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Official Report of Debates (Hansard)

Thursday 14 April 2011

Journal des débats (Hansard)

Jeudi 14 avril 2011

**Standing Committee on
Justice Policy**

Christopher's Law (Sex Offender
Registry) Amendment Act, 2011

**Comité permanent
de la justice**

Loi de 2011 modifiant
la Loi Christopher
sur le registre
des délinquants sexuels

Chair: Lorenzo Berardinetti
Clerk: Katch Koch

Président : Lorenzo Berardinetti
Greffier : Katch Koch

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Thursday 14 April 2011

Jeudi 14 avril 2011

The committee met at 0904 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr. Lorenzo Berardinetti): Good morning, everyone. I'd like to call this meeting to order. This is the Standing Committee on Justice Policy, today on Thursday, April 14, 2011.

We're dealing with Bill 163, An Act to amend Christopher's Law (Sex Offender Registry), 2000.

Our first item on the agenda is the subcommittee report. Do I have someone to read the subcommittee report into the record?

Interjections.

The Chair (Mr. Lorenzo Berardinetti): How about moving it and putting it on the record?

Mr. David Zimmer: I'll move it.

The Chair (Mr. Lorenzo Berardinetti): Mr. Zimmer.

Mr. David Zimmer: Your subcommittee on committee business met on Thursday, March 31, 2011, to consider the method of proceeding on Bill 163, An Act to amend Christopher's Law (Sex Offender Registry), and recommends the following:

(1) That the committee meet in Toronto for the purpose of holding public hearings on Thursday, April 14, 2011.

(2) That the clerk of the committee, with the authority of the Chair, place an advertisement for one day regarding public hearings in the *Globe and Mail* (Ontario edition), *Metro* (Toronto edition) and *L'Express* (if possible).

(3) That the clerk of the committee post information regarding public hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(4) That interested people who wish to be considered to make an oral presentation on Bill 163 should contact the clerk of the committee by Friday, April 8, 2011, at 5 p.m.

(5) That, in the event that all witnesses cannot be scheduled, the committee clerk provide the members of the subcommittee with a list of requests to appear.

(6) That the members of the subcommittee prioritize and return the list of requests to appear by 12 noon on Monday, April 11, 2011.

(7) That groups and individuals be offered 15 minutes for their presentation. This time is to include questions from committee members.

(8) That the deadline for written submissions be Thursday, April 14, 2011, at 6 p.m.

(9) That, for administrative purposes, the deadline for filing amendments to the bill with the clerk of the committee be Tuesday, April 19, 2011, at 3 p.m.

(10) That clause-by-clause consideration of the bill be scheduled for Thursday, April 21, 2011.

(11) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

The Chair (Mr. Lorenzo Berardinetti): Are you moving adoption?

Mr. David Zimmer: I move adoption.

The Chair (Mr. Lorenzo Berardinetti): Any debate? Mr. Kormos.

Mr. Peter Kormos: I was part of the subcommittee and approved this initial subcommittee report. We've since gotten a response to the ads—the ads were published, as the report indicates, in two Toronto papers plus *L'Express*. We have the list of participants here this morning. There are three participants. We have this afternoon that the committee is entitled to sit. This is an important piece of legislation; we all acknowledge that. We've acknowledged that on second reading.

I addressed a number of issues on second reading, and I've been assured by the acting parliamentary assistant for the Minister of Community Safety that if amendments were made to address some of the issues I raised, at this point in time the government would not support them. Fine. I'm not going to move those amendments because, at this point, that would be nothing more than trying to stir the pot and play politics with this important issue.

We're reaching the end of the legislative season. I don't want to suggest that the government may not sit through to June 2, but it wouldn't be unheard of. I am fearful of the prospect of the House proroguing before June 2 and this bill not having been passed. Just think what a burden it would be to carry if the failure to pass this bill before the House rises resulted in a tragedy for any one of us—for the government, for every single member of this Parliament.

So, I'm looking to see whether there's any support for the consideration that we've got the three participants this morning; we've received a written submission—the only one, I'm told—that is interesting. I have respect for

the person who made the submission, but it doesn't give rise to any prospect of amendment, in my view. There's nothing in the written submission that would cause us to consider an amendment responding to the concerns raised by that particular party.

I'm interested in the prospect of us meeting again this afternoon and proceeding with clause-by-clause. It won't take very long. Then this bill can be reported back to the House and be on the order paper for being called for third reading at the earliest opportunity.

Otherwise, again, I'd suggest to government members who have been told, I'm sure—I know they've been told, "Don't worry, the government's going to sit through to June 2," but decisions are made on the spur of the moment when it comes to these pre-election periods.

I'm interested in if there's any interest in amending this subcommittee report so that we meet this afternoon to do clause-by-clause. We could amend it such that—it could be open-ended. It could be simply that the committee meet this afternoon to commence clause-by-clause and be adjourned at—again, a motion for adjournment. For instance, if the government didn't want to proceed with clause-by-clause, they could move adjournment, right? They've got the majority and they could therefore force us into next week. So I'm interested in if there's any interest in getting this bill reported back to the House today.

The Chair (Mr. Lorenzo Berardinetti): Mr. Dunlop.

Mr. Garfield Dunlop: I would agree 100% with you. I'm very fearful that the House could prorogue. We did it in 2007. Unless the government has a problem with some of their own possible amendments to the legislation, I would have no problem coming back here at 3 o'clock today and doing clause-by-clause.

The Chair (Mr. Lorenzo Berardinetti): At 3 o'clock or at 2 o'clock?

Mr. Garfield Dunlop: Whatever time we can come back this afternoon. We have the whole day scheduled for a committee meeting.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Zimmer?

Mr. David Zimmer: Chair, I would like a 10-minute recess.

The Chair (Mr. Lorenzo Berardinetti): All right. Is that fine, if we take a 10-minute recess and come back at—

Mr. David Zimmer: 9:30.

The Chair (Mr. Lorenzo Berardinetti): All right, come back at 9:30?

Mr. Lou Rinaldi: What about the delegation?

Mr. Peter Kormos: Do they mind waiting for 20 minutes? Grab a coffee.

Interjection: We'll get you all in.

The Chair (Mr. Lorenzo Berardinetti): All right, so we're recessed until 9:30.

The committee recessed from 0912 to 0919.

The Chair (Mr. Lorenzo Berardinetti): Okay. The committee's back in order. Mr. Zimmer?

Mr. David Zimmer: Speaking to Mr. Kormos's motion to move to clause-by-clause this afternoon, that's a good idea. We agree. I think this is a fine example of tripartisan co-operation on an important bill.

Mr. Peter Kormos: We have to amend the subcommittee report appropriately.

The Chair (Mr. Lorenzo Berardinetti): Mr. Kormos, did you want to amend the report—a motion to amend it?

Mr. Peter Kormos: Yes, okay. I move that paragraph 8 be deleted, paragraph 9 be deleted and paragraph 10 be deleted, and that a new paragraph 8 read:

"And the committee shall resume on Thursday, April 14 at 2 p.m., or as soon thereafter as possible after routine proceedings, to commence clause-by-clause consideration."

The Chair (Mr. Lorenzo Berardinetti): Any discussion or debate? Mr. Zimmer.

Mr. David Zimmer: I would just ask the clerk, Mr. Clerk, does that satisfy the technical requirements?

The Clerk of the Committee (Mr. Katch Koch): Yes.

Mr. David Zimmer: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Any further discussion? All those in favour of Mr. Kormos's motion? Opposed? Carried.

All those in favour of adopting the subcommittee report, as amended? Carried. The subcommittee report, as amended, is carried.

CHRISTOPHER'S LAW (SEX OFFENDER REGISTRY) AMENDMENT ACT, 2011

LOI DE 2011 MODIFIANT LA LOI CHRISTOPHER SUR LE REGISTRE DES DÉLINQUANTS SEXUELS

Consideration of Bill 163, An Act to amend Christopher's Law (Sex Offender Registry), 2000 / Projet de loi 163, Loi modifiant la Loi Christopher de 2000 sur le registre des délinquants sexuels.

MR. JIM STEPHENSON

The Chair (Mr. Lorenzo Berardinetti): We'll have our first presenter come forward, Mr. Jim Stephenson.

I'd just remind all presenters that we've allotted 15 minutes for any presenter. If you finish before the 15-minute time period, we'll allow questions to be asked by the three parties.

Good morning, and welcome.

Mr. Jim Stephenson: Good morning, Mr. Chair. Good morning, members of the committee. My name is Jim Stephenson, and as Christopher's father I want to express my appreciation for being given the opportunity to participate in the public hearings on Bill 163, An Act to amend Christopher's Law (Sex Offender Registry), 2000.

As you probably all are aware, Christopher was abducted from a local shopping mall by a convicted child molester with a criminal record for a previous sexual assault against a child in 1985. Christopher was at the mall with his younger sister and his mother. They were shopping for a Father's Day gift. His abductor kept Christopher alive for a period of approximately 36 hours following the abduction, and during that time our son was repeatedly assaulted and physically abused. In the early hours of that Father's Day, he was forced into a vacant field, strangled unconscious, and then stabbed in the neck and left to die. Christopher was 11 years old and had been selected to play in an all-star house league baseball game that same Sunday.

A massive investigation was launched by police that same night, and by the end of the weekend his alleged killer was in custody. At the 1989 murder trial, he was found guilty and given the mandatory life sentence. Two years later, in January 1992, he was murdered in Kingston prison at the hands of a fellow inmate.

An inquest into Christopher's death began in the fall of 1992, four years following his murder. It would last a total of six months. In the end, the jury issued a verdict containing a number of recommendations, among them being that the federal government move immediately to create a national registry of convicted sex offenders. Notwithstanding the urgings of Christopher's family, friends, members of law enforcement, the Canadian public and others, the government of Canada took no action on that recommendation.

Some years later—in 2001, to be exact—the government of Ontario introduced Christopher's Law, the first of its kind in Canada. Under the legislation, a person convicted of a criteria sexual offence was ordered to register with authorities following their release. During the registration process, police enter information on these individuals into a secure database managed by the Ontario Provincial Police in their Orillia, Ontario headquarters. Information such as name, date of birth, current address, together with a photograph and details of the sex offence or offences for which the individual was convicted, are entered. The OSOR, as it is more commonly known, quickly established itself as a state-of-the-art tool with a robust capacity for managing the convicted sex offender population.

The question that I have been presented with many times since 1988 is, would the existence of a sex offender registry have saved Christopher? That is a question that I think concerns members of the committee here this morning.

Let me respond to that. Joseph Fredericks had committed a number of violent sexual assaults in 1985. He was convicted and sentenced to a five-year prison term. Assuming the registry would have been in place—and that's a major assumption—Fredericks would have been required to register with authorities upon his arrival in Brampton; in other words, he would have been on the province's database of convicted and released sex offenders. Within minutes of the abduction of Friday even-

ing, authorities could have accessed that database and determined Joseph Fredericks's address. It would not have taken very long after that for officers to have gone to the address, which turned out to be a private home—the main floor and upstairs occupied by the owner, his wife and two young children.

When we absorb the chilling statistics that accompany child abductions for sexual purposes—and I'll repeat some here: 44%, almost half, are dead within one hour of the abduction; 74% within three hours; and 91% within 24 hours of the abduction—we understand very quickly that had the registry been in place and police in possession of the information contained in that database, the outcome of that Father's Day weekend would have been very different. Police intervention, I propose, could have saved Christopher's life.

In the decade that followed the proclamation of Christopher's Law here in Ontario, there have been two occasions for revision to the legislation. The first changes responded to the Provincial Auditor's report in 2007. The changes involved a number of general administrative amendments intended to improve the registry's operating efficiencies and further improve community safety.

In the time between proclamation of the OSOR legislation in 2001 and the amendments I've just referred to, the federal government finally moved and proclaimed the national Sex Offender Information Registration Act in 2004. While it was more or less understood that the two registries fully complemented one another in the goal of providing authorities with additional tools to track and monitor convicted sex offenders released into communities Canada-wide, the reality was very different.

Apart from requiring convicted sex offenders to register with authorities, the national registry was, in essence, a poor cousin to Ontario's registry. Because it fell short of the mark on so many important issues, it was not inaccurate to refer to the national sex offender registry as a notional sex offender registry, and that in fact was what the public came to understand.

It is not my intention to take up this committee's time this morning with details of the shortcomings of the national model, because I believe the majority have been identified and addressed during the course of the parliamentary review carried out in 2008. The necessary amendments are adequately incorporated in federal Bill S-2, which received royal assent in December of last year and which in fact is expected to be proclaimed this week.

Once Bill S-2 comes into force, there will be legislative differences between the national and Ontario registries. The amendments embedded in Bill S-2, however, necessitate some offsetting changes to Ontario's current legislation to synchronize the two legislative regimes. These revisions were introduced by the Honourable Jim Bradley, Minister of Community Safety and Correctional Services, and began the process that brings us here this morning.

Firstly, reporting conditions: S-2 requires offenders to report within seven days, while the Ontario legislation currently requires a reporting time of within 15 days.

Federal legislation requires offenders convicted outside of Canada to register. At present, Ontario does not require registration.

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Secondly, there are pardon provisions which would be different. The national registry will maintain the records of registered offenders who receive a pardon under the Criminal Records Act. At the present time in Ontario, information pertaining to all pardoned offenders must be removed from the registry altogether.

Finally, the federal legislation will require reporting of certain volunteer and employment information. At present, this is not a requirement under the provincial legislation.

The involvement that my wife and I share in Christopher's Law is obviously very personal. My commitment to enhancing public safety dates back to that Father's Day weekend in 1988. In my view, the proposed changes to Christopher's Law not only capture the spirit of co-operation in enhancing community safety between the province and the federal government, but the amendments are also absolutely critical for the purpose of protecting the public.

These amendments are long overdue and much owed to the public. The safety and well-being of the citizens of the province will only stand to gain from the amendments now being considered.

I would be pleased now to take any questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Stephenson. We have about five minutes, so a minute or two per party. We'll start with the Conservative Party. Mr. Dunlop.

Mr. Garfield Dunlop: Mr. Stephenson, I don't really have any questions for you. More than anything, I have just a comment, basically to say that I appreciate the work that you've done over the last 24 years as Christopher's dad, and your family—the leadership you've shown to try to work with different governments. I think you can kind of see, from the support you've got here today from all three parties and the support that you got from the federal and provincial governments, that this is a really, really important piece of legislation. We absolutely have to make sure this gets passed and aligned with the federal legislation as quickly as possible.

I guess my comment on behalf of our caucus is to say that you lost your son, and you've shown leadership. I'm just wondering, with the Ontario sex offender registry, how many lives you may have actually saved. You'll never know that, but that's true leadership, and it takes a lot of courage for you to come, year after year, to these types of hearings and stuff. We really appreciate it and thank you very much for it.

Mr. Jim Stephenson: Thank you.

The Chair (Mr. Lorenzo Berardinetti): We'll go to the NDP. Mr. Kormos.

Mr. Peter Kormos: Thank you very much, Mr. Stephenson.

The Chair (Mr. Lorenzo Berardinetti): To the Liberal Party. Mr. Colle.

Mr. Mike Colle: Again, I just want to repeat the sentiments of my colleague across the way. It's just an incredible mountain you've been climbing. I don't know where you and your wife get the courage and the strength to go through what you've gone through.

You've given so much back, despite that. So I just want to continue to say that all of us in the Legislature really are at the disposal of your continuing efforts if we can help in any way. This is an example of letting us know what we've got to do to help you in your courageous, ongoing battle in memory of your son Christopher.

I think that we need to do more just to remind people of the dangers that are out there. We all assume. We're in our homes and neighbourhoods—especially when it comes to children and the dangers that lurk out there. So if there's anything else we can do and you think we should do as MPPs or government, please don't hesitate to call upon us. I think all of us feel the same way on this issue.

Just accept our full appreciation and respect for what you've accomplished, Mr. Stephenson. You've done it for a lot of children, not only in Ontario but across this country, and we've got to take time to say that it's deeply appreciated by a lot of people who aren't here to speak and say that.

Mr. Jim Stephenson: Well, thank you. And thank you, too, to representatives from all the parties for the initiative and enthusiasm you've shown to move the clause-by-clause review of the legislation up to this afternoon, in light of what might possibly be a shortened session of the Legislature. Thank you very much for that.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Mr. Stephenson.

Mr. Jim Stephenson: I thank you, then, for allowing me the privilege of speaking here this morning.

ONTARIO PROVINCIAL POLICE

The Chair (Mr. Lorenzo Berardinetti): We'll move on to our next deputation: the Ontario Provincial Police. We have Ron Gentle and Adam Alderson. Good morning, and welcome.

Mr. Ron Gentle: Good morning, Chair. Thank you very much, committee members. My name is Ron Gentle. I'm a chief superintendent with the Ontario Provincial Police and commander of the investigation and support bureau. One of the units of that bureau is the Ontario sex offender registry. Staff Sergeant Adam Alderson, who's here with me, is a manager of the OSOR.

I am here before you today representing the Ontario Provincial Police. The OPP manages the Ontario sex offender registry on behalf of the Ministry of Community Safety and Correctional Services. The OSOR is located in OPP general headquarters in Orillia within the investigation and support bureau, behavioural sciences and analysis section. It provides training and operational support, 24-7, to all Ontario municipal and First Nation police services and OPP detachments through the OPP

GHQ duty office. The OSOR unit is responsible for the Ontario link to the national sex offender registry.

Bill 163, An Act to amend Christopher's Law (Sex Offender Registry), 2000, was introduced on March 10, 2011, to align Christopher's Law with the recent changes to the federal registry as amended by the passing of Bill S-2. The federal statute comes into force tomorrow, April 15.

Bill 163 removes existing legislative offender reporting timelines of 15 days and comes in line with the federal seven-day requirement. It adds a new regulation-making authority to prescribe the timelines for reporting in sections 3 and 7 of the act. It requires offenders who have been convicted of a sex offence outside of Canada and who have been ordered to report to the national registry to also report to the Ontario registry. And it allows the Ontario registry to maintain the records of registered offenders who receive a pardon under the Criminal Records Act.

These changes will align the Ontario sex offender registry with the national sex offender registry legislation, as amended by Bill S-2. These amendments will maintain smooth and efficient sharing of Ontario's sex offender registry information with the federal registry. This is currently achieved through an electronic interface between the OSOR and the NSOR. This facilitates a timely upload of offender information from Ontario, thereby enhancing public safety.

Ontario uploads approximately 40% of the registered sex offenders on the NSOR and is the only province or territory that uploads the data electronically. All other provincial or territorial NSOR centres use a manual uploading process that can take between two to four weeks.

The OSOR requires these amendments contained in Bill 163 in order to continue to ensure the continued use of the electronic interface. The provisions of Christopher's Law authorize the effective use of the technology of the OSOR.

Today, we have a premier sex offender registry in Ontario, with a 97% compliance rate, one of the highest rates of any sex offender registry in all of North America. The OSOR is not accessible to the public, and this contributes to the high offender compliance rate.

Police services have the authority under the Police Services Act to notify the public that a sex offender is residing in the community if they believe that the public might be at risk. Police services have used that authority when necessary to ensure public safety.

The OSOR is an investigative tool for police that, in 2010, was accessed an average of 745 times per day by Ontario police services. The OSOR is extremely valuable in time-sensitive investigations. It is an effective tool to help police investigate sex crimes and monitor offenders in the community. In existence for 10 years, the OSOR is successfully being used for investigations and crime prevention to enhance public safety. A few recent examples of the success:

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A young child was sexually assaulted; suspect descriptive details were entered into the comprehensive OSOR

search application, and a convicted sex offender was subsequently identified and charged.

A violent repeat offender was non-compliant and at large. Using the OSOR and drawing on the specialized services of the provincial repeat offender parole enforcement unit, the offender was located, taken into custody and charged accordingly.

An officer was proactively familiarizing themselves with the registered sex offenders in their jurisdiction. This led to the officer identifying a registered sex offender in a public venue around children. The officer was able to find the offender in breach of their sentence.

A sexual assault occurred in a rural Ontario community. In the following days, a convicted sex offender fulfilled their reporting obligation, and the registrar realized that the offender matched the description of the suspect in this sexual assault. The offender was arrested and charged.

Collateral success has been realized by investigators conducting address verifications, which is an extremely important component contributing to the success of the OSOR. Police officers have found marijuana grow operations and prevented the distribution of the drugs.

In order to continue to be a leader with its sex offender registry, the passing of Bill 163 is integral for Ontario's continued leadership. Moreover, it is paramount in contributing to the safety of Ontarians by providing the legislative authority, through alignment with the federal legislation, to ensure timely upload of offender data from Ontario to the NSOR.

Staff Sergeant Adam Alderson and I will now take any questions.

The Chair (Mr. Lorenzo Berardinetti): Thank you. We'll begin our rotation with Mr. Kormos for the NDP.

Mr. Peter Kormos: Thank you kindly.

I'm interested in the 97% compliance rate, not because it's not good but because that means that there are 3% who aren't complying, and the data that we've read over the course of considering this legislation in the last 15 years is that the people who don't report are the ones who are far more likely to repeat-offend. That's not rocket science; it's pretty obvious. Is there no input from the conviction process itself to the national registry or to the provincial registry, so that somebody who has been convicted of a defined or prescribed offence is red-flagged so that somebody is waiting for them to show up and report?

Mr. Ron Gentle: It can be done. However, we have to remember that a lot of people in today's society are quite transient in nature, and they can move from jurisdiction to jurisdiction. Some people may register once they're convicted and are released and go into society, but they may not re-register when they change jurisdictions.

The registry assists in identifying these people and actually alerting law enforcement immediately, and we can track them down easier. The 3% that we're talking about can be transient, and Adam can expound on that a little bit.

Mr. Adam Alderson: Mr. Kormos, that's one of the areas where the Ontario sex offender registry is a better

tool for crime prevention investigation, because it has a proactive notification component where it will go to the police of jurisdiction and notify that a sex offender is non-compliant, and then that alerts the police agency to try and track that person down. So proactively, the registry does that, and then the police service within their jurisdiction will track them down. That's a tool to address that 3%.

Mr. Peter Kormos: How does that happen? Is the sex offender registry advised of a conviction?

Mr. Adam Alderson: Yes. There's a process where there are judicial forms that are filled out by the judge when there's disposition for the case, and then they're ordered through the criteria offences that go on, and the criteria offences for the Ontario registry are downloaded—we get the downloads from OTIS, which is the court's computer system. That's the first step in the process, if you will.

Mr. Peter Kormos: Offences committed outside the country—because we've got two types of offences. We now have Criminal Code offences where you can be convicted in Canada of a sexual offence committed outside the country, and then you have people who are convicted of sex offences in a jurisdiction other than the Canadian jurisdiction. How do you identify the people who are convicted outside of Canada?

Mr. Adam Alderson: There's some requirement there for self-reporting, of course. We've also been working with the Ministry of the Attorney General through a working group and on a national level to identify exactly what offences in which jurisdictions equate to something as a criteria offence. Those are complicated issues but the bottom line or the crux of that is a self-reporting issue to start with.

Mr. Peter Kormos: So that's a tough one?

Mr. Adam Alderson: Yes.

Mr. Peter Kormos: Let's be clear: You're not going to require the registration of somebody who is convicted outside of Canada for a thing or a behaviour that isn't a crime inside of Canada.

Mr. Adam Alderson: I don't know that I can speak to that.

Mr. Ron Gentle: If it isn't a criteria offence, if it doesn't match with a criteria offence, no.

Mr. Peter Kormos: Exactly, because, clearly, in different parts of the world, there's still sexual conduct that's illegal.

Mr. Ron Gentle: That's right.

Mr. Peter Kormos: That's prima facie illegal in that jurisdiction, but it's not illegal anymore in Canada. Okay, thank you kindly. I appreciate your time.

The Chair (Mr. Lorenzo Berardinetti): We'll move on to the Liberal Party. Mr. Zimmer.

Mr. David Zimmer: The bill does not contemplate public access to the registry, and it's left to the discretion of the police department—the OPP, in this case—to inform a community. You've acknowledged that that's a responsibility of yours. Can you tell me how that process works, how it comes about that a decision is made to in-

form a local community of the presence of someone who's on the registry?

Mr. Ron Gentle: Well, there could be a number of situations. Generally, the offender would be released from custody and be considered a high threat to re-offend, but they've met their mandatory sentence and have been released. Maybe while they were in custody, they refused treatment, or maybe they weren't compliant with some of the other conditions, but they've done their mandatory time, now they're being released, and they're deemed to be a continued threat—a high probability to re-offend. That is obviously going to be a public safety issue. The police agency of the jurisdiction—wherever this person resides—would then be responsible to make a decision whether or not they believe there is a public safety issue and then advise the identification and address of the person.

We also have, in the OPP, a group called ROPE, which is repeat offender enforcement. They work with the federal penitentiary system. When a high-risk offender is being released, we work together. We're notified, and we will investigate that person and put them under surveillance to find out where they're going to and make sure that we can notify the agency of the jurisdiction that this high-risk offender has chosen to reside—either temporarily or permanently—within their jurisdiction and work with them to ensure public safety.

Mr. David Zimmer: I think Mr. Colle has a question.

The Chair (Mr. Lorenzo Berardinetti): Okay. Mr. Colle.

Mr. Mike Colle: I just want to clear something up. In terms of responsibility for notifying a local community, my colleague Mr. Zimmer said it was the OPP. What role would the local police services play, what obligation?

Mr. Ron Gentle: The police agency of the jurisdiction has that responsibility. The OPP maintains the OSOR on behalf of the ministry and Ontario police services. But the local police agency of jurisdiction, whether it's a municipal police agency or an OPP detachment, would be the ones to make that decision.

Mr. Mike Colle: Okay. Thank you for clarifying that. The other question I had is in terms of the electronic uploading of information to the national registry which we have in Ontario. With the federal legislation, is there a requirement that the other jurisdictions in Canada do their uploading digitally, or are they still doing it manually?

Mr. Ron Gentle: I think they're still doing it manually. I'll let Adam answer that.

Mr. Adam Alderson: Yes, Ontario is the only one with the electronic registry, so we're the only ones with the electronic capabilities. Essentially, we have two uploads a day electronically.

I'll back up. In other jurisdictions, provinces and territories, they'll do the manual registration. An offender will come in at the local police, they'll fill out the form, that will get sent to the one centre for that province or territory, and it will eventually get uploaded—data entry.

In our situation, because the Ontario sex offender registry is linked to the national registry through an

interface, each of the 146 registrars in Ontario that have access to the Ontario sex offender registry do the registration at a terminal. So when they enter that data into the terminal on this sex offender that is going to go to the national, as soon as it's sent to Ontario's registry, when the interface connection happens that day, then the information gets transmitted in that manner. This legislation allows us to gather that information into the Ontario sex offender registry to maintain that link. Otherwise, we won't be able to gather the information.

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The Chair (Mr. Lorenzo Berardinetti): I'm going to have to move forward—

Mr. Mike Colle: And just one last question: Isn't there a delay? As I think you mentioned, they're very transient in nature, some of these people, so if something happens in Quebec, and they're doing it manually there, isn't there this delay?

Mr. Adam Alderson: That's where Ontario is the leader in this area, sir, because ours is in real time, if you will. They register today, and they live at 123 Main Street, and the national registry knows that. If they register now and it's manually done, then that delay, that two- to four-week delay, will delay that information and it's inaccurate, thereby creating a jeopardy to public safety. Again, that's where Ontario's the leader in that real-time process.

The Chair (Mr. Lorenzo Berardinetti): I have to move on. Excuse me.

Mr. Mike Colle: But we could be in jeopardy because if they're not up to speed in Quebec, you know—

Mr. Adam Alderson: The idea would be, in the situation with the national, they would have to search those files. They would look for the offender's documents where he last went to. But, certainly, in other jurisdictions, there is that lag. It would probably be affected adversely, and exponentially, in Ontario, because we upload 40% of the national offenders.

The Chair (Mr. Lorenzo Berardinetti): Thank you. I have to move on, just to keep the clock going. Mr. Dunlop.

Mr. Garfield Dunlop: Guys, I've had a couple of tours of the registry over the years, and I have a lot of respect for the work you do, so keep up the good work.

The Chair (Mr. Lorenzo Berardinetti): Thank you for your presentation this morning.

DR. LISA DOUPE

The Chair (Mr. Lorenzo Berardinetti): We'll move on to our next presentation: Ms. Lisa Doupe. I hope I pronounced it properly. Good morning, and welcome.

Dr. Lisa Doupe: Good morning. Thank you for allowing me to speak. My name is Dr. Lisa Doupe.

The Chair (Mr. Lorenzo Berardinetti): I'm sorry?

Dr. Lisa Doupe: Doctor. I'm a physician.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you, Doctor.

Dr. Lisa Doupe: That is the area that I want to talk to this committee about: the medical treatment, which I see as the other side of the safety issue. These people will be released on to the streets, and the issue is, what is the capacity of the health care system to address their needs and to provide continual, ongoing treatment?

It is commendable that Bill 163 will align the provincial registry with the federal registry, with the purpose of supporting the local crime investigation. But I also suggest that perhaps the yearly contact, which is required by being registered, also be strengthened by providing the sex offender with some information with regard to ongoing treatment.

Right now, there is a significant gap from when a sexual offender is released to ongoing care. In fact, I think I'm probably one of the few general practitioners who address the needs of low-risk sex offenders. I am currently working with two forensic psychiatrists and some forensic psychologists, but based on the needs of my patients, the sex offenders, there is a crying need, and a recognition by them that there is a need, for this ongoing care that just is not available in the community health services.

I wonder—I'm not a legislator—whether this contact, which is made yearly, could not also be added to with some information, a pamphlet, about how to ensure that their mental health is balanced, which is one of the key reasons why they offend, and where to access treatment.

This recommendation would strengthen section 5(g) of the Ministry of Correctional Services Act, to provide programs for the prevention of crime. We certainly know, in occupational health and safety, health being the flip side of safety, that information to people does promote awareness, which is the first step in terms of changing behaviours.

In order to prevent my patients from reoffending, I teach tools and skills on how not to reoffend to the groups of newly charged offenders, as well as those who have been released on parole. My patients tend to be low-risk, and have been identified, usually through the justice system, and are referred to me by parole officers, lawyers and the psychiatrists that I work with.

I facilitate a group each Monday night called Moving Forward to help sex offenders try to deal with what their issues are currently, as well as the challenges that they will meet in the future.

In the previous 10 years, my experience has been in treating patients addicted to opiates. The experience has been reinforced because 90% of the addicts addicted to hard drugs have been child victims of sex offenders. Addiction to hard drugs is one of the late outcomes for victims of sexual abuse. By not optimizing the process of prevention, victims continue to be put at risk.

I believe that treatment for all sexual offenders should be made mandatory. I understand this is controversial, but I also understand that in Ontario, under the Health Protection and Promotion Act, there is a clause that might enable us to address this as a possible solution.

My message is to remind you that treatment for low-risk sexual offenders, as defined by classification,

works—the work of Bill Marshall has demonstrated that within our correctional system—and that the sex offenders registry created by Christopher’s Law should not only track offenders but should be used to provide ongoing health information regarding possible treatment opportunities to prevent reoffending at every opportunity. The repetition of the message will reinforce the message that I, as a physician, want to encourage. Teaching offenders the tools and skills improves their capacity to not reoffend.

Changes in medicine have improved significantly in the past five to 10 years, and one of the new concepts within medicine is about the neuroplasticity of the brain. It is based on that new understanding of that characteristic that we are unable to make changes for people with tendencies or who do sex-offend.

I refer you to a chapter in Norman Doidge’s book, *The Brain that Changes Itself*, chapter 4, to have a further understanding of why people get into this habit of Internet pornography, which is the main type of offender that I treat.

I have to say that practising this kind of medicine is a natural complement to the correctional service, the justice system and medicine working together. Through the arrest, the person’s attention is focused so that learning my teaching of the tools and skills, which is quite comprehensive, becomes much more easy, as well as having them do the homework that is required in order to change their behaviour.

Learning the new tools and skills creates what is called “new neural pathways,” and with practice, these pathways are strengthened and override the old neural pathways, which were the basis for their original habit.

The printed information that I recommended to be included in their annual visit could include how to access care in their area; an overview of strategies to strengthen brain functioning, including nutrition, exercise, a reading list, meditation techniques, information on the value of medication, the value of music, the need for socialization; and many of the other strategies that have been found to be useful in this diagnosis.

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It would be a significant addition to their rehabilitation to have my teachings reinforced by the justice system and their recommendations of following up treatment. It’s the repetition of learning that becomes critical when one is trying to create new neural pathways and strengthen them.

We understand that addictions to pornography cannot be cured, but they can and need to be managed continually. Again, I reference *The Brain that Changes Itself* by Norman Doidge to understand that the neurophysiological changes provide the pathway to developing programs to address the size or the area of the brain, which then can be overridden.

We also know that successfully changing behaviour is also built on having motivation, as well as knowledge and abilities. The justice system, these amendments, all add to reinforcing their attention to the teaching that I do as a physician.

With that, I will thank you for your attention and answer any questions you may have.

The Chair (Mr. Lorenzo Berardinetti): Thank you for your presentation. We have about two minutes per party, so we’ll start with the Liberal Party this time. Mr. Colle.

Mr. Mike Colle: Doctor, I really commend you for the work that you do. It’s obviously something that is not without its incredible challenges. I certainly appreciate the comments you’ve made in terms of the need to have this partnership with the medical system, along with the police services and the criminal justice system. I think you make an excellent point in bringing that to our attention because it is a very difficult undertaking. As I said, not too many people want to deal with that reality, but you’re certainly there on the front lines and I want to commend you for that.

Dr. Lisa Doupe: Thank you.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Mr. Kormos?

Mr. Peter Kormos: Thank you, Doctor. You’ve brought an important dimension to this discussion. What types of programs are taking place, let’s say, in provincial institutions right now treating sex offenders? Are we talking about—

Dr. Lisa Doupe: Post-release?

Mr. Peter Kormos: Yes.

Dr. Lisa Doupe: I deal with the community, once they get post-release. I have to say, based on my experience, not all offenders actually get into a program. There simply just aren’t enough spots and, therefore, the question is, what happens to the people who do not access or are lucky enough to get the treatment? What happens to them once they are out in the community? They disappear.

Mr. Peter Kormos: I suppose this could vary, but give us a general idea of how you need to work with somebody to achieve results.

Dr. Lisa Doupe: Changing behaviours, whether it’s drugs, alcohol etc., is a lifelong process. But the initial understanding depends upon their reciprocity, which is why this partnership with the justice system works so well. I tell you, it is very effective in getting attention, unlike other addictions, like alcohol, where you don’t have that focus by an external force.

Mr. Peter Kormos: But is a program that you run something like AA? Might some people commit themselves or see themselves participating in it almost forever?

Dr. Lisa Doupe: I would recommend that. Now, whether they have to come and see me forever, they do need to build a support around them. The Mennonite community does have this circle of support and accountability and it would be nice to have some continuity in terms of the process in partnership with them, so that once the tools and skills have been taught to this group of people, they can then be referred to the circle of support and accountability.

I have had one opportunity to work with them, and the comment was that they are not mandated to work in the provincial system. So my patient, who is one of the most high-risk people within Ontario—they supported me only because of a favour. They have not been funded to deal with the provincial system; they get their funding through the federal system, and with the Conservative government, some of their funds, I understand, have been cut, which I don't—

Mr. Peter Kormos: You're not keen about it.

Dr. Lisa Doupe: No.

Mr. Peter Kormos: I got that impression. I presume you're here in Toronto?

Dr. Lisa Doupe: Yes.

Mr. Peter Kormos: What happens in an area like mine? I'm from Niagara. What happens in northern Ontario? What happens in remote parts of the province?

Dr. Lisa Doupe: Unfortunately, not anything. We don't even have people who have been trained in this area.

Unfortunately, people who are released just go back into the community, struggling—and let me tell you, they do struggle because they know, if they're at low risk, that sometimes the risk, which is associated with being released, and the stress—because they're lost their family, usually; they've lost their job, they've lost their friends, they've lost everything. They've often lost all of their money because they've had to pay for lawyer's fees etc. So the stress of that then, when you understand the nature of addiction and behaviour problems, may bring out further thoughts and further need to reoffend, which is why the treatment part becomes so critical to address, when you're addressing this area.

Mr. Peter Kormos: Thank you kindly, Doctor.

The Chair (Mr. Lorenzo Berardinetti): Thank you, Doctor, for your presentation today.

That completes our list of presenters for today. This committee is recessed until 2 o'clock, after routine proceedings.

The committee recessed from 1008 to 1405.

The Chair (Mr. Lorenzo Berardinetti): I'd like to call this meeting back to order: Bill 163, An Act to amend Christopher's Law (Sex Offender Registry), 2000.

We're now going clause by clause. Pursuant to standing order 80, I'll ask: Are there any comments, questions or amendments to any section of this bill, and if so, to which section? None? We'll go clause by clause.

Shall sections 1 to 9, inclusive, carry?

Mr. Peter Kormos: One moment. First you have to determine whether there's debate on it.

The Chair (Mr. Lorenzo Berardinetti): I was going to say the debate call afterwards. All right. You wanted to debate before—

Mr. Peter Kormos: Sections 1 through 9, and then I'm going to say, "No, thank you."

The Chair (Mr. Lorenzo Berardinetti): Okay. Are there any comments, questions or amendments to any section of the bill, and if so, to which section? Mr. Kormos.

Mr. Peter Kormos: No, thank you.

The Chair (Mr. Lorenzo Berardinetti): Okay.

Mr. Peter Kormos: Shall sections 1 through 9—

The Chair (Mr. Lorenzo Berardinetti): Shall sections 1 to 9, inclusive, carry? All those in favour? Opposed? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 163 carry?

Mr. Peter Kormos: One moment.

The Chair (Mr. Lorenzo Berardinetti): Mr. Kormos.

Mr. Peter Kormos: I'm only going to comment briefly, very briefly, if only to explain why this bill is being treated in this unusual way. It's because it's an unusual bill—not that there's anything peculiar about it, but it is designed to complement the federal legislation, which, as we were told, will be proclaimed tomorrow. That gives some urgency to this whole matter, if the two regimes are going to be complementary to each other. If the federal bill is proclaimed tomorrow, then it's relatively urgent that this bill be proclaimed as speedily as possible.

As you heard earlier today, we were also concerned about the prospect—anything could happen at this point in the Legislature, as we're approaching an election date. The House is scheduled to sit until June 2, but as I say, a prorogation could occur as a result of a political decision by the government. These things happen. So we were fearful of the bill not getting passed, and all of us agreed that that, in and of itself, argued for some expediting of the process.

You heard me, on second reading, express concerns about a couple of facets of the regime. We were able to address one of them today with the police officers who were here, the OPP officers. I'm still concerned about the fact that this doesn't deal with young offenders, neither the level 1 nor level 2, the 16- and 17-year-old young offenders. That I consider to be a serious omission.

It also doesn't deal retroactively in Ontario, so that means there's still a significant number of convicted sex offenders—people who have been convicted of sex offences, some of them very dangerous ones—who are not obliged to register for the registry.

I've spoken with the parliamentary assistant, and he's explained to me that at this point in time, the government would not have been receptive to amendments to have effected the changes that I might have sought, and I accept that. That's the nature of the beast. That matter, I suspect, will still prevail.

The other issue, of course, is the nature of the system in that—we learned a little bit about it today. We know that 3% of registerable sex offenders don't register in the province of Ontario. The inference can be drawn, I think, that amongst those—not all of them, but amongst those—are some of the most dangerous sex offenders. That's why they don't register. That's problematic. We heard how there's reporting from courts when there are convictions, and that's a start, but we still haven't got our heads around how you ensure that every single sex of-

fender becomes registered, one way or another. Perhaps it's simply impossible unless you get into weird worlds of planting chips into people's molars or those sorts of things that we see in movies from time to time.

Nonetheless, I've been involved in the debate on this bill from the get-go, from its very origin, and I'm ready to proceed with it. I'll be speaking more to the bill come third reading.

I do want to ask people to especially take a look at the material that was left behind by Dr. Lisa Doupe, who added an interesting dimension to this whole discussion—an important one, one that we often tend to overlook and one that the bill in and of itself isn't designed to address. She spoke this morning, albeit briefly, because she had a short period of time, about the paucity of treatment in our provincial institutions—talking about correctional facilities—and in the community for, I presume, those treatable sex offenders, the ones who are low-risk. She suggested very strongly that those people were treatable. She also suggested, by referring only to low-risk, that there's a level of sex offender who probably isn't treatable, and that should cause us concerns as well, because these people are being released, just like low-risk sex offenders are.

So I'll leave it at that. I look forward to third reading. I trust that will come along relatively speedily. Then the government can get on with proclaiming its bill.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? Mr. Zimmer?

Mr. David Zimmer: I spoke at length in the House on this matter, and my detailed remarks and various explanations for what's behind the bill or what it means are on the Hansard reflecting those debates.

But just a quick statement for the purposes of this committee: Why are we moving forward with Bill 163 now? Well, Mr. Kormos has hit on it; on December 9, 2010, the federal government introduced Bill S-2, which deals with the registry and sex offenders and so on. That bill is going to be proclaimed tomorrow, April 15. The effect of that bill, when matched with our existing bill here in Ontario—there are certain differences or inconsistencies or anomalies between the two, revolving

around four things: reporting obligations, the addition of offenders convicted outside of Canada, the addition of certain employment and volunteer information and, fourthly, there would be some differences in the way the records of offenders are maintained, treated and used.

It's important for the people of Ontario—indeed, the people of Canada—that the two acts are in sync and that nobody falls between the cracks. So, when you go through the fine print of the bill, what our bill does is ensure that there's consistency with the Ontario position and the federal position so that, at the end of the day, the bills will serve their intended purposes.

I do want to thank my colleagues from the Conservative Party and the NDP for the co-operation on this matter to enable us to get it through today so that, come tomorrow, April 15, the federal government and the provincial government are sort of all on the same page on this important issue.

I do have people from the ministry here, including the lead counsel on this, if there are any questions—technical questions—that anybody wants to get into. But I, without being presumptuous, don't expect that's the case today. Thank you.

The Chair (Mr. Lorenzo Berardinetti): Any further debate? None?

Shall Bill 163 carry? All those in favour? Opposed? Carried.

Shall I report the bill to the House? All those in favour? Opposed? Carried.

Any other business? Mr. Kormos?

Mr. Peter Kormos: Yes, sir. As people know, Mr. Zimmer is not the parliamentary assistant to the Minister of Community Safety; he's the parliamentary assistant to the Attorney General. He has done double duty. Some of his colleagues who wonder why they're not rising in the ranks as quickly as they wish should just look to Mr. Zimmer to indeed see how it's done and see how a competent, capable, skilled member of this Legislature earns the respect of the Premier's office.

The Chair (Mr. Lorenzo Berardinetti): Thank you. Okay, so we're now adjourned.

The committee adjourned at 1414.

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