



## **MINISTERIAL STATEMENT**

**To the Senate**

**By**

**Senator, the Hon. Kathy L. Simmons, JP  
Attorney-General and Minister of Legal Affairs**

## **SEX OFFENDER MANAGEMENT UPDATE**

**Wednesday, July 3<sup>rd</sup>, 2019**

**Madame President,** I am pleased to share an update on sex offender management during community-based supervision. We

have been focused on ensuring that offenders in this client profile are rigorously monitored through the framework and protocols established under the revised regime. Therefore, members of the public are more protected from re-offending by sex offenders through this established, and evolving framework.

Foremost, **Madame President**, we acknowledged from the onset that this is a very serious, and often very emotive issue in our community. We have made it abundantly clear that the revised regime applies to offences committed after the operational date of the Criminal Code (Sex Offender Management) Amendment Act 2018, which was enacted on February 7, 2019. Hence, our approach has been robust and balanced in order to support the related mandate and responsibilities with the Ministry of Legal Affairs.

**Madame President**, the new framework for the management of sex offenders has resulted in several public notifications on sex offenders deemed to be at high risk of re-offending. A prerequisite for public notification on the disclosure of

information on sex offenders, **Madame President**, is a current psychological assessment from the Department of Corrections on the risks posed by the offender. The report must indicate significant risks of re-offending or harm before this disclosure is made. Given this, as the reports are presented to me, as the Minister responsible, great care is taken to effectively release this information in the interests of all concerned parties, and to effect greater community protection. The risk assessment reports are to be presented to the Minister at least two months prior to the earliest release date of the offender. I am pleased to share that despite initial “teething pains”, this is now being done more in accordance with this established and agreed guideline.

**Madame President**, in keeping with requirements set out in the Criminal Code (Sex Offender Management) Amendment Act 2018, sex offenders who do not complete the required programmes during incarceration are not released at their earliest release date nor released on parole. We are pleased to note that this occurred in the case of at least one serious sex offender who was scheduled to be released from incarceration

two months ago; hence his release has been deferred until he completes the required programme. This is evidence that our operational framework is being adhered to.

**Madame President,** The Ministry of Legal Affairs continues its practice to notify all victims in the cases related to sex offenders being released from the Department of Corrections. In addition, in instances where there will be public notification on a sex offender, we have also embraced a policy to specifically notify the Ministry of Education, in support of child safeguarding practices and purposes even where the offence was not committed against a child. The most recent notification supported this policy directive.

**Madame President,** a policy implemented in the Department of Court Services is that all moderate or high risk offenders who sexually offend against children, will be fitted with an Electronic Monitoring Device (EMD) during the period of community supervision. The devices include inclusion and exclusion zones, and have proven to restrict the offender's movements and also

allows for their whereabouts to be determined 24/7 for as long as the devices are affixed to the offender. This will remain in place and form a part of internal operations within this department.

**Madame President**, in monitoring these sex offenders, the Department of Court Services, conducts random curfew checks; visits their homes and employment sites; makes contacts with their significant others to corroborate information; and enrolls the sex offenders in our community based programmes, inclusive of treatment and referrals for additional services available, as deemed necessary. Breaches or infractions are dealt with in a timely manner and may result in additional conditions being imposed on their Orders. The conditions include increased reporting requirements; earlier curfews being imposed; urinalysis screenings; restrictions in association with specific persons or places; sanctions; additional programmes or treatment requirements, and remands into custody to name a few. Breaches or infractions may also result in alternative sentencing by the Courts, or recall to incarceration at the

Department of Corrections by the Parole Board. Cases can also be reviewed by the Courts or Parole Board at regular intervals, if deemed necessary. Line officers are overseen by line supervisors, then managers. A battery of risk assessment tools are used to gauge risks and work with sex offenders, and designated personnel are trained to use and interpret these instruments on a regular basis.

**Madame President,** Senators are informed that the relationships established in this new framework have been effective and will continue to grow from strength to strength. With this in mind, training for members of the High Risk Management Team is scheduled to occur this summer, and training for those who work directly with victims will also occur in the fall. Undoubtedly, this Government invests in the well-being and on-going development of its personnel who are responsible for the safety and protection of our community.

**Madame President,** it is important that practices and procedures do not lead to the identity of victims of sex offences,

as this causes further trauma, and can potentially re-victimize them. It is also prudent to mitigate the risks of serious sex offenders “going underground”, as that creates more risks to the public. Despite strong sentiments and opinions, we cannot let our emotions cause us to be irresponsible in our responses to, and our effective management and treatment of sex offenders. Additionally, it must be understood that we must protect the identity of children who are the victims in these cases, or otherwise related to the offences, at all times. This does not mitigate holding offenders to account, as group work and treatment modalities often make them relate to the impact that their offences have on the victims, especially children.

It is important to highlight, **Madame President**, that as the Minister, I must make decisions based on the merits of each particular case, and am guided by all established principles, protocols and guidelines which are based on evidenced based practices. Therefore, if the psychological report does not indicate that an offender poses significant risk of harm, disclosure is not usually made. However, only in exceptional

cases, this can be overridden, and there are always precautions taken to ensure that the identity of the victim is not compromised, especially in incest cases and other matters that put the victim at risk of further harm. Therefore, our approach must be balanced so that the victim is not at risk of further harm and the public is protected.

**Madame President**, the Sex Offenders' Register, has been established and is operational. The register contains the details of individuals convicted, or released from incarceration for a sexual offence against children or adults. The period of registration shall be for ten (10) years or more, as may be determined, and the period of registration is suspended during times that an offender is imprisoned. These measures are all in keeping with the revised legislative framework. Further, the Bermuda Police Service maintains its relationships with overseas jurisdictions to obtain and share information on sex offenders as per their protocols, agreements and mandates.

At present, **Madame President**, the Department of Court Services continues to offer supervision and treatment of those convicted of sex offences in line with best practice risk protocols. We remain supportive of our partners, and will sustain continuity of interventions.

**Madame President**, in recent days, there was heightened publicity with the unfolding release of a high risk sex offender. I would like to stress that systems are in place to monitor sex offenders under, the current framework, taking into consideration the offender's risk issues and overall treatment needs. At present, the Department of Court Services continues to offer supervision and treatment of those convicted of sex offences, and will utilize all resources available to help mitigate risks, inclusive of intensive supervision, increased urinalysis testing, and curfew checks as mentioned previously.

**Madame President**, the extension of our partnerships with international crime agencies serves to hold us to greater account as we monitor, review and revise our policies, procedures and

protocols to strengthen our operations and responses to sex offenders. We will maintain partnerships, build on successes, and improve in areas in need of further development. Our efforts will be sustained in the interests of the community. As the Minister responsible, I am committed to keeping the Senate and the public informed about this regime and will provide a further update in the ensuing months.

Thank you, **Madame President.**