

The impact of public, media and academic discourses on the development of policy around the community management of sex offenders.



Dr Kieran McCartan

Kieran.mccartan@uwe.ac.uk

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Development to current sex offender management policy & practice

- Child sexual abuse, especially paedophilia, is a high profile social issue, media story and moral panic in modern society (Thomas, 2005; Davidson, 2008), making it a central concern for the UK public, government and criminal justice system.
- This has resulted in all aspects of predicting, catching, monitoring and regulating child sexual abuse having become core policing and public protection issues over the past decade, evidenced by a number of high profile changes in UK, both nationally and regionally, policy and legislation in the area of child sexual abuse (Home Office, 2007).
- These policy and legislative changes have developed in reaction to:
 - a number of high profile media stories
 - reactionary public attitudes;
 - evidence based research
 - the highly politicised nature of sexual offending
- England and Wales a series of policy developments have been implemented, which have either simultaneously or later been introduced into both Scotland and Northern Ireland; however, there are regional differences

Attitudes to Sex Offender's Management (I)

■ Public

- public are quite concerned about Child Sexual Abuse (Northern Ireland Office, 2007; McCartan, 2004, 2010) & seem to be pro public disclosure (McCartan 2004, forthcoming; Critcher, 2002).
- A Northern Irish sample seemed to be more in favour of public disclosure of sex offender information (64%) than a comparative English one (37%) (McCartan, 2004).

■ Media

- The News of The world Sarah Payne campaigns resulted in mixed reactions from the media, who whilst they supported Sarah's Charter condemned public disclosure (Critcher 2002; Hodgson 2001).
- "In my view it's an unworkable law, Sarah would have still have been kidnapped, sexually abused and murdered had there been a Sarah's law. I think it gave vent to people's frustration that you can't stop paedophilia, and you won't, and there will always be abductions and sexual killings of children by strangers." (TV reporter; McCartan, 2008)

Attitudes to Sex Offender's Management (II)

■ Professionals

- The Government misperceive paedophilia/CSA as being solely about risk, therefore responding in terms of risk reduction and public protection not on treatment, prevention and/or reintegration (McCartan, forthcoming 2011).
- (government) accountability vs the realities of offender management (McCartan, 2008; forthcoming 2011)
- Mixed professional attitudes:
 - **"...where is the public in 'public protection'? It's non-existent and it needs to be there...it should happen; people should have the right to know that the person that they think is Mr. Nice is actually Mr. Paed..."** (Criminologist; McCartan, forthcoming)
 - **"...you know I'm sort of wary of the benefits of, if we have a sort system where we are going to be told 'there's six sex offenders in the community', so what? So what are you going to do about it?' So there's six sex offenders living in the community, there's probably six others that you don't know about anyway."** (psychologist; mccartan, forthcoming)
- Mixed police attitudes to public disclosure (PSNI, November 2008; BBC, 2010); especially across the 4 countries of the UK.

'policing' of sex offenders in the community & the impact of austerity in the UK (McCartan, forthcoming; 2012)

- Cuts in criminal justice funding has an impact on the policing , Regulation and control of offenders brought about by the recent austerity cuts in the UK
- **"Big Society we will tackle these root causes of poverty and criminality... In the Big Society ... criminals will live in fear of the people – because there is nowhere for them to hide."** (May, 2010)
- Policing in the big society (27th June 2011: Guardian; Herbert, 2011)
 - Reduce paid officers and increase volunteers
 - Remove targets and increase reinforce police discretion
 - CJS has to be more public and victim focused
 - Getting the public involved in policing
- Therefore "social repair " though community engagement, opening up the justice process, restorative justice (Herbert, 2011)
 - **" (*policing should*) focus on what works rather than having a preconception of what works - to be evidence led, and to encourage partnerships across public services, partnerships with the private and third sector. Perhaps above all, partnerships with the public."** (Herbert, 2011)
- Community policing/self-protection:
 - does this mean that communities will 'police' can, should and/or will be expected to police themselves and be responsible for co-managing offenders?
 - Although the government argue that the limited public disclosure of sex offender information is not about them devolving responsibility for the management of sex offenders and the protection of children to the public, this seems to be exactly what is happening

Sex offender Registration (I)

- The registration and community notification, especially in regard to offenders, are not a new phenomenon's (Stenning, 2004); but what is new is the use of these techniques with sex offenders at national level and in an international arena (Thomas, 2011).
- Thomas (2011) highlights that sex offenders are the only offending population with their own specific register identifying them as a unique group of offenders to beyond redemption who cannot be rehabilitated or successfully reintegrated, reinforcing current public and government attitudes (McCartan, 2004, 2010, 2011a, forthcoming 2012a), raising concerns regard human rights legislation .
- This, Thomas argues, means that sex offender registration can be constructed as essential necessary by society with this deterministic approach to sex offender policy seeming to be Lombrosian in nature.
- Thomas discusses that offender registration started out as bureaucratic and regulatory procedure, which is reflected in the seemingly unified internationally discourse stating that registration is simply a regulatory tool with punitive measures for non-compliance, not a punitive measure. However in recent years, Thomas argues, the rhetoric surrounding registration has changed to one about punitiveness, control, risk management and precaution which is evident in how sex offenders discuss their experience of registration, especially public notification (Hudson, 2005; Kemshall et al, 2011).

Sex offender Registration (II)

- Thomas shows that when national sex offender registers have developed globally this seems to have happened through either
 - (1) calls from practitioners (UK; Canada; Australia; South Africa; Kenya) or
 - (2) as a reaction by governments to societal concerns surrounding the uncovering of sexual abuse networks (Republic of Ireland; France; Jersey; Pitcarian Island; Kenya; Jamaica) and high profile cases linked to problems with the current Criminal Justice System (USA; Republic of Ireland; South Africa).
- The first country to develop a sex offender's register was the USA, with its register evolving over a number of decades from the establishment of California state sex offenders register (1947) up to the Adam Walsh Act (2006).
- The evolution of the register in the USA, as with other countries, has led to the strengthening of the legislation at each turn. In the case of the American register it has invoked the increased use of federal sanctions for non-compliance, but this does not seem to have worked with individual states not complying with the legislation and accepting a reduction in their criminal justice funding as a result (Klein, 2011b).

A “worldly” approach (McCartan, 2012)

- In reality it seems to be the UK version of the sex offender’s register, not the American one, which seems to be the “worldly” template for sex offender registration.
- The UK version replicates its American forbearer but excludes retroactive registration and community notification.
- Internationally a range of countries have researched and implemented a national sex offender’s register, comprising the Republic of Ireland, France, Jersey, Canada, Australia, Pitcairn Island, South Africa, Kenya, and Jamaica.
- Thomas indicates that there are international differences in the way that sex offender registration is implemented in different countries, as such this “worldly” approach seems to be a loose, not a rigid, infrastructure for sex offender management. Examples of these variations from the American include,
 - that the South African register only focuses on sexual offences against children;
 - only France and Jersey have retroactive registration;
 - the UK and Australia only having regional, not national guidance on sex offender residence restrictions;
 - each country has different requirements in regard to length of time on that the offender will spend on the register;
 - that no country outside of America has community notification, in fact all of the other countries have spoken out publically against it.
- Therefore indicating a national disagreement over the role, structure and execution of sex offender registration, which only increases when we look at international variants of the policy.
- Which raises the question of how likely a truly “worldly” sex offender’s register is given international variations? Although there has been debate about a transnational, European and/or global register currently this seems unlikely based on logistical reasons.

Current English, Welsh & Scottish public disclosure scheme

- “it is not an aim of this scheme to introduce a US-style Megan’s Law or automatic disclosure of sexual offenders details to the general public..” (Home Office, 2010; 2)
- Disclosure process:
 - **Stage 1: Enquiries**
 - Anyone is free to make enquires, but primary & secondary care givers maybe more successful than others
 - Written application and preliminary police check
 - Only gets passed on if directly relating to a specific child
 - **Stage 2: Applications**
 - Formal application done through face-to-face interview with a trained/specialised member of the police
 - Full background checks are done on the applicant
 - **Stage 3: Information & empowerment**
 - **Stage 4: Full risk assessment**
 - **Stage 5: Decision routes and outcomes**
 - A decision on ‘concerns’ or ‘no concerns’ about the offender in question is made.
 - Concerns = previous conviction for child sexual abuse and/or other acts regarding the safeguarding children, as well as intelligence on the subject regarding child safety concerns (Information will only be disclosed to the person best suited to protect the child.
 - All decisions will be given in person in a secure setting, no written conformation will be given. (i.e., MAPPA or Case Conference)
- Advice/guidance on the limits and/or implications of disclosure:
 - May only be used for the purpose it was requested (i.e., child protection)
 - The applicant will have to agree and sign a confidentially agreement which if broken could result in legal proceedings; if they do not consent to this the police will need to consider if disclosure should take place.

UK Pilot Studies & Related research

(1)

- Previously in the UK where public disclosure has occurred it has had mixed results with it sometimes leading to the capture of high risk offenders, as well as public disorder & vigilantism (see McCartan, forthcoming 2011).
- **England & Wales (Kemshall et al, 2010).**
 - Ran from September 2008 – September 2009 in Warwickshire, Cleveland, Hampshire & Cambridgeshire
 - only piloted in England, not wales
 - Method: interviews (applicants, stakeholders, sex offenders & police), disclosure application forms & scoping days/follow up visits.
 - Applications where about family members, neighbours, friends and ex-partners, based upon third party information.
 - Out of 315 applications there were 21 disclosures.
 - Revealed low inquiry rates by the public, high degrees of public confidentiality and no public disorder or vigilantism
 - Participant attitudes: mixed professional attitudes, concerns from sex offenders & positive attitudes from the public
- **Scotland (Chan et al, 2010)**
 - Ran from September 2009 and May 2010 in Tayside.
 - Method: interviews (applicants, stakeholders, sex offenders & police), disclosure application forms.
 - Applications where about family members, neighbours, friends and ex-partners, based upon third party information.
 - Out of 52 applications there were 11 disclosures
 - Revealed low inquiry rates by the public, high degrees of public confidentiality and no public disorder or vigilantism
 - Participant attitudes; Applicants were happy with process, improved child protection, helped policing and no direct (negative) impact upon sex offenders
- **Northern Ireland**
 - no plans to develop and/or roll out a pilot study in Northern Ireland;

UK Pilot Studies & Related research

(2): McCartan (In Prep)

- The research uses a mixed method design; interviews with stakeholder/practitioners and focus groups with the public from different political communities –
 - Northern Ireland (nationalist, republican and mixed community sample)
 - Wales (rural welsh, urban welsh and urban immigrant).
- Preliminary results
 - Concerns over the impact of public disclosure on communities, on offenders, neighbours and family members (public and practitioners)
 - Believe that sexual offences should be split into two categories; child sexual offenders and other sexual offences, with the former being publically disclosed. (public)
 - Believe the public have a right to know about child sex offenders in there locales, and that the police should inform them straight away (public)
 - Believe the current scheme is too complicated, makes the applicant feel like they've done something wrong and that it should not be the police that handle the scheme. (public)
 - Believe the current scheme should not be lead by the police. (public)
 - Unsure of the rationale of the polices decision making, and if a previous criminal record would bias a participants chances (public)
 - Believe that the public are being put under pressure and not helped enough to deal with the information disclosed (practitioners)
 - Not happy to sign a disclosure form, but would do it and then may break it. (public and practitioners)
 - Fears/concerns that public disclosure could be extended to other crimes (public)
 - Not sure if applicants would believe a response of not a sexual abuse, being biased by their original perception and a lack of trust in the system (public and practitioners)
 - Feeling that the CJS is partially shifting the responsibility of monitoring sex offenders to the community (practitioners)

ESRC Public Disclosure network

Aims

- To bring researchers, practitioners and policy makers/implementers closer together
- To exchange good practice and emerging ideas
- To 'network'- challenge, critique and develop
- To network for influence and impact with key decision makers

Members

- Three universities, supported by other key academics in UK and abroad
- Key statutory and third sector partners with expertise and interest in the area, spread across the UK plus Southern Ireland
- Those who were pilots, those currently implementing, those considering such schemes (e.g. Northern Ireland)
- Those who have some responsibility for sex offenders, or their victims, families and child protection

Organisation of events and activities

- **Four Events**
 - Access, impact and value-added (*Scotland - Feb 2012*)
 - Localism, community and reintegration (*Northern Ireland – May 2012*)
 - Devolution, Context, and Partnership Networks (*Wales – September 2012*).
 - Public perceptions, media framing, and risk policy formation (*England – November 2012*).
- **Website** - publications, briefing notes, presentations, etc
<http://www1.uwe.ac.uk/hls/research/sexoffenderpublicdisclosure.aspx>
- **Discussion boards**
 - 1: Public awareness of sex offender aetiology, policy and practice. (18th – 30th April)
 - 2: Sex offender reintegration. (*June*)
 - 3: Public disclosure and minority groups. (*October*)
 - 4: Transational policy, practice and information sharing. (*January*)
- **U Tube for public outreach**
- **Final conference in 2013.**

Understanding Public Disclosure of Sex Offender information in Scotland: Access, impact and value-added (1/02/2012) Part

2

There are a number of points that came out of the Scottish event which can be taken forward and discussed in regard to Scotland responses to the scheme and in relation to the other ESRC events:

- 1. There needs to be greater community engagement around the understanding and management of sex offenders.
- 2. Material needs to be better advertised and the format reconsidered, especially for hard to reach populations and in terms of using up to date social media.
- 3. Is the labeling and branding of the scheme appropriate or “fit for purpose”?
- 4. The list of applicants needs to be broadened beyond parents (i.e., grandparents).
- 5. We need to understand what the role and purpose of the scheme is (public protection, preventing reoffending etc).
- 6. Need to measure impact in a variety of ways beyond reconviction data, using both hard and soft measures.
- 7. The scheme needs to be discussed and measured outside of the political context; it needs to be discussed in its own terms.

Introduction	Yvonne Gailey, CEO, RMA
	Hazel Kemshall, DMU
Key note speakers	Lorraine Murray, Ipsos MORI Scotland <i>Scottish Pilot overview and key learning points</i>
	Willie Manson, Stop It Now! Scotland Update on Disclosure Implementation in Scotland
	Beth Weaver, Strathclyde University Overview of sex offender community management in Scotland
Breakaway Discussion groups	Access and targeting, extending the take up of the Disclosure Scheme
	Development and use of impact measures to measure the effectiveness of limited disclosure schemes
	Sex Offender Disclosure and the broader community management of sex offenders
Conclusions	Kieran McCartan, UWE

Understanding Public Disclosure of Sex Offender information in Ireland: Localism, Community and reintegration (03/04/2012)

This event will take a dual stream approach with one addressing northern Ireland related issues (issues of localism, with particular reference to the 'troubles' in Northern Ireland and policing, offender management, community activism) and the other addressing the Eire (cross border issues, the development of public disclosure scheme, austerity and a focus on particular Irish issues (i.e., cultural attitudes to sexuality, sexual abuse). This event will examine the social mechanisms that either reintegrate or exclude sex offenders.

Introduction	Cheryl Lamont – PBNI Kieran McCartan, UWE
Key note speakers	Marie Keenan, University College Dublin <i>Cultural attitudes to sexual offending and their impact upon offender management in Ireland</i>
	Anne-Marie McAlinden, Queens University Belfast <i>Community responses to sex offenders in Northern Ireland</i>
	D/S Alistair Wallace, PSNI Public protection Branch <i>Policing and public disclosure in Northern Ireland</i>
Breakaway Discussion groups	Access and targeting: the reality of community engagement any sex offender disclosure scheme in Northern Ireland.
	The impact of disclosure on sex offender rehabilitation and reintegration
	Protecting the public (?): The relationship between public disclosure and the management of offenders in the community.
	Cross boarder issues in the reality and impact of Sex offender disclosure in Ireland
Conclusions	Panel discussion - Chaired by Kieran McCartan

Conclusions

- Will there be a national UK strategy on public disclosure? How does this cross uk “countries”?
- International/cross-border links and public disclosure
- Politicisation and Public disclosure in the UK:
 - Does public disclosure simply reinforce popular punitiveness?
 - Does public disclosure contradict and work against restorative justice as well as reconciliation?
- With the public disclosure of sex offender information being rolled out what does this mean in terms of:
 - Financial cost (i.e., police and the Criminal Justice System)
 - Social, political & cultural cost
 - The continuing successful management of sex offenders
- Does disclosure of sex offender information have the societal support and impact that is claimed by the government?

Funding and publications

RESEARCH FUNDING

- **McCartan, K. F.**, Kemshall, H., & Matrix Consulting (2012). Circles of Support and Accountability - A Qualitative Analysis. *Ministry of Justice*.
- **McCartan, K. F.**, Kemshall, H., & Hudson, K. (2012). Public disclosure of sex offender information. *ESRC Knowledge Impact Grant*. (related webpage: <http://www1.uwe.ac.uk/hls/research/sexoffenderpublicdisclosure.aspx>)
- Rumney, P., & **McCartan, K. F.** (2011). Development of the sexual violence network. *Internal funding, Faculty of Business & Law, UWE*.
- **McCartan, K. F.** (2010) Public Disclosure & Sex Offenders in the UK: Social Evil or Community Empowerment? *Early Career Research Grant, UWE*.

PUBLICATIONS:

- **McCartan, K. F.** (Forthcoming, 2012). The Management of Sexual Offenders in the Community: Austerity, Engagement, Interaction and the 'Big Society'. *Prison Service Journal*.
- **McCartan, K. F.** (2012). Professionals' understanding of government strategies for the management of child sexual abusers. *Probation Journal*, 56.
- **McCartan, K. F.** (2012). Sex offender registration as a "worldly approach" to offender management: A review of "The registration and monitoring of sex offenders: A comparative study" by Terry Thomas. *ATSA Forum, Vol. XXIV, 1*.
- **McCartan, K. F.** (2011). Professionals' contemporary theories and understandings of paedophilia. *International Journal of Police Science and Management*. 13, 4, 322 – 335.
- **McCartan, K. F.** (2011). *Public and Practitioner attitudes towards the limited disclosure of sex offender information scheme in use in the UK: A Northern Irish & Welsh Perspective*. Early Career Research Grant 2010/11: Research Summary, unpublished report to the University of the West of England: Bristol.
- **McCartan, K. F.** (2010). Student/Trainee-Professional Implicit Theories of Paedophilia. *Psychology, Crime & Law*, 16, 265-288.
- **McCartan, K. F.** (2004). 'HERE THERE BE MONSTERS'; The public's perception of paedophiles with particular reference to Belfast and Leicester. *Medicine, Science and the Law*, 44, 327-342.