Convicted MD escapes sex offender registry
Mark Stewart's patients likely disagree with his funded defence

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The Province

Friday, April 11, 2008

He did time in a B.C. pen for nine sex crimes against patients and 22 others reached out-of-court settlements that ended their hefty legal claims for the extended suffering he caused them.

Having used his position of trust to sexually abuse dozens of patients over two decades, former Campbell River doctor Mark Stewart would seem to be the poster boy for our Sex Offender Information Registry.

And yet the dishonoured physician managed to shirk what most of his sort are court-ordered to do.

No doubt the more than 60 patients who originally filed sex-abuse complaints against the habitual molester would be beside themselves to learn that a B.C. Supreme Court judge spared this opportunist from the sting of the sex roster.

Adding insult to their injuries is the fact the Canadian Medical Protective Association, with its brimming $3-billion war chest, picked up the legal tab for the ousted doctor's fight last year against the registry.

And that the CMPA, which claims not to be an insurance company but a "mutual defence association" for medical professionals, is largely financed by you through the B.C. government, which foots much of the bill for the fees they pay into it.

To be clear, the registry's purpose when set up by Parliament in 2004 was not to punish the offender -- that's the sentencing judge's job.

According to the legislation, its aim is to increase public safety by making it easier for police to investigate sex crimes. Administered in B.C. by RCMP in 59 local detachments, the registry enables officers to keep tabs on those who, due to previous criminal behaviour, may be suspects in fresh sex crimes.

SOIR offenders must check with the gatekeepers annually, unless they plan to be away from home for more than two weeks, in which case they must give police departure and return dates as well as forwarding addresses and telephone numbers.

The catch is sex offenders who are required by the court to register are usually deemed likely to reoffend, thus the need for police to increase public safety. And that's where Stewart comes in -- or doesn't.
The med heads who counselled and evaluated him after his arrest found he was a low risk to reoffend.

Justice Catherine Bruce also noted that Stewart behaved himself while out on bail for an extended time. He had also made progress in several sex-offender jail programs.

Now in his 60s, Stewart is laying logging roads but can never practise medicine or be in a position of trust with potential victims.

On the other hand, Bruce continued, enrolment in SOIR and the stigma attached to it could undermine his chances of employment, his re-integration into the seaside community and his rehabilitation.

Add it all up and "I find the public interest served by registration . . . must be described as minimal to non-existent," Bruce wrote.

"There is no doubt [Stewart] has committed serious crimes and caused substantial harm . . . nevertheless [he] has completed his sentence and the requirement to register cannot be used to punish him further for these crimes."

Pity.

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