



Ministerial Statement

by

Sen. the Hon. Kathy L. Simmons, JP

Attorney-General and Minister of Legal Affairs

November 9th 2018

Criminal Code (Sex Offender Management) Amendment

Act 2018

Madam President, in August of this year I affirmed for the Senate the Ministry of Legal Affairs' intent to ensure that members of the public are protected from criminal offenders re-offending. I emphasized that chief among these concerns are the victims of sex offenders, particularly children.

Madam President, the tabling today of the Criminal Code (Sex Offender Management) Amendment Bill 2018, delivers upon that commitment.

These proposed amendments to the Criminal Code will ensure that the sex offender legislative regime reinforces its protection of the public. Specifically **Madam President**, highlights of the Bill include the establishment of an operational framework that:

- Requires completion of mandatory programmes before sex offenders can apply for release on license or be released on their earliest release date.
- Requires all sex offenders sentenced to a period of incarceration to be entered on a sex offender register maintained by the Ministry of Legal Affairs.
- Ensures that the public will not have access to the register.

- Establishes an Offender Risk Management Team to monitor offenders within the community. The Team will be comprised of members from the Bermuda Police Service, the Department of Court Services and the Department of Corrections. The Team may recommend that offenders be reassessed if their risk of re-offending is elevated.

Madam President, the overall intent is to do everything feasible to ensure that offenders do not have the opportunity to re-offend. Offenders will be comprehensively monitored upon release and the appropriate notification given to victims and members of the public where wider disclosure is warranted. When victims are children, stakeholders will collaborate to ensure that identified institutions are alerted and that appropriate restrictions are in place to protect children.

Madame President, we have undertaken careful research into the establishment of a public sex offender register. It is important to note that most jurisdictions, even those that appear to resort to draconian methods, do not have a public sex offender register. In addition, some jurisdictions are moving away from this practice as it has impacted offenders in such a way as to place children at a higher risk.

I am pleased to inform, the Senate, **Madame President**, that the sex offender management regime, registration and collaboration outlined in this new framework is demanding yet sustainable. The Ministry will continue to review and revise the Protocol on the Disclosure of Information Identifying Sex Offenders and offender management programmes in order to ensure their effectiveness. With the implementation of the Offender Risk Management Team, there is an additional resource in our accountability toolbox. I am sure that the data compiled within

the next two years will provide a basis for further legislative and policy development so that best practices are maintained.

Madame President, the outcry from various sectors and interests groups within our community has not gone un-noticed. We have considered legal and Constitutional issues and information provided to the Joint Select Committee by stakeholders. The Bermuda Police Service, the Department of Court Services, the Department of Public Prosecutions and the Department of Corrections will continue to collaborate to ensure the success of this initiative.

Madame President, I have highlighted positive changes to the existing sex offender management regime which fulfill this Government's pledges to our community. We will continue the hard work necessary to enhance the lives and safety of our

citizens. Finally, I look forward to engaging Senators in a fulsome discussion of the merits of the Bill in due course.

Thank you Madam President.