

Working Effectively with an Impact of Race and Culture Assessor

CONSIDERATIONS FOR DEFENCE COUNSEL

Why this matters

Effective collaboration between defence counsel and an IRCA assessor promotes a well-informed assessment process while preserving the assessor's independence and professional judgment. Clear communication, defined roles, and shared expectations contribute to an efficient process and support the preparation of a report that responds to the issues before the Court.

1. Establishing Professional Roles

Understanding the distinct responsibilities of each party supports effective collaboration and protects independence.

Defence Counsel

- Provides legal representation
- Identifies the issues before the Court
- Facilitates access to relevant information
- Keeps the assessor informed of procedural developments

IRCA Assessor

- Conducts an independent assessment
- Reviews available information
- Applies professional expertise
- Forms independent opinions
- Prepares the report

2. Maintaining Professional Independence

The credibility of the assessment rests on the assessor's independence and objectivity.

- The assessor has a duty to provide an independent opinion to the Court.
- Avoid attempting to influence the assessor's conclusions.
- Collaboration does not mean advocacy.
- Respect professional boundaries and the assessor's expertise.
- Allow the assessor to draw conclusions based on their analysis of the information available.

3. Communicating Effectively Throughout the Assessment

Timely and clear communication helps prevent delays and supports an efficient assessment.

- Establish a primary point of contact for both counsel's office and the assessor.
- Communicate significant developments promptly, including changes to court dates, charges, or resolution discussions.
- Respond to questions and information requests in a timely manner.
- Discuss emerging issues that may impact the scope or focus of the assessment.
- Confirm receipt of important updates and information.

4. Navigating Challenges

Unexpected challenges can arise. Proactive communication allows issues to be addressed collaboratively.

- Client misses interviews or becomes unresponsive
- Collateral contacts become unavailable
- Delays in obtaining records or information
- New disclosure is received
- Changes to sentencing dates
- Client withdraws instructions
- Communication barriers or misunderstandings

When challenges arise, early communication helps identify solutions and minimize impact on timelines.

5. Managing Expectations

Understanding the realities of the assessment process helps ensure a realistic and constructive partnership.

- Assessments evolve as new information becomes available and may require additional time or work.
- The assessor cannot guarantee specific findings or conclusions.
- Limitations may exist due to unavailable records, unresponsive collateral, or other factors beyond the assessor's control.
- Complex cases often require flexibility in timelines.

6. Practical Tips for Collaboration

- Provide clear written instructions outlining the issues before the Court.
- Share relevant information in an organized and accessible format.
- Keep the assessor informed of any developments that may affect the assessment.
- Respect agreed-upon timelines and communicate early if changes are needed.
- Recognize that open, respectful communication strengthens the quality of the report.

Practice Perspective

The relationship between defence counsel and an IRCA assessor is collaborative but distinct. Effective communication and clearly defined roles support the assessment process, while the assessor's independence and professional judgment remain central to the credibility of the report. Recognizing and respecting these complementary roles helps promote a thorough, balanced, and professionally sound assessment.

Also in the series

Volume 1: Understanding Impact of Race and Culture Assessments. Volume 2: Preparing for an Impact of Race and Culture Assessment. Volume 3: Selecting an Impact of Race and Culture Assessor. Volume 4: Working Effectively with an IRCA Assessor. Volume 5: Understanding the Role of Collateral Information. Volumes 6-10: Coming soon.

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