

# Viewpoint: Banning sex crime offenders from changing their names doesn't make us safer

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The government of British Columbia recently [introduced a bill](#) to ban people convicted of serious offenses from legally changing their name. The [proposed amendment](#) to the province's Name Act would also prohibit those found not criminally responsible due to mental disorder from changing their name.

The government announced the move after media reports that [Allan Schoenborn](#) legally changed his name to Ken Johnson. Schoenborn was found [not criminally responsible](#) for the deaths of his children in 2010 because of a delusional disorder, and was placed at a psychiatric hospital.

The amendment bill states that a person is not allowed to change their name if:

- They have been convicted of a prescribed offense;
- They've been found to be not criminally responsible on account of [mental disorder](#);
- Or if they've been found to be a dangerous or long-term offender.

The ban will also apply to children under 18 who have been convicted of a prescribed offense and are sentenced as adults. This proposed ban is unconstitutional. It diverges from the justice system's [mandate of rehabilitation](#) and does not make us safer.

## **Name change bans**

[Saskatchewan, Alberta, Nova Scotia](#) and [Newfoundland and Labrador](#)

have banned people convicted of certain sex crimes from changing their names. [Ontario](#) has a bill in the standing committee phase and [Manitoba](#) has a proposed bill. [Alberta](#) extended the ban to dangerous and long-term offenders in 2021.

Under section 15(1) of Canada's [Charter of Rights and Freedoms](#), "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, color, religion, sex, age or mental or physical disability."

B.C.'s proposed ban has a host of implications for the Charter rights of a wide range of people. This includes people [not criminally responsible due to a mental disorder](#), meaning they were not found guilty. It impacts convicted or not criminally responsible [people who are trans](#) seeking a name change to reflect their gender identity. It impacts Indigenous peoples, who are hyper-imprisoned in Canada, who want to [reclaim Indigenous names](#). Facilitating Indigenous name reclamation is listed under the [Truth and Reconciliation Commission's](#) Call to Action 17.

Children sentenced as adults have much potential to live long, meaningful lives post-release, but would also be unable to change their name. Children are more likely to engage in risky and impulsive behaviors due to human [brain development](#). It also has implications for convicted gang members trying to break ties or prevent retribution, and people seeking to change their last name after getting married or as part of other religious or spiritual commitment ceremonies.

## **Undermining reintegration**

Changing identity is part of reintegration for many. [Desistance](#) means developing a crime-free identity to live a meaningful life as a contributing member of society. It entails recovering one's "core good

self" and constructing a positive narrative about the future. It also means "generativity"; this is, giving back to society.

Desistance has important connections to [preventing recidivism](#). Barriers to desistance include the difficulty of gaining education, employment, housing and social acceptance. Banning name changes may further isolate convicted people or people found not criminally responsible, making it more difficult or [impossible to reintegrate into society](#).

Canada's justice system is mandated to support [rehabilitation and reintegration](#). The vast majority of people in prison have a release date and will return to the community after serving time. B.C.'s proposed bill extends punishment beyond the formal sentence, and works against purported goals of rehabilitation and reintegration.

Banning legal name changes will not make us safer. Canada's criminal legal system has checks in place to assess the potential risk an individual could pose to the public upon and after release, including the parole system. Name changes also do not impact a person's criminal record, which allows employers, schools and other organizations to learn about someone's criminal history.

## Supporting desistance

Rather than banning name changes in an effort to seek public safety, the focus should be on supporting desistance. To do so means helping people to rejoin society, including wrap-around supports for people who have been convicted or not criminally responsible.

For example, the non-profit [Circles of Support and Accountability](#) is focused on providing [social support](#) to help people rejoin communities, but only exists in 15 locations throughout Canada. The program has contributed to a [71 percent reduction](#) in all forms of recidivism, showing

that guided community support greatly improves outcomes for former prisoners.

Rather than ban name changes in an effort to seek accountability, governments must invest in [restorative](#) and [transformative](#) justice. Restorative justice focuses on rehabilitation of the person who did harm and reconciliation for their victims. It centers on repairing harm, the potential for healing, meaningful accountability and preventing further offending.

What [meaningful accountability](#) looks like is determined with victims, and the person who did harm is required to acknowledge or accept responsibility for their actions in order to access these programs.

Overall, name change bans are a step in the wrong direction. To support [public safety](#) and accountability, greater investment should be placed in community supported reintegration and restorative and transformative justice options.

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