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Item No. 11.1.2

**Halifax Regional Council
March 3, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in cursive script, appearing to read "Dan English".

Dan English, Chief Administrative Officer

DATE: February 25, 2009

SUBJECT: Resolution #09-2008 - Chronic Offenders

ORIGIN

Big City Mayors Caucus (BCMC) has referred the chronic offenders resolution of the Canadian Association of Chiefs of Police (CACP) to the Federation of Canadian Municipalities (FCM) Standing Committee on Crime and Public Safety. A resolution endorsing this resolution and referring the matter to FCM is needed from Council before it can proceed.

RECOMMENDATION

It is recommended that Regional Council endorse the CACP Resolution # 09-2008 - Chronic Offenders, and refer the matter to the FCM Standing Committee on Crime and Public Safety.

BACKGROUND

Resolution # 09-2008 - Chronic Offenders, is on the agenda for the next meeting of the Standing Committee on Crime and Public Safety. Before it can proceed, a resolution from Council is required, endorsing the resolution and referring the matter to FCM. FCM cannot expend resources on an issue without Council endorsement.

DISCUSSION

The Resolution submitted by the Law Amendments Committee is as follows:

WHEREAS research has determined that a minority of offenders commit the majority of crime, and;

WHEREAS research has established that significant numbers of these individuals can be fairly categorized as chronic or prolific offenders, and;

WHEREAS these chronic offenders are often given judicial interim release despite the fact that they have lengthy criminal records and have many times in the past broken conditions of bail, and;

WHEREAS these chronic offenders who are released on bail conditions frequently commit further crimes soon thereafter, and;

WHEREAS these chronic offenders rarely receive increased sentences to reflect their habitual criminal behaviour and in fact sometimes receive shorter sentences on subsequent convictions, and;

WHEREAS incarceration is the only effective means by which to redress the problem of incorrigible offenders and thus reduce victimization in our communities.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police calls upon the Federal Minister of Justice to amend the *Criminal Code* so as:

- To establish a definition for the term “chronic offender” based upon a threshold number of offences committed over a distinct period of time;
- To establish the principle in bail hearings that being a chronic offender is *prima facie* proof that section 515(10)(b) & © of the *Criminal Code* have been satisfied;
- To place the onus on a chronic offender who is facing a bail refusal application to show cause why they should be given judicial interim release;

- To remove the sentencing principle established in the *Criminal Code* that requires sentencing judges to consider alternatives to incarceration if the case in question relates to the sentencing of a chronic offender; and
- To mandate ever increasing sentences of incarceration in cases involving chronic offenders for the specific purpose of decreasing victimization.

Commentary:

It is well established that a significant minority of offenders commit the preponderance of crime. Notwithstanding this fact, research has demonstrated that the prolific nature of an individual's criminal record has little impact on the results of either bail refusal applications or sentences that are currently imposed on those who are convicted. This is especially the case with respect to offences which relate to what is commonly referred to as "property crime".

In light of the foregoing, the criminal justice system has demonstrated its inability to effectively manage chronic and prolific offenders. Specifically, it fails to redress the incorrigible behaviour of many individuals who, over a significant period of time, have demonstrated that they will continue to victimize others regardless of any bail conditions imposed on them or sentences handed out pursuant to current sentencing practices. Accordingly, thousands of Canadians are unnecessarily victimized each year.

While it is appreciated that many of these prolific offenders suffer from addiction and mental health issues, it is submitted that the public's right to be protected from their criminal behaviour must be given far greater weight than is currently the case when bail and sentencing matters are considered. The proposed resolution calls for amendments to both the bail and sentencing provisions of the *Criminal Code* with a view to protecting the public from those offenders who have clearly demonstrated their unrelenting willingness to engage in criminal behaviour that directly impacts on other citizens by creating victims, and indirectly impacting the community through higher policing costs.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

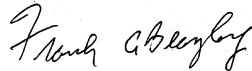
This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

There are no recommended alternatives.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared & Approved by:



Chief Frank Beazley, Halifax Regional Police, 490-6500