



National Sex Offender Registry

Helping Police Services Investigate
Crimes of a Sexual Nature

History of the Sex Offender Information Registration Act and National Sex Offender Registry

There has long been public and political desire for a national registration system for sex offenders. In May 2001, the Solicitor General of Canada announced legislation for the creation of a national sex offender registry.

The Sex Offender Information Registration Act (SOIRA) received Royal Assent on April 1, 2004, and was proclaimed as law on December 15, 2004.

National Sex Offender Registry: Public Safety in Action

Together the Sex Offender Information Registration Act (SOIRA) and National Sex Offender Registry represent a vital step in fighting crimes of a sexual nature, protecting vulnerable children and adults and safeguarding our communities.

The National Sex Offender Registry is a national registration system for sex offenders who have been convicted of designated sex offences and ordered by the courts to report annually to police.

During the registration process, police enter information on these individuals into a database that is accessible by all accredited Canadian police agencies.

The public does not have access to the National Sex Offender Registry. It is a database that provides Canadian police services with important information that will improve their ability to investigate crimes of a sexual nature.

What are "Designated" Sex Offences?

The following *Criminal Code* offences have been included as designated offences under the SOIRA:

- sexual interference;
- invitation to sexual touching;
- sexual exploitation;
- incest;
- bestiality;
- child pornography (making, possession, distribution);
- parent or guardian procuring sexual activity;
- exposure;
- sexual assault;
- sexual assault with a weapon, threats to a third party or causing bodily harm;
- aggravated sexual assault;
- select offences where it can be proven that the offence was committed with the intent to commit an offence of a sexual nature;
- attempt or conspiracy to commit any of the above offences.

The Need for a National Sex Offender Registry

The actions of sex offenders have profound and long-lasting consequences for their victims and their communities.

Time is of the essence for police when locating sexual predators and investigating crimes committed by these offenders.

The National Sex Offender Registry will assist the police in the investigation of crimes of a

sexual nature by providing up-to-date information relating to convicted sex offenders and identifying all registered sex offenders living within a particular geographic area.

The National Sex Offender Registry includes such information as:

- name;
- date of birth;
- current address;
- current photograph;
- identifying marks (e.g. tattoos, scars);
- sex offence(s) for which the offender has been convicted.

Who Must Register?

Mandatory registration applies to residents of Canada who:

- have been convicted of a criteria sex offence (as defined by the legislation) in Canada and were:
 - a) serving a sentence on the day the SOIRA was proclaimed and have been served with a notice to comply, mandating their registration;
 - b) convicted of a sex offence on or after the day the SOIRA came into force and have received an order from the court;
- have been found not criminally responsible for a criteria sex offence by reason of mental disorder and given an absolute or conditional discharge on or after the day the legislation came into force and have received an order to register from the courts;
- are young offenders convicted of a criteria sex offence, sentenced as an adult and are ordered to register by the courts.

Offender Reporting Requirements

Every sex offender under a *SOIRA* order must:

- report in person to police in the jurisdiction where they reside at the place and during the times determined by the police service;
- report within 15 days:
 - after release from custody;
 - after conviction if not given a custodial sentence;
 - after having been found not criminally responsible and given an absolute or conditional discharge;
- report annually between the 11th and 12th month after their last reporting date;
- notify the registry by registered mail or by another means authorized by the respective province or territory:
 - after a change of address;
 - after a change of name;
 - within 15 days after departure from their residence if absence will be for 15 consecutive days or more;
 - within 15 days after departing Canada and within 15 days of their return.

The obligations are different for offenders who fall under the retrospective scheme, that is, offenders who were serving a sentence for a designated offence on December 15 and were served with a *Notice of Obligation to Comply* with the *SOIRA*.

The obligation for these offenders to register begins one year from the date on which they are served with a *Notice of Obligation to Comply*.

The offender must report within 15 days:

- of the commencement of their obligation if living in the community;
- of being released from custody if release is after their obligation begins;
- after receiving an absolute or conditional discharge under Part XX.1 of the *Criminal Code*;
- of being released from custody pending the determination of an appeal.

Offenders who fall under the retrospective scheme have one year from the date of service to apply for an exemption order. If an offender applies for an exemption order, their obligation does not begin until the application has been heard.

Penalties for Non-Compliance

First Offence: a fine of not more than \$10,000, imprisonment of not more than six months, or both.

Subsequent Offence(s): a fine of not more than \$10,000, imprisonment for a term of not more than six months (summary conviction) or two years less a day (indictable), or both.

Reporting Period

- Individuals who are convicted of, or found not criminally responsible on account of a mental disorder for a designated sex offence, for which the maximum sentence is not more than two to five years, will be required to comply with the registration requirements for a 10-year period.

- An offender convicted of an offence for which the maximum penalty is not more than 10 to 14 years will be required to comply with the registration requirements for a 20-year period.
- Individuals convicted of an offence for which the maximum penalty is life imprisonment or of more than one criteria offence will be required to report to the National Sex Offender Registry for life.

Management of the Registry

The cornerstone of the *Sex Offender Information Registration Act* is the National Sex Offender Registry database, which is maintained by National Police Services under the stewardship of the RCMP.

Role of the Local Police Service

Police services play an essential role in managing and maintaining the National Sex Offender Registry in their communities. They are responsible for establishing a registration site(s) for offenders to report.

Police services must also conduct the registration of those offenders who report by entering the appropriate information into the database, including a photograph of each offender.

Besides registering offenders, police are responsible for enforcing the legislation.

Community Notification

The purpose of the National Sex Offender Registry is to assist police in investigating crimes of a sexual nature by providing them with rapid access to up-to-date information relating to convicted sex offenders. The registry does not encompass community notification. Authority to notify the public of the release of high-risk offenders continues to be regulated under the *Privacy Act* Section 8(2)(m).

Removing a Name from the Registry

If an individual is acquitted of every offence in connection to an order, or if an offender has received a free pardon (Her Majesty's Prerogative of Mercy, *Criminal Code* [Section 748]) for all criteria sex offences, an offender can have his or her name and personal information removed from the registry. The offender must first provide proof of the pardon to a local police service. Removal of offender information is conducted by the RCMP. Police services are responsible for the destruction of any files relating to the offender.

Questions and Concerns?

We welcome your questions and comments. For more information about the National Sex Offender Registry, please contact your local police service.

You can also visit the RCMP web site at: www.rcmp-grc.gc.ca.