Gladue principles: Considerations for the delivery of Income Assistance

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Context

In 1999, the Supreme Court of Canada handed down the decision of *R v Gladue*,[1] which interpreted the 1995 amendments to the Criminal Code. More specifically, the sentencing provision of s.718.2(e)[2] was reviewed. Though the court imposed a two-factor requirement for sentencing judges, the Court also extrapolated that there are a unique set of circumstances which may bring an Indigenous offender before the Court. While contextually applied to the purposes and principles of sentencing, *Gladue* principles (herein also referred to as *Gladue* factors) have also been used in circumstances outside of sentencing.[3]

For the purposes of this report, *Gladue* factors should be constituted as included, but not limited to colonialism, Residential/Day schools, Sixties Scoop, poverty, intergenerational trauma, child welfare, substance misuse, and lateral violence.[4] For example, *Gladue* identified poverty (which could also be further established as to being 'intergenerational poverty' given its relationship to colonialism). However, it should also be established that

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[1] *R v Gladue* [1999] 1 SCR 688.
[2] Section 718.2(e) explains that: A court that imposes a sentence shall also take into consideration that following principles: all available sanctions, other than imprisonment, that are reasonable in the circumstances and consistent with the harm done to victims or to the community should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.
[3] See, for example, Romi Lakin, "Expanding the Reach of *Gladue:* Exploring the Use of *Gladue* Reports in Child Protection" (2021) Appeal 25.
[4] See, *R v Gladue* [1999] 1 SCR 688 at para 66; *R v Ipeelee,* 2012 SCC 13, [2012] 1 SCR 433 at para. See also, Benjamin A. Ralston, "The Gladue Principles" (2021) online: https://bcfnjc.com/wp-content/uploads/2021/08/The_Gladue_Principles_Book_by_Ben_Ralston.pdf at 157-165.

despite *Gladue* assertions and reliance on descriptions of systemic and background factors, the principles also argue for case specific approaches.[5] As such, there should not be an automatic assumption that a First Nations person relies on IA.

Gladue, though a sentencing principle, can also be used contextually to address the systemic and background factors following colonialism. Herein lies approaches to consider when a population's conditions are shaped by state policy (so to speak). Researchers who study the application of *Gladue* would argue, for example, that *Gladue* principles should be applied and considered whenever there is a possibility that an Indigenous person would lose a sense of liberty.

While this often applies in the context of the criminal justice system, it should not be set aside that this can also include civil or administrative systems. This note will explore how we can consider the *Gladue* methodology of sentencing as applied to administrative programs like Income Assistance (IA). Understanding that *Gladue* is *normative*, not *operative,* discussions within this report are conceptually grounded.

It is noted that the author of this note is a *Gladue* writer, having received training and certification in November 2021 through a partnership between Indigenous Perspectives Society and Royal Roads University. The author has written twelve *Gladue* reports across provincial jurisdictions and is a doctoral candidate studying secondary traumatic stress resulting from *Gladue* work. The author has subject matter expertise in historical trauma.

Research Question #1: Can we apply Gladue outside of sentencing?

General Response: Yes. Given that a key consideration is that Gladue is applied when there is a potential loss of liberty, it is my opinion that Gladue can be extended outside of sentencing considerations. Of note is that Gladue should be considered as a philosophy for considering the whole person, which includes an individual's background and circumstances particularly with respect to policies pertaining to settler colonialism. Therefore, administrative programming can be constituted as including Gladue consideration.

Following the 1996 amendments to the *Criminal Code* (which in and of itself responded to the findings from the Royal Commission on Aboriginal Peoples on the overrepresentation of Indigenous peoples in the criminal justice system), the Supreme Court of Canada handed down the *Gladue* decision. In doing so, the Court identified several factors that are

[5] *R v Gladue,* [1999] 1 SCR 688 at paras 83-84. See also *R v Ipeelee,* 2012 SCC 33 at para 60.

to be considered during sentencing which include but are not limited to "years of dislocation and economic development have translated, for many aboriginal peoples, into low incomes, high unemployment, lack of opportunities and options, lack or irrelevance of education, substance abuse, loneliness and community fragmentation."[6] Likewise, the Court in *Ipeelee* clarified that judges are required to take judicial notice on systemic and background information on offenders.[7]

We see similar fact patterns regarding the IA program given the relationship between poverty and colonial policies. The on-reserve program stemmed from the management of Indigenous communities through the *Indian Act*. Though IA is not linked to a specific section in the *Indian Act*, it interacts with several sections like Reserves (see s. 18) and Taxation (for example, s.87).[8] According to Indigenous Services Canada (ISC), the following groups and/or individuals are entitled to deliver the Income Assistance Program: "Chiefs and council of First Nations bands recognized by the Government of Canada, tribal councils, provinces or Yukon, Indigenous communities or organizations, political or treaty organizations".[9] Likewise, ISC indicates that case workers work to establish a program of support outlining the duties between timetables and programs of support.[10]

Though the program was formalized, First Nations were not consulted until 2018.[11] Since its inception, the program's core policy authority has changed only to align with provincial and territorial income assistance rates and eligibility, leaving the structural design for all intents and purposes unchanged since its inception in 1964.[12]

ISC's own 2018 program evaluation found that the IA Program had achieved its 2006 policy goal of aligning rates with provincial and territorial levels. However, the evaluation itself noted this alignment is "only a worthwhile goal if there was historical, cultural, social, and labour market parity across individuals on- and off-reserve."[13] The Assembly of First

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[6] *Ibid* para 67.
[7] *R v Ipeelee,* 2012 SCC 13, [2012] 1 SCR 433 at para 59.
[8] *Indian Act*, RSC 1985 c.I-5.
[9] Canada,"National Income Assistance Program Guidelines 2026 to 2027" (2026) online: https://www.sac-isc.gc.ca/eng/1775762691606/1775762709883#chap4-1.
[10] *Ibid*.
[11] Canada, "First Nations-led engagement on Income Assistance 2018 to 2020, national summary report" (2021) online: https://www.sac-isc.gc.ca/eng/1618345382082/1618345423300.
[12] *Ibid*.
[13] *Ibid* at 8.

Nations has argued that IA should shift to a needs-based approach which is also culturally appropriate for the needs of First Nations communities.[14]

Herein lies the relationship to the *Gladue* principles. Questions asked during intake/case assessment are standard, and do not account for ascertaining a potential cyclical involvement which is a noted trauma response. To complement this process, it could be argued that assessment of questions could reflect a standard *Gladue* report, which responds to and complements the *Gladue* methodology reflecting the background and circumstance of the individual.

A *Gladue* report includes insight into the impacts of mass group traumas experienced by previous generations as well as lived traumas experienced by the individual, many of which stem from lived traumas experienced by historically traumatic events. For the purposes of case management considerations through IA, it would be helpful to also consider these factors within reports to contextualize the individual experience. This is in opposition to almost applying a universal methodology of assistance.

Gladue reports are written by *Gladue* writers who present information pertaining to factors outlined in *Gladue*[15] and *Ipeelee*[16]. *Gladue* writers are tasked with researching and drafting reports that signify a commitment to addressing historical wrongs. *Gladue* writers are responsible for presenting information to the court that considers a comprehensive set of factors for the Court's consideration at sentencing.

Gladue writers incorporate background or systemic factors by asking probing questions into areas such as substance abuse, poverty, racism, community displacement, and unemployment. Historical factors such as residential school history should be considered.[17] While a *Gladue* report in and of itself is used for sentencing options and risk management, its format and structure lend itself to the process of considering the unique systemic background and circumstances of the individual.[18]

The process of a *Gladue* intake is completed in stages:

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[14] *Ibid* at 14-15.
[15] See *R v Gladue,* [1999] 1 SCR 688 at para 67.
[16] See *R v Ipeelee*, 2012 SCC 13, [2012] 1 SCR 433 at para 60.
[17] Benjamin A. Ralston, *Gladue Principles: A Guide to the Jurisprudence User Guide for Gladue Writers* (Westbank: BC First Nations Justice Council, 2021) at 8-9.
[18] Jane Dickson & Michelle Stewart, "Risk, rights and deservedness: Navigating the tensions of *Gladue*, Fetal Alcohol Spectrum Disorder and settler colonialism in Canadian Courts" (2021) 40:1 Behavioral Sciences & the Law 14 at 18.

1) An initial review of client history
2) A scheduled interview (either in person or video conferencing) with the client. This interview is usually 90 minutes (about 3 hours) in length.
3) A follow-up interview a few days after the interview to clarify elements discussed, and whether there is any additional information that may have been missed. This interview is typically 60 minutes long.
4) Scheduled interviews with collaterals. These are usually family members but could be close relationships such as friends or colleagues. Collateral interviews are designed to confirm and/or clarify responses from the client.
5) The *Gladue* writer will draft the report using the appended format outlined in Table One: General *Gladue* Report Structure.

Table One: General *Gladue* Report Structure

Heading	**Information**
Contact Information	• Inclusion of contact information from the *Gladue* subject
Court and Case Information	• There is a requirement of criminal history, presentence reports, and location of criminal proceedings.
Information Sources	• Inclusion of time/location of interviews as well as any academic sources consulted.
Family History and Relationships	• Heritage confirmation is sought. • Residential or Day school attendance (or familial attendance) is included. • A timeline is created of the life of the individual which includes information on paternal and maternal lineage.
Early Life	• Questions about their home life and key memories (whether positive or negative) are asked to investigate their impact.
Current Living Arrangements	• Whether the subject is remanded or residing in community, living arrangements provide the Court with key information. • If offered, there would also be a discussion surrounding precarious housing as this is a noted *Gladue* factor.
Education and Employment	• The highest level of education completed is asked.

	• There are also questions about educational experiences if it is revealed that the client has a history of substance misuse and whether this began at school. • Questions also seek to prepare a timeline of employment history.
Associates and Resources	• Here, we would ask questions pertaining to the support system the client has. • Like questions asked in an IA intake, this section also considers the needs of a client (e.g., counselling, employment resources, and housing options).
Personal and Career Aspirations	• Interviews provide subjects/clients with the opportunity to consider goals that may be part of their healing journey. • This often includes whether there are further educational opportunities or employment options suiting their skills.
Attitude Toward and Understanding of Current Offence	• This section is not applicable to IA case management. However, clients often offer their feelings at the time of the offence.
Attitude Towards Proposed Interventions	• The interviewing may invite or leave space for clients to have an opportunity to discuss their openness to speak with a counselor and/or substance abuse treatment option.
Summary and Sentencing Options	• While the final set of sentencing options are distributed to Defence/Crown, the interviewer will often ask clients as to their feelings and openness of options pertaining to federal/provincial/community sentencing. • This section could be tailored and described as 'support/capacity options. Caseworkers would be able to tailor a set of options that encompass the needs of the client.

Given the subject matter of *Gladue* reports, historical re-tracing and interrogation are beneficial to determine the background and circumstance of an individual.[19] Additionally, through this process, reports will inevitably shed light on how the client holds individual and community manifestations of trauma because of policies of settler colonialism. This information includes the necessary context to support the healing needs of clients. While

(Westbank: BC First Nations Justice Council, 2021) at 8-9.

IA seeks to consider the *immediate* needs of a client, caseworkers should also not discount the historical injustice of policies pertaining to settler colonialism, which continue to be ongoing.

Research Question #2: Can the Gladue methodology be considered to intercept the cyclicality and historical trauma associated with IA?

General Response: Yes, the *Gladue* methodology, when coupled with research into historical trauma theory may be helpful in terms of triage pertaining to IA. A considering of the whole person (including their history) would also be helpful in terms of recommendations for life skill programming, pre-employment counselling, and addictions and substance misuse treatment (to name a few).

A unique component to the *Gladue* , particularly regarding its connection to discussions of IA, is that of transgenerational trauma. This type of trauma considers how manifestations of trauma are felt across generations, particularly because multiple generations have been affected. Given that Residential and Day Schools operated for 150 years, it is likely that generations of First Nations experienced the adverse effects of this policy.

Reports shed light on both the offender and ancestral history to make recommendations for sentencing, including, most importantly, alternatives to imprisonment. This may include community supervisory orders to keep offenders close to home and maintain their connection to their culture of origin. In *Ipeelee,* the Supreme Court clarified that judges take into account "colonialism, displacement and residential schools" (…) "how that history continues to translate into lower educational attainment, lower incomes, higher unemployment, higher rates of substance abuse and suicide, and course, higher levels of incarceration for Aboriginal peoples."[20] *Gladue* reports serve the Court to bring awareness to the continued effects of colonization.

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[20] *R v Ipeelee,* [2012] 1 SCR 433 at para 60.

We see similar fact patterns regarding the IA program given the relationship between poverty and colonial policies. The on-reserve program stemmed from the management of Indigenous communities through the *Indian Act.* Though IA is not linked to a specific section in the *Indian Act*, it interacts with several sections like Reserves (see s. 18) and Taxation (see s.87).[21]

Systemic factors are not case-specific excuses – they are contexts. This is often overlooked in Gladue-related research. They do not justify a different outcome. Rather, they demonstrate an account as to whether social structures ignore or account for systemic and background information.[22] As such, it could be evaluated as to whether the *Gladue* principles can extend beyond sentencing regarding administrative bodies.[23] Martin argued that "administrative decision makers should consider *Gladue* principles in any decision about the interests of an Indigenous person".[24]

Canada's extensive history of colonization has been responsible for creating adverse conditions for Indigenous peoples. We have seen residential schools, the Sixties Scoop, the disproportionate number of Indigenous children in the child welfare system, and the overrepresentation of Indigenous peoples in the criminal justice system. We also see the effects of colonization in the vast boil water advisories that continue to exist on reserves and precarious housing in northern Canada. A historical context is necessary to address generations of mistrust from residential schools, so-called Indian hospitals, the 60s scoop, and the current medical colonial landscape, which could assist in establishing connections between poor ventilation at residential schools and historical practices of discrimination in the medical system.[25]

In consideration of *Gladue* principles, a trauma-informed approach would be beneficial to evaluate the personal and community-wide impacts of colonialism. In her seminal work on historical trauma, Dr. Maria Yellow Horse Brave Heart determined that there are psychological and physiological reactions and ramifications because of community trauma. After visiting numerous Lakota communities, Brave Heart observed consistent

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[21] *Indian Act*, RSC 1985 c.I-5.
[22] *R v Gladue,* [1999] 1 SCR 688 at para 66.
[23] Andrew Flavelle Martin, "Creative and Responsive Advocacy for Reconciliation: The Application of *Gladue* Principles in Administrative Law" (2020) 66:2 McGill LJ 337.
[24] *Ibid* at 374.
[25] First Nations Child & Family Caring Society, "Dr. Peter Henderson Bryce: A Story of Courage" (2016) online: [pdf] First Nations Child & Family Caring Society https://fncaringsociety.com/sites/default/files/dr._peter_henderson_bryce_information_sheet.pdf

physiological and psychological markers of trauma. Brave Heart's research evaluated and described that these markers and grief symbolized the long-term impact of significant traumatic events, particularly in community loss.

HT is defined by Brave Heart as "cumulative emotional and psychological wounding, over the lifespan and across generations, emanating from massive group trauma experiences".[26] Individual/community reactions to HT historical trauma response (HTR). HTR is "the constellation of features in reaction to this trauma".[27] The HTR may include substance abuse as a vehicle for attempting to numb trauma-related pain. The HTR often includes other types of self-destructive behaviour, suicidal thoughts and gestures, depression, anxiety, low self-esteem, anger, and difficulty recognizing and expressing emotions".[28] We continue to see the effects of colonization in aspects such as boil water advisories, precarious housing in the North, the disproportionate number of Indigenous children in the child welfare system and the overrepresentation of Indigenous peoples in the criminal justice system.

The effects of trauma transcend time and will often impact the lives of others, not just the individual. Bombay, Matheson & Anisman described three responses to HT that are found to be threaded through the literature in this area of study: "(1) Historical trauma events continue to undermine the wellbeing of contemporary group members; (2) Responses to historically traumatic events interact with current stressors to influence well-being; (3) The risk associated with historically traumatic events can accumulate across generations.[29] Upon the first review of these responses, one could infer that they could be applied to many convergences of trauma, not solely historical.

Coincident to the consideration of historical trauma and historical trauma responses are experiences of proximate and distal trauma. Also known as near (proximate) or far (distal) trauma, these are firsthand experiences and occurrences that, while different, are embedded within and arising from the larger context of historical traumas and responses to these. Historical trauma links both elements together. For example, ongoing systemic

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[26] Maria Yellow Horse Brave Heart, "The Historical Trauma Response Among Natives and its Relationship with Substance Abuse: A Lakota Illustration" (2003) 35:1 Journal of Psychoactive Drugs 7.
[27] *Ibid* at 7.
[28] *Ibid*.
[29] Amy Bombay, Kim Matheson & Hymie Anisman, "The Intergenerational Effects of Indian Residential Schools: Implications for the Concept of Historical Trauma" (2014) 51:3 Transcultural Psychiatry at 326

factors affecting First Nations (boil water advisories or precarious housing) is connected to systemic policies of settler colonialism (like Residential/Day School or the Sixties Scoop).

Research Question #3: Can we use the Gladue principles to substantiate life skills training for IA?

General Response: Yes, *Gladue* can be applied as part of a broader discussion surrounding recommendations for IA clients, which includes life skills. It is, however, noted that discussions and recommendations for clients should be wholistic, and stem from interviews with clients rather than simply resulting from the opinion of the case manager. In addition to life skills training, *Gladue* principles may also be used contextually to recommend treatment or support for addictions and substance misuse.

As a trained *Gladue* writer, my work is approached through the lens of historical trauma and evaluate how policies of settler colonialism led to historical trauma responses that create rippled affecting individuals and communities intergenerationally and transgenerationally. Writers will explore individualized responses to trauma while simultaneously considering the community's reactions to trauma. Writers will incorporate background or systemic factors by asking probing questions into areas such as substance misuse, poverty, racism, community displacement, and unemployment.

Structural work considerations are reminiscent of a colonial-based system of governance. The discrepancy in accessing services has been rooted in several barriers. The qualitative measurement of responses to HT, among other research findings, as well as the work of Brave Heart, resulted from a longitudinal study by Dr. Les Whitbeck. It formed the basis for the Historic Loss Scale and the Historic Loss Associated Related Symptom Scale.[30] Whitbeck, among others, suggests that the interconnectedness between trauma and substance abuse cannot be reconciled with a complete picture of a historical context. In substantiating Brave Heart's work, Whitbeck developed the Historical Loss and History Loss Associated Related Symptoms Scale, both of which gauge the long-term effects of colonization policies.[31]

Historical factors such as residential school history should also be considered as reports will shed light on offender **and** ancestral history. While courts and academic research correctly identify residential school attendance (whether individual or familial) as a

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[30] Les B. Whitbeck et al, "Conceptualizing and Measuring Historical Trauma Among American Indian People" (2004) 33:3-4 Am J Community Psychology at 124-125.
[31] *Ibid* at 120.

significant historical trauma, it is not the sole *Gladue* factor that should be considered by the Court.[32] A wholistic approach would, for lack of a better term, consider the whole person in decision-making processes. Consideration of the *Gladue* methodology reframes a question from 'how blameworthy was this individual' to 'what systemic and historical factors outside of the person's control brough them to this situation'. From there, a healing plan can be developed to support the individual.

When a *Gladue* writer submits a report to the Court, there is a plan-of-care so to speak.[33] It might be helpful to revisit the closing section of the *Gladue* report. Here, a writer will provide a set of recommendations to the court which reflect (a) the charges faced by the individual and (b) the position on sentencing from Defence and Crown. Defence and Crown positions often refer to recommendations for incarceration. What is added for context are community sentencing options on the part of the writer. These may include treatment options, community-based healing programs, housing needs, and (relevant to the antecedent discussion), life skills program.

IA Programming is a social safety net. It is meant to cover basic services like daily living expenses, reducing poverty, and supporting transitions to employment. The IA program provides on-reserve socio-economic support services for First Nations.[34] Indigenous Services Canada indicates that IA assists eligible on-reserve residents and status Indians in the Yukon with assistance like "covering daily living costs and accessing pre-employment supports."[35] Budget 2024 invested $924 million to not only meet demands, but also to provide case management support.[36]

Though case management funding has grown, there are gaps in wages and critical office infrastructure to better offer services and capacity. ISC has demonstrated that case management systems involve several steps included, but not limited to "structured client assessments, referrals, job placements, re-assessments, and counseling."[37] Some provinces are attempting to work on program delivery and design.[38] For example, in Ontario

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[32] Jane Dickson, "Making an 'ASH' out of *Gladue:* The Bowden Experiment" (2022) 44:5 Man LJ 1 at 23-25.
[33] Legal Aid Ontario, "What are Gladue Report?" (2026) online: https://www.legalaid.on.ca/faq/what-are-gladue-reports/.
[34] Canada, "Question Period Notes" (2025) online: https://search.open.canada.ca/qpnotes/record/isc-sac,ISC-2025-QP-00754l
[35] Canada, "On-reserve Income Assistance Program" (2026) online: https://www.sac-isc.gc.ca/eng/1100100035256/1533307528663.
[36] *Ibid*.
[37] Canada, "Income Assistance National Program Guidelines 2025 to 2026" (2026) online: https://www.sac-isc.gc.ca/eng/1640176530565/1640176589896#chp5.
[38] Assembly of First Nations, "First Nations Policy Recommendations for Indigenous Services Canada On-Reserve Income Assistance Program Reform" (2023) online: https://www.afn.ca/wp-

(through the social services coordination unit) there is an effort underway to build capacity for First Nations program and design.[39]

For First Nations people who are "ordinarily resident on reserve" (and in some cases in the Yukon), income assistance is delivered instead through funding agreements between Indigenous Services Canada and First Nations governments or delegated service providers, under the ISC Income Assistance National Program Guidelines.[40] By comparison, Nova Scotia's off-reserve income assistance rates for a single individual in 2025 were reported at $644 per month for a person who boards (has a room in someone else's home) and $726 per month for an individual who rents or owns, with no dependents and not a student.

These rates themselves widely regarded by anti-poverty researchers as inadequate.[41] While IA (micro), in and of itself, is a program that seeks to support individuals, the collective (macro) risks being overlooked. The *Gladue* methodology provides insight into demonstrating a more wholistic (i.e., macro/collective) consideration.

Understanding capacity and financial limitations that may exist, the *Gladue* concept would consider **which** type of life skills program would benefit the client. For example, if a default option is to recommend literacy without ascertaining whether this is a need of the client, it could be perceived to perpetuate a harmful/stereotype narrative. This argument would also hold water should a default option pertain to addictions support or counselling. If, however, upon interviews or meetings with the client, there is a determinative need that would warrant therapeutic intervention, then either approach would be of support.

Final Thoughts

Given the sensitivity surrounding the *Gladue* methodology, which does presuppose a reliance on considerations of the sacred stories of Indigenous peoples, there was an initial concern as to whether the *Gladue* methodology could be applied to an administrative program. However, as described, this is a normative position paper, not a structural set of

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content/uploads/2023/03/Assembly-of-First-Nations-First-Nations-Policy-Recommendations-for-Indigenous-Services-Canadas-On-Reserve-Income-Assistance-Progr.pdf at 16.

[39] Chiefs of Ontario, "Priorities: Social Services Sector" (2026) online: https://chiefs-of-ontario.org/priorities/social/.

[40] Canada, "Income Assistance National Program Guidelines 2026 to 2025" (2026) online: https://www.sac-isc.gc.ca/eng/1640176530565/1640176589896.

[41] Lyndsay Armstrong, "Mi'kmaw chiefs call on Ottawa to address income assistance disparity on reserves" (2025) online: https://www.cbc.ca/news/canada/nova-scotia/mikmaq-chiefs-ottawa-income-assistance-disparity-1.7596736.

recommendations. Given this framework, it is therefore argued that the *Gladue* framework, with attention to systemic factors described within this note, could therefore be of support, particularly for case managers working with IA clients.

Reforms proposed from First Nations, coupled with budgetary considerations in Budget 2024 for IA appear to demonstrate that there remains a necessity from moving from being 'on-par' (so to speak) with provincial regulations, and lead to substantive equality through individual and community-based models of socio-economic support. Models should consider the more formal direction of *Gladue's* two factor consideration – the history of colonialism, residential schools, and dislocation, as outlined in the *Gladue* methodology of *Gladue* and *Ipeelee*.

It could also be recommended and argued that engagement with First Nations communities on capacity building could yield substantial work. Application of the *Gladue* principles would also call for trauma-informed care training for case management and work opportunities. This approach would balance the program requirements while simultaneously acknowledging the structural and historical context of IA. It would be recommended that an ethics-approved project is commissioned whereby First Nations are surveyed (or interviewed) to ascertain their capacity for not only IA, but also whether a more trauma-informed approach would break the cyclical turnover without a foci on the transgenerational impact of policies pertaining to settler colonialism and historical trauma.

A Gladue-consistent IA program system would act as co-incident programming, rather than background information briefly mentioned, and then surreptitiously ignored, like the risk the Department of Justice review identified in sentencing practice.[42] Herein would be recommendations by which a document like that of a *Gladue* report could be established which would enable a case worker to provide a set of recommendations for the client. Trauma, in and of itself included within the *Gladue* framework as handed down by the Court. A trauma-informed process for both the caseworker and the client could be a helpful approach to safely evaluate the historical set of circumstances of the client.

[42] Department of Justice Canada, "Applying R v Gladue: The Use of Gladue Reports and Principles" (2026) online: https://www.justice.gc.ca/eng/rp-pr/jr/gladue2/index.html.