

Inquiry into the Management of Child Sex Offender Information

Dr Kelly Richards

CONTACT DETAILS

Phone:

Email:

Organisation Name:

Organisation Postion:

Address:

Suburb:

State:

Postcode:

Your age group:

YOUR SUBMISSION

Submission:

Please see uploaded submission.

Are you interested in appearing before the committee in person to talk about your submission?

Yes

FILE ATTACHMENTS

File1: [5f7e9a38b9225-Submission to the Parliament of Victoria Legal and Social Issues Committee.docx](#)

File2:

File3:

Confidentiality:

Signature:

Kelly Richards

Submission to the Parliament of Victoria Legal and Social Issues Committee's *Inquiry into Management of Child Sex Offender Information*

Thank you for the opportunity to make a submission to this important Inquiry. This submission primarily addresses the third area of interest - the circumstances in which the details of convicted child sex offences can be made public.

Government calls to publically release identifying details of people convicted of child sexual offences are often made on the basis that doing so will protect children from sexual violence and/or that the public (especially victim/survivors of sexual violence) are in favour of such measures. However, neither of these assumptions is accurate.

It has been convincingly established that **public sex offender registers do not reduce reoffending**. The large body of evidence amassed from the United States of America's public sex offender registers clearly demonstrates that they do not prevent sexual violence (Napier et al., 2018). There are a number of reasons for this. As sexual offences are infrequently reported (Kelly et al., 2005, Bouhours and Daly, 2008) and have a high rate of attrition from the criminal justice system (Eastwood et al., 2006, Bouhours and Daly, 2008), the overwhelming majority of people who perpetrate sexual violence will not appear on a sexual offender register. As a result, such registers can create a false sense of security among members of the public (Bonnar-Kidd, 2010), who may believe that an individual's absence from a register is evidence that they have not perpetrated a sexual offence. Moreover, measures such as public registers are counter-intuitive in that by stigmatising sexual offenders, they threaten offenders' prospects of rehabilitation and their likelihood of desistance. Stigma exacerbates the risk of sexually violent behaviour (Jahnke et al., 2015, Seidler, 2010); public registers prevent offenders from crafting new lives and adopting prosocial identities that are incompatible with continued offending. In short, public sex offender registers serve only a symbolic function, permanently shaming perpetrators. They do not, however, serve an instrumental function by reducing sexual recidivism.

While the majority of the American public support the use of public sex offender registers (Koon-Magnin, 2015, Levenson et al., 2007), recent research of public views in Australia (Bartels et al., 2020) reached different conclusions. It found general support among the public for the use of registers, especially in cases involving sexual offending against children. However, this research found much less support for sex offender registers being made available to the general public, with *only one-third of respondents believing this should be the case* (Bartels et al., 2020).

What about victim/survivors of sexual violence? While it is often assumed that victim/survivors of sexual violence hold extremely punitive attitudes towards perpetrators, this is not borne out by research. Indeed, victim/survivors' attitudes towards sexual offenders either vary little from the general public's (Willis et al., 2013, Sahlstrom and Jeglic, 2008), or tend to be *more positive* than the general public's (DeLuca et al., 2018, Ferguson and Ireland,

2006, Nelson et al., 2002, Spoo et al., 2018, Socia et al., 2019). This is likely because personally knowing a sexual offender results in victim/survivors having a more balanced picture of perpetrators and therefore relying less on stereotypes than the general public.

Victim/survivors in my research (Richards et al., 2020a) favoured approaches to sexual offender reintegration that are pragmatically-oriented, and will prevent future harm to others. To this end, they generally supported measures that will reduce an offender's risk of reoffence over stigmatising measures that may be counter-productive (Herman, 2005, McGlynn and Westmarland, 2019, Richards et al., 2020a). This is particularly critical to note in light of the current move towards a publically-available sex offender register in Australia. Some victims' groups (eg the Daniel Morcombe Foundation) have expressed support for a public register, and it is heartening to see an increased voice for victim/survivor groups in these discussions. It must be noted however, that often, victims' groups that are afforded a public platform in such debates have formed in the wake of an especially extreme and heinous crime. While the views of these groups must be included, the overwhelming majority of victim/survivors of sexual violence are abused by people they know, usually in a familial context. Their views and needs may therefore differ considerably from the policy positions of such organisations, which are often erroneously assumed to represent all victim/survivors.

The public release of personal information about child sex offenders also results in a range of "collateral consequences". As the majority of sexual offending against children occurs in families (Richards, 2011), public registers containing the personal details of sexual offenders typically also **expose the victim/survivors** of these offences. Further, offenders' families (including child victims and other children) face significant consequences as a result of public registers, including severe stress, shame, isolation and other psychological impacts, and being physically attacked (Levenson and Tewksbury, 2009). American research even indicates that the presence of a person known to have been convicted of a sexual offence decreases housing values. Pope (2008) puts this figure at 2.3 percent; Linden and Rockoff (2008) put it at 12 percent for homes immediately adjacent to the residence of a registered offender (see further Navarro and Rabe-Hemp, 2018).

In closing, I urge the Committee to act based on the best available evidence, and to consider, in place of public exposure of child sex offenders, reintegrative measures such as Circles of Support and Accountability (Richards et al., 2020a, Richards et al., 2020c), cultural mentoring programs (Richards et al., 2020a, Richards et al., 2020b, Richards et al., 2020c) and Support and Awareness Groups (Braden et al., 2012), which show much promise in terms of reducing sexual reoffending.

Associate Professor Kelly Richards

Queensland University of Technology, Faculty of Law, School of Justice

References

- BARTELS, L., GELB, K., SPIRANOVIC, C., WARNER, K., ROBERTS, L. & DAVIS, J. 2020. What does the public think about sex offender registers? Findings from a national Australian study. *Psychiatry, Psychology and Law*.
- BONNAR-KIDD, K. 2010. Sexual offender laws and prevention of sexual violence of recidivism. *American Journal of Public Health*, 100, 412-419.
- BOUHOURS, B. & DALY, K. 2008. Rape and attrition in the legal process: A comparative analysis of five countries. Brisbane: School of Criminology and Criminal Justice, Griffith University.
- BRADEN, M., GOBBELS, S., WILLIS, G., WARD, T., COSTELETOS, M. & MOLLICA, J. 2012. Creating social capital and reducing harm: Corrections Victoria Support and Awareness Groups *Sexual Abuse in Australia and New Zealand*, 4, 36-42.
- DELUCA, J., VACCARO, J., RUDNIK, A., GRAHAM, N., GIANNICCHI, A. & YANOS, P. 2018. Sociodemographic predictors of sex offender stigma: How politics impact attitudes, social distance, and perceptions of sex offender recidivism. *International Journal of Offender Therapy and Comparative Criminology*, 62, 2879-2896.
- EASTWOOD, C., KIFT, S. & GRACE, R. 2006. Attrition in child sexual assault cases: Why Lord Chief Justice Hale got it wrong. *Journal of Judicial Administration* 16, 81-91.
- FERGUSON, K. & IRELAND, C. 2006. Attitudes towards sex offenders and the influence of offence type: A comparison of staff working in a forensic setting and students. *British Journal of Forensic Practice*, 8, 10-19.
- HERMAN, J. 2005. Justice from the victim's perspective. *Violence Against Women*, 11, 571-602.
- JAHNKE, S., IMHOFF, R. & HOYER, J. 2015. Stigmatization of people with pedophilia: Two comparative surveys. *Archives of Sexual Behavior*, 44, 21-34.
- KELLY, L., LOVETT, J. & REGAN, L. 2005. A gap or a chasm? Attrition in reported rape cases London: Home Office.
- KOON-MAGNIN, S. 2015. Perceptions of and support for sex offender policies: Testing Levenson, Brannon, Fortney, and Baker's findings. *Journal of Criminal Justice*, 43, 80-88.
- LEVENSON, J., BRANNON, Y., FORTNEY, T. & BAKER, J. 2007. Public perceptions about sex offenders and community protection policies. *Analyses of Social Issues and Public Policy*, 7, 137-161.
- LEVENSON, J. & TEWKSBURY, R. 2009. Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice*, 34, 54-68.
- LINDEN, L. & ROCKOFF, J. 2008. Estimates of the impact of crime risk on property values from Megan's laws. *American Economic Review*, 98, 1103-1127.
- MCGLYNN, C. & WESTMARLAND, N. 2019. Kaleidoscopic justice: Sexual violence and victim-survivors' perceptions of justice. *Social & Legal Studies*, 28, 179-201.
- NAPIER, S., DOWLING, C., MORGAN, A. & TALBOT, D. 2018. What impact do public sex offender registries have on community safety? *Trends & issues in crime and criminal justice*, 550.
- NAVARRO, J. & RABE-HEMP, C. 2018. The financial impact of Registered Sex Offenders on home sale prices: A case study of McLean County, Illinois. *International Journal of Rural Criminology*, 4, 86-109.
- NELSON, M., HERLIHY, B. & OESCHER, J. 2002. A survey of counselor attitudes towards sex offenders. *Journal of Mental Health Counseling*, 24, 51-67.
- POPE, J. 2008. Fear of crime and housing prices: Household reactions to sex offender registries. *Journal of Urban Economics* 64, 601-614.
- RICHARDS, K. 2011. Misperceptions about child sex offenders. *Trends & issues in crime and criminal justice*. Canberra: Australian Institute of Criminology
- RICHARDS, K., DEATH, J. & MCCARTAN, K. 2020a. Community-based approaches to sexual offender reintegration. Sydney: Australia's National Research Organisation for Women's Safety.
- RICHARDS, K., DEATH, J. & MCCARTAN, K. 2020b. Towards redemption: Aboriginal and/or Torres Strait Islander men's narratives of desistance from sexual offending. *Victims & Offenders*, 15, 810-833.

- RICHARDS, K., DEATH, J., MCCARTAN, K. & AUSTRALIA'S NATIONAL RESEARCH ORGANISATION FOR WOMEN'S SAFETY 2020c. Community-based approaches to sexual offender reintegration: Key findings and future directions. Sydney: ANROWS.
- SAHLSTROM, J. & JEGLIC, E. 2008. Factors affecting attitudes toward juvenile sex offenders. *Journal of Child Sexual Abuse*, 17, 180-196.
- SEIDLER, K. 2010. Community management of sex offenders: Stigma versus support. *Sexual Abuse in Australia and New Zealand*, 2, 66-76.
- SOCIA, K., GRADY, M., BOLDER, T., CRONIN, K., HURT, C. & VIDRINE, S. 2019. How background relates to perceptions of child sexual abuse prevention and policies related to individuals convicted of sex crimes. *Criminal Justice Policy Review*.
- SPOO, S., KAYLOR, L., SCHAAF, S., ROSSELLI, M., LAAKE, A., JOHNSON, C. & JEGLIC, E. 2018. Victims' attitudes toward sex offenders and sex offender legislation. *International Journal of Offender Therapy and Comparative Criminology*, 62, 3385-3407.
- WILLIS, G., MALINEN, S. & JOHNSTON, L. 2013. Demographic differences in public attitudes towards sex offenders. *Psychiatry, Psychology and Law*, 20, 230-247.