

Gladue Report Writer Roster

Part 1: Definitions

Director: is the Director, Public Legal Information and Applications, or his or her designate.

LSS: is the Legal Services Society

Manager: is the Manager, Indigenous Services, or his or her designate

Gladue: R. v. Gladue is the 1999 Supreme Court of Canada decision which recognized the need to remedy the overrepresentation of Aboriginal people in prison. Gladue reports provide information to the courts, for Aboriginal defendants, for bail and sentencing, to support reasonable alternatives to prison.

Gladue Report: a report prepared for a sentencing or bail hearing that provides the court with comprehensive information on the offender, the offender's community and a plan that looks at realistic and viable alternatives to prisons.

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Part 2: General Guidelines

On July 1, 2011, LSS began funding the writing of *Gladue* reports as an expert report disbursement pilot. Lawyers can request a *Gladue* report by submitting a Request for Authorization of Disbursements to the Case Management Section.

LSS will assign a writer from the roster of LSS-certified writers maintained by Aboriginal Services. The report writer will require a minimum of eight weeks to complete the report.

Unless the client explicitly requests that a report writer not be connected to his or her community, Case Management will match the client with a *Gladue* report writer who is:

- a) familiar with the client's culture and community, and
- b) close to the client's residence or the correctional facility.

Lawyers may optionally request a specific report writer who fits the criteria above.

The requirements to be considered for and to be included on the *Gladue* report writer roster apply across the province. LSS may apply the minimum standards in a flexible manner, on the basis of local conditions, taking into consideration local practices and the need to maintain or rebuild the *Gladue* writer roster to meet the current needs without compromising the quality of service.

An applicant may be admitted to the roster by agreeing to meet standards deemed appropriate for the local area, which may include professional development and/or mentoring in the discretion of the LSS.

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Part 3: Roster Criteria and Expectations

In order to be considered to be on the *Gladue* report writer roster, writers must meet the following criteria:

- a) Successfully completed a *Gladue* report writing training course approved by LSS.
- b) Be Aboriginal or be closely connected to the Aboriginal community (e.g. an Aboriginal Justice Worker who does not identify as Aboriginal).
- c) Any other relevant factors that LSS deems appropriate, such as training provided by the Native Courtworkers Association, and Correctional Services Canada Aboriginal Liaison program.

At the discretion of LSS, these requirements may be waived or reduced where the applicant has other relevant experience.

Gladue report writers included on the roster must:

- a) Notify LSS (specifically, the Manager, Indigenous Services) of how they know the offender that they are writing the *Gladue* report about and members of that offender's community prior to starting the *Gladue* report writing process for the assigned *Gladue* report. Notification to LSS must occur unless expressly exempted.
- b) Keep informed about, and comply with LSS's procedures, policies and administrative requirements.
- c) Act honestly and in good faith in dealing with LSS.
- d) Respond promptly to all requests by LSS for information.
- e) Advise LSS promptly of any changes to his or her business address or contact details.
- f) Advise LSS if he or she wants to be removed from the *Gladue* report writer roster.
- g) Provide the services authorized at the times and places agreed to.
- h) Continue to provide the service to the client unless removed from the assignment.
- i) Attend all assignments on time and as scheduled, or provide reasonable notice to LSS if unable to do so.
- j) Notify LSS immediately if he or she ceases to provide the service to the client.

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Part 4: Manager Decision

Membership on the *Gladue* writer roster is at the sole discretion of LSS. Where the Manager, Indigenous Services, determines that there is reasonable cause, the Manager may impose conditions on, or temporarily or permanently suspend a *Gladue* writer's eligibility to receive *Gladue* report writing contracts from LSS. Reasonable cause includes:

- a) Failure of a *Gladue* report writer to meet applicable standards as established by LSS.
- b) Failure of a *Gladue* report writer to provide an acceptable quality of service.
- c) Failure of a *Gladue* report writer to comply with a condition imposed by the Manager, Indigenous Services.
- d) A *Gladue* report writer billing LSS for services, knowing that the services have not been rendered or the nature or extent of the services rendered have been misrepresented.
- e) A *Gladue* report writer creating an administrative burden on LSS that outweighs the benefit(s) provided by the *Gladue* report writer.

The Manager will notify the *Gladue* Report Writer of his or her decision in writing.

If the Manager imposes conditions on, or temporarily or permanently suspends, the *Gladue* report writer's eligibility to receive contracts from LSS, the Manager may require that, within time limits set by the Manager, the *Gladue* report writer report on the status of all unfinished work; and complete work on existing contracts.

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Part 5: Review

1. A *Gladue* report writer who has had conditions imposed, or been temporarily or permanently suspended of his or her eligibility to receive *Gladue* report writing contracts from LSS may request a review of that decision.
2. The Director may receive such representations from the *Gladue* report writer as he or she deems appropriate.
3. After completing a review, the Director may confirm or vary the initial decision. The Director will notify the *Gladue* report writer of his or her decision in writing. The Director's decision is final and binding.

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History

Questions to: Manager, Indigenous Services Department

September 1, 2016: Updated terminology and title.

April 27, 2015: Reformatted and updated terminology.

EMC Approved May 8, 2012

SEE [POLICY](#) AND [FORMS](#) PAGES FOR: Other policies and forms referenced in this document.