



The most reviled of crimes

Sex offenders are arguably the most loathed members of society, but much of what we think we know about them is wrong, writes **DENISE CULLEN**

A MONTH AFTER SUCCESSFULLY ARGUING TO HAVE HIS ELECTRONIC MONITORING BRACELET REMOVED, CONVICTED SEX OFFENDER GRAHAM KAY WAS BACK IN STRIFE. The claim that he had grabbed and kissed a teenage girl in a supermarket was relatively tame for a man who had served 18 years in jail for raping six women at knifepoint in the 1990s. He'd also been discovered with a prostitute in his home, in breach of some of the 42 conditions on his extended supervision order. He found himself back behind bars.

After time in Amber Laurel Correctional Centre in Emu Plains, Kay will be re-released this month. A media firestorm will surely follow; the one thing guaranteed to stoke greater public outrage than sexual offending is sexual reoffending. Recall the outcry following revelations that convicted murderer Steven Hunter's parole had expired nine days before he killed another woman in 2011, or that Adrian Bayley was on parole for sex crimes when he raped and murdered Jill Meagher in 2012.

High-profile predators evoke understandable public fear, but this takes us no closer to understanding or managing the broader problem of sex offending. James Cook University Psychology Professor Andrew Day has conducted extensive research into perceptions about sex offenders, and concludes that there's a huge gap between what we think we know and what the research tells us. Day points to a 2008 study published in *Psychology, Public Policy and Law*, which showed that more than 95 per cent of people arrested for sexual offences had no previous such convictions. The majority of child sex abuse victims are targeted by family members or acquaintances, not strangers. Less than 1 per cent of murder cases involve rape or sexual assault.

Dr Katie Seidler, a clinical and forensic psychologist, challenges the myths that sex offenders are untreatable, and that the most effective response is to "lock 'em up and throw away the key". "If you did absolutely nothing with sex offenders – no sanctions, no treatment, no supervision – more than 80 per cent of offenders will not reoffend," she explains. "Sex offending has one of the lowest recidivism rates across all crime categories. By comparison, 40 to 50 per cent of violent offenders, and 70 to 80 per cent of drug offenders, reoffend."

Yet when it comes to the most reviled of crimes, there is much we still don't understand.

Are paedophiles' brains different? What role does the internet play in creating non-contact (child exploitation material) offenders? Is it possible to treat sex offenders in denial? These are among the questions that will be debated when 300-odd delegates converge on the Lithuanian capital of Vilnius for the upcoming biennial conference of the International Association for the Treatment of Sexual Offenders (IATSO). The program will explore the latest research and practice, and forge new policy directions, organisers say.

Rehabilitation nation

Few sex offenders voluntarily seek treatment. For most, the first time they find themselves sitting opposite a therapist is after the steel doors have slammed shut behind them. Some question the efficacy of mandated treatment, but Seidler says it doesn't matter what gets them there. "It's common for even reluctant participants to develop intrinsic motivation through the challenging nature of the group process, and the demands it places upon them," she says.

Standard treatment provided in prisons involves group programs based on cognitive behavioural therapy (CBT) and relapse prevention principles. Participants learn to identify and challenge cognitive distortions (thinking errors), and recognise and plan around high-risk situations. The development of victim empathy, relationship and intimacy skills, and the capacity to emotionally self-regulate, also form core components of such programs.

In NSW, the Custody Based Intensive Treatment (CUBIT) program for high risk sex offenders involves up to four sessions per week of group therapy for nine to 12 months. CUBIT targets issues such as sexual behaviour, drug- and alcohol-related offending, anti-social attitudes, and coping skills, according to a Corrective Services NSW spokeswoman. Most offenders who commence treatment see it through to the end, with completion rates well over 90 per cent each year.

Corrective Services NSW claims a 2010 evaluation found that completion of CUBIT reduced participants' odds of sexually reoffending by almost 70 per cent. Program completers are thus more likely to be released to parole. Critics claim this encourages offenders to "fake" their reform. For example, after serving time in prison for sexually assaulting a young man, CUBIT graduate Keith Thorne attacked another. He later admitted he'd told his therapists "what they wanted to hear". Group treatment programs are also criticised for being "one size fits all". Yet sex offenders have dramatically different risk profiles and treatment needs. One offender may be attracted to children because he lacks the social and intimacy skills required to form satisfying relationships with adults. Another may be driven primarily by deviant sexual interests.

For their own safety, sex offenders typically find themselves segregated from mainstream offenders. Corrective Services NSW says housing sex offenders together "means they are not subject to victimisation associated with the nature of their offences and can focus on their rehabilitation". However, this arrangement sets up a strange sort of parallel universe, where friendships form on the basis of shared interests, as they do anywhere. But insulated from condemnation or consequences, deviant fantasies may be normalised, and grooming techniques shared. In 2013, convicted Western Australian child sex offender Mark Pendleton was further sentenced for conspiring with other paedophiles he'd met during treatment to set up a child sex ring in Thailand.

Punitive public policies

Many jurisdictions around the world, including Australia, have introduced laws to keep dangerous sex offenders in prison past their full-time release date – and potentially indefinitely. In NSW, Continuing Detention Orders (CDOs) of up to five years can be sought for offenders nearing the end of their sentence who are considered to represent an "unacceptable risk of serious reoffending", such as by committing rape, sexual assault, or the abuse of a child, according to a Corrective Services NSW spokeswoman. In 2015/16, nine such high risk offenders were retained in NSW custody.

The alternative is an Extended Supervision Order (ESO). ESOs impose strict conditions



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DR KATIE SEIDLER

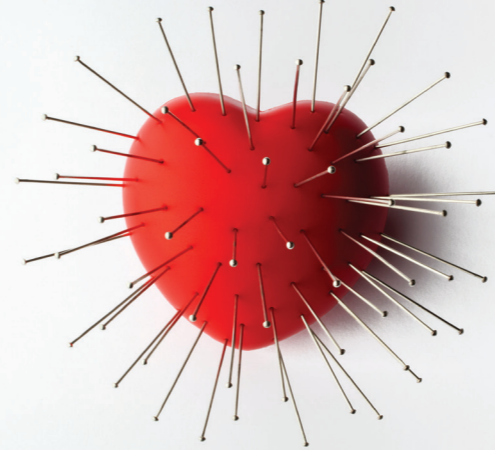


on high risk offenders after they are released to the community. These conditions may include electronic monitoring, internet use restrictions, curfews, prohibitions on drinking alcohol, directions not to change one's appearance, and bans on entering suburbs where previous offences occurred. At 30 June 2016, 55 NSW offenders were subject to ESOs.

Dr Kelly Richards, a senior lecturer in the School of Justice at Queensland University of Technology, says some offenders like the structure of such orders which spell out exactly what they can or can't do. Others, like Kay, strain at the leash. Imagine having to seek permission from one's supervising officer before accepting a job offer, having sex, or joining a club. It greatly restricts an offender's ability to establish the cornerstones of a non-offending lifestyle – work, partner, and friends. Seidler says it prevents offenders from having healthy relationships and "places them under psychological stress by imposing ... demands which are unreasonable and often unrelated to their risk".

The introduction of increasingly punitive legislation continues apace. Child sex offenders can be prevented from travelling overseas except in "exceptional circumstances" by the new *Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017* (Cth). Tough new laws announced by the NSW Attorney General in June 2018 demand a maximum life sentence for a strengthened offence of persistent child sexual abuse, introduce new offences for failure to report or protect against child abuse, and require courts not to take into account an offender's good character when sentencing for historical offences where their reputation facilitated the offending.

Several states, including NSW, may also mandate chemical castration as a condition of release. This involves the administration of anti-libidinal drugs to dampen an offender's sex drive. Side effects such as breast growth, liver damage, bone fragility, hot flushes and depression can undermine an offender's compliance with anti-libidinal medication. Elsewhere in the world, surgical castration is still practised. In the Czech Republic, around 80 surgical castrations occur each year via testicular pulpectomy (removal of testosterone-producing tissue from the testicles). A state law in Texas also permits voluntary surgical castration via orchidectomy (removal of one or both testicles).



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DR KELLY RICHARDS

Legislation requiring convicted sex offenders to register their personal details with police has been introduced to every state and territory in Australia. In 2012, Western Australia became the first and thus far only state to open the contents of its sex offender register to public scrutiny. However, mounting pressure from victims' rights groups means it may only be a matter of time before other states follow. This, says Seidler, is concerning because public sex offender registries don't make communities safer and may have unintended consequences.

"Public sex offender registries are used in other countries and we know that they do not reduce reoffending rates," Seidler explains. United States-style public registers which allow people to see, at the click of a mouse, whether a paedophile lives next door don't necessarily boost safety. "Public registers don't target the people who need to know," adds Seidler. "The disadvantaged family with vulnerable children down the street is not going to be checking the register. And what, exactly, are members of the public ... expected to do with that information?"

The notion that informed community members will take protective actions to ensure their personal safety is fanciful. The reality is vigilantism. Even without a public register, convicted child killer John Lewthwaite was run out of town after Sydney residents learned his location. The late child sex offender Dennis Ferguson was also forced to repeatedly relocate before his death in 2012. One US study found that 83 per cent of notifiable sex offenders had been forced to relocate, more than half (57 per cent) had lost their jobs, and more than three-quarters (77 per cent) had been ostracised, threatened or harassed.

A paper co-authored by Day and published in the *Australian & New Zealand Journal of Criminology* in 2014 notes that the "collateral consequences" of public notification "may induce stress, which has been shown to be an important antecedent to relapse". For this reason, says Seidler, alienation and ostracism are not the answer. "We need to see sexual abuse as a public health issue, and to cultivate conversations among all stakeholders, such as child protection, mental health services and the criminal justice system, or we won't ever beat this problem." **LSJ**

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HELPING HANDS

For offenders leaving prison, a major hurdle to re-establishing life outside is their lack of prosocial supports. "Many have burned their bridges," says Dr Kelly Richards. "They're less likely to fall back into the warm embrace of friends or family, and getting a job can be incredibly difficult."

Stepping into this breach is a controversial Canadian program currently being trialled in Adelaide. Based on restorative justice principles, Circles of Support and Accountability (CoSA) surrounds offenders with practical support and friendship. Each "circle" consists of a handful of trained volunteers who meet weekly with the offender to assist with access to medical and psychological services, daily tasks such as shopping and banking, and secure housing and employment.

CoSA originated in 1994, in a small Mennonite community in Ontario, Canada, when a pastor and members of his congregation formed a supportive circle around a high-profile sex offender re-entering the community. Since then, more than 350 Canadian sex offenders have participated in CoSA. Richards is part of a team conducting a preliminary evaluation of the Adelaide program and, while it's too early to release results, international outcomes are promising. One recent evaluation published in the *Journal of Experimental Criminology* found that CoSA lowered the risk of rearrest for a new sex offence by 88 per cent.

The program is not without critics. "It seems like we're giving something to people who don't deserve it," Richards says. In 2015, a child sex abuse survivor slammed the \$40,000 taxpayer-funded pilot program, saying in *The Advertiser* that the program is "for paedophiles to make friends and reintegrate into society while support for victims remains inadequate." But CoSA provides a good return on investment, Richards argues. "The tendency is for people to turn their backs, but ... if we give help and support, we create safer communities."