

person is a dangerous sexual offender upon such an inadequate basis, with the resulting consequence that an indeterminate sentence must be imposed.<sup>5</sup>

Thus psychiatrists have themselves admitted, in testimony to the Canadian Committee on Corrections, that the provisions of the existing legislation (little changed by Bill C-83) were insufficient to allow them to make a proper judgement on the dangerousness of an individual.

In view of this, the Committee recommended that if the Court felt an offender may be a dangerous offender, that he/she be remanded in custody to a diagnostic institution for a period not exceeding six months for diagnosis and assessment.<sup>6</sup> Bill C-83 leaves this to the discretion of the Court (though the period is reduced to one or two months). Because of the difficulty in determining dangerousness, such a provision should be mandatory.

However, there is some doubt as to whether potential dangerousness can be determined at all. As pointed out by Richard V. Erickson, Senior Research Associate and Assistant Professor at the Centre of Criminology at the University of Toronto:

A recent review of research in the United States by Ennis and Litwack revealed that psychiatrists cannot make reliable or valid