

A. THE DIFFICULTY IN DETERMINING 'DANGEROUS SEXUAL OFFENDER' STATUS

There is a growing consensus that we don't really know how to assess or predict dangerousness properly. Under existing legislation, as under Bill C-83, the testimony of two psychiatrists is sufficient to allow the Court to declare a person a 'dangerous sexual offender'. Bill C-83 does little to allay the fears of the Canadian Committee on Corrections as outlined in its 1969 Report:

The Committee has been informed by eminent psychiatrists that it is extremely difficult -- if not impossible -- to determine on the basis of an interview or two, with any reasonable degree of accuracy, whether any offender is a dangerous sexual offender. Frequently the opinion of two psychiatrists formed as a result of one or two interviews, supplemented by evidence given at trial and an examination of such documentary evidence as may be available, constituted the principal evidence upon which a finding is made that the accused is a dangerous sexual offender.

The Committee is gravely concerned that the present law permits a determination that a