

Sex Offender Fact Sheet

Criminal Code (Sex Offender Management)

Amendment Act 2018

Operational Framework:

- The Government has revised its Protocol on the Disclosure of Information on Sex Offenders, and the Bill has been tabled in the legislature.
- All sex offenders must complete mandatory programmes before they can apply for release on license, probation, supervision, or on their earliest release date from the Department of Corrections.
- All sex offenders sentenced to a period of incarceration will be entered on the sex offender register upon conviction.
- An Offender Risk Management Team (ORMT) will monitor these offenders and have them reassessed if their risks to re-offend are elevated, or upon receiving verified or suspected information concerning any offending or at-risk behaviours.
- Offenders under active supervision can be subjected to breach of community-based supervision Orders, and/or recalled to the Department of Corrections as a condition of parole.

Codes of Practice (Codes) to be issued

- The Minister will issue these Codes in order to give guidance for sentencing purposes for consistency.
- The Codes will also give guidance for the timeframes that an offender is on the register, based on the risks posed to the public, and the rehabilitation needs of the offender.

Supervision Orders

- A sex offender requiring supervision shall be supervised by a probation officer according to the level of risk posed by the offender, and the need for the community's protection.
- The period of supervision follows the period of incarceration and can be for a period of ten (10) years or more for a sex offender.

The Sex Offender Register

- The Register is electronic and is maintained by the Ministry of Legal Affairs.
- Offenders' names, addresses, offences and other demographics are entered upon conviction for usage of the professionals.
- The Register will not be made public.
- Public Notification is for highest risk offenders, where the Minister, having considered all relevant information, makes this determination.
- Offenders sentenced to a term of imprisonment overseas for a sex offence, will be entered on the register if they become a resident of Bermuda.

- The period of registration shall be for ten (10) years or more.
- The period of registration is suspended during times that an offender is imprisoned.
- Persons on the register shall be subject to reporting and assessments, as deemed necessary by the ORMT.
- An offender may apply to the Court to reduce his time on the register on the ground that they no longer presents a risk of reoffending and must prove their case in Court.
- Anyone who discloses information from the register without lawful authority, is liable to conviction and a fine of \$10,000.

Offender Risk Management Team

- The Offender Risk Management Team comprises of members from the Bermuda Police Services, Department of Court Services and the Department of Corrections.
- The team provides regular risk assessments, and makes necessary referrals for psychological evaluations as needed.
- The team meets regularly and will consult regularly with partner agencies to mitigate risks to children as deemed necessary.
- The team manages and monitors sex and violent offenders sentenced in the community within established policies and procedures.
- Offenders who fail to comply with requirements of the team are subject to a fine of \$3000, or six (6) months imprisonment – or both.

Protocol considerations

- The Commissioner of Corrections shall notify the Minister of a sex offender's pending release at least two months prior to their release date and inform the Minister whether programmes have been completed.
- Public Notification is for the highest risk offenders

Application Provision

- This applies to persons convicted of a sex offence on or after the commencement date of this Act.

Intended Outcomes:

A safe and assured public that risks posed by sex offenders are managed, monitored and will be evaluated. Children and the community are safe from harm posed by sex offenders.

