

- (m) Indecent assault on a male person (punishable by ten years imprisonment) when committed against a person under a stated age.
- (n) Gross indecency (punishable by five years imprisonment) when committed with or against a person under a stated age.
- (o) Breaking and entering a dwelling house (punishable by life imprisonment) when accompanied by violence against any person therein.

We would add the offence of hijacking (punishable by life imprisonment).

The Ouimet Report goes on to point out that:

The majority of those who commit the offences which would permit the proposed dangerous offender legislation to be invoked are not dangerous in the sense that they are likely to continue to commit violent crimes.¹³

We re-emphasize this point. The offence with which the person is charged serves as the initial indicator or warning signal to the authorities of the possibility that he may be dangerous. We simply submit that, because of the offence, he warrants consideration as a dangerous person. It is then necessary to determine if, in fact, the offender could continue to be dangerous.

2) *Circumstances surrounding the offence.* Circumstances surrounding an offence rather than the offence itself may be a better indicator of whether the offender is dangerous. There is a considerable difference between the offender who assaults another person in the course of an argument and the one who assaults with weapons or in a planned, rational manner.

3) *The offence being part of a continuing dangerous criminal career or activity.* An offender, who, in the past, has committed offences similar to the one which warrants consideration of application of dangerous offender legislation, is more likely to be categorized as dangerous than one who has no such previous convictions. His criminal career may be periodically marked by such offences.

The term "activity" is used to denote ongoing involvement in illegal behaviour of an organized nature. We believe that it is unreasonable to define a specified number of offences as in the existing legislation. Previous offences must, however, be considered. The proposed system has the advantage of providing for incarceration of those who have committed only one dangerous act if they are considered dangerous.

4) *The offender having a propensity toward violence.* This can only be determined by a thorough examination of the character of the accused using the most sophisticated techniques available, i.e., psychiatric examinations and social case histories.

The Committee recognized the difficulty of defining "propensity toward violence" for purposes of predicting future behaviour. The criteria we have set out are not infallible but the proposed system offers an advantage over the old system in that it would be applicable to a greater number of dangerous offenders. A system that is designed to protect society cannot take chances. If dangerous offender legislation is invoked, the system would retain some control over the offender for his lifetime after he has been released from incarceration. For the offender who proves not to be dangerous, this would not be an unreasonable hardship since it is likely that he would have received a long