

# Community Corrections

## *Policy Manual*



Community Corrections Division  
Corrections Branch  
Ministry of Public Safety  
and Solicitor General

Issued: April 2004

Updated: July 2019

# Table of Contents

## *Table of Contents*

### **1.      *Introduction and Mandate***

#### **1.1    Strategic Plan (revised: Oct-12)**

- 1.1.1   Protecting communities, reducing reoffending
- 1.1.2   Corrections Branch organization
- 1.1.3   Integrated offender management
- 1.1.4   Core programs
- 1.1.5   Strategic initiatives
- 1.1.6   Community Corrections purpose and goals

#### **1.2    Legal Authority (revised: Jul-15)**

- 1.2.1   Overview
- 1.2.2   Correction Act (B.C.)
- 1.2.3   Criminal Code (Canada)
- 1.2.4   Corrections and Conditional Release Act (Canada)
- 1.2.5   Freedom of Information and Protection of Privacy Act (B.C.)
- 1.2.6   Canadian Victims Bill of Rights and Victims of Crime Act (B.C.)
- 1.2.7   Child, Family and Community Services Act (B.C.)
- 1.2.8   Corrections Branch policy
- 1.2.9   Violence Against Women in Relationships policy (VAWIR)
- 1.2.10   Notification policy to protect children from abuse
- 1.2.11   Administrative agreements and protocols

#### **1.3    Quality Management (revised: Oct-18)**

- 1.3.1   Overview
- 1.3.2   Regional quality management framework
- 1.3.3   Local office quality management framework
- 1.3.4   Individual quality assurance plans
- 1.3.5   Quality assurance reviews
- 1.3.6   Peer Review

### **2.      *Case Management—Principles and Approaches***

#### **2.1    Overview (issued: Jul-08)**

- 2.1.1   Community Corrections commitment
- 2.1.2   Case management enhances public protection
- 2.1.3   Duty to report need for protection
- 2.1.4   When protection is needed
- 2.1.5   Components of RNA-based case management

#### **2.2    Five Principles of Case Management (issued: Sep-06)**

- 2.2.1   Approach to offender change principle
- 2.2.2   Risk principle
- 2.2.3   Needs principle
- 2.2.4   Responsivity principle
- 2.2.5   Program integrity principle

#### **2.3    Risk/Needs Assessment (revised: Dec-09)**

- 2.3.1   Continuous assessment
- 2.3.2   Assessment guides interventions
- 2.3.3   Assessment identifies offender characteristics
- 2.3.4   Static offender characteristics (related to the CRNA risk domains)



- 2.3.5 Dynamic offender characteristics (related to the CRNA needs domains)
- 2.3.6 Assessment responsibilities
- 2.3.7 Collateral contacts and document reviews
- 2.3.8 Valid assessments
- 2.4 Case Management Planning (revised: Jul-19)**
  - 2.4.1 Overview
  - 2.4.2 Development of case management plans
  - 2.4.3 Selecting and prioritizing modes of intervention
  - 2.4.4 Intervention level matrix
  - 2.4.5 Interim level of intervention—responsibilities and modes selection
  - 2.4.6 High-risk/needs interventions—responsibilities and modes selection
  - 2.4.7 Medium-risk/needs interventions—responsibilities and modes selection
  - 2.4.8 Low-risk/needs interventions—responsibilities and modes selection
  - 2.4.9 Early termination—responsibilities and modes selection
  - 2.4.10 Delegation of secondary case management responsibilities
- 2.5 Implementing Effective Interventions (revised: Dec-06)**
  - 2.5.1 The structured intervention
  - 2.5.2 Reporting sessions
  - 2.5.3 Recognizing and responding to cognitive deficits
  - 2.5.4 Incorporating core concepts into supervision sessions
- 2.6 Offender Programs (revised: Apr-15)**
  - 2.6.1 Introduction to programs that address criminogenic needs
  - 2.6.2 Core programs
  - 2.6.3 Partnership programs
  - 2.6.4 External programs
  - 2.6.5 Principles of programs that address criminogenic needs
- 2.7 Additional Procedures (revised: Jul-19)**
  - 2.7.1 High-Risk Offender Identification Program
  - 2.7.2 Approved residential resources
  - 2.7.3 Integrated offender management (IOM) program
  - 2.7.4 Courtesy supervision outside of B.C.
  - 2.7.5 Geographic isolation
  - 2.7.6 Supported integration into First Nation community
  - 2.7.7 High alert client CORNET alert
- 2.8 Downtown Community Court (revised: Oct-12)**
  - 2.8.1 Introduction
  - 2.8.2 Charge assessment and triage initial screening
  - 2.8.3 Options for proceeding
  - 2.8.4 Thirty-day adjournment for mental health assessment, stabilization
  - 2.8.5 Adjournment for alternative measures
  - 2.8.6 Proceeding to guilty plea and sentencing in court
  - 2.8.7 DCC case management team
  - 2.8.8 DCC community supervision
  - 2.8.9 Accompaniment and transportation of DCC clients
  - 2.8.10 Shared case management database
- 3. Communications**
  - 3.1 Contact with the Media**
    - 3.1.1 Corrections Branch media policy
    - 3.1.2 Responding to the media
    - 3.1.3 Developing a good relationship with the media

### **3.2 Managing Incidents (issued: Jan-08)**

- 3.2.1 Overview
- 3.2.2 Definition of a critical incident
- 3.2.3 Initial reporting of critical incidents
- 3.2.4 Establish an action plan
- 3.2.5 Support for victims and involved staff
- 3.2.6 Media inquiries
- 3.2.7 Critical incident review

### **3.3 Reporting Incidents with the Incident eForm (revised: Oct-12)**

- 3.3.1 Overview
- 3.3.2 Definition of violence as an incident
- 3.3.3 Definition of significant event as an incident
- 3.3.4 Definition of injury/ illness as an incident
- 3.3.5 Use of the incident eForm

### **3.4 Community Liaison (revised: Sep-06)**

- 3.4.1 Ministry's vision for community involvement and participation
- 3.4.2 Community Corrections goal for communities
- 3.4.3 Local manager responsibility
- 3.4.4 Examples of activities and programs
- 3.4.5 Service clubs and professional associations
- 3.4.6 Conflict of interest
- 3.4.7 Political involvement
- 3.4.8 Honorarium
- 3.4.9 Volunteers in corrections

## **4. *Notifications***

### **4.1 Introduction (revised: May-13)**

- 4.1.1 Overview

### **4.2 Consistent Purpose Notification (revised: May-13)**

- 4.2.1 Legal authority
- 4.2.2 Definition
- 4.2.3 Guidelines to determine the need for a consistent purpose notification
- 4.2.4 Consultation with the privacy and high-risk offender notification analyst
- 4.2.5 Case management and consistent purpose notification

### **4.3 Compelling Circumstance Notification (revised: May-13)**

- 4.3.1 Legal Authority
- 4.3.2 Definition
- 4.3.3 Guidelines to determine the need for a compelling circumstance notification
- 4.3.4 Consultation with privacy and high-risk offender notification analyst
- 4.3.5 Case management and compelling circumstance notification

### **4.4 Public Notification (revised: May-13)**

- 4.4.1 Legal Authority
- 4.4.2 Definition
- 4.4.3 Guidelines to determine the need for a public notification
- 4.4.4 Consultation with privacy and high-risk offender notification analyst
- 4.4.5 Case management and public notification

### **4.5 Notification Review (revised May-13)**

- 4.5.1 Notification review criteria
- 4.5.2 Other case management options

### **4.6 Effecting a Notification (revised: May-13)**

- 4.6.1 Preparation

- 4.6.2 Consultation with local manager
- 4.6.3 Notice to regional director
- 4.6.4 Notice to offender – consistent purpose notification
- 4.6.5 Notice to offender—compelling circumstance and public notification
- 4.6.6 Conducting notice to an individual
- 4.6.7 Information that may be disclosed
- 4.6.8 Conducting notice to a group or the public

## **5. *Alternative Measures***

### **5.1 Overview (revised: Jul-08)**

- 5.1.1 Legislative authority
- 5.1.2 Program purpose
- 5.1.3 Referral and case management process overview
- 5.1.4 Responsibility
- 5.1.5 Assessment of persons referred to Aboriginal contractors
- 5.1.6 Eligibility limitations for alternative measures
- 5.1.7 Additional screening considerations for Aboriginal people
- 5.1.8 Non-compliance

### **5.2 Intake/Assessment/Case Planning (revised: May-13)**

- 5.2.1 Purpose
- 5.2.2 Procedures
- 5.2.3 Alternative measures and bail status
- 5.2.4 Unsuitable referrals
- 5.2.5 Serious or sensitive cases
- 5.2.6 Alternative measures plan
- 5.2.7 Federal drug prosecutions policy—alternative measures for persons alleged to have possessed cannabis

### **5.3 Referral, Follow-Up, Case Management and Termination (revised: Mar-11)**

- 5.3.1 Commencement
- 5.3.2 Duration and extensions
- 5.3.3 Referral to outside agency
- 5.3.4 Recording
- 5.3.5 Non-compliance
- 5.3.6 Disclosure of records
- 5.3.7 CORNET entry

### **5.4 Sex Offenders (revised: Sep-06)**

- 5.4.1 Limitations
- 5.4.2 Assigned to specialist probation officer
- 5.4.3 Screening
- 5.4.4 Psychiatric/psychological assessments for screening sex offenders for alternative measures
- 5.4.5 Probation officer Report to Crown Counsel

### **5.5 Spousal Assault (revised: Dec-15)**

- 5.5.1 Limitations
- 5.5.2 Assignment to probation officer
- 5.5.3 Risk/needs assessment
- 5.5.4 Screening
- 5.5.5 Victim interview
- 5.5.6 Probation officer Report to Crown Counsel

## **6. *Bail Supervision***

### **6.1 Overview (revised: Oct-18)**

- 6.1.1 Mandate
- 6.1.2 Definition of bail supervisor
- 6.1.3 Types of bail
- 6.1.4 Primary and secondary case managers
- 6.1.5 Presumed innocence and minimal supervision
- 6.1.6 Bail and sexual offences
- 6.1.7 Bail and spousal assault

### **6.2 Pre-Bail Inquiries**

- 6.2.1 Definition
- 6.2.2 Purpose
- 6.2.3 Contents
- 6.2.4 Oral reports

### **6.3 Initial Interview (revised: Mar-14)**

- 6.3.1 Opening the file
- 6.3.2 Required initial reporting date
- 6.3.3 Confirming the identity of the accused
- 6.3.4 Reviewing the order
- 6.3.5 Providing additional information
- 6.3.6 Interpreters
- 6.3.7 Victim notification
- 6.3.8 Reporting structure
- 6.3.9 CORNET entry

### **6.4 Case Management (revised: Jul-19)**

- 6.4.1 No risk/needs assessment
- 6.4.2 Development and review of a supervision plan
- 6.4.3 Bail reporting alternatives
- 6.4.4 Case recording standards
- 6.4.5 Duty to report child in need of protection
- 6.4.6 Surrender of passport
- 6.4.7 Varying an order
- 6.4.8 Transfer of supervision
- 6.4.9 Closing a bail file
- 6.4.10 Releasing a bail file to AWOL in CORNET when a warrant is issued

### **6.5 Enforcement (revised: Mar-11)**

- 6.5.1 Recording all violations on the case file
- 6.5.2 Investigate status of accused before enforcement action
- 6.5.3 Report to Crown Counsel
- 6.5.4 Breach of protective conditions
- 6.5.5 Victim notification

## **7. *Pre-Sentence Reports***

### **7.1 Overview (revised: Dec-09)**

- 7.1.1 Legislative authority
- 7.1.2 Risk/needs assessment and pre-sentence reports
- 7.1.3 Purpose of pre-sentence report
- 7.1.4 Accuracy, objectivity, relevance, brevity and admissibility
- 7.1.5 Sex offender and spousal assault pre-sentence reports

## **7.2 Current Circumstances (revised: Oct-12)**

- 7.2.1 Examination of current needs
- 7.2.2 Family relationships, living arrangements, associates
- 7.2.3 Education, vocation, employment, finances
- 7.2.4 Behaviour, emotional status
- 7.2.5 Substance misuse

## **7.3 Victim Information (revised: Jul-15)**

- 7.3.1 Principle
- 7.3.2 Definition of victim
- 7.3.3 Crown victim impact statements
- 7.3.4 Contact with victim
- 7.3.5 Victim information
- 7.3.6 Probation officer impartiality

## **7.4 Court History and Interventions (revised: Jan-16)**

- 7.4.1 Overview
- 7.4.2 Court history
- 7.4.3 Court history assessment
- 7.4.4 Attitude and receptiveness to previous and proposed interventions
- 7.4.5 Attitude/understanding regarding the offence

## **7.5 Sentencing Considerations for Aboriginal Offenders**

- 7.5.1 Principle
- 7.5.2 Criminal Code, section 718.2(e)
- 7.5.3 Gladue investigation and report content

## **7.6 Summary (revised: Mar-11)**

- 7.6.1 Summary and proposed interventions
- 7.6.2 Additional considerations for proposed interventions

## **7.7 Procedures (revised: Mar-11)**

- 7.7.1 Probation officer to prepare report
- 7.7.2 Responsibility for report
- 7.7.3 Offenders under the Youth Criminal Justice Act
- 7.7.4 Due dates and distribution
- 7.7.5 Court attendance—verbal reports
- 7.7.6 Access by outside parties
- 7.7.7 Requests from court of appeal
- 7.7.8 CORNET entry
- 7.7.9 Interviews
- 7.7.10 Establish identity of offender
- 7.7.11 Contents of report not privileged
- 7.7.12 Home visits
- 7.7.13 Collateral Interview
- 7.7.14 Sources
- 7.7.15 High-Risk Offender Identification Program
- 7.7.16 Psychological/ psychiatric reports
- 7.7.17 Interpreters

## **7.8 Pre-Sentence Report Format (revised: Sep-06)**

- 7.8.1 Principle
- 7.8.2 Face sheet—page 1
- 7.8.3 Sources of information—page 2
- 7.8.4 Headings

## **8.      *Probation Supervision***

### **8.1      Commencement of Supervision (revised: May-13)**

- 8.1.1   Legal authority
- 8.1.2   Start dates of probation orders
- 8.1.3   Jail plus probation with parole
- 8.1.4   Multiple sentences and remand
- 8.1.5   Offender on probation jailed for subsequent convictions
- 8.1.6   Multiple jail sentences exceeding two years, probation to follow
- 8.1.7   Directions to report following release
- 8.1.8   Failure to report after release
- 8.1.9   Probation orders under appeal
- 8.1.10  Unlawful probation orders

### **8.2      Initial Intake (revised: Oct-18)**

- 8.2.1   Initial interview
- 8.2.2   Confirming the identity of the offender
- 8.2.3   Reviewing the order
- 8.2.4   Providing additional information
- 8.2.5   Interpreters
- 8.2.6   No statutory privilege
- 8.2.7   Victim notification
- 8.2.8   Reporting structure
- 8.2.9   Primary and secondary case managers
- 8.2.10  CORNET entry

### **8.3      Administration (revised: Oct-12)**

- 8.3.1   Case recording standards
- 8.3.2   Information recorded in CORNET
- 8.3.3   File structure
- 8.3.4   Progress reports
- 8.3.5   Notice to court of change of personal information
- 8.3.6   Administrative closure
- 8.3.7   Early termination
- 8.3.8   Order expiry review
- 8.3.9   Records destruction

### **8.4      Home Visits (issued: Apr-05)**

- 8.4.1   Application
- 8.4.2   Principles of home visits
- 8.4.3   Types of home visits
- 8.4.4   Case management and home visits
- 8.4.5   Schedule during office hours
- 8.4.6   Communication device
- 8.4.7   Accompaniment by staff or other appropriate person
- 8.4.8   Ride with police for community orientation
- 8.4.9   Vehicle
- 8.4.10  Enforcement
- 8.4.11  Collateral contacts and FOIPPA considerations

### **8.5      Varying a Probation Order (revised: Mar-11)**

- 8.5.1   Legal authority
- 8.5.2   Procedure to vary a probation order
- 8.5.3   Reviewing the amended order with the offender
- 8.5.4   Victim notification

## **8.6 Enforcement (revised: Mar-11)**

- 8.6.1 Standard of proof
- 8.6.2 Recording violations on the case file
- 8.6.3 Factors to consider when reporting violations
- 8.6.4 Report to Crown Counsel contents
- 8.6.5 Breach of protective conditions
- 8.6.6 Victim notification
- 8.6.7 Location of court
- 8.6.8 Revocation in cases involving a suspended sentence

## **8.7 Transfer of Supervision (revised: Oct-18)**

- 8.7.1 Overview
- 8.7.2 Legal authority
- 8.7.3 Victim notification
- 8.7.4 Notice to court of change in personal information
- 8.7.5 Transferring office
- 8.7.6 Receiving office
- 8.7.7 Breaches on intra-provincial transfers
- 8.7.8 Inter-provincial transfers outside of B.C.
- 8.7.9 Procedures for inter-provincial transfers
- 8.7.10 Transfer of jurisdiction from another province/territory to B.C.
- 8.7.11 Breaches on inter-provincial transfers
- 8.7.12 Supervision by Correctional Service of Canada
- 8.7.13 International transfers

## **8.8 Offence Act Probation Orders (issued: May-13)**

- 8.8.1 Legal authority
- 8.8.2 Supervision similar to probation supervision
- 8.8.3 Enforcement

# **9. *Conditional Sentences***

## **9.1 Overview (revised: Oct-12)**

- 9.1.1 Legal authority
- 9.1.2 Designation of supervisors
- 9.1.3 Supervision of conditional sentences
- 9.1.4 CORNET entry
- 9.1.5 Initial interview
- 9.1.6 Risk/needs assessment
- 9.1.7 Varying optional conditions
- 9.1.8 Procedure to vary optional conditions
- 9.1.9 Reviewing the amended order with the offender
- 9.1.10 Victim notification
- 9.1.11 Transfer of supervision
- 9.1.12 Supervision by the Correctional Service of Canada
- 9.1.13 Order expiry review

## **9.2 Enforcement (revised: Oct-12)**

- 9.2.1 Initiate breaches promptly
- 9.2.2 Report to Crown Counsel format and court location
- 9.2.3 Breach of protective conditions
- 9.2.4 Witness statements
- 9.2.5 Crown counsel involvement in obtaining warrants
- 9.2.6 Victim notification
- 9.2.7 Sentence calculations

## **10.     *Section 810 Recognizances***

### **10.1   Overview (revised: Oct-15)**

- 10.1.1   Legal authority
- 10.1.2   Supervision similar to probation supervision
- 10.1.3   CORNET entry

### **10.2   Supervision (revised: Oct-15)**

- 10.2.1   Initial interview
- 10.2.2   Risk/needs assessment
- 10.2.3   Victim notification
- 10.2.4   Supervision of section 810.1 and 810.2 recognizances issued through the High-Risk Recognizance Advisory Committee (HRRAC)
- 10.2.5   Varying a section 810 recognizance
- 10.2.6   Transfer of supervision
- 10.2.7   Order expiry review
- 10.2.8   Order expiry review criteria

### **10.3   Enforcement (revised: Mar-11)**

- 10.3.1   Legal authority
- 10.3.2   Procedure
- 10.3.3   Breach of protective conditions
- 10.3.4   Victim notification

## **11.     *Sex Offenders***

### **11.1   Overview (revised: Mar-11)**

- 11.1.1   Definition of a sex offender
- 11.1.2   Sex offender convicted of a non-sexual offence
- 11.1.3   Purpose of supervision
- 11.1.4   Sex offender supervisors
- 11.1.5   Breach of conditions
- 11.1.6   Victim notification
- 11.1.7   Community notification
- 11.1.8   Informing the police of sex offenders under supervision

### **11.2   Bail Supervision (revised: Oct-12)**

- 11.2.1   Exceptions to standard bail supervision
- 11.2.2   Duty to report child in need of protection

### **11.3   Pre-Sentence Reports (revised: Mar-11)**

- 11.3.1   Sex offender report writers
- 11.3.2   Specialized reports recommended
- 11.3.3   Guideline for investigations
- 11.3.4   Definition of collateral contacts
- 11.3.5   Purpose of collateral contacts
- 11.3.6   Sex offender treatment programs
- 11.3.7   Order of prohibition
- 11.3.8   No contact order on warrant of committal

### **11.4   PSR Wording Guide for Sex Offenders (issued: Sep-06)**

- 11.4.1   Objectives
- 11.4.2   Treatment
- 11.4.3   Restricted contact—victims and family
- 11.4.4   Restricted contact—children
- 11.4.5   Residency
- 11.4.6   Pornography



- 11.4.7 Computer/Internet usage
- 11.4.8 Alcohol and drugs
- 11.4.9 Vehicles
- 11.4.10 Associations

#### **11.5 Post-Sentence Supervision (revised: May-13)**

- 11.5.1 Types of post-sentence supervision
- 11.5.2 Required contact with sex offenders in custody
- 11.5.3 Initial intake
- 11.5.4 Case management plan
- 11.5.5 Approving residence for sex offenders
- 11.5.6 Completion of STATIC, STABLE and ACUTE risk assessments
- 11.5.7 Modes of intervention
- 11.5.8 Reporting structure
- 11.5.9 Sex Offender Treatment Program
- 11.5.10 Geographic isolation
- 11.5.11 Home visits
- 11.5.12 Guidelines for home visits
- 11.5.13 Contact with family members and key collaterals
- 11.5.14 Contact with treatment providers
- 11.5.15 Transfer of supervision and temporary relocations
- 11.5.16 Order expiry review
- 11.5.17 Order expiry review criteria
- 11.5.18 Early termination
- 11.5.19 Retention of physical files

#### **11.6 Sex Offender Supervisor Definitions (revised: Mar-11)**

- 11.6.1 Qualifications for sex offender supervisors
- 11.6.2 Service models

### **12. Domestic Violence: K Files**

#### **12.1 Overview (revised: Dec-15)**

- 12.1.1 Policy related to violence against women in relationships
- 12.1.2 Definition of relationship violence
- 12.1.3 Definition of a K file offender
- 12.1.4 Subsequent offences while serving sentence for K file offence
- 12.1.5 Unrelated offence on a closed K file
- 12.1.6 Sexual offences against spouses
- 12.1.7 Specialized training

#### **12.2 Bail Supervision (revised: Dec-15)**

- 12.2.1 Supervision similar to bail supervision
- 12.2.2 Management of bail with sentenced orders
- 12.2.3 Informing the accused of the consequences of bail violations
- 12.2.4 Victim notification
- 12.2.5 Duty to report child in need of protection
- 12.2.6 Development of supervision plan
- 12.2.7 Breach of protective conditions
- 12.2.8 Contact with the family justice counsellor
- 12.2.9 Victim requesting protective conditions be deleted
- 12.2.10 Protocol for “highest risk” cases (VAWIR policy)

#### **12.3 Pre-Sentence Reports (revised: Dec-15)**

- 12.3.1 Specialized training
- 12.3.2 Victim contact

- 12.3.3 Protection Order Registry check
- 12.3.4 Relationship violence programs
- 12.3.5 Treatment as an optional condition
- 12.3.6 No contact order on warrant of committal

#### **12.4 Post-Sentence Supervision (revised: Dec-15)**

- 12.4.1 Specialized training
- 12.4.2 Types of post-sentence supervision
- 12.4.3 Informing the offender of the consequences of breaches
- 12.4.4 Victim notification
- 12.4.5 Protection Order Registry check
- 12.4.6 Spousal assault risk assessment (SARA)
- 12.4.7 Treatment programs
- 12.4.8 Breach of protective conditions
- 12.4.9 Victim requesting protective conditions be deleted
- 12.4.10 Contact with family justice counsellor
- 12.4.11 Protocol for “highest risk” cases (VAWIR policy)
- 12.4.12 Order expiry review

### **13. *Temporary Absence***

#### **13.1 Overview (issued: Apr-07)**

- 13.1.1 Definition
- 13.1.2 Legislative authority
- 13.1.3 Purpose of temporary absence
- 13.1.4 Temporary absence application
- 13.1.5 Types of temporary absence requiring community assessment report
- 13.1.6 Conditional release co-ordinator
- 13.1.7 File review requests

#### **13.2 Community Assessments (issued: Apr-07)**

- 13.2.1 Purpose of community assessments
- 13.2.2 Risk/needs assessment and community assessment reports
- 13.2.3 Sources of information
- 13.2.4 Electronic supervision not available
- 13.2.5 Home visits
- 13.2.6 Non-approved addiction resources
- 13.2.7 Responsibility for report
- 13.2.8 Sex offenders
- 13.2.9 Due dates and distribution
- 13.2.10 Content of report and areas of investigation
- 13.2.11 Supervision by Community Corrections
- 13.2.12 Required conditions for reporting to a probation officer

#### **13.3 Case Management (revised: Oct-12)**

- 13.3.1 Case management and intervention similar to probation
- 13.3.2 Role of releasing correctional centre
- 13.3.3 Initial intake and supervision
- 13.3.4 Temporary absence authorizations permit
- 13.3.5 Victim notification upon release to temporary absence
- 13.3.6 Development of case management plan
- 13.3.7 Renewal procedure for absences requiring supervision by Community Corrections
- 13.3.8 Suspensions and revocations
- 13.3.9 Violations
- 13.3.10 Inmate return to centre upon suspension

13.3.11 Serious offence

**14.     *Electronic Supervision***

**14.1   Overview (revised: Jun-19)**

- 14.1.1 Definition
- 14.1.2 Intrusiveness
- 14.1.3 Responsibility for operation of electronic supervision
- 14.1.4 Authority to order electronic supervision
- 14.1.5 Optimal use of electronic supervision
- 14.1.6 Six-month review

**14.2   Investigations and Reports (issued: Jun-19)**

- 14.2.1 Requests from courts for investigations
- 14.2.2 Technical suitability reports—court-ordered
- 14.2.3 Home visit for technical suitability investigation
- 14.2.4 Electronic supervision conditions included in the technical suitability report
- 14.2.5 Improper order
- 14.2.6 Client Agreement Rules and Regulations
- 14.2.7 Information to be provided to spouse/domestic partner or collateral contacts
- 14.2.8 Technical suitability—telephone system

**14.3   Enrolment and Monitoring Equipment (issued: Jan-16)**

- 14.3.1 Enrolment in technology
- 14.3.2 Beacons
- 14.3.3 Equipment installation occurs same day
- 14.3.4 Referrals to another office location and interim monitoring
- 14.3.5 Equipment installation by the client
- 14.3.6 Ensuring successful installation
- 14.3.7 Data input
- 14.3.8 Additional information
- 14.3.9 Victim information on spousal assault and sex offenders
- 14.3.10 Information provided to client

**14.4   Central Monitoring Unit and Response to Violations (issued: Jun-19)**

- 14.4.1 Central Monitoring Unit
- 14.4.2 Response to violations
- 14.4.3 Curfew violation
- 14.4.4 Violation of a geographical condition
- 14.4.5 Breach responsibility
- 14.4.6 Release of records
- 14.4.7 Maintenance of adequate equipment supply and loss or damage to equipment

**15.     *Service Delivery Initiatives***

**15.1   Rural Communities (revised: Sep-06)**

- 15.1.1 Overview
- 15.1.2 Definitions
- 15.1.3 Focus of itinerant service
- 15.1.4 Service to remote communities
- 15.1.5 Court attendance and itinerant service
- 15.1.6 Itinerant travel
- 15.1.7 Itinerant supervision
- 15.1.8 High-risk offenders
- 15.1.9 Clerical, communications and CORNET entry
- 15.1.10 Site location, safety and security

15.1.11 Hours of operation

**15.2 Community Work Service (revised: May-13)**

15.2.1 Definition and purpose of community work service

15.2.2 Intake and screening

15.2.3 Maximum number of community work service hours

15.2.4 Referral procedures and case management

15.2.5 Extensions

15.2.6 Community involvement and placements

**15.3 Client Communication for Appointments (issued: October-18)**

15.3.1 Overview

15.3.2 Telephone contact

15.3.3 Letters

15.3.4 Text messaging

15.3.5 Email

**16. Release of Information**

**16.1 Disclosure of Information—General (revised: May-13)**

16.1.1 Dangerous offender/long-term offender applications

16.1.2 Disclosure of communicable diseases

16.1.3 Accessing information about offenders from the Correctional Service of Canada and Offender Management System (OMS)

**16.2 Disclosure in the context of litigation of criminal and civil matters**

16.2.1 Disclosure of a file in the context of litigation of criminal matters: subpoenas and summons

16.2.2 When not to disclose a file in litigation of criminal matters: subpoenas and summons

16.2.3 Pre-trial disclosure

16.2.4 When not to disclose a file in litigation of civil matters: subpoenas and summons

**16.3 Disclosure of Information to Victims (revised: Jul-15)**

16.3.1 Overview

16.3.2 Definition of victim

16.3.3 Legal authority for victim notification

16.3.4 Disclosure of information to victims

**17. Youth Supervision**

**17.1 Overview (revised: Sep-06)**

17.1.1 Preamble

17.1.2 Mandate

17.1.3 Legislative authority

17.1.4 Delegation of authority

17.1.5 Memorandum of understanding

17.1.6 Forms

**17.2 Bail Supervision**

17.2.1 Supervision and enforcement similar to adult

17.2.2 Parental/guardian contact

17.2.3 Placement of young person in the care of a responsible person

**17.3 Pre-Sentence Reports**

17.3.1 Legal authority

17.3.2 Preparation of report similar to adult

17.3.3 Report prepared by probation officer

17.3.4 Reports prepared by youth probation officers

- 17.3.5 Factors considered at sentencing
- 17.3.6 Restrictions on the use of custody
- 17.3.7 Areas of investigation
- 17.3.8 Reports for Aboriginal youth
- 17.4 Section 810 Recognizances**
  - 17.4.1 Legal authority
  - 17.4.2 Supervision similar to adult
  - 17.4.3 Parental/guardian contact
  - 17.4.4 Enforcement of CFCSA restraining orders
- 17.5 Probation Supervision**
  - 17.5.1 Legal authority
  - 17.5.2 Start dates of probation orders
  - 17.5.3 Supervision similar to adults
  - 17.5.4 Parental/guardian contact
  - 17.5.5 Enforcement
  - 17.5.6 Review of non-custodial order
- 17.6 Intensive Support and Supervision Program Orders (revised: Sep-06)**
  - 17.6.1 Legal authority
  - 17.6.2 Provincial director's consent
  - 17.6.3 Supervision limitations of ISSP orders by Community Corrections
  - 17.6.4 Pre-sentence report sentencing option
  - 17.6.5 Transfer protocol
  - 17.6.6 Supervision and enforcement similar to probation supervision
  - 17.6.7 Review of ISSP orders
- 17.7 Non-Residential Programs**
  - 17.7.1 Legal authority
  - 17.7.2 No non-residential programs
- 17.8 Custody and Supervision in the Community (revised: May-14)**
  - 17.8.1 Legal authority
  - 17.8.2 Definition
  - 17.8.3 Supervision similar to adults
  - 17.8.4 Assignment of probation officer
  - 17.8.5 Probation officer responsibility
  - 17.8.6 Provincial director sets optional conditions
  - 17.8.7 Parental/guardian contact
  - 17.8.8 Initiate breaches promptly
  - 17.8.9 Enforcement of supervision in the community
  - 17.8.10 Suspension process, provincial director review and court review
- 17.9 Deferred Custody and Supervision**
  - 17.9.1 Legal authority
  - 17.9.2 Definition
  - 17.9.3 Report to assist court setting optional conditions of supervision
  - 17.9.4 Supervision similar to youth probation supervision
  - 17.9.5 Variation of optional conditions
  - 17.9.6 Enforcement
- 17.10 Delayed Custody and Supervision, Divided Probation/ Intensive Support and Supervision Program Orders**
  - 17.10.1 Legal authority
  - 17.10.2 Intensive support and supervision program order policy applies
  - 17.10.3 Pre-sentence report sentencing options
  - 17.10.4 Review of order

**17.11 Youth Sentences for Presumptive Offences (Custody and Conditional Supervision) (revised: May-14)**

- 17.11.1 Legal authority
- 17.11.2 Court specifies release date
- 17.11.3 Court sets optional conditions before release
- 17.11.4 Report required
- 17.11.5 Supervision similar to supervision in the community following custody
- 17.11.6 Variation of optional conditions
- 17.11.7 Initiate breaches promptly
- 17.11.8 Enforcement of conditional supervision
- 17.11.9 Suspension process, provincial director review and court review

**17.12 Intensive Rehabilitative Custody and Supervision Order (revised: May-14)**

- 17.12.1 Legal authority
- 17.12.2 Supervision similar to custody and conditional supervision
- 17.12.3 Eligible offences and required criteria
- 17.12.4 Pre-sentence report
- 17.12.5 Eligible costs
- 17.12.6 Treatment plan
- 17.12.7 Notification
- 17.12.8 Ongoing reporting
- 17.12.9 Quarterly reporting
- 17.12.10 Transfer protocol
- 17.12.11 Conditional supervision policy applies
- 17.12.12 Court sets optional conditions of conditional supervision
- 17.12.13 Report for setting optional conditions of conditional supervision
- 17.12.14 Conversion to non-IRCS sentence

**17.13 Reviews of Custodial Sentences (issued: May-14)**

- 17.13.1 General
- 17.13.2 Legal authority
- 17.13.3 Timing of mandatory annual reviews
- 17.13.4 Eligibility for optional review
- 17.13.5 Correctional centre responsibilities
- 17.13.6 Probation officer responsibility
- 17.13.7 Progress report

**17.14 Enforcement Procedures (revised: Nov-07)**

- 17.14.1 Suspension process
- 17.14.2 Provincial director review
- 17.14.3 Court review
- 17.14.4 Sentence calculations

**17.15 Adult Sentences**

- 17.15.1 General
- 17.15.2 Legal criteria
- 17.15.3 Pre-sentence report prepared by youth probation officer
- 17.15.4 Placement report prepared by youth probation officer

**17.16 Publication, Records and Information Sharing (revised: Aug-09)**

- 17.16.1 Identity of offender not to be published
- 17.16.2 Exceptions to publication of identity
- 17.16.3 Persons having access to records
- 17.16.4 Period of access to records
- 17.16.5 Adult offence during period of access to record
- 17.16.6 Information sharing

## **18. CORNET Policy**

### **18.1 Overview (revised: Dec-06)**

- 18.1.1 Introduction
- 18.1.2 CORNET Access
- 18.1.3 Case management tools
- 18.1.4 Client log
- 18.1.5 Information in CORNET—Client Log
- 18.1.6 Client paper file content

### **18.2 Slate (Document) Management (revised: Mar-11)**

- 18.2.1 Document management—court offices
- 18.2.2 Slate management
- 18.2.3 Administrative staff slate maintenance and related responsibilities
- 18.2.4 Pending Arrivals and JUSTIN Documents slates (when a client reports)
- 18.2.5 Pending Arrivals and JUSTIN Documents slates (when a client does not report)—administrative staff responsibilities
- 18.2.6 Incoming referrals for non-court offices (when a client reports)
- 18.2.7 Incoming referrals for non-court offices (when a client does not report)—PO/PO14 responsibilities:
- 18.2.8 Referrals from institutions
- 18.2.9 Varied orders—administrative staff responsibilities
- 18.2.10 Varied orders—PO/PO14 responsibilities
- 18.2.11 Judicial Justice Centre default court office
- 18.2.12 CORNET client physical file
- 18.2.13 Reports—introduction
- 18.2.14 Reports—probation officer/ probation officer 14 responsibilities
- 18.2.15 Report requests
- 18.2.16 Community assessments

### **18.3 Case Management (revised: Aug-09)**

- 18.3.1 Probation officers / PO 14s responsibilities
- 18.3.2 Notification slate
- 18.3.3 s.15
- 18.3.4 Risk/needs assessments
- 18.3.5 Core programs—introduction
- 18.3.6 Core programs—facilitator responsibilities
- 18.3.7 Core programs—probation officer/ probation officer 14 responsibilities
- 18.3.8 Conditional sentence calculation—introduction
- 18.3.9 Conditional sentence calculation—general principles
- 18.3.10 Conditional sentence calculation —probation officer/ probation officer 14 responsibilities
- 18.3.11 Conditional sentence calculation—local manager responsibilities
- 18.3.12 External program—PO/PO14 responsibilities
- 18.3.13 Release to parole from a provincial custody centre
- 18.3.14 Seal/unseal youth records

## **19. eServices**

### **19.1 Introduction**

- 19.1.1 Definition
- 19.1.2 Access and use
- 19.1.3 Biometric enrolment

## **19.2 MyInfo eService**

19.2.1 Definition

19.2.2 Access and use

## **19.3 eReporting eService**

19.3.1 Definition

19.3.2 Access and use



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 1: Introduction and Mandate</i>	Page 1.1–1

## 1. Introduction and Mandate

### 1.1 *Strategic Plan (revised: Oct-12)*

#### 1.1.1 Protecting communities, reducing reoffending

1. The Corrections Branch is an evidence-based organization committed to reducing reoffending, protecting communities through adult offender management and control, and supporting the B.C. criminal justice system.
2. The goals of the branch are to:
  - Supervise and enforce custody and/or community orders of adult offenders in a safe manner;
  - Manage all aspects of correctional supervision through the application of evidence-based, consistent, and best practice policies;
  - Encourage learning and development for all members of B.C. Corrections;
  - Adhere to high standards in research, program development and evaluation, and technology; and
  - Collaborate with other ministries, academic institutions, and private and non-profit associations and organizations in justice reform initiatives.

#### 1.1.2 Corrections Branch organization

The Corrections Branch is comprised of four functional divisions, Adult Custody, Community Corrections, Strategic Operations and Capital Projects, each with province-wide responsibilities.

#### Corrections Branch

Adult Custody	Community Corrections	Strategic Operations	Capital Projects
Remanded individuals Offenders sentenced to custody Persons detained by Immigration Canada	Alternative measures (diversion) Individuals supervised on bail Offenders sentenced to community supervision	Strategic direction Policy analysis Program development and management Aboriginal relations and programs Information management and data quality Performance, research and evaluation	Infrastructure planning Implementation Project oversight direction Technology efficacy for security, surveillance and building maintenance

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 1.1–2	<i>Chapter 1: Introduction and Mandate</i>

### **1.1.3 Integrated offender management**

1. Integrated offender management (IOM) delivers comprehensive case plans that support the transition of offenders from custody to community.
2. IOM incorporates custody and community components. The intended outcome is to increase the likelihood that clients will engage in the community plan. This breaks the cycle of rapid and frequent returns to custody.
3. IOM operates in three correctional centre locations with a plan for continued expansion when resources allow.

### **1.1.4 Core programs**

1. Core programs are designed to promote long-term changes in the thinking, skills and lifestyles of serious offenders that are known to contribute to crime.
2. To ensure that core programs are effective, they are delivered in a standard and complementary manner in both community and institutional settings.

### **1.1.5 Strategic initiatives**

To meet the goal of community protection, while managing growth in demand and shifts in programs, the Corrections Branch employs the following strategies:

- Base offender management on accurate assessment of the offender's risk to the community. Focus resources on offenders who present the greatest risk to the community;
- Provide core programs in institutional and community settings that support change in criminal-related behaviour;
- Manage offenders through custody and Community Corrections by using an integrated case management framework;
- Inform victims of the status of specific offenders through formal notification;
- Adjust institutional and community resources to meet changing demands according to established standards, and the risk and needs of offenders; and
- Monitor and evaluate major programs for effectiveness.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 1: Introduction and Mandate</i>	Page 1.1–3

### **1.1.6 Community Corrections purpose and goals**

1. The purpose of the Community Corrections Division is to contribute to safer communities by assessing and managing the risk and needs of offenders.
2. The goals of the Community Corrections Division include:
  - Reduce reoffending through purposeful case management of a diverse offender population;
  - Support our staff in achieving the purpose and values of the organization;
  - Enhance services to offenders through strategic partnerships;
  - Be responsive to the justice needs identified by Aboriginal communities; and
  - Be strategic in the use of information technology.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-15
<i>Chapter 1: Introduction and Mandate</i>	Page 1.2–1

## **1.2 Legal Authority (revised: Jul-15)**

### **1.2.1 Overview**

1. The Corrections Branch operates under the legal authority of the *Correction Act* (B.C.). It charges the branch, for the purpose of protecting the community, with matters related to the correction and treatment of individuals who break the law.
2. The legislated duties and responsibilities of probation officers are outlined in the *Correction Act* and other statutes, government policy and administrative agreements. The most important are discussed in this section.

### **1.2.2 Correction Act (B.C.)**

1. The *Correction Act*, section 4, outlines the responsibilities of a probation officer appointed under the act.
2. A probation officer is:
  - Responsible for serving as a probation officer in any jurisdiction within the province;
  - An officer of every court in the province;
  - Responsible for preparing reports that may be ordered by the court;
  - Empowered to procure and report information that the court may require regarding a person convicted by the courts;
  - A peace officer under the jurisdiction of the province, if appointed a parole supervisor under the *Corrections and Conditional Release Act* (Canada); and
  - An assistant in casework services and post-release planning for inmates (when the probation officer is part of the staff of a correctional centre and subject to the direction of the person in charge of the correctional centre).
3. A probation officer is responsible for the supervision of:
  - Individuals placed on probation by a court, and
  - Individuals subject to conditional sentences imposed by a court.
4. A probation officer charged with the supervision of a person on whom the passing of sentence was suspended, or who is subject to a probation order or a conditional sentence, may report to the court or prosecutor if the person fails to carry out the terms:

Revised: Jul-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 1.2–2	<i>Chapter 1: Introduction and Mandate</i>

- On which the passing of sentence was suspended;
- Of the probation order; or
- Of the conditional sentence.

### **1.2.3 Criminal Code (Canada)**

1. The *Criminal Code*, section 721, authorizes probation officers to prepare pre-sentence reports, if required by the court, and specifies the contents.
2. Other sections of the *Criminal Code*, including sections 732 and 733 (which relate to probation orders), and section 742 (which legislates conditional sentences), indirectly refer to duties of probation officers.

### **1.2.4 Corrections and Conditional Release Act (Canada)**

The *Corrections and Conditional Release Act* legislates the rights of inmates and terms of conditional release of offenders from incarceration.

### **1.2.5 Freedom of Information and Protection of Privacy Act (B.C.)**

1. The *Freedom of Information and Protection of Privacy Act* (FOIPPA) enables requests by offenders to obtain information from branch files. Personal information may only be disclosed to third parties in accordance with provisions in the act.
2. Access to and disclosure of information and records from offender files is conducted as outlined in the *Management Services Policy Manual*, sections 14.5 to 14.7.

### **1.2.6 Canadian Victims Bill of Rights and Victims of Crime Act (B.C.)**

1. Under the *Canadian Victims Bill of Rights* (CVBR) and British Columbia's *Victims of Crime Act* (VOCA), victims have the right to receive information about victim services, the justice system, and status of the investigation, prosecution, and administration of the offender's sentence.
2. For guidance on what information is made available to victims under this legislation, refer to section 16.3, Disclosure of Information to Victims.

### **1.2.7 Child, Family and Community Services Act (B.C.)**

1. The *Child, Family and Community Service Act* (CFCSA) legislates a duty to report children in need of protection to the Ministry of Children and Family Development.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-15
<i>Chapter 1: Introduction and Mandate</i>	Page 1.2–3

2. For guidance on determining when a child is in need of protection and the procedures for reporting child protection concerns, refer to section 2.1.

### **1.2.8 Corrections Branch policy**

1. Corrections Branch policy has been formulated by the branch and approved by the assistant deputy minister. Employees are required to abide by the policy and procedures of the branch.
2. Policy and procedures are incorporated under the following policy manuals and directives:
  - Assistant deputy minister directives;
  - *Community Corrections Policy Manual*;
  - *Adult Custody Policy*; and
  - *Management Services Policy Manual*.

### **1.2.9 Violence Against Women in Relationships policy (VAWIR)**

1. The purpose of the ministries of Justice and Children and Family Development’s “Violence Against Women in Relationships” (VAWIR) policy is an integrated and co-ordinated response by the criminal justice and child welfare system to criminal offences that occur within the context of an intimate relationship. The prime focus of VAWIR is the safety of the victim and others at risk (e.g. children, extended family).
2. This policy does not include other family violence, such as conflict between siblings, or between adult children and their parents (elder abuse).
3. Spousal Assault (K Files), chapter 12, refers to and is consistent with VAWIR policy.

### **1.2.10 Notification policy to protect children from abuse**

1. In 1995, the Ministry of Attorney General introduced the “Notification Policy to Protect Children from Abuse.” It requires probation officers to:
  - Conduct a risk assessment on individuals under their supervision who have been convicted of sex and other violent offences against children; and
  - Consider community notification if it is believed there is high risk that a person might reoffend.
2. Community Notification for High-Risk Offenders, chapter 4, is consistent with the “Notification Policy to Protect Children from Abuse.”

Revised: Jul-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 1.2–4	<i>Chapter 1: Introduction and Mandate</i>

### **1.2.11 Administrative agreements and protocols**

1. To implement and adhere to statutory requirements, the Ministry of Justice or the Corrections Branch has entered into administrative agreements and protocols with government and community agencies to provide criminal justice services.
2. They include:
  - RCMP Crime Index Section (CPIC): Provides criminal histories and information on outstanding warrants to the branch.
  - Federal-Provincial Exchange of Services Agreement: Provides for the transfer of federal inmates to provincial correctional centres when an inmate requests the transfer.
  - Adult Alternative Measures Memorandum of Understanding: An agreement with the Ministry of Attorney General, Criminal Justice Branch about the use of alternative measures for adult offenders.
  - *Memorandum of Understanding* with Ministry of Children and Family Development: An agreement regarding responsibilities for the supervision of young offenders, or young people who have become “dual status.”
  - Ministry of Children and Family Development: Memoranda of understanding have been established to allow the sharing of information and transfer of youth files between MPSSG and MCFD. They include:
    - Electronic transfer of files;
    - Physical transfer of files; and
    - Transfer of young offenders.
3. Copies of the above policies and/or agreements may be obtained from a Community Corrections regional office or Corrections Branch headquarters.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-08
<i>Chapter 2: Introduction and Mandate</i>	Page 1.3–1

## **1.3 Quality Management (revised: Oct-18)**

### **1.3.1 Overview**

1. Quality management supports service delivery in a manner that is consistent and aligns with the strategic objectives and policies of the Corrections Branch.
2. Quality management occurs at the provincial, regional, and local levels of the division.
3. Quality assurance, a component of quality management, is used at the local level to evaluate and support the application of Community Corrections policy and practices.
4. Quality assurance occurs on an ongoing basis, is consistent, and is transparent.

### **1.3.2 Regional quality management framework**

1. The regional director develops an annual regional quality management framework that summarizes the quality management strategies that the regional director and the Regional Management Committee will implement over the year.
  -
2. The regional framework outlines the regional director's expectations of quality assurance activities and strategies to ensure policy objectives are being met at the local level.
  -
3. The regional framework also includes, but is not limited to:
  - Staffing;
  - Organizational health and wellness;
  - Resource allocation;
  - Communication; and
  - Client programs.
4. The regional framework is reviewed with, and signed off by, the provincial director and/or deputy provincial director. It is shared with regional staff and updated, as necessary, throughout the year.



Revised: Jul-08	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 1.3–2	<i>Chapter 2: Introduction and Mandate</i>

### **1.3.3 Local office quality management framework**

1. Each local manager develops an annual local quality management framework that summarizes the quality management strategies to be implemented over the year.
  -
2. The local framework includes a quality assurance plan section that outlines the local manager's strategy to ensure that policy objectives are being met.
  -
3. The local framework also includes, but is not limited to:
  - Staffing;
  - Training;
  - Organizational health and wellness;
  - Workload assignment;
  - Communication;
  - Client programs;
  - Succession planning; and
  - Performance development and management.
4. The local framework may include the following addendums:
  - Occupational health and safety program;
  - Staff inventory of skills;
  - Partnership plan;
  - Client programs schedule; and
  - Business continuity plan.
5. The local framework is reviewed with the regional director. It is shared with local staff and updated, as necessary, throughout the year.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 1: Introduction and Mandate</i>	Page 1.3–3

#### **1.3.4 Individual quality assurance plans**

1. The local manager completes an annual quality assurance plan to ensure minimum policy requirements set out in section 1.17 are being met for each probation officer.
2. The senior probation officer may develop a quality assurance plan for PO14s and assist in the development of quality assurance plans for PO24s.
3. Individual quality assurance plans may be incorporated into employee performance, development, and management plans by informing key work and career goals.

#### **1.3.5 Quality assurance reviews**

1. Quality assurance is the overall responsibility of the local manager; however, senior probation officers have the authority to complete all aspects of quality assurance, including quality assurance eForms with all staff. Delegation of quality assurance is done by the local manager, in consultation with the senior probation officer and the regional director.
2. Quality assurance eForms are a series of electronic forms used to review quality assurance activities related to the duties of probation officers (PO24s and PO14s).
3. Each quality assurance eForm comprises individual quality assurance elements. When all of the quality assurance elements are combined, an overall evaluation of PO24 or PO14 duties is achieved.
4. Specifically, quality assurance eForms review the following activities, when applicable:
  - Risk/needs case management;
  - Conditional sentence order calculation;
  - Pre-sentence and temporary absence reports;
  - Interviewing;
  - Core program facilitation;
  - Bail supervision;
  - Sex offender supervision; and
  - Alternative measures.
5. Reviews are conducted by local managers and senior probation officers using the following methods:

Revised: Jul-08	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 1.3–4	<i>Chapter 2: Introduction and Mandate</i>

- Observation: Local managers and senior probation officers observe interactions of PO24s and PO14s with clients. These interactions may occur during interviews for pre-sentence reports or case management, home visits, or core program sessions;
  - Case review: A conversation between the local manager/senior probation officer and probation officer about the criminogenic and non-criminogenic factors considered in assessments and case management planning; and
  - File review: A review of the client physical file and the CORNET electronic file that is focused on ensuring compliance with Community Corrections policy and practices.
6. Quality assurance eForm reviews are conducted throughout each year on a minimum basis for staff who demonstrate competence in practices and approaches.
  7. Quality assurance eForm reviews are conducted more frequently for probation officers who are new to the position, acting in a higher position, or demonstrating difficulties in practice.
  8. When the local manager/senior probation officer determines through the quality assurance process that improvement is needed, steps are taken to address the identified need.
  9. The local manager/senior probation officer may provide comments for any of the elements in a quality assurance eForm. If a specific element needs improvement, a comment is required.
  10. The local manager/senior probation officer provides constructive feedback in person to the PO24 or PO14.
  11. Quality assurance eForms are completed for each staff member according to the minimum requirements, caseload compliment, and classification, where applicable:

PO14s:

- Interviewing: Observation of one client interview;
- Core program facilitation: Observation of one facilitated session;
- Alternative measures: Review of one alternative measures case;
- Conditional sentence calculation management: The local manager/senior probation officer reviews all conditional sentence order (CSO) cases where a breach of a CSO is filed and either withdrawn or resolved by the court, or a new sentence is imposed by the court;
- Caseloads with only bail supervision: Review of eight bail supervision cases, taking into consideration the proportion of domestic violence and sex offender files on the caseload. Sex offender reviews are conducted using the sex offender quality assurance addendum;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 1: Introduction and Mandate</i>	Page 1.3–5

- Caseloads with only sentenced offenders: Risk/needs case management, review of four cases; and
- Caseloads with both bail supervision and low risk sentenced clients: Review of six bail files and two risk/needs case management cases.

PO24/senior probation officers:

- Reports: Review of a pre-sentence report and community assessment report;
- Risk/needs case management: Review of four cases, taking into consideration the proportion of domestic violence and sex offender files on the caseload. Sex offender reviews are conducted using the sex offender quality assurance addendum;
- Interviewing: Observation of one client interview. Once ongoing support is provided by the identified office coach, quality assurance is completed as and when deemed necessary by the local manager;
- Core program facilitation: Observation of one facilitated session; and
- Conditional sentence order (CSO) calculation management: The local manager/senior probation officer reviews all CSO cases where a breach of a CSO is filed and either withdrawn or resolved by the court, or a new sentence is imposed by the court.

12. When a local manager/senior probation officer is unable to meet the minimum requirements of quality assurance eForm reviews, exemptions are approved in consultation with the regional director.

### **1.3.6 Peer Review**

1. Peer review is a provincial quality assurance strategy that focuses on enhancing the knowledge and skills of probation officers.
2. Best practices among PO24/PO14s are reinforced by reviewing the application of tools such as risk assessments and case management plans.
3. Peer review is conducted annually and facilitated by a regional director, two local managers, and teams of PO24s.
4. PO24/PO14s have the opportunity to ask questions and provide feedback on practices and policy.
5. Peer review:
  - Assesses the implementation and value of training, skills, and tools for PO24/PO14s;

Revised: Jul-08	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 1.3–6	<i>Chapter 2: Introduction and Mandate</i>

- Ensures consistency in the application of assessment tools and case management strategies; and
- Seeks feedback from PO24/PO 14s regarding the application of risk assessment tools, case management practices, and training.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-08
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.1–1

## 2. Case Management—Principles and Approaches

### 2.1 Overview (issued: Jul-08)

#### 2.1.1 Community Corrections commitment

1. Community Corrections is committed to delivering effective correctional interventions. Establishing policy that articulates an evidence-based approach to interventions is fundamental to ensuring that case managers are supported in achieving the goals of Community Corrections.
2. The purpose of this chapter is to:
  - Identify the five principles of risk/needs case management that govern Community Corrections engagement with offenders (refer to section 2.2); and
  - Describe the process of case management (refer to sections 2.3, 2.4 and 2.5).

#### 2.1.2 Case management enhances public protection

1. The goal of correctional case management is to reduce offending and enhance public protection by encouraging and enabling behavioural change.
2. This goal is accomplished through two mutually supporting and equally important actions:
  - Addressing criminogenic needs with interventions that enable offenders to make long-term changes in their thinking, skills and circumstances; and
  - Monitoring and enforcing court orders in co-operation with other justice system and law enforcement entities.

#### 2.1.3 Duty to report need for protection

1. Community Corrections staff comply with Sections 14(1) and 14(2) *Child Family and Community Service Act*:
 

(1) A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.

(2) Subsection (1) applies even if the information on which the belief is based

(a) is privileged, except as a result of a solicitor-client relationship, or

Revised: Jul-08	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.1–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

*(b) is confidential and its disclosure is prohibited under another Act.*

2. Through direct interviews and collateral contacts, case managers remain aware of the well-being of all children:
  - Belonging to the client;
  - Belonging to the partner of a client; or
  - Who might be expected to come into contact with the client.
3. Decisions related to the location and activities of the client are weighed against the potential impact on the safety or well-being of the children as outlined in subsection 2 above.
4. Case managers or other Community Corrections staff take the following actions when they believe a child needs to be protected from circumstances outlined in sections 13(1) and 13(1.1) of the *Child Family and Community Service Act*:
  - Report the matter to the local manager;
  - Make a report outlining the concerns to the Ministry of Children and Family Development; and
  - Records a written summary in the Client Log about the report of protection.

#### **2.1.4 When protection is needed**

Community Corrections staff are guided by sections 13(1) and 13(1.1) *Child Family and Community Service Act* in determining when a child is in need of protection:

*(1) A child needs protection in the following circumstances:*

- (a) if the child has been, or is likely to be, physically harmed by the child's parent;*
- (b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;*
- (c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;*
- (d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;*
- (e) if the child is emotionally harmed by the parent's conduct;*

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 1: Case Management—Principles and Approaches</i>	Page 2.1–3

*(f) if the child is deprived of necessary health care;*

*(g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;*

*(h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;*

*(i) if the child is or has been absent from home in circumstances that endanger the child's safety or well-being;*

*(j) if the child's parent is dead and adequate provision has not been made for the child's care;*

*(k) if the child has been abandoned and adequate provision has not been made for the child's care;*

*(l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.*

*(1.1) For the purpose of subsection (1) (b) and (c) and section 14(1)(a) but without limiting the meaning of “sexually abused” or “sexually exploited”, a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be,*

*(a) encouraged or helped to engage in prostitution, or*

*(b) coerced or inveigled into engaging in prostitution.*

### **2.1.5 Components of RNA-based case management**

The risk/needs assessment-based case management process has three integrated components that operate sequentially and simultaneously throughout the period of engagement with the offender:

- Assessment (section 2.3);
- Case management planning (section 2.4); and
- Implementing effective interventions (section 2.5).



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Sep-06
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.2–1

## **2.2 Five Principles of Case Management (issued: Sep-06)**

Five principles guide Community Corrections case management activities:

- Approach to offender change;
- Risk;
- Needs;
- Responsivity; and
- Program integrity.

### **2.2.1 Approach to offender change principle**

1. Case managers balance their responsibility to supervise and enforce orders with the commitment to assist offenders in bringing about positive change in their lives.
2. Offenders are best assisted in changing their behaviour when the skills of the case manager are directed toward a consistent application of the principles of case management. The following beliefs support this approach:
  - Offenders are capable of changing their behaviour;
  - Structured, purposeful program interventions and techniques that are designed to positively affect the future behaviour of the offender, enhance the potential for positive change; and
  - Case managers who build and maintain consistent, positive and helpful relationships with offenders enhance the potential for positive change.

### **2.2.2 Risk principle**

1. Programming is most effective when applied to offenders who are assessed as being at higher risk for recidivism. Applying programming to low-risk offenders does not have significant positive impact and may cause negative effects.
2. Determining risk helps case managers to decide the appropriate level of intervention for an offender.

Issued: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.2–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

### **2.2.3 Needs principle**

1. Effective correctional programming targets dynamic risk factors (criminogenic needs). When evidence-based case management strategies are used to address those needs, recidivism can be reduced.
2. Identification of needs, which are deficits in personal characteristics or circumstances, helps to determine what should be changed in an offender’s life to reduce the potential to reoffend.
3. When there is an identified need, there is an ongoing requirement to consider the most appropriate intervention to address the need.
4. If “considerable need for improvement” is identified in any needs domain in the community risk/needs assessment (CRNA), an overall needs rating of high may be appropriate.
5. For medium and high-risk offenders, there is an ongoing requirement to deliver interventions addressing identified criminogenic needs.

### **2.2.4 Responsivity principle**

1. Personal/emotional factors influence how offenders respond to intervention content and delivery.
2. Interventions match offender characteristics:
  - Correctional programming is based on the belief that maladaptive thinking can be changed through evidence-based interventions and that new thinking and behaviours can be taught;
  - Effective correctional programming are highly structured and based on cognitive behavioural techniques. These techniques respond to the learning styles and deficits of offenders and their personal/emotional factors (criminogenic needs);
  - The following program characteristics and communication styles focus on anti-social and irrational thinking. They help offenders integrate what they learn into routine behaviour:
    - Modeling and practising respectful communications, pro-social thoughts and behaviours consistently throughout engagement with the offender (by the same case manager, when possible);
    - Delivering participatory and group learning;
    - Guiding individual problem solving; and
    - Applying, explaining and demonstrating core concepts and techniques in interactions with the offender (refer to subsection 2.4.4).

<b>B.C. Corrections Branch Community Corrections Policy Manual</b>	Issued: Sep-06
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.2–3

3. Case management plans and interventions consider and respond to gender differences.

### **2.2.5 Program integrity principle**

1. For programming to be effective, it is delivered as intended in group and one-to-one settings.
2. Program integrity is achieved through standardized and consistently delivered programs that adhere to the principles set out in this chapter.
3. Program integrity is maintained through training, quality management (monitoring and evaluation of practice to determine congruence with policy), staff evaluation and peer review.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-09
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.3–1

## **2.3 Risk/Needs Assessment (revised: Dec-09)**

### **2.3.1 Continuous assessment**

1. Risk/needs assessment is a continuous process that commences at first contact with the offender. It remains a priority throughout the involvement of Community Corrections.
2. Changes in circumstances, an incident, new offence, violation of conditions and new or clarified information are considered for the potential impact on risk, criminogenic needs and the intervention.

### **2.3.2 Assessment guides interventions**

1. Risk/needs assessments are guided professional judgment tools that screen for criminal history factors, and personal and emotional factors that predict future criminal involvement.
2. Assessment tools, when properly applied and interpreted, provide guidance in determining the level and form of intervention required to reduce the offender's potential to reoffend.

### **2.3.3 Assessment identifies offender characteristics**

Consideration of offender characteristics at all stages of the intervention helps to guide:

- Risk/needs assessments,
- Case management planning,
- Ongoing intervention, and
- Adjustments to the intervention.

### **2.3.4 Static offender characteristics (related to the CRNA risk domains)**

Criminal history and anti-social behaviour are static offender characteristics. These characteristics include:

- Criminal conduct from a young age;
- High offence frequency;
- Escalating offence severity;
- Violent offending;

Revised: Dec-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.3–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

- Violation of court orders; and
- History of incarceration.

### **2.3.5 Dynamic offender characteristics (related to the CRNA needs domains)**

Dynamic offender characteristics include:

1. Anti-social and/or socially disabling thoughts:

- Pro-criminal attitudes and beliefs;
- Unreceptive to assistance; and/or
- Rejection of intervention.

2. Anti-social support:

- Criminal associates; and/or
- Isolation from pro-social influences.

3. Personality factors conducive to criminal activity:

- Weak socialization;
- Impulsivity;
- Risk taking;
- Poor verbal skills;
- Egocentrism;
- Poor problem-solving skills;
- Hostility;
- Poor insight;
- Failure to recognize problems; and
- Anti-social personality disorder (when clinically assessed).

4. Low levels of social achievement/stability:

- Low levels of personal, educational, vocational, financial achievement/management;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-09
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.3–3

- Unstable employment record;
  - Unstable family and/or social relationships; and
  - Unstable living arrangements.
5. Substance misuse.

### **2.3.6 Assessment responsibilities**

1. All initial risk/needs assessments are completed by probation officers. Risk/needs assessments are administered on offenders who are subject to:
  - Probation order or section 810 recognizance with supervised conditions longer than two months; and
  - Section 810.1 or 810.2 recognizance with supervised conditions, conditional sentence order, and temporary absence supervision of any length.
2. Assessments are completed and entered into CORNET as early in the intervention as is reasonably possible and not later than 60 calendar days following intake. Assessments for supervised temporary absence are validated or updated within 30 calendar days. Reasons for not completing a risk/needs assessment in this timeframe are entered in the Client Log and brought to the local manager for review and sign-off.
3. During the time an offender is being assessed, the case manager determines and applies an interim risk/needs outcome and enters the decision in the Client Log. The assessment is adjusted when more information emerges. Note: Offence history, current offence, previous assessments and response to previous interventions are the primary factors used in determining the initial interim level of intervention.
4. Low-risk cases are not transferred to a probation officer 14 until assessments and case management plans are complete.
5. The probation officer 14 reassesses low-risk offenders.
6. When a file is transferred between case managers, the risk/needs assessment is validated or updated within 60 days by the receiving primary case manager and documented with a new entry in the Client Forms/RNA Summary screen. Circumstances that require a change to the risk level or form of intervention are recorded in the comments field in the CRNA. Reference to the updated CRNA is made in the Client Log.

Revised: Dec-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.3–4	<i>Chapter 2: Case Management—Principles and Approaches</i>

### **2.3.7 Collateral contacts and document reviews**

1. The assessing probation officer validates information received from the offender by interviewing collateral contacts and reviewing file documentation. The results of these interviews and reviews are documented in the Client Log.
2. Collateral contact/information sources may include:
  - s.15
  - Family, friends, employers, acquaintances, caregivers and professional contacts (police, social workers, physicians, psychologists, psychiatrists, counsellors); and
  - Documents (police report, s.15, Protection Order Registry check in cases of violence, sexual offences and spousal assault, CPIC, CORNET, OMS—refer to section 16.1.3 for parameters of appropriate use, psychiatric/psychological reports, agency reports, corrections files).

### **2.3.8 Valid assessments**

To be valid, an assessment meets the following requirements:

1. Risk/needs assessments are completed in accordance with policy and the applicable rating guidelines.
2. The CRNA is reviewed and updated every six months at minimum.
3. Sex offender risk assessments (STATIC, STABLE, ACUTE) are valid only when completed, reviewed and updated in accordance with subsection 11.5.6.
4. Spousal assault risk assessments (SARA) are valid only when completed, reviewed and updated in accordance with subsections 2.3.6 and 12.4.6.
5. Information from risk/needs assessments more than six months old may be used to guide a reassessment or another type of risk/needs assessment. They may also be used in conjunction with an updated assessment for case management decisions.
6. Information from risk/needs assessments more than six months old in the cases of CRNA, SARA and STABLE (one month for ACUTE) may not be relied upon for pre-sentence reports or community assessments.
7. Assessments are complete reviews of all domains that are addressed in the relevant risk assessment form. Assessments include a review of the file (including up-to-date CPIC, police reports and client history), and interviews with the offender and collaterals.
8. Circumstances that require a change to the risk level or form of intervention are recorded in the comments field in the CRNA. Reference is made in the Client Log to the updated CRNA.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-19
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.4–1

## **2.4 Case Management Planning (revised: Jul-19)**

### **2.4.1 Overview**

1. Community Corrections interventions are planned long-term approaches directed toward effecting positive change in offenders.
2. Effective case management requires:
  - Assessing offender risk/needs;
  - Linking risk/needs to a case management plan;
  - Delivering structured interventions that address identified risks/needs;
  - Reviewing and assessing the offender’s response to the intervention and progress in programs and treatment throughout the involvement of Community Corrections (every six months at minimum); and
  - Reassessing and adjusting the case management plan in response to changing circumstances and assessment results (every six months at a minimum).
3. Risk/needs assessment instruments guide probation officers through a systematic consideration of factors relevant to case management.
4. Probation officers use information from assessments to develop case management plans.

### **2.4.2 Development of case management plans**

1. The probation officer who conducted the risk assessment commences and develops a case management plan as early in the intervention as is reasonably possible, but not later than 60 calendar days following intake.
2. Case management plans:
  - Set out dynamic offender characteristics related to the needs domains identified in the community risk/needs assessment (refer to 2.3.5);
  - Describe the specific factors to be addressed;
  - Describe planned interventions, identify referrals to specific core programs and other programs, and identify additional modes that will be used to support intervention goals;
  - Identify planned timelines (dates for commencement, referral and completion);



Revised: Jul-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.4–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

- Establish how court-ordered conditions will be addressed; and
  - Note relevant active client alerts.
3. Case management plans are modified in response to changing circumstances and/or a reassessment of risk/needs.
  4. Case management plans are set out on the *Case Management Plan* form.
  5. Case management plans for sex offenders are set out on the *Sex Offender Case Management Plan* form.
  6. When an offender has been in custody prior to release to community supervision, the case manager accesses CORNET to obtain information that might help to develop the plan.

### **2.4.3 Selecting and prioritizing modes of intervention**

1. A mode is a type of interaction with the offender or collateral that is used to support case management goals.
2. When selecting and prioritizing modes, probation officers are guided by the case management principles and approaches set out in this chapter.
3. Selection and prioritization of modes of intervention is guided by:
  - Risk/needs assessment outcomes;
  - Additional unique characteristics and circumstances of the offender;
  - Conditions of the order;
  - Case management goals; and
  - Availability of programs and resources.
4. Approved modes include:
  - Face-to-face contact with the offender in the office (for medium and high-risk offenders, at least once per month);
  - Scheduled eReporting;
  - Participation in core or maintenance programs;
  - Confirmed participation in informed individual or group therapy/counselling sessions (e.g. Forensic Services, branch contracted psychologist, sex offender treatment, relationship violence program, other therapist/counsellor) at least once a month;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-19
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.4–3

- Face-to-face contact with the offender in the home, residential treatment facility (refer to subsection 11.5.11 for sex offenders home visit policy), program location and place of employment;
  - Use of contractors to provide monitoring and program assistance;
  - Phone contact with the offender;
  - Confirmed participation in an informed program (e.g. John Howard Society, Elizabeth Fry Society);
  - Confirmed attendance at school, training or employment; and
  - Contact with informed collateral person (e.g. s.15 social worker, police, parent, employer, teacher, counsellor, caregiver, relative or friend).
5. In this section, “informed” means that the collateral person or program provider knows the relevant supervision expectations. These people provide the case manager with information required to support the goals of the case management plan or monitor compliance with conditions of supervision.

#### **2.4.4 Intervention level matrix**

1. Risk/needs assessment results in a case falling within a low, medium or high-risk/needs level of intervention category.
2. When determining the modes of intervention to use with an offender, case managers consider the goals of the case management plan, policy and their professional judgment.
3. The following table guides case managers in selecting the optimal number of modes of intervention according to the assessed risk/needs of the offender:

<b>RISK/NEEDS</b>	<b>Low Needs</b>	<b>Medium Needs</b>	<b>High Needs</b>
<b>Low Criminal History Risk</b>	Low (one mode per month)	Low (one mode per month)	Medium (two different modes per month)
<b>Medium Criminal History Risk</b>	Low (one mode per month)	Medium (two different modes per month)	High (three to four different modes per month)

Revised: Jul-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.4–4	<i>Chapter 2: Case Management—Principles and Approaches</i>

<b>RISK/NEEDS</b>	<b>Low Needs</b>	<b>Medium Needs</b>	<b>High Needs</b>
<b>High Criminal History Risk</b>	Medium (two different modes per month)	High (three to four different modes per month)	High (three to four different modes per month)

\*NOTE: If “considerable need for improvement” is identified in any needs domain in the community risk/needs assessment (CRNA), an overall needs rating of high may be appropriate.

4. A variety of modes of intervention are used to address factors in the case management plan. These factors correspond to:
  - The risk/needs rating of the offender;
  - Occurrences that have an impact on the risk to the victim or community; and
  - The offender’s progress in core programs, other programs or treatment.
5. When the risk/needs level suggests more than one mode of intervention be used to support the goals of the case management plan, it is not a substitute to employ multiple applications of a single mode. For example, contact with the offender in the office is one mode, whether the offender reports once or four times a month.
6. It might be necessary to reduce the variety of modes used as a result of:
  - Program unavailability or completion;
  - Geographic isolation;
  - Transience;
  - Mental disorder and health; or
  - Employment that requires the offender to be away from the location where programs are available.
7. When it is necessary to reduce the variety of modes, case managers consult with the local manager and document the rationale in the Client Log. Increasing the frequency of other modes during this period is also considered.

### **2.4.5 Interim level of intervention—responsibilities and modes selection**

1. During the time an offender is being assessed, the probation officer determines and applies an interim level of intervention that is adjusted when more information emerges.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-19
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.4–5

2. Offence history, current offence, previous assessment and response to previous interventions are the primary factors used in determining the initial interim level of intervention.
3. This decision is entered in the Client Log.

#### **2.4.6 High-risk/needs interventions—responsibilities and modes selection**

1. Probation officers are the primary case managers for high-risk/needs offenders.
2. Selection and prioritization of modes includes consideration of the impact on public safety.
3. There is a presumption that all high-risk/needs offenders will receive programs/interventions that address criminogenic factors.
4. When high-risk/needs offenders have a high criminal history risk, increased monitoring is applied in addition to program interventions. Increased monitoring includes more frequent direct contact with collaterals such as police, family members and program providers.
5. Supervision intensity (e.g. reporting, collaterals) and enforcement is increased for high-risk/needs offenders who have committed a personal harm offence.
6. Intensified monitoring and enforcement is applied to high-risk offenders when core program intervention and supervision has been persistently resisted by the offender or is unavailable (refer to the relevant sections of chapters 8, 9, 11 and 12 for guidance on enforcement decision-making and procedures).

#### **2.4.7 Medium-risk/needs interventions—responsibilities and modes selection**

1. Probation officers are the primary case managers for offenders who have medium-risk/needs.
2. Core programs that address identified needs are the first line of intervention for medium-risk offenders. Relevant core concepts are also incorporated into supervision sessions by probation officers.
3. Selection and prioritization of modes includes consideration of the impact on public safety.
4. Medium-risk offenders with elevated criminal history risk require additional collateral verification (e.g. informed employment, education, landlord, external program).
5. Supervision intensity (reporting, collaterals) and enforcement is increased for medium-risk/needs offenders who have committed a personal harm offence.
6. Increasing supervision intensity (e.g. reporting, collaterals), enforcement and/or adjusting the risk/needs rating of medium-risk/needs offenders to high is considered when core program intervention and supervision has been persistently resisted by the offender or programming is unavailable (refer to the relevant sections of chapters 8, 9, 11 and 12 for guidance on enforcement decision making and procedures).

Revised: Jul-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.4–6	<i>Chapter 2: Case Management—Principles and Approaches</i>

#### **2.4.8 Low-risk/needs interventions—responsibilities and modes selection**

1. A probation officer 14 is the primary case manager for offenders who have low-risk/needs and have not been convicted of spousal assault or sexual offences, or are not subject to a section 810 recognizance for such offences.
2. Cases are monitored by a probation officer 14 through one or a combination of the following three actions:
  - Monthly in-person contact;
  - Over-the-counter contact during sign-in; and/or
  - Telephone contact and collateral contacts unless problems arise and time-limited intervention is required, or the court imposes conditions that require more involved intervention.
3. Low-risk offenders are monitored for changes in circumstances or new information that might affect risk ratings or modes of supervision.
4. For low-risk/needs offenders who have committed a personal harm offence, increased supervision intensity (e.g. reporting, collaterals) is considered.
5. When a change in circumstances or new information arises that might affect the risk/needs rating, a probation officer 14 consults with the local manager and probation officer (when available) who conducted the original assessment. This is required to obtain case management guidance or determine whether the change warrants returning supervision to a probation officer.

#### **2.4.9 Early termination—responsibilities and modes selection**

1. When a review and assessment of a low-risk/needs offender determines that supervision is unnecessary to protect public safety, the case manager or offender can apply to the court for review and early termination of the order.
2. For policy and requirements related to early termination, refer to subsection 8.3.7.

#### **2.4.10 Delegation of secondary case management responsibilities**

1. Elements in the case management plan for a medium or high-risk/needs intervention offender can be delegated to a probation officer 14.
2. Management of the case is the responsibility of the probation officer.
3. The probation officer records delegated responsibilities in the Client Log.
4. The probation officer 14 records the process of delegated responsibilities.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-19
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.4–7

5. The probation officer is responsible for assessment, case management planning, reassessment and interim summaries and consults with the probation officer 14 when conducting these activities. Results of case management consultations between case managers are recorded in the Client Log.
6. A probation officer 14 informs the probation officer who conducted the original assessment of changes in circumstances that may increase risk, and seeks case management guidance as needed. If the original probation officer is unavailable, the probation officer 14 seeks guidance from the local manager.
7. Probation officers are responsible for enforcement decisions.
8. Refer to subsection 8.2.9 for additional guidance on delegation.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-06
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.5–1

## **2.5 Implementing Effective Interventions (revised: Dec-06)**

### **2.5.1 The structured intervention**

1. A purposeful, helping relationship between the case manager and the offender is integral to influencing and supporting personal change. Such a relationship is generated by consistently:
  - Clarifying the case manager’s role, learning about the offender’s circumstances, showing respect and empathy, explaining the purpose of the intervention and working to generate the offender’s co-operation in achieving that purpose;
  - Assisting offenders to recognize their criminogenic needs and understand the relationship between their criminogenic needs and thinking and their behaviour, including offending behaviour;
  - Encouraging the offender to engage in the development of the case management plan and participate in interventions that address criminogenic needs; and
  - Addressing antisocial thinking, feeling and acting throughout the intervention through pro-social modelling, reinforcing core concepts, discouraging antisocial behaviours and suggesting concrete alternatives.
2. An authority relationship is established with the offender by consistently:
  - Using language and actions that focus on the non-negotiable aspects of the offender’s responsibilities as stated in the court order;
  - Establishing expectations for compliance, and giving clear direction about the court-ordered conditions and potential consequences of non-compliance; and
  - Explaining and exercising monitoring and enforcement activities.
3. The offender’s basic needs (safety, food, clothing, shelter and medical/mental health care) are reviewed to determine whether there are needs that, if not adequately addressed, might inhibit the introduction of interventions:
  - When necessary and possible, offenders are referred and/or guided to services that stabilize them sufficiently to benefit from correctional interventions.

### **2.5.2 Reporting sessions**

1. Reporting sessions are structured with the purpose of consistently working toward achieving the goals of the intervention.
2. Reporting sessions are purposeful interactions designed to:

Revised: Dec-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.5–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

- Identify and review needs;
  - Assist the offender to develop insight;
  - Provide guidance in addressing needs;
  - Assist the offender to learn skills that can improve self-management; and
  - Provide support for ongoing maintenance.
3. Progress in the overall intervention, programs and treatment is reviewed with the offender and noted in the Client Log (progress in addressing criminogenic needs identified in the case management plan).
  4. Notes of facilitator/therapist contacts that are entered in the Client Log by the case manager or the facilitator/therapist are reviewed for issues that might affect risk and are discussed with the offender.
  5. Additional factors for review:
    - Victim access: When the offence is a personal harm offence, probation officers respond to changes in circumstances that might facilitate contact with previous or potential victim(s);
    - Agency contact: Incidents of police contact with the offender are discussed. Contacts with other agencies are discussed; and
    - Conditions: Ensure that the offender is aware of the conditions on the order at intake. These are discussed at intervals throughout the supervision and when relevant.
  6. All interactions with the offender are recorded in the Client Log.
  7. Every interaction with the offender or collateral is an assessment opportunity. Potential changes to the risk/needs rating and/or intervention are considered.

### **2.5.3 Recognizing and responding to cognitive deficits**

1. Recognizing cognitive deficits: Being aware of the following cognitive deficits common to offenders helps case managers to communicate with offenders, interpret life events and work through life event problems:
  - Problem recognition, awareness and definition: Offender does not recognize early cues that lead to interpersonal problems, is not aware of the problem, misunderstands the problem and has difficulty distinguishing facts from fiction.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Apr-07
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.5–3

- Problem solving: Offender might recognize the problem, but has difficulty solving problems of day-to-day living. The offender might have a limited repertoire of responses to problems and might repeat responses that have previously failed.
- Rigid thinking: Offender has narrow and rigid thinking, and does not think of alternative interpretations of problems.
- Goal setting: Offender has unrealistic, contradictory and transient goals, poor planning abilities, and is unable to break goals into small steps.
- Egocentricity and lack of empathy and social perspective: Offender only considers personal emotional states and point of view, has little regard for others, lacks awareness and sensitivity to the thoughts or feelings of others.
- Interpersonal hostility: Offender has poor regard for others, is socially unaware and uncaring, has difficulty resolving interpersonal problems, has a pattern of resorting to extreme levels to resolve conflict and has a history of interpersonal unpredictability. Offender might present as aggressively hostile and/or passively resistant. Offender persistently avoids meaningful communication and rejects intervention/assistance.
- Lack of critical thinking: Offender neither thinks about a situation nor analyzes it before reacting. Offender lacks perspective, justifies behaviours in terms of outcomes, is unaware of consequences, and acts on impulses.
- Lack of critical reasoning in social interactions: Offender is easily influenced and fails to question or analyze the suggestions of others. Offender is socially isolated, lacks social skills, and is dominant or submissive.
- Lack of self-control and self-management impulsivity: Offender has poor control of anger and impulses. Offender has addictions, mood swings or low motivation.

2. Responding to cognitive deficits. Case managers enhance their interventions by:

- Maintaining awareness of the cognitive deficits that underlie the offender's offending and are persistent barriers to change;
- Matching communication style and language to the offender's deficits;
- Guiding offenders to:
  - Think through situations before they act;
  - Anticipate problems and plan responses;
  - Focus on solutions; and
  - Be more rational in their approach to life events.

Revised: Dec-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.5–4	<i>Chapter 2: Case Management—Principles and Approaches</i>

- Using themes and content from core programs that guide the offender to recognize more effective ways of responding to life event problems.
3. These responses require case managers to listen and clarify offender statements. Solutions and alternate interpretations need to be provided to resolve issues and problems.

#### **2.5.4 Incorporating core concepts into supervision sessions**

1. All interventions are designed and delivered on the premise that offenders are capable of changing aspects of their thinking, skills and lifestyle that relate to their offending behaviour. Core programs are designed to initiate, develop and sustain these changes.
2. Probation officers incorporate relevant core concepts from the Violence Prevention Program, the Substance Abuse Management Program and Respectful Relationships Program into supervision sessions. The following aspects are considered:
  - Each supervision session is a situational review that covers life events, achievements, problems and conflicts since last contact. Probation officers explore these issues and respond to them by using language (specific core content) and techniques (listening, understanding, responding and modeling) that reinforce core concepts;
  - For offenders who are participating or have completed a core program, the goal is to regularly reinforce core messages and problem-solving techniques to maintain gains; and
  - Offenders who have not yet attended core programs benefit from the introduction of core concepts into supervision sessions. Case managers begin introducing offenders to these concepts prior to the commencement of the core program.
3. To learn more about applying core concepts in supervision, refer to the *core concepts index* on ICON.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Apr-15
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.6–1

## **2.6 Offender Programs (revised: Apr-15)**

### **2.6.1 Introduction to programs that address criminogenic needs**

1. These programs address criminogenic needs of offenders for the purpose of interrupting their offence cycle, increasing social stability and ultimately reducing reoffending. They also address barriers to program participation.
2. There are three types of criminogenic needs-based programs:
  - Core programs;
  - Partnership programs; and
  - External programs.

### **2.6.2 Core programs**

1. Core programs are delivered by trained staff, have a standard curriculum, and use a cognitive-behavioural and social learning approach.
2. The following are Corrections Branch approved core programs:
  - Violence Prevention (VPP);
  - Emotions Management for Women Offenders (EMWO) in custody;
  - Substance Abuse Management (SAM);
  - Substance Abuse for Women Offenders (SAPWO) in custody;
  - Respectful Relationships (RR);
  - Relationship Skills for Women Offenders (RSWO) in custody; and
  - Sex Offender Maintenance Program (SOMP).

### **2.6.3 Partnership programs**

1. Partnership programs rely on expertise from outside the Corrections Branch. Such expertise includes treatment, education, employment, housing or special needs groups. Partnerships exist between the Corrections Branch and other government ministries to deliver their mandated services and use their qualified professionals.

Revised: Apr-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.6–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

2. Contracted service providers are involved in the delivery of these programs. Examples are:

- Relationship Violence Program (RVP): Delivered by contracted service providers as a follow-up to the Respectful Relationships Program. These two programs combined are the Relationship Violence Prevention Program;
- Relationship Violence Prevention Program, Cultural Edition (RVPP-CE): Cultural/language specific program for men who are convicted of relationship violence. Encompasses both Respectful Relationships and Relationship Violence Program components, which are delivered by contracted service providers in the lower mainland;
- Sex Offender Treatment Program: Delivered by Forensic Services and precedes the Sex Offender Maintenance Program, which is facilitated by Community Corrections staff;
- Substance abuse counselling: Delivered by substance abuse counsellors who provide addiction treatment and management support to offenders in custody;
- Education upgrading: Delivered by teachers through partnerships between correctional centres and adult programs of local school districts; and
- Employment skills (under development).

#### **2.6.4 External programs**

1. External programs are independent resources that focus on criminogenic factors or other issues linked to addressing these factors.
2. The Corrections Branch does not fund these resources. Examples are:
  - Substance abuse treatment centres/services in the community;
  - Mental health services, Ministry of Health and regional health authorities; and
  - Income assistance, Ministry of Employment and Income Assistance.

#### **2.6.5 Principles of programs that address criminogenic needs**

1. Criminogenic needs-based programs are one component of offender case management. Their focus is to ensure that the risk and needs of an offender are managed according to risk/needs assessments and incorporate evidence-based practices to reduce reoffending.
2. Offenders assessed as medium or high-risk to reoffend are expected to take or be referred to criminogenic needs-based programs. Staff refer offenders to programs based on an

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Apr-15
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.6–3

assessment of their risk to reoffend and match offenders to programs that best address their criminogenic needs.

3. Core programs that focus on criminogenic needs are a strategic priority of the Corrections Branch. Community offices and correctional centres are expected to regularly deliver core programs to meet the criminogenic needs of offenders and allocate resources accordingly.
4. Core programs are only delivered by staff who successfully complete the branch-approved training required for staff program facilitators. Untrained staff may assist facilitators by organizing and supporting the delivery of programs. These staff take the required training as soon as possible before engaging in program delivery functions as facilitators or co-facilitators.
5. Core programs are delivered to sentenced offenders and individuals subject to community supervision under section 810 of the *Criminal Code*.
6. Bail clients are not eligible for core programs. Although resource priority in custody is given to sentenced offenders, remanded inmates may participate in all suitable programs on a voluntary basis.
7. Core programs are delivered in a manner and setting that is conducive to promoting learning by participating offenders.
8. Core programs are scheduled to maximize offender participation and minimize barriers to participation.
9. When an assessment requires offenders to take a core program and they refuse, staff use motivational strategies to encourage program participation. As a last resort, staff may impose the following consequences:
  - Inmates fail to earn up to five days remission for each month that they refuse to participate; and
  - Offenders in the community may be subject to breach charges.
10. Staff program facilitators are regularly provided feedback on their facilitation skills by designated supervisors.
11. Core programs and partnership programs are evaluated and improvements are based on evaluation findings.
12. Case management staff must understand the purpose and content of core programs. Core program facilitators are a resource for educating staff in their work locations about program content and purpose.
13. The learning principles in core programs are reinforced in case management practices to optimize the impact of the programs on changing offenders' behaviour.

Revised: Apr-15	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 2.6–4	<i>Chapter 2: Case Management—Principles and Approaches</i>

14. The content of each core program and revisions to program manuals are maintained centrally by the Community Corrections Division. Content is reviewed during the first year of implementation and then every three years to ensure that the material reflects current research and practice in the topic area.
15. Core program material is delivered as written and not altered by facilitators.
16. Criminogenic needs-based programs should meet the distinct needs of women. When possible, women offenders should attend programs specifically designed for them. Women and men should not attend core programs together.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-19
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.7–1

## **2.7 Additional Procedures (revised: Jul-19)**

### **2.7.1 High-Risk Offender Identification Program**

1. The High-Risk Offender Identification Program (HROIP) is operated by the B.C. Criminal Justice Branch. The program is designed to assist Crown counsel with:
  - Dangerous offender/long-term offender applications;
  - Section 810.1/810.2 recognizances; and
  - General sentencing and bail applications that apply to repeat violent offenders.
2. HROIP informs probation officers with an entry in the CORNET Client Alerts screen. Probation officers may contact the HROIP program manager to request or share information regarding an identified offender.
3. HROIP interest in an offender is not recorded in pre-sentence reports or community assessments reports.

### **2.7.2 Approved residential resources**

1. B.C. Corrections maintains two distinct inventories of approved residential resources:
  - Residential addictions treatment and detoxification centres; and
  - Supportive recovery homes.

These resources have been licensed or registered by the Ministry of Health, Regional Health Authority, Health Canada or other government entity. The inventories are maintained and updated annually by the Corrections Branch headquarters policy and program analyst.

2. Probation officers refer to the approved inventory of residential addictions treatment and detoxification centres when addiction is an identified need and conditions of community supervision permit the officer to authorize participation in a residential treatment placement.
3. When conditions require authorization of a residential addictions treatment placement, and an offender resides at, or proposes to reside at, a residential placement not included in the inventory of approved residential addictions treatment resources, the offender is advised the placement is unsuitable for the purposes of meeting the treatment requirements of the court order and is directed to seek a placement on the approved inventory list. On an interim basis, an offender may remain at the unsuitable placement until accepted at an approved placement, pending:

Revised: Jul-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.7–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

- The interim residential addictions treatment placement is assessed for suitability as a short-term residence (this may include a home visit);
  - A referral has been submitted to an approved residential addictions treatment placement; and,
  - The case manager has documented the decision in the CORNET Client Log.
4. When conditions of community supervision authorize attendance at a specific residential treatment facility or program not in the inventory, the probation officer directs the offender in compliance with direction of the court, or returns the matter to court if concerns regarding suitability are identified.
  5. When conditions of community supervision require a probation officer to approve of the residence and for the offender to attend counselling as directed, and an offender resides at, or proposes to reside at, a home included in the inventory of approved supportive recovery resources, then in all cases:
    - The supportive recovery home is assessed for suitability as a residence (this may include a home visit); and
    - The supportive recovery home is assessed for suitability to address identified client needs. If it is determined that the programming is not suitable, the client is advised that the counselling condition of the order can be satisfied through another out-patient resource available in the community.
  6. When conditions of community supervision require a probation officer to approve of the residence and for the offender to attend counselling as directed, and an offender resides at, or proposes to reside at, a home not included in the inventory of approved supportive recovery resources, the offender is encouraged to reside at a residence on the approved list. The probation officer can approve a home that is not on the list if:
    - The supportive recovery home is assessed for suitability as a residence (this may include a home visit);
    - The supportive recovery home is assessed for suitability to address identified client needs. If it is determined that the programming is not suitable, the client is advised that the counselling condition of the order can be satisfied through another out-patient resource available in the community; and
    - The case manager has documented the decision in the CORNET Client Log.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Jul-19
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.7–3

### **2.7.3 Integrated offender management (IOM) program**

1. The integrated offender management (IOM) program engages higher-risk offenders in the development of a comprehensive case plan to support their successful reintegration to the community following release from custody.
2. A team of case co-ordinators in the correctional centre (comprised of a probation officer and a correctional supervisor) work collaboratively with the offender, the receiving community probation officer and support services in the community to assess and address the criminogenic needs of the offender.
3. Criteria for including offenders in IOM are:
  - Minimum sentence of 135 days for men and 90 days for women;
  - Minimum community supervision of six months following release from custody;
  - Prior contact with corrections; and
  - High risk/needs rating.
4. When an offender is identified for inclusion in IOM, a case co-ordinator initiates contact with the local manager of the active/pending community office or office where the offender intends to reside upon release. The local manager ensures that a primary probation officer is assigned to actively engage with the case co-ordinators in the creation of a case plan.
5. Probation officers work collaboratively with the case co-ordinators to develop the case plan by:
  - Sharing relevant information from the physical file that is not available on CORNET;
  - Participating in telephone case conferences and consultations; and
  - Identifying local resources that can respond to the needs of the offender.
6. The probation officer reviews and approves the community component of the case plan prior to the release of the offender.
7. Following release of the offender, the probation officer assumes full supervisory responsibility of the offender. This responsibility includes completing a risk/needs assessment and developing a case management plan that is consistent with policy outlined in sections 2.3.8 and 2.4.2.

### **2.7.4 Courtesy supervision outside of B.C.**

1. The supervising officer ensures that available risk/needs assessments of offenders supervised outside of British Columbia are forwarded to the receiving office.

Revised: Jul-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.7–4	<i>Chapter 2: Case Management—Principles and Approaches</i>

2. The risk/needs assessment is not updated while the offender is being supervised on courtesy supervision outside of B.C. If the offender returns to B.C., the risk/needs assessment is updated within 60 calendar days.

### **2.7.5 Geographic isolation**

1. For offenders who live more than 50 kilometres from a primary probation office, satellite or itinerant office, or where access is by air or water transport, the case manager has contact as follows:
  - High-risk/needs: face-to-face contact at least once per month when feasible; if face-to-face contact is not feasible, telephone contact at least twice per month; and
  - Medium-risk/needs: face-to-face contact once every two months when feasible; if face-to-face contact is not feasible, telephone contact at least once per month.
2. Where available, the case manager arranges for a contracted case aide or justice worker to provide services;
3. If in-person, phone contact or case aide/justice worker assistance is not feasible, the case manager arranges whatever contact is reasonably possible and notes contact difficulties in the case management plan.
4. Supervision difficulties are discussed with the local manager, documented in the case management plan and initialled by the local manager.

### **2.7.6 Supported integration into First Nation community**

1. When a client self-identifies as a member of the Sts'ailes First Nation and indicates they will reside in or will return to the Sts'ailes community, the probation officer will follow procedure outlined in the *Memorandum of Understanding for Supported Reintegration into the Sts'ailes Community*. This will ensure the development of a comprehensive case plan to support their successful reintegration to or continued residence in the community while supervised on a community supervision order.
2. The probation officer will require the client sign a *Consent Form for Collection and Disclosure of Information* prior to engaging the community or sharing information.
3. The probation officer will work collaboratively with the client, the receiving community, and support services in the community to assess and address the risk and criminogenic needs of the client.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Jul-19
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.7–5

4. Probation officers work collaboratively with the Sts'ailes representatives identified in the *Memorandum of Understanding for Supported Reintegration into the Sts'ailes Community* to develop the case management plan by:
  - Sharing relevant information;
  - Participating in in-person or telephone case conferences and consultations; and
  - Identifying local resources that can respond to and support the needs of the offender.

### **2.7.7 High alert client CORNET alert**

1. The high alert client CORNET alert is a case management tool used to identify clients who require secure interview spaces (i.e. reception or secure interview room). The alert is designed to assist primary case managers, duty officers, and administrative support staff in managing:
  - Clients with a history of violence, including violence towards staff; or
  - Clients who have displayed unpredictable violent behaviour.
2. Clients who have an active high alert client CORNET alert are reviewed regularly at staff meetings to ensure staff are familiar with those high alert clients.
3. A copy of the high alert client CORNET alert report is accessible at reception and referenced when necessary by primary case managers, duty officers, and administrative support.
4. The primary case manager, in consultation with the local manager, adds or removes the alert in CORNET and re-assesses as necessary, at minimum every six months.
5. For more information related to the high alert client CORNET alert, refer to the *Occupational Health and Safety Program and Procedures*.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.8–1

## **2.8 Downtown Community Court (revised: Oct-12)**

### **2.8.1 Introduction**

1. The Downtown Community Court (DCC) intervention model is specific to the DCC court process and not available in any other court.
2. Community Corrections is a partner in the DCC. Probation officers work as members of integrated teams providing services that are described in detail in this section of policy.
3. Community Corrections policy applies to enable DCC case management requirements, except when varied as noted in this section, or when the DCC is exempted, as noted in this section.

### **2.8.2 Charge assessment and triage initial screening**

1. DCC cases are referred to Crown counsel by Vancouver police.
2. Crown counsel initiates all DCC cases through the charge assessment process.
3. When Crown counsel requires additional information about an accused, the triage probation officer co-ordinates the initial gathering of information about the accused from the triage team, which includes the probation officer, forensic liaison, Vancouver Coastal Health (VCH) nurse, Vancouver police officer, Native case worker, and employment assistance worker.
4. Triage team members enter information that is known about the accused in their respective section of the collateral information screen (CIS) on the shared case management database.
5. Members of the triage team meet with Crown and defence counsel to share the CIS and determine if additional information about the accused is required.
6. In cases involving violence, sexual offences or spousal assault (K files), a victim support worker provides Crown counsel with information regarding victim safety and other related issues for consideration.
7. If Crown or defence counsel determine that additional information is required, the accused is interviewed—with the consent of defence counsel—by one of the following:
  - Forensic liaison nurse who conducts a mental health brief intake assessment and provides recommendations;
  - DCC probation officer (referred by Crown counsel) who assesses for suitability of alternative measures; or

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.8–2	<i>Chapter 2: Case Management—Principles and Approaches</i>

- VCH nurse who completes a needs status report and provides a program suitability assessment; or
- Native court worker (referred by Crown counsel when the accused is identified as an Aboriginal person) who determines suitability of alternative measures.

### **2.8.3 Options for proceeding**

1. Upon charge assessment and triage initial screening, Crown counsel elects to proceed with the case by using one of the following options:
  - Thirty-day adjournment for additional mental health assessment and stabilization:
    - Initial determination by medical staff of mental health concerns that impair the offender's ability to respond to the matter at first appearance (bail supervision).
  - Adjournment for alternative measures:
    - Alternative measures plans may include attending information sessions, programming, and/or community service (no bail supervision).
  - Proceeding to a guilty plea and sentence in court.
2. If the client opts to enter a not-guilty plea, the matter is transferred to provincial court for trial.

### **2.8.4 Thirty-day adjournment for mental health assessment, stabilization**

1. Crown may adjourn a DCC hearing for a 30-day stabilization and mental health assessment by the DCC mental health program and release the accused on bail with a reporting condition when the accused:
  - Presents as mentally ill;
  - Appears unfit to participate in legal proceedings; and/or
  - Is not criminally responsible for the offence because of a mental disorder and/or diminished responsibility.
2. The DCC mental health program provides integrated assessments, case plans and support to the accused. The DCC mental health program includes a:
  - Probation officer who provides the forensic liaison nurse with additional background information to help complete a mental health assessment;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.8–3

- Forensic liaison nurse who gathers collateral information about the mental health history of the accused, refers to mental health services in the community, liaises with the hospital where the accused is hospitalized, and completes a written assessment for the next court appearance after 30 days; and
  - System negotiator (non-profit society) who assists the accused with making agency connections identified in the DCC mental health program case plan.
3. The probation officer associated with the DCC mental health program may:
- Accompany or transport the accused to a community resource or program (e.g. forensic outpatient mental health service for more in-depth mental health assessment);
  - Accompany the accused—released on a supervised bail order—to the DCC mental health program for intake;
  - Provide support and supervision of the accused along with other DCC mental health program team members; and
  - Enforce the conditions of the bail order when necessary.
4. Bail supervision while on the mental health program applies as follows:
- No accused is directed to participate in Corrections Branch offender programs, perform community work service, or attend information sessions as a term of judicial interim release.
  - Section 6.1.5, Presumed innocence and minimal supervision, applies with the following variations and exemptions:
    - DCC employs bail to support mental health assessment and stabilization. Although accused persons are presumed innocent, a DCC probation officer associated with the DCC mental health program is exempt from the principle supporting minimum intervention to provide necessary support to the services provided by VCH and/ FPSC; and
    - DCC is exempt from the prohibition of discussing the offence with the accused in cases adjourned for mental health assessment and stabilization.

### **2.8.5 Adjournment for alternative measures**

1. The discretion to resolve a matter by alternative measures rests with Crown counsel having regard for the public interest, needs and circumstances of the accused, and nature of the offence.

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.8–4	<i>Chapter 2: Case Management—Principles and Approaches</i>

2. Based on the proposed interventions contained in the alternative measures report, Crown counsel may determine that the accused can be managed by alternative measures.
3. DCC alternative measures screening includes examination and reporting of the current needs of the offender. The following social, personal and mental health status factors are considered:
  - Family relationships, living arrangements, and associates;
  - Education, employment, and finances;
  - Mental health status as assessed by mental health professionals;
  - Substance misuse;
  - Court history and court history assessment; and
  - Attitude and receptiveness to previous and proposed interventions.
4. Alternative measures screening and intervention policy applies to DCC with the following variations and exemptions:
  - Section 5.1.3, Referral and case management process overview: The DCC alternative measures report identifies needs and proposes interventions to address these needs. The report does not provide Crown counsel with a recommendation for or against the use of alternative measures as required in non-DCC cases.
  - Section 5.1.4 Responsibility: When a DCC defence lawyer confirms that the client does not deny participation or involvement in the commission of the offence, probation officers are exempt from the requirement to obtain an acknowledgement from the accused accepting responsibility for the act or omission that forms the basis of the offence.
  - Section 5.1.6, Eligibility limitations for alternative measures: DCC is exempt from the eligibility limitations for alternative measures. Crown counsel has sole authority to determine whether the public interest is best served by proceeding with a prosecution, employing formal alternative measures, or adjourning the case so that the accused client can be assessed, stabilized and managed by the case management team.
  - Section 5.2.2, Procedures: When the accused has met with DCC defence counsel, the DCC probation officer is exempt from the requirement to advise the accused of the: Right to be represented by counsel prior to consenting to participate in recommended alternative measures; or right to refuse alternative measures and have charges dealt with by the court. It is the responsibility of the DCC defence lawyer to provide this information.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.8–5

- Section 5.2, Intake/Assessment/Case Planning applies to DCC with the following variations and exemptions:
  - Section 5.2.6, Alternative measures plan: Although DCC alternative measures plans support brief interventions, DCC is exempt from the two-month maximum set out in this section.
  - Section 5.2.6, Alternative measures plan: DCC is exempt from the prohibition on programming or treatment conditions in alternative measures plans.
  - Section 5.2.7, Federal drug prosecutions policy: DCC is exempt from drug prosecution alternative measures policy.
- 5. Alternative measures may be imposed without charge. When an individual is charged, a proceeding continues. The offender remains under the jurisdiction of the court until there is compliance with the alternative measures plan.
- 6. Alternative measures plans may include:
  - A specific service or attending a specific agency;
  - Community service hours;
  - Health and employment information sessions, other educational sessions, and pre-employment sessions; and/or
  - Restorative justice programs.
- 7. For offenders directed to attend information sessions and/or complete community service, the DCC probation officer 14:
  - Arranges the information session placement;
  - Arranges the community service placement;
  - Tracks attendance and compliance; and
  - Provides compliance updates to Crown counsel.
- 8. When the offender is supervised by another community corrections office, the DCC probation officer 14 ensures that the order is referred and entered by that office. The existing Client Log in CORNET is updated for compliance and participation in the Alternative Measures program by the DCC probation officer 14.
- 9. A proceeding ends when an offender fulfills the obligations set out in an alternative measures plan and is discontinued at a scheduled appearance in DCC. Failure to comply with the terms of an alternative measures plan may result in the continuation of a proceeding.



Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.8–6	<i>Chapter 2: Case Management—Principles and Approaches</i>

### **2.8.6 Proceeding to guilty plea and sentencing in court**

1. Crown may request specific information regarding the offender's presenting needs and program suitability. DCC staff provide this information using the needs status report and program suitability assessment.
2. The court may order a pre-sentence report. Probation officers complete pre-sentence reports, in accordance with chapter 7, Pre-Sentence Reports.
3. A disposition in the DCC results in one of the following:
  - Community supervision; or
  - Incarceration with community supervision to follow; or
  - Incarceration.
4. When appropriate, community supervision may be assigned to the DCC case management team.

### **2.8.7 DCC case management team**

1. Case management at DCC may be appropriate if the offender resides in the DCC catchment area and:
  - Is not connected or engaged with available community services;
  - Demonstrates multiple needs related to mental health, addictions, housing and/or income assistance; and
  - Consents to disclosure of personal information to the case management team for the purpose of participating in DCC.
2. DCC case management is an intensive hands-on intervention with clients to assist them in navigating and engaging with resources such as housing, treatment, psycho-educational and financial services. It employs a team approach. Clients are given assistance in managing daily responsibilities, including expectations for compliance with court-ordered conditions.
3. DCC case management teams supervise and monitor compliance with the terms of the order, including program attendance and community service.
4. Intervention goals include:
  - Addressing needs factors associated with the increased risk of reoffending;
  - Promoting individual accountability;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.8–7

- Contacting the victims and monitoring for community safety;
  - Providing interventions appropriate to the individual’s current situation; and
  - Providing needed health and social intervention and support services.
5. Within five working days, DCC case management teams admit the client into the shared information system and assign the client to a DCC case management team.
  6. The progress of the offender is monitored by the DCC case management team. The DCC case manager identified by the DCC case management team is responsible for reviewing and updating the DCC case plan for offenders managed by the team.
  7. The DCC probation officer on the case management team reports overall outcomes to the court. Under certain circumstances, court orders may include a requirement that the offender make appearances before the court to provide progress updates, or to apply for a change in the terms of a court order.
  8. DCC case management teams maintain supervision until the offender stabilizes in the community at which time supervision of the offender is transferred in CORNET to the community corrections office where supervision is to follow.
  9. When an offender is subject to court-ordered conditions following release and is being managed by the case management team, the team undertakes community re-entry planning for housing treatment and financial resources. Upon return to the community, the DCC case management team continues to provide stabilization support to increase successful community reintegration.

### **2.8.8 DCC community supervision**

1. Supervision processes outlined in chapter 2, Case Management—Principles and Approaches, are used by probation officers when providing case management interventions as part of the case management team.
2. Case management plans are developed according to section 2.4, Case Management Planning.
3. DCC probation officers have primary Corrections Branch responsibility for sentenced offenders who are directly supervised by the case management team. This responsibility includes:
  - Recording entries in CORNET according to chapter 18, CORNET Policy;
  - Ensuring offender contacts are monitored according to section 2.4.3, Modes of intervention;
  - Providing support, interventions or referrals that target criminogenic needs; and

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 2.8–8	<i>Chapter 2: Case Management—Principles and Approaches</i>

- Taking responsibility for enforcement of court-mandated conditions.
4. Case management plans are reviewed regularly at team meetings and revised when the client's needs change.
  5. Regular reviews of case management plans are done to measure the interventions against the outcomes and identify necessary modifications. The primary objectives are to:
    - Report on the progress of the offender;
    - Assess the level of services provided and the offender's response to these services;
    - Identify modifications that are appropriate to changing circumstances;
    - Identify destabilization and breakdown in the intervention and respond when necessary; and
    - Provide information to the court, as required, on progress and compliance.

### **2.8.9 Accompaniment and transportation of DCC clients**

1. Accused and sentenced individuals undergoing DCC process may require accompaniment and/or transportation to services and appointments.
2. DCC probation officers are guided by the following principles:
  - Ensuring safety of Community Corrections staff, case management team members, the offender and the public is the paramount consideration when transporting or accompanying a DCC client; and
  - Exercising vigilance regarding the potential risks, including the risk of physical harm or risk of allegations of misconduct associated with transporting or accompanying a DCC client.

### **2.8.10 Shared case management database**

1. The shared case management database is used to enter information about a DCC client. This information is accessed by DCC staff, including the triage and case management teams.
2. DCC probation officers enter information into the shared case management database according to sections 26, 32 and 33.2(a) of the *Freedom of Information and Protection of Privacy Act*. These sections relate to collection use and disclosure of personal information.
3. DCC probation officers enter the following information into the shared case management database:

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 2: Case Management—Principles and Approaches</i>	Page 2.8–9

- DCC case plan;
- Documentation of case management team actions, progress, and referrals; and
- Community contacts.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 3: Communications</i>	Page 3.1–1

### 3. **Communications**

#### **3.1 *Contact with the Media***

##### **3.1.1 Corrections Branch media policy**

1. The Corrections Branch has adopted a media policy that describes the legal authority to disclose information to the media. It ensures an offender's right to privacy, and provides guidelines for contact with the media.

s.13

##### **3.1.2 Responding to the media**

In addition to adhering to the media policy referred to above, staff ask themselves the following questions before talking to the media:

- Are you the most knowledgeable spokesperson on this subject? If not, assist the media to contact a more suitable person.
- Are you prepared to respond? It is usually best to ask the media what they want to know, and respond within a specific time. This allows you to think about what you want to say and make a few notes.
- Are you dealing with the local or provincial media? If yes, advise your supervisor and the director, Programs and Strategic Services at Corrections Branch headquarters. An appropriate spokesperson can be selected and a response agreed upon.
- How big is the issue? If you are asked to respond to an issue or incident that is likely to attract provincial attention, advise your supervisor and the director, Programs and Strategic Services. The telephone number for the director, Programs and Strategic Services is 250-387-1562.

##### **3.1.3 Developing a good relationship with the media**

s.13

Issued: Apr-04	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 3.1–2	<i>Chapter 3: Communications</i>

s.13

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Jan-08
<i>Chapter 3: Communications</i>	Page 3.2–1

## **3.2 Managing Incidents (issued: Jan-08)**

### **3.2.1 Overview**

1. This section guides staff in managing incidents. All incidents are reported using the electronic incident eForm as outlined in section 3.3.
2. Incidents are events defined as violence, significant events, and injury/illness in subsections 3.3.2, 3.3.3 and 3.3.4.
3. Critical incidents are a subset of these events, and are managed as outlined in section 3.2.2 to 3.2.7.

### **3.2.2 Definition of a critical incident**

1. Critical incidents are classified as:
  - Violence;
  - Sensational incident;
  - Public notification; or
  - Injury/illness.
2. These classifications are defined in subsections 3.3.2, 3.3.3 and 3.3.4, and require staff involvement as outlined in subsection 3.3.5.

### **3.2.3 Initial reporting of critical incidents**

1. Critical incidents are communicated as soon as possible, within two hours, to the local manager and regional director.
2. The regional director is responsible for advising the deputy provincial director, Community Corrections Division and the director, Programs and Strategic Services.
3. An incident eForm is completed.

Issued: Jan-08	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 3.2–2	<i>Chapter 3: Communications</i>

### **3.2.4 Establish an action plan**

1. When an event is determined to be a critical incident, an action plan is established.
2. The action plan includes:
  - Discussion among the local manager, regional director, and staff involved in the incident;
  - A course of action, contingency plans, and more required information; and
  - Identification of impacted parties and their roles, including:
    - Individual staff;
    - Victim and victim's family;
    - Victim services offices;
    - Police;
    - Crown counsel;
    - Local offices;
    - Regional offices;
    - Branch headquarters;
    - Deputy minister's office;
    - Minister's office;
    - Ministry communications office;
    - Ministry issues management team; and
    - Government communications office.

### **3.2.5 Support for victims and involved staff**

1. Victims, or families of victims, are provided with information and encouraged to seek the services of victim services agencies.
2. Employee and Family Assistance Program information is provided to involved staff by the supervisor.



<b>B.C. Corrections Branch Community Corrections Policy Manual</b>	Issued: Jan-08
<i>Chapter 3: Communications</i>	Page 3.2–3

### **3.2.6 Media inquiries**

Media inquiries regarding incidents are directed to the director, Programs and Strategic Services.

### **3.2.7 Critical incident review**

If a critical incident review is initiated by the regional director, the Critical Incidents—Investigation and Reporting policy is followed. Refer to *Management Services Policy Manual*, section 2.3 and the *Critical Incident Review* form.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 3: Communications</i>	Page 3.3–1

### **3.3 Reporting Incidents with the Incident eForm (revised: Oct-12)**

#### **3.3.1 Overview**

1. This section guides staff in using the electronic incident eForm to report and follow up on incidents involving Community Corrections staff or clients.
2. The eForm process provides for consistency in incident reporting and ensures information is centrally collected.
3. In addition to documenting details associated with an incident, staff continue to manage and communicate incident details via normal channels.

#### **3.3.2 Definition of violence as an incident**

Violence is defined as follows when experienced or witnessed by Corrections Branch staff:

- Assault—application of direct or indirect force, which is intended to cause harm;
- Attempted assault—any act, gesture or attempt to cause harm by the application of force when the intended victim holds the belief that the perpetrator has the ability to commit the assault; and
- Threat—conduct or statement that implies or threatens harm to an individual, category of individuals, or group.

#### **3.3.3 Definition of significant event as an incident**

1. Sensational incident—an occurrence or offence that has or may reach a level when any minister or deputy minister, other agencies, other levels of government, the public, or the media have an interest. Sensational incidents require the involvement of managers at the local, regional, and Corrections Branch Headquarters levels.
2. Sentence calculation error:
  - When the community administration of a sentence or calculation of a conditional sentence order results in the offender being held in custody or supervised in the community beyond the expiry of the warrant or order; or
  - When the community administration of a sentence or calculation of a conditional sentence order results in the offender being released from custody or supervision prior to the expiry of the warrant or order.

Revised: Oct-12	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 3.3–2	<i>Chapter 3: Communications</i>

3. Public notification—release of information about a client to the public by the Corrections Branch, or other agency or ministry. This includes notifications conducted by branch headquarters and local staff. Note that:
  - The primary case manager is responsible for initiating and creating the incident form; and
  - Compelling circumstance and public notifications are reported using the incident eForm.
4. Offence by staff/contractor—allegation or conviction of a criminal offence committed by staff or contractors. The supervisor is responsible for initiating and creating the incident form.
5. Damage to property—significant damage to government or staff property in the course of Corrections Branch operations. Such damage is reported using the incident eForm.
6. Disruption to service—unforeseen event resulting in office closure.

#### **3.3.4 Definition of injury/ illness as an incident**

1. Death of a staff member, contractor or client due to natural causes, suicide, overdose, accident, or violence.
2. Accident in the course of operations that results in significant injury of a client, contractor, or staff member.

#### **3.3.5 Use of the incident eForm**

1. The incident eForm is used to report incidents defined in subsections 3.3.2, 3.3.3 and 3.3.4.
2. Staff complete required training prior to using the eForm.
3. Local managers assign trained staff to complete incident forms related to incidents involving untrained staff.
4. Processes related to the incident eForm are tracked with the electronic worklist application, which is reviewed by staff on a daily basis.
5. There are four roles in the eForm incident process:
  - Initiator:
    - Assigns Primary and Supplementary Incident forms when required;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 3: Communications</i>	Page 3.3–3

- Primary and Supplementary Incident eForms are initiated by a probation officer, local manager, regional director, or other manager; and
  - Supplementary Incident eForms are initiated by an administrative support or office manager when directed by the local manager.
  - Creator:
    - Completes Primary or Supplementary Incident eForms;
    - Supplementary forms are created by an administrative support, office manager, probation officer, local manager, regional director, or other manager;
    - Primary forms are created by a probation officer, local manager, or regional director;
    - Summarizes the incident in the client log text box on the Primary Incident eForm when a client is involved; and
    - Submits the eForms to the reviewer.
  - Reviewer:
    - Performs initial reviews of incident eForms and classifies the eForm as an incident of violence, significant event, or injury/illness;
    - The reviewer role is performed by a local manager or acting local manager; and
    - If the local manager is the creator, he or she may also act as the reviewer for the eForm.
  - Approver:
    - Completes the incident eForm process by performing a final review of the incident;
    - Regional directors and other managers are approvers;
    - The reviewer and approver roles are not performed by the same person; and
    - Designates the report as confidential if the incident eForm involves alleged staff misconduct or contains sensitive information.
6. Probation officers approved to act as local managers may receive reviewer-level access on a permanent basis. Probation officers may only be reviewers when formally acting as a local manager.

Revised: Oct-12	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 3.3–4	<i>Chapter 3: Communications</i>

7. The incident eForm process is to be completed within one business day except when approved by the regional director.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 3: Communications</i>	Page 3.4–1

### **3.4 Community Liaison (revised: Sep-06)**

#### **3.4.1 Ministry's vision for community involvement and participation**

1. The Ministry of Justice uses strategies for criminal justice reform that are intended to promote a restorative justice system. Communities have a primary role in developing policies and programs.
2. Current initiatives include partnering with communities to develop programs that address the interests of the victim, community and offender. Examples are community accountability programs, victim/offender reconciliation programs and sentencing circles.

#### **3.4.2 Community Corrections goal for communities**

1. One of the goals of the Community Corrections Division's strategic plan is to achieve a relationship of mutual understanding, participation and support with communities.
2. Strategies for achieving this goal include:
  - Collaboration with justice system partners to work efficiently with local, regional and provincial communities;
  - Support for community participation and education among staff, local citizenry and inter-agency community committees;
  - Communication with courts to promote focused assessment and sentencing recommendations and to familiarize courts with the new role of the probation officer;
  - Development and implementation with Crown counsel, victim service organizations and victim advocacy groups of a Community Corrections mandate on victim contact and information sharing;
  - Participation in ministry planning committees and projects that advocate for community programs and resources; and
  - Support for cultural diversity through recruitment, training, core programs and creation of a branch directory of specific cultural groups.

#### **3.4.3 Local manager responsibility**

The local manager of every primary probation office ensures that a program of community involvement and public awareness that meets the branch's goals and strategies, is developed and maintained at the local level.

Revised: Sep-06	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 3.4–2	<i>Chapter 3: Communications</i>

### **3.4.4 Examples of activities and programs**

A program of community involvement, public awareness and mutual support can be promoted by engaging in the following activities:

- Participation in ministry/branch public consultation initiative;
- Meeting regional and local justice partners to explain new structure and focus of Community Corrections;
- Convening justice partners for regular information sharing or determining and executing specific tasks;
- Public speaking to local groups, programs, schools and organizations about Community Corrections. An information education kit is available;
- Participation on citizen and inter-agency committees and meetings;
- Communication with local courts to facilitate exchange of information and development of focused court reports;
- Co-operation with groups responsible for victims, such as victim services organizations and victim advocacy groups; and
- Liaison with service providers specializing in cultural groups and ethnic communities to develop programming and services.

### **3.4.5 Service clubs and professional associations**

1. Staff only become members of service clubs and professional associations as private citizens.
2. For additional guidance regarding outside activities, refer to the *Standards of Conduct for Corrections Branch Employees*.

### **3.4.6 Conflict of interest**

1. No local manager, regional director or other person who has direct responsibility for the administration of branch funds, may sit on the board of an agency funded by the Ministry of Justice.
2. This does not preclude sitting on boards in an advisory, non-voting capacity.

<b>B.C. Corrections Branch Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 3: Communications</i>	Page 3.4–3

### **3.4.7 Political involvement**

1. The guidelines that apply to municipal, provincial and federal political activity by branch personnel are set out in the union-employer Master Agreement.
2. For additional direction on political involvement, refer to the *Standards of Conduct for Corrections Branch Employees*.

### **3.4.8 Honorarium**

Probation officers must not accept an honorarium for making presentations to community organizations. They engage in such activities as part of their normal duties.

### **3.4.9 Volunteers in corrections**

1. Voluntary participation in Community Corrections offices by citizens, individually or in organized groups, is encouraged. Opportunities for voluntary participation are provided.
2. Volunteer programs are developed regionally or locally according to their needs and resources, and under the direction of the local manager.
3. Local managers ensure that a method exists for providing identification cards, tags or other identifying measures for volunteers who provide services within a community office or program.
4. Local managers and probation officers ensure that volunteers engaged in an advisory capacity or direct service to the branch are familiar with branch programs and the responsibilities and functions of their assigned roles.
5. With the exception of screening pursuant to the *Criminal Records Review Act*, local managers ensure that volunteers meet the security clearance requirements that apply to regular staff, set out in chapter 3 of the *Management Services Policy Manual*.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.1–1

## 4. Notifications

### 4.1 *Introduction (revised: May-13)*

#### 4.1.1 Overview

1. The purpose of this policy is to guide the disclosure of information related to offenders. This enhances protection of the community, and children in particular.
2. The Corrections Branch may conduct three types of notifications about offenders to members of the public during a term of community supervision. These include:
  - Consistent purpose;
  - Compelling circumstance; and
  - Public.
3. Reviewing a case for a potential notification is done in consultation with the local manager throughout supervision, especially when an offender's circumstances change.
4. Notifications occur in consultation with the privacy and high-risk offender notification analyst as required.
5. Notification considerations and decisions are documented in the electronic client file, and/or incorporated in case management plans.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.2–1

## **4.2 Consistent Purpose Notification (revised: May-13)**

### **4.2.1 Legal authority**

1. A consistent purpose notification is made under the authority of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) in accordance with section 33.2(a) which permits disclosure of personal information inside Canada for the purpose for which it was obtained or compiled or for a use consistent with that purpose.
2. The authority to conduct a consistent purpose notification stems solely from the presence of protective and/or restrictive conditions of the order.
3. Following a review of relevant file materials and records, the probation officer and local manager may consult with the privacy and high-risk offender notification analyst to determine if notification may be made under this section of FOIPPA.

### **4.2.2 Definition**

1. Consistent purpose notification refers to disclosure of an offender's personal information to a specific individual or group for the purpose of enhancing public safety.
2. A consistent purpose notification may be conducted about individuals on bail or sentenced community supervision.
3. A consistent purpose notification is the disclosure of court-ordered protective and/or restrictive conditions to specific individuals when a need for notification has been determined.

### **4.2.3 Guidelines to determine the need for a consistent purpose notification**

1. The probation officer follows the guidelines outlined in this section when determining the need for a consistent purpose notification.
2. A consistent purpose notification is conducted in circumstances when:
  - A protective and/or restrictive condition of the order exists; and
  - Protected person(s) who fit the profile of current or previous victims are deemed to be at risk.
3. When determining the need for a consistent purpose notification, the probation officer reviews the protective and/or restrictive conditions of the court order and considers whether specific person(s) need to be informed that a condition exists to enhance safety, or facilitate or confirm offender compliance.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 4.2–2	<i>Chapter 4: Notifications</i>

4. For sex offenders, the probation officer refers to approving residence for sex offenders in subsection 11.5.5, and the *Sex Offender Residence Approval and Notification Guidelines* for additional information.
5. When determining the need for a consistent purpose notification, the probation officer checks with the court registry to determine if a ban on publication exists and, if so, the details of the ban.
6. The probation officer consults with their local manager when determining the need for a consistent purpose notification and to ensure that all strategies to mitigate risk have been considered.
7. Refer to section 4.6 for guidance on effecting a consistent purpose notification.

#### **4.2.4 Consultation with the privacy and high-risk offender notification analyst**

1. The probation officer and local manager may consult with the privacy and high-risk offender notification analyst when determining if a consistent purpose notification is required.
2. In all cases, when consistent purpose notification to a group of individuals is being considered, the privacy and high-risk offender notification analyst must be involved, as group notification may attract media attention.

#### **4.2.5 Case management and consistent purpose notification**

1. Consistent purpose notification considerations and decisions are documented in the electronic client file, and/or incorporated in case management plans by the primary case manager in all cases when notification has been considered.
2. Documentation of notification includes:
  - The decision to conduct, or not conduct the notification;
  - The rationale for the decision, as determined from subsection 4.2.3; and
  - Record of consultation with the local manager, or privacy and high-risk offender notification analyst, in determining if notification was required.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.2–1

### **4.3 Compelling Circumstance Notification (revised: May-13)**

#### **4.3.1 Legal Authority**

1. A compelling circumstance notification is made under the authority of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) in accordance with section 33.1(1)(m) which permits disclosure of personal information if, in consultation with the privacy and high-risk offender notification analyst, it is determined that compelling circumstances exist that affect anyone's health or safety.
2. Following a review of relevant file materials and records, the probation officer and local manager may consult with the privacy and high-risk offender notification analyst to determine if notification may be made under this section of FOIPPA.

#### **4.3.2 Definition**

1. Compelling circumstance notification refers to disclosure of an offender's personal information to an individual or group for the purpose of enhancing public safety.
2. Compelling circumstance notifications may be conducted for individuals on bail or sentenced to community supervision; however, they are generally conducted on sentenced offenders only.
3. A compelling circumstance notification is the disclosure of limited personal information regarding an offender to a specific person or group of persons when compelling circumstances exist that could affect their health or safety.

#### **4.3.3 Guidelines to determine the need for a compelling circumstance notification**

1. The probation officer follows the guidelines outlined in this section when determining the need for a compelling circumstance notification.
2. A compelling circumstance notification is conducted in circumstances when:
  - Person(s) who fit the profile of current or previous victims are deemed to be at risk;
  - A consistent purpose notification has been considered, but the legal authority to conduct the notification does not exist, and/or is deemed insufficient to mitigate risk; and
  - It is determined that compelling circumstances exist that without notification would affect the health or safety of specific persons.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 4.2–2	<i>Chapter 4: Notifications</i>

3. When determining the need for a compelling circumstance notification, the probation officer considers the criteria and other case management options in section 4.5, in consultation with the local manager. These factors are intended to support decisions regarding the need to conduct a notification.
4. For sex offenders, the probation officer refers to approving residence for sex offenders in subsection 11.5.5, and the *Sex Offender Residence Approval and Notification Guidelines* for additional information.
5. When determining the need for a compelling circumstance notification, the probation officer checks with the court registry to determine if a ban on publication exists, and if so, the details of the ban.
6. The probation officer consults with the local manager when determining the need for a compelling circumstance notification and to ensure that all strategies to mitigate risk have been considered.
7. Refer to section 4.6 for guidance on effecting a compelling circumstance notification.

#### **4.3.4 Consultation with privacy and high-risk offender notification analyst**

In all cases, when considering a compelling circumstance notification, the probation officer and local manager must consult with the privacy and high-risk offender notification analyst to determine or confirm whether:

- Risk assessment tools indicate a high-risk/needs level of supervision and/or affirmative responses apply to factors outlined in this section;
- Case management controls and interventions are satisfactory to mitigate the risk to the community;
- A change in the offender's circumstance would mitigate risk, even if the offender does not comply with court-ordered conditions. Refer to other case management options in subsection 4.5.2; or
- An application for a Criminal Code, section 810.1 or 810.2 recognizance is appropriate. If one already exists, a variation or addition to the conditions mitigates risk and notification is not required.

#### **4.3.5 Case management and compelling circumstance notification**

1. Compelling circumstance notification considerations and decisions are documented in the electronic client file, and/or incorporated in case management plans by the primary case manager in all cases when notification has been considered.

<b>B.C. Corrections Branch Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.2–3

2. Documentation of notification includes:

- The decision to conduct, or not conduct the notification;
- Rationale for the decision, including other case management options considered in section 4.5; and
- Record of consultation with the local manager, or privacy and high-risk offender notification analyst, in determining if notification was required.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.2–1

## **4.4 Public Notification (revised: May-13)**

### **4.4.1 Legal Authority**

3. A public notification is made under the authority of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) in accordance with section 25 if, in consultation with the privacy and high-risk offender notification analyst, it is determined that a risk of significant harm to the health or safety of the public or a group of people exists.
4. Following a review of relevant file materials and records, the probation officer and local manager may consult with the privacy and high-risk offender notification analyst to determine if notification may be made under this section of the FOIPPA.

### **4.4.2 Definition**

1. Public notification refers to disclosure of an offender's personal information to a group or the general public for the purpose of enhancing public safety.
2. A public notification may be conducted about individuals on bail or sentenced to community supervision; however, they are generally conducted on sentenced offenders only.
3. A public notification is the disclosure of an offender's personal information to the general public when risk to reoffend cannot be otherwise mitigated through other case management options (refer to subsection 4.5.2). This notification is the most formal one and must be considered in accordance with section 25 of the *Freedom of Information and Protection of Privacy Act* when there is a risk of significant harm to the health or safety of the public or a group of people.

### **4.4.3 Guidelines to determine the need for a public notification**

1. The probation officer follows the guidelines outlined in this section when determining the need for a public notification.
2. A public notification is conducted in circumstances when:
  - Person(s) who fit the profile of current or previous victims are deemed to be at risk;
  - Consistent purpose and compelling circumstance notifications have been considered, but have been deemed insufficient to mitigate risk; and
  - It is determined that without public notification, a risk of significant harm to the health or safety of the public or a group of people exists.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 4.2–2	<i>Chapter 4: Notifications</i>

3. When determining the need for public notification, the probation officer considers the criteria and other case management options in section 4.5 in consultation with the local manager. These factors are intended to support decisions regarding the need to conduct a notification.
4. For sex offenders, the probation officer refers to subsection 11.5.5, and the *Sex Offender Residence Approval and Notification Guidelines* for additional information.
5. When determining the need for a public notification, the probation officer checks with the court registry to determine if a ban on publication exists, and if so, the details of the ban.
6. The probation officer consults with their local manager when determining the need for a public notification and to ensure that all strategies to mitigate risk have been considered.
7. Refer to section 4.6 for guidance on effecting a public notification.

#### **4.4.4 Consultation with privacy and high-risk offender notification analyst**

1. In all cases, when considering a public notification, the probation officer and local manager must consult with the privacy and high-risk offender notification analyst to determine or confirm whether:
  - Risk assessment tools indicate a high-risk/needs level of supervision and/or affirmative responses apply to factors outlined in this section;
  - Case management controls and interventions are satisfactory to mitigate the risk to the community;
  - A change in the offender's circumstance would mitigate risk, even if the offender does not comply with court-ordered conditions. Refer to other case management options in subsection 4.5.2; or
  - An application for a *Criminal Code*, section 810.1 or 810.2 recognizance is appropriate. If one already exists, a variation or addition to the conditions mitigates risk and notification is not required.

#### **4.4.5 Case management and public notification**

1. Public notification considerations and decisions are documented in the electronic client file, and/or incorporated in case management plans by the primary case manager in all cases when notification has been considered.
2. Documentation of notification includes:
  - The decision to conduct, or not conduct the notification;



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.2–3

- Rationale for the decision, including other case management options considered in section 4.5; and
- Record of consultation with the local manager, or privacy and high-risk offender notification analyst, in determining if notification was required.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 4.5–4	<i>Chapter 4: Notifications</i>

## **4.5 Notification Review (revised May-13)**

### **4.5.1 Notification review criteria**

When considering the need for a public or compelling circumstance notification, the probation officer examine all information relevant to risk, including risk indicators outlined in this section.

1. Indicators of access to potential victims include:

- Current circumstances are similar to past circumstances that contributed to sex or violent offending;
- Methods of operating involved prowling in areas where potential victims are likely to be present;
- Residency near an area where potential victims are likely to be present (e.g. elementary schools, daycare centres, women’s centres, recreational areas such as parks or other locations frequented by children and other potential victims); and
- Employment involves unsupervised access to children or other vulnerable persons or potential victims.

2. Indicators of a high-risk/high-needs level include:

- Ratings on the CRNA, SARA, and other available risk assessment instruments;
- Psychological assessments and reports pertaining to the offender’s risk to reoffend; and
- Information from previous sentences, including federal jail sentences.

3. Indicators of non-compliance include:

- Failure to comply with court-ordered conditions and/or the requirements of community supervision; and
- Pattern of borderline non-compliance with community supervision orders.

4. Indicators that the offender’s treatment needs remain unaddressed include:

- Failure to successfully complete treatment, or refusal to attend treatment;
- Reports by treatment providers indicating a need for more supervision, treatment, and/or intervention;
- Disclosure of information to treatment providers indicating an escalation of risk; and

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.5–5

- Lack of victim empathy, and/or continued denial or minimization of offending post-treatment.
5. Indicators that the offender’s psychiatric or psychological needs remain unaddressed include:
    - Failure to successfully complete or refusal to attend appointments as directed;
    - The offender is not amenable to treatment;
    - Information from the psychiatrist or psychologist indicating the offender is at risk to reoffend; and
    - In the case of sex offenders, the offender is diagnosed to be a pedophile or is deemed to be a predatory sex offender.
  6. Indicators of an entrenched pattern of offending behaviour include:
    - Current offence caused serious personal harm;
    - Offender has a history of behaviours causing serious harm;
    - Reliable information demonstrating that the offender has difficulties controlling impulses that may endanger the safety of other people;
    - Use of a weapon in the commission of an offence;
    - Threat of violent or sexual offending; and
    - A substantial degree of indifference regarding the impact of his/her behaviour on others.
  7. Other indicators for consideration include:
    - Offender holds pro-criminal attitudes or beliefs;
    - Self-reported information indicates the offender is at risk;
    - Lack or loss of a support network (e.g. family, friends);
    - Reliable information that the offender is using or abusing drugs or alcohol; and
    - Reliable information demonstrating that the offender is at risk of entering their offence cycle (e.g. loss of employment, frequent changes in address, relationship difficulties).
  8. In the case of sex offenders, indicators include:

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 4.5–6	<i>Chapter 4: Notifications</i>

- Person(s) who fit the profile of current or previous victims reside within the current or proposed residence (refer to subsection 11.5.5 (Approving residence for sex offenders), and the *Sex Offender Residence Approval and Notification Guidelines*);
- Association with other known sex offenders; and
- Possession of pornography post-sentence.

#### **4.5.2 Other case management options**

Having considered the factors in subsection 4.5.1, the probation officer and local manager determine if risk to an individual, specified group or the general community cannot be mitigated by other case management options, including:

- Increased offender supervision and management (i.e. increased reporting frequency, enlisting the assistance of collateral contacts if appropriate, breaching, or amending the supervision order);
- Use of a *Criminal Code* section 810.1 or 810.2 recognizance;
- Voluntary or directed changes in the offender's situation that may mitigate risk; or
- Police collaboration and/or support in monitoring the offender.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.6–7

## **4.6 Effecting a Notification (revised: May-13)**

### **4.6.1 Preparation**

This section directs the probation officer on how to effect a notification after considerations in:

- Section 4.2.1 for consistent purpose notification;
- Section 4.3 and 4.5.1 for compelling circumstance notification; and/or
- Section 4.4.1 and 4.5.1 for public notification.

### **4.6.2 Consultation with local manager**

The probation officer consults with the local manager to ensure that all avenues to mitigate risk have been considered and deemed insufficient, including a review of subsection 4.5.2 (Other case management options).

### **4.6.3 Notice to regional director**

In all cases, where notification will be conducted to a group of individuals, the local manager advises the regional director prior to the effecting of the notification, as group notification may attract media attention.

### **4.6.4 Notice to offender – consistent purpose notification**

1. A consistent purpose notification does not require prior notice or consent of the offender; however, it is recommended the offender is informed of the intent to notify when appropriate.
2. Information the probation officer may provide to the offender includes:
  - Authority for disclosure of the information (i.e. refer to the section of the Freedom of Information and Protection of Privacy Act, in consultation with the privacy and high-risk offender notification analyst);
  - Recipient(s) of the information;
  - Purpose of the disclosure (e.g. to enhance the safety of at-risk person(s)); and
  - Information that will be disclosed (including a copy of a poster, if applicable).

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 4.6–8	<i>Chapter 4: Notifications</i>

#### **4.6.5 Notice to offender—compelling circumstance and public notification**

1. When conducting a compelling circumstance or public notification, the probation officer:
  - Advises the offender of the intent to notify an individual or group of individuals and seeks the offender’s signed consent to do so. Generally, the probation officer informs the offender in person; and
  - Provides the offender an opportunity to seek legal counsel and/or dispute the information upon which the notice is based. The onus is on the offender to prove the information is inaccurate. When possible, the Corrections Branch provides the offender with a minimum of six business hours to sign the consent.
2. For a public notification, refer to the Notice to Offender Prior to Notification letter. If the offender’s whereabouts are unknown, a copy of the Notice to Offender Prior to Notification is mailed to his/her last known address.
3. If an offender refuses to sign the Notice to Offender Prior to Notification letter, the Corrections Branch may proceed to issue the notification, provided the offender has been advised of the information to be disclosed. Information that is provided to the offender includes:
  - Authority for disclosure of the information (i.e. refer to the section of the *Freedom of Information and Protection of Privacy Act*, in consultation with the privacy and high-risk offender notification analyst); and
  - Information that will be disclosed (including a copy of a poster, if applicable);
  - Purpose of the disclosure (e.g. to enhance the safety of at-risk person(s));
  - Recipient of the notification(s); and
  - A Notice to Offender Prior to Notification form for the offender to sign, indicating consent or non-consent.
4. When there is concern that advising the offender of the notification places victims or individuals at risk of harm, the offender may be informed of the disclosure in general terms (e.g. “Information as to your whereabouts has been disclosed to individuals at risk of harm for the purpose of enhancing their safety.”).

#### **4.6.6 Conducting notice to an individual**

1. The goal of the notification is to provide notified individuals with sufficient information to take appropriate actions in protecting themselves and persons in their care.
2. At the commencement of the notification, the case manager:

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 4: Notifications</i>	Page 4.6–9

- Identifies himself/herself as a probation officer and provides a business card and an explanation of the purpose of the communication;
- Explains the court-ordered status of the offender; and
- Outlines the purpose of disclosure: To enable notified individuals to protect themselves and/or persons in their care.

#### **4.6.7 Information that may be disclosed**

1. Only information about an offender that is deemed relevant to the assessed requirement for notification may be disclosed. The information disclosed depends on the type of notification: consistent purpose, compelling circumstance, or public.
2. When determining what information to disclose, the probation officer consults with their local manager and/or the privacy and high-risk offender notification analyst. Disclosed information about the offender may include:
  - Name;
  - Physical description (this includes showing a photograph of the offender);
  - Residential location;
  - Explanation of reasons why the person being notified or persons in the care of that person might be vulnerable, including:
    - The offender's criminal history (e.g. relevant previous offence(s) on record, age and gender of previous victims and the nature of the relationship, the connection between previous victims and the offender).  
(Note: This explanation does not include giving details of the actual previous offence); and
    - A description of the types of behaviour that the offender has previously demonstrated (e.g. preying on vulnerable people, grooming, building trust with victims and/or their caregivers, creating opportunities, coercion, incentives, violence, intimidation, use of drugs and/or alcohol, any other information necessary to identify why there is a risk);
  - Protective conditions (e.g. no contact with persons under a specific age; area or residential restrictions and how they relate to the person being notified);
  - Procedures for notified individuals to follow when they believe the offender has violated a court-ordered condition; and

Revised: May-13	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 4.6–10	<i>Chapter 4: Notifications</i>

- Invitation to notified individuals to contact the probation officer to clarify information provided—if concerns arise about the offender’s conduct—and to report violation of conditions.
3. Details of the notification and attempts to provide the notification are documented in the electronic client file, including an attached copy of the notification poster.

#### **4.6.8 Conducting notice to a group or the public**

1. Because notice to a specific group or a public notification generally attracts media attention, Corrections Branch headquarters must be involved.
2. The case manager consults with the privacy and high-risk offender notification analyst prior to effecting notice to a specific group. A notice to a school is made through the school district superintendent and co-ordinated through the privacy and high-risk offender notification analyst.
3. The case manager consults with the privacy and high-risk offender notification analyst prior to effecting notice to the public. A public notification requires `deputy solicitor general approval, which is co-ordinated through the director, Programs and Strategic Services.
4. Media inquiries regarding notifications are referred to the director, Programs and Strategic Services.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-08
<i>Chapter 5: Alternative Measures</i>	Page 5.1–1

## 5. Alternative Measures

### 5.1 Overview (revised: Jul-08)

#### 5.1.1 Legislative authority

1. Section 717 of the *Criminal Code* establishes conditions under which alternative measures may be used to deal with persons alleged to have committed an offence.
2. Community Corrections policy sets out the principles and procedures for administering alternative measures referrals.

#### 5.1.2 Program purpose

Community Corrections delivers alternative measures programming that:

- Provides an opportunity for the client to demonstrate acceptance of personal responsibility for the offence by imposing on the accused an agreed upon consequence for the behaviour;
- Recognizes the needs and circumstances of the client and victim;
- Includes a creative and logical consequence for the client;
- Is meaningful for the victim, community and client;
- Incorporates restorative, traditional or culturally-based Aboriginal practices when appropriate and available (in keeping with the “Gladue” principles outlined in section 5.1.7); and
- Records (according to the *Criminal Code*) that alternative measures were applied.

#### 5.1.3 Referral and case management process overview

1. The decision to refer and approve an accused person for screening for alternative measures rests with Crown counsel.
2. The local Community Corrections office:
  - Establishes with Crown counsel an efficient process to receive referrals;

Revised: Jul-08	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 5.1–2	<i>Chapter 5: Alternative Measures</i>

- Receives referrals from Crown counsel that include a Report to Crown Counsel with a full police narrative;
- Conducts screening of all referrals and provides Crown counsel with a recommendation for or against the use of alternative measures;
- Supervises alternative measures agreements; and
- Monitors compliance and reports non-compliance to Crown counsel.

#### **5.1.4 Responsibility**

The probation officer 14 or probation officer:

- Conducts an interview with the alleged offender to determine willingness to participate and suitability for alternative measures, including an acknowledgement from the accused accepting responsibility for the act or omission that forms the basis of the offence;

s.15

- Develops an alternative measures plan for Crown approval;
- Administers the alternative measures plan as approved by Crown counsel; and
- Monitors the progress of each case, and reports failures to comply to Crown counsel.

#### **5.1.5 Assessment of persons referred to Aboriginal contractors**

1. The Memorandum of Understanding on Alternative Measures between the Criminal Justice Branch and the Corrections Branch establishes that when Aboriginal persons are from areas serviced by Aboriginal alternative measures contractors, Crown counsel make screening referrals directly to the contractor.
2. When obtaining a risk assessment of Aboriginal persons charged with spousal assault or psychiatric/psychological evaluations and sexual offences are alleged, Crown counsel sends a copy of the Aboriginal contractor referral to the local Community Corrections office.
3. Upon receiving the copy of the referral, Community Corrections:
  - Conducts the spousal assault risk assessment or refers sex offenders to psychologists/psychiatrists for assessment; and

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-08
<i>Chapter 5: Alternative Measures</i>	Page 5.1–3

- Forwards to the Aboriginal contractor and Crown counsel a summary of factors to consider for the application of alternative measures.

### **5.1.6 Eligibility limitations for alternative measures**

The following cases are not normally considered suitable for alternative measures:

1. Persons with a criminal record, or when as an adult, alternative measures have been employed for the accused. Exceptional cases may be made if:
  - Considerable time has elapsed since the prosecution or alternative measures program;
  - Medical, psychological or circumstances that warrant consideration;
  - There is no record of non-completion or non-compliance with an alternative measures program or other community supervision; and
  - Traditional or culturally-based Aboriginal practices are appropriate and available (in keeping with the “Gladue” principles outlined in section 5.1.7).
2. Persons alleged to have committed sexual offences, except in exceptional circumstances, as set out in section 5.4.
3. Persons alleged to have committed an assault against a spouse, child or other family member. Spousal assault cases are managed in accordance with the “Violence Against Women in Relationships Policy.” Refer to Spousal Assault, section 5.5.

### **5.1.7 Additional screening considerations for Aboriginal people**

The following considerations are reviewed for every person who is identified or self-reports as an Aboriginal person when screened for alternative measures:

1. The nature of relationship between the offender and his/her community of origin (where the offender was raised or has most ties, regardless of residence on or off reserve);
2. The combination of systemic or background factors that contribute to the offender coming to the attention of Aboriginal authorities, the police and/or Crown counsel for an offence;
3. The effect of substance abuse, poverty, racism, unemployment, dislocation from family or Aboriginal community, family breakdown, educational opportunities and residential school experience;
4. The willingness and capability of the Aboriginal community to assume responsibility for restorative approaches in response to allegations of criminal behaviour;

Revised: Jul-08	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 5.1–4	<i>Chapter 5: Alternative Measures</i>

5. The unique procedures specific to the nation, band or community of origin including restorative and traditional approaches, even when the offender has a fragmented connection to that community;
6. The willingness of the victim to participate in restorative programming; and
7. The offender understands and is willing to participate in traditional or culturally-based Aboriginal justice practices, whether through the community of origin or local Aboriginal support agencies.

#### **5.1.8 Non-compliance**

1. Persons dealt with by way of alternative measures can be prosecuted on the original offence if they fail to complete the alternative measures plan. Refer to section 717 (4) of the *Criminal Code*.
2. Upon verification of failure to comply, case managers ensure timely reporting to Crown counsel using the Compliance screen in the JUSTIN Alternative Measures module.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 5: Alternative Measures</i>	Page 5.2–1

## **5.2 Intake/Assessment/Case Planning (revised: May-13)**

### **5.2.1 Purpose**

1. Referred clients are assessed to determine if there is an ability and willingness to complete the terms of an agreement and to ensure suitable program placement.
2. The plan fits the offence and forms a logical consequence to the client's behaviour.

### **5.2.2 Procedures**

In every case, the investigating probation officer/probation officer 14 reviews the Report to Crown Counsel as outlined in the following procedures:

1. The client is contacted and the screening process is completed within 15 working days of receipt of the referral and required Crown documents. If additional time is required, a request to extend is made by the local manager to Crown counsel.
2. In every case, unless special circumstances exist and the local manager has authorized use of a telephone interview, Community Corrections staff complete an in-person client screening interview to:
  - Explain the alternative measures process and possible terms and conditions of alternative measures;
  - Advise the person of their “right to be represented by counsel” prior to consenting to participate in recommended alternative measures;
  - Advise the person of the right to refuse alternative measures and have charges “dealt with by the court”;
  - Advise that an “admission, confession or statement accepting responsibility” for an offence is not admissible as evidence against the person in any civil or criminal proceeding;
  - Determine that the person agrees with circumstances of the offence as outlined in the police Report to Crown Counsel, does not deny “participation or involvement in the commission of the offence” and “accepts responsibility for the act or omission that forms the basis of the alleged offence”;
  - Propose and discuss the recommended alternative measures, and ensure that the person, “having been informed of the alternative measures, fully and freely consents to participate therein”;

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 5.2–2	<i>Chapter 5: Alternative Measures</i>

- Advise the person that the original offence may be prosecuted if there is non-compliance or partial compliance with the terms and conditions of the alternative measures;
  - Advise the person that if they come before the court on a subsequent offence that their alternative measures record may be introduced into evidence (refer to subsection 5.1.8) or be referred to in a pre-sentence report;
  - Advise the person that Crown counsel makes the final decision for approving or rejecting alternative measures, and
  - Upon request of the person, advice regarding relevant provisions of the *Freedom of Information and Protection of Privacy Act* (the right to request own information), as set out in section 14.6 of the *Management Services Policy Manual*.
3. Community Corrections staff contact individual victims (when a victim can be reached), and may contact corporate victims (e.g. companies, institutions, government, associations).

s.15

### **5.2.3 Alternative measures and bail status**

When an accused is approved for alternative measures and is subject to the terms of a release document, supervision continues until Crown counsel has ceased proceedings.

### **5.2.4 Unsuitable referrals**

1. Community Corrections may deem a referral to be unsuitable as a result of an interview with the client, or after consultation with the victim, or for any other reason.
2. If the referral is deemed unacceptable, the reasons are indicated on the Alternative Measures form and returned to Crown counsel in a timely manner.
3. A referral is always unsuitable if:
  - The person does not accept responsibility for the alleged offence;
  - There is a substantial discrepancy between circumstances of the offence described by the person and those described in the Report to Crown Counsel;
  - The person wishes to have the matter dealt with by the court;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 5: Alternative Measures</i>	Page 5.2–3

- The person's identified programming or treatment needs are deemed to require a level and form of intervention that exceeds brief attendance at an information session or community service; or
- The person does not consent to alternative measures.

### **5.2.5 Serious or sensitive cases**

1. The probation officer/probation officer 14 informs the local manager who is responsible for the file when Community Corrections has information that a case may be problematic for alternative measures, because of its serious or potentially sensitive nature.
2. The local manager assists in determining whether screening procedures set out in this section and sections 5.4 and 5.5 are followed or if the matter should be returned directly to Crown counsel.
3. Information regarding the case and rationale for returning the matter is provided to Crown counsel using the JUSTIN Alternative Measure module.

### **5.2.6 Alternative measures plan**

1. After reviewing the completed Report to Crown Counsel, psychiatric/psychological assessments, screening interviews<sup>s.15</sup>, the probation officer/ probation officer 14 provides a recommendation to Crown counsel via the Alternative Measures form. Principles and recommended terms for an alternative measures plan are as follows:
2. Principles:
  - Terms recommended for an alternative measures plan are limited to what can be achieved within two months; and
  - Alternative measures plans are as creative as possible and do not consist of the same activity (such as community work service and apologies). Options for program plans should be available in each community.
3. Recommended terms:

An alternative measures plan should be a fair and relevant response to the alleged offence, and include one or more of the following:

- No additional action;
- A warning letter;
- An apology to the victim;

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 5.2–4	<i>Chapter 5: Alternative Measures</i>

- Community service or direct service to the victim (maximum 25 hours);
- Monetary compensation to a specified victim (e.g. consideration of ability to pay, victim’s interests, and compensation paid by money order via the supervising officer);
- Full or partial restitution to the victim (consideration of victim’s interests);
- Referral to an outside agency;
- Participation and completion of a plan developed through a restorative justice program (community accountability panel, sentencing circle);
- An essay or research assignment;
- Restorative, traditional or culturally-based Aboriginal practices when appropriate and available (in keeping with the “Gladue” principles outlined in section 5.1.7); and
- Reasonable measures tailored to the individual and circumstances, not exceeding what might be ordered by the court.

4. Alternative measures plans do not contain:

- Reporting conditions other than to confirm compliance; or
- Recommendations for programming or treatment that would be provided to persons subject to court orders.

### **5.2.7 Federal drug prosecutions policy—alternative measures for persons alleged to have possessed cannabis**

1. The Federal Prosecution Service is presumed to have determined the suitability of all offenders referred to alternative measures.
2. Persons referred for a first-time offence are required to complete eight hours of community work service.
3. Persons referred for the second time, whether they have been previously convicted or discharged or have participated in alternative measures, are required to complete 16 hours of community work service.
4. Community Corrections staff are not required to conduct a full assessment of persons referred to Community Corrections for cannabis offences, except to determine and record that the person accepts responsibility for the allegation and does not want the matter to proceed to court. It is only necessary to return a completed Alternative Measures form to the federal prosecutor when the accused disagrees with the alleged circumstance or wants the matter to proceed to court.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 5: Alternative Measures</i>	Page 5.2–5

5. When community work service is not suitable due to exceptional circumstances, Community Corrections staff discuss an alternative approach with the federal crown prosecutor instead of recommending rejection of the alternative measures referral.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 5: Alternative Measures</i>	Page 5.3–1

### **5.3 Referral, Follow-Up, Case Management and Termination (revised: Mar-11)**

#### **5.3.1 Commencement**

1. The alternative measures plan is commenced upon receiving approval to proceed from Crown counsel.
2. The client is contacted within five working days of receiving the final approval from Crown counsel to confirm the terms and conditions set out in their alternative measures plan, and to be instructed to commence the plan.

#### **5.3.2 Duration and extensions**

1. The alternative measures plan lasts no longer than two months from the date the Crown approves the plan, and can only be extended by exception.
2. If an extension beyond two months is required for a client to complete the conditions of an alternative measures plan: The case manager (in consultation with the primary case manager when necessary), with the agreement of Crown counsel, may grant the client an additional two-month extension. This decision is made within the six-month limitation period calculated from the date of the offence.

#### **5.3.3 Referral to outside agency**

1. The client may need to be referred to an outside agency or community group to complete all or part of the plan.
2. Referrals are made as soon as possible, with consideration for the two-month limitation.

#### **5.3.4 Recording**

1. During supervision of the plan, all client contacts, referrals, contact with referrals and placements and degree of compliance with the plan are recorded.
2. Maintenance of notes is critical in the event of non-compliance by the client.

#### **5.3.5 Non-compliance**

1. If a client does not comply, or only partially complies with the terms and conditions of the plan, the circumstances are recorded in the Compliance screen of the JUSTIN Alternative Measures module.

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 5.3–2	<i>Chapter 5: Alternative Measures</i>

2. A record of the circumstances is returned to Crown counsel immediately following expiration of the period for compliance or earlier.

### **5.3.6 Disclosure of records**

1. Alternative measures records may not be introduced into evidence more than two years after completion of the alternative measures program, except as part of a pre-sentence report. Refer to section 721(3)(c) of the *Criminal Code*.
2. The alternative measures employed and the offender's response are reported in pre-sentence reports.

### **5.3.7 CORNET entry**

CORNET entries are made:

- When the screening assessment is assigned (ADR);
- When the risk/needs assessment is completed (sexual offence or spousal assault screening only);
- Within two days of intake when a person has been accepted into the alternative measures program (ALT);
- When recording referral and outcome information for programs run by external agencies in the External Program screen (refer to subsection 18.3.12); and
- When manually closing the ALT order prior to the expiry date when completed early or to reflect partial compliance or non-compliance.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 5: Alternative Measures</i>	Page 5.4–1

## **5.4 Sex Offenders (revised: Sep-06)**

### **5.4.1 Limitations**

Alternative measures are suitable for sexual offence allegations only in exceptional cases when programming or treatment is not required and the plan is:

- Appropriate to the interests of the victim, society and needs of the offender; and
- Consistent with the protection of society.

### **5.4.2 Assigned to specialist probation officer**

Screening of persons accused of a sexual offence for alternative measures is conducted by a probation officer with specialized sex offender training, or a probation officer who can consult with or be assisted by a probation officer with specialized sex offender training.

### **5.4.3 Screening**

1. In addition to the screening requirements set out in subsections 5.1.6, 5.1.7 and 5.2.1 to 5.2.5, alternative measures can only be recommended when the following requirements are met:

- Entire Report to Crown Counsel, including the Police Narrative and all victim statements, is provided to Community Corrections and reviewed by the probation officer;
- Accused indicates unequivocal agreement with circumstances outlined in the Report to Crown Counsel and takes responsibility for actions by full disclosure of the offence. s.15
- No history of violence, injury or bodily harm, aggravated assault, involvement of a weapon, breach of trust, or a child victim or other vulnerable person as a victim;
- Matter being considered for alternative measures does not involve violence, injury, bodily harm, aggravated assault, a weapon, threats to harm the victim, vulnerable person or child as a victim;

s.15

Revised: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 5.4–2	<i>Chapter 5: Alternative Measures</i>

s.15

- Victim is referred (noted on file) to victim services, where available; and
  - Offence was not sufficiently serious to threaten the safety or tolerance of the community.
2. A psychiatric/psychological assessment confirms that the offender does not require sex offender programming or treatment and supports the application of alternative measures.
  3. Psychiatric/psychological assessments are only conducted if each of the foregoing screening requirements are satisfied.
  4. Results of the screening are to be fully communicated to Crown counsel using the Recommendation/Crown Decision screen in the JUSTIN Alternative Measures module.

#### **5.4.4 Psychiatric/psychological assessments for screening sex offenders for alternative measures**

1. A psychiatric/psychological assessment is required for screening sex offenders.
2. A registered psychologist or a psychiatrist with experience in treating sex offenders completes the assessment.
3. The assessment includes a risk assessment performed by the psychologist and a recommendation regarding the need for treatment.
4. Psychiatric/psychological assessments for alternative measures are not mandated by Forensic Services.
5. Arranging and paying for the assessment is the responsibility of the offender.
6. The probation officer cannot recommend a particular psychologist/psychiatrist, but may recommend that the accused seek a referral through his or her physician.

#### **5.4.5 Probation officer Report to Crown Counsel**

1. A recommendation for alternative measures in sexual offence cases includes confirmation that the client does not require programming or treatment, which would be provided to persons subject to court orders.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 5: Alternative Measures</i>	Page 5.4–3

2. The 15-day return requirement for recommendations to Crown counsel, set out in the Memorandum of Understanding, is extended in sexual offence cases to permit time to complete required psychiatric/psychological assessments.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 5: Alternative Measures</i>	Page 5.5–1

## **5.5 Spousal Assault (revised: Dec-15)**

### **5.5.1 Limitations**

Alternative measures are suitable for spousal assault allegations only in exceptional cases when programming or treatment is not required and the plan is:

- Appropriate to the interests of the victim, society and needs of the offender; and
- Consistent with the protection of society.

### **5.5.2 Assignment to probation officer**

Due to the complexity of these cases, screening of individuals accused of spousal assault for alternative measures is conducted by probation officers trained in the management of domestic violence offenders and the administration of the spousal assault risk assessment (SARA).

### **5.5.3 Risk/needs assessment**

1. Community risk/needs assessment (CRNA) and a spousal assault risk assessment (SARA) are conducted for persons accused of spousal assault, in accordance with procedures set out in subsection 12.4.6.
2. These assessments are used to determine whether alternative measures are suitable.
3. Risk outcome (i.e. the accused presents a high risk to reoffend) is entered in the Recommendation/Crown Decision screen of the JUSTIN Alternative Measures model.
4. Assessments are not provided to Crown counsel.

### **5.5.4 Screening**

1. In addition to screening requirements set out in subsections 5.1.6, 5.1.7 and 5.2.1 to 5.2.5, alternative measures can only be recommended when the following requirements are met:
  - Entire Report to Crown Counsel, including the police narrative and all victim statements, are provided to Community Corrections and reviewed by the probation officer;
  - Accused indicates unequivocal agreement with the circumstances outlined in the Report to Crown Counsel and takes responsibility for actions by full disclosure of the offence (the details are corroborated independently by the victim, when possible);

Revised: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 5.5–2	<i>Chapter 5: Alternative Measures</i>

s.15



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 5: Alternative Measures</i>	Page 5.5–3

s.15

#### **5.5.6 Probation officer Report to Crown Counsel**

A recommendation for alternative measures in spousal assault cases includes confirmation that the accused does not require programming or treatment, which would be provided to persons subject to court orders.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 6: Bail Supervision</i>	Page 6.1–1

## 6. Bail Supervision

### 6.1 Overview (revised: Oct-18)

#### 6.1.1 Mandate

The Corrections Branch provides bail supervision services to adult criminal courts in British Columbia.

#### 6.1.2 Definition of bail supervisor

1. Bail supervisors are not defined in the *Criminal Code*.
2. The Corrections Branch has determined that a bail supervisor is a probation officer or staff member designated by the branch to perform bail supervisory functions outlined in this policy.

#### 6.1.3 Types of bail

Bail supervisors are likely to supervise the following types of orders:

1. Undertaking to Appear (UTA), section 515, *Criminal Code*: The accused signs an undertaking to abide by conditions directed by the justice and to appear in court at a designated time and date.
2. Recognizance (REC), section 515, *Criminal Code*: The accused enters into a recognizance before the justice, with or without sureties as directed by the justice, agrees to abide by conditions, and appear in court at a designated time and date.
3. Police (UTA), section 499 or 503, *Criminal Code*: The accused is released by an officer-in-charge at the police detachment on a promise to appear in court, or an undertaking to abide by conditions directed by the officer-in-charge. If a person is released on a police UTA, Crown counsel may apply for a court bail order to replace the police UTA.
4. Section 810 recognizances: Commonly referred to as peace bonds, these orders are similar to bail in that no convictions or charges have been laid. The difference is in the threat of harm to the physical or sexual safety of a person, whose protection requires court intervention. These orders are supervised like probation orders. For guidance in supervising these orders, refer to chapter 8, Probation Supervision.

Revised: Oct-18	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 6.1–2	<i>Chapter 6: Bail Supervision</i>

#### **6.1.4 Primary and secondary case managers**

1. The bail supervisor is the primary case manager for an accused. Intra-office secondary case managers may assist the primary case manager.
2. Primary and secondary case managers are identified on CORNET.

#### **6.1.5 Presumed innocence and minimal supervision**

1. While bound by a bail order, the accused person is “innocent until proven guilty.”
2. Although it has been deemed necessary to require justice system intervention to ensure court attendance or community safety, intervention with bail clients is conducted only to satisfy community safety and provisions of the order.
3. Bail supervisors do not initiate discussion of the alleged offence with the accused person. If the accused initiates such discussion, the bail supervisor cautions the accused that the bail supervisor could be called as a witness at the trial.

#### **6.1.6 Bail and sexual offences**

An accused sex offender on bail is supervised according to bail policy in chapter 11, Sex Offenders.

#### **6.1.7 Bail and spousal assault**

An accused spousal assault (K file) client is supervised according to bail policy in chapter 12, Spousal Assault: K Files.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 6: Bail Supervision</i>	Page 6.2–1

## **6.2 Pre-Bail Inquiries**

### **6.2.1 Definition**

1. A pre-bail inquiry is an investigation and report about a person who is accused of committing an offence.
2. A pre-bail inquiry is initiated only at the request of the court.

### **6.2.2 Purpose**

The purpose of a pre-bail inquiry is to:

- Advise the court about available and suitable resources, within and outside the Corrections Branch; and
- Supply the court with relevant information about the accused as directed by the court.

### **6.2.3 Contents**

A pre-bail inquiry includes, if appropriate:

- Criminal record and outstanding charges of the accused;
- Past response to bail or other community supervision;
- Summary of living situation of accused;
- Safety of victim, in cases of violence, spousal or sexual assault; and
- Alternatives to detention, including release conditions.

### **6.2.4 Oral reports**

1. Pre-bail inquiries may be a written report to the court, but are more often presented orally in court.
2. When a report is oral, a brief summary of the presentation is recorded on the case file within 15 working days.
3. Pre-bail reports are entered as a report on CORNET.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-14
<i>Chapter 6: Bail Supervision</i>	Page 6.3–1

## **6.3 Initial Interview (revised: Mar-14)**

### **6.3.1 Opening the file**

Community Corrections maintains one case file for every offender. Bail orders are included with the offender's current or previous case file.

### **6.3.2 Required initial reporting date**

1. The accused is seen in person by the bail supervisor on the first reporting date as specified by the court. If there is no reporting date, the accused is seen within three working days of the bail order being perfected.
2. Note: The "perfection" of bail is the completion of the bail granting process. For example, bail is perfected in undertakings and recognizances when the accused signs the order and is released. When sureties are required on a recognizance, bail is perfected when the court accepts the surety and the accused is released.

### **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.

### **6.3.4 Reviewing the order**

1. At the initial interview or upon receipt of transfer or acceptance of courtesy supervision, the bail supervisor reviews the order so the bail supervisor and the accused are clear about the conditions imposed by the court.
2. The bail supervisor ensures that the accused is aware of the time, date and place of his/her next court appearance (noted on the bail order).

Revised: Mar-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 6.3–2	<i>Chapter 6: Bail Supervision</i>

3. The accused is required to sign a copy of the order, stamped with an acknowledgement indicating the order was reviewed, and that the conditions and consequences for failing to comply are understood.
4. The bail supervisor signs the stamp as witness to the accused's signature.
5. If the accused refuses to sign the stamped acknowledgement, the bail supervisor notes the refusal on the case file.

### **6.3.5 Providing additional information**

The bail supervisor ensures that the accused, if not already under active supervision, is offered written information on the:

- Means available for seeking redress for complaints the accused may have regarding dealings with the Corrections Branch; and
- Relevant provisions of the *Freedom of Information and Protection of Privacy Act*.

### **6.3.6 Interpreters**

1. Interpreters may be needed during the initial interview to obtain reliable information from the accused and to ensure that the bail order and its conditions are understood.
2. It is not appropriate for family members to interpret for an offender except in unusual circumstances.
3. If an interpreter is utilized when reviewing the order with the offender, the interpreter and bail supervisor sign the stamped copy of the order as witnesses.
4. The name and address of the interpreter is retained on the case file for breach purposes.

### **6.3.7 Victim notification**

1. In cases involving violence, sexual offences or spousal assault (K files), bail supervisors make reasonable efforts to contact the victim and others protected by the order. This is done to inform the victim as soon as possible about the release of the accused, conditions of the order, and the implications of any changes to the order that may affect the victim's safety.
2. Victim notification is made by telephone whenever possible. A letter from the bail supervisor and a copy of the bail order is also sent to the victim.
3. Without jeopardizing the safety of the victim, the bail supervisor obtains the victim's name, address and phone number from the Report to Crown Counsel and supplies the victim with:

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-14
<i>Chapter 6: Bail Supervision</i>	Page 6.3–3

- An explanation of the contents of the order, especially protective conditions;
- A copy of the bail order (address and identifying information of the accused must be removed);
- The next court date of the accused with an explanation that it might not be the trial/sentencing date;
- An explanation of how to report breaches of protective conditions of bail, including information that he/she might be required as a witness in a hearing;
- Information regarding specialized victim support services in the community that can assist with safety planning, access to services, and program referral; and
- Ongoing information regarding the implications of any changes to the order that may affect the victim's safety.

4. If the victim is not contacted, the reason is recorded <sup>s.15</sup>

### **6.3.8 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.

### **6.3.9 CORNET entry**

The primary probation office enters bail orders in CORNET within two working days of receipt of the order.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-19
<i>Chapter 6: Bail Supervision</i>	Page 6.4–1

## **6.4 Case Management (revised: Jul-19)**

### **6.4.1 No risk/needs assessment**

A community risk/needs assessment (CRNA, SARA or STATIC, STABLE and ACUTE) is not completed for accused persons on bail.

### **6.4.2 Development and review of a supervision plan**

1. The bail supervisor develops a plan for case supervision of the accused and records the plan on the case file within two weeks of the bail order being perfected.
2. The supervision plan includes, at a minimum:
  - Frequency and type of reporting;
  - Method for monitoring other conditions on the order;
  - Contacts with a victim or other person protected by the order; and
  - Relevant active client alerts.
3. The bail supervisor reviews the supervision plan every six months and amends it as necessary.

### **6.4.3 Bail reporting alternatives**

1. Bail supervision and reporting alternatives, such as a Manual Check-in System (MCIS), are considered for every accused person on bail supervision. An MCIS requires an accused to report to the front desk of a Community Corrections office, where specified staff or the offender notes that the offender reported as directed. When a reporting schedule has not been developed, the offender is advised of his next appointment.
2. This alternative type of reporting method is not suitable for personal harm or high profile offences that may require more intensive intervention. The offence and offender determine the intervention level of the case, which is identified by the bail supervisor.

### **6.4.4 Case recording standards**

At a minimum, the following information is recorded for every bail supervision case:

- Brief supervision plan following intake;
- All contacts with the accused;



Revised: Jul-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 6.4–2	<i>Chapter 6: Bail Supervision</i>

s.15

- Dates and details of apparent failures to comply with the order;
- Results of court appearances; and a
- Termination summary when the bail supervision is concluded.

#### **6.4.5 Duty to report child in need of protection**

Bail supervisors are guided by policy in sections 2.1.3 and 2.1.4 when there is reason to believe that a child belonging to the client, belonging to the partner of a client or a child that may come into contact with the client, needs protection.

#### **6.4.6 Surrender of passport**

1. When there is a condition requiring the accused to surrender a passport or travel documents, the bail supervisor verifies that the passport or documents have been surrendered.
2. If the passport has not been surrendered, a Report to Crown Counsel is submitted as quickly as possible, outlining the violation.
3. If the accused surrenders the passport to the probation officer rather than to the court registry, the probation officer directs the accused to submit it to the registry, or forwards the passport to the registry for safekeeping.

#### **6.4.7 Varying an order**

1. According to section 515.1 of the *Criminal Code*, conditions of bail may be changed out of court when Crown counsel agrees. *Application to Vary Bail by Consent (PCR 317)*, may be used for this purpose. If Crown counsel does not agree to the change, the case may be placed before the court at the request of the accused.
2. In cases involving violence, sexual offences or spousal assault (K files), the bail supervisor makes reasonable efforts to contact the victim to inform him/her of a change of conditions in the order, especially if protective conditions are amended or deleted. If the victim is not contacted, the reason is recorded on the Victim Contact Log.
3. If the bail supervisor becomes aware of important information, which leads the supervisor to believe that the offender should be detained or subject to stricter bail conditions, the bail supervisor provides Crown counsel with the information and discusses appropriate action.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-19
<i>Chapter 6: Bail Supervision</i>	Page 6.4–3

#### **6.4.8 Transfer of supervision**

1. Transfer of bail supervision occurs when conditions of the order allow for relocation, and the bail supervisor is satisfied the transfer will not impede court attendance.
2. Intra-office secondary supervision may be considered by the primary case manager. .
3. Refer to sections 8.2.9 and 8.7 for policy related to secondary supervision for intra-provincial transfers.

#### **6.4.9 Closing a bail file**

1. Bail supervision is only terminated when the case is concluded in court.
2. The bail supervisor writes a short, termination summary in the Client Log, including how and when the case was concluded.
3. A bail order is manually closed in CORNET, according to procedures outlined in the *CORNET User Guide*.

#### **6.4.10 Releasing a bail file to AWOL in CORNET when a warrant is issued**

1. When a warrant is issued for a linked bail order, the bench warrant checkbox in the Order Details screen is automatically checked. This is done to prevent the bail order from expiring 30 days after the last court date. For non-linked bail orders, the primary case manager manually checks the bench warrant checkbox.
2. Notifications confirming the bench warrant appear on the Notification slate. Upon notification, the primary case manager brings forward the notification for a specified number of days (default is 60 days, but can be changed).
3. The primary case manager makes an entry in the Client Log upon receiving the notification. The entry confirms that the client will be released to AWOL if there is no arrest or resumption of supervision.
4. If there is no additional activity on the file 60 days after the warrant is issued, the primary case manager releases the client to AWOL. Releasing to AWOL indicates that the order is active, but the client is not reporting.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 6: Bail Supervision</i>	Page 6.5–1

## **6.5 Enforcement (revised: Mar-11)**

### **6.5.1 Recording all violations on the case file**

When a bail supervisor is aware that a bail order has been or may be breached, the date and details are recorded on the case file.

### **6.5.2 Investigate status of accused before enforcement action**

Before commencing enforcement action, the bail supervisor first checks with:

- Court registry to determine whether the bail status of the accused has been changed; and
- CORNET to ensure that the accused has not been admitted into custody.

### **6.5.3 Report to Crown Counsel**

1. The bail supervisor reports to Crown counsel subsequent indictable offences with which the accused is charged during the bail order, and violations of conditions of release, which are specified by the court and allow no discretion by the bail supervisor.
2. If the bail supervisor becomes aware of important information, which leads the supervisor to believe that the offender should be detained or subject to stricter bail conditions, the bail supervisor provides Crown counsel with the information and discusses appropriate action.

### **6.5.4 Breach of protective conditions**

1. If the bail supervisor believes that an accused has breached—or is about to breach—a protective condition of bail, the police and victim are informed immediately.
2. If the accused allegedly breaches a protective condition of bail, the bail supervisor:
  - Reports the alleged breach to police for investigation and preparation of a Report to Crown Counsel; or
  - Discusses the situation with the local manager and records in the Client Log the reasons for not reporting the alleged breach of protective condition to police or Crown counsel.

Revised: Mar-11	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 6.5–2	<i>Chapter 6: Bail Supervision</i>

### **6.5.5 Victim notification**

1. In cases of violence, sexual offences or spousal assault (K files), reasonable efforts are made to inform the alleged victim of breach proceedings that are submitted by the bail supervisor and approved to court.
2. This applies when the circumstances related to the breach proceedings are relevant to victim safety (e.g. failure to report when the location of the accused is unknown).
3. If the victim is not contacted, the reason is recorded <sup>s.15</sup>

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-09
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.1–1

## 7. Pre-Sentence Reports

### 7.1 Overview (revised: Dec-09)

#### 7.1.1 Legislative authority

1. Section 721 of the *Criminal Code* requires that a written pre-sentence report is prepared:
  - After a guilty plea or finding of guilt; and
  - At the direction of a judge.
2. The pre-sentence report is prepared on receipt of a referral from the court.

#### 7.1.2 Risk/needs assessment and pre-sentence reports

1. The community risk/needs assessment (CRNA) examines offenders for the presence of criminogenic characteristics.
2. CRNA is a tool used in the investigation and preparation of pre-sentence reports. It is used to:
  - Assist in addressing the *Criminal Code* requirement that “the report must, wherever possible, contain information on...the offender’s age, maturity, character, behaviour, attitude and willingness to make amends”;
  - Structure the investigation and report on an examination of the factors contained in the assessment instrument;
  - Ensure that all offenders are systematically screened through standardized evidence-based factors relevant to case management;
  - Assist probation officers in formulating proposals for intervention; and
  - Focus the investigation on the current status of the offender.
3. Specialized risk assessments are used in the following circumstances:
  - The spousal assault risk assessment (SARA) is used in conjunction with the CRNA when the subject is before the court for an offence involving relationship violence;
  - Sex offender risk assessments (STATIC and STABLE only) are used when the subject is being sentenced for a sexual offence or a sexually motivated offence;

Revised: Dec-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.1–2	<i>Chapter 7: Pre-Sentence Reports</i>

- Facts about the offender gained from the application of specialized assessments are entered into the report to enhance information in the community risk/needs assessment fields; and
  - Some information covered in the targeted assessments is specific to case management planning and is not entered in pre-sentence reports. Information entered into pre-sentence reports is constrained by limitations set out in subsection 7.1.4.
4. The community risk needs assessment, specialized assessments and fields set out in this chapter form the basis for the investigation and report. Although each field is considered in the investigation, the degree of coverage that each is given in the report is determined by the relevance of the information to the offender's current circumstances and offending behaviour.
  5. Assessments are entered in CORNET prior to submission of the pre-sentence report. Refer to subsection 2.3.6(6) for guidance about post-sentence update/validation timeframes when the pre-sentence report assessment has been prepared by someone other than the receiving post-sentence case manager.
  6. The pre-sentence report provides an overview of criminogenic factors emerging from the assessment. It does not:
    - Refer to the application of risk/needs assessment instruments;
    - Disclose ratings; and
    - Make a prediction regarding the offender's risk to reoffend.

### **7.1.3 Purpose of pre-sentence report**

1. To assist the courts in determining sentencing options and tailoring community supervision conditions to fit the circumstances of the offender, the pre-sentence report:
  - Examines offender's current status by reporting on facts that have emerged from the inquiry into the needs factors covered in the risk/needs assessments;
  - Describes factors identified in the criminal history risk assessment;
  - Describes elements in the offender's history that manifest in current risks and needs;
  - Addresses factors not captured in the assessments, that the probation officer believes may have an impact on the offender's functioning in the community, and may justify recommendations for interventions;
  - Explores the offender's receptiveness to previous and proposed interventions;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-09
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.1–3

- Examines the offender's attitude regarding the offence;
- Provides information regarding circumstances of Aboriginal offenders;
- Provides information concerning the victim;
- Addresses additional and specific areas required by the court;
- Provides a summary of findings of the investigation; and
- Assists the court in determining sentencing options and tailoring community supervision conditions by proposing interventions available in the community and custody settings.

2. The pre-sentence report is employed to:

- Assist conditional releasing authorities in decision-making; and
- Provide a foundation for development of case management plans.

#### **7.1.4 Accuracy, objectivity, relevance, brevity and admissibility**

1. Pre-sentence reports are accurate, objective and relevant.
2. Pre-sentence reports do not assume the outcome of the sentencing hearing.
3. Opinions are identified, explained, and limited to areas within the purview of a probation officer.
4. Reports are concise and do not contain extensive social histories.
5. Suggested interventions are linked to identified criminogenic factors and offence(s).
6. Information can only be entered in a report when it is admissible. Use of quotes does not make information admissible that would otherwise be inadmissible.
7. Extensive use of quotes is avoided.
8. The decision to include information regarding the offender's conduct is made based on the following factors:
  - The following elements are not admissible and cannot be entered in the report: Descriptions of incidents or specific behaviour given by the offender, victim or other party alleging criminal conduct that has not resulted in a finding of guilt, conviction or application of alternative measures/ extrajudicial sanctions;
  - Patterns of behaviour may be summarized;

Revised: Dec-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.1–4	<i>Chapter 7: Pre-Sentence Reports</i>

- History and dynamics of the relationship between offender and victim, as described by the offender, s.15 , may be summarized;
- Reference may be made to patterns of behaviour confirmed through current or previous court-ordered assessments conducted by mental health professionals. Author's permission is required. If permission cannot be gained, reference is only made to the existence of the report; and
- Reference may be made to the involvement of child protection authorities, general reason for involvement, and outcome.

### **7.1.5 Sex offender and spousal assault pre-sentence reports**

1. Sex offender and spousal assault pre-sentence reports are governed by policy in this chapter.
2. Additional guidance for the investigation of sex offender and spousal assault pre-sentence reports is provided in sections 11.3 and 12.3. Limitations described in subsection 7.1.4 apply.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.2–1

## **7.2 Current Circumstances (revised: Oct-12)**

### **7.2.1 Examination of current needs**

1. The current circumstances section of the report expands on needs factors identified in the assessments.
2. Emphasis is given to needs identified as causing the offender to have difficulties functioning in the community.

### **7.2.2 Family relationships, living arrangements, associates**

The offender's family/marital relationships, living arrangements and associates are addressed to identify deficits and strengths:

1. The offender's current family relationships, level of support and degree to which family circumstances impact on his/her current status are examined.
2. In child sexual abuse and spousal assault cases, past and current partners and families are examined for dynamics of power and control.
3. In sexual offence cases, potential access to target victims through relationships with parent, co-resident, friend, children's agency/organization, or caregiver of target victims, is examined.
4. Issues regarding the offender's upbringing and background that are relevant to his/her current circumstances, functioning and offending behaviour are referenced.
5. Recent living arrangements and associates are examined for factors that would assist or detract from his/her success under community supervision. Issues such as length of relationship, emotional support, positive or negative characteristics of associates, and awareness of conviction are examined.

### **7.2.3 Education, vocation, employment, finances**

The offender's marketable skills, education, training and work experience are identified. The degree to which these factors affect the offender is assessed:

1. Reasons why the offender has not completed school or training are examined.
2. Employment status and pattern, skills, employability, job types, circumstances of departure from jobs, barriers to employment, motivation and vocational plans.
3. Financial situation, sources of income, assets, debts, gambling, financial management.

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.2–2	<i>Chapter 7: Pre-Sentence Reports</i>

4. When the subject is a sex offender or violent offender, potential access to victims through workplace and relationships with co-workers and their families is explored and addressed in the report when relevant.

#### **7.2.4 Behaviour, emotional status**

The offender's behaviour, attitude, maturity, emotional stability, interpersonal skills, cognitive abilities, mental status and degree to which these factors interfere with functioning are examined:

1. Behaviour, attitude and maturity in relation to current activities and functioning (peers, activities, degree of dependence/independence, insight, plans);
2. Diagnosed mental disabilities, learning disabilities, Foetal Alcohol Spectrum Disorder, neurological problems, physical disabilities, health issues and emotional stability in terms of diagnosed mental illness (clinical psychologist, psychiatrist) and other health issues are described. The connection that may exist between these disorders and the offending behaviour is examined;
3. Self-reported emotional and psychological difficulties and whether they have been treated or require intervention;
4. Developmental problems and childhood events (including being the victim of sexual or physical abuse) that continue to have an impact on the offender's current functioning in the community or relate to the offending behaviour;
5. Information regarding a sex offender's sexual history and current sexual functioning that has emerged from the application of sex offender assessment instruments is addressed in this section. This occurs when the information relates to the current offence and assists in determining appropriate interventions (as limited by subsection 7.1.4); and
6. Reports or assessments may be summarized in this section. Refer to subsection 7.7.16.

#### **7.2.5 Substance misuse**

Issues related to the misuse of or addiction to prescription drugs, alcohol and illegal drugs are explored:

1. The effect of substance misuse on the offender's current circumstances and offending behaviour is examined.
2. The offender's recognition of the problem, motivation for treatment, attempts at treatment and success/failure are addressed.
3. Claims regarding medical conditions and use of prescription medication may need verification.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-15
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.3–1

## **7.3 Victim Information (revised: Jul-15)**

### **7.3.1 Principle**

Victim information is provided to the court when there is an identifiable victim of the offence.

### **7.3.2 Definition of victim**

A victim is any individual who has suffered physical or emotional harm, property damage or economic loss as a result of the commission or alleged commission of an offence. Section 3 of the *Canadian Victims Bill of Rights* (CVBR) defines other individuals who can exercise a victim's rights if the victim is dead or incapable of acting on their own behalf.

### **7.3.3 Crown victim impact statements**

1. When the investigation begins, the probation officer confirms whether a Crown victim impact statement has been prepared. If so, a copy of the statement is obtained from Crown counsel.
2. When a victim impact statement is not available, or it does not address the need for protective conditions or restitution, <sup>s.15</sup>  
s.15
3. s.15
- 4.
5. When a formal victim impact statement has been submitted to Crown counsel, it is mentioned in the report. The probation officer may refer to and summarize contents that address the requirements in subsection 7.3.5. However, the document is not extensively quoted or attached to the pre-sentence report.

### **7.3.4 Contact with victim**

1. Contact with victims does not jeopardize safety.
2. The purpose of the pre-sentence report is explained to the victim.
3. When the victim is a child, is vulnerable, or involved in a brutal crime, the probation officer determines whether an interview is desirable. Consultation is made with a non-offending

Revised: Jul-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.3–2	<i>Chapter 7: Pre-Sentence Reports</i>

parent or guardian, social worker, investigating police officer, Crown counsel or victim service worker.

4. Information on the status of the offender is provided to the victim or guardian, in accordance with the *Canadian Victims Bill of Rights* (CVBR) and the *Victims of Crime Act* (VOCA).
5. Interviews with a victim are conducted in safe, non-threatening locations. The probation officer informs the victim that, if requested and time permits, a victim service worker or other advocate may attend the meeting.
6. Victims are given information on specialized victim support services available in the community.
7. Victims are given information as required in subsection 16.3.4.

#### **7.3.5 Victim information**

s.15

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-15
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.3–3

s.15

2. The actual or estimated amount of financial loss reported by the victim, insurance adjuster or the Report to Crown Counsel is reported as stated. It is not the role of the probation officer to determine or substantiate this amount.
3. The following cannot be included:
  - Allegations that may constitute criminal conduct but have not resulted in findings of guilt or the use of alternative measures, or section 810 recognizance;
  - Allegations regarding the offence(s) before the court that go beyond the circumstances set out in the Report to Crown Counsel;
  - Statements inconsistent with agreed upon facts when the plea was entered; and
  - Statements inconsistent with the findings of the court.
4. When the victim is not contacted, the reason is stated in the pre-sentence report.

### **7.3.6 Probation officer impartiality**

Probation officers affirm their impartial role with the victim. Care is taken to avoid creating an appearance of being an advocate for the victim or the offender.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jan-16
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.4–1

## **7.4 Court History and Interventions (revised: Jan-16)**

### **7.4.1 Overview**

1. The pre-sentence report provides:
  - History of sentences under the *Youth Criminal Justice Act* (YCJA);
  - Dispositions under the *Young Offenders Act* and *Juvenile Delinquents Act*;
  - Findings of guilt under the *Criminal Code*; and
  - History of alternative measures and extrajudicial sanctions used to deal with the offender.
2. The report also:
  - Reviews prior involvement with Corrections Branch;
  - Provides analysis based on the static fields set out in the risk/needs assessment instruments; and
  - Assesses the offender’s receptiveness to possible interventions.

### **7.4.2 Court history**

1. This is a chronological listing of youth court convictions, extrajudicial sanctions, alternative measures and adult convictions taken from CORNET, JUSTIN, and CPIC.

Note:

- YCJA rules apply regarding the period of access to youth records. Refer to chapter 17, Youth Supervision, for guidance about limitations of access to youth court records.
  - Outstanding charges, withdrawn charges and acquittals cannot be cited.
  - Records subject to a record suspension cannot be cited. A record suspension (formerly called a pardon) keeps a specific criminal record separate from other records but does not erase it. The *Criminal Records Act* can provide further guidance on how record suspensions are granted and their impact.
2. Probation officers review the court history section of the pre-sentence report with the offender prior to submission, to canvass whether included convictions have been subject to a record suspension. CORNET does not remove convictions, but an alert is sometimes added to indicate that portions of the client’s history are subject to a record suspension. This alert

Revised: Jan-16	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.4–2	<i>Chapter 7: Pre-Sentence Reports</i>

will appear at the top of a printed Client History. The conviction is removed from CPIC. An offence that is subject to a record suspension is not used in the PSR.

3. A record suspension is revoked if the offender is convicted of an indictable or hybrid offence, other than an offence listed in 7.4.2(4). The record suspension automatically ceases to have effect, and the record can be used in the PSR, when the client is convicted or a guilty plea is accepted in court.
4. In the case of:
  - A summary conviction offence;
  - An offence under section 255.1 of the *Criminal Code*;
  - An offence under the *Controlled Drugs and Substances Act*;
  - An offence under the *Firearms Act*; or
  - An offence under Part III or IV of the *Food and Drugs Act*.

Crown Counsel may choose to request approval from the federal Minister of Public Safety and Emergency Preparedness to disclose the suspended record to the court or a make a request for cessation of the record suspension

### **7.4.3 Court history assessment**

1. Offenders are assessed using risk/needs instruments that identify factors emerging from the criminal history. The following factors are described in the report when relevant:
  - Age at first conviction (limited by the provisions of YCJA 119(2));
  - Frequency and severity of offences, number of current convictions, and previous court dispositions;
  - Frequency and severity of violence, and use of weapons;
  - Degree of injury to victim, victim's age and vulnerability, relationship to offender (i.e. family members, children, step-children, strangers or acquaintances);
  - Sexual offence factors such as level of violence, gender of victims, age of victims, relationship of victim to offender, style (e.g. grooming, opportunistic, impulsive, planned, predatory);
  - Time in community following release prior to offending;
  - Repeat of previous or similar offences, or new offence type;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jan-16
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.4–3

- Prior community supervision and failures to comply;
  - Incarcerations and escape history; and
  - Patterns of past offending behaviour that relate to the current offence.
2. The offender’s perspective on the above factors is explored. Emphasis is placed on his/her understanding of the linkages between this history, identified needs and the offence before the court.

Note: Risk ratings are not disclosed in the report.

#### **7.4.4 Attitude and receptiveness to previous and proposed interventions**

1. The attitude and response of offenders to involvement with Corrections Branch programming is examined to assess their motivation, ability to make change, and receptiveness to assistance.
2. The assessment looks at:
  - Involvement in pro-social activities (work, education, training, and treatment);
  - Previous supervision including: attitude, compliance, offending while under supervision, completion of core programs, other programs and treatment components (in the community and custody); and
  - The offender’s demonstrated and stated willingness to accept help and comply with terms of a community supervision order, including consent to participate in programming, make restitution or a victim apology, and other interventions proposed by the probation officer or offender.

Note: Recent court decisions have opposed the imposition of “treatment” conditions without the offender’s consent. Probation officers may encounter difficulty in having breaches approved when offenders refuse treatment to which they have not consented. During the preparation of a pre-sentence report, probation officers canvass offenders regarding their willingness to attend treatment programming when warranted.

3. If the offender has been subject to a recognizance, reference can be made to the applicable subsection of 810 (fear of injury, fear of sexual offence or fear of serious personal injury) and the response to supervision. The report may not refer to the specifics of the allegation.
4. If the offender has been supervised on bail on an unrelated matter, reference can be made to the response to supervision, but not to the specifics of the allegation.
5. The institutional progress log may be accessed for information regarding the offender’s conduct during incarceration.



Revised: Jan-16	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.4–4	<i>Chapter 7: Pre-Sentence Reports</i>

6. When both a pre-sentence report and a mental health assessment have been ordered, the institutional progress log is reviewed for relevant information about the offender's functioning in custody.

#### **7.4.5 Attitude/understanding regarding the offence**

1. An assessment is made of the offender's appreciation of the nature and significance of his/her behaviour regarding the current offence. Attitude and understanding are evaluated as assets or liabilities with respect to the ability to respond to potential interventions.
2. Particulars of the offence and the offender's version of the offence are not entered in the report.
3. This section assesses the offender's:
  - Insight into the impact of the offence on the victim(s), community and self;
  - Explanation regarding underlying issues that may have contributed to the offence;
  - Acknowledgment of responsibility for the offence(s) and victim empathy;
  - Degree of planning, minimization, denial, and blaming of victim; and
  - Recognition and understanding of situations in his/her life that may potentially cause reoffending.
4. If the offender is found guilty at trial and continues to deny the offence, the report indicates that the offender cannot be assessed regarding attitude and understanding of the offence due to his/her position on the outcome of the trial.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.5–1

## **7.5 Sentencing Considerations for Aboriginal Offenders**

### **7.5.1 Principle**

Pre-sentence reports provide information regarding the circumstances of Aboriginal offenders, as required in section 718.2(e) of the *Criminal Code*.

### **7.5.2 *Criminal Code*, section 718.2(e)**

Section 718.2 (e) guides courts in considering sentencing options for Aboriginal offenders:

“All available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.”

### **7.5.3 Gladue investigation and report content**

The following areas are investigated and covered in the report regarding every person who is identified or self-reports as an Aboriginal:

- Nature of relationship between offender and his/her community of origin (where the offender was raised or has most ties, regardless of residence on or off reserve;
- Combination of systemic or background factors that contribute to the offender coming before the court for an offence;
- Effect of substance misuse, poverty, racism, unemployment, dislocation from family or Aboriginal community, family breakdown, educational opportunities and residential school experience;
- Willingness and capability of the Aboriginal community to assume responsibility for providing restorative approaches to criminal behaviour;
- Unique sentencing procedures specific to the nation, band or community of origin including restorative and traditional approaches, even when the offender has a fragmented connection to that community;
- Willingness of the victim to participate in restorative programming;
- Offender’s understanding of and willingness to participate in traditional Aboriginal justice, whether through the community of origin or local Aboriginal support agencies; and
- Alternatives to incarceration inside or outside of the Aboriginal community.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.6–1

## **7.6 Summary (revised: Mar-11)**

### **7.6.1 Summary and proposed interventions**

1. This section:

- Summarizes key findings of the investigation, describing offenders and their functioning in society, and highlighting factors that may have contributed to the offending behaviour;
- Informs the court of the offender's suitability for community supervision, programs available in the community and institutions to address identified criminogenic factors, and whether the offender consents to participate in treatment programming;
- Proposes that the court consider imposing a no-contact order in accordance with section 743.21 of the *Criminal Code* to enhance victim safety, if an:
  - Offender appears likely to receive a jail sentence with or without community supervision to follow; and
  - Order requiring the offender to abstain from communicating directly or indirectly with the victim or other individual for the duration of the jail sentence, is deemed appropriate;
- Lists condition(s) for community supervision orders that will enable effective correctional interventions and enhance victim and community safety; and
- Indicates that programming is not required when the offender does not have specific needs.

2. This section does not:

- Make a recommendation for sentencing (i.e. custody vs. community, conditional sentence vs. probation order);
- Refer to the application of risk/needs assessment instruments;
- Disclose ratings; and
- Make a prediction regarding the offender's risk to reoffend.

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.6–2	<i>Chapter 7: Pre-Sentence Reports</i>

### **7.6.2 Additional considerations for proposed interventions**

1. Suggested conditions must be realistically enforceable.
2. Eligibility criteria, offender eligibility, space availability and program duration are checked before making recommendations.
3. When the court requests an investigation into the technical suitability of the offender's residence for electronic supervision (refer to chapter 14), the report indicates that a conditional sentence is required.
4. When the court indicates at the time of ordering a pre-sentence report that an intermittent sentence is being considered, the probation officer suggests alternative sentencing options.
5. When an investigation and report is completed under the guidance of section 718.2 (e)—Gladue Report—proposed intervention strategies must relate to findings of the inquiry into elements set out in subsection 7.5.3.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.7–1

## **7.7 Procedures (revised: Mar-11)**

### **7.7.1 Probation officer to prepare report**

1. Probation officers employed by the Corrections Branch prepare pre-sentence reports.
2. Probation officers trained in the dynamics of sex offenders prepare pre-sentence reports on such offenders, as defined in section 11.3.
3. Pre-sentence reports on persons convicted of assaults against an intimate partner are conducted by probation officers who have completed all training in the dynamics of spousal abuse.
4. Pre-sentence reports on Aboriginal offenders are conducted by probation officers who are trained in Gladue reports.
5. Authorized persons other than a probation officer may collect documents for the report. However, a probation officer must be the sole author, primary investigator and signatory of the report.

### **7.7.2 Responsibility for report**

1. The office providing active supervision to the client at the time the request from the court is received is responsible for completing the report.
2. When the client is not under active supervision, the report is the responsibility of the office servicing the area where the client lives. Exceptions are authorized by local managers.
3. When the court requests a report and supervision of the client is transferred, the referring office retains responsibility, unless the local managers of the two offices make another arrangement.

### **7.7.3 Offenders under the *Youth Criminal Justice Act***

1. Community Corrections is responsible for completing pre-sentence reports on offenders who are subject to provisions of the *Youth Criminal Justice Act* (YCJA).
2. The Memorandum of Understanding between the Corrections Branch and Ministry of Children and Family Development established in March 2003 sets out responsibilities of each ministry for completion of these reports.
3. Youth pre-sentence reports are completed in accordance with section 40 of the YCJA. Refer to chapter 17, Youth Supervision.

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.7-2	<i>Chapter 7: Pre-Sentence Reports</i>

#### **7.7.4 Due dates and distribution**

1. Written reports are provided to the clerk of the court:
  - At least two working days prior to the sentencing date, when 15 or more working days occur between a court's request and the sentencing date; and
  - As soon as possible prior to the sentencing date, when 14 or fewer working days occur between a court's request and the sentencing date.
2. Four copies of the pre-sentence report are filed with the clerk of the court for distribution to the judge, Crown counsel, offender or counsel for the offender, and the court file. If a report is faxed or mailed electronically to the clerk of the court, the local manager ensures that a procedure is in place to distribute the copies.
3. When due dates permit, the offender is given a reasonable opportunity to comprehend and respond to contents of the report.
4. Pre-sentence reports may be provided directly to the accused/defence or Crown counsel only after the report is filed with the clerk of the court.
5. The courtroom is the only forum for discussion with the judge, Crown counsel or defence counsel about issues arising from the report. Conversations regarding the report, except with the offender, are conducted in the presence of all members of the court who have a right of access to the report.
6. If the court gives insufficient time to complete a pre-sentence report, the probation officer advises the local manager. The probation officer makes formal application in writing to the court for an extension prior to the due date.

#### **7.7.5 Court attendance—verbal reports**

1. Probation officers are not required to attend sentencing hearings unless summoned. If asked to be present by a judge, the probation officer attends.
2. If the court requests a verbal progress report, a brief summary of information presented to the court is entered on the offender's file within 15 working days.

#### **7.7.6 Access by outside parties**

1. The pre-sentence report is a court document. Copies are not provided to persons outside the Corrections Branch or persons not directly involved in the sentencing of the offender without authorization by the court.
2. Persons other than the accused requesting copies of the pre-sentence report are referred to the court.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.7–3

### **7.7.7 Requests from court of appeal**

1. The court of appeal may request a post-sentence report when considering a sentencing appeal. These reports have the same format and content as a regular pre-sentence report, except as noted in this section.
2. The face sheet and criminal record section documents the sentence imposed by the trial court.
3. The current circumstances section advises concerning developments since the imposition of sentence by the trial court (e.g. institutional report if the offender has been in custody, changes in circumstances, behaviour in the community).
4. Without reflecting on the wisdom of the sentence imposed by the trial court, the evaluation section may propose interventions.

### **7.7.8 CORNET entry**

The probation officer preparing a pre-sentence report enters the report on CORNET, according to procedures outlined in the *CORNET User Guide*.

### **7.7.9 Interviews**

1. The offender is interviewed in person.
2. If it is not possible to arrange for a personal interview or if the offender declines to be interviewed, the matter is returned to the court for direction.
3. When both a pre-sentence report and a pre-sentence mental health assessment are ordered and the offender refuses to be interviewed, the investigating officer submits an *Application to a Judge (PCR 315)*. This document requests permission from the court to submit a report based upon a review of documents and collateral interviews.
4. If approved, the report documents collateral information and summarizes file information in the relevant fields in the PSR template.
5. If the court approves a report to be completed without interviewing the offender, it is noted in the introduction.

### **7.7.10 Establish identity of offender**

The probation officer confirms the identity of the offender. This can be signed photo identification or verification from a reliable source.

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.7–4	<i>Chapter 7: Pre-Sentence Reports</i>

### **7.7.11 Contents of report not privileged**

1. Prior to obtaining information from the offender, the probation officer informs the offender that information may be presented to the court and should not be considered confidential.
2. A ban on publication restricts the information only as directed by the ban.

### **7.7.12 Home visits**

1. An interview at the offender's residence may be preferable to an office interview.
2. When the offender is a sex offender, a home visit is conducted during preparation of the pre-sentence report.
3. Home visits are subject to an assessment of personal safety, workload, and consent of the offender.
4. Refer to section 8.4 for more guidance about conducting home visits.

### **7.7.13 Collateral Interview**

1. The quality and validity of the information in a pre-sentence report are based on risk/needs assessment and enhanced by collateral information. Collateral interviews are conducted to:
  - Gather additional information for interviewing the offender;
  - Substantiate and enhance information provided by the offender;
  - Verify the offender's truthfulness and insight; and
  - Determine support that a reference can provide to the offender.
2. Before including information from collateral sources, the probation officer determines if the information is admissible and relevant to criminogenic factors.

### **7.7.14 Sources**

1. Collateral sources may include but are not limited to:
  - Personal: Spouse/partner; family member, school authority, employer, co-residents, personal references, support group, church group, employer;
  - Administrative: CPIC, CORNET, JUSTIN, Report to Crown Counsel (i.e. police report), and the results of a Protection Order Registry check in cases of violence, sexual offences and spousal assault (K file);



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.7–5

- Program: Community files, custody files, counselling reports, treatment facility, therapists, medical doctors, driver's abstract, core or other programs, agency, ministry (may require signed consent for interviews with professionals);
- External correctional agency (provincial and federal): The Correctional Service of Canada Offender Management System (OMS) is an investigative tool. By request, OMS may be accessed from a senior probation officer for the purpose of obtaining information about federal sentences served by the offender and the offender's response to interventions. Probation officers ensure that information obtained from OMS is confirmed with a Correctional Service of Canada parole officer prior to inclusion within a pre-sentence report. Refer to section 16.1.3 for parameters of appropriate OMS use; and

s.15

2. Probation officers do not have privilege to protect the identity of sources.
3. Individuals are informed in advance that:
  - There are no confidentiality protections regarding information that they provide for a pre-sentence report;
  - They will be identified in the report as the source of their information; and
  - The offender will see the report, and the individual may be compelled to testify at a sentencing hearing.
4. When information is provided by collateral contacts, they are named in the "sources of information" section of the report. If a potential risk to a person is identified, neither the information nor the source is identified in the report.
5. If information is withheld by an agency or individual, the probation officer considers the following alternatives:
  - Obtain a signed consent for release of information from the accused;
  - Explain to the agency or individual the need for the information and, in a diplomatic manner, the potential of subpoena;
  - Seek alternative sources of information; or
  - Report to the court for direction.

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.7-6	<i>Chapter 7: Pre-Sentence Reports</i>

### **7.7.15 High-Risk Offender Identification Program**

1. The (HROIP) is operated by the Criminal Justice Branch. Refer to subsection 2.7.1 for a program description.
2. HROIP informs probation officers of Criminal Justice Branch interest in an identified offender with an entry in the CORNET Client Alerts screen. Probation officers may contact the HROIP program manager to request or share information regarding an identified offender.
3. HROIP interest in an offender is not recorded in the pre-sentence report.

### **7.7.16 Psychological/ psychiatric reports**

1. When a pre-sentence report (PSR) is ordered in conjunction with a psychiatric/psychological assessment, Community Corrections staff:
  - Assist in scheduling an appointment for the accused to attend the forensic clinic for preparation of the assessment. They also inform the clinic whether the accused intends to attend and participate;
  - Direct the accused to attend the appointment via verbal and written reporting instructions;
  - Provide the forensic clinic with:
    - Confirmation that an assessment has been ordered as part of the PSR. The clinic is requested to return the completed assessment to the probation officer five days prior to sentencing;
    - Name of the probation officer preparing the PSR; and
    - Criminal history of the accused consisting of a CORNET Client History, a summary of any additional record from CPIC (not the CPIC print out), and other file information relevant to the preparation of the psychiatric/psychological assessment (i.e. recent PSR).
  - Attach the completed psychiatric/psychological assessment to the PSR for filing with the court clerk;
  - Submit the PSR to the court clerk according to the due dates outlined in section 7.7.4, regardless of a delay in receiving the psychiatric/ psychological assessment from the forensic clinic; and
  - Retain the psychiatric/psychological assessment as an attachment to the Client Log.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.7–7

2. The following issues are considered when PSRs reference psychiatric/psychological assessments:
  - When the psychiatric/psychological assessment is available five days prior to the sentencing date, the probation officer reviews the report;
  - Psychiatric/psychological findings regarding the functioning and mental status of the offender are used by the probation officer to determine:
    - Suitability for community supervision;
    - Programs available in custody and the community that address the offender’s criminogenic and mental health factors; and
    - Conditions for community supervision.
  - When a probation officer intends to support interventions proposed in the PSR by referencing information obtained from the forensic assessor or the assessment report, permission of the assessor is required.
    - The psychiatric/psychological assessment is made pursuant to section 721(4) of the *Criminal Code* and is considered part of a PSR. Note: The assessment is a stand-alone document and cannot be interpreted, restated or summarized in the PSR.

### **7.7.17 Interpreters**

1. It is preferable to use accredited interpreters.
2. The name of the interpreter and relationship to the offender is disclosed.
3. It is not appropriate for family members to interpret for an offender.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 7: Pre-Sentence Reports</i>	Page 7.8–1

## **7.8 Pre-Sentence Report Format (revised: Sep-06)**

### **7.8.1 Principle**

Pre-sentence reports are consistent in format and content according to the *pre-sentence report format for non-Aboriginal offenders* and *pre-sentence report format for Aboriginal offenders*.

### **7.8.2 Face sheet—page 1**

1. Court information (location, file number, judge, Crown counsel, defence counsel, date required, court date, date prepared).
2. Offender information (name, address, phone, contact information, age, date of birth, place of birth, CS number).
3. Offence details (*Criminal Code* name and section number, date, location).
4. Case status (remand status, date when guilt determined/ admission entered).

### **7.8.3 Sources of information—page 2**

1. All sources of information used in the formulation of the report are identified.
2. Persons contacted (list by name and association with the offender).
3. Reports reviewed, Corrections Branch files, police reports and CPIC.
4. Name and description of other individuals present for interview (lawyer, interpreter, student).
5. If not a court interpreter, describe relationship with offender.

### **7.8.4 Headings**

The report is arranged in sections under the following headings and sub-headings:

1. Current circumstances:
  - Family relationships, living arrangements, associates;
  - Education, vocation, employment, finances;
  - Behaviour, emotional status; and
  - Substance misuse.

Revised: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 7.8–2	<i>Chapter 7: Pre-Sentence Reports</i>

2. Victim information.
3. Court history and interventions:
  - History;
  - Assessment;
  - Attitude and receptiveness to interventions; and
  - Attitude and understanding regarding offence.
4. Sentencing considerations for Aboriginal offenders.
5. Summary and proposed interventions.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: May-13
<i>Chapter 8: Probation Supervision</i>	Page 8.1–1

## 8. Probation Supervision

### 8.1 Commencement of Supervision (revised: May-13)

#### 8.1.1 Legal authority

1. The *Criminal Code*, section 732.2, outlines when a probation order comes into effect, and how long it can be in force.
2. Section 732.2(2) of the *Criminal Code* indicates a probation order will continue in force for a term not exceeding three years after the date the order came into force.

#### 8.1.2 Start dates of probation orders

Section 732.2 of the *Criminal Code* governs the start date of probation orders, which take effect on the date they are made except in the following circumstances:

1. Jail term:
  - A probation order attached to a jail term does not commence until expiry of the jail term, regardless of whether the offender is released early on conditional release (i.e. parole);
  - If an unrelated probation order is made while an offender is subject to a jail term, the probation order does not start until the jail term expires. This applies even if the subsequent probation order is not related to the jail term; and
  - When multiple jail sentences are made, probation orders that have not started do not commence until all jail terms expire.
2. Conditional sentence term:
  - A probation order attached to a conditional sentence term does not start until the expiry of the conditional sentence;
  - When multiple conditional sentences are made and entered separately on CORNET due to different sentence lengths, or are ordered to run consecutively by the court, probation orders commence at the expiration of the specific conditional sentence to which they are attached; and
  - If an unrelated probation order (excluding a probation order attached to a jail term) is made while an offender is subject to a conditional sentence term being served in the community, the probation order starts on the date it is made.

Issued: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.1–2	<i>Chapter 8: Probation Supervision</i>

### **8.1.3 Jail plus probation with parole**

1. In jail plus probation orders, the probation order comes into effect when the warrant of committal expires and as soon as the offender is released from jail.
2. If an offender is released to parole during a jail sentence, the probation order takes effect the day after the parole certificate expires.
3. No breach of probation charges can be laid during the period of parole although the parole certificate can be suspended or revoked for subsequent offences or violations.

### **8.1.4 Multiple sentences and remand**

1. When a person is serving several jail sentences, not all of which are followed by probation, the probation order comes into effect at the end of the last, or longest, jail sentence.
2. A probation order cannot commence while a person continues to be held in custody on remand after completing custody followed by probation. For CORNET purposes, the commencement date of the order is the date the offender is released from custody.

### **8.1.5 Offender on probation jailed for subsequent convictions**

If an offender on probation is jailed for a subsequent conviction, the probation order remains in effect. Active supervision of the order resumes following release from custody unless the probation order expires.

### **8.1.6 Multiple jail sentences exceeding two years, probation to follow**

1. Section 731.1(b) of the *Criminal Code* implies that a probation order should not be imposed during a single sentencing hearing when the order would follow a period of imprisonment exceeding two years.
2. If, in total, all jail sentences imposed during a single sentencing hearing exceed two years and a probation order is imposed to follow, the probation order is unlawful. Refer to subsection 8.1.10, Unlawful probation orders.
3. During a subsequent sentencing hearing(s), the court may impose probation for one or more new offences even if the offender is currently under term(s) of imprisonment and the aggregate of the unexpired term of imprisonment and the new term(s) of imprisonment exceeds two years.
4. Although a probation order might be appropriate when made, a lengthy intervening term of imprisonment may subsequently render the order inappropriate if the delayed start of the probation order eliminates the rehabilitative purpose of the order.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: May-13
<i>Chapter 8: Probation Supervision</i>	Page 8.1–3

5. If there is reason to believe a probation order is invalid or no longer provides a meaningful rehabilitative purpose based on a lengthy intervening term of imprisonment, the case manager consults with Crown counsel and advises the offender to discuss the order with his or her counsel.
6. Unless a probation order is terminated or varied by a court, the order remains valid and the Corrections Branch supervises the order.

### **8.1.7 Directions to report following release**

1. Prior to release of an inmate from custody on a jail plus probation order: The releasing correctional centre completes an electronic referral to community directing the offender to report to the probation office to which CORNET defaults. Correctional centre staff have the inmate sign the referral directing him/her to report to community corrections upon release.
2. The correctional centre retains the signed original on the inmate warrant file for breach purposes. It gives a copy of the referral to the inmate, and faxes a copy to the receiving Community Corrections office.
3. The CORNET default may require an inmate to report to an itinerant office. In this case, the supervising probation officer initiates contact with the correctional centre prior to the inmate's release and provides written directions for the inmate to report to the itinerant office (or follows local practice). Correctional centre staff have the inmate sign the written instructions acknowledging the direction to report, and complete the referral to community entry on CORNET.

### **8.1.8 Failure to report after release**

1. Failure by an offender to report after release from jail constitutes a breach.
2. The case manager to whom the case is assigned takes the usual steps in cases of probation breaches. Refer to section 8.6 (Enforcement).

### **8.1.9 Probation orders under appeal**

1. Filing an appeal of either conviction or sentence does not automatically suspend the supervision or enforcement of a probation order.
2. Unless the court stays the execution of the sentence pending appeal, a probation order continues to be supervised and the offender is advised to abide by the conditions set out in the order.
3. When the court stays the probation order pending appeal, the order is suspended until the appeal is heard and a decision is reached. The case file is closed. If the appeal is not successful, it is reopened and supervision is reinstated.



Issued: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.1–4	<i>Chapter 8: Probation Supervision</i>

4. When the court stays the probation order pending appeal, the offender may be placed on a supervised bail order. Bail supervision is initiated for the duration of the appeal process.
5. Upon conclusion of the appeal, probation officers determine the status of the original order. If there is doubt, they consult with Crown counsel to clarify the appeal court's intent.

#### **8.1.10 Unlawful probation orders**

1. Community Corrections cannot disregard a court order. When a probation order or condition on a probation order appears to be unlawful, the case manager consults with Crown counsel as soon as feasible (bearing in mind the 30-day appeal period) regarding:
  - Whether the order or condition is unlawful; and
  - If unlawful, what action Crown counsel can take.
2. When Crown counsel advises that the order or condition is unlawful, the case manager may advise the offender to seek legal advice regarding the lawfulness of the order.
3. If possible, the offender seeks advice within 30 days. This permits the offender the opportunity to appeal the order/condition.
4. Despite the view that an order may be invalid, the order continues to be supervised and violations are communicated to Crown counsel. The case manager emphasizes to Crown counsel that there might be legal issues with the order.
5. Directions for proceeding with the breach are taken from Crown counsel and noted on the case file. If the case manager is not successful in processing breaches on "invalid" orders, the case manager can:
  - Return the matter to court for review (pursuant to section 732.2(3) of the *Criminal Code*);
  - Take direction from the court; or
  - Have the offender return the matter to court.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-14
<i>Chapter 8: Probation Supervision</i>	Page 8.2–1

## **8.2 Initial Intake (revised: Oct-18)**

### **8.2.1 Initial interview**

The primary case manager conducts an initial in-person interview with every offender who is the subject of a supervised probation order or recognizance, as noted in chapter 10, Section 810 Recognizances. The manager ensures that the procedures described in this section are completed.

### **8.2.2 Confirming the identity of the offender**

1. When the offender is not known to the case manager, the offender 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, recent photo of the offender on CORNET.

### **8.2.3 Reviewing the order**

1. The primary case manager reviews the order to ensure that the case manager and the offender are clear about the conditions imposed by the court.
2. The offender signs a copy of the order stamped with an acknowledgement indicating that:
  - The order was reviewed; and
  - The conditions and consequences for failing to comply without reasonable excuse are understood.
3. The primary case manager signs the stamp as witness to the offender's signature.
4. If the offender refuses to sign the stamped acknowledgement, the refusal is noted on the CORNET Client Log.

### **8.2.4 Providing additional information**

1. The primary case manager ensures that the new offender is offered written information regarding:

Revised: Mar-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.2–2	<i>Chapter 8: Probation Supervision</i>

- Provisions of the *Criminal Records Act* related to the offender’s right to apply for a record suspension;
  - Process to obtain information, pursuant to the *Freedom of Information and Protection of Privacy Act* as outlined in sections 14.5 to 14.7 of the *Management Services Policy Manual*; and
  - Means to redress complaints the offender may have regarding the Corrections Branch.
2. The *Information for Community Corrections Clients* form—available in multiple languages—is used for this purpose.

### **8.2.5 Interpreters**

1. Interpreters may be needed during initial and subsequent interviews with the offender to obtain reliable information for case management and supervision.
2. It is not appropriate for family members to interpret for an offender except in unusual circumstances.
3. If an interpreter is utilized when reviewing the order with the offender, the interpreter and primary case manager both sign the stamped copy of the order as witnesses.
4. The name and address of the interpreter should be retained on the case file for breach purposes.

### **8.2.6 No statutory privilege**

The case manager advises the offender that conversations between the officer and offender are not subject to statutory privilege. Information provided by the offender pertinent to an offence, committed or contemplated by the offender or another person, may be conveyed to police and/or Crown counsel and used as evidence in court proceedings.

### **8.2.7 Victim notification**

1. In cases involving violence, sexual offences or spousal assault (K files), probation officers make reasonable efforts to contact the victim and others protected by the order. This is done to inform the victim as soon as possible about the sentence imposed, the conditions of the order, and the implications of any changes to the order that may affect the victim’s safety.
2. Victim notification is made by telephone whenever possible. A letter from the probation officer and a copy of the order is also sent to the victim.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-14
<i>Chapter 8: Probation Supervision</i>	Page 8.2–3

3. Without jeopardizing the safety of the victim, the probation officer obtains the victim's name, address and phone number from the Report to Crown Counsel and supplies the victim with:
  - An explanation of the contents of the probation order, especially protective conditions;
  - A copy of the probation order (address and identifying information of the offender must be removed);
  - An explanation of how to report breaches of protective conditions, including information that he/she might be required as a witness in a hearing;
  - Information regarding specialized victim support services in the community that can assist with safety planning, access to services and program referral; and
  - Ongoing information regarding the implications of any changes to the order that might affect the victim's safety.
4. If the victim is not contacted, the reason is recorded<sup>s.15</sup>

### **8.2.8 Reporting structure**

1. During the first and subsequent contacts with the offender, the case manager ensures that the offender is aware of the time, date, place and manner of the next contact with the case manager.
2. When the offender is seen in person, written instructions signed by the case manager and offender are provided to the offender. A copy of the instructions is retained on the case file. The use of standardized, carbonized appointment slips is recommended.

### **8.2.9 Primary and secondary case managers**

1. The probation officer assigned a new case is the primary case manager for the offender. All offenders, whether active or pending, are assigned a primary case manager within two working days of an order being transferred into CORNET. The primary case manager is accountable for ensuring the case management plan and risk/needs assessment(s) are completed/updated in accordance with policy requirements throughout the course of supervision.
2. A primary case manager may elect, as part of the case management plan, to utilize the assistance of a secondary case manager from the primary Community Corrections Office, satellite, or itinerant location, in the following ways:

Revised: Mar-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.2–4	<i>Chapter 8: Probation Supervision</i>

- Supervision and case management by a probation officer in consultation with a primary case manager with specialized training in sex offender supervision;
  - Assistance of a probation officer 14 with selected aspects of case management and supervision, as specifically designated by the primary case manager; or
  - Probation officer responsible for core program facilitation.
3. Case management plans specify the assistance provided by the secondary case manager. The Client Log, in addition to recording offender progress/status, records the activities of the assigned secondary case manager.
  4. Despite the assignment of a secondary case manager, accountability for case management and supervision of the case is retained by the primary case manager and cannot be delegated.
  5. Primary and secondary case managers are identified on CORNET.

#### **8.2.10 CORNET entry**

1. Once the offender has reported for the first time, admission entries are made in CORNET.
2. The primary probation office enters new community orders in CORNET within two working days of receipt of the order.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 8: Probation Supervision</i>	Page 8.3–1

## **8.3 Administration (revised: Oct-12)**

### **8.3.1 Case recording standards**

Community Corrections maintains one case file for every client. Bail, probation, conditional sentence and conditional release are maintained in the same file.

### **8.3.2 Information recorded in CORNET**

1. The following information is recorded in CORNET for every sentenced offender.
2. Following intake:
  - Initial report—records actions and information collected relating to policy requirements set out in section 8.2, Initial Intake;
  - Intake summary—information relevant to the interim risk/needs outcome, risk/needs assessment, and the case management plan is recorded in this location;
  - Risk/needs assessment (no later than 60 days following intake); and
  - Case management plan (no later than 60 days following intake)—records elements required in subsection 2.4.2, Development of case management plans.
3. Ongoing:
  - Significant events related to the order, and compliance with conditions, enforcement, returns to court, new convictions, new or revised conditions;
  - A summary of each contact with the offender is recorded as a general entry in the Client Log tracking events, changes, progress and milestones, including:
    - Status update (including address, employment, education, relationships, living arrangements);
    - Response to the intervention(s) and progress in programs and treatment as required in subsection 2.5.2, Reporting sessions (progress in addressing criminogenic needs identified in the case management plan); and
    - Program referrals.
  - Updated risk/needs assessment (every six months at minimum). This requirement is outlined in subsections 2.3.1, Continuous assessment, and 2.3.8, Valid assessments;

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.3–2	<i>Chapter 8: Probation Supervision</i>

- Updated case management plans (every six months at minimum). This requirement is outlined in subsections 2.4.1, Overview of case management planning, and 2.4.2, Development of case management plans; and
- Pre-sentence reports, technical suitability reports, community assessments and electronic correspondence are attached to the Client Log.

4. At transfer:

- Transferring office—a transfer summary; and
- Receiving office—an updated risk/needs assessment(s), initial entry and case management plan.

5. At termination:

- A termination summary.

### 8.3.3 File structure

The following is the recommended standardized order for physical case file contents (in chronological order from top to bottom):

1. Left side of file:

- Appointment slips;
- Bail card/ sign-in sheet;
- Telephone messages;
- CORNET client information card;
- Photocopy of client identification;
- CPIC printout; and
- Local police criminal record (if applicable).

2. Right side of file (dividers are used for large files):

**Summaries printed from the CORNET Client Log:**

- Intake summary;
- Current risk/needs assessment;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 8: Probation Supervision</i>	Page 8.3–3

- Case management plan;
- Transfer; and
- Closing summary.

**Divider one**—Active/pending orders:

- All active or pending orders (no CORNET printout attached).

**Divider two**—Inactive orders:

- All inactive orders with CORNET printout attached.

**Divider three**—Reports:

- Psychiatric assessments;
- Medical reports; and
- Breach reports.

**Divider four**—Miscellaneous:

- Correspondence (if unable to attach document in the CORNET Client Log);
- Referrals to agencies;
- Electronic supervision documents; and
- PSR/CA/TSR written notes (remain on file only until the end of an appeal application, during an appeal or upon completion of an appeal).

**Divider five**—Circumstances:

- Victim statements; and
- Police circumstances (Reports to Crown Counsel).

3. Refer to steps about how to create a file in section 8.3 of the *Administrative Services Procedures Manual*.

#### **8.3.4 Progress reports**

1. The court may require a progress report on an offender when the offender, Crown counsel or case manager requests that conditions of the order be modified or deleted, or that the order be terminated.



Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.3–4	<i>Chapter 8: Probation Supervision</i>

2. A progress report may be oral or written. The latter can be a letter to the court with copies circulated as in a pre-sentence report. If oral, rough notes or a brief summary are noted in the case file as soon as feasible, but not more than 15 working days after the progress report is considered by the court.
3. The report contents may include:
  - A summary of the offender’s progress, especially factors that contribute to criminal conduct;
  - An indication of compliance or non-compliance with conditions on the order;
  - Comments from the victim, if appropriate;
  - Comments from professionals or collaterals involved in managing conditions on the order; and
  - Recommendations, if appropriate.

### **8.3.5 Notice to court of change of personal information**

1. Offenders on probation and conditional sentences are required by a mandatory condition of their order to notify the court or probation officer in advance of a change of name or address, or promptly of a change in employment or occupation.
2. The form *Notice of Change of Personal Information (PCR 115)*, was designed to facilitate this process. Case managers should provide this form to the offender to complete when necessary.

### **8.3.6 Administrative closure**

1. Active files remain open. If there is no reason to keep a case open, the case manager initiates an application to court for termination of the order or encourages the offender to do so.
2. Offices without access to a probation officer 14 are permitted to utilize administrative closure as a workload reduction strategy. Administrative closure may occur, according to circumstances outlined in #3 to #5 below.
3. Early closure (requires endorsement of the regional director) occurs under the following circumstances:
  - An offender’s risk/needs supervision level is rated as low, and all the conditions below are met:
    - Two months after intake or one-sixth of sentence, whichever is greater, has been completed;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 8: Probation Supervision</i>	Page 8.3–5

- Conditions of the order requiring involvement with other agencies or individuals have been referred;
  - There are no known outstanding charges; and
  - There is no need for reporting to a case manager.
  - An offender is not available to report to a case manager (e.g. palliative patient in hospital).
  - Despite administrative closure, the offender may report changes of address or employment to the office. The information can be retained on the offender's file. Direct contact with the case manager is minimal or non-existent.
4. Clients in jail (does not require endorsement of the regional director):
- The offender is in custody for more than 90 days (except remand), or the community order expires before the offender is released from custody.
5. Hold (does not require endorsement of the regional director):
- The offender breaches a conditional sentence order and a breach report is sent to Crown counsel. A “hold” on CORNET is required to prevent the order from expiring before the breach matter is concluded. For more discussion about conditional sentence breaches and CORNET entries, refer to chapter 9, Conditional Sentences.

**Note:** If an offender's case file is administratively closed, the file is reopened when the offender returns to active community supervision. A close to “hold” does not prevent other orders from being entered into the system.

### **8.3.7 Early termination**

1. Consideration may be given to returning to court an offender eligible for a single mode of supervision to ask for early termination if it is deemed that:
  - The first two months after intake or one-sixth of the sentence, whichever is greater, is completed successfully; and
  - The offender has complied with all conditions on the order.
2. The case manager encourages eligible offenders, who are suitable for this option, to return to court of their own volition to ask for early termination.
3. Upon closure of the file, the case manager completes a termination summary outlining the offender's overall progress, response to supervision and other relevant information.

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.3–6	<i>Chapter 8: Probation Supervision</i>

### **8.3.8 Order expiry review**

1. When the probation order is about to expire for an offender who remains at high risk to commit a serious personal harm offence or a sexual offence against children, and there is a danger to the safety of a victim or the public, the primary case manager considers applying for a section 810 recognizance before the existing order expires.
2. It is advisable to start the application process for this option in conjunction with Crown counsel at least three months before the order expiry date. This ensures that the new recognizance is in place before the existing probation order expires.
3. For policy on order expiry review, refer to the following subsections: 10.2.7, Order expiry review; and 10.2.8, Order expiry review criteria.

### **8.3.9 Records destruction**

1. All information except for transitory notes (e.g. appointment slips, telephone messages, rough drafts of reports or case notes) is retained in the case file, even after closure (according to the *Freedom of Information and Protection of Privacy Act*).
2. A probation officer or local manager is the only person authorized to remove information from the file.
3. Closed files are destroyed according to the *Document Disposal Act*, with the exception of sex offender and other identified files. Refer to chapter 11, Sex Offenders.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-05
<i>Chapter 8: Probation Supervision</i>	Page 8.4–1

## **8.4 Home Visits (issued: Apr-05)**

### **8.4.1 Application**

1. A home visit is an effective case management and risk assessment adjunct for assessing an offender's residence and living circumstances.
2. Reference to probation officer throughout this section also applies to probation officer 14.

### **8.4.2 Principles of home visits**

1. Ensuring safety of Community Corrections staff, the offender and the public is the paramount consideration when conducting a home visit.
2. Probation officers are vigilant regarding the potential risks associated with conducting home visits. They are responsible for following the home visit procedures outlined in their local Office Safety Plan. These procedures guide them in assessing and managing potential risks.
3. Local office safety plans are modified to reflect unique operational realities. Examples are: geographic location, staffing and client population (e.g. mentally disordered offenders).
4. Probation officers define the purpose and rationale for conducting home visits in the case management plan. They use the least intrusive type of home visit to achieve this purpose.

### **8.4.3 Types of home visits**

The type of home visit used is determined by the purpose of the visit. Thorough consideration is given to risks posed by the offender, and availability of adequate safeguards to effectively mitigate them. Types of home visits include:

- **Curb side:** Establishes visual confirmation of the offender's residence/neighbourhood, presence at the residence or proximity to prohibited areas/victim groups. The probation officer remains in the car and, if necessary, may summon the offender to the window or door of the residence by cellphone.
- **Doorstep:** Establishes face-to-face contact and communication with the offender at the front door of the residence to confirm compliance with conditions of the order.
- **Home entry:** Establishes confirmation of other family members or residents in the home. The probation officer makes observations that are pertinent to case management and report preparation:
  - Dynamics of these relationships;
  - Presence of materials or possessions that might increase risk level; and

Issued: Apr-05	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.4–2	<i>Chapter 8: Probation Supervision</i>

- Physical or emotional state of the offender.

#### **8.4.4 Case management and home visits**

1. Home visits are incorporated in case management plans or documented in the client file for report preparation when:
  - Conditions of an order:
    - Require residence approval by the probation officer;
    - Require a home visit; or
    - Can only be effectively monitored and enforced by visiting the offender's residence.
  - Required by policy (sex offender supervision, preparation of technical suitability report and community assessment report);
  - The probation officer determines that a purpose exists based on assessed risk/needs or offender type/circumstances; and
  - In the case of a home entry visit, the offender has consented to the probation officer entering the residence.
2. Home visits are not conducted solely for in-person curfew checks.
3. If an order contains conditions requiring residence approval or a home visit, which is deemed by the probation officer to warrant “home entry” and the probation officer is refused consent to do so, the following options are considered:
  - Suitability of a less intrusive type of home visit that achieves the purpose; or
  - Return the matter to court for review or breach the offender's order.
4. If an order does not require or authorize the probation officer to conduct a home visit, and the offender does not consent, the probation officer, in consultation with Crown counsel, may consider initiating a court review of the order to request that a relevant condition be added.

#### **8.4.5 Schedule during office hours**

1. Home visits are scheduled to occur during office hours of operation.
2. Clients are informed of “doorstep” and “home entry” visits before the visit, except when authorized by the local manager for the purpose of:

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-05
<i>Chapter 8: Probation Supervision</i>	Page 8.4–3

- Contacting or communicating with the client in the absence of other available methods; or
  - Modifying case management strategies to support compliance with conditions of an order in the case of mentally disordered or other special needs offenders.
3. Authorizations by the local manager are documented in the case management plan or client file.

#### **8.4.6 Communication device**

1. When conducting home visits alone, probation officers carry a charged and activated communication device.
2. In locations where the communication device is not functional due to absence of service, or is not portable: Probation officers do not conduct “doorstep” or “home entry” visits unless in the presence of another appropriate person (e.g. probation officer, sheriff, mental health worker, band official, police).

#### **8.4.7 Accompaniment by staff or other appropriate person**

1. Mitigation of the identified risks posed by an offender during a home visit, regardless of access to a communication device, may warrant accompaniment by another appropriate person.
2. The probation officer consults with the local manager when available safeguards are deemed insufficient to mitigate the risks posed by the offender for a home visit. If the risks cannot be adequately addressed, the local manager may authorize and document on the client file that the home visit is not conducted.

#### **8.4.8 Ride with police for community orientation**

Probation officers may participate in community orientations with the police, when general case management or enforcement is not the purpose of the ride.

#### **8.4.9 Vehicle**

Home visits are conducted using a government or rental vehicle, except when authorized by the local manager.

Issued: Apr-05	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.4–4	<i>Chapter 8: Probation Supervision</i>

#### **8.4.10 Enforcement**

1. Probation officers do not have search and seizure powers. Under no circumstances does a probation officer remove an offender's possessions from the residence.
2. While conducting home visits, probation officers do not provoke the offender by discussing suspected enforcement issues.
3. If the probation officer observes items that are restricted by the order, a breach Report to Crown Counsel is considered and/or police are contacted, depending on the urgency.
4. If illegal possessions (e.g. drugs and weapons) are noted, the police are contacted to investigate.

#### **8.4.11 Collateral contacts and FOIPPA considerations**

1. It might be desirable to speak to co-residents and non-offending members of the household about the offender's cycle of offending. This is done to monitor physical and emotional safety, subject to restrictions of the *Freedom of Information and Protection of Privacy Act*.
2. In accordance with the *Freedom of Information and Protection of Privacy Act*, other people might need to be informed of specific conditions of the offender's order (e.g. landlords, building managers, neighbours). Probation officers consult with the program analyst, privacy and high-risk offender notification, regarding authority for such disclosures.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 8: Probation Supervision</i>	Page 8.5–1

## **8.5 Varying a Probation Order (revised: Mar-11)**

### **8.5.1 Legal authority**

1. The *Criminal Code*, section 732.2, allows for an application to be made at any time by the offender, case manager or Crown counsel to change the optional conditions on a probation order.
2. When the offender requests a change, case managers may encourage the offender to voluntarily return to court to request a change of conditions.

### **8.5.2 Procedure to vary a probation order**

1. If the circumstances of the offender change, and a change in the optional conditions is desirable, the case manager uses form *Application to a Judge (PCR 315)*, to request these changes.
2. If the optional conditions are changed, the court gives the offender a copy of the newly endorsed order. The primary probation office also receives a copy of the amended order.

### **8.5.3 Reviewing the amended order with the offender**

The probation officer reviews an amended order with the offender, according to the process described in subsection 8.2.3 (Reviewing the order).

### **8.5.4 Victim notification**

1. In cases involving violence, sexual offences or spousal assault (K files), the probation officer makes reasonable efforts to contact the victim to inform him/her of a change of conditions, especially if protective conditions are amended or deleted.
2. If the victim is not contacted, the reason is recorded on the Victim Contact Log.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 8: Probation Supervision</i>	Page 8.6–1

## **8.6 Enforcement (revised: Mar-11)**

### **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;

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.6–2	<i>Chapter 8: Probation Supervision</i>

- 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.

#### **8.6.4 Report to Crown Counsel contents**

The Report to Crown Counsel is prepared as fully and accurately as possible. Crown counsel may have their own requirements and procedures for filing a breach report. The following documents are included:

- Copy of stamped probation order;
- Current criminal history (CORNET and CPIC), if not available in the court file;
- Copies of documentary evidence (e.g. appointment slips, community work service reports, witness statements); and
- Covering letter if the case is complex or information is confidential.

#### **8.6.5 Breach of protective conditions**

1. If the probation officer believes that an offender has breached—or is about to breach—a protective condition of the probation order, the police and victim are informed immediately.
2. If the accused allegedly breaches a protective condition of the probation order, the probation officer:
  - Reports the alleged breach to police for investigation and preparation of a Report to Crown Counsel; or
  - Discusses the situation with the local manager and records in the Client Log the reasons for not reporting the alleged breach of protective condition to police or Crown counsel.

#### **8.6.6 Victim notification**

1. In cases of violence, sexual offences or spousal assault (K files), reasonable efforts are made to inform the alleged victim of breach proceedings that are submitted by the probation officer and approved to court.
2. This applies when the circumstances related to the breach proceedings are relevant to victim safety (e.g. failure to report when the location of the accused is unknown).

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 8: Probation Supervision</i>	Page 8.6–3

3. If the victim is not contacted, the reason is recorded <sup>s.15</sup>

### **8.6.7 Location of court**

1. When a probation order is made in one location (the “originating location”) and the probationer is supervised in another location (the “supervising location”), the Report to Crown Counsel is sent to Crown counsel in the supervising location, regardless of where the breach is alleged to have occurred.
2. The Report to Crown Counsel is only sent to the originating location when the originating and supervising locations are within the Lower Mainland or close to each other.
3. Based on practical and public interest considerations, Crown counsel in the originating and supervising locations consider which office is in the best position to approve charges and conduct prosecution.

### **8.6.8 Revocation in cases involving a suspended sentence**

1. Section 732.2 (5) of the *Criminal Code* states that when an offender who is bound by a probation order is convicted of another offence, including breach of probation, in addition to a punishment that may be imposed for that offence, the court may, on application by the Crown counsel:
  - Revoke the probation order and impose a sentence that could have been imposed if the passing of sentence was not suspended; or
  - Make changes to the optional conditions that the court deems desirable, or extend the order up to one year.
2. The primary case manager in support of either of the above court options may contact Crown counsel, with reasons for supporting a Crown application to have the offender returned to court on the original probation order.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 8: Probation Supervision</i>	Page 8.7–1

## **8.7 Transfer of Supervision (revised: Oct-18)**

### **8.7.1 Overview**

1. The term courtesy supervision only applies to files from out of province. Refer to section 8.7.8.
2. Transfer occurs when a client changes address and resides in the jurisdiction of another office.
3. In most cases, transfer of supervision is unnecessary during attendance at a residential treatment facility.
4. Transfer exceptions may occur when the local manager and primary case manager determine that extenuating circumstances exist.
5. If exceptional circumstances exist and secondary supervision is arranged with another office, the following procedures apply:
  - The primary case manager remains in contact with the secondary case manager and retains accountability for ensuring that the risk/needs assessment and case management plan are updated; and
  - The primary case manager records the names of the office and secondary case manager providing supervision on CORNET and retains the physical file.
6. For sex offenders, refer to subsection 11.5.15.

### **8.7.2 Legal authority**

1. The *Criminal Code*, section 733, states that probation orders can be transferred to another jurisdiction within B.C. at the initiation of the case manager.
2. When the order is transferred out of province, consent of the attorney general of B.C. is required.

### **8.7.3 Victim notification**

1. In cases involving violence, sexual offences or spousal assault (K files), the probation officer makes reasonable efforts to contact the victim to inform him/her about the transfer of a probation order to a new community office.
2. If the victim is not contacted, the reason for no contact is noted s.15

Revised: Oct-18	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.7–2	<i>Chapter 8: Probation Supervision</i>

#### **8.7.4 Notice to court of change in personal information**

1. *Notice of Change of Personal Information (PCR 115)*, is designed to be completed by the offender when there is a change of name, address, employment or occupation.
2. It is recommended that this form is completed and forwarded to the court before a transfer of supervision.

#### **8.7.5 Transferring office**

When transferring an offender bound by a probation order between primary probation offices in British Columbia, the following procedures apply:

1. The case manager ensures that the conditions allow for transfer. If they do not, and the offender's transfer plan appears reasonable, the case manager considers varying the order to allow for transfer.
2. The case manager ascertains community safety concerns that may affect the viability of a transfer including:
  - Index offence;
  - Offence history;
  - Order type;
  - Residency condition requiring approval of a probation officer; and
  - Need for co-ordination with police.
3. The case manager notifies the receiving office in advance, and advises about the proposed intent to transfer the order. In cases of spousal assault, violence or sexual offences, the probation officer establishes personal contact with the receiving office to discuss immediate concerns and risk/needs considerations. For transfer of sex offenders, refer to subsection 11.5.15 (Transfer of supervision and temporary relocations).
4. The transferring case manager gives written instructions, signed by the offender, notifying the offender of the time, date and location of the next appointment at the receiving office, as well as the name of the person to whom the offender will report. The CORNET Referral Notice is recommended for this purpose.
5. Upon receipt of confirmation of the offender's arrival at the receiving office, the case file, with a transfer summary included, is forwarded as soon as possible to the receiving office. If the file cannot be forwarded in a timely manner, information relevant to the initial supervision of the offender (e.g. current risk/needs assessment, probation order, case management plan, pre-sentence report) is faxed to the receiving office.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 8: Probation Supervision</i>	Page 8.7–3

6. For reasons of privacy, when the client's file is forwarded by mail or courier only the delivery location is displayed on the exterior of the package. This criterion also applies to files sent to locations external to B.C. Corrections (e.g. for archiving or other authorized administrative purposes).
7. The transferring office records the transfer referral on CORNET, noting the receiving office and the primary case manager assigned to the case at the new location.

### **8.7.6 Receiving office**

1. Upon the offender's arrival at the receiving office, the receiving office contacts the transferring office and requests the case file. Refer to subsection 8.7.4(6) for the criterion related to forwarding client files by mail or courier.
2. Once the file is received, the primary case manager reviews outstanding court orders with the offender as outlined in subsection 8.2.3. This assists in ensuring a subsequent breach is successful.

### **8.7.7 Breaches on intra-provincial transfers**

1. If an offender fails to report to the initial appointment at the receiving office, the transferring case manager is notified immediately. If a breach is warranted, the transferring case manager initiates it.
2. After initial reporting, subsequent allegations of breach of probation are filed by the receiving case manager.

### **8.7.8 Inter-provincial transfers outside of B.C.**

Transferring an offender to another province or territory is time-consuming. An offender who is being transferred inter-provincially is usually supervised on a courtesy basis until the transfer is completed.

### **8.7.9 Procedures for inter-provincial transfers**

When transferring a community supervision order to another province or territory, the following procedures apply:

1. The case manager ensures that conditions of the order allow for the offender to move outside of British Columbia. When the order does not allow for the offender to relocate, yet the case manager believes the offender's plan is reasonable, the case manager considers varying the order to allow for transfer.

Revised: Oct-18	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.7–4	<i>Chapter 8: Probation Supervision</i>

2. The case manager ascertains community safety concerns that may affect the viability of a transfer including:
  - Index offence;
  - Offence history;
  - Order type;
  - Residency condition requiring approval of a probation officer; and
  - Need for co-ordination with police.
3. The case manager notifies the receiving office in advance and advises about the proposed intent to transfer the order. In cases of spousal assault, violence or sexual offences, the probation officer also advises of immediate concerns and risk/needs considerations.
4. To ensure that the offender's relocation plan is reasonable, the receiving office is given the name and proposed address of the offender, a copy of the probation order, proposed supervision plan, and information that the transferring case manager and receiving office deem relevant. Although not required by legislation, it is helpful to obtain the receiving office's consent to provide supervision of the offender.
5. The transferring case manager gives written instructions, signed by the offender, notifying the offender where, when and to whom he/she is to report in the receiving jurisdiction. The CORNET Referral Notice may be used for this purpose. The offender is informed that if he/she is unable to report to the receiving jurisdiction on the date specified. He/she must report back to the transferring office by a date specified in writing and signed by the offender.
6. Upon receiving notice from the receiving office that the offender has reported as directed, the transferring case manager obtains the address of the court of equivalent jurisdiction in the receiving province or territory and initiates formal transfer proceedings.
7. The case manager completes the relevant portions of the *Transfer of Probation Order* form. The case manager includes the full mailing address of the court of equivalent jurisdiction and forwards this information with a copy of the probation order and relevant correspondence to the Crown counsel who prosecuted the case.
8. The remaining portion of the *Transfer of Probation Order* form is completed by the Crown counsel as agent for the attorney general and submitted to a judge of the originating court. The application may be addressed in chambers. If approved, the original copy of the form and relevant court documentation (including a certified true copy of the probation order) is sent to the court of equivalent jurisdiction in the receiving province or territory. The probation order becomes fully enforceable within the new jurisdiction.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 8: Probation Supervision</i>	Page 8.7–5

9. The transferring case manager asks for periodic progress reports and keeps the file active on a courtesy supervision basis until the formal transfer has been completed.
10. After receiving notice that the transfer is completed, a notation is made on the paper and electronic files, and the file is closed.

### **8.7.10 Transfer of jurisdiction from another province/territory to B.C.**

The following procedures apply when an offender under a probation order arrives or notification of their arrival originates from another jurisdiction in Canada:

1. When the offender or transferring office contacts the receiving office, the case manager confirms the offender's residency and duration of residency in the area.
2. The case manager ascertains community safety concerns that may affect the viability of a transfer, including:
  - Index offence;
  - Offence history;
  - Order type;
  - Residency condition requiring approval of a probation officer; and
  - Need for co-ordination with police.
3. If the offender's residency is anticipated to be on an interim basis (three months or less), courtesy supervision may be considered. The case manager discusses the acceptability of this arrangement with the other jurisdiction and requests a faxed copy of the order, pre-sentence report and relevant documents.
4. If a formal transfer is suitable, the case manager:
  - Recommends it to the transferring office;
  - Supplies the name and address of the court of equivalent jurisdiction; and
  - Asks the sending jurisdiction to proceed with a formal transfer as quickly as possible to ensure capacity for enforcement.

**Note:** There are no grounds to deny supervision of a formal transfer. If problems arise with an offender who is being formally transferred to B.C., the probation officer discusses them with the sending office before the transfer takes place. The case manager consults with the local manager and local Crown and attempts to resolve the issues as early as possible. The probation order may need to be varied once formal jurisdiction is transferred.



Revised: Oct-18	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.7–6	<i>Chapter 8: Probation Supervision</i>

5. The receiving case manager provides courtesy supervision between initial contact and completion of the formal transfer process.
6. When notified that the official transfer is completed, the receiving case manager records the date of the official registration on CORNET and the case file.

#### **8.7.11 Breaches on inter-provincial transfers**

1. If the offender fails to report as directed by the transferring jurisdiction, the receiving case manager notifies the transferring jurisdiction immediately so breach proceedings can commence.
2. An offender must be formally transferred to the receiving office before breach proceedings can be initiated and processed in the receiving jurisdiction. A formal transfer of jurisdiction is initiated as soon as possible after the offender is resident in the new location.
3. Queries about breaching an offender who has transferred supervision inter-provincially are first addressed to the Crown counsel who has jurisdiction.

#### **8.7.12 Supervision by Correctional Service of Canada**

1. Correctional Service of Canada (CSC) is responsible for the administration of federal penitentiary sentences (including supervision of federal parole and statutory release). CSC also supervises provincial offenders released on parole by the Parole Board of Canada. When CSC supervises an offender who has an active and/or pending court order for community supervision, the procedures in this subsection apply.
2. Senior probation officers have read-only access to CSC's Offender Management System (OMS)—the information system that supports the management of offenders in the custody and/or supervision of CSC. Primary case managers may request OMS information about offenders from senior probation officers to assist with proactive monitoring of parole eligibility/statutory release dates and supervision transition planning. Refer to section 16.1.3 for the parameters of appropriate OMS use.
3. Federal penitentiary sentence: When transfer from provincial custody to a federal penitentiary is confirmed on the CORNET Client History screen, the probation officer faxes the following information to the CSC Sentence Management Unit, Regional Reception and Assessment Centre (fax: 604-851-7603):
  - Offender name, date of birth and FPS #;
  - Federal sentence imposed and the date of transfer to CSC;
  - Details of active and/or pending orders for community supervision, with copies attached; and

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-18
<i>Chapter 8: Probation Supervision</i>	Page 8.7–7

- Request for the probation officer to be notified about the offender’s release from custody on parole or statutory release by the supervising CSC parole office.  
**Note:** Despite request to be notified of release, the probation officer is responsible for proactively monitoring the offender’s parole eligibility/statutory release dates. Actively monitoring these dates enables the probation officer to request that CSC provide secondary supervision of active orders and/or make arrangements to transfer supervision of pending orders.
4. When the offender is released from custody, the probation officer contacts the supervising CSC parole office in accordance with the following procedures for pending or active orders for community supervision.
  5. Pending court orders for community supervision: When the offender is released to provincial parole (i.e. probation officer is notified by CORNET) or released to federal parole/statutory release (i.e. probation officer is responsible for proactively monitoring release dates), the probation officer formalizes a communication protocol with the supervising CSC parole officer within two working days to:
    - Request suspensions/revocations of parole, which will affect the projected commencement of the pending order, are reported immediately to the probation officer; and
    - Ensure arrangements are made for the probation officer to contact the CSC parole officer at least 14 working days prior to parole/final warrant expiry about the eventual transfer of the offender to B.C. Corrections. This includes the probation officer providing the offender with written instructions to report to Community Corrections at a specified date and time.
  6. Active court orders for community supervision: When the offender is released to provincial parole (i.e. probation officer is notified by CORNET) or released to federal parole/statutory release (i.e. probation officer is responsible for proactively monitoring release dates), the probation officer contacts the CSC parole officer within two working days to request secondary supervision and confirm the following:
    - The probation officer retains primary case manager responsibility for active court orders, including victim notification and enforcement. Risk/need assessments are not completed/updated while the offender is supervised by CSC;
    - The CSC parole officer is briefed on the terms of the active order and provides secondary supervision for the duration of the parole term when the offender will only report to the CSC parole officer;
    - A schedule of regular contact with the CSC parole officer is established to monitor compliance with the active order and is documented in the case management plan;
    - Suspensions/revocations of parole are reported immediately to the probation officer; and

Revised: Oct-18	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 8.7–8	<i>Chapter 8: Probation Supervision</i>

- When active supervision extends beyond parole expiry, arrangements are made in advance for the probation officer to contact the CSC parole officer at least 14 working days prior to parole expiry. The purpose of this contact is to discuss the transfer of the offender to B.C. Corrections. The probation officer also provides the offender with written instructions to report to Community Corrections at a specified date and time.

### **8.7.13 International transfers**

1. The *International Transfer of Offenders Act* (Canada) provides limited ability to transfer orders between foreign countries and Canada for Canadian citizens only.
2. Inquiries regarding formal transfers are directed to the headquarters policy and program analyst.
3. Probation officers do not provide supervision of any foreign court orders without documentation of a transfer completed under the *International Transfer of Offenders Act* (Canada).

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 8: Probation Supervision</i>	Page 8.8–1

## **8.8 Offence Act Probation Orders (issued: May-13)**

### **8.8.1 Legal authority**

1. The *Offence Act*, section 89, outlines when a probation order may be issued under the act.
2. Section 89.3 of the *Offence Act* indicates a probation order issued under the act will continue in force for a term not exceeding two years after the date the order came into force.

### **8.8.2 Supervision similar to probation supervision**

Unless otherwise noted in section 8.8, a probation order issued under the *Offence Act* is supervised in the same manner as a probation order issued under the *Criminal Code*.

### **8.8.3 Enforcement**

Section 89.6 of the *Offence Act* sets out the standard of proof for breaches of probation orders issued under the act. Crown counsel must prove that the offender failed or refused to comply with the order without reasonable excuse.

-

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 9: Conditional Sentences</i>	Page 9.1–1

## 9. Conditional Sentences

### 9.1 Overview (revised: Oct-12)

#### 9.1.1 Legal authority

The *Criminal Code*, section 742, allows the court to impose a sentence of imprisonment of less than two years to be served in the community.

#### 9.1.2 Designation of supervisors

The *Criminal Code* provides for the designation of “supervisors” to oversee offenders placed on conditional sentence orders. In British Columbia, the attorney general designates all probation officers and probation officers 14 as persons having the authority to supervise conditional sentence orders.

#### 9.1.3 Supervision of conditional sentences

1. The policy for supervising an offender on a probation order applies to the supervision of an offender on a conditional sentence, except as noted in this chapter.
2. A conditional sentence is a jail sentence served in the community. To ensure that offenders meet the expectations of the court, expeditious enforcement of breach allegations is required.
3. Use of electronic supervision with conditional sentences is consistent with the position taken by the Supreme Court of Canada in the Proulx decision: “House arrest” conditions are the norm for conditional sentences, not the exception. In response to this expectation, the Corrections Branch makes electronic supervision available to the courts to apply in conditional sentences.
4. For information regarding electronic supervision conditions and violations, refer to subsections 14.2.4, 14.4.3 and 14.4.4.4.
5. For policy relevant to supervision of an offender on a conditional sentence, refer to chapter 8, Probation Supervision.

#### 9.1.4 CORNET entry

The primary probation office enters a new conditional sentence order in CORNET within two working days of the receipt of the order.

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 9.1–2	<i>Chapter 9: Conditional Sentences</i>

### **9.1.5 Initial interview**

The supervisor conducts an initial in-person interview on every offender who is the subject of a conditional sentence order and ensures that the initial intake procedures described in chapter 8, Probation Supervision, are completed.

### **9.1.6 Risk/needs assessment**

1. A risk/needs assessment (CRNA, SARA or STATIC, STABLE and ACUTE) commences after the initial interview on all sentenced offenders who are placed on a conditional sentence.
2. For policy on the application of risk/needs assessment tools, refer to chapter 2, Case Management—Principles and Approaches.

### **9.1.7 Varying optional conditions**

When the supervisor believes that circumstances of the offender have changed, and a change in optional conditions is desirable, the supervisor gives written notification of the proposed changes and reasons to the offender, Crown counsel and court.

### **9.1.8 Procedure to vary optional conditions**

The procedure to vary an optional condition of a conditional sentence order, if initiated by the supervisor, as follows:

1. Supervisor completes form *Notice to Change a Conditional Sentence Order (PCR 113)* to request to vary an optional condition.
2. A copy of the first page of the PCR 113 is served on (given to) the Crown counsel and the offender. The supervisor acknowledges the service by completing the top portion of the second page of PCR 113, “Certificate of Service of Notification.”
3. Both pages of the original form are filed at the court registry.
4. Within seven days after receiving the Notice to Change a Conditional Sentence Order, the offender or Crown counsel may request the court to hold a hearing to consider the proposed changes. The court may respond by ordering a hearing.
5. If Crown counsel or the offender requests a hearing, or if ordered by the court, the hearing is held within 30 days of the court receiving the Notice to Change a Conditional Sentence Order.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 9: Conditional Sentences</i>	Page 9.1–3

6. When there is no request or order for a hearing within the seven-day period, the proposed changes take effect 14 days after the court receives notification referred to in paragraph #4 above. The supervisor keeps track of the 14-day period, and ensures that the offender is notified of changes made to the order. For more direction on reviewing an amended order, refer to subsection 9.1.9.
7. The supervisor notifies the offender of changes in conditions and verifies notification to the offender. The supervisor's "Certificate of Service of Notification" is completed, and the offender must sign the acknowledgement of the changes and consequences of failing to comply. This form is retained on the offender's file in the event of a breach of the changed conditions.

#### **9.1.9 Reviewing the amended order with the offender**

1. When a condition of a conditional sentence order is varied, a new conditional sentence order is not usually issued from the court registry unless:
  - A hearing is held; and
  - Substantive changes are made to the order.
2. The supervisor ensures that the offender is notified of changes to an order. This is important if there are breaches, because the court must be satisfied that the offender knew about amendments.
3. If the court issues an amended order, the supervisor reviews the amended order with the offender, according to the process outlined in chapter 8, Probation Supervision.
4. If there is no amended order issued from the court, the supervisor notifies the offender of changes in conditions and verifies notification to the offender through the supervisor's "Certificate of Service of Notification" on form *Notice to Change a Conditional Sentence Order (PCR 113)*. The supervisor completes the form and the offender signs it. PCR 113 does not have to be submitted to Crown counsel or court registry, but is retained on the offender's file.

#### **9.1.10 Victim notification**

1. In cases involving violence, sexual offences or spousal assault (K files), the supervisor makes reasonable efforts to contact the victim to inform him/her of changes of conditions, especially protective conditions that are amended or deleted.
2. If the victim is not contacted, the reason is recorded <sup>s.15</sup>

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 9.1–4	<i>Chapter 9: Conditional Sentences</i>

### **9.1.11 Transfer of supervision**

1. The *Criminal Code*, section 742.5, states that conditional sentence orders can be transferred to another Canadian jurisdiction outside British Columbia on the application of the supervisor.
2. Before an order is transferred out of province, the attorney general of British Columbia must give consent when the substantive offence is a provincial matter. The attorney general of Canada must give consent when the substantive offence is a federal matter. Refer to the *Transfer of a Conditional Sentence Order* form.
3. It is a compulsory condition of every conditional sentence order that the offender “remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the supervisor.” Permission to leave the province is carefully considered.
4. Case law suggests that supervisors lack authority to permit an offender to relocate to another province or territory. When an offender leaves the province temporarily (i.e. under three months, or for seasonal work), the supervisor may grant permission and request courtesy supervision while the offender is in the receiving province. As soon as the supervisor knows that the offender will remain in the receiving province or be in the other province longer than three months, the supervisor initiates a formal transfer of supervision at the same time as granting permission to temporarily relocate.
5. If the supervisor is uncomfortable with allowing an offender to move to another province or be absent, the supervisor denies permission and advises the offender to make an application to the court.
6. In sensitive or high profile cases, the supervisor advises Crown counsel that the offender wishes to relocate to another province or territory. If Crown counsel does not support the relocation, the offender is directed to obtain permission to relocate from the court.

### **9.1.12 Supervision by the Correctional Service of Canada**

1. Correctional Service of Canada (CSC) is responsible for the administration of federal penitentiary sentences (including supervision of federal parole and statutory release). CSC also supervises provincial offenders released on parole by the Parole Board of Canada. When CSC supervises an offender who has an active and/or pending conditional sentence order, the procedures in this subsection apply.
2. Senior probation officers have read-only access to CSC’s Offender Management System (OMS)—the information system that supports the management of offenders in the custody and/or supervision of the CSC. Primary case managers may request OMS information about offenders from senior probation officers to assist with proactive monitoring of parole eligibility/statutory release dates and supervision transition planning. Refer to section 16.1.3 for the parameters of appropriate OMS use.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 9: Conditional Sentences</i>	Page 9.1–5

3. Federal penitentiary sentence: When transfer from provincial custody to a federal penitentiary is confirmed on the CORNET Client History screen, the probation officer faxes the following information to the CSC Sentence Management Unit, Regional Reception and Assessment Centre (fax: 604-851-7603):
  - Offender name, date of birth and FPS #;
  - Federal sentence imposed and the date of transfer to CSC;
  - Details of active and/or pending orders for community supervision, with copies attached; and
  - Request for the probation officer to be notified about the offender's release from custody on parole or statutory release by the supervising CSC parole office.  
**Note:** Despite request to be notified of release, the probation officer is responsible for proactively monitoring the offender's parole eligibility/statutory release dates. Actively monitoring these dates enables the probation officer to request that CSC provide secondary supervision of active orders for community supervision and/or make arrangements for supervision transition of pending orders for community supervision.
4. When the offender is released from custody, the probation officer contacts the supervising CSC parole officer in accordance with the following procedures for pending or active conditional sentence orders.
5. Pending conditional sentence order: When the offender is released to provincial parole (i.e. probation officer is notified by CORNET) or released to federal parole/statutory release (i.e. probation officer is responsible for proactively monitoring release dates), the probation officer formalizes a communication protocol with the supervising CSC parole officer within two working days to:
  - Request suspensions/revocations of parole, which will affect the projected commencement of the pending order, are reported immediately to the probation officer; and
  - Ensure arrangements are made for the probation officer to contact the CSC parole officer at least 14 working days prior to parole expiry regarding transfer of the offender to B.C. Corrections. This includes the probation officer providing the offender with written instructions to report to Community Corrections at a specified date and time.
6. Active conditional sentence order: When the offender is released to provincial parole (i.e. probation officer is notified by CORNET) or released to federal parole/statutory release (i.e. probation officer is responsible for proactively monitoring release dates), the probation officer contacts the CSC parole officer within two working days to request secondary supervision and confirm the following:

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 9.1–6	<i>Chapter 9: Conditional Sentences</i>

- The probation officer retains primary case manager responsibility of the active conditional sentence order, including sentence calculation, victim notification and enforcement. Risk/need assessments are not completed/updated while the offender is supervised by CSC;
- The CSC parole officer is briefed on the terms of the conditional sentence order and provides secondary supervision for the duration of the parole term when the offender will only report to the CSC parole officer;
- A schedule of regular contact with the CSC parole officer is established to monitor compliance with the conditional sentence order and is documented in the case management plan;
- Suspensions/revocations of parole are reported immediately to the probation officer due to the impact on the conditional sentence calculation; and
- When active supervision extends beyond parole expiry, arrangements are made in advance for the probation officer to contact the CSC parole officer at least 14 working days prior to parole expiry. The purpose of this contact is to discuss transfer of the offender to B.C. Corrections. The probation officer also provides the offender with written instructions to report to Community Corrections at a specified date and time.

### **9.1.13 Order expiry review**

1. When the conditional sentence order is about to expire for an offender who remains at high risk to commit a serious personal harm offence or a sexual offence against children, and is a danger to the safety of a victim or the public: The primary case manager considers applying for a section 810 recognizance before expiry of the existing order.
2. It is advisable to start the application process for this option in conjunction with Crown counsel—at least three months before the order expiry date. This ensures that the new recognizance is in place before the existing conditional sentence order expires.
3. For policy on order expiry review, refer to the following subsections: 10.2.7, Order expiry review; and 10.2.8, Order expiry review criteria.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 9: Conditional Sentences</i>	Page 9.2–1

## **9.2 Enforcement (revised: Oct-12)**

### **9.2.1 Initiate breaches promptly**

Due to the onerous nature of conditional sentences and because there is an impact on a conditional sentence when the breach process is initiated, supervisors submit allegations of breaches of conditional sentences within two working days of an alleged breach occurring.

### **9.2.2 Report to Crown Counsel format and court location**

1. When a supervisor decides to initiate breach proceedings, a Report to Crown Counsel is submitted in JUSTIN. Refer to subsection 8.6.7, Location of court, for procedures regarding the court location that receives the Report to Crown Counsel.
2. Once the report is submitted, an administrative hold (ADMCL; reason: HOLD) is placed on the order. Placing a “hold” on the order prevents the order from being purged from CORNET if it reaches its natural expiry date before breach proceedings conclude.

### **9.2.3 Breach of protective conditions**

1. If the supervisor believes that an offender has breached—or is about to breach—a protective condition of the order, the police and victim are informed immediately.
2. If the offender allegedly breaches a protective condition of the order, the supervisor:
  - Reports the alleged breach of protective condition to police for investigation and preparation of witness statements/Report to Crown Counsel. When witness statements or a Report to Crown Counsel are produced by police, the supervisor follows up by submitting an allegation of breach of conditional sentence in JUSTIN; or
  - Discusses the situation with the local manager and records in the Client Log the reasons for not reporting the alleged breach of protective condition to police or Crown counsel.

### **9.2.4 Witness statements**

The supervisor includes signed witness statements, taken by the local police detachment. Supervisors seek the assistance of their local detachment in obtaining them.

### **9.2.5 Crown counsel involvement in obtaining warrants**

Based on the information provided, Crown counsel may have a warrant issued for the arrest of the offender. The supervisor is not responsible for obtaining the warrant.

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 9.2–2	<i>Chapter 9: Conditional Sentences</i>

### **9.2.6 Victim notification**

1. In cases of violence, sexual offences or spousal assault (K files), reasonable efforts are made to inform the alleged victim of breach proceedings that are submitted by the supervisor and approved to court.
2. This applies when the circumstances related to the breach proceedings are relevant to victim safety (e.g. failure to report when the location of the accused is unknown).
3. If the victim is not contacted, the reason is recorded <sup>s.15</sup>

### **9.2.7 Sentence calculations**

1. The supervisor enters incidents into the CORNET Conditional Sentence Calculation screen as soon as possible, but no later than two working days following the occurrence.
2. The local manager conducts quality assurance reviews to ensure calculations are accurate and completed as required.
3. Unusual or complicated situations involving a breach of a conditional sentence or sentence calculation are directed to the local manager. When the local manager and supervisor cannot resolve the matter, the Community Corrections analyst is consulted.
4. Refer to subsections 18.3.8, 18.3.9 and 18.3.10.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-15
<i>Chapter 10: Section 810 Recognizances</i>	Page 10.1–1

## 10. Section 810 Recognizances

### 10.1 Overview (revised: Oct-15)

#### 10.1.1 Legal authority

1. According to the *Criminal Code*, section 810, the court can order a recognizance (commonly referred to as a peace bond) for a period not exceeding 12 months. Additionally, the court may impose section 810.01, 810.1 and 810.2 recognizances for a maximum of two years if an offender is found to have a related previous conviction. Section 810.011 recognizances may be imposed for a maximum of five years if an offender was previously convicted of a terrorism offence.
2. The following types of section 810 recognizance are likely to be supervised by probation officers:
  - A section 810 recognizance, often used in situations involving potential domestic violence or when a person fears another person will cause personal injury or danger to him/her or to his/her spouse, child or property;
  - A section 810.1 recognizance, ordered if a person fears another person will commit a sexual offence against a child under the age of 16; and
  - A section 810.2 recognizance, used when a person fears another person may commit an indictable offence other than treason or murder, including sexual assault, sexual assault with a weapon or aggravated sexual assault, for which the offender may be sent to prison for 10 years or more.
3. Section 810.1 and 810.2 recognizances are generally issued to offenders who have reached the end of their sentence with provincial or federal corrections and remain a high risk to reoffend and a danger to the safety of a victim or the public.
4. In the following circumstances the court may order:
  - A section 810.01 recognizance, if a person fears another person will commit an offence against a justice system participant or a criminal organization offence; or
  - A section 810.011 recognizance, if a person fears another person may commit a terrorism offence.

Revised: Oct-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 10.1–2	<i>Chapter 10: Section 810 Recognizances</i>

### **10.1.2 Supervision similar to probation supervision**

1. Unless otherwise noted in this chapter, a section 810 recognizance is supervised in the same manner as a probation order.
2. For policy relevant to supervision on this type of order, refer to chapter 2, Case Management—Principles and Approaches, chapter 8, Probation Supervision, chapter 11, Sex Offenders, and 12, Spousal Assault: K-Files.

### **10.1.3 CORNET entry**

The primary probation office enters a new section 810 recognizance in CORNET within two working days of receiving the order.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-15
<i>Chapter 10: Section 810 Recognizances</i>	Page 10.2–1

## ***10.2 Supervision (revised: Oct-15)***

### **10.2.1 Initial interview**

The probation officer conducts an initial in-person interview on every individual who is the subject of a section 810 recognizance and ensures that the initial intake procedures (described in chapter 8, Probation Supervision) are completed.

### **10.2.2 Risk/needs assessment**

1. A risk/needs assessment (CRNA, SARA or STATIC, STABLE and ACUTE) commences after the initial interview on all offenders who are placed on a section 810 recognizance that identifies supervised conditions longer than two months.
2. The risk/needs assessment is completed as soon as possible, but not longer than two months after the initial interview. It is updated every six months or more frequently by the probation officer.
3. During the time an offender is being assessed, the probation officer determines and applies an interim level of intervention that is adjusted when more information emerges.
4. The primary factors used in determining the initial interim level of intervention are: Offence history, current offence, previous assessment and response to previous interventions.
5. The probation officer enters decisions related to applied interim interventions in the Client Log.
6. For policy on the application of risk/needs assessment tools and guidance in case management planning and selecting modes of intervention, refer to chapter 2, Case Management—Principles and Approaches.

### **10.2.3 Victim notification**

1. Probation officers make reasonable efforts to contact the victim and others protected by the order. This is done to ensure that the victim is informed as soon as possible about the conditions of the order, and the implications of any changes to the order that may affect the victim's safety.
2. Victim notification is made by telephone whenever possible. A letter from the probation officer and a copy of the order are also sent to the victim.
3. Without jeopardizing the safety of the victim, the probation officer obtains the victim's name, address and phone number from the Report to Crown Counsel and supplies the victim with:

Revised: Oct-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 10.2–2	<i>Chapter 10: Section 810 Recognizances</i>

- An explanation of the contents of the order, especially protective conditions;
  - A copy of the order (address and identifying information of the offender must be removed);
  - An explanation of how to report breaches of protective conditions, including information that he/she might be required as a witness in a hearing;
  - Information regarding specialized victim support services in the community that can assist with safety planning, access to services, and program referral; and
  - Ongoing information regarding the implications of any changes to the order that might affect the victim's safety.
4. If the victim is not contacted, the probation officer enters the reason <sup>s.15</sup>  
s.1

#### **10.2.4 Supervision of section 810.1 and 810.2 recognizances issued through the High-Risk Recognizance Advisory Committee (HRRAC)**

1. The High-Risk Recognizance Advisory Committee (HRRAC) is an inter-agency committee that proactively assesses high-risk offenders who are being released from federal custody at the end of their sentence. If a section 810.1 or 810.2 recognizance is recommended by HRRAC and imposed by the court, the offender is supervised by the Corrections Branch.
2. Probation officers receive advanced notice from the high-risk offender analyst of an offender's pending release on an HRRAC recommended section 810.1 or 810.2 recognizance.
3. When advanced notice of an offender's release is provided, the probation officer in consultation with their local manager actively assists with co-ordinating the transition to community supervision, including:
  - Reviewing available documentation, including the HRRAC case review, Report to Crown Counsel (RCC), and information provided by the high-risk offender analyst;
  - Consulting with local police to ensure a collaborative approach to release, support and monitoring of an offender's pending supervision;
  - Consider notification, including public, compelling circumstance, or consistent purpose notification (refer to chapter 4, Notifications). In some cases, HRRAC may have endorsed the need for a public notification. When public notification is a consideration, police are consulted;



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-15
<i>Chapter 10: Section 810 Recognizances</i>	Page 10.2–3

- Consulting with the high-risk offender analyst to determine identified offender needs related to risk to reoffend that may require consideration prior to release. In some cases, contact with the offender prior to release may be necessary; and
  - Conducting a home visit of the proposed residence to determine appropriateness, or if no residence is proposed, assisting the offender to identify suitable residence criteria consistent with the conditions of the order and identified risk factors.
4. Factors identified in the HRRAC case review and RCC are considered when determining and applying an interim risk/needs outcome. The probation officer enters the interim risk/needs outcome in the Client Log.

### **10.2.5 Varying a section 810 recognizance**

1. The probation officer does not have authority to impose extra reporting conditions on a section 810 recognizance.
2. The court may vary section 810 recognizance conditions on the application of the informant (usually the victim), the attorney general (Crown counsel), or the accused.
3. If a probation officer becomes aware of important information, which leads the probation officer to believe that the offender should be detained or subject to stricter conditions, the probation officer advises Crown counsel and discusses action.
4. The probation officer reviews an amended order with the offender, according to the process outlined in chapter 8, Probation Supervision.

### **10.2.6 Transfer of supervision**

1. Section 810 recognizances may be transferred to another primary probation office in B.C. or to another province or territory under section 810.22 of the *Criminal Code*. Procedures to transfer supervision in either case are the same as outlined in section 8.7, Transfer of Supervision.
2. While recognizances may be transferred, some jurisdictions may not provide supervision of these orders. In these cases, as supervision may be provided by a police agency, the probation officer makes contact with the relevant police agency to arrange transfer.
3. Before transferring a recognizance, the probation officer refers to section 8.7.10 (subsection 1-5 only), Procedures for inter-provincial transfers, and contacts the receiving province or territory to confirm the ability to provide supervision of the order. If supervision cannot be arranged, the probation officer consults with Crown counsel prior to the offender's move outside of British Columbia.

Revised: Oct-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 10.2–4	<i>Chapter 10: Section 810 Recognizances</i>

4. In sensitive or high profile cases, the probation officer advises Crown counsel that the offender wishes to relocate to another province or territory. If Crown counsel does not support the relocation, the offender is directed to obtain permission to relocate from the court.

### **10.2.7 Order expiry review**

1. A section 810.1 or 810.2 recognizance is considered prior to the expiry of any sentenced order, including an existing section 810.1 or 810.2 recognizance when there is continued fear—on reasonable grounds—that an offender will:
  - Commit a sexual offence against a child under the age of 16 (section 810.1); or
  - Commit an indictable serious personal harm offence (other than treason or murder) for which the offender may be sent to prison for 10 or more years, including sexual assault, sexual assault with a weapon or aggravated sexual assault (section 810.2).
2. The option to apply for a section 810 recognizance may be utilized near the end of a community supervision order, if the offender will no longer be under Corrections Branch jurisdiction and conditions noted in section 10.2.7(1) exist.
3. It is advisable to begin discussing this option with Crown counsel at least three months before the existing order expires. This ensures that the new recognizance is in place before the existing order reaches expiry.
4. The probation officer reviews the criteria in section 10.2.7 and—in consultation with the local manager—determines whether an 810.1 or 810.2 recognizance order is required. The decision and rationale are entered in the Client Log. The local manager and probation officer may consult the high-risk offender analyst when determining if a section 810.1 or 810.2 application is required.
5. Probation officers consult the *Order Expiry Review 810.1/810.2 Application Guidelines* for assistance with the application process.

### **10.2.8 Order expiry review criteria**

When considering an order expiry review for a non-sex offender, probation officers examine all information relevant to risk, including risk indicators outlined in this section. Refer to section 11.5.17 for order expiry review criteria related to sex offenders.

1. Indicators of a continuing high risk of violent recidivism include:
  - Ratings on the CRNA, SARA, and other available risk assessment instruments;
  - Psychological assessments and reports pertaining to the offender’s risk to reoffend;  
and

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-15
<i>Chapter 10: Section 810 Recognizances</i>	Page 10.2–5

- Information from previous sentences, including federal jail sentences.
2. Indicators of an entrenched pattern of persistent violent offending behaviour include:
- Current offence caused serious personal harm;
  - Offender has a history of behaviours causing serious harm;
  - Reliable information demonstrating that the offender has difficulties controlling violent impulses that may endanger the safety of other people;
  - Use of weapons in the commission of an offence;
  - Explicit threats of violence;
  - A substantial degree of indifference regarding the impact of his/her behaviour on others; and
  - Offender self-reports information indicating they are at risk for reoffending.
3. Indicators that the offender's treatment needs remain unaddressed include:
- Failure to successfully complete treatment, or refusal to attend treatment;
  - Disclosure of information to treatment providers indicating an escalation of risk; and
  - Reports by treatment providers indicating a need for more supervision, treatment, and/or interventions.
4. Indicators of non-compliance include:
- Failure to comply with court-ordered conditions and or the requirements of community supervision; and
  - Offender holds pro-criminal attitudes or attitudes supportive of offending.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 10: Section 810 Recognizances</i>	Page 10.3–1

## **10.3 Enforcement (revised: Mar-11)**

### **10.3.1 Legal authority**

1. A person bound by a section 810 recognizance who commits a breach of the recognizance is guilty of an offence under the *Criminal Code*, section 811.
2. In rare and exceptional circumstances, Crown counsel may breach a section 810 recognizance under the *Criminal Code*, section 127.

### **10.3.2 Procedure**

1. Probation officers report to Crown counsel offences for which the accused is charged or convicted during a section 810 recognizance, and violations of conditions of the recognizance that are specified by the court and allow no discretion of the probation officer.
2. Breach proceedings are initiated on a Report to Crown Counsel.

### **10.3.3 Breach of protective conditions**

1. If the probation officer believes that a person bound by section 810 recognizance has breached—or is about to breach—a protective condition of the order, the police and victim are informed immediately.
2. If an individual subject to an 810 recognizance allegedly breaches a protective condition of the order, the probation officer:
  - Reports the alleged breach to police for investigation and preparation of a Report to Crown Counsel; or
  - Discusses the situation with the local manager and records in the Client Log the reasons for not reporting the alleged breach of protective condition to police or Crown counsel.

### **10.3.4 Victim notification**

1. Reasonable efforts are made to inform the alleged victim of breach proceedings submitted by the probation officer and approved to court.
2. This applies when the circumstances related to the breach proceedings are relevant to victim safety (e.g. failure to report when the location of the accused is unknown).
3. If the victim is not contacted, the reason is recorded <sup>s.15</sup>

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 11: Sex Offenders</i>	Page 11.1–1

## 11. Sex Offenders

### 11.1 Overview (revised: Mar-11)

#### 11.1.1 Definition of a sex offender

A sex offender has been convicted, found guilty, or is subject to a section 810 recognizance under the *Criminal Code* for:

- A sexual offence;
- Another offence that includes sex offending intent or behaviour; or
- An historical offence that includes sex offending intent or behaviour, even if the offender is serving a disposition for a non-sexual offence.

#### 11.1.2 Sex offender convicted of a non-sexual offence

1. An offender who fits the definition in section 11.1.1 may be supervised as a non-sex offender if the:

- Offence and/or offence pattern indicates non-sex criminogenic factors;
- STATIC, STABLE and ACUTE risk assessments have been applied and entered on CORNET; and
- Rationale for this decision is documented in the Client Log and endorsed by the local manager.

2. Examples that support this practice include:

- The passage of time and/or treatment gains result in a low-risk rating for sex offending. Combined with other factors, such as mental health issues, interventions unrelated to the offender's sexual offence(s) might be needed; or
- The offender is convicted of offences related to prostitution.

#### 11.1.3 Purpose of supervision

1. The purpose of supervision of sex offenders is to enhance public safety through ongoing risk/needs assessment and management.

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.1–2	<i>Chapter 11: Sex Offenders</i>

2. Supervision includes:

- Monitoring the sex offender to ensure compliance with, and enforcement of conditions of the order;
- Providing support and direction to the sex offender (and community supports) to reduce the risk of reoffending;
- Referring the sex offender to treatment and providing assistance to the offender (and community supports) to enhance the success of such programs; and
- Liaising with local police and, when appropriate, other concerned parties (i.e. victims, child protection agencies, schools, daycare centres, family members and neighbours) regarding pertinent conditions of the order, including changes in residence.

#### **11.1.4 Sex offender supervisors**

1. Sex offenders are supervised by a probation officer who:

- Has training in sex offender dynamics; or
- Can consult with, or be assisted by, a sex offender supervisor.

2. Refer to subsection 11.6.1, Qualifications of sex offender supervisor.

3. When directed by a sex offender supervisor, secondary case managers may assist in supervising sentenced sex offenders. Secondary case managers may also assist in the delivery of programming with a fully trained sex offender supervisor.

#### **11.1.5 Breach of conditions**

1. The probation officer informs the offender that breaches of conditions, especially protective conditions, are acted upon immediately.

2. If the sex offender breaches a condition of a community supervision order, the probation officer follows enforcement procedures outlined in the relevant chapters of this manual. Refer to:

- Bail Supervision, section 6.5, Enforcement;
- Probation Supervision, section 8.6, Enforcement;
- Conditional Sentences, section 9.2, Enforcement; and
- 810 Recognizances, section 10.3; Enforcement.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 11: Sex Offenders</i>	Page 11.1–3

3. The victim is informed of the action taken regarding breaches of protective conditions.
4. If an alleged breach of a protective condition is not reported to the police or Crown counsel, the rationale is documented in the Client Log.

#### **11.1.6 Victim notification**

1. Probation officers make reasonable efforts to contact the victim and others protected by the order. This is done to inform the victim as soon as possible about the conditions of the order and the implications of any changes that might affect the victim's safety.
2. Victim notification is made by telephone whenever possible. A letter from the probation officer and a copy of the order is also sent to the victim.
3. Without jeopardizing the safety of the victim, the probation officer obtains the victim's name, address and phone number from the Report to Crown Counsel and supplies the victim with:
  - An explanation of the contents of the order, especially protective conditions;
  - A copy of the order (address and identifying information of the offender must be removed);
  - An explanation of how to report breaches of protective conditions, including information that he/she might be required as a witness in a hearing;
  - Information regarding specialized victim support services in the community that can assist with safety planning, access to services and program referral; and
  - Ongoing information regarding the implications of any changes to the order or changes in the circumstances of the offender that might put the victim and others at risk.
4. If the victim is not contacted, the reason is recorded<sup>s.15</sup>

#### **11.1.7 Community notification**

1. Community notification may be required if risk to an individual, specified group or the general community cannot be mitigated by other case management options.
2. For policy about community notification for sex offenders, refer to chapter 4, Notifications.

Revised: Mar-11	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 11.1–4	<i>Chapter 11: Sex Offenders</i>

### **11.1.8 Informing the police of sex offenders under supervision**

1. Local managers ensure that police are informed of sex offenders under court-ordered supervision.

s.15



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 11: Sex Offenders</i>	Page 11.2–1

## **11.2 Bail Supervision (revised: Oct-12)**

### **11.2.1 Exceptions to standard bail supervision**

1. Although alleged or convicted sex offenders on bail are supervised in a similar manner as any offender on bail, this section outlines exceptions to standard bail supervision policy that are described in chapter 6, Bail Supervision.
2. When available, a probation officer 14 supervises individuals who have been accused of committing a sexual offence, except offenders:
  - On bail supervision pending an 810.1 or 810.2 recognizance related to a conviction or allegation of sex offending, which is supervised by a sex offender supervisor; and
  - Supervised on a sentenced order by a sex offender supervisor in addition to a bail order. The sex offender supervisor undertakes supervision of any bail order related to these offenders.
3. The supervision plan is informed by the following information sources:
  - Report to Crown Counsel;
  - Results of a Protection Order Registry check; and
  - CPIC, CORNET and OMS (refer to section 16.1.3 for parameters of appropriate use).
4. Policy outlined in section 11.5.5 applies, and is supported by the *Sex Offender Residence Approval and Notification Guidelines*, when court-ordered conditions give a bail supervisor authority to determine where a sex offender may reside and/or there are restrictive conditions such as:
  - Location and radius restrictions;
  - Protective conditions name individuals; or
  - There are restrictions on contact with persons under a certain age.

### **11.2.2 Duty to report child in need of protection**

Bail supervisors are guided by policy in sections 2.1.3 and 2.1.4 when there is reason to believe that a child belonging to the client—belonging to the partner of a client or a child that may come into contact with the client—needs protection.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 11: Sex Offenders</i>	Page 11.3–1

## ***11.3 Pre-Sentence Reports (revised: Mar-11)***

### **11.3.1 Sex offender report writers**

A probation officer preparing a report on a sex offender must have completed training in sex offender supervision.

### **11.3.2 Specialized reports recommended**

1. A pre-sentence report on a sex offender follows the content and format described in chapter 7, Pre-Sentence Reports.
2. The investigation considers information that relates to the offender's pattern of deviant sexual behaviour. It includes information in the pre-sentence report only if it is relevant to sentencing and demonstrates the offender's risk of reoffending.
3. A pre-sentence report on an Aboriginal sex offender provides information about circumstances of that offender consistent with Gladue requirements. Refer to section 7.5, Sentencing Considerations for Aboriginal Offenders.

### **11.3.3 Guideline for investigations**

1. Risk/needs assessments are completed as part of the preparation of pre-sentence reports.
2. When the subject of the report is being sentenced for a sexual offence or sexually motivated offence, only the STATIC and STABLE risk assessment instruments are used.
3. When an offender with a criminal history that includes a sexual offence is being sentenced for a non-sexual offence or a non-sex motivated offence, only the CRNA is used.
4. Assessments completed at the pre-sentence stage are entered in CORNET prior to submission of the pre-sentence report.
5. The following areas are explored but only used in the report when relevant:
  - Family relationships, living arrangements, associates:
    - Childhood abuse, if any, by family and non-family members;
    - Social isolation, social rejection and loneliness as evidenced by the offender's circumstances and living arrangements; and
    - Access to potential victims through relationships.
  - Behavioural and emotional status:

Revised: Mar-11	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 11.3–2	<i>Chapter 11: Sex Offenders</i>

- Sexual history is included only if it links sexual behaviour and development with the current offence and/or risk to reoffend;
- Sexual learning experiences—milestones related to normal sexual development;
- Deviant sexual interests, including diagnosed paraphilias; and
- Attitudes towards sex offending.
- Attitudes to previous and proposed interventions:
  - Performance and treatment gains in past sex offender programming;
  - Willingness to seek treatment or other interventions (i.e. core programs, sex offender treatment); and
  - 810.1 and 810.2 recognizance orders. Reference is made to these orders only if they are included as a reporting condition.
- Results of a Protection Order Registry check.

#### **11.3.4 Definition of collateral contacts**

1. Probation officers seek the consent of offenders to contact their collateral contacts.
2. Collateral contacts include, but are not limited to, the following persons:
  - Housemates: Are they aware of the conviction? Do they believe the offender is guilty or capable of committing the offence? Do they use alcohol and drugs? Will they agree not to bring these substances into the home? Do they have children, relatives or friends under the age of 18 who visit? Are they a suitable collateral or member of the offender's future support group?
  - Ex-spouse/partner: Why did the relationship fail? What was the age and gender of children when offender was living in the home? Who visited the home during the relationship (i.e. grandchildren, nieces, nephews)? Was there physical, emotional, verbal and sexual abuse in the home?
  - Community associations: Has the offender attended community-based organizations such as churches? Has the offender used participation in such organizations to access children?
  - Support groups: Offenders occasionally join support groups after arrest. Interview sponsors such as Alcoholics Anonymous.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 11: Sex Offenders</i>	Page 11.3–3

### **11.3.5 Purpose of collateral contacts**

1. Collateral interviews are essential to:
  - Gather additional information about a sex offender;
  - Substantiate submissions made in the report; and
  - Evaluate the offender's truthfulness.
2. Before including information from collateral sources in the pre-sentence report, determine if the information is relevant to sentencing.

### **11.3.6 Sex offender treatment programs**

The sex offender supervisor informs the judge of the:

- Availability of sex offender treatment programs within institutional and community settings (including program length); and
- Willingness of the offender to participate in treatment.

### **11.3.7 Order of prohibition**

1. An order of prohibition is a sentencing option available to the court when an offender is convicted of an offence specified under section 161 of the *Criminal Code*.
2. These orders prohibit an offender from:
  - Being near public places and other facilities where persons under 16 years of age might be present; and
  - Obtaining employment that might involve the offender being in a position of trust or authority with persons under 16 years of age.
3. An order of prohibition may be for life or another period of time, as decided by the court.
4. Probation officers may consider recommending an order of prohibition in a pre-sentence report.

Revised: Mar-11	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 11.3–4	<i>Chapter 11: Sex Offenders</i>

### **11.3.8 No contact order on warrant of committal**

1. If an offender appears likely to receive a jail sentence with or without community supervision to follow, and an order requiring the offender to abstain from communicating directly or indirectly with the victim or other individual for the duration of the jail sentence is deemed appropriate, the probation officer may propose that the court consider imposing a no-contact order in accordance with section 743.21 of the *Criminal Code*.
2. This order restricts the offender from having contact with the named individual while serving the jail sentence and is enforceable as a hybrid offence.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Sep-06
<i>Chapter 11: Sex Offenders</i>	Page 11.4–1

## ***11.4 PSR Wording Guide for Sex Offenders (issued: Sep-06)***

### **11.4.1 Objectives**

1. When a probation officer provides the court with suggested conditions for community supervision, conditions are worded to provide:
  - Clarity to clients and victims; and
  - Certainty of enforcement if the conditions are breached.
2. Desirable conditions vary depending on the individual case. The conditions and phrasing in the following subsections are suitable for sex offenders.

### **11.4.2 Treatment**

1. Sex offender treatment programming is offered by the Corrections Branch in conjunction with the Forensic Psychiatric Services Commission. This programming is central to the case management of provincially sentenced sex offenders.
2. Court decisions have opposed the imposition of “treatment” conditions without the offender’s consent. Probation officers may encounter difficulty in having breaches approved when offenders refuse treatment to which they have not consented.
3. During the preparation of a pre-sentence report, a probation officer canvasses offenders regarding their willingness to attend treatment.
4. Their response is documented in the “Summary and Proposed Interventions” section of the report. Suggested conditions may include:
  - Having consented in court, attend, participate in, and complete individual and/or group therapy/counselling and/or program(s) for sex offenders as directed by, and to the satisfaction of, a probation officer.
  - Attend and participate in psychiatric/psychological assessments, counselling or educational programming as may be directed by, and to the satisfaction of, a probation officer.

### **11.4.3 Restricted contact—victims and family**

1. Have no contact, direct or indirect, with a victim, victim’s family or affected parties.
2. Have no contact, at any time, for any reason, direct or indirect, with a victim, victim’s family or affected parties unless provided with written authorization, in advance, by the probation officer.

Issued: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.4–2	<i>Chapter 11: Sex Offenders</i>

3. Affected parties are defined as persons directly connected to the victim or the offence (e.g. a caregiver or supervisor of the child other than a family member, an unrelated partner or child of the victim's family living with the victim, or a co-accused).

s.15

#### **11.4.4 Restricted contact—children**

1. Have no contact with children under the age of 18, unless accompanied and supervised by \_\_\_\_\_ name(s).
2. Do not engage in activities, and/or employment that would bring the offender in contact with children under the age of 18, without prior written authorization of your probation officer.
3. Prohibited from being at, or within \_\_\_\_\_ metres of playgrounds, school grounds, public parks, public swimming areas, community centres, daycare centres (specific sites identified by the court) or other sites where children may congregate.

**Note:** When the probation officer is reasonably satisfied that a supervisor will ensure the safety of children, the supervisor's name is included in the recommended condition. If no such supervisor is available, the probation officer recommends all contact with children be prohibited. The probation officer also includes the age of 18 in the above conditions unless the offender's history, risk and circumstances warrant the inclusion of a lower age. In addition, the probation officer specifies a distance restriction that is related to the offender's history, risk and circumstances. Restrictions are worded so as to be enforceable and suited to the offender's intended community of residence.

#### **11.4.5 Residency**

1. Reside in a place approved of by a probation officer and do not change that residence without the prior written permission of a probation officer.
2. Present yourself at the door of your residence and allow access to the residence when requested by a probation officer or peace officer, or any person acting on behalf of the Corrections Branch. When there is any indication of child pornography, drugs, and alcohol:
  - Provide a peace officer upon his or her request immediate access to the residence for the purposes of monitoring (state specific purpose).

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Sep-06
<i>Chapter 11: Sex Offenders</i>	Page 11.4–3

#### **11.4.6 Pornography**

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.

**Note:** The probation officer includes an example specific to the offender's history, risk and circumstances when recommending the above condition.

#### **11.4.7 Computer/Internet usage**

1. 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.
2. Allow any peace 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.
3. Must not own, possess, or access any computing equipment, peripheral devices, communication devices or such computing equipment, data storage devices/media, or removable media.

#### **11.4.8 Alcohol and drugs**

1. 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.
2. Submit to physical co-ordination 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.
3. Not to enter premises where the primary purpose of business is the sale of, and/or consumption, of alcohol.

#### **11.4.9 Vehicles**

1. Provide the probation officer with the licence number and accurate description of a vehicle of which you are the registered owner, including the make, model, year and colour.



Issued: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.4–4	<i>Chapter 11: Sex Offenders</i>

2. Not to use any type of motor vehicle, whether for personal or business purposes, without the prior written permission of your probation officer. If such permission is obtained, you must submit to your probation officer the make, model, year, colour, plate number, intended usage and estimated length of usage.

#### **11.4.10 Associations**

1. Not to contact or communicate, directly or indirectly, or be found in the company of the following person(s) (names), unless given prior written permission from a probation officer.
2. Not to associate with anyone who you believe to be involved in criminal activity or to have a criminal record.
3. Immediately advise the probation officer of any personal relationships with a \_\_\_\_\_ (male/female) and consent to those persons being informed of your criminal and spousal relationship history in the presence of the probation officer.

**Note:** The probation officer includes a specific example of the offender's history, risk and circumstances when recommending the above condition. Refer to chapter 4, Notifications.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 11: Sex Offenders</i>	Page 11.5–1

## ***11.5 Post-Sentence Supervision (revised: May-13)***

### **11.5.1 Types of post-sentence supervision**

1. Post-sentence community supervision includes the following types of supervision by a probation officer trained in sex offender supervision:
  - Chapter 8, Probation Supervision;
  - Chapter 9, Conditional Sentences; and
  - Chapter 10, Section 810 Recognizances.
2. Supervision of a sex offender is conducted in the same manner as a non-sex offender on the above orders (whichever is warranted), except as noted in this section.
3. Refer to chapter 2, Case Management—Principles and Approaches, chapter 8, Probation Supervision, chapter 9, Conditional Sentences, chapter 10, Section 810 Recognizances, or chapter 13, Temporary Absence.

### **11.5.2 Required contact with sex offenders in custody**

1. The local manager of the probation office where the offender is likely to report is responsible for ensuring that contact is initiated with the correctional centre's sentence management unit regarding sex offenders when community orders follow custodial sentences.
2. This is intended to assist release planning development and a smooth transition to the community for the offender.

### **11.5.3 Initial intake**

The initial intake process requires more than one interview to complete and complies with policy for all offenders (refer to Initial Intake, section 8.2). In addition, the probation officer completes the following:

1. Referrals:
  - Makes referrals to appropriate resources (i.e. Forensic Psychiatric Service Commission (FPSC) clinic, alcohol and drug programs) as determined through the intake procedure. If a consent form is necessary to consult with the referral resource, probation officers ensure that the offender signs the consent.
  - Sex offenders are referred to the therapeutic portion of the Sex Offender Treatment Program at the FPSC clinic within one month of the receipt of the court order. Such a referral is not made for offenders who are subject to an 810 recognizance order

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.5–2	<i>Chapter 11: Sex Offenders</i>

immediately following a federal sentence, because FPSC clinics do not provide service to these offenders.

- Accompanying the referral to the FPSC clinic is the offender’s current court or parole order, police report on the current offence, available reports from previous sex offender treatment and other relevant information.

2. Documentation: In the Client Log, the probation officer documents:

- Discussions with the offender regarding expectations for supervision and programs that require attendance; and
- The date of referral to sex offender treatment and the FPSC clinic’s response.

3. Self-management plans:

- Sex offenders arriving from a correctional centre may have a self-management plan.
- Offenders accepted into treatment through the FPSC clinic complete self-management plans as part of the treatment.
- Probation officers discuss and complete a self-management plan with offenders who are not accepted into treatment and do not have a self-management plan.

4. Resources:

- The probation officer discusses with the sex offender resources in the community that are available to address the needs of the offender.

5. Case management plan:

- The probation officer initiates a case management plan with compiled information and establishes a reporting schedule.
- The initial case management plan is not finalized until the STATIC, STABLE and ACUTE risk assessments are completed. Refer to Case management plan, subsection 11.5.4.

6. Vehicle:

- Describe any vehicle that the offender owns, drives or can access including make, model, year, colour, plate number and any unique or unusual features.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 11: Sex Offenders</i>	Page 11.5–3

#### 11.5.4 Case management plan

Within two months of the initial intake interview, the sex offender supervisor establishes an initial case management plan using the *Sex Offender Case Management Plan* form, consistent with chapter 2, Case Management Principles and Approaches. The sex offender supervisor addresses the following:

1. Behavioural progression: Describe the offender's behavioural progression. Include factors that contributed to, sustained and followed the offending behaviour. If known, the offender's preferred victim type and methods used to access victims is specified.
2. Referral to treatment and core programs: Describe the resources to which the offender will be referred, when the referrals will be submitted and when the program will commence. The sex offender may be referred to the Respectful Relationships and Substance Abuse Management programs prior to beginning the Sex Offender Maintenance Program. These referrals are made when the offender's outstanding criminogenic factors would be addressed through programs. The local manager endorses the decision.
3.   
s.15  
s.15  
When the offender is expected to have contact with the victim or victim group, ensure external controls and supervision mandated in the offender's court order are in place. In some instances, a condition prohibits the offender's contact with children except under the supervision of a person approved by the probation officer. In such scenarios, the probation officer approves the supervisor only if reasonably satisfied that the supervisor will ensure the children's safety. The offender is directed to apply to the court to obtain approval of the supervisor in all other scenarios.

#### 11.5.5 Approving residence for sex offenders

Note: The following section is supported by the *Sex Offender Residence Approval and Notification Guidelines* and applies when court-ordered conditions give probation officers authority to determine where a sex offender may reside and/or there are restrictive conditions such as:

- Location and radius restrictions;
  - Protective conditions naming individuals or restrictions on contact with persons under a certain age; and
  - (A) There are individuals who fit the profile of current or previous victims living in the residence where the offender intends to reside or resides, and/or (B) Being in that residence puts the offender in violation of conditions.
1. Child protection concerns related to the presence of the offender in a residence are reported to the Ministry for Children and Family Development.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.5–4	<i>Chapter 11: Sex Offenders</i>

2. Permission or direction to move to or remain in a residence is only given once the probation officer has determined that residing in that location does not put the offender in conflict with “A” and/or “B” above.
3. If the offender has, without permission, moved to a residence that conflicts with “A” and/or “B” above:
  - Notification is given to the individual, the parents or guardians of individuals who fit the profile of previous victims and other affected parties within the residence as required in chapter 4, Notifications. According to section 4.6, Effecting a Notification, details of the notification and attempts to provide the notification are documented in the Client Log;
  - The offender is immediately directed to leave that residence; and
  - Enforcement procedures are immediately undertaken if the offender does not leave that residence on the same day as the direction is given.
4. If the offender was residing in a residence at the time the court order was made and is in conflict with “A” and/or “B” above, regardless of whether or not the offender is married, common law or owns the residence:
  - Notification is given to the individual, the parents or guardians of individuals who fit the profile of previous victims and other affected parties within the residence as required in chapter 4, Notifications. According to section 4.6, Effecting a Notification details of the notification and attempts to provide the notification are documented in the Client Log;
  - A consultation is promptly undertaken with Crown counsel to assess whether the court was aware of these circumstances when the order was made. Crown counsel is also consulted on the merits of returning the matter to court for further direction. Details of the consultation are documented in the Client Log;
  - An *Application to a Judge (PCR 315)* is made when it is apparent that the court had not fully considered the implications of leaving the offender in the residence.
5. When an order is absent of conditions that would assist in controlling choice of residence and the offender is in conflict with “A” above:
  - Notification is given to the individual, the parents or guardians of individuals who fit the profile of previous victims and other affected parties within the residence as required in chapter 4, Notifications. According to section 4.6, Effecting a Notification, details of the notification and attempts to provide the notification are documented in the Client Log; and
  - Consideration is given to returning the order to court to seek appropriate conditions. This is done in consultation with Crown counsel.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 11: Sex Offenders</i>	Page 11.5–5

Note: The residence where the offender resides may include:

- Single family dwelling;
- Suite, duplex, and triplex;
- Townhouse, condominium or apartment complexes; and
- Mobile home and mobile home parks.

### **11.5.6 Completion of STATIC, STABLE and ACUTE risk assessments**

The following guidelines apply to administering STATIC, STABLE and ACUTE risk assessments:

1. All male sex offenders are subject to assessment using the STATIC STABLE and ACUTE instruments. It is not necessary to complete the CRNA on male sex offenders.
2. Female sex offenders are subject to assessment using the CRNA only.
3. Sex offenders are supervised as high risk until all assessments are completed.
4. STATIC, STABLE and ACUTE are completed at the following intervals:
  - STATIC is completed within two months of the intake interview and repeated when the client's static risk relevant circumstances change;
  - STABLE is completed within two months of the intake interview and repeated no less than once per year; and
  - ACUTE is completed within one month of the intake interview and repeated no less than once per month.

### **11.5.7 Modes of intervention**

Approved modes of intervention are discussed in subsection 2.4.3.

### **11.5.8 Reporting structure**

The following subjects are discussed with offenders during their supervision:

1. Self-management plan: A review of the offender's behavioural progression and self-management plan.
2. Risk factors identified in the ACUTE risk assessment include:

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.5–6	<i>Chapter 11: Sex Offenders</i>

- Victim access: Discuss the offender’s leisure time, employment and other situations or changes in circumstances that might lead to contact with potential victims;
  - Emotional stability: Canvass the offender for departures from their previously observed emotional status;
  - Social support: Discuss the roles of collateral contacts and others involved in the offender’s life;
  - Hostility and anger: Determine the offender’s level of anger, especially increased anger that indicates an elevated risk of reoffending;
  - Substance abuse: Explore substance abuse issues, particularly as they relate to behavioural progression;
  - Pre-occupation with sex: Explore normal and deviant sexual patterns, including fantasies and how the offender handles deviant fantasies and urges; and
  - Rejection of supervision: Determine how the offender is responding to direction and supervision. Issues resulting from the relationship between the probation officer and the offender are discussed.
3. Treatment progress: If the offender is involved in a treatment program, the offender’s progress in the programs is reviewed. Written notes of therapist contacts are maintained in the Client Log, including attendance, progress and risk level.
  4. Agency contact: The probation officer discusses incidents of police contact with the sex offender. Contact with the Ministry of Children and Family Development and other agencies may also be discussed.
  5. Home: The offender’s living situation is reviewed at each contact, addressing issues such as frequent moves, living environment, visitors to the home, and relationships with partners, parents and siblings.
  6. Education/employment: If the sex offender is attending school and/or is employed, progress is monitored at each contact.
  7. Conditions: Ensure that the sex offender is aware of the conditions of all supervision orders.

### **11.5.9 Sex Offender Treatment Program**

1. Sex offenders are referred to the Sex Offender Treatment Program except as noted in 11.5.3. The program is an integral component of sex offender supervision and is a co-operative, joint initiative of the Corrections Branch and the Forensic Psychiatric Service Commission (FPSC). Refer to the *Operating Guidelines* that specify the working relationship between the two organizations.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 11: Sex Offenders</i>	Page 11.5–7

2. The Corrections Branch and the FPSC provide service within the following timeframes:
  - A probation officer refers an offender to the FPSC clinic as soon as possible within one month of intake;
  - The FPSC clinic holds weekly intake meetings. The probation officer receives a letter from the FPSC clinic to advise about the status of the referral within two weeks of the intake meeting;
  - The offender is interviewed and assessed, and the probation officer is provided a copy of the “Assessment for Treatment” report within six weeks of the initial referral;
  - The probation officer is provided “Treatment Attendance” reports within 24 hours of each group session. The therapist sends a written notice to the probation officer within 24 hours if an offender misses two sessions or incurs other infractions;
  - The probation officer is provided a “Mid-term Progress” report at week seven or after 22 hours of treatment;
  - The probation officer is provided “Treatment Progress” reports every two months for offenders who are seen individually; and
  - The probation officer is provided a “Discharge Summary” within one month of group completion.
3. For sex offenders who are sentenced to provincial custody and receive sex offender therapy, the maintenance program is provided upon release when community supervision follows the term of incarceration.
4. Sex offenders sentenced to a period of community supervision participate in the therapeutic portion of the program provided by FPSC clinics. Upon completion of this therapy, the offender is enrolled in the maintenance portion of treatment. It is operated by the Corrections Branch and facilitated by probation officers with training in Sex Offender Maintenance group facilitation. Probation officers without the requisite training may assist with the operation of the group.
5. During community supervision and when a sex offender’s risk escalates, the probation officer may refer the offender to the FPSC clinic for more assessment, therapy and counselling. Potentially destabilizing disclosures by the offender or collateral contacts, such as details related to the offence or childhood trauma, might require the offender’s return to the FPSC clinic.
6. When new offences are disclosed, the probation officer informs police as soon as possible. If the disclosure involves the violation of a condition of supervision, enforcement proceedings may be initiated. Refer to section 8.6, Enforcement.



Revised: May-13	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 11.5–8	<i>Chapter 11: Sex Offenders</i>

7. The Sex Offender Maintenance Program is preferably delivered in a group setting when three or more sex offenders are available. It may be offered on an individual basis. The rationale for this decision is recorded in the Client Log and endorsed by the local manager.
8. The probation officer receives the following documentation after an offender completes therapy at the FPSC clinic:
  - Assessment for Treatment Report;
  - Mid-term Progress Report;
  - Discharge Summary; and
  - Self-Management Plan Report.
9. These documents are reviewed with offenders prior to admission to the Sex Offender Maintenance Program to help ensure they understand the rationale of the program.
10. Participants complete sex offender therapy prior to group enrolment, including that provided by the Correctional Service of Canada, Forensic Psychiatric Services Commission or private psychologists.
11. Maintenance groups are regularly scheduled—normally not less than once every two weeks. During the session, the offenders discuss their self-management plan, behavioural progression, stresses and information that might relate to reoffending.
12. A log of group activity is maintained including meeting dates, duration and topics covered, and a brief summation of group progress. Participant contributions are included as running records in the CORNET Client Log following meetings of the maintenance group.
13. The Sex Offender Maintenance Program has no fixed end date.

#### **11.5.10 Geographic isolation**

1. For sex offenders on community supervision orders who live more than 50 kilometres from the primary, satellite or itinerant probation office, or when access is by air or water, the probation officer has in-person contact at least once per month. This in-person contact is made when feasible within workload limitations. If not feasible, telephone contact is required at least twice per month.
2. When phone contact is not possible, the probation officer has contact that is reasonably possible, and notes contact difficulties in the case plan and Client Log. The local manager endorses the decision.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 11: Sex Offenders</i>	Page 11.5–9

### **11.5.11 Home visits**

1. Home visits are conducted consistent with the policy outlined in section 8.4, except as otherwise noted in this section.
2. Initial home visits for sex offenders are conducted as early in the supervision as is reasonably possible (but not later than two working days following intake). In all cases, when the two day time frame cannot be met (e.g. geographic isolation), the primary case manager advises the local manager. Until a home visit is conducted, increased monitoring, including frequent direct contact with collaterals such as police and family members, is applied to mitigate risk.
3. Home visits with sex offenders are conducted at every change of address, and additionally as follows:
  - High risk/needs: At a minimum, once every two months;
  - Medium risk/needs: At a minimum, once every four months; and
  - Low risk/needs: At least once and then at the discretion of the probation officer.
4. The probation officer notes in the Client Log when the required minimum home visits are not feasible within workload limitations.

### **11.5.12 Guidelines for home visits**

1. When conducting a home visit at a sex offender's residence, the probation officer assesses the following offence specific factors when they relate to risk level and are deemed necessary:
  - Location of residence (proximity to schools, playgrounds);
  - Type of neighbourhood (e.g. presence of families/children);
  - Type of vehicles/licence plates the offender can access;
  - Offender's physical and emotional state and/or dynamics with family members or residents; and
  - Visually scan for materials or possessions at the residence that might increase risk level and items restricted by the order.
2. Depending on the urgency, a breach Report to Crown Counsel is considered and/or the police are contacted to investigate when illegal possessions or activities (e.g. drugs and weapons) are found.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.5–10	<i>Chapter 11: Sex Offenders</i>

### **11.5.13 Contact with family members and key collaterals**

1. As soon as possible after the initial interview, the probation officer seeks the consent of offenders to contact their key collateral contacts and spouse, partner or caregiver for an initial meeting.
2. The probation officer cautions these individuals about activities that could present a risk to the public or provide opportunities for the offender to reoffend.
3. These individuals are potential members of the offender's accountability team. The probation officer determines the frequency of contact with family members and collaterals, which varies according to the offender's assessed level of intervention.
4. Failure by the sex offender to consent to contact with these individuals does not preclude the probation officer from initiating this contact and releasing information. For policy regarding such notification, refer to chapter 4, Notifications.

### **11.5.14 Contact with treatment providers**

1. When the sex offender is in treatment, the probation officer contacts the treatment provider at least once every two months. Contact is more frequent if it appears that the risk of reoffending escalates. A summary of the issues discussed with the treatment provider, including program attendance, progress and risk is recorded in the Client Log.
2. The case management plan is reviewed and supervision strategies are reassessed when the therapist(s) reports difficulties observed in the program. Review and reassessment are noted in the Client Log.

### **11.5.15 Transfer of supervision and temporary relocations**

1. The transfer of supervision of a sex offender is conducted in the same manner as non-sex offenders. Refer to procedures in section 8.7, Transfer of Supervision, except as noted in this section.
2. If a sex offender is to be transferred to another primary probation office, the receiving office conducts an investigation of the proposed residence. The investigation is conducted according to suggested guidelines for home visits. Refer to section 8.4, Home Visits. Once approved, the transfer may occur.
3. The transfer summary to the receiving office for a sex offender includes the offender's current situation related to his/her risk level, and notes behaviours or situations that might elevate risk.
4. Once the file is received, the primary case manager reviews the outstanding court orders with the offender, as outlined in section 8.2, Initial Intake.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 11: Sex Offenders</i>	Page 11.5–11

5. If the proposed residence is not approved and the offender proceeds with a change in residence, and the offender is:
  - Bound by conditions that require the probation officer’s approval for a change of residence, the offender is informed of this decision, and a breach report is forwarded to Crown counsel; or
  - Not bound by conditions that require the probation officer’s approval of a change of residence, the offender is informed of this decision, and a public notification is considered. Refer to chapter 4, Notifications.

#### **11.5.16 Order expiry review**

1. A section 810.1 or 810.2 recognizance is considered for sex offenders three months before expiry of their community supervision order when there is fear, on reasonable grounds that an offender will:
  - Commit a sexual offence against a child under the age of 16 (section 810.1); or
  - Commit an indictable serious personal injury offence (other than treason or murder) for which the offender may be sent to prison for 10 or more years, including sexual assault, sexual assault with a weapon or aggravated sexual assault (section 810.2).
2. The option to apply for a section 810 recognizance may be utilized near the end of a community supervision order, if the offender will no longer be under Corrections Branch jurisdiction and conditions noted in 11.5.16(1) exist.
3. It is advisable to begin discussing this option with Crown counsel at least three months before the existing order expires. This ensures that the new recognizance is in place before the existing order reaches expiry.
4. The probation officer reviews the criteria in section 11.5.17 and—in consultation with the local manager—determines whether a section 810.1 or 810.2 recognizance is required. The decision and rationale are entered in the Client Log. The local manager and probation officer may consult the high-risk offender analyst when determining if a section 810.1 or 810.2 application is required.
5. Probation officers consult the *Order Expiry Review 810.1/810.2 Application Guidelines* for assistance with the application process.

#### **11.5.17 Order expiry review criteria**

When considering an order expiry review for a sex offender, probation officers examine all information relevant to risk, including risk indicators outlined in this section. Refer to section 10.2.8 for order expiry review criteria related to non-sex offenders.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 11.5–12	<i>Chapter 11: Sex Offenders</i>

1. Indicators of a continuing high risk of violent recidivism include:
  - Scores on the SONAR, STATIC, STABLE, ACUTE and other available risk assessment instruments;
  - Psychological assessments and reports pertaining to the offender’s risk to reoffend; and
  - Information from previous sentences, including federal jail sentences.
2. Indicators of an entrenched pattern of persistent sexual and/or violent offending behaviour include:
  - Current offence caused serious personal harm;
  - Offender has a history of behaviours causing serious harm;
  - Reliable information demonstrating that the offender has had difficulties controlling violent or sexual impulses, which may endanger the safety of other people;
  - Use of weapons in the commission of any offence by the offender;
  - Explicit threats of violence made by the offender;
  - Substantial degree of indifference on the part of the offender regarding the impact of his/her behaviour on others; and
  - Offender self-reports information indicating they are at risk for reoffending.
3. Indicators that the offender’s treatment needs remain unaddressed include:
  - Failure to successfully complete treatment or refusal to attend treatment;
  - Disclosure of information to treatment providers indicating an escalation of risk; and
  - Reports by treatment providers indicating a need for more supervision, treatment, and/or interventions.
4. Indicators of non-compliance include:
  - Failure to comply with court-ordered conditions and or the requirements of community supervision; and
  - Offender holds pro-criminal attitudes or attitudes supportive of sex offending.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 11: Sex Offenders</i>	Page 11.5–13

### **11.5.18 Early termination**

1. Probation officers do not initiate early termination proceedings for sex offenders.
2. If a sex offender is before the court after applying for an early termination, the probation officer only supports the application when the:
  - Offender is eligible for a single mode of supervision (an updated overall risk/needs rating is low);
  - First two months after intake or one-sixth of the sentence, whichever is longer, has passed and the offender has complied with all conditions on the order;
  - Therapist, if one is involved, approves; and
  - s.15

### **11.5.19 Retention of physical files**

1. A case file may not be destroyed when it relates to an offender who is convicted of a sexual offence and/or supervised as a sex offender.
2. The file is labelled “Do Not Destroy” on the front cover to distinguish it from other files.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 11: Sex Offenders</i>	Page 11.6–1

## ***11.6 Sex Offender Supervisor Definitions (revised: Mar-11)***

### **11.6.1 Qualifications for sex offender supervisors**

Probation officers who supervise sex offenders are fully qualified probation officers with one-year field experience. They have the following additional qualifications:

1. Completion of the required sex offender training curriculum, as specified by the Corrections Branch.
2. For probation officers in active service, no more than six years from completion of the training requirements has elapsed without delivery of sex offender supervision; and
3. For probation officers returning to service, no more than two years has elapsed since training requirements were completed.

### **11.6.2 Service models**

1. Where a regional specialist office is established, all sentenced sex offenders in the catchment area are supervised by that office;
2. In a local office, the supervision of sex offenders is subject to the following principles:
  - When the total sex offender caseload is greater than 19: The total sentenced sex offender caseload may be evenly distributed among multiple caseloads provided all caseload counts approach a minimum of 10 sentenced sex offenders cases.
  - When the total sex offender caseload is less than 20: It is not to be divided between more than two sex offender supervisors. The regional director may approve an exception to this caseload ratio according to succession planning or other operational requirements.
3. In some locations, the sex offender count may be less than 10 and the local office is more than 1.5 hours from the home office of a probation officer with the specialized training assigned to provide sex offender supervision to the region. In this case, services may be provided by a local probation officer trained as a sex offender supervisor. In addition, an itinerant regional probation officer with specialized training in sex offender supervision may provide risk assessment, investigation and case management support to staff at local offices without such training.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.1–1

## 12. Domestic Violence: K Files

### 12.1 Overview (revised: Dec-15)

#### 12.1.1 Policy related to violence against women in relationships

1. The purpose of the ministries of Justice and Children and Family Development’s “Violence Against Women in Relationships” (VAWIR) policy is an integrated and co-ordinated response by the criminal justice and child welfare system to criminal offences that occur within the context of an intimate relationship. The prime focus of VAWIR is the safety of the victim and others at risk (e.g. children, extended family).
2. VAWIR policy includes a protocol for responding to “highest risk” cases with heightened information sharing, comprehensive and collaborative safety planning, and risk mitigation strategies. The “highest risk” designation is assigned to cases by police when they believe there is a significant potential for serious bodily harm or death. Police assign the designation based on risk factors identified through their professional judgment and experience and should be supported by the application of a B-SAFER risk assessment.
3. VAWIR policy, as it relates to the responsibilities of Community Corrections, is incorporated in this section.

#### 12.1.2 Definition of relationship violence

1. The VAWIR policy defines intimate relationship violence as:

*“...physical or sexual assault, or the threat of physical or sexual assault, against a current or former intimate partner whether or not they are legally married or living together at the time of the assault or threat. Domestic violence includes offences other than physical or sexual assault, such as criminal harassment, threatening, or mischief, where there is a reasonable basis to conclude that the act was done in order to cause, or did in fact cause, fear, trauma, suffering or loss to the intimate partner. Intimate partner relationships include heterosexual and same-sex relationships.”*
2. This policy applies when the victim of relationship violence is male or both partners are the same gender, and the same dynamic described above exists.
3. This policy does not include other family violence, such as conflict between siblings, or between adult children and their parents (elder abuse).



Revised: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 12.1–2	<i>Chapter 12: Domestic Violence: K Files</i>

### **12.1.3 Definition of a K file offender**

1. A K file offender is a person who:

- Is currently before the court or has been sentenced by the court;
- Is incarcerated or under supervision in the community;
- Has committed an offence against another person with whom the offender is, or was, in an ongoing close and personal or intimate relationship, including;
  - A violent offence;
  - Another offence, such as criminal harassment, mischief or threatening, where there is a reasonable basis for belief that the act was done in order to cause, or did in fact cause fear, trauma, suffering or loss to the intimate partner. This includes offences where the intimate partner is the target of the criminal action, but not the direct victim (e.g. accused has committed an offence against someone or something important to the intimate partner, such as an assault on the intimate partners child or new partner);
  - A breach of a K file court order; or
- Is subject to an application or order for an 810 recognizance related to the above;

2. Crown counsel identify cases falling within the definition by marking a K on the Report to Crown Counsel. The K is added to the court information number when it is sworn.

3. The K identifier, which follows the accused/offender into the Corrections system, alerts staff to follow ministry policy.

4. If an offender comes into the system without the K designation noted on the court file number, and the offence falls under the definitions outlined in paragraph 1, the probation office adds the K identifier to the court file number.

### **12.1.4 Subsequent offences while serving sentence for K file offence**

If a current K file offender is convicted of a subsequent, unrelated offence and placed on a community order, the offender is still designated a K file offender and victim notification activities continue for the duration of the K file order.

### **12.1.5 Unrelated offence on a closed K file**

If an offender has a conviction for a K file offence, has satisfied the conditions of that sentence, and is admitted for new offences unrelated to a K file offence, the offender is not considered a K file offender. Previous K file victims do not need to be notified.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.1–3

### **12.1.6 Sexual offences against spouses**

1. Sexual offences committed against a spouse may reflect escalation of an abusive relationship rather than a sexual disorder or cycle of sexual assault behaviour. If an offender falls into this category, the offender may be managed as a K file offender rather than a sex offender.
2. In these cases, supervision may be transferred to a probation officer specializing in K file offenders and managed as a K file offender. Such a transfer only takes place after consultation with the sex offender supervisor and with consent of the local manager(s).

### **12.1.7 Specialized training**

1. Sentenced K file offenders are supervised by a probation officer who has training in the management of domestic violence offenders and the administration of the spousal assault risk assessment (SARA).
2. When requested by a probation officer, secondary case managers may assist in supervising K file offenders. Secondary case managers may also assist in the delivery of the Respectful Relationships Program with a probation officer fully trained in this program.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.2–1

## **12.2 Bail Supervision (revised: Dec-15)**

### **12.2.1 Supervision similar to bail supervision**

1. Supervision of a K file offender on bail is conducted in the same manner as an offender on bail supervision, except as noted in this section.
2. Refer to chapter 6, Bail Supervision.

### **12.2.2 Management of bail with sentenced orders**

1. If it is determined that the accused is supervised on a sentenced order by a probation officer, the probation officer undertakes supervision of the bail order.
2. All other “unattached” bail orders are supervised by a probation officer 14 with training in understanding domestic violence.

### **12.2.3 Informing the accused of the consequences of bail violations**

The bail supervisor informs the accused that:

- Domestic violence is a serious criminal matter and that Crown counsel, not the victim, are pursuing the charge;
- The victim and other persons protected by the order are made aware of the bail conditions, especially protective conditions, and the process for reporting breaches; and
- Breaches of the order are acted on immediately.

### **12.2.4 Victim notification**

1. Bail supervisors make reasonable efforts to contact the victim and others protected by the order. This is done to inform the victim as soon as possible about the release of the accused, conditions of the order, and the implications of any changes to the order that might affect the victim’s safety.
2. Victim notification is made by telephone whenever possible. A letter from the bail supervisor and a copy of the bail order is also sent to the victim.
3. Without jeopardizing the safety of the victim, the bail supervisor obtains the victim’s name, address and phone number from the Report to Crown Counsel and supplies the victim with:
  - An explanation of the contents of the order, especially protective conditions;

Revised: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 12.2–2	<i>Chapter 12: Domestic Violence: K Files</i>

- A copy of the bail order (address and identifying information of the accused must be removed);
- The next court date of the accused with an explanation that it might not be the trial/sentencing date;
- An explanation of how to report breaches of protective conditions of bail, including information that he/she might be required as a witness in a hearing;
- Information regarding specialized victim support services in the community that can assist with safety planning, access to services and program referral; and
- Ongoing information regarding the implications of any changes to the order that may affect the victim's safety.

4. If the victim is not contacted, the reason is recorded s.15

### **12.2.5 Duty to report child in need of protection**

Bail supervisors are guided by policy in sections 2.1.3 and 2.1.4 when there is reason to believe that a child belonging to the client, belonging to the partner of a client, or a child that may come into contact with the client, needs protection.

### **12.2.6 Development of supervision plan**

The supervision plan is informed by the following information sources:

- Report to Crown Counsel;
- Results of a Protection Order Registry check; and
- CPIC, CORNET and OMS (refer to section 16.1.3 for parameters of appropriate use);

### **12.2.7 Breach of protective conditions**

1. If the bail supervisor believes that an accused has breached—or is about to breach—a protective condition of bail, the police and victim are informed immediately.
2. If the accused allegedly breaches a protective condition of bail, the bail supervisor consults the *Spousal Assault Policy and High Risk Protocol Guidelines* for assistance to:
  - Report the alleged breach to police for investigation and preparation of a Report to Crown Counsel; or

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.2–3

- Discuss the situation with the local manager and records in the Client Log the reasons for not reporting the alleged breach of protective condition to police or Crown counsel.

### **12.2.8 Contact with the family justice counsellor**

1. K file accused and their victim may have existing and pending family court applications and unresolved issues related to child custody or access.
2. If these issues come to the attention of the bail supervisor, the offender is referred to a family justice counsellor or lawyer to be informed of options, including applying to court for resolution of the issues.
3. If a family justice counsellor is involved with the family of the accused, the bail supervisor and family justice counsellor request consents for release of information from the parties to share case information.

### **12.2.9 Victim requesting protective conditions be deleted**

1. When the victim requests the bail supervisor's assistance in rescinding a protective condition, the supervisor refers the victim to specialized victim support services available in the community.
2. If the victim attends court in support of an application by the accused requesting rescission of a protective condition, the bail supervisor, at the request of Crown counsel provides:
  - Relevant history of the abusive relationship (if known); and/or
  - Summary of the response to supervision demonstrated by the accused (e.g. level of compliance, whether the accused is engaging in suitable treatment or counselling, attitude towards the offence and victim).

### **12.2.10 Protocol for “highest risk” cases (VAWIR policy)**

1. A designation of “highest risk” is assigned by police to a case when they believe there is significant potential for serious bodily harm or death.

The highest risk designation and supporting rationale, including risk factors identified and a summary of the B-SAFER risk assessment findings, are recorded in the Report to Crown Counsel (RCC). The RCC is reviewed by the bail supervisor in every case that meets the definition of a K file to determine if a highest risk designation has been assigned by police.

2. When the RCC or other written notification from police indicates that a case has been designated highest risk, the bail supervisor manages the case consistent with the policy outlined in this chapter, and:

Revised: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 12.2–4	<i>Chapter 12: Domestic Violence: K Files</i>

- Conducts victim notification consistent with subsection 12.2.4, Victim notification, and reinforces to the victim the need to develop a safety plan with the assistance of specialized victim services available in the community;
- Actively monitors and enforces adherence of the accused to court imposed conditions of the bail order;
- Shares appropriate information related to breaches of the order that are directly relevant to victim safety (e.g. breaches of protective conditions or failures to report when location of the accused is unknown) with the victim and justice personnel involved in management of the case (i.e. police, Crown counsel, victim services and child welfare worker). Police are responsible for providing the bail supervisor with the contact information for other involved justice personnel after the bail hearing; and
- When possible and appropriate, the police or bail supervisor co-ordinates a meeting among the involved justice personnel to share information relevant to mitigating risk and identification of safety strategies. If an in-person meeting is not practical, information exchange may occur by telephone, or at minimum, in writing in a locally agreed format.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.3–1

## ***12.3 Pre-Sentence Reports (revised: Dec-15)***

### **12.3.1 Specialized training**

Probation officers preparing reports on K file offences have training in the management of domestic violence offenders and the administration of the spousal assault risk assessment (SARA).

### **12.3.2 Victim contact**

1. When preparing a pre-sentence report, the probation officer contacts the victim, in a manner that does not jeopardize the victim's safety, to:

- Explain functions of the pre-sentence report;

s.15

s.15 , and

- Advise the victim of specialized support services, if available.

2. When a victim is not contacted, the probation officer states in the pre-sentence report the reason for no contact.

### **12.3.3 Protection Order Registry check**

The results of a Protection Order Registry check are considered when preparing a pre-sentence report.

### **12.3.4 Relationship violence programs**

1. The probation officer informs the judge of relationship violence programs and the time necessary to allow for successful completion of the program.
2. Relationship violence programming is not considered as an alternative to incarceration or other sanction, if incarceration or other sanctions are warranted in the offender's circumstances.

Revised: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 12.3–2	<i>Chapter 12: Domestic Violence: K Files</i>

### **12.3.5 Treatment as an optional condition**

Note: Court decisions have opposed the imposition of treatment conditions without the offender's consent. Probation officers may encounter difficulty in having breaches approved when offenders refuse treatment to which they have not consented.

1. During the preparation of a pre-sentence report, a probation officer canvasses offenders regarding their willingness to attend relationship violence programming.
2. Responses from offenders are documented in the "Attitude and Receptiveness to Previous and Proposed Interventions" and "Summary and Proposed Interventions" sections of the report.
3. Suggested optional condition wording may include:
  - Having consented in court, attend, participate in and complete a relationship violence program to the satisfaction of the probation officer and the relationship violence program staff; and/or
  - Attend, participate and complete counselling or other similar programming as directed by the probation officer.

### **12.3.6 No contact order on warrant of committal**

1. If an offender appears likely to receive a jail sentence with or without community supervision to follow, and an order requiring the offender to abstain from communicating directly or indirectly with the victim or other individual for the duration of the jail sentence is deemed appropriate, the probation officer may propose that the court consider imposing a no-contact order in accordance with section 743.21 of the *Criminal Code*.
2. This order restricts the offender from having contact with the named individual while serving the jail sentence and is enforceable as a hybrid offence.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.4–1

## **12.4 Post-Sentence Supervision (revised: Dec-15)**

### **12.4.1 Specialized training**

K file offenders are supervised by probation officers trained in the management of domestic violence offenders and the administration of the spousal assault risk assessment (SARA).

### **12.4.2 Types of post-sentence supervision**

1. Post-sentence community supervision of K file offenders normally includes the following types of supervision by a probation officer:
  - Probation;
  - Conditional sentence; and
  - Section 810 recognizances.
2. Supervision of a K file offender is conducted in the same manner as a non-K file offender on the above orders (whichever is warranted), except as noted in this section.
3. Refer to chapter 2, Case Management—Principles and Approaches, chapter 8, Probation Supervision, chapter 9, Conditional Sentences, chapter 10, Section 810 Recognizances, or chapter 13, Temporary Absence.

### **12.4.3 Informing the offender of the consequences of breaches**

The probation officer informs the offender that:

- Domestic violence is a serious criminal matter and breaches of orders are acted on immediately; and
- The victim and others protected by the order are made aware of the conditions of the order and the process for reporting breaches.

### **12.4.4 Victim notification**

1. Probation officers make reasonable efforts to contact the victim and others protected by the order. This is done to inform the victim as soon as possible about the sentence imposed, conditions of the order, and the implications of any changes to the order that might affect the victim's safety.
2. Victim notification is made by telephone whenever possible. A letter from the probation officer and a copy of the order is also sent to the victim.

Revised: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 12.4–2	<i>Chapter 12: Domestic Violence: K Files</i>

3. Without jeopardizing the safety of the victim, the probation officer obtains the victim's name, address and phone number from the Report to Crown Counsel and supplies the victim with:
  - An explanation of the contents of the order, especially protective conditions;
  - A copy of the order (address and identifying information of the offender must be removed);
  - An explanation of how to report breaches of protective conditions, including information that he/she might be required as a witness in a hearing;
  - Information regarding specialized victim support services in the community that can assist with safety planning, access to services and program referral; and
  - Information regarding the implications of any changes to the order that might affect the victim's safety.
4. If the victim is not contacted, the reason is recorded s.15

#### **12.4.5 Protection Order Registry check**

Probation officers consider the results of a Protection Order Registry check when developing the case management plan.

#### **12.4.6 Spousal assault risk assessment (SARA)**

1. Intake procedures include gathering information for a spousal assault risk assessment (SARA) of the offender.
2. SARA assists in providing more information to guide case management decisions. SARA is generally administered to offenders who commit a sexual offence against his/her spouse (married or common-law). An offence of this type against a partner in an intimate relationship usually reflects escalation of an abusive relationship rather than a sexual disorder or a cycle of sexual assault behaviour. As a result, the STATIC, STABLE and ACUTE risk assessments are likely of limited value.
3. The following guidelines apply to the administration of SARA:
  - SARA is initiated on all sentenced K file offenders as soon as possible after intake and is completed within two months of the initial interview;
  - SARA is only administered by a probation officer who is trained to use this assessment tool;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.4–3

- Whenever possible, contact with the victim is desirable to ensure accuracy of the information provided by the offender;
  - SARA is administered at a minimum once every six months;
  - No K file offender is classified to a lower level of supervision than is currently being applied without re-administering a SARA;
  - K file offenders may be classified to higher levels of supervision without re-administering a SARA, but a SARA is administered as soon as possible after reclassification;
  - Based on administration of SARA, CRNA and other factors considered by the supervising probation officer, the offender is categorized as low, medium or high risk/needs; and
  - Refer to section 2.4 for guidance in case management planning and selecting modes of intervention.
4. Supervision difficulties are noted in the case management file if the required minimum number of monthly contacts is not feasible within workload limitations.
  5. For other risk assessment procedures, refer to section 2.3.

#### **12.4.7 Treatment programs**

1. When an offender is required to attend a relationship violence program as a condition of an order, the probation officer makes a referral to the program.
2. The probation officer maintains contact with the program to monitor the offender's attendance and progress.

#### **12.4.8 Breach of protective conditions**

1. If the probation officer believes that the offender is about to violate a protective condition of the order, the police and victim are informed immediately.
2. If an offender breaches a protective condition of the order, the probation officer consults the *Spousal Assault Policy and High Risk Protocol Guidelines* for assistance to:
  - Reports the alleged breach to police for investigation and preparation of a Report to Crown Counsel; or

Revised: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 12.4–4	<i>Chapter 12: Domestic Violence: K Files</i>

- Discusses the situation with the local manager and records in the Client Log the reasons for not reporting the alleged breach of protective conditions to police or Crown counsel.

#### **12.4.9 Victim requesting protective conditions be deleted**

1. When the victim asks the probation officer to rescind a protective condition, the probation officer refers the victim to specialized victim support services available in the community.
2. If the victim attends court in support of an application by the offender requesting withdrawal of a protective condition, the probation officer, at the request of Crown counsel, provides:
  - Relevant history of the abusive relationship (if known); and/or
  - Summary of the offender’s response to supervision, e.g. level of compliance, whether the offender is engaging in appropriate treatment or counselling, attitude towards the offence and victim.

#### **12.4.10 Contact with family justice counsellor**

1. K file offenders and their victims may have existing and pending family court applications and unresolved issues related to child custody or access.
2. If these issues come to the attention of the probation officer, the offender is referred to a family justice counsellor or lawyer to be informed of options, including applying to court for resolution of the issues.
3. If a family justice counsellor is involved with the family of the offender, the probation officer and family justice counsellor request consents for release of information from the parties to share case information.

#### **12.4.11 Protocol for “highest risk” cases (VAWIR policy)**

1. A designation of “highest risk” is assigned by police to a case when there is significant potential for serious bodily harm or death.
2. The highest risk designation and supporting rationale, including risk factors identified and a summary of the B-SAFER risk assessment findings, are recorded in the Report to Crown Counsel (RCC). The RCC is reviewed by the probation officer in every case that meets the definition of a K file to determine if a highest risk designation has been assigned by police.
3. When the RCC or other written notification from police indicates a case has been designated highest risk, the probation officer manages the case consistent with the policy outlined in this chapter and:

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-15
<i>Chapter 12: Domestic Violence: K Files</i>	Page 12.4–5

- Conducts victim notification consistent with sub section 12.4.3, Victim notification, and reinforces to the victim the need to develop a safety plan with the assistance of specialized victim services available in the community;
- Actively monitors and enforces adherence of the offender to court imposed conditions of the order;
- Shares appropriate information concerning breaches of the order that are directly relevant to victim safety (e.g. breaches of protective conditions or failures to report when location of the accused is unknown) with the victim and justice personnel involved in management of the case (i.e. police, Crown counsel, victim services and child welfare worker). Police are responsible for providing the probation officer with the contact information for other involved justice personnel; and
- When possible and appropriate, the police or probation officer co-ordinates a meeting among the involved justice personnel to share information relevant to mitigating risk and identification of safety strategies. If an in-person meeting is not practical, information exchange may occur by telephone, or at minimum, in writing in a locally agreed format.

#### **12.4.12 Order expiry review**

1. When the community supervision order is about to expire for an offender who remains at high risk to commit a serious personal harm offence or an offence against children and is a danger to the safety of a victim or the public, the primary case manager considers applying for a section 810 recognizance before the existing order expires.
2. It is advisable to start the application process for this option in conjunction with Crown counsel at least three months before the order expiry date. This ensures that the new recognizance is in place before the existing order expires.
3. For policy on order expiry review, refer to the following subsections: 10.2.7, Order expiry review; and 10.2.8, Order expiry review criteria.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-07
<i>Chapter 13: Temporary Absence</i>	Page 13.1–1

## 13. Temporary Absence

### 13.1 Overview (issued: Apr-07)

#### 13.1.1 Definition

1. Temporary absence allows an inmate to be absent from a correctional centre. Such absence is subject to appropriate conditions, on a time-limited basis, for a specific purpose.
2. Community Corrections staff investigate and prepare community assessment reports of temporary absence applications that require the unescorted overnight absence of sentenced offenders from correctional centres.

#### 13.1.2 Legislative authority

1. Legislative authority for granting temporary absence to offenders convicted of a federal offence exists in the *Prison and Reformatories Act*. By order-in-council, the lieutenant-governor designates the person in charge of a correctional centre (i.e. wardens and their designates) responsible for authorizing temporary absences when necessary or appropriate.
2. The legislative authority for granting temporary absence to offenders convicted of a provincial offence exists in the *Correction Act*.
3. Temporary absence may be granted for a maximum of 60 days. Absences may be renewed for one or more 60-day periods upon reassessment of the case.

#### 13.1.3 Purpose of temporary absence

Temporary absence:

- Contributes to maintenance of a just, peaceful and safe society;
- Uses controlled, time-limited releases to the community that minimize risk and preserve safety of the community; and
- Facilitates the rehabilitation and reintegration of inmates into the community as law-abiding citizens.

#### 13.1.4 Temporary absence application

1. Inmates may initiate a temporary absence application at any time during their sentence.

Issued: Apr-07	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 13.1–2	<i>Chapter 13: Temporary Absence</i>

2. Applications may be withdrawn during any stage of the process, provided the inmate submits a written request.

### **13.1.5 Types of temporary absence requiring community assessment report**

1. Applications for temporary absence requiring a written community assessment report (refer to subsection 13.2.10) from Community Corrections include:
  - Non-emergency medical treatment, without an escort, to receive medical, dental, psychiatric or psychological treatment in a medical treatment facility. Such treatment is supported by recommendations from a qualified clinician;
  - Education or employment;
  - Rehabilitation/reintegration, which may include programming at a community-based residential treatment facility or supportive recovery facility. The facility must be included in the inventory of approved addiction resources outlined in section 2.7.2; or
  - Humanitarian absence related to approved institutional program initiatives, approved family contact or attendance at spiritual or religious programs. Humanitarian absence is considered an earned privilege. It requires active participation in correctional centre programs and demonstrated compliance with the *Correction Act Regulation*.
2. A humanitarian absence based on compassionate grounds (serious illness or death of a close family member or friend) requires only a Community Corrections file review. Refer to section 13.1.7 for an overview of the information provided.

### **13.1.6 Conditional release co-ordinator**

The conditional release co-ordinator, or designated staff member, is responsible for:

- Ensuring that temporary absence applications include a detailed release plan and collateral contact information necessary for the probation officer to undertake a community assessment investigation;
- Requesting community assessment reports from Community Corrections;
- Scheduling community assessment investigation interviews with the offender when requested by Community Corrections staff;
- Collating information from Community Corrections and the correctional centre for temporary absence decision-making;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-07
<i>Chapter 13: Temporary Absence</i>	Page 13.1–3

- Ensuring that inmates who propose residence in a community-based residential treatment or supportive recovery facility are assessed for transfer to the closest correctional centre location if a temporary absence is granted;
- Ensuring that offenders understand the conditions on the temporary absence permit and their obligation to report to a probation officer at the specified Community Corrections office upon release;
- Distributing copies of the temporary absence permit to the Community Corrections office where the offender is required to report, the Operational Communications Centre (CPIC) and local police;
- Liaising with Community Corrections and other community resources;
- Confirming the offender's travel plans and approximate time of arrival with the receiving Community Corrections office and applicable community-based residential or supportive recovery facility, prior to release; and
- Requesting written progress reports from Community Corrections when the offender is seeking renewal of a temporary absence permit.

### **13.1.7 File review requests**

1. Probation officers undertake a *Community File Review of Temporary Absence Application* within five working days of receiving a request related to a humanitarian absence based on compassionate grounds (i.e. death of a close family member or friend). The review addresses the following factors:
  - Criminal convictions involving violence, spousal assault or sexual offences;
  - Active/pending orders for community supervision, including offence and conditions, especially protective conditions;
  - Results of a Protection Order Registry check;
  - Victims who are not named in the offender's protective conditions;
  - Date and assessed supervision level of the last completed community risk/need assessment (CRNA) recorded in CORNET, and summary of the identified risk/need factors;
  - Number of failures to comply with the terms of community supervision; and
  - Co-operation with the terms of community supervision and correctional interventions.



Issued: Apr-07	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 13.1–4	<i>Chapter 13: Temporary Absence</i>

2. File review requests are the responsibility of the Community Corrections office that has active or pending supervision of the offender, or holds the offender's inactive physical file.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-07
<i>Chapter 13: Temporary Absence</i>	Page 13.2–1

## **13.2 Community Assessments (issued: Apr-07)**

### **13.2.1 Purpose of community assessments**

1. Community assessment reports evaluate the offender's proposed temporary absence plan in terms of:
  - Verification and availability of community supports and resources;
  - Response to previous community supervision and correctional interventions;
  - Suitability with regard to risk/needs;
  - Level of intervention required to manage assessed risk/needs in the community; and
  - Recommendations regarding special conditions.
2. The community assessment report is a confirmed, objective and relevant assessment. It assesses the viability and suitability of an offender's proposed temporary absence release plan relative to the offender's assessed risk/needs. It is not a recommendation for or against temporary absence.
3. The primary focus is an assessment of the temporary absence release plan. In addition to assessing viability and suitability, the assessment identifies offender risk/needs that might affect compliance with temporary absence.
4. Recommendations regarding conditions and interventions are linked to identified offence(s) and criminogenic factors.

### **13.2.2 Risk/needs assessment and community assessment reports**

1. The community risk/needs assessment (CRNA) is a tool in the investigation and preparation of community assessment reports. It is completed by the probation officer to:
  - Structure the investigation and report on an examination of the criminogenic factors contained in the assessment instruments;
  - Help determine the suitability of the offender's temporary absence plan relative to assessed risk/needs; and
  - Formulate recommendations for conditions.
2. Risk/needs assessments meet the validity requirements set out in section 2.3.8. They are prioritized for completion within time limits for community assessment reports.

Issued: Apr-07	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 13.2–2	<i>Chapter 13: Temporary Absence</i>

3. The STATIC/STABLE risk/needs assessments and spousal assault risk assessment (SARA) are employed consistent with policy for offenders who meet the definition of a sex offender (refer to chapter 11) or K file offender (refer to chapter 12). Probation officers may wish to consult with a correctional centre psychologist when completing the STABLE assessment for sex offenders.
4. The probation officer completing the community assessment report determines which risk assessment(s) to employ. Choice of assessment tool is based on consideration of the offender's current offence(s) and criminal history.
5. An interview with the offender, in person or by telephone, and contact with collateral sources occurs when completing risk/needs assessments.
6. Risk/needs assessments are entered on CORNET and printed. They are submitted with the community assessment report to the requesting conditional release co-ordinator.

### **13.2.3 Sources of information**

Document information that is considered when conducting a community assessment investigation includes:

- Inmate Temporary Absence Application (form #7702), detailing the proposed temporary absence plan;
- Risk/needs assessments;
- Results of Protection Order Registry check;
- CPIC and CORNET client history check;
- Institutional report (progress report); and
- Case management or other relevant sources of information, including victim comments.

### **13.2.4 Electronic supervision not available**

Electronic supervision is not available as a mode of supervision for temporary absence.

### **13.2.5 Home visits**

1. A home visit is conducted as part of a community assessment for all temporary absence applications that require the overnight absence of the inmate from the correctional centre. Refer to section 8.4, Home Visits.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-07
<i>Chapter 13: Temporary Absence</i>	Page 13.2–3

2. No home visit is required when the proposed residence is a community-based residential treatment or supportive recovery facility that is included in the inventory of approved addiction resources maintained by the Community Corrections regional office. Refer to section 2.7.2, Approved addiction resources.
3. Notwithstanding (2), when the offender is a sex offender, the probation officer conducts a curb side home visit of the facility. This is done to assess the location for proximity to schools, residential complex where children reside or facility where children congregate.

### **13.2.6 Non-approved addiction resources**

When a community assessment is requested for a temporary absence plan, and the plan proposes residential placement in a facility not included in the inventory of approved addiction resources (refer to section 2.7.2, Approved addiction resources), probation officers:

- Do not complete a community assessment; and
- Return the request to the conditional release co-ordinator.

### **13.2.7 Responsibility for report**

1. A probation officer located in the community where the offender intends to initially reside upon release completes the community assessment report.
2. A probation officer 14 may assist with selected aspects of the community assessment investigation as designated by the assigned probation officer.
3. The offender might intend to reside at a community-based residential treatment or supportive recovery facility before living in another community. In this case, the probation officer preparing the assessment contacts the office in the secondary community for assistance with investigating that portion of the release plan (e.g. verification of residence, employment, resources/supports, home visit).
4. When the offender intends to reside in a community covered by an office other than the one that previously supervised the offender (or completed a pre-sentence report on the offender), the probation officer completing the assessment may contact the former probation officer/supervising office for collateral input.

### **13.2.8 Sex offenders**

1. A probation officer with specialized sex offender training, or a probation officer who can consult with or be assisted by a probation officer with specialized sex offender training, completes a community assessment on a sex offender. Refer to chapter 11, Sex Offenders.

Issued: Apr-07	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 13.2–4	<i>Chapter 13: Temporary Absence</i>

2. A probation officer with specialized sex offender training completes the STATIC/STABLE risk/needs assessments as part of the community assessment report.

### **13.2.9 Due dates and distribution**

Community assessment reports of temporary absence applications that propose release for a purpose that:

- Will not exceed 60 days, are submitted to the conditional release co-ordinator no later than 20 working days from receipt of the report request.
- Exceeds 60 days, or that cover the entire term of the remaining sentence, are submitted to the conditional release co-ordinator no later than 60 working days from receipt of the report request.

### **13.2.10 Content of report and areas of investigation**

In addition to the relevant areas of investigation noted in this section, the community assessment investigates information presented on the offender's temporary absence application. Results of the investigation are recorded on the *Community Assessment of Temporary Absence Application* template:

1. Assessment of current (criminogenic) needs:

- Summarizes the offender's current status by reporting on facts that have emerged from an inquiry into needs factors covered in the risk/needs assessment;
- Emphasizes needs identified as causing the offender to have difficulties functioning in the community. These needs may include:
  - Family relationships, living arrangements and associates;
  - Education, vocation, employment and finances;
  - Behaviour and emotional status; and
  - Substance abuse.
- Reports on the offender's recognition of problematic needs, motivation for pursuing or attempting behaviour change/counselling/treatment, and past successes/failures of same; and
- Considers factors not captured in the assessment(s) that the probation officer believes may have an impact on the offender's functioning in the community.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-07
<i>Chapter 13: Temporary Absence</i>	Page 13.2–5

2. To prepare the assessment of the proposed temporary absence plan, the probation officer:

- Interviews the offender, in person or by telephone, regarding the proposed plan and questions details that are unclear or have not been addressed;
- Assesses the suitability of the proposed residence (by verifying availability, type, location, evidence of criminal activity, and presence of firearms/weapons). Facts about the residence that would help or hinder the offender's successful completion of temporary absence are included;
- Verifies that the home is not near a school, residential complex where children reside, or facility where children congregate, if the offender is a sex offender;
- Identifies other residents, and their willingness and ability to assist the offender in living a law-abiding lifestyle. Evidence that other residents actively misuse alcohol or illegal drugs is included;
- Explains the temporary absence requirements to the spouse/domestic partner/parent(s) and obtains agreement to the offender's release to the residence;
- Identifies proposed treatment or counselling programs suggested by the offender (i.e. verification of availability/acceptance, program description, suitability to offender and commencement date);
- Identifies proposed education and/or employment (i.e. verification of availability, suitability to offender, employer's name and address, hours of work, commencement date, transportation arrangements, education costs); and
- Describes financial situation, including expected income and source, major assets, debts and obligations. If the offender is unemployed, potential for employment or constructive use of time is addressed.

3. In response to previous correctional interventions, the probation officer:

- Summarizes factors identified in the criminal history risk assessment, when relevant, including:
  - Number of prior court dispositions and offence history;
  - Frequency and severity of violence;
  - Use of weapons;
  - Incarcerations and escape history;
  - Time in community following sentencing or custodial release, prior to reoffending;

Issued: Apr-07	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 13.2–6	<i>Chapter 13: Temporary Absence</i>

- Repetition of previous or similar offences, or new offence type;
- Number of prior community supervision periods and failures to comply; and
- Patterns of offending behaviour that relate to the current offence.
- Utilizes information from the case file, CORNET and previous probation officers to assess response to community supervision and correctional interventions (i.e. attitude, compliance, offending while under supervision, completion of core programs, other programs and treatment components in community and custody);
- Indicates whether, during the current sentence, the offender has made reasonable efforts to participate in core programs or other programs prior to applying for temporary absence;
- Indicates whether the offender in custody made reasonable efforts to participate in and complete the Respectful Relationships program or Relationship Violence Treatment program. This applies in cases of current spousal assault convictions and/or history of police attendance for domestic violence problems; and
- Indicates whether the offender in custody made reasonable efforts to participate in and complete treatment for sex offending in cases of sexual offence convictions.

4. Community information includes:

- Verification of additional community supports (i.e. family, friends, others) included on the temporary absence application and their willingness/ability to support or assist the offender in living a law-abiding lifestyle;
- Community support services available to the offender;
- Response of local police authorities to the offender's proposed temporary absence plan;
- Summary of media attention to the current offence or potential community reaction to the release of the offender, when known; and
- Confirmation of community supervision to follow the current sentence or resume upon release, and recommendation of specific conditions that warrant replication on the temporary absence permit (i.e. protective conditions, area restrictions).

5. Victim information includes:

- Reasonable efforts to report victim impact and concerns in cases that involve violence, sexual offences, spousal assault, and when the victim requests to be kept informed. When the victim's comments cannot be obtained, it is noted in the assessment;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-07
<i>Chapter 13: Temporary Absence</i>	Page 13.2–7

- When the victim is deceased as a result of the offence, the probation officer consults with Crown counsel or the Victim Safety Unit to determine the most appropriate method of contact with the spouse, sibling, child or parent of the victim; and
- Results of a Protection Order Registry check.

6. Viability of temporary absence plan and areas of concern includes:

- Summary of key findings of the investigation, identifying linkages between the viability and capacity of the proposed temporary absence plan to adequately address the offender's assessed risk/needs;
- A clear determination regarding the suitability of the plan to support temporary absence;
- Explanation and means by which the offender may strengthen a future application if the temporary absence plan is deemed unsuitable to address the offender's assessed risk/needs; and
- Information about the assessed level of supervision required to manage the risk/needs of the offender in the community, if there is a decision to grant temporary absence.

7. Recommended special conditions:

- Probation officers may recommend inclusion of special conditions on the temporary absence authorization permit; and
- Recommendations regarding special conditions and interventions are linked to identified risk/needs factors and offence(s). They support the assessed level of supervision necessary to manage the offender in the community.

### **13.2.11 Supervision by Community Corrections**

1. Supervision by Community Corrections may be necessary when temporary absence does not require the daily return of the inmate to the correctional centre for the following circumstances:

- Non-emergency medical absences;
- Education or employment absences;
- Rehabilitation/reintegration absences; and
- Humanitarian absences.



Issued: Apr-07	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 13.2–8	<i>Chapter 13: Temporary Absence</i>

2. When supervision by Community Corrections is considered as a condition of an approved temporary absence, the responsible correctional centre contacts the local manager of the receiving Community Corrections office to discuss suitable conditions.

### **13.2.12 Required conditions for reporting to a probation officer**

All temporary absence authorization permits requiring supervision by Community Corrections include a condition:

- Requiring the inmate to report at the designated receiving Community Corrections office to a probation officer on a specified date; and
- Indicating the frequency of subsequent reporting. This is agreed upon by the correctional centre's releasing authority or other officer and the local manager of the receiving Community Corrections office.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Oct-12
<i>Chapter 13: Temporary Absence</i>	Page 13.3–1

## ***13.3 Case Management (revised: Oct-12)***

### **13.3.1 Case management and intervention similar to probation**

1. When supervision by Community Corrections is deemed necessary, risk/needs assessment and case management of a temporary absence permit are delivered consistent with the requirements set out in chapter 2, Case Management Principles and Approaches and chapter 8, Probation Supervision, except as otherwise noted in this chapter.
2. Conditions on the temporary absence permit may require levels of intervention in excess of the offender's assessed risk/needs.

### **13.3.2 Role of releasing correctional centre**

The conditional release co-ordinator ensures that:

1. Temporary absence permits identify a clear reporting direction to the Community Corrections office in the community where the offender will initially reside upon release.
2. The offender understands the conditions on the temporary absence permit and the obligation to report to the probation officer at the specified Community Corrections office upon release.
3. Offenders are processed accordingly when confirmed for transfer to a correctional centre that is closest the community-based residential treatment facility where they will be released.
4. Prior to release, the offender's travel plans and approximate time of arrival are confirmed with the receiving Community Corrections office, and when applicable, the community-based residential treatment facility.
5. Immediately upon the offender's release, copies of the temporary absence permit and decision document are sent in a timely manner to the assigned Community Corrections office, Operational Communications Centre (CPIC) and local police.

### **13.3.3 Initial intake and supervision**

1. The conditional release co-ordinator directs the offender to report to the supervising Community Corrections office immediately upon release for initial intake with the probation officer. When possible, immediate reporting occurs prior to the offender attending a community-based residential treatment or supportive recovery facility.

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 13.3–2	<i>Chapter 13: Temporary Absence</i>

2. The probation officer confirms the offender's arrival at a community-based residential treatment or supportive recovery facility within one working day of release. The officer also establishes a contact/communication schedule with facility staff and the offender to proactively monitor attendance and participation.
3. Temporary absence supervision is the responsibility of the Community Corrections office in the community where the offender resides. Supervision is transferred between primary probation offices when subsequent changes of residence occur. This is consistent with procedures outlined in subsection 8.7.4, Transferring office.
4. Initial intake procedures apply. They are outlined in chapter 8, Probation Supervision.

#### **13.3.4 Temporary absence authorizations permit**

The inmate keeps a copy of the permit at all times during the absence.

#### **13.3.5 Victim notification upon release to temporary absence**

1. The probation officer makes reasonable efforts to contact the victim and others protected by the order as soon as possible after release to temporary absence when the victim requests such contact or in cases that involve an identified protected party, violence, sexual offences or spousal assault.
2. Victim contact is made by telephone whenever possible. A letter from the probation officer and a copy of the temporary absence permit is also sent to the victim.
3. The probation officer provides the victim with:
  - An explanation of the contents of the temporary absence permit, especially protective conditions;
  - A copy of the temporary absence permit (with the address and identifying information about the offender removed);
  - An explanation of how to report breaches of protective conditions;
  - Information regarding specialized victim support services in the community that can assist with safety planning, access to services and program referral; and
  - Ongoing information regarding the implications of any changes to the temporary absence permit that may affect the victim's security. The victim is also notified if the offender violates a condition of the temporary absence permit or is suspended.
4. The probation officer makes reasonable efforts to contact the victim immediately when relevant conditions of the temporary absence permit are changed or removed.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Oct-12
<i>Chapter 13: Temporary Absence</i>	Page 13.3–3

5. When the victim is a child, the probation officer notifies the parent or guardian of the child and/or the Ministry of Children and Family Development of the release.
6. If the victim cannot be contacted, the reason is recorded <sup>s.15</sup>  
s.1

### **13.3.6 Development of case management plan**

1. The probation officer reviews the risk/needs assessment(s) that were completed for the community assessment report. The probation officer also develops a plan for case management within 30 days of the initial interview. Refer to chapter 2, Case Management Principles and Approaches.
2. A risk/needs assessment prepared by someone other than the active probation officer is validated or updated within the 30-day time period. It is documented with a new entry in the CORNET Risk/Needs Assessment slate.

### **13.3.7 Renewal procedure for absences requiring supervision by Community Corrections**

1. Temporary absences requiring supervision by Community Corrections may be renewed for one or more 60-day periods upon reassessment of the case.
2. Probation officers prepare a written progress report within five working days of receiving a request from the conditional release co-ordinator. The report addresses the following factors:
  - Changes in the assessed level of supervision indicated by the community risk/needs assessment (CRNA) since release to temporary absence;
  - Compliance with the terms of temporary absence; and
  - Recommendations regarding special conditions of the temporary absence linked to changes in assessed risk/needs.

### **13.3.8 Suspensions and revocations**

1. The delegated decision-making authority for granting temporary absence may suspend, reinstate and revoke temporary absence.
2. Reasons for suspension include:
  - Failure to abide by the purpose and conditions of the temporary absence;
  - Substantial change to the temporary absence plan;

Revised: Oct-12	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 13.3–4	<i>Chapter 13: Temporary Absence</i>

- Reasonable and probable grounds to believe the inmate has committed or is about to commit a criminal offence; and
  - Reason to believe the suspension is in the best interest of public safety, the correctional centre or the inmate.
3. Once the releasing correctional centre suspends an inmate's temporary absence, police may apprehend the inmate without a warrant. Authority for apprehending the inmate is section 495 of the *Criminal Code*.

### **13.3.9 Violations**

1. When an offender is believed to have violated a condition of the temporary absence permit or suspension is required, the supervising probation officer immediately telephones the warden or designate responsible for authorizing the temporary by absence. A critical incident report summarizing circumstances of the alleged violation is submitted within one working day of the notification.
2. The critical incident report includes the following information:
  - Status of the offender;
  - Nature and effect of the critical incident; and
  - Recommendation.
3. When suspension of the temporary absence results, the releasing correctional centre contacts police to initiate apprehension of the inmate.

### **13.3.10 Inmate return to centre upon suspension**

1. If an inmate's temporary absence is suspended, and the inmate is directed to return to the correctional centre but does not return, the inmate is consider at large without lawful excuse and may be apprehended without warrant by police.
2. An unlawfully-at-large charge may be laid and a warrant issued for the inmate's arrest.

### **13.3.11 Serious offence**

The commission of a serious offence by an inmate on temporary absence is reported according to Critical Incidents—Investigation and Reporting, section 2.3 of the *Management Services Policy Manual*.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jun-19
<i>Chapter 14: Electronic Supervision</i>	Page 14.1–1

## 14. Electronic Supervision

### 14.1 Overview (revised: Jun-19)

#### 14.1.1 Definition

Electronic supervision systems monitor client compliance with the requirements to remain at approved locations during specified curfew times and/or to comply with geographic conditions ordered by the court

#### 14.1.2 Intrusiveness

Electronic supervision is the most intrusive intervention available to the Community Corrections Division:

1. The client is required to wear a Smart Tag anklet at all times.
2. The client may be confined, at specified times, to the residence. This may affect other residents of the home.

#### 14.1.3 Responsibility for operation of electronic supervision

1. The Central Monitoring Unit (CMU) of the Strategic Operations Division is responsible for the operation of the electronic supervision application.
2. Probation officers are responsible for data entry functions in CORNET for clients on electronic supervision.
3. Probation officers complete the After-hours Summary Form upon intake, to assist CMU staff with after-hours case management decisions.
4. Probation officers submit the electronic supervision referral form, court order(s), and completed *After-hours Summary Form* to the CMU s.15 s.15
5. The *After-hours Summary Form* is updated when circumstances change that may impact after hours case management.
6. CMU staff enter all required client information into the electronic supervision application.
7. The CMU provides 24-hour monitoring of client compliance using the electronic supervision application.

Revised: Jun-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 14.1–2	<i>Chapter 14: Electronic Supervision</i>

#### **14.1.4 Authority to order electronic supervision**

1. Electronic supervision may be ordered by the court as a condition of a community supervision order.
2. Electronic supervision involves highly intrusive monitoring and is most suitable for offenders who require an intensive level of supervision, such as 810.1 and 810.2 orders, or for exceptional cases where safety of the public cannot be addressed by incarceration and there remains a substantial likelihood that the offender will commit a serious, violent, or sexual criminal offence.

#### **14.1.5 Optimal use of electronic supervision**

1. Electronic supervision is most effectively used as part of a program that:
  - Restricts the liberty of a client;
  - Provides structure to a client's schedule;
  - Encourages a client to make constructive use of time (education, employment, program attendance);
  - Permits a client to retain family support responsibilities;
  - Addresses a client's criminogenic needs by providing an opportunity to attend community-based programming, including core programs; and
  - Restricts the client from entering specific geographic areas that may increase the likelihood of offending.
2. Restriction of a client to one site on a continuous 24-hour basis is not encouraged. Such restriction:
  - Interferes with reintegration of the client, including attendance at programs intended to address criminogenic factors; and
  - Can create stresses in the home that may place other family members at increased risk.

#### **14.1.6 Six-month review**

1. When electronic supervision is ordered for longer than six months and a client is low risk, the client may be encouraged to apply for a review to remove the electronic supervision condition. Refer to sections 515.1, 732.2(3), 742.4 (5) and 810(4.1) of the *Criminal Code*.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jun-19
<i>Chapter 13: Electronic Supervision</i>	Page 14.1–3

2. A letter is attached to the application indicating whether the probation officer supports the application and summarizing the client's performance while under electronic supervision.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jun-19
<i>Chapter 14: Electronic Supervision</i>	Page 14.2–1

## ***14.2 Investigations and Reports (issued: Jun-19)***

### **14.2.1 Requests from courts for investigations**

Courts have the option of requesting a:

- Pre-sentence report, specifying inclusion of a section on the technical suitability of the client for electronic supervision; or
- Technical suitability report to assess the technical suitability of the client's residence and circumstances for electronic supervision.

### **14.2.2 Technical suitability reports—court-ordered**

When a court orders a technical suitability report, separately or as part of a pre-sentence report, the following procedures apply:

1. Technical suitability reports are consistent in content and format according to the *Electronic Supervision Technical Suitability Report* template.
2. A probation officer or probation officer 14 undertakes completion of a technical suitability report or module.
3. Technical suitability reports are made available to the court within timeframes established in subsection 7.7.4 (the same as for a pre-sentence report).
4. A technical suitability report is attached to a pre-sentence report only when it is requested as part of a pre-sentence report by the court.
5. In every case, the probation officer investigates the following factors for the purposes of a technical suitability report:
  - The type of residence (e.g. apartment, basement suite, single detached house, shared residence, other);
  - Client access to a reliable power supply at the residence;
  - Cellular coverage at the location of the proposed residence;
  - Characteristics of the residence that impede functioning of equipment (e.g. concrete structure, large metal objects in building, isolated area);
  - Need for the client to be in areas that do not provide cellular coverage (e.g. remote work locations);

Revised: Jun-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 14.2–2	<i>Chapter 14: Electronic Supervision</i>

- Client access to a reliable method to contact the Central Monitoring Unit when required (e.g. cell phone, landline);
- Client’s compliance with previous electronic supervision;
- The availability of electronic supervision equipment;
- Client activities requiring curfew exemptions (i.e. employment, education, program, health, humanitarian, other);
- The identity of other residents;
- The willingness of the spouse/domestic partner, parent(s), or other residents to accept that a client is restricted to the residence while under electronic supervision;
- The safety of the spouse, domestic partner or children in the home, especially regarding the risks of having a client with a conviction or prior convictions for spousal assault, sexual assault or other violence, reside in the victim’s residence;
- The results of a Protection Order Registry check when the protected party would be affected by a client’s presence in the community;
- The willingness and capacity of other residents to assist a client to comply with electronic supervision; and
- Any other factors that support or hinder an offender’s successful completion of electronic supervision.

### **14.2.3 Home visit for technical suitability investigation**

1. A home visit is conducted when a client is considered for electronic supervision. Refer to section 8.4 as well as subsection 11.5.5 for policy on conducting home visits.
2. When the client is a sex offender, and if appropriate, the probation officer reports on the location for proximity to schools, residential complex where children reside, or facility where children congregate. Refer to subsection 11.5.5, Approving residence for sex offenders.
3. When a client intends to change residence, a home visit to determine suitability is required. This investigation is performed by the primary case manager prior to approval of the change of residence.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jun-19
<i>Chapter 14: Electronic Supervision</i>	Page 14.2–3

#### **14.2.4 Electronic supervision conditions included in the technical suitability report**

1. All electronically supervised orders:
  - Specifically identify which conditions are to be electronically supervised; and
  - Have a condition requiring client compliance with the electronic supervision agreement.
2. When identified on a court order, electronic supervision has the capability to monitor:
  - Curfew;
  - House arrest; and
  - Area restrictions.
3. Area restrictions must include specific information about the geographic location such as
  - Distance from identified places or addresses;
  - Areas identified by north, south, east and west; or
  - Areas identified on a map.
4. The electronic supervision system has the capacity to monitor area restrictions for public parks, school grounds, registered daycare centres, and recreational centres.

#### **14.2.5 Improper order**

1. When the court delegates discretion to Community Corrections staff to impose electronic supervision, staff impose electronic supervision in every case.
2. When the court delegates discretion to Community Corrections staff to establish a curfew condition, staff impose 24-hour house arrest until the order is returned to court and a specific curfew is imposed. The order is returned to court to:
  - Explain that Community Corrections staff do not have the authority to establish the terms of a court order (refer to section 14.2.4 for suggested wording); and
  - Request that the court impose a specific curfew.
3. Court orders requiring electronic supervision for geographic conditions which are not specific to address or boundaries are returned to court to:

Revised: Jun-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 14.2–4	<i>Chapter 14: Electronic Supervision</i>

- Explain that Community Corrections staff do not have the authority to establish the terms of a court order (refer to section 14.2.4 for suggested wording);
- Request that the court impose a specific address or boundaries; and
- If applicable, provide explanation of the difficulties and dangers of establishing and disclosing victims' locations on court orders.

#### **14.2.6 Client Agreement Rules and Regulations**

1. The client signs the *Electronic Supervision Client Agreement* form during the completion of the technical suitability report or during the pre-sentence report interview.
2. The signed agreement is submitted to the court as an attachment to the technical suitability report.
3. To be subject to electronic supervision, the client must adhere to:
  - Wearing a personal identification device (Smart Tag anklet) at all times;
  - Allowing the Beacon to be powered at his/her residence;
  - Not interfering with operation of electronic supervision equipment;
  - Returning electronic supervision equipment to the Corrections Branch at the end of the period of monitoring or the date set by the probation officer;
  - Charging the Smart Tag anklet at minimum one hour per day;
  - Contacting the probation officer or the Central Monitoring Unit (CMU) toll free at 1-888-751-7711 if unable to comply with the conditions or if there are technical issues with the equipment;
  - Maintaining electricity service at the residence during electronic supervision; and
  - Ensuring access to a functioning telephone for contact with the CMU as required.
4. The signed *Electronic Supervision Client Agreement* form is faxed or emailed to the CMU upon completion of hook-up.

#### **14.2.7 Information to be provided to spouse/domestic partner or collateral contacts**

1. When conducting a technical suitability assessment, the investigator provides an explanation of the program and procedures that are followed for enforcement.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jun-19
<i>Chapter 14: Electronic Supervision</i>	Page 14.2–5

2. The spouse/domestic partner or collateral contact is requested to contact the probation officer or, if after hours, the Central Monitoring Unit (CMU) with concerns regarding a client's conduct.
3. The following contact information is provided:
  - Phone number of the probation officer;
  - Phone number of the CMU; and
  - Copy of the *Electronic Supervision Client Agreement* form.

#### **14.2.8 Technical suitability—telephone system**

1. Electronic supervision hardware requires power for operation.
2. The client is expected to maintain a power supply for the Beacon or Smart Beacon and for charging the Smart Tag anklet.
3. The client is required to have access to a functioning telephone or cellular phone.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Jan-16
<i>Chapter 14: Electronic Supervision</i>	Page 14.3–1

## ***14.3 Enrolment and Monitoring Equipment (issued: Jan-16)***

### **14.3.1 Enrolment in technology**

1. Electronic supervision hardware consists of a Smart Tag anklet, a Beacon or Smart Beacon, and an On-Body Charger.
2. A fully-charged Smart Tag anklet is affixed to the ankle of the client by the probation officer.
3. The Central Monitoring Unit (CMU) is available for information and support during the installation (250-387-5011 or toll-free 1-888-751-7711).
4. The probation officer contacts the CMU to confirm the successful installation and status of equipment.
5. Prior to or upon the installation of the equipment, the probation officer faxes or emails the following to the CMU:
  - Copy of the electronic supervision agreement for compliance;
  - Court order (highlighting conditions requiring ES); and
  - CMU client information form (referral).
6. Amended orders and exemptions are faxed or emailed to the CMU immediately.

### **14.3.2 Beacons**

1. There are two different monitoring units available:
  - The Beacon emits a Radio Frequency (RF) that is detected by a Smart Tag.
  - The Smart Beacon has the functionality of the Beacon with an additional feature that enables cellular voice communication.
2. The Smart Beacon is used only in exceptional circumstances, following consultation with the regional director, when the client has no access to a telephone or cellular phone.

### **14.3.3 Equipment installation occurs same day**

1. Probation officers ensure monitoring equipment is installed and data input completed on the date that electronic supervision is ordered, regardless of whether a technical suitability report is completed.

Issued: Jan-16	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 14.3–2	<i>Chapter 14: Electronic Supervision</i>

2. When a technical suitability report cannot be conducted on the date that electronic supervision is ordered, the technical suitability investigation is conducted the next business day or—with approval of the local manager—as soon as possible. In appropriate circumstances, the client may be given the equipment and directed to install it in advance of completing the technical suitability investigation.

#### **14.3.4 Referrals to another office location and interim monitoring**

When a client with a condition of electronic supervision requires referral to another Community Corrections office, and the client is unable to report to the receiving office the same day for equipment installation, the referring probation officer:

- Contacts the receiving office to advise of the circumstances preventing same day reporting, and arranges an appointment for the offender to report the following day for equipment installation and data input;
- Provides the client with the equipment and installation directions, ensures the data input is completed, and arranges an appointment for the client to report the following day; and
- Arranges for the Central Monitoring Unit to confirm the Beacon or Smart Beacon is installed and the Smart Tag anklet is operational.

#### **14.3.5 Equipment installation by the client**

1. When the probation officer is satisfied that a client is able and willing to co-operate with installation instructions, the Beacon or Smart Beacon may be given to the client to carry out the installation.
2. When the probation officer is not satisfied that the client can carry out the self-installation procedure, or when other considerations impede self-installation, the client is:
  - Transported to the approved residence by a probation officer who carries out the installation (refer to section 8.4 for policy on conducting home visits); or
  - Directed to return to his/her place of residence. Installation is completed within one working day of sentence or release, or—with approval of the local manager—as soon as possible. The client is then directed to call the Central Monitoring Unit (CMU) to confirm the equipment is functioning.
3. Upon the request of the probation officer, the CMU conducts telephone checks until the installation is completed.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Jan-16ar-11
<i>Chapter 14: Electronic Supervision</i>	Page 14.3–3

### **14.3.6 Ensuring successful installation**

1. The probation officer is responsible for ensuring that the installation is successfully completed by the end of the working day.
2. It is the responsibility of the probation officer to contact the Central Monitoring Unit (CMU) to verify accurate installation.
3. When an alarm report indicates incorrect installation, the probation officer responds to the CMU and resolves the installation error by the end of the working day, or—if after hours or on the weekend—by the end of the following working day.

### **14.3.7 Data input**

1. Data pertaining to each client, including information about curfew times, geographic conditions, personal identifying information and other data requested on data screens, is entered at intake in CORNET by the supervising Community Corrections office.
2. Staff at the Central Monitoring Unit (CMU) enter required information including curfew, and geographic conditions in the electronic supervision application.
3. Probation officers are responsible to enter in the CORNET Client Log details of all curfew exemption dates and times.
4. The court or probation officer (when authority exists) can grant curfew variation or a residence change. Probation officers enter new data pertaining to the change immediately into CORNET and notify the CMU.

### **14.3.8 Additional information**

The Central Monitoring Unit (CMU) is notified immediately of changes to:

- Name of employer and contact phone number;
- Location of the Beacon or Smart Beacon within the residence;
- Weapons prohibitions and history;
- Whether the client is on prescribed medication (identify if known);
- Mental health status. If the client has mental health needs, the names of psychiatrist, psychologist, and physician are provided;
- Medical problems that may require hospitalization;
- History of violence;



Issued: Jan-16	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 14.3–4	<i>Chapter 14: Electronic Supervision</i>

- Dangerous animals on property;
- Alerts; and
- Other information relevant to managing the file.

### **14.3.9 Victim information on spousal assault and sex offenders**

1. s.15

2.

3. Victims of violence, sexual offences and spousal assault are provided with information as set out in subsection 8.2.7.

4. Police assistance in locating and informing the victim may be requested.

### **14.3.10 Information provided to client**

The probation officer reviews with the client and provides a copy of the court order and signed *Electronic Supervision Client Agreement* form.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jun-19
<i>Chapter 14: Electronic Supervision</i>	Page 14.4–1

## **14.4 Central Monitoring Unit and Response to Violations (issued: Jun-19)**

### **14.4.1 Central Monitoring Unit**

The Central Monitoring Unit (CMU) monitors compliance by all clients on electronic supervision on a 24-hour basis.

### **14.4.2 Response to violations**

1. Central Monitoring Unit (CMU) staff follow the *Central Monitoring Unit Procedures Manual* when responding to violation reports.
2. Once a violation is confirmed, the CMU staff member attaches a violation report to the CORNET Client Log. The staff member also faxes the report, providing details of the incident, to the supervising Community Corrections office before the end of the shift. The supervising office, not the office doing the initial hook-up, is responsible for case management actions.
3. When information is obtained from a third party indicating non-compliance by a client, staff members of the CMU obtain details. They then determine the necessary intervention and forward this information to the probation officer.

### **14.4.3 Curfew violation**

When a client who is subject to electronic supervision is unlawfully at large from the approved residence after hours, Central Monitoring Unit (CMU) staff members follow procedures set out in the *Central Monitoring Unit Procedures Manual*:

1. Request police attend the residence to confirm the client is unlawfully at large. Provide police with the identity of the client, circumstances of the alleged violation, name and location of the victim, type of order, and other information necessary to respond to the alleged violation. Check CORNET for the type of offence, risk level of the client and victim contact information.
2. Cross-reference client information against the Protection Order Registry.
3. Notify the protected person(s) or alternate contact of the curfew violation. If neither party can be contacted, contact the local police.
4. Record the time, date and person contacted on the Client Log and Victim Log in CORNET.
5. Complete a violation report recording the C.S. number and name of the client, date, time and nature of the alarm (violation), and action taken by CMU staff.

Revised: Jun-19	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 14.4–2	<i>Chapter 14: Electronic Supervision</i>

6. Notify the probation officer by telephone, and fax or email a copy of the violation report immediately or, if after hours, the following day.
7. If after hours, call the provincial on-call manager to advise of the violation.
8. For incidents determined to not require immediate attention the information regarding the violation is forwarded to the probation officer for investigation.
9. Document all incidents in the appropriate sections of the electronic supervision application and document on in the CORNET Client Log.

#### **14.4.4 Violation of a geographical condition**

When a client who is subject to electronic supervision is detected in violation of a geographical condition, Central Monitoring Unit (CMU) staff members follow procedures set out in the *Central Monitoring Unit Procedures Manual*:

1. Contact local police and provide the identity of the client, circumstances of the alleged violation, last known location, and other information necessary to respond to the alleged violation. The CMU checks CORNET for the type of offence, risk level of the client and victim contact information.
2. Notify the protected person(s) if applicable or alternate contact of the violation. If neither party can be contacted, contact the local police.
3. Record the time, date and person contacted on the Client Log and Victim Log in CORNET.
4. If victim contact is not possible, the reason is noted in the Client Log.
5. Complete a violation report recording the C.S. number and name of the client, date, time and nature of the alarm (violation), and action taken by CMU staff.
6. Notify the probation officer by telephone, and fax or email a copy of the violation report immediately or, if after hours, the following day.
7. If after hours, call the provincial on-call manager to advise of the violation.
8. For incidents determined to not require immediate attention the information regarding the violation is forwarded to the probation officer for investigation.
9. Document all incidents in the appropriate sections of the electronic supervision application screen and document in the CORNET Client Log Maintenance of adequate equipment supply and loss or damage to equipment.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jun-19
<i>Chapter 14: Electronic Supervision</i>	Page 14.4–3

#### **14.4.5 Breach responsibility**

1. Upon receipt of a violation report, the probation officer determines whether the circumstances of the violation warrant the submission of a report to Crown Counsel for a breach of a court order.
2. For breaches of conditional sentence orders, the probation officer notifies the police of the violation and submits an Allegation of Breach of Conditional Sentence Report.
3. After hours, the Central Monitoring Unit notifies the police who have the authority to arrest without a warrant.

#### **14.4.6 Release of records**

1. Data collected while a client is electronically supervised must not, without lawful authority, be released or disclosed by staff.
2. Requests by police for records collected through the electronic supervision application require a search warrant or production order.

#### **14.4.7 Maintenance of adequate equipment supply and loss or damage to equipment**

1. Each Community Corrections Office is responsible for the maintenance of an adequate supply of electronic supervision equipment.
2. Equipment loss/damage is reported to the Central Monitoring Unit (CMU) using the *Electronic Supervision Damage Report* form.
3. Damaged equipment is returned to the CMU.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 15: Service Delivery Initiatives</i>	Page 15.1–1

## **15. Service Delivery Initiatives**

### ***15.1 Rural Communities (revised: Sep-06)***

#### **15.1.1 Overview**

1. Service delivery to rural communities presents unique resource and staffing challenges that include mobility, itinerant services, resource and program sharing with other agencies, and specialization issues.
2. This policy is intended to provide a strategy to deliver Community Corrections services to rural communities. Workload strategies reflect resource levels and maintain a functional branch structure.

#### **15.1.2 Definitions**

1. Primary probation office: Has a resident local manager, resident probation officers and clerical support.
2. Satellite office: Managed by a local manager who is resident in a larger and physically distinct centre. The satellite office has a resident probation officer who may have resident clerical support.
3. Itinerant location: Serviced on a regular basis by a travelling probation officer from outside the community. This probation officer provides case management services when it is not suitable to have the client travel to the nearest Community Corrections office.

#### **15.1.3 Focus of itinerant service**

Itinerant services are mainly focused on risk assessment, caseload management and preparation of required reports.

#### **15.1.4 Service to remote communities**

1. Services to certain remote communities are subject to available resources.
2. If required, policy exemptions are obtained from the assistant deputy minister, Corrections Branch.

Revised: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 15.1–2	<i>Chapter 15: Service Delivery Initiatives</i>

### **15.1.5 Court attendance and itinerant service**

1. Unless directed by a judge, attendance in court at the remote location is at the discretion of the local probation officer in consultation with the local manager and/or the regional director.
2. Local managers ensure proactive liaison with the judiciary and Crown counsel to assess the value of involving a probation officer in court.

### **15.1.6 Itinerant travel**

1. When travelling, staff safety issues are paramount.
2. Itinerant travel is accomplished by the most cost efficient method (i.e. car, shared travel, air and charters).
3. Cost efficiency reflects staff travel time, rather than travel expenditures alone.

### **15.1.7 Itinerant supervision**

1. Itinerant supervision strives to achieve compliance with policy. It is practical in terms of risk management, while also reflecting resource limitations.
2. Itinerant supervision may include face-to-face supervision, third party contacts (i.e. contractors, RCMP). Contact with a probation officer is pre-scheduled within a specific timeframe.
3. Use of alternative service modes (e.g. contracts) in remote communities can and are used to complement the supervision of an itinerant probation officer.

### **15.1.8 High-risk offenders**

1. Supervision of high-risk caseloads in itinerant locations generally involves a partnership between the itinerant probation officer and the following options in order of preference:
  - Direct participation of a designated specialist;
  - Consultation with a designated specialist;
  - Assistance from third party agencies (e.g. RCMP, forensic services) and individuals (e.g. contractors); and
  - If no partner is available, the probation officer works unassisted.
2. It is recognized that high-risk caseloads and workloads can be affected by travel time in itinerant service areas.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 15: Service Delivery Initiatives</i>	Page 15.1–3

3. Flexibility is required to respond to high-risk situations of variable duration to achieve reduced risk. Such situations may require specialist intervention, short-term contracts and increased travel.

### **15.1.9 Clerical, communications and CORNET entry**

Technology is made available to satellite and itinerant staff. It addresses reception, communication, CORNET entry and clerical support in a timely and efficient manner.

#### **15.1.10 Site location, safety and security**

1. Satellite and itinerant services maximize public access and safety, within resource limitations. Flexibility is pursued through co-location and shared office space.
2. Office design, location and technology must enhance staff and client safety.
3. The local manager completes an office safety plan for each satellite and itinerant location.

#### **15.1.11 Hours of operation**

1. Hours of operation in satellite offices and itinerant locations are directly related to resource levels.
2. Scheduling of staff facilitates public access to services, within resource limitations.
3. Schedules indicating hours of operation and hours of work reflect concerns for staff and client safety.
4. Schedules are consistent with the Community Corrections review of hours of operation and service. They are endorsed by local managers and regional directors.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Oct-18
<i>Chapter 15: Service Delivery Initiatives</i>	Page 15.2–1

## **15.2 Community Work Service (revised: May-13)**

### **15.2.1 Definition and purpose of community work service**

Community work service:

- Is a sanction that requires offenders/clients to make amends to the community for violating its laws;
- Is meaningful to the offender/client, and a benefit to the victim and/or community;
- Is restorative, when possible;
- Is a mode of supervision;
- Involves work not normally done by employees, except with agreement from the company and the union (when applicable); and
- Does not generate profit for the placement location or the victim. (Fundraising activities for non-profit agencies is not considered a profit-generating activity.)

### **15.2.2 Intake and screening**

1. Prior to being referred for community work service, all offenders ordered by the court to complete community work service are assessed by probation officers using risk/needs assessment tools.
2. Clients who have entered an agreement to complete community work service as part of an alternative measures plan are not usually assessed for risk using risk assessment tools. Individuals alleged to have committed a spousal assault are assessed in accordance with subsection 5.5.3. Individuals alleged to have committed a sexual assault are assessed in accordance with subsection 5.4.3.
3. Offenders may be screened out of a particular community work service placement if the presenting risk compromises the safety of the community or the placement. Offenders who present an unmanageable level of risk for a placement are returned to court.
4. Offenders who require individual supervision on the basis of risk, or are unsuitable for community work service due to their mental state, are returned to court by the primary case manager.



Issued: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 15.2–2	<i>Chapter 15: Service Delivery Initiatives</i>

### **15.2.3 Maximum number of community work service hours**

1. Community Corrections recommendations for court-ordered community work service do not exceed 50 hours. Recommendations for alternative measures community work service do not exceed 25 hours.
2. Subject to subsection 15.2–2(4), when the court orders hours in excess of this amount, the order may be returned to court by the primary case manager upon completion of the first 50 hours. The court is provided with a brief report and a recommendation to eliminate the remaining hours based on the positive performance of the offender and content of the case management plan. This application can be made by the primary case manager or the offender.
3. Case managers are likely expected to comment to the court on the rationale for reducing hours. These include:
  - Effectiveness of community work service is reduced by lengthy orders;
  - Shorter term, focused and meaningful restorative placements are more effective than longer term, repetitive ones; and
  - Positive reinforcement for the offender.
4. When it is unfitting or unnecessary to return the matter to court, the case manager documents the reasons on the file. For example:
  - Hours nearly completed;
  - Incarcerated on another matter and time expires;
  - Medical issues;
  - Offender granted permission to work in an isolated location where work service placements are unavailable; or
  - Court orders in excess of 50 hours as the primary purpose of the order.
5. The local manager signs off this entry.

### **15.2.4 Referral procedures and case management**

1. When available, a probation officer 14 supervises all community work service conditions.
2. The probation officer 14:
  - Completes the *Community Work Service Referral* form, and forwards it to the work service placement;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: May-13
<i>Chapter 15: Service Delivery Initiatives</i>	Page 15.2–3

- Ensures that the risk level and behaviour of the offender/client do not conflict with assigned community work, the interests of the recipient(s) of the service and general public;
- Discusses concerns that may arise with the placement;
- Creates an initial file entry indicating client acceptance of work placement(s) and timeframe(s) for completion;
- Directs offenders/clients to attend placements on the schedule agreed upon by the offender/client and placement provider;
- As a minimum, has monthly contact with the offender (when there is a reporting condition or term of agreement);
- As a minimum, has monthly contact with the placement provider;
- Refers the offenders/clients to a new placement if the referral is inappropriate due to a change in circumstances (maximum two placements);
- Arranges to obtain the *Work Service Completion* form from the placement provider;
- Initiates breach proceedings for offenders failing to complete (when acting as primary case manager);
- When acting as secondary case manager in medium and high-risk cases, informs the primary case manager of failure to comply (the primary case manager initiates breach proceedings); and
- Reports non-completion of alternative measures agreements to Crown counsel.

### **15.2.5 Extensions**

Persons not subject to a court order or alternative measures agreement are not eligible for workers' compensation.

1. When an offender is required to complete community work service as a condition of a court order, the case manager cannot extend the assignment beyond the time set in the order.
2. When a client is assigned community work service as part of an alternative measures agreement, extensions to the agreed upon completion date can only be made by obtaining approval from Crown counsel.

Issued: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 15.2–4	<i>Chapter 15: Service Delivery Initiatives</i>

### **15.2.6 Community involvement and placements**

The local manager or designate:

- Liaises with community agencies and service organizations to develop an understanding of the program in the community, foster a willingness to participate and provide opportunities;
- Maintains an inventory of community work service placements; and
- Verifies that work placements are provided in a safe environment.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Oct-18
<i>Chapter 15: Service Delivery Initiatives</i>	Page 15.3–1

## ***15.3 Client Communication for Appointments (issued: October-18)***

### **15.3.1 Overview**

Communication methods regarding missed or changed appointments include telephone calls, letters, and text messaging. All client contact is recorded in the CORNET Client log.

### **15.3.2 Telephone contact**

Telephone contact is the primary method of communication used to contact clients regarding missed or changed appointments.

### **15.3.3 Letters**

A letter may be sent to inform a client of a missed or changed appointment.

### **15.3.4 Text messaging**

1. Text messaging may be used as a method to contact clients regarding missed appointments or to remind clients of upcoming appointment. It is a one way communication used only to direct the client to report to the probation officer.
2. The use of text messaging is supported by *Text Messaging Guidelines*.
3. All communication using text messaging is recorded in the CORNET Client Log.

### **15.3.5 Email**

Email is not an approved form of communication with clients.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-13
<i>Chapter 16: Release of Information</i>	Page 16.1–1

## 16. Release of Information

### ***16.1 Disclosure of Information—General (revised: May-13)***

For direction regarding access to and disclosure of information and records from offender files to offenders, external agencies or third parties, refer to sections 14.5 to 14.7 in the *Management Services Policy Manual*.

#### **16.1.1 Dangerous offender/long-term offender applications**

If Crown counsel makes a dangerous offender/long-term offender application, the contents of the offender's case file are made available to Crown counsel upon request.

#### **16.1.2 Disclosure of communicable diseases**

1. Probation officers should be aware that some offenders with whom they come into contact might have contracted a communicable disease. Staff take precautionary measures at all times.
2. If a probation officer believes there is a risk to an individual or the public because an offender has contracted a communicable disease, the probation officer states those concerns to the local medical health officer. It is the responsibility of the medical health officer to make disclosures.

#### **16.1.3 Accessing information about offenders from the Correctional Service of Canada and Offender Management System (OMS)**

1. Senior probation officers and community analysts have read-only access to the Correctional Service of Canada's (CSC) Offender Management System (OMS), which supports the management of offenders in the custody or supervision of the CSC.
2. A primary case manager requests information about an offender from CSC and/or a senior probation officer with access to OMS when:
  - The offender is serving a custodial sentence in a federal penitentiary or subject to parole/statutory release, and subject to an active and/or pending order for court ordered community supervision; or
  - Such information is needed for a pre-sentence report investigation.

Revised: May-13	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 16.1–2	<i>Chapter 15: Release of Information</i>

3. Local managers may approve requests for access to OMS information about offenders who are no longer in the custody or supervision of CSC when the information is deemed necessary for risk/needs assessment and case management. Such access may only be granted when the:
  - Federal sentence expired within two years of the start of community supervision for the current offence, or as deemed appropriate by the local manager; or
  - Current offence suggests a continuing pattern of offending behaviour that led to the previous custody or supervision by CSC.
4. Information obtained from OMS is not attached to the CORNET client log or shared with agencies outside of the Corrections Branch. Requests for access to information contained on OMS from agencies outside the Corrections Branch are directed to the Correctional Service of Canada.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 16: Release of Information</i>	Page 16.2–1

## ***16.2 Disclosure in the context of litigation of criminal and civil matters***

### **16.2.1 Disclosure of a file in the context of litigation of criminal matters: subpoenas and summons**

1. If a probation officer is served with a subpoena to produce a probation file in court, it is recommended that he or she obtain assistance and advice from the Community Corrections analyst or program analyst, privacy and high-risk offender notification.
2. Disclosure of information to comply with a subpoena, warrant or order of the court does not contravene the *Freedom of Information and Protection of Privacy Act* (FOIPPA). In criminal matters, a justice of the peace issues a subpoena. Before issuing the subpoena, the justice of the peace should be satisfied that the person to whom the subpoena is directed has material evidence. If the probation officer has no knowledge of the file, an application can be made to quash the subpoena.
3. In civil actions, a subpoena can be issued and signed by either of the parties to a Supreme Court action or their solicitors. It does not need to be issued by the court. Parties in a small claims action may issue a similar document, Summons to Witness. A probation officer may be served with a subpoena issued by either party in a family matter before the provincial court.
4. A subpoena must be served on the probation officer personally and requires a probation officer to attend court on a certain date at a specified time to testify. It may also require the probation officer to bring certain documents, such as the case file, to assist in testifying. Failure to attend as directed in the subpoena may result in the probation officer being held in contempt of court.
5. If called to the stand, the probation officer gives sworn evidence under examination by counsel. The case file is there primarily to prompt the probation officer's memory or permit access information known to the Corrections Branch. If the probation officer uses a document to respond to the lawyer's questions, the lawyer can ask to review the document.
6. It is recommended that the probation officer bring copies of documents that may be used on the stand. Once the court seizes a document, the probation officer cannot access it until the trial is concluded.

Issued: Apr-04	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 16.2–2	<i>Chapter 16: Release of Information</i>

### **16.2.2 When not to disclose a file in litigation of criminal matters: subpoenas and summons**

1. If a lawyer asks the probation officer to hand over the entire case file, prior to taking the stand to give evidence, the request is refused. The probation officer is not permitted to show the case file to counsel outside of giving evidence under oath, as permitted under the *Freedom of Information and Protection of Privacy Act* (FOIPPA), or pursuant to a court order.
2. Prior to attending court, the probation officer reviews the case file carefully to determine whether there is sensitive information that should not be disclosed. If there is such information in the case file, the probation officer contacts the Community Corrections analyst or program analyst, privacy and high-risk offender notification, to determine whether and how the information can be protected from disclosure.
3. When giving evidence, a probation officer might seek to protect disclosure of information that could identify informants or jeopardize personal safety.

### **16.2.3 Pre-trial disclosure**

1. In criminal proceedings for a sexual offence, an accused person or defence counsel may seek disclosure of confidential records related to a complainant or a witness. Sections 278.1 - 278.9 of the *Criminal Code* outline procedures to be followed when an accused person makes such an application.
2. The application is submitted in writing to the trial judge and includes grounds on which the accused relies to establish relevance.
3. There is no clear procedure for pre-trial disclosure of case files in criminal proceedings related to non-sexual offences. An accused party may attempt to access and establish relevancy of a case file through common law.
4. In any of these cases, if a probation officer is served with a notice of an application for pre-trial disclosure of a case file, the documents are immediately faxed to obtain assistance. The fax is sent to the Community Corrections analyst or program analyst, privacy and high-risk offender notification.

### **16.2.4 When not to disclose a file in litigation of civil matters: subpoenas and summons**

1. In civil cases, the Supreme Court Rules provide a mechanism so that either party can apply to court for access to documents in the custody of a third party, e.g. a case file. In this case, the notice of motion and affidavit must be served on the Attorney General in Victoria and not simply delivered to a community corrections office.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 16: Release of Information</i>	Page 16.2–3

2. When a probation officer is subpoenaed to attend court, the probation officer must attend. Failure to attend could lead to being held in contempt of court.
3. If possible, the probation officer contacts the person who issued the subpoena to determine what information or expectation is required of the probation officer. This assists the probation officer to prepare for the hearing.
4. If the subpoena includes a request to bring a probation file, the probation officer is required to bring the material. If the probation officer anticipates referring to documents in the file, the probation officer makes copies of the relevant material in case the court wishes to retain the original or a copy.
5. The probation officer reviews the file prior to attending court and checks for sensitive information. If there are concerns about disclosing (such as informant information, information that is subject to the Youth Criminal Justice Act or a publication ban), the Community Corrections analyst is contacted.
6. When subpoenaed by counsel for the director of the *Child, Family and Community Service Act (CFCSA)*, the probation officer discloses all information requested. This is because section 96 of *CFCSA* grants the director the right to any information contained in branch files. The probation officer may only withhold information that is subject to a ban on disclosure under the *Criminal Code*. Information that is subject to other legislation (e.g. *FOIPPA*, *YCJA*) may be released to the director.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Jul-15
<i>Chapter 16: Release of Information</i>	Page 16.3–1

## **16.3 Disclosure of Information to Victims (revised: Jul-15)**

### **16.3.1 Overview**

1. It is Corrections Branch policy that victims are provided with as much information as possible within the limitations of legislation.
2. Policy in this chapter and in the victim notification sections in other chapters throughout the manual is consistent with identified legislation and policies.

### **16.3.2 Definition of victim**

A victim is any individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offence. Section 3 of the *Canadian Victims Bill of Rights* (CVBR) defines other individuals who can exercise a victim's rights if the victim is dead or incapable of acting on their own behalf.

### **16.3.3 Legal authority for victim notification**

Under the *Canadian Victims Bill of Rights* (CVBR) and British Columbia's *Victims of Crime Act* (VOCA), victims have the right to be given information about victim services, how the justice system works and the status of the investigation, prosecution and administration of the offender's sentence.

### **16.3.4 Disclosure of information to victims**

1. At the request of the victim, and consistent with CVBR and VOCA, Community Corrections staff provide information to the victims as outlined below:
  - Length and starting date of a sentence that the offender is serving;
  - How to report breaches of bail or post-sentence orders;
  - How to contact agencies that may grant or amend conditions of parole or authorize release from custody;
  - Eligibility and review dates of the offender's custody status and how victims can have a role in such proceedings; and
  - The right to file a complaint for an infringement or denial of their rights under CVBR or VOCA.
2. If requested, Community Corrections staff provide information outlined below if privacy interests of the offender do not outweigh the victim's interests:

Revised: Jul-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 16.3–2	<i>Chapter 16: Release of Information</i>

- Location of the correctional centre where the offender is serving a sentence;
  - Release dates, length of release and terms of supervision;
  - Change in release conditions of the accused or convicted offender, if released from custody under supervision; and
  - Where the offender will live in B.C. if on a supervised post-sentence order (including a section 810 recognizances) and whether the offender will be in the victim's area in transit.
3. If staff have concerns about releasing information to victims, they contact the Community Corrections analyst or the program analyst, privacy and high-risk offender notification, after consultation with their local manager.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 17: Youth Supervision</i>	Page 17.1–1

## 17. Youth Supervision

### 17.1 Overview (revised: Sep-06)

#### 17.1.1 Preamble

1. This chapter provides procedural direction relevant to the administration of youth supervision orders, made pursuant to the *Youth Criminal Justice Act* (Canada).
2. Youth supervision is delivered consistent with legislative requirements and existing Community Corrections policy and resource levels, unless specific resource allocations from the transferring ministry/authority or the federal government are made available.

#### 17.1.2 Mandate

Community Corrections provides supervision to young persons bound by an order of the youth justice court who are transferred from youth probation to adult probation under the following circumstances. The young person is:

- Eighteen years or older; and
- Subject to a youth justice court order for bail supervision, peace bond, *Child, Family and Community Services Act* restraining order, probation order, intensive support and supervision order, order for supervision in the community, conditional supervision or reintegration leave; or
- Subject to concurrent youth and adult orders requiring supervision by an adult probation officer.

#### 17.1.3 Legislative authority

Federal and provincial statutes govern activities of agents who operate within the youth justice system. They primarily include the:

1. *Youth Criminal Justice Act* (Canada). This legislation applies to all youth (a person who is 12 years of age or older but under 18 years), alleged to have committed a *Criminal Code* or other federal statute offence.
2. *Criminal Code*. Provisions of this legislation apply to youth, except when the provisions are inconsistent with or excluded by the *Youth Criminal Justice Act*.

Revised: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.1–2	<i>Chapter 17: Youth Supervision</i>

3. *Youth Justice Act* (British Columbia). Provisions enable provincial statutes and municipal bylaws to apply to youth. The legislation also functions as enabling legislation that provides for the appointment of youth probation officers, designation of youth custody centres and establishment of programs for young offenders.
4. *Young Offenders Act* (Canada). Limited and specific sections of this act (e.g. section 24.1) continue to apply, despite proclamation of the *Youth Criminal Justice Act*.

#### **17.1.4 Delegation of authority**

1. The *Youth Criminal Justice Act* (YCJA) creates responsibilities and provides authority for the provincial director to carry out duties specified in the legislation.
2. To address circumstances when supervision of a youth is transferred to the Corrections Branch, the assistant deputy minister, Provincial Services, Ministry of Children and Family Development, delegates provincial director authority and responsibility under the YCJA to specified employees of the Ministry of Justice.

#### **17.1.5 Memorandum of understanding**

1. The *Memorandum of Understanding* with the Ministry of Children and Family Development defines circumstances under which Community Corrections assumes responsibility for the supervision of youth who have become “dual status.”
2. Prior to accepting supervision transfer of a youth, staff are encouraged to review relevant provisions of the MOU.

#### **17.1.6 Forms**

1. Forms beginning with the prefix CFO identified throughout this chapter may be accessed in CorrPoint in the *Case Management library*.
2. Forms beginning with the prefix YTH are court forms that can be accessed through Court Services.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.2–1

## **17.2 Bail Supervision**

### **17.2.1 Supervision and enforcement similar to adult**

1. Bail supervision and enforcement of a young person is conducted in the same manner as for an adult, except as noted in this section.
2. For relevant policy, refer to chapter 6, Bail Supervision.

### **17.2.2 Parental/guardian contact**

When possible, depending on the age and living situation of the young person, the youth's parent/guardian may be included in the initial interview. Alternatively, the parent/guardian may be contacted to advise about conditions of the bail order and consequences for non-compliance.

### **17.2.3 Placement of young person in the care of a responsible person**

1. Section 31 of the *Youth Criminal Justice Act* (YCJA) authorizes the court to place a youth in the care of a responsible person if the:
  - Youth, in the absence of a responsible person, would be detained in custody;
  - Person is willing and able to care for and exercise control of the youth; and the
  - Youth is willing to be placed in the care of the responsible person.
2. Probation officers conduct inquiries about the availability of a responsible person with whom the youth might be placed, if directed by the court.
3. If either the youth or responsible person named in the order is unwilling to continue the placement, an application/order to be Relieved of Undertaking (YTH005) is submitted to the court. If granted, a warrant for the youth is issued that removes the responsible person's name from the order.
4. A youth who wilfully fails to comply with an undertaking pursuant to section 31 of the YCJA may be charged with a hybrid offence under section 139(1) of the YCJA.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.3–1

## **17.3 Pre-Sentence Reports**

### **17.3.1 Legal authority**

Section 40(1) of the *Youth Criminal Justice Act* provides the youth justice court with authority to order a pre-sentence report prior to imposing sentence on a young person.

### **17.3.2 Preparation of report similar to adult**

1. Preparation and submission of a pre-sentence report ordered by the youth court pursuant to the *Youth Criminal Justice Act* is conducted in the same manner as for adult offenders, except as noted in this section.
2. For relevant policy, refer to chapter 7, Pre-Sentence Reports.

### **17.3.3 Report prepared by probation officer**

1. Probation officers prepare pre-sentence reports in relation to young persons under their supervision, unless there are exceptional circumstances and it is mutually agreed that it would be more appropriate for a youth probation officer to prepare the report.
2. Probation officers preparing pre-sentence reports in relation to young persons undertake consultation with a youth probation officer regarding sentencing options under the *Youth Criminal Justice Act* prior to submitting the report.

### **17.3.4 Reports prepared by youth probation officers**

When a hearing to determine whether a young person will receive an adult sentence is held at sentencing, or an adult sentence is made in relation to a young person, youth probation officers are responsible for preparing:

- Adult sentencing hearing pre-sentence reports (youth probation officers consult with an adult probation officer regarding sentencing options under the *Criminal Code*), ordered pursuant to section 72(3) of the *Youth Criminal Justice Act* (YCJA); and
- Adult sentence placement reports, ordered pursuant to section 76(4) of the YCJA.

Issued: Apr-04	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.3–2	<i>Chapter 17: Youth Supervision</i>

### **17.3.5 Factors considered at sentencing**

Section 38(3) of the *Youth Criminal Justice Act* requires the court to consider the following factors when determining a youth sentence:

- Degree of participation by the young person in the commission of the offence;
- Harm to victims, and whether harm was intentional or reasonably foreseeable;
- Reparation made by the young person to the victim or community;
- Time in detention by the young person as a result of the offence;
- Findings of guilt of the young person; and,
- Aggravating and mitigating circumstances related to the young person or offence.

### **17.3.6 Restrictions on the use of custody**

1. Section 39(1) of the *Youth Criminal Justice Act* restricts the ability of the youth justice court to impose custody sentences.
2. When a sentence of custody is referenced in the report as a sentencing option for consideration by the court, the probation officer ensures that at least one of the following criteria are met:
  - Youth has committed a violent offence;
  - Youth has failed to comply with non-custodial sentences;
  - Youth has committed an indictable offence for which an adult would be eligible to receive a jail sentence of more than two years, and the youth has a youth justice court history; or
  - In exceptional cases when the youth has committed an indictable offence and the aggravating circumstances are such that a non-custodial sentence would be inconsistent with the purposes and principles of sentencing.
3. Despite satisfaction of one of the criteria listed above, the youth justice court is restricted from imposing a sentence involving custody unless the court has considered all alternatives to custody.
4. The pre-sentence report advises the court of available and suitable sentencing alternatives and resources.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.3–3

### **17.3.7 Areas of investigation**

Areas of investigation for a youth pre-sentence report include those required for an adult, in addition to:

- History of findings of guilt or serious violent offence designations, not precluded under the non-disclosure provisions of section 119 of the *Youth Criminal Justice Act*. Refer to subsection 17.15.4, Period of access to records and subsection 17.15.5, Adult offence during period of access to records;
- History of extrajudicial sanctions (alternative measures), if no more than two years have passed since the youth consented to the agreement;
- When possible, depending on the age and living situation of the young person, an interview with the parent/guardian and extended family;
- Results of an interview with the victim, if applicable and possible;
- Plans forwarded by the youth to change his/her conduct, participate in activities or undertake measures to improve him/herself; and
- Availability and suitability of community-based programs, and willingness of the youth to participate in them.

### **17.3.8 Reports for Aboriginal youth**

1. Pre-sentence reports for Aboriginal youth are prepared in the same manner as for Aboriginal adult offenders, with the exception of additional considerations for all young persons, noted previously.
2. For relevant policy, refer to chapter 7, Pre-Sentence Reports.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.4–1

## **17.4 Section 810 Recognizances**

### **17.4.1 Legal authority**

1. The *Youth Criminal Justice Act* provides authority for a youth justice court judge or justice of the peace to make an order against a young person under section 810 of the *Criminal Code*, with the exception of orders pursuant to section 810.1.
2. The *Child, Family and Community Service Act* (CFCSA) provides authority for a judge of the Provincial or Supreme Court to issue a restraining order against a person who is believed to present a potential risk to a child.

### **17.4.2 Supervision similar to adult**

1. Supervision and enforcement of a young person bound by a section 810 recognizance or a CFCSA restraining order is conducted in the same manner as for an adult, except as noted in this section.
2. For relevant policy, refer to chapter 10, Section 810 Recognizances, and chapter 8, Probation Supervision.

### **17.4.3 Parental/guardian contact**

Depending on the age and living circumstances of the young person, the youth's parent/guardian may be included in the initial interview. Alternatively, the parent/guardian may be contacted about conditions of the recognizance or restraining order and the consequences for non-compliance.

### **17.4.4 Enforcement of CFCSA restraining orders**

A youth bound by a CFCSA order who breaches the order is guilty of an offence under the YJA (B.C.).

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.5–1

## **17.5 Probation Supervision**

### **17.5.1 Legal authority**

Section 42(2) (k) of the *Youth Criminal Justice Act* permits the youth justice court to impose a probation order that does not exceed two years.

### **17.5.2 Start dates of probation orders**

Sections 56(5) and 56(6) of the *Youth Criminal Justice Act* provide that an order of probation or intensive support and supervision commences when the:

- Order is made;
- Sentence includes a period of continuous custody and supervision, at the end of the supervision period; or
- Court orders a delay to the start of custody and divides the probation or intensive support and supervision order. The first portion commences on the date the order is made until the start date of custody, and the remainder at the end of supervision.

### **17.5.3 Supervision similar to adults**

1. Supervision of youth on probation is conducted in the same manner as for an adult, except as noted in this section.
2. For relevant policy, refer to chapter 8, Probation Supervision.

### **17.5.4 Parental/guardian contact**

Depending on the age and living circumstances of the young person, the youth's parent/guardian may be included in the initial interview. Alternatively, the parent/guardian may be contacted regarding conditions of the probation order and consequences for non-compliance.

### **17.5.5 Enforcement**

1. A youth who wilfully fails or refuses to comply with conditions of a youth justice court probation order may be charged with a summary conviction offence, pursuant to section 137 of the *Youth Criminal Justice Act* (YCJA).
2. If the youth is older than 18 years of age when the alleged breach occurs, enforcement is initiated under section 137 of the YCJA. However, all proceedings are heard in adult

Issued: Apr-04	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.5–2	<i>Chapter 17: Youth Supervision</i>

provincial court. If found guilty, the youth is subject to a summary conviction penalty, pursuant to section 787 of the *Criminal Code*.

#### **17.5.6 Review of non-custodial order**

1. Pursuant to section 59(1) of the *Youth Criminal Justice Act*, review of youth sentences not involving custody may be commenced using the Application for Review of Non-Custodial Youth Sentence form (YTH 081). These sentences include probation orders, intensive support and supervision orders and deferred custody and supervision orders. This applies when a minimum of six months of the youth sentence has lapsed, or with leave of the youth justice court, to seek:
  - A variation of the optional conditions of the order; or
  - Early termination of the order.
2. When the probation officer initiates the review application, written notice using *Notice of Review Application* form (CFO258) is provided to the young person, their parent/guardian and Crown counsel. Five business days before the review hearing, this notice is delivered by personal service, certified or registered mail.
3. When the youth justice court requests a progress report to assist with review of the order, the probation officer provides a brief written summary of progress since the sentence commenced. Attention is focused on facts relevant to the application.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Sep-06
<i>Chapter 17: Youth Supervision</i>	Page 17.6–1

## **17.6 Intensive Support and Supervision Program Orders (revised: Sep-06)**

### **17.6.1 Legal authority**

Section 42(2) (l) of the *Youth Criminal Justice Act* provides the court with a non-custodial sentencing option distinct from a regular probation order. It is described as an intensive support and supervision program (ISSP) order.

### **17.6.2 Provincial director's consent**

1. Section 42 (3) of the *Youth Criminal Justice Act* provides that a youth can be placed on an intensive support and supervision program (ISSP) order “only if the provincial director has determined that a program to enforce the order is available.”
2. Local managers are delegated authority to advise the court regarding the availability and description of services provided by Community Corrections.

### **17.6.3 Supervision limitations of ISSP orders by Community Corrections**

1. Probation officers supervise youth subject to intensive support and supervision program (ISSP) orders consistent with existing Community Corrections policy and resource levels.
2. For relevant policy, refer to Risk/Needs Assessment, section 2.3.

### **17.6.4 Pre-sentence report sentencing option**

Suggestion of an intensive support and supervision program (ISSP) order to the court as a sentencing option within a pre-sentence report is made by exception, subject to the following criteria:

- Youth is assessed as medium or high risk, or found guilty of a serious violent offence;
- Youth would otherwise be committed to custody;
- An ISSP order, instead of custody, would not compromise public safety; and the
- Court is informed specifically of the level of supervision that Community Corrections provides, including available and resourced programming.

Revised: Sep-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.6–2	<i>Chapter 17: Youth Supervision</i>

### **17.6.5 Transfer protocol**

Supervision transfer of youth subject to an intensive support and supervision program (ISSP) order is not accepted unless the youth probation supervisor and adult local manager agree, subject to the following criteria:

- Specialized ISSP services continue to be provided by the ministry/authority transferring responsibility for supervision;
- Case plan at transfer supports termination of ISSP services, and application to convert the sentence to a regular probation order is initiated by the youth probation officer; or
- Supervision of the youth consistent with existing Community Corrections policy and available programming is deemed suitable by the youth probation supervisor.

### **17.6.6 Supervision and enforcement similar to probation supervision**

1. Supervision and enforcement of a young person on an intensive support and supervision program order is conducted in the same manner as for a youth subject to probation supervision, except as noted in this section.
2. For relevant policy, refer to section 17.5, Probation Supervision, and chapter 8, Probation Supervision.

### **17.6.7 Review of ISSP orders**

1. Refer to subsection 17.5.6, Review of non-custodial order, for relevant policy and procedure related to change of optional conditions and early termination.
2. When the intensive support and supervision program (ISSP) order exceeds six months and the review criteria below are satisfied, the probation officer considers a review of the order. This is made under section 59(1) of the *Youth Criminal Justice Act* (YCJA), to request conversion of the ISSP order to a regular probation order, in accordance with section 59(7) of the YCJA.
3. Review criteria:
  - Youth has not been charged with new substantive offences since commencement of the ISSP order;
  - Youth has substantially complied with conditions of the ISSP order;
  - Youth's risk/needs level has decreased; and
  - There is no anticipated risk to the community due to a decrease in the youth's support and supervision level.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.7–1

## **17.7 Non-Residential Programs**

### **17.7.1 Legal authority**

Section 42(2)(m) of the *Youth Criminal Justice Act* provides the youth justice court with the option of sentencing a youth to a non-residential program order that does not exceed 240 hours during a six-month period.

### **17.7.2 No non-residential programs**

1. Through an order-in-council, British Columbia has not established non-residential programs under this section of the act.
2. When the court inquires about such programs, the probation officer advises that this program is not available. The court may be informed of day programming for youth that might be directed as a condition of probation or intensive support and supervision program (ISSP) order.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.8–1

## **17.8 Custody and Supervision in the Community** **(revised: May-14)**

### **17.8.1 Legal authority**

Pursuant to section 42(2)(n) of the *Youth Criminal Justice Act*, the youth justice court may sentence a youth to custody and supervision for a maximum of two years, or, when the following circumstances are satisfied, for a maximum of three years:

- Offence is one for which an adult would be liable to life imprisonment;
- There is more than one offence; or
- Consecutive sentences are imposed.

### **17.8.2 Definition**

1. Subject to mandatory and optional conditions, all youth sentenced to a custody and supervision order serve two-thirds of the sentence in custody, and the last one-third of the sentence under supervision in the community. This occurs unless:
  - A gating application is granted by the court to extend the time the youth serves in custody; or
  - The youth is released early as a result of a youth justice court review or release to parole (parole available only if serving sentence in an adult correctional centre).
2. The youth justice court is required to stipulate at sentencing how long the youth will serve in custody and under supervision in the community.
3. Violation of conditions while under supervision in the community may result in the youth being returned to custody to serve a portion or the remainder of the supervision period in custody.
4. Time in custody and under supervision in the community may be changed if the youth receives a subsequent sentence involving custody.

### **17.8.3 Supervision similar to adults**

1. The policy for supervising youth on a supervision in the community order following custody is similar to that which applies to the supervision of an adult subject to a probation order, except as otherwise noted in this section.



Revised: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.8–2	<i>Chapter 17: Youth Supervision</i>

2. For relevant policy, refer to chapter 8, Probation Supervision.

#### **17.8.4 Assignment of probation officer**

Pursuant to section 90 of the *Youth Criminal Justice Act*, when a youth is committed to custody, the local manager ensures that a probation officer is assigned within two working days of receipt of the order. This assignment is to “work with the young person to plan for reintegration into the community, including the preparation and implementation of a reintegration plan that sets out the most effective programs for the young person which would maximize his or her chances for reintegration into the community.”

#### **17.8.5 Probation officer responsibility**

1. While the youth is in custody, the probation officer maintains contact with the youth, either by telephone or in person. When feasible, the probation officer liaises with the custody centre case management co-ordinator regarding the youth's:
  - Program needs while in custody;
  - Completion of custody programs; and
  - Reintegration planning.
2. Youth custodial sentences that exceed one year are subject to mandatory annual reviews before the youth justice court. Refer to section 17.13, Reviews of Custodial Sentences, for policy on the responsibility of probation officers relative to mandatory annual court reviews.
3. During the community portion of a youth's sentence, section 90(2) of the *Youth Criminal Justice Act* requires the probation officer to:
  - Supervise the young person;
  - Provide support and assist the young person to respect conditions of supervision; and
  - Help the young person to implement the reintegration plan.

#### **17.8.6 Provincial director sets optional conditions**

1. Youth released to supervision in the community following custody are subject to mandatory conditions. Section 97(2) of the *Youth Criminal Justice Act* grants the provincial director discretion to set additional optional conditions of supervision.
2. Local managers are delegated authority to set and authorize changes to the optional conditions of supervision in the community that:

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.8–3

- Support and address needs of the young person;
  - Promote reintegration of the young person into the community; and
  - Protect the public from the risk that the young person might present.
3. When setting optional conditions of supervision in the community, the local manager, in consultation with the supervising probation officer, considers the:
    - Needs of the young person;
    - Most effective programs to maximize reintegration into the community;
    - Nature of the offence;
    - Public safety concerns/need for protective conditions; and
    - Ability of the young person to comply with conditions.
  4. When a youth is subject to a probation or intensive support and supervision program (ISSP) order following expiration of supervision in the community, the local manager ensures that the optional conditions, at minimum, are the same as those on the probation or ISSP order.
  5. When the local manager concludes that optional conditions are necessary to mitigate risk or address criminogenic needs, and the proposed conditions meet the criteria listed above, the local manager sets the optional conditions using the *Supervision in the Community Following Custody—Provincial Director Set Conditions* form (CFO252). At least five days before the youth's release from custody, a copy of the mandatory and optional conditions of supervision in the community is forwarded to the conditional release co-ordinator of the releasing custody centre. Relevant conditions may include, but are not limited to:
    - Instructions to report to the probation officer for the date of release and then as directed, including the location;
    - Residence;
    - Attendance at school/seek and maintain employment;
    - Core programming/counselling/forensic attendance;
    - Curfew;
    - Protective conditions; or
    - Other conditions deemed appropriate by the local manager in consultation with the supervising probation officer.

Revised: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.8–4	<i>Chapter 17: Youth Supervision</i>

6. Prior to the youth's release, sentence management staff ensures that the:
  - Youth is provided a copy of the order for supervision in the community, including both the mandatory and optional conditions set by the provincial director;
  - An electronic referral to community is processed directing the young person to report to the probation office to which CORNET defaults. The referral is signed by the young person; and the
  - Correctional centre retains the original referral for breach purposes, faxes a copy to the receiving probation office, and provides the young person with a copy.
7. Following release, the probation officer conducts an initial interview and forwards a copy of the acknowledged order for supervision in the community to the:
  - Originating police agency for entry on CPIC; and
  - Parent/guardian of the young person, pursuant to section 97(3) of the *Youth Criminal Justice Act*.

#### **17.8.7 Parental/guardian contact**

Depending on the age and living circumstances of the young person, the youth's parent/guardian may be included in the initial interview. They may also be contacted to advise about conditions of supervision in the community and consequences of non-compliance.

#### **17.8.8 Initiate breaches promptly**

When an alleged breach of supervision in the community order is deemed serious and increases risk to public safety, probation officers promptly initiate breach proceedings.

#### **17.8.9 Enforcement of supervision in the community**

1. Section 102(1) of the *Youth Criminal Justice Act* (YCJA) provides the provincial director with two options to address a breach or a potential breach of supervision in the community. When there are "reasonable grounds" to believe that a youth:
  - Has breached a condition of supervision in the community; or
  - Is about to breach a condition of supervision in the community;

The provincial director may:

- In writing, permit the youth to remain on the order for supervision in the community, with the same or varied conditions (section 102(1)(a); or

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.8–5

- Apply for a warrant of suspension if the violation is serious and increases risk to public safety, pursuant to section 102(2).
2. Enforcement authority is delegated as follows:
    - Local managers are delegated under section 102(1)(a) YCJA to permit a youth to remain in the community on the same or varied conditions;
    - Probation officers are delegated under section 102(2) to apply for a warrant of suspension; and the
    - Directors of Burnaby Youth Custody Services are the delegated authority to issue a warrant of suspension.
  3. If the violation does not meet the criteria of being serious and increasing the risk to public safety, the probation officer may consider a request to the local manager to authorize a variation of the optional conditions of the order. Variations are reviewed with the youth, entered on CORNET, and forwarded to the originating police agency for CPIC entry.
  4. If a youth is under supervision in the community receives an additional youth custody and supervision order for an unrelated offence, and the custody portion of the new order expires after the community supervision portion of the original order, the existing supervision in the community becomes inoperative. Refer to section 45(1) of the YCJA.
  5. If a youth receives an additional youth sentence for an unrelated offence and it does not modify the expiry date of the existing community supervision order, suspension of the supervision in the community may be considered. Suspension may be considered when there is reason to believe that the court was unaware of the youth's supervision status when passing sentence for the new offence.

#### **17.8.10 Suspension process, provincial director review and court review**

For relevant policy, refer to Enforcement Procedures, section 17.13.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.9–1

## **17.9 Deferred Custody and Supervision**

### **17.9.1 Legal authority**

The youth justice court may impose a deferred custody and supervision order for a maximum term of six months, according to section 42(2) (p) of the *Youth Criminal Justice Act* (YCJA).

### **17.9.2 Definition**

1. A deferred custody and supervision order is a custody sentence that is served in the community under conditional supervision.
2. The sentence is an alternative to custody. It may only be imposed by the court if:
  - The young person is found guilty of an offence that has not been judicially determined as a serious violent offence; and
  - It is consistent with the purpose and principles of sentencing in section 38 and restrictions on custody in section 39 of the YCJA.

### **17.9.3 Report to assist court setting optional conditions of supervision**

1. The youth justice court is required to order a report to set optional conditions of a deferred custody and supervision order, according to section 105(6) of the *Youth Criminal Justice Act* (YCJA).
2. Requests for these reports may be expected if:
  - A deferred custody and supervision order is contemplated by the court and a pre-sentence report was not requested for the sentencing hearing; or
  - The pre-sentence report was submitted, but did not contain the information required for this purpose.
3. If the report is requested in addition to a pre-sentence report, the report for setting conditions need not duplicate information already provided to the court. The report primarily focuses on:
  - Program needs of the youth;
  - Public safety considerations; and

Issued: Apr-04	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.9–2	<i>Chapter 17: Youth Supervision</i>

- Optional conditions (outlined in section 105(3) of the YCJA) that the court may consider for the youth to attend necessary programs and mitigate perceived risk to the community.
4. If the report is requested in the absence of a pre-sentence report, the probation officer includes:
    - A brief summary of the youth’s social history;
    - Offence history;
    - Responses to supervision; and the
    - Youth’s current circumstances.
  5. For policy relevant to due dates and distribution, refer to subsection 7.7.4.

#### **17.9.4 Supervision similar to youth probation supervision**

1. Policy for supervising youth on a deferred custody and supervision order is similar to what applies to the supervision of a youth subject to a probation order, except when otherwise noted in this section.
2. For relevant policy, refer to section 17.5, Probation Supervision, and chapter 8, Probation Supervision.

#### **17.9.5 Variation of optional conditions**

1. Review procedures pertinent to non-custodial orders are applicable to deferred custody and supervision orders.
2. For policy and procedure, refer to subsection 17.5.6, Review of non-custodial order.

#### **17.9.6 Enforcement**

1. Supervision of a deferred custody and supervision order is deemed to be conditional supervision, and is enforced accordingly, pursuant to section 42(2) (6) of the *Youth Criminal Justice Act*.
2. For relevant policy, refer to subsection 17.11.8, Enforcement of conditional supervision and section 17.13, Enforcement Procedures.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.10–1

## **17.10 Delayed Custody and Supervision, Divided Probation/ Intensive Support and Supervision Program Orders**

### **17.10.1 Legal authority**

1. Section 42(12) of the *Youth Criminal Justice Act* provides the youth justice court the option of sentencing a youth to custody and supervision with a delayed custody start date.
2. In addition, section 56(6) provides that when the start date of custody and supervision is delayed, the court may impose a divided period of probation or an intensive support and supervision program order. The first portion commences on the date of sentencing until the start of custody, and the remainder upon completion of the custody portion.

### **17.10.2 Intensive support and supervision program order policy applies**

When the court contemplates dividing an order of intensive support and supervision with custody and supervision, the court is advised of the capacity of Community Corrections to administer these orders. This is in accordance with policy outlined in section 17.6, Intensive Support and Supervision Program Order.

### **17.10.3 Pre-sentence report sentencing options**

1. Probation officers are discouraged from suggesting sentencing options within a pre-sentence report that include a custody and supervision order with a delayed start date, with or without a divided probation or intensive support and supervision program (ISSP) order.
2. In cases when it may be suitable (e.g. the youth is attending school and completion of the school year is desirable), the probation officer may suggest a delay in the sentencing date.

### **17.10.4 Review of order**

1. When a youth is placed on a delayed custody and supervision order with divided probation or intensive support and supervision program order, the probation officer reviews the order with the youth and the parent/guardian. The officer ensures that the youth understands the:
  - Date, time and location of the commencement of the custody and supervision order;
  - Responsibility of the youth and the parent/guardian to ensure travel arrangements are made to comply with the order; and
  - Consequences of failing to report to the custody centre.

Issued: Apr-04	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 17.10–2	<i>Chapter 17: Youth Supervision</i>

2. Upon receipt of a warrant of committal for a delayed custody and supervision order, the probation officer ensures that a copy of the order is forwarded to the custody centre named in the order.



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.11–1

## **17.11 Youth Sentences for Presumptive Offences (Custody and Conditional Supervision) (revised: May-14)**

### **17.11.1 Legal authority**

1. Section 42(2)(q) of the *Youth Criminal Justice Act* (YCJA) provides the court with a distinct sentencing provision for youth, at least 14 years of age at the time of the offence, found guilty of first or second-degree murder:
  - For first-degree murder (section 231 of the *Criminal Code*), the court may impose a sentence not exceeding 10 years, comprised of a maximum six years in custody, followed by a maximum of four years on conditional supervision (section 42(2)(q)(i)(A) & (B) of the YCJA).
  - For second-degree murder (section 235 of the CCC), the court may impose a sentence not exceeding seven years, comprised of a maximum of four years in custody, followed by a maximum three years on conditional supervision (section 42(2)(q)(ii)(A) & (B) of the YCJA).
2. Section 42(2)(o) of the YCJA provides the youth justice court the authority to sentence youth, at least 14 years of age at the time of the offence, to a maximum three years custody and conditional supervision when the youth is found guilty of one of the following offences:
  - Attempted murder, section 239 of the CCC;
  - Manslaughter, section 232, 234 or 236 of the CCC; or
  - Aggravated sexual assault, section 273 of the CCC.

### **17.11.2 Court specifies release date**

Unlike regular custody and supervision (presumed to be two-thirds custody and one-third supervision in the community), the youth justice court judge specifies at sentencing the period to be served in custody, and the period to be served on conditional supervision.

### **17.11.3 Court sets optional conditions before release**

1. Although the court specifies the date the youth is to be released to conditional supervision, the youth must be brought before the court at least one month prior to release for the court to set optional conditions of the order.
2. Probation officers commence the process to initiate the youth's court appearance three months prior to release using the Application to a Youth Court Judge form (YTH080). The

Revised: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.11–2	<i>Chapter 17: Youth Supervision</i>

application requests that proceedings commence under section 105(1) of the *Youth Criminal Justice Act* to set optional conditions of conditional supervision.

#### **17.11.4 Report required**

1. The court is required to order a report to set optional conditions of the conditional supervision order, according to Section 105(6) of the *Youth Criminal Justice Act* (YCJA).
2. Probation officers prepare the report upon request and include the following information:
  - Summary of the youth's general progress and behaviour in custody;
  - Programs taken by the youth while in custody;
  - Youth's reintegration plan, including residence, education, day programs, employment and programs that would assist the youth; and
  - Optional conditions (outlined in section 105(3) of the YCJA) that the court may consider to support the reintegration plan or mitigate risk to public safety.
3. For policy relevant to due dates and distribution, refer to subsection 7.7.4.

#### **17.11.5 Supervision similar to supervision in the community following custody**

1. Policy for supervising youth on conditional supervision is similar to what applies to monitoring youth on supervision in the community orders, except when noted in this section.
2. For relevant policy, refer to Custody and Supervision in the Community, section 17.8.
3. Youth custodial sentences that exceed one year are subject to mandatory annual reviews before the youth justice court. Refer to 17.13, Reviews of Custodial Sentences, for policy on the responsibility of probation officers relative to mandatory annual court reviews.

#### **17.11.6 Variation of optional conditions**

Application to vary optional conditions of conditional supervision may be initiated under section 94 of the *Youth Criminal Justice Act*, using Application to a Youth Justice Court Judge form (YTH080).

#### **17.11.7 Initiate breaches promptly**

When an alleged breach of a conditional supervision order is deemed serious or increases the risk to public safety, probation officers initiate breach proceedings promptly.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.11–3

### **17.11.8 Enforcement of conditional supervision**

1. Section 106 of the *Youth Criminal Justice Act* provides that when there are “reasonable grounds” to believe that a youth:

- Has breached a condition of conditional supervision; or
- Is about to breach a condition of supervision in the community;

The provincial director may in writing:

- Suspend the order for conditional supervision; and
- Order the youth to be remanded to custody pending a review by the provincial director and, if necessary, the court.

2. Enforcement authority is delegated as follows:

- Probation officers are delegated under section 107(1) to apply for a warrant of suspension; and
- Directors of Burnaby Youth Custody Services are the delegated authority to issue a warrant of suspension and apprehension.

3. Before applying for a warrant of suspension, the probation officer ensures that the violation meets the policy criteria of being:

- Serious; or
- An increased risk to public safety.

4. When a minor violation occurs and enforcement is deemed unnecessary, the probation officer documents the decision on the case file. Documentation includes steps taken to address the violation or changes to the level of supervision.

### **17.11.9 Suspension process, provincial director review and court review**

For policy, refer to Enforcement Procedures, section 17.13.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.12–1

## **17.12 Intensive Rehabilitative Custody and Supervision Order (revised: May-14)**

### **17.12.1 Legal authority**

1. Section 42(2) (r) of the *Youth Criminal Justice Act* gives the youth justice court authority to sentence a youth to an order of Intensive Rehabilitative Custody and Supervision (IRCS). This sentencing option is focused on a defined category of serious violent young offenders. It is an alternative for the youth justice court to consider instead of imposing an adult sentence.
2. IRCS sentences qualify for specialized case-specific treatment and rehabilitative services through a funding agreement between the Ministry of Children and Family Development and the federal government, for a yearly maximum of \$100,000 per case. When supervision by Community Corrections results, the Ministry of Children and Family Development retains authority to:
  - Approve proposed IRCS treatment plans; and
  - Facilitate reimbursement from the federal government for eligible expenses resulting from administration of IRCS orders.

### **17.12.2 Supervision similar to custody and conditional supervision**

1. Policy for supervising youth on an intensive rehabilitative custody and supervision order is similar to that which applies to the supervision of youth on conditional supervision, except when noted in this section.
2. For relevant policy, refer to section 17.11, Custody and Conditional Supervision.
3. Youth custodial sentences that exceed one year are subject to mandatory annual reviews before the youth justice court. Refer to section 17.13, Reviews of Custodial Sentences, for policy on the responsibility of probation officers relative to mandatory annual court reviews.

### **17.12.3 Eligible offences and required criteria**

1. The youth justice court may impose an IRCS order on a youth aged 12 or older after a finding of guilt for the following offences:
  - First-degree murder;
  - Second-degree murder;

Revised: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.12–2	<i>Chapter 17: Youth Supervision</i>

- Presumptive offences of attempted murder, manslaughter or aggravated sexual assault; or
  - A minimum third judicially determined serious violent offence for which an adult is liable to imprisonment for more than two years.
2. The following criteria, pursuant to section 42(7) of the *Youth Criminal Justice Act*, must also be satisfied:
- The young person suffers from a mental illness or disorder, psychological disorder or emotional disturbance;
  - A plan of treatment and intensive supervision is developed for the young person, and there are reasonable grounds to believe that the plan might reduce the risk of the young person repeating the offence or committing a serious violent offence; and
  - The provincial director (executive director, Youth Custody) determines that an intensive rehabilitative custody and supervision program is available and that the young person's participation in the program is desirable.

#### **17.12.4 Pre-sentence report**

1. An IRCS pre-sentence report is only prepared upon direction of the youth justice court.
2. Prior to preparation, the probation officer confirms with the Community Corrections analyst at Corrections Branch headquarters that federal funding for an IRCS sentence is available.
3. In addition to the areas of investigation for a pre-sentence report, IRCS pre-sentence reports provide the court with a proposed treatment plan of programs, services and associated costs, approved by the executive director, Youth Custody.
4. For policy regarding due dates and distribution, refer to subsection 7.7.4.

#### **17.12.5 Eligible costs**

1. Programs and services eligible for federal IRCS funding during the community portion include:
  - Treatment programs designed for particular offenders, such as sexual or violent offenders;
  - Psychiatric/psychological services;
  - Specialized education programs;
  - Social skills programs;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.12–3

- Substance abuse counselling and assessments;
  - Cognitive/behavioural programs;
  - Anger management therapy;
  - Culturally or female specific programming or counselling;
  - Vocational and employment training/programs;
  - Residential treatment; and
  - Specialized individual family care homes or supervised residential placements.
2. Questions regarding programs and services that are eligible for federal IRCS funding are directed to the Community Corrections analyst.

#### **17.12.6 Treatment plan**

1. Probation officers are responsible for formulating and co-ordinating an individualized plan of treatment and rehabilitative services, in consultation with the local manager, Forensic Psychiatric Services, the custody centre director of programs, and other parties relevant to the particular case.
2. The custody centre director of programs provides the probation officer preparing the report with the completed custody portion of the treatment plan, according to submission timelines.
3. When a relatively short sentence is imposed, probation officers include information relevant to treatment during the conditional supervision portion of the sentence as well as the custody portion.
4. For an IRCS sentence to be imposed, the youth must consent to the proposed treatment plan. The executive director, Youth Custody, and the court are informed about the youth's consent to treatment.
5. At least seven working days prior to the pre-sentence report due date, the treatment plan detailing proposed programs, services and associated costs is forwarded to the Community Corrections analyst at Corrections Branch headquarters. The Community Corrections analyst arranges for the executive director, Youth Custody, to review the plan for a final decision regarding provincial director consent.
6. When the executive director, Youth Custody, does not consent to the proposed treatment plan, a letter of explanation is provided to the probation officer for inclusion with the pre-sentence report.

Revised: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.12–4	<i>Chapter 17: Youth Supervision</i>

### **17.12.7 Notification**

1. Within two working days of imposing an IRCS sentence, the probation officer provides the following information to the Community Corrections analyst:
  - Youth's name, CS number and date of birth; and a
  - Copy of the youth justice court order.
2. Within 10 working days of imposing an IRCS sentence with a custody portion of one month or less, the probation officer forwards:
  - A copy of the CORNET Sentence Calculation form;
  - The custody centre location where the youth will serve the custody portion of the sentence;
  - A detailed description of the community programs and services to be implemented upon release; and
  - Detailed cost estimates for each community-based program/service.

### **17.12.8 Ongoing reporting**

The probation officer advises the Community Corrections analyst within five working days about changes to the:

- Legal status of the youth, including returns to custody and conversion of the IRCS sentence to a non-IRCS sentence;
- Placement, programs and/or services provided to the youth; or
- Estimated costs for programs/services provided as part of the IRCS sentence.

### **17.12.9 Quarterly reporting**

1. The probation officer provides the Community Corrections analyst with detailed accounting and invoices for programs and services purchased during the conditional supervision portion of the IRCS sentence.
2. Information is provided quarterly at the end of March, June, September and December.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.12–5

### **17.12.10 Transfer protocol**

When a youth probation officer considers supervision transfer of a youth serving the conditional supervision portion of an IRCS order, the adult local manager is notified at least four months in advance to facilitate transition of the community IRCS plan.

### **17.12.11 Conditional supervision policy applies**

Policy for supervision and enforcement of youth serving the conditional supervision portion of an IRCS order is conducted in accordance with section 17.11, Youth Sentences for Presumptive Offences and section 17.13, Enforcement Procedures, except when noted in this section.

### **17.12.12 Court sets optional conditions of conditional supervision**

1. Although the court specifies the date the youth is to be released to conditional supervision, the youth must be brought before the court at least one month prior to release for the court to set optional conditions of the order.
2. Probation officers commence the process to initiate the youth's court appearance three months prior to release using the Application to a Youth Court Judge form (YTH080). To set optional conditions of conditional supervision, the application requests that proceedings commence under section 105(1) of the *Youth Criminal Justice Act*.
3. The probation officer commences planning the community IRCS portion of the sentence a minimum of four months prior to the release to conditional supervision date.

### **17.12.13 Report for setting optional conditions of conditional supervision**

Reports ordered pursuant to section 105(6) of the *Youth Criminal Justice Act* (YCJA), to set optional conditions of the conditional supervision portion of the IRCS sentence prior to the youth's release from custody, are prepared by probation officers. They include:

- A summary of the youth's general progress in custody;
- IRCS programs and services implemented in custody and the youth's response;
- Community IRCS plan (following consultation with the Community Corrections analyst); and
- Optional conditions (outlined in section 105(3) of the YCJA) that the court may consider to support the youth's reintegration plan, facilitate participation in the IRCS programs/services, or mitigate risk to public safety.



Revised: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.12–6	<i>Chapter 17: Youth Supervision</i>

#### **17.12.14 Conversion to non-IRCS sentence**

1. Section 94(19)(c) of the *Youth Criminal Justice Act* (YCJA) provides the youth justice court with the option, on review, and with the recommendation of the provincial director, to convert an IRCS sentence to an order for:
  - Custody and supervision in the community (section 42(n) of the YCJA); or
  - Custody and conditional supervision (section 42 (o) or (q) of the YCJA).
2. An application to convert an IRCS sentence to a non-IRCS sentence is only considered following consultation with the local manager.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.13–1

## **17.13    *Reviews of Custodial Sentences (issued: May-14)***

### **17.13.1    General**

The *Youth Criminal Justice Act* (YCJA) provides for mandatory and optional court review of custodial sentences.

### **17.13.2    Legal authority**

1. Both mandatory and optional court reviews of open and secure custodial sentences are conducted according to section 94 of the *Youth Criminal Justice Act* (YCJA).
  -
2. Youth custodial sentences that exceed one year are subject to mandatory annual reviews before the youth justice court as arranged by the provincial director (s. 94(1)(2), YCJA).
  -
3. Youth custodial sentences may be optionally reviewed by the youth justice court (s.94(3), YCJA) at the request of:
  - 
  - The provincial director;
  - The youth;
  - The youth's parents; or
  - Crown Counsel.
4. Upon review, the youth justice court may:
  - 
  - Confirm the original sentence;
  - Release the youth from custody early to conditional supervision; and
  - Convert the remaining portion of the youth sentence to another type of youth sentence.

Issued: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.13–2	<i>Chapter 17: Youth Supervision</i>

### **17.13.3 Timing of mandatory annual reviews**

1. When a youth is serving a single sentence and the custodial portion exceeds one year, the mandatory court review occurs one year from the date of the sentence, and at the end of every subsequent year from that date.
2. When the custodial portion of the sentence is optionally reviewed prior to the mandatory one-year review date, the next mandatory court review date occurs one year from the most recent review hearing that confirmed or varied the sentence.

### **17.13.4 Eligibility for optional review**

1. Application for optional review of a custody sentence may be made when:
  - a) The youth sentence (i.e. the custodial and community portions combined) is for a period not exceeding one year, once at any time after the expiration of the greater of:
    - Thirty days; or,
    - One third of the youth sentence ; or
  - b) The youth sentence (i.e. the custodial and community portions combined) is for a period exceeding one year, any time after six months from the date of the most recent sentence made in respect of the offence.
2. When the timeframes set out in subsection 17.13.4(1) are not met, leave of the youth justice court must be granted before the matter proceeds to review. Depending on the youth justice court, the request for leave may be considered in chambers, or in open court. If it is considered in chambers, a date is set to hear the application at a later date. If leave is considered in open court and granted, the application hearing follows immediately.
3. In considering an application for review, the youth justice court must be satisfied that there are grounds for review, specifically:
  - The young person has made sufficient progress to justify a change in sentence;
  - The circumstances that led to the committal to custody have changed materially;
  - New services or programs are available that were not available at the time of the sentence;
  - Opportunities for rehabilitation are now greater in the community; or
  - Other grounds that the youth justice court considers appropriate.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: May-14
<i>Chapter 17: Youth Supervision</i>	Page 17.13–3

### **17.13.5 Correctional centre responsibilities**

The provincial director delegates authority for arranging mandatory and optional reviews to sentence management staff in the correctional centre. To prepare for reviews, the records supervisor ensures that:

- The youth is informed of the right to mandatory and/or optional court reviews and their prospective dates;
- A system of identifying key dates and bringing forward files is established so that preparation for a mandatory review begins one month prior to the review date;
- The youth is advised of the right to counsel (including court-appointed counsel). If the youth expresses intent to exercise this right, the court is notified;
- An *Application for Review of Custodial Youth Sentence* (YTH 803) is completed and sent to the court that imposed the sentence to ensure a review date is fixed. A copy of the application is also sent to the supervising probation officer responsible for preparing the progress report. Depending on the type of review, the application is completed as follows:
  - For mandatory annual reviews, the records supervisor selects “other-specify” and notes “s. 94 YCJA, automatic review”; or
  - For optional reviews requested by the youth, the records supervisor provides the youth with guidance and assistance to complete the application (i.e. to select the applicable grounds for review and complete the request for leave section if the time frames in subsection 17.13.4(1) have not been met).
- Once a court date is fixed, a *Request for Spring Order* (CF0228) is sent to Crown counsel;
- A *Notice of Application for Review* (CF0245) is provided to the youth, parent, and Crown counsel at least five days prior to the hearing date. The notice may be provided personally, by certified mail, or by courier;
- There is a liaison with the supervising probation officer to provide information pertinent to the preparation of their progress report; and
- There is a liaison with the sheriffs to provide escort if needed.

### **17.13.6 Probation officer responsibility**

The probation officer assigned to supervise the young person:

Issued: May-14	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.13–4	<i>Chapter 17: Youth Supervision</i>

- Identifies the annual review date and initiates contact with the correctional centre records supervisor at least two months prior to coordinate the submission of the application and to request information pertinent to the preparation of the progress report;
- Assists correctional centre staff in making arrangements for mandatory and optional reviews as requested; and
- Completes a written progress report about the youth and submits it to the clerk of the court at least two working days prior to the scheduled review.

### **17.13.7 Progress report**

Probation officers include the following information in the progress report that is prepared for the youth justice court in relation to mandatory and optional reviews:

- Summary of the youth's progress in custody (including program participation, interaction with inmates/staff, incident reports, etc.);
- Any new charges accumulated since the imposition of the current sentence;
- Previous response to community supervision;
- The youth's offence history;
- The youth's release plan, including proposed residence, educational/employment plans, plans to attend drug and alcohol counselling, contact with Youth Forensic Psychiatric Services, etc.;
- An assessment of the viability of the release plan;
- Collateral information, including victim comments, when appropriate;
- Any other relevant information that would assist the court to make a decision; and
- Recommended conditions of community supervision that will enable effective correctional interventions and enhance victim and community safety in the event the youth is released early to conditional supervision.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Nov-07
<i>Chapter 17: Youth Supervision</i>	Page 17.14–1

## **17.14 Enforcement Procedures (revised: Nov-07)**

### **17.14.1 Suspension process**

1. When the probation officer determines that an application for suspension of a supervision in the community/conditional supervision order is necessary, the process to suspend is as follows:
  - Probation officer completes an *Application for Warrant of Suspension of Supervision in the Community/Conditional Supervision and Order for Remand* (form CFO253) and forwards the application and copy of the order to the Burnaby Youth Custody Services, Case Management by s.15,s.17
  - Probation officer contacts Burnaby Youth Custody Services, Case Management s.15,s.17 to advise of incoming application;
  - When the request meets the criteria in subsection 17.8.9, Enforcement of supervision in the community or 17.11.8, Enforcement of conditional supervision, the designated excluded manager at Burnaby Youth Custody Services issues a *Warrant of Apprehension for Suspension of Supervision in the Community/Conditional Supervision and Order for Remand* (form CFO254). The warrant is forwarded to the originating police agency, local police agency (if different), releasing custody centre and probation officer. Warrants issued pursuant to section 107(1) of the *Youth Criminal Justice Act* (YCJA) may be executed anywhere in Canada.
  - Once the warrant is issued, an administrative hold (ADMCL—reason: HOLD) is placed on the order. This prevents the order from being purged from CORNET if it reaches its natural expiry date before breach proceedings conclude.
2. There is no authority under the YCJA for the police to arrest without warrant a youth who they witness violating a condition of the order, until the Burnaby Youth Custody Services is contacted and agrees to issue a warrant. When violations occur after hours, the Burnaby Youth Custody Services is contacted directly by police via the after-hours cellphone s.15,s.17 s.15,s.17

### **17.14.2 Provincial director review**

1. Following the arrest and remand of a young person, a provincial director review is conducted within 48 hours to determine whether to cancel the suspension and release the youth to the original order. The provincial director may refer the case to the youth justice court for review. These options are pursuant to section 108 of the *Youth Criminal Justice Act*.
2. Local managers and adult custody directors are delegated authority to conduct (sign off) the provincial director review. However, the probation officer holding case management responsibility initiates and completes the review for signature of the delegated authority,

Issued: Nov-07	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.14–2	<i>Chapter 17: Youth Supervision</i>

using *Provincial Director Review* form (CFO255). It includes, at minimum, results of an interview or review of the:

- Youth;
  - Youth's parent/guardian;
  - Apprehending police officer;
  - Order for supervision in the community/conditional supervision;
  - Other information and individuals as the circumstances require; and
  - New offences that the youth is alleged to have committed.
3. If the youth is detained on a weekend and a review by the probation officer cannot take place within 48 hours, the police or receiving custody centre contacts the on-call custody director of the releasing youth custody centre or adult correctional centre and advises of the detention and need for review as soon as possible. In these circumstances, the delegated custody centre authority completes the provincial director review.
  4. When the finding of the review results in a decision to release the youth to the original order, the probation officer ensures that a copy of the Provincial Director Review is provided to the:
    - Releasing custody centre;
    - Receiving custody centre; and
    - Originating police agency.

### **17.14.3 Court review**

1. When the provincial director review results in a decision to refer the case to the youth justice court for a hearing under section 103 (supervision in the community order) or section 109 (conditional supervision order) of the *Youth Criminal Justice Act* (YCJA), the probation officer:
  - Completes an Application to a Youth Justice Court Judge (YTH 080) and specifies that a review under the applicable section of the YCJA is required. The court clerk sets a court date and notifies the probation officer and Crown counsel.
  - Faxes Crown counsel the following documents:
    - *Application for Warrant of Suspension of Supervision in the Community/Conditional Supervision and Order for Remand* (CFO253);

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Nov-07
<i>Chapter 17: Youth Supervision</i>	Page 17.14–3

- *Warrant* issued by the Burnaby Youth Custody Services (CFO254);
  - *Provincial Director Review* (CFO255);
  - *Witness List* (CFO256); and
  - Supervision in the Community Order or Conditional Supervision Order.
2. Section 109(6) of the YCJA requires the probation officer to prepare and submit to the youth justice court, prior to the review, a report “setting out any information of which the provincial director is aware that may be of assistance to the court.” Review reports include the following information:
- Original offence(s);
  - Sentence date and commencement date of community/conditional supervision;
  - Summary of youth’s progress prior to suspension;
  - Summary of circumstances of the breach; and
  - Available community-based resources, if the court considers releasing the youth.
3. The probation officer provides the youth and parent/guardian with formal notice of the court review hearing date, pursuant to section 99(4) and 109(7) YCJA, using the *Notice of Court Review of Suspension* (form CFO264). This notice is in writing and is served personally or by confirmed delivery service (registered mail or courier) within five clear days of the court date. When the probation officer is satisfied that the youth and parent/guardian are aware of the court date, the probation officer discusses with Crown or defence counsel the option of applying to the court—pursuant to section 99(7) YCJA—to dispense with the notice requirement.
4. Under section 103 of the YCJA (applicable to supervision in the community), once the court has determined whether a violation occurred or was about to occur, the court has three options. If the court determines that:
- No violation occurred, the youth is released again to supervision in the community, with or without varying original conditions or imposing new conditions (section 103(1)(a));
  - A violation occurred, the court may:
    - Cancel the suspension and release the youth to the supervision in the community order, varying original conditions or imposing new conditions [section 103(2)(a)], or



Issued: Nov-07	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.14–4	<i>Chapter 17: Youth Supervision</i>

- If satisfied that the breach of the condition(s) was serious, order the youth to remain in custody, up to and including the final warrant expiry date [section 103(2) (b)].
5. Under section 109 of the YCJA (applicable to conditional supervision), once the court has determined whether a violation occurred or was about to occur, it determines that:
- No violation occurred, the suspension is cancelled and the youth is released again to the original order [section 109(1)(a)]; or
  - A violation occurred, the court may:
    - Cancel the suspension and release the youth again to conditional supervision, with or without varying the original conditions or imposing new conditions [section 109(2)(a)];
    - In the case of conditional supervision following custody only, order that the youth remain in custody up to the expiry date of the conditional supervision order [section 109(2)(b)]; or
    - In the case of a deferred custody and supervision order, order the youth to serve the remainder of the sentence as if it were a custody and supervision order [i.e. two-thirds served in custody and one-third supervision in the community, pursuant to section 109(2)(c)].
6. When the court determines that the youth will be released, the court clerk completes a Variation of Order form (YTH086). Upon receipt of this form from the court, the probation officer ensures that:
- Changes to the conditions made by the judge are entered on CORNET;
  - A copy of the Variation of Order form is faxed to the releasing custody centre, receiving custody centre, and originating police agency; and the
  - Youth's parent/guardian is notified.
7. When the court determines that the youth will be returned to custody, the court clerk forwards the Variation of Order to the receiving custody centre for sentence re-calculation. Alternatively, when the remainder of a deferred custody order is converted to a custody and supervision order, a Warrant of Committal to Custody Following Review form is completed by the court clerk. It is the probation officer's responsibility to ensure that the parent/guardian is aware of the new release date.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Nov-07
<i>Chapter 17: Youth Supervision</i>	Page 17.14–5

#### **17.14.4 Sentence calculations**

1. When the youth remains in the community or is held in police cells, the probation officer is responsible for calculating “dead time” incurred on the order while the youth was AWOL. In these circumstances, the clock stop date is the day the warrant of suspension is issued by the Burnaby Youth Custody Services. The clock start date is the date of apprehension.
2. When the youth is admitted to custody due to a breach, the custody centre is responsible for applying “dead time” to the sentence.
3. When the youth is returned to custody to serve the remainder of the sentence, the order is “closed to revoked” in CORNET.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Apr-04
<i>Chapter 17: Youth Supervision</i>	Page 17.15–1

## **17.15      *Adult Sentences***

### **17.15.1    General**

Under the *Youth Criminal Justice Act* (YCJA), the decision to impose a youth or adult sentence is made by the youth justice court after a determination of guilt.

### **17.15.2    Legal criteria**

1. Section 62(a) of the *Youth Criminal Justice Act* (YCJA) provides that an adult sentence is imposed when the young person is at least 14 years old and found guilty of a presumptive offence (murder, attempted murder, manslaughter, or aggravated sexual assault).
2. Despite this presumption, section 63 of the YCJA includes provisions for:
  - The youth to make application that a youth sentence be imposed; or
  - Crown counsel to give notice that an adult sentence will not be sought.
3. In addition, Crown counsel may elect to file notice of intention to seek an adult sentence when the youth is at least 14 years of age and has committed an offence for which an adult could receive a jail sentence of more than two years, in accordance with section 62(b) of the YCJA.

### **17.15.3    Pre-sentence report prepared by youth probation officer**

1. When the youth justice court orders a pre-sentence report to determine whether an adult sentence will be imposed, pursuant to section 72(3) of the *Youth Criminal Justice Act*, a youth probation officer is responsible for preparing the report.
2. The youth probation officer preparing the report consults with an adult probation officer regarding sentencing options available under the *Criminal Code*.

### **17.15.4    Placement report prepared by youth probation officer**

1. When an adult sentence is imposed, the youth justice court must consider an adult sentence placement report to determine if the sentence will be served in:
  - A youth custody centre;
  - An adult provincial correctional centre; or
  - A federal penitentiary (sentences of two years or more).

Issued: Apr-04	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 17.15–2	<i>Chapter 17: Youth Supervision</i>

2. Adult sentence placement reports ordered pursuant to section 76(4) of the *Youth Criminal Justice Act* are prepared by a youth probation officer.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Aug-09
<i>Chapter 17: Youth Supervision</i>	Page 17.16–1

## **17.16 Publication, Records and Information Sharing** **(revised: Aug-09)**

### **17.16.1 Identity of offender not to be published**

Section 110(1) of the *Youth Criminal Justice Act* prevents publication of a young person's identity or other related information that might identify the individual as having been dealt with under the act.

### **17.16.2 Exceptions to publication of identity**

The prohibition related to publication of a youth's identity does not apply to youth who receive:

- An adult sentence under the *Youth Criminal Justice Act*, following expiration of the appeal period; and
- A youth sentence for a presumptive offence (provided a publication ban is not imposed).

### **17.16.3 Persons having access to records**

Section 119 (1) of the *Youth Criminal Justice Act* applies to individuals who, on request, are entitled access to records pertaining to a young person dealt with under the act.

### **17.16.4 Period of access to records**

1. Section 119 (2) of the *Youth Criminal Justice Act* permits disclosure and access to records up until the period ending:
  - Extrajudicial sanctions: Two years after the young person consents to the sanction;
  - Judicial reprimand: Two months after the finding of guilt;
  - Absolute discharge: One year after the finding of guilt;
  - Conditional discharge: Three years after the finding of guilt;
  - Summary offence: Three years after the youth sentence imposed is completed; and
  - Indictable offence: Five years after the youth sentence imposed is completed.
2. For summary and indictable conviction offences only: When there is a subsequent guilty finding for a summary or indictable offence during the required "clean period," an additional

Revised: Aug-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 17.16–2	<i>Chapter 17: Youth Supervision</i>

three or five year “clean period” is required after the end of the subsequent offence before the record can no longer be disclosed.

#### **17.16.5 Adult offence during period of access to record**

Pursuant to section 119(9) of the *Youth Criminal Justice Act*, if during the period of access to a youth record for a summary or indictable offence, the young person is convicted of an offence committed as an adult (excluding provincial statute offences and absolute/conditional discharges), the active youth record is automatically converted to an adult record and considered a conviction.

#### **17.16.6 Information sharing**

1. Section 125 of the *Youth Criminal Justice Act* provides limits on sharing information about records of young persons.
2. A probation officer may disclose information contained in a record to a professional or other person engaged in the supervision or care of the young person, including a representative of a school or training institution, if the disclosure is necessary to:
  - Ensure compliance with a court order;
  - Ensure the safety of staff, students or other persons; or
  - Facilitate rehabilitation of the young person.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-06
<i>Chapter 18: CORNET Policy</i>	Page 18.1–1

## 18. CORNET Policy

### 18.1 Overview (revised: Dec-06)

#### 18.1.1 Introduction

1. CORNET is the Corrections Branch electronic platform for document management, case management and quality management. It is a branch-wide information and communications tool that integrates community and custody case management data. It brings document and case management to the desktop of every Corrections Branch user.
2. CORNET is designed to facilitate and enhance all elements of case management. It streamlines data entry procedures and improves data integrity through an electronic interface with JUSTIN.
3. As a result of improved functionality, CORNET enables a realignment of certain responsibilities between probation officers and administrative staff in Community Corrections offices.
4. This chapter describes in detail the three areas of CORNET functionality: slate management, case management and quality management.
5. For direction on CORNET procedures, refer to the *CORNET Users Guide*.

#### 18.1.2 CORNET Access

Access to CORNET is provided to Corrections Branch employees who have an individual user account. The following procedures apply:

- Users log on the system with their own user ID prior to entering or viewing data;
- CORNET tracks and maintains a footprint of user access to files; and
- Corrections Branch employees are only authorized to access Corrections Branch client files in CORNET when carrying out case management and administrative functions related to the file subject.

#### 18.1.3 Case management tools

1. The CORNET file is the primary location of all data related to a client's involvement with the Corrections Branch.

Revised: Dec-06	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 18.1–2	<i>Chapter 18: CORNET Policy</i>

2. Case management is conducted and recorded in CORNET using the tools set out in this section:
  - Client logs—integrated community and custody running records with the capacity to attach word-processed documents;
  - Event-triggered automated log entries;
  - Notifications to case managers of new information, program wait-lists, external referrals, and viewable documents;
  - Cross-linking of information in the system to orders and order expiries; and
  - Flexible rules that allow data entry by staff in locations other than where the client is currently active.

#### **18.1.4 Client log**

1. The Client Log replaces community running records.
2. All case recording notes are entered in the Client Log.
3. Users can enter concise detailed information about regular client contact or attach formatted documents such as initial entries and summaries.
4. Users can enter a record on the Client Log for clients who are inactive in the community or active with another probation officer/ probation officer 14.
5. Probation officer/ probation officer 14 responsibilities:
  - Records initial entry, case management plan;
  - Records results of contacts with a client and related case management information, including assessment results and collateral information;
  - Makes entries in the Client Log regardless of whether the client is assigned to the PO/PO14;
  - Attaches interim summaries, including an updated case management plan every six months or more frequently as deemed necessary by the primary case manager;
  - Attaches a transfer summary before an inter/intra office transfer of file;
  - Attaches a termination summary upon conclusion of supervision;
  - Attaches pre-sentence reports, technical suitability reports and community assessments to the Client Log following disposition or decision; and



<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Dec-06
<i>Chapter 18: CORNET Policy</i>	Page 18.1–3

- Scans or attaches correspondence to the Client Log.

### **18.1.5 Information in CORNET—Client Log**

Refer to subsections 8.3.1, Case recording standards, and 8.3.2, Information recorded in CORNET, for guidance on Client Log contents.

### **18.1.6 Client paper file content**

1. The permanent client physical file contains the following items:

- Client information screens printouts:
  - Client Profile;
  - Addresses and Communication Devices; and
  - Client Physical Description.
- Court documents;
- Breach reports;
- External documents that do not exist in CORNET and cannot be attached;
- Appointment slips;
- Most recent summaries printed from the Client Log (interim, transfers); and
- Temporary PSR and TSR notes remain on the file until the end of an appeal application, during an appeal or upon completion of an appeal. Notes that issues about addresses important to case management are transcribed into the Client Log if they contain information not included in the report.

2. Files that are active, re-opened or created as of February 7, 2005 must meet the above requirements. File contents existing prior to February 7, 2005 can be maintained in accordance with requirements prior to this date.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 18: CORNET Policy</i>	Page 18.2–1

## **18.2 Slate (Document) Management (revised: Mar-11)**

### **18.2.1 Document management—court offices**

1. Documents in CORNET are managed using slates. Slates are screens that contain lists of items that can be scrolled through, sorted and printed.
2. This section addresses responsibilities regarding slate management.

### **18.2.2 Slate management**

1. CORNET automatically fills in certain information depending on the user. Because courts can make changes to a document at any time (manually or in JUSTIN), the user transfers a document into CORNET only after obtaining a signed paper copy.
2. Before assigning the CS# or creating a participant link, the user views conditions of the order to ensure that it contains a reporting condition.
3. An order is considered to be on the system when it appears on the JUSTIN Documents slate. Users check the JUSTIN Documents screen from the Document Summary screen when looking for active orders.
4. A probation officer/ probation officer 14 may perform some responsibilities identified as administrative staff functions.

### **18.2.3 Administrative staff slate maintenance and related responsibilities**

1. Manage the Pending Arrivals slate.
2. Transfer orders from JUSTIN Documents screen into CORNET.
3. Admit, assign, transfer and code both JUSTIN documents and incoming referrals.
4. Clear Pending Arrivals slates of non-reporting orders on a daily basis:
  - Create a participant link between CORNET and JUSTIN, as required;
  - Refer clients to another office, as required; and
  - Print reports from the Report Parameters screen, as required.

\* Note: Despite the absence of a reporting condition, before clearing the slate, ensure that the order does not have other optional conditions that indicate Community Corrections responsibility. When a responsibility is indicated, admit or refer.

Revised: Mar-11	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 18.2–2	<i>Chapter 18: CORNET Policy</i>

#### **18.2.4 Pending Arrivals and JUSTIN Documents slates (when a client reports)**

##### **1. Administrative staff responsibilities:**

- Initiate a search if client is not linked to JUSTIN (i.e. if no CS# fills the slate);
- Locate client in CORNET and view photo on Client Profile to confirm ID;
- If no photo exists, view identification to confirm ID and photocopy;
- If client does not exist in CORNET, assign new CS#;
- If no link has been created between CORNET and JUSTIN, create a participant link;
- Confirm address and manually enter or transfer it from JUSTIN;
- Admit client to location, assign client to primary case manager or select referral type, refer client/report to appropriate office, giving two days to report;
- Assign client to primary case manager for report preparation; and
- Transfer and code all documents not being referred.

##### **2. Probation officer/ probation officer 14 responsibilities:**

- If client is referred:
  - Review referral and make necessary changes;
  - Give client verbal direction to report; and
  - Sign referral with client.
- If client is admitted, PO/PO14 completes/updates the remaining admit screens. When directed by the local manager, administrative staff assist with entry of the admit screens in CORNET. They may also assist with client photos if such photos can be taken from within a secure area:
  - Client Names;
  - Client Physical Description;
  - Maintain Client Photo;
  - Client Alerts;
  - Addresses and Communication Devices;

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 18: CORNET Policy</i>	Page 18.2–3

- Client Visitor / Contact / No Contact <sup>s.15</sup>
  - Client Characteristics and Identifiers; and
  - Print client ID card.
3. Initial entry on Client Log screen is completed.

### **18.2.5 Pending Arrivals and JUSTIN Documents slates (when a client does not report)—administrative staff responsibilities**

No later than two working days, following the scheduled reporting time:

1. Refer—if client is active to another office, complete a document-only referral to client's active location.
2. View and transfer document—if client is active at current location or to create a pending relationship to current location, transfer and code the order.
3. If client is new, assign supervision to a probation officer/ probation officer 14.

### **18.2.6 Incoming referrals for non-court offices (when a client reports)**

1. Incoming referrals are already linked to JUSTIN and have a CS# attached (participant link).
2. Administrative staff monitor Pending Arrivals slate and notify appropriate probation officer/ probation officer 14 when action is required.
3. Administrative staff responsibilities:
  - Confirm address and manually enter or transfer it from JUSTIN into CORNET;
  - Admit client to location, assign client to primary case manager or select referral type; and
  - Transfer and code all documents not being referred.
4. Upon completion of steps 1 to 3, the probation officer/ probation officer 14 assumes responsibility for completion of intake procedures and reviews and/or completes the procedures set out in 18.2.4(2).

Revised: Mar-11	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 18.2–4	<i>Chapter 18: CORNET Policy</i>

### **18.2.7 Incoming referrals for non-court offices (when a client does not report)—PO/PO14 responsibilities:**

1. Incoming referrals are managed on the Pending Arrivals slate no later than two working days following scheduled reporting time.
2. Probation officer/ probation officer 14 responsibilities:
  - Confirms that the client has not reported and changes status of the referral from “open” to “failure to report”; and
  - Transfers and codes the order if the client is already active to a primary case manager.

### **18.2.8 Referrals from institutions**

1. When a client has active or future orders at a community location, the institution issues an RTC referral to the community location when the client is released from custody. Referrals are completed on new orders and continuation of existing orders.
2. CORNET automatically closes the referral when the community office admits the client.
3. For clients already supervised by a community location, the community location manually closes the referral by changing the status to *complete* once the client reports.
4. The CORNET default may result in an inmate being directed to report to an itinerant office. When this occurs, the PO/PO14 initiates contact with the correctional centre prior to the inmate’s release and provides written directions for the inmate to report to the itinerant office. Correctional centre staff have the inmate sign the written instructions acknowledging the direction to report, and complete the referral to community entry on CORNET.

### **18.2.9 Varied orders—administrative staff responsibilities**

1. Locate varied orders on the Pending Arrivals slate.
2. Determine if document contains new direction to report to the default court location.
3. If there is no new reporting condition and client is active to the current location, notify supervising probation officer/ probation officer 14.
4. If there is no new reporting condition and client is active to another office, create a referral without reporting direction to the active office.
5. If there is a new reporting condition directing client to report to the court default office, the document is treated as a regular JUSTIN document.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 18: CORNET Policy</i>	Page 18.2–5

### **18.2.10 Varied orders—PO/PO14 responsibilities**

1. Upon being informed of an order variation (via Notification slate or administrative staff).
2. Primary case manager locates client's varied order on the JUSTIN Document slate, views the variation and attributes it to the appropriate document.
3. Deletes varied order from JUSTIN Documents slate.

### **18.2.11 Judicial Justice Centre default court office**

1. The Judicial Justice Centre (JJC) is a centralized location that conducts afterhours bail hearings for the entire province.
2. When a court file number already exists in JUSTIN, the JJC produces electronic documents in JUSTIN and distributes them electronically to the JUSTIN Document Slate of the default court probation office where the next court appearance is scheduled.
3. When a court file number does not already exist in JUSTIN, the JJC produces documents via the intranet and distributes them by fax to the court registry where the person will be making their next appearance. The receiving court registry is then responsible for scanning the documents and distributing them to the JUSTIN Documents Slate of the default court probation office where the next court appearance is scheduled.

### **18.2.12 CORNET client physical file**

1. The Client Physical File screen is used to track community and custody files for individual clients. It contains information about the creation, sending, and receiving of client files. When there is no existing file, the system automatically creates a file record upon admission of the client, assignment of a report or creation of a pending relationship.
2. If no adult community corrections file exists, administrative staff create a physical file when:
  - A client is admitted;
  - An order is entered to create a pending relationship; and
  - A report is assigned.
3. Administrative staff create a record on the Client Physical File screen when a file is:
  - Sent to another location;
  - Received at their location;
  - Sent to off-site storage; and

Revised: Mar-11	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 18.2–6	<i>Chapter 18: CORNET Policy</i>

- Received from off-site storage.
4. Record on the Client Physical File screen the following events:
    - Send event—prior to a client file being mailed to another office;
    - Received event—when a client file is physically received; and
    - Off-site storage—prior to sending inactive files to off-site storage, record accession number and earliest destruction date.

### **18.2.13 Reports—introduction**

1. The Client Report Details screen allows the user to enter and view information about major and minor reports for a specific client.
2. The user can enter a close date for the report and indicate whether it was completed.
3. The report and assignment details are entered when the report request is transferred from the Pending Arrivals and JUSTIN Documents slates.
4. Breach Reports to Crown Counsel automatically update with Crown’s decision.

### **18.2.14 Reports— probation officer/ probation officer 14 responsibilities**

1. Major reports (ADR, PBR, TAR, ADR, PSR, TSR, CSR, FST, HCR, ATP, PDR, PSR, ASS):
  - Ensure report details are correct;
  - Enter report close date;
  - Indicate whether report was completed; and
  - If report was not completed, enter reason.
2. Minor reports (ABB, ABR, BCS, 733, 811, MCS, PSS, PTH):
  - Enter report details;
  - Enter report close date; and
  - Indicate that report was completed.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Mar-11
<i>Chapter 18: CORNET Policy</i>	Page 18.2–7

### **18.2.15 Report requests**

1. Report requests appear on the Pending Arrivals slate and JUSTIN Documents slate. The default court probation office can refer the report request to another office or accept it at that location.
2. Administrative staff are responsible for checking the Pending Arrivals screen daily to monitor report requests. They assign them as required by the local manager within one working day.

Note: Pre-sentence report requests from court of appeal and requests for progress reports do not show on the Pending Arrivals screen because they are not in JUSTIN.

3. Default office administrative staff responsibilities:
  - Confirm that office/officer will complete report, if subject is under supervision;
  - Refer report request to appropriate office based on address;
  - Indicate on report referral if reporting direction was given; and
  - Forward package, including court request and police report, when received.
4. Receiving office administrative staff responsibilities
  - View and transfer report request into CORNET;
  - Assign report to probation officer/ probation officer 14 on Client Reports screen; and
  - Enter completion details on Client Reports screen.

### **18.2.16 Community assessments**

1. Within two working days of receiving the request for a community assessment entered by the custody centre, the primary office enters the information into the CORNET Client Reports screen.
2. The office completing the report indicates on the CORNET Client Reports screen whether the report was completed or not completed.



Revised: Aug-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 18.3–1	<i>Chapter 18: CORNET Policy</i>

## ***18.3 Case Management (revised: Aug-09)***

### **18.3.1 Probation officers / PO 14s responsibilities**

1. Complete required RNAs on RNA Forms screen.
2. Refer clients to programs on Client Program Summary screen.
3. Maintain client log entries on Client Log screen.
4. Monitor and manage Notification slate on a daily basis.
5. Update critical dates for six-month review by reviewing Notification slate.
6. Record actions taken in response to notifications on the Client Log screen.
7. Enter major reports completed.
8. Enter breach reports on Client Reports screen once completed in JUSTIN.
9. Complete transfer referrals for active clients from Referral Summary screen.
10. Administratively close or re-open a client's file on the Administrative Close screen, as required.
11. Manually release clients on Client Release screen when clients are released prior to natural expiry date of their last active order.
12. Maintain a current contact person on Visitors/ Contacts/ No Contacts screen.
13. Maintain current record of conditional sentence order incidents on the CSO Calculation screen—incidents are recorded within two days.
14. Print reports from the Report Parameters screen as required.
15. Enter victim information.
16. Maintain current Address and Communication Devices.
17. Primary case manager is responsible for entering the secondary case manager on the Client Supervision Assignment screen.

Revised: Aug-09	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 18.3–2	<i>Chapter 18: CORNET Policy</i>

### 18.3.2 Notification slate

1. The Notification slate displays information about certain events or dates that are relevant to the management of clients on a user's caseload. Certain notifications can be acknowledged directly on the slate and an entry made in the Client Log. Other notifications require the user to complete a task elsewhere in the system.
2. Probation officer/ probation officer 14 responsibilities:
  - Check their Notification slate at least once per day to monitor and acknowledge relevant notifications;
  - Manage notifications within two working days of the notification date;
  - Notifications that cannot be managed within two working days are brought forward ("BF'd") with an explanatory note in the Client Log; and
  - Primary case manager informs secondary case manager of relevant notifications and makes a note in the Client Log that secondary case manager was informed;

### 18.3.3 s.15

s.15

✓ CLIENT CONTACT LOG.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Aug-09
<i>Chapter 18: CORNET Policy</i>	Page 18.3–3

s.15

#### **18.3.4 Risk/needs assessments**

1. The Notification slate alerts the probation officer/ probation officer 14 to the requirement for an assessment or reassessment.
2. The notification is removed from the slate when the assessment is completed.
3. PO/PO14s enter a note in the Client Log listing the documents reviewed and collateral contacts made for the assessment, and indicating when the assessment was complete.

#### **18.3.5 Core programs—introduction**

1. CORNET allows core program facilitators to define the schedule of core programs that are available at their location.
2. Probation officers can look at programs offered at all locations and place a client on the wait-list.
3. CORNET records a history of programming details for each client and indicates full, partial or non-completion.

#### **18.3.6 Core programs—facilitator responsibilities**

1. Creates a schedule and indicates which programs are available at their location. When directed by the local manager, administrative staff assist with data entry of the program schedule in CORNET.
2. Indicates who is facilitating core programs.
3. Enrols clients from the wait-list into the program.
4. Indicates with a comment the reason(s) a client was not accepted into the program.
5. Records weekly attendance and participation comments for each enrolled client on the Program Attendance and Outcome screen.
6. Upon completion of the core program, records outcome for each enrolled client.

Revised: Aug-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 18.3–4	<i>Chapter 18: CORNET Policy</i>

7. If required, makes recommendations on the Program Attendance and Outcome screen.

### **18.3.7 Core programs—probation officer/ probation officer 14 responsibilities**

1. Refers clients to core programs via the Client Program Summary screen.
2. Clients can only be referred to programs at offices other than the supervising office when there is an agreement to accept out-of-office referrals between local managers of the referring and receiving offices.

### **18.3.8 Conditional sentence calculation—introduction**

1. The Conditional Sentence Calculation screen allows the user to maintain a chronological history of events as it pertains to a particular conditional sentence.
2. Users select incidents from a list of values and attribute them to the CSO calculation.
3. Some events stop the clock from running (e.g. time is not counting down on the order). Other incidents start the clock again.

### **18.3.9 Conditional sentence calculation—general principles**

1. A separate conditional sentence order (CSO) calculation is required for every CSO that runs individually.
2. In addition to being a method of calculating days remaining, the CSO Calculation screen is a history of events that relates to the CSO.
3. Community Corrections is responsible for maintaining CSO calculations until the judge directs that the order is terminated.
4. Upon termination of the order, the calculation becomes the responsibility of the institution.
5. Institutions refer to the community calculation as a point of reference when completing the institution calculation upon termination of the CSO.
6. Institutions are responsible for verifying community calculations before relying on them.

### **18.3.10 Conditional sentence calculation —probation officer/ probation officer 14 responsibilities**

1. Enter incidents into the CSO Calculation screen within two working days of occurrence.
2. Enter relevant incidents on the CSO Calculation screen regardless of whether they affect the running of the clock or final calculation.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Aug-09
<i>Chapter 18: CORNET Policy</i>	Page 18.3–5

3. Recalculate to accurately determine number of days remaining.
4. Monitor the Notification slate to manage information that relates to CSO calculation.

### **18.3.11 Conditional sentence calculation—local manager responsibilities**

The local manager reviews all conditional sentence order (CSO) cases when a breach of a CSO is filed and either withdrawn or resolved by the court, or a new sentence is imposed by the court.

### **18.3.12 External program—PO/PO14 responsibilities**

1. The External Program screen allows the user to record referral and outcome information for programs run by external agencies.
2. A probation officer/ probation officer 14 records:
  - Referral details for external programs on the External Program screen;
  - Comment indicating the reason(s), if subject is not accepted into the program;
  - Start date on External Program screen at start of the program;
  - Program end date on External Program screen at the end of the program;
  - Client's outcome at the end of the program; and
  - Recommendations made by external program facilitator.

### **18.3.13 Release to parole from a provincial custody centre**

1. The Notification slate alerts the probation officer when a client is released from provincial custody to parole. The notification identifies the federal parole office that will provide supervision and prompts the probation officer to administratively close any pending orders to "Federal Parole" in CORNET.
2. The administrative close procedure in CORNET prevents pending orders from becoming active before parole expiry has been confirmed with the federal parole office.
3. The Notification slate alerts the probation officer seven days prior to the final warrant expiry date of parole. This notification prompts the probation officer to contact the federal parole officer to arrange transfer of supervision to Community Corrections.
4. The probation officer manually reverses the administrative close procedure in CORNET when the client reports to Community Corrections.

Revised: Aug-09	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 18.3–6	<i>Chapter 18: CORNET Policy</i>

### **18.3.14 Seal/unseal youth records**

1. All information in the CORNET database, related to an offence committed by a person under the age of 18 or who was found guilty of an offence under the *Youth Criminal Justice Act* (YCJA), is a youth record.
2. When a record in the CORNET database meets access time limits established in section 119 (2) YCJA, it is sealed. A system search performed by a user, other than authorized Operations Support Unit personnel, does not return sealed data.
3. When accessing the Client History, the probation officer/ probation officer 14 verifies that the information complies with the *Youth Criminal Justice Act* access time limitations (set out below) prior to applying the results for assessment or report purposes. If discrepancies are noted, the PO/PO14 reports the concern to Operations Support Unit and a program analyst via e-mail.
4. Operations Support Unit personnel have authority to make available a sealed record if directed by the court. They also have authority to reactivate records when a young person offends in other jurisdictions and access limitation periods set out in section 119 (2) YCJA are not been met. If a record exists in CPIC that falls within the YCJA access periods, PO/PO14s inform the Operations Support Unit.
5. A youth record includes all information collected on a young person during administration of a youth sentence. The period of access to a youth record ends as follows:
  - Extrajudicial sanctions (EJS): Two years following consent to participate in EJS;
  - Acquittal: Two months after 30-day appeal period or three months following failed appeal;
  - Dismissal, withdrawal or finding of guilt with reprimand: Two months following the outcome;
  - Stay: At the end of one year, if no proceedings for one year following the stay;
  - Absolute discharge: One year following finding of guilt;
  - Conditional discharge: Three years following finding of guilt;
  - Summary conviction: Three years after completion of youth sentence;
  - Indictable: Five years after completion of youth sentence;
  - For summary and indictable conviction offences (when there is a subsequent guilty finding for a summary or indictable offence during the access period): An additional three or five-year access period is required after the end of the subsequent offence before the record can no longer be disclosed.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Revised: Aug-09
<i>Chapter 18: CORNET Policy</i>	Page 18.3–7

6. The following records are not subject to seal provisions:

- Records regarding youth who receive an adult sentence as a result of the application of section 110 (2) (a) YCJA, after the appeal period or when the sentence is upheld on appeal (section 117 YCJA);
- Records regarding youth who receive a youth sentence for a presumptive offence\* (section 110(2) (b) YCJA) and the court does not order a publication ban (section 75 YCJA);
- Youth records regarding adults who are convicted of an adult offence (excluding provincial statute offences and absolute/conditional discharges), before the access period for indictable and summary offences on their youth record is satisfied (section 119(9) YCJA), are treated as adult records;

\* Presumptive offences for offenders 14 or older when charged are:

- First-degree murder;
- Second-degree murder;
- Manslaughter;
- Attempted murder;
- Aggravated sexual assault; and
- Judicially determined serious violent offences for which an adult could get more than two years in jail when Crown counsel files a notice to seek an adult sentence.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Dec-15
<i>Chapter 19: eServices</i>	Page 19.1–1

## 19. eServices

### 19.1 Introduction

#### 19.1.1 Definition

eServices allows clients secure access to confidential, legal and personal information and services via their biometric fingerprints and a secure eDevice located in a community corrections office or correctional centre.

#### 19.1.2 Access and use

1. eServices is an electronic interface located in community corrections offices that provides clients access to:
  - View their personal information collected by the Corrections Branch; and
  - eReporting, used to report to a probation officer, if determined suitable.
2. All clients who have had their fingerprints biometric enrolled in CORNET will have access to eServices, where available.

#### 19.1.3 Biometric enrolment

1. The biometric capture system enables the capture and storage of digital versions of fingerprints for identification, security and access to eServices to which CORNET is linked.
2. Legislative authority for the collection of fingerprints is found in section 26(c) of the *Freedom of Information and Protection of Privacy Act* of British Columbia.
3. Probation officers and, when directed by the local manager, administrative staff are responsible for enrolling all clients with fingerprints biometric.
4. All clients are required to sign a *Privacy and Information Acknowledgement for the Enrolment of Fingerprint Biometrics* form. This form is scanned and attached to the CORNET Client Log.
5. Refusal by a client to provide the requested biometric is noted in the CORNET Client Log and precludes access to eServices.
6. To achieve optimal accuracy, the biometric capture system requires the thumb, pointer and middle finger of both hands to be captured three times during enrolment.



Issued: Dec-15	<b>B.C. Corrections Branch Community Corrections Policy Manual</b>
Page 19.1–2	<i>Chapter 19: eServices</i>

7. In the event all referenced fingers cannot be captured, staff enroll available fingerprints and record the reasons in the CORNET Client Log. Alternative fingerprints capture must include a minimum enrolment of two fingerprints.
8. A client's eServices are automatically enabled following biometric enrolment with the exception of eReporting which is initiated by staff.
9. Staff ensure the fingerprints biometric is saved to the correct C.S. number. If the fingerprints biometric is inadvertently or accidentally saved to an incorrect C.S. number, it must be reported to the Operations Support Unit immediately at (250) 387-1605 or *OSU@gov.bc.ca*.

<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>	Issued: Dec-15
<i>Chapter 19: eServices</i>	Page 19.2–1

## **19.2 MyInfo eService**

### **19.2.1 Definition**

MyInfo is a suite of eServices used by clients to access their personal information collected by the Corrections Branch.

### **19.2.2 Access and use**

1. Access to MyInfo requires the client to have an active biometric.
2. MyInfo allows clients on community supervision to access personal information, including:
  - Probation officer and office location;
  - Next court date information;
  - Conditions for all active and pending court orders requiring supervision;
  - Dates associated with jail terms and terms of community supervision;
  - Corrections client history; and
  - Current and historical core program information.

Issued: Dec-15	<b>B.C. Corrections Branch</b> <b>Community Corrections Policy Manual</b>
Page 19.1–2	<i>Chapter 19: eServices</i>

## ***19.3 eReporting eService***

### **19.3.1 Definition**

eReporting is an intervention that provides suitable clients on community supervision the ability to electronically report to a probation officer.

### **19.3.2 Access and use**

1. Access to eReporting requires the client to have an active biometric and eReporting profile enabled in CORNET.
2. All clients sign an eReporting Agreement acknowledging understanding of their obligation to report and how to report.
3. eReporting may be used to assist in monitoring compliance of clients under community supervision.
4. Probation officers use their structured professional judgement to determine client suitability for eReporting throughout their term of supervision.
5. Clients requiring more intensive supervision are not suitable for the use of eReporting as the only means of intervention.

# Sex Offender Residence Approval and Notification Guidelines | 2013

---

The following guidelines are designed to assist managers and staff to interpret and apply the policy related to residence approval and notification in s. 11.5.5 and chapter 4 of the *Community Corrections Policy Manual*. Probation officers consult with their local manager regarding residence approval and notification decisions.

## 1. Sex Offender Cases with Residence Approval Conditions:

- ❖ When the court has imposed a specific condition requiring a probation officer to approve the residence of a sex offender bound by a bail or sentenced order for community supervision, the following considerations apply. Following completion of a home visit and consultation with the local manager, if there is a concern about an accused/offender residing in a residence where there is potential for conflict with a protective or area restriction condition, or there are individuals who fit the profile of current or previous victims living in the residence, probation officers:
  - Inform the offender the residence is not approved, the rationale for same, and direct the offender to obtain an alternative residence which is consistent with court ordered conditions;
  - Provide the offender with approximately 5 working days to confirm a verifiable **plan** to comply with one of two options:
    - Option 1: Agreement to vacate the residence within a reasonable time frame and the steps required to do so (i.e. provide notice to landlord); or
    - Option 2: Offender is returning the matter to court immediately to obtain court permission to remain at the residence;
  - Assess the need for notification to the individual, the parents or guardians of individuals who fit the profile of previous victims and other affected parties within the residence, including reporting of child protection concerns to the Ministry for Children and Family Development. If notification is deemed necessary to enhance safety, it is conducted as soon as possible and should not be delayed to accommodate offender initiated returns to court to obtain permission to remain at the residence or prevent the notification; and
  - Commence enforcement proceedings if the offender refuses to leave the residence.
- ❖ Not all multi-resident accommodations should be treated equally when making residence approval determinations. Policy provides a broad lens from which to view residence, which MAY include single family dwellings, suites, duplexes, triplexes, condominium or apartment complexes and mobile home parks. This is not to suggest that any particular type of residence is precluded from approval by definition, but rather that every residence must be fully investigated relative to physical configuration, presence of shared common areas and potential for conflict with a protective/area restriction condition.
- ❖ Residence approval is provided **CONDITIONALLY** on the basis that the circumstances of the residence do not change. Probation officers conduct regular home visits and collateral checks to monitor the continuing appropriateness of a residence.

- ❖ When communicating with Crown counsel relative to an application by the offender to obtain permission of the court to remain at a residence, probation officers clearly articulate the specific details of why a residence has not been approved (i.e. presence of shared common areas, children protected by court ordered condition residing/regularly visiting within the building, proximity to areas restricted by court ordered condition, etc).

## 2. Sex Offender Cases without Residence Approval Authority:

- ❖ Court ordered conditions requiring a client to reside at a specific address or to simply inform the probation officer of their current residential address are common. **Probation officers do not have the authority to direct an accused/offender to move when the order includes conditions of this nature.** Following completion of a comprehensive home visit and consultation with the local manager, if there is a concern about an accused/offender residing in a residence where there is potential for conflict with a protective or area restriction condition, or there are individuals who fit the profile of current or previous victims living in the residence, probation officers:
  - Inform the client of specific concerns regarding the residence and discuss alternative residential arrangements that would be more appropriate (Probation Officers do not have authority to direct the offender to move in these cases);
  - Inform Crown Counsel of the residential arrangements of the offender and the specific concerns noted from the home visit and:
    - Assess whether the Court was aware of these circumstances when the order was made; and
    - Canvas whether Crown Counsel intends to return the order to court to seek more appropriate conditions.
  - Assess the need for notification to the individual, the parents or guardians of individuals who fit the profile of previous victims and other affected parties within the residence, including reporting of child protection concerns to the Ministry for Children and Family Development. If notification is deemed necessary to enhance safety, it is conducted as soon as possible and should not be delayed to accommodate offender initiated returns to for the purpose of delaying the notification.
- ❖ When communicating with Crown counsel about an order which does not provide the probation officer with authority to approve residence, probation officers clearly articulate the specific circumstances which give rise to concern and provide input when requested regarding conditions which would enable the probation officer to manage the order more effectively.
- ❖ S. 524 bail reviews are **NOT** used as a method of returning bail cases to court for consideration of condition modifications in the absence of reasonable and probable grounds to believe that an accused has or is about to actually contravene a condition of bail. The mere presence of shared common areas or potential for conflict with a protective condition does not meet the test for demonstrating reasonable and probable grounds. If there are concerns relative to bail orders which do not provide for bail supervisor

approval of residence, the specific concerns and suggested conditions which would enable the bail supervisor to manage the case more effectively are provided to Crown counsel in writing for consideration prior to the next appearance of the accused.

### Notification

- ❖ Notification expectations are defined in legislation (*Freedom of Information and Protection of Privacy Act*) and have always been an expectation of offender case management. Community Corrections policy articulates this expectation relative to residence approval and related considerations, and has enhanced guidance in terms of information which may be released when conducting a notification.
- ❖ Notifications are conducted to enhance the safety of potential victims and are not used as leverage to convince an offender to vacate a residence, particularly when the probation officer has no authority to approve the residence or direct the offender to move. If notification has been deemed necessary to enhance the safety and protection of individuals covered by a protective condition, it should be conducted as soon as possible and independent of outstanding issues related to residence (i.e. offender initiated application to court, enforcement, etc).
- ❖ In considering the need for notification, the probation officer checks with the court registry to determine if a ban on publication exists, and if so, the details of the ban. Most bans apply only to information that may identify the victim or witnesses. In incest cases, bans often apply to the offender, because release of the offender's name could identify the victim.
- ❖ When assessing the need for notification to enhance the safety of potential victims, probation officers consider risk factors in consultation with their local manager. Risk considerations include: current offence, offence history, victim profile (age, gender and relationship to the offender), method of access to victims (i.e. grooming, building trust with victims and their caregivers, preying on vulnerable people), and proximity to areas of access/concern (parks, schools, playgrounds, public pools), etc. If a notification is deemed necessary, probation officers may consult the Privacy and High Risk Offender Notification Analyst for guidance and information about carrying out the notification.
- ❖ When conditions of an order require probation officer approval of a residence, the residence must meet the policy criteria for approval, regardless of conducting notification. That is to say conducting a notification is insufficient to render a residence suitable if there is a concern about an offender residing in a residence where there is potential for conflict with a court ordered condition or there are individuals who fit the profile of current or previous victims living in the residence.

### 3. Additional Information

- ❖ The information included in this document is intended to support consistent interpretation and application of policy. Managers and staff refer to the *Community Corrections Policy Manual* as the definitive source of policy direction. Listed below are frequently accessed sections of policy related to residence approval:

- Home visits
  - s. 8.4
  - s. 11.5.11 and 11.5.12
- Residence approval
  - s. 11.5.5
- Notification
  - Chapter 4

Questions related to these guidelines and the application of policy outlined in s. 11.5.5 and chapter 4 of the *Community Corrections Policy Manual* may be directed to the High Risk Offender Analyst.