



Français	Contact Us	Help	Search	Canada Site
About us	Policy	Research	Programs	Newsroom



Quick search

GO

[Home](#)[Home](#) ▶ [Programs](#) ▶ [Corrections](#) ▶ [Protection against high-risk offenders](#) ▶ [Long term offender designation](#)**INFORMATION FOR...**

- ▶ [Citizens](#)
- ▶ [Communities](#)
- ▶ [Governments](#)
- ▶ [Business](#)
- ▶ [First responders](#)
- ▶ [Educators](#)

ALTERNATE PATHS...

- ▶ [A-Z index](#)
- ▶ [Site map](#)
- ▶ [Organization](#)

OF INTEREST...

- ▶ [SafeCanada.ca](#)
- ▶ [Tackling Crime](#)
- ▶ [EP Week](#)
- ▶ [Proactive disclosure](#)

[Printable version](#)[Send this page](#)**Long term offender designation**

The long term offender (LTO) designation was created in 1997, primarily targeting sexual offenders. The legislation was developed in response to concerns that many sexual and violent offenders required specific attention, even though they did not meet the criteria for a dangerous offender designation. The LTO designation is given to individuals convicted of a "serious personal injury offence" who, on the evidence, are likely to re-offend. Offenders who can be managed through a regular sentence, along with a specific period of federal supervision in the community, can be designated a long term offender that can result in a term of supervision after release of up to 10 years after an offender's release.

As of February 28, 2005, there were 300 active LTO offenders in Canada, 187 incarcerated and 113 in the community under supervision. A majority of all LTO designations are a result of sexual offences, but designations have also been made for common and aggravated assault, arson and even impaired driving causing bodily harm.

- [Criteria](#)
- [Application](#)
- [Long term supervision order](#)

Update

- [Minister of Justice proposes stringent new rules to protect Canadians from dangerous and high-risk offenders](#)
October 17, 2006

Criteria

The prerequisites for making a finding that an individual is a long term offender are contained in Section 753.1 of the *Criminal Code of Canada*:

(1) The court may, on application made under this Part following the filing of an assessment report... find an offender to be a long-term offender if it is satisfied that:

- a. *it would be appropriate to impose a sentence of imprisonment of two years or more for the offence for which the offender has been convicted;*
- b. *there is a substantial risk that the offender will re-offend; and*
- c. *there is a reasonable possibility of eventual control of the risk in the community.*

Section 753.1(2) of the *Criminal Code* provides the criteria that the court must consider to conclude that the offender poses a "substantial risk" under (1)(b) above :

- a. *the offender has been convicted of an offence under section 151 (sexual interference), 152 (invitation to sexual touching) or 153 (sexual exploitation), subsection 173(2) (exposure) or section 271 (sexual assault), 272 (sexual assault with a weapon) or 273 (aggravated sexual assault), or has engaged in serious conduct of a sexual nature in the commission of another offence of which the offender has been convicted; and*
- b. *the offender*
 - i. *has shown a pattern of repetitive behaviour, of which the offence for which he or she has been convicted forms a part, that shows a likelihood of*

the offender's causing death or injury to other persons or inflicting severe psychological damage on other persons, or

- ii. *by conduct in any sexual matter including that involved in the commission of the offence for which the offender has been convicted, has shown a likelihood of causing injury, pain, or other evil to other persons in the future through similar offences*

Application

A request for a long term offender designation can be brought as a stand-alone application, or, where the sentencing court refuses an application for a dangerous offender designation, it may instead find the offender to be a long term offender without hearing further evidence.

As in the dangerous offender application, an assessment of the offender's psychological state and his/her behavioural patterns is required prior to the application being heard (s.752.1). After such an assessment has been presented to the court, the provincial Attorney General must consent in writing for the application to proceed.

The provision applies to offenders who do not otherwise meet the criteria of a dangerous offender designation, and while they may pose a risk to re-offend, the evidence is able to satisfy the court that the offender can effectively be controlled in the community under intensive supervision conditions overseen by the National Parole Board after release. The period of supervision can be up to 10 years in duration, with the average supervision period handed down by the courts being approximately 8 years. Any breach of a term of the supervision order is a separate indictable Criminal Code offence under s.753.3, punishable by up to 10 years in prison.

Long term supervision order

The long term supervision order refers to the administrative aspects of the sentence and extends the length of time that the Correctional Service of Canada (CSC) can supervise and support a sex offender in the community *beyond* the completion of his/her regular sentence. The National Parole Board (NPB) under the authority of the *Corrections and Conditional Release Act* will impose a tailored set of conditions on an offender after the expiration of his/her prison sentence. These conditions will include keeping the peace and prohibiting the possession of firearms. Special conditions such as abstaining from intoxicants and participating in counselling may also be imposed by the NPB during the supervision period.