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COMMISSIONER'S DIRECTIVE 712-2

In Effect: 2015-04-23
Last Review: 2014-04-01
Due for Review: 2017-04-23

Detention

PROGRAM ALIGNMENT	Custody
OFFICE(S) OF PRIMARY INTEREST	Correctional Operations and Programs Sector
ONLINE @	<ul style="list-style-type: none"> • http://infonet/cds/cds/712-2-cd-eng.pdf • http://infonet/cds/cds/712-2-cd-fra.pdf • http://www.csc-scc.gc.ca/text/plcy/cdshtm/712-2-cd-eng.shtml • http://www.csc-scc.gc.ca/text/plcy/cdshtm/712-2-cd-fra.shtml
AUTHORITIES	<ul style="list-style-type: none"> • <i>Corrections and Conditional Release Act</i> (CCRA), sections 3.1, 4, 129, 130, 131, 132 and Schedules I and II • <i>Corrections and Conditional Release Regulations</i> (CCRR), sections 146(3) and 160 • <i>National Defence Act</i>, section 130
PURPOSE	<ul style="list-style-type: none"> • To establish procedures for the assessment of offenders against the criteria for detention and submission of cases to the Parole Board of Canada within prescribed timeframes
APPLICATION	Applies to staff responsible for assessing offenders against the detention criteria

CONTENTS

SECTIONS	
1 – 7	Responsibilities
8	Detention Criteria Overview
9 – 46	Procedures
9	Direct Referral
10 – 11	Commissioner's Referral

12 – 15	Detention Pre-Screening Review
16	Case Conference for Detention Review
17	New Information
18	Case Preparation
19 – 20	Direct Referral Procedures
21	Commissioner’s Referral Procedures
22	Consequence of a Referral
23 – 25	Withdrawal of a Referral
26 – 27	Change in Offender’s Circumstances or Change in Recommendation
28	Consequences of a Detention Order
29 – 31	Review of Detained Offenders
32 – 33	Detained Offenders Who Receive an Additional Sentence Resulting in an Alteration to Their Warrant Expiry Date
34 – 38	Offenders Under Suspension
39	Certifiable Offenders
40 – 43	Federal Offenders in Provincial Custody Being Considered for Detention (Exchange of Service Agreement and/or Due to Court Orders)
44	Implementation of Decisions
45 – 46	Loss of Jurisdiction
47	Enquiries
Annex A	Cross-References and Definitions
Annex B	Detention Pre-Screening Report
Annex C	Referral Process for Detention

Annex D	<u>Guidelines for Assessing the Likelihood of the Commission of an Offence Causing Death or Serious Harm to Another Person, a Sexual Offence Involving a Child, or a Schedule II Offence Prior to the Expiration of the Offender's Sentence</u>
Annex E	<u>Report Outline – Assessment for Decision for Detention</u>
Annex F	<u>Report Outline – Assessment for Decision for Detained Offenders Who Receive an Additional Sentence</u>
Annex G	<u>Report Outline – Detention Review</u>
Annex H	<u>Penitentiaries Designated for the Purpose of a Residency Order</u>

RESPONSIBILITIES

1. The Regional Deputy Commissioner will:
 - a. review Commissioner's referrals and, where necessary, ensure the referral letter to the Parole Board of Canada (PBC) on behalf of the Commissioner is prepared and forwarded to designated contacts at National Headquarters
 - b. immediately report any loss of jurisdiction to the Senior Deputy Commissioner and the Assistant Commissioner, Correctional Operations and Programs.
2. The Institutional Head/District Director will establish and maintain a process to address those cases under consideration for referral for detention.
3. The District Director will establish a process to ensure that all federal offenders are reviewed against the detention criteria while under provincial custody.
4. The Area Director will ensure each parole office has a contact person who will respond to institutional requests for consultation regarding detention reviews.
5. The Manager, Assessment and Interventions, the Manager, Intensive Intervention Strategy, or the Parole Officer Supervisor will quality control detention referrals and provide advice to the Institutional Head/District Director regarding the appropriateness of the referral.
6. The Chief, Sentence Management, will:
 - a. identify whether offenders are serving a sentence for an offence under Schedule I or II of the [CCRA](#)

- b. recalculate an offender's sentence as required, and advise the Parole Officer when a recalculation of sentence has occurred which may impact an inmate's statutory release date
 - c. implement the detention order.
7. The Parole Officer will:
- a. review the case of an offender against the detention criteria within the prescribed timeframe
 - b. consult with the appropriate parole office when an offender is being considered for detention
 - c. solicit appropriate supplementary assessments as required (refer to [Annex C](#))
 - d. inform the offender regarding the detention referral process
 - e. ensure all information relevant to the decision-making is shared with the offender.

DETENTION CRITERIA OVERVIEW

8. All offenders will be reviewed, prior to statutory release, to determine whether they meet the detention criteria as outlined in [section 129](#) of the CCRA, which stipulates:
- a. offender is serving a sentence of two years or more for a Schedule I offence, including an offence set out in Schedule I that is punishable under section 130 of the *National Defence Act*, and whether that offence caused death or serious harm to another person or involved a sexual offence involving a child ([paragraph 129\(2\)\(a\)](#) of the CCRA)
 - b. offender is serving a sentence for a Schedule II offence ([paragraph 129\(2\)\(b\)](#) of the CCRA), including an offence set out in Schedule II that is punishable under section 130 of the *National Defence Act*.

PROCEDURES

Direct Referral

9. The Parole Officer will refer the case directly to the PBC:
- a. when one or more criteria identified in [subsection 129\(2\)](#) of the CCRA are met
 - b. more than six months before the offender's statutory release date (SRD).

Commissioner's Referral

10. The Parole Officer will prepare the case, as outlined in [Annex C](#). The Regional Deputy Commissioner will forward the referral to the designated contacts at National Headquarters for further review. If appropriate, the referral will be submitted to the PBC under [subsection 129\(3\)](#) of the CCRA, when:
- a. not all the criteria identified in [subsection 129\(2\)](#) of the CCRA are met, but there are [reasonable grounds](#) to believe the 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, and there are more than six months to his/her SRD
 - b. six months or less remain to the SRD and [new information](#) is received (new in time or substance) within those six months, or
 - c. as a result of a change in the SRD due to a recalculation, the SRD has passed or six months or less remain before the new SRD ([paragraph 129\(3\)\(b\)](#) of the CCRA).
11. When the SRD has passed, the case will be immediately reviewed by the Parole Officer to assess whether a referral is required and, where applicable, the Commissioner will refer the case to the Chairperson of the PBC within two working days of the recalculation of the sentence.

Detention Pre-Screening Review

12. The Parole Officer will complete the Detention Pre-Screening for all offenders as outlined in [Annex B](#) and [Annex D](#), no later than 11 months prior to their SRD (or as soon as practicable), to determine whether there are reasonable grounds to believe the offender is likely to commit one of the following before sentence expiration:
- a. an offence causing death or serious harm to another person
 - b. a sexual offence involving a child, or
 - c. a serious drug offence.
13. Prior to finalizing the Detention Pre-Screening Report on cases that are being considered for detention, the Parole Officer will consult with the parole office where the offender would be released. The consultation will be incorporated into the Detention Pre-Screening Report. In cases where the offender has not identified a release location, consultation will occur in the area where the offender was sentenced.
14. If, as a result of recalculation of sentence, the new SRD is greater than 11 months from the date the sentence is recalculated, the Parole Officer will complete a Detention Pre-Screening Report.

15. If the offender is on day parole 11 months prior to his/her SRD, there is no need to complete the Detention Pre-Screening Review.

Case Conference for Detention Review

16. The Manager, Assessment and Interventions, the Manager, Intensive Intervention Strategy, or the Parole Officer Supervisor will review the Detention Pre-Screening Report and document the results as outlined in [Annex C](#).

New Information

17. If, at any time, new information is subsequently received that could alter the decision to either refer or not refer an offender for detention, the Parole Officer will reassess the case and take the appropriate action.

Case Preparation

18. If a referral to the PBC is warranted, the Parole Officer will ensure all required assessments are completed and incorporated into the analysis of the Assessment for Decision as outlined in [Annex E](#).

Direct Referral Procedures

19. The offender's case will be prepared for a direct referral as outlined in [Annex C](#).

20. The Manager, Assessment and Interventions, the Manager, Intensive Intervention Strategy, or the Parole Officer Supervisor will ensure the case is referred to the PBC regional office, normally nine months and prior to six months before the offender's SRD.

Commissioner's Referral Procedures

21. The case for a Commissioner's referral will be prepared for review by Regional Headquarters and National Headquarters, as outlined in [Annex C](#).

Consequence of a Referral

22. The Parole Officer will advise the offender that once the case has been referred to the PBC, he/she is not entitled to be released on statutory release prior to the PBC having rendered its decision ([subsection 130\(2\)](#) of the CCRA). The offender remains eligible for full parole, day parole, work release and temporary absences.

Withdrawal of a Referral

23. A case referred to the PBC may be withdrawn when:

- a. new information indicates the referral criteria at the time the case was referred was not met, or
- b. the SRD has changed.

24. For direct referrals:

- a. if new information was received and:
 - i. the statutory release date is within nine months, the operational unit that made the original referral will complete an Assessment for Decision Addendum outlining the reasons for the withdrawal and request a Community Strategy and Assessment for Decision for statutory release
 - ii. there are more than nine months to SRD, the operational unit that made the original referral will provide an Assessment for Decision Addendum outlining the reasons for the withdrawal.
- b. if the offender's SRD has changed and:
 - i. the new statutory release date is within nine months, the operational unit that made the original referral will complete an Assessment for Decision Addendum outlining the reasons for the withdrawal and request a Community Strategy and Assessment for Decision for statutory release
 - ii. there are more than nine months to the new SRD, the operational unit that made the original referral will provide an Assessment for Decision Addendum outlining the reasons for the withdrawal.

25. For Commissioner's referrals, a written request, made by either the Commissioner or the Senior Deputy Commissioner will be provided to the PBC, outlining the reasons for the requested withdrawal. A new Assessment for Decision will be submitted for statutory release.

Change in the Offender's Circumstances or Change in Recommendation

26. Changes in the offender's circumstances or a change in recommendation by the referral agent will be communicated to the PBC without delay.

27. The Parole Officer will submit a new Assessment for Decision outlining the reasons for the change in recommendation prior to the scheduled hearing. In exceptional circumstances, the change in recommendation can be given verbally at the detention hearing.

Consequences of a Detention Order

28. Once a detention order has been issued, the Parole Officer will advise the offender:
- a. that he/she is only eligible for escorted temporary absences for medical or administrative reasons and for early discretionary release. Any outstanding applications for a form of conditional release are nullified
 - b. when and how frequently the detention order will be reviewed (i.e., annually or, in the case of an offender serving a sentence for a Schedule I offence that caused death or serious harm, every two years).

Review of Detained Offenders

29. The institutional Parole Officer will complete the Assessment for Decision as outlined in [Annex G](#), no later than two months prior to the review, recommending:
- a. confirmation of the order of detention
 - b. the offender be released on one-chance statutory release with residency, or
 - c. the offender be released on one-chance statutory release.
30. The institutional Parole Officer will consider submitting a recommendation to remove the order prior to the next detention review if there are demonstrated gains, and it is determined that alternative measures can effectively manage the offender's risk factors.
31. Where a condition of residency is recommended, the institutional Parole Officer will complete the [Regional Consent Statutory Release with Residency](#) (CSC/SCC 1218) to be signed by the Assistant Deputy Commissioner, Correctional Operations (refer to [Annex H](#)).

Detained Offenders Who Receive an Additional Sentence Resulting in an Alteration to Their Warrant Expiry Date

32. If a detained offender receives an additional sentence that alters their warrant expiry date and the new SRD has passed or is within nine months, the Parole Officer will submit an Assessment for Decision as outlined in [Annex F](#) to the PBC within five days to recommend that:
- a. the original order be confirmed, or
 - b. the order be amended to prevent the release of the offender beyond the original warrant expiry date.

33. If a detained offender receives an additional sentence and there are more than nine months to the new SRD, the order is cancelled. A new referral for detention will be initiated as applicable.

Offender Under Suspension

34. When an offender is suspended, the community Parole Officer will address the detention criteria within his/her Assessment for Decision for that suspension.

35. At this time, when the offender does not meet the criteria for detention, a new Detention Pre-Screening is not required.

36. If it is determined that the offender meets the detention criteria, the case will be referred once the PBC has revoked the offender's conditional release. A new Detention Pre-Screening Report will be required.

37. When six months or less remain before the new SRD, the community Parole Officer will prepare a Commissioner's referral following the procedures outlined in [Annex C](#), unless otherwise agreed upon between the Institutional Head and the District Director.

38. If there are more than six months to the SRD, the institutional Parole Officer will prepare the referral following the procedures outlined in [Annex C](#), unless otherwise agreed upon between the Institutional Head and the District Director.

Certifiable Offenders

39. The fact that an offender is certified, or potentially certifiable, as mentally ill under a provincial mental health act will not preclude a referral for detention review if it is believed on reasonable grounds that he/she is likely, before sentence expiry, to commit an offence causing death or serious harm to another person; a sexual offence involving a child; or a serious drug offence.

Federal Offenders in Provincial Custody Being Considered for Detention (Exchange of Service Agreement and/or Due to Court Orders)

40. When a federal offender is serving a sentence in a provincial facility and there are reasons to believe that a referral for detention under [subsection 129\(2\)](#) of the CCRA is warranted, the province will usually transfer the offender to a federal institution to initiate the detention referral process.

41. In exceptional circumstances, the province may keep the offender in provincial custody and submit the referral for detention in accordance with the following:

- a. the head of the provincial facility will notify the CSC Regional Headquarters of the potential referral and will transmit the supporting documentation

- b. Regional Headquarters will determine whether there is sufficient time to transfer the offender to federal custody prior to initiating a referral
 - c. if there is insufficient time, the Regional Deputy Commissioner will immediately contact the Commissioner requesting that the powers of the Service under [section 129](#) of the CCRA be delegated to the province [[subsection 129\(8\)](#)]
 - d. the Commissioner will delegate the authority for detention referral to the head of the provincial correctional facility concerned.
42. Depending on the length of time a federal offender has been in provincial custody due to court orders, the respective Institutional Head and District Director will determine the responsibility for case preparation for detention.
43. An offender may appeal the PBC decision for a detention order pursuant to the criteria outlined in [CD 712-3 – Parole Board of Canada Hearings](#).

Implementation of Decisions

44. Sentence Management will immediately implement the detention order upon receipt of the PBC decision.

Loss of Jurisdiction

45. Jurisdiction for a detention referral will be lost, resulting in an inability to refer an inmate for detention, if:
- a. a referral is not submitted more than six months prior to the statutory release date unless it is a Commissioner's referral based on new information
 - b. a Commissioner's referral is not submitted within two working days if, as a result of recalculation of sentence, the statutory release date has passed
 - c. a referral to amend an existing detention order is not submitted when a sentence recalculation alters the warrant expiry date and the next statutory release date has passed or is within nine months, or
 - d. following the revocation of an offender's release when the new statutory release date is imminent, a referral for detention is not submitted before the end of the statutory release date.

46. If a loss of jurisdiction occurs, the Institutional Head will immediately advise the Assistant Deputy Commissioner, Correctional Operations. If in the community, the District Director will immediately advise the Regional Deputy Commissioner. The memorandum will include:
- a. summary of the offender profile and criminal history
 - b. events leading to the loss of jurisdiction
 - c. the offender's current location and supervision status
 - d. risk presented by the offender to the community and actions being taken to mitigate the risk
 - e. action being taken regarding policy compliance.

ENQUIRIES

47. Strategic Policy Division
National Headquarters
Email: Gen-NHQPolicy-Politi@csc-scc.gc.ca

Commissioner,

Original Signed by:
Don Head

ANNEX A

CROSS-REFERENCES AND DEFINITIONS

CROSS-REFERENCES

[CD 700 – Correctional Interventions](#)

[CD 701 – Information Sharing](#)

[CD 702 – Aboriginal Offenders](#)

[CD 705-5 – Supplementary Intake Assessments](#)

[CD 705-8 – Assessing Serious Harm](#)

[CD 712-1 – Pre-Release Decision Making](#)

[CD 784 – Information Sharing Between Victims and the Correctional Service of Canada](#)

[CD 840 – Psychological Services](#)

[Sentence Management Manual](#)

[PBC Policy Manual](#)

DEFINITIONS

New information: information that is new in time or substance.

Reasonable grounds: reasonable grounds are required to support a suspicion or belief. In order to be reasonable, the grounds must be:

- a. objective (i.e. what other staff members with similar training and experience consider reasonable)
- b. clear (i.e. based on verifiable facts or factors rather than just a subjective feeling, hunch or intuition)
- c. related to and supporting a conclusion of suspicion or belief.

ANNEX B**DETENTION PRE-SCREENING REPORT**

IN THE OFFENDER MANAGEMENT SYSTEM, CONDUCT A SUCCINCT REVIEW OF THE DETENTION CRITERIA OUTLINED BELOW TO DETERMINE IF THE OFFENDER MEETS ANY OF THE CRITERIA.

Schedule I Offences

The offender is currently serving a sentence of imprisonment of two years or more that includes a sentence imposed for an offence set out in Schedule I of the CCRA that was prosecuted by way of indictment, including an offence set out in Schedule I that is punishable under section 130 of the *National Defence Act*.

YES NO

Current Schedule I Offence(s) for this Offender

This offence involved death or serious harm. (Refer to [CD 705-8 – Assessing Serious Harm.](#))

YES NO

Subparagraph 129(2)(a)(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.

YES NO

Subparagraph 129(2)(a)(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 or an offence causing death or serious harm to another person before the expiration of the offender's sentence according to law.

YES NO

Schedule II Offences

The offender is currently serving a sentence of imprisonment of two years or more that includes a sentence imposed for an offence set out in Schedule II of the CCRA that was prosecuted by way of indictment, including an offence set out in Schedule II that is punishable under section 130 of the *National Defence Act*.

YES NO

Current Schedule II Offence(s) for this Offender**Paragraph 129(2)(b)**

There are reasonable grounds to believe that the offender is likely to commit a serious drug offence prior to the expiration of the sentence according to law.

YES NO

Paragraphs 129(3)(a) and (b)

The Commissioner believes on reasonable grounds that the offender 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 referral must be made more than six months prior to the offender's statutory release, unless:

- the Commissioner formed that belief on the basis of the inmate's behaviour or information obtained during those six months, or
- as a result of a change in the statutory release date due to a recalculation, the statutory release date has passed or the inmate is entitled to be released on statutory release during those six months.

YES NO

Rationale

Incorporate the results of the consultation with the community as applicable.

Provide the rationale (**succinct in nature**) that supports the referral for detention.

Note: The specific factors under section 132 of the CCRA will be analyzed in detail in the Assessment for Decision

ANNEX C

REFERRAL PROCESS FOR DETENTION

<u>DIRECT</u>	<u>COMMISSIONER’S REFERRAL</u>	
	<u>More than six months to statutory release date</u>	<u>Six months or less to statutory release date</u>
1. Detention Pre-Screening is completed by the Parole Officer within the prescribed timeframe.	1. Detention Pre-Screening is completed by the Parole Officer within the prescribed timeframe.	1. Detention Pre-Screening is completed by the Parole Officer as soon as the new information is received.
2. The Parole Officer will consult the contact person at the parole office to discuss the case being considered for detention and the consult will be documented in the Detention Pre-Screening Report.	2. The Parole Officer will consult with the contact person at the parole office to discuss the case being considered for detention and the consult will be documented in the Detention Pre-Screening Report.	2. The Parole Officer will consult with the contact person at the parole office (if applicable) to discuss the case being considered for detention and the consult will be documented in the Detention Pre-Screening Report.
3. The Parole Officer and the Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy, will discuss the referral and, if in agreement, the results will be documented in the “ <u>Additional recommendations</u> ” section of the Detention Pre-Screening.	3. The Parole Officer and the Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy, will discuss the referral and, if in agreement, the results will be documented in the “ <u>Additional recommendations</u> ” section of the Detention Pre-Screening.	3. The Parole Officer and the Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy, will discuss the referral and, if in agreement, the results will be documented in the “ <u>Additional recommendations</u> ” section of the Detention Pre-Screening.

<p>4. The Institutional Head will make the final decision on the referral. The results will be documented in the “<u>decision to refer</u>” section of the Detention Pre-Screening.</p>	<p>4. The Institutional Head will make the decision on the referral. If the Institutional Head is not in agreement, the decision is documented in the “<u>decision to refer</u>” section of the Detention Pre-Screening.</p>	<p>4. The Institutional Head/District Director will make the decision on the referral. If the Institutional Head/District Director is not in agreement, the decision is documented in the “<u>decision to refer</u>” section of the Detention Pre-Screening.</p>
<p>5. The Parole Officer will request a psychological risk assessment (if one is not available) pursuant to CD 840 – Psychological Services.</p>	<p>5. The Parole Officer will request a psychological risk assessment (if one is not available) pursuant to CD 840 – Psychological Services.</p>	<p>5. The Parole Officer will request a psychological risk assessment (if one is not available) pursuant to CD 840 – Psychological Services.</p>
<p>6. The Assessment for Decision will normally be completed no later than nine months prior to statutory release.</p>	<p>6. The Assessment for Decision will normally be completed <u>no later than nine months prior</u> to statutory release.</p>	<p>6. The Assessment for Decision will normally be completed <u>as soon as possible</u>.</p>
<p>7. The Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy, will quality control the report and will ensure the case is forwarded to the PBC <u>as soon as possible</u> and prior to six months before SRD.</p>	<p>7. The Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy, will quality control the Assessment for Decision and refer it to the Institutional Head.</p>	<p>7. The Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy/Parole Officer Supervisor will quality control the Assessment for Decision and refer it to the Institutional Head/District Director.</p>

<p>8. If a loss of jurisdiction occurs, the Institutional Head/District Director will immediately advise the Assistant Deputy Commissioner, Correctional Operations. The Assistant Deputy Commissioner, Correctional Operations will advise Institutional Reintegration Division at National Headquarters, who will, in turn, inform the Assistant Commissioner, Correctional Operations and Programs.</p>	<p>8. The results of the review by the Institutional Head are documented in the “additional recommendation” section of the Detention Pre-Screening.</p>	<p>8. The results of the review by the Institutional Head/ District Director are documented in the “<u>additional recommendation</u>” section of the Detention Pre-Screening.</p>
	<p>9. The Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy, will ensure that the Assessment for Decision is forwarded to Regional Headquarters <u>no later than eight months prior</u> to statutory release.</p>	<p>9. The Manager, Assessment and Interventions/Manager, Intensive Intervention Strategy/Parole Officer Supervisor will ensure that the Assessment for Decision is forwarded to Regional Headquarters <u>as soon as possible upon receipt</u>.</p>
	<p>10. The RDC will review the case and the results will be documented in the “<u>additional recommendation</u>” section of the Detention Pre-Screening. However, if the RDC does not agree with the referral, his/her decision is documented in the “<u>decision to refer</u>” section of the Detention Pre-Screening and the referral does not go forward.</p>	<p>10. The RDC will review the case and the results will be documented in the “<u>additional recommendation</u>” section of the Detention Pre-screening. However, if the RDC does not agree with the referral, his/her decision is documented in the “<u>decision to refer</u>” section of the Detention Pre-Screening and the referral does not go forward.</p>

	<p>11. The RDC will prepare the referral letter on behalf of the Commissioner and forward the referral to National Headquarters for final review. The referral documentation must be received by National Headquarters <u>no later than seven months prior to statutory release.</u></p>	<p>11. The RDC will prepare the referral letter on behalf of the Commissioner and forward the referral to National Headquarters for final review. The referral documentation must be received by National Headquarters <u>as soon as possible upon receipt.</u></p>
	<p>12. The Senior Deputy Commissioner on behalf of the Commissioner will review the case and document the rationale for the referral in the “decision to refer” section of the Detention Pre-Screening.</p>	<p>12. The Senior Deputy Commissioner on behalf of the Commissioner will review the case and document the rationale for the referral in the “decision to refer” section of the Detention Pre-Screening.</p>
	<p>13. The letter from the Commissioner to the Chairperson of the PBC is signed and forwarded prior to <u>six months before SRD.</u></p>	<p>13. The letter from the Commissioner to the Chairperson of the PBC is signed and forwarded <u>no later than the date before the offender’s statutory release.</u></p>
	<p>14. If a loss of jurisdiction occurs, the Institutional Head/District Director will immediately advise Regional Headquarters (Assistant Deputy Commissioner, Correctional Operations/ Regional Deputy Commissioner), who will, in turn, inform National Headquarters (Senior Deputy Commissioner).</p>	<p>14. If a loss of jurisdiction occurs, the Institutional Head/District Director will immediately advise Regional Headquarters (Assistant Deputy Commissioner, Correctional Operations/ Regional Deputy Commissioner), who will, in turn, inform National Headquarters (Senior Deputy Commissioner).</p>

ANNEX D**GUIDELINES FOR ASSESSING THE LIKELIHOOD OF THE COMMISSION OF AN OFFENCE CAUSING DEATH OR SERIOUS HARM TO ANOTHER PERSON, A SEXUAL OFFENCE INVOLVING A CHILD, OR A SCHEDULE II OFFENCE PRIOR TO THE EXPIRATION OF THE OFFENDER'S SENTENCE**

[Section 132](#) of the CCRA lists the relevant factors to be taken into consideration when determining whether or not an offender is likely to commit an offence causing serious harm or death; a sexual offence involving a child; or a serious drug offence prior to warrant expiry.

In the case of Schedule I offences where it has not been established that the current offence caused serious harm, there is a particular burden of proof to show that a likelihood exists of a future offence causing death or serious harm. The primary factor identified as indicating future harm will be corroborated to the greatest extent possible by reference to the other factors outlined in [section 132](#) of the CCRA. For example, where evidence is cited of a pattern of persistent violent behaviour, it will be supported by a psychiatric and/or psychological opinion indicating that it is likely that such violence will continue.

While it is impossible to predict future behaviour with certainty, the Parole Officer should be able to bring forward sufficient evidence to satisfy the test of "reasonable grounds to believe". For this reason, it is important to base the analysis of the case on a full range of information. This should include but not be limited to the following: the offender's previous criminal history, records of institutional behaviour, records of performance on previous releases, psychological and psychiatric evaluations conducted for release decision-making purposes, and the findings and recommendations of Community Assessments. This list is not exhaustive.

A documented analysis as to whether the offence is:

- a. set out in Schedule I [[subparagraph 129\(2\)\(a\)\(i\)](#)], or
- b. a sexual offence involving a child [[subparagraph 129\(2\)\(a\)\(ii\)](#)], or
- c. set out in Schedule II [[paragraph 129\(2\)\(b\)](#)]

will be explicitly set forth in every case that is submitted for decision with respect to a transfer, a conditional release of any type, including temporary absence or work release, or following a suspension.

ANNEX E**REPORT OUTLINE – ASSESSMENT FOR DECISION FOR DETENTION****1. INTRODUCTORY STATEMENT/CASE STATUS**

Provide a brief statement of the purpose of the report (type – direct or Commissioner’s) and applicable section of the Act

2. RISK ASSESSMENT**a. Risk Factors**

Briefly analyze the offender’s risk factors, specific to the offence cycle as outlined in the Correctional Plan. Incorporate actuarial assessments

b. Analysis of the Applicable Criteria (pursuant to section 132 of the CCRA)

- i. **Direct: subparagraph 129(2)(a)(i) or subparagraph 129(2)(a)(ii) (Schedule I offence) and as applicable for Commissioner’s referral: paragraphs 129(3)(a) and (b)**

Where the offence is set out in Schedule I, specify whether or not serious harm was met as indicated in the assessment completed at intake.

- **A pattern of persistent violent behaviour, established on the basis of any evidence, in consideration of the following (please note that it is only necessary to address the elements relevant to the current referral):**
 - the number of offences committed by the offender causing physical or psychological harm
 - the seriousness of the offence for which the sentence is being served
 - 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
 - the use of a weapon in the commission of any offence by the offender
 - explicit threats of violence made by the offender
 - behaviour of a brutal nature associated with the commission of any offence by the offender
 - a substantial degree of indifference on the part of the offender as to the consequences to other persons of the offender's behaviour

- **Medical, psychiatric or psychological evidence of the likelihood of the commission of an offence causing the death of or serious harm to another person owing to a physical or mental illness or disorder of the offender**

- **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**
 - **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**
- ii. **Direct: [subparagraph 129\(2\)\(a\)\(ii\)](#) sexual offence involving a child and as applicable for Commissioner's referral: [paragraphs 129\(3\)\(a\) and \(b\)](#)**
- **A pattern of persistent sexual behaviour involving children, established on the basis of any evidence, in consideration of the following (please note that it is only necessary to address the elements relevant to the current referral):**
 - the number of sexual offences involving a child committed by the offender
 - the seriousness of the offence for which the sentence is being served
 - reliable information demonstrating that the offender has had difficulties controlling sexual impulses involving children
 - behaviour of a sexual nature associated with the commission of any offence by the offender
 - a substantial degree of indifference on the part of the offender as to the consequences to other persons of the offender's behaviour
 - **Reliable information about the offender's sexual preferences indicating that the offender is likely to commit a sexual offence involving a child**
 - **Medical, psychiatric or psychological evidence of the likelihood of the offender committing a sexual offence involving a child owing to a physical or mental illness or disorder of the offender**
 - **Reliable information compelling the conclusion that the offender is planning to commit a sexual offence involving a child before the expiration of the offender's sentence according to law**
 - **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**
- iii. **Direct: [paragraph 129\(2\)\(b\)](#) Schedule II offence and as applicable for Commissioner's referral: [paragraphs 129\(3\)\(a\) and \(b\)](#)**
- **A pattern of persistent involvement in drug-related crime, established on the basis of any evidence, in consideration of the following (please note that it is only necessary to address the elements relevant to the current referral):**

- the number of drug-related offences committed by the offender
 - the seriousness of the offence for which the sentence is being served
 - the type and quantity of drugs involved in the offence for which the sentence is being served or any prior drug-related offence(s) committed by the offender
 - reliable information demonstrating that the offender remains involved in drug-related activities
 - a substantial degree of indifference on the part of the offender as to the consequences to other persons of the offender's behaviour
- **Medical, psychiatric or psychological evidence of the likelihood of the commission of a serious drug offence owing to a physical or mental illness or disorder of the offender**
- **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**
- **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**

***NOTE:** A serious drug offence includes any offence set out in Schedule II of the CCRA; however, it is not necessary to specify which one when determining if there are reasonable grounds to believe that the offender is likely to commit such an offence.*

3. OVERALL ASSESSMENT

Provide an overall assessment incorporating the following elements, as applicable and appropriate:

- i. consultation with Security Intelligence Officer (e.g. incompatibles and affiliations); if there are no concerns, a statement should be made to that effect
- ii. recent professional opinions regarding release such as Case Management Team, mental health professionals, police comments and/or previous (CSC/PBC) decisions (if applicable)
- iii. current risk
- iv. offender engagement
- v. outstanding factors requiring intervention
- vi. an analysis of any high risk behaviours or patterns observed during the sentence
- vii. offender's understanding of risk factors and offence cycle (including the four aspects of healing if applicable)
- viii. Aboriginal social history (if applicable)
- ix. history of crime free periods of supervision, including any previous failures on release (if applicable)

4. DISSENTING OPINION

Specify any differences of opinion and the reasons.

5. RECOMMENDATION

In conclusion, provide the final recommendation and summarize the rationale according to one of the following statement:

- a. "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." (Should not indicate that the offender is likely to commit death if he/she has never done so in the past. Use the term "serious harm" in most cases.)
- b. "There are reasonable grounds to believe that the offender is likely to commit a sexual offence involving a child or an offence causing death or serious harm to another person, before the expiration of the offender's sentence according to law."
- c. "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."

ANNEX F**REPORT OUTLINE – ASSESSMENT FOR DECISION
FOR DETAINED OFFENDERS WHO RECEIVE AN ADDITIONAL SENTENCE****1. INTRODUCTORY STATEMENT/CASE STATUS**

Provide a brief statement of the purpose of the report (additional sentence received)

2. RISK ASSESSMENT**Risk Factors**

Evaluate whether the circumstances of the new conviction alter the risk factors leading to the decision to impose the current detention order

3. DISSENTING OPINION

Specify any differences of opinion and the reasons.

4. RECOMMENDATION

In conclusion, make a statement indicating whether or not there are still reasonable grounds to believe that the offender is likely to commit an offence causing death or serious harm; a sexual offence involving a child; or a serious drug offence prior to the expiration of the offender's sentence according to law.

ANNEX G**REPORT OUTLINE – DETENTION REVIEW****1. INTRODUCTORY STATEMENT/CASE STATUS**

Provide a brief statement of the purpose of the report (type – direct or Commissioner’s) and applicable section of the Act

2. RISK ASSESSMENT**a. Risk Factors**

- i. Briefly analyze the offender’s risk factors specific to the offence cycle which contributed to the decision that there were reasonable grounds to believe that the offender was likely to commit an offence causing death 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
- ii. Provide an analysis of the extent to which these factors have been addressed by the offender since the last review that would justify modifying the order (reduced or not reduced risk)

b. Release Plan (if recommending modifying the detention order)

Summarize the Community Strategy and address special conditions required to mitigate risk

3. OVERALL ASSESSMENT

Provide an overall assessment incorporating the following elements, as applicable and appropriate:

- i. consultation with Security Intelligence Officer (e.g. incompatibles and affiliations); if there are no concerns, a statement should be made to that effect
- ii. recent professional opinions regarding release such as Case Management Team, mental health professionals, police comments and/or previous (CSC/PBC) decisions (if applicable)
- iii. current risk
- iv. offender engagement
- v. outstanding factors requiring intervention
- vi. an analysis of any high risk behaviours or patterns observed during the sentence
- vii. offender's understanding of risk factors and offence cycle (including the four aspects of healing if applicable)
- viii. history of crime free periods of supervision, including any previous failures on release (if applicable)
- ix. Aboriginal social history (if applicable)
- x. special conditions (if applicable)

4. DISSENTING OPINION

Specify any differences of opinion and the reasons.

5. RECOMMENDATION

In conclusion, make a statement indicating **whether or not** there are still reasonable grounds to believe that the offender is likely to commit an offence causing death or serious harm; a sexual offence involving a child; or a serious drug offence prior to the expiration of the offender's sentence according to law.

ANNEX H**PENITENTIARIES DESIGNATED FOR THE PURPOSES OF A RESIDENCY ORDER
(made under subparagraph 131(3)(a)(ii) of the CCRA)****ATLANTIC REGION**

Carlton Community Correctional Centre	Dorchester Penitentiary (minimum security unit)
Carlton Community Correctional Centre Annex	Nova Institution for Women
Parrtown Community Correctional Centre	Newfoundland Community Correctional Centre

QUEBEC REGION

Archambault Institution	Marcel-Caron Community Correctional Centre
Federal Training Centre	Martineau Community Correctional Centre
Hochelaga Community Correctional Centre	Laferrière Community Correctional Centre
Joliette Institution	Sherbrooke Community Correctional Centre
La Macaza Institution	Ogilvy Community Correctional Centre

ONTARIO REGION

Beaver Creek Institution (minimum security unit)	Grand Valley Institution for Women
Hamilton Community Correctional Centre	Joyceville Institution (minimum security unit)
Keele Community Correctional Centre	Collins Bay Institution (minimum security unit)
Portsmouth Community Correctional Centre	

PRAIRIE REGION

Bowden Institution	Okimaw Ohci Healing Lodge
Grande Cache Institution	Drumheller Institution
Stony Mountain Institution (minimum security unit)	Grierson Centre

Osborne Community Correctional Centre	Pê Sâkâstêw Centre
Oskana Community Correctional Centre	Edmonton Institution for Women
Saskatchewan Penitentiary (minimum security unit)	Willow Cree Healing Lodge

PACIFIC REGION

Mission Institution (minimum security unit)	Kwikwèxwelhp Healing Lodge
William Head Institution	Chilliwack Community Correctional Centre
Fraser Valley Institution for Women	