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# Gladue Service in BC 2025

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Presented by:

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# Objectives

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- 1. Updates from Gladue**
- 2. Gladue Services Timelines**
- 3. Gladue Letters vs. Gladue Reports**
- 4. Who Can Request a Gladue Product?**
- 5. Kinship Mentors**
- 6. The Content of a Gladue Report or Letter**
- 7. Understanding Restorative Justice and Healing Plans**
- 8. How to Use a Gladue Report or Letter and Tips for Counsel**

## Strategy 6: Gladue

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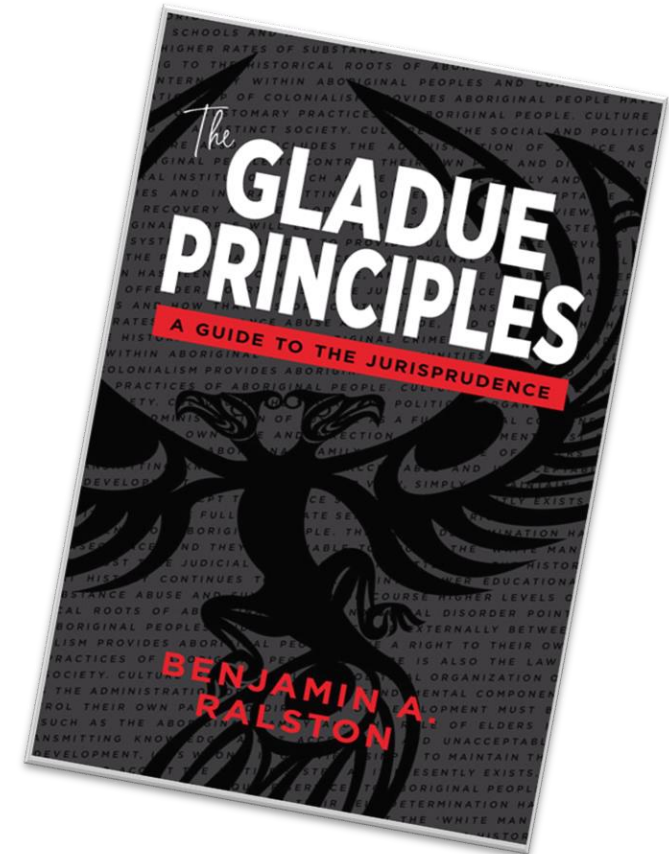


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Strategy #6 of the BC First Nations Justice Strategy calls for “a comprehensive Gladue strategy supported by a dedicated First Nations controlled Gladue implementation agency”.

The Gladue Services Department (GSD) Framework is based on the four **Lines of Action** identified under Strategy #6:

- (1) the establishment of a Gladue implementation agency,
- (2) increasing the capacity and number of Gladue writers,
- (3) the development of Gladue awareness and education programs,
- (4) and the formalization of the Gladue reporting process.



# What is Gladue?

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- a) **Origin:** R. v. Gladue (1999) – SCC decision acknowledging the over-incarceration of Indigenous peoples.
- b) **Gladue Principles:**
  - Courts must consider the unique systemic and personal background factors of Indigenous offenders.
  - Focus on alternatives to incarceration that support rehabilitation and community healing.
- c) **Application:** Applies to all Indigenous peoples regardless of residency (on/off-reserve).



## Adults:

In section 718.2(e) of the ***Criminal Code***, Parliament requires judges to consider all available sentences other than imprisonment that are reasonable in the circumstances and consistent with the harm done, for all offenders, and says judges must pay particular attention to the circumstances of Aboriginal offenders.

## Youth:

Section 38(2)(d) of the ***Youth Criminal Justice Act***, requires that “all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of [Indigenous] young persons.” This is a remedial provision, designed to address the serious problem of over-representation of Indigenous persons in Canadian prisons and penitentiaries and to encourage restorative approaches to sentencing. It should be given a “fair, large and liberal construction and interpretation.”

Section 38(2)(d) has been used to apply Gladue Factors to Youth Cases.

# 25 Years Post the Gladue Decision

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- **Progress:** Increased awareness and implementation of Gladue principles in courts.
- **Challenges:**
  - Inconsistent application across jurisdictions. (BCFNJC provides Gladue Reports free of cost, unlike other jurisdictions)
  - Need for more culturally competent resources.
  - In BC, a lack of understanding by Crown and Defence that a court ordered Gladue report still requires a referral to BCFNJC

The Gladue Services Department sees the need for greater education on integration of Gladue principles in legal education and practice.

# Updates from Gladue Service Department (GSD)



- We no longer have a waitlist
- Our Intake team contacts clients within 48 hours of receiving a completed Gladue Request through GIMS
- We have closed the public posting of Roster Writer positions in favor of targeted hiring from unrepresented Indigenous communities
- We have developed a relationship with the Indigenous Justice Programs throughout B.C. that provide aftercare and wraparound services within community
- BCFNJC now employs Kinship Mentors to assist applicants seeking BCFNJC services in confirming their Indigeneity and determining their eligibility for BCFNJC services. The Kinship Mentor Program is to support these applicants in establishing their Indigenous identity in a manner that is consistent, respectful, and aligned with Indigenous laws, teachings, and the eligibility criteria adopted by the BCFNJC.
- We are collaborating with BCPS to make GIMS accounts available to Crown Counsel to streamline our referral processes

# Our Timeline

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BCFNJC can turn around a Gladue Report/Letter in 4-6 weeks.

- We have a brief intake period where all required referral information is confirmed
- Once confirmed, the Gladue product is assigned and completed in 4-6 weeks
- We have expanded our hybrid staff and roster writer model, ensuring there are no waitlists of Gladue requests

Intake Referral Period

4-6 weeks for writer to complete Gladue Report/Letter



4-8 week turnaround





# Gladue Letter vs. Gladue Report

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## Gladue Letter

- 7 to 10 pages
- 1 to 2 key collaterals
- Short Personal History (1 to 3 paragraphs)
- Organized by Gladue factors (“subheadings”)
- Each subheading has 1 to 2 paragraphs
- Minimal academic research
- Minimal quotes

## Gladue Report

- 10 to 15 pages
- Several collaterals if possible
- Long Personal History (several pages)
- More in-depth narrative with chronological timeline
- Each section is several pages or paragraphs
- In-depth academic research
- Uses more quotes

# Who can request a Gladue Report?

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- **Judges** (can make a court order BUT the request must still be sent by counsel)
- **Crown** (currently by email, but working on GIMS access)
- **Defense** → email [gladueservices@bcfnjc.com](mailto:gladueservices@bcfnjc.com) for help with GIMS accounts

## Gladue Information Management System (GIMS)

The BCFNJC uses GIMS to create and manage Gladue reports in BC.

It is a centralized, user-based system, which facilitates all Gladue report requests, manages client information and facilitates to the distribution of information to all users attached to a clients file, including Defense counsel, Gladue report writers, Legal Reviewers and Gladue aftercare workers.

Distribution of Gladue reports occurs both through GIMS, to Defense Counsel and by email, to Crown Counsel and Court Registry/Judiciary.



# How to request a GIMS Account and request a Gladue Report – Video

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Scan the QR Code here, or visit: [youtu.be/iK1R7Dvfuy8](https://youtu.be/iK1R7Dvfuy8) for a walk through on how to request a Gladue Information Management System Account and to make a Gladue Request.

If you have any issues, or need any further support please contact: [gladueservices@bcfnjc.com](mailto:gladueservices@bcfnjc.com).



# Important Information

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At the very minimum, to process a request for a Gladue report we need:

- The RCC, CPIC and/or Justin conviction list;
- Information sheet, with clear indication of the counts that are proceeding;
- Contact information for the client, if that isn't possible, we need to be told how to contact them. [This presents the largest delay in the Gladue report process;](#)
- Contact information for Crown and Defence;
- Nation from which the person served is from, status/non-status;
- Sentencing range – this impacts the creation of Healing plans;
- Not only when the next court date is, but what is the purpose of it;
- For Crown Counsel requests, password protected pdfs are the only files we will accept. Any other file format will not be accepted (at this time);
- Whether a person served would prefer an Indigenous Gladue report writer

# Kinship Mentors

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Kindship Mentors: BCFNJC employs a team of Kinship Mentors to assist applicants seeking BCFNJC services in confirming their Indigeneity and determining their eligibility for BCFNJC services.

The primary role of Kinship Mentors and the Kinship Mentor Program is to support these applicants in establishing their Indigenous identity in a manner that is consistent, respectful, and aligned with Indigenous laws, teachings, and the eligibility criteria adopted by the BCFNJC.

Kinship Mentors will assist BCFNJC in determining eligibility for services by interviewing applicants, engaging with the Nations or citizenships they identify, and connecting with family members when appropriate. They will review any reviewing documentation provided by the applicants and, where necessary, conducting additional research or genealogical review in collaboration with the applicant. Such determinations will be made in accordance with BCFNJC protocols and guided by the expertise and cultural knowledge of the Kinship Mentors.

Where an applicant does not meet the eligibility criteria for receiving BCFNJC services they will be provided with a “No Services” letter from BCFNJC. This letter does not state that the applicant is not Indigenous, that is not a determination made by BCFNJC, the letter merely states that the applicant was not able to provide sufficient information regarding their claimed Indigenous heritage to render them eligible for BCFNJC services. The Courts have considered such a “No Service” letter in the case of *R. v. Cade, Ceal and Whaling* 2024 BCSC 456

# GSD Intake Process

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## **GSD Intake level**

Once GSD has created the files in GIMS, they will contact the client to confirm their personal information, including whether they are First Nations, Inuit, or Metis and to provide supporting documentation/information. If the client is unable provide this information the file is immediately sent to BCFNJC's Kinship Mentors.

## **Kinship Intake level**

Kinship Mentors will assist BCFNJC in determining eligibility for services by reviewing documentation provided by the applicants and, where necessary, conducting additional research or genealogical review in collaboration with the applicant. Such determinations will be made in accordance with BCFNJC protocols and guided by the expertise and cultural knowledge of the Kinship Mentors.

## **No Contact Process**

In the case that Kinship is unable to reach the client, or loses contact with the client, the file is returned to GSD Intake.

PROCESS	AUTHOR	DATE
Gladue Report Timeline Workflow	Anisa Jeanson	29/09/2025

PHASES	Intake	WEEK 1	WEEK 2	WEEK 3	WEEK 4
Intake & Kinship Mentor	<div>1. Gladue Services receives report referral via email or GIMS</div> <div>2. Verifies Indigeneity</div> <div>3. Assigns Writer</div>				
Writing the Report & Healing Plan		<div>4. Writer contacts Defense Counsel</div> <div>5. Writer first interview w/ client &amp; consent form signed</div> <div>6. Writer provides referral form to support worker (if client ok w/ it)</div> <div>7. Writer/support worker(optional) interview client</div> <div>8. Writer conducts research/ interviews and writes report</div> <div>9. Writer to communicate with support worker if resources needed</div> <div>10. All support worker resources to be provided by end of week 3</div>		<div>11. First draft of report/hp reviewed w/ client &amp; ready for legal review</div>	
Report Legal Review					<div>1. Mon.: Report Assigned to Legal Reviewer</div> <div>2. Wed.(4pm): Report returned to writer for edits</div> <div>3. Fri.(12pm): Final report uploaded to GIMS w. all edits done by writer.</div> <div>Note: if edits are required to healing plan, writer may contact support worker</div>
Intake Distribution					<div>4. Fri. (12-4pm) Gladue Services Management conducts final check before same day distribution by Intake to crown, defense &amp; court.</div>

- Gladue Report Writers come from diverse backgrounds. Many Gladue report writers share backgrounds in law, criminology, sociology, and social work among many others.
- **Gladue Report Writers are not advocates, and maintain a neutral, unbiased, and objective perspective when interviewing and writing Gladue reports.**
- Gladue Report Writers are members of a unique and important group that is working to change the landscape of the criminal justice system in Canada. They seek to advance restorative and healing options for Indigenous offenders, reducing the need for reliance on custody as an option. It is up to individual writers to maintain a personal code of conduct, based on professionalism, honesty and integrity.



# The Role of the Gladue Writer

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- The Gladue Writer aims to provide the court with a thorough understanding of the person served's unique circumstances, cultural background, and the historical context that may have contributed to their involvement in the criminal justice system.
- By highlighting these factors, **the report assists the court in making informed and culturally sensitive decisions**, promoting the principles of restorative justice and acknowledging the distinct considerations applicable to Indigenous offenders.
- Gladue Writers are not advocates for the person served and ensure that each report/letter is written accurately and without advocacy.
- We continue to expand our Roster of Writers to include hiring from within Indigenous communities, to ensure we have people with lived experience and who are experts in their region, community, and resources to better serve their own people



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# Initial Research: Trauma-informed Interviewing & Information Gathering

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**Step 1: BCFNJC takes a trauma informed approach to interviewing and information gathering. This means:**

- Gladue Writers conduct interviews with an understanding of the impact of trauma on the person served, understanding that even if a person is willing to answer all our questions they can be triggered, experience past trauma or even retraumatized by the inquiry and/or the discussion.
- BCFNJC writers use soft approaches that are sensitive to the person's experiences or culture. We prioritize providing the person with a safe environment and providing them with a sense of self determination so that the person feels in control or empowered to share their information at their pace and in their own way.
- BCFNJC writers can conduct multiple interviews to give the person as much time and space that they need to tell their story in a way that is most comfortable for them.



# Initial Research: Trauma-informed Interviewing & Information Gathering Cont'd

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**Step 2: Interviewing Collaterals to corroborate evidence provided by the person as well as provide additional information:**

## **Family Members**

- Corroborate childhood experiences
- Comment on FASD (PS cannot verify this information, maternal fetal alcohol use)
- Adopted/foster care – siblings recall?
- Grandparents or parents – details on family IRS experience. Often PS may not be told this information, but other family members will know
- Comment on underlying issues at time of offence
- Providing home to stay after release

## **Friends**

- Comment on their positive associates
- Comment on positive attributes
- Comment on progress, difficulties with addictions or changes in life choices made since index offences
- Comment on underlying issues at time of offence
- Providing home to stay after release

## **Employers**

- Willingness to rehire
- Comment on positive attributes
- Progress they have seen



# Examples of Gladue Factors (Non-Exhaustive List)

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- Intergenerational impacts of colonialism and displacement
- Loss of autonomy via legislation and other attacks on self-determination
- Racism and systemic discrimination against Indigenous Peoples
- Legacy of sex discrimination in legislation and related policies
- Physical, sexual, and institutional abuse
- Displacement of traditional kinship roles
- Loss of parenting skills
- Prevalence of violence and neglect, substance misuse, addiction, and mental health concerns
- Lack of opportunity and isolation of communities
- High rates of unemployment and poverty
- Low levels of educational attainment
- Loneliness, abandonment, and dislocation from culture, community, and family
- Forced attendance at Indian Residential School,
- "Sixties Scoop" of Indigenous children being removed from their families and adopted into white Canadian families, which is an ongoing phenomenon
- The over-representation of Indigenous peoples in the child welfare and criminal justice systems
- Fetal Alcohol Spectrum Disorder (FASD) and other related ailments.



# Restorative Justice & Healing Plans

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## **Restorative Justice:**

- Focuses on repairing harm and restoring relationships
- Is inclusive of victims, offenders, and the community.

## **The Healing Plans need to:**

- Address Gladue Factors and underlying issues (i.e. addictions and trauma)
- Address offence;
- Be actionable (i.e.: resource enrollment)
- Aim to reintegrate offender into community and heal in culturally appropriate way

**Healing Plans** often will also incorporate culture & community. This may include incorporating Indigenous laws and legal traditions into the healing plan. (i.e. (e.g., Elders' guidance, land-based healing)

Writers may need to get creative when crafting a healing plan, recognizing that programs do not always need to be administered professional agencies. Sometimes communities may have ideas to promote a person's healing journey, like working directly with an Elder or community volunteering.

# Healing Plan: Barriers & Partnerships

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- Barriers
- Partnerships – Indigenous Justice Programs, BCFNJC Database
- Judicial implementation – including the Healing Plan as conditions for the sentence or release.

# How to use Gladue Reports in Sentencing

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- Request report early
- Read the report, summarize it to the presiding judge
- Use the healing plan to address underlying issues, encourage client to begin enrolment in programs
- By the time you attend at SNT, with active steps taken by the accused, the judge is less likely to impose additional onerous conditions
- Not a get out of jail free card, Gladue Reports were created to address systemic issues within criminal justice system
  - the ideal scenario is to reduce recidivism
- A successful use of a Gladue Report means that the accused person leaves the criminal justice system and court cycle. The Report addresses underlying issues that contributed to the offences, the accused person's basic needs are met (education, job, housing, addictions, trauma), and by contributing to healing the accused persons we reduce the likelihood of repeat offending. Overall this benefits both the accused persons individually and society overall.
- NOTE: We also provide Gladue Reports and Letters for Resolution Discussion and Without Prejudice Negotiations

# Tips for Counsel

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- **Be proactive:** Gladue is your client's right.
- **Know the process:** Request → Intake → Writer → Report.
- **Engage early:** Build trust/gather information.
- **Referrals:** Don't assume, even if a report is ordered, you must still submit a referral to BCFNJC
- **Accounts:** Make an account with Gladue Services. → email [gladueservices@bcfnjc.com](mailto:gladueservices@bcfnjc.com)
- **Client Conversations:**
  - Ask early: Are you Indigenous? What nation/community?
  - Collect family contacts.
  - Explain what Gladue is.
- **Resolution Matters:** Gladue reports and healing plans are available pre-sentencing, in resolution, and before referrals to FNC.
- **Healing Plans:** Can be used as sentencing submissions, alternatives, or to show client commitment.
- **BCFNJC Updates:** Please always read our communications, the updates will help avoid confusion (Our July communication was sent to 1500 justice partners and only opened and read by 350)