

Types of Offences

What is a Criminal Offence?

A criminal offence is a violation of any Federal Statute, which essentially means it is an act that contravenes established laws. When an individual commits a criminal offence, they are engaging in behavior that the federal government has deemed unlawful. This can encompass a wide range of actions, all of which are prohibited under the statutes of the country.

Understanding what constitutes a criminal offence is crucial for security guards, as it provides the foundation for recognizing and responding to unlawful activities.

Classification of Offences Under the Criminal Code of Canada

The Criminal Code of Canada classifies offences into three distinct categories based on the severity and nature of the crime committed. These categories are critical for security guards to comprehend, as they directly impact the legal authority and procedures for making an arrest.

The three main categories are:

- **Indictable Offences**
- **Summary Conviction Offences**
- **Dual or Hybrid Offences**

Each of these categories involves different levels of seriousness and different legal consequences, which security guards must be aware of to perform their duties effectively.

Summary Conviction Offences

Offences punishable under summary conviction are considered the least serious in the Criminal Code of Canada. These offences are typically minor and are dealt with quickly and relatively leniently compared to more serious crimes. Generally, individuals convicted of summary conviction offences, except in extreme circumstances involving repeat offenders, face a maximum punishment of two years less a day in prison, a fine of up to \$5,000, or both. In most cases, the sentences imposed are less than the maximum penalty, reflecting the relatively minor nature of these offences.

Summary conviction offences do not typically involve serious violence, the possession of large quantities of drugs or weapons, or crimes of a sexual nature. Instead, they tend to involve less severe infractions that still require legal attention but do not pose a significant threat to public safety.

Examples of summary conviction offences include:

- [Criminal Harassment](#): This involves repeatedly following or communicating with someone in a way that makes them fear for their safety.
- [Causing a Disturbance](#): This can include engaging in disorderly conduct in public, such as yelling, fighting, or causing excessive noise.

Indictable Offences

Indictable offences represent the most serious types of crimes under the Criminal Code of Canada. These offences are typically severe and carry significant legal consequences. Indictable offences include acts such as murder, aggravated sexual assault, kidnapping, and robbery. The penalties for these offences are severe, with maximum punishments varying according to the specific crime committed. Some indictable offences carry mandatory minimum penalties, while others can result in life imprisonment.

Due to the serious nature of indictable offences, they are prosecuted more rigorously, and the legal processes involved are more complex and extensive. These offences are considered highly detrimental to society, warranting strict punishment and thorough legal scrutiny.

An example of an indictable offence is:

- [Breaking and Entering](#): This involves unlawfully entering a building or property with the intent to commit a crime, such as theft or vandalism.

Dual or Hybrid Offences

Dual or hybrid offences are unique in that they can be classified either as indictable offences or summary conviction offences, depending on the severity of the crime and the discretion of the Crown prosecutor. This category includes a wide range of offences that can vary significantly in their seriousness. The Crown has the authority to decide whether to proceed with the charges as an indictable offence or a summary conviction offence based on their interpretation of the events and the context of the crime.

For example, consider a case where two individuals are arrested and charged with theft. One person stole a handful of chocolate bars valued at \$5.00, while the other stole \$4,900.00 worth of property. Although both incidents involve theft under \$5,000, the Crown would likely prosecute the candy bar thief under a summary conviction offence and the other thief under an indictable offence due to the significant difference in the value and severity of the crimes.

Examples of hybrid offences include:

- [Mischief](#): This involves willfully damaging property or interfering with its lawful use.
- [Theft](#): Depending on the value and circumstances, theft can be prosecuted as either a summary conviction or an indictable offence.

- [Possession of Property Obtained by Crime](#): This involves possessing stolen property, with the severity depending on the value of the property.
- [Assault](#): The classification of assault can vary based on the nature and circumstances of the incident.

Responding to Suspected Criminal Activity

If you suspect that someone at your site is involved in a crime or has information about a crime, your actions will depend on whether you catch them in the act of committing the crime. As a security guard, you have the authority to question or arrest individuals based on the situation and the evidence at hand.

Part of your responsibility as a security guard is to engage with people and get to know the regular activities and behaviors at your site. By familiarizing yourself with the environment, you can better identify unusual or suspicious activities. If you notice something out of the ordinary, you have the right to ask questions to gather more information. However, it is important to remember that individuals are not obligated to answer your questions, and they must be informed that they are free to leave if they choose.

When asking questions, ensure they are general and not specific to a suspected crime to avoid making the person feel accused. For instance, if you are working in a store where cellphones have been stolen and you see some kids acting suspiciously, you can ask questions such as:

- "What are you doing?"
- "Where are your parents?"
- "What are you up to?"

By asking these general questions, you can gather information without directly accusing the individuals of a crime, which helps maintain a respectful and non-confrontational approach.

Understanding these classifications and appropriate responses ensures that security guards can perform their duties effectively, lawfully, and ethically. It is crucial to stay informed about the legal boundaries and procedures to minimize the risk of legal action against yourself or your employer.