

Course Outline

COURSE:	LAWS 4702A – Special Topics in Criminal Justice and Social Policy: The <i>Gladue</i> Requirements in Theory and Practice
TERM:	Fall 2026
PREREQUISITES:	LAWS 2908 and Fourth Year Honours standing.
CLASS:	Day & Time: Wednesday 2:35pm – 5:35pm. Room: Check Carleton Central for room location
INSTRUCTOR:	Dr. Jane Dickson PhD (Law)
CONTACT:	Office Hrs: Wednesday 12:00-2:00pm. Office: LA (Loeb) D592 Telephone: 613-520-2600, ex.3686 (messages only) Email: janedickson@cunet.carleton.ca – Emails are responded to within 48 hours. If after 48 hours, you have not received a response from me, please re-send your email. Emails are responded to Monday – Friday between 8am – 4pm. If you email me on the weekend, you can expect a response by Monday or Tuesday the following week.
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/453023

ACKNOWLEDGMENT AND AFFIRMATION

Anishinaabemowin

Ni manàdjiyànàinig Màmìwininì Anishinàbeg, ogog kà nàgadawàbandadjig iyo akì eko weshkad. Ako nongom ega wikàd kì mìgiwewàdj. Ni manàdjiyànàinig kakina Anishinàbeg ondaje kaye ogog kakina eniyagizidjig enigokamigàg Kanadàng eji ondàpinangig endàwàdjìn Odàwàng. Ninisidawinawànàinig kenawendamòdjig kije kikenindamàwin; weshkinìgidjig kaye kejeyàdizidjig. Nigijeweninmànàinig ogog kà nìgànì sòngideyedjig; weshkad, nongom; kaye àyànikàdj.

English

We pay respect to the Algonquin people, who are the traditional guardians of this land. We acknowledge their longstanding relationship with this territory, which remains unceded. We pay respect to all Indigenous people in this region, from all nations across Canada, who call Ottawa home. We acknowledge the traditional knowledge keepers, both young and old. And we honour their courageous leaders: past, present.

CALENDAR COURSE DESCRIPTION

Examination of a selected topic in criminal justice and social policy.

COURSE DESCRIPTION

Following the decision of the Supreme Court of Canada in 1999, the '*Gladue* requirements' have become a mandatory consideration in any case involving an Indigenous offender and a possible loss of liberty. Despite over 20 years of *Gladue*, Indigenous incarceration rates continue to climb and courts and counsel struggle with how best to implement *Gladue* and incorporate it in a safe and meaningful way into the criminal justice journey of Indigenous people. This course will engage with the law relating to *Gladue*, the theory behind *Gladue* as a remedial measure, and how the law and theory play out in practice in the criminal courts from bail through sentencing, and beyond into the correctional system. Students will be encouraged to engage actively in class and will hear from those on the 'front lines' of *Gladue*: *Gladue* writers, the Ontario Court of Justice, defense & Crown counsel, and police.

LEARNING OUTCOMES

Following the course, students will be confident in the following areas:

- Demonstrating an understanding of *Gladue* methodology
- How the *Gladue* requirements apply in legal practice
- Locate relevant legal materials, governmental documents, relevant jurisprudence and academic writing.
- Integration of methodology in academic writing

REQUIRED TEXTS

You do not need to purchase any texts for this course.

Weekly reading assignments are listed below and on Brightspace and are available online through McOdrum Library .

EVALUATION

This course is demanding and intensive. It will require considerable ongoing attention each week. We understand that this course requires a significant amount of work for you. However, this course is foundational to your Law program. It is designed to provide you with the opportunity to develop research skills and understanding that will serve you well in other law courses. There are four pieces of evaluation for LAWS 4702A:

Assignment	Due Date	Worth	Explanation
Attendance and Participation	Ongoing	30%	Please note that participation will be based on your contributions to class discussions about assigned readings and engagement with guest speakers
Concept Paper proposal	Due October 2 by 4:30 p.m. via Brightspace	15%	This small paper (3-5 pages) will provide you with an opportunity to present your research question, a basic statement of how you will approach this question and provide three pieces of research (exclusive of the assigned readings) you will use in your analysis.
Concept Paper	October 16 at 11:59 pm	25%	Compile a research review paper that: 1. summarizes and critically examines no fewer than 10 sources (inclusive of the 3 related in the previous assignment and exclusive of the assigned readings), and 2. based on the individual research reviews completed in step 1, provide a critical summary statement of the research related to your topic.
Final Exam	Formal Exam Session	30%	Your exam will consist of a series of short essay questions that will be provided in advance and written in the formal exam period.

Failure to complete ANY of the evaluation elements will be considered an administrative fail and will result in a grade of 'F'. This also includes attendance, if you do not attend classes you cannot receive marks for attendance or participation.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Penalties for Late Submissions:

It is expected that students will plan accordingly and endeavor to meet those deadlines. For information about requesting short-term or long-term extensions, deferrals for final exams, or academic consideration due to illness, injury, or other extraordinary circumstances, please visit the Academic Consideration Policy page and complete the relevant forms as required. Full details and instructions can be found here: <https://carleton.ca/registrar/academic-consideration-policy/>.

Late Submission of Assignments:

Students do not require the Instructor's permission to submit assignments late, however in the absence of a compelling reason for the late submission, late penalties of 2 marks per day will apply for each day punctuating the deadline and their submission of the paper via Brightspace.

Final Grade Approval

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Dean.

SCHEDULE**Week 1: September 9 | Syllabus + Introduction to the Course**

- Course Syllabus and general course introduction

Week 2: September 16 | The Legal Foundation of Gladue

- *R v Gladue*, [1999] 1 SCR 688.
- *R v Ipeelee*, [2012] 1 SCR 43.
- *R v Williams* [1998] 1 SCR 1128.

Week 3: September 23 | How are the Gladue Requirements met in Canadian courts?

- Kelly Hannah-Moffat and Paula Maurutto, “Re-Contextualizing pre-sentence reports. Risk and race” (2010) *Punishment and Society* 12(3):262.
- Jane Dickson & Kory Smith “Exploring the Canadian Judiciary’s Experience with and Perceptions of *Gladue*” (2022) *Canadian Journal of Criminology and Criminal Justice* 66:3(4):23. *Ewert v Canada* [2018] 2 SCR 165

Week 4: September 30 | Gladue, Indigenous Offenders and Risk

- Leticia Gutierrez, L. Maaiké Helmus and R. Karl Hanson, “What We Know and Don’t Know About Risk Assessment with Offenders of Indigenous Heritage” (2017) Public Safety Canada Research Report 2017-R009, 6. [PS113-1-2017-9-eng.pdf \(PDF, 306 KB\)](#).
- Robert J.W. Clift, James F. Hemphill, Samara Wessel & Lauren N. Currie, “Risk Assessment and Recidivism Among Indigenous and Non-Indigenous Persons: A Meta-Analysis” (2025) *Law and Human Behavior* 49(6) 491. DOI: [10.1037/lhb0000621](#)

Week 5: October 7 | Gladue in Policing

- Jean-Denis David & Megan Mitchell, “Contacts with the Police and the Over-Representation of Indigenous Peoples in the Canadian Criminal Justice System” (2021) 63:2 *Canadian Journal of Criminology and Criminal Justice* 23.
- Rick Ruddell & John Kiedrowski, “Reforming Indigenous policing: Understanding the context for change” (2020) 5:4 *Journal of Community Safety & Well-Being* 144. <https://doi.org/10.35502/jcswb.168>
- Brandon Hey, Mushfika Chowdhury, Jeffre Ansloos & Matt Heakes, “Who keeps us safe? A critical examination of the role of contextual dimensions in lethal outcomes of police involvement in mental health crises response among Indigenous peoples in Canada” (2025) *Critical Public Health* 35(1) <http://doi.org/10.1080/09581596.2025.2486500>

Week 6: October 14 | Challenges to Gladue

- Adam Schenk, “Determining Indigenous Identity For the Purposes of *Gladue* Sentencing Considerations” (2024) 6:1 Lakehead Lay Journal 22.
- Nate Jackson, “The Substantive Application of Gladue in Dangerous Offender Proceedings: Reassessing Risk and Rehabilitation for Aboriginal Offenders” (2015) 20:1 Canadian Criminal Law Review 77.
- Christina Croteau, “The Impact of ss.718.04 and 718.201 on Sentencing Jurisprudence: Enhanced Safety for Indigenous Women and Girls?” (2025) Manitoba Law Journal, 48(4) <https://themanitobalawjournal.com/volumes/>

Week 7: October 21 | Gladue Courts

- Judah Oudshoorn, “Theorizing a way out of reformist reforms: Gladue reports and penal abolition” (2023) 0:0 Punishment & Society 1.
- Sharmi Jaggi, “Principled Justice for Indigenous Peoples? An Empirical Analysis of the Application of *Gladue* Factors in Canadian Lower Courts” (2023) 61 Alberta Law Review 845.
- Rhea Murti, “The Sentencing of Indigenous People in Canada: Where We are Two Decades After Gladue” (2023) Indigenous Law Journal 19(1) 17.

October 26 – 30: Reading Week || No Class**Week 8: November 4 | Gladue at Bail**

- Sean Gallop, “11(e) Shattered: The Historic and Continued Breaching of Indigenous Persons Right to Reasonable and Timely Bail” (2021) 44:6 Man LJ 170.
- Jillian Rogin, “*Gladue* and Bail: The Pre-Trial Sentencing of Aboriginal People in Canada” (2017) 95:2 Canadian Bar Review 325.
- Laura Berger, Abby Deshman, Nicole Myers & Shakir Rahim, “Still Failing. The Deepening Crisis of Bail and Pre-Trial Detention in Canada. Canadian Civil Liberties Association, 2024, pp.20-31; 45-5.

Week 9: November 11 | Gladue from the Perspectives of Crown and Defense

- Neha Chugh & Anne-Marie McElroy, “Indigenous Peoples’ Courts. Practitioners’ Views from Eastern Ontario”, in Kathryn M. Campbell & Stephanie Wellman, Justice, Indigenous Peoples, and Canada. A History of Courage and Resilience (2023) Routledge Studies in Crime and Society, pp.293-304.
- Benjamin Ewing & Lisa Kerr, “Reconstructing Gladue” (2023) University of Toronto Law Journal: https://utpjournals.press/doi/10.3138/utlj-2023-0017#_i3

Week 10: November 18 | Gladue In the Correctional Context

- Madison Parker, “Decades in Crisis: A Critical Analysis of the Underuse of Sections 81 and 84 of the Corrections and Conditional Release Act and its Role in the Systemic Neglect of Indigenous Rehabilitation and Reintegration” (2021) 44:5 Man LJ 96.
- Jane Dickson, “Making an ‘ASH’ out of *Gladue*: The Bowden Experiment” (2021) 44:5 Manitoba Law Journal 1.

Week 11: November 25 | *Gladue from the Perspective of Gladue Workers*

- Carmela Murdocca, “Understanding Gladue from the Perspective of Indigenous People” (2021) 69 Criminal Law Quarterly 377.
- Michaela M. McGuire & Danielle J. Murdoch, “(In)-justice: An exploration of the dehumanization, victimization, criminalization, and over-incarceration of Indigenous women in Canada” (2022) 24:4 Punishment & Society 529.

Week 12: December 2 | *Gladue in the Ottawa Indigenous Peoples Court*

- Alexandra Herbert, “Change in Paradigm or Change in Paradox: Gladue reports, Practices and Access to Justice” (2017) 43 Queens Law Journal 159.
- Hardie Rath-Wilson, “Constitutionalizing Gladue Rights: Critical Perspectives and Prospective Paths Forward” (2021) 44(5) Manitoba Law Journal 29.

Week 13: December 9 | Course Summary and Final Exam Prep**UNIVERSITY AND DEPARTMENTAL POLICIES****Use of Previously Submitted Papers:**

Submitting previously evaluated work, in whole or in part, is not permitted, and you will receive a zero.

Generative AI Tools (e.g. ChatGPT):

Unless explicitly permitted by the instructor in a particular course, either generally or for a specific assignment, any use of generative AI tools to produce assessed content is a violation of academic integrity standards.

Group Work:

The use of group work is not permitted. Students must individually submit their own work.

Plagiarism:

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and

phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult <https://wellness.carleton.ca/>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website. Should you feel that you require accommodations, please go to: students.carleton.ca/course-outline

Full details of important academic dates over the fall term of 2026 can be found here: <https://calendar.carleton.ca/academicyear/>