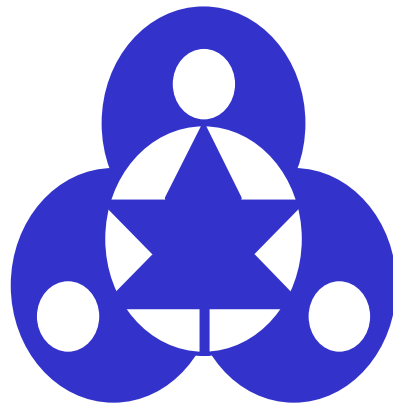


**Enhancing Community Protection in the Release of  
the Detained Offender  
Inter-jurisdictional & Inter-agency Issues  
& Resolutions**



**National Joint Committee  
Pacific Region**

**International Meeting of Experts  
Vancouver, British Columbia  
June 14<sup>th</sup> & 15<sup>th</sup> 2006**



**International Centre for  
Criminal Law Reform and  
Criminal Justice Policy**



**British Columbia Association  
of Chiefs of Police**

**Enhancing Community Protection in the Release of the Detained Offender  
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# Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions

## A) Acknowledgements

The theme for this meeting evolves around inter-jurisdictional and inter-agency cooperation. With this in mind the three coordinating organizations:

- BC Association of Chiefs of Police;
- National Joint Committee, Pacific Region, and
- The International Centre for Criminal Law Reform and Criminal Justice Policy,

are delighted and thankful for the considerable inter-jurisdictional and inter-agency support that has been provided by the following three key contributors.

- Public Safety and Emergency Preparedness Canada
- Police Services Division, Provincial Ministry of Public Safety and Solicitor General, and
- The Correctional Service of Canada.

Further inter-agency cooperation is in evidence upon review of the Organizing Committee for this event. Their individual and collective contribution to this Meeting of Experts is acknowledged and greatly appreciated.

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| • Chief Constable Ben Anderson,      | Oak Bay Police & NJC <sup>1</sup>    |
| • R.E. Bob Brown                     | ICCLR&CJP <sup>2</sup>               |
| • Roger Cutler,                      | Criminal Justice Branch <sup>3</sup> |
| • Greg Fitch, Q.C.                   | Criminal Justice Branch & NJC        |
| • Steve Howell,                      | Corrections & NJC                    |
| • Deputy Chief Constable Doug LePard | Vancouver Police & NJC               |
| • Ron Hurt,                          | Criminal Justice Branch              |
| • Matt Logan                         | RCMP BSG <sup>4</sup>                |
| • Teal Maedel,                       | CSC <sup>5</sup> & NJC               |
| • Sam McLeod,                        | BC Police Services Division          |
| • Andrew McWhinnie,                  | CoSA <sup>6</sup>                    |
| • Shelly Pylypiak                    | CSC & BSG                            |

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<sup>1</sup> National Joint Committee Pacific Region

<sup>2</sup> International Centre for Criminal Law Reform & Criminal Justice Policy

<sup>3</sup> Ministry of the Attorney General

<sup>4</sup> RCMP Behavioural Sciences Group

<sup>5</sup> Correctional Service of Canada

<sup>6</sup> Circles of Support and Accountability

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# Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions

## B) Introduction

This Meeting of Experts is a collaborative venture coordinated and endorsed by the following three community focused organizations.

- British Columbia Association of Chiefs of Police
- National Joint Committee, Pacific Region
- International Centre for Criminal law Reform and Criminal Justice Policy

The ultimate goal of this collaborative venture is enhanced community protection. It is hoped that this meeting will build on the success of the February 2005 Conference held in Richmond, BC entitled **Community Protection is Paramount: Coordinating the System's Response to High Risk Offending**. It is also hoped that the eventual product of the meeting will be of assistance to a further conference on this issue that is scheduled to take place in Ottawa in November, 2006 entitled **What Works in the Community Integration of High Risk Offenders**.

Concerning the February 2005 Conference the following is attributed to Kevin Begg, Assistant Deputy Minister and Director of Police Services Division Policing and Community Safety Branch, Ministry of Public Safety and Solicitor General.

A coordinated risk assessment and safety planning approach is considered to be the most effective way to address the communities' needs for safety and security. Such a collaborative approach involves all relevant criminal justice systems working together to ensure a communities' needs are met in the most effective and efficient way possible. In particular, high risk cases require that policies and communication strategies are in place for the sharing of offender information that will protect the community from high risk offending.

The return of the detained WED (Warrant Expiry Date) offender to the community is a critical issue irrespective of what province the offender is released from and irrespective of what destination province or territory is in the offender's plans. Being released to a destination in close proximity to the releasing institution and within the same province allows for local protocols and agreements to be used to maximize our collective goals of community protection and safe offender reintegration.

The release or the apprehension of a WED offender as may be necessary involving different provinces or territories and subject to different local policies and protocols strongly suggests the need for heightened inter-jurisdictional and inter-agency cooperation and understanding.

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The primary issues for this Meeting of Experts are twofold.

1. The meeting is intended to heighten the awareness and the need for greater inter-jurisdictional and inter-agency cooperation in relation to the release, support and monitoring, as deemed appropriate, of WED offenders.
2. The meeting is intended to identify “gaps” in the release, support and monitoring process and where possible identify appropriate solutions.

In support of the above this Work Book has been prepared for the participants both as a reference document and as a resource tool to be utilized during the meeting. It is hoped that the case exercise will encourage the participants to challenge their current “ways of doing business”. It is incumbent on all of us to objectively and with a critical eye examine our practices in relation to WED offenders to ensure that we are maximizing our collective effort to contribute to making our communities safer.

For consideration.

### ***Original signed by***

R.E. Bob Brown  
Director, Corrections Programme

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# **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

## **C) Case Review: Mr. Z**

### **1. Synopsis**

Z is a 2nd time federal offender serving a 3-year sentence for Attempted Forcible Confinement and Assault. These offences were committed within 23-days of release at the expiry of his first federal sentence. He committed property offences, violent offences, drug related offences, and sexual offences. Z has failed in 5 attempts to complete Sex Offender Treatment. Actuarial and clinical assessments indicate a high risk of violent and/or sexual re-offence.

### **2. Court History**

Z's has convictions for Common Assault, Possession of Weapon, B&E with Intent, Attempt B&E with Intent, Theft Over \$200, Theft Under \$200, Mischief to Public Property, B&E Theft (X3), Fail to Comply with Probation Order (X2), Assault, Uttering Threats, Fraud, Attempt Fraud, Theft Under \$1000 (X2), Mischief (X6) Use of Stolen Credit Card, Driving with More Than 80 mgs, Possession of Property Obtained by Crime Over \$1000, Fail to Attend Court, Fail to Appear, Attempt to Obstruct Justice, Attempt Theft Under \$1000, Possession of Narcotic, Sexual Assault Cause Bodily Harm, and Assault with a Weapon.

### **3. Nature of Offending**

By age 15, Z started victimizing elderly women and children. Regarding the women, he would break into their residence, demand money and touch their breasts or crotch. His rationale for these age groups was that they are easy prey.

The most recent Sexual Assault involved Z breaking into the home of a 74 year old woman. Over a 2 hour period, he sexually and physically assaulted her. The attack included punching, choking and striking the victim with her cane, removing her adult diaper and forcing intercourse, taunting, and holding a knife to her throat while threatening to kill her.

Judge stated, "this is a case...that cries out for protection of the public. This person, in my opinion, is a time bomb that if he is allowed to be out in the community, may at any time, commit an act of violence which may have most serious consequences and in no way do I exclude consequences that include the death of another person."

Shortly after release Z waited in a parkade, forced his way into a woman's car and told her to move to the passenger seat stating "Move over, you're not going to get out."

While incarcerated, Z was convicted of assaulting another inmate. Staff observed an inmate running and bleeding from a head wound with Z following with a metal bar.

Z disclosed additional victims of all ages. All were too afraid to yell for help, too old to fight him and too scared and/or ashamed to lay complaints. He sexually assaulted several children and at least 10-12 other elderly women before his index offence.

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### **4. Excerpts from Psychological Risk Assessment Reports**

Z was diagnosed with a severe sexual disorder with elements of sadism, pedophilia and bestiality. It should be noted that drugs disinhibit his sexual urges. Z was also diagnosed with Antisocial Personality Disorder with traits of Borderline Personality Disorder.

Z presents a high risk for sexually violent recidivism. Victims could include defenseless' older women as well as younger children of both sex and homicide could definitely be the end result...he will require long term specialized sex offender treatment.

Deviant sexual fantasies are typically triggered by anger. Anger is triggered by feeling out of control or/and by seeing a woman whom he feels look 'easy'. He reduces anxiety and stress by exerting control which includes inflicting damage to property, other people and himself.

Z had a dysfunctional, sexualized home life and early onset of substance abuse. He reports incidents of bestiality, incest, and exchanging sexual favours for money, alcohol, and drugs.

Z is a high risk to re-offend violently, generally and sexually against young boys and females of all ages including his partners. Z is a high risk for a return to drug abuse and the management of his risk to re-offend in the community will depend almost entirely on imposing external controls as I do not believe Z will exert the effort to control himself.

- **Penile Plethysmography**- Z demonstrated similar levels of sexual arousal to adult females in both consenting sexual activity and violent rape. Z did not demonstrate measurable sexual arousal to males, children of either sex, or to non-sexualized violence.

Z needs structure and support upon his release. Recommendations include: access to mental health services, abstain from drugs and alcohol, and reside in a structured, therapeutic environment with trained staff.

### **5. Actuarial Scores**

- **Violence Risk Assessment Guide (VRAG)** - High: 76% probability of violent recidivism within 7 years of release and 82% probability of violent recidivism within 10 years.
- **Psychopathy Check List Revised (PCL-R)** - Z scored at the 86th percentile exceeded the cut off for a diagnosis of psychopathy.
- **Sexual Violence Risk assessment (SVR-20)** - Extremely high
- **Violence Risk Scale-Sex Offender Version (VRS-SO)** - High
- **STATIC-99** (measures probability of sexual and violent recidivism) - High

### **6. Offence Cycle**

Non-Sexual risk factors included: having no social support, being secretive, ruminating and escalating his anger; having sadistic and murderous revenge fantasies as a way of re-

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establishing a feeling of control over those who had hurt or 'wronged' him, focusing his life on substance abuse and sex, feeling lonely and rejected, and thinking errors.

Sexual risk factors included: sexual preoccupation, hustling for a living, masturbating to violent rape fantasies, looking for vulnerable "easy" victims, and negative attitudes towards women (i.e., women are users and whores).

### **7. Programs**

- **Anger Management** - Completed but Not Successfully. Active participant but unable to integrate the concepts into his personal life.
- **Sex Offender Treatment Program** - Dropped out after 1 month due to his inability to deal with the group setting.
- **Northstar Sex Offender Program** - Discharged. Admitted to fantasies about staff members, aggressive conduct towards female staff and self harm.
- **Clearwater Sex Offender Program** - Discharged. Unwilling to engage in treatment and developed a fantasized perception of his relationship with treatment team members.
- **Clearwater Sex Offender Program (2nd attempt)** - Discharged. Assaulted a fellow participant.
- **Odyssey High Intensity Sex Offender Program** - Discharged. Disruptive and he was being threatened by another offender. Recommended individualized psychological counselling.

### **8. National Parole Board** - Detained.

Rationale: If released before the expiration of his current sentence, he was likely to commit an offence causing serious harm to another person.

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### **D) Four Critical Stages**

#### **Stage 1 - Pre- Release**

Z is incarcerated within the Correctional Service of Canada's (CSC) Regional Health Centre as a sex offender. He was recommended for detention past his statutory release date. His case was reviewed by the National Parole Board (NPB) where it was determined that, if released he was likely to commit an offence causing serious harm to another person before the expiration of his sentence. His case was reviewed annually by CSC and the NPB where his detained status was reconfirmed. His risk was not deemed manageable in the community for his entire sentence.

A monthly list of all detained offenders in the region within 6 months of their warrant expiring is generated by CSC's Warrant Expiry Date (WED) Release Coordinator. Z is on the list that is electronically distributed to the Wardens, Deputy Wardens, High Risk Offender Identification Program (HROIP) Coordinator (Attorney General's office), and Regional Coordinator for Circles of Support and Accountability (CoSA). This serves as a reminder to CSC staff to start preparing the case for release and informs the applicable criminal justice agencies outside CSC of the upcoming releases.

The WED Release Coordinator tracks the cases of all offenders such as Z who exhibit the type of threat defined in S. 25 of the Corrections and Conditional Release Act (CCRA) and whose cases are forwarded for 810 conditions post WED. Other offenders are also referred for 810 conditions. These include offenders whose community release (e.g. parole) was suspended and is likely to be revoked (for example, their level of risk has escalated and public safety is threatened). These cases are often very close to their warrant expiry date.

In Z's case, his institutional parole officer (IPO) begins preparing him for release at his warrant expiry date, and for a potential 810 recognizance conditions. Six months prior to WED, the parole officer should have started the process by looking into whether Z has a social insurance number, birth certificate, his release plans including where he intends to reside upon release, and other information. The IPO will also engage the income assistance protocol developed between CSC and BC Human Resources. Contact will be made on behalf of the offender, and arrangements made for a telephone interview with an intake worker to determine the offender's eligibility for social assistance upon release. If the offender is eligible, arrangements are made to have income assistance funds available for him on the day of his release.

Since Z is a sex offender, the Regional Coordinator of CoSA is also contacted by the IPO and an interview is arranged. During this interview, Z is also invited to discuss his release plans with the CoSA Coordinator who will determine his eligibility for a CoSA. If eligibility is confirmed, the offender will be asked to agree in writing to the disclosure of CSC information to community volunteers as the means of engaging the assistance of a Circle upon release.

Four months prior to warrant expiry, an information package is created containing all information relevant to the threat Z poses to the community. Z is informed of what reports

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

are being distributed. Key reports such as Psychological Risk Assessments, reports relating to detention, reasons for suspension and program participation, among others are included in the release package (referred to as the "WED Package"). The parole officer reviews the 810 process with Z to ensure he fully understands it and his legal rights regarding the court processes. CSC information on Z, including the WED Package, is distributed to the police agency where Z plans to reside, the parole office within the release jurisdiction, CoSA and the HROIP. An e-mail is sent by the Institutional Parole Officer to the WED Release Coordinator and HROIP with an attached electronic photo for potential use in future crime identification and public notification. The e-mail also permits tracking of the information exchange process and to predict the arrival of the information in the hands of the various agencies mentioned above.

At this point the WED Release Coordinator provides the HROIP Coordinator, the 810 Coordinator, and the BC Corrections Analyst attached to the High Risk Recognizance Advisory Committee (HRRAC) access to Z's CSC's Offender Management System file.

The HROIP keeps a copy of the file for potential use in the future by Crown Counsel or the police as many of these offenders are considered to be potential candidates for Long Term Supervision Orders or Danger Offender designations should they be convicted for other offences in the future .

The HRRAC Analyst also reviews the information and researches other information such as victim's locations and needs, police input and other data sources to produce a draft case review. This review outlines Z's criminal history, psychological reports, risk assessments and progress in relation to his risk. The report includes a recommendation for conditions that can be included in an 810 order, supported with reference to the offender's documented risk assessment and criminal behavioural cycle. The HRRAC committee meets on average once per month to review the Analyst's case reviews. Should the committee agree that an 810 Order is advisable, and after they reach a consensus decision regarding what the recommended conditions of an 810 Order should be, a report of their conclusions is forwarded to the 810 Coordinator. The 810 Co-ordinator then prepares the Report to Crown Counsel (RCC) recommending the imposition of an 810.1 or 810.2 and advises the appropriate police agency.

In Z's case he has indicated that he intends to reside in the Vancouver area. Accordingly, the case review and recommended 810 conditions are forwarded to the Vancouver Police Department, where detectives from the High Risk Offender Unit will play a key role in the supervision of Z and will maintain communication with Z's Probation Officer and other collateral resources in the community such as the Vancouver CoSA, BC Corrections CHROME project and others who will be assisting Z in his release to the Lower Mainland area.

As well, during this period, BC Corrections is preparing to accept supervision of Z. The 810 Coordinator liaises with the offender to ensure understanding of the process and with the Crown from the Fraser Valley who are designated for these cases.

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- **Exercise 01** What if Z's planned destination was Ottawa? How would this be managed and who needs to be informed and consulted?
- **Exercise 02** What if Z was in segregation in Quebec and transferred into BC two months prior to his warrant expiry date. How should his case be handled?
- **Exercise 03** What conditions would you recommend for Z? Remember, these must correspond to his documented risk to re-offend assessments, criminogenic needs, and his criminal behavioural cycle.

See list of potential conditions in Section E – 6. This list is a guide and conditions can be modified or new conditions created consistent with mitigating the threat.

### **Stage 2 - Court process and Application**

Upon review of the RCC prepared by the 810 Co-ordinator, Crown Counsel agrees an 810.2 is warranted. A "spring order" (writ of "Habeas Corpus") is obtained. One week prior to his WED, Z is transported from prison to the Abbotsford Court House for a first appearance. Crown and Defence argue the need to impose an 810 Order, and the applicability of recommended conditions.

Note: 810 conditions are intended to protect the interest of society and safety of potential victims. If an Order of Recognizance under section 810, refusal by the offender to enter into the recognizance agreement is punishable by up to 1 year of imprisonment. A breach of conditions is punishable for up to 2 years imprisonment.

If the offender decides to contest the imposition of an 810 Order, the matter is most often set over for trial. In practice, the offender is either released on bail (with conditions set that are often very similar to those sought under s. 810), or he is remanded in custody until the trial date.

Z is not pleased but decides to sign the recognizance. His parole officer reviews his conditions with him prior to release so he fully understands what is expected. Conditions imposed included a curfew requiring him to be off the street between the hours of 11:00 PM and 6:00AM daily. He is to abstain from all intoxicants.

- **Exercise 04** What happens if Z changes his release destination just prior to his warrant expiring and decides he wants to reside in Calgary?

### **Stage 3 - Post Release Co-ordination**

Z has no community support, very little money, no employment and no fixed address. The Vancouver CoSA Co-ordinator has received the WED Package from the CoSA Regional Co-ordinator, and has been in contact with Z. As a result, the Vancouver Co-ordinator has agreed to provide a Circle for him. As part of this process, volunteers who are carefully trained with respect to issues relating to sexual deviance and sexual offending, crime cycles,

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criminogenic needs, personal safety, community resources and the criminal justice process relating to the release of WED sex offenders, will meet Z when he is released from RTC. They will arrange to bring him to his initial appointments in Vancouver and locate shelter and other resources for him. To accomplish these things and to begin building a relationship of support and accountability between the offender and his circle volunteers, arrangements have been made for meetings between Z and the volunteers prior to his release from custody.

Also while in custody, Z met with an Outreach Worker contracted by the BC Corrections Branch as part a Coordinated High Risk Offender Management Team (CHROME), but Z refused their offer of assistance. Upon release he reconsiders and decides that additional support is indeed welcome.

Z reports weekly to the BC Community Corrections where he meets with his probation officer, reviews his conditions, reporting expectations, prepares a case plan, discusses risk factors, liaises with members of other agencies, and assists him in seeking out services. At monthly meetings, Z's progress is reviewed by his supervising Probation Officer, outreach workers, police officer, and the project consulting psychologist.

Z regularly reports to the Vancouver Police detachment where he is interviewed by a Detective in the High Risk Offender Unit. Both the Probation Officer and the HRO Officer are trained in understanding criminogenic factors, paraphilia, fantasy, and crime cycle. Often a good rapport is formed and this serves as another form of structure and supervision.

The Vancouver Police decided to issue a Public Notification on the day of Z's release. His photo was shown on the evening news, and printed in the major daily newspapers. Z had been advised by the 810 Coordinator and his CoSA group that this would likely happen. His PO served him copies of the Notification prior to notification day.

Z is a hard worker when he is not using drugs. He finds temporary employment as a labourer on a construction site. Initially, he is following his conditions and seems to be coping. The guys at the work site routinely go out for a beer after their shift and he wants to go. He does not seem to be fitting in. His boss is becoming critical and yelled at him in front of everyone. The next time his boss yells at him, he's determined to set him straight. He finds himself alone often. He does not feel that he should have a curfew and he does not see anything wrong with having a drink now and again. The CoSA meetings combined with police and probation reporting are starting to irritate him because he does not want to answer all of their prying questions. Z starts using a little cocaine now and again to make him self feel better. He is starting to fantasize about rape scenarios and sometimes places his probation officer into the fantasy. He does not want to disclose this information and is starting to create excuses for not attending meetings. He wants to go to Calgary and it angers him that he is required to request permission. After all, he has done his time.

- **Exercise 05 Z requests permission to visit his family in Calgary. How is this accomplished? Who is informed? Who is consulted?**

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- **Exercise 06** As a result of the police Public Notification an irate member of the community contacts the Vancouver Police general number indicating that Z was observed at a beach in Stanley Park watching a group of young female sun bathers. How should this be handled and who should be informed of this public concern?
- **Exercise 07** Z discloses to one of his Circle volunteers that he's having rape fantasies. How should this be handled?
- **Exercise 08** Z refuses to having anything to do with CHROME. How should this be handled?

### **Stage 4 - Breach and Court Proceedings**

The probation and police officers have been discussing Z's deteriorating behaviour. They decide to call the Integrated Sexual Predator Observation Team intake line. One of the ISPOT surveillance teams is assembled. The team witnesses Z acting erratically and suspect he may be intoxicated but he is back at his place of residence by curfew. The team is called off for the night. The following day, Z does not show up for his meetings and cannot be located.

- **Exercise 09** Z discloses to his Circle that he has secured a weapon. How should this be handled?
- **Exercise 10** Z is located in Calgary. How is this jurisdictional issue handled?
- **Exercise 11** Z has completed 1 year without violating his conditions. Do you apply for a second 810.2 Recognizance Order? Why or why not?
- **Exercise 12** While contemplating a reapplication of the 810.2 a CoSA volunteer learns that Z is in custody in Edmonton Police cells facing charges of break and enter. Who should be contacted and informed from both a CoSA and a police perspective?

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## E) Supporting & Background Documentation

### 1) Corrections and Conditional Release Act

#### Information

**Service to give information to parole boards, etc.**

**25.** (1) The Service shall give, at the appropriate times, to the National Parole Board, provincial governments, provincial parole boards, police, and any body authorized by the Service to supervise offenders, all information under its control that is relevant to release decision-making or to the supervision or surveillance of offenders.

**Police to be notified of releases**

(2) Before the release of an inmate on an unescorted temporary absence, parole or statutory release, the Service shall notify all police forces that have jurisdiction at the destination of the inmate if that destination is known.

**Service to give information to police in some cases**

(3) Where the Service has reasonable grounds to believe that an inmate who is about to be released by reason of the expiration of the sentence will, on release, pose a threat to any person, the Service shall, prior to the release and on a timely basis, take all reasonable steps to give the police all information under its control that is relevant to that perceived threat.

1992, c. 20, s. 25; 1995, c. 42, s. 71(F).

#### Detention during Period of Statutory Release

**Review of cases by service**

**129.** (1) Before the statutory release date of an offender who is serving a sentence of two years or more that includes a sentence imposed for an offence set out in Schedule I or II or an offence set out in Schedule I or II that is punishable under section 130 of the *National Defence Act*, the Commissioner shall cause the offender's case to be reviewed by the Service.

**Referral of certain cases to Board**

(2) After the review of the case of an offender pursuant to subsection (1), and not later than six months before the statutory release date, the Service shall refer the case to the Board together with all the information that, in its opinion, is relevant to it, where the Service is of the opinion

(a) in the case of an offender serving a sentence that includes a sentence for an offence set out in Schedule I, that

(i) the commission of the offence caused the death of or serious harm to another person and there are reasonable grounds to believe that the offender is likely to commit an offence causing death or serious harm to another person before the expiration of the offender's sentence according to law, or

(ii) the offence was a sexual offence involving a child and there are reasonable grounds to believe that the offender is likely to commit a sexual offence involving a child before the expiration of the offender's sentence according to law; or

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(b) in the case of an offender serving a sentence that includes a sentence for an offence set out in Schedule II, that there are reasonable grounds to believe that the offender is likely to commit a serious drug offence before the expiration of the offender's sentence according to law.

### **Referral of cases to Chairperson of Board**

(3) Where the Commissioner believes on reasonable grounds that an offender who is serving a sentence of two years or more is likely, before the expiration of the sentence according to law, to commit an offence causing death or serious harm to another person, a sexual offence involving a child or a serious drug offence, the Commissioner shall refer the case to the Chairperson of the Board together with all the information in the possession of the Service that, in the Commissioner's opinion, is relevant to the case, as soon as is practicable after forming that belief, but the referral may not be made later than six months before the offender's statutory release date unless

(a) the Commissioner formed that belief on the basis of behaviour of the offender during the six months preceding the statutory release date or on the basis of information obtained during those six months; or

(b) as a result of any recalculation of the sentence under this Act, the statutory release date of the offender has passed or less than six months remain before that date.

(c) [Repealed, 1995, c. 42, s. 44]

### **Detention pending referral**

(3.1) Where paragraph (3)(b) applies and the statutory release date has passed, the Commissioner shall, within two working days after the recalculation under that paragraph, make a determination whether a referral is to be made to the Chairperson of the Board pursuant to subsection (3) and, where appropriate, shall make a referral, and the offender is not entitled to be released on statutory release pending the determination.

### **Request for information by Board**

(4) At the request of the Board, the Service shall take all reasonable steps to provide the Board with any additional information that is relevant to a case referred pursuant to subsection (2) or (3).

### **Deadlines for review by Board**

(5) Where the case of an offender is referred to the Chairperson of the Board pursuant to subsection (3) during the six months preceding the statutory release date of the offender, or on or after that date, the Board shall

(a) if the case is referred to the Chairperson more than four weeks before that date, review the case pursuant to subsection 130(1) before that date;

(b) if the case is referred to the Chairperson during the four weeks preceding that date but more than three days before that date,

(i) review the case pursuant to subsection 130(1) before that date, if possible, or

(ii) make an interim review of the case before that date; or

(c) if the case is

(i) referred to the Chairperson on the statutory release date or during the three days preceding that date, or

(ii) referred to the Chairperson pursuant to paragraph (3)(b) after the

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

statutory release date has passed,

make an interim review of the case during the three days following the day on which the case was so referred.

### **Interim review**

(6) An interim review required by subsection (5) shall be made in the manner prescribed by the regulations.

### **Decision to review**

(7) On completion of an interim review pursuant to subsection (5), if the Board is of the opinion, on the basis of all the information provided, that a sufficient case is made for a review pursuant to subsection 130(1), the Board shall conduct a review of the case as soon as is practicable and not later than four weeks after the case was referred to the Chairperson of the Board.

### **Delegation to provincial authorities**

(8) The Commissioner may delegate to the correctional authorities of a province the powers of the Service and of the Commissioner under this section in relation to offenders who are serving their sentences in a correctional facility in that province.

### **Definitions**

(9) In this section and sections 130 and 132,

**“serious drug offence”**  
**« infraction grave en matière de drogue »**

“serious drug offence” means an offence set out in Schedule II;

**“sexual offence involving a child”**  
**« infraction d’ordre sexuel à l’égard d’un enfant »**

“sexual offence involving a child” means

(a) an offence under any of the following provisions of the *Criminal Code* that was prosecuted by way of indictment, namely,

(i) section 151 (sexual interference),

(ii) section 152 (invitation to sexual touching),

(iii) section 153 (sexual exploitation),

(iv) subsection 160(3) (bestiality in presence of child or inciting child to commit bestiality),

(v) section 170 (parent or guardian procuring sexual activity by child),

(vi) section 171 (householder permitting sexual activity by child),

(vii) section 172 (corrupting children),

(viii) subsection 212(2) (living off the avails of prostitution by a child), and

(ix) subsection 212(4) (obtaining sexual services of a child),

(b) an offence under any of the following provisions of the *Criminal Code* involving a person under the age of eighteen years that was prosecuted by way of indictment, namely,

(i) section 155 (incest),

(ii) section 159 (anal intercourse),

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

- (iii) subsections 160(1) and (2) (bestiality and compelling bestiality),
  - (iv) section 271 (sexual assault),
  - (v) section 272 (sexual assault with a weapon, threats to a third party or causing bodily harm), and
  - (vi) section 273 (aggravated sexual assault),
- (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 immediately before January 1, 1988, that was prosecuted by way of indictment, namely,
- (i) section 146 (sexual intercourse with a female under 14),
  - (ii) section 151 (seduction of a female between 16 and 18), and
  - (iii) section 167 (householder permitting defilement),
- (d) an offence involving a person under the age of eighteen years under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read immediately before January 1, 1988, that was prosecuted by way of indictment, namely,
- (i) section 153 (sexual intercourse with step-daughter),
  - (ii) section 155 (buggery or bestiality),
  - (iii) section 157 (gross indecency), and
  - (iv) section 166 (parent or guardian procuring defilement), or
- (e) an offence involving a person under the age of eighteen years under any of the following provisions of the *Criminal Code*, chapter C-34 of the Revised Statutes of Canada, 1970, as they read immediately before January 4, 1983, that was prosecuted by way of indictment, namely,
- (i) section 144 (rape),
  - (ii) section 145 (attempt to commit rape),
  - (iii) section 149 (indecent assault on female), and
  - (iv) section 156 (indecent assault on male).

### **Determination of likelihood of offence**

(10) In determining whether an offender is likely to commit an offence causing death or serious harm to another person, a sexual offence involving a child or a serious drug offence, it is not necessary to determine whether the offender is likely to commit any particular offence.

1992, c. 20, s. 129; 1995, c. 42, s. 44; 1998, c. 35, s. 117.

### **Review by Board of cases referred**

**130.** (1) Where the case of an offender is referred to the Board by the Service pursuant to subsection 129(2) or referred to the Chairperson of the Board by the Commissioner pursuant to subsection 129(3) or (3.1), the Board shall, subject to subsections 129(5), (6) and (7), at the times and in the manner prescribed by the regulations,

- (a) inform the offender of the referral and review, and
- (b) review the case,

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

and the Board shall cause all such inquiries to be conducted in connection with the review as it considers necessary.

### **Detention pending review**

(2) An offender referred to in subsection (1) is not entitled to be released on statutory release before the Board renders its decision under this section in relation to the offender.

### **Decision of Board**

(3) On completion of the review of the case of an offender referred to in subsection (1), the Board may order that the offender not be released from imprisonment before the expiration of the offender's sentence according to law, except as provided by subsection (5), where the Board is satisfied

(a) in the case of an offender serving a sentence that includes a sentence for an offence set out in Schedule I, or for an offence set out in Schedule I that is punishable under section 130 of the *National Defence Act*, that the offender is likely, if released, to commit an offence causing the death of or serious harm to another person or a sexual offence involving a child before the expiration of the offender's sentence according to law,

(b) in the case of an offender serving a sentence that includes a sentence for an offence set out in Schedule II, or for an offence set out in Schedule II that is punishable under section 130 of the *National Defence Act*, that the offender is likely, if released, to commit a serious drug offence before the expiration of the offender's sentence according to law,

(c) in the case of an offender whose case was referred to the Chairperson of the Board pursuant to subsection 129(3) or (3.1), that the offender is likely, if released, to commit an offence causing the death of or serious harm to another person, a sexual offence involving a child or a serious drug offence before the expiration of the offender's sentence according to law.

### **When order takes effect**

(3.1) An order made under subsection (3) takes effect on the day on which it is made.

### **Effect of order where additional sentence**

(3.2) Where, before the expiration of a sentence in respect of which an order under subsection (3) has been made, an offender receives an additional sentence and the date of the expiration of the sentence that includes the additional sentence as provided by subsection 139(1) is later than the date of the expiration of the sentence that the offender was serving before the additional sentence was imposed,

(a) the Board shall review the order at the time and in the manner prescribed by the regulations where, as a result of the additional sentence, the statutory release date has already passed or is within nine months after the day on which the offender received the additional sentence; and

(b) the order is cancelled where, as a result of the additional sentence, the statutory release date is nine months or more after the day on which the offender received the additional sentence.

### **Board's powers on review**

(3.3) The Board shall, on completing a review under paragraph (3.2)(a)

(a) confirm the order to prevent the release of the offender until the expiration of the sentence in respect of which the order was made; or

(b) amend the order to prevent the release of the offender until the expiration

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

of the sentence that includes the additional sentence as provided by subsection 139(1).

### **Detention pending review**

(3.4) An offender in respect of whom an order, that is subject to review under paragraph (3.2)(a), has been made is not entitled to be released on statutory release before the Board renders its decision under subsection (3.3) in relation to the order.

### **Special order by Board**

(4) Where the Board is not satisfied as provided in subsection (3) but is satisfied that

(a) at the time the case was referred to it, the offender was serving a sentence that included a sentence for an offence set out in Schedule I or II, or for an offence set out in Schedule I or II that is punishable under section 130 of the *National Defence Act*, and

(b) in the case of an offence set out in Schedule I or an offence set out in Schedule I that is punishable under section 130 of the *National Defence Act*, the commission of the offence caused the death of, or serious harm to, another person or the offence was a sexual offence involving a child,

it may order that if the statutory release is later revoked, the offender is not entitled to be released again on statutory release before the expiration of the offender's sentence according to law.

### **Order not to be released**

(5) An offender who is in custody pursuant to an order made under subsection (3) or amended under paragraph (3.3)(b) is not eligible to be released from imprisonment under this Act except on a temporary absence with escort for medical purposes under Part I.

### **Where order for release revoked**

(6) Where an offender is ordered under subsection (3) or paragraph (3.3)(b) not to be released and is subsequently released pursuant to an order made under subparagraph 131(3)(a)(ii) or (iii) and the statutory release is later revoked, the offender is not entitled to be released again on statutory release before the expiration of the offender's sentence according to law.

(7) [Repealed, 1995, c. 42, s. 45]

1992, c. 20, s. 130; 1995, c. 42, s. 45; 1997, c. 17, s. 26(F); 1998, c. 35, s. 118.

### **Annual review of orders**

**131.** (1) The Board shall review every order made under subsection 130(3) within one year after the date the order was made, and thereafter within one year after the date of each preceding review while the offender remains subject to the order.

### **Board to inquire**

(2) The Board shall cause such inquiries to be conducted in connection with each review under subsection (1) as it considers necessary to determine whether there is sufficient new information concerning the offender to justify modifying the order or making a new order.

### **Board's powers on review**

(3) The Board, on completing a review under subsection (1), shall

(a) with respect to an order made under subsection 130(3) or paragraph 130(3.3)(b),

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

(i) confirm the order,

(ii) order the statutory release of the offender subject to the condition that the offender reside in a community-based residential facility, psychiatric facility or, subject to subsection (4), a penitentiary designated pursuant to subsection (5), where the offender has been detained for a period during statutory release and the Board is satisfied that the condition is reasonable and necessary in order to protect society and to facilitate the successful reintegration into society of the offender, or

(iii) order the statutory release of the offender without such a residence requirement; or

(b) with respect to an order made under subparagraph (3)(a)(ii),

(i) confirm or modify the order, or

(ii) order the statutory release of the offender without such a residence requirement.

### **Consent of Commissioner**

(4) A condition under subparagraph (3)(a)(ii) that an offender reside in a penitentiary designated pursuant to subsection (5) is valid only if consented to in writing by the Commissioner or a person designated, by name or by position, by the Commissioner.

### **Designation**

(5) The Commissioner may designate penitentiaries for the purposes of orders made under subparagraph (3)(a)(ii).

1992, c. 20, s. 131; 1995, c. 42, s. 46; 1997, c. 17, s. 27.

### **Relevant factors in detention reviews**

**132.** (1) For the purposes of the review and determination of the case of an offender pursuant to section 129, 130 or 131, the Service, the Commissioner or the Board, as the case may be, shall take into consideration any factor that is relevant in determining the likelihood of the commission of an offence causing the death of or serious harm to another person before the expiration of the offender's sentence according to law, including

(a) a pattern of persistent violent behaviour established on the basis of any evidence, in particular,

(i) the number of offences committed by the offender causing physical or psychological harm,

(ii) the seriousness of the offence for which the sentence is being served,

(iii) reliable information demonstrating that the offender has had difficulties controlling violent or sexual impulses to the point of endangering the safety of any other person,

(iv) the use of a weapon in the commission of any offence by the offender,

(v) explicit threats of violence made by the offender,

(vi) behaviour of a brutal nature associated with the commission of any offence by the offender, and

(vii) a substantial degree of indifference on the part of the offender as to the consequences to other persons of the offender's behaviour;

(b) medical, psychiatric or psychological evidence of such likelihood owing to

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

a physical or mental illness or disorder of the offender;

(c) reliable information compelling the conclusion that the offender is planning to commit an offence causing the death of or serious harm to another person before the expiration of the offender's sentence according to law; and

(d) the availability of supervision programs that would offer adequate protection to the public from the risk the offender might otherwise present until the expiration of the offender's sentence according to law.

### **Idem**

(1.1) For the purposes of the review and determination of the case of an offender pursuant to section 129, 130 or 131, the Service, the Commissioner or the Board, as the case may be, shall take into consideration any factor that is relevant in determining the likelihood of the commission of a sexual offence involving a child before the expiration of the offender's sentence according to law, including

(a) a pattern of persistent sexual behaviour involving children established on the basis of any evidence, in particular,

(i) the number of sexual offences involving a child committed by the offender,

(ii) the seriousness of the offence for which the sentence is being served,

(iii) reliable information demonstrating that the offender has had difficulties controlling sexual impulses involving children,

(iv) behaviour of a sexual nature associated with the commission of any offence by the offender, and

(v) a substantial degree of indifference on the part of the offender as to the consequences to other persons of the offender's behaviour;

(b) reliable information about the offender's sexual preferences indicating that the offender is likely to commit a sexual offence involving a child before the expiration of the offender's sentence according to law;

(c) medical, psychiatric or psychological evidence of the likelihood of the offender committing such an offence owing to a physical or mental illness or disorder of the offender;

(d) reliable information compelling the conclusion that the offender is planning to commit such an offence; and

(e) the availability of supervision programs that would offer adequate protection to the public from the risk the offender might otherwise present until the expiration of the offender's sentence according to law.

### **Idem**

(2) For the purposes of the review and determination of the case of an offender pursuant to section 129, 130 or 131, the Service, the Commissioner or the Board, as the case may be, shall take into consideration any factor that is relevant in determining the likelihood of the commission of a serious drug offence before the expiration of the offender's sentence according to law, including

(a) a pattern of persistent involvement in drug-related crime established on the basis of any evidence, in particular,

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

- (i) the number of drug-related offences committed by the offender,
  - (ii) the seriousness of the offence for which the sentence is being served,
  - (iii) the type and quantity of drugs involved in any offence committed by the offender,
  - (iv) reliable information demonstrating that the offender remains involved in drug-related activities, and
  - (v) a substantial degree of indifference on the part of the offender as to the consequences to other persons of the offender's behaviour;
- (b) medical, psychiatric or psychological evidence of such likelihood owing to a physical or mental illness or disorder of the offender;
- (c) reliable information compelling the conclusion that the offender is planning to commit a serious drug offence before the expiration of the offender's sentence according to law; and
- (d) the availability of supervision programs that would offer adequate protection to the public from the risk the offender might otherwise present until the expiration of the offender's sentence according to law.

1992, c. 20, s. 132; 1995, c. 42, s. 47.

# Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions

## 2) Notification of Provision of Information to Police Prior to Warrant Expiry Date



Correctional Service Canada / Service correctionnel Canada

[NOTIFICATION OF PROVISION OF INFORMATION  
TO POLICE PRIOR TO WARRANT  
EXPIRY DATE](#)

[AVIS DE COMMUNICATION DE RENSEIGNEMENTS  
AUX AUTORITÉS POLICIÈRES AVANT LA DATE  
D'EXPIRATION DU MANDAT](#)

**FORM INFORMATION  
AND INSTRUCTIONS FOR COMPLETION**

**RENSEIGNEMENTS  
ET INSTRUCTIONS CONCERNANT LE FORMULAIRE**

INFORMATION (Reference documents) (Documents de référence)

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <a href="#">CD 782 / Sharing Offender-Related Information</a></li> <li>• <a href="#">Policy Bulletin 105</a></li> <li>• <a href="#">Interim Instruction (i)</a></li> </ul> | <ul style="list-style-type: none"> <li>• <a href="#">DC 782 / Communication de renseignements au sujet des délinquants</a></li> <li>• <a href="#">Bulletin politique 105</a></li> <li>• <a href="#">Instruction provisoire i</a></li> </ul> |
|---|---|

DISTRIBUTION

Original = Offender CM file	Copy = Offender	Copy = NPB Regional Office
Original = Dossier GC du délinquant	Copie = Délinquant	Copie = Bureau régional de la CNLC

INSTRUCTIONS

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• This form should be used to facilitate the notification of offenders of the decision to share information with the police prior to warrant expiry date as required by the provisions of subsection 25 (3) of the CCRA.</li> <li>• The form also facilitates the review of any representations made by the offender with respect to the relevancy of the information proposed for sharing.</li> <li>• Offenders will be permitted two working days to submit any representation on the contents of the release package prior to the release of the information to the police.</li> <li>• Any representation that the offender may wish to make concerning the accuracy or the relevancy of the contents of the release package shall be considered by the Parole Officer. Following a review of the offender's concerns, the Parole Officer will provide comments to the Institutional Head (or to the person acting as the Institutional Head). Space has been provided on the form to allow for the recording of these comments.</li> <li>• The Institutional Head (or the person acting as the Institutional Head) shall make the final determination on any concerns raised by the offender.</li> <li>• The final determination by the Institutional Head (or the person acting as the Institutional Head) shall be communicated to the offender in writing by sharing a copy of the completed form CSC 1225 with the offender.</li> <li>• The parole office having jurisdiction at the release destination of the offender will also be provided with a copy of this form, as well as the appropriate NPB Regional Office.</li> </ul> | <ul style="list-style-type: none"> <li>• Ce formulaire devrait être utilisé pour aviser le délinquant de la décision de communiquer des renseignements à la police avant la date d'expiration de son mandat, comme l'exige le paragraphe 25 (3) de la LSCMLC.</li> <li>• Le formulaire vise également à faciliter l'examen de toute observation présentée par le délinquant quant à la pertinence des renseignements qui seront divulgués.</li> <li>• Avant de communiquer l'information à la police, on accordera deux jours ouvrables au délinquant pour formuler ses observations quant aux renseignements inclus dans la documentation.</li> <li>• Tout commentaire formulé par le délinquant concernant l'exactitude ou la pertinence des renseignements inclus dans la documentation doit être pris en considération par l'agent de libération conditionnelle. Suivant l'examen des commentaires du délinquant, l'agent de libération conditionnelle présentera ses observations au directeur de l'établissement (ou à la personne qui assume cette fonction). Ces observations devraient être consignées dans l'espace réservé à cette fin sur le formulaire.</li> <li>• Il revient au directeur de l'établissement (ou à la personne qui assume cette fonction) de prendre la décision finale en ce qui a trait aux préoccupations du délinquant.</li> <li>• On avisera, par écrit, le délinquant de la décision finale du directeur de l'établissement (ou de la personne qui assume cette fonction) en lui remettant une copie du formulaire SCC 1225 une fois que celui-ci est entièrement rempli.</li> <li>• Le bureau de libération conditionnelle compétent au lieu de destination du délinquant recevra également une copie du formulaire, de même que le bureau régional de la CNLC concerné.</li> </ul> |
|--|--|

# Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions



Correctional Service  
Canada

Service correctionnel  
Canada

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ONCE COMPLETED  
UNE FOIS REMPLI

NOTIFICATION OF  
PROVISION  
OF INFORMATION TO  
POLICE  
PRIOR TO WARRANT  
EXPIRY DATE

AVIS DE  
COMMUNICATION  
DE  
RENSEIGNEMENTS  
AUX AUTORITÉS  
POLICIÈRES AVANT  
LA DATE  
D'EXPIRATION  
DU MANDAT

NOTE: Reference document CD 782.

## PERSONAL INFORMATION BANK –

<b>PUT AWAY ON FILE</b> <b>CLASSER AU DOSSIER</b>	See distribution Voir la distribution
FPS number Numéro SED	<input type="checkbox"/>
Family name Nom de famille	<input type="checkbox"/>
Given name(s) Prénom(s)	<input type="checkbox"/>
Date of birth Date de naissance	<input type="checkbox"/>

**This is to inform you that, in accordance with CD 782 and section 25 (3) of the CCRA, a copy of the following relevant documents will be provided to the appropriate police authorities in your release community.**

**La présente vise à vous informer que conformément à la DC 782 et à l'article 25 (3) de la LSCMLC, une copie des documents pertinents suivants sera fournie aux autorités policières compétentes dans la collectivité où vous serez libéré.**

Yes	No	N/A	Please select appropriate check boxes.	Oui	Non	S.O.	Veuillez cocher les cases appropriées.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Current photograph	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Photographie récente
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assessment for Decision prepared for the original detention review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Évaluation en vue d'une décision menée pour l'examen initial du cas en vue d'un éventuel maintien en incarcération
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NPB decision from the original detention hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Décision de la CNLC lors de l'audience initiale en vue d'un éventuel maintien en incarcération
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Assessment for Decision for the most recent annual review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Évaluation en vue d'une décision menée dans le cadre de l'examen annuel le plus récent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NPB decision from the most recent annual review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Décision de la CNLC concernant l'examen annuel le plus récent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Criminal history and details of the current offence(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Antécédents criminels et détails sur la ou les infractions à l'origine de la peine actuelle
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Available psychiatric and/or psychological reports related to detention and assessment of risk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rapports psychiatriques ou psychologiques disponibles liés au maintien en incarcération et à l'évaluation du risque
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other relevant documentation (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tout autre document pertinent (veuillez préciser)

**These documents have been previously shared with you.**

**Il s'agit de documents dont vous avez déjà pris connaissance.**

### OFFENDER – DÉLINQUANT

<input type="checkbox"/> I acknowledge receipt of this notification. J'accuse réception du présent avis.	Offender – Signature – Délinquant _____	Date (YYYY/MM/DD) – (AAAA/MM/JJ) _____
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### STAFF MEMBER – MEMBRE DU PERSONNEL

<input type="checkbox"/> Offender refused to sign. Le délinquant refuse d'apposer sa signature.	Staff member – Signature – Membre du personnel _____	Date (YYYY/MM/DD) – (AAAA/MM/JJ) _____
--	---	---

### OFFENDER – DÉLINQUANT

You may make representation concerning the release of this information.

Vous pouvez présenter vos observations concernant la communication de l'information.

I wish to comment on the release of this information.  
Je veux présenter des observations à cet égard.

I do not wish to comment on the release of this information.  
Je ne veux pas présenter d'observation à cet égard.

Please specify below the nature of your concern and attach additional sheets if necessary.  
Veuillez indiquer ci-après vos préoccupations et joindre des pages additionnelles si nécessaire.

]

## Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions

### PAROLE OFFICER COMMENTS – OBSERVATIONS DE L'AGENT DE LIBÉRATION CONDITIONNELLE

]

Signature

Date (YYYY/MM/DD) – (AAAA/MM/JJ)

]

### INSTITUTIONAL HEAD OR DELEGATE – DIRECTEUR DE L'ÉTABLISSEMENT OU SON DÉLÉGUÉ

Accept (indicate action to be taken)  
Approbation (précisez la mesure à prendre)

Reject (indicate action to be taken)  
Rejet (précisez la mesure à prendre)

Signature

Date (YYYY/MM/DD) – (AAAA/MM/JJ)

]

**If you object to the release of this information, a complaint may be registered through the inmate grievance process, with the Privacy Commissioner or with the Correctional Investigator.**

**Si vous vous opposez à ce que l'information en question soit communiquée, vous pouvez présenter une plainte via le processus de règlement des griefs des détenus, ou encore l'envoyer au commissaire à la protection de la vie privée ou à l'enquêteur correctionnel.**

CSC/SCC 1225 (R-05-05) Version)

#### DISTRIBUTION

Original = Offender CM file

Copy = Offender

Copy = NPB Regional Office

Original = Dossier GC du délinquant

Copie = Délinquant

Copie = Bureau régional de la CNLC

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

### **3) National Flagging System for High-Risk Violent Offenders**

The National Flagging System is a computer “flagging system” used to help Crown Attorneys deal more effectively with high-risk violent offenders at the time of prosecution. This is a National System that is operated in each Province and Territory throughout Canada.

The system ensures that, in cases where a prosecutor has indicated an offender has a likelihood of high and continuing risk of future violent conduct, other Crown prosecutors could subsequently be made aware of all available background information on that offender before making crucial decisions with regard to appropriate charges and prosecution strategy, including Section 810.1 and 810.2 Recognizance’s and Dangerous Offender and Long Term Offender applications under *Part XXIV of the Criminal Code*.

This National Flagging System helps prevent high-risk, dangerous persons from slipping through gaps in the criminal justice system at the time of prosecution due to lack of information.

The national flagging system utilizes the Canadian Police Information Centre (CPIC), operated by the RCMP on behalf of Canada’s police services to provide a flagging system that is consistent across the country.

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

### **4) Terms of Reference - High Risk Recognizance Advisory Committee**

#### **Purpose**

To contribute to public safety by assisting justice agencies to determine whether an offender's presence in the community warrants further court-ordered supervision through application for a section 810.1 or 810.2 recognizance order.

Those offenders considered by HRRAC include Warrant Expiry Date (WED) offenders identified by Corrections Services Canada, offenders identified by the BC Corrections Branch, as well as other offenders identified by other justice agencies as presenting ongoing risk of sexually or otherwise violently offending.

#### **Background**

A committee to review case and make recommendations regarding 810.1 and 810.2 recognizance orders was established in British Columbia in 1999. Since 2004 responsibility for the program has been held by the Community Corrections and Corporate programs division of the Ministry of Public Safety and Solicitor General.

#### **Membership as of April 2006**

##### **Abbotsford Police Department**

- Det. Judy Dizy / Sgt. Kevin Wright

##### **British Columbia Corrections Branch**

- Steve Howell, Deputy Director Community Corrections (Chair)
- Derek Tangedal, Freedom of Information and High Risk Offender Notification Analyst
- David Wilmot, High Risk Offender Analyst

##### **Correctional Service of Canada**

- Donna Geer, Senior Parole Officer
- Shelly Pylypiak, Project Manager (working with RCMP – BSG)

##### **Criminal Justice Branch**

- Ron Hurt, High Risk Offender Identification Program Manager
- Roger Cutler, Headquarters Crown Counsel

##### **Forensic Psychiatric Service Commission**

- Dr. Heather Scott, psychologist

##### **Police Services Division**

- Sam MacCleod, Deputy Director

##### **Royal Canadian Mounted Police - Behavioural Science Group**

- Sgt. Matt Logan, Operational Psychologist

##### **Vancouver Police Department**

- Tim Laidler, Inspector i/c Special Investigations Section

##### **Victim Safety Unit**

- Eva Esmann, High Risk Victim Caseworker

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

- Karen Spears, Manager Victim Safety Unit

### **Deliverables**

- A case review of offenders referred for consideration by the Correctional Service of Canada is completed by the High Risk Offender Analyst when:
  - a warrant expiry date package is provided.
  - the offender is not currently bound by conditions which adequately addresses his or her risk.
  - the offender is incarcerated in British Columbia.
  - The offender is incarcerated outside of British Columbia and specifies an intended residence within British Columbia.
- A case review of other unsupervised high risk individuals not under supervision or who are under supervision that is ending, including those from other jurisdictions.
- A case review of other high risk individuals referred for consideration by HRRAC members.
- A recommendation from the committee whether to pursue an 810.1 or 810.2 Recognizance.
- A list of proposed conditions to be included on the court order if an 810.1 or 810.2 Recognizance is sought.
- A recommendation whether to consider a public notification.
- Minutes of HRRAC Committee meetings.

### **Process and Timelines**

- Offenders should be referred for case review and consideration by the HRRAC not less than 3 months prior to WED.
- Case reviews are completed by the High Risk Offender Analyst of the BC Corrections Branch upon receipt of information packages.
- The High Risk Offender Analyst liaises with the Victim Safety Unit while developing recommended conditions to protect victims.
- The High Risk Offender Analyst schedules regular monthly HRRAC meetings to review cases.
- The committee is chaired by a representative of the BC Corrections Branch and will arrive at recommendations by consensus.
- The committee will recommend whether to pursue 810.1 or 810.2 Recognizances and whether to consider a public notification.
- Special case meetings are scheduled to review cases and consider recommending an 810.1 or 810.2 recognizance when time pressures necessitate.
  - In the event of a special case meeting, every effort will be made to contact all HRRAC member agencies.
  - The HRRAC Chairperson will determine if representation of member agencies is adequate for a special case meeting to proceed.
- The High Risk Offender Analyst records the minutes of HRRAC meetings.

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- Recommendations supportive of 810.1 or 810.2 applications are forwarded by the High Risk Offender Analyst, along with the case review, to the appropriate police detachment who in turn prepare the report to Crown Counsel.
- Recommendations supportive of public notifications are forwarded by the High Risk Offender Analyst to the appropriate justice agency.
- In the event that the police detachment has not received a copy of the WED/information package, the High Risk Offender Analyst will provide a copy.
- The High Risk Offender Analyst maintains a record of attendance at meetings, committee recommendations, distribution lists, tracks cases through the criminal justice system, and records outcomes.

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### **5) Protocol for Sharing Information Between Circles of Support and Accountability and the Correctional Service of Canada (Pacific) On Offenders Approaching Their Warrant Expiry Date**

This protocol was developed after consultation between the Correctional Service of Canada (Pacific) and the Regional Director of Circles of Support and Accountability (CoSA).

#### **Role Statement**

Circles of Support and Accountability is a national network consisting of community-based groups of professionally supported volunteers, often drawn from the local faith communities. Local coordinators are contracted through Correctional Service of Canada's Chaplaincy and work closely with local criminal justice and law enforcement agencies. Their task is to assist convicted and federally sentenced sex offenders who are released from prison at the end of their sentences with no community support. These volunteers are screened and trained individuals whose goal is to enhance the safety of their community by supporting released men while holding them accountable for their behaviour.

#### **Protocol**

- Six months prior to release the Correctional Service of Canada generates a monthly list of all offenders in the Pacific Region who are scheduled for release at their warrant expiry date (WED). This list is sent to the CoSA Regional Coordinator for review. The list does not discriminate sex offenders from other types of offenders.
- The CoSA Regional Coordinator reviews the list monthly to identify those sex offenders who are likely candidates for involvement with Circles of Support and Accountability. An effort will be made to make contact with these offenders through their Institutional Parole Officers or the institutional Chaplains to gauge interest in Circles of Support and Accountability at WED. In order to facilitate a safe reintegration, dialogue between institutional staff and the CoSA Regional Coordinator on the impending release of sex offenders is required.
- When these offenders are identified, pertinent file information, such as the information contained in the WED packages, will be shared with the CoSA Regional Coordinator three to six months prior to release.
- The CoSA Regional Coordinator, having enhanced reliability clearance, is provided routine access to CSC's Offender Management System and, as required, the offender Case Management file.
- Upon receipt of this information, the CoSA Regional Coordinator will meet with the offender to determine his interest in receiving the support of a Circle at WED and will begin to define the process. If the offender is willing to join a Circle, the CoSA Regional Coordinator will request the signing of an authorization allowing the disclosure of file information (e.g. WED Package) to CoSA volunteers. The Circle will

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then commence its work to bring the offender into the community as a "Core Member".

- The CoSA Regional Coordinator will notify the Institutional Parole Officer and/or Coordinator of Case Management that a Circle has been established and identify the contact person(s).
- The Institutional Parole Officer and/or Coordinator of Case Management will ensure that the establishment of a Circle, as an information item, is incorporated into the WED package and CoSA contact person(s) would be identified. If the Circle is established after the package distribution, the Institutional Parole Officer and/or Coordinator of Case Management will advise those who received the WED package that a Circle has been established and identify the CoSA contact person(s).
- The CoSA Regional Coordinator will ensure that contact persons with Circles of Support and Accountability have been security cleared to the "Enhanced Reliability" level in order to facilitate entry into institutions.
- Institutional Parole Officers and/or Coordinators of Case Management will facilitate a timely meeting between the Circles of Support and Accountability representatives and the offender. The facilitation would include entry into and, as required, an appropriate orientation to the institution.
- The Operational Unit Heads and CoSA Regional Coordinator are responsible for ensuring that CSC staff and CoSA volunteers are familiar with this protocol.

### Notes:

1. Operational Unit Heads include Institutional Heads, District Directors, Area Directors and Directors of Community Corrections.
2. The sharing of offender information with the CoSA Regional Coordinator is supported by NHQ Legal Services.

2004-08-13

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### **6) Sample Court Ordered 810 Conditions**

The following is a list of example conditions devised by BC Corrections as part of the High Risk Recognizance Advisory Committee (HRRAC) that can be adapted to fit the circumstance of individual cases.

#### **Standard Conditions**

1. Keep the peace and be of good behaviour.
2. Within 24 hours of your release from the **(facility name)**, you are directed to report in person to a Probation Officer at the **(court office)**, located at **(address) (closest Court office location)** and thereafter as and when directed by the Probation Officer.
3. Reside at a residence approved of by the Probation Officer and do not change that residence without prior written approval from the Probation Officer.
4. Report in person to **(named enforcement official)** or his/her replacement or delegate at the **(receiving enforcement office)** each and every **(specify day)** between the hours of 9:00 a.m. and 4:00 p.m. until the expiration of this order, or until further directed.
5. Report in person to an investigator (or a detective) or his/her designate in the High Risk Offender Unit at the Vancouver Police Department.
6. Remain within the Province of British Columbia unless prior written permission to go outside the Province is obtained from the Court or the Probation Officer.
7. Carry a copy of this Recognizance on your person at all times and produce it immediately upon being questioned by any Peace Officer.
8. Attend and participate in assessments, counselling or educational programming as may be directed by the Probation Officer.
9. Submit to having your picture taken upon demand of any Probation Officer throughout your term of supervision.

#### **Substance Abuse**

10. You are not to enter any licensed premises or establishment where alcohol is the primary commodity for sale.
11. Not to consume or possess alcohol or any controlled substances as defined by the Controlled Drug and Substances Act excluding prescription medication prescribed to you by a licensed physician or dentist

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

12. Submit to physical coordination tests conducted by a peace officer trained and certified in conducting standard field sobriety tests and/or drug recognition evaluation tests when the peace officer has reasonable and probable grounds for suspecting or believing that you have consumed non-prescription drugs, alcohol, and/or prescription drugs not prescribed to you by a licensed physician or dentist.

### **Mental Health**

13. You will take reasonable steps to maintain yourself in such a condition, that your disorder will not likely cause you to conduct yourself in a manner dangerous to yourself or anyone else, and it is not likely you will commit further offences. **(Rogers 1)**
14. You will attend for medical/psychiatric/psychological counselling and/or treatment as directed by the Probation Officer, except that you shall not be required to submit to any treatment or medication to which you do not consent. **(Rogers 2)**
15. You shall provide your treating physician/psychiatrist with a copy of this order and the name and telephone number of the Probation Officer. You shall instruct your treating physician/psychiatrist that if you fail to take medication as prescribed or fail to keep any appointment, your physician/psychiatrist is to advise the Probation Officer immediately of any such failure. **(Rogers 3)**
16. If you do not consent to the form of medical/psychiatric/psychological treatment or medication which is prescribed or recommended, you shall immediately report to the Probation Officer and thereafter report not less than 5 days per week as directed by the Probation Officer. **(Rogers 4)**

### **Weapons Restrictions**

17. Not to possess, own or carry any weapon, including but not limited to any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, and any related authorizations, licenses and registration certificates.
18. Not to possess any knives except for the immediate preparation and consumption of food.
19. Not to possess any knives or any other sharp instrument that may be used as a knife, except during the immediate preparation and consumption of food

### **No Contact**

20. You are to have no contact directly or indirectly with any **(gender)** person under the age of 18 unless in the company of an informed adult previously approved in writing by the Probation Officer.

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21. No contact or communication, direct or indirect, with children under the age of 16 unless you are in the company of an informed adult previously approved in writing by your Probation Officer.
22. No contact or communication, direct or indirect, with **(name)** unless approved of by a Court of equivalent jurisdiction.
23. No contact or communication, direct or indirect, with **(name)**, or any member of **(name's)** immediate family unless approved of by order of a Court of equivalent jurisdiction.
24. No contact with victims named on previous Informations in which you are named as the subject to whom the order applies.
25. Have no contact or communication directly or indirectly with any member of the **(insert name)** gang.
26. You are not to engage in any activities or employment that would bring you into contact with females under the age of [16] unless you have the prior written permission of the Probation Officer.
27. Do not engage in any employment or volunteer position that may involve direct contact with females without the prior written permission of your Probation Officer.
28. Not to knowingly associate with anyone known to have a criminal history except for participants in a program or individuals approved of by your Probation Officer.

### **Disclosure**

29. You are to immediately advise the Probation Officer of any relationship with a woman and consent to that woman being informed of your criminal history in the presence of the Probation Officer.
30. You are to immediately advise the Probation Officer of any relationship with a woman and consent to that woman being informed of your criminal history and the spousal relationship history you've disclosed to Corrections Service of Canada staff and psychologists, in the presence of the Probation Officer.
31. You are directed to inform the Probation Officer of any intimate relationship, including cohabitation with a woman and consent to that woman being informed of your criminal history in the presence of the Probation Officer.
32. You are to immediately advise the Probation Officer of all relationships with parents or guardians of children and consent to those individuals being informed of your criminal history in the presence of the Probation Officer.

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33. You are not to enter into any relationship with a woman involving cohabitation unless you consent to that woman being advised of your criminal history in the presence of the supervising Probation Officer.

### **Area Restriction/Curfew**

34. Not to attend with 300 metres of any park, playground, school ground, swimming area, daycare, recreation/community centre, library or any other place where children under the age of **(specify age)** can reasonably be expected to be present including other places identified in writing by your Probation Officer except with the prior written permission of your Probation Officer.

35. Not to attend with 300 metres of any park, playground, school ground, swimming area, daycare, recreation/community centre, library or any other place where children under the age of **(specify age)** can reasonably be expected to be present including other places identified in writing by your Probation Officer *except in the company of an informed adult*, previously approved of in writing by your Probation Officer.

36. You are not to be found in or on the property of any senior citizen or be found within 300 metres of any place primarily used or frequented by seniors.

37. You are not to be found within [50 metres] of [Metrotown Mall, Eaton Centre or Station Square, Burnaby, B.C.] for the duration of this order.

38. You are not to enter any **(name specific)** store in British Columbia for the duration of this order.

39. You are not to attend within the city limits of Prince George, B.C. without the prior written permission of your Probation Officer. This permission is to be carried on your person.

40. You are to remain within your primary residence between the hours of [10pm and 6am, seven days a week]. You are to present yourself to the door of your residence to determine compliance with this condition.

41. Not to be outside your residence between the hours of [10 pm and 6 am] daily except for employment purposes and with the prior written permission from the Probation Officer. Present yourself at the door at the request of any Peace Officer, to monitor compliance with this condition.

42. Shall forthwith (or within 48 hours upon release from custody) surrender any passport or travel documents to a probation officer and shall not thereafter apply for or possess any passport or travel documents.

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### **Pornography**

43. Not to access or be in the possession of pornography of any kind. This includes, but is not limited to, pornographic images accessed via the Internet.
44. You will provide the police and your Probation Officer with the name of your internet service provider and you will provide permission for the logs of your internet access to be turned over to your Probation Officer or the police.
45. You will allow any Police Officer and/or Probation Officer personal examination of computing equipment, peripheral devices, communication devices or such computing equipment, data storage devices/media, removable media, and any manual associated to any computing equipment, passwords and access codes to enable examination of any computer you are using to verify compliance with this order.
46. Not to associate with anyone who you believe to be involved in criminal activity or to have a criminal record

### **Vehicle**

47. You are to inform the Probation Officer with the particulars of any vehicle of which you will be in possession of a minimum of 24 hours in advance.
48. Upon your first visit to the Police and Probation Officer you are to provide a description of any and all vehicles you may own or have the right to drive (including any vehicles used for work purposes), including make, model, colour and licence plate and registration numbers. If you change or require any other vehicle you must provide the Police and Probation Officer of all details of that vehicle.
49. Shall register the licence plate number and description of any vehicle you may operate with the supervising probation officer.
50. Shall not operate a motor vehicle except for such purposes and at such times as approved in writing in advance by your probation officer, except in the case of a medical emergency at which time you must travel directly to a hospital or medical treatment centre.

### **Other Court orders**

51. You are to abide by the conditions of any court orders of which you are the subject, namely Vancouver court file #'s **(insert #)** and **(insert #)**
52. You are to follow any conditions you may be subject to as a result of any order of release made under the Immigration and Refugee Protection Act.

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**Fire Setting**

53. Not to possess outside your residence, any of the following materials: matches, lighters, mechanical igniters, candles, cigarettes, magnifying glasses, safety flares, Black powder, Flash powder, ignitable liquids including but not limited to: gasoline, diesel, propane, lighter fuel, kerosene, camp stove fluid, paint thinner, lacquer thinner, brake fluid, butane, methyl alcohol, ethyl alcohol, acetone.
54. Not to possess any other device or substance which is designated for or may be adapted for the purposes of starting a fire.

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### **7) Creatures of habit**

RCMP Gazette Vol. 67, Issue 1 2005

#### ***New science-based approach keeps close tabs on high-risk sex offenders***

**By Richard Vieira**

In British Columbia alone, there are currently 1,280 violent or high-risk offenders who have or will be returned to the community after serving time. A staggering 97 per cent of them—all of them male—are sex offenders. But a new team based out of the province's Lower Mainland is working to prevent the most dangerous of these offenders from striking again.

The ISPOT is a new scientific approach to tracking and policing high-risk sex offenders.

The Integrated Sexual Predator Observation Team, or ISPOT, is a full-time, 10-person mobile surveillance unit—comprised of officers from both the RCMP and municipal police agencies across the province—that monitors the day-to-day activities of sex offenders. Should an offender breach any number of his parole or probation conditions and appear to be on the verge of re-offending, the team will step in and make an arrest.

“These guys are creatures of habit, so the behaviour they’ve demonstrated previously in their lives makes it a reliable indicator of future behaviour,” explains S/Sgt Scot Filer of the province's RCMP Behavioural Sciences Group (BSG), which developed the ISPOT concept.

The ISPOT is a new scientific approach to tracking and policing high-risk sex offenders. The process begins by determining which of those 97 per cent are the most dangerous. The team uses a measurement system that ranks each offender based on risk factors such as number of victims and the age when he first committed violence. The ranking system also takes into account what are called destabilizing influences, which include drugs, alcohol, pornography or simply having access to children.

Each offender is given a score—the higher the score, the more dangerous the offender. The ISPOT team then selects the top 30 per cent as their targets and begins developing intelligence files on them. But the team won't initiate surveillance of a target unless he shows signs of re-offending.

“We have to know that not only are these people dangerous but they're in a place in their lives—in their crime cycle—that is moving them in a behavioural way to another victim,” says Sgt Matt Logan, a psychologist with the BSG.

In addition to target selection, ISPOT personnel are trained to do everything from the surveillance and interrogation of the offender to witness interviews, follow-up investigations and submitting court briefs supporting their findings.

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“When we present a Crown report to the court, we’ll also be backing it up with crime cycle information,” says Logan. “We want to show the court that this wasn’t a guy that came home late for supper or went AWOL to visit his grandmother.”

And while ISPOT team members are being trained to detect when an offender is returning to his distinct crime cycle, parole and probation officers from both the B.C. Corrections Branch and the Correctional Service of Canada (CSC) will observe and report warning signs to the ISPOT team.

“For one guy, it may be a loss of a relationship . . . for another person it might be the beginning of a cycle back into alcohol or drugs,” says Logan. “He could be missing meetings or he has been seen frequenting bars—all those are detectable for the probation or parole officer.”

The partnership with corrections agencies also allows for more thorough monitoring of sex offenders.

“Working with police will provide opportunities for increased communication and co-operation,” says Shelly Pylypiak, a CSC liaison working within the BSG. “ISPOT members will provide CSC with additional information on offender activities in the community and CSC will be able to provide the police with insight into an offender’s crime cycle—this combined knowledge is a positive step toward enhancing public safety.”

In addition to the scientific methods used to determine targets, the team is using the investigative technique of geographic profiling combined with geographical information systems technology to electronically map out any locations associated with its targets.

The full-time unit is the culmination of three short-term pilot projects ranging from four weeks to three months. While the focus was on whether or not offenders breached their release conditions, the team’s success stressed the need for a dedicated, full-time unit. During the first project alone, the team followed 12 people and arrested seven of them on offences ranging from breach of probation to sexual assault and possession of child pornography.

“It was clear that in a majority of the cases these guys breached their conditions almost daily,” says Filer.

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### **8) Case Law**

- **General**

**R. v. Budreo [2000] O.J. No. 72 (Ont. C.A.), lower court decision (1996) 104 C.C.C. (3d) 245 (ONT. Gen. Div.)**

Section 810.1 does not create an offence and is preventative (prevent future harm), not punitive for past wrongs. The section is not concerned with a person's status (i.e. repeat offender) but about assessing risk of committing an offence in the future. The judge has the discretion not to issue process on applications pursuant to s. 810. An arrest warrant is only justified where the informant can establish that the defendant will not otherwise attend court or the defendant poses an imminent risk to the safety of children. The judge need only be convinced on a balance of probabilities that the informant's fear of a serious and imminent danger is reasonably grounded to order a person to enter into a recognizance. The threshold is a notch above a simple demonstration that the defendant is more likely than not to commit an offence. Reasonable grounds could be based on a threat, a sexual proposition, a diagnosis of mental disorder, past behaviour including a criminal record, or any combination of these and other relevant factors. Crown may rely on the offender's prior record, psychiatric assessments, and hearsay evidence providing same are credible and trustworthy. This evidence may be led by the investigating officer. No conditions can be imposed that will place broader restrictions on a defendant than those which relate to activities, areas, or places where one would expect to find children. Any additional conditions to those specifically listed in Section 810.1 must relate exclusively to addressing the concern of contact with children under 14 years of age.

**R. v. Cachine [2001] B.C.C.A. 295**

The provisions respecting judicial interim release in Part XVI of the *Criminal Code*, including authority to issue a warrant to arrest a defendant not in custody, apply to peace bond proceedings.

**R. v. Baker [1999] B.C.J. No. 681 (B.C.S.C.)**

As an application pursuant to Section 810.2 does not allege a criminal offence, the six month limitation date for summary offences is not applicable. All that is necessary is to establish that a reasonable fear presently exists. Although a "contemporary act" would bolster the Crown's case, there is no need to establish same and an order may be based on previous convictions, reports from penitentiary authorities, and/or forensic assessments (contra: R. v. Obed [2000] N.S.J. No. 18 (N.S. Prov. Ct.) finding that it is necessary to establish some present and independent activity of the defendant that would trigger the perceived fear.)

**R. v. Ferrier (2001) 155 C.C.C. (3d) 521 (Ont. S.C.J.)**

A renewed recognizance application under s. 810.2, upon the expiry of an earlier recognizance, is an entirely new hearing and while the judge presiding over the initial hearing

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is functus officio with respect to the initial application they may, depending on the circumstances, preside at the renewal application.

- **Evidence**

### **R. v. C.J.C. (1999) 140 C.C.C. (3d) 159 (Man.Q.B.)**

In s.810 applications the doctrine of res judicata is not available to exclude evidence relating to prior allegations of criminal offences including those which may have been stayed.

### **R. v. Falle (2001) 52 W.C.B. (2d) 294 (Alta. Prov. Ct.)**

The Crown is not required to call viva voce evidence from officers of Corrections Canada Reports. An application by the defendant to cross-examine officials from Corrections Canada was dismissed due to the inherent reliability and trustworthiness of the Corrections Canada documents.

### **R. v. Gregoir (1998) 130 C.C.C. (3d) 65 (Man. C.A.)**

Correctional Services of Canada records are admissible as business records under the *Canada Evidence Act* in s. 810 proceedings.

- **Conditions**

### **R. v. Stonechild [1999] S.J. No. 811 (Sask. C.A.)**

There must be a nexus between the condition(s) imposed under Section 810.1 and the prevention of an enumerated offence. In this case, as there was no nexus between the consumption of alcohol and the defendant's paedophilia, the prohibition of consumption of alcohol was inappropriate.

### **R. v. J. (D.) (2001) 49 W.C.B. (2d) 145 (Nfld. S.C.)**

Section 810.1(3) does not provide a judge with the authority to require a person subject to a recognizance to accept counselling or follow a course of treatment; and if it did, it would be contrary to the Charter.

**R. v. Goodwin (B.C.C.A.)** - A condition under Section 810.2 may require the defendant to take medications. This is consistent with R. v. Deacon [2005] F.C.J. No. 1827 which held that the parole board may impose conditions on a long term offender to comply with medical treatment prescribed by a doctor including the requirement to take prescribed medication (contra: R. v. Budreo (supra) where the court indicated a concern with ordering a defendant to take medication).

**Noble v. Teale (Homolka) [2005] Q.J. No. 17295 (Q.S.J.)** - In obiter dicta, the court held that conditions imposed pursuant to s. 810.2 must relate to the specific conditions relating to

## **Enhancing Community Protection in the Release of the Detained Offender Inter-jurisdictional & Inter-agency Issues & Resolutions**

a prohibition of possessing weapons as is expressly provided by Section 810.2(5), and the obligation to report to correction or police authorities as is expressly provided by Section 810.2(6). The court indicated that the conditions such as no contact with persons who have criminal records for violent crime, who were accomplices or associates of the defendant in the commission of earlier crimes, or were victims of the defendant's earlier crime are all impermissible as none of these conditions relate to the two specified conditions set out in s. 810.2(5) and (6). A prohibition relating to controlled substances would also be impermissible.

- **Sentencing**

**R. v. Cadilha (B.C. Prov. Ct., Vancouver Registry, 158919-1, November 25, 2004)** - A sentence of six months was imposed for breaching a recognizance. The court noted that it was particularly aggravating that an offender fully understood that the activity engaged in when breaching the conditions were triggers for his criminal behaviour including possessing pornography and consuming alcohol.

**R. v. Major [2006] B.C.J. No. 214 (B.C. Prov. Ct.)** - An offender was sentenced to a maximum two years and a year consecutive for distinct breaches of a recognizance issued under s. 810.2. as the court was concerned that the offender, in breaching the conditions, engaged in activity (consumption of cocaine) which he knew acted as a disinhibitor for his criminal activity which was of the worse sort.

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### **9) Coordinated High Risk Offender Management tEams (CHROME)**

The CHROME project is focused on enhancing partnerships between police agencies, psychologists and community stakeholders to provide assistance and supervision to high risk sexual and/or violent offenders who, upon release from custody, are subject to 810.1 and 810.2 recognizance orders. The project is intended to stabilize these high risk offenders' re-entry and reintegration into the community, thereby mitigating the likelihood of re-offending and better protecting the public.

Historically, federally incarcerated offenders reaching warrant expiry without having been released on parole or statutory release, were simply released without further supervision. The mandate provided by the Court at the time of sentencing had expired. Experience and research have demonstrated that many of these individuals continue to pose a significant risk to the community, a risk which is exacerbated by lack of support or supervision upon release from long periods of incarceration. While lacking skills and confidence to cope outside prison, they often hold deeply entrenched anti-authority attitudes and are resistant to change. Most have extensive criminal histories containing multiple sexual and/or other violent offences. In a review of similar such cases, approximately 30% committed a substantive new offence, or violate the terms of their orders following warrant expiry and their release into the community on an 810.1 or 810.2 Recognizance Order.

The objectives of the project are to:

- Ensure high risk sexual and/or violent offenders released from custody following expiry of a federal sentence are stabilized in the community.
- Enhance supervision using a team based, collaborative approach to the management of high risk offenders.
- Evaluate through research which aspects of this enhanced supervision program are most effective.

The CHROME project is being piloted in Surrey and Vancouver. It will run for three years. This will allow participating offenders to complete the standard one year supervision order, while providing the evaluation team a 1 year follow-up period. The CHROME project will be subject to an evaluation which will focus on formative aspects of the initiative and examine outcomes of those offenders included in the project. The evaluation will examine the challenges, and evolving best practices, stemming from development and implementation of CHROME utilizing the partnership model.

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**Appendix 1  
RCMP Regular member Position Description –  
810 Coordinator Behavioural Science Group**

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Royal Canadian Gendarmerie royale  
Mounted Police du Canada

**REGULAR MEMBER  
POSITION DESCRIPTION**

**DESCRIPTION DE POSTE  
DE MEMBRE RÉGULIER**

Position Title - Titre du poste <b>810 Coordinator - BSG</b>	Position No. - N° du poste	Effective Date Entrée en vigueur le
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Present Rank - Grade actuel <b>New</b>	Proposed Rank - Grade proposé <b>Constable</b>
Region/Branch/Directorate - Région/Service/Direction <b>"E" Div Major Crime, Behavioural Science Group</b>	Geographic Location - Emplacement géographique <b>Surrey Satellite - 12992 76<sup>th</sup> Ave, Surrey, B.C.</b>
Title of Immediate Supervisor - Titre du superviseur immédiat <b>Cpl. Pat Powell - NCO i/c Threat Evaluation &amp; Management</b>	Position No. - N° du poste

**POSITION SUMMARY**

**RÉSUMÉ DES FONCTIONS**

The 810 Coordinator will centralize the processing of Criminal Code peace bonds (810) for high risk to re-offend offenders who have reached their Warrant Expiry Date (WED). Centralizing the processing and coordinating the monitoring of the WED offenders is expected to resolve issues with the current process.

The 810 Coordinator will write the 810 application for all WED offenders and certain other offenders as designated by the High Risk Recognizance Advisory committee.

The 810 Coordinator will act as an operational liaison between corrections, police, and crown counsel in the writing of 810.1 and 810.2 applications for the Court. Liaison with other units within Behavioral Sciences Group (BSG), various other police departments and criminal justice agencies will ensure a connectivity in the supervision of the High Risk Offender in BC.

**DESCRIPTION OF DUTIES**

In order of importance (use the what/why/how method)

The 810 Coordinator will:

1. Be responsible for construction of 810.1 and 810.2 applications on high risk and WED offenders.
2. Liaise with various agencies in ensuring that these offenders are processed in a timely fashion and are subject to effective and efficient conditions that will maximize community safety.
2. Coordinate training to the law enforcement community regarding High Risk Offenders and the 810 process.
3. Receive inquiries about operational procedure or policy relative to crimes of interpersonal violence, especially crimes of a sexual nature, in a variety of ways (ie phone, facsimile, e-mail, internet or in person); determine the urgency, priority, and nature of the request and determine the appropriate course of action in order to best assist police investigators and other client agencies within British Columbia by providing intelligence on sexual predators.
4. Understand the inter-connectivity of the stakeholders, their decisions regarding 810 applications and be able to work in a team environment with Law Enforcement, Justice, Corrections and various Provincial Gov't agencies / personnel.
5. Under the direction of the NCO i/c Threat Evaluation & Management and in consultation with the BSG Criminal Investigative Psychologist, provide operational support and direction to police officers tasked with investigating crimes of a sexual nature.
6. Be prepared to enter correctional facilities and interview these high risk offenders prior to release.
7. Participate as an active member of the High Risk Recognizance Advisory Committee (HRRAC)
8. Respond to after hours on-call requirements for the Behavioral Sciences Group.

**DESCRIPTION DES FONCTIONS**

En ordre d'importance (et selon la méthode "quoi/comment/et pourquoi")

**WORK CHARACTERISTICS**

**Leadership of Human Resources**

**CARACTÉRISTIQUES DU TRAVAIL**

**Leadership des ressources humaines**

Royal Canadian Gendarmerie royale  
 Mounted Police du Canada  
**REGULAR MEMBER**  
**POSITION DESCRIPTION**

**DESCRIPTION DE POSTE**  
**DE MEMBRE RÉGULIER**

Position Title - Titre du poste	Position No. - N° du poste	Effective Date Entrée en vigueur le
<b>810 Coordinator - BSG</b>		

(i.e., responsibility for direct supervision and/or providing functional guidance beyond the direct line of reporting)  
 For direct supervisor responsibility, indicate numbers, ranks and levels of positions.

(Ex.: superviser directement et/ou fournir de la direction fonctionnelle hors de la ligne directe d'autorité)  
 Dans le cas de responsabilité de supervision directe, indiquer le nombre, le grade et le niveau des postes.

The 810 Coordinator will provide guidance and coaching to investigators on operational matters that pertain to 810's and High Risk Offenders (HRO's).

The 810 Coordinator will liaise with other Criminal Justice partners in ensuring timely and effective supervision of HRO's.

**Money**  
 Explain the responsibility for administering or controlling funds.

**Argent**  
 Expliquer la responsabilité en matière d'administration ou de contrôle des fonds.

**Job Content Knowledge**  
 Knowledge includes theories, principles, concepts, methods, practices, procedures and techniques.

**Connaissance de la nature du travail**  
 La connaissance englobe les théories, les principes, les concepts, les méthodes, les pratiques, les modalités et les techniques.

The 810 Coordinator should:

- 1) Know the policy and law pertaining to the WED Detained Offender and Sec. 810 of the Criminal Code of Canada..
- 2) Possess a thorough knowledge of the Interagency Manual on Dangerous Offenders and the Community Protection Handbook.
- 3) Recognize the mandate of each agency involved in the management of the High risk Offender.
- 4) Have an understanding of sex offender behaviour and crime cycle.
- 5) Understand that the BC Model to manage High Risk Offenders in the province is an organized and strategic approach that brings the partnership of Crown, Police, Federal & Provincial Corrections, and the National Parole Board together in an effort to reduce crime and keep communities safe.
- 6) Have a clear awareness of all of the units that comprise the Behavioral Sciences Group (NSOR, ISPIN, ViCLAS, Behavioural/Geographic Profiling, Threat Evaluation and Management Unit, Criminal Psychologist, ICE and Missing Person Unit).

**Education and Training**  
 Identify the minimum level of academic or other formal training required beyond Force minimum standards to perform the duties.  
 Force minimum.

**Études et formation**  
 Indiquer le niveau minimum de scolarité ou d'autre formation officielle nécessaire en plus des exigences minimales de la GRC pour accomplir les fonctions.

**Experience:**

- 1) Extensive operational policing experience
- 2) Several years of experience investigating crimes of interpersonal violence.
- 3) Above average written and oral communication skills
- 4) Above average interpersonal skills
- 5) Above average organizational skills

**Communication**  
 Give examples of what is communicated and to whom.

**Communication**  
 Donner des exemples de ce qui est communiqué et à qui.

- 1) Receive package from CSC
- 2) Inform Crown Counsel concerning the receipt of the WED package.

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- 3) Call the federal institution from where the inmate is to be released and speak to the Institutional Parole Officer (IPO) responsible for the offender's case and the Institutional Security Intelligence Officers (SIO) regarding institutional incidents, security concerns, visitors, inmate's current contacts.
- 4) Set up an appointment to interview the inmate in order to explain the process and conditions.
- 5) Check with HROIP and review existing and archived files.
- 6) Get a copy of original police report, Report to Crown Counsel (RTCC).
- 7) Complete all necessary police information checks.
- 8) Where possible, contact members of the inmate's immediate family, to determine if they going to provide support?
- 9) Review the High Risk Recognizance Advisory Committee (HRRAC), formerly called CNAP, recommendation and make decision whether or not to proceed with the 810 application. Create an RTCC in chronological order from present to past history.
- 10) Attend court if necessary. Walk warrant through the Court process.
- 11) Depending on the outcome of the court proceedings, consider the need for public notification.
- 12) Notify police agency of jurisdiction where inmate intends to reside, if known.
- 13) Send a copy of the recognizance, and reports to the police agency of jurisdiction, enter the subject and conditions on CPIC.
- 14) Notify Violent Crime Linkage Analysis System (ViCLAS) and ISPIN.
- 15) Liaise with the BC Community Correction representative assigned as supervisor of the high-risk offender and if applicable the Circle of Support Accountability representative. Maintain an up to date list of all WED's
- 16) Liaise with Integrated Sexual Predator Intelligence Network (ISPIN) and Integrated Sexual Predator Observation Team (ISPOT)
- 17) Make re-application of an 810 if continued supervision is recommended, when original 810 is due to expire.

#### **Decisions and Recommendations**

Explain the requirements to make decisions (as responsibility delegated to the position) and the requirements to provide recommendations (how and to whom).

#### **Décisions et recommandations**

Expliquer les exigences concernant la prise de décisions (comme responsabilité déléguée au poste) ainsi que les exigences concernant la communication de recommandations (comment et à qui).

Decisions are made in consultation with Corrections, Crown and the appropriate police jurisdiction. These decisions are made based on recommendations made by the High Risk Recognizance Advisory Committee (HRRAC) and are implemented by appropriate Judges based on Crown counsel submission.

Decisions pertaining to Community Notification are ultimately made by the Chief of Police within the jurisdiction. These decisions may be impacted by the input from the 810 Coordinator, HRRAC, and consultation with the BSG Criminal Investigative Psychologist.

#### **MEMBER'S STATEMENT**

I have been given the opportunity to read this position description.

Name - Nom

#### **DÉCLARATION DU MEMBRE**

J'ai eu l'occasion de lire cette description de poste.

Date

#### **SUPERVISOR'S COMMENTS - COMMENTAIRES DU SUPERVISEUR**

Name of supervisor - Nom du superviseur

Cpl. Pat Powell - NCO i/c Threat Evaluation & Management

Date

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**REGULAR MEMBER**  
**POSITION DESCRIPTION**

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**COMMENTS OF RESPONSABLE OIC - COMMENTAIRES DE L'OFFICIER RESPONSABLE**

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Name of OIC - Nom de l'officier responsable Insp. Keith Davidson - OIC Behavioral Sciences Group	Date
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