



Canadian Association of Chiefs of Police
Association canadienne des chefs de police

Oral submission to the Standing Senate Committee on
Legal and Constitutional Affairs

**Bill S-12 – An Act to amend the Criminal Code, the Sex
Offender Information Registration Act and the
International Transfer of Offenders Act**

Presented by :
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(Co-chair of the CACP's Crime Prevention, Community Safety
and Well-Being Committee)

On behalf of the
Canadian Association of Chiefs of Police

June 14, 2023

Good afternoon.

Thank you for this opportunity to address the Committee on Bill S-12.

The Canadian Association of Chiefs of Police is generally supportive of this bill, which focuses primarily on the notions of automatic and lifetime registration on the National Sex Offender Registry ("Registry").

We recognize the challenge of striking a balance between individual rights and the collective good.

The CACP is reassured to see that Bill S-12 maintains the presumption of automatic registration on this Registry. For us, this is an essential element! In our opinion, the proposed legislative amendments recognize the rights of victims, promote public safety, and respect the rights of the accused.

We support the proposal to reverse the onus of proof, giving convicted offenders the opportunity to convince the judge at sentencing that registration on the Registry is unnecessary.

We favour maintaining registration on the Register after the person has served his or her sentence unless he or she can demonstrate to the judge that its effects on him or her would be totally disproportionate.

Bill S-12 also recognizes the rehabilitative potential of certain offenders by ending lifetime registration if the person is able to convince the authorities that he or she poses no risk of reoffending.

However, in the interest of public safety, it is essential to impose automatic registration on the Registry for offences of a sexual nature committed against minors, and to impose lifetime registration on the Registry in cases where a person is convicted of committing more than one offence of a sexual nature.

We welcome the addition of factors to be considered by judges when exercising their discretionary power; in particular, the notion of the victim's age and personal characteristics. We believe that this element addresses a need to protect the most vulnerable members of our society, such as minors, victims of intimate partner violence, people with disabilities, the frail elderly, etc.

In this regard, we note and support the increase in the maximum penalty for the offence of sexual exploitation of a person with a disability. We also welcome the addition of certain designated offences, notably the offence of non-consensual dissemination of intimate images.

We would like to emphasize that the National Sex Offender Registry is an invaluable tool and source of information to support police investigations. From an operational standpoint, we invite the committee to consider three legislative amendments to the *Sex Offender Information Registration Act* that could have a significant impact on police investigations:

- Amend section 4.1 (1) to include the obligation to report any change in the vehicles used by the offender within seven days of the change, immediately upon registration on the Registry and at any time between the annual reports that are currently mandatory;
- Amend section 5(3) to eliminate any ambiguity in authorizing the police to take all necessary photographs of the offender and any physical characteristics (observable or not) such as tattoos, scars, marks or deformities, in order to facilitate identification of the offender;
- Amend subsection 16(4) to add the power to disclose to a witness or victim involved in the investigation of a crime of a sexual nature photographs obtained from the Registry database for the purpose of identifying a suspect.

In conclusion, the CACP believes that Bill S-12 proposes a decision-making and review process that aligns registration and duration of registration with the severity of the offence.

The mission of police services is to prevent crime and track down its perpetrators. We believe that this Bill contributes to achieving this mission. As a result, we are in a position to use our resources appropriately to offer our populations safe living environments, while protecting the most vulnerable members of our society.

Thank you.