

What is Gladue?

Gladue principles ensure that when an Indigenous person is charged with a crime, the court considers the negative impacts of colonialism and the over-representation of Indigenous people in the justice system.

Judges must consider Gladue factors, including but not limited to:

- Residential and/or Day School experience
- Disconnection from community and culture
- Experiences of racism and discrimination
- Loss of language
- Involvement with Child Protection and Foster Care

In addition, judges must consider an individual's Indigenous heritage and community connection, as well as any community-based and restorative programs as alternatives to jail time. While an Indigenous person may choose to waive their Gladue rights and not share their personal story with the court, judges have a duty to know and understand the 'unique background and circumstances' of Indigenous people generally and to consider these when sentencing Indigenous individuals.



How to Access Gladue in New Brunswick



Western Region

Madawaska to Queens County.
Served by WTCI
(Wolastqey Tribal Council Inc.).

Eastern Region

Restigouche to Albert County
Served by MJJ (Mi'gmaq Justice Initiative).

Saint John Courthouse

Served by MJJ and WTCI.

NOTE: Charlotte, Kings, and St. John County are jointly serviced.

GLADUE PRINCIPLES

A guide to culturally relevant sentencing for Indigenous peoples.



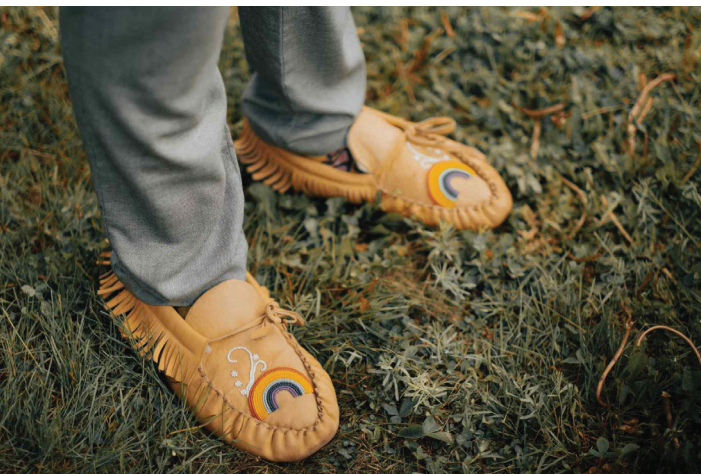
When Do Gladue Principles Apply?

Gladue principles apply at bail and sentencing, dangerous and long-term offender hearings and appeals. When sentencing someone, courts must consider alternatives to jail time that are appropriate for an Indigenous person and may include community service, probation, access to culturally appropriate programming and restorative justice. If jail time is ordered, Gladue factors may impact the length of the sentence.

How Do Judges Receive Information About Gladue Factors?

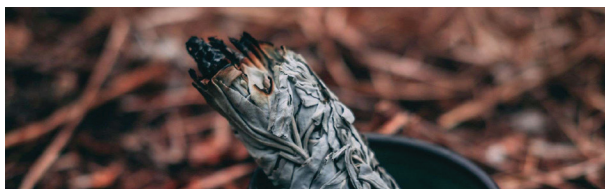
Judges receive information through Gladue reports, which provide a detailed account of a person's background, family, and community. These reports include personal and systemic challenges, steps taken to overcome them, family and community perspectives, and relevant Indigenous laws or traditions.

Gladue reports are prepared by trained writers with expertise in Indigenous issues. In less serious cases, Gladue submissions (oral or written statements) may be used instead.



Are Gladue Reports Only Available During Sentencing?

No. While Gladue reports are most used during the sentencing phase of criminal proceedings, they can also be requested or relevant at other stages of the legal process, depending on the circumstances of the case. They can be requested at bail hearings, pretrial stages, appeals, parole hearings, etc.



What Does The Gladue Process Look Like?

- A Gladue Report is requested.
- A Gladue Writer conducts interviews with you, your family, and community members who know you well.
- The writer compiles findings into a detailed report, analyzes Gladue factors, and makes sentencing recommendations.
- Your lawyer reviews the report with you to ensure accuracy.
- The final report is submitted to your lawyer, prosecutor, and the judge.
- The judge considers the findings and recommendations before sentencing, which may include alternatives to incarceration (e.g., conditional sentences, restorative justice, etc.)

IN COLLABORATION WITH:



How Do I Access Gladue Services

- Notify your lawyer, duty counsel, or legal aid, who can request a report.
- Contact a Gladue Service Provider in your region.
- Have your lawyer request court approval for a Gladue report, typically at a sentencing or bail hearing.
- The court will decide whether a Gladue report or letter is appropriate based on the case.

Who To Contact

Western Region

If you reside in the Western Region of the Province (includes Madawaska, Woodstock, Fredericton, St. John Courthouses) please contact Gladue Services at WTCI.

 (506) 459-6341

 gladue@wolastoquey.ca

Eastern Region

If you reside in the Eastern Region of the province (includes Campbellton, Bathurst, Miramichi, Moncton Courthouses) please contact Gladue Services at MJJ.

 (506) 451-1430

 gladue@migmaqjustice.org