

ORAL QUESTION—JULIE GREEN, MLA YELLOWKNIFE CENTRE

QUESTION 659-18(3): GLADUE REPORTS

March 6, 2019

MS. GREEN: Mahsi, Mr. Speaker. My questions are for the Minister of Justice. As I said in my statement, the Yukon government is piloting a program to train people to write Gladue reports. The purpose of these reports is to inform the court of the Indigenous offender's background so that the judge can take this information into consideration for sentencing. My question is: has the Minister given any thought to funding a report-writing program like the one in the Yukon here in the NWT?

MR. SPEAKER: Masi. Minister of Justice.

HON. LOUIS SEBERT: Thank you, Mr. Speaker. Section 718.2(e) of the criminal code requires courts in sentencing to consider all available sanctions other than imprisonment and additionally to pay particular attention to the circumstances of Aboriginal offenders.

Now, the Supreme Court, in the case of Gladue from about 20 years ago, directed sentencing judges to undertake the sentencing of Aboriginal offenders individually, but also to consider the unique circumstances by examining some factors, including the unique systemic or background factors, which may have played a part in bringing in the particular Aboriginal offender before the courts and the types of sentencing procedures and sanctions which may be appropriate because the offenders are of Aboriginal heritage and connection.

For the judge to get that information, generally case-specific information is required from counsel and also a pre-sentence report. In our jurisdiction, these reports are done by probation officers, and I am confident that they are getting the information that is needed before the courts. Thank you.

MS. GREEN: I appreciate that the Minister has done his homework on this. However, it is my information that pre-sentence reports are written with a different focus than Gladue reports, and so my question, again, is whether the Minister has thought about funding a writing program like the one that they have in the Yukon to produce Gladue reports.

HON. LOUIS SEBERT: I know that in our jurisdiction there is a specific section of a pre-sentence report that refers to factors related to the accused as an Indigenous offender, including the legacy of residential schools and other contributing circumstances. That information, which is important, is actually a section within the pre-sentence report. The attention of the maker of the report, the probation officer, should be drawn to that section if it is applicable. Obviously, we are always looking for better ideas, and I understand that the project in the Yukon, which is a pilot project, has been going on for approximately one year. We are interested in progress. Certainly, we could look at ways of improving. We are always interested in that in the courts.

MS. GREEN: I am delighted that the Minister is interested in better ideas. I think that there it is, right next door in the Yukon. Among the benefits of the Yukon program is the collaboration between the Council of Yukon First Nations, Legal Aid, and the government. Does he see a way that this kind of collaboration could be replicated in the Northwest Territories for the production of these Gladue reports?

HON. LOUIS SEBERT: Obviously, the lawyers who appear before the courts and the probation officers are well aware of the issues and the necessity, in certain cases, of Gladue principles being brought before the courts. Again, we can always improve, and certainly I could be looking at ways in which our systems could be improved and would be looking at new and innovative manners of proceeding.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife Centre.

MS. GREEN: Mahsi, Mr. Speaker. I am wondering if the government is interested in another of the benefits of the Yukon program, which is that it trains Indigenous people to be Gladue report writers. Could the Minister get behind that kind of an approach here in the NWT and not wait for the Yukon pilot to finish in two years in order to start it? Thank you.

HON. LOUIS SEBERT: As I say, we are always interested in what is going on in other jurisdictions to see if we can improve our methods. Of course, as I mentioned earlier, the probation reports here are prepared by probation officers, many of whom are Aboriginal themselves. I don't know whether it's most; it could well be. Again, we are always looking at ways of improving, and we will be looking at the Yukon pilot project. Thank you.