

Impact of Race and Culture Assessments (IRCAs): A Practice Guide for Defence Counsel

A PRACTICAL GUIDE FOR DEFENCE COUNSEL

What is an IRCA?

An IRCA is a professional assessment that examines how race, culture, and systemic factors have shaped an individual's life experiences and may be relevant to sentencing.

Practice Consideration

An IRCA provides the Court with important context about an individual's background, challenges, and resilience.

This information may assist the Court in imposing a fair, proportionate, and individualized sentence.

An IRCA may be appropriate when:

- Anti-Black racism or systemic discrimination
- Poverty or housing instability
- Community violence or neighbourhood disadvantage
- Family violence or childhood trauma
- Mental health concerns or substance use challenges
- Immigration or refugee experiences
- Intergenerational trauma
- Child welfare involvement
- Educational exclusion or disrupted schooling
- Other structural factors relevant to sentencing

The IRCA Process

- 1. Consultation
- 2. Interviews
- 3. Records Review
- 4. Analysis
- 5. Completed Report

Information that may be reviewed

Health: Medical records; mental health records; addiction treatment records.

Education: School records; psychological or psychoeducational assessments; special education documentation.

Child & Family History: Child welfare records; family court records (where applicable); family violence documentation.

Immigration & Settlement: Immigration records; refugee documentation; settlement agency records.

Justice System: Court documents; Crown disclosure (where available); police records (where relevant); correctional records; Pre-Sentence Reports; Reasons for Sentence.

Typical Timeline

Most assessments are completed within 6-12 weeks, depending on case complexity, record availability, and interview scheduling. Earlier referrals are encouraged.

Appropriate Referral Stage

An IRCA may be requested at any point before sentencing. Early referrals allow sufficient time for interviews, record collection, and preparation of a comprehensive assessment.

Who conducts the assessment?

Assessments are conducted by Dr. Patrina Duhaney, PhD, Founder and CEO of Nusura Consulting Inc., an Associate Professor and experienced IRCA assessor who has prepared assessments for criminal court proceedings across Canada.

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