



NOVASCOTIA
PUBLIC PROSECUTION SERVICE

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**NATIONAL FLAGGING SYSTEM FOR HIGH RISK,
VIOLENT OFFENDERS**

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NATIONAL FLAGGING SYSTEM FOR HIGH RISK, VIOLENT OFFENDERS

Purpose of Flagging:

The purpose of flagging is to ensure that Crown Attorneys have access to full background materials about those offenders who pose an ongoing, serious threat to society. The offender will be flagged on CPIC in the Special Interest Police (SIP) category of the Investigative Data Bank as a high risk offender. Through this flagging system, Crown Attorneys can quickly access that information for use in subsequent proceedings including bail hearings, similar fact applications, sentencing considerations, and decisions about long term and dangerous offender applications. The purpose in flagging an offender is not to presuppose that the offender should be the subject of a dangerous or long term offender application, but to ensure that full information is available to Crown Attorneys who may be faced with the offender on a subsequent occasion.

The Flagging program is a cross-Canada initiative. All jurisdictions utilize the same basic flagging criteria, but may expand the criteria as they consider appropriate. Through this program, Crown Attorneys in Nova Scotia obtain detailed information about flagged offenders whose prior offences were committed in other provinces. Similarly, Nova Scotia will be providing information about its flagged offenders to other jurisdictions.

Criteria for Flagging:

As they prosecute cases, Crown Attorneys are expected to identify those offenders (whether convicted or not) who pose an ongoing risk to society. **This will include those offenders who, even if they currently do not meet the conditions established for dangerous or long term offenders in Part XXIV of the *Criminal Code*, will likely be the subject of a Part XXIV application if they commit a further serious personal injury or sexual offence.** Some of the relevant indicators are these:

- the offender has committed a sexual offence against a child;
- the offender has committed a particularly violent sexual offence or a sexual offence involving a significant breach of trust;
- the offender has committed acts of gratuitous brutal violence;
- the offender has committed arson and it appears that he or she has a psychiatric disorder or personality disorder which leads to fire setting behavior;
- the offender has a criminal record which demonstrates an escalating

pattern of violence;

- the offender has a history of committing violent offences while on release, probation or parole, particularly if the offences occur soon after release;
- the offender has used a firearm in an offence while having already been prohibited from possessing firearms;
- a psychiatric assessment indicates future dangerousness;
- in a prior proceeding against the accused, the criteria for a dangerous offender application or a long term offender application appeared to be met, but the application did not proceed, or was unsuccessful, or a definite sentence was imposed.

The Flagging Process:

Once a candidate for flagging has been identified by a Crown Attorney, the Crown Attorney is to send a memo or e-mail to the Flagging Coordinator for Nova Scotia requesting that flagging occur. Currently, the Flagging Coordinator is Paul Carver, Halifax Crowns' Office, and he is assisted, for flagging purposes, by Rick Hartlen, Senior Crown Attorney and Rhiannon Morgan, Administrative Coordinator.

The memo or e-mail should include a brief outline of the basis for the request, and should have with it, the file that has been amassed for the prosecution, including, if available:

- synopsis of the most recent offences
- a transcript of the reasons for sentence, and relevant excerpts from the transcripts of the trial or other proceedings relating to recent offences which demonstrate the nature and gravity of those offences
- the criminal record of the candidate
- victim impact statements
- pre-sentence reports, psychiatric reports, and institutional reports
- details of previous offences, if available.

If the Flagging Coordinator agrees that the criteria for flagging are met, a "Flagging File" will be opened in the PPS Central Registry and the steps necessary to have the flagging

notation entered on CPIC will be taken.

Utilizing the Flagging System

The Central Registry at the PPS Head Office will have the file relating to the flagged offender available for access by any prosecutor in Canada who has future dealings with the flagged offender. Similarly, the Coordinators in other jurisdictions have arranged to have files available relating to flagged offenders in their jurisdictions. If a Crown Attorney in Nova Scotia becomes aware that an accused has been flagged anywhere, the Crown Attorney should contact Paul Carver, Rick Hartlen or Rhiannon Morgan at HRO-Flag @novascotia.ca; (902) 424-8734 who will provide any information which has been accumulated in Nova Scotia, and will liaise with Flagging Coordinators in other jurisdictions to obtain their information. A national initiative is underway to assemble and maintain the files in an electronic format which will expedite the transfer of information. Some of the files flagged in Nova Scotia have already been put into an electronic format for immediate transmission to those who need the stored information.