

RE: GLADUE REPORTS IN RELATION TO ABORIGINAL ACCUSED

You are all aware that in sentencing an Aboriginal Offender, courts are required to consider the person's unique circumstances and options to incarceration: s.718.2(e)CC. Such information is brought forward by way of a so-called ***Gladue Report***. Consideration of the guiding factors in decision-making has become a matter of right. Courts have determined that the principle is applicable to Aboriginal accused under the jurisdiction of Review Boards.

LSS has recently secured funding to increase or expand the availability of ***Gladue Reports*** for a broader range of legal aid clients, including accused who appear before the BCRB.

LSS maintains a roster of ***Gladue Report*** writers. Counsel with legal aid clients can approach LSS to authorize the preparation of such reports. Requests should be made so that at least 8 weeks of preparation time is provided. Scheduled hearings should be adjourned to allow for adequate preparation time.

LSS will continue to assess and determine which cases qualify for ***Gladue Report*** funding. As this is a new area it will approach RB matters on a case by case basis.

It is the hope of this program that appropriate RB accused persons may benefit from this expanded service.

I am enclosing LSS's ***Gladue Report Guide*** for your attention. It will also be available on our website for reference.

Bernd Walter
Chair
May 23, 2018