also consider *Gladue* at the bail hearing (R. v. Ipeelee, 2012 SCC 13, [2012] 1 S.C.R. 433).

## What is a Gladue Report?

A Gladue report is a form of pre-sentence report prepared at the bail stage or sentencing stage.



The Gladue Worker will write a Gladue report detailing the unique life circumstances of an Aboriginal person charged with a criminal offence, who is applying for bail OR who has pled guilty (or been found guilty) of a criminal offence and is being sentenced.

The Gladue report will link the life story of an Aboriginal offender to the broader issues facing Aboriginal people, e.g. the intergenerational trauma of residential schools or the 60s Scoop.

The Gladue report will provide detailed recommendations for the judge to consider in terms of sentencing.

## Information Needed for a Gladue Report

A Gladue report gives the judge the information he/she needs to make the best decision possible when sentencing an Aboriginal offender.

The judge needs to be able to answer two questions:

- 1) Why is this particular Aboriginal person before the court?
- 2) What sentencing options other than jail are available that might help address the reasons why this Aboriginal person is before the court?

Information includes the background of the Aboriginal offender, and information about his/her family and community.

## How to Request a Gladue Report

At the bail stage, tell your lawyer, duty counsel or judge you have a Gladue right and would like a Gladue report. Depending on the circumstances, a Gladue report for a bail hearing can take anywhere from 2 weeks to 6 months to complete.

At the sentencing stage, tell your lawyer or judge you have a Gladue right and would like a Gladue report. A Gladue Report can take 6 weeks or longer to be completed.

**NOTE:** It is an Aboriginal offender's choice to exercise his/her Gladue right. It is also an Aboriginal offender's choice to waive his/her Gladue right, and to inform the court (judge, lawyer, duty counsel).

## How to Qualify for a Gladue report through NALSC

The Gladue Worker will assess the eligibility for a Gladue report upon request for an Aboriginal offender who resides in a NAN criminal court jurisdiction.