

definite sentence for the offence. We stress the need for control even in cases where there may be some doubt.

Mechanism for Assessment

The Committee feels that procedures similar to those outlined in the Ouimet Report for the assessment of dangerous offenders are appropriate.¹⁴

- That dangerous offender legislation empower the court, when it is of the opinion that an offender may be dangerous, to remand him to a diagnostic institution for a maximum period of six months for assessment.
- Should the offender be diagnosed dangerous, he will be given suitable notice that the issue will be decided by the court.
- The offender will have the right to defend himself, and be provided with counsel if he is unable to retain counsel himself.
- If the diagnostic facility does not assess the offender as dangerous, or where the court does not find the offender dangerous, he will be dealt with like an ordinary offender.
- If the court finds the offender is dangerous, he will be sentenced according to provisions of the dangerous offender legislation.
- Such legislation should provide the offender with the right of appeal on any ground of law or fact.

Term of Imprisonment

The advantages and disadvantages of long definite sentences and indeterminate sentences have been well documented. This Committee believes that an indefinite sentence is appropriate for dangerous offenders. Long definite sentences may be imposed under the provisions of the *Criminal Code* for those who commit certain offences considered dangerous. For example, anyone who commits robbery is liable to imprisonment for life; causing bodily harm with intent is punishable by fourteen years. We suggest that anyone who commits such an act should be assessed to determine if in fact he is dangerous. It is reasonable that, if the offender is considered dangerous, his sentence should exceed that of the non-dangerous offender, since dangerous offender legislation is applied because of the probability that he will continue to represent a danger. An indefinite sentence thus provides the public with maximum protection through a long term of imprisonment during which careful study can be given to the offender's eventual release. Some of this protection would be provided because the offender will be on parole for life. The indefinite sentence does not, then, preclude the possibility of parole nor does it preclude a subsequent reduction in parole conditions. It does, however, provide some degree of social protection for the duration of the offender's life.