



# 6<sup>TH</sup> NATIONAL CONFERENCE ON **ABORIGINAL CRIMINAL JUSTICE** **POST-*GLADUE***

Join an expert, multi-disciplinary faculty from across Canada to discuss the current challenges and ways to improve the criminal justice system as it affects Aboriginal people

- Applying *Gladue* principles beyond sentencing
- Developing an Aboriginal offender risk- specific instrument to dangerous offender/long term offender applications
- Meeting the unique challenges of applying *Gladue* in child welfare situations
- The role of *Gladue* aftercare workers prior to and after sentencing
- Examining the distinctiveness of addiction and treatment approaches from an Aboriginal perspective
- Indigenous legal traditions
- Review and commentary on most recent court decisions

Register today at:

[osgoodepd.ca/aboriginal-crim](http://osgoodepd.ca/aboriginal-crim)

## Program Chairs:

**The Hon. Justice Peter DeFreitas**, Associate Chief Justice, Ontario Court of Justice

**Jonathan Rudin**, Program Director, Aboriginal Legal Services

## Program Details:

DATE AND TIME:

**April 29, 2017**

**9:00 a.m. – 4:45 p.m.**

**In Person or Webcast**

LOCATION

**Osgoode Professional Development**

1 Dundas St. West, 26th Floor  
Toronto, ON



Co-Presented  
with



# 6th National Conference on Aboriginal Criminal Justice Post-*Gladue*

Aboriginal people continue to be overrepresented as accused or offenders in Canada's criminal justice system. The 1999 landmark Supreme Court of Canada decision in *R. v. Gladue* and its 2012 decision in *R. v. Ipeelee*, and section 718.2(e) of the *Criminal Code*, make clear there is a positive duty on counsel to adduce and judges to consider, information related to the unique circumstances of Aboriginal people who come before the courts. In this bi-annual national forum, an expert and widely respected faculty will examine key challenges facing Aboriginal offenders and the Canadian justice system. This conference is designed as a forum for discussion and there will be ample opportunity for your questions and comments.

## Topics Include

- Arresting the disturbing trend of overrepresentation of Aboriginal offenders as "dangerous offenders" in the jail population
- New and innovative approaches to child welfare concerns involving Aboriginal children
- Recent case law update post *Ipeelee* and the impact of recent decisions on *Gladue* principles
- Addiction and treatment with an Aboriginal specific focus
- Evolution of *Gladue* principles beyond sentencing including bail and extradition

## Who Should Attend?

If you work with Aboriginal people involved in the justice system, this is an important event that you should not miss.

Register today at:

[osgoodepd.ca/aboriginal-crim](http://osgoodepd.ca/aboriginal-crim)

## Agenda

8:15

Registration and Continental Breakfast

9:00

### Opening Ceremony

Welcome and Introduction from the Chairs

9:15

### Latest Case Law Update

**André Chamberlain**, Counsel, Office of the Director of Public Prosecutions

**Sarah D. Dover**, Lawyer

In *R. v. Ipeelee*, the SCC cleared up some, but not all of the confusion regarding the application of the *Gladue* principles. These two experienced lawyers will canvass, from a Crown and defence perspective, some of the leading post-*Ipeelee* cases and discuss if and how the recent case law impacts the *Gladue* principles.

9:45

### Evolution of the Application of *Gladue* Principles Beyond Sentencing

**Jonathan Rudin**, Program Director, Aboriginal Legal Services

**Kent Roach**, Professor and Prichard Wilson Chair in Law and Public Policy, Faculty of Law, University of Toronto

**The Hon. Justice Shaun Nakatsuru**, Ontario Court of Justice

Case law is clear that *Gladue* principles apply to a wide area outside of sentencing such as bail and extradition. These panellists will discuss the juridical basis for the principles' migration from sentencing to encompass all situations where the liberty of the Aboriginal offender is at stake.

10:45

Refreshment Break

11:00

## Dangerous Offenders/Long-Term Offenders and *Gladue*

**David Milward**, Associate Professor, Faculty of Law, University of Manitoba

**Trevor Jukes**, Legal Counsel, Indigenous Justice Division, Ministry of the Attorney General (Ontario)

**C. Anik Morrow**, Barrister, of the Bars of New York, Ontario and Yukon

The number of Aboriginal offenders who are classed as “dangerous offenders” in the jail population continues to be in a higher proportion than that of the general prison population. These expert panellists will discuss:

- What can be done to arrest this disturbing trend?
- Balancing avoidance of harm to the public against giving meaningful consideration to the background circumstances of Aboriginal accused.
- Developing an Aboriginal offender risk specific instrument for Dangerous Offender applications

12:00

## Networking Luncheon

1:00

## *Gladue* and Child Welfare

**The Hon. Justice Thomas J. Crabtree**, Chief Judge, Provincial Court of British Columbia

**Marian Jacko**, Children’s Lawyer for Ontario, Office of the Children’s Lawyer, Ministry of the Attorney General

**Sarah Clarke**, Clarke Child & Family Law Professional Corporation

*The Truth and Reconciliation Commission* noted the incredibly disturbing increase in the rate of Aboriginal children in state care.

- Application of the *Gladue* principles in child welfare

- The unique challenges of applying the principles as a way to help the judge determine whether a child is in need of protection
- Some practical examples of how the principles are being applied in B.C and Ontario.

1:45

## *Gladue* Aftercare Workers; The Next Step

**Stephanie Bean**, *Gladue* Aftercare Manager, Aboriginal Legal Services

**Mandy Wesley, LL.B.** Executive Advisor/ Legal Counsel to the Assistant Deputy Attorney General, Indigenous Justice Division, Ministry of the Attorney General (Ontario)

While it is recognized that *Gladue* Reports can make a significant difference in sentencing, it’s also clear that Aboriginal offenders often require assistance in meeting the terms of their sentences.

- How aftercare workers can provide needed help and other post sentence services for the courts
- The role of aftercare workers in the parole context
- How involvement of an aftercare worker prior to sentencing can make the ordering of a *Gladue* Report unnecessary

2:30

## Refreshment Break

2:45

## Addictions and Treatment from an Aboriginal Perspective

**Carol Hopkins, MSW**, Executive Director, Thunderbird Partnership Foundation

- Insights into the realities of addiction
- The distinctiveness of addictions among Aboriginal people
- Discussion of what these differences are and what the courts can and should anticipate from these kinds of problems

3:30

## Indigenous Cultural Justice

**Jan Longboat**, Mohawk Knowledge Keeper of the Turtle Clan

4:15

## Concluding Remarks and Closing Ceremony

4:45

## Conference Concludes

### Our participants say it best:

“This program gets better each year! It is important for people who work in the system to attend this conference.”

First Nations Case Worker

“A great, informative conference with meaningful, practical subjects and excellent, passionate speakers.”

Crown Lawyer

“The speakers were remarkably interesting. The program was very informative, helpful and gives me hope.”

Defence Lawyer

## Chairs

**The Hon. Justice Peter DeFreitas**, Associate Chief Justice, Ontario Court of Justice

**Jonathan Rudin**, Program Director, Aboriginal Legal Services

## Faculty Includes

**Stephanie Bean**, *Gladue* Aftercare Manager, Aboriginal Legal Services

**André Chamberlain**, Counsel, Office of the Director of Public Prosecutions

**Sarah Clarke**, Clarke Child & Family Law Professional Corporation

**The Hon. Justice Thomas J. Crabtree**, Chief Judge, Provincial Court of British Columbia

**Sarah D. Dover**, Lawyer

**Carol Hopkins, MSW**, Executive Director, Thunderbird Partnership Foundation

**Marian Jacko**, Children's Lawyer for Ontario, Office of the Children's Lawyer, Ministry of the Attorney General

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**Mandy Wesley, LL.B.**, Executive Advisor/Legal Counsel to the Assistant Deputy Attorney General, Indigenous Justice Division, Ministry of the Attorney General (Ontario)

## Registration Details

### Fee per Delegate

**\$495 plus HST**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available. Visit [www.osgoodepd.ca/group-discounts](http://www.osgoodepd.ca/group-discounts) for details. Please inquire about financial assistance.

### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund is available if a cancellation request is received in writing 14 days prior to the program date. If a cancellation request is made with less than 14 days notice, a \$75 administration fee will apply. No other refund is available.



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