

Gladue Submission Guide



Gladue rights apply to all
Aboriginal peoples, living
on reserve or off reserve.



Legal
Services
Society

British Columbia
www.legalaid.bc.ca

September 2017

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First edition: September 2017

ISSN 2560-631X (print)

ISSN 2560-6328 (online)

Acknowledgements

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Thank you to those who provided valuable feedback for the development of this publication, including lawyers, Gladue report writers, advocates, Native courtworkers, restorative justice workers, and community members.

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Gladue Submission Guide is published by the Legal Services Society (LSS), a non-profit organization that provides legal aid to British Columbians. LSS is separate from the BC government, its primary funder. It also receives grants from the Law Foundation and the Notary Foundation (of BC).

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. *Gladue Submission Guide* is up to date as of September 2017.

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Who this guide is for

If you're Aboriginal and have been accused or found guilty of a crime, you have rights under the Criminal Code of Canada. These rights are called **Gladue rights**.

A judge must apply your Gladue rights at your bail or sentencing hearing. This means the judge must take into account your background as an Aboriginal person and the experiences of all Aboriginal peoples. You also have Gladue rights at an **appeal** (the court looks at your sentence again) if Gladue wasn't applied at your sentencing.

To help the judge decide your bail or sentence, you can prepare a **Gladue submission** for the court. The submission tells the court about your background and what you'd do to repair the harm your crime caused.

This guide will help you, your lawyer, a Native courtworker, or an **advocate** (community worker who can help with your legal issue) gather the information you need for your Gladue submission. See pages 49 and 50 for where to get help, including how to contact a Native courtworker.



Gladue Rights

The word *Gladue* comes from a Supreme Court of Canada case about a young Cree woman named Jamie Gladue. In this case, the court said the criminal justice system failed Aboriginal peoples and too many were being sent to jail. The court also said Aboriginal peoples face racism, in Canada and in the justice system. Judges must keep this in mind and treat Aboriginal peoples fairly when they're before the court.

Under the Criminal Code of Canada, Gladue rights apply to all Aboriginal peoples because of their special circumstances (experiences) in Canada. If you're Aboriginal and in court for a bail hearing or sentencing, the judge must consider (think about) the challenges you face as an Aboriginal person. You also have Gladue rights at an appeal if Gladue wasn't applied at your sentencing.

In the Gladue case, the court said judges must consider sentences other than jail to repair the harm a crime has done. This is called **restorative justice**. You aren't automatically released, but you may get a community sentence (see page 4). In some situations, the judge may have to send you to jail. But the judge must still apply Gladue principles when they decide how long your jail sentence will be.

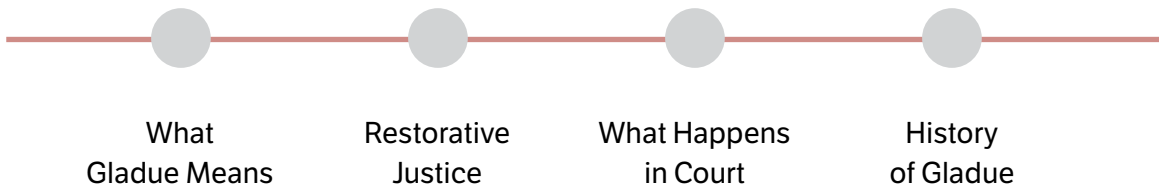
Your Gladue Rights

The booklet *Your Gladue Rights* has more details about Aboriginal peoples' Gladue rights under the Criminal Code of Canada.

See the back cover of this booklet for how to get free copies of *Your Gladue Rights*.



Your Gladue Rights describes:





What Happens at Your Hearing

At your hearing, you or your lawyer must tell the judge you're Aboriginal so the judge can apply Gladue principles to decide your bail or sentence. You can make what's called a **Gladue submission** to tell the judge about you and your family history.

This helps the judge answer these two important questions.

- How or why did you get into trouble with the law?
- What kind of sentence other than jail can help you with the issues that got you into trouble with the law?

If you have a lawyer, they usually make the oral submission (out loud) or give it in writing to the court. But you can decide with your lawyer which one of you will tell the court about your personal history.

If you don't have a lawyer, you can give your submission in writing to the judge or **Crown counsel** (government lawyer). Usually, the judge asks you directly about your personal history and background. You can ask someone to be at the hearing to help you give parts of your submission to the court. See page 50 for where to get help.

Speakers and documents

Your family or community members can speak about you at your hearing. This is a good way to back up the information in your submission. Ask an Elder, band or hereditary chief, support worker, your employer, friends, family, or members of your cultural or spiritual family if they're willing to speak.

You can also take documents to court to back up your submission. See page 47 for a list and details.

Bail and sentencing options

After hearing or reading your submission, the judge decides on bail conditions or a sentence that's more meaningful to you. If the judge chooses a restorative justice option, this doesn't mean you're automatically released from custody.

You may get a **community sentence** that involves a program to help you address the issues that got you into trouble with the law. For example, your sentence could include a residential treatment program (to help you with alcohol abuse, anger management, or trauma).

You may get less time or no time in jail, but not always. In some situations, the judge may have to send you to jail. However, judges must still apply Gladue when they decide how long your jail sentence will be, and when they include conditions in a probation order after jail time.

The main idea is that you take responsibility for your actions. Facing the issues that got you into trouble with the law can be difficult and hard work.





What's in a Gladue Submission

Not all judges know the history of Aboriginal peoples in Canada and how some issues affect all Aboriginal peoples. In your Gladue submission, you can tell the judge how Aboriginal history may have led you to commit the offence.

In your own words, you tell the judge about:

- your family and community history,
- the challenges you face as an Aboriginal person, called **Gladue factors**, and
- what kind of restorative justice or community sentences are available to you, how they can help you work through the issues that brought you to court, and why they can help you.

Gladue factors

Gladue factors are events that affect Aboriginal peoples in general and affected you, your family, or your community. In your submission, you give your own details about the factors that shaped your life.

To prepare your submission, read through the list of factors on pages 6 and 7 and check off those that affected you. Use the submission worksheet starting on page 12 to make notes about how the factors shaped your life.



Gladue factors checklist



Read through the list of factors and check off the ones that affected you.

- ☐ Abuse: sexual, physical, emotional, verbal, spiritual
- ☐ Alcohol or drug abuse, including Fetal Alcohol Spectrum Disorder (FASD)
- ☐ Loss of connection to Aboriginal community (including loss of identity, culture, traditions)
- ☐ Criminal involvement (history)
- ☐ Health (mental and physical: suicidal thoughts or attempts, depression, trauma, diagnosed disorders)
- ☐ Aboriginal community breaking apart
- ☐ Early death of family or friends because of substance abuse, violence, suicide
- ☐ Lack of employment opportunity and low income
- ☐ Family breakdown: divorce, family violence, alcohol or drug abuse
- ☐ Lack of educational opportunity



Checklist



Read through the list of factors and check off the ones that affected you.

- ☐ Foster care or adoption (Aboriginal or non-Aboriginal foster or adoptive parents)
- ☐ Effects of Indian residential school, day school, Métis (or other) boarding school (including mistreatment, loss of family contact, loss of culture, substance abuse, violence, settlement payments)
- ☐ Interventions, treatment, or counselling: alcohol, drug, psychological, trauma, grief
- ☐ Loss or denial of Indian status or membership recognition
- ☐ Living situation: past, present, future
- ☐ Poverty: past and present experiences
- ☐ Quality of relationships: positive and negative relationships with family, extended family, community
- ☐ Racism: direct or indirect, in society and institutions (community, school, workplace, jail, foster care, adoption system)
- ☐ Violence or witnessing violence

Restorative justice options

The judge can decide to give you a sentence other than jail, which is called restorative justice. Restorative justice options are meant to give you, your victim, and the community a chance to heal and move forward.

In your submission, you can list options you think will help you work through the issues that got you into trouble with the law. The options connect to Gladue factors you identify in the checklist on pages 6 and 7.

The submission worksheet on page 41 has more information to help you tell the judge your suggestions for restorative justice.

Get help from a lawyer

Before you make a submission to the court, discuss it with a lawyer. A lawyer can tell you if you're missing important information. A lawyer can also help keep you from getting someone else in trouble with the court by mistake.

BC courthouses have lawyers called **duty counsel** who can give you free advice. See page 49 for where to get legal help.

Where to get other help

You may also ask for help from a Native courtworker, **advocate** (community worker who can help with your legal issue), or Aboriginal liaison if you're **remanded** (returned to custody to wait for your trial).

Remember, you're the expert on your life. But community supports and resources can help you identify Gladue factors and connect you with restorative and treatment options the court needs to know about. See page 50.



Preparing your submission may remind you of painful experiences. Make sure you have support from people you can talk to while you work on it.

How to Prepare Your Submission

Worksheet for your notes

You can use the worksheet starting on page 12 to tell your story under four main topics. The worksheet follows the outline of a Gladue submission shown on pages 10 and 11.

You may not need to include every topic, or all the information suggested for each topic. Or you may want to change the order of the topics. For some topics, you may need extra paper to tell your story. You can also suggest restorative justice options based on the Gladue factors that apply to you.



Gladue submission outline

This outline shows the information you can include in a Gladue submission and how to present it to court, out loud or written. Use the worksheet on the following pages to make notes to prepare your own submission.

What you say to start

Your Honour [in Provincial Court], [or]

Madam Justice or Mr. Justice [in Supreme Court]

*I, [your name or names] _____, am before
the court today to speak to sentencing [or bail] on count(s)
_____ of file number _____.*

*I identify as Aboriginal and wish the court to consider my
circumstances in applying the Gladue principles to my case under
section 718.2(e) of the Criminal Code.*

What you say to tell your story

In addressing sentencing [or bail], I wish to advise the court that . . .

[To complete this section, include information under the topics below to tell your story. Use the worksheet to make your notes about each topic.]

- *Personal history*
- *Aboriginal community history*
- *Family history*
- *Current circumstances*

What you say about restorative justice options

I am an Aboriginal man [or woman] of _____ descent.

I am an Aboriginal offender with [no/a short/a long] record.

A number of negative factors that affect Aboriginal people in general have affected my life, including . . .

[To complete this section, use the checklist on pages 6 and 7, and on the worksheet list all the Gladue factors that apply to you.]

I respectfully submit for the Court's consideration the following restorative justice options, which consider the nature of my offence, my life experiences, and suggestions from family and community supports.

[To complete this section, on the worksheet list all the options you're interested in.]

- You decide how much you want to talk about.
- Give details from earliest to most recent. Include ages and dates.
- Be clear and to the point. Focus on Gladue factors and don't repeat information.
- Include names of support people and community contacts.

What you say at the conclusion (end)

I am willing to deal with the issues that brought me before the court. The restorative justice options that I've mentioned will help me work through these issues.



Personal history

Under this topic, you can tell the judge about your:

- Aboriginal background
- Life experiences
- Education history
- Work or career history
- Substance abuse (if any)
- Wellness history
- Treatment history
- Criminal history and taking responsibility for your offence(s)

Preparing your submission may remind you of painful experiences. Make sure you have support from people you can talk to while you work on it.

My Aboriginal background

My Aboriginal community, Nation, or band

Use the next lines to describe your Aboriginal background. List what community, Nation, or band you belong to. Also list whether you are a status or non-status Indian, Métis, or Inuit. This information will help the court consider what programs are available to you.

Loss or denial of Indian status or Métis rights

Use the next lines to say if you've lost or been denied Indian status or Métis rights; for example, your mother or grandmother may have lost status because they married a non-Aboriginal man, or one of your parents or grandparents may have lost their Indian status because they moved off reserve, served in the war, or went to university. Or one of your parents or grandparents may have lost their Métis rights in exchange for land or money (scrip).



Life experiences

I was born at _____

I grew up at _____

I lived with _____

I was raised by a single parent

☐

Yes

☐

No

Use the next lines to list important events that happened during your childhood and your age when they happened; for example, if you experienced family breakdown, moving from your community, racism in your family or community.

I think these events happened the way they did for these reasons

I've been diagnosed with FASD (Fetal Alcohol Spectrum Disorder)

☐

Yes

☐

No

I haven't been diagnosed, but I think I may have it

☐

Yes

☐

No

My mother drank alcohol when she was pregnant with me or my sisters or brothers

☐

Yes

☐

No



Name(s) of person(s) who said my mother drank alcohol when pregnant

They're willing to speak to the court

☐ Yes ☐ No

Education history

I went to school at

I went to an Indian residential school

☐ Yes ☐ No

I lived away from home or travelled to go to school

☐ Yes ☐ No

Use the next lines to say how well you did in school.

I graduated

☐ Yes ☐ No

I went to several different schools

☐ Yes ☐ No

(If yes) Reasons I went to different schools



I missed a lot of school



Yes



No

(If yes) Reasons I missed a lot of school

Use the next lines to say how the amount of education you got affects you today.

Use the next lines to list challenges at school or learning disabilities; for example, if you were given formal assessments or a diagnosis such as FASD (Fetal Alcohol Spectrum Disorder).

Use the next lines to say how the above affected your education.



Use the next lines to list specific educational support you received.

I experienced bullying or racism at school

☐

Yes

☐

No

(If yes) Examples

Work/career history

My past jobs

My training, skills, or talents (for example, Red Seal, first aid, heavy machinery operator)

I experienced racism in the workplace

☐

Yes

☐

No

(If yes) Examples (such as if you were denied opportunities)



Substance abuse history

My abuse (if any) of substances (drugs or alcohol, how long, how often)

My age when I first tried the substances _____

I was introduced to them by _____

Use the next lines to say what was going on in your life at that time.

Worksheet



Use the next lines to say how the substance abuse affected your life (such as your relationships, your mental and physical health).

Use the next lines to say what you've done to try to overcome your addictions or substance abuse; for example, if you went to treatment or counselling programs.



Personal wellness history

I grew up in a home where I or others experienced neglect or abuse

☐

Yes

☐

No

(If yes) Use the next lines to try to give details of the kind of abuse (physical, verbal, emotional, or sexual), when it started, and how often it happened.

List the names of family or community members willing to give more details about the abuse.

Use the next lines to say if you had times of poor health because of illness or injury.

Use the next lines to list chronic (long-term) or serious health conditions that limit your abilities.



I've harmed myself or thought about suicide



Yes



No

(If yes) Use the next lines to say when and what was happening in your life just before.

If someone close to you died unexpectedly or from suicide, such as family or friends, use the next lines to say how this affected you.

Treatment history

Treatment programs I've been in (if any); for example, addiction meetings or other counselling

Use the next lines to describe the Gladue factors you were trying to address; for example, trauma or substance abuse.



The treatment program helped me

☐ Yes ☐ No

(If no) Use the next lines to say why the treatment didn't work and what's different now.

I received a diagnosis for mental health issues

☐ Yes ☐ No

Medication was prescribed

☐ Yes ☐ No

I haven't had treatment because

Criminal history and taking responsibility for your offence(s)

If you have a criminal record, the court has a copy. List any errors in it.

If your record shows you failed to attend court or **breached** (disobeyed) a condition (bail or probation) in the past, use the next lines to say what was happening in your life.



Say “the alleged” incident or offence, and don’t mention crimes you’re not charged with. For submissions at bail hearings, you don’t need to take responsibility for the charges.

[illegible]



For a sentencing hearing

To help the judge understand your involvement with the criminal justice system, use the next lines to say what was going on in your life when you offended. Look at your Court History Assessment in the disclosure package from Crown counsel. Sometimes, you don't see a pattern until you look at dates when things happened and figure out why.

It's important for the judge to learn if you see patterns that may explain your record and how you can avoid offending in the future. For example, you may notice that every December you're in trouble. Maybe a traumatic memory triggers you, such as the death of your parent.

Your record may show long periods when you didn't offend. Describe the positive things that happened in your life then. Say if you see these things helping you stay out of trouble in the future.



Don't mention charges where you were found not guilty, or cases dismissed, or charges from when you were under 18.

For submissions at sentencing hearings, if you take responsibility for the current offence, say what steps you took. For example, maybe you pleaded guilty because you wanted to take responsibility for your behaviour, or so you (or your victim) wouldn't have to go through a trial.



Family history

Under this topic, you can:

- Introduce your family members
- Tell your family's education and home history
- Describe your relationships with your family
- Say if you've lost family members

My family members

It's just as important to tell the court if you don't know your family history because you were fostered or adopted out and never told about or met your biological family.

Preparing your submission may remind you of painful experiences. Make sure you have support from people you can talk to while you work on it.

Use the next lines to list the names and birthdates of your family if you know them. Or list your foster or adoptive family if you had one.

My grandmother/birthdate _____

My grandfather/birthdate _____

My mother/birthdate _____

My father/birthdate _____

My sister(s)/birthdate(s) _____

My brother(s)/birthdate(s) _____

My family's school and home

Members of my (biological) family went to an Indian residential school, day school, or Métis or other boarding school

☐ Yes ☐ No

(If yes)

The school and when my family went _____

How I know about it _____



Use the next lines to say how you and your family were affected; for example, if the situation led to family breakdown, loss of your culture or language, or abuse (emotional, physical, or sexual).

Foster care

I or family members have been in foster care

☐

Yes

☐

No

(If yes)

Who was in foster care _____

Why this happened _____

When and where this happened _____



Use the next lines to say how you and your family were affected; for example, if the ministry has taken children from your family home (child protection).

Adoption

I or family members were adopted by an
Aboriginal or non-Aboriginal family

☐ **Yes** ☐ **No**

(If yes)

Who was adopted

Why this happened

When and where this happened



Use the next lines to describe your experience and how it affected your connections to your family or community.

Relationships with my family

Use the next lines to say what kind of relationships you have with your family; for example:

- If you have problems with your family, and why
- If your home life was (or is) stable or unstable
- If substance abuse in your family affected you as a child or youth, and continues to affect your family relationships



Loss of my family

I've lost family to:

☐

violence

☐

suicide

☐

crime

☐

unknown (I don't know where they are)

Names of family members and their relationship to me

Use the next lines to say who told you about the circumstances of the loss and how the loss affected you.



Aboriginal community history

Under this topic, you can tell the judge:

- The general history of your Aboriginal community (if you know it)
- The issues that affect your community
- If you're connected, or not connected, to your community

Preparing your submission may remind you of painful experiences. Make sure you have support from people you can talk to while you work on it.

My Aboriginal community

List the Aboriginal community you belong to, including:

- your Indian band,
- your Métis community,
- any Aboriginal community you're related to even if you're not registered with them, and/or
- urban Aboriginal community you're connected to such as through friendship centres, Aboriginal societies, or groups.

If you belong to more than one community, describe the following for each community.

Location(s) of my Aboriginal community(ies)

Population (number of people who live there, if you know it)

Use the next lines to describe the cultural identity of your people.

Use the next lines to tell the judge if any of these issues affect your community, and how they affect you and your family:

- Poor or no available housing, overcrowding
- Poor economic conditions, unemployment
- Problems with community health, lack of clean water
- Drug or alcohol abuse (or if it's "dry")
- History of domestic violence
- History of foster care
- Broken apart community
- Effects of an Indian residential school or other school
- Effects of residential school settlement payments

[illegible]



Connection to my community

If you feel connected to your Aboriginal community and culture, use the next lines to list:

- Traditions and cultural practices you've learned
- Who taught you about them
- Who you're in contact with
- Who you look up to

If you've taken part in Aboriginal community traditions and activities, celebrations, or family gatherings as a child or as an adult, use the next lines to give examples such as:

- Fishing, hunting, berry picking
- Longhouse or sweat lodge ceremonies
- Hobiye, sundances, winter dances, Métis dancing
- Potlatches, funeral feasts, shame feasts, friendship events
- Volunteering for Elders or community members

Worksheet



If you live off reserve, use the next lines to say:

- How often you return home for visits and cultural events
- If you identify instead with an urban Aboriginal community or your spouse's Aboriginal community



Worksheet

If you don't feel connected to your Aboriginal community and culture, use the next lines to say why; for example:

- You (or your parents) were placed in foster care or adopted outside of your Aboriginal community.
- Your family lost Indian status because your mother, grandmother, or great-grandmother married a non-Aboriginal and moved off reserve.

Use the next lines to say how not being connected has affected you and your family; for example, if you feel isolated or lonely.



Current circumstances

Under this topic, you can tell the judge what was happening in your life when you were charged or arrested, and what's happening today. You can talk about:

- Where you live
- Your family life
- Your employment and ongoing education
- Your finances
- Your health
- Personal goals and strengths

Preparing your submission may remind you of painful experiences. Make sure you have support from people you can talk to while you work on it.

Where I live

I live (check all that apply)

☐

in the city

☐

on reserve

☐

off reserve

☐

in a rural area (outside of the city)

☐

in a shelter or I'm homeless

Use the next lines to say where you lived, who you lived with, and your relationship with them when you were arrested.

For a bail submission or community sentence, use the next lines to say where you'd go and who you'd live with if you're released.



Contact information for the person or people I'd be living with

It's a "dry" residence (no alcohol or drugs allowed) ☐ Yes ☐ No

My family life

I'm married or live common-law ☐ Yes ☐ No

(If yes) Use the next lines to say for how long and what the relationship is like. Mention previous relationships if you want to.

I have children ☐ Yes ☐ No

(If yes) Use the next lines to give their names, ages, and if they live with you.



If your children don't live with you, say why and describe your contact and relationship with them.

My employment and ongoing education

If you're employed, use these lines to give details about your job (full-time or part-time, casual, general labour, volunteer).

If you're unemployed or under-employed, use these lines to give details why; for example:

- Ongoing learning challenges or other issues that stand in the way of your employment, such as lack of education
- Limited opportunities for work in your community

I'm attending programs or courses to upgrade my skills and schooling

☐ Yes ☐ No

(If yes) Details



My finances

My current source of income is:

☐

employment

☐

income assistance

☐

disability assistance

I have to pay:

☐

rent

☐

child support

Other obligations

I have savings or assets

☐

Yes

☐

No

I have debts

☐

Yes

☐

No

Use the next lines to say how financial issues affect you; for example, if you have to use food banks or shelters, or have a history of receiving employment insurance (EI) benefits.

If you're a residential school survivor and received a payment, use the next lines to say how this affected you and your family or community.



My health

Use the next lines to describe your **physical health**; for example:

- Physical problems that affect your life such as your ability to work
- Trouble living on your own because of FASD (Fetal Alcohol Spectrum Disorder)

Use the next lines to describe **mental health** issues you may have; for example:

- If you've been diagnosed with unresolved trauma because of physical, emotional, or sexual abuse
- If you feel suicidal and need counselling and support

Use the next lines to say if you're using **medication** because of your current state (have documentation to back this up, with your doctor's name and treatment dates)



- All of your doctors' names _____
- Appointment dates _____
- Relevant medical reports you have _____

Use the next lines to describe your personal, social, community, educational, employment, health and wellness, and cultural goals; for example:

- [illegible]



Use the next lines to say what you've done to achieve these goals; for example, who you've contacted or plan to ask for help and why.

Use the next lines to describe your interests and strengths, and mention positive relationships or community supports you have; for example, friends in the community who can help you stay free of alcohol or drugs.



Restorative justice options

If you have a lawyer, they make sentencing or bail recommendations for the judge to consider. As part of your submission, you can suggest restorative justice options you're interested in. These are options you think will help you work through the issues that got you into trouble with the law. Not all communities may have traditional or culturally appropriate options. See page 50 for where to find a list of Aboriginal restorative justice programs in BC.

Remember, restorative justice options are meant to be for the safety of your victim and community as a whole. What you say about your options must:

- Fit the seriousness of your crime
- Show you take responsibility for the harm done
- Explain why you did what you did (you don't have to share things you think might cause a problem for yourself or others)
- Address the issues that brought you to court

Restorative justice options are based on Gladue factors you identify. The Gladue submission outline on page 11 says, *A number of negative factors that affect Aboriginal people in general have affected my life, including . . .* (your list). To give the judge this information, use the checklist on pages 6 and 7 to list the Gladue factors that apply to you.



The Gladue submission outline on page 11 says, *I respectfully submit for the Court's consideration the following restorative justice options, which consider the nature of my offence, my life experiences, and suggestions from family and community supports.*

To complete this part of your submission, use the lines under the categories on the next pages to describe culturally appropriate options the judge can consider for you, instead of jail. Say how your suggested options will keep you from committing further offences and/or breaching conditions.

Cultural connections you'd like to make

Describe activities you want to participate in to connect you to your Aboriginal culture. Give names and contact information, location, how you'll get to and from there, and who in the community will be responsible to make sure you participate.

For example, if you said cultural loss is a factor in your life, say what programs or cultural supports you want to participate in. A bail plan could include your commitment to attend sweat lodge ceremonies once a week, do volunteer work for your Aboriginal community or friendship centre, or participate in the potlatch or other activities.

Who you'd like to culturally connect with

Give details about community Elders, cultural teachers, spiritual advisors, or others you've been involved with or want to connect with. If there's a positive role model in your community, say why you'd like to connect with them. Check to make sure they're willing to help you.

For example, you might want to volunteer to help an Elder. Or there may be someone you or your lawyer can contact for help in the community such as a family member, friend, Elder, social worker, chief, or band



councillor. If staying in your community gives you important access to support people, include a safety plan, with the names of who you can call when you need help such as a sponsor, trusted Elder, or friend.

For bail, say what specific people and supports in your community can help you keep bail conditions.

Programs you attend or would like to attend

Programs can include:

- Counselling for addictions, trauma, family violence, marriage or parenting
- Educational, employment, life skills, or other culturally appropriate programs

Describe programs you attend now, when you started, how long they run, what benefits you've seen, and if you're interested in continuing or going to another level if available. Say how the programs are helping you with factors such as trauma or substance abuse.



- Program names and contact information
- If you're eligible
- Application dates and process
- Where and when they're offered
- Residential or non-residential
- Cost, times, how you'll get to and from them
- If you've taken steps to apply
- If aftercare is available

[illegible]



Aboriginal justice traditions your community might consider

If you know or if someone in your community can tell you, say what your community might do with you as an offender.

Your Aboriginal community may have sentencing options appropriate to your culture they would consider for you, such as holding a shaming or cleansing feast, sentencing or healing circle, or potlatch or traditional feast. Explain why these options are Aboriginal practices of justice.

Make sure you include the person's name you talked to and their relationship to you. You may also want to get a letter of support from them.

Conclusion

End your submission with the statement shown in the outline on page 11:

*I am willing to deal with the issues that brought me before the court.
The restorative justice options that I've mentioned will help me work through these issues.*



Documents to Back Up Your Submission

Take documents with you to your hearing to back up details in your submission. The more documents you can give the court, the better it is for your case; for example:

- Records or certificates from school, courses, or skills training
- Medical documents about an official diagnosis or prescribed medication or treatment
- Letters of support, acceptance, or confirmation, for example:
 - » A statement from your employer if you're working, or other employment records
 - » Confirmation from a counsellor, chaplain, Aboriginal liaison worker, or Elder that you've had counselling or addictions treatment
 - » Acceptance from a treatment program that you'd like to attend in your Aboriginal community
 - » Confirmation that your community and the victim of your offence (if there's one) are willing to participate in a restorative justice option (if they're needed)
 - » A statement about your character, including your strengths and personal qualities

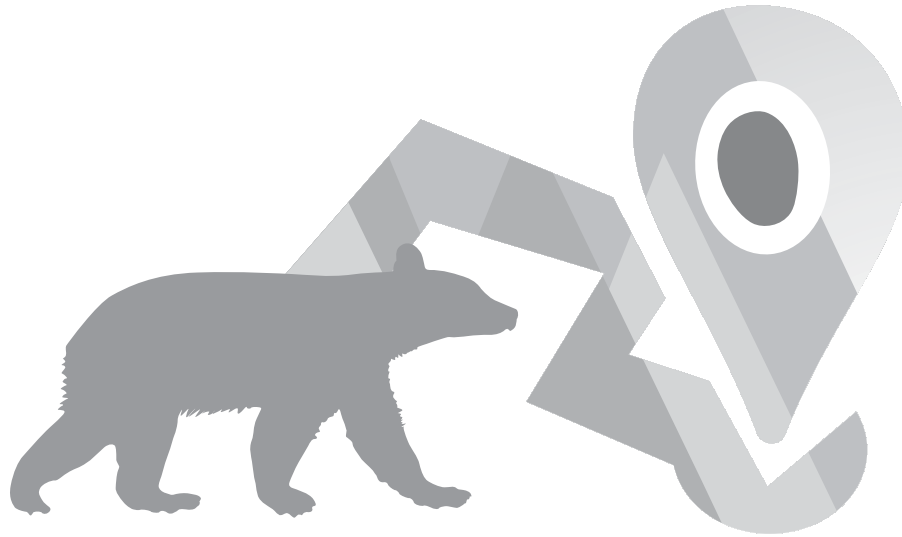
Letters of support may show your strengths compared to your background. For example, if you:

- have FASD (Fetal Alcohol Spectrum Disorder) but manage to keep a job,
- take care of younger sisters or brothers,
- come from a violent background but didn't become violent, or
- checked yourself into treatment instead of being forced to go.

Give the original documents to the judge and the copies to your lawyer and Crown counsel.

If you have information but no documents to prove it or people who can come to court, give contact information of people who'll back you up by phone, letter, or email.

If you can't confirm some information because you're disconnected from your family or community, explain this to the judge. This is actually a Gladue factor.



Where to Get More Help

Aboriginal Legal Aid in BC

aboriginal.legalaid.bc.ca

This website has information on Gladue, Aboriginal legal issues, and who can help.

Legal Aid BC

legalaid.bc.ca

- » **604-408-2172** (Greater Vancouver)
- » **1-866-577-2525** (no charge elsewhere in BC)

It's a good idea to get a lawyer to represent you at your bail hearing, especially if you're charged with a serious offence. Contact Legal Aid BC 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 give free legal advice on or before the day of court. The duty counsel at your local courthouse can answer some questions as you prepare your Gladue submission. Contact Legal Aid for how to meet with duty counsel in your area.

Attorney General

www2.gov.bc.ca/gov/content/justice

On the BC government website, see the Criminal Justice section for more information on bail and sentencing.

Native Courtworker and Counselling Association of BC

nccabc.ca

- » **604-985-5355** (Greater Vancouver)
- » **1-877-811-1190** (no charge elsewhere in BC)

If you don't have a lawyer or your lawyer doesn't know about Gladue, a Native courtworker may be able to help you. They give culturally appropriate services to Aboriginal people involved in the criminal justice system. Native courtworkers can also connect you to Aboriginal community groups for help with other issues such as substance abuse or family problems.

Restorative Justice Programs in BC

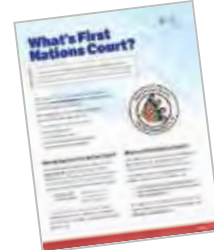
www2.gov.bc.ca

On the BC government website, search for Restorative Justice. Look for Crime Reduction Through Restorative Justice and click the link. At the bottom of the page, click Restorative Justice Programs in British Columbia (PDF).

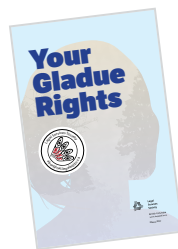
More about Gladue



*Gladue Rights
at Bail and
Sentencing*



*What's
First Nations
Court?*



*Your Gladue
Rights*



*Gladue
Report
Guide*

aboriginal.legalaid.bc.ca

If You're Charged with a Crime

Call Legal Services Society (Legal Aid BC) to find out if you qualify for a free lawyer.

604-408-2172 (Greater Vancouver)

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

How to Get Free Copies of Legal Aid BC Aboriginal Publications

Legal Aid BC offers many free publications on Aboriginal issues such as Aboriginal harvesting rights (fishing, hunting, and gathering) and income assistance on reserve.

Read: aboriginal.legalaid.bc.ca
(under We can help, click Free publications)

Order: crownpub.bc.ca
(under Quick Links, click BC Public Legal Education & Information)

Questions about ordering?

604-601-6000
distribution@lss.bc.ca

Feedback on this publication?

publications@lss.bc.ca