

3.17 OPERATION BREACH (COMPLIANCE CHECKS) - PROBATION ORDERS, UNDERTAKINGS, RECOGNIZANCES

Approved 110316, Department Order 09-11.

A. REFERENCE

1. The Criminal Code of Canada gives police authority to lay charges for the following offences:
 - a. Section 145(3), Breach of an Undertaking or Recognizance.
 - b. Section 733.1, Breach of a Probation Order.

B. POLICY

1. Operation Breach compliance checks shall be performed on persons who have court-imposed terms in a probation order, undertaking and/or recognizance (aka court order) in accordance with the following:
 - a. Compliance checks within a Patrol Division shall be assigned by the Divisional Commander or designate to members working within that Division.
 - b. Compliance checks shall be conducted within each Patrol Division at least once in every 24 hour period.
 - c. The results of each compliance check will be documented by submission of a supplemental text on the associated GO Report. The text shall indicate the time the check was performed, if the subject presented him/herself at the door and any other observations relevant to the subject's conditions.

C. DIVISIONAL COMMANDERS OFFICE

1. Each Divisional Commander's Office will identify those individuals on the list who are believed to be actively committing criminal offences and/or likely to be breaching the conditions of a court order.

D. RECORDS SECTION

1. Records Section staff shall assign a General Occurrence Number to the subject of each type of court order identified within this policy (probation order, recognizance or undertaking) and issued within HRM. The offence code for these files will be Operation Breach. Each court order shall then be entered on the Briefing Report, Operation Breach category. Each entry will contain the following descriptive information:
 - a. Date entry placed on the Briefing Report.
 - b. Name, date of birth and current address of the subject.
 - c. Most current photo, if available, of the subject.
 - d. GO number associated to the probation order, recognizance or undertaking.
 - e. A list of the conditions contained within the original court document.
2. Update the Briefing Report as required to reflect any changes in a subject's address or the conditions of the court order.
3. Notify the NCO i/c and remove an entry from the Operation Breach category of the Briefing Report upon confirmation that the court order has expired. The GO Report shall then be closed by the NCO i/c.
4. Prepare and distribute to sworn personnel a daily Offender Disposition Report containing the name, address, current photo, associated GO Number(s) and disposition particulars of all accused persons who appear in court.

E. DIVISIONAL NCO

1. At the beginning of each shift, review the Operation Breach list on the Briefing Report for the subjects within his/her division and assign compliance checks to members according to the patrol sector in which each subject lives.
2. Reassign any compliance checks during a shift which were unable to be completed by the assigned member and advise the duty Watch Commander by the end of each shift of any compliance checks that were not completed and the reasons why.

F. POLICE OFFICER

1. Members shall conduct assigned compliance checks during the shift in which they were assigned. The investigating officer shall ensure s/he documents each check in the issued notebook and submits a supplemental text as required on the associated GO Number.
2. When a compliance check results in a breach of a condition(s) of an existing court order, the investigating officer shall confirm the conditions with CPIC Transcription before making an arrest.
3. Upon confirming a breach has been committed, the investigating officer shall arrest the subject for the appropriate charge, have a new GO Number generated and then submit a General Occurrence Report for the new charges under the new GO Number in accordance with related policy on [Case Management](#), [GENERAL OCCURRENCE REPORTS](#) and [CHARGES FILES](#). In completing the General Occurrence Report, the officer shall link the new GO Number to the original GO Number assigned to the court order using the Event-to-Event linkage.
4. When a member is unable to complete a compliance check as a result of operational needs, s/he shall advise the Divisional NCO without delay.

Non Responsive

