OFFENDER REGISTRY

JOHN HOWARD SOCIETY OF ALBERTA
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EXECUTIVE SUMMARY

Offender registry is a form of notification about certain types of offenders. The most common types of offenders who may be subject to registry are sex offenders, child sex offenders and repeat violent offenders. Offender registry may be accessible only to police or it may be more widely accessible. In some jurisdictions in the United States, offender registries are posted on the internet.

Two provinces in Canada (Ontario and British Columbia) have enacted enabling legislation for the registration of sex offenders. In these provinces, the registries are provincial in scope and accessible only to police. Saskatchewan has also proposed the establishment of a sex offender registry that is very similar to the schemes established in Ontario and British Columbia.

Recently in Alberta, the provincial cabinet approved a report outlining plans for the establishment of a provincial registry of high risk offenders residing in Alberta. The media has placed particular emphasis on the government's announcement that child sex offenders will be included in the proposed registry. This response was triggered by the death of a five year old girl in Lethbridge, Alberta in May 2001.

While in no way diminishing the importance of addressing sexual and other violent crime in the community, the John Howard Society of Alberta opposes offender registry. We believe that offender registry is a misguided response to violent crime in the community and that it may have unintended consequences that negatively impact public safety.

Offender registry represents a fundamental misunderstanding about the nature of crime and the profile of sexual and other violent offenders. It raises serious civil rights and public policy issues. It is difficult to administer properly. It may encourage citizen vigilantism. It may divert resources away from carefully developed criminal justice initiatives and, according to research on the subject, there is no evidence that offender registry prevents crime.

In designing ways to reduce crime, including sexual offences, the John Howard Society of Alberta believes that care must be taken that our responses are effective, just and humane. We understand the reactions of fear and frustration related to sexual and other violent offences and toward those who commit such offences. The fear and frustration must not, however, drive communities to accept, as solutions, measures that are questionable in terms of effectiveness, justness and humaneness.

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INTRODUCTION

Offender registry is a form of notification about certain types of offenders, usually sex offenders, that may be either publicly accessible or accessible only by certain officials. Registration schemes require certain offenders to register their name and other identifying information with police and to renew their registration annually or when they move.

In Canada, offender registries have been established in some provinces for the registration of sex offenders. These types of registries are intended to assist police in their investigations. Prevention of sexual reoffending "may be enhanced by providing police with a centralized database of identified sex offenders so that crimes can be more rapidly solved" (Petrosino & Petrosino, 1999, p. 141).

Publicly accessible registry is, ostensibly, intended to increase public safety by preventing future sexual or other violent offending through awareness of the identity of certain known offenders in the community. The assumption is that, "if endangered citizens know that a released...offender is among them...they can take steps to prevent the victimization of themselves and other more vulnerable persons" (Petrosino & Petrosino, 1999, p. 141).

Offender registry is often developed as a reaction to a particular violent crime, most often sexual in nature. For example, in the United States:

> One of the most frequently cited cases is that of Megan Kanka who was killed in New Jersey in July, 1994, by a neighbour who was a previously convicted sex offender. This case gave rise to a high-profile campaign that was instrumental in the adoption of legislation in federal and state jurisdictions, commonly referred to as "Megan's Law(s)". (The Federal, Provincial and Territorial Working Group on High Risk Offenders, 1998, p. 3)

Offender registry is on a continuum of community notification schemes. It may be more extreme depending on whether the public has access to the registry and what sort of information is required in the registration. An example of an extreme form of community notification appeared recently in the United States in Nueces County in Texas:

> A judge has ordered 21 convicted sex offenders to place signs in their front yards reading "Danger! Registered Sex Offender Lives Here."
>
> The signs were given to offenders Friday along with bumper stickers reading "Danger! Registered Sex Offender in Vehicle." ("Sex offenders ordered," 2001)

OFFENDER REGISTRY IN CANADA: SEX OFFENDER REGISTRY

In Canada, existing offender registries apply only to sex offenders. Each is provincial in scope and only accessible by police. For several years, provincial justice ministers have pressed the federal government to create a national sex offender registry, particularly for child sex offenders (Thomson, May 15, 2001). In 1993, the federal departments of the Solicitor General, Health and Justice established an interdepartmental working group to study high risk offenders and to propose options. Their work included a study of sex offender registry. The working group made a number of conclusions:

> - a separate registry would, at best, duplicate a part of what already is available through CPIC [the Canadian Police Information Centre];
> - access to the full criminal history of convicted offenders would be more useful than the narrow criteria of sex offending;
> - a separate system would be expensive and difficult to administer, particularly with regard to verification of identity;
> - public access to any form of registry raises serious privacy issues;
> - information contained on a registry (including CPIC) is of limited value unless supported by a more comprehensive screening process that should be adopted by those concerned with protecting and assisting children and other vulnerable groups.
>
> (The Federal, Provincial and Territorial Working Group on High Risk Offenders, 1998, pp. 4-5)

While continuing to put pressure on the federal government, several provinces have addressed the issue of sex offender registry at the provincial level. Ontario passed legislation in 2000 that provided for the establishment of a sex offender registry that is accessible by the police. British Columbia did the same in 2001. Saskatchewan has proposed similar legislation. Recently in Alberta, the provincial cabinet approved a report outlining plans for the establishment of a provincial registry of high risk offenders residing in Alberta (Thomson, May 31, 2001). Cabinet's approval followed two weeks of research performed by the Department of the Solicitor General.

Ontario

On January 1, 2001, the Ontario government enacted *Christopher's Law (Sex Offender Registry)*. Ontario's sex offender registry was sparked by the 1988 murder of an 11 year old boy at the hands of a convicted pedophile on federal statutory release (Ontario Ministry of the Solicitor General, Sex Offender Registry page). Ontario's legislation provided for the establishment of a sex offender registry containing the names, dates of birth and addresses of people who have been convicted of a sex offence (or who have been found not criminally responsible of a sex offence on account of mental disorder) (Christopher's Law (2000), s. 1 and s. 2).

Every sex offender who is residing in Ontario is required to present himself or herself at a designated place and provide the police with the required information. Offenders must report within 15 days after being released from custody, being convicted and sentenced to a non-custodial sentence, changing addresses, becoming a resident of Ontario and within 15 days before ceasing to be a resident of Ontario. Offenders must also report on an annual basis. The reporting requirement lasts anywhere from 10 years to life depending on the nature of the offender's sentence or finding of mental incompetence. Offenders who fail to comply with the reporting requirements of the Ontario statute are liable to fines of up to $25,000 and imprisonment for up to two years. (Christopher's Law (2000), s. 3, s. 4 and s. 11)

Ontario's sex offender registry is not public. With specific exceptions, the police are prohibited from disclosing information obtained from the sex offender registry. (Christopher's Law (2000), s. 10)

British Columbia

This year, the British Columbia government passed legislation to establish a sex offender registry. The province will introduce the registry in two phases. The first phase, starting January 2002, involves monitoring the location of sex offenders by the government. If that system is ineffective, the government will impose a second phase, which will require offenders to report annually as they do under *Christopher's Law* in Ontario. (Thomson, May 16, 2001)

Saskatchewan

Saskatchewan has also proposed the establishment of a sex offender registry. A private member's bill was introduced to the Saskatchewan legislature in late April of this year that is almost identical to *Christopher's Law* (Law Society of Saskatchewan, 2001, Home page). The Saskatchewan government had "previously dismissed the idea, saying experience in the United States has shown such registries do not work" (Thomson, May 16, 2001). However, the government is planning to take action if the federal government does not respond to the issue shortly (Thomson, May 16, 2001).

Alberta

Motivated by the death of a five year old girl in Lethbridge, Alberta, the provincial government has renewed its call for a "national pedophile registry" (Thomson, May 15, 2001). Although it is currently unknown whether any kind of registry could have changed the circumstances that led to the child's disappearance and death, the situation has been seized upon by the media and public officials as the reason for the need for a publicly accessible registry of high risk offenders, including child sex offenders (Thomson, May 16, 2001). The provincial government is also supportive of regional coordination with respect to offender registry. Speaking for western Canadian premiers, Ralph Klein is quoted as having indicated that, "Notwithstanding any movement by the federal government, we will proceed immediately to co-ordinate our efforts as provinces to set up registries in our own jurisdictions" (Geddes, 2001, p. A5).

In addition to supporting offender registry at both national regional levels, the provincial government in Alberta has taken steps to establish a provincial offender registry. At the end of May, 2001, the provincial cabinet approved a report outlining plans for a provincial registry of high risk offenders living in Alberta. The report details the cost of running the registry, how it will work and who will be forced to register (Thomson, May 31, 2001). Legislation establishing the registry is expected following a review of the report by a government standing policy committee (Thomson, May 31, 2001).

ISSUES

Offender registry gives rise to a wide variety of fact and policy based issues. Following is an examination of some of the more well studied issues that impact the John Howard Society of Alberta's position on offender registry, beginning with issues that apply to all types of offender registry and moving to issues that apply to specific types of offender registry.

Offender Registry in General

Most of the research on offender registry schemes deals with sex offender registry. As such, the following discussion is necessarily oriented toward sex offender registry. The issues are, however, applicable to all types of offender registry.

Creating a False Sense of Security: If Only Things Were This Easy

Offender registry has the potential to give the public a false sense of security. There may be the assumption that the registry denotes who the sexual or violent offenders in our communities are, when in fact the registry only lists those people who have been caught and convicted:

> It must be acknowledged that a registry that contains only records of convicted sex offenders (or pedophiles or child abusers) [or other violent offenders] will contain only a fraction of those about whom the community should be concerned. There are, of course, the unconvicted who would not be identified on either a criminal history or a sex offender database. (The Federal, Provincial and Territorial Working Group on High Risk Offenders, 1998, p. 7)

Another assumption that may create a false sense of security is that the offender will actually register himself. The reliability of the registry depends on the degree to which individuals comply. In the United States in 1996, some states reported that 45% of all offenders had inaccurate or missing information on their registrations (Center for Sex Offender Management, 1998, on-line). The offender who does not care whether he faces a fine or imprisonment for failure to register may simply fail to register and commit a new offence while administrators are unaware that he is not properly registered. Offender registry also does not in any way prevent an offender from committing a new

offence between the period of release and registration.

It is ironic that the very people who are seen as untreatable and unsafe in the community are relied upon for the timely and accurate registration of information about themselves in an offender registry. It is reasonable to anticipate that those individuals who will register themselves as required will most likely be those who are the most stable and, therefore, who the community fears the least. As a result, offender registry will do little to enhance community safety.

Put simply, citizens may rely too heavily on offender registries. A false sense of security may undermine support for effective measures of preventing reoffending. By believing that we have dealt with the problem of sexual or other violent offenders in our communities, we may turn our attention away from support for adequate treatment and community supervision of these offenders.

Administrative Considerations

The first administrative difficulty with offender registry is the requirement that the offender register himself. Even where registration is compulsory, compliance rates have been found to be low (Center for Sex Offender Management, 1998, supra, and The Federal, Provincial and Territorial Working Group on High Risk Offenders, 1998, p. 6) and information may be inaccurate or incomplete. Further, the costs of setting up the registry in the first place and then maintaining it in terms of completeness and accuracy will put further strain on police, court and other correctional personnel who are already overburdened.

Finally, the proposed penalties for not registering or for providing false information under these types of schemes are significant. Typically, a first time failure to comply with the statutory requirements for offender registry may result in a fine of up to $25,000. For an individual who is just moving into the work force after a period of incarceration, this amount could be astronomical. A first time failure to comply may also result in a term of incarceration up to one year. Incarceration comes at considerable cost both to society and to the individual and should never be used needlessly. Incarceration is very costly for taxpayers. To the individual, the loss of liberty can mean loss of employment, loss of accommodation and disruptions to family and personal life. The possibility exists that an offender who was sentenced to less than one year in jail for his original offence will have to serve a longer term of incarceration for failing to comply with registration requirements.

Diversion of Resources

The above two issues (false sense of security and administrative considerations) highlight the potential for a further problem with offender registry: the unnecessary diversion of resources. Resources may not be applied to appropriate community treatment and supervision when communities are anaesthetized by a false sense of security. Further, resources may be wasted through administrative complexities when money is directed toward ineffective or logically unsound measures.

During the time that The Federal, Provincial and Territorial Working Group on High Risk Offenders was gathering information on sex offender registry, Volunteer Canada opposed the establishment of a national sex offender registry because it promotes the notion that simply performing a police check is a sufficient precaution against sex crime. This organization argued instead that resources be directed to current measures such as public campaigns that promote parental involvement and adequate screening policies and practices (The Federal/Provincial/Territorial Working Group on High Risk Offenders, 1998, p. 9). These types of measures, currently underway in Canada, need time and additional resources to take effect.

Those Annoying Civil Rights: Getting Serious About Freedom

All too often, public officials decry constitutional constraints on their ability to dispense "true" justice. The questionable constitutionality of offender registry is placed last in this series of issues surrounding offender registry in general because, until they affect us personally, civil rights are usually the last thing on our minds. What we must never forget, however, is that the Constitution exists to protect all Canadian citizens from injustice at the hands of the government.

Community notification and offender registry have drawn criticism from civil rights advocates. Objections are based, among other things, on the argument that public identification of released offenders "constitutes additional and unfair punishment beyond the term of incarceration" (Berliner, 1996, p. 294):

> Legal challenges have included claims that (1) these laws violate the constitutional prohibition against ex post facto punishment by retroactively inflicting "punishment" on offenders who were convicted and sentenced before the laws were passed, (2) the laws violate the privacy interests of offenders after they have been released from state supervision, and (3) the laws create a stigma (a modern day scarlet letter) that constitutes cruel and unusual punishment. (Petrosino & Petrosino, 1999, p. 141)

To our credit in Canada, the correctional system has been steadily increasing attention to rehabilitation and community based corrections and decreasing focus on punishment and revenge. Canada's international reputation as a just and peaceful society is reflected in the fact that criminal justice in Canada includes a genuine effort to correct antisocial behaviour. When people in this country "do the crime and then do the time," we must respect their right to once again participate equally in the community.

The above issues are "threshold" issues. That is, they apply to all types of offender registry and, therefore, they are of concern regardless of the type of offender registry in question. Turning our attention to more specific types of offender registry, we highlight issues relating to publicly accessible offender registry, sex offender registry and police accessible offender registry. While some concerns related to the following issues could be addressed through certain changes or modifications to a proposed type of offender registry, concerns related to the "threshold" issues would remain.

Publicly Accessible Offender Registry

Reality Check

Publicly accessible offender registry is hailed as a way for neighbourhoods to empower themselves through knowledge. By knowing who the individuals in the community are who have a history of sexual or other violent crime, communities may protect themselves and their children or other vulnerable members from exposure to those individuals.

In order for a publicly accessible offender registry to actually provide the type of knowledge it is purported to provide, communities must be especially diligent and intuitive. If the registry requires the user to make a specific search, people must be sure to make individual inquiries of the registry about their friends, their friends' spouses and partners, their neighbours, their neighbourhood visitors, their children's coaches and their neighbourhood recreational sporting teams. These inquiries must be made without exception because sexual and violent offenders cover all sectors of society and, even if a person "seems" safe, one can never be sure. If the registry simply lists offenders who reside in a particular geographic area, people must know the full names and aliases (and possibly other information such as birth dates, addresses, telephone numbers or social insurance numbers) of all of their friends, their friends' spouses and partners, their neighbours, their neighbourhood visitors, their children's coaches and their neighbourhood recreational sporting teams and they must be able to put a face to each name. They must repeat their inquiries on a regular basis to ensure that each person has not been convicted or released during the period since they last checked the registry.

It is clear from the above that publicly accessible offender registry will not provide full awareness unless community members are willing to suspect each and every person who enters the neighbourhood and to keep tabs on each and every person who enters the neighbourhood. These horribly paranoid exercises are highly unlikely to take place in our communities.

Citizen Vigilantism: When Fear and Suspicion Meet

An offender registry that is accessible to the public may encourage citizen vigilantism. Both in the United States and Canada, there have been cases of threats and violence against registered individuals and even harassment against their family members. The United States has many examples of what happens when people are frightened and uninformed. "The combination of fear and ignorance provides the worst recipe for responsible decision making" (Prentky, 1996, p. 296).

While it is logical that a parent would want to know that a potentially dangerous sex offender is living next door, that knowledge would "never prevent the man from reoffending, even in [one's] own neighbourhood, if he was intent on doing so" (Prentky, 1996, 296).

There is also a real possibility of other people being victimized due to misidentification. According to The Federal, Provincial and Territorial Working Group on High Risk Offenders (1998):

> Without fingerprint identification, it is never possible to be certain that a registered individual is the one about whom an inquiry is received. Typically, a community member would want to make a confidential inquiry about an individual who is of concern. To do so a name might be submitted, possible a birthdate, neither of which can be reliably confirmed. Some registries require information such as social security numbers before a search will be conducted. Even then, falsification of records, misspelled names, duplicate names and the like can lead to serious problems of misidentification. (p. 6)

Reaction of the Offender: When Fear and Isolation Meet

Publicly accessible registration may drive the offender underground to conceal himself and his whereabouts:

> The problem with demonizing pedophiles is that it drives them further underground, says Corrections Canada psychologist Robin Wilson, who helps oversee the Circles of Support program, run by volunteers from the Mennonite community in Ontario.
>
> Pedophilia, he says, thrives in secrecy. Not only do victims remain silent in that climate, but the offender isn't constrained by the expectations of family, friends and community. (McKeen, 2001, p. B5)

The offender's effort at concealment is not only dangerous in the short term; it also destroys efforts at rehabilitation. The fear of identification may encourage offenders to move out of the province and away from any community supports that they may have. This problem is particularly difficult with respect to sex offenders. According to Federoff and Moran (1997):

> Sex offenders as a group tend to have difficulty establishing lasting relationships, and following conviction, have trouble obtaining stable employment. As a result, they have fewer ties to their community and tend to be transient. Current laws about offender notification make it more likely that sex offenders will move. (p. 272)

The offender who must hide from the community because of fear and isolation loses the benefit of those factors that assist reintegration and reduce the likelihood of reoffending: stable accommodation, steady employment, contact with family and other community supports.

Further:

> We cannot dismiss the possibility that some percentage of offenders will reoffend because of the stress and pressure imposed by a hostile, rejectionist community that has branded the offender as a pariah. Thus we may be unwittingly increasing the likelihood that some sex offenders reoffend. There is ample clinical evidence to suggest that maintenance in the community is the most difficult part of reducing

> reoffense risk. Most sex offenders, even those that are released from treatment programs, are returned to the community with few, if any, support systems and expected "to swim." Satisfactory reintegration and adjustment often poses the greatest challenge, even for the most well-intentioned ex-offender. (Prentky, 1996, p. 295)

In one study performed in the United States, offenders subject to community notification were rearrested for new crimes twice as quickly as comparable sex offenders released without notification (Lieb, 1996, p. 298).

Sex Offender Registry

Profile of Sex Offenders and Sex Offences: The Man in the Trenchcoat?

Contrary to the common perception that the majority of sex offenders are strangers prowling for victims in public places, a relatively low proportion (23%) of sex offences involve a stranger to the victim. When the victim is a child or a youth, the rate of stranger victimization is even lower, at 16%. In over one third of sexual assaults involving a child or a youth, the accused was a family member. Over two thirds of sexual assaults occur in the home. The remainder occur in public areas (17%) and in commercial/public areas (16%). (Canadian Centre for Justice Statistics, 1999, p. 12)

For the significant majority of sex offences that occur at home or by a parent or other family member, sex offender registry offers no protection. As stated by Federoff and Moran (1997, p. 272), "In incestuous families, knowing who the perpetrator is does not offer much protection."

Given that so many child sex offenders are related to their victims, sex offender registry could have very negative unintended consequences. If the registry includes incest offenders, then "it might actually dissuade victims to file charges, knowing that their family member could be marked for life" (McKeen, 2001, p. B5).

Recidivism Rates: Something Does Work

A common belief, and one that heavily influences the development of sex offender registries and other notification systems, is that all sex offenders reoffend sexually. Research does not support this conclusion.

A recent follow up study of sex offenders released from federal penitentiaries in Canada found that less than 1 in 10 were convicted of a new sexual offence during the follow up period, which averaged 3.5 years (Motiuk & Brown, 1996). A review of 61 studies dating from 1943 to 1995 relating to sex offender recidivism found that the overall sexual recidivist rate was 13% over a five year follow up period compared with the 36% general recidivism rate (Hanson & Bussière, 1996, p. 11). One long term follow up study in California found that 20% of sex offenders first arrested in 1973 had been rearrested for a sex offence by 1988 (Matson & Lieb, 1996, p. 14). This means that 4 out of 5 sex

offenders did not reoffend sexually over a 15 year period.

Despite the widely held view that "nothing works," there is growing evidence that treatment can reduce the rate of sexual reoffending:

> What is the evidence that sex offenders are incurable? There has been only one published survey of treatment programs that suggested that treatment is ineffective ..., although the authors of this review paper cautioned that they had included treatment methods which are now considered obsolete. In contrast, a more recent paper found that nine out of ten studies reviewing 87 programs showed treatment was effective.... (Federoff & Moran, 1997, p. 270)

Dr. Robin Wilson, a senior clinician with the Central Ontario parole district of the Correctional Service of Canada, is quoted as having cited a recent study that showed that sex offender treatment programs such as the Circles of Support and Accountability "reduce incidents of reoffending by more than 50 per cent" (Brooymans, 2001, p. B3). Dr. Lea Studer, the director of Alberta Hospital Edmonton's Phoenix Program for sex offenders, agrees that sex offenders can be treated. In an interview with the Edmonton Journal in May 2001, she, too, stated that the belief that sex offenders cannot be treated is a "myth" (McKeen, 2001, p. B5).

Police Accessible Offender Registry

Duplication of Services

To date, the intent of the legislation proposed and enacted in Canada has been to give police access to information about convicted offenders to aid them in their investigation of crimes. Registries that are only accessible by the police do not have the same potential for damage as public registries. However, even offender registries that are only accessible by the police are problematic. They are still subject to the concerns outlined above and, further, they duplicate a range of available services with an added cost to taxpayers for developing and maintaining a separate system.

Correctional Service of Canada is already required by law to notify police of all releases (Corrections and Conditional Release Act, 1992, s. 25). Most provinces in Canada, including Alberta, have community notification. Local practices may vary and local law enforcement agencies typically have the responsibility of collecting offender information and making a decision about notification. In Alberta, information about a potentially dangerous sex offender can be communicated to the public in accordance with an established protocol.

Canada has the Canadian Police Information Centre (CPIC), which includes adult and indictable youth conviction records from all provinces and territories and records of dispositions following a finding of not guilty by reason of mental incompetence. CPIC also contains information about probation, prohibitions and other judicial orders. The system now includes more information about child sex offences. Following national consultations, the federal government expanded the types of

information available to police through CPIC. CPIC data banks now include:

- data on all convicted sex offenders (summary and indictable offences) [and] prohibition orders relating to sex offenders;
- information about the age and sex of the victim in cases of child sex offences; and
- fingerprint information on those convicted of all hybrid child sexual offences. (North Vancouver RCMP, Screening Volunteers and Employees Page)

Police services can use CPIC to conduct screenings on behalf of certain community organizations.

Opponents of offender registry argue that it is wasteful and duplicitous because community notification and CPIC already achieve much of what is sought by offender registry. Proponents of offender registry argue that, while police accessible offender registry may have some features that would also be available through community notification practices and CPIC, neither of these schemes have the "tracking" feature that offender registry offers. This is true. Only offender registry tracks the offender's movements and only offender registry places the onus on the offender to make his whereabouts known.

The argument that offender registry is not entirely duplicitous because it offers a unique offender maintained "tracking" mechanism often leads to the fallacious conclusion that it is therefore legitimate or necessary. This simply is not so. Offender registry is still, for the many issues we have outlined in this paper, an inherently problematic concept. It still provides a false sense of security. It may still divert resources away from appropriate treatment and programming. If accessible to the public, it may still encourage citizen vigilantism and it still isolates and drives away those who most need stability and sensible community reintegration. Just because offender registry may achieve something that cannot currently be achieved through existing mechanisms does not bestow any new value on offender registry.

EFFECTIVENESS

Even in light of the above difficulties, proponents of offender registry may still argue that the monitoring of certain types of offenders in the community is necessary because it can lead to a reduction in reoffending. Indeed, the government of Ontario specifically states that *Christopher's Law* is "A Bold Measure in Community Safety" (Ontario Ministry of the Solicitor General, Sex Offender Registry page). There are two responses to this argument.

First, it is questionable whether crime prevention is really a goal of offender registry. We know from research and experience that community notification (particularly publicly accessible sex offender registry and other forms of sex offender notification) most often has the effect of driving the offender out of the community and into a new community where he can hide more easily. The community that bids the offender goodbye is relieved and pleased that it has addressed the problem of having a

known offender in its midst. It is hardly concerned for the new community, which is now faced with housing a known offender who is living in fear and without community support. If offender registry were really about crime prevention, people would not be so comfortable when the offender flees the area to become someone else's problem.

Second, and even more unfortunately, there does not appear to be any empirical evidence that reoffending can be reduced in any way by offender registry. In a recent study from a sample of criminal sexual psychopaths in Massachusetts, the authors (who themselves appeared to be sympathetic to the concept of sex offender registry) concluded:

> The public safety potential of the Massachusetts Registry Law to prevent stranger-predatory crimes such as those against Megan Kanka or Jacob Wetterling is limited. Of the instant offenses committed by 136 serious sex offenders, we rated the potential of notification reaching the eventual victim as good in only four stranger-predatory cases and as poor to moderate in two others. However, to get notification data out to these six potential victims would have required a system of tremendous integrity, with broad and consistent publicizing methods. (Petrosino & Petrosino, 1999, p. 154)

DISCUSSION OF ALTERNATIVES

The John Howard Society of Alberta recognizes the importance of reducing sexual and other violent offending in the community. Far from trivializing the seriousness of sexual and other violent offending to both victims and the general public, our position emphasizes the importance of this issue. It is not one to be dealt with lightly or rashly and then forgotten about until the media decides to take it up again. Sexual and other violent offending in the community deserves a rational, thoughtful, long term examination of the measures that will serve the community most effectively. The John Howard Society of Alberta is making that examination and we invite our public officials to do the same.

Rather than pursuing policies and practices based on the illusion that the public is being protected and that may do more harm than good through unintended consequences, the John Howard Society of Alberta believes that the community needs to develop an alternative strategy that is based on solid research about what effectively reduces sexual and other violent reoffending. The elements of such a strategy are:

1. Specialized, professionally operated and adequately funded treatment services in correctional facilities. Such services should not only treat the offender while in prison but also assist in the development of a plan for relapse prevention and provide the link for release into community based services to facilitate the maintenance of the plan.

2. A system that makes gradual release part of every sentence.

3. The focussing of community supervision and treatment resources on those with the greatest need and who pose the greatest risk.

4. An end to those policies and practices that undermine the gradual release process such as the practice of detention under federal legislation and reducing the granting of provincial parole and temporary absences.

5. Available community based treatment and residential services that are specialized, professionally operated and adequately funded. Such services should be accessible to all offenders both before and after their sentences.

An excellent description of the type of approach that the community needs to take to the problem of sexual offending is attributed to Eileen Henderson, head of the Ontario Circles of Support and Accountability program:

> We need to do everything we can to make our communities safe....We can do that by finding ways to make these people feel far less isolated. (McKeen, 2001, p. B5)

CONCLUSION

Offender registry has already been studied in Canada and The Federal, Provincial and Territorial Working Group on High Risk Offenders did not support the concept. Further, in Canada, several of the elements of the above outlined strategy we encourage have already been incorporated into correctional services, along with a number of other initiatives. Correctional Service of Canada focusses on identifying the nature and pattern of the offender's behaviour and providing the offender with the coping strategies that will reduce the risk of recidivism. Over the past few years, Canada has changed both law and practice in dealing with sexual and other violent offenders. Following are some of the new initiatives:

- Correctional Service of Canada is required by law to notify police of all releases. Where the Service has reasonable grounds to believe that an inmate who is about to be released will pose a threat to any person, Correctional Service of Canada is required to take steps prior to release to give the police all information under its control that is relevant to that perceived threat. (Corrections and Conditional Release Act, 1992, s. 25) In addition, most provinces have established community notification practices so that information about certain potentially dangerous offenders can be communicated to the public.

- While eligibility for full parole is usually set at one third of the sentence (Corrections and Conditional Release Act, 1992, s. 120), judges may under certain circumstances set parole eligibility at one half of the sentence (Criminal Code, s. 743.6).

- Sexual and other violent offenders can be detained until the end of their sentence

(Corrections and Conditional Release Act, 1992, s. 129-132).

- Police (or any other person on reasonable grounds) can ask the courts to apply a peace bond to sexual and other violent offenders in the community to restrict their movements, report to police or reside at a particular location (Criminal Code, s. 810.1 and 810.2).

- An offender can be declared a Long Term Offender at time of sentencing, meaning that the offender can receive up to 10 years community supervision following a prison term of at least 2 years (Criminal Code, s. 753.1).

- An offender can also be declared a Dangerous Offender at time of sentencing, meaning that the offender can be held in prison indefinitely (Criminal Code, s. 753), and be subject to lifetime supervision if released (Criminal Code, s. 761).

- Criminal records of pardoned sex offenders who apply for positions of trust with children can be revealed upon approval by the federal Solicitor General (Criminal Records Act, s. 6.3).

A number of these provisions are relatively new and we need to give them time to work. Together, they make a fairly comprehensive set of protections for the community. Some of them can be used more effectively, and we can continue to build on what we know about treating sex offenders and dealing with violent offenders in general. The success of offenders in the community can be improved through appropriate treatment while in custody, intense relapse prevention programs during conditional release supervision and long term follow up and support for offenders.

As stated in the Edmonton Journal in an article responding to the government's reaction to violent crime in the community, "Cooler heads must prevail" (McKeen, 2001, p. B5). We urge the Government of Alberta to reject offender registry. Our best promise for reducing sexual and other violent offending exists in expanding and improving treatment opportunities for offenders and providing community based support and supervision.

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