

## **SUBJECT: DANGEROUS AND LONG TERM OFFENDER PROCEEDINGS**

### **POLICY**

Given that all Part XXIV proceedings require the consent of the Attorney General, a prosecutor who is handling a case that qualifies for or likely qualifies for a Part XXIV application must contact the National Flagging System (NFS) Coordinator in Head Office to discuss the case.

Section 752.01 of the *Criminal Code* imposes an obligation on a prosecutor to advise the court as soon as feasible after a finding of guilt, and in any event before sentencing, whether the prosecutor intends to make an application for a Part XXIV assessment. Accordingly, if a prosecutor has a case which falls under or, in the event of guilty plea or conviction will fall under, s. 752.01, the NFS Coordinator should be contacted as soon as possible to discuss making an assessment application. Prosecutors should not wait until conviction, as it often takes time to look at all the circumstances and make the appropriate decision. Similarly, there are some cases in which the offender (and the case) meets the criteria for a "presumptive" dangerous offender (see s. 753(1.1)). The NFS Coordinator must be notified as soon as possible after the charge is laid in cases of this kind.

Prosecutors should appreciate that a matter does not need to meet the criteria in s. 752.01 to justify a Part XXIV assessment. The fundamental question to ask is whether the offender and the case meet the criteria set out in s. 753 (Dangerous Offender) or s. 753.1 (Long-Term Offender). If so, prosecutors must contact the NFS Coordinator to discuss making an assessment application. If a decision is made to proceed with an application under s. 753 or s. 753.1 of the *Criminal Code*, the consent of the Attorney General or the Deputy Attorney General must be obtained before the application can be heard. The NFS Coordinator will prepare the materials for the Attorney General's or Deputy's approval.

In the event an assessment is ordered, the prosecutor must send a copy of the expert's report to the NFS Coordinator immediately upon receiving it. The Coordinator, with the prosecutor's input, will consider whether to authorize a dangerous or long-term offender application in all the circumstances.