

A close-up photograph of a traditional wood carving of a human face, likely from a Pacific Northwest Indigenous culture. The carving is highly detailed, showing the texture of the wood and the intricate work of the carver. The face is shown in profile, looking towards the right. The eyes are large and expressive, with a prominent nose and a slight smile. The background is dark, making the light-colored wood stand out.

# Gladue Primer



Legal  
Services  
Society

British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)

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This booklet explains the law in general. It isn't intended to give you legal advice on your particular problem. Because each person's case is different, you may need to get legal help. The *Gladue Primer* is up to date as of **February 2011**.

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**How to get free copies of the *Gladue Primer***  
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**Section 1 —  
Gladue primer**

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# Introduction

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There are important changes coming to the law that will affect Gladue rights. Check the Legal Services Society website for updates and information: [www.legalaid.bc.ca](http://www.legalaid.bc.ca) (under Aboriginal, click Aboriginal Gladue rights). Talk to your lawyer about any questions you may have.

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This booklet is for Aboriginal **defendants** who want to know more about their Gladue rights and are working with their lawyer on preparing a Gladue report. (A defendant is someone who has been accused of a crime.) This booklet can also be used by Aboriginal advocates, Aboriginal justice workers, Aboriginal community members, the legal community, and anyone else who needs information about Gladue rights.

This booklet contains information about Gladue rights, the history of Gladue, and what Gladue means for you. This booklet also has a workbook that will help you review the information about Gladue (see page 21). The workbook will also walk you and your lawyer (or advocate) through the process of preparing a Gladue report (see page 30). At the end of this booklet, you'll find appendices (see page 39, after the third tab) that can help you learn more about Gladue and preparing Gladue reports.

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In this booklet, words that you might not know appear **bold**. These words are defined or explained, usually within the same sentence or paragraph. Sometimes you will be referred to a different page, where the word is explained in detail.

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## Are you Aboriginal?

If you **self-identify** as Aboriginal (meaning if you think of yourself as Aboriginal), you have rights under the Criminal Code (section 718.2 (e)) often called **Gladue rights**. Gladue rights refer to the special consideration that judges must give an Aboriginal person when setting bail or during sentencing. When you or your lawyer let the court know that you're Aboriginal and that you have Gladue rights, the judge must keep in mind that Aboriginal offenders face special circumstances. When the judge is setting your bail or sentencing you, he or she must consider all options other than jail. How Gladue works and how it can help you is explained in the sections that follow.

Gladue rights apply to *all* Aboriginal people: status or non-status Indians, First Nations, Métis, or Inuit. It doesn't matter if you live on reserve or off reserve, or if you live in an Aboriginal community or a non-Aboriginal community — Gladue still applies to you.

# About Gladue

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## History of Gladue

In 1995, a young Cree woman named Jamie Tanis Gladue was celebrating her 19th birthday with some friends and her fiancé, Reuben Beaver. Jamie and Reuben had one child together and Jamie was pregnant with their second child. They were living together in Nanaimo, BC. Jamie suspected that Reuben was sleeping with her sister. When Reuben left the party with Jamie's sister, Jamie said that "Next time he fools around on me, I'm going to kill him." Jamie confronted Reuben at home, where Reuben insulted her many times. Jamie stabbed Reuben inside their townhouse and when he ran out of the townhouse, she ran after him and stabbed him again. Reuben died from his injuries and Jamie was charged with second degree murder.

Jamie and Reuben had a history of **domestic violence** (abuse) in their relationship — Reuben had assaulted Jamie in the past. When Jamie stabbed Reuben, she was extremely drunk and didn't appear to know what she was doing. Jamie pled guilty to manslaughter and her case didn't go to trial. At the time, she was 20 and didn't have a criminal record. While she was on bail, Jamie attended drug and alcohol counselling and finished Grade 10 and was about to start Grade 11. As well, after the stabbing, she was diagnosed with a medical condition (hyperthyroid) that caused her to overreact to emotional situations.

At the sentencing hearing, Jamie said that she was sorry about what had happened, that she didn't intend to do it, and said that she was sorry to Reuben's family. The judge kept these things in mind when he was sentencing her. The judge also kept in mind that because of the comments that Jamie had made at the party, it was clear that she had intended to hurt Reuben. It was also clear that because Jamie had been the one to attack Reuben, she was not afraid of him. The judge didn't think that Jamie's or Reuben's Aboriginal status was important to the case because they lived in a city off reserve and weren't in an Aboriginal community. He therefore didn't give Jamie any special consideration as an Aboriginal person when he was sentencing her. The judge sentenced Jamie to three years in prison.

Jamie decided to **appeal** her sentence (ask the court to reconsider her sentence), partly because the judge didn't take into account her Aboriginal status. However, the BC Court of Appeal dismissed her appeal. After her appeal was dismissed, Jamie and her lawyer took her case to the Supreme Court of Canada in 1999. The Supreme Court said that the judge who sentenced Jamie might have made a mistake when he said that Jamie's Aboriginal status wasn't important because she didn't live in an Aboriginal community and that he didn't need to give her special consideration under section 718.2 (e) of the Criminal Code. However, the Supreme Court still felt that Jamie's sentence of three years was fair, especially since she'd been granted parole after she'd served six months.

Even though the Supreme Court didn't think it was necessary to change Jamie Gladue's sentence, it did feel that Jamie's case was important. As a result of her case, the court said that there are too many Aboriginal people being sent to jail.



The court also said that Aboriginal people face racism — in Canada and in the justice system. The special rights that Aboriginal people have under section 718.2 (e) of the Criminal Code are a way the justice system can try to make sure that Aboriginal people are treated fairly when their bail is being set or when they're being sentenced.

Now the word **Gladue** refers to the special consideration that judges must give an Aboriginal person when setting bail or during sentencing.

For more information on Jamie Gladue's case in the Supreme Court, refer to *Regina v. Gladue* at [www.canlii.org](http://www.canlii.org). To see some examples of case law involving the principles of Gladue, you can refer to *Regina v. R.R.B.*, *Regina v. Wesley*, and *Regina v. Sunshine* at the same website.

## Why did the Supreme Court make this decision?

The Supreme Court recognized that the number of Aboriginal people being sent to jail is a problem in Canada. The Supreme Court also recognized that the number of Aboriginal people being sent to jail has been increasing over the last several decades. According to Statistics Canada, between 1965 and 1985, Aboriginal people represented only two percent of the Canadian population, but they formed 10 percent of the federal inmate population for men, and 13 percent of the federal inmate population for women. By 2008, Aboriginal people made up three percent of the Canadian population, but they formed 18 percent of the federal inmate population for men, and 24 percent of the federal inmate population for women<sup>1</sup>. What this means is that the number of Aboriginal people in prison is too high when compared to the number of Aboriginal people in the general population.

The Supreme Court said that this is because Aboriginal people in Canada face racism in their everyday lives, and in the justice system. Gladue rights are a way to address the high numbers of Aboriginal people in jail: now judges will have to look at all options other than jail when they're sentencing an Aboriginal person.

## How can Gladue help you?

When you or your lawyer inform the court of your Gladue rights, the judge must keep in mind that Aboriginal people face unique circumstances, and he or she must give you special consideration when setting your bail or sentencing you. Gladue encourages judges to use **restorative justice** when they're sentencing Aboriginal people. Restorative justice is a form of justice that focuses on repairing the harm done by your crime and giving you and any victims of your crime opportunities to heal. The goal of restorative justice is to give you, the victims of your crime, and your community a chance to move forward, and to help you so that you won't feel the need to turn to crime in the future. This can mean that your sentence will help you to address the issues that got you into trouble with the law in the first place. It may also mean that your sentence is one that's more appropriate and meaningful to your culture.

<sup>1</sup> [www.statcan.gc.ca](http://www.statcan.gc.ca)

The judge also has to consider all options other than jail for your sentence. For example, as mentioned above, your sentence could involve participating in a program that would help you to address the issues that got you into trouble with the law in the first place. This is called a **community sentence**. A community sentence might involve something like participating in drug or alcohol rehabilitation, anger management, or counselling. If you do a community sentence, you may get less or no time in jail.

However, Gladue doesn't automatically mean you won't get jail time. If you committed a serious crime, the judge may have no choice but to send you to jail. If this is the case, the judge must still apply Gladue when he or she decides how long your jail sentence will be.

It's also important to remember that participating in restorative justice or serving a community sentence isn't an easy way out. The main idea behind restorative justice is that the offender has to take responsibility for his or her actions. And, as mentioned above, serving a community sentence often means that you will have to work on addressing the issues that got you into trouble with the law. This can be difficult and a lot of hard work.

For more information on how Gladue can help you, see the fact sheet in Appendix 1.

## How does Gladue work?

### Gladue applies to all Aboriginal people

Gladue rights apply to *all* Aboriginal people: status or non-status Indians, First Nations, Métis, or Inuit. It applies to you if you live on reserve or off reserve, or if you live in an Aboriginal community or a non-Aboriginal community. Gladue also applies to you even if you were adopted by parents who aren't Aboriginal, or if you were raised in a foster home.

If you don't have a lawyer, you can tell the court that you're Aboriginal and the judge must still apply Gladue.

### Gladue applies to all crimes

Gladue applies to all crimes under the Criminal Code of Canada, even very serious ones. The judge will make his or her decision based on the specific details of your case, and will try to come up with a sentence that's appropriate for you, your community, and the victim. If you committed a serious crime, you may have to go to jail, but the judge will still apply Gladue when he or she is deciding how long your jail sentence should be.

### Exercising your Gladue rights is your choice

It's *your choice* whether you exercise your Gladue rights; once you tell the court that you're Aboriginal, the judge must apply Gladue to your case unless you tell him or her not to.

If you're Aboriginal but don't want to have Gladue applied to your case, you can **waive** your Gladue rights. This means that you can give up your Gladue rights and the judge won't apply Gladue when he or she is setting your bail or sentencing you. However, only you can decide that you don't want Gladue applied to your case — no one else can make that decision for you. In other words, the judge, **Crown counsel** (government lawyer), or your lawyer don't have the right to say that Gladue doesn't apply to you or your case. For example, if your lawyer isn't familiar with Gladue, he or she must still do everything possible to make sure your Gladue rights are respected (to start, he or she can get more information on Gladue from this booklet and the booklet *Are You Aboriginal? Do you have a bail hearing? Or are you being sentenced for a crime?* available at [www.yourlegalrights.on.ca](http://www.yourlegalrights.on.ca)). As long as you're Aboriginal, Gladue applies to you and you have the right to have Gladue applied to your case.

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**Before you decide to waive your Gladue rights, it's very important to talk to your lawyer first. It's usually not a good idea to waive your Gladue rights.**

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## When does the judge apply Gladue?

The judge applies Gladue when he or she is setting your bail or sentencing you. Your bail hearing will happen before your trial. Your sentencing hearing happens after you plead guilty (in which case your case won't go to trial), or if the judge finds you guilty at your trial. Gladue doesn't apply to the trial itself. If you're sent to jail, Gladue applies if you have a parole hearing in jail.

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**In BC, if you self-identify as Aboriginal, you can apply to have your bail and sentencing hearings in First Nations Court. See page 17 for more information.**

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For more information on bail, see page 9. For more information on sentencing and the types of sentences a judge might give you, see page 12.

## What does the judge need in order to apply Gladue?

In order to apply Gladue, the judge needs to know that you self-identify as Aboriginal and to understand your circumstances. At your bail hearing, the judge also needs to know what options there are for you instead of jail while you wait for your next court date. This is called a **bail plan** (see page 11). At your sentencing hearing, the judge also needs to know what kinds of community sentences are available.

To help the judge, your lawyer needs to give the court a **Gladue report**. A Gladue report gives the judge, Crown counsel, and your lawyer as much information as possible about you and your background so that they can understand why you committed the crime that you did, what kinds of community sentences are available, and how those community sentences might help you to address the issues that got you into trouble with the law in the first place. If the judge has all the information he or she needs to apply Gladue, he or she will be able to make the best decision possible for you and your community.

## Gladue reports

### What kind of information is included in a Gladue report?

A Gladue report gives the judge the information he or she needs to make the best decision possible when setting your bail or sentencing you. The judge needs to be able to answer two important questions:

- Why is this particular Aboriginal person before the court? (In other words, how or why did you end up getting into trouble with the law?)
- What sentencing options other than jail are available that might help to address the reasons why this Aboriginal person is before the court? (In other words, what kinds of community sentences are available and how will they help you to address the issues that got you into trouble with the law?)

To answer these questions, the judge will need to know more about you, and he or she will need as much information as possible about you and your background in order to get a full picture of your life. The judge will also need to know some information about your family and your community. A few examples of the types of information the judge will need to know about you include:

- Where are you from? Do you live in the city or in a **rural** area (the country)? Do you live on reserve? Did you grow up on reserve?
- Have you ever been in foster care? Have other members of your family been in foster care (your parents, brothers and sisters, or your children)?
- Did you or a family member attend an Indian residential school?
- Have you ever struggled with **substance abuse** (drug or alcohol abuse)? Have you been affected by someone else's substance abuse? For example, did you grow up in a home where there was substance abuse or addictions?
- Did you grow up in a home where there was domestic violence or abuse?
- Is there a program in your community that would help you to address the issues that got you into trouble with the law? For example, is there a counselling program or alcohol or drug rehabilitation program that you feel would be helpful to you?
- Have you participated in community activities such as family gatherings, fishing, longhouse ceremonies, or sweat lodge ceremonies?

The more the information in your Gladue report can be supported by other people or documentation, the better it will be for your case. However, even if you can't support the information in some way or if there's no one who can back up the information (this can often be the case for information about abuse), you should still include it. The judge still needs as much information about you as possible.

Some of the information in your Gladue report may be private or sensitive for you, and you may not like to talk about it. If you don't want this information discussed out loud in court, you can ask your lawyer to give this information in writing to the judge and Crown counsel.



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The judge doesn't need the same amount of personal information to apply Gladue at your bail hearing as at your sentencing hearing. See page 11 for more information on Gladue considerations at bail.

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The workbook in Section 2 on page 30 will walk you and your lawyer (or advocate) through preparing a Gladue report. Appendix 2 includes a checklist of all the information you should include in your report, blank templates of a Gladue report (one is a sample with instructions, and one is blank that you can photocopy and fill in), and a Gladue report writer's style guide. For information on who can help you prepare a Gladue report, see below.

## Are Gladue reports different from pre-sentencing reports?

Yes. Gladue reports and pre-sentencing reports are addressed in different sections of the Criminal Code. Gladue reports are addressed in section 718.2 (e) and pre-sentencing reports are addressed in section 721.

Ideally, Gladue reports are prepared with the help of someone who has a connection to and understands the Aboriginal community. The purpose of a Gladue report is to give the court a complete picture of you and your life, including information about your background, your Aboriginal community, and the specific circumstances that brought you before the court. A Gladue report will put your particular situation into an Aboriginal context so that the judge can come up with a sentence that's unique to you and your culture, and has an emphasis on **rehabilitation** (healing). A Gladue report is usually 12 to 18 pages long.

Pre-sentencing reports are prepared by a probation officer. The purpose of a pre-sentencing report is to give the court a picture of you as an offender and is based on your criminal record. A pre-sentencing report focuses on your criminal behaviour and on **risk analysis** (how likely you are to re-offend).

Aboriginal community advocates who understand your culture are in the best position to help you prepare your Gladue report or provide information that can be used in your Gladue report. See page 8 for more information on who can help you prepare your Gladue report.

## Who can help me with my Gladue report?

You and your lawyer (or advocate) can use the workbook on page 30 and the resources in Appendix 2 to prepare your Gladue report.

If you don't have a lawyer or your lawyer isn't familiar with Gladue, a **Native courtworker** may be able to help you. Native courtworkers give information and guidance to Aboriginal people who are before the courts, and make sure they have access to the help they need to deal with the legal system. Native courtworkers can also connect you to Aboriginal community groups that can help you with other issues, such as substance abuse or family problems. The Native Courtworker and Counselling Association of British Columbia's website at [www.nccabc.ca](http://www.nccabc.ca) has more information about who they are and the services they provide. You can call the Native Courtworker and Counselling Association of British Columbia at **604-985-5355** (in Greater Vancouver) or **1-877-811-1190** (elsewhere in BC, call no charge).

The duty counsel at First Nations Court in New Westminster can answer some questions as you prepare your Gladue report. (See page 17 for more information about First Nations Court.) The duty counsel can give you legal advice on or *before* the day of court. For more information, contact the First Nations Court duty counsel at **1-877-601-6066** (call no charge from anywhere in BC).

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# Bail and sentencing

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## Bail

Bail is an assurance or guarantee to the court that you will appear in court when you're required to do so, and that you will obey any conditions the court sets. Bail is sometimes called **judicial interim release** or **show cause**. In Canada, anyone who is charged with a crime has the right to be considered for bail. In other words, no one is automatically held **in custody** (jail) until their trial. Whether you're held in custody until your trial will depend on the type of crime you've been charged with and other factors such as whether you have a criminal record.

After you've been arrested, depending on the crime you've been charged with and the circumstances of your arrest, the police will either release you without a bail hearing, or they will keep you in custody until you can attend a bail hearing.

## Release without a bail hearing

A bail hearing isn't always necessary. If the crime you've been charged with isn't a serious one and the police are confident you will go to court on the specified date, they will release you. You may have to sign a document agreeing to follow certain conditions until your court date, and promising to appear in court on the specified date. If you live more than 200 kilometres from the court, you may have to pay a cash deposit. If you're released without a bail hearing, it won't be necessary to apply Gladue to your case at this time. If you plead guilty to the charges or are found guilty at your trial, you or your lawyer can submit a Gladue report at your sentencing hearing and ask the judge to apply Gladue then.

## Bail hearings

The purpose of a bail hearing is to determine whether you should be released or held in custody until your trial. A bail hearing must be held within 24 hours of your arrest, except in special circumstances. You don't have to plead guilty or not guilty at the bail hearing; you will do this when your case goes to trial. A judge or a justice of the peace will set your bail based on the offence you've been charged with, and other factors such as your criminal record (if you have one) and your previous history for appearing in court.

In certain serious circumstances, *you* may be responsible for proving that you're eligible for release. This is called **reverse onus**.

It's a good idea to get a lawyer to represent you at your bail hearing, especially if you've been charged with a serious offence. Contact legal aid immediately to find out if you qualify for a free lawyer. If you don't qualify for a free lawyer, most courts in BC have duty counsel. Duty counsel are lawyers who can give you free legal advice on or before the day of court. Legal aid can give you more information on when and where you can meet with a duty counsel in your area.

Legal aid:

604-408-2172 (Greater Vancouver)

1-866-577-2525 (elsewhere in BC, call no charge)

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## Bail options — If you're released

The court may release you on an **undertaking**. An undertaking is a written promise that you will show up at court at the specified times. The undertaking may have conditions that you need to follow, such as:

- reporting to a bail supervisor at specified times,
- remaining within the court's **territorial jurisdiction** (area of authority),
- reporting to the court any change of address or employment,
- not communicating with witnesses or victims,
- staying away from certain areas,
- **abstaining from** (not using) alcohol or drugs,
- depositing your passport, and
- not possessing any **firearms** (guns) or weapons.

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If you're afraid you might not be able to abstain from alcohol, you can ask for a clause that allows you to drink alcohol inside your home only.

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If the Crown counsel can give the court reasons why you shouldn't be released on an undertaking with conditions, the court may still release you on a **recognizance**. A recognizance is a written promise that you will show up at court at the specified times, in addition to a fine you may have to pay if you fail to attend court, or an amount you and/or your **surety** (see below) may have to pay. If you live more than 200 kilometres from the court, you or your surety may have to pay a cash deposit. A recognizance may also have conditions that you have to follow.

A surety is a person who agrees in writing to be responsible for you until your case is concluded. The judge or justice of the peace will interview your surety to make sure he or she is reliable and to find out what kinds of assets he or she has available. For example, the judge or justice of the peace will want to know what type of job your surety has, how long he or she has lived in the province, and whether he or she has bank accounts, property, and/or stocks and bonds.

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Your Aboriginal community can act as a surety for you.

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For more information on bail and bail options, see the Ministry of Attorney General website at [www.gov.bc.ca/justice](http://www.gov.bc.ca/justice) (on the left-hand navigation panel, click Courts — Court Services Branch — Criminal Court — Bail in B.C.).

## If you're not released

If the judge or justice of the peace isn't confident that you will show up in court at the specified times or is concerned that you might commit further crimes if you're released, he or she may decide that you should stay in custody until your trial. In general, you have a much better chance of being released on bail if you don't have a criminal record, you're gainfully employed or going to school, or you have another program or plan in place (a **bail plan**). It can take a long time for the courts to schedule a criminal trial. If you're not released on bail, you may be in custody for months.

## What is a bail plan?

A bail plan is a comprehensive plan for being in the community while the charges against you are pending. Your bail plan may include conditions similar to an undertaking or recognizance and should include a Gladue report (see below). Working with your lawyer to come up with a comprehensive bail plan that has several conditions, including a surety, is your best option for release.

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**Working with your lawyer to fully prepare for your bail hearing and to develop a bail plan is important because you could be in custody for a long time before your trial if you're not released.**

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Taking the time for you and your lawyer to develop a bail plan and Gladue report might delay your bail hearing for a few weeks, which means you would have to remain in custody for those weeks. However, this approach is often much better than rushing into a bail hearing without a bail plan, as you're more likely to be released and won't have to remain in custody for the months leading up to your trial.

## Gladue considerations for bail

Your Gladue report doesn't have to be as detailed or contain as much personal information for your bail hearing as it does for the sentencing hearing. The judge or justice of the peace will need to know that you're Aboriginal and the details of your life that would be relevant to bail — employment, education, whether you have a surety, etc. For example:

- Where are you from? Do you live on reserve or off reserve?
- Are you employed? What level of education do you have?
- Do you have a hard time finding work because you lack education or because there are limited opportunities in your community?
- Do you struggle with any addictions?
- Have you been affected by racism?

- Has your life been impacted by colonization in any other significant ways? For example, did you attend an Indian residential school?
- Is there someone who can act as a surety for you? (Remember that your Aboriginal community can act as a surety.)
- Have you taken part in community traditions, celebrations, or family gatherings as a child or as an adult? For example, have you participated in fishing, longhouse ceremonies, or sweat lodge ceremonies?

If you haven't had time to prepare a Gladue report, you or your lawyer can tell the judge or justice of the peace these things out loud.

You can also include positive aspects of your Aboriginal culture in your bail plan. For example, your bail plan could include a commitment to attend sweat lodge ceremonies once per week; do volunteer work for an Aboriginal elder, your Aboriginal community, or friendship centre; or to participate in the potlatch or any other activities that keep you connected to your Aboriginal culture (big house ceremonies, longhouse ceremonies, winter dance, sundance, berry picking, fishing, hunting, beading, drumming, etc.).

## Sentencing

If you plead guilty to the charges against you or are found guilty at your trial, the judge will **sentence** you. A sentence is the punishment that the judge feels is appropriate for you given your circumstances and the crime you committed. There are three types of punishments (sentencing options): a fine, probation, or **imprisonment** (jail). A sentence may be served in jail or in the community (for more information, see the table on page 13).

### Sentencing hearings

Sentencing takes place in a hearing after you plead guilty to the charges against you, or after your trial if you're found guilty. If you plead guilty to the charges against you, your case won't go to trial and will go straight to sentencing. At the sentencing hearing, the Crown counsel will have a chance to speak and let the judge know what he or she thinks the judge should keep in mind when sentencing you. After the Crown counsel has spoken, your lawyer will have a chance to speak on your behalf and let the court know what he or she thinks the judge should keep in mind when sentencing you (sometimes called a **sentencing plan**; see Appendix 2B for more information). If you want Gladue applied to your case, this will include your Gladue report. Once the judge has heard from both lawyers, he or she will make a decision. The judge will let you and your lawyer know his or her reasons for the decision.

## Types of sentences

The type of sentence the judge gives you will depend on the seriousness of your crime and your circumstances. Sentences range from an absolute discharge (which means you will have no conditions, no jail, and no criminal record) to federal imprisonment. The table below lists the different types of sentences from least restrictive to most restrictive; the more restrictive your sentence is, the less freedom you will have.

Types of sentences — Least restrictive to most restrictive	
<b>Community sentences</b> — A community sentence is any sentence that allows you to remain in the community without going to jail.	
Orders	An order is a document that records the judge's decision and is entered at the court registry.
Diversion or alternative measures	Diversion is an out-of-court solution. Typically you must plead guilty for the offence that you've been charged with. The judge will give you a sentence that has conditions. For example, you might be required to perform a certain number of hours of community service, or to abstain from alcohol. If you meet all of the conditions, you won't have a criminal record and your guilty plea won't be entered in court. If you don't meet all of the conditions, your case will go back before the court.
Peace bond	A peace bond is a court order not to harass or bother another person. You may not be allowed to communicate with the person and you may have to stay away from their home or work. A peace bond can last up to a year.
Absolute discharge	An absolute discharge means that even though the judge finds you guilty, he or she doesn't convict you. An absolute discharge has no conditions, probation, fines, or <b>restitution</b> (see page 14). After one year, you'll have no criminal record. An absolute discharge is usually only available for minor offences and if you have no previous history of similar offences.
Conditional discharge	A conditional discharge is similar to an absolute discharge, except the judge will place you on probation for a set period of time. Your probation will have conditions that you have to follow. If you follow the conditions, your discharge will become absolute once it expires. After three years, you'll have no criminal record.

Types of sentences — Least restrictive to most restrictive	
Fines	If you committed a <b>summary offence</b> (minor offence), the maximum fine is \$2000. If you committed an <b>indictable offence</b> (serious offence), there is no maximum fine. The court must consider your ability to pay the fine, and may set up a program that allows you to pay the fine in set amounts over a specified period of time. A <b>Victims Fine Surcharge</b> applies to all offences. This is a fund that helps victims of crime. If you're unable to pay this, let the judge know and he or she may waive it.
Restitution	Restitution is a way of making amends with the victim of your crime. Restitution usually involves a payment to help cover the costs of the physical or emotional harm that you caused, or to help pay for damaged or lost property.
Probation	Probation is a court order that allows you to remain in the community while following certain conditions, such as undergoing counselling, participating in addictions treatment, and performing community service. Probation may last up to three years. You may also have to pay a fine or go to jail for a certain amount of time.
Suspended sentence	A suspended sentence usually means that the judge will sentence you to prison, but will delay your prison sentence and release you on probation instead. If you follow the conditions of your probation, you won't have to go to jail. If you don't follow the conditions of your probation, you will spend the remainder of your sentence in jail.



<b>Types of sentences — Least restrictive to most restrictive</b>	
<b>Imprisonment within the community</b> — Certain prison sentences can be served within the community, as long as you follow conditions set by the court.	
Conditional sentence order	A conditional sentence order is a prison sentence that's served in the community. This is also known as <b>house arrest</b> . A conditional sentence has conditions that restrict your freedom. For example, you may have to stay in your home except to go to work or medical appointments. You may also have to follow conditions set out in a probation order. If you don't follow the conditions, you will have to spend the remainder of your sentence in jail.
Intermittent sentence	If the judge sentences you to less than 90 days in jail, you may be able to serve the sentence on weekends only. This will allow you to continue working. You will also have to follow the conditions of a probation order.
<b>Imprisonment</b>	
Provincial jail	If the judge sentences you to prison for two years less a day or less, you'll be sent to a provincial jail.
Federal jail	If the judge sentences you to prison for two years or more, you'll be sent to a federal jail.

## Gladue considerations for sentencing

You and your lawyer (or advocate) should prepare a detailed Gladue report to submit at your sentencing hearing. See page 6 for more information on Gladue reports, and see the workbook on page 30 and the resources in Appendix 2 for help with preparing your Gladue report.

If you haven't had a chance to prepare a Gladue report, you or your lawyer can tell the judge that you're Aboriginal, and tell him or her about the details of your life that he or she will need to know in order to give you an appropriate sentence. However, taking the time to prepare a Gladue report is a better approach and should be done whenever possible, as you will have a chance to think about what information might be important for the judge to know, and it will help you to keep sensitive details about your life private.

You or your lawyer can also ask witnesses such as an Aboriginal elder, band chief, hereditary chief, or other representatives from your Aboriginal community to speak on your behalf at the sentencing hearing. You can also give the judge any letters of support, certificates (such as a certificate that shows you participated in drug or alcohol counselling), and a letter of apology to the victim(s) of your crime.

You or your lawyer can ask the judge to consider sentencing options that are appropriate to your culture. For example, you can ask to participate in an Aboriginal restorative justice program; attend Aboriginal treatment or counselling programs; perform volunteer work for elders, your Aboriginal community, or friendship centre; fish or hunt for your Aboriginal community; or take part in any other relevant Aboriginal traditions, such as holding a shame feast, or participating in the winter dance or longhouse ceremony.

A list of Aboriginal restorative justice programs in BC is available on the Department of Justice website at [www.justice.gc.ca/eng](http://www.justice.gc.ca/eng). You can navigate to the page as follows:

1. On the left-hand navigation panel, click Programs and Initiatives. The Programs and Initiatives page appears.
2. Scroll down and, under Aboriginal Justice, click Aboriginal Justice Strategy. The Aboriginal Justice Strategy page appears.
3. On the left-hand navigation panel, click Programs. The Community-Based Justice Programs page appears.
4. Click British Columbia. The Community-Based Justice Programs page for British Columbia appears.

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**If the judge has all of the information he or she needs to apply Gladue but doesn't follow Gladue when sentencing you, the judge may have made a mistake and you may be able to appeal your sentence. Talk to your lawyer about your options.**

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# First Nations Court

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## What is First Nations Court?

If you live in BC and you self-identify as Aboriginal, you may be able to have your bail or sentencing hearing at First Nations Court in New Westminster. First Nations Court takes a holistic, restorative, and healing approach to sentencing, with a focus on rehabilitation whenever possible. The First Nations Court sits once a month and hears criminal and related child protection matters. You must apply to have your matter heard in First Nations Court.

First Nations Court is different from other provincial courts. First Nations Court focuses on community and makes sure everyone involved in the case has a chance to be heard. During sentencing, the judge, Crown counsel, Aboriginal community members, the victim and the victim's family, you and your family, as well as probation officers, social workers, and drug and alcohol counsellors are invited to sit around a table where everyone gets a chance to speak. After each person has spoken, the judge will work with everyone at the table to come up with a healing plan. The healing plan might involve referrals to counsellors; programs that are appropriate to your culture, job training, and education; and programs offered by Health Canada. You're expected to stick to your healing plan and you must go to future court dates to report on your progress.

## How do I apply to have my matter heard in First Nations Court?

The First Nations Court duty counsel can help you apply for First Nations Court, give you free legal advice on or *before* the day of court, and help you prepare a Gladue report. If you're interested in applying to have your bail or sentencing hearing in First Nations Court, you or your lawyer can contact the First Nations Court duty counsel at **1-877-601-6066** (call no charge from anywhere in BC) for more information.

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**It's your choice whether you apply to have your matter heard in First Nations Court. Talk to your lawyer about what's best for you. If you don't have a lawyer, contact the First Nations Court duty counsel.**

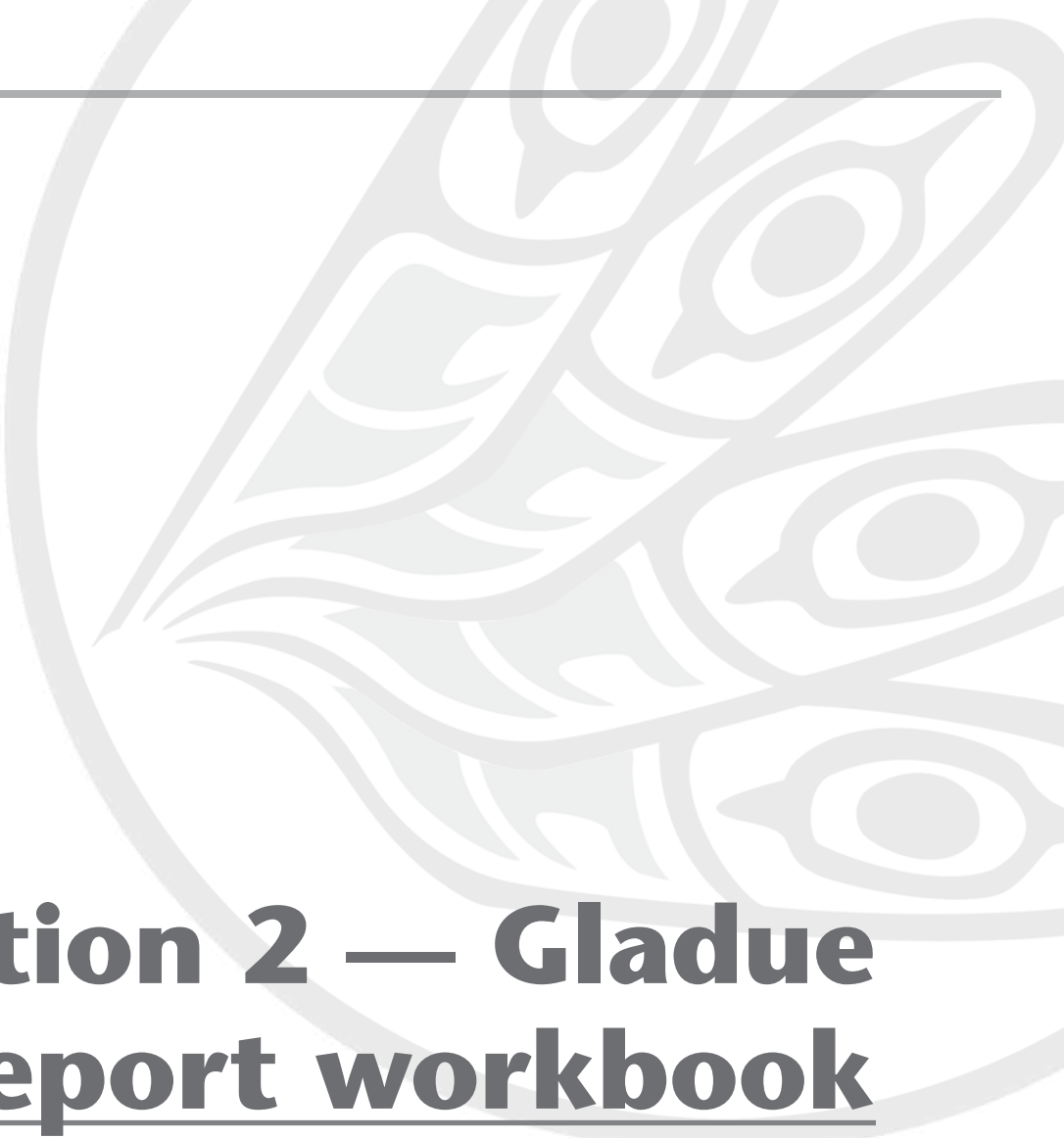
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If your matter is heard in First Nations Court, you will have to appear in person. This means you will have to be able to travel to New Westminster. If you can't travel to New Westminster, you may be able to get special permission to participate in your hearings by telephone or videoconference.





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**Section 2 — Gladue  
report workbook**

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## Review of Gladue materials

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This section of the workbook briefly reviews the information on Gladue. You can enter any notes or questions you want to bring up with your lawyer or Native courtworker in the space provided.

### Are you Aboriginal?

If you self-identify as Aboriginal (meaning if you think of yourself as Aboriginal), you have rights under the Criminal Code often called Gladue rights.

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Gladue rights apply to *all* Aboriginal people: status or non-status Indians, First Nations, Métis, or Inuit. It doesn't matter if you live on reserve or off reserve, or if you live in an Aboriginal community or a non-Aboriginal community — Gladue still applies to you.

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### About Gladue

Gladue rights refer to the special consideration that judges must give an Aboriginal person when setting bail or during sentencing.

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When you or your lawyer let the court know that you're Aboriginal and that you have Gladue rights, the judge must keep in mind that Aboriginal offenders face special circumstances. When the judge is setting your bail or sentencing you, he or she must consider all options other than jail.

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## History of Gladue

In 1995, a young Cree woman named Jamie Tanis Gladue was celebrating her 19th birthday with some friends and her fiancé, Reuben Beaver. Jamie and Reuben were living together in Nanaimo, BC. Jamie suspected that Reuben was sleeping with her sister.

**Do you see similarities in your circumstances?**

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When Reuben left the party with Jamie's sister, Jamie confronted Reuben at home. Jamie stabbed Reuben inside their townhouse and again outside of their townhouse.

**Do you see similarities in your circumstances?**

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Reuben died from his injuries. Jamie was charged with second degree murder.

**Do you see similarities in your circumstances?**

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Jamie pleaded guilty to manslaughter and her case didn't go to trial.  
**Do you see similarities in your circumstances?**

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At the sentencing hearing, the judge said that he didn't think Jamie's or Reuben's Aboriginal status was important to the case because they lived in a city off reserve, and weren't in an Aboriginal community. The judge didn't give any special consideration to Jamie as an Aboriginal person when he was sentencing her. The judge sentenced Jamie to three years in prison.

**Do you see similarities in your circumstances?**

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Jamie decided to appeal her case. It went to the Supreme Court in 1999. Even though the Supreme Court didn't think it was necessary to change Jamie's sentence, it did feel that Jamie's case was important.

**Do you see similarities in your circumstances?**

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As a result of Jamie's case, the Supreme Court said that too many Aboriginal people are being sent to jail. The Supreme Court also said that Aboriginal people face racism — in Canada and in the justice system.

**Do you see similarities in your circumstances?**

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The special rights that Aboriginal people have under section 718.2 (e) of the Criminal Code are a way the justice system can try to make sure that Aboriginal people are treated fairly when their bail is being set, or when they're being sentenced.

**Do you see similarities in your circumstances?**

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## How can Gladue help you?

When you or your lawyer inform the court of your Gladue rights, the judge must keep in mind that Aboriginal people face unique circumstances, and he or she must give you special consideration when setting your bail or sentencing you.

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Gladue encourages judges to use restorative justice when they're sentencing Aboriginal people.

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The judge also has to consider all options other than jail for your sentence. For example, your sentence could involve participating in a program that would help you to address the issues that got you into trouble with the law in the first place (a community sentence).

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## How does Gladue work?

Gladue rights apply to all Aboriginal people: status or non-status Indians, First Nations, Métis, or Inuit. It applies to you if live on reserve or off reserve, or if you live in an Aboriginal community or a non-Aboriginal community.

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Gladue also applies to you even if you were adopted by parents who aren't Aboriginal, or if you were raised in a foster home.

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If you don't have a lawyer, you can tell the court that you're Aboriginal and the judge must still apply Gladue.

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Gladue applies to all crimes, even very serious ones.

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Exercising your Gladue rights is your choice. Only you can choose to waive (give up) your Gladue rights.

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The judge applies Gladue when he or she is setting your bail or sentencing you. Gladue doesn't apply to the trial process. Gladue also applies if you have a parole hearing in jail.

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In order to apply Gladue, the judge needs to understand your circumstances and to know what kinds of community sentences are available.

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To help the judge, your lawyer needs to give the court a Gladue report.

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## Gladue reports

A Gladue report gives the judge the information he or she needs to make the best decision possible when setting your bail or sentencing you.

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A Gladue report gives the judge as much information as possible about you, your background, your family, and your community.

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A Gladue report also gives the judge information on the types of community sentences available and how they will help you.

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Gladue reports are different from pre-sentencing reports. A Gladue report gives the judge a more complete picture of you and your life, while a pre-sentencing report focuses on your criminal behaviour.

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Ideally, a Gladue report should be prepared by someone who has ties to the Aboriginal community.

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## Who can help me with my Gladue report?

A Native courtworker may be able to help you. Native courtworkers give information and guidance to Aboriginal people who are before the courts, and make sure they have access to the help they need to deal with the legal system.

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The duty counsel at First Nations Court in New Westminster may also be able to answer some questions as you prepare your Gladue report.

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## What is First Nations Court?

If you live in BC and you self-identify as Aboriginal, you may be able to have your bail or sentencing hearing at First Nations Court in New Westminster.

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First Nations Court takes a holistic and restorative approach to sentencing. First Nations court focuses on rehabilitation whenever possible.

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The judge at First Nations Court works with everyone involved with the case, including Crown counsel, probations staff, and cultural resources such as friendship centres and Native courtworkers, to come up with a healing plan.

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You're expected to stick to your healing plan and to show up at future court dates to report on your progress.

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It's your choice whether you apply to have your matter heard in First Nations Court.

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If your matter is heard in First Nations Court, you will have to appear in person. This means you will have to be able to travel to New Westminster. If you can't travel to New Westminster, you may be able to get special permission to participate in your hearings by telephone or videoconference.

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# Preparing a Gladue report

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## What does the judge need to know?

Use this section of the workbook to begin preparing your Gladue report. The judge needs to know about you, your life, and your background — who you are and how you got here. Try to give the judge as complete a picture as possible. The judge also needs to know what kinds of community sentences are available, which ones you're interested in, how they will help you and why. Appendix 2 has a Gladue report writer's checklist, templates you or your Gladue report writer can use (a sample that includes instructions and a blank template that you can fill in), and a Gladue report writer's style guide you can refer to.

Remember to support your information with other documentation or people who can back up your story whenever possible. The more you can support your information, the better it will be for your case. However, don't worry if you can't back something up in this way — what's more important is to give the judge as much information about yourself as you can.

Once you've collected all the information you need, your lawyer (or advocate) should use it to write up a report. Your lawyer should then give the report to the judge. If you don't have a lawyer or your lawyer can't write up a report for you for any reason (for example, if there isn't enough time), it's still important to give this information to the judge in whatever way you can so that the judge can apply Gladue.

Remember that this information doesn't have to be discussed out loud in court. You can ask your lawyer to give this information in writing to the judge or Crown counsel.

## What is your background?

Do you self-identify as Aboriginal? Aboriginal can be status or non-status Indian, First Nations, Métis, or Inuit.

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Where are you from? What community or band are you from? Do you live in the city or in a rural area (the country)?

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What kind of living arrangements do you have right now? For example, how many people live in your house? Are these people your brothers and sisters or other relatives?

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What is your home community like? Are there any issues with **substandard** (second rate) housing, lack of clean water, chronic unemployment, or seasonal employment? Is your community “dry”? Are there any issues with substance abuse?

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What kind of living arrangements did you have when you were growing up?

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Have you ever been in foster care? Have other members of your family been in foster care (your parents, brothers and sisters, or your children)?

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Do you feel **dislocated** from your community? (Have you been taken away from your community in some way?) Has your community been **fragmented** (broken apart)? Do you feel isolated or lonely because of this?

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Did you or a family member go to an Indian residential school?

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Have you made an application to the *Indian Residential School Settlement*? If so, has this process been painful for you or caused other problems? If you received a settlement payment, has this caused problems for you or your family?

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Have you spoken with an Indian residential school counsellor or therapist?

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Have you ever struggled with substance abuse (drug or alcohol abuse)? Have you ever struggled with addictions to drugs or alcohol?

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Did you grow up in a home where there were issues with substance abuse or addictions?

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Did you grow up in a home where there was abuse?

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Do you have any mental health issues?

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What level of education do you have? For example, did you finish high school? If not, what's the last grade you finished?

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Did you or a family member have any issues that may have affected your opportunities to learn? For example, do you have any issues with trauma, Fetal Alcohol Spectrum Disorder (FASD), or learning disabilities?

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Have you taken part in community traditions, celebrations, or family gatherings as a child or as an adult? For example, have you participated in fishing, berry picking, longhouse or sweat lodge ceremonies, Hobiye, sundances or winter dances, Métis dancing, potlatches, shame feasts, friendship centre events, or volunteering for elders or other community members?

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Have you ever been affected by racism? Please describe what happened and how this affected you.

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Have you ever been affected by poverty? For example, did you or your family struggle to pay bills or rent, buy food, or pay for healthcare?

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What are your interests and goals? For example, is there any education or training you'd like to complete? Is there a job or volunteer opportunity that you're interested in? Do you have goals for your family or community?

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Have you ever been involved with any Aboriginal restorative justice programs, or with community elders or teachings? If so, give examples.

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Is there someone in your community whom you or your lawyer, Native courtworker, or other advocate can contact if you need help? For example, is there a family member, elder, social worker, chief, or band councillor who can help you?

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### **What types of community sentences are available?**

You and your lawyer (or advocate) can also ask a Native courtworker to help find you community sentences that will work for you. The judge should still consider a community sentence for you even if it isn't an Aboriginal program.

Is there a program in your community that you think can help you address the issues that got you into trouble with the law in the first place? For example, is there a drug or alcohol rehabilitation program that you think might be helpful to you? What about personal counselling or anger management counselling?

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If you've identified a program, explain why you think this program will be helpful to you. For example, have you had experiences or participated in programs that have been helpful to you in the past? Think about what does and doesn't work for you.

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Are there sentencing options in your community that are appropriate to your culture? For example, is there an Aboriginal restorative justice program you could participate in? Could you perform volunteer work for elders, your Aboriginal community, or friendship centre? Could you take part in any other relevant Aboriginal traditions, such as holding a shame feast, or participating in the winter dance or longhouse ceremony?

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Is there someone in your community who can provide you with a letter of support? For example, can you get a letter of support from an elder, hereditary chief, elected chief, support worker, or your employer, friends, family, or members of your church? You can attach letters of support to your Gladue report.

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If you've attended courses to upgrade your skills or schooling, are you able to get a certificate of completion? Can you get proof of attendance for counselling or addictions meetings? You can attach these certificates to your Gladue report.

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# **Appendices**

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# Appendix 1:

*Are you Aboriginal? fact sheet*

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# Are you Aboriginal?

## Do you have a bail hearing?

## Are you being sentenced for a crime?

## Do you know about First Nations Court?



Legal  
Services  
Society

British Columbia  
[www.legalaid.bc.ca](http://www.legalaid.bc.ca)

If you self-identify as Aboriginal (meaning if you think of yourself as Aboriginal), you have rights under the Criminal Code, often called Gladue rights. These rights apply to all Aboriginal people, whether you're status or non-status Indian, First Nations, Métis, or Inuit, and whether you live on or off reserve. In addition to your Gladue rights, you may be able to have your bail or sentencing hearing in the First Nations Court of BC in New Westminster.

### What is Gladue?

In 1999, an Aboriginal woman named Jamie Gladue had her case heard by the Supreme Court of Canada. As a result of this case, the court said that there are too many Aboriginal people being sent to jail. The court also said that Aboriginal people face racism in Canada and in the justice system.

Now the word Gladue refers to the special consideration that judges must give an Aboriginal person when sentencing or setting bail. When your lawyer informs the court of your Gladue rights, the judge must keep in mind that Aboriginal offenders face special circumstances. When the judge is sentencing you, he or she must consider *all options other than jail*.

**Note:** It's *your right* to have Gladue applied to your case. Your lawyer should do everything possible to make sure your Gladue rights are respected. For more information, see the *Gladue Primer* at [www.legalaid.bc.ca/publications](http://www.legalaid.bc.ca/publications), or see the Community Legal Education Ontario booklet *Are You Aboriginal?* at [www.yourlegalrights.on.ca](http://www.yourlegalrights.on.ca). If you don't have a lawyer, the judge must still apply Gladue.

#### NOTE

Contact legal aid immediately to find out if you qualify for a free lawyer.

#### Legal aid:

604-408-2172 (Greater Vancouver)

1-866-577-2525 (call no charge, elsewhere in BC)

### Will Gladue keep me out of jail?

Gladue does not automatically mean you won't get jail time. However, your sentence could involve participating in a program that would help you to address the issues that got you into trouble with the law in the first place. This is called a **community sentence**. A community sentence might involve participating in drug rehabilitation or counselling. If you do a community sentence, you may get less or no time in jail.

However, the judge may have no choice but to send you to jail. If this is the case, the judge must still apply Gladue when deciding how long your jail sentence will be.

### What is a Gladue report?

In order to apply Gladue, the judge needs to understand your circumstances and to know what kinds of community sentences are available. To help the judge, your lawyer needs to provide the court with a **Gladue report**. A Gladue report gives the judge, the **Crown counsel** (the government lawyer), and your lawyer as much information as possible about you. The other side of this fact sheet has some questions that can help you and your lawyer get started on preparing your Gladue report.

*Continued over*

## Do you know about First Nations Court?

You may be able to have your bail or sentencing hearing at First Nations Court. First Nations Court takes a **restorative** approach to sentencing. This means that the judge, Crown counsel, Aboriginal community members, and your family will work with you and your lawyer to come up with a healing plan.

First Nations Court sits once a month and hears criminal and related child protection matters. For more information, contact the First Nations Court expanded **duty counsel** at **1-877-601-6066** (call no charge from anywhere in BC).

Duty counsel are lawyers who give free legal advice. If you don't have a lawyer, the expanded duty counsel can give you legal advice on or *before* the day of court. He or she can also help you prepare your Gladue report.

**Note:** It's *your choice* whether you exercise your Gladue rights or apply to have your matter heard in First Nations Court. Talk to your lawyer about what's best for you. If you don't have a lawyer, contact the First Nations Court expanded duty counsel at **1-877-601-6066** (call no charge from anywhere in BC).

## Some questions for preparing your Gladue report

**Note:** Some of this information may be private or sensitive for you and you may not like to talk about it. If you don't want this information discussed out loud in court, you can ask your lawyer to give this information in writing to the judge and the government lawyer.

- Where are you from? Do you live in a city or in a rural area? Do you live on reserve?
- Have you ever been in foster care? Have other members of your family been in foster care (your parents, brothers and sisters, or your children)?
- Did you or a family member attend an Indian residential school?
- Have you ever struggled with **substance abuse** (drug or alcohol abuse)? Have you been affected by someone else's substance abuse?
- What level of education do you have? What is your reading level?
- Did you or a family member have any issues that may have affected your opportunities to learn, such as trauma, Fetal Alcohol Spectrum Disorder (FASD), or learning disabilities?

## Your important details

Name of lawyer: \_\_\_\_\_

Bail hearing: \_\_\_\_\_

Trial hearing: \_\_\_\_\_

Sentencing hearing: \_\_\_\_\_

Special thanks to Community Legal Education Ontario (CLEO) for use of the information in their booklet *Are you Aboriginal?* (2009).





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# Appendix 2:

Resources for preparing Gladue reports

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# Appendix 2A:

Gladue report writer's style guide

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# Gladue report writer's style guide

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As you're preparing your client's Gladue report, keep in mind the following style tips. This will help to ensure the Gladue report is clearly written and easy to read. If you have grammar questions that aren't addressed below, you may find Capital Community College Foundation's online Guide to Grammar and Writing helpful: [grammar.ccc.commnet.edu/grammar](http://grammar.ccc.commnet.edu/grammar).

## Using the active voice

When you use the active voice in a sentence, the subject performs the action (verb). When you use the passive voice, the subject receives the action of the verb. Use the active voice — it's more direct, concise, and meaningful.

**Passive voice:** The sound of the schoolyard swing will always be remembered by him.

**Active voice:** He will always remember the sound of the schoolyard swing.

**Passive voice:** The younger siblings were watched over by older siblings when the adults were working.

**Active voice:** When the adults were working, the older siblings watched over the younger siblings.

## Using apostrophes

Use an apostrophe for contractions, which eliminate a letter or letters from a word. Apostrophes are also used to show possession, when an "s" is added to a noun.

**Contractions:** do not — don't; will not — won't; cannot — can't

**Possessive:** George's car; a day's work; the boat's schedule

"Its" and "it's" are often confused. "It's" is a contraction for "it is." "Its" is the possessive for "it."

**Example:** It's hot outside.

**Example:** The book is missing its cover.

## Using hyphens in numbers

Use a hyphen in a number when the number is used as an adjective (modifies a noun) that appears *before* the noun in the sentence.

**Before the noun:** The twenty-year-old car sped through the intersection.  
(Or, The 20-year-old car sped through the intersection.)

**After the noun:** Mary was twenty years old when she moved to Vancouver.



## Capitalization

Capitalize proper nouns (names of people or places); always capitalize "Aboriginal." Titles (job titles or positions) don't need to be capitalized.

**Proper nouns:** The client, Jane Doe, self-identifies as Aboriginal.

Jane Doe lives in Vancouver, British Columbia.

**Titles:** The client's probation officer provided a pre-sentencing report.

The client's band leader provided a letter of reference.

## Using quotation marks

Use quotation marks when you're providing a direct quote of something someone has said. Use a comma before the opening quotation mark. Use a period before the closing quotation mark.

**Example:** Jane Doe said, "I didn't see a car in the driveway."

## Formality

Use a more formal style when writing a Gladue report. Refer to yourself as "the writer," instead of "I." Avoid informal terms such as "mom" or "dad"; instead use "mother" or "father."

In place of	Use instead
a couple months	two months
a lot	frequently
booze	alcohol
come and visit	visit
fight	altercation
hanging out	spending time
high and drunk	under the influence of drugs and alcohol
FASD or other acronyms	Fetal Alcohol Spectrum Disorder (FASD); spell out all acronyms the first time they are used, then include the acronym in brackets
mad	angry
mom and dad	mother and father
pot or weed	marijuana
would always	repeatedly or regularly, or habitually used to

**Example:** The writer interviewed Jane Doe's mother, Karen.

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# Appendix 2B:

Gladue report writer's checklist

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# Gladue report writer's checklist

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This checklist is for advocates (or lawyers) who are helping their Aboriginal client prepare a Gladue report. In addition to the information described in the workbook on page 30, the following checklist provides a comprehensive outline of all the information necessary for a Gladue report. As you're writing the Gladue report, you may find it helpful to refer to the Gladue report writer's style guide in Appendix 2A, the sample in Appendix 2C, and the blank template in Appendix 2D.

## Preparing a Gladue report

Preparing a Gladue report can be a significant time investment, and may take anywhere from eight to 20 hours. You will need to sit down with your client for several interviews to get all the information necessary for a Gladue report.

You will need to set up an initial interview with your client to go through the information necessary for a Gladue report. The initial interview can take up to three hours, and you may need to set up a second interview to complete the process. Once the initial interview is completed, you will need to get in touch with the community contacts your client provides. This can also take a significant amount of time. After talking with these contacts and compiling any letters of support and certificates, set up a final interview with your client to review the information.

You should have your client's Gladue report finalized one week before the court date. This means you should start preparing your client's Gladue report at least four weeks before the court hearing. Once the report is ready, give it to your client's lawyer.

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**Your client may become upset or traumatized by the information that comes up in the course of preparing a Gladue report. If your client becomes distraught, please stop the interview immediately. It's a good idea to have the contact information for a counsellor to pass on to your client. If your client is in custody, notify correctional staff immediately so that he or she can be referred to support services within the facility.**

---

# Checklist

## Before you begin

- Does your client self-identify as Aboriginal? Aboriginal includes status or non-status Indians, First Nations, Métis, and Inuit.
- Is your client interested in having his or her bail or sentencing hearings in the First Nations Court in New Westminster? First Nations Court sits once a month and hears criminal and related child protection matters. Your client will need to apply to have his or her matter heard in First Nations Court, and will need to travel to New Westminster or get special permission to participate via telephone or videoconferencing. For more information, call the First Nations Court duty counsel at **1-877-601-6066** (no charge from anywhere in BC).
- Does your client agree to have his or her Gladue report used in court? A Gladue report will include detailed information about your client's history and family life, and preparing a Gladue report can bring up painful and traumatic information. Discuss with your client whether he or she is ready to talk about his or her background. If your client is willing to go through the process of preparing a Gladue report, it's a good idea to make sure your client has support available and people he or she can talk to after your interview (family, friends, and counsellors).

## Court and case information

- Where is the court located?
- Who is the presiding judge or justice? (The term judge is used for a Provincial Court case and the term justice is used in a Supreme Court case.)
- Who is the Crown counsel?
- Who is the defence counsel (your client's lawyer)?

## Contact information

- What is your client's full name? Does he or she have any aliases (nicknames)?
- Does your client have an Aboriginal name?
- What is your client's date of birth? Where was your client born ("place of birth")?
- What is your client's home address? Does he or she have a mailing address?
- What is/are your client's phone number(s)?

---

It's a good idea to make sure you have more than one phone number for your client. In addition to his or her home phone, be sure to get any cell phone, work phone, school phone, and emergency (message) numbers where he or she can be reached if you can't reach him or her at the primary phone number.

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## Offence information

- What files are currently before the court? List the file numbers and the information in the charge.
- What was your client's date of arrest? When is the hearing for the Gladue report (i.e., when is the bail or sentencing hearing)?
- Who are your client's contact people? These might be friends, relatives, support workers, or hereditary or band chiefs. Be sure to get as many contacts as possible from your client, along with their phone numbers and cell phone numbers. If these people provide you with reference letters in support of your client, you can attach them to the Gladue report.

## Documents for review

- Does your client have the particulars (disclosure) from the Crown? If not, you will need to contact your client's lawyer.
- If you're preparing a Gladue report for a sentencing hearing, ask your client if he or she has the pre-sentencing report from the probation officer.
- Does your client have any letters of support or certificates? For example, if his or her community members have written reference letters, or if he or she has a certificate of completion from a course, counselling program, or addictions treatment program, you can attach them to the Gladue report.

## Your client's circumstances

- What kind of relationship does your client have with his or her family? Consider describing your client's family relationships in a separate paragraph (or more) for each significant family member.
- Is there a history of child protection issues in your client's family? For example, has your client ever been in foster care? Have members of his or her family been in foster care (his or her siblings or children)?
- Was your client raised by a single parent? Is he or she a single parent?
- What is your client's marital status? What was/is the length of your client's marriage or relationship?
- Does your client have any children? How old are they? Do the children live with your client? Have the children ever lived with your client? If not, why not?
- Who are your client's **associates** (friends)?
- What are your client's past and present living arrangements? For example, how many siblings and relatives lived in the same house while he or she was growing up? How many siblings and relatives does he or she share a home with now?

- What is your client's education? What is your client's reading ability? Does your client face any challenges that would prevent him or her from learning, such as trauma, learning disabilities, or Fetal Alcohol Spectrum Disorder (FASD)?
- What is your client's past and present employment record?
- Does your client have any special training, skills, or talent?
- Is your client a member of any clubs — social, professional, or religious?
- What are your client's interests, goals, and aspirations — educational, professional, or otherwise?
- What is your client's financial situation? Has your client been impacted by poverty? Does he or she have a history with social assistance, employment insurance, food banks, or shelters?
- Does your client have any mental health issues? What is his or her mental, emotional, and behavioural status?
- Is your client in good health? Does he or she have any health or physical problems?
- Has your client ever struggled with addictions or substance abuse (now or in the past)? Did your client grow up in a home where there was a history of addictions or substance abuse?
- Did your client grow up in a home where there was domestic violence or abuse?
- What is the Court History Assessment for your client? (The Court History Assessment is a listing of your client's past criminal record, which is included in the disclosure package from the Crown counsel.) You should review all of the offences listed with your client. Take note of any patterns. For example, you may notice that every December your client is in trouble. This could reflect a trauma, such as the death of a parent. It's also good to note any long periods of time during which your client wasn't charged with any offences. Discuss with your client the positive things that were happening in his or her life at that time.
- What is your client's attitude with regard to the offence?
- If you're preparing a Gladue report for a sentencing hearing, is your client receptive to any proposed conditions, such as a curfew or working with an elder?

## Gladue considerations

- What is your client's Aboriginal affiliation? Is he or she a status or non-status Indian, First Nations, Métis, or Inuit? Does he or she have a band affiliation?
- Where is your client from? Which community or band is he or she from? Does he or she live in an urban or rural area? Does he or she live on reserve or off reserve?
- List the ways in which your client has been negatively impacted by colonization. For example, has your client been affected by racism? Did he or she attend an Indian residential school? This list should be detailed, personal, and specific to your client.
- Has your client been affected by suicides or other deaths of his or her family or friends?
- Does your client have any suicidal tendencies?

---

**If your client has suicidal tendencies, please stop the interview and refer your client to a trained professional immediately.**

---

- Do you notice a pattern in your client's life that is connected to the anniversary of the death of a loved one (or another trauma)?
- If applicable, note how your client compares to Jamie Gladue (see page 22 for more information).

## Your client's Aboriginal community

For this section, you will need to interview your client, your client's relatives, and a representative from your client's Aboriginal community (such as a band social worker or hereditary chief). These interviews will allow you to confirm the facts of your client's situation.

- What is the general history and overview of your client's Aboriginal community?
- Was there an Indian residential school in or nearby the community?
- Ask your client to describe his or her community. Are there issues of substandard housing, lack of clean water, chronic unemployment, or seasonal employment? Is the community "dry," or are there issues of substance abuse within the community? What is the availability of treatment or rehabilitative services for substance abuse?
- How has colonization impacted the community as a whole? For example, are there issues with community health, unemployment, poor economic conditions, addictions, child welfare, etc.?
- How many people in the community speak the Aboriginal language?
- What are the positive, healing aspects of the community? What resources are available within the community that could help your client? What are the community's strengths? List any community programs, initiatives, successes, and role models.

- Is there anything your client can do to help his or her community? Are there volunteer opportunities?
- Who are the community elders?
- Are there community activities or cultural traditions that your client can participate in or volunteer for? Examples include potlatches, sweat lodges, winter dances, sundances, feasts, berry picking, gathering firewood, hunting, fishing, big house ceremonies, longhouse ceremonies, etc.

---

**It's also a good idea to ask the community representative about cultural traditions your client can take part in. These activities are important to the recommendations you and your client's lawyer can make regarding your client's release or community sentencing.**

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- Is there someone in your client's community whom you can contact if your client needs assistance? (For example, the chief and council, elders, family members, friends, etc.)
- Has your client ever been involved with an Aboriginal restorative justice program, or with community elders or teachings? If so, give examples.

## **Your client's connection to his or her Aboriginal community**

- Was your client raised in or does he or she have an awareness of his or her Aboriginal culture/community?
- Is your client connected to his or her Aboriginal community?
  - If yes, please explain.
  - If no, please explain why not. For example, was your client part of a "scoop" or otherwise placed in foster care? Does he or she have problems with his or her family or community?
  - If your client lives in an urban area, has he or she made connections in the city with other Aboriginal people?
  - If your client has an Aboriginal spouse or partner, has your client connected with his or her spouse's or partner's Aboriginal community?
- Does your client speak his or her Aboriginal language? If not, why not?
- Has your client been affected by dislocation from his or her community, community fragmentation, or loneliness?
- Did your client attend an Indian residential school? Did any of your client's family members attend an Indian residential school?
- Has your client spoken with an Indian residential school counsellor or therapist?



- Has your client filed a claim with the *Indian Residential Schools Settlement Agreement*?
- Has the Indian residential school system — including settlement payments — impacted your client's family or community?
- Has your client participated in Aboriginal community traditions, celebrations, or gatherings as a child or as an adult? Examples include sweat lodges, sundances, winter dances, potlatches, funeral feasts, berry picking, gathering firewood, fishing, hunting, long house ceremonies, family gatherings, etc.

## Summary and proposed recommendations

Once you've spoken with your client and his or her family, friends, support workers, and Aboriginal community, you should have a clear idea of what's realistic and appropriate for your client for his or her bail or sentencing plan. Keep in mind that your bail or sentencing plan will need to address your client's specific situation and should not put at risk any vulnerable members of his or her community, including elders. For example, if your client is charged with assault, his or her sentencing plan should include a condition not to contact the victim. If your client is charged with theft, his or her sentencing plan should include staying away from the business or area where the theft took place.

The more detailed the bail or sentencing plan is, the better chance your client will have of staying in the community. Be as specific as you can. If you're making recommendations for bail, your plan should ensure that your client attends his or her court dates, that he or she is safe to be in the community, and should prevent your client from re-offending if he or she is released from jail. Standard sentencing recommendations include: keeping the peace, being of good behaviour, reporting regularly to a probation officer, attending personal counselling, attending alcohol or drug counselling, or attending anger management counselling. If appropriate, additional recommendations might include: not possessing firearms or weapons, obeying a curfew (as long as it doesn't interfere with employment), volunteering, and abstaining from drugs and alcohol.

As this is a Gladue report, it's important to emphasize culturally appropriate interventions, such as Aboriginal residential treatment facilities; Aboriginal restorative justice programs; or volunteering for elders, chief and council, other community members, or a friendship centre. Cultural recommendations (such as attending a sweat lodge once a week, or helping to prepare for a feast) should be specific to your client's Aboriginal community and traditions. Discuss with your client his or her availability to take part in the suggested conditions.

---

**If your client lives in an urban area that's far from his or her Aboriginal community, look into local Aboriginal resources that might be helpful and meaningful to your client.**

---

Once you've made your recommendations, review them with your client to ensure he or she agrees with everything that you've proposed, and that the plan is achievable and realistic. Discuss with your client any potential barriers to following the plan. Once you've written the Gladue report, review the report with your client to make sure it's accurate, and to make sure that your client understands that everything in the report will be shared with the court and that it may be read aloud in court. After reviewing the report with your client, review the report with your client's lawyer.



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# Appendix 2C:

Gladue report for bail or sentencing  
hearing (sample)

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# [Subject's Name] — Gladue Report for [Bail/Sentencing] Hearing

**Note:** If this report is for a bail hearing, do not make any admissions of guilt, or any statements concerning the alleged offence on behalf of the subject of the report.

*The information contained in this Gladue report is privileged and confidential, and is intended for the use of the individual(s) named below and for the court hearing. Copying, distributing, or disseminating this report to third parties is prohibited.*

## Contact information

Name:

Band or Aboriginal community:

Date of birth:

Place of birth:

Current address:

Phone 1:

Phone 2:

## Court and case information

Court:

Court file number:

Defence counsel:

Phone:

Crown counsel:

Phone:

Judge/Justice:

Presiding justice:

## Information sources

### People contacted for the preparation of this report

1. Mr. George Smith (subject of this report, in person)
2. Ms. Jane Smith (grandmother, in person)
3. Ms. Joan Smith (mother, by telephone)
4. \_\_\_\_\_ (in person, or by telephone)
5. \_\_\_\_\_ (in person, or by telephone)
6. \_\_\_\_\_ (in person, or by telephone)

## Information sources (continued)

### Documents reviewed for the preparation of this report

[The following are examples of the types of documents that may be useful.]

1. Particulars from Crown on files
2. Pre-sentence report from probation office
3. Technical suitability report from probation office
4. Relevant case law [e.g., *R. v. Silversmith* for a bail hearing, *R. v. Kakekagamick* for a sentencing hearing]
5. Other [e.g., print or online materials regarding: client's First Nation, healing programs, restorative justice programs, medical reports or letters, psychiatric reports, etc.]

## History and current circumstances

[Please keep discussion of the alleged offence(s) in the section below under "Court history assessment." This section is more for background, to set the stage for the alleged incidents, not to describe them.]

### Family relationships

**[Name of the subject of the report]:**

**[Name of the second person listed, and so on]:** [Please see instructions below.]

[If someone has a married name, write it this way: May West (née Jones), where *West* is the married name and *Jones* is the birth name.]

[In this section, please remember to write in the past tense — for example, "Ms. West said that her nephew..." instead of "Ms. West says..."]

[You can refer to individuals by their first names, especially in cases where multiple people have the same last name.]

[When conducting interviews, it's often helpful to establish a timeline in the first interview, and then verify it with different interviewees. These details can help you keep the narrative clear when you write. At the same time, please try to balance the amount of detail you include. "George moved back and forth between his mother's and his grandmother's houses eight times between the ages of two and nine" is more helpful than writing about each move in detail.]

[Also, please use more formal terms in place of colloquial ones (see Appendix 2A), and avoid contractions (*hadn't*, *wouldn't*, etc.) for the most part. The exception would be culturally significant words, such as *auntie*, which are preferable because they have no formal equivalent.]

[Please try to attribute information wherever possible, especially when it concerns potentially illegal activity; for example, "George said he remembered his father frequently physically abusing his mother," or "Ms. West said that George's father used to regularly use drugs and then physically assault his son."]

## History and current circumstances (continued)

### Living arrangements

[Please keep this section brief, unless the details are important to the report.]

### Associates

### Education

[This section can be longer, but please include relevant details only.]

### Employment

[Relevant information only, please.]

### Career goals

[Please keep this brief, unless more detail seems very helpful.]

## History and current circumstances (continued)

### Finances

[Please keep this brief.]

### Mental and physical health, behavioural and emotional status

[Please include details of any diagnosed disorders, such as Fetal Alcohol Spectrum Disorder (FASD), Attention Deficit Hyperactivity Disorder (ADHD), HIV, etc. You can include undiagnosed disorders if you write the sentence this way: “George has not been evaluated for a diagnosis of FASD, but his mother’s consumption of alcohol during her pregnancy, combined with his difficulties with memory, impulse control, fine motor control, and learning, show that he may suffer from the disorder.” The difficulties listed are just examples — please use your discretion.]

### Addictions, substance abuse

[Please take care with how you present this information — objective description, without negative details, is best. For example, “George has admitted to using cocaine and believes he became addicted to it in the six months preceding the incident. He used cocaine a half hour before the incident, and he believes that it impaired his judgement.” It’s also best not to include here or admit to crimes for which the subject of the report hasn’t been charged, such as “George sometimes physically assaulted his girlfriend when he was intoxicated.”]

### Personal attributes and other resources

[This is a good place to summarize the subject of the report’s strengths. These might include a supportive family, band, counsellor, teacher, or former employer; personal attributes, such as being a hard worker, good at math or athletics or fishing, a loyal friend, and/or a helper to the elders. Please try hard to find something to include unless it would be so meagre as to make the subject of the report look bad — in which case you can cut the heading and write nothing.]



## Gladue considerations

### Client's Aboriginal community

[Include a brief paragraph about the location of any reserve or other Aboriginal community with which the subject of the report is affiliated.]

[Include a brief paragraph — or two at most — about the band or Aboriginal community and its economic situation and traditional activities.]

[Include an optional paragraph about the education situation of the band or Aboriginal community, such as whether teenagers have to board out to attend school — if relevant.]

### Client's connection to his or her Aboriginal community

[Please summarize in one paragraph, unless more detail is helpful. At the most, include two or three paragraphs.]

### Indian residential schools — Intergenerational effects

[If the subject of the report has been affected by relatives' or personal experience with Indian residential schools, racism, poverty, FASD, abused parents who became abusers, or other effects of colonization on his/her family, you can summarize it here.]

## Court history assessment

[Please include relevant information. If the subject of the report has a lengthy criminal record, each charge need not be included, but giving a sense of the severity of the charges is important if they are minor. Please do not include charges of which the subject of the report was acquitted or those for which the case was dismissed, or any juvenile record that has been pardoned.]

**Court file #:** \_\_\_\_\_

**Count: #1:** \_\_\_\_\_

**Count: #2:** \_\_\_\_\_

## Court history assessment (continued)

**Court file # [if there is another file]:**

**Count: #1:** \_\_\_\_\_

**Count: #2:** \_\_\_\_\_

### Relevant dates

[If it seems helpful, you might include a chronology of the alleged offences and, for bail, being careful not to admit guilt. For example:

“April 10, 2011: Alleged altercation with XXXX (file XXXX).

April 12, 2011: Defendant arrested.

April 23, 2011: XXXX allegedly failed to report to bail supervisor in XXXX; his mother called probation to see he is in XXXX, but he was allegedly in breach.

May 18, 2011: Information laid for the alleged assault of XXXX.

June 15, 2011: Information laid for the alleged breach of conditions.

July 14, 2011: Information is changed: charge of attempted murder is added and the file is now XXXX-X.

July 15, 2011: On or about this date, the Crown issued a warrant for XXXX’s arrest for breach in connection with the April 23 failure to report.

July 17, 2011: XXXX is again arrested and transported from X to Y, and then to X.

September 9, 2011: Bail hearing.

September 16, 2011: Bail decision is delivered and XXXX is released to XXXX.”]

### Attitude toward and understanding of offence

[This section is a good place to insert any narrative concerning the events in question. Please only include details that are helpful to the subject of the report and highly relevant to the report.

**For bail, it is very important not to admit guilt.** Be certain to use terms such as “the alleged incident,” and be certain that you don’t mention other potentially criminal acts that haven’t been reported or investigated (with the exception of certain kinds of drug use, if they figure into the circumstances.)]

### Attitude toward previous and proposed interventions

[Same as above. You can eliminate “previous and” if the subject of the report has no criminal history so that it reads “Attitude toward proposed interventions.”]

## Summary and recommendations

[Include a paragraph or two summing up the case and the circumstances surrounding the offence, including the defendant's background and how it played a role. This is your chance to connect the dots from the previous sections. For example, "George believes he has been addicted to heroin and alcohol from before his birth, and the results of suspected FASD are apparent in his difficulties with memory, learning, and impulse control. However, he has functioned extremely well and managed to avoid substance use for long periods while living on reserve...."]

[Include one or two paragraphs with recommendations and brief justifications for the recommendations, such as, "XXXX has been released on bail and is on strict conditions with his community of XXXX. The Chief and Council fully support him, his family fully supports him, and he functions well within his own community. To remove this young man from his support system and place him in a detention centre would cause serious harm to his mental and emotional health. As mentioned previously, he has functioned quite well in the community, leading a normal and productive lifestyle; it was only when he moved to the city that he was unable to adapt and was easily led astray."]

[Another suggestion, if it pertains to this particular report:

"Recommendations for probation might also include:

- You shall report within twenty-four (24) hours of your release from custody to the probation officer at XXX XXXX, XXXX, BC, and thereafter you shall report as and when directed by the probation officer.
- You shall not possess or consume any drugs, except as prescribed for you by a physician.
- You shall not possess any weapons, as defined in section 2 of the *Criminal Code of Canada*, except for hunting purposes for sustenance.
- Abide by a curfew of 10:00 p.m. to 6:00 a.m."]

Respectfully submitted,

---

Gladue report writer

cc:

Defence counsel

Crown counsel



**[Your name] — Gladue report writer**

Contact information: [Address, telephone, email]

---

Consent to release information  
AUTHORIZATION FOR RELEASE OF RECORDS  
Pursuant to section 33(b) of the  
*Freedom of Information and Protection of Privacy Act*  
RSBC, C. 165

[Once you have completed your report, have your client sign the following to authorize the release of his/her records to the court.]

Date: \_\_\_\_\_

I hereby consent to the release of any assessment, clinical information, medical, psychiatric, psychological, legal, educational, social, and family information to **[your name]**, Certified Gladue Report Writer.

I understand this information may be used by **[your name]** for compiling report(s) for the court in British Columbia and may be taken into account in making court decisions.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness [must be present when the client signs the form]





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# Appendix 2D:

Gladue report for bail or sentencing  
hearing (template)

---



# [Subject's Name] — Gladue Report for [Bail/Sentencing] Hearing

**Note:** If this report is for a bail hearing, do not make any admissions of guilt, or any statements concerning the alleged offence on behalf of the subject of the report.

*The information contained in this Gladue report is privileged and confidential, and is intended for the use of the individual(s) named below and for the court hearing. Copying, distributing, or disseminating this report to third parties is prohibited.*

## Contact information

Name:

Band or Aboriginal community:

Date of birth:

Place of birth:

Current address:

Phone 1:

Phone 2:

## Court and case information

Court:

Court file number:

Defence counsel:

Phone:

Crown counsel:

Phone:

Judge/Justice:

Presiding justice:

## Information sources

### People contacted for the preparation of this report

1. \_\_\_\_\_ (Subject of this report, in person)
2. \_\_\_\_\_ (in person, or by telephone)
3. \_\_\_\_\_ (in person, or by telephone)
4. \_\_\_\_\_ (in person, or by telephone)
5. \_\_\_\_\_ (in person, or by telephone)
6. \_\_\_\_\_ (in person, or by telephone)

## Information sources (continued)

### Documents reviewed for the preparation of this report

1. Particulars from Crown on files
- 2.
- 3.
- 4.
- 5.

## History and current circumstances

### Family relationships

[Name of the subject of the report]:

[Name of the second person listed, and so on]

### Living arrangements

### Associates

**History and current circumstances (continued)**

**Education**

**Employment**

**Career goals**

**Finances**

**Mental and physical health, behavioural and emotional status**

Confidential

## **History and current circumstances (continued)**

**Addictions, substance abuse**

**Personal attributes and other resources**

## **Gladue considerations**

**Client's Aboriginal community**

**Client's connection to his or her Aboriginal community**

**Indian residential schools — Intergenerational effects**



**Court history assessment**

**Court file #:** \_\_\_\_\_

**Count: #1:** \_\_\_\_\_

**Count: #2:** \_\_\_\_\_

**Court file # [if there is another file]:**

**Count: #1:** \_\_\_\_\_

**Count: #2:** \_\_\_\_\_

**Relevant dates**

**Attitude toward and understanding of offence**

**Attitude toward previous and proposed interventions**

Confidential

## Summary and recommendations

Respectfully submitted,

---

Gladue report writer

cc:  
Defence counsel  
Crown counsel

\_\_\_\_\_ — **Gladue report writer**

Contact information:

---

Consent to release information  
AUTHORIZATION FOR RELEASE OF RECORDS  
Pursuant to section 33(b) of the  
*Freedom of Information and Protection of Privacy Act*  
RSBC, C. 165

Date: \_\_\_\_\_

I hereby consent to the release of any assessment, clinical information, medical, psychiatric, psychological, legal, educational, social, and family information to \_\_\_\_\_, Certified Gladue Report Writer.

I understand this information may be used by \_\_\_\_\_ for compiling report(s) for the court in British Columbia and may be taken into account in making court decisions.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness







## Get more information

The Legal Services Society (LSS) website has information and resources for Aboriginal people, including information on Gladue, Aboriginal legal issues, and who can help. Go to [www.legalaid.bc.ca](http://www.legalaid.bc.ca) and click Aboriginal to find out more.



## How to get free copies of the *Gladue Primer* and other LSS Aboriginal publications

LSS offers this and many other free publications on Aboriginal issues such as Aboriginal harvesting rights (fishing, hunting, and gathering), the Indian Residential Schools Settlement Agreement, and social assistance on reserve.

Read online: [www.legalaid.bc.ca](http://www.legalaid.bc.ca)  
(Under Aboriginal, click Aboriginal publications)


Order online: [www.crownpub.bc.ca](http://www.crownpub.bc.ca)  
(Under Quick Links, click Legal Services Society)

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