



NOVASCOTIA
PUBLIC PROSECUTION SERVICE

DOCUMENT TITLE:

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

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NATIONAL FLAGGING SYSTEM FOR HIGH RISK, VIOLENT OFFENDERS

Purpose:

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 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 to the Flagging Coordinator for Nova Scotia (currently Lloyd Tancock, Senior Crown Counsel, Bridgewater) requesting that flagging occur.

The memo should include a brief outline of the basis for the request, and have attached to it, the file that has been amassed by the prosecutor, including:

- a 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
- the criminal record of the candidate
- victim impact statements
- pre-sentence reports, psychiatric reports, and institutional reports
- details of previous offences, if available.

The Flagging Coordinator, assuming that he agrees that the criteria for flagging are met, will retain the relevant information, augment the file as may be appropriate, and take the steps necessary to have the flagging notation entered on CPIC.

Utilizing the Flagging System

The Flagging Coordinator 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 will 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 the Nova Scotia Flagging Coordinator (currently, Lloyd Tancock) who will provide any information which has been accumulated in Nova Scotia, and will liaise with his counterparts in the 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.