

Establishing a Register of Repeat Offenders and a Register of Violent Offenders

The Chamber has previously commented on the need for tougher sentencing of repeat and violent offenders, and for government to devote greater resources towards addressing the causes of property crime. However frustration is often expressed with the manner in which information regarding prolific/ repeat or violent offenders is shielded from public disclosure and not available to law enforcement in a coordinated manner.

Prolific Offenders and Property Crime

Many types of property crime (such as shoplifting and vandalism) disproportionately affect business, and result in increased costs in carry on business which are ultimately passed on to consumers. Much of this crime is perpetrated by repeat, chronic or prolific offenders who have demonstrated a pattern of frequent and repeated convictions on similar charges.

In recent years there have been a number of efforts aimed at specifically addressing the issue of prolific offenders. While all well-intentioned, there appears a distinct lack of coordination. The B.C. Criminal Justice Reform Secretariat has established a Prolific Offender Management (POM) pilot project in six pilot communities (Surrey, Kamloops, Nanaimo, Prince George, Williams Lake and Victoria) monitoring the activities of 190 identified prolific offenders. The RCMP has specific prolific offender management programs in five B.C. regions (Coquitlam/Maple Ridge/Port Moody, Courtney/Comox, Fraser Lake, Port McNeill and Penticton). The Vancouver Police Department has operated a Chronic Offender Register for a number of years. The Langley RCMP has established its own "Prolific Offender Warrant List." Similar efforts can be found in other Canadian jurisdictions, such as the establishment by the Alberta government in October, 2008 of a project to track more than 60 individuals in Calgary and Edmonton who had been identified by police and Crown Counsel as engaging in repeat or habitual theft or property crime.

The number of different local programs emphasizes the need to create a single national Register of Prolific Offenders which serves the needs of all Canadian communities. The system must recognize that prolific offenders may travel between and within Provinces, and that prolific crime is not limited to larger urban communities.

While the principal function of a central Register of Prolific Offenders would be to facilitate the exchange among and between law enforcement agencies, Crown counsel and the judiciary, the Chamber is of the view that information gathered and stored in such a registry should also be made available both to the public in the case of individuals who – through their past conduct as evidenced by repeat criminal convictions – have demonstrated themselves to be prolific offenders.

Violent Crime

While the concept of a Register of Prolific Offenders may be seen as somewhat unique, such is not the case with violent offender registration. Many jurisdictions provide for the registration of certain violent offenders, and often make such information available to the public.

In the United Kingdom, the Violent and Sex Offender Register (ViSOR) includes registration of offenders jailed for more than 12 months for violent offences, and unconvicted people thought to be at risk of offending. Several of the United States have violent offender registries, including Kansas, Montana, Indiana and Oklahoma (for example, see the Montana Sexual or Violent Offender Registry, <http://www.doj.mt.gov/svor/search.asp>), which provide for access both to law enforcement and to the public. The common element of each of these registries is the establishment of a central database of offenders who have been convicted of crimes of a violent nature, recognizing the greater risk that those individuals will commit similar offenses in the future.

Since December, 2004, the Canadian National Sex Offender Registry (NSOR) provides for the discretionary registration of offenders who are convicted of sexual offences. Violent crime, including repeat violent crime, is not reportable unless there is a conviction on a related sexual offense. NSOR has been the subject of much debate and criticism, much of which is focused on the fact that information that is collected from the offender is confidential, is often not kept up to date, and is not available to the public.

The Chamber is of the view that it is reasonable and in the interests of the public that information is made available to the public and to law enforcement in the case of individuals who have been convicted of violent criminal offenses. While some existing information is available to police in Canada, most notably through the Canadian Police Information Centre (CPIC), they are limited in scope and provide only “tombstone” information (once the information is entered it is stored as is; the information is not updated to reflect changes).

Recommendations

That the federal government:

1. In consultation with the Attorneys General and Solicitors General of the Provinces, establish both a Register of Prolific Offenders and a Register of Violent Offenders (the “Registries”), either as new standalone Registries or through a comprehensive retooling of the CPIC system, based on the principle that registration of a prolific or violent offender shall be required (and not subject to judicial discretion) where the nature of an offender’s convictions (in the case of the Register of Violent Offenders) or frequency of offences (in the case of both Registries) falls within specified guidelines.
2. Concurrent with the establishment of the Registries, amend the Criminal Code to create a specific new offense where a registered offender fails to advise of any change of name or address, and that administrative directives are given to ensure that the prosecution of these offenses will be given priority by Crown Counsel.
3. In establishing the Registries, give paramount importance to the need to allow unimpeded and immediate electronic access to the Registries for any legitimate law enforcement purpose.
4. Determine a formula whereby the information contained in the Registries is available for timely electronic access by the public upon reasonable request, which

endeavors to satisfy the public's legitimate "need to know" without creating an unreasonable risk to the offender.