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Chair

Mr. Garry Breitkreuz

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• (0920)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'd like to bring this meeting to order. This is the Standing Committee on Public Safety and National Security, meeting number 21. We're continuing with our study of the Sex Offender Information Registration Act. It's a statutory review.

We'd like to welcome Chief Superintendent Kate Lines from the Ontario Provincial Police. I'd also like to recognize that we have invited the RCMP to be here, and Inspector Pierre Nezan is with us today. We welcome you, sir. With you is Stéphanie Gauthier, and I believe she's in charge of the registry, or the database. So we welcome you as observers this morning.

We'll ask Ms. Lines to introduce the rest of her staff and begin the presentation. Welcome, and you may begin at any time.

C/Supt Kate Lines (Chief Superintendent, Ontario Provincial Police): Thank you very much. It's my pleasure to be with you again today. I last appeared here with Superintendent Dave Truax, also from the Ontario Provincial Police, on April 21. Also with us today is an officer with the Ontario sex offender registry, Sergeant Jim Mascola, who has the presentation here. Can I go ahead and start?

The Chair: Yes, go ahead, please.

C/Supt Kate Lines: I know that Jim and Anna Stephenson, the parents of Christopher Stephenson, whom our legislation in Ontario is named after, appeared before committee a few days after we did. This is the bill that was proclaimed on April 21, 2001.

Some of our findings were cited in some research that came from the U.S. back in 2002. They demonstrate how important it is for the police to have information about registered sex offenders in a particular area and why delays in getting this information are so dangerous. We know that 44% of these children are murdered within the first hour. Holly Jones was murdered on May 12, 2003, six years ago today. We know from information coming out of the investigation that Holly was killed within the first hour, probably 20 minutes or so after she was abducted. We also know that 74% are murdered within three hours and that 91% are murdered within 24 hours. We know from statements made from Joseph Fredericks, the killer of Christopher Stephenson, that Christopher died within the first 24 hours after he was abducted.

I can't emphasize strongly enough how crucial it is that this information be utilized. That is, the sex offender registry information should be utilized for law enforcement purposes other than those of a sexual nature. One of the reasons is that, particularly for abducted children, we don't always know in those first early hours what the

motivation is. It could have a sexual purpose or it could have a ransom purpose. We're not always sure.

At this point, I'm going to turn it over to Superintendent Truax.

[Translation]

Supt David Truax (Superintendent, Ontario Provincial Police): Good morning, everyone.

Here is who must report: any offender convicted in Canada of a criteria sex offence who resides in Ontario or moves to the province; any offender found not criminally responsible for a criteria sex offence by reason of mental disorder and given an absolute or conditional discharge; any person given a form 52 under the national sex offender registry legislation who resides in Ontario.

What are the criteria offences? You have a list before you and I want to point out, under section 162 of the Criminal Code, the offence called voyeurism. I want to talk about the case of Paul Bernardo. After committing several murders, he also committed voyeurism while continuing to commit murder. That is why we included the offence of voyeurism in the province of Ontario.

I do not want to discuss in detail what is on the next page, because we are pressed for time.

The last sheet that I want to mention deals with criteria offences. You have a list of them before you.

• (0925)

[English]

I believe we now have our technology supporting us, so we will be able to continue this presentation with the use of the PowerPoint slides.

Go ahead, Jim.

Sgt Jim Mascola (Sergeant, Ontario Provincial Police): The Ontario sex offender registry is located within OPP headquarters in Orillia. The registry is designed to contain the names, dates of birth, and addresses of the offenders, and the offences that the offender is responsible for, plus any information that's prescribed under the provincial legislation.

Just before I go on, we do have a training site within the Ontario sex offender registry, and it's a mirror image of the actual site. The information that's on the training site does not have information about offenders, so the information you will see will not divulge any offender information.

When a police officer logs on to the sex offender registry, they receive training, and they have Entrust PKI capabilities in order to get on. They are also given training to ensure that they know how to use the system properly.

When any police service within the province of Ontario signs on, they can see how many non-compliant offenders are in their area; it automatically pops up on their screen. They can highlight that area to determine who those non-compliant offenders are so they can start an investigation with those offenders.

This is the very first search screen that we have on the sex offender registry. Every one of those areas is searchable. Under the last name, if a person has an alias or they're known under another name, we can search that as well because that information is also on the registry. Every one of those blue boxes is searchable by the officer who goes onto the system.

We're using the fictitious name "Zoolander" on the training site here. We've put that name in to search the database, and the following information has come up. Every person who has ever used the name Zoolander and is registered—or not even registered—on the database, or whose information is on the database, will pop up. You notice in the very first one there's his picture, his ID number, his address, his name, his date of birth. So if that's the person you're looking for, you can go to the "select" button, hit it, and the following slides will show what comes up.

Mr. Mark Holland (Ajax—Pickering, Lib.): On a point of order, should we be in camera?

The Chair: No. He just said these are not real; they're fictitious.

Mr. Mark Holland: Sorry, I missed that.

Sgt Jim Mascola: This is fictitious information. Actually, that's a picture of me on the registry. My mom's proud.

Voices: Oh, oh!

Sgt Jim Mascola: On the very first page of the registry, all of that offender's information will pop up on the screen, as well as a detailed map indicating where that offender lives, along with his picture and all the information.

The next couple of slides will show you what is contained in that offender's database. It has his name history. It has his status as to whether he's required to register or is non-compliant. It has an address history, which is also very important, because when officers are investigating crimes that have taken place a long time ago, they can query those addresses to determine whether or not an offender lived in that area. There is a phone history. There's a verification history, which is the responsibility of the police service that's responsible for that offender. The verification history is put in there to determine whether that offender's address and his particulars were verified by a police service.

In the next slide, his actual physical description is shown. Every one of those physical descriptors, as we'll see in slides later on, can be queried. If he's clean shaven, or has a bald spot, or even scars, marks, and tattoos, all of that information is put into the database, as well as his case history. The case history includes the agency that charged him, what the start date was, and a brief case scenario, which is very similar to the ViCLAS jargon that's used when they

put out that information on the offence committed by the offender. Every word in that case narrative can be queried as well—you'll be able to see that in some slides—as can his conviction history.

These are some of the investigative benefits of the Ontario sex offender registry: it's a specific offender database for criteria sex offences; it allows the police and the offender to have a relationship, because the police are required by law to go to that offender's house to ensure that he lives there; it provides a reliable current address; and the police services in Ontario have 24/7 access to the database.

The police are accountable for the offenders in their area. There's no public notification, but there are provisions for notification to the public if the safety of the public is at risk.

As for proactive notification to the offender, this is done on three occasions. The police are required to serve that offender at the time of charge, because what happens is that the offender doesn't know that he is required to go on the registry when he has been convicted of one of those criteria offences. That's an issue after court. Once he's convicted, he's served. Then, if he goes into the institution, we at the OSOR also serve him.

We do have proactive software to identify non-compliance. Again, that's with the OSOR only, because we can determine when that person was released from jail or when that person was required to register. We do have an electronic connection between the provincial and the federal OMS, which gives us the release dates of offenders on the database, and that's crucial to determine non-compliance.

As for some of the other capabilities, we can do jurisdictional offender searches, provincial offender searches, radius searches, which we'll see in a second, and postal code searches. Through the inquiry builder, which is very good for the police services, if they have a description of an offender, they can search all those descriptors. We'll see that in a second.

We can also do text searches. Also, there are photographs, which is very important. We keep all the historical photographs, plus the current ones. Again, we're available 24/7. The OPP headquarters is also the NSOR centre for Ontario. We can do vehicle searches and we can do tattoo searches.

Under the inquiry builder, there are 196 different choices that the police services can choose from in order to try to track or identify a possible person of interest for a sex offence. This slide shows an example of an inquiry builder. This inquiry builder put in age, build, weight, hair colour, tattoo class, and eye colour; we can do right eye colour or left eye colour if they're different. What happens is that after you search it, the following people show up. There are five offenders there, all with their photographs and all matching that description.

•(0930)

The difference with the next slide is that we've taken out the tattoo; we're in the same query and we have 43 offenders. So it's very easy to narrow down your offenders with more information that the witnesses or the victim can provide to the police.

This is a key function of the OSOR. It's our radius search. The radius search we're doing here is 77 Memorial Avenue. That is a radius search of GHQ headquarters in Orillia. Again, it's fictitious. Once you put that information into the system and put a radius of 5,000 metres—which is five kilometres—a map pops up and identifies the address you want to run that from. For example, if you have a sexual assault at that location and you want to identify who your offenders are within that geographical area, you identify it on the map; it pops up on the map and you pinpoint it. You can identify the current addresses or you can identify all the offenders who ever lived in that jurisdiction. What happens is that the offenders show up; it gives you the offenders' addresses, their photographs, a detailed map of exactly where they live in relation to that offence location, as well as how far that offence location is. And that's very important.

This one depicts an area within the province in which we selected an area of a possible offence location. This shows what the potential is for a number of offenders showing up close to that area. If you don't have that information, it's very difficult to try to identify someone as a point of interest, because every one of those red marks is an offender.

We also have vehicle searches. This is new legislation that allows us to put in vehicles that are associated with offenders, not only owned or leased, but commonly used. That means their work vehicle if they're a cab driver or a truck driver. We can put that information in there. As well, we can describe what that vehicle is like. What happens is a victim will commonly say, for example, that the person was driving a blue van. We weren't able to get that information prior to the last legislation. Now we can go in and run a search of all blue vans and they'll pop up on the system.

Again, we're going to discuss quickly the extensive descriptor searches. Here's an example of a possible descriptor search of a suspect and a location. Every one of those will be run on the system and identify an offender.

We talked about photographs earlier. The next set of photographs is of a guy from our office in 1974, 1984, and 2004. But we do have photographs of offenders on there from year to year to year, and you wouldn't believe the change in them. Some people get a tattoo on their face, or grow a moustache or shave their head, and it's very important to have those historical photographs. This is an example of it.

Tech searches. Commonly, a victim will tell the police that she doesn't know any information about the suspect, but she may have information about how the suspect perpetrated his crime. By that I mean she or he may have been sexually assaulted at a residence and not know where it is, but the offender used a pillow during his assault, or used a knife. We can go onto the case narrative here, run the word "pillow" in this case, and every offender who's ever used a pillow in the province of Ontario, or outside of Ontario and lives in

Ontario, will pop up on the system. In this case, because it's fictitious, two people pop up. The next slide will show that in this case narrative, the word "pillow" pops up.

Currently, the OSOR monitors move-in and move-out dates of offenders' residences. This is very important, because that triggers non-compliance. We manage when the information is verified and by whom, so the police services are responsible for verifying the information.

Another important aspect is that all persons on the Ontario sex offender registry are also on CPIC in the SIP category, which is "special interest to police". If a police officer on the road stops that person, they can identify a potential address where that person may have moved and provide that information to the OSOR.

•(0935)

Currently, we have 2,500 users on the system who access that system daily.

This is just showing if we wanted to find out how many females were on the system. There are 95 females on the OSOR.

In our last slide prior to some questions, as of May 2009, since the inception of SOIRA in December 2004, 5,169 offenders have been convicted of criteria offences in Ontario. Of that 5,169, only 3,007 have been issued form 52 under the national scheme and were required to register with the national registry. This equates to 58.17% of convicted sex offenders required to register on the national registry. All of these convicted offenders are on the OSOR.

Barring that, if there are any questions...

C/Supt Kate Lines: Perhaps I could add some closing comments, now that I've finished advancing the slides.

You may recall that when I was here on April 21, I was able to give you some very current, as of that morning, statistics for the sex offender registry. On April 21 there were 11,963 registered. As of this morning, there are 12,027. On April 21, 278 of these offenders were non-compliant. As of this morning, of those who are in the sex offender registry within the province of Ontario, 251 are non-compliant.

I'm happy to say that our compliance rate as of April 21 was 96.84%. This morning it is 97.16%.

I just wanted to close with that statistical update.

•(0940)

The Chair: We thank you very much. We'll go immediately to our questions and comments. We're going to run over time, and I hope that's okay with the witnesses. Hopefully the business that we have afterwards we'll be able to complete in a shorter length of time.

Mr. Holland, for seven minutes, please.

Mr. Mark Holland: Thank you so much, witnesses, for appearing before committee today. I appreciate your intervention.

One of the issues we've been wrestling with—certainly it has come up again and again to committee—is the issue of automatically registering sex offenders. Certainly, the point has been made, and made clearly, for the importance of having a list that covers all the right people and that you don't have people who should be on the list not getting on it.

Some people have expressed the concern that judicial discretion has allowed a number—you showed the statistics there—to not appear on the list. That creates holes. Conversely, we've had individuals express privacy concerns. There are instances where judicial discretion might be required. I'm wondering what your feeling is about the efficacy of automatic registration. Are there instances where it might not be appropriate for people to be on that list and yet they are getting on that list because there isn't the opportunity for judicial discretion, in your opinion?

Secondly, maybe with particular relation to an offence like voyeurism, which I can absolutely see as being a very serious offence that requires somebody being put on the list, can you also see a lesser offence of voyeurism where that may not be appropriate? How does that line get drawn without judicial discretion?

Supt David Truax: On behalf of the Canadian Association of the Chiefs of Police, we are very much in support of automatic inclusion, and the theory behind that is that the registration process is done on an annual basis. It's done in a private setting; it doesn't take a lot of time. However, it does provide law enforcement agencies with very detailed information, as you can see, once a year, and then with verification as well.

Having that information can assist in expediting investigations, and it will also greatly assist in eliminating persons of interest. Having that information within the database, through automatic inclusion, is very helpful to expedite investigations. Therefore, we're in support of automatic inclusion.

Mr. Mark Holland: I understand that; I support the concept.

A concern has been raised, and I guess I'm seeking some assurance on it. Let's take the example I gave of voyeurism. In the absence of judicial discretion, how does that line get drawn when clearly there are examples where the offence warrants inclusion? There may be other offences where it's a lesser offence of voyeurism. Not to diminish it, but it doesn't require the person being put on the registry, which is a concern. Certainly, those advocating for privacy had concerns with it. How does that line get drawn in the absence of judicial discretion?

C/Supt Kate Lines: Well, I was going to give you an example of a case many people are familiar with, and that's the Paul Bernardo investigation. I can tell you from my familiarity with it, having been involved in that investigation, and from information that would be available through court transcripts, that Mr. Bernardo's voyeurism was not only before he committed his sexual assaults and murders, but sometimes he returned to very simplistic voyeurism activities after some of his most heinous offences.

We do see that movement of offenders back and forth between those, and some might be seen as rather benign. As I say, we always hate to use the term “of lesser significance”, but those offenders often do exhibit those behaviours when they are also committing contact offences against victims, which is why we want to capture

that behaviour. Again, if there were a voyeurism offence, so that Mr. Bernardo had been identified and put on the sex offender registry at the time, in and of itself that could have potentially indicated he was a person of interest to investigators. His modus operandi was very consistent throughout time.

● (0945)

Mr. Mark Holland: Right. Let me give an example on the counter again, just for my clarification. Let's say you have an individual who's in one apartment overlooking another apartment, and somebody has left their window open and the person is looking over there and they shouldn't be. They're caught, they're called, and they're charged with being voyeuristic. They clearly shouldn't have done it, but it isn't perhaps the type of offence that would warrant somebody being on the registry.

How does that line get drawn? I guess that's what I'm saying. It's very different from having somebody prowling around on somebody's property, peering into their windows at night. That's a different kind of offence. I'm just wondering how we draw that line and make sure.... If we have people who are added to the registry who don't belong there, it can slow things down, because then it kind of removes the purpose of it. Then you have to go and question people who really aren't the ones who are in your top priority to question. I'm just trying to understand that line a little bit.

I understand it as you've described it. Maybe just talk about an example like the one I've talked about.

Sgt Jim Mascola: In the case you identified there, the police then would have discretion on what they're going to do with it. If there's a fine line whether or not that person should be charged with voyeurism, knowing the registry is there and knowing the person could be on the registry for x amount of time, the police have some discretion whether to lay a charge or a voyeurism charge.

The discretion would be the front line, right off the bat, and then they have to get past the crown attorney to lay that charge. They may not want to proceed at that point. So there are some steps they have to go through before that person gets to the actual conviction stage, to get them onto the registry.

Mr. Mark Holland: Would it be fair to say that the police, knowing that the outcome of a voyeurism charge would be placement on the sex offender registry, might exercise more discretion in pursuing that charge than they otherwise would if there were not automatic inclusion?

Sgt Jim Mascola: The police need the facts to lay that charge; they need all the evidence to lay that charge, to find that person guilty of that offence. I can't speak for other police officers, but in the line of work I've been doing, you'd use discretion.

Mr. Mark Holland: Okay. Are there any areas where you think the Ontario registry isn't working? We're often brought back to the Ontario registry as the example or model at which we should be looking. If you had the opportunity to make changes or improvements to the Ontario registry, or highlight an area of concern for you that isn't working, where would that be?

The Chair: You have time for a brief response. Go ahead.

Sgt Jim Mascola: The one area I think Ontario could change would be the pardons provision. Currently, in our pardon provision, if a person gets a pardon, they come off the registry, which is totally different from the national. In the national, you don't come off just because you get a pardon. If we had to make one change, that would be the biggest change we'd make.

The Chair: Thank you.

That's the only change? Can you think of anything else? Okay.

We'll go now to the Bloc Québécois, with Monsieur Ménard, please.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you.

At first, I was a little skeptical that a registry of this kind could be useful, but I have to admit to that, during our hearings, the representations on the way in which Ontario's registry works have reassured me to some extent. But I would like people to understand why I am skeptical. It is not because I am against the registry on principle, but because I think that there should be just one registry in which there would be categories and which police could use for their investigations.

I notice that your registry was established after one extremely troubling incident, the murder of young Christopher. We all have our own experiences. In Quebec, we had an extremely troubling incident of our own, the death of a boy called Livernoche who was killed by someone by the name of Bastien. This was the hardest thing I had to deal with when I was minister of public safety, meaning that I was the one responsible for releasing him. He had been released under an employment program that had him looking after children even though there was a psychological report in the files of federal institutions establishing that he was a pedophile. And, in fact, he sexually assaulted and killed a child entrusted to his care. He even took part in the search for the child for a week at least. Finally, he confessed.

I was told at the time—and I have not heard anything different since—that it is not uncommon for arsonists to be pedophiles too. That was the case with Bastien, who had a long criminal record, but for minor offences: uttering threats, mischief, setting small fires in garbage cans, and so on. But he had only one serious conviction, three years for arson, for which he was not released on parole. In the psychiatric examination he underwent, the psychiatrist noted his pedophile tendencies, but when he went back to provincial jail, once more for minor offences, there was some hope as they waited for the time when they had to release him. He was well below average intelligence, a social misfit, you may say, like so many are in provincial prisons, in fact. A family was prepared to take him in, probably without this knowledge of his past. The decision was made to release him a few days before his mandatory release date, so that he would at least have a place and a job to go to. That is when he committed the crime.

I tell myself that, in a case like that, a registry like yours would not have been useful at all. The worst thing is that people from the Commission québécoise des libérations conditionnelles did not have access to the federal file because, at the time, it seems, access was possible only with the person's written consent and by making an

appointment at a federal institution. So, clearly, the people in provincial prisons who have to manage 10, 20 or 30 releases a day, do not have the time to do all that. Since that time, legislation has been put in place—I know, because I insisted—that establishes one complete, computerized file, with warnings of categories such as pedophilia, drug problems, domestic violence, fraud, and so on.

I also know that pedophilia is a sexual perversion that is not treatable in the sense that these people will have the impulse for the rest of their lives. That does not mean that they will act on it; the important thing is that they maintain control, as most pedophiles in our society manage to do. There was even a Roman emperor—I think it was Marcus Aurelius—who was a pedophile. The person is absolutely not responsible for the condition. That is why I am against the publication of any such registry except for police purposes. If you stigmatize someone, you undermine his efforts to control himself.

You are telling us that this registry can only be used by police when they have good reason to do so. That is one of the things in this registry's favour that reassures me.

● (0950)

One day, I feel, there will at least have to be a commission of inquiry, or a study more detailed than I am aware of at the moment, to find out whether the link between arson and pedophilia that I am told is possible really exists. I am not talking about those who set fires for the insurance money, I am talking about those who set fires for the pleasure of it. If there really is a link with sexual problems, then clearly that should be included in this registry. I think that this is something that goes beyond investigations.

After all that, I do not really have any questions for you. I am satisfied with the answers that you have given us about the judicious and constructive use of the Ontario registry. According to what our witnesses have told us, it is the most complete and effective registry in Canada.

Thank you, unless you have anything more to say, because I perhaps still have a little time left. It is not often that I have enough time.

[*English*]

The Chair: There's about a minute left. Does anyone want to give a response to the argument?

● (0955)

C/Supt Kate Lines: I don't recall specifically if this came up, but Ontario has kept its registry because of its investigative usefulness and the absence of the investigative usefulness, in our opinion, of the national sex offender registry. This is the CACP's position.

There are a number of areas where Ontario could improve their registry, and that's acknowledged by the CACP. The CACP would have great pleasure in being able to have such confidence in the investigative value of the national sex offender registry that the provincial registry, being separate and apart, need not continue to be used. In the absence of what we feel is the enhanced safety and security of those residing in our province, we have chosen to keep it, but we would be very willing to consider abolishing it if there were legislation and a national registry that met the benchmarks of our registry.

The Chair: Thank you.

There was some suggestion that maybe arson was linked to the sex offender registry. I don't know if you want to deal with that.

C/Supt Kate Lines: I believe one study—I apologize, I'm very rusty on its source—was done by the FBI in the mid-seventies showing a triangular relationship in serial homicide that included arson, bed-wetting, and animal cruelty. That is why research, such as the murder research I gave at the opening of my remarks, is so important. Perhaps there is utility, but in the absence of any proof of that commonality or correlation, we would not support the inclusion of arson. Should there be some value in that, we could certainly consider it.

The Chair: Thank you very much.

Mr. Comartin, please. Welcome back to the committee.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chair. I'm just filling in.

Thank you for being here.

On the efficacy of the Ontario registry versus the national one—perhaps putting additional pressure on us to clean up the national one to be more effective—have you any data to show a reduction in sexual offences per capita in Ontario versus the rest of the country, to show it is having some positive effect on the preventative side, not just on the post-crime side of it?

C/Supt Kate Lines: We don't have any statistical studies, and they are absent as far as quality assurance measures. We are working toward that. It's still relatively new over the long term to see the reduction.

As you can well imagine, many of the offenders would be incarcerated and re-incarcerated. But anecdotally we're hearing back in treatment settings that they know they're on the registry and that the police know where they are. They know they may have their doors knocked on. People know what they look like, what their descriptions are. As was mentioned earlier, they will not be bothered, because we already know the details of their occurrences and they don't match anything we would be interested in on the specific case under investigation. But there have not yet been studies.

Mr. Joe Comartin: Do you know if anybody is doing a longitudinal study at this point—at an academic or university level?

Supt David Truax: We're not aware of a study actually being undertaken at this time. However, in our appearance before committee in April, and then again today, there were suggestions made in relation to types of research. At our last appearance there were comments in relation to recidivism. Questions were asked. That is research that we will also be undertaking, in relation to recidivism.

On the other piece, though.... As police officers we are very much aware of and strongly believe in the deterrent effect of the registry. Sergeant Mascola alluded to the relationship that gets established between the law enforcement agency and the offender through the annual registration, the address verification pieces, etc., and we believe that interaction has a strong deterrent effect as well.

But we're not able to offer you statistical information in relation to the crime prevention aspect of that.

Mr. Joe Comartin: In terms of the deterrent effect, given—as Mr. Ménard pointed out—that treating, especially pedophiles, is so difficult, I wonder if it would be useful if we could show statistically that the deterrent effect is there. Perhaps just the monitoring is enough to deter.

Sergeant Mascola, I have one more question.

In terms of accessing the registry, can you access it by a BlackBerry?

• (1000)

Sgt Jim Mascola: No.

Mr. Joe Comartin: So you can't do it from the field. You have to be at a PC.

What about from a PC at home?

Sgt Jim Mascola: A police officer can do it if they have a direct line to their police location.

Mr. Joe Comartin: I'm not sure I understand.

Sgt Jim Mascola: If I were at home and I wanted to dial up into my headquarters office location through a secure network, I could go in there and access the information.

Mr. Joe Comartin: Is that common?

Sgt Jim Mascola: For us it is because we're on call. The people who work in the Ontario sex offender registry at headquarters, because we're on call 24/7, need access to the system. We frequently get calls after hours to assist police services, so we can access it from home.

Mr. Joe Comartin: How many people would have that?

Sgt Jim Mascola: There are ten of us.

The one comment I would like to make, sir, is that I have personally served over 2,000 of these offenders with these notifications, to let them know they're on the registry. The first question they ask is who is going to know where they live. We tell them it's only the police. They have bought into this system. It seems to work. Our compliance rate is reflective of that. I really think the offenders would prefer to have a system like ours compared to one in the United States, where there's notification to the public and things like that.

Mr. Joe Comartin: Thank you.

The Chair: Thank you very much.

We'll now go to the government side. Mr. Norlock, please.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much.

Thank you to the witnesses for coming this morning.

My first question will be to the chief superintendent.

Many other provinces, I suspect, will be looking at the Ontario sex offender registry. One of the questions that will come up, of course, is the cost of the operation. Do you have the cost of operating the sex offender registry for the province of Ontario? Is that cost just for the hardware and software? Do you have a breakdown in costs?

C/Supt Kate Lines: Our annual budget is \$4.1 million to operate the Ontario sex offender registry headquarters, the unit in Orillia, as the sergeant has indicated. That's for the support, training, all of the technology upgrades and changes. Any time there's a legislative change, obviously that impacts the database as well. That is all funded through the money we receive from the provincial government.

Mr. Rick Norlock: To be as close as possible, \$4.1 million includes the personnel, equipment, office space, etc.

C/Supt Kate Lines: Yes, sir, and initially there wasn't funding per se to the Ontario Provincial Police to implement this program. There was some initial funding to provide cameras, etc. Our officers still go around to all of the locations in the province, municipal and provincial agencies, to provide that assistance. But there was no funding.

As you can well imagine, at the time this was first implemented it was a concern. I know the investigative value to investigations that the registry brings for the Ontario Provincial Police. I would imagine there's only a small number who are trained, and this would be their full-time position.

Perhaps I could turn it over to the sergeant to talk about the practicalities in those locations, how they do it, as he'd be more familiar with that.

Sgt Jim Mascola: What we've done is we've broken down the province into regions. There's a coordinator for each region, both OPP or within the municipal service, and they're the contact or liaison with us. So they will be fully trained on any portion of the registry, but they also have people who continue to do registrations or can do queries or have limited access, depending on the type of training they've had.

Mr. Rick Norlock: Thank you very much.

One of the questions had to do with the inclusion of other offences, not necessarily sexually related ones. Would I be correct in saying that when there is an investigation into a sex crime, there's a utilization of all investigative techniques, as well as the sex offender registry? Would I also be correct in saying that you, the investigator, would probably at least consider the use of a profiler, who might then, because they're an expert in it, be able to link some of the investigative findings to indicate that perhaps one should access the registry, even though it isn't a sex crime, or vice versa?

•(1005)

C/Supt Kate Lines: Yes, sir, the nexus you mention is why our Ontario sex offender registry is located within the behavioural sciences area of the Ontario Provincial Police. As a criminal profiler in past years, I would have loved to have had this additional information. A profiler tends to become more involved in analyzing behaviour within a crime scene. As you'll see, there are pieces of information in the registry about the behaviour of or interaction of the offender with a victim. But in addition to that criminal profiler,

we have others in the office who are trained in threat assessment. Now I'm talking about the Ontario registry.

As I say, this is a collection of like-minded, like-trained people, but they have their specific capabilities as well. And in agencies where the sex offender registry is being utilized by them in an ongoing investigation, they often access the other services of the behavioural sciences.

Mr. Rick Norlock: Thank you.

How much time do I have left?

The Chair: You have two and a half minutes.

Mr. Rick Norlock: Good.

One of the main or serious considerations to all of us in this day and age is the security of a site, because there is very, very damaging information in this registry, as alluded to by Monsieur Ménard, about people who are able to control their aberrant sexual tendencies. One of the fears, as I say, is the security of the site.

Would I be correct in saying that the site is as secure as the Canadian Police Information Centre? Would it be equally, less, or more secure? And without going into detail about this, of course, do you have an ability to assess whether or not someone is trying to access the site?

Supt David Truax: That is correct. Access to the Ontario sex offender registry is governed through an Entrust PKI certificate, so it's an encryption certificate. Access to the registry is controlled, and there is monitoring of that access as well. We can terminate a police officer's access, and we monitor that and do follow-up audits in relation to user access, etc.

We're able to control all of that, so that it's restricted to police for law enforcement purposes only. Through the encryption key that's provided, the access code, etc., it's very, very limited and controlled.

Mr. Rick Norlock: So any officer investigating a complaint of, let's say, a sexual offence would have ready access to that through their police cruiser? Would they call headquarters or a communications location and access it, or does it have to be at a particular site by a particular person?

Supt David Truax: They would not be able to access the Ontario sex offender registry from the police vehicle itself. However, that police officer would have officers in their agency who are trained and have access to the registry who would be able to assist them in that investigation. That would be done back at the police station. In addition to that, if it were a situation where an officer needed immediate assistance in the police cruiser itself, they could access the Ontario sex offender registry through their communications network and have one of our experts, such as Sergeant Mascola, provide them with support 24/7, 365 days a year.

Mr. Rick Norlock: There would be no automatic access to the registry through a CPIC check?

Supt David Truax: That's correct. They are flagged on CPIC, as was mentioned earlier. In Ontario, any offender who's registered with the Ontario registry is flagged as a person of special interest to police. Therefore, a CPIC notification does occur to advise the officer that an individual is a registered sex offender in Ontario.

Mr. Rick Norlock: Thank you.

I have one more really quick question, and it goes back to my first question in relation to cost. Is the cost based on the number of entries or is it simply a question of the human hours it takes to add the information to the system? In other words, does a really large system cost significantly more? I guess I'm comparing a registry for Ontario to a central Canadian registry. Would you have a guesstimate or estimate as to the cost?

•(1010)

Supt David Truax: I would expect costs to rise. At this point, we're just over the 12,000 mark in Ontario for registered offenders. Obviously computer system capacity will need to be addressed as the registry grows, etc. There will be those types of issues, as well as technological improvements and electronic interfaces between agencies. So those costs could in fact rise.

Obviously, we operate within the budget that the provincial government provides us. I would say that the opportunity to add to that particular budget for additional improvements or to address technological costs will likely present itself in the future.

Mr. Rick Norlock: Thank you.

The Chair: Mr. Kania, please.

Mr. Andrew Kania (Brampton West, Lib.): I have four main areas, but I want to start off with the research on how quickly somebody is murdered after being abducted. I think this is one of the major reasons we have to have a really effective system, because time is of the essence. So I'd like to focus on that.

I think what's going to occur here—and I'm not speaking for the committee—is that we're going to recommend moving towards an Ontario model of some type and fixing the problems of the federal system. What more do you need for the Ontario system? Is there anything else that you would like to see in terms of trying to prevent exactly these quick abductions and then murders?

C/Supt Kate Lines: The one thing I know—and again, I'm speaking on behalf of the CACP—is that we should have a national registry so that we would know sex offender information from right across the country. Obviously, in Ontario we're only capturing those offenders who, through the judicial process, have been entered into the registry. But we also know about the mobility of offenders, particularly sex offenders, so certainly a national registry would be something. This is why Ontario supports a national registry that might be modelled after that. Electronic linkages are certainly important so that we know at the earliest opportunity when offenders are being released from institutions. Again, we have that connection only within our own province.

I'll let the sergeant go ahead and add some more.

Mr. Andrew Kania: I understand about the deficiencies of the federal system. The Ontario system is, in my view, better, but the question is how it should be—and maybe it shouldn't be—improved to avoid this, to do our best if somebody is abducted, so that they

will be found as soon as possible. Is there anything else that you need based on the Ontario system?

Sgt Jim Mascola: As I mentioned earlier, the pardons would be a very major issue for us, which we'd love to resolve. There are some other issues like travel advisories and people coming in from other countries. We get Americans moving up to Canada who may have had similar convictions. We'd like to put them on our registry as well, because they reside in Ontario, and we can't. They have to be convicted in Canada. So if there were legislation to indicate that somebody from another country was coming in, we'd like to be able to capture that information.

Mr. Andrew Kania: So you'd like to be able to add foreign convictions as well?

Sgt Jim Mascola: That's correct.

Mr. Andrew Kania: What about the police cars themselves? Do you have access in the police car to the system? I believe you mentioned a home computer, and obviously there are computers at the stations, but what about in any of the police cars? Would it not be better to be able to do that?

Supt David Truax: Access from the car would be ideal in most cases, depending upon the type of investigation. However, if it's a missing child investigation, a lot of work can go on simultaneously back at the police station, where the registry can be accessed to assist the officers in the field. Access from the car would be ideal, but technology may not permit it quite yet.

Mr. Andrew Kania: We are talking about 44% of the abducted children murdered within an hour. I'm not suggesting anything. I'm not in the field. I'm asking whether it would be better to have access in the police car, whether it would assist you.

Supt David Truax: Absolutely.

C/Supt Kate Lines: As with other checks that are done by police, say, when they're stopping someone on the side of the road or conducting an investigation, there is a consideration of the immediacy of the situation. Some officers could have access through their cars. In other cases, detectives don't have that access. Many police vehicles do not contain the necessary technology, because often they are covert vehicles. But it only takes a phone call. Information is relayed to them within minutes.

•(1015)

Mr. Andrew Kania: But for the actual police cars, this would be an improvement.

You mentioned pardons. I would assume that the same rationale would apply—no automatic removals from the system after, for example, 10 years. You have different categories when somebody is automatically removed. Would this not also apply?

Sgt Jim Mascola: Automatic removals apply to pardons. Also, if they appeal their decision and the conviction is quashed, that takes them off.

Mr. Andrew Kania: I don't think automatic removals are pardons. I think a pardon is when somebody actually seeks a pardon for the offence. But there's also a provision saying you will automatically come off the system after a certain period of time, depending upon the type of offence.

Can I ask one more?

The Chair: Okay, but let them answer this round.

Supt David Truax: I think the question you're asking is whether, at a certain point in time, an offender would be removed from the registry. Is that what you're alluding to?

The piece that we were trying to highlight for Ontario is back to the pardons. We've seen a dramatic increase in the number of requests to have individuals removed from the Ontario registry as a result of being granted a pardon. This is not the case for the national registry. Of course, in Ontario, we would like to move towards that point.

Mr. Andrew Kania: You mentioned statistics on how many people are not currently compliant. What do you do about that, and do you need something more from us to assist you with it?

Sgt Jim Mascola: Currently, as soon as an offender becomes non-compliant, the police service is responsible for that offender. They take as many steps as they can to try to identify his location. If they cannot identify the location, they seek a Christopher's law warrant in Ontario. It's a provincial warrant, but it's only for compliance purposes, so there's no charge attached to it. If the person was the Toronto Police Service's responsibility and he's found in Thunder Bay, they can register him in Thunder Bay, if they locate him. These are the provisions we have.

We would like to see a dual procedure offence for a person who goes non-compliant. This way, if we find someone who's non-compliant on the street, we can run him on CPIC, arrest him right there, and take him in for compliance purposes.

The Chair: Thank you.

Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair, and my thanks to all the witnesses.

I'm curious about these offences. I'm picking up on Mr. Ménard's comments about arson. Perhaps I need to talk to a sociologist or a criminologist, but I'm having an intuitive difficulty understanding why arson and bed-wetting would profile an individual as someone more likely to commit a sexual offence. I'm wondering if any of you can provide me with any insight into my intuitive difficulty with that concept.

C/Supt Kate Lines: I think probably, to use a psychological term, correlation does not equal causation. Therefore, I know that this study saw correlation between these behaviours and serial offenders in their younger years, but it was not stating that it caused them. It was simply an observation made in a research project.

My apologies. I didn't mean to have it interpreted that they were more likely to commit; it was only a commonality that was found in a study.

Mr. Brent Rathgeber: What is the name of the study you were citing?

C/Supt Kate Lines: I'm sorry, it's probably been 15 or 18 years since I looked at the study. However, if you would like a copy of it, I'd be happy to provide it. It would be with the FBI in Quantico, Virginia, but I can facilitate that.

Mr. Brent Rathgeber: I would find that quite interesting.

Obviously, bed-wetting is not an offence, but is it your position that arson ought to be included in that list of offences for mandatory registration?

• (1020)

C/Supt Kate Lines: No, sir, it's not my opinion.

Mr. Brent Rathgeber: Okay.

You've indicated that you believe the federal registry could use your system to improve itself. I'm curious. If the federal government were to make registration of the enumerated offences mandatory, would that render the Ontario registry superfluous? I know you're not policy makers, but do you believe at that point it ought to be wound down?

C/Supt Kate Lines: As I say, if the national registry had the investigative capabilities and the access for officers, and many of the things that we have mentioned in the document—in which I believe you were provided the key differences between the two—that's when I think consideration would seriously be given to abandoning the Ontario registry. As long as we have a national registry that is protecting our citizens the same as our provincial legislation did previously, that would be okay.

Mr. Brent Rathgeber: Besides mandatory registration, what else, in your view, Superintendent, would that require?

Sgt Jim Mascola: The one thing we had was the CSC connection for federal and provincial offenders—the travel advisories, the access for police officers, and the expansion of what allows police officers to get onto the system, the definition, not only for crime of a sexual purpose, but reasonable grounds to believe.... You're providing an investigation of a crime.

Mr. Brent Rathgeber: The privacy commissioners always have concerns over the breadth of the net that is cast in these matters. I'm curious. We've heard from the federal commissioner, but we have not heard from the Ontario commissioner. I was wondering—I only have a few seconds left—are you frequently doing battle with the Ontario Privacy Commissioner, or do you have a healthy working relationship?

Sgt Jim Mascola: We do have FOI requests for information from the registry. To date, we have not had to give up information, as far as I know.

C/Supt Kate Lines: I think I particularly recall that we do occasionally get media and private citizen requests. But I don't believe we've had a freedom of information.... Say, for example, it's for the release of postal codes, perhaps not where actual people live but the release of postal codes for sex offenders. One may think of municipalities, but if one considered some fairly remote locations, the release of postal codes could identify the offender, because there's only one offender living in that area or living in that postal code area. That could cause privacy concerns, so I know those requests have not been successful.

Supt David Truax: Perhaps I can also add. You saw the demonstration of the Ontario software application. We are making the offer that the software application that we utilize for the Ontario registry be available and provided to the national registry, if it is the wish to upgrade it to model the Ontario registry. Since that computer system has already been designed and that software application has proven to be operational, we would think, why reinvent the wheel if the software has already been developed?

Mr. Brent Rathgeber: Do you own the intellectual property? Would it involve any proprietary problems for the inventors?

Supt David Truax: Not that we're aware of.

Mr. Brent Rathgeber: Thank you.

The Chair: I have one question on the privacy thing. A concern was expressed to me a couple of years ago that being on the registry may affect employment opportunities. If it's only available to the police, how can that be possible?

C/Supt Kate Lines: Sir, as you'll recall, on April 21 I used an example of where offender information was provided to an employer because the employer might not have been otherwise aware. There were, I think, the elderly in one example and children in another, and those are the only cases. Under the Ontario Police Services Act, police have authorization to release that information in those circumstances.

But you're quite right. That would be the only way that an employer would be notified: when there is a safety or security concern.

The Chair: Okay. We want to thank you very much. We appreciate the information. As always, it's been very, very helpful.

We're going to suspend for just a moment because we're going in camera.

Again, thank you very much.

[Proceedings continue in camera]

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