

Response to Dr. Patrick Nesbitt

FOI Request

The following are excerpts from BC Corrections Community Corrections Policy Manual to address questions.

a) What are the indications for taking someone's picture at the Community Corrections office?

6.3.3 Confirming the identity of the accused

1. When the accused is not known to the bail supervisor, the accused is asked to confirm identity with:
 - Their fingerprints biometric (refer to subsection 19.1.3);
 - A driver's licence;
 - Another piece of signed (preferably pictured) identification; or
 - Verification from another reliable source.
2. Reasonable efforts are made to maintain a clear and recent photo of the accused in CORNET.

b) What are the indications for having someone take the "Respectful Relationships" and "Family Related Violence" courses?

Court ordered condition – You are to take and successfully complete such core programs and counselling as the probation officer may direct.

Policy sections 2.6 and 2.6.5 have been provided in previous request.

c) What are the criteria for being "in breach" of probation conditions, both generally and specifically with respect to being breached for not attending counselling?

8.6 Enforcement

8.6.1 Standard of proof

Section 733.1 of the *Criminal Code* sets out the standard of proof for breaches of probation orders. Crown counsel must prove that the offender failed or refused to comply with the order without reasonable excuse.

8.6.2 Recording violations on the case file

1. The case manager records on the offender's case file the details of an apparent failure to comply with the compulsory and/or optional conditions of the probation order.
2. At minimum, the recording indicates the:
 - Circumstances of the apparent violation;
 - Reasons for reporting or not reporting the incident to Crown counsel; and
 - Changes to the case management plan.

8.6.3 Factors to consider when reporting violations

1. When it is believed that an offender has breached a compulsory or optional condition of a probation order, breach proceedings may be initiated by submitting a Report to Crown Counsel.
2. A decision about whether to submit a Report to Crown Counsel is discretionary. A report is generally submitted following an investigation of the cause of the breach. This occurs after the following factors are considered:
 - Condition is breached without reasonable excuse;
 - Protection of the community or a specific victim is at risk;
 - Alleged breach is serious;
 - Original offence is serious;
 - Risk assessment rating is medium or high;

- Comments made by the judge during sentencing;
- Non-compliance with community supervision;
- Criminal history, especially when it includes violence;
- Warnings and/or opportunities to change already given; and
- Availability of alternative action (i.e. modification of the order) is not suitable.

d) What are the indications for being able to do bail sign in by phone?

6.3.1 Reporting structure

1. At the first and subsequent contacts with the accused, the bail supervisor ensures that the accused is aware of the time, date, place and/or manner of the next contact with the bail supervisor.
2. When the accused is seen in person, written instructions signed by the bail supervisor and the accused are provided to the accused and a copy retained on the case file. The use of standardized, carbonized appointment slips is recommended.
3. When the court stipulates a specific schedule of reporting, the bail supervisor does not have the authority to impose extra reporting conditions. If additional reporting is required, the bail supervisor discusses the matter with Crown counsel for appropriate action.