



Sarnia Police Services Board Policy

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SPS-BP-LE-047

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Approved By: Board Chair	Signature: <i>Paul Wiersma</i>

A Legislative/Regulatory Requirements

Section 25(3) of the **Corrections and Conditional Release Act (CCRA)** requires that Correctional Service Canada, where they have reasonable grounds to believe that an inmate who is about to be released by reason of the expiration of the sentence will, on release, pose a threat to any person, prior to the release and on a timely basis, take all reasonable steps to give the police all information under its control that is relevant to that perceived threat.

The **Ministry of Correctional Services Act (MCSA)** as amended by the **Community Safety Act, 1997 (CSA)** proclaimed on June 4, 1998, provides the ability for authorized ministry staff to release to a Chief of Police or designate personal information about an individual, in accordance with the regulations, when there are reasonable grounds to believe that the individual poses a "significant risk of harm to other persons or property", and reasonably believes that disclosure will reduce that risk.

Section 41(1.1) of the **Police Services Act (PSA)** as amended by the **Community Safety Act, 1997** allows for the Chief of Police, or designate, to disclose personal information about an individual in accordance with regulations.

Further, section 41(1.2) of the **PSA** requires that any disclosure made under subsection (1.1) be for one or more of the following purposes:

Protection of the public;

Protection of victims of crime;

Keeping victims of crime informed of the law enforcement, judicial or correctional processes relevant to the crime that affected them;

Law enforcement;

Correctional purposes;

Administration of justice;

Enforcement of and compliance with any federal or provincial Act, regulation or government program; and

Keeping the public informed of the law enforcement, judicial or correctional processes respecting any individual.

Section 2(1) of the Disclosure of Personal Information Ontario Regulation 265/98, made under the **PSA**, allows the Chief of Police or designate to disclose personal information about an offender when there are reasonable grounds to believe that the individual poses a significant risk of harm to others or property and the disclosure will reduce the risk posed by the individual. Other sections of the regulation address disclosures made on individuals charged with offences and disclosures allowed to a victim, if requested.

In addition, the **Freedom of Information and Protection of Privacy Act (FIPPA)** section 11(1) states that "Despite any other provisions of this Act, a head shall, as soon as practicable, disclose any record to the public or persons affected if the head has reasonable and probable grounds to believe that it is in the public interest to do so and that the record reveals a grave environmental, health or safety hazard to the public".

Finally, section 5(1) of the **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)** provides similar obligations to disclose records.

This guideline has been developed to assist in establishing a consistent approach in managing the risk to public safety posed by sexual, violent and "potentially dangerous" individuals. It recognizes the need for cooperation between police services and their communities, and the importance of respecting and understanding the needs of victims of crime. It also recognizes the complexity of risk assessment and risk management strategies that has resulted in the need for the establishment of formal protocols with multi-agencies for information sharing and decision-making. In addition, although the ultimate decision on whether to disclose personal information rests with local police services, there is a move towards the use of committees with representatives of the justice system, the medical profession and the community, to assist in the review of risk assessment information and to make recommendations on effective management strategies.

In identifying individuals deemed to be “High-Risk”, evidence would show that there are reasonable grounds to believe that the individual has a high likelihood to commit an offence causing serious harm. An individual may be assessed as “High-Risk” based on the individual’s psychological state and behaviour, such as in some domestic violence cases, even though the individual may not have a prior criminal record or have ever been convicted of a serious personal injury offence. Further, an order under section 810.1 of the Criminal Code does not require a conviction for an offence or even the laying of a charge. It can be obtained by anyone who can establish a reasonable fear that the person in question will commit one or more of the enumerated sexual offences against a person under the age of 14. In addition, a “High-Risk” individual may be identified as a released “Dangerous Offender” or a “Long-Term Offender”, where the substantial risk that they present by their re-offending needs to be managed in the community with intensive supervision and other risk management strategies, including treatment interventions.

For the purposes of this guideline, a “High-Risk” individual is identified through various criteria or factors that may be included in legislation (e.g. Dangerous Offender, Long-Term Offender, detained until warrant expiry); or in policies and procedures (e.g., High-Risk Offender National Flagging System, Ministry’s guidelines on Bail and Violent Crime and Domestic Violence Occurrence) including:

- (a) An offender detained until warrant expiry in consideration of the factors identified in sec. 132 of the **CCRA** and determined likely to commit a further offence involving serious harm or death; a sexual offence against a child; or a serious drug offence prior to the warrant expiry date (Warrant Expiry Inmate Release); or
- (b) An offender placed on the High-Risk Offender National Flagging System who, in the opinion of Crown counsel, has been identified as posing an ongoing serious threat to society. The High-Risk Offender National Flagging System may include Habitual Offenders, Dangerous Sexual Offenders, Dangerous Offenders serving determinate sentence and indeterminate sentence, Long-Term Offenders, Warrant Expiry Inmate Releases, and Judicial Restraint Orders pursuant to section 810.1, 810.01 and 810.2 cc; or
- (c) An individual assessed by correctional authorities or mental health authorities who presents a high risk to commit a sexual offence or an offence likely to cause serious bodily harm or death to another person (factors would support placement in Intensive Supervision correctional plan); or
- (d) An individual where the court has been satisfied that there are reasonable grounds to fear that the individual will cause personal injury or damage.

B Board Policy

1. It is the policy of the Sarnia Police Services Board with respect to high-risk individuals

that the Chief of Police will:

- (a) Work in partnership, where possible, with the local Crown, appropriate community members and agencies, including health care providers, government agencies, municipal officials, other criminal justice agencies, including law enforcement agencies, as well as victim services to ensure a coordinated and effective strategy in response to high-risk individuals that addresses:
 - (i) Bail opposition consistent with the Ministry's guideline on Bail and Violent Crime;
 - (ii) Dangerous offender and long term offender applications;
 - (iii) High-Risk Offender National Flagging System and requirements of CPIC;
 - (iv) Information sharing;
 - (v) Case management planning;
 - (vi) Judicial restraint orders;
 - (vii) Victim assistance; and
 - (viii) Disclosure of information, including community notification and safety planning; and
- (b) Ensure that the police service's skills development and learning plan addresses the training and sharing of information with officers, communication operators/dispatchers and supervisors on the police response to high-risk individuals.