

GETTING A GLADUE REPORT IN ALBERTA



ARE YOU AN INDIGENOUS PERSON CHARGED WITH A CRIME?

If you self-identify as Indigenous and are...

- First Nations (Status or Non-Status)
- Inuit
- Métis
- Living on *or* off reserve

You can request a Gladue Report by talking to your lawyer or **Native Counselling Services of Alberta (NCSA) Courtworker**.

WHAT IS A GLADUE REPORT?

A judge has a duty to consider your unique circumstances as an Indigenous person when making sentencing decisions (*Section 718.2 (e) Criminal Code and R. v. Gladue Supreme Court*).

A judge orders a Gladue Report to tell them more about your life's circumstances. It is supposed to help guide them to answer the questions:

- 1 How did you get to this point in your life?
- 2 Are there other appropriate options other than sending you to jail?

IMPORTANT THINGS TO KNOW!

- ! Judges must also consider all reasonable alternatives for Indigenous people instead of jail.
- ! Getting a Gladue Report does not guarantee that you will not spend time in jail.
- ! Ask your lawyer or NCSA Courtworker about a Gladue Report for before your sentencing hearing.
- ! You have the right to say 'no' to a Gladue Report. This is called "waiving" a Gladue Report.

A GLADUE REPORT CAN INCLUDE DETAILED INFORMATION ABOUT YOUR:

- Cultural connections
- Individual, family and community history
- Family residential school experience and intergenerational trauma
- Child welfare involvement or adoption
- Physical or sexual abuse
- Education and employment history
- Health issues, such as FASD, anxiety, substance use, suicide
- Living and financial situation
- Children

A GLADUE REPORT ALSO DETAILS OPTIONS AVAILABLE TO YOU TO ADDRESS ANY UNDERLYING DIFFICULTIES AND PROMOTE HEALING:

- Restorative justice programs
- Substance abuse/mental health treatment programs
- Participating in cultural activities, ceremony or meeting with an Elder
- Any other needs you may have

? HOW DO I REQUEST A GLADUE REPORT?

Talk to your lawyer, a duty counsel lawyer or your NCSA Courtworker. They can submit a request to a judge to order a Gladue Report for you. A judge is the only person who authorizes a Gladue Report.

? WHAT IF I DO NOT HAVE A GLADUE REPORT?

You can request that your lawyer move the hearing to another date until you get a report – OR – your lawyer or NCSA Courtworker can speak to your life circumstances as an Indigenous person in court.

? WHAT HAPPENS AFTER I AGREE TO GET A GLADUE REPORT?

A Gladue Writer will contact you to set up an interview with you, your family, friends and community supports.

The Gladue Writer will ask you a lot of personal information and all of that will then go into the report. The writer will submit the report to the court.

It can take up approximately 6 weeks to get a Gladue Report.

! IMPORTANT INFORMATION ABOUT GLADUE PRINCIPLES AT BAIL HEARINGS

In Edmonton and Calgary, your lawyer, duty counsel or NCSA Courtworker can assist you in requesting a “Gladue Principle Judicial Interim Report” before your bail hearing.

This report is similar to a Gladue Report but for bail purposes.

Talk to your lawyer or NCSA Courtworker about your options at bail hearings.

To contact an NCSA Courtworker, go to [NCSA.ca](https://www.ncsa.ca) or call (780) 451-4002



Produced by BearPaw Media and Education
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Funded by Alberta Law Foundation
Published March 2021



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