The Investigation, Prosecution and Correctional Management of High-Risk Offenders: A National Guide

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Public Safety Canada will update the electronic version of the Guide, as necessary, to take account of legislative reforms and emerging case law. In addition, from time to time, provincial and territorial authorities will be updating the contact and other information in Appendix A.

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Preface

In 2001, the department of the Solicitor General of Canada, now Public Safety Canada, published a reference manual entitled, H*igh-Risk Offender: A Handbook for Criminal Justice Professionals*. The Handbook provided police, prosecutors and correctional officials with information about the dangerous offender, long-term offender and judicial restraint (Section 810) orders. Over time information in that publication became out-dated because of jurisprudence including the Supreme Court of Canada's judgment in ***R. v. Johnson*, [2003] SCC 46**.

In 2005, the National Joint Committee of Senior Criminal Justice Officials (Pacific Region) produced the *Inter-Agency Manual on the Investigation, Prosecution and Correctional Management of Dangerous and Long-Term Offenders*. The manual was prepared through the cooperation of a number of British Columbia's provincial and federal criminal justice agencies and was intended to serve as a educational tool for officials in that province.

The Public Safety Canada, recognizing the value of work done by National Joint Committee of Senior Criminal Justice Officials (Pacific Region) and in light of the *Criminal Code* amendments that came into force in July 2008, has undertaken to publish a similar and up-dated educational tool for criminal justice officials across the country.

The department hopes that *The Investigation, Prosecution and Correctional Management of High-Risk Offenders: A National Guide* will provide justice officials with useful information about the law and operational issues surrounding the use of dangerous offender, long-term offender and judicial restraint procedures to help deal with high-risk offenders. The publication also provides information about and contact information for key high-risk offender resources in each province and territory.

Public Safety Canada would like to thank the National Joint Committee of Senior Criminal Justice Officials (Pacific Region) for permission to adapt significant portions of its 2004 Manual for inclusion in the National Guide. It is also most appreciative of the contributions by the provincial, territorial and federal criminal justice officials who reviewed and commented on text, as well as contributing information for the resource appendices.

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1 Introduction

1.1 Purpose

This guide has been prepared to provide police, prosecution, correctional and other criminal justice officials with an overview of the *Criminal Code* provisions designed to respond to sexual predators and other high-risk offenders. The interventions discussed are:

> **Dangerous offender designations** that can result in the worst offenders being indeterminately detained or placed under long-term supervision where a conviction for a breach could result in indeterminate detention;
>
> **Long-term offender designations** where high-risk offenders are sentenced to two or more years imprisonment plus up to ten (10) years of supervision that begins after both the prison sentence and any period of parole have been served; and
>
> **Peace bonds** that allow the courts to impose conditions on an individual's movement and activities if there is reason to believe that the person will commit violent crimes if not restrained.

Appendix A provides information, including contact information, for police, prosecution and correctional resources that are, or could be, relevant to handing high-risk offender cases.

> **Note**: This guide is not a legal opinion, nor does it provide an exhaustive analysis of the many issues it addresses. Further, it does not reflect case law that may have emerged after March 2009.
>
> Individuals requiring the most current content of the statutes, regulations and policies cited in this guide are advised to consult an original source as all are subject to amendment and revision over time.

1.2 Background

The primary objective of the high-risk offender provisions is to protect the public from offenders who are likely to cause grave harm to others in the future unless the criminal justice system does something more than impose a regular sentence.

1.2.1 The Original High-risk Offender Scheme

Canada introduced its first high-risk offender laws in 1947, when Parliament amended the *Criminal Code* to give the courts the authority to designate certain repeat offenders as "habitual offenders."[1] Under those provisions, offenders who had been convicted of three or more separate indictable offences and who were "persistently leading a criminal life" could be found to be habitual offenders and sentenced to indeterminate imprisonment.

In 1948, Parliament again amended the Code, this time to make provision for a "dangerous sexual offender" designation.[2] Under those provisions, the courts could impose the designation and indeterminate imprisonment on an offender convicted of a listed sexual offence if two psychiatrists testified that he/she was sexually dangerous.

Over the next three decades, the habitual offender and criminal sexual psychopath provisions were the subjects of considerable criticism, study and analysis.[3] In 1969, the Canadian Committee on Corrections (the Ouimet Committee) recommended a total overhaul of the regime.[4]

1.2.2 The Current Scheme

Responding to the Ouimet report and other developments, Parliament repealed the habitual offender and the dangerous sexual offender rules in 1977 and introduced the current dangerous offender system in ***Part XXIV of the Criminal Code***.[5] In 1997, the Parliament amended the *Criminal Code* to introduce the "long-term offender" designation and a variety of related adjustments.

Peace bonds, also known as "recognizances," "judicial restraint orders" and "sureties to keep the peace," have existed in Canadian criminal law since 1892. Initially, the law simply allowed individuals to seek a restraining order if he/she feared that someone was a threat to him/herself or their families. In the 1990's, three additional types of orders were introduced. They allow criminal justice officials and others to ask the courts to impose conditions on an individual if there are reasonable fears that the individual will commit a criminal organization or terrorism offence, a sexual offence against someone under the age of 16 years, or a "**serious personal injury offence**."

The most recent changes to the high-risk offender provisions were contained in *The Tackling Violent Crime Bill*[6] and came into force on July 2, 2008. The reforms include these provisions:

- An offender who gets a third conviction for a primary designated violent or sexual crime that should result in a sentence of at least two years is now presumed to be a dangerous offender, if two previous convictions each resulted in a sentence of two years or more. The offender is given an opportunity to show why he or she should not be designated a dangerous offender;

- The courts can no longer decide that someone who meets the dangerous offender criteria should be designated a long-term offender instead;
- When an individual is convicted for a third time of a "designated offence", the Crown prosecutor has a duty to confirm to the court that a dangerous offender application has been considered;
- The courts now have the option of sentencing dangerous offenders to indeterminate detention, a determinate sentence plus a long-term supervision order, or simply a determinate sentence;
- An Individual who is designated as a dangerous offender but does not receive an indeterminate sentence of imprisonment will be subject to a re-determination of the indeterminate sentence if that individual subsequently breaches a condition of their Long-term Supervision Order or commits another serious personal injury offence. The Crown will not have to satisfy the court that the offender is a dangerous offender for the latest offence;
- The duration of peace bonds placed on individuals who are a high-risk to commit sexual and/or violent offences and who have been convicted of such offences in the past has been increased from one to two years; and
- The conditions that can be imposed under peace bonds have been expanded to include residency, electronic monitoring, treatment and others.

Display 1 identifies the *Criminal Code* sections responding to high-risk offenders that were amended by the *Tackling Violent Crime Act*.

Display 1: The *Tackling Violent Crime Act* high-risk offender amendments.

Section	Amendment	
752	New	Definition of "designated offence"
	New	Definition of "long-term supervision"
	New	Definition of "primary designated offence"
752.01	New	The prosecutor's duty to inform the court about whether a dangerous offender or long-term offender application will be made.
752.1 (1)	Changed	The court no longer has a discretion to remand an offender for assessment if it has reasonable grounds to believe that the individual may meet the dangerous offender criteria in section 753.
752.1 (2)	Changed	The initial time available for filing the assessment report is increased from 15 to 30 days.
752.1 (3)	New	The prosecutor can now apply to have the deadline for filing the assessment report extended by 30 days.

Display 1: The *Tackling Violent Crime Act* high-risk offender amendments.

Section	Amendment	
753 (1)	Changed	The court's discretion to find that an offender is a dangerous offender has been removed.
753 (1.1)	New	Certain offenders who have been convicted of a listed "primary designated offence" for a third time are presumed to be dangerous offenders unless they can prove otherwise.
753 (4)	Changed	Where an individual is found to meet the Dangerous Offender criteria, the court is now required to impose the designation, but now has discretion to sentence the individual to indeterminate detention, a combination of federal prison and long-term supervision, or a regular sentence for the offence. The Dangerous Offender designation is now for life, and does not expire when the offender completes his sentence of imprisonment or long-term Supervision.
753 (4.1)	New	Establishes the criteria the court shall use in determining whether a sentence other than indeterminate detention should be imposed when an individual is designated as a dangerous offender. The onus for satisfying this test is no longer on the Crown prosecutor. This provision is intended to confirm that the court s to impose the least onerous sentence required to "adequately protect the public,' consistent with the principle established by the Supreme Court of Canada in ***R. v. Johnson***.
753 (6)	Repealed	Consequential/technical
753.01	New	Stipulates that where a dangerous offender is convicted of a new "serious personal injury offence" or a breach of a long-term supervision order, the Crown does not have to establish that the offender meets the dangerous offender criteria, and instead the only issue is a re-hearing of the appropriate sentence, (indeterminate, long-term offender or regular sentence).
753.02	New	Formerly 753(6), modified to accommodate the addition of s. 753.1
753.1(3)	Changed	Consequential/technical
753.1(4)	Repealed	Consequential/technical
753.1(5)	Repealed	Consequential/technical
753.2 (2)	Changed	Consequential/technical
754 (1)	Changed	Consequential/technical

Display 1: The *Tackling Violent Crime Act* high-risk offender amendments.

Section	Amendment	
755	New	Formerly s. 753.1(4) & (5)
757	Changed	Allows character evidence in the sentencing phase.
759	Various	Consequential/technical
810.1(3)	Changed	Reference to "standard" conditions was removed.
810.1(3.01)	New	Maximum length of recognizance extended to 2 years if the individual was previously convicted of a sexual offence against a person under 16.
810.1(3.02)	New	Clarified that the court could consider imposing a number of specific types of conditions if appropriate, including electronic monitoring, regular reporting to police, curfews etc.
810.1(3.03)	New	Court is to consider prohibition of firearms and other weapons
810.1(3.04)	New	Allows for order re surrender of firearms, etc. to implement prohibitions.
810.1(3.05)	New	Allows the court to require that the individual report to correctional or police authorities.
810.2(3)	Changed	Reference to possible conditions of recognizance removed.
810.2(3.1)	New	Maximum length of recognizance extended to 2 years if the individual was previously convicted of serious personal injury offence
810.2(4.1)	New	Clarified that the court could consider imposing a number of specific types of conditions if appropriate, including electronic monitoring, regular reporting to police, curfews etc.
810.2(5)	Changed	Consequential/technical
810.2(5.1)	Changed	Consequential/technical
810.2(5.2)	Changed	Consequential/technical
810.2(6)	Changed	Consequential/technical
	Note:	S. 810.01, which makes provision for peace bonds where there is fear of criminal organization or terrorism offence, has been amended to be consistent with the changes made to s. 810, 810.1 and 810.2 b y the *Tackling Violent Crime Act*.. The 801.01 amendments were made through Bill-14, *An Act to amend the Criminal Code (organized crime and protection of justice system participants* that came into force on October 2, 2009.[7]

1.2.3 Some Numbers

The following statistical notes give some indication of the trends and patterns associated with the high-risk offender interventions. Unless otherwise noted, the statistics were taken from the *Corrections and Conditional Release Statistical Overview* for 2008:[8]

Dangerous Offenders

- Between 1978, when the current dangerous offender scheme was introduced, and April 2008, the courts designated 455 dangerous offenders.
- Between 1978 and 1987, an average of eight (8) dangerous offenders was identified annually; in the period 2002-2007, the average was over 21 a year.
- As of April 13, 2008, there were 394 surviving dangerous offenders: 374 of them incarcerated in federal prisons; one deported; and 19 being supervised in the community. All were males and 24% were Aboriginal offenders.
- About 79% of the dangerous offenders had at least one current conviction for a sexual offence.
- In addition to the dangerous offenders, there are still 41 dangerous sexual offenders and 5 habitual offenders in the federal correctional system. These offenders were sentenced to indeterminate detention prior to 1978.
- The courts in all the provinces and territories but Nunavut and Prince Edward Island have designated dangerous offenders.[9] In absolute terms, Ontario has designated the greatest number, although when population size is considered, Newfoundland & Labrador, Nova Scotia, Saskatchewan and British Columbia have higher designation rates.

Long-term Offenders

- In 2007-2008, the courts designated 72 long-term offenders. Between 1997, when long-term supervision became available as a tool to help deal with high-risk offenders, and 2008, the courts imposed 513 long-term supervision orders – an annual average of 47.
- All but four of the orders involved supervision periods of five or more years, and 71.2% were for the full ten (10) years.
- Seventy-four (74) percent of the offenders who were subject to long-term supervision orders in 2008 had at least one current conviction for a sexual offence.
- A 2002 research paper reported that the average aggregate prison sentence imposed on offenders who received long-term supervision orders was a little more than 4.5 years (median about 4 years). By way of comparison, the average aggregate sentence for all federal inmates was 4.1 years (median 3 years).[10]

1.3 Highlights

This section provides a brief overview of the dangerous offender, long-term offender and judicial restraint provisions. More detailed information about these provisions and some of the important issues that surround them are presented later in this document.

1.3.1 Dangerous Offender Laws

The most important features of the dangerous offender provisions now in force are:

- **Threshold Offence**: Only offenders who stand convicted of, and are awaiting sentencing for, a "**serious personal injury offence**" can be made the subject of a dangerous offender application. S. 752 defines a "serious personal injury offence" as either:

    a) any offence, other than high treason, treason, first degree murder or second degree murder, that carries a maximum sentence of 10 years or more and that involved the use or attempted use of violence, conduct that endangered or was likely to endanger another's life or safety, or was likely to inflict severe psychological damage (a violent offence); or

    b) sexual assault (s. 271), sexual assault with a weapon, with threats to a third party, or causing bodily harm (s. 272), aggravated sexual assault (s. 273), or attempts to commit any of these offences.

- **Dangerous Offender Criteria**: Before a court can find that an offender is a dangerous offender, it has to be satisfied that that the offender meets one of the statutory sets of the behaviour criteria identified in **s. 753(1)**:
    - If the threshold offence was a violent offence, the dangerousness test requires that the prosecution show that the offender has demonstrated repetitive, persistent and/or brutal behaviour that is evidence that the offender is a threat to the lives, safety or physical or mental well-being of others.
    - If the threshold offence was a sexual assault, the prosecution must satisfy the court that the offender has failed to control his sexual impulses and is likely to cause injury and pain to others as a result.

- **Notice of Intent**: When an offender is convicted of a third designated offence, the prosecution, at its earliest opportunity, must declare in open court whether it intends to make an application to have the offender remanded for an dangerous/long-term offender assessment: **s. 752.01**.

- **Investigation**: The preparations for dangerous offender applications require the participation and investigative resources of police, prosecutorial and correctional authorities.

- **Assessment**: Before a dangerous offender application can be made, the prosecution has to apply to have the offender remanded in custody to have an assessment done by court-appointed experts. The experts are usually psychiatrists, other mental health professionals and/or correctional specialists. The *Criminal Code* allows up to 120 days for completion of the assessment process, which is often complex and labour intensive: **s. 752.1**.

- **Hearing**: Dangerous offender applications are heard by a judge without jury: **s. 754 (2)**.

- **AG's Consent**: The responsible provincial Attorney General has to consent to the dangerous offender application before the court will hear it: **s. 754(1)**. Consent is not needed for an application to remand the offender for an assessment.

- **Notice of Grounds**: The prosecution has to give the offender an appropriate notice "outlining the basis on which it is intended to found the application." The notice has to be given at least seven days before the hearing: (**s. 754(1)**).

- **Presumption of Dangerousness**: The prosecution has the onus of satisfying the court that an offender meets the dangerous offender behaviour criteria, unless it can first satisfy the court that:

    a) The offence for which the offender has just been convicted is a "primary designated offence" listed in Part XXIV of the Code;

    b) it would be appropriate to sentence the offender to two years or more for that offence; and

    c) the offender has, on at least two previous occasions, been sentenced to two years or more for "primary designated offences."

    If court is satisfied that these conditions are met, the offender is presumed to be a dangerous offender unless he/she can prove the contrary on a balance of probabilities: (**s. 753 (1.1)**).

    The legislation introducing this presumption came into force July 2, 2008.

- **Sentence**: Dangerous offenders are sentenced to indeterminate detention unless, as specified in **s. 753 (4.1)**, the sentencing judge is satisfied that there is a "reasonable expectation" that the public can be

protected against the offender committing murder or a serious personal injury offence by either:

a) a prison sentence of two years or more followed by up to ten years of long-term supervision, or

b) a regular sentence for the offence.

- **Conditional Release:** If a dangerous offender is sentenced to indeterminate detention, the National Parole Board (NPB) decides whether, and under what conditions, the offender will be released. Offenders serving indeterminate sentences can apply for day parole four years from the date they were originally taken into custody and the National Parole Board is required to review their cases the offender has served seven years in custody. Subsequent reviews are done at least every two years for as long as the offender is in custody. Dangerous offenders released on parole are supervised by the Correctional Service of Canada (CSC) and are subject to suspension and revocation like other offenders in the community on conditional release: **s. 761**.

- **Long-term supervision**: Dangerous offenders who are sentenced to long-term supervision following their term of imprisonment are placed in the community under Correctional Service of Canada supervision. The period of supervision begins after the warrant expiry dates of all prison sentences have past. Dangerous offenders under long-term supervision are subject to the standard parole conditions set out in the regulations to the *Corrections and Conditional Release Act*, as well as any special condition that the National Parole Board might impose in individual cases. The conditions are not established by the sentencing court: **s. 753.2 (1)**.

- **Suspension**: If an offender who is under a long-term supervision order breaches any of the conditions of that order, or there are other reasons to believe that there is a risk that that the offender will re-offend, Correctional Service of Canada can suspend the order and have the individual arrested. Once arrested, the Correctional Service has up to 30 days to review the offender's case and decide whether to return them to the community or to hold them for up to 60 days pending a review by the National Parole Board. In such cases, the board has a number of options, including recommending that the offender be charged with breach of long-term supervision.

- **Breach of Order**: A dangerous offender convicted of failing or refusing to abide by the conditions of a long-term supervision order is liable to a sentence of up to ten years in prison (**s. 753.3**). Alternatively, under **s. 753.01,** the prosecution can apply to the have the court impose indeterminate detention or a new long-term supervision order, a

process that includes a remand for a new assessment by court-appointed experts. Where the Crown prosecutor applies for a sentence of indeterminate detention, the court must impose the sentence unless the offender can establish that a lesser sentence will be adequate to protect the public from future serious personal injury or murder offences.

1.3.2 Long-term Offenders

In 1997, Parliament amended Part XXIV of the *Criminal Code* to create the "long-term offender" designation to help deal with offenders who are not captured by the dangerous offender provisions, but still present a high-risk of committing future sexual offences.

The following are the highlights of long-term offender provisions, as amended in 2008:

- **Threshold Offence**: Offenders convicted of and awaiting sentencing for a "**serious personal injury offence**" can be made the subject of a long-term offender application, as can those convicted of any offence referred to in **s. 753.1(2)(a)**.
- **Long-term offender criteria**: To conclude that an offender is a long-term offender under s. 753.1(1), the court has to be satisfied that:
    a) a prison sentence of two or more years would be appropriate for the current offence;
    b) there is a substantial risk that the offender will reoffend causing death, injury or other serious harm in the future; and
    c) there is a reasonable possibility the risk the offender presents can eventually be controlled is in the community.
- **Notice of Intent**: When an offender is convicted of a third designated offence, the prosecution, at its earliest opportunity, must declare in open court whether it intends to make an application to have the offender remanded for an assessment: **s.752.01**.
- **Investigation**: The preparations for a long-term offender application require the participation and investigative resources of police, prosecutorial and correctional authorities.
- **Assessment**: As with dangerous offender applications, before a long-term offender application can be made, the prosecution has to apply to have the offender remanded in custody to have an assessment done by court-appointed experts. The experts are usually psychiatrists, other mental health professionals and/or correctional specialists: **s. 752.1**.

- **Hearing**: Like dangerous offender applications, a judge without jury hears long-term offender applications: **s. 754 (2)**.

- **AG's consent**: The responsible provincial Attorney General has to consent to the long-term offender application before the court will hear it: **s. 754(1)**. Consent is not needed for an application to remand the offender for an assessment.

- **Notice of grounds**: The prosecution has to give the offender a notice "outlining the basis on which it is intended to found the application" at least seven days before the long-term offender hearing : **s. 754(1)**.

- **Sentence**: When individuals are found to be long-term offenders, the court must impose a sentence of at least two years in prison followed by long-term supervision in the community for a maximum of ten years: **s. 753.1 (3)**.

- **Long-term supervision**: Long-term offenders, and dangerous offenders who are sentenced to long-term supervision, are placed in the community, under Correctional Service of Canada supervision, after the warrant expiry dates of all prison sentences have past. Offenders under long-term supervision are subject to the standard parole conditions set out in the regulations to the *Corrections and Conditional Release Act*, as well as any special condition that the National Parole Board might impose in individual case. The conditions are not established by the sentencing court: **s. 753.2 (1)**.

- **Suspension**: If an offender who is under a long-term supervision order breaches any of the conditions of that order, or there are other reasons to believe that there is a risk that that the offender will re-offend, Correctional Service of Canada can suspend the order and have the individual arrested. Once arrested, the Correctional Service has up to 30 days to review the offender's case and decide whether to return them to the community or to hold them for up to 60 days pending a review of the case by the National Parole Board. In such cases, the board has a number of options, including recommending that the offender be charged with breach of long-term supervision.

- **Breach of Order**: An offender who fails or refuses to abide by the conditions of a long-term supervision order is liable to a sentence of up to ten years in prison: **s. 753.3**.

1.3.3 Peace bonds

There are two peace bond provisions that target the kind of high-risk offenders being discussed here. First, **s. 810.1** of the *Criminal Code* allows criminal justice authorities to obtain peace bonds where there is a reasonable fear that an individual will commit a sexual offence against a child under 16

years of age. Secondly, **s. 810.2** allows for intervention where the fear is that the individual will commit a "serious personal injury offence."

The following highlight key elements of the procedures related to 810.1 and 810.2 orders initiated by criminal justice authorities to deal with high-risk offenders.

Note: The *Criminal Code* uses the term "defendant" to identify the subject of a peace bond. Some sources may refer to them as "respondents."

- **Application**: The formal process begins when someone swears an information under s. 810.1(1) or s. 810.2(1) in a provincial court. Normally the police initiate the process after receiving information from correctional authorities or other sources about a high-risk offender who is being released from prison, has relocated from another community or is nearing the end of community supervision. Although not legally required to do so, the police often consult the prosecution authorities before laying an information. In addition, police services may have their own or provincial-level policies or guidelines about peace bonds that should be consulted.

- **AG's Consent**: The police, or anyone else, must have the consent of the responsible provincial Attorney General to lay a s. 810.2 information. The consent of the Attorney General is <u>not</u> needed to lay a s. 810.1 information.

- **Criteria**: Before placing someone under a s. 810.1 order, the provincial court judge who hears the evidence has to be satisfied that the informant, usually a police officer, has "reasonable grounds" to fear that the defendant will commit one of the sexual offences listed in s. 810.1(1) against someone under sixteen. It is not necessary, however, to identify who the specific victims might be.

  In the case of an 810.2 order, the judge has to be satisfied that the informant has "reasonable grounds" to fear that the defendant will commit a serious personal injury offence, as defined in s. 752 of the *Criminal Code*.

- **Conditions**: The judge can add any conditions to an order that are reasonable in the circumstances and in relation to the threat presented by the respondent. Without limiting this discretion, the *Criminal Code* does list examples of the conditions that could, or should, be considered for each type of order. For example, the listed conditions in the case of an s. 810.1 order (sexual offence against children) that a judge may impose include: required participation in treatment; electronic monitoring if requested by the Attorney General; and, curfew restrictions. In addition, s. 810.1 <u>*requires*</u> in all cases a judge to consider whether the defendant should be prohibited from possessing

weapons and ammunition, and whether the defendant should report to probation or police officers on a regular basis

- **Duration**: Normally, peace bonds can only be one year in length. If, however, the respondent placed under an 810.1 order has previously been convicted of a sexual offence against a child under 16, the order can be up to two years in length. Similarly, if the respondent under an 810.2 order has previously been convicted of a serious personal injury offence, the order can be made for up to two years.

- **Renewal of an Order**: Whether the order is for one or two years, the police can make a new for a new order after the previous one expires. Applications in these circumstances would normally address all the issues and considerations addressed in the first application.

- **Breach**: If the respondent is convicted of the indictable offence of breaching the order, the court can sentence him/her to up to two years imprisonment.

Endnotes

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[1] *An Act to amend the Criminal Code,* S.C. 1947, c. 55.

[2] The term "criminal sexual psychopath" was replaced by the term "dangerous sexual offender" by *An Act to amend the Criminal Code,* S.C. 1948, c. 39, s. 43

[3] An Act to amend the Criminal Code, S.C. 1960-61, c. 43, s. 32.

[4] Report of the Canadian Committee on Corrections, *Toward Unity: Criminal Justice and Corrections*, Ottawa, The Queen's Printer, 1969,

[5] *Criminal Law Amendment Act*, 1977

[6] An Act to amend the Criminal Code and to make consequential amendments to other Acts. S.C. 2008 c.6

[7] Statutes of Canada, Chapter 22 **http://laws.justice.gc.ca/eng/2009_22/index.html**

[8] Public Safety Canada, Corrections and Conditional Release Statistical Overview 2008. Ottawa. December 2008. (The current version of this report, which is updated annually, is available on the Public Safety Canada website: **www.publicsafety.gc.ca**.

[9] Number of dangerous offenders designated by jurisdiction between 1978 and 2007: Newfoundland & Labrador 11, Nova Scotia 15, Prince Edward Island 0, New Brunswick 7, Quebec 49, Ontario 188, Manitoba 10, Saskatchewan 37, Alberta 35, British Columbia 97, Yukon 1,Northwest Territories 5, and Nunavut 0. Canada 455.

[10] Trevethan S, Crutcher N. Moore JP. *A Profile of Federal Offenders Designated as Dangerous Offenders or Serving Long-Term Supervision Orders*, Correctional Service of Canada, December 2002

2 Dangerous Offender Designations

This section of the guide describes the *Criminal Code*'s dangerous offender provisions and their general application. The description takes into account the changes introduced by the 2008 amendments and draws on case law in some instances. The information is presented in a question and answer format.

The following material does not attempt to describe the policies and practices at the operational level within the provinces and territories. Appendix A, however, does contain information on some of the policies, procedures, resources and services within each jurisdiction that are relevant to its response to high-risk offenders.

2.1.1 What is a dangerous offender designation?

Part XXIV of the Criminal Code allows the Crown prosecutor to present evidence arguing that a person who has just been convicted of sexual assault or another "serious personal injury offence" is a dangerous offender. If the individual is designated a dangerous offender, the court is required to sentence them to indeterminate detention in a penitentiary, unless it is satisfied that the evidence introduced during the dangerous offender hearing shows that a sentence of two years or more plus long-term supervision or a regular sentence would adequately protect the public: **S.753(4.1)**.

2.1.2 What are the statutory criteria that define dangerousness?

Dangerous offenders fall into two broad groupings defined by a combination of their conviction (threshold) offence and the kind of behaviour and conduct that is associated with their violent or sexual crimes. The statutory offence criteria for dangerous offenders presenting a general threat of future violence are identified in paragraph (a) of the definition of "**serious personal injury offence**," while the behaviour criteria are set out in **s. 753(1)(a)**:

Display 2: Criteria for designating a violent offender a dangerous offender

Offence	Behaviour/Conduct
752. In this Part […] *"serious personal injury offence" means* *(a) an indictable offence, other than high treason, treason, first degree murder or second degree murder, involving* *(i) the use or attempted use of*	*753. (1)* (a) […] *the offender constitutes a threat to the life, safety or physical or mental well-being of other persons on the basis of evidence establishing* *(i) a pattern of repetitive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a failure to restrain his or her behaviour and a likelihood of*

Display 2: Criteria for designating a violent offender a dangerous offender

Offence	Behaviour/Conduct
violence against another person, or *(ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage on another person,* *and for which the offender may be sentenced to imprisonment for ten years or more,*[…]	*causing death or injury to other persons, or inflicting severe psychological damage on other persons, through failure in the future to restrain his or her behaviour,* *(ii) a pattern of persistent aggressive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a substantial degree of indifference on the part of the offender respecting the reasonably foreseeable consequences to other persons of his or her behaviour, or* *(iii) any behaviour by the offender, associated with the offence for which he or she has been convicted, that is of such a brutal nature as to compel the conclusion that the offender's behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint;* […]

The statutory offence criteria for offenders who are identified as dangerous offenders because of sexual violence are presented in paragraph (b) of the definition of "serious personal injury offence," while the behavioural criteria are set out in **s. 753(1)(b).** (See Display 3)

Note: Where the threshold offence is a sexual offence that qualifies as a "serious person injury offence," the prosecution can base a dangerous offender application on either the violent offender or the sex offender criteria.

Display 3: Criteria for designating a sex offender a dangerous offender

Offence	Behaviour/Conduct
752. In this Part […] *"serious personal injury offence" means* *(b) an offence or attempt to commit an offence mentioned in section 271*	*753. (1)* (b) […] *the offender, by his or her conduct in any sexual matter including that involved in the commission of the offence for which he or she has been convicted, has shown a failure to control his or her sexual impulses and a likelihood of causing injury, pain or other evil to other persons*

Display 3: Criteria for designating a sex offender a dangerous offender

Offence	Behaviour/Conduct
(sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault).	*through failure in the future to control his or her sexual impulses.*

2.1.3 How are potential dangerous offenders identified?

Prosecutors normally have the responsibility of identifying whether a particular offender should be the target of a dangerous offender application. Increasingly, they are assisted in this task by the investigating police service, local or provincial high-risk offender strategies and by tools such as the **National Flagging System for High-Risk Offenders** (See Appendix C:).

Once a potential target has been identified, the prosecution will review the case to assess whether the offender meets at least one set of the dangerous offender criteria and any other criteria that may be identified in policy.

At this stage, the prosecution's examination would normally focus on determining whether the offender would be an appropriate target for either a dangerous offender or a long-term offender application. Practically, the prosecution's decision about what application, if any, should be made will not be finalized until after the **s. 752.1** assessment report has been delivered to the court.

In conducting this review, the prosecution will gather a variety of criminal justice and related information. Display 4 identifies some of the factors and, by extension, the kinds of information that would be considered in determining whether a dangerous offender application should be made.

Display 4: Example of factors considered in deciding whether to make a dangerous offender or long-term offender application. [11]

- The nature of the offence and the maximum penalty provided for that offence;
- The age and health of the offender;
- The number of victims and number of offences;
- The degree of violence of each offence keeping in mind that sexual intercourse with a young child constitutes an act of extreme violence;
- The pattern and time span of the offences;
- The offender's criminal history;
- Whether a trust situation existed between the offender and the victim;
- Premeditation or planning of the crime;
- The ability of the witnesses to tolerate court proceedings;
- The impact of the crime upon the victims;

Display 4: Example of factors considered in deciding whether to make a dangerous offender or long-term offender application. [11]

- The possible impact of court proceedings on the victims;
- Previous treatment of the offender;
- The availability of previous transcripts and/or witnesses;
- Psychiatric assessments of the offender;
- The availability of any suitable treatment programs and the prognosis for successful treatment;
- Extenuating, mitigating or aggravating circumstances.

2.1.4 What is the prosecutor's "duty to advise"?

Under **s. 752.01**, the prosecutor is required to tell the court whether the Crown will make an application for an assessment where the offender:

a) has been convicted of a serious personal injury offence that is also a "designated offence," (see Display 5); and

b) has at least two previous convictions for designated offences for which he/she was sentenced to imprisonment for two or more years.

The prosecutor must give this early notice ". . . as soon as feasible after the finding of guilt and in any event before sentence is imposed."

The duty to advise requirement was introduced by the *Tackling Violent Crime Bill* and came into force in July 2008. It was adopted to ensure that Crown prosecutors had fully considered the dangerous offender sentence option in such cases.

Display 5: Designated Offences, as defined in s. 752

Section	Descriptor
81(1)(a)	using explosives
81(1)(b)	using explosives
85	using firearm or imitation firearm in commission of offence
87	pointing firearm □
98	breaking and entering to steal firearm
98.1	robbery to steal firearm
151	sexual interference
152	invitation to sexual touching
153	sexual exploitation
153.1	sexual exploitation of person with disability
155	Incest
163.1(2)	making child pornography
163.1(3)	distribution etc. of child pornography
163.1(4)	possession of child pornography □
163.1(4.1)	accessing child pornography □
170	parent or guardian procuring sexual activity □

Display 5: Designated Offences, as defined in s. 752

Section	Descriptor
171	householder permitting sexual activity by or in presence of child □
172.1	luring child
212(1)(i)	stupefying or overpowering for purpose of sexual intercourse
212(2.1)	aggravated offence in relation to living on avails of prostitution of person under 18
212(4)	prostitution of person under 18 □
239	attempt to commit murder
244	discharging firearm with intent
245	administering noxious thing
266	assault □
267	assault with weapon or causing bodily harm
268	aggravated assault
269	unlawfully causing bodily harm
269.1	torture
270(1)(a)	assaulting peace officer □
271	sexual assault
272	sexual assault with weapon threats to third party or causing bodily harm
273	aggravated sexual assault
273.3	removal of child from Canada □
279(1)	kidnapping
279(2)	forcible confinement
279.01	trafficking in persons
279.1	hostage taking
280	abduction of person under age of 16 □
281	abduction of person under age of 16
344	robbery
348	breaking and entering with intent committing offence or breaking out
144	rape, as it read before January 4, 1983
145	attempt to commit rape, as it read before January 4, 1983
146(1)	sexual intercourse with female under age of 14, as it read before January 1, 1988
146(2)	sexual intercourse with female between age of 14 and 16, as it read before January 1, 1988
148	sexual intercourse with feeble-minded, as it read before January 1, 1988
149	indecent assault on female, as it read before January 4, 1983
153(1)(a)	sexual intercourse with step-daughter or, as it read before January 1, 1988
156	indecent assault on male, as it read before January 4, 1983
166	parent or guardian procuring defilement , as it read before January 1, 1988
167	householder permitting defilement, as it read before January 1, 1988
245(2)	assault causing bodily harm , as it read before January 4, 1983
246(1)	assault with intent if the intent is to commit an offence referred to in any of subparagraphs i to v of this paragraph, as it read before

Display 5: Designated Offences, as defined in s. 752

Section	Descriptor
	January 4, 1983
246.1	sexual assault, as enacted in s19, chapter 125
246.2	sexual assault with weapon threats to third party or causing bodily harm , as enacted in s19, chapter 125
246.3	aggravated sexual assault, as enacted in s19, chapter 125
Other	an attempt or conspiracy to commit any of the above.

- This offence that would not qualify as a "serious personal injury offence" because it carries a maximum sentence of less than 10 years

2.1.5 What role do police play in the dangerous offender process?

The primary role of the police in the dangerous offender application process is to gather the evidence necessary to establish a pattern of dangerous behaviour. Working in close collaboration with the prosecution, this effort will focus on gathering testimony and documentary evidence from many sources.

The police investigation will demand a substantial commitment of time for interviewing victims, family members, mental and correctional professionals and others who knew or had dealings with the offender. This will often involve re-interviewing people involved with past cases because some of the details of those cases that were not relevant originally could be key indicators of the offender's behavioural patterns and important for demonstrating that the offender meets the statutory behaviour criteria.

In some instances, the police will have to proceed by way of summons, productions orders or, it seems, a general warrant, to obtain access to this type of information: ***R. v. Ongley***, [2003] O.J. No. 3934 (O.C.J.).

In interviewing previous and current victims and/or their families for the dangerous offender application, it is important to be aware of the potential for re-victimization. Because of this possibility, it is recommended that victim assistance personnel or other support services be engaged right from the outset.

The documentary evidence, which is commonly tendered by consent, will include records from a range of institutions and organizations. Examples are:

- criminal records and arrest reports;
- information from the Correctional Service of Canada;
- information from the provincial correctional system even if the offender has never done "provincial time" as there may be pre-sentence reports;
- transcripts of previous trials;
- victim impact statements;
- records of divorce proceedings;
- employment records and reports;

- medical and mental health records
- child protection agency records ; and
- school records.

Many of these records will be admitted under the business records provisions of the Canada Evidence Act.

2.1.6 What kind evidence can be used to support a dangerous offender application?

Under the Criminal Code, all credible and trustworthy evidence is admissible at a sentencing hearing:

> *723. (1) Before determining the sentence, a court shall give the prosecutor and the offender an opportunity to make submissions with respect to any facts relevant to the sentence to be imposed.*
>
> *(2) The court shall hear any relevant evidence presented by the prosecutor or the offender.*
>
> *(3) The court may, on its own motion, after hearing argument from the prosecutor and the offender, require the production of evidence that would assist it in determining the appropriate sentence.*
>
> *(4) Where it is necessary in the interests of justice, the court may, after consulting the parties, compel the appearance of any person who is a compellable witness to assist the court in determining the appropriate sentence.*
>
> *(5) Hearsay evidence is admissible at sentencing proceedings, but the court may, if the court considers it to be in the interests of justice, compel a person to testify where the person*
>
> *(a) has personal knowledge of the matter;*
>
> *(b) is reasonably available; and*
>
> *(c) is a compellable witness.*

With respect to hearsay evidence, the Supreme Court in **R. v Gardiner** , [1982] 368 S.C.R. 2 pointed out:

> *It is a commonplace that the strict rules which govern at trial do not apply at a sentencing hearing and it would be undesirable to have the formalities and technicalities characteristic of the normal adversary proceeding prevail. The hearsay rule does not govern the sentencing hearing. Hearsay evidence may be accepted where found to be credible and trustworthy. The judge traditionally has had wide latitude as to the sources and types of evidence upon which to base his sentence. He must have the fullest possible information*

concerning the background of the accused if he is to fit the sentence to the offender rather than to the crime.

It should also be noted that **s. 757** allows the court to admit evidence of the offender's character and reputation in relation to determining whether the offender is a dangerous or long-term offender and determining a sentence. These issues, as well as the question of the admissibility of hearsay evidence are examined in ***R. v. Gregoire***, 1998 CanLII 17679 (MB C.A.).

2.1.7 How is the dangerous offender process started?

Once the prosecution has identified an offender as a possible dangerous offender candidate and a basic investigation has been done, its first step is to apply to the court, under **s. 752.1**, to have the offender remanded for a formal assessment. The assessment serves two purposes. First, it will help the prosecution determine whether to make a dangerous offender application, pursue a long-term offender application, or proceed with the regular sentencing process. Second, if a dangerous or long-term offender application is made, the assessment will be evidence at the hearing; if no application is made, the assessment is admissible at a regular sentencing hearing: ***R. v. N.(R.A.)***, 2001 ABCA 312 (CanLII).

In considering the assessment application, s. 752.1(1) directs the court to examine whether:

- The offender has been convicted of a serious personal injury offence or an offence mentioned in **s. 753.1(2)(a)**, which includes sexual assault and sexual offences against children (see Display 10, page 47); and
- There are reasonable grounds to believe that an offender "might" be found to be a dangerous or long-term offender.

If both conditions are met, the court is obliged to order that the offender be remanded in custody so that the assessment can be conducted.[12]

2.1.8 Who does the assessment?

The assessment is done by mental health and/or correctional facilities and/or individual experts designated by the court following submissions by the prosecution and the offender. For example, many assessments are done at provincial forensic mental health services that have secure detention facilities.

Assessments may be done by individuals or by multi-disciplinary teams that include psychiatrists, psychologists, nurses, correctional officers, social workers and/or others who have opportunities to observe the offender during remand period.

It is important to note that the assessments are done for the court, not the prosecution or the defence, although both parties can call on other experts to conduct additional assessments and/or testify at a hearing.[13] If the defence

has an independent assessment done, it is not required to disclose the results, unless they call the expert to testify.

2.1.9 How long does it take to get the assessment?

The actual time required to have an assessment completed will vary, but the legislation allows for up to 120 days. **S. 752.1** sets the maximum duration of a remand for an assessment at 60 days, then gives the expert up to 30 days following the end of the remand period to submit the assessment the court, prosecution and defence. In addition, the prosecution can apply to the court under s. 752.1(3) to extend the time available for filing the assessment report by up to 30 days.[14]

The time available for completing the report was increased by *The Tackling Violent Crime Act.* Before July 2008, the people doing assessments had 15 days to file their report with no legislated opportunity for an extension, although the courts were open to extending the time in some circumstances: ***R. v. Howdle***, 2004 SKCA 39 (CanLII); ***R. c. Lavoie***, 2008 QCCQ 7572 (CanLII).

2.1.10 What is involved in an assessment?

In conducting the assessment, the designated expert(s) reviews the offender's mental health, social and psychological functioning, criminal history, the availability and likely outcomes of treatment interventions, and other factors to determine what risk the offender poses and whether that risk can be managed to an acceptable level in the community. The expert's objective is to arrive at a conclusion about whether, from a psychiatric perspective, the offender meets the statutory behavioural criteria for finding someone a dangerous offender. This requires them to examine a variety of issues (See Display 6) using a mix of methods including clinical interviews, psychometric testing, file reviews, direct observation and, in some cases, interviews with collateral sources such as family members.

Display 6: Issues addressed in a full dangerous offender assessment report.

- The behaviour criteria of dangerousness in s. 753 (1)(a) and (b);
- The extent to which the offender displays criminal thinking (impulsiveness, lack of self-control, self-centredness; sense of entitlement, etc.).;
- The extent to which the offender, in his or her environment, is surrounded by individuals involved in criminal activity;
- The degree to which the offender displays anti-social tendencies and criminal propensities;
- The offender's level of social supports within the community;
- Any problems the offender experiences such as substance abuse or having a deviant sexual preference;

Display 6: Issues addressed in a full dangerous offender assessment report.

- The offender's general ability to access community resources;
- The offender's criminal history, focusing on the presence or absence of serious personal injury offences;
- The nature and severity of any mental disorders
- The offender's treatment and counselling history;
- The offender's level of social competence;
- The offender's problem resolution skills;
- Whether the offender has a sufficient level of life-skills to function in the community;
- The likelihood that the offended will reoffend;
- The mechanisms the offender uses to cope with stress and the perceived utility of these mechanisms.

The assessment team may also do cognitive and memory testing to check for signs of physical damage to the brain. If the offender is a sex offender, additional tests will be used to identify sexual preferences and deviant sexuality.

It is generally preferable that experts use actuarial, empirically based tools in assessing dangerousness. The following are examples of widely used risk assessment tools:

- *Violence Risk Appraisal Guide* [VRAG] – assesses the risk of recidivism for men who have committed serious, violent or sexual offenses; [15]
- *Sex Offender Risk Appraisal Guide* [SORAG] –assess the risk of violent recidivism for adult male offenders; [16]
- *Rapid Risk Assessment of Sex Offender Recidivism* [RRASOR] – assesses risk of sex offence recidivism;[17]
- *Level of Supervision Inventory - Revised* [LSI-R] – assesses the needs of the offender and risk of general criminal recidivism; [18]
- *Statistical Information on Recidivism - Revised 1* [SIR-R1] - assesses offender re-integration potential; [19]
- *Static-99* - assesses risk of sex offence recidivism; [20]
- *Static- 2002* - assesses the risk of sexual and violent recidivism among adult male sexual offenders; [21]
- *Sex Offender Need Assessment Rating* [SONAR] – assesses change in risk among sexual offenders; [22]
- *Stable-2007* – assesses changes in risk status over time; [23]
- *Hare Psychopathy Checklist-Revised* [PCL-R] – assesses criminal psychopathy. [24]

Note: The offender is not legally obligated to participate in the assessment process. In some cases, defence lawyers will advise their clients not to cooperate.

When the offender decides that he or she will not cooperate, the experts rely more heavily on documentary information. It is important therefore that the prosecution provide them with comprehensive documentation including copies of Crown briefs, a complete criminal history, federal and provincial correctional files, victim impact statements, previous mental health assessments and other background information.

Appendix E: presents an outline of a typical assessment.

2.1.11 Is either the prosecution or the court bound to accept the expert's conclusions?

Neither the prosecution nor the court is bound by the expert's opinion.

For example, even if the expert concluded that a long-term designation would be sufficient to protect the public, the prosecution can proceed with a dangerous offender application. The expert assessment is only one piece of the evidence the court must consider in deciding whether to make a dangerous offender or a long-term offender designation. For example, in ***R. v. R.M.***, 2007 ONCA 872 (CanLII), the court, which dismissed the offender's appeal, said in part:

> *[51] Even though he recognized the risk was thus limited, Dr. Woodside's [the Crown expert] qualified his opinion saying: "My hope would be that such an intensive level of supervision, while not eliminating the risk posed by Mr. M., might allow for intervention (i.e. breach) prior to his committing a further violent offence." [Emphasis added.] In the trial judge's words, this "is hardly a ringing endorsement" about the prospects of managing the appellant's risk in the community. More importantly, Dr. Woodside's "hope" was premised on a number of conditions that the trial judge was not satisfied would be met.*
>
> *[52] The trial judge's concerns about the conditions that were critical to Dr. Woodside's hope included the efficacy of anti-androgen medication and the supervision available under the Circles program, both of which are discussed earlier in these reasons.*
>
> *[53] In addition, in our view, the trial judge was entitled, and indeed obliged, to reach her own conclusion about the appellant's risk. Her determination of this issue was one she made after careful consideration of extensive evidence concerning the factual foundations that underlay the experts' opinions, including the seriousness of the appellant's criminal record for violent crimes, his*

history of predatory sexual conduct, the ineffectiveness of an earlier penitentiary sentence for an assault against another stepchild, the appellant's substance abuse and anger management problems, the appellant's minimization of his conduct and his potential for treatment and supervision in the community. The trial judge's findings on these issues are entitled to deference. In applying those findings to the legal question of the appropriate designation, the trial judge was entitled to distinguish between a reasonable possibility and a speculative one concerning the appellant's eventual control in the community.

[54] Accordingly, we reject this ground of appeal.

See also ***R. c. Audette***, 2002 CanLII 41141 (QC C.A.)**;** ***R. v. Hickey***, 2008 ONCA 115 (CanLII)**.**

2.1.12 What must happen before a dangerous offender application can be heard?

S. 754(1) of the Code states that the court can hear a dangerous offender or long-term offender application only after:

a) The Attorney General has consented to the application. The consent can be given either before or after the application was made;

b) at least seven (7) days before the hearing and after the application was made, the prosecution given the offender written notice "outlining the basis on which it is intended to found the application;" and

c) a copy of the notice has been filed with the court.

2.1.13 What must be done to obtain the consent of the Attorney General?

Each jurisdiction will have its own procedures and policies setting out the content and format of an application for consent of the Attorney General to make a dangerous offender application. Typically, the package would include some or all of the following:

- a summary contextual and background statement;
- a detailed description of the offence;
- a description of the past conduct and other considerations on which the application will be founded;
- a summary psychiatric history and diagnosis;
- the reasons for the application including why a determinate sentence or a long-term offender designation would not address the risk posed by the offender; and

- copies of the relevant documents including the indictment, the offender's criminal record, the draft Notice of Application, a draft of the Consent, relevant psychiatric reports and the s. 752.1 assessment report.

2.1.14 When is the offender presumed to meet the dangerous offender criteria?

Any offender who meets the conditions set out in **s. 753 (1.1)** is presumed to be a dangerous offender, and will be sentenced as such, unless he/she can prove the contrary on "a balance of probabilities." The three conditions are that:

1. the offender, on two or more occasions in the past, was convicted of a "primary designated offence", as defined in s. 752, and that in each case received a sentence of two or more years of imprisonment;
2. the offender's current offence is a primary designated offence; and
3. it would "be appropriate" to impose a sentence of two or more years of imprisonment for the present offence.

This presumption was introduced by the *Tackling Violent Crime Act* and came into force on July 2, 2008.

The onus is on the prosecution to satisfy the court that the offender meets the three condition of the criminal history threshold set out in **s. 753(1.1)**.

Obviously, the task of demonstrating that the offender meets the first two elements is a straightforward matter. With respect to the third element, the prosecution's submission will have to show that a sentence of two years or more would be appropriate for the offence under established sentencing principles,.

2.1.15 What offences are "primary designated offences?"

The primary designated offences, listed in Display 7, are defined in s. 752 of the *Criminal Code*. They are all offences that could qualify as "serious personal injury offences" as that term is defined in s. 752.

Display 7: Primary Designated Offences, as defined in s. 752

Section	Descriptor
151	sexual interference
152	invitation to sexual touching
153	sexual exploitation
155	Incest
239	attempt to commit murder
244	discharging firearm with intent
267	assault with weapon or causing bodily harm

Display 7: Primary Designated Offences, as defined in s. 752

Section	Descriptor
268	aggravated assault
271	sexual assault
272	sexual assault with weapon threats to third party or causing bodily harm
273	aggravated sexual assault
279(1)	Kidnapping
144	rape, as it read before January 4, 1983
145	attempt to commit rape, as it read before January 4, 1983
146(1)	sexual intercourse with female under age of 14, as it read before January 1, 1988
149	indecent assault on female, as it read before January 4, 1983
153(1)(a)	sexual intercourse with step-daughter or, as it read before January 1, 1988
156	indecent assault on male, as it read before January 4, 1983
245(2)	assault causing bodily harm , as it read before January 4, 1983
246(1)	assault with intent if the intent is to commit an offence referred to in any of subparagraphs i to v of this paragraph, as it read before January 4, 1983
246.1	sexual assault, as enacted in s19, chapter 125
246.2	sexual assault with weapon threats to third party or causing bodily harm , as enacted in s19, chapter 125
246.3	aggravated sexual assault, as enacted in s19, chapter 125
	an attempt or conspiracy to commit of the above.

2.1.16 What happens if the court is not satisfied that the offender meets the presumptive criteria?

If the court is not satisfied that the offender meets the criminal history and sentencing thresholds set out in **s. 753(1.1)**, the prosecution will have to proceed with a regular dangerous offender application.

2.1.17 What happens if the court is satisfied that the offender meets the presumptive criteria?

If the court is satisfied that the offender meets the criminal history and sentencing thresholds in s. 753(1.1),the offender has the opportunity of bringing forward evidence to prove, on a balance of probabilities, that he does not meet the behaviour criteria t (see Display 2 and Display 3) that define a dangerous offender. If his argument succeeds, the court will find that he is not a dangerous offender and proceed, in accordance with **s. 753(5)**, to:

- find that the offender is a long-term offender;
- conduct a hearing to determine if he is a long-offender; or
- impose a sentence for current offence.

If the offender chooses not to contest the prosecution's application, or his arguments fail, the court will find that he is a dangerous offender and sentence him accordingly - see **2.1.21,** page 30.

2.1.18 What does the prosecution have to prove at a regular dangerous offender hearing?

The prosecution has to prove, beyond a reasonable doubt, that the offender meets the offence and the behaviour criteria in either:

- s. 753(1)(a) which deals with threats of general violence (see Display 2, page 14); or
- s. 753(1)(b), which deals with the risk of sexual violence (se Display 3, page 15).

It should be noted that under **s. 754(3)**, where an offender admits to any of the allegations contained in the notice to the offender that is required under s. 754(1)(b), no proof of the allegation is required.

2.1.19 Does the prosecution have to prove that current offence was especially serious?

There is some question about whether the court must be satisfied that the offence for which the offender was convicted and that serves as the foundation for the dangerous offender application was sufficiently serious to justify the application. Madam Justice Marguerite J. Trussler, in ***R. v. Francis***, 2006 ABQB 803 (CanLII), described the principle lines of this debate as follows:

> *[41]* [. . .] *In **R. v. Currie**, 1997 CanLII 347 (S.C.C.), [1997] 2 S.C.R. 260, the Supreme Court found that the term "serious personal injury offence" did not require a qualitative assessment of the objective seriousness of the predicate offence: para. 17. It was satisfied that the enumerated sexual offences in s. 752(b) were inherently serious and that the dangerous offender regime allowed offenders to be sentenced "without having to wait for them to strike out in a particularly egregious way": para. 26. In **R. v. Goforth**, 2005 SKCA 12 (CanLII), (2005), 257 Sask.R. 123, 2005 SKCA 12* [application for leave to appeal dismissed December 22, 2005: S.C.C. No. 47807*], Cameron J.A. for the Court explained that an inquiry into the objective seriousness of the predicate offence was similarly not required for the purposes of s. 752(a). Cameron J.A. opined that the commission of a serious personal injury offence as defined under s. 752(a), without more, is enough to trigger the availability of the dangerous offender and long-term offender regimes: para. 37.*
>
> *[42] Conversely, in **R. v. Neve**, 1999 ABCA 206 (CanLII), (1999), 237 A.R. 201, 1999 ABCA 206, the Alberta Court of Appeal held that the language of s. 752(a) necessitates an inquiry into the objective*

seriousness of the violence or level of endangerment in the acts constituting the predicate offence. [. . .]

[43] The Court in Neve cited four factors that favour an inquiry into the degree of violence present in the predicate offence: paras. 77-80. Firstly, opening the "dangerous offender gate" to offences where the violence is not "serious" would be inconsistent with Parliament's purpose in enacting dangerous offender legislation designed to indeterminately incarcerate a very small group of highly dangerous criminals. Second, the constitutionality of the dangerous offender regime depends on the predicate offence showing conduct that would tend to cause severe physical danger or severe psychological injury to other persons. Similarly, the failure to assess the seriousness of the violence would function to dilute the pattern requirement in s. 753(1)(a)(i) or (ii) to an unacceptable level. Finally, the Court opined that an objective standard of seriousness must be applied to the predicate offence to recognize that offence's status as "the last straw" which justifies the Crown's invoking of the dangerous offender proceedings.

[44] The approaches in both Goforth and Neve were canvassed in [**R. v. Naess**, 2004 CanLII 53065 (ON S.C.)]*. Hill J. eventually rejected the approach in Neve, deciding that although an act of violence or attempted violence must be identified, "there is no compulsion as advocated in Neve to go further, to measure the degree of violence." Dionne J. reached the same conclusion in **R. c. Trahan**, 2006 QCCQ 282 (CanLII), [2006] J.Q. no 423, 2006 QCCQ 282.*

2.1.20 Does the court have the discretion to not make a dangerous offender designation?

No!

S. 753(1), as amended effective July 2, 2008, says that: *... the court shall find the offender to be a dangerous offender*... if it is satisfied that the offender meets the criteria set out in either s. 753 (1)(a) or (b). (Emphasis added)

Before July 2008, the court did have discretion in this matter. In ***R. v. Johnson***, 2003 SCC 46 (CanLII), the Supreme Court confirmed that sentencing judges had the discretion not to declare that someone was a dangerous offender even if all the conditions for doing so were met, provided there were also satisfied that a sentence other than indeterminate detention would be sufficient to protect the public:

The language of s. 753(1) of the Code [as it was then] *indicates that a sentencing judge retains the discretion not to declare an offender dangerous even if the statutory criteria in para. (a) or (b) are met. On its face, the word "may" in the phrase "[t]he court may . . . find the*

offender to be a dangerous offender" denotes a discretion. The principles of statutory interpretation, the purpose of the dangerous offenders regime, and the principles of sentencing support that interpretation. The primary purpose of the dangerous offender regime is the protection of the public. The principles underlying the Code's sentencing provisions dictate that a sentence must be appropriate in the circumstances of the individual case. The proposition that a court is under a duty to declare an offender dangerous every time the statutory criteria are satisfied would introduce an unnecessary rigidity into the process and overshoot the public protection purpose. It would also undermine a sentencing judge's capacity to fashion a sentence that fits the individual circumstances of a given case.

As noted above, the Code was amended to remove the court's discretion to not declare an offender a dangerous offender while retaining the court's discretion to determine what the appropriate sentence for a particular dangerous offender should be, thus respecting the sentencing principles highlighted by the Supreme Court in *R. v. Johnson*.

2.1.21 What sentence can the court impose on a dangerous offender?

Since July 2008, if the court finds that an offender meets the statutory criteria it must declare that the offender is a dangerous offender. Then, under **s. 753(4.1)**, the court must sentence the offender to indeterminate detention unless the evidence presented during the hearing leads the judge to conclude that there is a "... reasonable expectation that a lesser measure [...] will adequately protect the public against the commission by the offender of murder or a serious personal injury offence."

The "lesser measures" available to the court under s. 753(4) are:

1. a sentence of two years or more for the offence for which the offender was convicted and long-term supervision for up to 10 years following the end of the prison sentence; or
2. a sentence for the offence for which the offender was convicted.

It must be noted that **s. 753(4)** and **(4.1)** do not call for new evidence or a new sentencing hearing. The judge's decision about whether a lesser measure would be appropriate will be based on "evidence adduced during the hearing of the application." Because of this, the prosecution must ensure that its evidence during the hearing is not only sufficient to satisfy the court that a dangerous offender designation should be made, but that it will support the imposition of the appropriate sentence.

2.1.22 What is long-term supervision?

Long-term supervision is the "community" part of the sentence imposed on long-term offenders and certain dangerous offenders. A period of long-term supervision is always proceeded by an effective prison sentence of two or more years; that is, a sentence of two or more years before any the application of any credit for time served. Even in cases where the application of the credit results in the offender serving the prison term in a provincial facility, the Correctional Service of Canada is responsible for the long-term supervision.

More detailed information about the terms, conditions and consequences of long-term supervision orders can be found under the following headings:

- **3.1.13 What conditions are placed on offenders under long-term supervision orders?** Page 54.
- **3.1.14 Can an offender under long-term supervision be placed in a residence designed for offenders?** Page 55.
- **3.1.15 Can the National Parole Board impose conditions requiring the offender to participate in treatment?** Page 55
- **3.1.16 What happens when an offender breaches the conditions of a long-term supervision order?** Page **57**.

2.1.23 What factors are relevant to whether there is a reasonable expectation that a sentence other than indeterminate detention would adequately protect the public?

The *Criminal Code* does not identify the factors that are relevant to whether a determinate sentence, with or without a long-term supervision order, would adequately protect the public. It appears, however, that the issues and factors that should be considered here would be the same those that have been examined in assessing whether offenders meet the long-term offender criteria identified in 753.1(1)(c): "there is a reasonable possibility of eventual control of the risk in the community."

To be satisfied that there is a "reasonable possibility" the sentencing court will require something more than speculation that some future intervention offered a hope of control. By way of illustration, the Ontario Court of Appeal, in ***R. v. McCallum***, 2005 CanLII 8674 (ON C.A.), stated:

> *(47) Case law from this court and from the British Columbia Court of Appeal under the former dangerous offender legislation and the amended provisions has held that in order to achieve the goal of protection of the public under the dangerous offender and long-term offender provisions, there must be evidence of treatability that is more than an expression of hope and that indicates that the specific offender can be treated within a definite period of time:* ***R. v. Poutsoungas*** *(1989), 49 C.C.C. (3d) 388 (Ont. C.A.);* ***R. v.***

> ***Higginbottom*** *(2001),*[CanLII 3989 (ON C.A.)]. *In R. v. M.(J.S.) (2003), 173 C.C.C. (3d) 75 (B.C.C.A.), the court stated that the basic purpose of the dangerous offender provision before the 1997 amendment was the protection of the public and that under the amended legislation, the test for achieving that goal is set out in s. 753.1(c), namely, whether there is a reasonable possibility of control in the community of the risk of the offender re-offending.*

On the other hand, a "reasonable expectation" does not equate to certainty. In ***R. v. Little***, 2007 ONCA 548 (CanLII) (S.C.C. Application for leave to appeal dismissed April 2008), the court observed:

> *[*42] [...] The determination of whether an offender's risk can be reduced to an "acceptable" level requires consideration of all factors, including treatability, that can bring about sufficient risk reduction to ensure protection of the public. This does not require a showing that an offender will be "cured" through treatment or that his or her rehabilitation may be assured. What it does require, however, is proof that the nature and severity of an offender's identified risk can be sufficiently contained in the community, a non-custodial setting, so as to protect the public.

Display 8 identifies a number of the factors what can be expected to be relevant to the court's consideration of whether lesser measures could be expected to provide adequate protection.

Display 8: Factors relevant to the determination of the issues of "reasonable expectation of adequate protection" and "reasonable possibility of eventual control in the community.

- Expert evidence of any psychiatric disorder with which the offender has been diagnosed;
- Expert evidence regarding the ability to treat effectively any psychiatric disorder(s) with which the offender has been diagnosed;
- The extent to which the achievement of public protection depends on the satisfaction of contingencies, some of which may be entirely within the control of the offender, i.e., whether to participate in treatment. Reference on this issue may be made to ***R. v. J.S.M***, 2003 BCCA 66, a Crown appeal from the dismissal of a dangerous offender application. In allowing the appeal and directing a new hearing, the Court found that the offender's assurances that he was willing to complete "chemical castration treatment" was given without knowing the side effects of that treatment for this offender and without any firm evidentiary basis for concluding that the treatment would work.
- Whether there is any evidence of a particular time span within which it is expected that the offender may be cured or effectively treated;
- The offender's response to previous treatment;
- Expert evidence consisting of an actuarial assessment of risk in relation

Display 8: Factors relevant to the determination of the issues of "reasonable expectation of adequate protection" and "reasonable possibility of eventual control in the community.

to the offender;

- Evidence relating to the dynamic risk factors of an offender, including evidence of drug or alcohol use, employment history, educational and family or other supports (or lack thereof) within the community;
- The offender's response to previously imposed periods of community supervision, including judicial interim release orders, probation, parole and conditional sentence orders;
- The offender's conduct while in custody;
- The criminal history of the offender, including uncharged criminal acts established by the evidence;
- The offender's history of anti-social or deviant behaviour;
- The acceptance of responsibility by the offender for his or her offences and the offender's willingness to engage in treatment; and
- Levels of supervision available in the community to monitor and manage the risk posed by the offender.

The question of whether an indeterminate sentence is needed to provide adequate protection is a function, in part, of the programs that are available and the levels of supervision that can be provided to an offender under a long-term supervision order. For this reason, during a dangerous offender hearing, the prosecution should consider leading evidence as to the resources and programs available to supervise and treat dangerous offenders during:

- the custodial portion of a determinate sentence; and
- the period of long-term supervision.

If the conditions that can be imposed by the National Parole Board and the supervision available in the community under a long-term supervision order are not sufficient to reduce the risk posed by that offender to an acceptable level, the court must impose the sentence of indeterminate detention. See ***R. v. M.J.O.***, 2008 ONCA 361 (CanLII); ***R. v. Little***, 2007 ONCA 548 (CanLII) (S.C.C. Application for leave to appeal dismissed April 2008)

Where it is appropriate to do so, the prosecution can argue that the programs and levels of supervision available in the community are simply inadequate to safely manage the degree of risk posed by the offender. Public safety, the paramount purpose of the dangerous and long-term offender provisions, cannot be left to chance and speculation as to the future availability of resources to implement supervision orders. Although resource limitations cannot be used to render the long-term offender regime meaningless, the Ontario Court of Appeal held in ***R. v. Little***:

> *'[R]eal world' resourcing limitations cannot be ignored or minimized where to do so would endanger public safety. The court is required*

on a dangerous offender application to balance the liberty interests of an accused with the risk to public safety that will arise on the release of the accused into the community. That balancing exercise is informed by this fundamental principle: in a contest between an individual offender's interest in invoking the long-term offender provisions of the Code and the protection of the public, the latter must prevail.

Nevertheless, care should be taken in advancing the proposition that an indeterminate sentence is required because of resource limitations in light arguments that suggest that governments have a duty to ensure that resources are in place to permit judges to perform the responsibilities imposed upon them by law: ***R. v. Russell,*** [1998] M.J. No. 255; ***R. v. McGarroch***, 2003 CanLII 1974 (ON S.C.); ***R. v. Nault***, 2002 CanLII 44945 (ON C.A.). Another case that speaks directly to the issue of designation based on resources is: *R. v Nikolovoski*,2002 Carswell Ont 4483, 104 C.R.R. (2d) 126 (2002) see para 114 and 178; decision in support of Long term supervision designation affirmed at 194 OAC 258, 2005 Carswell Ont 513[2005] O.J. No. 494 (Ont CA Feb 15 , 2005)

Note: In some jurisdictions, the prosecution may need to consider other issues. In British Columbia, for example, the prosecution may need to lead evidence on the treatment resources, programs and levels of supervision that would be available for offenders following completion of the long-term supervision order. This need flows from the British Columbia Court of Appeal's ruling in ***R. v. Laboucan***, 2002 BCCA 376 (CanLII), reiterated in ***R. v. Goodwin***, 2002 BCCA 513 (CanLII), that **s. 810.1** and **s. 810.2** of the Code should be seen as companion provisions to the dangerous and long-term offender legislation that can operate as follow-up measures when the period of long-term community supervision expires. In *Goodwin*, the court said this:

> *There remains the problem of what to do with the [offender] at the end of the ten year community supervision term. On the evidence, I think there is every reason to expect…that the [offender] will continue to be appropriately housed and monitored indefinitely. He then must accept his medication and housing arrangements as a condition of community living. This compulsory aspect can be supplied by the annual recognizances issued under s. 810.2.*

2.1.24 Who bears the onus of establishing that there is reasonable expectation that a lesser measure will adequately protect the public?

It would appear that neither party has a specific burden of reasonability for establishing the possibility of eventual control. First, the offender is not obliged to present evidence that a "lesser" sentence would be adequate,

however, if the defence does not provide any evidence that the offender can be treated or that he is even willing to engage in treatment, then the court will not have an evidentiary basis to find that the offender can eventually be controlled in the community. In ***R. v. Grayer***, 2007 ONCA 13 (CanLII), the Ontario Court of Appeal stated:

> *(67) None of the fresh evidence deals directly with the particular circumstances of the appellant. However, of greater significance is the fact that, other than the brief statement made by the appellant at the conclusion of the dangerous offender application, there is no evidence or information that the appellant would be agreeable to involving himself in a community-based program which would be closely supervised. While I accept that there is no onus on the appellant to offer evidence, either at trial or on appeal on these issues, in the absence of evidence from the appellant, we are left with the evidence at the hearing of the appellant's hostile and non-cooperative attitude. To conclude that the appellant is a suitable candidate for supervision within the community because the Windsor Parole Office has access to a wide range of services would be speculative at best. Much more than speculation is required to satisfy the court that the appellant's risk to re-offend could be managed in the community.*

As the prosecution, in ***R. v. Moosomin***, 2008 SKCA 168 (CanLII), the Saskatchewan Court of Appeal addressed the burden of proof question as follows:

> *[40] This Court adopts the reasoning of the other appellate courts in Canada. There can be no burden of proof on the Crown to negate the third criterion contained in s. 753.1 in the way in which the burden of proof is usually conceived. Section 753.1 places an obligation upon the sentencing judge to be satisfied on the basis of all the evidence that "there is a reasonable possibility of eventual control" of the offender's risk "in the community."*
>
> *This is not a question of satisfaction based on proof beyond a reasonable doubt or any other standard of proof. Practical considerations will play a role in motivating both the Crown and the defence in these kinds of proceedings. It will be advantageous to the Crown, as well as the defence, to provide whatever evidence will assist the court in determining whether the offender's risk in the community can be managed to an acceptable level.*

The Ontario Court of Appeal arrived at the same conclusion in ***R. v. F.E.D.***, 2007 ONCA 246 (CanLII):

> *[51] In the context of a stand-alone long-term offender application, the language of the statute appears to suggest a burden on the Crown to prove affirmatively that there is a reasonable*

*prospect of eventual control of the offender in the community: e.g. see **R. v. Currie,** 1997 CanLII 347 (S.C.C.), [1997] 2 S.C.R. 260 and R. v. Guilford (1999), 44 W.C.B. (2d) 523 (Ont. S.C.J.). However, in my view, the requirement in s. 753.1 that there be a reasonable possibility of eventual control of the risk the offender presents in the community is of a different character than the first two criteria in that section and I do not agree that it is necessary to approach this criterion as imposing a burden of proof.*

[52] The first two criteria in s. 753.1 are similar to the criteria in the dangerous offender provisions. They speak to the level of risk the offender is likely to pose in the future having regard to the offender's past conduct. They also establish the justification for subjecting an offender to a special sentencing regime based on the need for public protection. Accordingly, these are matters that the Crown should properly bear the onus of proving on the standard of proof beyond a reasonable doubt.

[53] By way of contrast, the third criterion in s. 753.1 is not a justification for subjecting an offender to the long-term offender sentencing regime. Rather, it appears to be aimed solely at addressing whether the offender qualifies for a long-term offender designation as opposed to the more onerous dangerous offender designation. Importantly, as with the dangerous offender provisions, the long-term offender provisions give a sentencing judge a residual discretion to forego the more onerous designation where a lesser sanction would be sufficient to protect the public from the risk the offender presents.

While the offender's submission will be expected to play a significant part in the courts considerations, more than an expression of hope is needed: ***R. v. Haug***, 2008 SKCA 23 (CanLII), para. 89; ***R. v. Allen***, 2007 ONCA 421 (CanLII), para. 31; ***R. c. Boyer***, 2006 QCCA 1091 (CanLII), para. 57-62. For example, where the most favourable prognostication from an offender's perspective is that there is chance that the public will be protected adequately if the accused accepts responsibility, if he is remorseful, if he is able to come to terms with the underlying addictions fuelling his behaviour, if he commits himself to a course of treatment, if that treatment is properly delivered and if it is of assistance to the offender, it cannot be said that there is a reasonable possibility of eventual control of the risk in the community (***R. v. Poutsoungas*** (1989), 49 C.C.C. (3d) 388 (Ont.C.A.)).

In ***R. v. J.S.M.***, 2003 BCCA 66, the court emphasized that the primary purpose of the high-risk offenders measures, which is to provide protection to the public, cannot be achieved if all that is required to conclude that long-term supervision offers a reasonable possibility of control is a mere possibility that the threat he or she poses can be reduced to an acceptable level. The purpose of the legislation itself requires that emphasis be placed on the

reasonableness of the possibility of control: ***R. v. Pedden***, 2005 BCCA 121 (CanLII) at para.30. Reference on this issue may also be made to ***R. v. Stuckless***, 1998 CanLII 7143 (ON C.A.) and ***R. v. Ryan***, 2004 NLCA 2 (CanLII) where it was emphasized that the legislation requires that there be a reasonable possibility of risk control. See also ***R. v. Payne***, 2001 CanLII 28422 (ON S.C.), where Hill, J. held that while "control of the risk" does not entail elimination of the threat, there must be a realistic prospect of management of that risk in the community, or control of the threat posed by an offender within tolerable limits.

2.1.25 What happens if an offender is not found to be dangerous offender?

S. 753(5)(a) set outs two options for what can happen if the court finds that the offender does not meet either set of dangerous offender criteria. First, it can effectively end all consideration of the dangerous offender application and proceed to sentence the offender for the offence for which he/she was convicted.

Alternatively, the court can "… treat the application as an application to find the offender to be a long-term offender, section 753.1 applies to the application and the court may either find that the offender is a long-term offender or hold another hearing for that purpose." If this option is followed, the long-term offender provisions come into play. Those provisions are described in detail in Section 3 of this document, beginning at page 45.

2.1.26 Are appellate remedies available in dangerous offender cases?

S. 759 provides for appeals against dangerous offender and long-term offender decisions. An offender who is found to be a dangerous or a long-term offender may appeal from a decision on any ground of law or fact, or mixed law and fact. The Attorney General can appeal only on a question of law.

2.1.27 Where do dangerous offenders sentenced to indeterminate detention serve their sentences?

Dangerous offenders who receive indeterminate sentences are detained in federal penitentiaries.

Like other federal offenders, when first admitted to the penitentiary, dangerous offenders undergo an intake assessment. The process is a multi-disciplinary approach that involves input from the courts, police and other community agencies, as well as assessments by CSC personnel. In the case of a dangerous offender, s. 760 requires that the court provide the Correctional Services of Canada with:

- copies of all the reports and testimony given by experts:
- "any observations of the court with respect to the reasons for the finding;" and

- a transcript of the offender's trial.

The admission assessment's immediate objectives are to establish the offender's custody level and to develop an individualized correctional plan that is designed to prepare them for eventual release. The plan outlines the offender's programming needs, short- and long-term goals, and a list of the program interventions that are most likely to address the offender's needs. Once these are known, the offender is placed in an appropriate penitentiary.

The penitentiary placement decision is controlled by regulation and takes into consideration factors such as:

- the safety of the public, the offender and other persons in the penitentiary;
- use of the least restrictive environment required to protect the public;
- the offender's individual security classification;
- the security level of the receiving institution;
- accessibility to the offender's home community and family;
- the cultural and linguistic environment best suited to the offender;
- the family and community relationships of the offender;
- the availability of appropriate programs and services to meet the offender's needs; and
- the offender's willingness to participate in programs.

During incarceration, dangerous offenders, like other offenders, are encouraged to attend programs to address personal problems such as substance abuse or sexual deviance. They are also offered opportunities for meaningful work and participation in programs designed to target skill deficits and encourage personal growth.

2.1.28 Where do dangerous offenders not sentenced to indeterminate terms serve their sentence?

Dangerous offenders who receive determinate terms, with or without the addition of long-term supervision, are detained in either federal penitentiaries or provincial correctional institutions, depending on the length of the sentence and the credit granted for "time served." If the "net" sentence is two years or more, they will be sent to a federal facility. Dangerous offenders who, as a result of credit for pre-sentence custody served, receive a sentence which results in less than 2 years imprisonment, normally serve that fixed term in a provincial correctional centre. In either case, the offender is eligible for parole and other forms of conditional release in accordance with the applicable feral or provincial correctional system.

2.1.29 Can dangerous offenders sentenced to indeterminate detention be released on parole?

Dangerous offenders become eligible for full parole seven years from the date their custody commenced and they become eligible for day parole four years after that date. Indeed, the possibility of a conditional release is an essential policy and constitutional component of the concept of preventative detention.[25]

S. 761 assigns the National Parole Board (NPB) the responsibility of reviewing the case of every dangerous offender as soon as they first become eligible for parole and at least every two years thereafter.[26] The reviews are done "… for the purpose of determining whether [the dangerous offender] should be granted parole under Part II of the *Corrections and Conditional Release Act* and, if so, on what conditions."

In addition to parole, dangerous offenders are eligible for unescorted temporary absence passes and day parole three years before their full parole eligibility date. Again, the National Parole Board is the body authorized to grant these forms of conditional release.

The National Parole Board's review and decision-making processes for dangerous offenders are the same as those for other federal offenders. As such, the protection of the public is the primary concern in any release decision. The factors that the Board considers in making these decisions include:

- the offender's background and criminal history;
- the circumstances surrounding the offender's crimes;
- the offender's behaviour within prison;
- whether the offender has taken advantage of treatment and other programming opportunities while incarcerated and the outcomes reported from those treatment programs;
- changes in the offender's thinking and behaviour while in prison; and
- the nature and feasibility of the offender's release plans.

Conditional release for dangerous offenders is a gradual process that generally begins after many years of incarceration. It typically begins with a number of escorted and then unescorted temporary absences. If these releases proceed without incident and other aspects of the offender's performance, behaviour and planning continue on a positive arc, the offender will move on to day parole and finally full parole.

The Correctional Service of Canada (CSC) supervises offenders released on temporary absences, day parole and parole and those offenders must obey standard release conditions, as well as any special conditions imposed by the National Parole Board to address offender-specific risk factors. If an offender violates these conditions, or if other aspects of their behaviour indicate an

increase in risk, CSC can have them returned to custody where their cases are reviewed by the Board to decide whether their conditional release should be continued or revoked.

The standard release conditions, which apply to all conditional releases, are set out in s. 161 (1) of the *Corrections and Conditional Release Regulations*. Generally, they require that the offender report to a parole officer and remain within certain geographic boundaries, and to keep their parole supervisor apprised of their activities and whereabouts. The standard release conditions are presented in **Appendix D.**

S. 133 (3) of the Corrections and Conditional Release Act authorizes the National Parole Board to impose additional, special release conditions that are "… reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender." Typically, the special conditions relate to factors that have contributed to the offender's criminal behaviour. For example, these conditions might prohibit the consumption of alcohol or drugs, prohibit any association with particular individuals, require attendance at counselling or treatment programs, or prohibit unsupervised contact with children or people the offender had victimized in the past.

2.1.30 What happens if a dangerous offender on parole breaches the release conditions?

If it becomes known that the offender has breached a release condition or for other reasons may be at greater risk of re-offending, the CSC officials responsible for the offender's supervision initiate a review process. The overall structure and content of the review are set out in ***Commissioner's Directive 715-3: Post-Release Decision Process***.[27] The process, which may include interviews with the offender, looks at a range of case-specific factors to help determine what action should be taken (See Display 9). The community-based intervention options include:

- additional treatment or programming to address dynamic risk factors;
- additional control measures to manage risk (e.g., increased reporting, increased urinalysis, community-based residential facility admission, curfews, etc.);
- a disciplinary interview;
- directions and special instructions; and/or
- amendments to special conditions.

If, however, the assessment concludes that the risk posed by the offender is not manageable in the community, CSC authorities will suspend the offender's parole and issue a warrant of apprehension. Once the offender is in custody, CSC again reviews the case to decide whether they will cancel the suspension or refer the matter to the National Parole Board with a recommendation that the parole be revoked.

When it receives a suspension-revocation referral, the National Parole Board reviews the case to determine whether to revoke the dangerous offender's parole or cancel the suspension under s. 135 of the *Corrections and Conditional Release Act*.

If National Parole Board revokes the parole of a dangerous offender sentenced to indeterminate detention, the dangerous offender is returned to the penitentiary where the Board will continue to review their case every two years to consider whether a release on parole is warranted.

Display 9: Post-Release Decision Process Risk Assessment Framework

Following an offender's violation of a condition or an increase in the level of risk, the following factors, where applicable, will be taken into consideration when conducting case conferences.

Review of Critical Risk Factors

a. Current risk to re-offend, including existence of high risk situations/triggers
b. Offence cycle
c. Existence of behavioural patterns in the institution related to the offence cycle
d. NPB decisions and any applicable comments
e. Actuarial/clinical measures of risk and any other information from psychological, psychiatric or supplementary assessments
f. Mental health issues and current risk of suicide

Circumstances of the Violation/Increase in Risk

a. Nature of the violation/increase in risk and its relationship to the offence cycle
b. Existence of a pattern of similar violations during the supervision period
c. Police and preventive security information regarding the violation/increase in risk
d. Intoxicant type, the severity of the addiction and its relationship to the offence cycle
e. Victim concerns

Progress under Supervision

a. Progress against case specific dynamic factors
b. Length of time and level of stability in the community
c. Information from collateral sources with special attention to recent breakdown of relationships and domestic problems with particular attention to family violence
d. Previous response to interventions
e. Demonstrated ability to manage offence cycle
f. Recommendations from supervision team members, e.g., Psychologist, Psychiatrist, community-based residential facility, program facilitators,

Display 9: Post-Release Decision Process Risk Assessment Framework

police, etc.

g. History of substance abuse, type of intoxicant and its link to violent behaviour

h. Take into consideration an offender's Aboriginal Social History when assessing progress.

Strategies to Manage Risk

a. Availability and suitability of additional treatment or programming to address dynamic risk factors

b. Availability and suitability of additional control measures to manage risk, e.g., increased reporting, increased urinalysis, community-based residential facility admission, curfews, etc.

c. Availability of support systems including family members, friends, employers and volunteers to assist the offender's reintegration efforts

Source: *Commissioner's Directive 715-3: Post-Release Decision Process*, Correctional Service of Canada, June 16, 2008.

2.1.31 What happens if a dangerous offender is convicted of a new offence?

If a dangerous offender is convicted of a new serious personal injury offence or of breach of a long-term supervision order, the prosecution can apply to have the sentencing court remand the offender for an assessment: **s. 753.01**. Once demand order is made, sentencing will proceed on the basis that the offender has already been designated a dangerous offender. The sentencing proceedings, therefore, will focus on determining the appropriate dangerous offender sentence in the circumstances.

- a determinate sentence only;
- an indeterminate sentence; or
- a determinate sentence plus a period of long-term supervision;

If, for example, the dangerous offender had been sentenced to indeterminate detention originally and committed the new offence while on parole, the prosecution could decide that a regular sentence would be sufficient.

However, in other circumstances it could be necessary to seek a more onerous intervention. By way of example, if the dangerous offender had committed the new offence while serving sentence determinate sentence or under long-term supervision, the prosecution would likely want to seek an indeterminate sentence. In these circumstances, the prosecution would make an application to have the dangerous offender remanded for an assessment by experts(s) designated by the court. Once the experts have filed their assessment report, the prosecutor can:

- apply to have the dangerous offender sentenced to indeterminate detention; or

- apply to have the court place the dangerous offender under long-term supervision in addition to the sentence for the new offence. (Note: The periods of long-term supervision to which an offender is subject at any particular time cannot exceed 10 years: **s. 755(2).**)

In either case, the prosecution must, in accordance with **s. 754(1)**, give the offender and the court notice outlining the basis upon the application is founded and obtain the consent of the Attorney General. The sentencing hearing would be similar to the original dangerous offender hearing involving the calling of evidence, including the evidence of recent parole supervisors and experts. It should be noted that the does not need to recall victims who gave testimony at the dangerous offender hearing as the original evidence will be admissible for this hearing: **s. 753.02**.

Note: The periods of long-term supervision to which an offender is subject at any particular time must not total more than 10 years: **s. 755(2).**

If the prosecution applies for indeterminate detention, the court is required to impose that sentence unless it is satisfied that there is "... a reasonable expectation that a sentence for the offence for which the offender has been convicted — with or without a new period of long-term supervision — will adequately protect the public against the commission by the offender of murder or a serious personal injury offence."

If the prosecution applies to have the court place the dangerous offender under long-term supervision in addition the sentence for the new offence, the court is required to make the order unless it is satisfied that there is "… a reasonable expectation that the sentence alone will adequately protect the public against the commission by the offender of murder or a serious personal injury offence."

Endnotes

[11] Alberta Justice. *Crown Prosecutors' Policy Manual*. Practice Memorandum: High Risk Offender Tracking and Dangerous Offender- Long-Term Offender Applications. May 20, 2008. (Source: **www.justice.gov.ab.ca/publications/Default.aspx?id=5687**)

[12] Prior to July 2008, the courts had discretion whether to remand offenders for an assessment, but *The Tackling Violent Crime Act* amended s.752.1(1) to remove the court's discretion when the statutory conditions are met.

[13] The 1977 dangerous offender legislation required that assessments be done by two psychiatrists, one for the defence and one for the prosecution. In 1997, the Code was amended to allow the court to appoint appropriate experts to do a single

assessment for the court. The expert might be psychiatrists, but can be other mental health or correctional experts.

[14] Note: There may be scope for the court to extend the time available for a dangerous offender assessment beyond the limits set out in legislation: ***R. v. Howdle*, 2004 SKCA 39 (CanLII)**, leave to appeal to Supreme Court of Canada dismissed ; **R. *c. Lavoie*, 2008 QCCQ 7572 (CanLII)**.

[15] Quinsey, V.L., Harris, G.T., Rice, M.E., & Cormier, C.A. (2006). Violent offenders: Appraising and managing risk (Second Edition). Washington, DC: American Psychological Association.

[16] Ibid.

[17] Hanson, RK. The development of a brief actuarial risk scale for sexual offense recidivism (user report 97-04). Ottawa: Department of the Solicitor General; 1997.

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[21] Hanson, R. K., & Thornton, D. (2003). *Notes on the development of the Static-2002 (User Report No. 2003-01)*. Ottawa, ON: Solicitor General Canada.

[22] Hanson R.K., Harris A. (2000) *The Sex Offender Need Assessment Rating (SONAR): A Method for Measuring Change in Risk Levels*. Corrections Research Department, the Solicitor General of Canada.

[23] Hanson R.K, Harris A.J, Scott T.L & Helmus L. (2007) *Assessing the risk of sexual offenders on community supervision: The Dynamic Supervision Project,* Public Safety Canada

[24] Hare, R. D. (2003). *The Psychopathy Checklist—Revised, 2nd Edition*. Toronto: Multi-Health Systems.

[25] The Supreme Court held that Part XXIV did not contravene Section 12 of the Charter, which states that everyone has the right not to be subjected to any cruel or unusual treatment or punishment. The court found that an indeterminate sentence under the dangerous offender provisions does not amount to cruel and unusual punishment, in part because the availability of parole ensures that incarceration is imposed only for as long as the circumstances of that individual case require. D R. v. Lyons [1987] 2 S.C.R. 309

[26] The National Parole Board is required to complete annual reviews of the cases of habitual criminal and dangerous sexual offenders sentenced to indeterminate detention before 1977.

[27] Copies of Commissioner's Directives are published on the Correctional Service of Canada website: **http://www.csc-scc.gc.ca/text/plcy/toccd-eng.shtml**

3 Long-term Offender Designation

Part XXIV of the Criminal Code includes provisions designed to help the criminal justice system respond to high-risk offenders who do not meet the dangerous offender criteria but still represent a threat that justifies a preventative intervention. Like the dangerous offenders process, the long-term offender process must be launched after the offender is convicted but before he/she is sentenced.

Briefly, a court can declare that an offender is a long-term offender if it is satisfied that three conditions are met:

1. the offender should be sentenced to at least two years imprisonment:
2. there is a significant risk that the offender will reoffend causing death, serious injury or other harm: and
3. there is a reasonable possibility that the risk can controlled in the community.

When an offender is designated a long-term offender, the court must:

- impose a sentence of imprisonment for a minimum of two years, taking into account any credit for time served, for the offence; and
- place the offender under long-term supervision for up to 10 years beginning after he/she has fully served the prison sentence for the offence, as well as any prison sentence imposed for other offences.

Offenders under long-term supervision orders are supervised by Correctional Service of Canada officials and must abide by conditions established under the *Corrections and Conditional Release Act*. If the offender breaches a long-term supervision condition, he/she can be suspended and detained for up to 90 days and, ultimately, can be charged with a breach, an indictable offence punishable by up to 10 years in prison.

The following questions and answers provide an overview of the long-term-offender regime and some detail concerning key processes and issues of interest to criminal justice officials who might be dealing with a high-risk offender or offenders.

3.1.1 How are potential long-term offenders identified?

Normally, prosecutors have the responsibility of identifying whether a particular offender should be the target of a long-term offender application. This may happen as early as the investigation leading to the charges or only after the conviction. Often this screening process is assisted by local or provincial high-risk offender strategies that help the police and prosecution monitor high-risk offender cases to identify opportunities for intervention. Tools such as the **National Flagging System for High-Risk Offenders** also support these activities.

Once a potential target has been identified, the prosecution will review the case to assess whether:

- the offender meets the long-term offender criteria; and
- the public would be adequately protected by a regular determinate sentence.

The prosecution's examination of these issues normally takes place at the same time, looking at the same factors, as an examination of whether the offender would be an appropriate target for a dangerous offender application. Display 4, at page 16 of this document, identifies some of the factors that are considered by prosecutors and, by extension, the kinds of information that investigators would gather to support decision-making and, later, the Crown's arguments at a hearing.

3.1.2 When can the prosecution launch the long-term offender process?

The decision to pursue a dangerous offender or a long-term offender designation will normally be made before trial. The formal process, however, cannot be started until after the offender has been convicted.

3.1.3 What are the most important steps in the beginning of long-term offender process?

The steps and procedures involved in the long-term offender application and hearing process are, in general, the same as those used for a dangerous offender application Please refer to the following sections of this guide:

- **2.1.4 What is the prosecutor's "duty to advise"?** Page 17
- **2.1.5 What role do police play in the dangerous offender process?** Page 19
- **2.1.7 How is the dangerous offender process started?** Page 21
- **2.1.8 Who does the assessment?** Page 21
- **2.1.9 How long does it take to get the assessment?** Page 22
- **2.1.10 What is involved in an assessment?** Page 22
- **2.1.11 Is either the prosecution or the court bound to accept the expert's conclusions?** Page 24
- **2.1.12 What must happen before a dangerous offender application can be heard?** Page 25

3.1.4 What criteria must be met to find that someone is a long-term offender?

Four criteria must be met before the sentencing court can conclude that an offender is a long-term offender:

1) the offender must have been convicted of a "**serious personal injury offence**" or one of the "substantial risk" offences listed in **s. 753.1(2)(a)**, see **Display 10**.

More importantly, s. 753.1(1) states the court may find that an individual is a long-term offender only when it is satisfied that:

2) it would be appropriate to impose a prison sentence of two or more years for the current offence;

3) there is a "substantial risk that the offender will re-offend;" and

4) there is a "reasonable possibility of eventual control" of that risk while the offender is in the community.

Display 10: "Substantial Risk" Offences, paragraph 753.1(2)(a)

151	sexual interference
152	invitation to sexual touching
153	sexual exploitation
163.1(2)	making child pornography
163.1(3)	distribution etc. of child pornography
163.1(4)	possession of child pornography □
163.1(4.1)	accessing child pornography □
172.1	luring child
173(2)	Exposure
271	sexual assault
272	sexual assault with weapon threats to third party or causing bodily harm
273	aggravated sexual assault
Other	engaged in serious conduct of a sexual nature in the commission of another offence of which the offender has been convicted;

□ This offence that would not qualify as a "serious personal injury offence" because it carries a maximum sentence of less than 10 years

3.1.5 Does the long-term offender designation apply only to sexual offenders?

The question of whether the long-term offender provisions apply only to offenders convicted of a sex offence identified in **s. 753.1(2)(a)**, or whether they extend to offenders convicted of any serious personal injury offence has been addressed by a number of appeal courts. The provisions apply to offenders convicted of either a listed sexual offence or a serious personal injury offence.

In ***R. v. McLeod***, 1999 BCCA 347 (CanLII), the BC Court of Appeal dismissed the offender's submission that the sentencing judge had erred in finding him to be a long-term offender because he had not been convicted of a sexual offence listed in s. 753.1(2)(a). In her analysis, Madam Justice Prowse wrote:

[26] In my view, the meaning of 753.1 is straightforward, whether read separately or in the larger context of Part XXIV of the Code. It provides that a court may find an offender to be a long-term offender if the three conditions set out in s-ss. 753.1(1)(a) to (c) are met:

> *(a) it would be appropriate to impose a sentence of imprisonment of two years or more for the offence for which the offender has been convicted;*
>
> *(b) there is a substantial risk that the offender will reoffend; and*
>
> *(c) there is a reasonable possibility of eventual control of the risk in the community.*

Subsection 753.1(2)(a) simply provides that the court must find ("shall be satisfied") that there is a substantial risk the offender will reoffend if the conditions set out in that subsection are met. One of those conditions is that the offender has been convicted of the sexual offences set out in that subsection (which include sexual offences of a less serious nature than those caught within the definition of "serious personal injury offence" in s. 752). Thus, if an offender is convicted of one of the sexual offences delineated in s. 753.1(2)(a), the court must find that there is a substantial risk that the offender will reoffend; that is, that the second condition in s. 753.1(1)(b) has been met. Before the court can designate the offender a long-term offender, however, the court must still determine whether the other two conditions in s. 753.1(1)(a) and (c) have been satisfied.

More recently, the Nova Scotia Court of Appeal considered the same issue in ***R. v. McLean***, 2009 NSCA 1 (CanLII) and wrote:

*[16] In **R. v. Weasel**, 2003 SKCA 131 (CanLII), [2003] S.J. No. 854 (C.A.) (Q.L.); (2004), 181 C.C.C. (3d) 358 where the predicate offences were assault causing bodily harm and common assault, Cameron, J.A., writing for the Court, expanded upon the analysis in R. v. MacLeod, supra, reached the same conclusion and succinctly stated the result:*

> *56 . . . we are of the opinion s. 753.1 extends to an offender convicted of either a serious personal injury offence, as defined in section 752, or an offence referred to in s. 753.1(2)(a). That being so, s-s. (2) is to not to be seen as defining the term "substantial risk" appearing in s. 753.1. Rather, it is to be seen as creating a conclusive presumption of "substantial risk" in those circumstances to which paragraphs (a) and (b) of the subsection are addressed, leaving the issue of such risk in other circumstances to be determined without the aid of the presumption.*

(See also R. v. K.R.S., [2004] S.J. No. 591 (Q.L.)(C.A.).

*[17] I would agree with this interpretation as do all other provincial appellate courts that have considered this issue (see, for example,[**D.D. c. R.**, 2006 QCCA 1323 (CanLII)] (predicate offence - attempted murder)). In R. v. Nash, [2002] O.J. No. 3394 (Q.L.)(Ont. C.A.) the long-term offender designation (made pursuant to s.753.1(1)) was upheld on appeal in relation to an appellant who had been convicted of assault, assault with a weapon, threatening death, unlawful confinement and breach of undertaking. In **R. v. Nikolovski**, [2005 CanLII 3328] (Ont. C.A.) the long-term offender designation was upheld where the predicate offence was bank robbery.*

3.1.6 What factors are relevant to determining whether there is a substantial risk to reoffend?

S. 753.1(2) states that the court "… shall be satisfied that there is a substantial risk if the offender has been convicted of an offence listed in paragraph (a) and meets one of the criteria identified in paragraph (b):

(i) has shown a pattern of repetitive behaviour, of which the offence for which he or she has been convicted forms a part, that shows a likelihood of the offender's causing death or injury to other persons or inflicting severe psychological damage on other persons, or

(ii) by conduct in any sexual matter including that involved in the commission of the offence for which the offender has been convicted, has shown a likelihood of causing injury, pain or other evil to other persons in the future through similar offences.

The current consensus of opinion is that s.753.1(2) does not define "substantial risk," but creates a presumption that if an offender meets the conditions the court must be satisfied that there is a substantial risk. On the other hand, the court may conclude that it is satisfied that there is a substantial risk based on factors and considerations other than those referenced in s. 753.1(2): ***R. v. Weasel***, 2003 SKCA 131 (CanLII); ***D.D. c. R.***, 2006 QCCA 1323 (CanLII); ***R. v. McLean***, 2009 NSCA 1.

3.1.7 What factors are relevant to whether there is a reasonable possibility of eventual control of the risk in the community?

The legislation does not identify the factors that are relevant to determining whether there is a reasonable possibility of eventual control of the risk posed by the offender. It appears, however, that the factors here would be the same as those that are examined by the court in assessing whether a "lesser measure" will be adequate to protect the public in a dangerous offender case. (See **Display 8**, at page 32 of this document).

Certainly, the programs that are available and the levels of supervision that can be provided to an offender under a long-term supervision order will be

relevant to the question of whether eventual control is possible. For this reason, during a long-term offender hearing, the prosecution will consider leading evidence as to the resources and programs available to supervise and treat offenders:

- during custodial portion of a determinate sentence;
- during the period of long-term supervision; and
- after the long-term supervision has been completed.

In some long-term offender applications, it has been suggested that a condition of long-term supervision requiring an offender to take anti-libidinal medication may reduce risk to an acceptable level. The imposition of terms of this kind raises complex legal and medical ethics issues for the National Parole Board. The prosecution should be aware that the National Parole Board does not impose conditions requiring offenders to take a particular medication. Rather, the Board would impose conditions such as:

- Follow psychiatric counselling, to be arranged by the offender's supervisor and as specified by the offender's clinician;
- Follow a treatment plan, to be arranged by the offender's supervisor and as specified by the offender's clinician;
- Take prescribed medication, as directed by the offender's clinician.

In the result, The prosecution should be prepared to lead evidence on the hearing as to the policy and practice of the National Parole Board with respect to conditions of this kind.

If proposals for the use of anti-libidinal medication, the prosecution should also explore whether there is valid and reliable research that demonstrates its effectiveness in reducing sexual recidivism. It should be borne in mind that sex drive is only one of many factors that may contribute to sexual offending. In addition, the prosecution should consider leading evidence as to the side effects, voluntary compliance rates and ethics of requiring offenders to take particular kinds of medication.

These issues are illustrated by the British Columbia Court of Appeal's decision in ***R. v. J.S.M,*** 2003 B.C.C.A. 66. J.S.M., a Crown appeal from the dismissal of a dangerous offender application. In allowing the appeal and directing a new hearing, the Court of Appeal found that the offender's assurance that he was willing to complete "chemical castration treatment" was given without knowing the side effects and without any firm evidentiary basis for concluding that the treatment would work. Relying upon ***R. v. Poutsoungas*** (1989), 49 C.C.C. (3d) 388 (Ont.C.A.), the court found that the trial judge's decision to declare J.S.M. a long-term rather than dangerous offender based on his own assurance, "was dependent on so many contingencies as to be little more than an expression of hope rather than a finding from the evidence that could reasonably serve as a basis for such a serious disposition." It should be noted that at the time of the re-hearing, the offender had voluntarily received bi-

weekly injections of a hormonal drug designed to reduce sex drive for just over one year. He reported few side effects. This was a factor in the sentencing court concluding that there was now a reasonable possibility that his risk could be reduced to an acceptable level in the community. See also: ***R. v. Angers***, 2004 BCCA 553 (CanLII) where a dangerous offender finding was upheld notwithstanding that the offender was taking mediation known to reduce sex drive and was reporting an 80% reduction in his deviant sexual fantasies; and ***R. v. Noyes*** (1991), 1 BCAC 81 at para. 66.

3.1.8 Who bears the onus of establishing a reasonable possibility of eventual control of the risk in the community?

It would appear that neither party has a specific burden of reasonability for establishing the possibility of eventual control. For example, in ***R. v. Moosomin***, 2008 SKCA 168 (CanLII), the Saskatchewan Court of Appeal addressed the burden of proof question as follows:

> *[40] This Court adopts the reasoning of the other appellate courts in Canada. There can be no burden of proof on the Crown to negate the third criterion contained in s. 753.1 in the way in which the burden of proof is usually conceived. Section 753.1 places an obligation upon the sentencing judge to be satisfied on the basis of all the evidence that "there is a reasonable possibility of eventual control" of the offender's risk "in the community."*
>
> *This is not a question of satisfaction based on proof beyond a reasonable doubt or any other standard of proof. Practical considerations will play a role in motivating both the Crown and the defence in these kinds of proceedings. It will be advantageous to the Crown, as well as the defence, to provide whatever evidence will assist the court in determining whether the offender's risk in the community can be managed to an acceptable level.*

The Ontario Court of Appeal arrived at the same conclusion in ***R. v. F.E.D.***, 2007 ONCA 246 (CanLII):

> *[51] In the context of a stand-alone long-term offender application, the language of the statute appears to suggest a burden on the Crown to prove affirmatively that there is a reasonable prospect of eventual control of the offender in the community: e.g. see **R. v. Currie**, 1997 CanLII 347 (S.C.C.), [1997] 2 S.C.R. 260 and R. v. Guilford (1999), 44 W.C.B. (2d) 523 (Ont. S.C.J.). However, in my view, the requirement in s. 753.1 that there be a reasonable possibility of eventual control of the risk the offender presents in the community is of a different character than the first two criteria in that section and I do not agree that it is necessary to approach this criterion as imposing a burden of proof.*

[52] The first two criteria in s. 753.1 are similar to the criteria in the dangerous offender provisions. They speak to the level of risk the offender is likely to pose in the future having regard to the offender's past conduct. They also establish the justification for subjecting an offender to a special sentencing regime based on the need for public protection. Accordingly, these are matters that the Crown should properly bear the onus of proving on the standard of proof beyond a reasonable doubt.

[53] By way of contrast, the third criterion in s. 753.1 is not a justification for subjecting an offender to the long-term offender sentencing regime. Rather, it appears to be aimed solely at addressing whether the offender qualifies for a long-term offender designation as opposed to the more onerous dangerous offender designation. Importantly, as with the dangerous offender provisions, the long-term offender provisions give a sentencing judge a residual discretion to forego the more onerous designation where a lesser sanction would be sufficient to protect the public from the risk the offender presents.

3.1.9 What sentence is imposed on long-term offenders?

S. 753.1(3) stipulates that when it finds that an offender is a long-term offender, the court must:

- sentence the offender to two or more years imprisonment for the current offence or offences ; and
- place the offender under "long-term supervision" that begins after the prison sentence, including any period of parole or statutory release are fully served and lasts no more than 10 years.

Note: The actual sentence imposed on the offender may be less than two years, so long as the sentence plus any credit given for time served total two years or more: ***R. v. Quinto***, 2006 SKCA 100 (CanLII); ***R. v. M.B.H.***, 2004 CanLII 14199 (ON C.A.); ***R. v. W. (H.P.)***, 2001 ABCA 224 (CanLII)

3.1.10 Must the period of supervision be taken into account in determining the appropriate term of imprisonment?

This question was addressed by the Supreme Court of Canada in ***R. v. L.M.***, 2008 SCC 31 (CanLII):

The sentencing judge must not take the period of supervision of the accused in the community as a long-term offender into account when determining the acceptable length of his or her incarceration. Even though a judge determining the length of a sentence of imprisonment will also receive the application to find the offender to be a long-term offender before passing sentence, it is important to

> *remain faithful to the conceptual distinction between sentencing and the imposition of a supervision period. A judge who confuses these two processes risks straying from the normative principles and the objectives of sentencing. The principal objective of a prison sentence is punishment, although a number of factors are considered in determining its length, including the gravity of the offence, the degree of responsibility of the offender, the parity principle and the possibility of imposing a less restrictive sanction. In contrast, the objectives of the supervision of an offender are to ensure that the offender does not reoffend and to protect the public during a period of supervised reintegration into society; the length of this period of supervision is based on an offender's criminal past and on the likelihood that he or she will reoffend.* (Page 4)

While it is inappropriate in a regular sentencing proceeding to impose a sentence solely based on the treatment needs of the offender, this principle arguably applies with less force to the sentencing of long-term offenders where the predominant purpose of the proceeding is the protection of the public. ***R. v. S.J.D.***, 2004 BCCA 78 addressed this issue in the context of a sentencing proceeding for the offence of failing to comply with the terms of a long-term supervision order contrary to s. 753.3 of the Code. Speaking for the Court, Smith J.A. said this:

> *[40] Since public protection is the dominant purpose of the dangerous offender and long-term offender provisions of the Code, rehabilitation, deterrence, and retribution assume relatively less importance as discrete sentencing objectives under s. 753.3 than prevention of recidivism: see, for example,* [***R. v. Lyons***, 1987 CanLII 25 (S.C.C.)] [***R. v. Payne***, 2001 CanLII 28422 (ON S.C.)]*; and* [***R. v. W.(H.P.)***, 2003 ABCA 131 (CanLII)].
>
> *[41] However, rehabilitation and effective risk management in the community serve the goal of public protection to the extent that they forestall recidivism by long-term offenders. Accordingly, treatment needs are an appropriate consideration in sentencing for breach of a long-term supervision order.*
>
> *[42] …It was not an error in these circumstances for [the sentencing judge] to conclude that a term of imprisonment of sufficient length to permit treatment of the appellant was in accordance with principles and objectives of sentencing under s. 753.3.*

These remarks, though made in the context of sentencing for breach of a long-term supervision order, may also be applicable to the imposition of a fixed-term sentence for long-term offenders. If, for example, the evidence is unequivocal that treatment of an offender and the protection of the public can best be achieved through the imposition of a federal length sentence so that advantage may be taken of federally available programs (or programs

which take longer to complete) this may be a factor in the determination of the length of the custodial term.

3.1.11 Are appellate remedies available in long-term offender cases?

S. 759 provides for appeals against dangerous offender and long-term offender decisions. An offender who is found to be a dangerous or a long-term offender may appeal from a decision on any ground of law or fact, or mixed law and fact. The Attorney General can appeal only on a question of law.

3.1.12 What is long-term supervision?

Long-term supervision is the preventative part of the sentence that is imposed on long-term offenders and certain dangerous offenders. A period of long-term supervision is always proceeded by a prison sentence of two or more years taking into account any credit for time served. The Correctional Service of Canada supervises all offenders in the community under a long-term supervision order, including any that may have served their prison sentence in a provincial facility because the time served credit reduced their effective sentence to less than two years.

3.1.13 What conditions are placed on offenders under long-term supervision orders?

The conditions imposed on offenders under long-term supervision orders are governed by the *Corrections and Conditional Release Act*. The sentencing court can suggest or recommend conditions, but cannot impose them.

The **standard long-term supervision conditions**, which are also the standard parole conditions, are set out in s. 161 of the *Corrections and Conditional Release Regulations*: Appendix F:: Standard Release Conditions**.** Generally, they require that offender:

- report to a parole supervisor on a scheduled basis;
- report to the police as required by the parole supervisor;
- remain within the territorial boundaries fixed by the parole supervisor;
- obey the law and keep the peace;
- inform the parole supervisor immediately on arrest or on being questioned by the police; and
- advise the parole supervisor of any change of residence, employment and related activities, and domestic or financial situation.

In addition, s. 134.1(2) of the *Corrections and Conditional Release Act* authorizes the National Parole Board to impose what are commonly referred to as special conditions: conditions that are "… reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender." [28] The Board's policy is that:

> *Exceptional care must be taken in writing and imposing special conditions on these offenders to ensure they are clear, reasonable and enforceable, and specific to those characteristics and behaviours of the offender which could lead to substantial risk to the community* […]. [29]

The process of developing and imposing special conditions is initiated by CSC officers who identify the need during the planning that precedes a period of long-term supervision, or during the reviews and assessments that are part of the community supervision process. Where CSC sees a requirement for such conditions, it submits its recommendations and supporting arguments to the National Parole Board for its review and decision.

3.1.14 Can an offender under long-term supervision be placed in a residence designed for offenders?

Yes, in very specific circumstances. The National Parole Board can impose a special condition requiring the offender to reside in a federal community-based residential facility if it decides it is needed to protect public safety. Given the restrictive nature of this condition, the Board will only impose a residential condition after a hearing attended by the offender. Residency conditions expire after 180 days, unless the Board renews the condition after a formal review.

The use of a condition to reside is restricted to circumstances where it is the only alternative short of returning the offender to secure custody and/or recommending that a criminal charge of breaching a long-term supervision order be laid. In order to obtain a condition to reside the Correction Service of Canada must present the National Parole Board with evidence that will enable the Board members to form the conclusion that the offender presents a substantial risk of committing serious harm or injury without the imposition of a residency condition.

3.1.15 Can the National Parole Board impose conditions requiring the offender to participate in treatment?

Yes! Although the National Parole Board will not impose a condition requiring the offender to take a specific treatment, such as sex drive reduction medication, it does impose conditions that require that the offender "follow psychiatric counselling." If the treatment plan includes a prescription for specific medication, the Correctional Service of Canada may interpret the offender's refusal to take the medication as a breach of the long-term supervision conditions.

In ***R. v. Payne***, 2001 CanLII 28422 (ON S.C.), Hill J. held that:

> *An offender on conditional release by way of a long-term supervision order may be compelled by a term of the order to undertake*

treatment and related pharmaceutical intervention where essential to management of the accused's risk of re-offending. In other words, the offender's consent to such a condition is not required. Should the offender breach terms of the order respecting treatment or medication, he or she is subject to apprehension with suspension of the order pursuant to s. 135.1 of the Act [the Corrections and Conditional Release Act or to arrest and prosecution pursuant to s.753.3(1) of the Code. The entire object of the long-term offender regime would be undermined by providing the offender the ability to defeat risk management. Accordingly, mandatory treatment and medication conditions in an order are a proportionate response to protecting the public from a person who, by definition, is a substantial risk to re-offend.

This reasoning was adopted by the British Columbia Court of Appeal in ***R. v. Goodwin***, 2002 BCCA 513 (CanLII).

In ***Deacon v. Canada (Attorney General) (F.C.A.)***, 2006 FCA 265 (CanLII), the offender challenged a condition of his long-term supervision order requiring him to "take medication as prescribed by a physician" to reduce his deviant arousals. The Federal Court of Appeal court dismissed the appeal, writing:

(1) The scope of the Board's jurisdiction to impose conditions upon long-term offenders is set out in subsection 134.1(2) of the CCRA which provides that "The Board may establish conditions for the long-term supervision of the offender that it considers reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender". Parliament intended to grant the Board a broad discretion to set conditions for the long-term supervision of offenders such as the appellant. However, the statute does not expressly confer upon the Board the jurisdiction to impose medical treatment conditions. The interpretation of subsection 134.1(2) started with an analysis of the purpose and object of the long-term supervision order, as established by the CCRA and Part XXIV of the Criminal Code. The purpose of the long-term offender provisions is clear. An offender whose conduct is not "pathologically intractable", in that there is a reasonable possibility that he can eventually reach a stage where, although not curable, his risk can be controlled in the community, will qualify for long-term offender status. Long-term supervision orders thus pursue two main objects: first, protecting society, and second, enhancing the social reintegration of long-term offenders, whenever possible, by granting release under the least restrictive conditions consistent with the protection of society. If these objects are to be achieved, the Board must possess the power to impose a medical treatment condition in appropriate circumstances. Such conditions, when necessary to control the offender's risk of re-offending, fall within the

Board's jurisdiction under subsection 134.1(2) to impose "reasonable and necessary" conditions.

3.1.16 What happens when an offender breaches the conditions of a long-term supervision order?

CSC can suspend the release of an offender on long-term supervision in order to prevent a breach of any condition of that offender's order or to protect society. This extraordinary measure is only considered when the CSC has determined that the alternatives to manage risk in the community will not afford sufficient protection to public safety.

When a suspension is ordered under s. 135.1 of the *Corrections and Conditional Release Act*, a Canada-wide warrant is distributed and entered on CPIC. Once apprehended, the offender will be committed for a maximum period of 90 days in a federal community-based residential facility or a mental health facility, unless the person issuing the warrant is satisfied that a commitment to custody is necessary, in which case the offender will be held in a prison.

Once an offender has been detained under a suspension warrant, CSC has 30 days to review the case and decide whether to cancel the suspension or refer the matter to the National Parole Board. When the matter is referred, ss. 135.1(6) of the *Corrections and Conditional Release Act* provides that the Board has 60 days to decide whether to:

> *(a) cancel the suspension, where the Board is satisfied that, in view of the offender's behaviour while being supervised, the resumption of long-term supervision on the same conditions would not constitute a substantial risk to society by reason of the offender reoffending before the expiration of the period of long-term supervision;*
>
> *(b) where the Board is not satisfied as provided in paragraph (a), cancel the suspension and order the resumption of long-term supervision on any conditions that the Board considers necessary to protect society; or*
>
> *(c) where the Board is satisfied that no appropriate program of supervision can be established that would adequately protect society from the risk of the offender reoffending, and that it appears that a breach has occurred, recommend that an information be laid charging the offender with an offence under section 753.3 of the Criminal Code.*

Note: A breach of a long-term supervision order is a *Criminal Code* offence and the police can proceed with charges, with or without National Parole Board involvement, if they have evidence of the breach.

3.1.17 What sentences are imposed for breaches of a long-term supervision order?

Breach charges under **s. 753.3** will, no doubt, cover a continuum of conduct: ***R. v. W.(H.P.)***, 2003 ABCA 131 (CanLII). Where, as in ***R. v. S.J.D.***, 2004 BCCA 78,, the conduct underlying the breach either emulates the behaviour that was the grounds for long-term offender designation or sentence or involves a condition that is central to the management of the offender's risk, substantial penitentiary sentences may be warranted. Protection of the public is the dominant purpose of a sentencing proceeding under s. 753.3 of the Code. Accordingly, the sentencing goals of rehabilitation, deterrence and retribution assume relatively less importance as discrete sentencing objectives than the prevention of recidivism. At the same time, it is possible, when sentencing under s. 753.3, to impose a term of imprisonment of sufficient length to permit treatment of the offender.

The conduct of the offender that gave rise to the breach cannot be viewed in isolation. As noted in S.J.D.:

> *The gravity of an offence under s. 753.3 must be measured with reference not only to the conduct that gave rise to the offence, but also with regard to what it portends in light of the offender's entire history of criminal conduct. To consider only the moral turpitude associated with the sort of innocuous conduct that s. 753.3 renders criminal (e.g. engaging a child in conversation) is not a useful way to gauge the appropriate sentence for breach of a long-term supervision order.*

The Court in S.J.D. emphasized that the maximum sentence of 10years under s. 753.3 reflects Parliament's view of the seriousness of the offence. Further, s. 753.3 creates a new offence within a new scheme designed to deal with preventative detention rather than with the traditional "just desserts" theory of sentencing.

Note that under **s. 753.4(1**) where an offender who is subject to a long-term supervision order is sentenced to a further period of incarceration for offences under the Code or any other Act, the long-term supervision order is interrupted until the offender has finished serving that sentence. Under s. 753.4(2), a court may grant a reduction in the length of the offender's long-term community supervision.

In S.J.D., the Court declined to resolve whether the provisions of s. 753.4(1) or (2) are relevant to the fitness of a sentence imposed under s. 753.3. The issue of the extent to which totality considerations come into play in such a situation is, as a result, unclear. What is clear is that a decision to reduce the length of a long-term supervision order in conjunction with imposing a sentence under s. 753.3 is a matter that falls within the broad discretion of the sentencing judge.

3.1.18 What options are available for dealing with offenders when the period of long-term supervision has ended?

In ***R. v. Laboucan***, 2002 BCCA 376 (CanLII) and ***R. v. Goodwin***, 2002 BCCA 513 (CanLII), the British Columbia Court of Appeal concluded that s. 810.1 and s. 810.2 could be seen as companion provisions to the long-term supervision option that can be used as a follow up measure when the period of supervision expires and the offender still presents a high-risk of offending.. In Goodwin, the Court said this:

> *There remains the problem of what to do with the [offender] at the end of the 10-year community supervision term. On the evidence, I think there is every reason to expect …that the [offender] will continue to be appropriately housed and monitored indefinitely. Then he must accept his medication and housing arrangement as a condition of community living. This compulsory aspect can be supplied by the annual recognizances issued under s. 810.2.*

On the other hand, in ***R. v. Wormell***, 2005 BCCA 328 (CanLII), where the offender appeal against a dangerous offender designation was based, in part, on the grounds that the sentencing judge fail to consider the availability of ongoing supervision under section 810.1 after a long-term offender sentence, Madam Justice Southin wrote:

> *[37] I appreciate that in R. v. Goodwin 2002 BCCA 513 (CanLII), (2002), 168 C.C.C. (3d) 14, 2002 BCCA 513, my colleague, Donald J.A., concurred in by my colleague, Rowles J.A., said of this section, in paragraph 5:*
>
> > *This section came into force at the same time as the long-term offender provisions in 1997. In my opinion, it should be seen as a companion provision one that can operate as a follow-up measure when the term of community supervision expires and should be employed that way in this case.*
>
> *[38] I note that no mention of the section was made in R. v. Johnson.*
>
> *[39] In the circumstances of this case, I am of the opinion that the learned judge's conclusions on the dangerousness of the appellant make* [the availability of section 810.1]*, for present purposes, of only peripheral relevance.*

If, in fact, the judicial restraint provisions should be factored into the resolution of a dangerous/long-term offender application, the prosecution should perhaps lead evidence as to the levels of supervision and treatment programs that are provided by the province's correctional services to high-risk offenders subject to a recognizance ordered under s. 810.1 or s. 810.2, as opposed to those provided by the Corrections Service of Canada for long-term

offenders. To this end, the prosecution might consider calling a representative of provincial corrections to address this issue. The prosecution should also ensure that the sentencing court understands the benefits and limitations associated with an 810.1 or 810.2 order – both the terms that can be imposed in relation to such an order and the resources that are available to supervise and treat a high-risk offender at this stage.

Endnotes

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[28] Corrections and Conditional Release Act, 1992, c. 20

134.1 (1) Subject to subsection (4), every offender who is required to be supervised by a long-term supervision order is subject to the conditions prescribed by subsection 161(1) of the Corrections and Conditional Release Regulations, with such modifications as the circumstances require.

Conditions set by Board

(2) The Board may establish conditions for the long-term supervision of the offender that it considers reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender.

Duration of conditions

(3) A condition imposed under subsection (2) is valid for the period that the Board specifies.

Relief from conditions

(4) The Board may, in accordance with the regulations, at any time during the long-term supervision of an offender,

(a) in respect of conditions referred to in subsection (1), relieve the offender from compliance with any such condition or vary the application to the offender of any such condition; or

(b) in respect of conditions imposed under subsection (2), remove or vary any such condition.

1997, c. 17, s. 30.

[29] National Parole Board, Policy Manual, 8.3 Offenders with a Long-term Supervision Order, **www.npb-cnlc.gc.ca/, under "Legislation and Policy."** downloaded February 15, 2009.

4 Peace Bonds

Peace bonds, also called recognizances, Judicial restraint orders, "section 810 orders," "," and "sureties to keep the peace," have existed in Canadian law since the first Canadian *Criminal Code* in 1892. Throughout most of the Twentieth Century, the law in this area was confined to provisions allowing individuals to seek court orders to "restrain" the activities of another person because that person threatened them, their family or property. In the 1990's, three additional measures were adopted:

- **s. 810.01** allows for intervention where there is a fear of a criminal organization or terrorism offence;
- **s. 810.1** allows the court to place conditions on a person where there are reasonable grounds to fear that he/she will commit a sex offence against someone under the age of 16 years; and
- **s. 810.2** focuses on situations where there is fear of a serious personal injury offence, the same offences targeted by the dangerous offender and long-term offender provisions. These orders, like the dangerous offender and long-term offender procedures, are exceptional measures that are only available if the Attorney General consents.

This section of the guide provides an overview of the s. 810.1 and s. 810.2 orders which target the same high-risk offenders that are targeted by the measures contained in *Part XXIV* of the *Criminal Code*. Police services often seek peace bonds to help deal with high-risk sexual offenders who are released from prison at the end of their sentences or who are being monitored because they have been identified as threats for other reasons. Because these orders are extraordinary measures, some police services and Attorneys General have developed policy that guides how and when they will be requested.

S. 810.01, 810.1 and s. 810.2 orders share the following features:

- The measures are designed to be preventative, not punitive. For this reason, they can be used to deal with offenders, as well as individuals who have no previous criminal record.
- The normal maximum duration of an order is one year, except that
  - the maximum duration of an 810.1 order is two years if the targeted offender has been convicted of a criminal organization or terrorist offence (as of June 26, 2009); and
  - the maximum duration of an 810.1 order is two years if the targeted offender has been convicted of a sexual offence against a child; and
  - the maximum duration of an 810.2 order is two years if the targeted offender has been convicted of a serious personal injury offence.

- The court can impose any conditions that are reasonable and that the judge considers desirable to secure the person's good conduct.
- A breach of an order is an offence punishable on summary conviction or, if dealt with as an indictable offence, by up to two years imprisonment.
- If an individual refuses to enter into a recognizance, they can be imprisoned for up to one year.

The questions and answers presented below provide an overview of the s. 810.1, s. 810.2 orders, and some detail concerning key processes and issues of interest to criminal justice officials who might be dealing with a high-risk offender or offenders.

Terminology Notes:

1. The term "defendant" is used here to identify the person who is named in the information seeking a peace bond, or who has been placed under such an order. Some sources use the term "respondent" in place of "defendant."
2. The term "applicant" refers to the person, usually a police officer who lays the information seeking a peace bond.

4.1.1 What is an 810.1 order?

S. 810.1 (1) allows anyone who has reasonable grounds to fear that the defendant will commit one of the listed sexual offences (see Display 11) against a child under sixteen years to lay an information asking a provincial court judge to order the defendant to abide by conditions that will reduce or remove the threat.

Display 11: Sexual Offences listed in s. 810.1

151	sexual interference
152	invitation to sexual touching
155	Incest
159	anal intercourse
160(2)	compels another to commit bestiality
160(3)	in the presence of a person under the age of 16 years, commits bestiality or incites a person under the age of 14 to commit bestiality
170	parent or guardian procuring sexual activity by a child
171	householder permitting sexual activity prohibited by the Act by a child
173(1)	indecent acts
173(2)	exposure of genital organs to a person under the age of 14
271	sexual assault
272	sexual assault with a weapon/threats/causing bodily harm
273	aggravated sexual assault

4.1.2 What is an 810.2 order?

S. 810.2 (1) allows anyone who has reasonable grounds to fear that defendant will commit "serious personal injury offence" to lay an information asking a provincial court judge to order the other person to abide by conditions that will reduce or remove the threat. The term "serious personal injury offence" has the same meaning here as it does in s.752:

> *"serious personal injury offence" means*
>
> *(a) an indictable offence, other than high treason, treason, first degree murder or second degree murder, involving*
>
> *(i) the use or attempted use of violence against another person, or*
>
> *(ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage on another person,*
>
> *and for which the offender may be sentenced to imprisonment for ten years or more, or*
>
> *(b) an offence or attempt to commit an offence mentioned in section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault).*

Note: S. 810.2 applications can only be made with the consent of the provincial Attorney General. Police officers contemplating making such an application should consult with the prosecution service at their earliest opportunity.

4.1.3 Are peace bonds acceptable under the Charter?

R. v. Budreo, 2000 CanLII 5628 (ON C.A.) is one of the key decisions in the evolution of peace bonds in Canada. The Ontario Court of Appeal held that Section 810.1 of the Criminal Code of Canada (Where fear of a sexual offence) did not contravene the rights guaranteed by sections 7, 9, 11, and 15 of the Canadian Charter of Rights and Freedoms.

The court also found that

- s. 810.1 does not create an offence or mete out a criminal punishment as it is a preventative provision aimed at the protection of children;
- it is not overbroad as the restrictions stop short of detention or incarceration and the restrictions on the offender's liberty are proportional to important social interests;
- the impossibility of making exact predictions as to the offender's present likelihood of future dangerousness or present risk of committing a sexual offence against children in the future does not

render the section overbroad or contrary to principles of fundamental justice;

- a s.810.1 order could be imposed in a situation where a defendant had no previous criminal convictions for sexual offences against children; and
- s. 810.1 was not void for vagueness.

4.1.4 Who can ask the court to make an order?

The Criminal Code says that "any person" can be an applicant and "lay an information" seeking a peace bond. In practice, a police officer is usually the applicant.

It is important to note that the applicant does not have to personally know or have had contact with the defendant. Similarly, the applicant does not have to identify specific individuals as the defendant's likely or potential victims.

4.1.5 How is the peace bond process started?

Most often, the process is initiated by the police who identify possible candidates for peace bonds through criminal investigations, concerns raised by victims or others in the community and information from other police services. They are assisted in this effort by specialized measures such as the **National Flagging System for High-Risk Offenders**.

In addition to the above, correctional agencies routinely send release notices to police advising them of the pending release of high-risk offenders. The Corrections Service of Canada, for example, forwards a Warrant Expiry Release (WED) Package to the police service in the jurisdiction where a high-risk offender who will be released without any form of supervision is believed to be going. [30] The package, which CSC sends out up to 90 days before the offender's release, includes information such as:

- a current photograph;
- risk assessments:
- copies of National Parole Board decisions;
- criminal history and the details of the current offence(s);
- copies of psychiatric and/or psychological reports relevant to the assessment of risk;
- any information with respect to potential victims and any information shared with actual victims: and
- other relevant documentation that CSC believes will assist police in developing their plan for the case.

Offenders approaching the end of their sentences are under no legal obligation to give prison authorities information about where they plan to go

upon release. This means that, while the correctional authorities make every effort to determine where an offender is going, they may not know where to send the WED package.[31] If police become aware that a recently released high-risk offender is in their community and they have not received a WED Package, they are encouraged to contact the nearest federal or provincial correctional office, depending on where the offender had been serving his sentence.[32]

Once the police have identified a high-risk offender as a possible defendant in a peace bond application, they have to gather the information and evidence to help determine whether it would be reasonable and appropriate to proceed with an application and to serve as evidence at the hearing. It is recommended that the evidence be gathered and assessed in consultation with the Crown prosecutor's office that will be responsible for conducting any judicial restraint application that is made, as well as the province's coordinator for the **National Flagging System for High-Risk Offenders**.

4.1.6 What is the police officer's role in the process?

The range of activities that the will be undertaken by the police officer in the course of preparing for and making an application for a peace bond include:

- Conducting the investigation to help determine whether there is sufficient evidence to establish the necessary grounds to obtain a peace bond. The investigation activities would include:
  - obtaining and reviewing risk assessment documentation of the type contained in the WED package prepared by federal or provincial correctional authorities;
  - reviewing police occurrence reports and Crown briefs;
  - interviewing community and institutional correctional staff who have assessed and dealt with the defendant;
  - interviewing the defendant, if possible;
  - consulting community correctional officers and others about programs and services that could work with the defendant to reduce the risk that they will commit violent or sexual offences;
- Consulting with the Crown prosecutor and/or a Department of the Attorney General official with responsibilities to:
  - determine whether to proceed with an application;
  - obtain the consent of the Attorney General if an 810.2 order is being sought and
  - prepare for the conduct of the application;
- Drafting the recognizance order including proposed conditions.
- Swearing the information,
- Compelling the defendant's appearance at the hearing;

- Participating in monitoring and supervising the defendant while the order is in effect; and
- Taking appropriate enforcement action if there is a breach of the conditions of an order.

4.1.7 Why interview the defendant?

It is suggested that the police interview the defendant wherever possible, even if he/she is an offender and still in prison. The interview will serve two purposes. First, it will add to the information needed to assess if there are reasonable grounds to proceed with an order. Second, it will allow the police to make personal contact with the offender and potentially gain his/her cooperation. Police are often successful in convincing the offender to agree to the conditions of an order before they are released from custody. This is particularly so when the offender understands the reason for certain conditions and is made aware of the supports and community interventions that will be available to help him/her successful reintegrate into the community. Offenders can often be persuaded to "buy-into" the process, so that there will be no surprises once they leave prison.

With this in mind, it is important that the offender understand that they are not obligated to consent to the order, that they may contest it, and that they are entitled to legal representation both at the hearing and prior to deciding if they want to sign the order. They must also understand that the ultimate decision will be made by the judge after the hearing. If the offender does not understand their right to refuse and right to counsel, the order may later be held to be involuntary.

4.1.8 What is the prosecutor's role in the process?

The prosecutor's specific responsibilities with respect to obtaining judicial release orders vary from jurisdiction to jurisdiction. Generally, it can be expected that a prosecutor(s), working in collaboration with the police, will be involved in or fully responsible for:

- preparing the documentation required to obtain the consent of the Attorney General for an applicant to apply for an 810.2 order related to a defendant who is likely to commit a "serious personal injury offence;"
- preparing the briefing document and/or reports required for other decision by the department in relation to an application for a peace bond;
- drafting the recognizance and conditions;
- conducting the application; and
- conducting the prosecution of any breach of condition charges.

Where a defendant consents to enter into a peace bond, the prosecution should ensure that the defendant has been advised of their right to counsel

and that they understand that they are entitled to remand their case until they can consult with a lawyer. Where an unrepresented defendant consents to the order, especially on their first court appearance, the prosecutor should arrange for the defendant to speak to duty counsel before entering into the recognizance. Unless this is done, the recognizance is open to attack on grounds that it was not entered into voluntarily or that consent was not informed.

4.1.9 What information is needed to support a request for a peace bond?

The provincial court judge that hears the application must be satisfied by the evidence that the applicant presents that there are "reasonable grounds for the fear" that the defendant will commit a sexual offence against a child in the case of an 810.1 order, or a serious personal injury offence in the case of an 810.2 order. While the evidence that will be needed to support an application will be case-specific, the following is, generally, the kind of information that the police and prosecution consider for submission to the courts:

- details about past offences including information about vulnerable victims, escalating violence, demonstrated lack of personal control, etc;
- psychiatric/psychological assessments and any formal diagnoses as sexual deviancy or psychopathy;
- the results of actuarial risk assessments;
- evidence or testimony that the offender lacks empathy, remorse, or insight into their problems;
- the offender's plans upon release into the community (living arrangements, work or school plans, treatment/counselling arrangements; etc.);
- evidence about past violent behaviour, including behaviour for which the defendant has been charged but not convicted;
- the defendant's criminal record;
- victim impact statements; and
- evidence about the defendant's participation in and response to treatment, counselling and supervision in institutions and in the community.

4.1.10 What constitutes "reasonable grounds for fear"?

In ***R. v. Budreo***, 1995 CanLII 7198 (ON S.C.), Justice Then addressed the evidentiary standard in judicial restraint cases in these terms:

> *[29] It is clear then that the use of the word "fear" in a legislative context does not put the judicial process at the mercy of unsubstantiated paranoia but requires an allegation to be objectively provable. Judges should take care before exercising their preventive*

jurisdiction. Both ss. 810 and 810.1 speak of a reasonably grounded fear that the defendant "will" commit an offence. To my mind, as a matter of legislative construction, this takes the appropriate threshold a notch above a simple demonstration that the defendant is more likely than not to commit an offence. A reasonably grounded fear of a serious and imminent danger must be proved on a balance of probabilities. The court under s. 810.1 must therefore scrutinize carefully the evidence put before it […].

[32] It is true that the section at hand does not specify what type of evidence should be led to persuade the judge of a reasonable apprehension of harm. However, the exercise of preventive powers is generally based on the three factors outlined by the Supreme Court of Canada in [***R. v. Lyons***, 1987 CanLII 25 (S.C.C.), para. 33]*: "criminal qualities inherent or latent in the mental constitution, a settled practice in crime, and a public danger."*

Generally, the courts have endorsed the principle that the standard of proof for peace bonds is a "balance of probabilities. The courts, however, have not come to a clear conclusion that there is a requirement to prove a "serious and imminent" danger or threat.

In ***Teale v. Noble***, 2005 CanLII 44305 (QC C.S.), for example, the Superior Court of Quebec said:

[43] Nor is it sufficient to equate the fear with a risk that the defendant will commit a personal injury offence sometime in the future. There is a temporal component to s. 810.2 Cr. C. proceedings. The fear must reflect a risk of serious and imminent danger. This is reflected both in the construction of the section and its subsequent interpretation by the courts.

[44] The section itself imposes a twelve month limit on the duration of the recognizance order. If the section called only for the proof of a fear of specified action sometime in the future, why place a twelve month limit on the court's response? This time limit, combined with the fact that the fear that is to be established is that the defendant will commit a personal injury offence imports a component of imminency.

On the other hand, the Yukon court in ***Haydock. v. Baker***, 2001 YKTC 502, (CanLII), which deals with an appeal against an s.810 order, observed:

[30] In [*Re Budreo and the Queen,* [1996] O.J. No. 3 (QL)(Gen. Div.)], *the trial court found the fear must be "of a serious and imminent danger" and that the court must scrutinize the evidence carefully […]*

[31] With respect, setting the standard at a fear of "serious and imminent danger" does not achieve an appropriate balance. This is too high a standard for a peace bond. Many complainants would not

be able to meet this standard until after circumstances have deteriorated to the point that the risk of harm is especially grave, or that in waiting for the situation to reach this level, a serious injury has occurred.

[32] Re Budreo and the Queen was dealing with a peace bond under s. 810.1 that aspires to protect children from known sex offenders. It may be a different standard is required, but I cannot see why. There is no language in s. 810 that calls for anything more than a fear on reasonable grounds of personal injury. The use of the terms such as "serious and imminent danger" suggest a higher magnitude of fear than the statutory language. None of the other cases suggest such a standard. The Court of Appeal, in ***R. v. Budreo****,* [2000 CanLII 5628 (ON C.A.)]*, upheld the decision but, despite a lengthy discussion of reasonable grounds, did not refer to the trial court standard of "serious and imminent danger".*

Other decisions have described the burden in standard of proof in a manner consistent with *Haydock v Baker*.

The British Columbia Supreme Court, in *R v Baker*, 1999 BCJ No 681, concluded that the judge hearing an application under section 810.2 need only find on a balance of probabilities that there are reasonable grounds that the appellant will commit a personal injury offence.

In ***R v Soungie***, 2003 ABPC 121 (CanLII), the Alberta Provincial Court noted, at paragraph 20, "In Budreo, Then J. held that the reasonable grounds must be a reasonably grounded fear of the serious and imminent danger on the balance of probabilities […]. The Court of Appeal upheld Then J's findings but did not refer to the serious and imminent danger standard. I am in agreement with the observations of Stewart J [***Haydock. v. Baker***, 2001 YKTC 502, (CanLII)] that such a standard is not to be read into the elements of section 810."

A "triggering event" is not a prerequisite to an order being made; an informant may simply rely on an individual's past misconduct when seeking to establish reasonable grounds: ***R. v. Loysen****,* 2006 SKQB 290 (CanLII*)*.

In *R v Teneycke* , an unreported decision dated April 11, 2007, His Honour Judge Ferris of the Provincial Court of Saskatchewan said: "I conclude there is no requirement of a showing of serious and imminent danger. That is because Parliament has not required that in so many words. Moreover, it is not implied for several reasons. First the phrase "serious personal injury offence" is defined in section 752. That definition encompasses offences which need not include any personal injury let alone of a serious kind. Secondly there is no implied requirement of "iminence" on the basis that a recognizance can only be ordered to last for 12 months…"

On appeal, the Court of Queen's Bench for Saskatchewan upheld Judge Ferris's decision imposing the recognizance under section 810.2: ***R. v. Teneycke***, 2008

SKQB 239 (CanLII). In her decision, Madam Justice Rothery described Judge Ferris's decision as "comprehensive and complete" and concluded: "there is no basis for an appellate court to interfere" with the decision.She also quoted the decision in ***Teale v. Noble***, 2005 CanLII 44305 (QC C.S) that "A reasonably grounded fear of a serious and imminent danger must be proved on a balance of probabilities." (para. 44)

Note: It must be noted that section 810.2(3.1) does not refer to a "serious or imminent" serious personal injury offence.

Subsequently, Her Honor Judge J. Morris, Provincial Court of Saskatchewan, in ***R. v. Cote***, 2009 SKPC 27 (CanLII), concluded that the standard to be met was one of serious and imminent danger. For this proposition, Judge Morris relied on the passage in ***Teale v. Noble*** quoted by Madam Justice Rothery. Yet that proposition had been at least partially based upon the then maximum 12-month duration of the order. S, 810.2 has now been amended to extend the length of the order to 24 months where there has been a previous conviction for a serious personal injury offence. *Also of note, though it is unable to appeal the decision in Cote, the Crown in Saskatchewan expects to challenge any future decision that follows it, arguing that "serious and imminent danger" is not the correct legal test*.

In *R v Bonson*, 2006 B.C.J No. 1721 (B.C.S.C.), paragraph 30, Mr. Justice Sigurdson concluded that the requirement is "… that the fear that the risk will result in harm is reasonable. […] While a sense of apprehension based on speculation or remote possibilities will probably not be a "reasonably based sense of apprehension," in this case that sense is not speculative or remote, but grounded in and supported by the evidence."

4.1.11 Should the court be asked to issue a warrant?

Yes!

Unless asked to do otherwise, the provincial court judge will only issue a summons to compel them to appear in court. In the case of a summons, there is no arrest and the issues of release and detention never arise.

While the defendant may indicate a willingness to cooperate with a summons and appear on the designated date, the applicant would not be able to have any conditions placed on the defendant if he/she disputes the application. In the circumstances that would justify a peace bond, it would be undesirable to have the defendant at liberty without any conditions pending the resolution of the implementation of the peace bond, especially when it could take several months to resolve a disputed application. For these reasons, it is generally preferable that the police obtain a warrant to compel the defendant's appearance at court and have release conditions imposed at the earliest opportunity,

Before appearing before the judge to have the applicant swear the information, the police and prosecution should prepare for a submission to support a request that the judge issue a warrant. The preparation should include drafting the conditions that should be attached to both the interim release and the peace bonds.

Section 515(4) of the *Criminal Code* sets out a list of authorized conditions that can be imposed:

> *(4) The justice may direct as conditions under subsection (2) that the accused shall do any one or more of the following things as specified in the order:*
>
> *(a) report at times to be stated in the order to a peace officer or other person designated in the order;*
>
> *(b) remain within a territorial jurisdiction specified in the order;*
>
> *(c) notify the peace officer or other person designated under paragraph (a) of any change in his address or his employment or occupation;*
>
> *(d) abstain from communicating with any witness or other person expressly named in the order, or refrain from going to any place expressly named in the order, except in accordance with the conditions specified in the order that the justice considers necessary;*
>
> *(e) where the accused is the holder of a passport, deposit his passport as specified in the order;*
>
> *(f) comply with such other reasonable conditions specified in the order as the justice considers desirable*

4.1.12 What conditions can be imposed under peace bonds?

The judge has wide discretion with respect to the conditions that might be attached to a peace bond. S. 810.1(3.02) and s. 810.2(4.1) say that the court can add *any reasonable conditions to the recognizance that the judge considers desirable to secure the good conduct of the defendant*. At the same time, the legislation does provide some direction to the court in the forms of several "standard" conditions and two "must consider" conditions.

Conditions: S. 810.1(3.02) and s. 810.2(4.1) identify some of the conditions that the judge may impose in both 810,1 and 810.2 orders:

- participate in a treatment program;
- wear an electronic monitoring device, if the Attorney General makes the request;
- remain within a specified geographic area unless written permission to leave that area is obtained from the provincial court judge;

- return to and remain at his or her place of residence at specified times; and
- abstain from the consumption of drugs except in accordance with a medical prescription, of alcohol or of any other intoxicating substance.

Note: The five included conditions listed immediately above were added to the legislation through amendments included in the *Tackling Violent Crime Act* that came into force in July 2008.

S. 810.1(3.02) identifies two other examples of conditions that can be imposed on sexual offenders who are defendants under an 810.1 order:

- a prohibition against engaging in any activity, including using a computer, that involves contact or attempting to communicate with children under 16 years;
- a prohibition against attending a public park or public swimming area where children under 16 years are present or can reasonably be expected to be present, or a daycare centre, school ground or playground.

Must Consider Conditions: Without limiting the judge's ultimate discretion, the Code does require that they consider two conditions. First, **s. 810.1 (3.02)** and **s. 810.2(5**) state that the judge "… shall consider whether it is desirable, in the interests of the defendant's safety or that of any other person, to prohibit from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all of those things." In the case of an order dealing with the fear of a serious personal injury offence, **s. 810.2(5.2**) emphasizes the importance of the firearms/weapons prohibition by requiring the judge that does not impose such a condition to "… include in the record a statement of the reasons for not adding the condition."

The second "must consider" condition relates to supervision. Both s.810.1(3.05) and s. 810.2(6) state:

> *The provincial court judge shall consider whether it is desirable to require the defendant to report to the correctional authority of a province or to an appropriate police authority. If the judge decides that it is desirable to do so, the judge shall add that condition to the recognizance.*

When drafting conditions it is important to identify the specific risk that the defendant poses and how each condition will reduce that risk. ***R. v. Budreo***, 2000 CanLII 5628 (ON C.A.) makes it clear that the conditions cannot be so broad or restrictive as to contravene the Charter.[33] Conditions must be the type of restrictions that are designed to prevent the commission of another offence, not punishment for past crimes.

The process of developing a meaningful set of conditions is greatly enhanced through the participation of the offender. This is especially true for federal

offenders. After years in the system, many of them will have learned about their offence cycles and offence triggers. If the police can convince them to talk about the circumstances of their offence, their offence triggers, and their offence cycle, conditions can be developed which help the offender not to re-offend. This is the best protection for society.

Unnecessary or irrelevant conditions, such as alcohol bans where alcohol has not been a factor in the offender's past convictions, should be avoided. They risk being seen by the defendant as irritants rather meaningful limits and can easily be portrayed as arbitrary if it becomes necessary to prosecute a breach of recognizance.

4.1.13 How long do the orders last?

Normally, the maximum duration of a peace bond is 12 months. However, **s. 810.1 (3.01**) provides that the judge can make an 810.1 order effective for up to two years if the defendant was previously convicted on "a sexual offence in respect of a person who is under the age of 16 years." Similarly, **s. 810.2(3.1)** provides for 810.2 orders of up to two years duration if the defendant was previously convicted of a "**serious personal injury offence**."

It is important to note that the orders can be renewed indefinitely assuming that the applicant is able to demonstrate that there are still grounds for making the order. .

4.1.14 What happens if there is a breach of the order?

S. 811 provides that anyone who breaches their recognizance is guilty of a hybrid offence.

It is worth noting that the Quebec Superior Court in *R. v. Monrose* [1998] Q.J. No. 1415, held that on a charge under section 811 that "guilt may not result from mere carelessness or negligence or forgetfulness." The Court found that a mental element is required for a breach under section 811 such that there is "the wilful action of an accused knowing that it is contrary to the terms of an existing recognizance." This must be present before a charge should be laid under section 811.

Endnotes

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[30] *Commissioners Directive 712-4, Release Process*, Correctional Service of Canada. **www.csc-scc.gc.ca/text/plcy/toccd-eng.shtml**

[31] The Correctional Services of Canada's policy, as set out in Commissioner's Directive 712-14 (see above) is:

100. All possible attempts will be made to determine the offender's release destination. Where multiple destinations are possible, the information package will

be forwarded to the area office where the offender's most recent offence took place and any other relevant area parole offices, along with a clear indication of who has received the material. If it is only known that the individual is going to a specific province, the police service responsible for provincial policing should be notified and provided with the information package.

[32] Contact information for most correctional facilities are included in Appendix A: of this document.

[33] R. v. Budreo, 2000 CanLII 5628 (ON C.A.)

[39] If a recognizance is ordered, a defendant may be restricted from participating in any activities or from attending a public park or public swimming area where children under 14 may reasonably be expected to gather or a daycare centre, schoolground or playground. In my view, these restrictions, although limiting a defendant's liberty, are not overbroad. I say that for three reasons. First, the restrictions stop short of detention or imprisonment. I think it fair to conclude that detention or imprisonment under a provision that does not charge an offence would be an unacceptable restriction on a defendant's liberty and would be contrary to the principles of fundamental justice. But as Then J. observed, the restrictions contemplated by s.810.1 permit a defendant to lead a reasonably normal life.

[40] Second, these restrictions on a defendant's liberty are proportional to the important societal interest in s.810.1, the protection of young children. As McLachlin J. observed in R. v. Seaboyer,10 "the principles of fundamental justice reflect a spectrum of interests, from the rights of the accused to broader societal concerns. Section 7 must be construed having regard to those interests…." The defendant's right to liberty is not the only s.7 interest at stake in s.810.1. The societal interest in protecting young children from harm must also be taken into account. Section 810.1 attempts to balance these two interests: the interest of likely child sexual abusers in going where they please, including places where young children gather, and the interest of the state in ensuring that young children can go safely and securely to places typically associated with children's activities. In my view, s.810.1 strikes a reasonable compromise between these two interests. It provides a measured intrusion into a defendant's liberty consistent with protecting young children from harm.

[41] Third, accepting Then J.'s deletion of community centres, the restrictions contemplated by s.810.1 are narrowly targeted to meet Parliament's objective. The only places a defendant may be prohibited from going are where children under age 14 are or can reasonably be expected to be present; and the only activities a defendant may be prohibited from engaging in are those involving contact with children under 14. By limiting the scope of s.810.1 in this way, I do not accept the submission of the provincial Crown that s.810.1(3) authorizes the court to impose broader restrictions on a defendant's liberty than activities, areas or places where children are likely to be found. Subsection 810.1(3) provides that a judge may "order the defendant to enter into a recognizance and comply with the conditions fixed by the provincial court judge, including" the specified conditions (emphasis added). The specified conditions following the word "including" are examples of the kinds of conditions that can be imposed. The context of s.810.1 and its overall purpose suggest that the word "including" is used to limit the scope of the general term "conditions" to those conditions similar to the specified examples.11 On this

interpretation, a judge could prohibit a defendant from going to a recreation hall where young children were likely to be present but could not, for example, require a defendant to take the drug Luperon, however desirable that may be. This interpretation, in my view, not only appropriately reflects the context and purpose of s.810.1, it also accords with Charter values. A broader interpretation, permitting the judge to order a defendant to take a course of treatment or to take a particular drug, under a provision that does not create an offence would raise serious Charter concerns. Under the narrower interpretation I have adopted, the restrictions contemplated by s.810.1 are not overbroad.

Appendix A: Federal, Provincial & Territorial Resources

A.1 British Columbia

A.1.1 Police Services

There are 12 municipal and First Nation police departments in British Columbia. The RCMP serves all other B.C. communities. Contact information for these police services in listed below.

Abbotsford Police Department
2838 Justice Way,
Abbotsford BC V2T 3P5
Phone: 604.859.5225
Website: **http://abbypd.ca/**

Central Saanich Police Service
1903 Mount Newton X-Road,
Saanichton, B.C. V8M 2A9
Phone: 250-652-4441
Website: **www.cspolice.ca/**

Delta Police Department
4455 Clarence Taylor Crescent,
Delta BC V4K 3E1
Phone: 604 946-4411
Website: **www.deltapolice.ca**

Nelson Police Department
606 Stanley Street, Nelson BC V1L 1N4
Phone: 250 354-3919
Website: **www.nelsonpolice.ca/**

New Westminster Police Service
555 Columbia Street,
New Westminster BC V3L 1H9
Phone: 604 525-5411
Website: **www.nwpolice.org/**

Oak Bay Police Department
1703 Monterey Avenue,
Oak Bay BC V8R 5V6
Phone: 250 592-2424
Website: **www.oakbaypolice.org/**

Saanich Police Department
760 Vernon Avenue,
Victoria BC V8X 2W6
Phone: 250 475-4321
Website: **www.saanichpolice.ca/**

Stl' Atl' Imx Tribal Police
P.O. Box 488,
Lillooet BC V0K 1V0
Phone: 250 256-7784
Website: **www.stpolice.ca/policing**

Vancouver Police Department
2120 Cambie Street,
Vancouver BC V5Z 4N6
Phone: 604-717-3535
Website: **http://vancouver.ca/police**

Victoria Police Department
850 Caledonia Street,
Victoria BC V8T 5J8
Phone: 250 995-7654
Website: **http://vicpd.ca/**

West Vancouver Police Department
1330 Marine Drive
West Vancouver BC V7T 1B5
Phone: 604 925-7300
Website: **http://wvpd.ca/**

RCMP E Division
657 West 37th Avenue,
Vancouver BC V5Z 1K6
Phone: 604 264-3111
Website: **http://bc.rcmp.ca**

Note: Contact information for the RCMP

detachments in British Columbia is published on the "E" Division website.

Port Moody Police Department
3051 St. Johns Street,
Port Moody BC V3H 2C4
Phone: 604 461-3456
Website: **www.portmoodypolice.com/**

A.1.2 Prosecution Services

The Criminal Justice Branch of the Ministry of Attorney General is responsible for provincial prosecution services. The prosecution service is divided into five regions – North, Interior, Fraser, Vancouver and Vancouver Island-Powell River, with provincial headquarters is in Victoria. There are criminal appeals and special prosecutions offices in Vancouver and Victoria.

The assistant deputy attorney general of the Criminal Justice Branch is the head of B.C.'s prosecution service. Contact information for the prosecution service's offices is presented below.

Criminal Justice Branch
Ministry of Attorney General
PO Box 9276 STN Prov Govt
Victoria, BC V8W 9J7
Phone: (250) 387-3840

Note: Contact information for regional and local offices is available on the Ministry's webpage at **www.ag.gov.bc.ca/prosecution-service/contact-us.htm**. Alternatively, contact the information can be obtained through the BC Government Directory at **http://dir.gov.bc.ca/**, using the search term "crown counsel."

High Risk Offender Policy: The *Crown Counsel Policy Manual*, which is published on the Ministry of the Attorney General website (**www.ag.gov.bc.ca/prosecution-service/policy-man**), provides policy direction with respect to *Dangerous Offender and Long Term Offender Applications*.

High-risk Offender initiatives:

High Risk Offenders Identification Program	
Organization	Criminal Justice Branch
Description	The High Risk Offenders Identification Program is a Criminal Justice Program in British Columbia designed to assist Crown Counsel with Dangerous Offender, Long Term Offender Applications, Section

	810.1 and 810.2 CCC Recognizance, general sentencing and bail applications. HROIP facilitates information sharing between Crown Counsel, Police, Corrections and Forensic Psychiatric Services. Information includes circumstances from previous convictions or stay of proceedings, Provincial and Federal (CSC) correctional file information concerning previous incarcerations and professional assessments that might have been conducted i.e.: Forensic Psychiatric Services. HROIP maintains a close contact with all justice partners in the sharing of information.
Location(s)	Vancouver
Contact	Manager High Risk Offender Program Criminal Justice Branch 600 – 865 Hornby Street Vancouver, BC V6Z 1T9 Phone: 604-660-3918
Other	

A.1.1 BC Corrections Branch

The BC Corrections Branch, Ministry of Public Safety and Solicitor General, is comprised of two divisions. The Adult Custody Division is responsible for administering warrants of remand/detention and custodial sentences of less than two years. The Community Corrections and Corporate Programs Division provides supervision, case management and risk-based interventions to offenders under community supervision. It also manages the High Risk Recognizance Advisory Committee (see Display 1) and supervises individuals who are placed under peace bonds.

Supervision of Peace Bonds: The Community Corrections Division provides supervision of peace bonds consistent with the division's policy for risk-based case management. This includes the coordination of supervision with police agencies and the assignment of probation staff trained in the dynamics of sexual and violent offending. In addition, the program interventions available for sentenced offenders are available to judicial restraint cases under Community Corrections supervision.

High Risk Recognizance Advisory Committee (HRRAC)

HRRAC helps justice agencies to determine whether an offender's presence in the community warrants further court-ordered supervision through application for a peace bond under section 810.1 or 810.2 of the *Criminal Code*.

Members: The committee's membership includes representatives from BC Corrections, RCMP, RCMP Behavioural Sciences Group, Municipal/City police,

High Risk Recognizance Advisory Committee (HRRAC)

Correctional Service Canada (CSC), Criminal Justice Branch, Victim Safety Unit, and the High Risk Offender Identification Program (HROIP) of the Criminal Justice Branch.

Referrals: Sexual and violent offenders are referred to the program by CSC, and occasionally by police or BC Corrections, at least 4 months prior to warrant expiry. Those referred by CSC are often offenders who have been detained by the National Parole Board and held in custody until their warrant expiry date (WED). Other referrals by CSC may include those offenders on expiring long-term supervision orders or parolees demonstrating an escalation of risk towards WED.

Process: The High Risk Offender Analyst of the BC Corrections Branch prepares a case review for every referral received, using a variety of information sources, including CSC progress records, reports to crown counsel, pre-sentence reports, forensic assessments, psychiatric and psychological reports, community corrections files, and concerns gathered from previous victims. The committee reviews the report and makes recommendations regarding the appropriateness of application for a section 810.1 or 810.2 order. If an application is recommended the committee's case review report and proposed conditions are forwarded to the appropriate police agency for preparation of a report to crown counsel. HRRAC recommendations are not binding, however, and the final decision to submit a report to crown counsel rests with the police agency.

Note: The Corrections Branch's policy also requires that an application for an 810.1 or 810.2 order be considered if, prior to warrant/ community supervision expiry, an offender remains a high risk to re-offend and presents a danger to public safety. These applications are generally made directly to court and are carried out independently from HRRAC.

For further information, contact:

High Risk Offender Analyst
BC Corrections Branch – Community Division
PO Box 9278 STN PROV GOVT
7th floor, 1001 Douglas Street
Victoria, British Columbia V8W 9J7
Phone: 250-387-6047

Programs and Treatment: The Branch offers offenders in custody and under community supervision a number of core programs based on research of treatment initiatives. These programs are designed to promote long-term changes in thinking, skills and lifestyles that are known to contribute to criminal behaviour. Some offenders may need intensive professional treatment during and after their involvement with B.C. Corrections. Core programs prepare such individuals for additional treatment by focusing on personal experience and accountability.

The following are profiles of available core programs:

Breaking Barriers

Organization	BC Corrections Branch		
Type	√ Custody	☐ Residential	☐ Community
Description	Breaking Barriers is a motivational program that uses a cognitive reality model to support behaviour change in offenders. The program, which is owned by the US firm Gordon Graham & Co. Inc., is delivered by BC Corrections staff. The program is designed for offenders who need motivation and confidence to change attitudes, beliefs and behaviour in areas related to their criminal history.		
Eligibility	Sentenced offenders		
Duration	Seventeen 80-minute modules.		
Location(s)	Various		
Contact	BC Corrections Branch P.O. Box 9278, Stn Prov Govt Victoria, British Columbia V8W 9J7 Phone: (250) 356-7930 Fax: (250) 952-6883		

Violence Prevention Program			
Organization	BC Corrections Branch		
Type	√ Custody	☐ Residential	√ Community
Description	The program addresses anger management and violence prevention for male offenders who have a criminal offence history or behaviour pattern of assault and/or other violence (e.g., destruction of property) in which the victim is someone other than a spouse or intimate partner. The offence(s) or behaviour of this offender group usually results from anger, loss of emotional control, aggression, or lack of non-violent communication and problem-solving skills.		
Eligibility	Sentenced male offenders who have a history of violent behaviour in which the victims have been individuals other than a spouse or intimate partner.		
Duration	Ten (10) sessions of approximately 2 hours per session.		
Location(s)	Various		
Contact	BC Corrections Branch P.O. Box 9278, Stn Prov Govt Victoria, British Columbia V8W 9J7 Phone: (250) 356-7930 Fax: (250) 952-6883		

Substance Abuse Management (SAM) Program			
Organization	BC Corrections Branch		
Type	√ Custody	☐ Residential	√ Community

Description	Pre-treatment educational program for offenders with substance abuse (drug and/or alcohol) problems. The program is based on a harm reduction (as compared to abstinence) model.
Eligibility	Sentenced offender with substance abuse problems.
Duration	Eighteen 1.5-hour sessions.
Location(s)	Various
Contact	BC Corrections Branch P.O. Box 9278, Stn Prov Govt Victoria, British Columbia V8W 9J7 Phone: (250) 356-7930 Fax: (250) 952-6883

Respectful Relationships Program			
Organization	BC Corrections Branch		
Type	√ Custody	☐ Residential	√ Community
Description	This is the pre-treatment phase of the program that precedes the Relationship Violence Treatment Program (see below). The program makes offenders aware of the values and beliefs that result in abusive behaviour, teaches them how abusive behaviour affects women and children and helps them identify non-violent skills that foster respectful relationships. The program is delivered by BC Corrections staff.		
Eligibility	Male offenders who have abused their female partners.		
Duration	Ten 2.5-hours sessions.		
Location(s)	Various		
Contact	BC Corrections Branch P.O. Box 9278, Stn Prov Govt Victoria, British Columbia V8W 9J7 Phone: (250) 356-7930 Fax: (250) 952-6883		

Relationship Violence Treatment Program			
Organization	BC Corrections Branch		
Type	√ Custody	☐ Residential	√ Community
Description	This is the second phase of the Branch's family violence treatment program. It was adapted from the CSC's Family Violence Prevention Program. The Relationship Violence Treatment Program is delivered by contracted service providers in the community and at Prince George Regional Correctional Centre and Kamloops Regional Correctional Centre.		
Eligibility	Male offenders who have completed the Respectful Relationships Program (see above).		

Duration	Seventeen 2-hour sessions.
Location(s)	Various
Contact	BC Corrections Branch P.O. Box 9278, Stn Prov Govt Victoria, British Columbia V8W 9J7 Phone: (250) 356-7930 Fax: (250) 952-6883

Sex Offender Treatment Program			
Organization	BC Corrections Branch		
Type	√ Custody	☐ Residential	☐ Community
Description	A sex treatment program for incarcerated sex offenders. It was adapted by BC Corrections and Partnered with Forensic Psychiatric Services Commission (FPSC) from the National Sex Offender Treatment Program developed by the Correctional Service of Canada.		
Eligibility	Male offender serving a sentence.		
Duration	Three -five hours per week for approximately 15 weeks (4 months).		
Location(s)	Ford Mountain Correctional Centre		
Contact	BC Corrections Branch P.O. Box 9278, Stn Prov Govt Victoria, British Columbia V8W 9J7 Phone: (250) 356-7930 Fax: (250) 952-6883		

Sex Offender Maintenance Program			
Organization	BC Corrections Branch		
Type	√ Custody	☐ Residential	√ Community
Description	This is the treatment follow-up component of the Sex Offender Treatment Program (see above.) In the community, it is delivered by the probation officer who is supervising the offenders.		
Eligibility	Sentenced sex offender under community supervision or in custody at the Ford Mountain Correctional Centre.		
Duration	The period of involvement depends on offender's risk, needs and stability – minimal contact is once/month, but normally is once/week or once every 2 weeks. The offender could be required attend during the entire period of supervision.		
Location(s)	Community: Various Custody: Ford Mountain Correctional Centre		
Contact	BC Corrections Branch P.O. Box 9278, Stn Prov Govt Victoria, British Columbia V8W 9J7		

	Phone: (250) 356-7930 Fax: (250) 952-6883

A.1.3 Victim Services

There are over 150 victim services programs operating in 99 communities throughout British Columbia. These services are operated out of non-profit agencies and local police detachments. Generally, the programs offer victims of crimes:

- information and support regarding the criminal justice system
- practical help;
- emotional support; and
- referrals to other appropriate programs.

A directory of these services, published by the Ministry of Public Safety and Solicitor General, Victim Services and Crime Prevention Division, can be viewed / downloaded at **www.pssg.gov.bc.ca/victim_services/**.

Specialized Services

VictimLINK	
Organization	Information Services Vancouver
Description	VictimLINK is a help line for victims of family and sexual violence, and all other crimes that is available 24 hours a day, 7 days a week. Victim service workers (who are also certified information and referral specialists) provide information and referrals to all victims of crime, and crisis support to victims of family and sexual violence, including sexual assault, violence in relationships, elder abuse, and adult survivors of physical or sexual abuse. Staff connect people to a network of community, social, health, justice and government resources. They also provide information on the justice system, relevant federal and provincial legislation and programs, crime prevention, safety planning, protection order registry, and other resources as needed.
Location(s)	Province-wide via the telephone help line.
Contact	VictimLINK Information Services Vancouver 202-3102 Main Street, Vancouver, BC V5T 3G7 BC Toll Free: 1 800 563-0808 TTY: 604 875-0885 (collect calls accepted) Text: 604 836-6381 Email: **help@communityinfo.bc.ca** Website: **www.communityinfo.bc.ca/victims.htm**

Other	VictimLINK provides service in over 100 languages, including 17 North American aboriginal languages.

Victim Safety Unit (VSU)	
Organization	Ministry of Public Safety & Solicitor General
Description	The VSU's mandate is to promote victim safety by: • Notifying victims and civil restraining order protected parties regarding the provincial custody and community status of offenders. • Administering the Victim Travel Fund • Representing victims' perspectives and interests on the provincial High Risk Recognizance Advisory Committee • Working with local victim service programs to ensure victims are aware of and have access to the range of services to ensure their safety.
Location(s)	Referral, notification and other information services are available province-wide and are provided by telephone.
Contact	Victim Safety Unit Victim Services Division Ministry of Public Safety & Solicitor General 302-815 Hornby Street, Vancouver, B.C. V6Z 2E6 Phone: (604) 660-0316 Toll Free Phone: 1-877-315-8822 Fax: (604) 660-0335 E-mail: **vsusg@gov.bc.ca** Website: **www.pssg.gov.bc.ca/victim_services/**

Crime Victim Assistance Program	
Organization	Victim Services and Crime Prevention Division
Description	A program where i) victims injured because of certain crimes, ii) immediate family members of an injured or deceased victim and iii) some witnesses may be eligible for financial assistance or benefits.
Location(s)	Province-wide via telephone
Contact	Crime Victim Assistance Program Victim Services and Crime Prevention Division Ministry of Public Safety and Solicitor General Phone: 604-660-3888 Toll free within B.C.: 1-866-660-3888 Email: sgcrimevictimassistanceprogram@gov.bc.ca Website: **www.pssg.gov.bc.ca/victim_services/cva/index.htm**

A.2 Alberta

A.2.1 Police Services

There are 11 municipal and First Nation police departments in Alberta. The RCMP serves all other communities. Contact information for the police services is listed below.

Blood Tribe Police Service
P. O. Box 300
Standoff, Alberta T0L 1Y0
Phone: (403) 737-3800
Website: **www.bloodtribepolice.com**

Calgary Police Service
133 Sixth Avenue S.E.
Calgary, Alberta, T2G 4Z1
Phone: (403) 266-1234
Website: **www.calgarypolice.ca**

Camrose Police Service
6220 - 48 Avenue
Camrose, Alberta, T4V 0K6
Phone: (780) 672-8300
Website: **www.camrosepoliceservice.ca**

Edmonton Police Services
9620 - 103A Avenue
Edmonton, Alberta, T5H 0H7
Phone: (780) 421-3333
Website: **www.edmontonpolice.ca**

Lacombe Police Service
5211 - 50 Avenue
Lacombe, T4L 1E8
Phone: (403) 782-3279
Website: **www.lacombe.ca**

Lethbridge Regional Police Service
135 1 Avenue South
Lethbridge, Alberta, T1J 0A1
Phone: (403) 327-2210
Website: **www.lethbridgepolice.ca**

Louis Bull Police Service
P.O. Box 630
Hobbema, Alberta T0C 1N0
Phone: (780) 585-4226
Website: NA

Medicine Hat Police Service
884 - 2 Street S.E.
Medicine Hat, Alberta, T1A 8H2
Phone: (403) 529-8400
Website: **www.medicinehatpolice.com**

North Peace Tribal Police Service
P.O. Box 94
Ft. Vermilion, Alberta T0C 1N0
Phone: (780) 927-3200
Website: **www.nptc.ab.ca**

RCMP "K" Division
11140 - 109 Street
Edmonton, Alberta T5G 2T4
Phone: (780) 412-5424
Website: **www.rcmp-grc.gc.ca/ab**

Note: Contact information for RCMP detachments in Alberta is published on the "K" Division website.

Taber Police Station
5700 50 Avenue
Taber, Alberta T1G 2H7
Phone: (403) 223-8991
Website: NA

Tsuu T'ina Nation Police Service
9911 Chiila Boulevard
Tsuu T'ina, Alberta T2W 6H6
Phone: (403) 238-4075
Website: NA

High-risk Offender Police Initiatives: The following are police service initiatives in Alberta that have been specifically designed to help monitor and/or intervene in high-risk offender cases.

High Risk Offender Section	
Organization	Edmonton Police Service
Description	The Targeted Offender Section provides services in relation to high-risk offenders in the Edmonton area. The section works in partnership with Correctional Services Canada / Edmonton Area Parole to apprehend federal parolees who have breached their release conditions, giving priority to those that are assessed to present the greatest risk to the community. The team also investigates criminal activity associated to identified federal offenders, provides an information/intelligence sharing liaison with CSC and other police agencies, and assists in monitoring offenders subject to Section 810 recognizances. The Behavioural Assessment Unit monitors high risk and sex offenders that reside in the Edmonton area after warrant expiry, or during a period of supervision under section 810, probation or long-term supervision orders. This unit is responsible for investigating and laying all charges associated with any breaches of these orders.
Location(s)	City of Edmonton
Contact	Edmonton Police Service Targeted Offenders Section 9620 - 103A Avenue Edmonton, Alberta, T5H 0H7 Phone: (780) 421-3333
Other	The Behavioural Assessment Unit also compile threat/risk assessments and provide recommendations to the Chief of Police regarding public disclosures.

A.2.2 Public Notification

When an offender is judged by police to be a risk of significant harm, a public notification may be done by way of a press release. The disclosure of personal information in these cases is authorized by section 32 of the ***Alberta Freedom of Information and Protection of Privacy Act***. Generally, notification occurs when an individual is believed to present a risk of significant harm to the safety of the public, an affected group, or an individual.

A.2.3 Prosecution Services

The Criminal Justice Division, Justice and Attorney General, is responsible for provincial prosecutions in Alberta . It maintains Crown prosecutors' offices in

Calgary, Drumheller, Edmonton, Fort McMurray, Fort Saskatchewan, Grande Prairie, Hinton, Lethbridge, Medicine Hat, Peace River, Red Deer, St. Paul, Stony Plain, and Wetaskiwin.

Criminal Justice Division
Justice Alberta
3rd Floor, Bowker Building
9833 - 109th Street
Edmonton, Alberta T5K 2E8
Phone: (780) 427-5042

Note: Contact information for local and regional offices can be obtained through the Alberta Government Directory at **http://alberta.ca/home/directory.cfm** using the search term "prosecutor."

High Risk Offender Policy: The *Crown Prosecutors' Policy Manual*, which is published on the Justice Alberta website (go to **http://justice.gov.ab.ca**, and click on "Publications"), provides the province's Crown prosecutors with direction through two practice memoranda:

- *High Risk Offender Tracking and Dangerous Offender/Long-Term Offender Applications*, May 20, 2008
- *High Risk Offender Peace bonds (Sections 810.01, 810.1 and 810.2 of the Criminal Code)*, May 20, 2008

A.2.4 Alberta Correctional Services

The Correctional Services Division, Department of the Solicitor General and Public Safety, delivers provincial correctional services in the province.

Offenders serving sentences in the adult correctional centres, which are located in Fort Saskatchewan, Peace River, Calgary and Lethbridge, have access to core personal development programs including life management skills, anger management, family violence prevention, addictions awareness, release planning, and Aboriginal culture and spirituality programs.

The Community Corrections and Release Program offers community based programs to adult and youth offenders through a network of community corrections offices located in 36 separate geographic locations in Alberta.

Offenders under the supervision of the community corrections offices are offered the opportunity to participate on a referral basis in programs delivered by agencies other than community corrections. Provincially funded agencies also offer programming for offenders convicted of various types of offences, including sexual offences and domestic/family violence.

Further information about available services can be obtained through community corrections offices.

Correctional Services Division
Solicitor General and Public Security
10th fl John E Brownlee Building
10365 - 97 Street, Edmonton, AB T5J 3W7
Phone: 780 427-3440

Note: Contact information for community corrections (probation) offices can be obtained through the Alberta Government Directory: go to **http://alberta.ca/home/directory.cfm** and search using the term "community corrections."

Contact information for corrections centres can be obtained through the Alberta Government Directory: go to **http://alberta.ca/home/directory.cfm** and search using the term "correctional."

A.2.5 Victim Services

There are some 117 police-based victim service units and several sexual assault centres in Alberta. Contact information for the police-based services in published by the Alberta Police Based Victim Services Association on its website **www.apbvsa.com**, under "Looking for your Local Victim Services Program?"

Contact information for sexual assault centres is published by the Alberta Association of Sexual Assault Centres on its website: **www.aasac.ca** and click on "Sexual Assault Centres of Alberta."

A.3 Saskatchewan

A.3.1 Police Services

There are 15 municipal and First Nation police departments in Saskatchewan. The RCMP serves all other communities. Contact information for these police services in listed below.

Caronport Police Service
P.O. Box 550, 201 Valleyview Drive
Caronport SK S0H 0S0
Phone: (306) 756-2522
Website: NA

Corman Park Police Service
111 Pinehouse Drive
Saskatoon SK S7K 5W1
Phone: (306) 242-8808
Website: NA

Dalmeny Police Service
P.O. Box 820
Dalmeny SK S0K 1E0
Phone: (306) 254-2114
Website: NA

Estevan Police Service
301 - 11th Avenue
Estevan SK S4A 1C7
Phone: (306) 634-4767
Website: NA

File Hills First Nations Police Service
P.O. Box 460
Balcarres SK S0G 0C0
Phone: (306) 334-3222
Website: NA

Luseland Police Service
P.O. Box 548, 508A Grand Avenue
Luseland SK S0L 2A0
Phone: (306) 372-4844
Website: NA

Moose Jaw Police Service
21 Fairford Street West
Moose Jaw SK S6H 1V2
Phone: (306) 694-7600
Website: **www.mjpolice.ca**

RCMP 'F' Division
6101 Dewdney Avenue West Bag Service 2500
Regina SK S4P 3K7
Phone: (306) 780-5477
Website: **www.rcmp-grc.gc.ca/sk/**

Note: Contact information for RCMP detachments in Saskatchewan is published on the "F" Division website.

Regina Police Service
P.O. Box 196, 1717 Osler Street
Regina SK S4P 2Z8
Phone: (306) 777-6612
Website: **www.reginapolice.ca**

Saskatoon Police Service
P.O. Box 1728, 130 - 4th Avenue North
Saskatoon SK S7K 3R6
Phone: (306) 975-8300
Website: **www.police.saskatoon.sk.ca**

Stoughton Police Service
P.O. Box 384, 400 Assiniboia Avenue
Stoughton SK S0G 4T0
Phone: (306) 457-2288
Website: NA

Vanscoy Police Service
P.O. Box 356
Vanscoy SK S0L 3J0
Phone: (306) 493-7651
Website: NA

Weyburn Police Service
400 Coteau Avenue Northeast
Weyburn SK S4H 2K8
Phone: (306) 848-3250
Website: **http://city.weyburn.sk.ca/**

Prince Albert Police Service 45 - 15th Street West PRINCE ALBERT SK S6V 3P4 Phone:(306) 953-4240 Website: **www.papolice.ca**	**Wilton Police Service** No. 472 P.O. Box 40 Marshall, SK S0M 1R0 Phone: (306) 387-6244 Website: NA

A.3.2 Public Notification

Saskatchewan has established committee process, under the provisions of the ***Public Disclosure Act***, to advise police whether to release identifying information about dangerous offenders who have served part or all of their sentence and are returning to the community. The advice given by the committee does not bind the police agency making the request, but police acting in compliance with the advice are immune from suit for their good faith actions.

Members: The nine-member committee is appointed under the Act and represent a broad spectrum of the community.

Referrals: Police may bring applications with respect to persons who have been convicted of one of the offences prescribed in section 3 of the Regulations and who pose a risk of serious harm to persons in a community in Saskatchewan. The scheduled offences include sexual offences against children, sexual assaults, other sexual offences like bestiality and indecent acts, procuring children into prostitution; serious personal injury offences like robbery, aggravated assault, kidnapping and trafficking in controlled drugs and substances.

Process: Decisions of the Committee are carefully considered and are based on review of information prescribed by the Act. This information includes such things as risk assessments, criminal records, likely destinations for the individual, descriptions of the offences the individual has committed in the past, and reasons the individual is believed to pose a significant risk of harm to others. Persons who are the subject of an application to the Public Disclosure Committee are advised in advance that an application has been made, and are afforded the opportunity to make submissions to the Committee in writing or on audio or video tape.

Further information about the Public Disclosure Committee is available from:

Policing Services Division
Room 600, 1874 Scarth Street
Regina, Saskatchewan S4P 3V7
Phone: (306) 787-9292

A.3.3 Prosecution Services

The Public Prosecutions Division, Ministry of Justice and Attorney General, is responsible for Saskatchewan's provincial prosecution services. The division is headquartered in Regina with district offices in North Battleford, La Ronge, Meadow Lake, Melfort, Moose Jaw, Prince Albert, Regina, Saskatoon, Swift Current, and Yorkton.

Public Prosecutions Division
300-1874 Scarth Street
Regina SK S4P 4B3
Phone: (306) 787-5490

Note: Contact information for the Public Prosecutions Division and its district offices can be obtained through the Saskatchewan Government Directory at **http://gtds.gov.sk.ca** using the search term "public prosecutions."

High Risk Offender Initiatives: Saskatchewan police and prosecution services work together to identify and, to the degree it is feasible, control and track high-risk offenders. The work includes the pursuit of peace bonds (recognizances) for most federal offenders held to warrant expiry, as well as cooperative efforts in the event of breaches of recognizances and long-term supervision orders. The services are also cooperate to flag serious violent offenders, potential long term offenders, and potential dangerous offenders with an eye to focused prosecutions in the event of new crimes.

The primary contacts for the participating services are listed below:

Public Prosecutions
Anthony B. Gerein
Senior Crown Prosecutor
Provincial Coordinator - National Flagging System
300-1874 Scarth Street
Regina, SK, S4P 4B3
Phone: (306) 787-5490
Fax: (306) 787-8878
Tony.gerein@gov.sk.ca

RCMP "F" Division
Cpl. Brian Haswell
ViCLAS Specialist/High Risk Offender Program Coordinator
Bag Service 2500
6101 Dewdney Avenue
Regina, SK, S4P 3K7
Phone: (306) 780-3379
Fax: (306) 780-3387
brian.haswell@rcmp-grc.gc.ca

Prince Albert Police Service
Cst. Eric Tiessen
45 - 15th Street West
Prince Albert, SK, S6V 3P4
Phone:(306) 953-4240
Fax: (306) 953-4231
etiessen@papolice.ca

Regina Police Service
Cpl. Shelly Pelletier
P.O. Box 196, 1717 Osler Street
Regina SK S4P 2Z8
Phone: (306) 777-6612
spelletier@police.regina.sk.ca

Saskatoon Police Service
Cst. Terry Geier
P.O. Box 1728, 130 - 4th Avenue North
Saskatoon SK S7K 3R6
Phone: (306) 634-4767
Fax: (306) 230-1939
Terry.Geier@Police.Saskatoon.sk.ca

A.3.4 Saskatchewan Correctional Services

The Adult Corrections Division administers the sentences of offenders sentenced to imprisonment for two years less a day or to community supervision, such as probation.

Risk Assessment: The division prepares primary and secondary offender assessments to help with correctional planning and service delivery. Primary risk assessments are completed on all offenders sentenced to probation, conditional sentence or incarceration and for those for whom a court report has been ordered using the Offender Risk Assessment Management System (ORAMS). The assessments serve a number of purposes including identify problem, helping match the degree and type of supervision and/or interventions to the offender's risk and prioriing correctional services for those offenders who pose a higher risk to the community.

The secondary risk assessments are done as required. They are more specific assessments of the offender's risk to re-offend in a partner abuse or sexual offence is required. The Static-99* is used for sex offenders .The Static-99 is a brief actuarial instrument designed to estimate the probability of sexual and violent recidivism among adult males who have already been convicted of at least one sexual offence against a child or non-consenting adult. The Ontario Domestic Assault Risk Assessment (ODARA) is used to evaluate the risk that a man will assault his partner again.

Programs and Services: Saskatchewan Corrections offers a number of services and programs to offenders in its custody or under its supervision. Its core intervention programs are described below. Further information about correctional programs and services can be obtained from departmental officials.

Offender Substance Abuse Prevention Program			
Organization	Saskatchewan Corrections		
Type	√ Custody	☐ Residential	√ Community
Description	This is a cognitive behavioural program, where the client will develop:		

	• a concrete understanding of their substance abuse; • identifiable goals and behavioural changes to address their substance abuse; and • skill and experience to effectively cope in various life areas, without resorting to substance abuse. Some of the areas covered include alcohol/drug knowledge, goal setting, self-management, problem solving, behavioural and cognitive coping strategies, social skills, understanding/identifying risk situations, relapse prevention and management
Eligibility	• Clients must be prepared to participate actively, complete personal assignments, and attend daily, four-hour sessions, for six weeks. • Community clients who are assessed to be within the moderate to substantial range of substance abuse, and whose criminal activity is directly related to substance abuse.
Duration	26 sessions over 6 weeks.
Location(s)	Various
Contact	Local Community Operations Offices (see **Error! Reference source not found.**)

Choices			
Organization	Saskatchewan Corrections		
Type	☐ Custody	☐ Residential	√ Community
Description	The Choices program is a cognitive behavioural substance abuse program that focuses on relapse, prevention and maintenance. The program consists of 10 sessions over a two to three week period, followed by weekly maintenance sessions for three months. Some of the areas covered are: • Goal Setting • Self-management • Problems-solving • Behavioural/cognitive coping strategies • Understanding, identifying, and preventing risk situations • Managing slips		
Eligibility	Probationers with a substance abuse problem ranging from low to moderate. It is also for clients who have had previous programs but are at high risk for relapse and would benefit from a refresher course or specific relapse prevention skills and planning.		
Duration	Approximately three months		
Location(s)	Various		

Contact	Community Operations Offices (see **Error! Reference source not found.**)

Cognitive Skills Program			
Organization	Saskatchewan Corrections		
Type	√ Custody	☐ Residential	√ Community
Description	The Cognitive Skills program is designed to introduce participants to a variety of thinking and social skills that have proven to be useful in changing offending behaviour. Its goal is to teach participants to become more reflective, to anticipate and plan responses to potential problems and to be more flexible and open minded in their thinking. With practice, the participants will be better able to think before acting, consider consequences for themselves and others, and plan for pro-social results of their actions.		
Eligibility	Offenders who are exhibiting cognitive deficits in the areas of problem solving, developing alternatives, considering consequences, impulsivity, social skills. Consideration to be given to PRA score - high with problem areas in "Attitude" and "Companions", factors 4 and 13.		
Duration	Twenty-three sessions over 3 months		
Location(s)	Various		
Contact	Community Operations Offices (**www.cpsp.gov.sk.ca/Probation**)		

Anger Management			
Organization	Saskatchewan Corrections		
Type	√ Custody	☐ Residential	√ Community
Description	This is a general aggression control program and not specific to domestic violence. It introduces participants to a cognitive - behavioural approach to emotion control. Participants are encouraged to identify their own patterns (thought - feeling - behaviour) and develop alternate thinking and behavioural responses. It is designed to reduce risk of aggression-based offences by reinforcing personal responsibility and introducing a variety of strategies to manage their emotions and interpersonal conflict.		
Eligibility	Indications of problems managing anger and aggression, but with offence patterns other than domestic violence.		
Duration	Ten two-hour sessions, plus personal assignments.		
Location(s)	Various		
Contact	Community Operations Offices (**www.cpsp.gov.sk.ca/Probation**)		

Domestic Violence Programs			
Organization	Saskatchewan Corrections		
Type	√ Custody	☐ Residential	√ Community
Description	Community Corrections designates some specialized domestic violence caseloads in order to provide offender programming in smaller regions, and better co-ordination in the large urban regions. The larger regions also provide offender programming in an attempt to provide services for offenders who were not eligible to attend treatment in the community due to pending criminal charges, or were unable to attend groups due to work schedule. Currently there are several programs offered, ranging from five weeks to over one year in duration. These programs are facilitated by Mental Health Services, Probation Officers or together on a co-facilitation basis.		
Eligibility	Various		
Duration	Five weeks and longer		
Location(s)	Various		
Contact	Community Operations Offices (**www.cpsp.gov.sk.ca/Probation**)		

Sexual Offender Programs			
Organization	Saskatchewan Corrections		
Type	☐Custody	☐ Residential	√ Community
Description	Throughout the province, there are various levels of education, treatment, and maintenance programs delivered in conjunction with Mental Health Services. In areas where Mental Health is not actively participating, Community Operations has worked independently to provide some level of service to these clients. Often in these cases, private counsellors in the community enhance programming.		
Eligibility	Various		
Duration	Various		
Location(s)	Various		
Contact	Community Operations Offices (**www.cpsp.gov.sk.ca/Probation**)		

Adult Correction Services
Corrections, Public Safety and Policing
700-1874 Scarth St., Regina SK S4P 4B3
Phone: (306) 787-3490
Website: **www.cpsp.gov.sk.ca/Corrections**

Note: Contact information for provincial correctional centers and community operations (probation) offices can be obtained through the Adult Corrections Service's website: Click on "Addresses and Contact Information."

A.3.5 Victim Services

Contact information for a range of services for the victims of crime in Saskatchewan are published by the Ministry of Justice and Attorney General, Victim Services Branch at **www.justice.gov.sk.ca/victimsservices**, under the following headings:

- Services for Children
- Services for Women
- Services for Aboriginal Families
- Police-affiliated Victims Services and Victim/Witness Services

A.4 Manitoba

A.4.1 Police Services

There are seven municipal and First Nation police departments in Manitoba. The RCMP serves the other communities in the province. The contact information for these police services follows:

Altona Police Service
111 Centre Avenue East, Box 1809
Altona, MB R0G 0B0
Phone: (204) 324-5373
Website:
http://police.townofaltona.com

Brandon Police Service
1340-10th Street
Brandon, MB R7A 6Z3.
Phone: (204) 729-2345
Website: **www.brandon.ca/police**

Dakota Ojibway Police Service
Room 220 - 740 Rosser Avenue
Brandon, Manitoba R7A 0K9
Phone: (204) 729-3622
Website: **http://www.dops.org**

Morden Police Services
106-195 Stephen Street
Morden, MB R6M 1V3
Phone: (204) 822 6292
Website: **www.mordenmb.com**

RCMP "D" Division
1091 Portage Avenue
P.O. Box 5650
Winnipeg, MB R3C 3K2
Phone: (204) 983-5420
Website: **www.rcmp-grc.gc.ca/mb**

Note:
Contact information for RCMP detachments in Manitoba is published on the "D" Division website.

Victoria Beach Police
PO Box 189
Victoria Beach, Manitoba, R0E 2C0
Phone: (204) 756-2322
Website: **www.vbpolice.ca**

Winkler Police Service
185 Main Street
Winkler, MB R6W 1B4
Phones: (204) 325-0829
Website: **www.winklerpolice.ca**

Winnipeg Police Service
151 Princess St, P.O. Box 1680
Winnipeg, MB R3C 2Z7
Phone: (204) 986-6037
Website: **http://winnipeg.ca/police**

High-risk Offender Police Initiatives: The following is a police service initiative specifically designed to help monitor and/or intervene in high-risk offender cases.

	Manitoba Integrated High Risk Sex Offender Unit
Organization	Royal Canadian Mounted Police & Winnipeg Police Service
Description	The Manitoba Integrated High Risk Sex Offender Unit (MIHRSOU) consists of both Royal Canadian Mounted Police (RCMP) and

	Winnipeg Police Service (WPS) members. The purpose of the unit is to take a pro-active approach in dealing with persons deemed to be high risk to re-offend upon release back into society. MIHRSOU uses a multi-disciplinary approach to identify, investigate and monitor high-risk sex offenders in the Manitoba (including the City of Winnipeg) as well as high-risk violent offenders in rural Manitoba. MIHRSOU's mandate includes Section 810.1 and 810.2 Criminal Code applications and referrals to the Community Notification Advisory Committee (CNAC). MIHRSOU liaises with Correctional Service Canada, Parole Services, Probation Services, Forensic Psychological Services, Crown Attorneys, other police agencies and several other related disciplines. Section 810.1 or 810.2 Criminal Code applications are pursued for offenders who have served every day of their sentence and will be released back into the community without any conditions, support or supervision. These are offenders whom continue to pose a serious threat to society. MIHRSOU will refer cases to the Community Notification Advisory Committee (CNAC) for recommendations regarding persons whom have committed sexual offences. The committee may recommend either a full public notification, targeted notification, limited notification or no notification. MIHRSOU will also assist the Crown Attorney's office with dangerous offender and long-term offender applications. MIHRSOU has the primary administrative and operational responsibility for administering the *Sex Offender Information Registration Act* (SOIRA) in Manitoba.
Location(s)	Winnipeg
Contact	Sgt. Jack Raffle, RCMP, and Sgt. Darryl Ramkissoon, WPS Manitoba Integrated High Risk Sex Offender Unit P.O. Box 5650, 1091 Portage Avenue Winnipeg, MB R3C 3K2 Phone: (204)984-1888 Fax: (204)983-2222

A.4.2 Public Notification

When police become aware of an offender who poses a threat to commit a further sexual offence, the police may refer the case to the Community Notification Advisory Committee (CNAC) for a recommendation as to whether the public should be warned. The committee has representatives from the RCMP, Winnipeg Police Service, Brandon Police Service, Manitoba Corrections, Correctional Services Canada, Manitoba Health and a MB Justice representative with prosecutions experience. It also has a private citizen to

represent the interests of the public. CNAC's operations are not controlled by legislation but, rather, are governed by a written protocol established by the member agencies.

If possible, offenders are told that their case has been referred to the committee and are given an opportunity to make a written submission.

Once the committee has done a thorough review of the case, it will make one of several possible recommendations. These range from various forms of notification to measures such as surveillance or applying for a peace bond. The forms of notification are targeted notifications, which are provided to those persons or agencies considered to be at risk, limited notification to specific persons such as previous victims or people in a specific location, and full public notifications, which involves a media release and a posting on the Manitoba Justice website: **www.gov.mb.ca/justice/notification**.

In making its recommendation, CNAC seeks to balance the offender's privacy interests against the need for public protection.

The recommendation made is not binding on the police agency that makes the referral. However, if police follow the recommendation, they will be indemnified by the Province of Manitoba should there be a successful lawsuit against the police arising from the notification (or the decision not to notify).

For further information, contact:

Community Notification Advisory Committee
Manitoba Justice
Phone: (204) 945-3272
Webpage: **www.gov.mb.ca/justice/safe/cnac.html**

A.4.3 Prosecution Services

The Prosecution Division, Manitoba Justice, is responsible for provincial prosecutions. It is headquartered in Winnipeg and maintains offices in Brandon, Dauphin, Portage la Prairie, The Pas, and Thompson.

Prosecutions Division
Manitoba Justice
510 - 405 Broadway
Winnipeg MB R3C 3L6
Phone: (204) 945-2852

High-risk Offender initiatives: Manitoba Justice maintains a unit responsible for planning and supporting responses to high-risk offenders

High Risk Offender Unit	
Organization	Prosecution Division, Manitoba Justice
Description	The High Risk Offender Unit is located in the Winnipeg office of Manitoba Prosecutions Services. One of the responsibilities of this unit is to oversee judicial restraint applications (s.810.1 and s 810.2 recognizances) as well as related breaches and subsequent offending. The prosecutors in this area work in conjunction with the National Flagging System Coordinator and Assistant Coordinator , both of whom are members of the Unit, in identifying and prosecuting potential dangerous and long-term offender candidates as well as participating in related sentencing applications. The Unit is also involved in all aspects of the prosecution of breaches of long-term supervision orders. As well, the Unit acts as a resource to prosecutors throughout the province dealing with high-risk offenders, including those n the Criminal Organization Unit who are involved in s 810.2 applications regarding gang members. The members of the High Risk Offender Unit liaise regularly with the MIHRSOU police and the COHROU unit within provincial community corrections as well as Victim Services, Correctional Service of Canada and other local supervisory and treatment providers.
Location(s)	Winnipeg
Contact	Lorraine Prefontaine Supervising Senior Crown Attorney High Risk Offender Unit Winnipeg Prosecutions 5 - 405 Broadway Avenue Winnipeg, MB R3C 3L6 Phone : (204) 945-4273 Fax : (204) 948-3291

A.4.4 Correctional Services

The Corrections Division, Manitoba Justice, is responsible for adult and youth correctional services. Adult correctional centres provide programs that focus on inmates' personal development and growth through education opportunities, rehabilitation programs, vocational training, work experience and individual counselling.

Community Corrections services cover all non-custody, community-based offender services and programs. There are 27 community corrections offices, eleven in First Nations communities. Probation officers supervise probation

and conditional sentences, deliver custody reintegration programs, prepare court reports and provide behaviour intervention programs.

Manitoba Justice - Corrections Division
Head Office
810 - 405 Broadway
Winnipeg MB R3C 3L6
Phone: (204) 945-7804
Website: **www.gov.mb.ca/justice/criminal/corrections/**

Note: Contact information for provincial correctional centres and community offices is published on the division's website.

Special programs are designed for sex offenders, female offenders, assault offenders, custody offenders re-entering their communities and Aboriginal offenders.

Program	Description
Substance Abuse	A 10 session (½ days) group program designed to encourage participants to learn more about alcohol and drug abuse and to decide whether or not they have problems. The concept of avoiding problem behaviour through Relapse Prevention is introduced. Also a one to one component is available if requested.
Anger Management	A 10 session (½ days) group program designed to help participants learn skills to communicate in a non-aggressive way. A one-to-one component is available if requested.
Partner Abuse Short Term	A 10 session (½ days) educational program for people who have committed crime (violent or otherwise) against their wives, girlfriends, ex-wives or ex-girlfriends.
Map to the Soul	A two week program for inmates to examine how loss, shame, responsibility and forgiveness impact on their lives.
AA meetings	A self-help group for alcoholics and persons with drug addictions meets once per week. Open to any Unit D inmates. Community A.A. members may be involved.
Life skills session	One day sessions, may be scheduled weekly
Education	High school level courses, G.E.D., to working on specific areas such as reading or math skills. Participants may work in the classroom but are working on their own individualized programs.
Sex Offender Program	Six month program with a one to one component. Relapse Prevention / Cognitive Behavioral-based with one-to-one component.

Program	Description
Thinking Awareness	Ten day group program designed to teach the basics of Relapse Prevention using non offence specific scenarios
Sexual Information	Five day program providing sex education and health related information
Coming To Terms Program	Five day program informational program that will assist clients to realistically evaluate their alcohol and /or other drug usage, and the effect this is having on their lives and on the lives of those around them. The focus is self-evaluation. The program follows the Stages of Change Model.
Triple P Parenting Program	Five day informational program that looks at 17 parenting skills and how to apply them in a routine format. Role play techniques are used to enhance parent competencies in managing common behaviour problems and developmental issues. The focus is on parent self-evaluation and self-efficacy. Co-facilitated with John Howard to assist in community follow up.
Computer Refurbishing	This is an ongoing program that teaches the offender all the steps necessary to refurbish a computer with the opportunity to become A Plus or IC3 certified.
Positive Communication	Five day program for female offenders. Learning and Developing healthy ways of relating to others. Participants learn to accept their own emotions as normal at the same time confront their unhealthy passive, manipulative, passive-aggressive and aggressive behaviors. Participants learn the steps of assertive behavior and active listening thus developing healthy ways of relating to others.
PTSD	Information session aims to provide women with the understanding of the impact of Trauma. Some self management skills in order to increase her sense of control
Literacy	Group and individual literacy training (tutoring) is offered through the John Howard Society. Links are also made to GED and continuing education programs.

In the community, the degree of supervision and the program is based on the risk presented by the offenders and their likelihood to re-offend. Higher-risk offenders receive more intensive services and programs.

The following are profiles of programs designed for, or potentially relevant to, the management of high-risk offenders in the community.

Manitoba Integrated High Risk Sex Offender Unit	
Organization	Manitoba Justice - Corrections Division
Description	The Criminal Organization & High Risk Offender Unit (COHROU) is a specialized unit within Manitoba's Probation Services which provides intensive support and supervision to high-risk offenders on probation orders, conditional sentences or peace bonds. There are five streams of offenders covered by the unit: including Sexual, Family Violence, Random Assault, Mentally Disabled/Disordered, and Organized Crime. The unit specifically targets adult offenders in Winnipeg who: • demonstrate a pattern of persistent and escalating aggression and violence with no regard for their victims or for the consequences of their behaviour; and • are assessed as unlikely to be restrained/supervised by regular community supervision. Referrals to the unit are received from various sources and must meet certain criteria before being considered. Once accepted into the unit, offenders progress through a four-phase program: Assessment/Stabilization: Intervention: Maintenance; and Transfer to Regular Probation. COHROU caseloads are significantly smaller than traditional probation caseloads in order to work intensively with the offender as well as maintaining, where possible, a multi system team approach to maintain a community-based risk management plan to reduce recidivism and fully integrate the offender into the community. The multisystem team often includes prosecutions, police, victim services, and community based service providers.
Location(s)	Winnipeg
Contact	Linda Lafontaine Area Director Criminal Organization and High Risk Offender Unit Winnipeg Community Corrections 470 Notre Dame Avenue Winnipeg, MB R3B 1R5 Phone: (204) 945-0384

Criminal Thinking Errors and Victim Awareness Program for Men			
Organization	Winnipeg Adult Probation Services		
Type	☐ Custody	☐ Residential	√ Community
Description	The program is a cognitive restructuring group for adult males who have been involved in criminal behaviour. A major focus of the		

	group work is to gain self- awareness of the inappropriate thinking and how it impacts on behaviour. Program content: The group participants will begin to identify inappropriate thinking, and then is able to challenge each other's patterns of thinking errors presented. They will be able to identify how errors in thinking lead to behaviour that ultimately hurts other people. Participants focus on identifying how their own behaviour impacted the people they have victimized.
Eligibility	Women convicted of property-related offences and crimes of a personal nature where the offender is facing an incarceration term of six months or more. The program does not consider family violence cases, drug- related offences, sexual assault cases, or gang related offences. Optimum number of participants - approximately 12
Duration	10 weeks meeting once per week for 2 ½ to 3 hours.
Contact	**Restorative Resolutions Program** 3rd Floor-583 Ellice Winnipeg, MB R3B 1Z7 Ph: (204) 945-8581 Fax: (204) 948-2100

Restorative Resolutions Entrepreneurship Program (RREP)			
Organization	Stu Clark Centre for Entrepreneurships		
Type	☐ Custody	☐ Residential	√ Community
Description	The RREP is for clients interested in entrepreneurship. It uses an experiential model that emphasizes the use of exercises, cases studies, role playing and other hands-on activities over lectures. Over the course of the program participants complete and present a business plan for a proposed business they would be interested in running. The program is sponsored by the Peter D. Curry Foundation. Program content: Each participant will be paired up with a mentor drawn from the Winnipeg business community. The mentorship program will not end with the formal course rather it will continue for a year after the participants' graduation date. As part of this process, participants have the option of asking the panel to make an investment in their proposed business. The funds for this investment will come from the proposed venture fund. At the conclusion of the program, contact with the participants is maintained through regular networking events.		
Eligibility	Individuals convicted of property-related offences and crimes of a personal nature where the offender is facing an incarceration term of six months or more. The program does not consider family violence cases, drug- related offences, sexual assault cases, or gang		

	related offences.
Duration	13 three-hour weekly sessions.
Contact	**Restorative Resolutions Program** 3rd Floor-583 Ellice Winnipeg, MB R3B 1Z7 Ph: (204) 945-8581 Fax: (204) 948-2100

Anger Management			
Organization	Winnipeg Adult Probation Services		
Type	☐ Custody	☐ Residential	√ Community
Description	The unit offers a range of anger management training programs including: • Women Informational Anger Management • Men's Informational Anger Management • Special Needs Informational Anger Management • Aboriginal Women's Anger Management • Men's Peaceful Choices • Refresher Anger Management		
Eligibility	Offenders convicted of any of the following offences: robbery; assaults; dangerous operation of a vehicle causing bodily harm and/or death; uttering threats; manslaughter; 1st and 2nd degree murder; home invasion; possess of a weapon; dangerous to the public peace.		
Duration	Core program - Eight 3-hour sessions Informational & refresher sessions - one 3-hour session		
Contact	**Random Assault Unit** 2-225 Garry Street Winnipeg, MB R3C 1H1 Ph: (204) 945-7207		

Sexual Offender Core Intervention			
Organization	Winnipeg Adult Probation Services		
Type	☐ Custody	☐ Residential	√ Community
Description	The Core Intervention program is cognitive behavioural relapse prevention based, with an emphasis on a holistic model of intervention. It addresses relevant criminogenic risk factors in the context of assisting the offender to develop an overall healthy lifestyle. Program content: An emphasis is placed on interventions that are dynamic, process-oriented and connected to the offenders' ongoing		

	functioning and management of risk factors. The program is normally delivered in an open group with a number of transition periods, but can be delivered on a one-to-one basis
Eligibility	All sexual offenders
Duration	Ongoing
Contact	**Sex Offender Unit (SOU)** 225 Garry Street Winnipeg, Manitoba R3C 1H1 Ph: (204) 945-5505 Fax: (204) 945-0426

Sexual Offender Core Intervention - Maintenance			
Organization	Winnipeg Adult Probation Services		
Type	☐ Custody	☐ Residential	√ Community
Description	The Maintenance program's goal is to have offenders practice their skills and to provide support and ongoing risk management.		
Eligibility	Sexual offenders who have completed the Sexual Offender Core Intervention program.		
Duration	Ongoing		
Contact	**Sex Offender Unit (SOU)** 225 Garry Street Winnipeg, Manitoba R3C 1H1 Ph: (204) 945-5505 Fax: (204) 945-0426		

Partner Abuse Short Term Program (PAST)			
Organization	Winnipeg Adult Probation Services		
Type	☐ Custody	☐ Residential	√ Community
Description	The goal of the PAST program is to provide information and techniques to begin the process to stop violent behaviour against partners. Program Philosophy -Violence is not acceptable. We are responsible and accountable for our own behaviour. Violence/abuse hurts people in a variety of ways. Because violence/abuse is a learned behaviour, people can learn to change their behaviour. Program Content: Defining Partner Abuse, Power and Control issues, Types of abuse, Cycle of violence, Warning signs and Time-outs, Personal plan for non-violence; Victim impact, Socialization, Self-talk model The agency offers three specialized PAST programs: • Aboriginal Men's PAST		

	• Women's PAST • Multicultural Family Violence Program
Eligibility	Conviction for violence against a family member.
Duration	8 three-hour sessions
Contact	**Family Violence Units** 201-470 Notre Dame Avenue Winnipeg, MB R3B 1R5 Ph: (204) 945-3213 Fax: (204) 945-1227 or 2031 Portage Avenue Winnipeg, MB R3J 0K6 Phone: (204) 945-8995 Fax: (204) 948-2176

Moving On Program for Women			
Organization	Winnipeg Adult Probation Services		
Type	☐ Custody	☐ Residential	√ Community
Description	The program is a cognitive/emotive therapeutic group geared toward providing female offenders with the tools needed to avoid future criminal behaviour, while providing a supportive environment in which to discuss personal development and relationship issues. Program content: Focuses on the ways in which toxic shame is incorporated by individuals through socialization. It also assists in linking clients to external resources based on their individual needs. The program helps to identify, to understand and to heal toxic shame.		
Eligibility	Women convicted of property-related offences and crimes of a personal nature where the offender is facing an incarceration term of six months or more. The program does not consider family violence cases, drug- related offences, sexual assault cases, or gang related offences. Optimum number of participants 8-10		
Duration	10 week group program meets once per week for 2 ½ to 3 hours		
Contact	**Restorative Resolutions Program** 3rd Floor-583 Ellice Winnipeg, MB R3B 1Z7 Ph: (204) 945-8581 Fax: (204) 948-2100		

A.4.5 Victim Services

The Victim Services Branch provides a wide range of services to domestic violence and child victims and victims of the most serious crimes, as outlined under *The Victims' Bill of Rights* (VBR). The services include:

- **Victim Rights Support Service** (VRSS) – The VBR came into effect in 2001. This legislation specifies the rights of victims of the most serious crimes. The VBR ensures crime victims' rights are recognized and protected in their dealings with police, prosecutors, courts and corrections officials.

  Crime Victim Service Workers (CVSWs) advise victims of their options, rights and responsibilities after a charge has been laid. They are located in nine offices throughout Manitoba. Victim Services support extends to 69 major court centers and circuit locations. Descriptions services and contact information for local victim service offices can be obtained through the branch's website: **www.manitoba.ca/justice/victims/index.html**.
- **Child Victim Support Service** (CVSS) – The CVSS helps victims and witnesses of abuse (up to 18 years of age), adult survivors of sexual abuse, and other vulnerable victims (on a case-by-case basis) who are involved in the criminal court process
- **Domestic Violence Support Service** (DVSS) – The DVSS helps victims of domestic violence when criminal charges have been laid, or may be laid against their partners. The DVSS actively participates with COHROU to enhance victim safety through the coordination of justice officials.
- **The Domestic Violence Intervention Unit** (DVIU) – Established in Winnipeg in 2006, the DVIU offers support to families who receive police services for domestic violence incidents that occur in Winnipeg, but that do not result in charges or arrests. Specially trained workers help people at risk of abuse in relationships to stop the cycle of violence.
- **Cellphone Emergency Limited Link-up Program** (CELL) – A provincial coordinator, in co-operation with 28 social service agencies throughout the province, manages the CELL Program, which provides cell phones on a short-term basis to victims of domestic violence and stalking who are deemed to be at very high risk of violence. The CELL Program is a joint initiative between MTS, UTstarcom, Nokia, social service agencies, police services and Manitoba Justice.
- **Protection Order Designates Service** – Victim Services offers information and training to community service providers under the *Domestic Violence and Stalking Act.* This Manitoba law allows victims of stalking or domestic violence to get protective orders. Victim Services formally trains Protection Order Designates who can help Protection Order applicants file court applications.

- **Compensation for Victims of Crime Program** (CVCP) – Under the authority of the VBR, the CVCP provides compensation for personal injury or death resulting from certain crimes occurring within Manitoba. Any person who is the innocent victim of a criminal incident is eligible to file a claim, as are surviving family members of a person killed as a result of a crime. Compensation can include income replacement, funeral expenses, training and rehabilitation expenses, medical/dental costs and grief counselling for survivors of homicide victims.
- Victim/Witness Assistance Program – This program provides support services to victims and witnesses of crime who are subpoenaed to appear in either Provincial Court or Court of Queen's Bench.

A.5 Ontario

A.5.1 Police Services

There are 55 municipal and 9 First Nations police services in Ontario. The Ontario Provincial Police provides serves the other communities in the province. Contact information for these police services is listed below.

Anishinabek Police Service
R.R.#4, Site 5, Box 59
Garden River, Ontario P6A 5K9
Phone: (705) 946-2539
Website: **www.apscops.org**

Akwesasne Police Service
Box #10, 10 Park Street
St Regis, Quebec H0M 1A0
Phone: (613) 575-2340
Website: **www.akwesasne.ca**

Barrie Police Service
29 Sperling Drive
Barrie, Ontario L4M 6K9
Phone: (705) 725-7025
Website: **www.police.barrie.on.ca**

Belleville Police Service
93 Dundas St East
Belleville, Ontario K8N 1C2
Phones: (613) 966-0882
Website: **www.police.belleville.on.ca**

Brantford Police Services
344 Elgin Street, P.O. Box 1116
Brantford, Ontario N3T 5T3
Phone: (519) 756-0113
Website: **www.police.brantford.on.ca**

Brockville Police Service
P.O. Box 2050, 2269 Parkedale Avenue
Brockville, ON K6V 6N5
Phone: (613) 342-0127
Website: **www.brockvillepolice.com**

Chatham-Kent Police Service
24 Third Street, P. O. Box 366
Chatham, Ontario N7M 5K5

North Bay Police Service
135 Princess Street West
North Bay, Ontario P1B 8J8
Phone: (750) 472-1234
Website: **www.northbaypolice.on.ca**

Ontario Provincial Police
777 Memorial Avenue, 3rd Floor
Orillia, Ontario L3V 7V3
Phone: 705-329-7400
Website: **www.opp.ca**

Note: Contact information for Ontario Provincial Police regional offices and detachments is published on the service's website, under "Organization."

Ottawa Police Service
474 Elgin Street, P.O. Box 9634, Station T
Ottawa, Ontario K1G 6H5
Phone: (613) 236-1222
Website: **www.ottawapolice.ca**

Oxford Community Police
615 Dundas St.
Woodstock, Ontario, N4S 1E1
Phone: (519) 421-2800
Website:
www.oxfordcommunitypolice.on.ca

Owen Sound Police Service
922 2nd Avenue West
Owen Sound, Ontario N4K 4M7
Phone: (519) 376-1234
Website: **www.owensoundpolice.com**

Peel Regional Police
7750 Hurontario Street
Brampton, Ontario L6V 3W6

Phone: (519) 436-6600
Website: **www.ckpolice.com**

Cobourg Police Service
107 King Street West
Cobourg, Ontario K9A 2M4
Phone: (905) 372 - 2243
Website: **www.cobourgpolice.com**

Cornwall Community Police Service
P.O. Box/C.P. 875, 340 Pitt Street
Cornwall, Ontario K6H-5T7
Phone: (613) 932-2110
Website: **www.cornwallpolice.com**

Durham Regional Police Service
605 Rossland Rd. E, Box 911
Whitby, Ontario L1N 0B8
Phone: (905) 579-1520
Website: **www.drps.ca**

Halton Regional Police Service
1151 Bronte Road, Box 2700
Oakville, Ontario L6J 5C7
Phone: (905) 825-4747
Website: www.hrps.on.ca

Hamilton Police Service
155 King William Street, Box 1060, LCD1
Hamilton, Ontario L8N 4C1
Phone: (905) 546-4925
Website: **www.hamiltonpolice.on.ca**

Kingston Police Service
705 Division Street
Kingston, Ontario, K7K 4C2
Phone: (613) 549-4660
Website: **www.police.kingston.on.ca**

Lac Seul Police Service
Box #39
Frenchmans Head, Ontario P0V 1X0
Phone: (807)582-3802
Website: NA

London Police Service
601 Dundas Street
London, Ontario N6B 1X1
Phone: (519) 661-5670
Website: **http://police.city.london.on.ca**

Phone: (905) 453-3311
Website: **www.peelpolice.on.ca**

Port Hope Police Services
230 Walton Street, PO Box 111
Port Hope, Ontario L1A 3V9
Phone: (905) 885-8123
Website: **www.phps.on.ca**

Rama Police Service
5984 Rama Rd , Box 206
Rama, Ontario L0K 1T0
Phone: (705) 325-7773
Website: NA

Sarnia Police Service
555 Christina Street North,
Sarnia, Ontario N7T 7X6
Phone: (519) 344-8861
Website: **www.police.sarnia.on.ca**

Six Nations Police Service
1689 Chiefswood Rd.
Ohsweken, Ontario N0A 1M0
Phone: (519) 445 2811
Website: **www.snpolice.ca**

South Simcoe Police Service
2137 Innisfal beach Rd.
Innisfal, Ontario L9S 1A2
Phone: (750) 436-2141
Website: **www.southsimcoepolice.on.ca**

St. Thomas Police Service
30 St. Catharine Street
St. Thomas, Ontario N5P 2V8
Phone: (519) 631-1224
Website: www.stps.on.ca

Toronto Police Service
40 College Street
Toronto, Ontario M5G 2J3
Phone: (416) 808-2222
Website: **www.torontopolice.on.ca**

Treaty Three Police Service
P.O.Box 1480, 100 Park St.
Kenora, Ontario P9N 3X7
Phone: (807) 468-4079
Website: **www.treatythreepolice.ca**

Manitoulin Anishnabe Police Service
Box 332, West Bay Complex
West Bay, Ontario P0P 1G0
Phone: (705) 377-7135
Website: NA

Niagara Regional Police Service
110 James Street
St. Catharines, Ontario L2R 7E8
Phone: (905) 688-4111
Website: **www.nrps.com**

Nishnawbe-Aski Police Service
710 Victoria Av. E., Suite 202
Thunder Bay, Ontario P7C 5P7
Phone: (807) 737-4045
Website: **www.naps.ca**

Note: Contact information for Nishnawbe-Aski Police Service regional offices and 35 detachments is published on its website under "Detachments"

Note: Contact information for the eight Treaty Three Police Service detachments is published on its website under "Detachments."

Waterloo Regional Police Service
P.O.Box 3070, 200 Maple Grove Road
Cambridge, Ontario N3H 5M1
Phone: (519) 653-7700
Website: **www.wrps.on.ca**

Wikwemikong Police Service
19B Complex Drive, Box 27
Wikwemikong, Ontario P0P 2J0
Phone: (705) 859-3141
Website: **www.wikipolice.com/**

Windsor Police Service
150 Goyeau Street
Windsor, Ontario N9A 6J5
Phone: (519) 255-6700
Website: **www.police.windsor.on.ca**

York Regional Police
17250 Yonge Street
Newmarket, Ontario L3Y-4W5
Phone: (866) 876-5423
Website: **www.police.york.on.ca**

High-risk Offender Initiatives: The following are police service initiatives in Ontario that have been specifically designed to help monitor and/or intervene in high-risk offender cases.

High Risk Offender Section	
Organization	Toronto Police Services
Description	The High Risk Offender Program is an innovative means by which the Service in carrying out its role in the criminal justice system, is taking preventive action by dealing with persons deemed to be a "High Risk" to offend or re-offend violently and/or sexually. The program addresses problems that can occur with an individual who has served full sentence and is to be released into the community without supervision. Understanding that they pose a potential risk to the community, the offenders themselves become willing participants in the program. Appropriate conditions are agreed upon that balance the needs of the community with the needs of the high risk individual.

	This program could not function without the active participation of many parts of the community, including the Mennonite Central Committee, Correctional Service of Canada and other police agencies throughout Canada.
Location(s)	Toronto
Contact	**Sex Crimes Unit** Toronto Police Service 40 College Street, Toronto, Ontario M5G 2J3 Phone: (416) 808-7474 Webpage: **www.torontopolice.on.ca/sexcrimes/**

High Risk Individual Coordinator	
Organization	London City Police
Description	The Investigation Response Unit provides support to all sections within the Criminal Investigation Division involving complex investigations and special projects. In addition, Unit members pursue suspects who are wanted by the London Police Service on outstanding arrest warrants, focusing on suspects who pose a heightened risk to public safety, including dangerous or high risk offenders. The High Risk Individual Coordinator is a liaison with federal and provincial correctional agencies and with other law enforcement agencies regarding high-risk individuals that have completed their sentences and are living in London. The member conducts investigations and uses provisions in the *Criminal Code* to assist in monitoring potential high risk individuals in an attempt to lessen the risk of these individuals to the community.
Location(s)	London
Contact	**Criminal Investigation Division** London Police Service 601 Dundas Street London, ON Canada N6B 1X1 Phone: (519) 661-5515 ext 5674 Webpage: **http://police.city.london.on.ca/d.aspx?s=/Newsroom/ManagementHighRiskOffenders.htm**

A.5.2 Public Notification

The ***Police Services Act*** and its **regulations** empower police chiefs and their delegates to publicly disclose information about offenders considered to be a significant risk to a community. Such disclosure must be done in accordance with the Act and its regulations.

A.5.3 Prosecution Services

The Criminal Law Division provides legal representation for the Crown in right of Ontario in all criminal matters. It is responsible for the prosecution of criminal cases before all courts in the province and for the carriage of all criminal appeals in the Ontario Court of Appeal and the Supreme Court of Canada. The division supervises and coordinates the Crown Attorneys in the 49 judicial districts and the Crown Counsel in the Crown Law Office - Criminal.

"Each region has a designated Crown Counsel-High-Risk Offender (CC-HRO), who has specialized expertise to assist in the prosecution of dangerous and long-term offenders, and breaches of long-term supervision orders. The CC-HRO is a resource in this area of law, and will assist the trial Crown in preparing for the dangerous or long-term offender hearing, as necessary. The CC-HRO's are coordinated by the Deputy Director-High Risk Offenders who is also the provincial coordinator for the National Flagging Program.

Generally the CC-HRO will assist the trial Crown in the various facets of the dangerous offender/long term offender hearing but specifically in three respects:

(1) helping to gather and organize information on the offender and his offences for the 752.1 psychiatric assessment;

(2) providing legal and tactical advice to the trial crown; and

(3) providing in court assistance in special cases to the trial Crown where needed.

Once a file is screened, and a dangerous or long-term offender application is being considered, Crown counsel must inform the CC-HRO in order to ensure that the CC-HRO can be of timely assistance in the case.

Criminal Law Division
Ministry of the Attorney General
McMurtry-Scott Bldg, 6th Flr,
720 Bay St, Toronto ON M5G2K1
Phone: (416) 326-2615

Note: Telephone numbers for Crown offices are included in the contact information for Ontario court houses published on the Ministry's website. Go to the website at **www.attorneygeneral.jus.gov.on.ca/** and click on "court addresses."

High Risk Offender Policy: The *Crown Policy Manual - 2005*, which is published on the Ministry of the Attorney General website, includes a brief statement with respect to *Dangerous, Long Term and High Risk Offenders.* For further information go to: **www.attorneygeneral.jus.gov.on.ca/english/crim/cpm** .

A.5.4 Correctional Services

Ontario's Ministry of Community Safety and Correctional Services is responsible for the delivery of provincial custodial and community correctional programs for adults.

Correctional Services - General Inquiries
Community Safety and Correctional Services
George Drew Bldg
11th Floor, 25 Grosvenor St.
Toronto ON M7A1Y6
Phone: (416) 327-9734
Website: **http://www.mcscs.jus.gov.on.ca/english/default.html**

High-risk Offender Inquiries
Dangerous Offender Coordinator
Adult Community Services
200 First Avenue West, 3rd Floor
North Bay, ON P1B 9M3
Phone: (705) 494-3386

Note: Contact information for Corrections Service offices, including local probation and parole offices are available through the government telephone directory: Go to **http://www.infogo.gov.on.ca/infogo/**, the under " Browse by Organization" select "Community Safety and Correctional Services; click "Go", then "Correctional Services," and continue to drill down.

The location and contact information for Ontario's regional headquarters and correctional facilities follows:

Regional Offices

Central Region - Institutional Services
Administration Building
160 Horner Avenue
Toronto, ON M8Z 4X8
Phone: (416) 212-6727
Fax: (416) 314-0527

Central Region - Community Services
171 Judson St., Bldg. "C'
Etobicoke, ON M8Z 1A4
Phone: (416) 314-0520
Fax: (416) 314-8388

Eastern Region - Institutional & Community Services
25 Heakes Lane
Kingston, ON K7M 9B1
Phone: (613) 536-7350
Fax: (613) 544-6460

Northern Region - Institutional & Community Services
200 First Ave. W., 4th floor
North Bay, ON P1B 9M3
Phone: (705) 494-3430
Fax: (705) 494-3435

Western Region - Institutional & Community Services
150 Dufferin Ave., Suite 704
London, ON N6A 5N6
Phone: (519) 675-7757
Fax: (519) 679-0699

Correctional Facilities

Algoma Treatment & Remand Centre
800 Great Northern Rd
Sault Ste Marie, On P6A 5K7
Phone: 705-946-0995

Brantford Jail
105 Market St
Brantford, ON N3T 6A9
Phone: 519-752-6578

Brockville Jail
10 Wall St.
Brockville, ON K6V 4R9
Phone: 613-342-1456

Central East Detention Centre
50 Simpson Road
Lindsay, ON K9V 6H2
Phone: 705-328-6000

Central North Correctional Centre
1501 Fuller Ave
Penetanguishene, ON L9M 2G2
Phone: 705-549-9470

Chatham Jail
17 Seventh St.
Chatham, ON N7M 4J9
Phone: 519-352-0150

Elgin-Middlesex Detention Centre
711 Exeter Road
London, ON N6E 1L3
Phone: 519-686-1922

Fort Francis Jail
310 Nelson Street
Fort Francis, ON P9A 1B1
Phone: 807-274-7708

Hamilton-Wentworth Detention Centre
165 Barton Street East
Hamilton, ON L8L 2W6
Phone: 905-523 8800

Kenora Jail
1430 River Street
Kenora, ON P9N 1K5

Ottawa-Carlton Detention Centre
2244 Innes Road
Ottawa, ON K1B 4C4
Phone: 6013-824-6080

Owen Sound Jail
Box 517, 1237 Third Ave East
Owen Sound, ON N4K 5R1
Phone: 519-376-0435

Quinte Detention Centre
Postal Bag 3060, 89 Richmond Blvd
Napanee, ON K7R 3S1
Phone: 613-354-9701

Sarnia Jail
700 North Christina St.
Sarnia, ON N7V 3C2
Phone: 519-337-3261

St. Lawrence Valley Correctional & Treatment Centre/ Brockville Jail
1804 Hwy 2 East, P.O. Box 8000
Brockville, ON K6V 7N2
Phone: 613-341-2870

Stratford Jail
30 St. Andrew St.
Stratford, ON N5A 1A3
Phone: 519-271-2180

Sudbury Jail
181 Elm St West
Sudbury, ON P3C 1T8
Phone: 705-564-4150

Thunder Bay Correctional Centre
Hwy. 61 S, P.O Box 1900
Thunder Bay, ON P7C 4Y4
Phone: 807-475-8401

Thunder Bay Jail
285 MacDougall St., P.O. Box 2806
Thunder Bay, ON P7B 5G3
Phone: 807-345-7364

Toronto East Detention Centre
55 Civic Road

Phone: 807-468-2871

Maplehurst Complex
661 Martin Street
Milton, ON L9T 2Y3
Phone: 905-878-8141

Mimico Correctional Centre
130 Horner Ave.
Toronto, ON M8V 3S9
Phone: 416-314-9600

Monteith Correctional Complex
Box 90, Junction Highway 11 & 577
Monteith, ON P0K 1P0
Phone: 705-232-4092

Niagara Detention Centre
Box 1050, 1355 Uppers Lane
Thorold, On, L2V 4A6
Phone: 905-227-6321

North Bay Jail
2550 Trout Lake Rd.
North Bay, ON P1B 7S7
Phone: 705-472-8115

Ontario Correctional Institute
Box 1888, 109 McLaughlin Road South
Brampton, ON L6Y 2P1
Phone: 905-457-7050

Scarborough, ON M1L 2K9
Phone: 416-750-3513

Toronto Jail
550 Gerrard Street East
Toronto, ON M4M 1X6
Phone: 416-325-8600

Toronto West Detention Centre
111 Disco Road
Rexdale, ON M9W 5L6
Phone 416-675-1806

Vanier Centre for Women
655 Martin St., P.O. Box 1040
Milton, ON L9T 5E6
Phone: 905-876-8300

Walkerton Jail
209 Cayley Stree, Box 429
Walkerton, ON N0G 2V0
Phone: 519-881-3442

Windsor Jail
378 Brock St. P.O. Box 7038
Windsor, ON N9C 3Y6
Phone: 519-973-1324

A.5.5 Victim Services

Ontario residents have access to a variety of victim services run by non-profit agencies, local police detachments, provincial departments and others.

The Ontario Victim Services Secretariat publishes a searchable directory of these services at **www.attorneygeneral.jus.gov.on.ca/english/ovss/** -- Click on "Victim Services Directory." Alternatively, contact information for appropriate services can be obtained

Ontario Victim Services Secretariat
Head Office
18 King St. East, 7th Floor
Toronto, ON M5C 1C4
Telephone: (416) 325-3265

A.6 Quebec

A.6.1 Police Services

Provincial police services in Québec are delivered by the Sûreté du Québec and 65 municipal, regional and First Nation police agencies. Sources of contact information for these police services are identified below.

Sûreté du Québec 1701, rue Parthenais Montréal, Québec H2K 3S7 Phone: (514) 598-4141 Website: **www.suretequebec.gouv.qc.ca** Note: Contact information for Sûreté du Québec divisions, regional offices detachments is published on the agency's website under "Pour nous joindre."	**Other Police Services** The Department of Public Security publishes a directory with the contact information for the 34 municipal and 31 First Nation police services in Québec: **www.msp.gouv.qc.ca/police/services_police/**

A.6.2 Prosecution Services

The Director of Criminal and Penal Prosecutions is responsible for prosecutions under the *Criminal Code*, the *Youth Criminal Justice Act* and other federal acts within the mandate of the Attorney General of Québec, including drug offences investigated by the Sûreté du Québec, municipal, regional and First Nation police agencies. The Director also prosecutes all cases to which the Code of Penal Procedure applies, and advises the police forces responsible for enforcing Québec legislation on all aspects of an investigation or criminal and penal proceedings.

The agency's prosecuting attorneys provide through 39 local offices and eight (8) specialized offices: Bureau de la jeunesse de Montréal; Bureau de la qualité des services professionnels; Bureau de lutte au crime organisé; Bureau de lutte aux produits de la criminalité; Bureau des affaires criminelles et jeunesse; Bureau des affaires pénales; Bureau de service-conseil ;and, Bureau des affaires extérieures, de la sécurité et du développement.

Directeur des poursuites criminelles et pénales
1195, avenue Lavigerie, bureau 60
Québec, Québec G1V 4N3
Phone: (418) 643-9059

Note: Contact information for the 39 local offices of the Director of Criminal and Penal Prosecutions are published on the directorate's website at http://www.dpcp.gouv.qc.ca/, under "DPCP, présent pour vous," then "Les points de services."

High Risk Offender Policy: The Director of Criminal and Penal Prosecutions has published two directives directly related to dealing with high-risk offenders:

- DEL-1 Délinquant dangereux ou délinquant à contrôler - Procédure de demande; and
- RDH-1 Registre des délinquants à haut risque.

These and other directives are available at **http://www.dpcp.gouv.qc.ca/**, under "Accueil," "Services aux citoyens," then "Directives du Directeur."

A.6.3 Correctional Services

The Direction générale des services correctionnels (DGSC) is responsible for the delivery of Québec's custodial and community correctional services comprising some 40 probation offices and eighteen penal institutions.

Direction générale des services correctionnels
2525, boulevard Laurier, Tour des Laurentides
Québec, Québec G1V 2L2
Phone: (418) 643-3500

Note: Contact information for the Quebec's administrative offices, probation offices and correctional institutions is published on the Ministry of Public Security's website at **www.msp.gouv.qc.ca/msp/msp.asp?txtSection=nous_joindre&txtCategorie=coordonnees**

A.6.4 Victim Services

Québec's crime victims assistance centres (CAVACs), which are government supported community organizations, deliver victims assistance program across the province .They offer front-line services to all victims of crime and their immediate family and to witnesses to a crime. The centres provide assistance regardless of whether the perpetrator of the crime has been identified, apprehended, prosecuted or convicted.

The CAVAC website, **www.cavac.qc.ca/accueil.html**, publishes contact for each of the 16 regional organizations under the heading CAVAC Network. The information contained there includes contact information for a variety regional victim resources .

A.7 New Brunswick

A.7.1 Police Services

Provincial police services in New Brunswick are delivered the RCMP and nine municipal and regional police agencies. Contact information for these police services are identified below.

Bathurst Police Force
285 King Avenue
Bathurst, NB E2A 1N9
Phone: (506) 548-0420
Website: **www.bathurst.ca**

BNPP Regional Police Force
398 Main Street
Nigadoo, NB E8K 3M8
Phone: (506) 542-2666
Website: **www.bnpppolice.ca**
Serves: Beresford, Nigadoo, Petit-Rocher, Pointe-Verte

Edmundston Police Force
45 Church Street
Edmundston, NB E3V 1J4
Phone: (506) 739-2100
Website: **www.ville.edmundston.nb.ca**

Fredericton Police Force
311 Queen Street
Fredericton, NB E3B 1B1
Phone: (506) 460-2300
Website: **www.frederictonpolice.com**

Grand Falls Police Force
131 Pleasant Street, Suite 100
Grand Falls, NB E3Z 1G6
Phone: (506) 475-7767
Website: **www.grandfalls.com**

Miramichi Police Force
1820 Water Street,
Miramichi, NB E1N 1B7
Phone: (506) 623-2125
Website: **www.miramichi.org**

RCMP "J" Division
1445 Regent Street
Fredericton, NB E3B 4Z8
Phone: (506) 452-3400
Website: **www.rcmp-grc.gc.ca/nb**

Note: Contact information for RCMP detachments in New Brunswick is published on the "J" Division website.

Rothesay Regional Police Force
126 Millennium Drive
Quispamsis, NB E2E 6E6
Phone: (506) 847-6300
Website:
www.rothesayregionalpolice.com

Saint John Police Force
P. O. Box 1971, 15 Market Square
Saint John, NB E2L 4L1
Phone: (506) 648-3200
Website: **www.saintjohn.ca/police**

Woodstock Police Force
822 Main Street
Woodstock, NB E7M 2E8
Phone: (506) 325-4601
Website: **www.town.woodstock.nb.ca**

A.7.2 Prosecution Services

The Public Prosecutions Branch, Office of the Attorney General, is responsible for provincial prosecutions in New Brunswick. The Branch is headquartered in Fredericton with regional offices in thirteen communities.

Public Prosecutions Branch
Office of the Attorney General
520 King Street
Fredericton, New Brunswick E3B 6G3
Phone: (506) 453-2784
Web Site: **www.gnb.ca/0062/index-e.asp**

Note: Contact information for the Branch's regional offices is available through the New Brunswick Government Directory at **http://app.infoaa.7700.gnb.ca/gnb/pub/** using the search term "Crown Prosecutors Office."

A.7.3 Correctional Services

New Brunswick's Community and Correctional Services Division provides services and programs to victims of crime and operates community based programs and custody facilities for young offenders and adults remanded to custody or serving a sentence of up to two years.

The correctional institutions offer offenders specialized programs tailored to meet the individual needs. In the community, the Branch delivers five core rehabilitation programs for low-risk offenders to address substance abuse, partner abuse, offender risk-reduction, sexual abuse and anger management.

Community and Correctional Services Division
Argyle Place, P. O. Box 6000
Fredericton, NB E3B 5H1
Phone: (506) 453-3992

Note: The following are the locations and contact information for New Brunswick's probation offices:

Bathurst Office
Bathurst Courthouse
254 St. Patrick Street
Bathurst, NB 2A 3Z9
(P) 506-547-2159

Bouctouche Office
RCMP Building , Floor 1
75 du Couvent Road
Bouctouche, NB E4S 3B7
(P) 506-743-7233

Campbellton Office

Miramichi Office
Miramichi Court House, Floor 1
673 King George Highway
Miramichi, NB E1V 1N6
(P) 506-627-4060

Moncton Office
Assumption Place, Floor 9
770 Main Street
Moncton, NBE1C 1E7
(P) 506-856-2313

Saint John Office

Room 402, Floor 4
113 Roseberry Street
Campbellton, NB E3N 2G6
(P) 506-789-2339

Edmundston Office
Carrefour Assomption
Room 215, Floor 2
121 de l' Eglise Street
Edmundston, NB E3V 1J9
(P) 506-735-2030

Fredericton Office
Fredericton Regional Centre
300 Saint Mary's Street
Fredericton, NB E3A 2S4
(P) 506-453-2367

Grand Falls Office
Grand Falls Provincial Building, Floor 2
430 Broadway Blvd.
Grand Falls, NB E3Z 2K6
(P) 506-473-7705

15 Market Square
4th Floor, City Hall
Saint John, NB E2L 1E8
(P) 506-658-2495

St. Stephen Office
St. Stephen Provincial Building
41 King Street
St. Stephen, NB E3L 2C1
(P) 506-466-7510

Shippagan Office
Floor 2
233 J.D. Gauthier Blvd.
Shippagan, NB E8S 1N2
(P) 506-336-3060

Tobique First Nation Office
13156 Route 105
Tobique First Nation, NB E7H 5M7
(P) 506-273-4723

Woodstock Office
Dimmock Building
Room 2, Floor 1
111 Chapel Street
Woodstock, NB E7M 1G6
(P) 506-325-4423

A.7.4 Victim Services

The Department of Public Safety maintains Victim Service Office located in Bathurst, Burton, Campbellton, Edmundston, Elsipogtog First Nation, Fredericton, Grand Falls, Miramichi, Moncton, Richibucto, Saint John, Shediac, St. Stephen, Tracadie-Sheila and Woodstock.

Victim Services
Community Services Division, Public Safety
Argyle Place P. O. Box 6000
Fredericton, NB E3B 5H1
Phone: (506) 453-3992
Web Site: **www.gnb.ca/0276/victimservices/index-e.asp**

Note: Contact information for local offices is available through the victim services website.

A.8 Prince Edward Island

A.8.1 Police Services

Police services in Prince Edward Island are provided by three municipal forces and the RCMP "L" Division. Contact information for these services follows:

Borden-Carleton Police Department
244 Borden Avenue
P O Box 69
Borden-Carleton, PE C0B 1X0
(902) 437-2228

Charlottetown Police Department
P O Box 98, 10 Kirkwood Drive
Charlottetown, PE 1A 7K2
(902) 629-4172

Summerside Police Department
270 Foundry Street
Summerside, PE C1N 1G1
(902) 432-1201

Kensington Police Department
P O Box 494
Kensington, PE C0B 1M0
(902) 836-4499

RCMP "L" Division
PO Box 1360, 450 Ave University
Charlottetown, PE C1A 7N1
Phone: (902) 566-7112
Website: **www.rcmp-grc.gc.ca/pe**

RCMP Detachments:
East Prince Detachment
29 Schurman's Point Road
North Bedeque, PE C1N 4J9
Phone: (902) 436-9300

West Prince Detachment
39544 Route 2
Rosebank, PE C0B 1K0
Phone: (902) 853-9300

Charlottetown Detachment
153 Maypoint Road
Charlottetown, PE C1E 1X5
Phone: (902) 368-9300

Montague Detachment
5199 AA MacDonald Highway
Montague, PE C0A 1R0
Phone: (902) 838-9300

Souris Detachment
198 Main Street
Souris, PE C0A 2B0
Phone: (902) 687-9300

A.8.2 Prosecution Services

The Office of the Attorney General is responsible for provincial prosecutions in Prince Edward Island. The Coordinator and Assistance Coordinator of the National Flagging/High-Risk Offender Program are located in the Crown Attorney's Office.

Crown Attorney's Office
197 Richmond Street
Charlottetown, PEI C1A 1J3
Phone: (902) 368-4595

Note: Contact information for the Crown Attorneys Offices in Charlottetown and

Summerside is available at **www.gov.pe.ca/oag/ca-info/index.php3**.

A.8.3 Correctional Services

The Community and Correctional Services Division is responsible for youth and adult correctional services in Prince Edward island. The Division is made up of number of sections including:

- Community Programs Section – responsible for the following community based programs and services: Probation Services (Adult Offenders) and Youth Justice Services including the Alternative Residential Placement/Community Youth Worker Program, Youth Probation Services, and the Youth Intervention Outreach Program.
- Correctional Programs– responsible for correctional programs for adult and young offenders in three custodial facilities across the province.
- Clinical Services – provide assessment and treatment services for high-risk adults and youth involved with the criminal justice system. The team also provides training, consultation, and case management support.

Community and Correctional Services
109 Water Street
Summerside, PE C1N 1A8
Phone: (902) 432-2847
Webpage: **www.gov.pe.ca/oag/cacs-info/index.php3**

Other Correctional Services

Community Justice Resource Centre			
Organization	Queens Health and Corrections Canada		
Type	☐ Custody	☐ Residential	√ Community
Description	The Centre promotes healthier lifestyles for individuals, as well as assisting authorities to maintain safer communities. Its programs include: • Anger Management – an integrative, cognitive behavioural approach that teaches mood patterns & triggers, total behaviour concepts, anger sequences, decision making, problem solving, refusal skills, negotiation/positive self-talk. • Cognitive Living Skills – core program offered to offenders by staff of Correctional Services of Canada. This is the foundation program designed to target the thinking styles that sustain criminal behaviour. The purpose of the program is to introduce to offenders a series of new tools for solving problems and approaching decisions, interpersonal relationships and uncomfortable social situations more effectively. • Life Skills – deals with looking at one's behaviours and attitudes		

	in relation to the areas of self, family, community, leisure, school, and employment. • Self-Esteem – eleven sessions dealing with childhood abuse, self-confidence, communication, refusal skills, goal setting, values, spirituality, creativity and closure. • Sexual Deviance Assessment/ Treatment –provides assessment and treatment services for adults or adolescents who have engaged in, or who are at risk of engaging in sexually deviant behaviour. Services are made available regardless of whether or not the behaviour has resulted in a conviction under the Criminal Code of Canada. • Turning Point –provides counselling to men who want to stop controlling and abusive behaviour towards their female partner. The program also focuses upon the development of skills related to problem solving and communication, allowing participants to deal with anger and other emotions in a constructive manner.
Eligibility	Various
Duration	Various
Location(s)	Charlottetown
Contact	Coordinator Clinical Services Community and Correctional Services Riverside Drive Extension, Charlottetown, PE Phone: (902) 368-6390

A.8.4 Victim Services

The Office of the Attorney General provides victim services that include information for individual victims about the status of cases in the criminal justice system, short term counselling and emotional support, referrals, court preparation, help in preparing a victim impact statement, financial information. Victims of sexual violence also have access to the services of the PEI Rape & Sexual Assault Centre.

Queens and Kings Counties Victim Services
1 Harbourside Access Road.
Charlottetown, PE C1A 7N8
Phone: (902) 368-4582

Prince County Victim Services
263 Harbour Drive
Suite 19, 2nd Floor
Summerside, PE C1N 5P1
Phone: (902) 888-8217

PEI Rape & Sexual Assault Centre
P.O. Box 1522
1 Rochford Street, Charlottetown
Prince Edward Island, Canada C1A 7N3
Phone: (902) 566-1864
Website: **www.peirsac.org**

A.9 Nova Scotia

A.9.1 Police Services

Provincial police services in Nova Scotia are delivered the RCMP and twelve municipal and regional police agencies. Contact information for these police services are identified below.

Amherst Police
45 Victoria Street
Amherst, NS B4H 1X4
Phone: (902) 667-8600
Website: **www.town.amherst.ns.ca**

Annapolis Royal Police
P0 Box 310, 285 St. George Street
Annapolis Royal, NS B0S 1A0
Phone: (902) 532-2427

Bridgewater Police
45 Exhibition Drive
Bridgewater, Nova Scotia B4V 0A6
Phone: (902) 543-2464
Website: **www.bridgewaterpolice.ca**

Cape Breton Regional Police
865 Grand Lake Road
Sydney, NS B1P 6W2
Phone: (902) 563-5151
Website: **www.cbrm.ns.ca**

Halifax Regional Police
1975 Gottingen Street
Halifax, NS B3J 2H1
Phone: (902) 490-5016
Website: **www.halifax.ca/police**

Kentville Police
80 River Street
Kentville, NS B4N 1G9
Phone: (902) 678-3378
Website: **www.kentvillepolice.ca**

New Glasgow Police
225 Park Street
New Glasgow, NS B2H 5B7
Phone: (902) 755-8331
Website: **http://xobtwn.newglasgow.ca**

RCMP "H" Division
3139 Oxford Street, PO Box 2286
Halifax NS B3J 3E1
Phone: (902) 426-3940
Website: **www.rcmp-grc.gc.ca/ns**

Note: Contact information for RCMP detachments in Nova Scotia is published on the "H" Division website.

Springhill Police
PO Box 2380
Springhill, NS B0M 1X0
Phone: (902)597-3779
Website: **http://town.springhill.ns.ca**

Stellarton Police
PO Box 609
Stellarton, NS B0K 1S0
Phone: (902)752-6160
Website: **www.stellarton.ca**

Trenton Police
PO Box 1224
Trenton, NS B0K 1X1
Phone: (902) 752-1113
Website: **www.town.trenton.ns.ca**

Truro Police
776 Prince Street
Truro, NS B2N 1G9
Phone: (902) 895-5351
Website: **www.truro.ca**

Westville Police
PO Box 923, 2020 Queen Street
Westville, NS B0K 2A0
Phone: (902) 396-2777
Website: **www.westville.ca**

A.9.2 Public Notification

Nova Scotia's ***Release of High Risk Offender Information Protocol*** provides police and correctional authorities with the policy and procedural framework for decisions concerning whether to release offender information to the public. The protocol recognizes that the police retain the ultimate authority in determining the release of information, it does require that they seek the advice of the Community Notification Advisory Committee, a structure established by the Minister of Justice and Attorney General.

A.9.3 Prosecution Services

All prosecutions within the jurisdiction of the Attorney General of Nova Scotia are the responsibility of the Director of Public Prosecutions and are conducted by the Service's Crown attorneys, independently of the Attorney General.

Public Prosecution Service
Head Office
Suite 1225, Maritime Centre
1505 Barrington Street
Halifax, Nova Scotia, B3J 3K5
Phone : (902) 424-8734
Website: **www.gov.ns.ca/pps/**

Note: Contact information for the Crown Attorney's offices across Nova Scotia is published on the Public Prosecutions Service's website under "Where to Find Us."

High Risk Offender Policy: The *Crown Attorney Manual: Prosecution and Administrative Policies for the PPS*, which is published on the Public Prosecution Services website, includes statements respecting issues relevant to dealing with high-risk offenders:

- National Flagging System for High Risk, Violent Offenders;
- The ECFPH Sexual Offender Treatment Program
- Sexual Offences - Practice Note

A.9.4 Correctional Services

The Correctional Services division of the Department of Justice is responsible for the administration and operation of community and custody-based programs and services for adult offenders and young persons.

Correctional Services Division
Department of Justice
8th Floor, 5151 Terminal Road (B3J 1A1)
Halifax, NS B3J 2L6
Phone: 902-424-7640
Webpage: **www.gov.ns.ca/just/Corrections/default.asp**

Note: Contact information for the Correctional Services Community Offices is published at **http://www.gov.ns.ca/just/Corrections/community_offices.asp**

The agency provides programs to offenders while under community supervision or in custody to address factors that relate to criminal behaviour and facilitate successful reintegration into the community. Programs are facilitated by trained Correctional Services staff and, where appropriate, are delivered in coordination with other government and community agencies.

Programs & Services: The Division publishes an online directory that provides a brief overview and contact information regarding correctional programs delivered to offenders by the NS Department of Justice, Correctional Services Division as well as information on community resources normally accessed by youth and adult offenders in Nova Scotia. The directory is located at the following webpage:
www.gov.ns.ca/just/Corrections/Programs_Services/default.asp.

The following are descriptions of some core programs:

Sex Offender Treatment Program			
Organization	Capital District Mental Health Program		
Type	☐ Custody	☐ Residential	√ Community
Description	The program provides assessment and treatment to convicted sex offenders throughout the province. Two full-time psychologists and several other part-time psychological staff comprise this service, which works in partnership with the provincial Probation service and the provincial Public Prosecution service. The clinic employs phallometric measurement of sexual arousal and polygraphy as part of comprehensive risk assessments and delivers treatment through outpatient group and individual psychotherapy. Sex offenders in treatment learn concepts and skills to prevent re-offending. The program utilizes a cognitive behavioural relapse prevention model, which requires that offenders accept full responsibility for their behaviour. Group sessions (co-facilitated by trained correctional services staff) cover topics such as; self-help assignments, concepts of sexual offending behaviour, coping, risk factors, and empathy. After successful completion of the program participants are required to attend a maintenance group, to ensure that learned concepts and skills can be applied.		
Eligibility	Adult males who have been convicted or who admit to a sexual offence		

Duration	Participants attend a 30-week program with group meetings held once a week for 3 hours. The Maintenance Program extends for an additional 24 weeks, and requires 2 hours of group participation per week,
Location(s)	The Sydney, New Glasgow, Kentville and Halifax catchment areas.
Contact	Capital District Mental Health Program Phone: (902) 464-3211
Other	Each agency assessment is $2,500. Offenders without financial means may be subsidized to a maximum of $1,000.

Respectful Relationships			
Organization	Department of Justice, Correctional Services		
Type	√ Custody	☐ Residential	√ Community
Description	The program is designed to provide alternatives for adult men to be able to express and control their emotions without causing harm to their partner. This program includes topics such as: What is abuse, Feelings and Emotions, Dealing with Anger, Impact of Violence, Power and Control Vs. Equality, Respectful Communication and Time for Change.		
Eligibility	Adult Men who are required by court order to attend a Domestic Violence program.		
Duration	10 three-hour sessions		
Location(s)	Selected adult correctional facilities and Community Corrections offices.		
Contact	Classification Officer Sydney Community Corrections Office Phone: (902) 563-2363		
Other	NA		

Cage Your Rage			
Organization	Department of Justice, Correctional Services		
Type	√ Custody	☐ Residential	☐ Community
Description	An anger management education program that teaches offenders to control and respond to emotions. The program is cognitive-behaviourally based with an affective component. The topics include: anger styles, anger in childhood, faces of anger, and physiology of anger.		
Eligibility	Adult male and female offenders who have difficulty expressing and controlling their anger.		
Duration	10 two-hour sessions		

Location(s)	Designated adult correctional facilities
Contact	Classification Officer Sydney Community Corrections Office Phone: (902) 563-2363
Other	NA

Risk Assessment: All sentenced offenders are assessed using standardized risk and needs assessment instruments. The fundamental assumption underlying the design of these instruments is that case management decisions about an offender must be based on valid and relevant assessment of their risk and need characteristics. The *Level of Service Inventory – Revised* (LSI-R) is used for assessing risk and needs in Adult offenders. Re-assessments are conducted every six months with adjustments made to supervision and intervention services based on inventory results.

A.9.5 Victim Services

Nova Scotia's Department of Justice provides information, support and assistance to crime victims and family members through the four regional offices (See below). The Halifax Regional Police also offers a victim service program designed to support victims of intimate partner abuse through civilian employees and volunteers who work with the police. To contact the Victim Services Unit call (902) 490-5300.

Dartmouth
277 Pleasant Street, 3rd Floor
Dartmouth, Nova Scotia B2Y 4B7
Phone: (902) 424-3307
Serves: Halifax, Dartmouth & Halifax County

New Glasgow
115 MacLean Street, 2nd Floor
New Glasgow, Nova Scotia B2H 4M5
Phone: (902) 755-7110
Serves: Pictou, Guysborough, Antigonish, Colchester & Cumberland Counties

Kentville
49 Cornwallis Street, Suite 204
Kentville, Nova Scotia B4N 2E3
Phone: (902) 679-6201
Serves: Annapolis, Kings, Hants, Lunenburg, Queens, Shelburne, Yarmouth & Digby Counties

Sydney
136 Charlotte Street, 4th Floor
Sydney, Nova Scotia B1P 1C3
Phone:(902) 563-3655
Serves: Cape Breton, Richmond, Inverness & Victoria Counties

A.10 Newfoundland and Labrador

A.10.1 Police Services

Royal Newfoundland Constabulary
1 Fort Townshend
St. John's, NL A1C 2G2

St. John's (709) 729-8000
Corner Brook (709) 637-4100
Labrador City (709) 944-7602
Churchill Falls (709) 925-3524

RCMP "B" Division
100 East Whitehills Rd
P.O. Box 9700
St. John's, NL A1A 3T5
Phone: (709) 772-5400
Website: **www.rcmp-grc.gc.ca/nl/**

Note:
Contact information for RCMP detachments in Newfoundland and Labrador is published on the "B" Division website.

A.10.2 Prosecution Services

The Public Prosecutions Division conducts prosecutions under the *Criminal Code of Canada*, the *Youth Criminal Justice Act*, and certain provincial statutes. In addition to its headquarters, the division is comprised of nine regional offices and a Special Prosecutions Unit.

Public Prosecutions Division
Department of Justice
4th. Floor, East Block
Confederation Building
St. John's, NF A1B 4J6
Phone: (709) 729-2868
Webpage: **www.justice.gov.nl.ca/just/PROSECT/criminal_law.htm**

Note: A list of regional offices is published on the division's webpage.

A.10.3 Correctional Services

Corrections & Community Services, Department of Justice, is responsible for the province's adult custodial and community corrections programs. The Community corrections offices across the province deliver pre-sentence investigative services, administer community-based sentencing alternatives, supervise probation, community service and restitution orders, as well as conditional sentences. The offices are located in Clarenville, Corner Brook, Gander, Grand Falls-Windsor, Happy Valley/Goose Bay, Harbour Grace, Marystown, Nain, Port aux Basques, Port Saunders, Springdale, St. John's, Stephenville and Wabush.

Community Corrections
St. John's Regional Office
4th Floor, Atlantic Place
St. John's, NL AlC lH6
Phone: (709) 729-0303

A.10.4 Victim Services

The Department of Justice's Victim Services has eleven regional offices providing victims with:

- general information about the criminal justice system;
- information on case status;
- assistance with preparing Victim Impact Statements;
- referrals to specialized community resources if needed; and
- emotional support and short-term counselling as victims go through court.

Victim Services – Provincial Office
4th Flr, Confederation Bldg, East Block
St. John's, NL A1B 4J6
Phone: (709) 729-7970
Webpage: **www.justice.gov.nl.ca/just/overview.htm**

Note: Contact information for the province's Victim Service offices is published on the service's webpage under "Victims Services Contacts."

A.11 Nunavut

A.11.1 Police Services

Police services in Nunavut are provided by the RCMP through 25 detachments across the territory.

RCMP "V" Division
Box 500
Iqaluit, NU X0A 0H0
Phone: (867) 975-4409

Note: A listing of RCMP detachments in Nunavut is published at **www.rcmp-grc.gc.ca/detach/nu-eng.htm**

A.11.2 Prosecution Services

The Public Prosecution Service of Canada is responsible for prosecuting all Criminal Code offences and offences under other federal statutes in the territory.

Public Prosecution Service of Canada
Nunavut Regional Office (Iqaluit)
P.O. Box 1030
Iqaluit, Nunavut X0A 0H9
Phone: (867) 975-4600

A.11.3 Correctional Services

Nunavut Corrections administers the adult and youth custodial programs in the territory.

Corrections
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 580,
Iqaluit, Nunavut X0A 0H0
Phone: (867) 975-6500

A.11.4 Victim Services

Victim Service Coordinator
Department of Justice
Community Justice Division
P.O. Box 1000 Stn 510
Iqaluit, NU X0A 0H0

Phone: (867) 975-6308

A.12 Northwest Territories

A.12.1 Police Services

Policing services in the NWT are delivered by the RCMP with its headquarters is located in Yellowknife and 21 detachments of varying sizes located throughout the territory.

RCMP "G" Division
Bag 5000
5010 - 49th Avenue (Henry Larsen Building)
Yellowknife, NWT X1A 2R3
Phone: (867) 669-5100

Note: A listing of RCMP detachments in Northwest Territories is published at **www.rcmp-grc.gc.ca/detach/nt-eng.htm**

A.12.2 Prosecution Services

The Public Prosecution Service of Canada is responsible for prosecuting all *Criminal Code* offences and offences under other federal statutes in the territory.

Public Prosecution Service of Canada
Northwest Territories Regional Office (Yellowknife)
Joe Tobie Building, 3rd Floor 5020 - 48th Street
Yellowknife, NWT X1A 2N1
Phone: (867) 669-6900

A.12.3 Correctional Services

The Corrections Services Division provides custodial services for territorial and federal offenders and probation supervision, temporary absence supervision, court reports for adult offenders and youth, and parole supervision under contract to the Correctional Services of Canada.

Corrections Division
Department of Justice
5th Floor, Courthouse P.O. Box 1320
Yellowknife, NT X1A 2L9
Phone: (867) 920 8922

Note: A directory of local and regional community corrections offices and staff is published at **www.justice.gov.nt.ca/probation/Corrections_Services.shtml**

Adult Probation Services

Yellowknife	(867) 873-7747
Inuvik	(867) 777-7334

Hay River (867) 874-6272 ext 223

A.12.4 Victim Services

NWT Victim Services provide assistance and support for victims of crime through local victim service agencies in the following communities: Yellowknife, Hay River, Inuvik, Fort Simpson, Fort Good Hope, Fort Smith, Aklavik, Paulatuk, Behchoko, Gamèti and Whatì. Inuvik Victim Services currently offers outreach services to Sachs Harbour and workers in the Tlicho region provide outreach to Wekweètì.

NWT Victim Services
Department of Justice
PO BOX 1320
YELLOWKNIFE, NT X1A 2L9
Phone: (867) 920-6911
Webpage: **www.justice.gov.nt.ca/VictimServices/index.shtml**

Note: A directory of local victim service offices and staff is published at **www.justice.gov.nt.ca/VictimServices/VictimServices_Contact.shtml**

A.13 Yukon

A.13.1 Police Services

The Yukon's police services are delivered by the RCMP with divisional headquarters in Whitehorse and detachments in Beaver Creek, Carcross, Carmacks, Dawson City, Faro, Haines Junction, Mayo, Old Crow, Pelly Crossing, Ross River, Teslin, Watson Lake, and Whitehorse.

RCMP "M" Division
4100 4th Ave
Whitehorse, Yukon Territory Y1A 1H5
Telephone: 867-667-5551
Website: **www.rcmp-grc.gc.ca/yk**

Note: Contact information for the RCMP detachments in Nunavut is published on the "M" Division website.

A.13.2 Prosecution Services

The Public Prosecution Service of Canada is responsible for prosecuting all *Criminal Code* offences and offences under other federal statutes in the territory.

Public Prosecution Service of Canada
Yukon Regional Office (Whitehorse)
Elijah Smith Building
300 Main Street, Suite 200
Whitehorse, Yukon Y1A 2B5
Phone: (867) 667-8100

A.13.3 Correctional Services

Community & Correctional Services
Department of Justice
Correctional and Community Services
Prospector Building, 301 Jarvis Street (2nd floor)
Whitehorse, YukonY1A 2C6
Phone: (867) 393-7077
Webpage: **www.justice.gov.yk.ca/prog/cor/index.html**

Adult Probation Services

Whitehorse	(867) 667-5231
Dawson City	(867) 993-5150
Mayo	(867) 996-2294
Watson Lake	(867) 536-7565

Offender Programs

The following identify two Yukon correctional programs relevant to dealing with high-risk offenders:

- Sexual Offender Risk Management Program – a comprehensive approach that combines cognitive behavioural treatment with a monitoring and supervision component in order to minimize the risk of re-offence. Assessment, individual and group-treatment are all part of the program. Services are also provided to developmentally delayed and FAS/FAE clients. Long term group treatment coupled with external controls is the preferred treatment approach.
- Spousal Abuse Program – provides individual and group treatment to persons who have been or are abusive in their intimate relationship. The treatment program is cognitive behavioural and psycho-educational in design. Groups run regularly for ten-week periods throughout the year. The program accepts court mandated and voluntary clients.

A.13.4 Victim Services

The Victim Services and Family Violence Prevention unit, Department of Justice, and other organizations offer support services and professional help to victims of crime and abuse.

Victim Services and Family Violence Prevention Unit
Department of Justice
301 Jarvis St.
Whitehorse, Yukon Y1A 2C6
Phone: (867) 667-8500 or 1-800-661-0408

Local Services

Kwanlin Dun Victim Services Coordinator	(867) 633-7852
Dawson City Victim Services Coordinator	(867) 993-5831
Watson Lake Victim Services Coordinator	(867) 536-2541
Kwanlin Dun Community Wellness Program	(867) 633-6149

A.14 Correctional Service of Canada

The Correctional Service of Canada responsibilities with respect to high-risk offenders include:

- the safe custody of dangerous and long-term offenders during the custodial portions of their sentences;
- the supervision of dangerous offenders who may be granted parole;
- the supers ion of offenders under long-term supervision orders;
- the provision of program and services to assist in the rehabilitation and reintegration of offenders; and
- collaboration with police and prosecution services that are in the investigation, prosecution and correctional management of high-risk offenders.

CSC does not provide supervision for peace bonds.

A.14.1 Dangerous Offender and Long-term Offender Applications

CSC personnel can assist police and prosecution officials dealing with dangerous or long-term offender applications involving offenders who have previously served federal sentences, as well as those that have not. The Service will, when requested by the court, provide information on the general operation and offender programming capacities within CSC. In addition, CSC staff, including psychologists and program specialists, are available to provide expert testimony to the court on offender programs and program efficacy.

If the offender is a current or former CSC inmate, CSC staff can provide information on the offender's behaviour while in custody or in the community on conditional release. They can also provide testimony during the application hearing on the methods in which file information is collected and explain or interpret the various tests, scales and forms which are used within the federal corrections system. If the offender was under the supervision of a parole officer, that officer can be called upon to provide information and evidence on the particulars of supervision. Requests for such information should be made in writing to the local CSC Area Office, District Office or Regional Headquarters.

Police or prosecution officials looking for general information about community-based treatment programs, services and levels of supervision available for long-term offenders, should speak to the section supervisor or senior parole officer at a local CSC parole office. Those looking for information about institutional procedures and programs should call one of the institutions in the region and speak to the case management coordinator.

General and detailed information about the Correctional Service of Canada's correctional programs can be obtained from the organization's website **http://www.csc-scc.gc.ca/** under "Programs."

The contact information for the institutions and parole offices in each region follows.

Institutions - Pacific Region

Ferndale Institution (Minimum)
33737 Dewdney Trunk Road, PO Box 50
Mission, British Columbia, V2V 4L8
Phone: (604) 820-5720

Fraser Valley Institution for Women (Multi-Level)
33344 King Road
Abbotsford, British Columbia, V2S 6J5
Phone: (604) 851-6000

Kent Institution (Maximum)
4732 Cemetery Road, PO Box 1500
Agassiz, British Columbia, V0M 1A0
Phone: (604) 796-2121

Kwìkwèxwelhp Healing Village (Minimum)
Harrison Mills, British Columbia
(Off Morris Valley Road), V0M 1L0
Phone: (604) 796-1650

Matsqui Institution (Medium)
33344 King Road, PO Box 2500
Abbotsford, British Columbia, V2S 4P3
Phone: (604) 859-4841

Mountain Institution (Medium)
4732 Cemetery Road, PO Box 1600
Agassiz, British Columbia, V0M 1A0
Phone: (604) 796-2231

Mission Institution (Medium)
8751 Stave Lake Street, PO Box 60
Mission, British Columbia, V2V 4L8
Phone: (604) 826-1231

Pacific Institution/Regional Treatment Centre (Multi-Level)
33344 King Road, PO Box 3000
Abbotsford, British Columbia, V2S 4P4
Phone: (604) 870-7700

William Head Institution (Minimum)
6000 William Head Road
Victoria, British Columbia, V9C 0B5
Phone: (250) 391-7000

Parole Offices - Pacific Region

Abbotsford
32544 George Ferguson Way, Ste. 100
Abbotsford, BC, V2T 4Y1
Phone: (604) 870-2730

Chilliwack
45914 Rowat Avenue
Chilliwack, BC, V2P 1J3
Phone: (604) 702-2255

Courtenay
420 Cumberland Road
Courtenay, BC, V9N 2C4
Phone: (250) 338-2902

Nanaimo
256 Wallace Street, Suite 200
Nanaimo, BC, V9R 5B3
Phone: (250) 754-0264

New Westminster
600 Columbia Street
New Westminster, BC, V3M 1A5
Phone: (604) 666-3731

Prince George
201 - 280 Victoria Street
Prince George, BC, V2L 4X3
Phone: (250) 561-5314

Parole Offices - Pacific Region

Kamloops
200 - 175 2nd Avenue
Kamloops, BC, V2C 5W1
Phone: (250) 851-4800

Kelowna
203 - 1635 Abbott St.
Kelowna, BC, V1Y 1A9
Phone: (250) 470-5166

Maple Ridge
105 - 20110 Lougheed Highway
Maple Ridge, BC V2X 2P7
Phone: (604) 460-4050

Vancouver
401 - 877 Expo Boulevard
Vancouver, BC, V6B 1K9
Phone: (604) 666-8004

Vernon
3101 - 32nd Avenue, Suite 205
Vernon, BC, V1T 2M2
Phone: (250) 260-5000

Victoria
1230 Government Street, Suite 101
Victoria, BC, V8W 3M4
Phone: (250) 363-3267

Institutions - Prairie Region

Alberta

Bowden Institution (Medium & Minimum)
Highway #2, PO Box 6000
Innisfail, Alberta, T4G 1V1
Phone: (403) 227-3391

Drumheller Institution (Medium & Minimum)
Highway #9, PO Box 3000
Drumheller, Alberta, T0J 0Y0
Phone: (403) 823-5101

Edmonton Institution (Maximum)
21611 Meridian Street,PO Box 2290
Edmonton, Alberta, T5J 3H7
Phone: (780) 472-6052

Edmonton Institution for Women (Multi-Level)
11151-178th Street
Edmonton, Alberta, T5S 2H9
Phone: (780) 495-3657

Grande Cache Institution (Minimum)
Hoppe Avenue, Bag 4000
Grande Cache, Alberta, T0E 0Y0
Phone: (780) 827-4200

Saskatchewan

Okimaw Ohci Healing Lodge (Medium & Minimum)
PO Box 1929
Maple Creek, Saskatchewan, S0N 1N0
Phone: (306) 662-4700

Regional Psychiatric Centre (Multi-Level)
2520 Central Avenue North, PO Box 9243
Saskatoon, Saskatchewan, S7K 3X5
Phone: (306) 975-5400

Riverbend Institution (Minimum)
15th Street West, PO Box 850
Prince Albert, Saskatchewan, S6V 5S4
Phone: (306) 765-8200

Saskatchewan Penitentiary (Medium & Maximum)
15th Street West, PO Box 160
Prince Albert, Saskatchewan, S6V 5R6
Phone: (306) 765-8000

Willow Cree Healing Lodge (Minimum)
PO Box 520
Duck Lake, Saskatchewan, S0K 1J0
Phone: (306) 467-1200

Institutions - Prairie Region

Grierson Centre (Minimum)
9530 - 101 St Avenue
Edmonton, Alberta, T5H 0B3
Phone: (780) 495-2157

Pê Sâkâstêw Centre (Minimum)
Highway #2A. P.O. Box 1500
Hobbema, Alberta, T0C 1N0
Phone: (780) 585-4104

Manitoba

Rockwood Institution (Minimum)
Highway #7, PO Box 72
Stony Mountain, Manitoba, R0C 3A0
Phone: (204) 344-3435

Stony Mountain Institution (Medium)
Highway #7, PO Box 4500
Winnipeg, Manitoba, R3C 3W8
Phone: (204) 344-5111

Parole Offices - Prairie Region

Alberta

Calgary
510 - 12th Avenue SW Suite 311
Calgary, AB, T2R 0X5
Phone: (403) 292-5505

Drumheller
PO Box 3000, Highway #9
Drumheller, AB, TOJ OYO
Phone: (403) 820-6078

Edmonton - Rural
9530 -101st Avenue 2nd Floor
Edmonton, AB, T5H 0B3
Phone: (780) 495-4900

Edmonton - Urban
9530 -101st Avenue, 2nd Floor
Edmonton, AB, T5H 0B3
Phone: (780) 495-4900

Grand Prairie
PO Box 23250
Grande Prairie, AB, T8V 7G7
Phone: (780) 539-2355

Lethbridge
303 - 410 - 7th Street South
Lethbridge, AB, T1J 2G6
Phone: (403) 382-4782

Medicine Hat
770 - 6th Street Southwest Suite 203
Medicine Hat, AB, T1A 8H2
Phone: (403) 528-3099

Red Deer
4805-48 Avenue
Red Deer, AB, T4N 3T2
Phone: (403) 340-4276

Southern Alberta Parole Office
510 - 12th Avenue SW Suite 311
Calgary, Alberta T2R 0X5
Phone: (403) 292-5522

Saskatchewan

La Ronge
1016 La Ronge Ave
La Ronge, SK S0J 1L0
Phone: (306) 425-2306

Regina
Suite 200 – 1975 Scarth Street
Regina, SK, S4P 2H1
Phone: (306) 780-6374

Parole Offices - Prairie Region

North Battleford
1146-102 Street, 3rd Floor
North Battleford, SK, S9A 1E9
Phone: (306) 446-1798

Saskatoon
603-230 22nd Street East
Saskatoon, SK, S7K 0E9
Phone: (306) 975-4065

Prince Albert
1288 Central Avenue, Suite 200
Prince Albert, SK, S6V 4V8
Phone: (306) 953-8567

Manitoba

Brandon
203-153 11th Street
Brandon, MB, R7A 7K6
Phone: (204) 726-7597

Winnipeg - Rural
102-123 Main Street
Winnipeg, MB, R3C 1A3
Phone: (204) 983-3050

The Pas
111 Fischer Avenue, P.O. Box 598
The Pas, MB, R9A 1K6
Phone: (204) 627-8770

Winnipeg - Urban
102-123 Main Street
Winnipeg MB, R3C 1A3
Phone: (204) 983-7980

Northwest Territories

5101 – 50th Avenue, 1st Floor
PO Box 2430
Yellowknife, NT, X1A 2P8
Phone: (867) 766-8502

Institutions - Ontario Region

Bath Institution (Medium)
5775 Bath Rd., PO Box 1500
Bath, Ontario, K0H 1G0
Phone: (613) 351-8346

Joyceville Institution (Medium)
Highway 15, PO Box 880
Kingston, Ontario, K7L 4X9
Phone: (613) 536-6400

Beaver Creek Institution (Minimum)
PO Box 1240
Gravenhurst, Ontario, P1P 1W9
Phone: (705) 687-6641

Kingston Penitentiary (Maximum)
560 King Street West, PO Box 22
Kingston, Ontario, K7L 4V7
Phone: (613) 545-8460

Collins Bay Institution (Medium)
1455 Bath Road, PO Box 190
Kingston, Ontario, K7L 4V9
Phone: (613) 545-8598

Millhaven Institution (Maximum)
Highway 33, PO Box 280
Bath, Ontario, K0H 1G0
Phone: (613) 351-8000

Fenbrook Institution (Medium)
2000 Beaver Creek Drive, P.O. Box 5000

Pittsburgh Institution (Minimum)
Highway 15, No. 3766, PO Box 4510

Institutions - Ontario Region

Gravenhurst, Ontario, P1P 1Y2
Phone: (705) 687-1895

Frontenac Institution (Minimum)
1455 Bath Road, PO Box 7500
Kingston, Ontario, K7L 5E6
Phone: (613) 536-6000

Grand Valley Institution for Women (Multi-Level)
1575 Homer Watson Blvd.
Kitchener, Ontario, N2P 2C5
Phone: (519) 894-2011

Isabel McNeil House
525 King Street West
Kingston, Ontario, K7L 2X9
Phone: (613) 545-8845

Kingston, Ontario, K7L 5E5
Phone: (613) 536-4046

Regional Treatment Centre (Maximum)
560 King Street West, PO Box 22
Kingston, Ontario, K7L 4V7
Phone: (613) 536-6900

Warkworth Institution (Medium)
County Road #29, PO Box 760
Campbellford, Ontario, K0L 1L0
Phone: (705) 924-2210

Parole Offices - Ontario Region

Barrie
48 Owen St., Suite 302
Barrie, ON, L4M 3H1
Phone: (705) 727-4100

Brantford
58 Dalhousie St., Suite 212
Brantford, ON, N3T 2J1
Phone: (905) 751-8133

Enhanced Supervision Unit - Toronto
330 Keele St., Main Floor
Toronto, ON, M6P 2K7
Phone: (416) 762-8589

Guelph
117-255 Woodlawn Road West
Guelph, ON, N1H 8J1
Phone: (519) 826-2139

Hamilton
55 Bay Street, North 2nd Floor
Hamilton, ON, L8R 3P7
Phone: (905) 572-2695

Sault Ste Marie
22 Bay St., Room 143
Sault Ste Marie, ON, P6A 5S2
Phone: (705) 941-3121

St- Catherine's
200- 55 King Street St.
Catharines, ON, L2R 3H5
Phone: (905) 988-4581/4582

Sudbury
19 Lisgar Street, Room 302
Sudbury, ON, P3E 3L4
Phone: (705) 671-0600

Thunder Bay
244 Lincoln Street, suite 100
Thunder Bay, ON, P7B 5L2
Phone: (807) 683-4493

Toronto - Downtown
180 Dundas Street West, Suite 200
Toronto, ON, M5G 1Z8
Phone: (416) 973-3461

Parole Offices - Ontario Region

Kingston
234 Concession St, 1st Floor
Kingston, ON, K7K 6W6
Phone: (613) 545-8800

London
199 Dundas Street, 2nd Floor
London, ON, N6A 1G4
Phone: (519) 645-4253

North Bay
176B Main Street West,
North Bay, ON, P1B 2T5

Ottawa
191 Gilmour Street
Ottawa, ON, K2P 0N8
Phone: (613) 996-7011

Peterborough
185 King St. West, Suite
204,Peterborough, ON, K9J 2R8
Phone: (705) 742-8889

Toronto - East
2240 Midland Avenue, 2nd Floor
Toronto, ON, M1P 4R8
Phone: (416) 973-4586

Toronto - West
7C Taymall Ave.
Toronto, ON, M8Z 3Y8
Phone: (416) 253-3060

Windsor
2090 Wyandotte Street East, 3rd Floor
Windsor, ON, N8Y 5B2
Phone: (519) 257-6826

Women's Supervision Unit (Toronto)
180 Dundas St. West, Suite 210
Toronto, ON, M5G 1Z8
Phone: (416) 973-2183

Nunavut

PO Box 2349 Building 1043
Iqaluit, Nunavut X0A 0H0
Phone: (867) 979-8892

Institutions - Quebec Region

Archambault Institution (Medium)
242 Montée Gagnon
Sainte-Anne-des-Plaines, Quebec,
J0N 1H0
Phone: (450) 478-5960

Cowansville Institution (Medium)
400 Fordyce Avenue
Cowansville, Quebec, J2K 3G6
Phone: (450) 263-3073

Donnacona Institution (Maxium)
1537 Highway 138
Donnacona, Quebec, G3M 1C9
Phone: (418) 285-2455

Leclerc Institution (Medium)
400 Montée Saint-François
Laval, Quebec, H7C 1S7
Phone: (450) 664-1320

Montée Saint-François Institution
(Minimum)
600 Montée Saint-François
Laval, Quebec, H7C 1S5
Phone: (450) 661-9620

Port-Cartier Institution (Maxium)
Chemin de l'Aéroport, PO Box 7070
Port-Cartier, Quebec, G5B 2W2
Phone: (418) 766-7070

Institutions - Quebec Region

Drummond Institution (Medium)
2025 Jean-de-Brébeuf Blvd.
Drummondville, Quebec, J2B 7Z6
Phone: (819) 477-5112

Federal Training Centre (Minimum Security)
6099 Lévesque Boulevard east
Laval, Quebec, H7C 1P1
Phone: (450) 661-7786

Joliette Institution (Multi Security)
400 Marsolais Street
Joliette, Quebec, J6E 8V4
Phone: (450) 752-5257

La Macaza Institution (Medium)
321 Chemin de l'Aéroport
La Macaza, Quebec, J0T 1R0
Phone: (819) 275-2315

Regional Mental Health Centre (Multi-Level)
242 Montée Gagnon
Sainte-Anne-des-Plaines, Québec,
J0N 1H0
Phone: (450) 478-5960

Regional Reception Centre (Maxium)
246 Montée Gagnon
Sainte-Anne-des-Plaines, Quebec,
J0N 1H0
Phone: (450) 478-5977

Sainte-Anne-des-Plaines Institution (Minimum)
244 Montée Gagnon
Sainte-Anne-des-Plaines, Quebec,
J0N 1H0
Phone: (450) 478-5933

Parole Offices - Québec

Chicoutimi
255 Racine Street East, Suite 400
Chicoutimi, QC, G7H 7L2
Phone: (418) 698-5656

Estrie
1650 Street West, Suite 201
Sherbrooke QC, J1J 2C3
Phone: (819) 564-4235

Granby
180 Principale Street, 2nd floor
Granby QC, J2G 2V6
Phone: (450) 372-5861

Hull
15 Gamelin Street, Suite 102
Gatineau, QC, J8Y 1V4
Phone: (819) 997-2662

Lanaudière
1300 Grande-Allée, Suite 310

Longueuil
550 Chemin Chambly, Suite 280
Longueuil QC, J4H 3L8
Phone: (450) 928-4311

Montreal
2030 Boulevard Pie-IX, pièce 420
Montreal QC, H1V 2C8
Phone: (514) 283-1424

Québec
825 Kirouac Street,
Quebec, QC, G1N 2J7
Phone: (418) 648-3838

Rimouski
180 Cathédrale Avenue, Suite 230
Rimouski, QC, G5L 5H9
Phone: (418) 722-3288

Rouyn-Noranda
151 Avenue du Lac, 2nd floor

Parole Offices - Québec

Lachenaie, QC, J6W 4M4
Phone: (450) 961-0200

Laurentides
202 St-Georges Street
St-Jérôme, QC, J7Z 4Z9
Phone: (450) 432-2141

Laval
3131 de la Concorde Blvd. East, Suite 512
Laval, QC, H7E 4W4
Phone: (450) 661-8610

Rouyn-Noranda, QC, J9X 4N6
Phone: (819) 762-3543

Trois-Rivières
25 Des Forges Street, Suite 311
Trois-Rivières, QC, G9A 6A7
Phone: (819) 371-5201

Institutions - Atlantic Region

New Brunswick

Atlantic Institution (Maximum)
13175 Route 8, PO Box 102
Renous, New Brunswick, E9E 2E1
Phone: (506) 623-4000

Dorchester Penitentiary (Medium)
4902 Main Street
Dorchester, New Brunswick, E4K 2Y9
Phone: (506) 379-2471

Shepody Healing Centre (Multi Security)
4902 A Main Street
Dorchester, New Brunswick, E4K 2Y9
Phone: (506) 379-2471

Westmorland Institution (Minimum)
4902 A Main Street
Dorchester, New Brunswick, E4K 2Y9
Phone: (506) 379-2471

Nova Scotia

Nova Institution for Women (Multi-Level)
180 James Street
Truro, Nova Scotia, B2N 6R8
Phone: (902) 897-1750

Springhill Institution (Medium)
330 McGee Street, PO Box 2140
Springhill, Nova Scotia, B0M 1X0
Phone: (902) 597-8651

Parole Offices - Atlantic Region

New Brunswick

Bathurst
159 Main Street, Suite 305
Bathurst, NB, E2A 1A6
Phone: (506) 548-7751

Grand-Sault
218 Broadway Boulevard, Suite 202
Grand-Sault, NB, E3Z 3E8
Phone: (506) 473-6861

Moncton
1 Factory Lane, 1st Floor
Moncton, NB, E1C 9M3
Phone: (506) 851-6350

Saint John
23 Carleton Street
Saint John, NB, E2L 2Z2
Phone: (506) 636-4795

Parole Offices - Atlantic Region

Fredericton
412 Queen Street
Fredericton, NB, E3B 5G4
Phone: (506) 452-3275

Prince Edward Island

Charlottetown
250 Queen Street, Suite #101
Charlottetown, PEI, C1C 1N2
(902) 566-7177

Nova Scotia

Annapolis-Digby
PO Box 130
Annapolis Royal, NS, B0S 1A0
Phone: (902) 532-2036

Dartmouth
45 Alderney Drive, Suite 209 Queen Square
Dartmouth, NS, B2Y 2N6
Phone: (902) 426-4005

Halifax
2131 Gottingen Street, Suite 200
Halifax, NS, B3K 5Z7
Phone: (902) 426-3408

Kentville
491 Main Street, Suite 101 Kentville, NS,
B4N 1K9
Phone: (902) 679-5311

Sydney
196 George Street, Floor 2
Sydney, NS, B1P 1J3
Phone: (902) 564-7300

Truro
14 Court Street
Truro, NS, B2N 3H7
Phone: (902) 893-6760

Yarmouth
PO Box 759
Yarmouth, NS B4A 4K3
Phone: (902) 742-6898

Newfoundland and Labrador

Corner Brook
4 Herald Avenue, Suite 504
Corner Brook, NL A2H 4B4
Phone: (709) 637-4288

Grand Falls
PO Box 175
Grand Falls-Windsor, NL A2A 2J4
Phone: (709) 489-5124

Labrador
P.O. Box 1930, Station B
Happy Valley-Goose Bay, Labrador
A0P 1E0
Phone: (709) 896-5288

St. John's
531 Charter Avenue
St. John's, NL, A1A 1P7
Phone: (709) 772-5359

A.15 Federal Victims Services

The following information highlights information about the federal programs and policies of immediate interest to the victims of offenders who have been sentenced as dangerous offenders or designated long-term offenders. The information was originally published in the *Information Guide to Assist Victims Federal Corrections and Conditional Release*, 5th edition, which is available on Public Safety Canada's website: **www.publicsafety.gc.ca**.

INTRODUCTION

As a general rule, the Correctional Service of Canada (CSC)is responsible for the administration of sentences for offenders serving two years or more. The correctional service of the province/territory where the offender was sentenced is responsible for the administration of sentences of less than two years.

The National Parole Board (NPB) has jurisdiction to grant, deny or revoke the parole of offenders serving less than two years in all provinces and territories, except in Ontario and Quebec where there are provincial parole boards. In these two provinces, victims of offenders serving less than two years should contact provincial parole boards for information.

VICTIMS' ENTITLEMENTS

The role of victims of crime in the justice system: The *Corrections and Conditional Release Act* (CCRA) recognizes that victims of crime have an important role to play in the criminal justice system. The Act gives victims an opportunity to participate in the federal corrections and conditional release process. It also entitles registered victims to request certain information about the offender who has harmed them and to be informed about some decisions made by the CSC and all NPB decisions.

Disclosure of information to victims: CSC and the NPB do not automatically inform victims about an offender's case. The law specifies that this information only be given upon request, as some victims prefer not to receive any further information about the offender. The request must clearly identify the offender.

A victim can ask for the following information:

- the offence the offender was convicted of and the court that convicted the offender;
- when the sentence began and the length of the sentence; and
- the eligibility and review dates of the offender for unescorted temporary absences, day parole and full parole.

More information may be released if the Commissioner of the Correctional Service of Canada (or delegated staff) or the Chairperson of the National Parole Board determines that the interest of the victim clearly outweighs an invasion of the offender's privacy that could result from the disclosure. Such information may include:

- the location of the penitentiary in which the sentence is being served;
- the date, if any, on which the offender is to be released on unescorted or escorted temporary absence, work release, parole or statutory release;
- the date of any hearing for the purposes of an NPB review;
- any of the conditions attached to the offender's unescorted temporary absence, work release, parole or statutory release;
- the destination of the offender when released on any temporary absence, work release, parole, or statutory release, and whether the offender will be in the vicinity of the victim while travelling to that destination;
- whether the offender is in custody and, if not, why not; and
- whether or not the offender has appealed a decision of the NPB and the outcome of that appeal.

Registered victims may also ask to receive ongoing information so they may be informed of changes, such as an offender transfer from one institution to another. If victims want ongoing information, they must ensure that CSC and the NPB have their current address(es) and telephone number(s).

For further information about victim notification, victims may contact CSC by calling, toll free, 1-866-806-2275 or the NPB at 1-866-789-4636.

Information provided by victims: CSC and the NPB always appreciate receiving information about offenders, safety concerns of the victim or other persons, as well as information about the impact the offence has had on the victim, their family and/or the community. Victims are encouraged to provide information regarding the physical, emotional or financial impact of the offence, along with anything else that is of importance to them.

Information can be provided to CSC or the NPB for their consideration at any time. Victims may also contact a CSC Victim Services Officer or a NPB Regional Communications Officer to provide information. Their roles and responsibilities include the following:

- receive requests for information from victims;
- obtain information from police and other sources to ascertain victim status;
- inform victims, in writing, of their status and their entitlements as well as information about both CSC and the NPB;
- provide notifications to victims relating to their specific case;

- maintain information regarding victim contacts as required;
- ensure that relevant information provided by victims is forwarded to decision-makers and shared with offenders;
- inform victims about other sources of information such as the NPB Registry of Decisions and access to NPB hearings as observers and/or to read a statement; and
- advise victims of victim-related services available to them nationally, provincially/territorially and locally.

The NPB Regional Communications Officers prepare, accompany and debrief victims attending NPB hearings; while CSC Victim Service Officers may also attend reconciliation circles and other restorative approaches when requested by the victim.

Disclosure of information provided by victims: The law requires that CSC and the NPB disclose to the offender any information that will be considered during the decision-making process. Victims' personal information, such as their addresses and phone numbers, are NOT shared with offenders.

If victims have concerns about the offender knowing that they will be providing information, they must discuss these concerns with CSC or the NPB prior to providing information. The victim can then decide whether or not they wish to provide information.

Other types of victim input and involvement

Some ways in which victims have become involved with the CSC and NPB include:

- sitting on a Victim Advisory Committee (available in some parts of Canada);
- sitting on a Citizen Advisory Committee for CSC;
- assisting with victim sensitivity training for CSC/NPB staff;
- assisting with victim awareness programs for offenders; and
- providing input into policy development.

CORRECTIONAL SERVICE OF CANADA – VICTIM SERVICES

National Headquarters
Victim Services Division
340 Laurier Avenue West
Ottawa, Ontario K1A 0P8
Toll-free 1-866-806-2275
E-mail: victims-victimes@csc-scc.gc.ca
Web: **www.csc-scc.gc.ca/victims-victimes**

Atlantic Region 1045 Main Street, 2nd floor Moncton, New Brunswick E1C 1H1	Prairie Region 2313 Hanselman Place P.O. Box 9223 Saskatoon, Saskatchewan S7K 3X5
Ontario Region 440 King Street West P.O. Box 1174 Kingston, Ontario K7L 4Y8	Quebec Region 3 Place Laval, 2nd floor Laval, Quebec H7N 1A2
Pacific Region 32560 Simon Avenue, 2nd floor P.O. Box 4500 Abbotsford, British Columbia V2T 5L7	

The Correctional Service of Canada, through the Victim Services Program, has dedicated regional Victim Services Managers and Victim Services Officers who are responsible for managing the provision of information and services to victims of offenders under federal jurisdiction.

As well, CSC has a legal obligation to gather relevant information about offenders from a variety of sources, including the courts and the police. If the victim has filed a Victim Impact Statement at sentencing, CSC is required by law to obtain a copy. This information must be used to:

- assist in the evaluation of an offender's overall risk and programming needs;
- make decisions on the institutional security level required to protect society; and
- make decisions as to whether an offender should be released on a temporary absence or a work release.

Victim information is also taken into consideration when CSC makes a recommendation to the NPB regarding whether an offender should be granted a conditional release, such as parole.

In the absence of a Victim Impact Statement and if the victim wishes, a Community Assessment may be completed by a Parole Officer. A Community Assessment is a report that captures information that assists in monitoring the offender's progress. Moreover, victims may submit written material that is relevant to the offender's case to CSC or the NPB at any time.

Victims' right not to be contacted by inmates: CSC has a telephone monitoring system that can authorize or prevent communications between offenders and members of the public. Moreover, CSC monitors incoming and outgoing offender mail. Upon request, every effort will be made to prevent an offender from communicating with victims, or any member of the public, by

telephone or mail. Any person who does not wish to be contacted by a federal offender can ask CSC to stop the unwanted communications.

Victim-offender mediation: Victim-offender mediation is a restorative justice process that provides victims of crime with the opportunity to safely and confidentially gain information about the crime and the offender, express the full impact of the crime on their lives, get answers to questions they have and achieve a greater sense of closure on some issues. The mediation process is flexible and entirely voluntary. It does not necessarily involve a face-to-face meeting. The pace and extent of involvement is determined by the participants. Interventions can include:

- support and counselling;
- indirect communication by means of letters and/ or video tapes;
- direct communication through one or more face-to-face meetings facilitated by a trained mediator/ facilitator; and
- follow-up support, as desired and appropriate, for both parties.

These interventions are not meant for all crime victims or for all offenders and an assessment is always part of the process. Protocols that are in place are highly sensitive to participant needs and readiness to proceed.

There are a variety of victim-offender mediation and dialogue programs in Canada. In the Pacific region, all mediations are managed through the Victim-Offender Mediation Program (VOMP) operated by the Fraser Region Community Justice Initiatives Association (CJI) in Langley, British Columbia. For the rest of the country, victim-offender mediation is administered through the Restorative Justice Unit, Correctional Service of Canada, who engage the services of individual mediators. Requests for mediation can be made to a Victim Services Officer at CSC regional headquarters in your area.

NATIONAL PAROLE BOARD

Headquarters – National Office
Victims Services
Leima Building
410 Laurier Avenue West
Ottawa, Ontario K1A 0R1
Phone: 613-954-7474
1-866-789-INFO (4636)

Atlantic Region
1045 Main Street, Unit 101
Moncton, New Brunswick E1C 1H1
Tel.: 506-851-6345

Ontario Region (including Nunavut)

Prairies Region – Saskatoon Office
(Manitoba, Saskatchewan and NWT)
101–22nd Street E., 6th floor
Saskatoon, Saskatchewan S7K 0E1
Phone: 306-975-4228

516 O'Connor Drive
Kingston, Ontario K7P 1N3
Phone: 613-634-3857

Pacific Region
32315 South Fraser Way, 3rd floor
Abbotsford, British Columbia V2T 1W6
Phone: 604-870-2468

Prairies Region – Edmonton Office (Alberta)
Scotia Place, Scotia 2, Suite 401
10060 Jasper Avenue
Edmonton, Alberta T5J 3R8
Phone: 780-495-3404

Québec Region
Guy-Favreau Complex–West Tower
200 René Lévesque Blvd West
10th floor, Suite 1001
Montréal, Québec H2Z 1X4
Phone: 514-283-4584

When making decisions, the National Parole Board considers information from victims that can help to assess whether an offender's release may pose a risk to society. Relevant information from a victim can help the Board members assess the:

- nature and extent of harm suffered by the victim;
- risk of re-offending the offender may pose if released;
- offender's potential to commit a violent crime, particularly in cases qualifying for accelerated review, for example by providing information about threatening or previous violent or abusive behaviour;
- offender's understanding of the impact of the offence;
- conditions necessary to mitigate the risk to society which might be presented by the offender; and
- offender's release plans.

Possible repercussions must be carefully assessed if the victim is a family member, or was closely associated with the offender. If the offender intends to return to an integrated, small, or isolated community, Board members must weigh the support and control available to assist reintegration. The views of the victim are of particular assistance if release would place the offender near the victim.

Victims Travel Fund: Victims have the option to apply for financial assistance to attend the NPB hearings of the offender who harmed them. The Policy Centre for Victim Issues at the Department of Justice Canada administers this financial assistance. In addition, the costs for child/dependent care incurred by the victim may also be reimbursed as can the costs incurred by the support person who may attend parole board hearings with the victim.

Financial assistance covers travel, hotel and meal expenses, in accordance with current Government of Canada Travel Guidelines. In order to receive this financial assistance, victims must be registered with CSC or the NPB, and must have been approved to attend the hearing.

For further information, victims may contact the Victims Fund Manager by calling toll-free, 1-866-544-1007 from anywhere in Canada or the United States.

Attending National Parole Board hearings: Hearings usually take place in the penitentiary where the offender is held. Anyone can apply to observe a NPB hearing. Applications should be made to the NPB, in writing and as early as possible, preferably at least 60 days before the hearing, to permit the security check that the law requires before a visitor can enter a penitentiary. As has been noted, a support person can accompany the victim; this support person does not need to attend the hearing, however, if they do, they must also apply to be approved for entry into a penitentiary at least 60 days before the hearing. While it is rare, applications may be refused if security is a concern, space is limited, or the applicant is under 18 years of age.

Statement by victims at National Parole Board hearings: Victims can read a statement to NPB members at a hearing, either in person or by audio/video (on CD or DVD). A statement provides the victims with the opportunity to present information directly to Board members about the continuing impact of the crime and about any safety concerns they may have. The statement must be submitted in writing prior to the hearing. If victims submit their statement in a language other than English or French, the NPB will have it translated.

Hearings are held in one of Canada's two official languages. By law, the offender chooses the language. If victims cannot understand the official language of the hearing, they may request to have the hearing simultaneously interpreted into the other official language.

A statement should be concise. Victims may choose to present their statement at the beginning of the hearing or towards the end, immediately following the NPB members' interview with the offender or, if the offender has an assistant, after the concluding remarks of the assistant.

A statement should provide information about:

- the continuing impact of the crime for which the offender was convicted. This could include information about the physical, emotional, medical and financial impact of the crime on the victim or their children and family members and others who are close to them; and
- concerns the victim may have for their safety, their family or the community's safety with regard to the offender, should he or she be released, explaining why the victim believes there may be a risk.

In order to meet the legal requirements of sharing information about the decision-making process with the offender, the NPB requires the statement in writing 30 days before the hearing or, if translation is required, 45 days before the hearing date. Given these requirements, the presentation made at the hearing cannot deviate from the written statement that was shared with the offender. As has been previously noted, victims' personal information, such as their addresses and phone numbers, are NOT shared with offenders.

Normally, a victim must be 18 or older to attend a hearing. Exceptions may be considered on a case by case basis.

For further information about presenting an oral statement at a NPB hearing, victims may contact the NPB by calling, toll-free, 1-866-789-4636.

Obtaining a copy of a National Parole Board decision: NPB decisions made under Part II of the Corrections and Conditional Release Act (CCRA), and the reasons for the decisions, are available from the NPB's Registry of decisions. These decisions concern conditional release, return to a penitentiary, detention, and the decisions and reasons of the NPB's Appeal Division.

Anyone demonstrating an interest in a specific case may make a request in writing to the NPB for a copy of a conditional release decision made after November 1, 1992.

The NPB will withhold information that may jeopardize the safety of someone, reveal a confidential source of information, or adversely affect the return of an offender to society as a law-abiding citizen.

Decisions concerning temporary absences and work releases made under Part I of the CCRA are not available.

NATIONAL OFFICE FOR VICTIMS

National Office for Victims
Public Safety Canada
284 Wellington Street, 6th floor
Ottawa, Ontario K1A 0H8
Phone: 613-948-1476
Toll-free line: 1-866-525-0554
Web: **www.publicsafety.gc.ca/prg/sc/nov-bnv-eng.aspx**

The National Office for Victims (NOV) is part of Public Safety Canada and is co-located with the Policy Centre for Victim Issues (PCVI) at the Department of Justice. The NOV operates a toll-free line, 1-866-525-0554, which victims may call from anywhere in Canada or the United States.

The NOV provides a centralized mechanism for victims to obtain information and support on federal corrections issues. As part of its mandate, the NOV:

- provides general information to victims;

- performs a referral function to CSC and the NPB for specific information enquiries;
- addresses concerns of victims relating to the Corrections and Conditional Release Act through the provision of information and referrals;
- provides a leadership role on inter-departmental and inter-jurisdictional issues related to victims of crime;
- provides advice to the Minister of Public Safety and senior officials on correctional and conditional release matters related to victims;
- provides a "victims' lens" at the national level for Public Safety Canada, CSC and the NPB in terms of policy development;
- develops information products for dissemination to victims, victim service providers and the general public;
- promotes awareness of CSC's and the NPB's services for victims of federal offenders;
- provides input into the development of communication and training material by Public Safety Canada, CSC and the NPB; and
- complements the work being done by the Policy Centre for Victim Issues at the Department of Justice.

It should be noted that CSC and the NPB are the primary source of ongoing information to registered victims of federal offenders.

POLICY CENTRE FOR VICTIM ISSUES

Policy Centre for Victim Issues
Department of Justice Canada
284 Wellington Street, 6th floor
Ottawa, Ontario K1A 0H8
Phone: 613-957-4745
Toll-free line for Travel Fund: 1-866-544-1007
Web: www.canada.justice.gc.ca/victim

The Policy Centre for Victim Issues (PCVI) is mandated to work toward improving the experience of victims of crime in the criminal justice system by pursuing a range of activities and initiatives. The Centre strives to:

- ensure that victims of crime and their families are aware of their role in the criminal justice system and services and assistance available to support them;
- enhance departmental capacity to develop policy, legislation and other initiatives which take into consideration the perspectives of victims;
- increase the awareness of criminal justice personnel, allied professionals and the public about the needs of victims of crime,

legislative provisions designed to protect them and services available to support them; and

- develop and disseminate information about effective approaches both within Canada and internationally to respond to the needs of victims of crime.

The PCVI engages in legislative reform, consultation, policy development, research and project funding. It has a close working relationship with the provinces and territories that are tasked with the responsibility for victim service delivery and the provision of criminal injuries compensation to victims of violent crime, where such programs exist.

FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME

Office of the Federal Ombudsman for Victims of Crime
P.O. Box 55037
Ottawa, Ontario K1P 1A1
Toll-free line: 1-866-481-8429
Web: **www.victimsfirst.gc.ca**

The Office of the Federal Ombudsman for Victims of Crime is mandated to ensure that the federal government meets its responsibilities regarding victims as set out in the Corrections and Conditional Release Act and the Canadian Statement of Basic Principles of Justice for Victims of Crime. The Ombudsman reports directly to the Minister of Justice and may identify and explore systemic and emerging issues that impact negatively on victims of crime.

As well, the Ombudsman is an independent resource for victims and can address victims' complaints concerning compliance with the provisions of the Corrections and Conditional Release Act and any other matter within federal responsibility. The Ombudsman cannot review matters that occurred prior to the establishment of the office in March 2007, unless otherwise advised by the Minister of Justice or the Minister of Public Safety.

Appendix B: Part XXIV Criminal Code of Canada

DANGEROUS OFFENDERS AND LONG-TERM OFFENDERS

Current to July 27th, 2008

Interpretation

Definitions

752. In this Part,

"court"
«*tribunal* »

"court" means the court by which an offender in relation to whom an application under this Part is made was convicted, or a superior court of criminal jurisdiction;

"designated offence"
«*infraction désignée* »

"designated offence" means

(a) a primary designated offence,

(b) an offence under any of the following provisions:

(i) paragraph 81(1)(a) (using explosives),

(ii) paragraph 81(1)(b) (using explosives),

(iii) section 85 (using firearm or imitation firearm in commission of offence),

(iv) section 87 (pointing firearm),

(iv.1) section 98 (breaking and entering to steal firearm),

(iv.2) section 98.1 (robbery to steal firearm),

(v) section 153.1 (sexual exploitation of person with disability),

(vi) section 163.1 (child pornography),

(vii) section 170 (parent or guardian procuring sexual activity),

(viii) section 171 (householder permitting sexual activity by or in presence of child),

(ix) section 172.1 (luring child),

(x) paragraph 212(1)(i) (stupefying or overpowering for purpose of sexual intercourse),

(xi) subsection 212(2.1) (aggravated offence in relation to living on avails of prostitution of person under 18),

(xii) subsection 212(4) (prostitution of person under 18),

(xiii) section 245 (administering noxious thing),

(xiv) section 266 (assault),

(xv) section 269 (unlawfully causing bodily harm),

(xvi) section 269.1 (torture),

(xvii) paragraph 270(1)(a) (assaulting peace officer),

(xviii) section 273.3 (removal of child from Canada),

(xix) subsection 279(2) (forcible confinement),

(xx) section 279.01 (trafficking in persons),

(xxi) section 279.1 (hostage taking),

(xxii) section 280 (abduction of person under age of 16),

(xxiii) section 281 (abduction of person under age of 14),

(xxiv) section 344 (robbery), and

(xxv) section 348 (breaking and entering with intent, committing offence or breaking out),

(c) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 1, 1988:

(i) subsection 146(2) (sexual intercourse with female between ages of 14 and 16),

(ii) section 148 (sexual intercourse with feeble-minded),

(iii) section 166 (parent or guardian procuring defilement), and

(iv) section 167 (householder permitting defilement), or

(d) an attempt or conspiracy to commit an offence referred to in paragraph (b) or (c);

"long-term supervision"
«*surveillance de longue durée* »

"long-term supervision" means long-term supervision ordered under subsection 753(4), 753.01(5) or (6) or 753.1(3) or subparagraph 759(3)(a)(i);

"primary designated offence"
«*infraction primaire* »

"primary designated offence" means

(a) an offence under any of the following provisions:

(i) section 151 (sexual interference),

(ii) section 152 (invitation to sexual touching),

(iii) section 153 (sexual exploitation),

(iv) section 155 (incest),

(v) section 239 (attempt to commit murder),

(vi) section 244 (discharging firearm with intent),

(vii) section 267 (assault with weapon or causing bodily harm),

(viii) section 268 (aggravated assault),

(ix) section 271 (sexual assault),

(x) section 272 (sexual assault with weapon, threats to third party or causing bodily harm),

(xi) section 273 (aggravated sexual assault), and

(xii) subsection 279(1) (kidnapping),

(b) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 4, 1983:

(i) section 144 (rape),

(ii) section 145 (attempt to commit rape),

(iii) section 149 (indecent assault on female),

(iv) section 156 (indecent assault on male),

(v) subsection 245(2) (assault causing bodily harm), and

(vi) subsection 246(1) (assault with intent) if the intent is to commit an offence referred to in any of subparagraphs (i) to (v) of this paragraph,

(c) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as enacted by section 19 of *An Act to amend the Criminal Code in relation to sexual offences and other offences against the person and to amend certain other Acts in relation thereto or in consequence thereof*, chapter 125 of the Statutes of Canada, 1980-81-82-83:

(i) section 246.1 (sexual assault),

(ii) section 246.2 (sexual assault with weapon, threats to third party or causing bodily harm), and

(iii) section 246.3 (aggravated sexual assault),

(d) an offence under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read from time to time before January 1, 1988:

(i) subsection 146(1) (sexual intercourse with female under age of 14), and

(ii) paragraph 153(1)(a) (sexual intercourse with step-daughter), or

(e) an attempt or conspiracy to commit an offence referred to in any of paragraphs (a) to (d);

"serious personal injury offence"
«*sévices graves à la personne* »

"serious personal injury offence" means

(a) an indictable offence, other than high treason, treason, first degree murder or second degree murder, involving

(i) the use or attempted use of violence against another person, or

(ii) conduct endangering or likely to endanger the life or safety of another person or inflicting or likely to inflict severe psychological damage on another person,

and for which the offender may be sentenced to imprisonment for ten years or more, or

(b) an offence or attempt to commit an offence mentioned in section 271 (sexual assault), 272 (sexual assault with a weapon, threats to a third party or causing bodily harm) or 273 (aggravated sexual assault).

R.S., 1985, c. C-46, s. 752; 2008, c. 6, ss. 40, 61.

Dangerous Offenders and Long-Term Offenders

Prosecutor's duty to advise court

752.01 If the prosecutor is of the opinion that an offence for which an offender is convicted is a serious personal injury offence that is a designated offence and that the offender was convicted previously at least twice of a designated offence and was sentenced to at least two years of imprisonment for each of those convictions, the prosecutor shall advise the court, as soon as feasible after the finding of guilt and in any event before sentence is imposed, whether the prosecutor intends to make an application under subsection 752.1(1).

2008, c. 6, s. 41.

Application for remand for assessment

752.1 (1) On application by the prosecutor, if the court is of the opinion that there are reasonable grounds to believe that an offender who is convicted of a serious personal injury offence or an offence referred to in paragraph 753.1(2)(a) might be found to be a dangerous offender under section 753 or a long-term offender under section 753.1, the court shall, by order in writing,

before sentence is imposed, remand the offender, for a period not exceeding 60 days, to the custody of a person designated by the court who can perform an assessment or have an assessment performed by experts for use as evidence in an application under section 753 or 753.1.

Report

(2) The person to whom the offender is remanded shall file a report of the assessment with the court not later than 30 days after the end of the assessment period and make copies of it available to the prosecutor and counsel for the offender.

Extension of time

(3) On application by the prosecutor, the court may extend the period within which the report must be filed by a maximum of 30 days if the court is satisfied that there are reasonable grounds to do so.

1997, c. 17, s. 4; 2008, c. 6, s. 41.

Application for finding that an offender is a dangerous offender

753. (1) On application made under this Part after an assessment report is filed under subsection 752.1(2), the court shall find the offender to be a dangerous offender if it is satisfied

(a) that the offence for which the offender has been convicted is a serious personal injury offence described in paragraph (a) of the definition of that expression in section 752 and the offender constitutes a threat to the life, safety or physical or mental well-being of other persons on the basis of evidence establishing

(i) a pattern of repetitive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a failure to restrain his or her behaviour and a likelihood of causing death or injury to other persons, or inflicting severe psychological damage on other persons, through failure in the future to restrain his or her behaviour,

(ii) a pattern of persistent aggressive behaviour by the offender, of which the offence for which he or she has been convicted forms a part, showing a substantial degree of indifference on the part of the offender respecting the reasonably foreseeable consequences to other persons of his or her behaviour, or

(iii) any behaviour by the offender, associated with the offence for which he or she has been convicted, that is of such a brutal nature as to compel the conclusion that the offender's behaviour in the future is unlikely to be inhibited by normal standards of behavioural restraint; or

(b) that the offence for which the offender has been convicted is a serious personal injury offence described in paragraph (b) of the definition of that expression in section 752 and the offender, by his or her conduct in any sexual matter including that involved in the commission of the offence for which he or she has been convicted, has shown a failure to control his or her sexual impulses and a likelihood of causing injury, pain or other evil to other persons through failure in the future to control his or her sexual impulses.

Presumption

(1.1) If the court is satisfied that the offence for which the offender is convicted is a primary designated offence for which it would be appropriate to impose a sentence of imprisonment of two years or more and that the offender was convicted previously at least twice of a primary designated offence and was sentenced to at least two years of imprisonment for each of those convictions, the conditions in paragraph (1)(a) or (b), as the case may be, are presumed to have been met unless the contrary is proved on a balance of probabilities.

Time for making application

(2) An application under subsection (1) must be made before sentence is imposed on the offender unless

(a) before the imposition of sentence, the prosecutor gives notice to the offender of a possible intention to make an application under section 752.1 and an application under subsection (1) not later than six months after that imposition; and

(b) at the time of the application under subsection (1) that is not later than six months after the imposition of sentence, it is shown that relevant evidence that was not reasonably available to the prosecutor at the time of the imposition of sentence became available in the interim.

Application for remand for assessment after imposition of sentence

(3) Notwithstanding subsection 752.1(1), an application under that subsection may be made after the imposition of sentence or after an offender begins to serve the sentence in a case to which paragraphs (2)(a) and (b) apply.

Sentence for dangerous offender

(4) If the court finds an offender to be a dangerous offender, it shall

(a) impose a sentence of detention in a penitentiary for an indeterminate period;

(b) impose a sentence for the offence for which the offender has been convicted — which must be a minimum punishment of imprisonment for a term of two years — and order that the offender be subject to long-term supervision for a period that does not exceed 10 years; or

(c) impose a sentence for the offence for which the offender has been convicted.

Sentence of indeterminate detention

(4.1) The court shall impose a sentence of detention in a penitentiary for an indeterminate period unless it is satisfied by the evidence adduced during the hearing of the application that there is a reasonable expectation that a lesser measure under paragraph (4)(b) or (c) will adequately protect the public against the commission by the offender of murder or a serious personal injury offence.

If application made after sentencing

(4.2) If the application is made after the offender begins to serve the sentence in a case to which paragraphs (2)(a) and (b) apply, a sentence imposed under paragraph (4)(a), or a sentence imposed and an order made under paragraph 4(b), replaces the sentence that was imposed for the offence for which the offender was convicted.

If offender not found to be dangerous offender

(5) If the court does not find an offender to be a dangerous offender,

(a) the court may treat the application as an application to find the offender to be a long-term offender, section 753.1 applies to the application and the court may either find that the offender is a long-term offender or hold another hearing for that purpose; or

(b) the court may impose sentence for the offence for which the offender has been convicted.

(6) [Repealed, 2008, c. 6, s. 42]

R.S., 1985, c. C-46, s. 753; 1997, c. 17, s. 4; 2008, c. 6, s. 42.

Application for remand for assessment — later conviction

753.01 (1) If an offender who is found to be a dangerous offender is later convicted of a serious personal injury offence or an offence under subsection 753.3(1), on application by the prosecutor, the court shall, by order in writing, before sentence is imposed, remand the offender, for a period not exceeding 60 days, to the custody of a person designated by the court who can perform an assessment or have an assessment performed by experts for use as evidence in an application under subsection (4).

Report

(2) The person to whom the offender is remanded shall file a report of the assessment with the court not later than 30 days after the end of the assessment period and make copies of it available to the prosecutor and counsel for the offender.

Extension of time

(3) On application by the prosecutor, the court may extend the period within which the report must be filed by a maximum of 30 days if the court is satisfied that there are reasonable grounds to do so.

Application for new sentence or order

(4) After the report is filed, the prosecutor may apply for a sentence of detention in a penitentiary for an indeterminate period, or for an order that the offender be subject to a new period of long-term supervision in addition to any other sentence that may be imposed for the offence.

Sentence of indeterminate detention

(5) If the application is for a sentence of detention in a penitentiary for an indeterminate period, the court shall impose that sentence unless it is satisfied by the evidence adduced during the hearing of the application that there is a reasonable expectation that a sentence for the offence for which the offender has been convicted — with or without a new period of long-term supervision — will adequately protect the public against the commission by the offender of murder or a serious personal injury offence.

New long-term supervision

(6) If the application is for a new period of long-term supervision, the court shall order that the offender be subject to a new period of long-term supervision in addition to a sentence for the offence for which they have been convicted unless it is satisfied by the evidence adduced during the hearing of the application that there is a reasonable expectation that the sentence alone will adequately protect the public against the commission by the offender of murder or a serious personal injury offence.

2008, c. 6, s. 43.

Victim evidence

753.02 Any evidence given during the hearing of an application made under subsection 753(1) by a victim of an offence for which the offender was convicted is deemed also to have been given during any hearing held with respect to the offender under paragraph 753(5)(a) or subsection 753.01(5) or (6).

2008, c. 6, s. 43.

Application for finding that an offender is a long-term offender

753.1 (1) The court may, on application made under this Part following the filing of an assessment report under subsection 752.1(2), find an offender to be a long-term offender if it is satisfied that

(a) it would be appropriate to impose a sentence of imprisonment of two years or more for the offence for which the offender has been convicted;

(b) there is a substantial risk that the offender will reoffend; and

(c) there is a reasonable possibility of eventual control of the risk in the community.

Substantial risk

(2) The court shall be satisfied that there is a substantial risk that the offender will reoffend if

(a) the offender has been convicted of an offence under section 151 (sexual interference), 152 (invitation to sexual touching) or 153 (sexual exploitation), subsection 163.1(2) (making child pornography), subsection 163.1(3) (distribution, etc., of child pornography), subsection 163.1(4) (possession of child pornography), subsection 163.1(4.1) (accessing child pornography), section 172.1 (luring a child), subsection 173(2) (exposure) or section 271 (sexual assault), 272 (sexual assault with a weapon) or 273 (aggravated sexual assault), or has engaged in serious conduct of a sexual nature in the commission of another offence of which the offender has been convicted; and

(b) the offender

(i) has shown a pattern of repetitive behaviour, of which the offence for which he or she has been convicted forms a part, that shows a likelihood of the offender's causing death or injury to other persons or inflicting severe psychological damage on other persons, or

(ii) by conduct in any sexual matter including that involved in the commission of the offence for which the offender has been convicted, has shown a likelihood of causing injury, pain or other evil to other persons in the future through similar offences.

Sentence for long-term offender

(3) If the court finds an offender to be a long-term offender, it shall

(a) impose a sentence for the offence for which the offender has been convicted, which must be a minimum punishment of imprisonment for a term of two years; and

(b) order that the offender be subject to long-term supervision for a period that does not exceed 10 years.

Exception — if application made after sentencing

(3.1) The court may not impose a sentence under paragraph (3)(a) and the sentence that was imposed for the offence for which the offender was convicted stands despite the offender's being found to be a long-term offender, if the application was one that

(a) was made after the offender begins to serve the sentence in a case to which paragraphs 753(2)(a) and (b) apply; and

(b) was treated as an application under this section further to the court deciding to do so under paragraph 753(5)(a).

(4) and (5) [Repealed, 2008, c. 6, s. 44]

If offender not found to be long-term offender

(6) If the court does not find an offender to be a long-term offender, the court shall impose sentence for the offence for which the offender has been convicted.

1997, c. 17, s. 4; 2002, c. 13, s. 76; 2008, c. 6, s. 44.

Long-term supervision

753.2 (1) Subject to subsection (2), an offender who is subject to long-term supervision shall be supervised in the community in accordance with the *Corrections and Conditional Release Act* when the offender has finished serving

(a) the sentence for the offence for which the offender has been convicted; and

(b) all other sentences for offences for which the offender is convicted and for which sentence of a term of imprisonment is imposed on the offender, either before or after the conviction for the offence referred to in paragraph (a).

Sentence served concurrently with supervision

(2) A sentence imposed on an offender referred to in subsection (1), other than a sentence that requires imprisonment, is to be served concurrently with the long-term supervision.

Application for reduction in period of long-term supervision

(3) An offender who is required to be supervised, a member of the National Parole Board, or, on approval of that Board, the parole supervisor, as that expression is defined in subsection 134.2(2) of the *Corrections and Conditional Release Act*, of the offender, may apply to a superior court of criminal jurisdiction for an order reducing the period of long-term supervision or terminating it on the ground that the offender no longer presents a substantial risk of reoffending and thereby being a danger to the community. The onus of proving that ground is on the applicant.

Notice to Attorney General

(4) The applicant must give notice of an application under subsection (3) to the Attorney General at the time the application is made.

1997, c. 17, s. 4; 2008, c. 6, s. 45.

Breach of long-term supervision

753.3 (1) An offender who, without reasonable excuse, fails or refuses to comply with long-term supervision is guilty of an indictable offence and liable to imprisonment for a term not exceeding 10 years.

Where accused may be tried and punished

(2) An accused who is charged with an offence under subsection (1) may be tried and punished by any court having jurisdiction to try that offence in the place where the offence is alleged to have been committed or in the place where the accused is found, is arrested or is in custody, but if the place where the accused is found, is arrested or is in custody is outside the province in which the offence is alleged to have been committed, no proceedings in respect of that offence shall be instituted in that place without the consent of the Attorney General of that province.

1997, c. 17, s. 4; 2008, c. 6, s. 46.

New offence

753.4 (1) If an offender who is subject to long-term supervision commits one or more offences under this or any other Act and a court imposes a sentence of imprisonment for the offence or offences, the long-term supervision is interrupted until the offender has finished serving all the sentences, unless the court orders its termination.

Reduction in term of long-term supervision

(2) A court that imposes a sentence of imprisonment under subsection (1) may order a reduction in the length of the period of the offender's long-term supervision.

1997, c. 17, s. 4; 2008, c. 6, s. 47.

Hearing of application

754. (1) With the exception of an application for remand for assessment, the court may not hear an application made under this Part unless

(a) the Attorney General of the province in which the offender was tried has, either before or after the making of the application, consented to the application;

(b) at least seven days notice has been given to the offender by the prosecutor, following the making of the application, outlining the basis on which it is intended to found the application; and

(c) a copy of the notice has been filed with the clerk of the court or the provincial court judge, as the case may be.

By court alone

(2) An application under this Part shall be heard and determined by the court without a jury.

When proof unnecessary

(3) For the purposes of an application under this Part, where an offender admits any allegations contained in the notice referred to in paragraph (1)(b), no proof of those allegations is required.

Proof of consent

(4) The production of a document purporting to contain any nomination or consent that may be made or given by the Attorney General under this Part and purporting to be signed by the Attorney General is, in the absence of any evidence to the contrary, proof of that nomination or consent without proof of the signature or the official character of the person appearing to have signed the document.

R.S., 1985, c. C-46, s. 754; R.S., 1985, c. 27 (1st Supp.), s. 203; 2008, c. 6, s. 48.

Exception to long-term supervision — life sentence

755. (1) The court shall not order that an offender be subject to long-term supervision if they have been sentenced to life imprisonment.

Maximum length of long-term supervision

(2) The periods of long-term supervision to which an offender is subject at any particular time must not total more than 10 years.

R.S., 1985, c. C-46, s. 755; 1997, c. 17, s. 5; 2008, c. 6, s. 49.

756. [Repealed, 1997, c. 17, s. 5]

Evidence of character

757. Without prejudice to the right of the offender to tender evidence as to their character and repute, if the court thinks fit, evidence of character and repute may be admitted

(a) on the question of whether the offender is or is not a dangerous offender or a long-term offender; and

(b) in connection with a sentence to be imposed or an order to be made under this Part.

R.S., 1985, c. C-46, s. 757; 1997, c. 17, s. 5; 2008, c. 6, s. 50.

Presence of accused at hearing of application

758. (1) The offender shall be present at the hearing of the application under this Part and if at the time the application is to be heard

(a) he is confined in a prison, the court may order, in writing, the person having the custody of the accused to bring him before the court; or

(b) he is not confined in a prison, the court shall issue a summons or a warrant to compel the accused to attend before the court and the provisions of Part XVI relating to summons and warrant are applicable with such modifications as the circumstances require.

Exception

(2) Notwithstanding subsection (1), the court may

(a) cause the offender to be removed and to be kept out of court, where he misconducts himself by interrupting the proceedings so that to continue the proceedings in his presence would not be feasible; or

(b) permit the offender to be out of court during the whole or any part of the hearing on such conditions as the court considers proper.

R.S., c. C-34, s. 693; 1976-77, c. 53, s. 14.

Appeal — offender

759. (1) An offender who is found to be a dangerous offender or a long-term offender may appeal to the court of appeal from a decision made under this Part on any ground of law or fact or mixed law and fact.

(1.1) [Repealed, 2008, c. 6, s. 51]

Appeal — Attorney General

(2) The Attorney General may appeal to the court of appeal from a decision made under this Part on any ground of law.

Disposition of appeal

(3) The court of appeal may

(a) allow the appeal and

(i) find that an offender is or is not a dangerous offender or a long-term offender or impose a sentence that may be imposed or an order that may be made by the trial court under this Part, or

(ii) order a new hearing, with any directions that the court considers appropriate; or

(b) dismiss the appeal.

(3.1) and (3.2) [Repealed, 2008, c. 6, s. 51]

Effect of decision

(4) A decision of the court of appeal has the same force and effect as if it were a decision of the trial court.

(4.1) to (5) [Repealed, 2008, c. 6, s. 51]

Commencement of sentence

(6) Notwithstanding subsection 719(1), a sentence imposed on an offender by the court of appeal pursuant to this section shall be deemed to have commenced when the offender was sentenced by the court by which he was convicted.

Part XXI applies re appeals

(7) The provisions of Part XXI with respect to procedure on appeals apply, with such modifications as the circumstances require, to appeals under this section.

R.S., 1985, c. C-46, s. 759; 1995, c. 22, s. 10; 1997, c. 17, s. 6; 2008, c. 6, s. 51.

Disclosure to Correctional Service of Canada

760. Where a court finds an offender to be a dangerous offender or a long-term offender, the court shall order that a copy of all reports and testimony given by psychiatrists, psychologists, criminologists and other experts and any observations of the court with respect to the reasons for the finding, together with a transcript of the trial of the offender, be forwarded to the Correctional Service of Canada for information.

R.S., 1985, c. C-46, s. 760; 1997, c. 17, s. 7.

Review for parole

761. (1) Subject to subsection (2), where a person is in custody under a sentence of detention in a penitentiary for an indeterminate period, the National Parole Board shall, as soon as possible after the expiration of seven years from the day on which that person was taken into custody and not later than every two years after the previous review, review the condition, history and circumstances of that person for the purpose of determining whether he or she should be granted parole under Part II of the *Corrections and Conditional Release Act* and, if so, on what conditions.

Idem

(2) Where a person is in custody under a sentence of detention in a penitentiary for an indeterminate period that was imposed before October 15, 1977, the National Parole Board shall, at least once in every year, review the condition, history and circumstances of that person for the purpose of determining whether he should be granted parole under Part II of the *Corrections and Conditional Release Act* and, if so, on what conditions.

R.S., 1985, c. C-46, s. 761; 1992, c. 20, s. 215; 1997, c. 17, s. 8.

Appendix C: National Flagging System for High-Risk Offenders

The core protocols of the National Flagging System for High-Risk Offenders' core protocols establish that the its goals and purposes are to:

- Assist crown prosecutors to more effectively prosecute high risk of violent offenders,
- Prevent high-risk violent offenders from following through jurisdictional gaps in the criminal justice system; and
- Encourage prosecutors to make dangerous and long-term offender applications in appropriate cases.

The National Flagging System was created in 1995. The concern at the time was that offenders, who were committing serious crimes, but crimes not yet serious enough to warrant a dangerous or long-term offender applications, would only have to move to another province or territory to avoid attracting such an intervention. At that time, there was no system in place that Crowns could check to see if an offender had been of particular concern in another jurisdiction, nor any way that they could easily gather offender information from another jurisdiction. The offices of the High-Risk Flagging Coordinators facilitate this transfer of information.

The duties of the coordinators are to communicate with corrections officials, police prosecutors and other coordinators in the exchange of information about high-risk offenders. Coordinators attempt to collect and store as much background information regarding offenders as is feasible including Correctional Service of Canada material where the offender has served a federal sentence of imprisonment. Coordinators should provide prosecutors engaged in the prosecution of high-risk violent offenders with information and reports collected for the purposes of the National Flagging System, so that such prosecutors are alerted to the risk that these offenders represent and so that they may make informed decisions with respect to bail, sentence and dangerous offender and similar applications.

The Special Interest Police (SIP) category of the Investigative Data Bank within CPIC is used to identify offenders who have been judged by Crown Prosecutors to be high risk for future violent conduct. These offenders will generally demonstrate a high potential for prosecution as dangerous offenders or long-term offenders under Part XXIV of the Criminal Code. Such cases are flagged for CPIC entry only on the authority of a Crown agent designated for this purpose and are entered as SIP records only in accordance with policy.

When a subject being investigated is found to be "flagged" as a SIP high-risk violent offender, the CPIC agency must notify the Crown agent of the finding and the circumstances surrounding the investigation. The flagging system

alerts Crowns to previous concerns about an offender, such as an escalating pattern of violence. This would assist in the determination as to whether the present offence should attract a DO application.

CPIC operates across Canada with links to other computerized information systems in other jurisdictions. The flag normally contains only a brief reference to the offender as a possible Dangerous Offender candidate and gives information as to who to contact for further information. Because offenders often move across the country, the national flagging system makes sure that Crowns in one province or territory can obtain full information from a Crown in another province or territory who has previously been involved in prosecuting the offender. The hardcopy file resides with the coordinator that entered the offender on CPIC.

The following provides contact information for the High-Risk Flagging Coordinators for each province and territory, as well as the participating federal departments and agencies.

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Appendix D:Sureties to Keep the Peace

Part XXVII Criminal Code of Canada

Current to February 4th, 2009

Where injury or damage feared

810. (1) An information may be laid before a justice by or on behalf of any person who fears on reasonable grounds that another person will cause personal injury to him or her or to his or her spouse or common-law partner or child or will damage his or her property.

Duty of justice

(2) A justice who receives an information under subsection (1) shall cause the parties to appear before him or before a summary conviction court having jurisdiction in the same territorial division.

Adjudication

(3) The justice or the summary conviction court before which the parties appear may, if satisfied by the evidence adduced that the person on whose behalf the information was laid has reasonable grounds for his or her fears,

(a) order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for any period that does not exceed twelve months, and comply with such other reasonable conditions prescribed in the recognizance, including the conditions set out in subsections (3.1) and (3.2), as the court considers desirable for securing the good conduct of the defendant; or

(b) commit the defendant to prison for a term not exceeding twelve months if he or she fails or refuses to enter into the recognizance.

Conditions

(3.1) Before making an order under subsection (3), the justice or the summary conviction court shall consider whether it is desirable, in the interests of the safety of the defendant or of any other person, to include as a condition of the recognizance that the defendant be prohibited from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all such things, for any period specified in the recognizance and, where the justice or summary conviction court decides that it is so desirable, the justice or summary conviction court shall add such a condition to the recognizance.

Surrender, etc.

(3.11) Where the justice or summary conviction court adds a condition described in subsection (3.1) to a recognizance order, the justice or summary conviction court shall specify in the order the manner and method by which

(a) the things referred to in that subsection that are in the possession of the accused shall be surrendered, disposed of, detained, stored or dealt with; and

(b) the authorizations, licences and registration certificates held by the person shall be surrendered.

Reasons

(3.12) Where the justice or summary conviction court does not add a condition described in subsection (3.1) to a recognizance order, the justice or summary conviction court shall include in the record a statement of the reasons for not adding the condition.

Idem

(3.2) Before making an order under subsection (3), the justice or the summary conviction court shall consider whether it is desirable, in the interests of the safety of the informant, of the person on whose behalf the information was laid or of that person's spouse or common-law partner or child, as the case may be, to add either or both of the following conditions to the recognizance, namely, a condition

(a) prohibiting the defendant from being at, or within a distance specified in the recognizance from, a place specified in the recognizance where the person on whose behalf the information was laid or that person's spouse or common-law partner or child, as the case may be, is regularly found; and

(b) prohibiting the defendant from communicating, in whole or in part, directly or indirectly, with the person on whose behalf the information was laid or that person's spouse or common-law partner or child, as the case may be.

Forms

(4) A recognizance and committal to prison in default of recognizance under subsection (3) may be in Forms 32 and 23, respectively.

Modification of recognizance

(4.1) The justice or the summary conviction court may, on application of the informant or the defendant, vary the conditions fixed in the recognizance.

Procedure

(5) The provisions of this Part apply, with such modifications as the circumstances require, to proceedings under this section.

R.S., 1985, c. C-46, s. 810; 1991, c. 40, s. 33; 1994, c. 44, s. 81; 1995, c. 22, s. 8, c. 39, s. 157; 2000, c. 12, s. 95.

Fear of certain offences

810.01 (1) A person who fears on reasonable grounds that another person will commit an offence under section 423.1, a criminal organization offence or a terrorism offence may, with the consent of the Attorney General, lay an information before a provincial court judge.

Appearances

(2) A provincial court judge who receives an information under subsection (1) may cause the parties to appear before a provincial court judge.

Adjudication

(3) The provincial court judge before whom the parties appear may, if satisfied by the evidence adduced that the informant has reasonable grounds for the fear, order that the defendant enter into a recognizance to keep the peace and be of good behaviour for any period that does not exceed twelve months and to comply with any other reasonable conditions prescribed in the recognizance, including the conditions set out in subsection (5), that the provincial court judge considers desirable for preventing the commission of an offence referred to in subsection (1).

Refusal to enter into recognizance

(4) The provincial court judge may commit the defendant to prison for a term not exceeding twelve months if the defendant fails or refuses to enter into the recognizance.

Conditions — firearms

(5) Before making an order under subsection (3), the provincial court judge shall consider whether it is desirable, in the interests of the safety of the defendant or of any other person, to include as a condition of the recognizance that the defendant be prohibited from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all of those things, for any period specified in the recognizance, and where the provincial court judge decides that it is so desirable, the provincial court judge shall add such a condition to the recognizance.

Surrender, etc.

(5.1) Where the provincial court judge adds a condition described in subsection (5) to a recognizance, the provincial court judge shall specify in the recognizance the manner and method by which

> (a) the things referred to in that subsection that are in the possession of the defendant shall be surrendered, disposed of, detained, stored or dealt with; and

(b) the authorizations, licences and registration certificates held by the defendant shall be surrendered.

Reasons

(5.2) Where the provincial court judge does not add a condition described in subsection (5) to a recognizance, the provincial court judge shall include in the record a statement of the reasons for not adding the condition.

Variance of conditions

(6) A provincial court judge may, on application of the informant, the Attorney General or the defendant, vary the conditions fixed in the recognizance.

Other provisions to apply

(7) Subsections 810(4) and (5) apply, with any modifications that the circumstances require, to recognizances made under this section.

1997, c. 23, ss. 19, 26; 2001, c. 32, s. 46, c. 41, ss. 22, 133; 2002, c. 13, s. 80.

Where fear of sexual offence

810.1 (1) Any person who fears on reasonable grounds that another person will commit an offence under section 151, 152, 155 or 159, subsection 160(2) or (3), section 163.1, 170, 171 or 172.1, subsection 173(2) or section 271, 272 or 273, in respect of one or more persons who are under the age of 16 years, may lay an information before a provincial court judge, whether or not the person or persons in respect of whom it is feared that the offence will be committed are named.

Appearances

(2) A provincial court judge who receives an information under subsection (1) may cause the parties to appear before a provincial court judge.

Adjudication

(3) If the provincial court judge before whom the parties appear is satisfied by the evidence adduced that the informant has reasonable grounds for the fear, the judge may order that the defendant enter into a recognizance to keep the peace and be of good behaviour for a period that does not exceed 12 months.

Duration extended

(3.01) However, if the provincial court judge is also satisfied that the defendant was convicted previously of a sexual offence in respect of a person who is under the age of 16 years, the judge may order that the defendant enter into the recognizance for a period that does not exceed two years.

Conditions in recognizance

(3.02) The provincial court judge may add any reasonable conditions to the recognizance that the judge considers desirable to secure the good conduct of the defendant, including conditions that

(a) prohibit the defendant from engaging in any activity that involves contact with persons under the age of 16 years, including using a computer system within the meaning of subsection 342.1(2) for the purpose of communicating with a person under that age;

(b) prohibit the defendant from attending a public park or public swimming area where persons under the age of 16 years are present or can reasonably be expected to be present, or a daycare centre, school ground or playground;

(c) require the defendant to participate in a treatment program;

(d) require the defendant to wear an electronic monitoring device, if the Attorney General makes the request;

(e) require the defendant to remain within a specified geographic area unless written permission to leave that area is obtained from the provincial court judge;

(f) require the defendant to return to and remain at his or her place of residence at specified times; or

(g) require the defendant to abstain from the consumption of drugs except in accordance with a medical prescription, of alcohol or of any other intoxicating substance.

Conditions — firearms

(3.03) The provincial court judge shall consider whether it is desirable, in the interests of the defendant's safety or that of any other person, to prohibit the defendant from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all of those things. If the judge decides that it is desirable to do so, the judge shall add that condition to the recognizance and specify the period during which the condition applies.

Surrender, etc.

(3.04) If the provincial court judge adds a condition described in subsection (3.03) to a recognizance, the judge shall specify in the recognizance how the things referred to in that subsection that are in the defendant's possession should be surrendered, disposed of, detained, stored or dealt with and how the authorizations, licences and registration certificates that are held by the defendant should be surrendered.

Condition — reporting

(3.05) The provincial court judge shall consider whether it is desirable to require the defendant to report to the correctional authority of a province or to an appropriate police authority. If the judge decides that it is desirable to do so, the judge shall add that condition to the recognizance.

Refusal to enter into recognizance

(3.1) The provincial court judge may commit the defendant to prison for a term not exceeding twelve months if the defendant fails or refuses to enter into the recognizance.

Judge may vary recognizance

(4) A provincial court judge may, on application of the informant or the defendant, vary the conditions fixed in the recognizance.

Other provisions to apply

(5) Subsections 810(4) and (5) apply, with such modifications as the circumstances require, to recognizances made under this section.

1993, c. 45, s. 11; 1997, c. 18, s. 113; 2002, c. 13, s. 81; 2008, c. 6, ss. 52, 54, 62.

Where fear of serious personal injury offence

810.2 (1) Any person who fears on reasonable grounds that another person will commit a serious personal injury offence, as that expression is defined in section 752, may, with the consent of the Attorney General, lay an information before a provincial court judge, whether or not the person or persons in respect of whom it is feared that the offence will be committed are named.

Appearances

(2) A provincial court judge who receives an information under subsection (1) may cause the parties to appear before a provincial court judge.

Adjudication

(3) If the provincial court judge before whom the parties appear is satisfied by the evidence adduced that the informant has reasonable grounds for the fear, the judge may order that the defendant enter into a recognizance to keep the peace and be of good behaviour for a period that does not exceed 12 months.

Duration extended

(3.1) However, if the provincial court judge is also satisfied that the defendant was convicted previously of an offence referred to in subsection (1), the judge may order that the defendant enter into the recognizance for a period that does not exceed two years.

Refusal to enter into recognizance

(4) The provincial court judge may commit the defendant to prison for a term not exceeding twelve months if the defendant fails or refuses to enter into the recognizance.

Conditions in recognizance

(4.1) The provincial court judge may add any reasonable conditions to the recognizance that the judge considers desirable to secure the good conduct of the defendant, including conditions that require the defendant

(a) to participate in a treatment program;

(b) to wear an electronic monitoring device, if the Attorney General makes the request;

(c) to remain within a specified geographic area unless written permission to leave that area is obtained from the provincial court judge;

(d) to return to and remain at his or her place of residence at specified times; or

(e) to abstain from the consumption of drugs except in accordance with a medical prescription, of alcohol or of any other intoxicating substance.

Conditions — firearms

(5) The provincial court judge shall consider whether it is desirable, in the interests of the defendant's safety or that of any other person, to prohibit the defendant from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, or all of those things. If the judge decides that it is desirable to do so, the judge shall add that condition to the recognizance and specify the period during which the condition applies.

Surrender, etc.

(5.1) If the provincial court judge adds a condition described in subsection (5) to a recognizance, the judge shall specify in the recognizance how the things referred to in that subsection that are in the defendant's possession should be surrendered, disposed of, detained, stored or dealt with and how the authorizations, licences and registration certificates that are held by the defendant should be surrendered.

Reasons

(5.2) If the provincial court judge does not add a condition described in subsection (5) to a recognizance, the judge shall include in the record a statement of the reasons for not adding the condition.

Condition — reporting

(6) The provincial court judge shall consider whether it is desirable to require the defendant to report to the correctional authority of a province or to an appropriate police authority. If the judge decides that it is desirable to do so, the judge shall add that condition to the recognizance.

Variance of conditions

(7) A provincial court judge may, on application of the informant, of the Attorney General or of the defendant, vary the conditions fixed in the recognizance.

Other provisions to apply

(8) Subsections 810(4) and (5) apply, with such modifications as the circumstances require, to recognizances made under this section.

1997, c. 17, s. 9; 2002, c. 13, s. 82; 2008, c. 6, s. 53.

Breach of recognizance

811. A person bound by a recognizance under section 83.3, 810, 810.01, 810.1 or 810.2 who commits a breach of the recognizance is guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

R.S., 1985, c. C-46, s. 811; 1993, c. 45, s. 11; 1994, c. 44, s. 82; 1997, c. 17, s. 10, c. 23, ss. 20, 27; 2001, c. 41, s. 23.

Appendix E: Assessment Report - Sample Outline

The following sections would be typical in an assessment report prepared pursuant to s.752.1. They are, however, not obligatory– the form, structure and content of actual reports will vary by jurisdiction and the requirements of particular cases.

Background of the referral. This section states where the referral came from, who initiated the assessment, and on what grounds.

Informed consent. This section would state that the offender had been fully and understandably informed as to the nature and purpose of this assessment. This section would also generally state that the offender has signed a statement indicating that they have been informed of the purpose and nature of this assessment or a witnessed statement indicating that the offender declined to give their consent to the assessment. When the offender is in a residential facility and the offender declines to be involved in the assessment, the assessment proceeds without consent. In cases where the offender declines to participate in the assessment process the assessment is conducted primarily from file review. In these cases observational information gained from frontline staff is even more important.

Demographics. This section would generally include the offender's date of birth, family information (or lack thereof), marital status (including past marriages and involvements) vocational and schooling information and employment status at time of arrest.

List of tests used. This section of the report should list all psychological tests and assessments administered to the offender in the course of the assessment.

List of information provided. This section should list all papers and files reviewed by the assessor in preparation of the report. This is an essential check that the person giving an overall assessment of dangerousness has seen all relevant documentation.

Review of the index offence. The index offence is the Serious Personal Injury Offence or set of offences that brought the offender for assessment. Generally the set of offences for which the offender has just been found guilty. This section should compare and contrast the information received from the Crown, such as police incident reports and court transcripts, with the offender's verbal report of what happened.

Review of previous psychological/psychiatric assessments. Offenders who reach this level of intervention have usually been seen in the judicial or mental health system before. It is important to review previous reports to look for trends in psychological and behavioural functioning over time.

Standard behavioural observations. This section should include not only how the offender presented themself while in direct assessment by the principal

assessor, but also staff reviews of the offender's behaviour as seen in the residential setting. The report of the principal assessor would review the presentation, attitude, and posture of the offender, their level of co-operation, and the rapport developed between the assessor and the offender during the assessment interview(s). Residential staff should be encouraged to comment upon how the offender interacts with their environment. This would include observations on any temperamental/violent outbursts, how the offender interacted with staff and other residents and the degree to which this offender was a management concern while in remand. Emphasis should be placed upon the offender's ability to cope with their surroundings and the offender's problem resolution skills.

Test results. This section presents the results of the various tests used during the assessment. This section should include references to tests of cognitive ability and intelligence, a section devoted to tests of psychopathology, a personality assessment inventory, and tests of anxiety and depression, tests of alcohol and drug use/dependency. This section would also include results of specific assessments of dangerousness, recidivism potential, and psychopathy.

Phallometric data. In cases where a sexual offence had been committed phallometric testing may be useful. Phallometric testing assesses the physiological response to pictures of sexual content or audiotaped descriptions of sexual activities. This test helps to determine the presence of sexual deviance, non-normative sexual attractions, and proclivities. It is important to remember that these tests, while helpful in outlining possible treatment targets, do not speak to the issue of guilt or innocence. Physiological sexual preference tests for female offenders are seldom used and remain at the experimental stage.

Clinical interview. A summary review of the interview is presented. This section deals more with impressions and opinions, as opposed to the section on behavioural observations. This would include a description of how the offender defines their problem and a description of what general areas of inquiry were covered during the clinical interview(s).

Summary and conclusions. This section should include prognostic statements concerning the offender and some direct statement concerning the offender's risk level. A statement about the offender's general psychological fitness, levels of sexual deviance, and the extent to which deviant behaviours appear to have been repeated or are persistent. This section should include a statement concerning the offender's attitude towards accepting treatment or willingness to participate in treatment. When the assessment is being used for a Dangerous Offender hearing, a statement should be included concerning the offender's potential for future dangerousness. When the assessment is being used for a Long-Term Offender application, this section should include a statement giving an opinion on the possible eventual control of this offender in the community after a term of federal incarceration.

Potential treatment targets. Recommendations should be made considering needed treatment options for this offender. These might include sex offender treatment, social competencies training or anger management.

Appendix F: Standard Release Conditions

Corrections and Conditional Release Regulations SOR/92-620

Conditions of Release

161. (1) For the purposes of subsection 133(2) of the Act, every offender who is released on parole or statutory release is subject to the following conditions, namely, that the offender

(a) on release, travel directly to the offender's place of residence, as set out in the release certificate respecting the offender, and report to the offender's parole supervisor immediately and thereafter as instructed by the parole supervisor;

(b) remain at all times in Canada within the territorial boundaries fixed by the parole supervisor;

(c) obey the law and keep the peace;

(d) inform the parole supervisor immediately on arrest or on being questioned by the police;

(e) at all times carry the release certificate and the identity card provided by the releasing authority and produce them on request for identification to any peace officer or parole supervisor;

(f) report to the police if and as instructed by the parole supervisor;

(g) advise the parole supervisor of the offender's address of residence on release and thereafter report immediately

(i) any change in the offender's address of residence,

(ii) any change in the offender's normal occupation, including employment, vocational or educational training and volunteer work,

(iii) any change in the domestic or financial situation of the offender and, on request of the parole supervisor, any change that the offender has knowledge of in the family situation of the offender, and

(iv) any change that may reasonably be expected to affect the offender's ability to comply with the conditions of parole or statutory release;

(h) not own, possess or have the control of any weapon, as defined in section 2 of the Criminal Code, except as authorized by the parole supervisor; and

(i) in respect of an offender released on day parole, on completion of the day parole, return to the penitentiary from which the offender was released on the date and at the time provided for in the release certificate.