

Is it true that....

- **Gladue is a “get-out-of-jail-free card”?** No, suitable sentencing alternatives that are restorative and based in healing are proposed to the court. The court makes a decision in line with principles of law, including considering the harm caused, safety concerns, the need for deterrence and more.
- **Gladue is only available at the sentencing stage?** No, Gladue is available anytime an Indigenous person’s liberty is at stake, including: at bail, after a finding or plea of guilt, at parole hearings, and more. Contact your lawyer or NALSC for more information.
- **Individuals can “waive their Gladue rights”?** No, an individual can decline to have a Gladue Report prepared, but the court must still consider “Gladue factors” in its decision-making process.
- **Gladue is only available to “on-reserve” and “status” Indigenous Peoples?** No, Gladue is available to all persons who self-identify as Indigenous.
- **Gladue Reports are the same as Pre-sentence reports?** No, pre-sentence reports are risk-based analyses prepared by probation officers. Gladue Writers are community members who outline the unique circumstances of the Indigenous person and provide suitable alternatives to jail.

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Gladue Program

*It's important to tell your lawyer
that you are Indigenous and
have the right to Gladue.*

*Nishnawbe-Aski Legal Services
Corporation, December 5, 2019*

What is Gladue?

Gladue is a right for all Indigenous Peoples when their liberty is at stake in the Canadian Justice System.

Gladue promotes healing and restorative approaches. It recognizes the legacy of colonialism in Canada and that Indigenous Peoples face racism and system discrimination in the Canadian Justice System which together has resulted in a crisis of overrepresentation.

Gladue requires Justices to consider all available sanctions, other than imprisonment, that are reasonable in the circumstances, with particular attention to the unique circumstances of Indigenous Peoples.

Lawyers and justice providers work together to prepare submissions on clients' circumstances, and background, and to suggest alternatives to jail.

What is a Gladue Report?

Gladue Reports are prepared by Gladue Writers. They are part of the Gladue submissions made to the court.

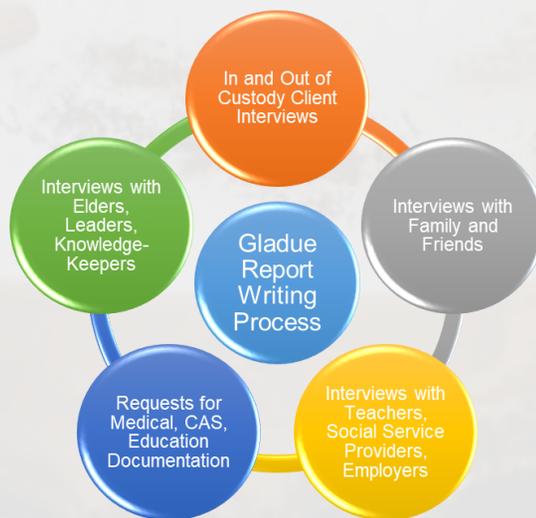
Gladue Reports are formal written reports that detail:

- ◆ The individual's life story,
- ◆ Relevant information about their family, community, and network,
- ◆ Systemic factors that have impacted the individual's life story and brought them before the courts,
- ◆ Recommendations for alternatives to incarceration that are restorative and based in healing, culture, and language.

What are Gladue Recommendations?

Gladue Writers and Caseworkers work one-on-one with individuals to develop recommendations that are included in the Gladue Report.

Gladue Recommendations are real, achievable, and personalized to suit the individual.



What is the role of a Gladue Caseworker?

Gladue Caseworkers work one-on-one with clients to implement Gladue Recommendations.

Gladue Caseworkers:

- Are connected to local, provincial, and national resources.
- Are knowledgeable of their client's culture, language, community and history.
- Are positive mentors and role models.
- Develop plans to help clients meet short-term and long-term goals.
- Have regular meetings and communication with clients.

When are NALSC Gladue Reports Available?

- They are available to clients who are members of Nishnawbe Aski Nation communities.
- Gladue Reports take several weeks to prepare, therefore clients must be facing significant jail time.
- Gladue Letters are shorter versions of Gladue Reports. They are available in limited circumstances for bail and other proceedings.

Who can make referrals?

- ◆ Formal referrals are accepted from duty counsel, defense lawyers, crown attorneys, judges, and justices of the peace.
- ◆ Friends, families, community members, and service providers can contact the lawyer or NALSC to learn more.

How are requests made?

Requests are made using a Gladue Report Request Form.

Where possible, please attach the Crown Brief/Synopsis, CPIC, and Crown Screening Form to the Request Form.

Forms can be found on our website nanlegal.on.ca, in person at a NALSC office, or by contacting the Gladue Team Lead at (807) 622-1413 or toll-free 1-800-465-5581.