

## **2019/20 ESTIMATES NOTE**

## **Bail Supervision**

### **Suggested Response:**

- Community corrections staff take their role in monitoring individuals on bail very seriously. Bail supervisors receive specialized training that includes a focus on domestic violence and sex offences.
- Court-ordered conditions are monitored vigilantly, and bail supervisors have the legal authority to report violations to police or Crown counsel, who in turn can initiate charges or bail revocation applications to the court. 2,773 bail violation reports were submitted in 2017/18.
- Upon bail release, victims of violence are informed and advised of protective conditions and how to report violations.
- Individuals on bail have not undergone a trial determining guilt; therefore, BC Corrections has no authority to refer clients to programming or treatment. However, bail supervisors will support bail clients who are seeking help to find resources to address immediate and presenting needs.
- From 2016/17 and 2017/18 the number of bail clients decreased by 1% from 8,329 to 8,268.

### Bail supervision of domestic violence clients:

- Bail supervisors receive extensive training to understand the dynamics of domestic violence and enhance their supervision skills so that they may appropriately contact victims and share information with partners regarding high risk clients.
- Bail supervisors verify compliance with court ordered conditions by contacting collateral references such as s.15  
s.15
- Where court-ordered conditions authorize home visits, bail supervisors conduct home visits for residency approval purposes.
- Government has established comprehensive policy which includes a protocol for high risk cases. Partners including police, Crown counsel, victim services, and child welfare work together to share information and develop comprehensive safety planning and risk mitigation strategies.
- Police conduct risk assessments to identify high-risk cases in domestic violence situations and that information is shared with the bail supervisor.

## ***Confidential***

### **Background:**

- Bail supervisors typically have caseloads of approximately 150 - 200 clients.
- Caseloads fluctuate depending on the number of other cases being supervised by that employee.
- The number of bail clients in FY 2017/18 for the regions are:
  - Fraser Metro: 1760
  - Interior-Fraser: 1856
  - Island Coastal: 1585
  - Lower Mainland: 1439
  - Northern-Interior: 1629

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**2020/21 ESTIMATES NOTE****Bail Supervision****Suggested Response:**

- BC Corrections bail supervisors vigilantly monitor the court-ordered conditions of their bail clients and have the legal authority to report violations to police or Crown counsel, who in turn can initiate charges or submit a bail revocation application to the court.
- Upon a client's bail release, victims of their violence are informed and advised of the protective conditions in place<sup>s.15</sup> (3,662 bail violation reports were submitted in 2019, an increase of 72% since 2015.)
- Individuals on bail have not undergone a trial determining guilt; therefore, BC Corrections has no authority to refer a bail client to programming or treatment but will support bail clients who are seeking help to find resources to address immediate and presenting needs.

**Bail supervision of clients accused of intimate partner violence offences:**

- Bail supervisors receive extensive training to understand the dynamics of intimate partner violence and enhance their supervision skills so that they may appropriately contact victims and share information with partners regarding high-risk clients.
- Police, Crown counsel, victim services and child welfare work closely with BC Corrections to share information and develop comprehensive safety planning and risk mitigation strategies to help prevent intimate partner violence.
- Bail supervisors verify compliance with court-ordered conditions by contacting collateral references such as s.15<sup>s.15</sup>
- When court-ordered conditions authorize home visits, bail supervisors conduct home visits for residency approval purposes.

**Background:**

- From 2015 to 2019, the number of bail clients remained relatively stable with 7,880 in 2015 and 8,168 in 2019; caseloads fluctuated depending on the volume and complexity of the cases being supervised by that employee.

- The number of bail clients in 2019 for the regions are:
  - Fraser Metro: 1,679
  - Interior-Fraser: 1,860
  - Island Coastal: 1,652
  - Lower Mainland: 1,368
  - Northern-Interior: 1,609

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## **2017/18 ESTIMATES NOTE**

## **Bail Supervision**

### **Suggested Response:**

- Bail supervisors monitor compliance with court-ordered conditions and have the legal authority to enforce reported violations using the bail review provisions of the *Criminal Code*. This may lead to arrest and review of bail by the court and/or new charges.
- Upon bail release, victims of violence are contacted to inform them of the accused's status in the community, including court-ordered protective conditions and s.15
- Persons released on bail have not undergone a trial determining guilt; therefore, the Corrections Branch has no authority to refer clients to programming or treatment. However, bail supervisors will support people who are seeking help in finding resources to address immediate and presenting needs.
- From 2015/16 fiscal year through fiscal year 2016/17, the total number of clients under bail supervision in B.C. has increased (from 8,015 to 8,676).

### **If asked about bail supervision of domestic violence clients:**

- Our community corrections staff take their role in monitoring individuals accused or convicted of domestic violence extremely seriously.
- Bail supervisors monitor compliance with court-ordered conditions and have the legal authority to report violations to police, who in turn can recommend charges or bail revocation to Crown.
- Bail supervisors receive extensive training in domestic violence to understand the dynamics of domestic violence and enhance their supervision skills, including contacting victims and sharing info with partners regarding high risk clients.
- Bail supervisors verify compliance with conditions of the order by contacting collateral references such as: s.15  
s.15 Where court-ordered conditions authorize, bail supervisors conduct home visits for residency approval purposes.
- Government has established comprehensive policy which includes a protocol for high risk cases. Partners including police, crown, corrections, victim services, and child welfare work together through heightened information sharing and developing comprehensive safety planning and risk mitigation strategies. Police have now been trained to conduct risk assessments to identify high-risk cases in domestic violence situations and that information is shared with the bail supervisor.

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### **Background:**

- Bail supervisors receive specialized training that includes a focus on domestic violence and sexual offences.
- Where court-ordered conditions authorize, bail supervisors conduct home visits for residency approval purposes.
- Bail supervisors verify compliance with conditions of the order by contacting collateral references such as: s.15  
s.15
- For the 2016/17 fiscal year, the number of bail violation reports submitted by bail supervisors to Crown Counsel was 2,925. This does not account for bail reviews or violations submitted by police.
- Bail supervisors typically have caseloads of approximately 150 - 200 clients.
- A bail supervisor's caseload fluctuates depending on the number of alternative measures referrals and community work service clients also being supervised by that employee.
- The average number of clients under bail supervision increased from 8,074 in 2010/11 fiscal year to 8,676 for the 2016/17 fiscal year.
- The number of bail orders in FY 2016/17 for the regions are:
  - Fraser Metro: 1,880
  - Interior-Fraser: 1,922
  - Island Coastal: 1,592
  - Lower Mainland: 1,530
  - Northern-Interior: 1752

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**Confidential**

## **2018/19 ESTIMATES NOTE**

## **Bail Supervision**

### **Suggested Response:**

- Our community corrections staff take their role in monitoring individuals while on bail in the community very seriously.
- Bail supervisors receive specialized training that includes a focus on domestic violence and sex offences.
- Court-ordered conditions are monitored vigilantly and bail supervisors have the legal authority to report violations to police or Crown, who in turn can initiate charges or bail revocation to the court.
- 2,925 bail violation reports were submitted in 2016/17.
- Upon bail release, victims of violence are informed and advised of protective conditions s. 15 s. 15
- Individuals on bail have not undergone a trial determining guilt; therefore, BC Corrections has no authority to refer clients to programming or treatment.
- However, bail supervisors will support people who are seeking help in finding resources to address immediate and presenting needs.
- From 2015/16 and 2016/17 the number of bail clients increased by 8% from 8,015 to 8,676.

### Bail supervision of domestic violence clients:

- Bail supervisors receive extensive training in domestic violence to understand the dynamics of domestic violence and enhance their supervision skills so that they may appropriately s. 15 regarding high risk clients.
- Bail supervisors verify compliance by contacting collateral references such as: s. 15 s. 15
- Where court-ordered conditions authorize, bail supervisors conduct home visits for residency approval purposes. s. 13

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- Government has established comprehensive policy which includes a protocol for high risk cases. Partners including police, Crown, victim services, and child welfare work together to share information and develop comprehensive safety planning and risk mitigation strategies.
- Police conduct risk assessments to identify high-risk cases in domestic violence situations and that information is shared with the bail supervisor.

### **Background:**

- Bail supervisors typically have caseloads of approximately 150 - 200 clients.
- Caseloads fluctuate depending on the number of other cases being supervised by that employee.
- The number of bail orders in FY 2016/17 for the regions are:
  - Fraser Metro: 1,880
  - Interior-Fraser: 1,922
  - Island Coastal: 1,592
  - Lower Mainland: 1,530
  - Northern-Interior: 1,752

s.13

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C557598

August 14, 2019

All Staff  
Community Corrections Division

Re: Varied Bail Orders

Since May 2014, Court Services Branch policy regarding varied bail orders has outlined court registry staff responsibility to update the bail order in JUSTIN to 'varied' and apply a watermark to the document before re-distributing to justice agencies. When this occurs, the watermark on the 'varied' document will read: "VARIED 'file number' on 'date' – see replacement order dated <insert date>".

Concerns have been raised recently regarding different practices being used to manage what appears to two active bail orders on the same file(s).

To address this issue, community corrections staff are advised that, once the varied bail order is received with the watermark stating, "see replacement bail order", the previous bail order should be closed in CORNET to Supervision End (SE), and the replacement bail order must be brought in from JUSTIN if reporting remains a requirement.

It is important to note that the Court Services Branch policy referenced above does not replace the bail cancellation process. When a new bail document is issued on a matter that is already being supervised by community corrections, if the previous bail order document status in JUSTIN is not flagged as "cancelled" or "varied", the previous bail order must remain open. Crown counsel is advised in these instances to ensure the matter is addressed by the court.

Questions related to varied bail orders may be directed to Micheal Larocque, a/policy and program analyst, at (778) 698-7503 or [Micheal.Larocque@gov.bc.ca](mailto:Micheal.Larocque@gov.bc.ca).



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C569946

May 25, 2020

All Staff  
Community Corrections Division

## Re: Consent Bail Variations

In response to the COVID-19 pandemic, the Provincial Court of BC has permitted consent bail variations since March 20, 2020. Consent bail variations allow changes to be made to bail orders with the consent of the prosecutor, accused, and surety as permitted under sec. 519.1 of the Criminal Code.

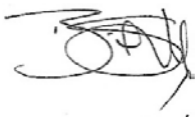
Previous messaging distributed to office managers across the Community Corrections Division provided an interim practice for processing consent bail variations that included manually entering these variations. The manual entry of consent bail variations may now be discontinued.

On May 20, 2020, the Court Services Branch (CSB) aligned the process used to enter consent bail variations in JUSTIN with the process in place to enter court-issued bail variations. As a result, when a consent bail variation is issued, court registry staff will update the bail order in JUSTIN to 'varied' and apply a watermark to the document before re-distributing to justice agencies. When this occurs, the watermark on the 'varied' document will read: "VARIED 'file number' on 'date' – see replacement order dated <insert date>".

Effectively immediately, once the consent bail variation is received with the watermark described above, the previous bail order should be closed in CORNET to Supervision End (SE), and the replacement bail order is brought in from JUSTIN if reporting remains a requirement.

Please note the CSB policy referenced above does not replace the bail cancellation process. When a new bail document is issued on a matter that is already being supervised by the Community Corrections Division, the previous bail order must remain open if the previous bail order document status in JUSTIN is not flagged as "cancelled" or "varied". Crown counsel is advised in these instances to ensure the matter is addressed by the court.

Questions related to consent bail variations may be directed to Micheal Larocque, policy and program analyst, at (778) 698-7503 or Micheal.Larocque@gov.bc.ca.



Bill Small  
Provincial Director

Details of Jurisdictional Scan	
<b>Requesting Jurisdiction and Ministry</b>	Ontario - Ministry of the Solicitor General
<b>Subject of Inquiry</b>	Community Corrections (Probation/Parole Officers) providing bail verification and supervision
<b>Questions</b>	
<ol style="list-style-type: none"> <li>1. Do probation officers provide bail verification and supervision to offenders?</li> <li>2. Is there a bail supervision policy? If so, please provide a copy.</li> <li>3. Do probation officers enforce non-compliance of bail conditions; are there legislative regulations guiding a probation officers enforcement of bail conditions (i.e. do probation officers swear <i>Informations</i> relating to enforcement or do they rely on police services?)</li> <li>4. Is there a specific training curriculum for probation officers supervising bail?</li> <li>5. What types of programming are offered to offenders under bail supervision?</li> <li>6. Are there specific challenges faced with the dual supervision of probation and bail conditions?</li> <li>7. Does probation oversee bail bed contracts/agreements?</li> <li>8. How are referrals made and who monitors the bail bed agreements?</li> <li>9. What is the average case load of probation officers in your jurisdiction?</li> <li>10. Are there bail supervision committees to assist in the development of bail programs and oversight of bail supervision?</li> <li>11. Is there shared technology with courts/police/stakeholders to assist in bail supervision programs?</li> <li>12. What is the average length of time someone is on bail?</li> <li>13. How are bail supervision and bail bed programs evaluated to measure program success and effectiveness?</li> <li>14. Is there data collection for those under bail supervision to monitor re-offend rates and court outcomes?</li> </ol>	
<b>Date of Request</b>	September 22, 2020
<b>Response Required by</b>	October 9, 2020

## Provincial / Territorial Response

1. Do probation officers provide bail verification and supervision to offenders? BC Corrections probation officers fulfil the role of bail supervisor to provide supervision services to adults subject to bail orders with conditions to report to a bail supervisor.

2. Is there a bail supervision policy? If so, please provide a copy. Please see attached.



BC Corrections  
Community Correction

Do probation officers enforce non-compliance of bail conditions; are there legislative regulations guiding a probation officers enforcement of bail conditions (i.e. do probation officers swear *Informations* relating to enforcement or do they rely on police services?) BC Corrections bail supervisors enforce non-compliance of bail conditions. When considering enforcement under section 145 of the *Criminal Code*, bail supervisors submit a Report to Crown Counsel (RCC) for charge approval. Once approved by Crown counsel, the bail supervisor swears the information before a Justice of the Peace at the Provincial court.

When considering enforcement under section 524 of the *Criminal Code*, the bail supervisor submits a request for a warrant under section 512.3 of the *Criminal Code* by way of RCC. Crown counsel then requests a warrant to be issued from the court. Bail supervisors do not swear informations related to enforcement under 524 of the Criminal Code.

Bail supervisor enforcement of bail orders is usually limited to conditions that are directly related to the bail supervisor's involvement such as reporting or other conditions for which the bail supervisor has given direction. Police enforce other conditions such as curfews and protective conditions.

Over the past year we have seen an increase in bail enforcement under section 524 of the Criminal Code given recent Supreme Court of Canada rulings and the legislative amendments to the *Criminal Code* that came into force in 2019.

3. Is there a specific training curriculum for probation officers supervising bail? BC Corrections, in partnership with the Justice Institute of BC, provides specific training for probation officers who will be supervising bail orders. Course material includes systems training, privacy training and a focus on policy and procedures.
4. What types of programming are offered to offenders under bail supervision? No programming is offered to those under bail supervision.
5. Are there specific challenges faced with the dual supervision of probation and bail conditions? Probation officers supervising multiple court orders, including a sentenced order and bail order, review the conditions imposed on each order to confirm there are not contradicting conditions. If contradicting conditions are found, an order may be returned to court.

6. Does probation oversee bail bed contracts/agreements? No, BC Corrections does not oversee bail bed contracts/agreements.
7. How are referrals made and who monitors the bail bed agreements? N/A
8. What is the average case load of probation officers in your jurisdiction?  
The average count of sentenced clients in 2019 was 12,245 and the average daily bail count in 2019 was 8,169. Specific case loads vary in size and dependant on the file designation for sentenced orders (e.g. Sex Offender vs Generic Offender). Bail caseloads also fluctuate throughout the province although are routinely higher in volume when compared to a sentenced caseload.
- The Community Corrections Division has a total of 432 Full Time Equivalent (FTE) positions within 3 probation officer (PO) classifications:
- 70 Probation Officer 14 FTEs (responsible for the vast majority of bail supervision);
  - 313 Probation Officer 24 FTEs;
  - 49 Senior Probation Officer 27 FTE's.
9. Are there bail supervision committees to assist in the development of bail programs and oversight of bail supervision? Regional committees of Senior Probation Officers responsible for overseeing bail supervisors meet on a regular basis to discuss trends and common themes.
10. Is there shared technology with courts/police/stakeholders to assist in bail supervision programs? In addition to bail supervision provided by BC Corrections, police monitor court-imposed conditions in the community. Most police agencies have access to CORNET, BC Corrections' client management database. BC Corrections and police both have access to JUSTIN, B.C.'s court database.
11. What is the average length of time someone is on bail? The length of time someone is on bail varies in British Columbia. Additionally, the current COVID pandemic has anecdotally contributed to delays in the court process which may be resulting in longer periods of bail. BC Corrections does not evaluate the average length of time someone remains on bail.
12. How are bail supervision and bail bed programs evaluated to measure program success and effectiveness? N/A
13. Is there data collection for those under bail supervision to monitor re-offend rates and court outcomes? Yes. BC Corrections collects data for those under bail supervision which may be used to inform recidivism rates and court outcomes.

**Resource person**

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## 6. Bail Supervision

### 6.1 Overview (revised: Dec-19)

#### 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. Release order made under section 493, *Criminal Code*: The accused signs a release order to abide by conditions directed by the justice or judge to appear in court at a designated time and date.
2. Undertaking made under section 499 or 503, *Criminal Code*: The accused is signs an undertaking issued by a police officer to abide by conditions and appear in court. Crown counsel may apply for a court issued release order to replace the undertaking.
3. 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.
4. Recognizances: issued under provincial statutes or during the appeal process.

#### 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.

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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 intimate partner violence (K file) client is supervised according to bail policy in chapter 12, Intimate Partner Violence: K Files.

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## **6.2 Pre-Bail Inquiries (revised: Dec-19)**

### **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, intimate partner violence, 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.



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### **6.3 Judicial Review Hearing**

1. A judicial referral hearing (JRH) is a bail review process initiated by police for administration of justice offences and provides an alternative to laying a new charge. The JRH allows for bail conditions to be varied while ensuring public safety.
2. When an accused is scheduled to attend a JRH, Crown counsel may contact the probation officer seeking information related to the circumstances of the accused.

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## **6.4 Initial Interview (revised: Jul-20)**

### **6.4.1 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.

### **6.4.2 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, release orders recognizances when the accused signs the order and is released. When sureties are required on an order, bail is perfected when the court accepts the surety and the accused is released.

### **6.4.3 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.

### **6.4.4 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).

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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. For conditions relating to social media, refer to section 2.7.10.

#### **6.4.5 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*.

#### **6.4.6 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.

#### **6.4.7 Victim notification**

1. In cases involving violence, sexual offences or intimate partner violence (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.

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2. s.15

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;
  - 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;
  - s.15
  - 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. s.15

#### **6.4.8 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.

#### **6.4.9 CORNET entry**

The primary probation office enters bail orders in CORNET within two working days of receipt of the order. Probation officers are responsible for reviewing and maintaining accuracy of order start and expiry dates for all clients assigned to them in CORNET.

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## **6.5 Case Management (revised: Dec-19)**

### **6.5.1 No risk/needs assessment**

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

### **6.5.2 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.

### **6.5.3 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.

### **6.5.4 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;

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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.

### **6.5.5 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.

### **6.5.6 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.

### **6.5.7 Varying an order**

1. When an accused seeks to vary a bail order, an application is made to the court, and the accused appears before the court.
2. In cases involving violence, sexual offences or intimate partner violence (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. s.15
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.

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### **6.5.8 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.

### **6.5.9 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*.

### **6.5.10 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.

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## **6.6 Enforcement (revised: Dec-19)**

### **6.6.1 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.

### **6.6.2 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.

### **6.6.3 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.

### **6.6.4 Breach of protective conditions**

1. Any condition requiring that an accused abstain from communicating, directly or indirectly, with any victim, witness or other person identified in the order, except in accordance with any specified conditions, is effective from the moment it is made, whether or not the accused has been released from custody.
2. 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.
3. 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.



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### **6.6.5 Victim notification**

1. In cases of violence, sexual offences or intimate partner violence (K files), reasonable efforts are made to inform the alleged victim of breach proceedings 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. s.15

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7th floor, 1001 Douglas Street, Victoria BC V8W 9J7 Telephone: 250 356-7930 Fax: 250 952-6883

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October 22, 2020

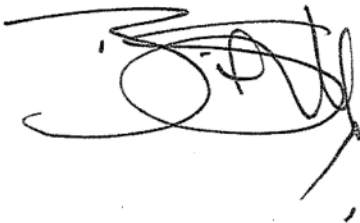
All Staff  
Community Corrections Division

## **Re: Bail Supervision – Scheduling of Next Court Dates**

Court Services Branch has advised the Community Corrections Division that the scheduling of next court dates in JUSTIN may be delayed up to three weeks as provincial courts return to full operational capacity. Judicial Case Managers (JCMs) are working through a backlog of court hearings while navigating an increase in JCM responsibilities resulting from virtual court proceedings.

In instances when the delay in scheduling the next court date exceeds 30 days and results in the bail order being closed by CORNET, probation officers are advised to contact the originating court registry to confirm the next court date, and then contact the Operational Support Unit (OSU) at [OSU@gov.bc.ca](mailto:OSU@gov.bc.ca) to request the bail order be re-activated.

Questions or concerns related to these updates may be directed to Micheal LaRocque, policy and program analyst, at (778) 698-7503 or [Micheal.LaRocque@gov.bc.ca](mailto:Micheal.LaRocque@gov.bc.ca).



Bill Small  
Provincial Director

Details of Jurisdictional Scan	
<b>Requesting Jurisdiction and Ministry</b>	Nova Scotia – Department of Justice
<b>Subject of Inquiry</b>	Bail Supervision
<b>Questions</b>	<p>1. Do you have a bail supervision program?</p> <p><b>Yes</b> – BC has provided supervision of bail orders for more than 40 years where the releasing police agency or courts direct an accused to report to a bail supervisor as a condition of a UTA or Release Order.</p> <p>Currently in BC, more than 9000 people are supervised by BC Corrections on some form of supervised pretrial release</p> <p>2. Does it involve the use of electronic monitoring?</p> <p><b>Yes</b> – while BC's electronic supervision program was developed with the express intent of supervising sentenced clients whose risk level and conditions warrant additional supervision by way of GPS monitoring, ES must be imposed as a condition of an order. Courts in BC have focussed their use of ES into supporting bail conditions. As of last reporting at the end of October, of the 192 people subject to supervision on electronic supervision in BC, 168 were required to do so as a result of a condition of their bail.</p> <p>s.12; s.13</p>
<b>Date of Request</b>	November 23, 2020
<b>Response Required by</b>	November 30, 2020
Jurisdictional Response	

British Columbia	
<b>Resource person</b>	Name: Bill Small Title: Provincial Director Email: <a href="mailto:Bill.Small@gov.bc.ca">Bill.Small@gov.bc.ca</a> Telephone: 250-356-7930

Send to: [Brenda.Young@novascotia.ca](mailto:Brenda.Young@novascotia.ca)

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s.12; s.13; s.14

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Withheld pursuant to/removed as

s.13; s.12; s.14

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Withheld pursuant to/removed as

s.12; s.13; s.14

## **2016/17 ESTIMATES NOTE**

## **Bail Supervision**

### **Suggested Response:**

- Bail supervisors monitor compliance with court-ordered conditions and have the legal authority to enforce reported violations using the bail review provisions of the *Criminal Code*. This may lead to arrest and review of bail by the court and/or new charges.
- Upon bail release, victims of violence are contacted to inform them of the accused's status in the community, including court-ordered protective conditions s.15
- Persons released on bail have not undergone a trial determining guilt; therefore, the Corrections Branch has no authority to refer clients to programming or treatment. However, bail supervisors will support people who are seeking help in finding resources to address immediate and presenting needs.
- From 2014/15 fiscal year through fiscal year 2015/2016, the total number of clients under bail supervision in B.C. has increased (from 7,397 to 8,015).

### **If asked about bail supervision of domestic violence clients, given they carry caseloads of 160 or more:**

- Our community corrections staff take their role in monitoring individuals accused or convicted of domestic violence extremely seriously.
- Bail supervisors monitor compliance with court-ordered conditions and have the legal authority to report violations to police, who in turn can recommend charges or bail revocation to Crown.
- Bail supervisors receive extensive training in domestic violence to understand the dynamics of domestic violence and enhance their supervision skills, including contacting victims and sharing info with partners regarding high risk clients.
- Upon bail release, victims of violence are contacted to inform them of the accused's status in the community including court-ordered protective conditions s.15
- Bail supervisors verify compliance with conditions of the order by contacting collateral references such as: s.15  
Where court-ordered conditions authorize, bail supervisors conduct home visits for residency approval purposes.



## ***Confidential***

- Government has established comprehensive policy which includes a protocol for high risk cases. Partners including police, crown, corrections, victim services, and child welfare work together through heightened information sharing and developing comprehensive safety planning and risk mitigation strategies. Police have now been trained to conduct risk assessments to identify high-risk cases in domestic violence situations and that information is shared with the bail supervisor.

### **Background:**

- Bail supervisors receive specialized training that includes a focus on domestic violence and sexual offences.
- Where court-ordered conditions authorize, bail supervisors conduct home visits for residency approval purposes.
- Bail supervisors verify compliance with conditions of the order by contacting collateral references such as: s.15  
s.15
- For the 2015/16 fiscal year, the number of bail violation reports submitted by bail supervisors to Crown Counsel was 2,386. This does not account for bail reviews or violations submitted by police.
- Bail supervisors typically have caseloads of approximately 200 clients.
- A bail supervisor's caseload fluctuates depending on the number of alternative measures referrals and community work service clients also being supervised by that employee.
- The average number of clients under bail supervision decreased slightly from 8,074 in 2010/11 fiscal year to 8,015 for the 2015/16 fiscal year.
- The number of bail orders in FY 2015/2016 for the regions are:
  - Fraser Metro: 1,668
  - Interior-Fraser: 1,614
  - Island Coastal: 1,508
  - Lower Mainland: 1,494
  - Northern-Interior: 1,731

Contact: Cindy Hoffmann	Phone: 250-387-5991	Mobile: s.17
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**Remand Length of Stay Days- 2015-2020**

	# of Remand Stays	Average	Median	Minimum	Maximum
2015	13,804	33.2	11	1	1,430
2016	14,655	36.6	12	1	1,915
2017	14,035	40.8	13	1	2,228
2018	12,997	43.1	14	1	1,917
2019	12,364	44.1	15	2	1,701
2020	8,071	54.4	19	2	2,092

Note: Data extracted on 2021-Jan-27.

The remand length of stay days is calculated upon release from provincial custody.