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BUILDING A **SAFE AND RESILIENT CANADA**



**Public Safety Canada**

## **2011-2012 Evaluation of the National Flagging System Program**

Final Report

2011-12-12

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## **EXECUTIVE SUMMARY**

This is the 2011-2012 Evaluation of the National Flagging System Program. Evaluation supports accountability to Parliament and Canadians by helping the Government of Canada to credibly report on the results achieved with resources invested in programs. Evaluation supports deputy heads in managing for results by informing them about whether their programs are producing the outcomes that they were designed to achieve, at an affordable cost; and supports policy and program improvements by helping to identify lessons learned and best practices.

### **What we examined**

The National Flagging System was established in 1995 to ensure that provincial/territorial Crown prosecutors were aware of the potential information held in other provinces/territories regarding an offender's high and continuing risk of future violent conduct. The National Flagging System is both a database and a network of provincial/territorial officials, referred to as National Flagging System Coordinators, who are responsible for identifying high-risk offenders for flagging purposes. National Flagging System Coordinators work closely with police, provincial corrections, Crown prosecutors and the Correctional Service of Canada to ensure that high-risk offenders, who are flagged, can be tracked through the Canadian Police Information Centre national database.

Starting in April 2007, Public Safety Canada implemented an annual \$500,000 grant program to support provinces/territories in their efforts to create a truly national NFS. The term "National Flagging System Program" refers to the Public Safety Canada administrative aspects of the grant program funding, and Public Safety Canada research activities related to the National Flagging System. Thus, the focus of the evaluation is the relevance and performance of Public Safety Canada activities starting on April 1, 2007. The evaluation also examines achievement of longer-term outcomes of the National Flagging System.

### **Why it is important**

Programs related to high-risk, violent and dangerous offenders occupy a central position in the Government of Canada's public safety agenda. Public Safety Canada's coordination and leadership role brings national perspective and support to provincial/territorial responsibilities in the area of public safety and criminal justice through efforts such as the National Flagging System Program.

### **What we found**

#### ***Relevance***

The original need that created the National Flagging System, to share information among provinces/territories in order to fill jurisdictional gaps, remains. Because of the majority of offenders in federal custody (about 70%) are serving sentences for a violent offence, it remains important to identify those individuals that could potentially constitute a risk to preserving public safety upon reaching their Warrant Expiry Date.

Perception-based evidence indicates that the Public Safety Canada national presence created by the National Flagging System Program continues to be important and that there is a continuing need for the National Flagging System Program to fill capacity gaps in the

provinces/territories. There is also the continuing inherent need of less populous provinces that may not be able to continue National Flagging System activities without federal funding. Public Safety Canada research activities associated with the National Flagging System are not yet concluded because the timeframe for the research spans approximately five years and must take into consideration the cycle associated with custody, parole and possible recidivism of high-risk offenders. There is a continuing need for this research to inform future development of the NFS and future policy direction.

The National Flagging System Program is well aligned with government-wide priorities since programs related to high-risk, violent and dangerous offenders occupy a central position in the Government's public safety agenda, as they have for several years. The National Flagging System Program is aligned with overall departmental outcomes in the area of corrections and directly supports the Public Safety Canada strategic outcome, "a safe and resilient Canada".

The activities of the National Flagging System Program, including conducting research, align well with the legislated coordination and leadership role of Public Safety Canada in the area of public safety. Although some provinces have separate databases for flagging offenders, there is no duplication between the purpose of the national system and that of the provincial systems; it is noted that there are no separate territorial systems.

### ***Performance***

The National Flagging System Program has increased the capacity of provinces/territories to varying degrees and has contributed to improved national coordination, flagging and information-sharing. In provinces where a system was already in place, grant funding has helped provinces advance their activities. In provinces/territories that were less advanced, or where there was no system in place, the grant funding has allowed them to increase or reach a minimum service level. Having stated this, it is difficult to quantify the exact extent to which provincial/territorial capacity has been increased given the absence of capacity assessments.

A core set of protocols for identification of potential high-risk offenders was established nationally and complemented by relevant protocols in each province/territory. These protocols are deemed to be working well and referral information deemed adequate for flagging high-risk, violent offenders on the National Flagging System. In terms of consistency, a study covering 1995 to 1999 found that the National Flagging System was successful in flagging high-risk violent offenders (when compared to other known high-risk groups). Results from a follow-up study are pending. Therefore, it is too soon to determine if this success persists.

In terms of national implementation, flagging is occurring at the national level with the exception of the territories that have not yet flagged an offender in the system; the Public Safety Canada grant program is considered key in this success. In terms of the overall national trend, the number of flagged offenders has increased over the last five years, ranging from 3,318 in 2006 to 8,123 in 2011; the extent to which this trend is directly attributable to the National Flagging System may be further informed by PS research activities.

Public Safety Canada research has been used for varying purposes within provinces/territories. The research will be critical to assess whether the National Flagging System is working effectively at the national level given the unique national perspective that Public Safety Canada offers. Prior to the establishment of the Public Safety Canada grant program, the research provided expert opinion to assist in policy development. However, beyond this use, no ongoing

performance information has been collected on how the research is or has been used for policy or administration purposes within Public Safety Canada at this point.

In terms of timely information transfer between provinces/territories, protocols for information-sharing were deemed to be working effectively in cases where offenders re-offend. The Public Safety Canada grant funding is seen as having enhanced provincial ability in this regard, either through additional staff or electronic file conversion that significantly impacts the timely transfer of information. The availability of electronic information varies from one province/territory to another.

In terms of support to Crown prosecutors, the information available on the National Flagging System was deemed to be supportive mainly in making decisions and submissions on bail; as background information for sentencing; and in plea negotiations. The National Flagging System also directly supports Crown prosecutors in the process of making dangerous and long-term offender applications. On a national basis, the number of yearly dangerous offender designations has been increasing since 2004-2005 and the number of active long-term offender designations has been increasing by an average of approximately 58 designations per year since 2006. Crown prosecutors perceive that the National Flagging System is contributing to the final outcome of closing jurisdictional gaps. Further performance information would assist in determining the extent to which successful designations and impacts on jurisdictional gaps can be directly linked to the National Flagging System.

The National Flagging System Program is being administered efficiently. The Program compares favourably to other Public Safety Canada transfer payment programs with an average administration to payment ratio of 4.5%<sup>1</sup>. As the same Public Safety Canada unit manages other initiatives and transfer programs, and no additional funding was received for the administration of the National Flagging System Program, Public Safety Canada has used various measures to increase efficiency. Provinces agree that the grant program is administered efficiently by Public Safety Canada noting however that an annual application process may be too frequent.

Public Safety Canada funding, although limited, has had a great impact on the advancement of the national characteristics of the National Flagging System. However, current resource distribution may not be well adapted to the unique challenges of the territories or resource challenges of less populous provinces.

## **Recommendations**

We recommend that the Assistant Deputy Minister, Community Safety and Partnerships Branch, implement the following recommendation:

- In order to improve attribution of National Flagging System Program performance, and inform future use of grant resources, a Performance Measurement Strategy should be developed and implemented in accordance with the Treasury Board of Canada Secretariat Guideline on Performance Measurement Strategy under the *Policy on Transfer Payments*. The Performance Measurement Strategy should focus on ongoing monitoring of provincial/territorial capacity as a result of National Flagging System Program funding; and ongoing use of research by provinces/territories and in PS policy development.

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<sup>1</sup> This number does not include the Corrections Research Unit as it is not involved in the administration of this grant program.

## Management Response and Action Plan

The Community Safety and Partnerships Branch accepts the findings of this evaluation and will implement the following actions:

Management Action Plan	Target Date
<p>A. A performance measurement strategy will be a part of the yearly project monitoring report and will include the following:</p> <ul style="list-style-type: none"><li>• A financial breakdown of grant spending (how funds were spent over the course of the past year);</li><li>• Non-financial information regarding compliance with agreement of terms and conditions of the program (including achievement or progress against the project milestones);</li><li>• Whether anticipated benefits of the project were achieved;</li><li>• An explanation of any amendments to the original financial plan/proposal that was submitted (if applicable);</li><li>• The capacity and commitment of each Province/Territory to deliver the program and whether funding allocations are sufficient; and</li><li>• A submission by the Provinces and Territories on effectiveness, lessons learned, and advice that can be used in PS policy development.</li></ul>	Bi-annually (to be incorporated in agreements starting April 1, 2012 in conjunction with the next application cycle)
<p>B. The Director, Corrections Research Unit, will continue the evaluation of the NFS and provide a final outcome report to the corrections programs and policy divisions.</p>	2013
<p>C. A provincial/territorial capacity assessment will be conducted in consultation with the provinces and territories at National Flagging System coordinator meetings, which take place on a bi-annual basis.</p>	Bi-annually

## 1. INTRODUCTION

This is the 2011-2012 Evaluation of the National Flagging System (NFS) Program. This evaluation provides Canadians, parliamentarians, Ministers, central agencies, and the Deputy Minister of Public Safety an evidence-based, neutral assessment of the relevance and performance (effectiveness, efficiency and economy) of this federal government initiative.

The Evaluation of the NFS Program was conducted in accordance with the funding approval requirements that an evaluation be completed prior to the renewal of terms and conditions by March 2012.

## 2. PROFILE

### 2.1 Background

The NFS was established in 1995 to ensure that provincial/territorial Crown prosecutors were aware of the potential information held in other provinces/territories regarding an offender's high, and continuing risk, of future violent conduct. The NFS was created following a number of recommendations made by a federal/provincial/territorial (FPT) task force on high-risk offenders. One recommendation was to create a system to identify and track high-risk offenders from as early as possible in their contact with the criminal justice system and throughout their involvement with the law.

The NFS has two components. The first is a network of provincial/territorial officials, referred to as NFS Coordinators, who are responsible for identifying high-risk offenders for flagging purposes. The second component is a national database which is housed within an existing national system known as the Canadian Police Information Centre (CPIC). NFS Coordinators work closely with police, provincial corrections, Crown prosecutors and the Correctional Service of Canada (CSC) to ensure that high-risk offenders, who are flagged, can be tracked in the national database.

When a referral is made by police or Crown prosecutors, the NFS Coordinator gathers and reviews information on the offender and makes the decision whether to flag an offender. The criteria used by NFS Coordinators to include an offender in the system are closely related to the dangerous offender and long-term offender provisions of the *Criminal Code* (pursuant to sections 753 and 753.1, respectively). The dangerous offender provisions of the *Criminal Code* are intended to protect all Canadians from the most dangerous violent and sexual predators in the country. The offenders are deemed by the courts to pose a significantly high risk to commit future violent or sexual offences. The long-term offender designation was created in 1997, primarily targeting sexual offenders. The long-term offender designation is given to individuals convicted of a "serious personal injury offence" who, on the evidence, are likely to reoffend. It targets many sexual and violent offenders that require specific attention, even though they do not meet the criteria for a dangerous offender designation.

If a flagged offender reoffends anywhere in Canada, the NFS Coordinator is notified through the CPIC system and sends the offender file to the prosecution service handling the new charge(s). NFS Coordinators follow up these notifications by communicating with the investigating police agency, the relevant prosecution service or the relevant jurisdictional NFS Coordinator.

Starting in April 2007, Public Safety Canada (PS) implemented a grant program to support provinces/territories in their efforts to create a truly national system.

## 2.2 Objectives of the National Flagging System Program

The overall purpose of the NFS (the network of provincial/territorial coordinators and CPIC database) is to identify and track high-risk offenders, who jeopardize public safety.

The term “NFS Program” refers to the PS NFS grant program, the administrative aspects thereof, and the research conducted on the NFS by the PS Corrections Research Unit.

The shared goals of the NFS and the NFS Program are to:

- Assist Crown prosecutors to more effectively prosecute high-risk violent offenders;
- Prevent high-risk, violent offenders from falling through jurisdictional gaps in the criminal justice system, should they move to another part of the country; and
- Encourage prosecutors to make dangerous offender and long-term offender applications in appropriate cases.

The NFS should not be seen as a measure aimed at preventing offenders from reoffending, but rather as a tracking system for use by police and provincial Crowns to deal appropriately with offenders should they reoffend in the community. The purpose in flagging an offender is not to pre-suppose that the offender should be the subject of a dangerous offender or long-term offender application, but to ensure that full information is available to Crown attorneys who may be handling a case with the same offender on a subsequent occasion.<sup>2</sup>

## 2.3 Resources

Under the NFS Program, Vote 5 funding was provided, through internal reallocation, in the amount of \$500,000 annually for five years beginning in 2007-2008. Eligible recipients are provinces to which funding is distributed on a per capita basis, in addition to a base funding of \$25,000 per year. Territories collectively receive a base amount of \$25,000, in addition to a per capita amount based on their total population. No additional Vote 1 funding was allocated to PS for purposes of administering the grant program or for research activities, conducted by the PS Corrections Research Unit, associated with the NFS.

## 2.4 Governance and Program Administration

At the national level, the NFS is overseen by a national working group comprised of all provincial/territorial NFS Coordinators, the NFS National Coordinator (currently the Ontario provincial coordinator), and representatives from PS, the Royal Canadian Mounted Police (RCMP), the CSC and the Department of Justice (DOJ). The working group meets on a biannual basis.

Within PS, the Program is administered by the Corrections and Criminal Justice Directorate of the Community Safety and Partnerships Branch.

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<sup>2</sup> Nova Scotia Public Prosecution Service, *NFS for High-Risk Violent Offenders* (April 19, 2007).



## 2.5 Roles and Responsibilities

Provinces/territories are responsible for the administration, implementation and delivery of the NFS through their respective NFS Coordinator.

The roles of federal organizations involved in the NFS are described below.

**Public Safety Canada:** PS is responsible for developing legislation and policies governing corrections, implementing innovative approaches to community justice, and providing research expertise and resources to the corrections community.<sup>3</sup> In this capacity, PS administers the NFS Program.

**Royal Canadian Mounted Police:** The NFS operates through CPIC for which the RCMP is responsible. CPIC is a computerized system that provides tactical information about crimes and criminals. CPIC is responsible for the storage, retrieval and communication of shared operational police information to all accredited criminal justice and other agencies involved with the detection, investigation and prevention of crime.<sup>4</sup> NFS Coordinators recommend to the RCMP which offenders should be flagged on CPIC. The RCMP then contacts the NFS Coordinators when they get a "hit" on CPIC.

**Correctional Service of Canada:** CSC is responsible for sharing pertinent information on offenders with its partners in the Canadian criminal justice system. Information on federal offenders throughout their sentences is managed in the Offender Management System which is a computerized case file management system that gathers, stores, and retrieves information required for tracking offenders and making decisions concerning their cases. This information is shared with NFS Coordinators on a "need-to-know" basis in order to facilitate the identification and the monitoring of high-risk offenders.<sup>5</sup> In relation to the NFS, the CSC plays a key role in providing offender information and informing police when offenders are set to be released from a federal institution (sharing Warrant Expiry Date packages<sup>6</sup>).

**Department of Justice:** DOJ is responsible for criminal legislation related to high-risk offenders. DOJ works with provincial/ territorial justice officials to ensure that criminal legislation operates as intended and that emerging case law and administrative of justice issues that impact on criminal legislation is effectively monitored. The ongoing dialogue that occurs between DOJ officials and the NFS Coordinators is an important aspect of that function.

## 2.6 Logic Model

The logic model presented at Exhibit 1 is a visual representation that links what the Program is funded to do (activities) with what the Program produces (outputs) and what the Program intends to achieve (outcomes). It also provides the basis for developing the evaluation matrix, which gave the evaluation team a roadmap for conducting this evaluation.

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<sup>3</sup> Public Safety Canada, *Corrections*, <http://www.publicsafety.gc.ca/prg/cor/index-eng.aspx>

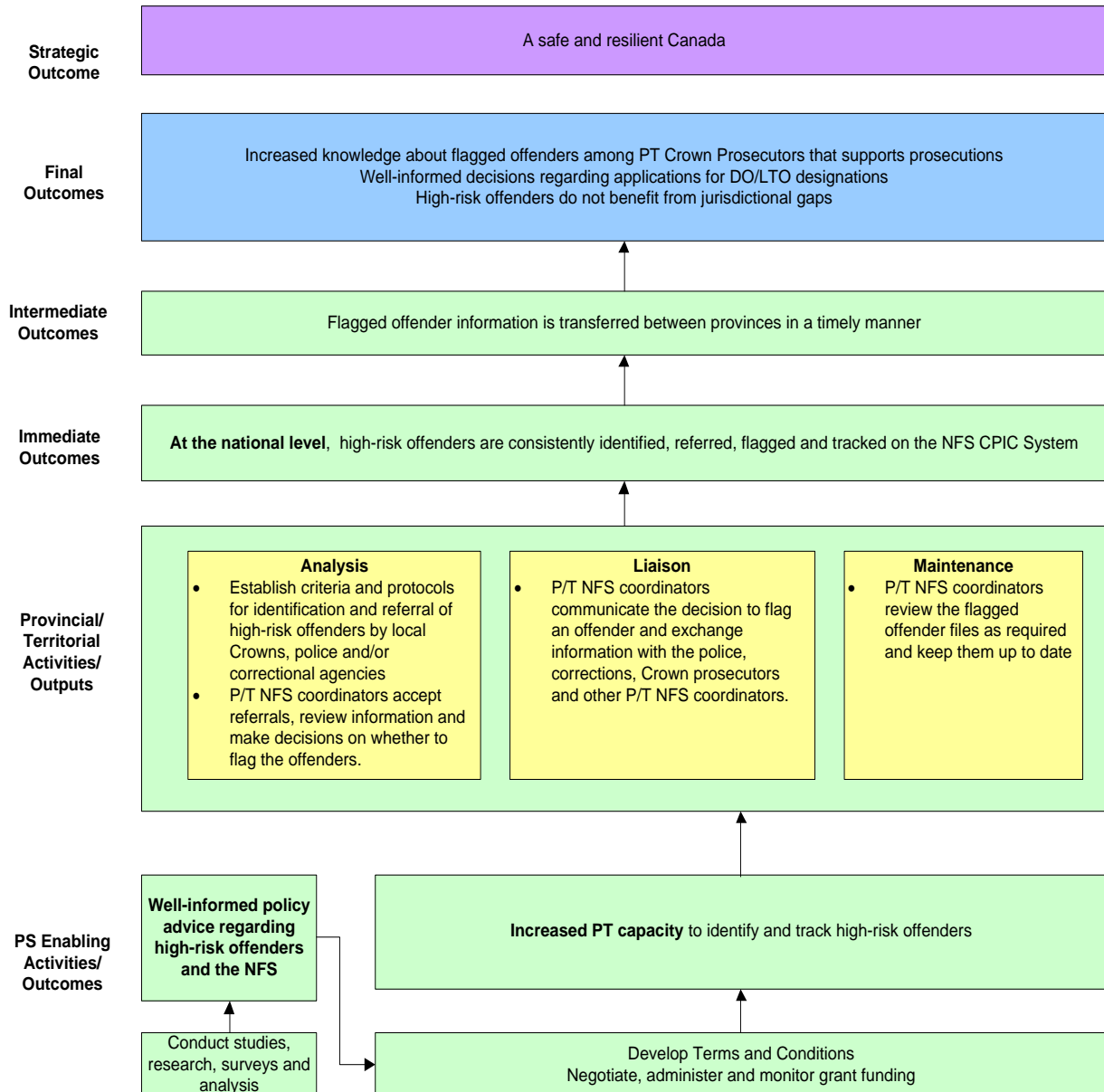
<sup>4</sup> Royal Canadian Mounted Police, *Canadian Police Information Centre*, <http://www.rcmp-grc.gc.ca/nps-snp/cpic-cipc-eng.htm>

<sup>5</sup> Correctional Service of Canada, *Offender Management System*, <http://www.csc-scc.gc.ca/text/prgrm/omsr/2-eng.shtml>

<sup>6</sup> The Warrant Expiry Date is determined by the Parole Board of Canada. Warrant Expiry Date packages contain, among other information, an offender's criminal history and details of current offence(s) and copies of available psychiatric or psychological reports related to detention and the assessment of risk.

It should be noted that outcomes more directly attributable to PS are at the enabling and immediate outcome levels. Intermediate outcomes are influenced by PS grant funding and activities, but the achievement of intermediate and final outcomes may be more directly attributable to the work of the provinces/territories.

### Exhibit 1: Logic Model of the National Flagging System Program



### 3. ABOUT THE EVALUATION

#### 3.1 Evaluation Objectives

This evaluation supports:

- Accountability to Parliament and Canadians by helping the Government to credibly report on the results achieved with resources invested in this program;
- The Deputy Minister in managing for results by informing him about whether this program is producing the outcomes that it was designed to produce, at an affordable cost; and
- Policy and program improvements.

#### 3.2 Scope

The term “NFS Program” refers to both the PS NFS grant program, the administrative aspects thereof, and the research conducted on the NFS by the PS Corrections Research Unit. Thus, the evaluation assessed the relevance and performance of the grant program, the related PS administrative aspects, and the PS research from 2007-2008 to the present time.

#### 3.3 Methodology

The evaluation was conducted in accordance with the Treasury Board *Policy on Evaluation*, the *Directive on the Evaluation Function*, and the *Standard on Evaluation for the Government of Canada*, as well as the *PS Evaluation Policy*. Evaluators took into account the following factors in order to determine the evaluation effort, including the approach, scope, design, and methods, required for this evaluation:

- Risks
- Quality of past evaluations
- Soundness of program theory
- Longevity of program
- Contextual stability

Specifically, the evaluation methodology and associated level of effort were calibrated taking into consideration the characteristics of the NFS Program:

- The Program is of low materiality and dollar value (\$500,000);
- The Program is low risk. The NFS Program is a formula-based program that provides funding to provincial/ territorial recipients, who receive the same amount of funding on an annual basis; and
- Attribution of final outcomes of the NFS Program is at the provincial/territorial level. Thus, less focus was placed on achievement of these outcomes; and more focus was placed on PS “enabling” activities, immediate outcomes, and intermediate outcomes (those that are more directly associated with PS program activities).

### 3.3.1 Evaluation Cores Issues and Questions

As required by the *Directive on the Evaluation Function*, the following issue areas and evaluation questions were addressed in the evaluation:

#### **Relevance**

1. What need is the NFS Program intended to address?
2. To what extent is the NFS Program aligned with government-wide priorities and supportive of departmental strategic outcomes?
3. a) To what extent is the NFS Program aligned with federal roles and responsibilities?  
b) To what extent does the NFS Program duplicate or complement other similar programs?

#### **Performance—Effectiveness**

4. To what extent have outcomes been achieved?
  - a) To what extent has there been increased provincial/territorial capacity to identify and track high-risk offenders?
  - b) To what extent are high-risk offenders consistently identified, referred, flagged and tracked at the national level?
  - c) To what extent have research and studies provided well-informed policy advice regarding high-risk offenders and the NFS?
  - d) To what extent have intermediate and final outcomes been achieved (timely transfer of information; support to Crown prosecutors; and closing of jurisdictional gaps)?

#### **Performance—Efficiency and Economy**

5. a) To what extent has the NFS Program been delivered efficiently and economically?  
b) What steps has the program taken in order to minimize the use of resources in the achievements of results?

### 3.3.2 Lines of Evidence

The evaluation team used the following lines of evidence to assess the Program: document review, interviews, a review of performance and financial data, and a review of surveys conducted by the PS Corrections Research Unit. Each of these methods is described in more detail below.

#### **Document Review**

The document review included the following types of documents: corporate documents, accountability and policy documents, program documents, reports on plans and priorities, performance reports, speeches from the Throne, legislative documents, and research studies, articles and publications related to the NFS and high-risk offenders. A list of documents reviewed is presented at Annex A.

## Interviews

Seven interviews were conducted using interview guides developed for each of the interview groups, as described in Table 1.

**Table 1 – Interview Groups and Number of Interviews**

Interview Groups	Number of Interviews
Program representatives	2
Provinces (provincial NFS Coordinators, and current and former National Coordinators)	5
<b>TOTAL</b>	<b>7</b>

The choice of provincial interviewees was based on a mix that included: those that had a high rate of use of the NFS, those that had historical involvement with the development of the NFS, and those that had a low rate of use of the NFS. Interviews with the territories were not conducted since no offenders have been flagged to date.

## Quantitative and Financial Data Review

The review of quantitative data included the analysis of one status report that was provided for each province/territory. The cost of the Program was calculated based on estimated levels of effort from program representatives and the provision of expenditure information related to grant funding. No other quantitative data was available to the evaluation.

## PS Corrections Research Unit Surveys

A survey of Crown prosecutors was conducted in fall 2010 in the eight provinces that had an active NFS at that time. The provinces included were, as follows: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Prince Edward Island, and Newfoundland and Labrador. Surveys were sent to 2,032 Crown prosecutors and 537 completed the survey putting the response rate at 26% with a confidence level of 95% and a confidence interval of 3.63, indicating that survey responses are accurate within +/-3.63 percentage points 19 times out of 20.

A survey of NFS P/T Coordinators and Assistant Coordinators was conducted in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Prince Edward Island, Newfoundland and Labrador, and Yukon. The survey was sent to 17 coordinators and was completed by all.

## 3.4 Limitations

The evaluation team interviewed representatives from only a sample of provincial/territorial NFS Coordinators in order to calibrate the level of effort for the evaluation. The evaluation addressed this limitation by supplementing interview information with the results of the above-noted survey by the Corrections Research Unit. In addition, in order to supplement information for the territories, the evaluation team asked PS program representatives to seek additional status report information by e-mail from the territories.

## 3.5 Protocols

During the conduct of the evaluation, PS program representatives assisted in the identification of key stakeholders and provided documentation and data to support the evaluation. Collaborative participation greatly enriched the evaluation process.

This report was submitted to program representatives and to the Assistant Deputy Minister, Community Safety and Partnerships Branch for review and acceptance. A management response and action plan was provided in response to the evaluation recommendations. These documents were presented to the PS Departmental Evaluation Committee for consideration and for final approval by the Deputy Minister of Public Safety.

## 4. FINDINGS

### 4.1 Relevance

#### 4.1.1 Need for the Program

In order to establish if there is continuing need for the NFS Program, the evaluation examined the larger context and rationale for the creation of the NFS itself; the subsequent creation of the grant program; and the continuing need for PS program activities.

#### **Rationale for the NFS and the NFS Program**

The NFS was originally introduced in 1995. Its creation resulted from the FPT Task Force on High-Risk Violent Offenders<sup>7</sup>, which recommended to FPT Ministers Responsible for Justice that a nation-wide flagging system be implemented to track high-risk offenders. The rationale for such a system was: “with jurisdictions prosecuting a large number of offenders and with easy mobility of persons across a large country, prosecutors should have available a system, which would alert them to (a) the need to review a particular case for a possible dangerous offender application in light of previous concerns by those dealing with the offenders, and (b) the existence of relevant information held elsewhere”.

In October 2006, Prime Minister Harper announced that the federal government supported an increased investment in the NFS. The Prime Minister’s commitment to enhancing the NFS was followed by similar statements by the federal Minister of Justice, including a statement in 2007 that “one of our priorities is to enhance the Government’s support for the NFS”.<sup>8</sup>

On October 17, 2006, Bill C-27, *An Act to amend the Criminal Code (Dangerous Offenders and Recognizance to Keep the Peace)*, was introduced into the House of Commons. The Bill proposed to amend the dangerous offender and long-term offender provisions of the *Criminal Code* but did not receive Royal Assent.<sup>9</sup> Subsequently, the *Tackling Violent Crime Act* was introduced (Bill C-2) and received Royal Assent on February 28, 2008. Among other items, this

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<sup>7</sup> FPT Ministers responsible for Justice established the Task Force on High-Risk Violent Offenders to assess existing legislation, policy and issues pertaining to high-risk offenders and to explore options in this regard.

<sup>8</sup> Public Safety Canada, *NFS Status Report*, (January 2007).

<sup>9</sup> Parliament of Canada, *Bill C-27: An Act to amend the Criminal Code*, Second Reading and Referral to Committee in the House of Commons (May 4, 2007),

<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=2397807>

enactment amended the *Criminal Code* by “providing for more effective sentencing and monitoring of dangerous and high-risk offenders...”<sup>10</sup>

It is within the above-noted legislative context that the NFS Program (the addition of PS activities and grant funding) was created. Program representatives noted that, prior to the creation of the grant program, jurisdictions were concerned about the gaps in the system citing that provinces/territories were not keeping track of flagged offenders from jurisdiction to jurisdiction, and that some jurisdictions were better supported than others. Some provincial systems were working well, but those that were lagging behind needed supplemental funding.

### **Continuing Need and Remaining Program Gaps**

In terms of the need for the NFS overall, the risk to public safety remains because, despite a constant decrease in Canada’s crime rate and crime severity over the last decade, the majority of offenders in federal custody, about 70%, are serving sentences for a violent offence<sup>11</sup>. Almost 80% are serving sentences of fixed length and will be released one day.<sup>12</sup> Every year, approximately 4,500 offenders reach their Warrant Expiry Date.<sup>13</sup>

In terms of the NFS Program, it is difficult to quantify to what extent PS support is still needed today in comparison with 2007 because the actual capacity of each province/territory has not been documented and quantified. Given the varying degree of implementation in each province/territory, prior to 2007, the PS grant program supplemented existing provincial funding in some provinces, while it enabled the actual implementation of the system in others. Since the introduction of the grant program, five provinces/territories have implemented the NFS. The list includes: Quebec, Nova Scotia, Yukon, the Northwest Territories and Nunavut. This suggests that the grant program clearly met a need when it was implemented in 2007.

In terms of remaining capacity gaps, provincial interviewees indicate that it is challenging to keep up with the workload of flagging all offenders that need to be flagged and of maintaining existing flagged offender files. The Corrections Research Unit survey revealed that about 60% of NFS Coordinators believed that the NFS was not sufficiently resourced, while 25% of respondents indicated that the resources were sufficient. Program representatives cite continuing capacity gaps in the provinces/territories that include: the need to increase the awareness and knowledge about the NFS in the Crown prosecutors community; the need for enhanced information-sharing as some provinces are not able to share electronic information; the need for a national web site (which is currently under development); and the fact that smaller provinces would not be able to support an NFS system at all without the federal funding.

In addition to the PS grant funding, the provinces/territories highlighted the “weight, credibility and support” provided by the PS. Beyond the financial support, interviewees noted that the grant program demonstrated the federal commitment to a program benefiting all Canadians. It raised the profile of the NFS, nationally, and facilitated provincial interaction with federal partners, such as CSC, and promoted discussions with senior management at the provincial level.

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<sup>10</sup> Parliament of Canada, *Bill C-2: An Act to amend the Criminal Code and Consequential Amendments to other Acts*, Royal Assent (February 28, 2008), <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=3076458>

<sup>11</sup> Public Safety Canada, *Corrections and Conditional Release Statistical Overview, 2010 Annual Report*

<sup>12</sup> Public Safety Canada, *Corrections and Conditional Release in Canada - A General Primer 2010*

<sup>13</sup> Public Safety Canada, *Warrant Expiry Date*, <http://www.publicsafety.gc.ca/prg/cor/tls/wed-eng.aspx>

In terms of continuing need for research activities of the PS Corrections Research Unit, current activities are in “mid-stream”. Data has been collected for the 2004 to 2008 period, and research activities are ongoing. The timeframe for the research is due to the length of sentences of the population being studied (high-risk and dangerous offenders); thus the research requires about a five-year cycle associated with custody, parole and possible recidivism. A report is expected in March 2012 that will provide information on whether the profiles of high-risk offenders flagged on the NFS match that of dangerous or long-term offenders; and will provide suggestions for possible improvements to the NFS. Outstanding is research information on recidivism rates among flagged offenders. This information is expected to be released in 2012-2013.

#### 4.1.2 Alignment with Federal Priorities

The evaluation sought to assess the degree of alignment with federal government and departmental outcomes and priorities mainly through document review.

Programs related to dangerous, high-risk and sexual offenders occupy a central position in the Government’s public safety agenda. In 2006, the Prime Minister announced that investments in the NFS would be part of the Government’s strategy to deal with high-risk, violent offenders.<sup>14</sup> In the October 2007 Speech from the Throne, the Government identified “Tackling Crime” as a central priority and, in the 2008 Speech from the Throne, the Government identified that it would “take tough action against crime and work with partners to improve the administration of justice.”

More recently, the 2011 Speech from the Throne stated that the “Government of Canada has no more fundamental duty than to protect the personal safety of our citizens...”and that the “Government will move quickly to reintroduce comprehensive law-and-order legislation to combat crime and terrorism”. These measures will protect children from sex offenders..., they will give law enforcement officials, courts and victims the legal tools they need to fight criminals and terrorists“. Very recent legislation and proposed legislation has also reiterated the current government’s commitment to get tough on crime and, in particular, those who commit violent or sexual acts. For example, the *Truth in Sentencing Act*, Bill C-25, received Royal Assent on October 22, 2009. This enactment amends the *Criminal Code* to specify the extent to which a court may take into account time spent in custody by an offender before sentencing. And the *Safe Streets and Communities Act*, Bill C-10, was referred to committee in the House of Commons on September 28, 2011. These pieces of legislation continue to reiterate the Government priority of toughening sentences related to violent and sexual offences by increasing or imposing mandatory minimum penalties, and increasing maximum penalties, for certain sexual offences with respect to children.”<sup>15</sup>

PS Corrections Programs’ activities directly support the Government’s agenda for strengthening the criminal justice system. They relate specifically to managing dangerous, high-risk and sexual offenders through programs like the NFS and the National Sex Offender Registry. Departmental planning documents illustrate that although the NFS Program is not part of the 2011-2012 key priorities, the Program is aligned with overall departmental priorities in the area of corrections. The continued support to the provinces by the NFS Program is highlighted in the Department’s 2010-2011 Report on Plans and Priorities and its 2011-2012 Report on Plans and Priorities states that the Department is focused on effectively implementing the NFS system.

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<sup>14</sup> Program review documents.

<sup>15</sup> Parliament of Canada, *Bill C-10: An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts*, <http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5120829>



In terms of the departmental Program Activity Architecture, the NFS Program aligns with Program Activity 1.3, Countering Crime, and contributes under program sub-activity 1.3.3, Corrections. The NFS Program contributes directly to the strategic outcome of “a safe and resilient Canada”.

### 4.1.3 Alignment with Federal Role and Responsibilities

The evaluation examined the legislated division of roles and responsibilities between the federal government and provincial governments related to the justice system and to public safety. It also examined the alignment with PS activities in delivering the NFS Program in relation to the legislated federal role.

In terms of the delineation of responsibilities for the justice system, the *Constitution Act, 1867*, mandates the federal government to create criminal law and to establish, maintain, and manage penitentiaries. Administration of justice is the responsibility of provinces. The *Public Safety and Emergency Preparedness Act* indicates that the PS role is to provide leadership and coordination. It states that “The Minister is responsible for exercising leadership at the national level relating to public safety and ...and shall coordinate the activities of the entities for which the Minister is responsible, including the Royal Canadian Mounted Police, the Correctional Service of Canada and the National Parole Board, and establish strategic priorities for those entities relating to public safety and emergency preparedness.”

In the case of the NFS Program, the role of PS is aligned with the federal role since activities involve the coordination of the work of PS agencies and provinces/territories related to the NFS, and not the delivery of the NFS itself. For example, PS brings the NFS Coordinators together for biannual meetings, conducts research related to the NFS system, and provides money to the provinces/territories in a timely manner. Provincial interviewees indicated that this division of responsibilities is working well noting that PS involvement enhances credibility in the whole system. They added that, because most offenders are in federal penitentiaries and because offenders move from province to province, this issue has a national aspect to it that is most appropriately addressed by the federal government. However, they also noted that a “top-down” approach will not work and the federal government should not direct provinces in their activities; the current division of responsibilities allows provinces the flexibility to implement the system in a way that works best for them while maintaining the goal of creating a national system.

#### Possible Duplication

In terms of possible duplication, the survey conducted with 10 provinces/territories revealed that six provinces had a separate flagging system within their province. Interviews conducted with three NFS Coordinators, in provinces with such a system, explained that the level of threat for their internal flagging system is different from the NFS; that their internal system is used by police for different purposes; and/or that the information is being migrated progressively into the NFS. All agreed that there was no duplication between these two systems.

## 4.2 Performance—Effectiveness

The evaluation of effectiveness focused on the impact of the PS grant program on provincial/territorial capacity to conduct core NFS tasks and the extent to which implementation of a national system has been achieved, as these are the main desired outcomes of PS activities. The evaluation also examined the impact and use of research being conducted by PS in support of the NFS.

To a lesser degree, the evaluation examined to what extent the intermediate and final outcomes of the NFS are being achieved, realizing that the achievement of these longer-term outcomes cannot be directly attributable to the federal support; they must be considered more attributable to provincial/ territorial investments and efforts.

## 4.2.1 Provincial/Territorial Capacity

Table 2 below summarizes the amount of annual funding provided to supplement provincial/territorial capacity beginning April 1, 2007.

**Table 2 – Grant Funding to Provinces**

	Population (2006 Census Data)	Base Amount (A)	Per Capita Distribution of Remaining \$225,000 (B)	Total funding (A + B)
Alberta	3,290,350	\$25,000	\$23,419	\$48,419
British Columbia	4,113,487	\$25,000	\$29,277	\$54,277
Manitoba	1,148,401	\$25,000	\$8,174	\$33,174
New Brunswick	729,997	\$25,000	\$5,196	\$30,196
Newfoundland and Labrador	505,469	\$25,000	\$3,598	\$28,598
Nova Scotia	913,462	\$25,000	\$6,501	\$31,501
Ontario	12,160,282	\$25,000	\$86,549	\$111,549
Prince Edward Island	135,851	\$25,000	\$967	\$25,967
Quebec	7,546,131	\$25,000	\$53,708	\$78,708
Saskatchewan	968,157	\$25,000	\$6,891	\$31,891
<b>Provincial Subtotal</b>		<b>\$250,000</b>	<b>\$224,280</b>	<b>\$474,280</b>
Northwest Territories	41,464	n/a	n/a	\$8,628
Nunavut	29,474	n/a	n/a	\$8,543
Yukon	30,372	n/a	n/a	\$8,550
<b>Territorial Subtotal</b>	101,310	<b>\$25,000</b>	<b>\$720</b>	<b>\$25,720</b>
<b>Grant Total</b>		<b>\$275,000</b>	<b>\$225,000</b>	<b>\$500,000</b>

The grant's contribution to provincial/territorial capacity varies from one jurisdiction to another because the resources provided by the province vary from one to another. Some interviewees indicated that the grant funding represents a significant portion of funds dedicated to the NFS, e.g. 60% in one province, while in others, it is smaller (10%-15%).

All provincial interviewees indicated that the PS grant made a difference in terms of coordinating activities at the national level, flagging offenders on the NFS, especially in provinces/territories that had not implemented the system, and increasing provincial ability to share information nationally. All provinces were able to dedicate more time to NFS tasks, hire additional staff, buy equipment and/or provide training.

Two provinces indicated that the grant funding helped establish protocols for the identification and referral of offenders in their province, either through meetings with police to promulgate referrals or directives to prosecutors instructing them to make referrals to the NFS. In the other provinces, protocols were already established. According to interviewees, all provinces/territories have now reached the "minimum bar", enabling a minimum participation by all provinces/territories. All provinces/territories now have NFS Coordinators and most have Assistant Coordinators, who are largely responsible for reviewing and maintaining offender files and populating the NFS.

## 4.2.2 Consistent Identification, Referral and Flagging of High-Risk Offenders at the National Level

### Identification and Referral

All 13 NFS Coordinators have agreed to a core set of protocols. These protocols include the duties of NFS Coordinators, the flagging criteria, and the offender file content. Within each province, criteria and protocols have been established and are working well in all but one province interviewed. In that province, protocols were originally working well and referrals were being received, however due to lack of resources, the use of protocols and referrals are now more inconsistent. In another province, official agreements were concluded between the Crown prosecutor's office and the CSC, as well as between the Crown and the police services. Ninety percent of Crown prosecutors surveyed agreed that communication between them and NFS coordinators was easy.

Interviewees also stated that criteria among NFS coordinators are clear and seem consistent nationally. However, some interviewees said that justice partners (e.g. police) within their province may have their own criteria for referring potential offenders for flagging. Interviewees felt this was to be expected as there will always be some slight differences among people in how they define a "high-risk" individual. One interviewee raised the importance of continuous education and training of both Crown prosecutors and police with respect to identification and referral protocols and criteria.

Almost all provincial interviewees said that referral information was adequate for flagging offenders on the NFS. Challenges encountered were incomplete information that required coordinators to search for further documentation and the timeliness of information provided by CSC.

### Flagging High-Risk Offenders at the National Level

In order to assess whether high-risk, violent offenders were being consistently identified, referred, flagged and tracked on the NFS, the evaluation team examined the result of a previous study conducted by the PS Corrections Research Unit. The study covered the period from 1995 to 1999 and assessed whether the NFS was identifying offenders who were at a high risk to reoffend violently and/or sexually. It compared the profile of the NFS flagged offenders<sup>16</sup> with that of known high-risk violent offenders and examined the recidivism rates of the flagged offenders. The study found that profile of flagged offenders and known dangerous offenders were similar.<sup>17</sup> Furthermore, "while the overall rates of recidivism of the flagged offenders were comparable to those found among the general federal male offender population,"<sup>18</sup> the violent/sexual recidivism rates of the flagged offenders were much higher than those reported among typical Canadian male federal offender populations".<sup>19</sup>

These results cannot be attributed to the PS grant program as it was not in place prior to 2007. However, the PS study aimed to demonstrate to what extent the NFS was effective in identifying

<sup>16</sup> Flagged offenders from eight participating jurisdictions at the time. The profile of 256 flagged offenders was compared with the profile of 97 known high-risk violent offenders, i.e. dangerous offenders and detention failures (detention failures are federally-sentenced offenders who are judged likely to commit an offence causing death or serious harm prior to expiration of sentence and may be retained until warrant expiry).

<sup>17</sup> Public Safety Canada, *Evaluation of The National Flagging System: Mid-Project 2010 Status* (October 28, 2010).

<sup>18</sup> Public Safety Canada, *Identifying and tracking high-risk offenders*, Research Summary, Vol.10 No.6

<sup>19</sup> Public Safety Canada, *The National Flagging System: Identifying and Responding to High-Risk, Violent Offenders*

high-risk, violent offenders for flagging. As mentioned, results of the latest study, covering the period from 2004 to 2008, have not yet been published, but should provide more information on whether high-risk violent offenders are being consistently identified and flagged on the NFS.

The survey of Crown prosecutors revealed that about 50% were familiar with the procedure for recommending an offender to be flagged on the NFS. Among those who had used the system over the last year (i.e. 2010), almost all NFS Coordinators and 70% of Crown prosecutors found the process for requesting the RCMP to flag an offender to be either simple or very simple. A full 50% of Crown prosecutors had never recommended an offender to be flagged; while the other 50% had recommended offenders to be flagged at least once.

The evaluation also found that the number of flagged offenders in the NFS CPIC system has increased over the last five years, and is occurring at the national level with the exception of the territories that have not yet flagged an offender in the system. Table 3 provides a summary.

**Table 3 – Trend in Number of Flagged Offenders**

Jurisdiction	Number of Flagged Offenders on the NFS CPIC System	
	October 2006	October 2011
Ontario	2,472	3,901
Alberta	126	2,655
British Columbia	382	751
Saskatchewan	181	312
Manitoba	83	228
New Brunswick	27	134
Quebec	0*	63
Newfoundland and Labrador	47	61
Nova Scotia	0**	13
Prince Edward Island	0	5
Northwest Territories	n/a	0
Nunavut	0	0
Yukon	0	0
<b>TOTAL</b>	<b>3,318</b>	<b>8,123</b>

\* Quebec had 255 offenders flagged on their provincial flagging system.

\*\* Nova Scotia had a few offenders (less than ten) on their provincial flagging system.

## National Coordination

The PS grant program was deemed by interviewees to have contributed to establishing protocols and to the operation of governance and coordination mechanisms. Although there is no formal governance body overseeing the NFS, the NFS National Working Group serves as the governance body. It is made up of all NFS Coordinators, as well as representatives from PS, the Department of Justice, CSC and the RCMP. The Working Group meets on a biannual basis. There was consensus among interviewees that meetings are very useful to discuss and resolve issues (e.g. legal issues), identify common principles, practices and language, and share information. Some provinces mentioned the importance of provincial flexibility in how the NFS is implemented in their province and how the current structure facilitates this.

All interviewees feel this structure is appropriate and effective. Some have added that it brings together the right people with the same goals. The challenges identified were the lack of meetings, the lack of resources to attend meetings and the harmonization of practices. In between meetings, communications take place and issues are resolved through teleconferences, phone and e-mail.

All provinces interviewed were unanimous that the single most significant difference made by the grant was transforming the NFS into a truly national system. The views of two interviewees serve to reflect general perceptions: “For some provinces that were less advanced, it was a godsend, and it allowed the provinces that were more advanced to do even more”; and “the PS grant made sure that the NFS extended from coast to coast”.

### 4.2.3 Impact of Research Conducted by Public Safety Canada

The PS Corrections Research Unit undertook two major studies on the effectiveness of the NFS. The first one was conducted around 2000 and covered the initial years of NFS operation, 1995 to 1999. The second study covers the period from 2004 to 2008 and results have not yet been officially published. Several publications and articles were published as a result of the first study. For example, the evaluation notes *The National Flagging System: Identifying and Responding to High-Risk, Violent Offenders*, produced in 2005, and *Tracking High-Risk, Violent Offenders: An Examination of the National Flagging System*, published in 2006 in the “Canadian Journal of Criminology and Criminal Justice”. As mentioned in the methodology section, the Corrections Research Unit also conducted surveys with provincial/territorial NFS Coordinators and Crown prosecutors to assess the use of the NFS; early results have been shared with the evaluation team and have been used to inform the evaluation.

All interviewees were familiar with the research studies. Most provinces interviewed indicated that the studies had helped them assess their own level of implementation, informed them about activities in other provinces, helped share process information and practices, and identified potential areas of improvement for their own province. Some provincial interviewees had used the study to demonstrate the effectiveness of the NFS and secure or solidify provincial funding for the initiative.

PS program representatives stated that the main audience for the PS research is the NFS Coordinators. In this regard, the aim of the research is to provide data and feedback on the effectiveness of the NFS and to provide suggestions for improvement. Research also supports the work of the Corrections Directorate in providing evidence-based decisions for policy development. For example, the first research study helped provide evidence and expert opinion to policy development related to the creation of the grant program. Studies may also inform PS program representatives in terms of future program changes. No evidence outside this evaluation has been collected on how these studies are being distributed and used within PS and in the provinces/territories.

The evaluation team notes that the studies and surveys conducted by the Corrections Research Unit were instrumental in conducting this evaluation. These and potential future studies/surveys should provide valuable information in assessing the effectiveness of the NFS, both provincially and nationally.

### 4.2.4 Achievement of Intermediate and Final Outcomes

#### **Transfer of Offender Information in a Timely Manner**

Provincial/territorial NFS Coordinators are to be notified through CPIC if a flagged offender reoffends anywhere in Canada. This allows for the transfer of information from the province/territory that holds the offender file to the NFS Coordinator and Crown prosecutor, who will be handling the new charges. The evaluation aimed to determine whether information was being transferred in a timely manner.

Almost all interviewees reported that the protocols for information-sharing among provinces were working well and most felt that this was due to the communication between NFS Coordinators. This was evidenced by several examples of effective cooperation in assisting other provinces with dangerous and long-term offender applications, managing section 810 cases (i.e. peace bonds<sup>20</sup>) and interacting with CSC through a single point of contact in each jurisdiction. Cooperation with and timeliness of information from CSC was still identified as a challenge in some jurisdictions, but was viewed as being better overall. Some provinces still identified the lack of resources dedicated to the NFS as affecting timely availability (e.g. electronic documents) and transfer of information. The Corrections Research Unit surveys support these views. More than half of NFS Coordinators and 82% of Crown prosecutors agreed that information is readily available when an offender reoffends.

Most interviewees felt that transfer of information had been enhanced either due to the ability for some provinces to hire additional staff or due to the fact that it enabled the conversion to electronic files. Most thought these enhancements were attributable to the grant program. Assistant Coordinators, who perform most of the duties associated with transferring files into the system or to other provinces, are now in place in almost every jurisdiction. Availability of electronic files is still a work in progress and differs between jurisdictions.

### **Support to Crown Prosecutors, Including Use of NFS for Dangerous and Long-Term Offender Applications**

The Corrections Research Unit survey reported that 92% of Crown prosecutors surveyed believe that the information provided by the NFS is useful. The most cited uses of the NFS information are for decisions and/or submissions on bail, as background information on sentencing, and as assistance in plea negotiations.

All NFS Coordinators and 80% of Crown prosecutors surveyed agreed that the NFS was successful in assisting dangerous and long-term offender applications. Fully 95% of Crown prosecutors further responded by indicating that the NFS files were providing enough information to aid in making the applications. Table 4 presents survey results that indicate the extent to which Crown prosecutors have used the NFS in aiding dangerous or long-term offender applications between September 2010 and October 2010 (when the survey was completed).

**Table 4 – Use of NFS Information**

<b>Use of NFS Information:</b>	<b>Never</b>	<b>At Least Once</b>
Aid in a dangerous offender application	46%	54%
Aid in a long-term offender application	58%	42%

The number of yearly dangerous offender designations has been increasing over the last several years, from 18 in 2004-2005 to 35 in 2009-2010.<sup>21</sup> As of April 2010, there were 441 active dangerous offender designations in Canada<sup>22</sup>. The number of active long-term offender

<sup>20</sup> *Criminal Code* section 810 peace bonds are preventive court orders requiring an individual to agree to specific conditions to keep the peace and to protect specific individuals or the general public.

<sup>21</sup> Public Safety Canada, Corrections and Conditional Release Statistical Overview, 2010 Annual Report

<sup>22</sup> Since 1978, there have been 522 dangerous offender designations in Canada. The 441 dangerous offenders (with active designations) represent approximately 3% of the total federal inmate population.

designations has increased from 370 in 2006 to 600 in 2010, an average of approximately 58 per year.<sup>23</sup>

The original Corrections Research Unit study (covering the period 1995-1999) had found that a low percentage (22%) of NFS flagged offenders had received a dangerous or long-term offender application.<sup>24</sup> The study further demonstrated that 18% received successful designations and that this rate, when compared to the expected rate of designations among the general Canadian high-risk violent and sexual offenders, was quite astonishing. However, the study cautioned that while the rate of designations triggered by the NFS appeared promising, “it would remain important to explain why Crown attorneys did not initiate more dangerous or long-term offender applications”.<sup>25</sup> The results of the second study covering the period from 2004 to 2008 have not yet been finalized.

### **Impact on Jurisdictional Gaps**

The Corrections Research Unit surveys showed that more than half of NFS Coordinators and 70% of Crown prosecutors think that the NFS is successful in preventing offenders from falling through jurisdictional gaps.

## **4.3 Performance—Efficiency and Economy**

The evaluators assessed efficiency and economy of the Program by examining the costs of program administration in comparison to other PS programs and by analyzing evidence and perceptions regarding program management and utilization of resources.

### **4.3.1 Administration Efficiency**

A review of financial information combined with program estimates approximates the annual cost of administering the grant program to be \$25,000, since the beginning of the grant period on April 1, 2007. In terms of an administrative ratio, the NFS Program compares favourably to other PS transfer payment programs with an average administration to payment ratio of 4.5%<sup>26</sup>. The estimated annual cost attributable to the Corrections Research Unit for time spent on NFS-related studies was about \$95,000. Details of the calculations are contained in Annex B.

Program representatives indicated that the NFS Program was added to the Corrections Directorate without commensurate addition of staff. In addition, the same operation and maintenance amounts and three full-time equivalents are used to manage at least six other initiatives such as: Policy Development Contribution Program, Sustaining Grants to Voluntary Organizations, Effective Corrections, National Joint Committee of Senior Justice Officials, the National Sex Offender Registry, and the National Office of Victims. They further added that, to increase efficiencies in the management of all these programs, a number of measures have been employed such as: hiring term, contract and student employees to maintain outputs; leaving vacancies unfilled on a rotating basis; and managers filling in for file officers where necessary to get the work done.<sup>27</sup>

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<sup>23</sup> Since 1978, there have been 522 dangerous offender designations in Canada. The 441 dangerous offenders (with active designations) represent approximately 3% of the total federal inmate population.

<sup>24</sup> Public Safety Canada, *Identifying and tracking high-risk offenders*, Research Summary, Vol.10 No.6

<sup>25</sup> James Bonta and Annie K. Yessine, “Tracking High-Risk, Violent Offenders: An Examination of the National Flagging System”, *Canadian Journal of Criminal and Criminal Justice*, Volume 48, no. 4, (July 2006), 573-607.

<sup>26</sup> This number does not include the Corrections Research Unit as it is not involved in the administration of the Grant program.

<sup>27</sup> Program Review document

Most provincial interviewees stated that the grant program was administered efficiently by PS. Some noted that the annual application process could be revised so that the provinces would not need to apply every year as the funding is the same year after year. A suggestion was that the provinces would renew their application on a two-year or five-year cycle.

### 4.3.2 Distribution of Resources

The PS financial expenditure system indicates that the \$500,000 grant was distributed in full to provinces/territories every year in accordance with the grant program funding formula. Table 5 compares the crime severity index to the distribution of funding.

**Table 5: Comparison of Violent Crime Severity Index (CSI)<sup>28</sup> and NFS Grant Funding Distribution**

Province/Territory	CSI	NFS Grant Funding (\$)
Nunavut	505.7	8,543
Northwest Territories	325.2	8,628
Yukon	188.1	8,550
Manitoba	162.3	33,174
Saskatchewan	153.9	31,891
British Columbia	102.1	54,277
Alberta	98.1	48,419
Nova Scotia	84.5	31,501
Ontario	77.7	111,549
Quebec	76.5	78,708
Newfoundland and Labrador	70.2	28,598
New Brunswick	68.4	30,196
Prince Edward Island	42.1	25,967

As shown in Table 5, the three territories report the highest violent crime severity index in Canada. Together they receive 5% of the total grant funding. Despite the high severity index, no offenders have yet been flagged in the territories. When asked about the lack of progress in the North, program representatives spoke of differing needs of the North in terms of skills gaps, policy challenges, Aboriginal justice issues, and cultural issues that may be contributing to slow implementation.

Some interviewees note that the current distribution of funding may not be the ideal way to use the grant resources. Although no province indicated that it did not need the funding, some observed that less populous provinces are having difficulty advancing the NFS system given the small amount of funding, and that a “critical mass” of funding is required to solidify the national characteristics of the NFS. To this end, the NFS grant terms and conditions provide the ability and flexibility for program management to make adjustments to the available funding annually as the take-up by eligible recipients is assessed. Pending research results may further assist in clarifying where gaps exist.

<sup>28</sup> The CSI takes into account the volume and seriousness of crime. In the calculation, each offence is assigned a weight, derived from average sentences handed down by criminal courts. The more serious the average sentence, the higher the weight for that offences. As a result, more serious offences have a greater impact on the changes in the index. The CSI is calculated by summing the weighted offences and dividing by the population. In addition to the overall CSI, there is a violent CSI and non-violent CSI.



Having stated the above, at the national level, program representatives and provincial interviewees noted that the Program provides value for money because a significant impact is being made for a small amount of funding. They highlighted that much more could be done with increased funding.

## **5. CONCLUSIONS**

### **5.1 Relevance**

#### ***Continuing Need***

The original need that created the NFS, to share information among provinces/territories in order to fill jurisdictional gaps, remains. Because of the majority of offenders in federal custody (about 70%) are serving sentences for a violent offence, it remains important to identify those individuals that could potentially constitute a risk to preserving public safety upon reaching their Warrant Expiry Date.

Perception-based evidence indicates that the PS national presence created by the NFS Program continues to be important and that there is a continuing need for the NFS Program to fill capacity gaps in the provinces/territories. There is also the continuing inherent need of less populous provinces that may not be able to continue NFS activities without federal funding. PS research activities associated with the NFS are not yet concluded because the timeframe for the research spans approximately five years and must take into consideration the cycle associated with custody, parole and possible recidivism of high-risk offenders. There is a continuing need for this research to inform future development of the NFS and future policy direction.

#### ***Alignment with Priorities and Departmental Outcomes***

The NFS Program is well aligned with government-wide priorities since programs related to high-risk, violent and dangerous offenders occupy a central position in the Government's public safety agenda, as they have for several years. The NFS Program is aligned with overall departmental outcomes in the area of corrections and directly supports the PS strategic outcome, "a safe and resilient Canada".

#### ***Alignment with Federal Roles and Responsibilities***

The activities of the NFS Program, including conducting research, align well with the legislated coordination and leadership role of PS. Although some provinces have separate databases for flagging offenders, there is no duplication between the purpose of the national system and that of the provincial systems; it is noted that there are no separate territorial systems.

### **5.2 Performance—Effectiveness**

#### ***Provincial/territorial Capacity***

The NFS Program has increased the capacity of provinces/territories to varying degrees and has contributed to improved national coordination, flagging and information-sharing. In provinces where a system was already in place, grant funding has helped provinces advance their activities. In provinces/territories that were less advanced, or where there was no system in place, the grant funding has allowed them to increase or reach a minimum service level. Having

stated this, it is difficult to quantify the exact extent to which provincial/territorial capacity has been increased given the absence of capacity assessments.

### ***Consistent Identification, Referral and Flagging at the National Level***

A core set of protocols for identification of potential high-risk offenders was established nationally and complemented by relevant protocols in each province/territory. These protocols are deemed to be working well and referral information deemed adequate for flagging high-risk, violent offenders on the NFS. In terms of consistency, a study covering 1995 to 1999 found that the NFS was successful in flagging high-risk violent offenders (when compared to other known high-risk groups). Results from a follow-up study are pending. Therefore, it is too soon to determine if this success persists.

In terms of national implementation, flagging is occurring at the national level with the exception of the territories that have not yet flagged an offender in the system; the PS grant program is considered key in this success. In terms of the overall national trend, the number of flagged offenders has increased over the last five years, ranging from 3,318 in 2006 to 8,123 in 2011; the extent to which this trend is directly attributable to the NFS may be further informed by PS research activities.

### ***Impact of PS Research***

PS research has been used for varying purposes within provinces/territories. The research will be critical to assess whether the NFS is working effectively at the national level given the unique national perspective that PS offers. Prior to the establishment of the PS grant program, the research provided expert opinion to assist in policy development (e.g. supporting the establishment of the grant). However, beyond this use, no ongoing performance information has been collected on how the research is or has been used for policy or administration purposes within PS at this point. It is expected that the results from the latest study will inform policy decisions and program administration at the federal and provincial/territorial levels.

### ***Achievement of Intermediate and Final Outcomes***

In terms of timely information transfer between provinces/territories, protocols for information-sharing were deemed to be working effectively in cases where offenders re-offend. The PS grant funding is seen as having enhanced provincial ability in this regard, either through additional staff or electronic file conversion that significantly impacts the timely transfer of information. The availability of electronic information varies from one province/territory to another.

In terms of support to Crown prosecutors, the information available on the NFS was deemed to be supportive mainly in making decisions and submissions on bail; as background information for sentencing; and in plea negotiations. The NFS also directly supports Crown prosecutors in the process of making dangerous and long-term offender applications. On a national basis, the number of yearly dangerous offender designations has been increasing since 2004-2005 and the number of active long-term offender designations has been increasing by an average of approximately 58 designations per year since 2006. Crown prosecutors perceive that the NFS is contributing to the final outcome of closing jurisdictional gaps. Further performance information would assist in determining the extent to which successful designations and impacts on jurisdictional gaps can be directly linked to the NFS.

### 5.3 Performance—Efficiency and Economy

The NFS Program is being administered efficiently. The Program compares favourably to other PS transfer payment programs with an average administration to payment ratio of 4.5%<sup>29</sup>. As the same PS unit manages other initiatives and transfer programs, and no additional funding was received for the administration of the NFS Program, PS has used various measures to increase efficiency. Provinces agree that the grant program is administered efficiently by PS noting however that an annual application process may be too frequent. Program management noted that, after the initial funding application in 2007, a two-year cycle was instituted for the remaining four years. Management is considering a similar approach for the upcoming five years (two-year funding followed by three-year funding) to lessen the burden on the provinces and territories.

PS funding, although limited, has had a great impact on the advancement of the national characteristics of the NFS. However, current resource distribution may not be well adapted to the unique challenges of the territories or resource challenges of less populous provinces.

## 6. RECOMMENDATION

We recommend that the Assistant Deputy Minister, Community Safety and Partnerships Branch, implement the following recommendation:

- In order to improve attribution of National Flagging System Program performance, and inform future use of grant resources, a Performance Measurement Strategy should be developed and implemented in accordance with the Treasury Board of Canada Secretariat Guideline on Performance Measurement Strategy under the *Policy on Transfer Payments*. The Performance Measurement Strategy should focus on ongoing monitoring of provincial/territorial capacity as a result of National Flagging System Program funding; and ongoing use of research by provinces/territories and in PS policy development.

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<sup>29</sup> This number does not include the Corrections Research Unit as it is not involved in the administration of this grant program.

## 7. MANAGEMENT RESPONSE AND ACTION PLAN

The Community Safety and Partnerships Branch accepts the findings of this evaluation and will implement the following actions:

Management Action Plan	Target Date
<p>A. A performance measurement strategy will be a part of the yearly project monitoring report and will include the following:</p> <ul style="list-style-type: none"> <li>• A financial breakdown of grant spending (how funds were spent over the course of the past year);</li> <li>• Non-financial information regarding compliance with agreement of terms and conditions of the program (including achievement or progress against the project milestones);</li> <li>• Whether anticipated benefits of the project were achieved;</li> <li>• An explanation of any amendments to the original financial plan/proposal that was submitted (if applicable);</li> <li>• The capacity and commitment of each Province/Territory to deliver the program and whether funding allocations are sufficient; and</li> <li>• A submission by the Provinces and Territories on effectiveness, lessons learned, and advice that can be used in PS policy development.</li> </ul>	Bi-annually (to be incorporated in agreements starting April 1, 2012 in conjunction with the next application cycle)
B. The Director, Corrections Research Unit, will continue the evaluation of the NFS and provide a final outcome report to the corrections programs and policy divisions.	2013
C. A provincial/territorial capacity assessment will be conducted in consultation with the provinces and territories at National Flagging System coordinator meetings, which take place on a bi-annual basis.	Bi-annually

## ANNEX A: DOCUMENTS REVIEWED

1. Government of Alberta, Justice and Attorney General, *High Risk Offender Tracking and Dangerous Offender/Long-Term Offender Applications*, May 2008.
2. Government of Canada, Report of the Federal/Provincial/Territorial Task Force on High-Risk Violent Offenders, *Strategies for Managing High-Risk Offenders*, January 1995.
3. John Howard Society of Alberta, *Dangerous Offender Legislation around the World*, 1999.
4. John Howard Society of Ontario, *The Law and High-Risk Offenders*, January 2005.
5. Nova Scotia Public Prosecution Service, *National Flagging System for High-Risk, Violent Offenders*, April 19, 2007.
6. Parliament of Canada, *Bill C-2: An Act to amend the Criminal Code and Consequential Amendments to other Acts*, Royal Assent (February 28, 2008).  
<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=3076458>
7. Parliament of Canada, *Bill C-10: An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts*.  
<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=5120829>
8. Parliament of Canada, *Bill C-27: An Act to amend the Criminal Code*.  
<http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&billId=2397807>
9. Public Safety and Emergency Preparedness Canada, *The National Flagging System: Identifying and Responding to High-Risk, Violent Offenders*, 2005-04 (2005).
10. Public Safety Canada, *Corrections and Conditional Release Statistical Overview*, Annual Report 2010, December 2010.
11. Public Safety Canada, *Corrections and Conditional Release in Canada: A General Primer*, 2010.
12. Public Safety Canada, *Corrections and Conditional Release in Canada: A General Primer*, October 2011.
13. Public Safety Canada, *Evaluation of the National Flagging System: Mid-Project 2010 Status*, October 28, 2010.
14. Public Safety Canada, *Identifying and tracking high-risk offenders*, Research Summary, Vol.10 No.6, November 2005.
15. Public Safety Canada, *NFS Status Report*, January 2007.
16. Public Safety Canada *Prediction of recidivism*, Research summary, Vol. 1 No. 1, May 1996
17. Public Safety Canada, *Predicting Violent Recidivism*, (research summary), Vol. 12 No. 3, May 2007.

18. Public Safety Canada, *Summary of NFS Conference*, October 2010.
19. Senate of Canada, *Proceedings of the Standing Committee on Legal and Constitutional Affairs*, Issue No.9, February 21, 2008.
20. Sinclair, Dean W., *Status Report on the National Flagging System*, January 2007.
21. Solicitor General Canada, *High-Risk Offenders: A Handbook for Criminal Justice Professionals*, May 2001.
22. Statistics Canada, *2004 and 2005 Victimization and Offending in Canada's Territories*, 2006
23. Statistics Canada, *Police-reported Crime Statistics* (2008, 2009 and 2010)
24. Yessine, A. and Bonta, J., *Tracking High-Risk, Violent Offenders: An Examination of the National Flagging System*. Canadian Journal of Criminal and Criminal Justice. Volume 48, Number 4, July 2006.

## **Websites**

25. Public Safety Canada, *Corrections*  
<http://www.publicsafety.gc.ca/prg/cor/index-eng.aspx>
26. Public Safety Canada, *Warrant Expiry Date*  
<http://www.publicsafety.gc.ca/prg/cor/tls/wed-eng.aspx>
27. Royal Canadian Mounted Police, *Canadian Police Information Centre*  
<http://www.rcmp-grc.gc.ca/nps-snp/cpic-cipc-eng.htm>
28. Correctional Service of Canada, *The Offender Management System*  
<http://www.csc-scc.gc.ca/text/prgrm/omsr/2-eng.shtml>
29. Victims of Violence. Research – Dangerous Offenders.  
[http://www.victimsofviolence.on.ca/rev2/index.php?option=com\\_content&task=view&id=339&Itemid=29](http://www.victimsofviolence.on.ca/rev2/index.php?option=com_content&task=view&id=339&Itemid=29)

## ANNEX B: COST OF THE NFS PROGRAM

<b>COST OF GRANT ADMINISTRATION</b>	
<b>Salaries</b>	
Director - Corrections Programs and Community Development Division (EX-01 @ 5%)	\$5,600
Administrative assistant (AS-01 @ 2%)	\$1,020
Program Officer - (PM-04 @ 10%)	\$6,380
Subtotal	\$13,000
<b>Operations and Maintenance (O&amp;M)*</b>	
<b>Subtotal</b>	\$13,000
<b>Employee Pension and Benefits (20% of salaries)</b>	\$2,600
<b>Accommodation Cost (13% of salaries)</b>	\$1,690
<b>Cost of Internal Services (40% of subtotal)</b>	\$5,200
<b>Total</b>	<b>\$22,490</b>
<b>COST OF RESEARCH ACTIVITIES</b>	
<b>Salaries</b>	
Director Corrections Research Unit (EC-08 @ 10%)	\$10,440
Researcher (EC-04 @ 20%)	\$12,665
Summer students (3 students, 3 days a week, from May to August)	\$25,515
Subtotal	\$48,620
<b>Operations and Maintenance (O&amp;M)*</b>	
<b>Subtotal</b>	\$48,620
<b>Employee Pension and Benefits (20% of salaries)</b>	\$9,724
<b>Accommodation Cost (13% of salaries)</b>	\$6,321
<b>Cost of Internal Services (40% of subtotal)</b>	\$19,448
<b>Total</b>	<b>\$84,113</b>
<b>Transfer Payments</b>	
Grants to provinces/territories	\$500,000
<b>Program administration ratio**</b>	<b>4.50%</b>

\* Financial figures and/or estimates of O&M expenditures were not available. This amount was deemed to be immaterial to the calculation.

\*\* Research Unit not included in the Program administration ratio