

Gladue Report Writer Roster

Part 1: Definitions

Vice President: is the Vice President, Indigenous Services, or their designate.

LABC: is Legal Aid BC, also called the Legal Services Society.

Manager: is the Manager, Indigenous Services, or their 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 Principles

On July 1, 2011, LABC 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 LABC-certified writers maintained by Indigenous 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 but this is not required.

The requirements to be considered for and to be included on the *Gladue* report writer roster apply across the province. LABC 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 LABC.

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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 LABC.
- b) Be Indigenous or be closely connected to the Indigenous community (e.g. an Native Court Worker who does not identify as Indigenous).
- c) Any other relevant factors that LABC deems appropriate, such as training provided by the Native Courtworkers Association, and the Correctional Services Canada Aboriginal Liaison program.

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

Gladue report writers included on the roster must:

- a) Notify LABC (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 LABC must occur unless expressly exempted.
- b) Keep informed about, and comply with LABC's procedures, policies and administrative requirements.
- c) Act honestly and in good faith in dealing with LABC.
- d) Respond promptly to all requests by LABC for information.
- e) Advise LABC promptly of any changes to his or her business address or contact details.
- f) Advise LABC 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 LABC if unable to do so.
- j) Notify LABC 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 LABC. 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 LABC. Reasonable cause includes:

- a) Failure of a *Gladue* report writer to meet applicable standards as established by LABC.
- 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 LABC 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 LABC 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 LABC, 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 LABC may request a review of that decision.
2. The Vice President may receive such representations from the *Gladue* report writer as he or she deems appropriate.
3. After completing a review, the Vice President may confirm or vary the initial decision. The Vice President will notify the *Gladue* report writer of his or her decision in writing. The Vice President's decision is final and binding.

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History

Questions to: Manager, Indigenous Services

Sep 1, 2018: Updated job titles.

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.