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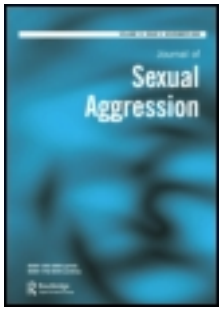

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Public disclosure: Sex offenders' perceptions of the pilot scheme in England. Compliance, legitimacy and living a "Good Life"

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Public disclosure: Sex offenders' perceptions of the pilot scheme in England. Compliance, legitimacy and living a "Good Life"

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Abstract *In 2008–09 four police forces in England piloted a scheme requiring disclosure of information about registered sex offenders (RSOs) to members of the public meeting certain eligibility criteria. Drawing upon data gathered during the evaluation of the pilot, this paper explores the offenders' perceptions of the scheme. In particular, the paper explores RSOs' perceptions of fairness and legitimacy of public disclosure and how these may impact upon their compliance. The RSO interviews also provided limited but informative evidence on the ways in which RSOs manage their lives in the community, and the potential for public disclosure to both hinder and reinforce the living of a "Good Life".*

Keywords *Community notification; compliance; desistance; good lives; perceptions of fairness and legitimacy; public disclosure; registered sex offenders*

Introduction and background

In June 2007, the English and Welsh government published the *Review of the Protection of Children from Sex Offenders* (Home Office, 2007). The Review considered the ways in which the risks presented by child sex offenders in the community were managed, including the amount of information about child sex offenders that was disclosed to the public. The review set out 20 actions to strengthen efforts to keep children safe. Action 4 committed the government to:

> Pilot a process where members of the public can register their child protection interest in a named individual. Where this individual has convictions for child sex offences and is considered a risk, there will be a presumption that this information will be disclosed to the relevant member of the public. (Home Office, 2007, p. 11)

In February 2008 the British Home Secretary announced that four police forces had been chosen to pilot the disclosure model as detailed in the Review. The 12-month-long pilot was launched on 15 September 2008. The pilot was extended, in March 2009, to allow members of the public (not just parents, carers or guardians as was initially the case) to make an enquiry.[1]

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In parallel with these arrangements in England, the Scottish government made the decision to pilot similar arrangements in Tayside between September 2009 and May 2010 (Chan, Homes, Murray, & Treanor, 2010).

These pilots need to be understood in relation to the wider context of arrangements for disclosure. Public interest in the management of sex offenders was perhaps most pronounced in the campaign to "name and shame" offenders in 2000 as a response to the abduction and murder of a child named Sarah Payne by Roy Whiting, a convicted sex offender (*News of the World,* 2000a, b, 2001). There were calls for community notification schemes similar to those laws in the United States that require authorities to make information available about registered sex offenders[2] to members of the public (known informally as Megan's Law[3]; see Fitch, 2006, for a full review). The British government resisted calls for community notification on the grounds that the United States had not found a reduction in sexual offences (Fitch, 2006) and such approaches had the potential to drive offenders "underground" (Fitch, 2006; Kemshall & Maguire, 2002).

Community notification can take various forms (see Kemshall, 2008, pp. 115–118 for a full review), and has its roots in the Jacob Wetterling Act of 1994 in the United States; since 1996 Megan's Law has allowed for information on registered sex offenders in the United States to be circulated to the public. Within England and Wales, a rather more limited approach to disclosure has been taken, with "limited disclosure to third parties" allowable under the Multi-Agency Public Protection Arrangements (MAPPA) procedures (see Cann, 2007), and the more limited disclosure initiated by this pilot and its subsequent extension. In essence, notification remains controlled, with applications from the public considered on the grounds of clear eligibility criteria and on the grounds of risk. The parameters of the current English and Welsh, and the more recent Scottish, public disclosure schemes were tightly drawn. Initially only parents, carers or guardians living in the police force area could make an enquiry, and then only where there is unsupervised access to a child (in March 2009 this was extended to anyone who has a concern). Applications are then checked rigorously (see report for full details: http://rds.homeoffice.gov.uk/rds/pdfs10/horr32c.pdf, accessed 31 March 2011) before any disclosure is actually made (Kemshall & Wood, 2010).

This contrasts to US-based schemes where "broad notification schemes" (Kemshall, 2008) are characterized by open access and in some cases proactive distribution of material about individual sex offenders by criminal justice personnel (e.g. fly posters, local radio and television use, internet registries with open access, neighbourhood meetings and door-to-door warnings). There is now a small but increasing research literature on the perceptions, attitudes and experiences of sex offenders subject to various forms of notification (see Brannon et al., 2007; Levenson & Cotter, 2005); although this is largely US-based (see Kemshall, 2008, pp. 115–118). From this US-based literature there is evidence to indicate that community notification can lead to:

- Housing and job disruption and loss;
- Harassment and vigilante attacks;
- Transience in sex offenders; and
- Significant bars to community re-integration including social isolation and stigma, stress and instability and potentially increased recidivism (adapted from Brannon et al., 2007; Levenson & Cotter 2005; Levenson, D'Amora, & Hern 2007; Tewksbury, 2005; Zevitz & Farkas, 2000).

While extreme vigilante attacks are rare, a number of US studies indicate that sex offenders are exposed to low levels of vigilantism and harassment (Brannon et al., 2007, p. 371):

> In Florida, one third of sex offenders said they were threatened or harassed, 21% reported property damage, and 5% said they had been physically assaulted or injured. (Brannon et al., 2007, p. 371)

Findings of this type have fuelled resistance in the UK to a Megan's or Sarah's Law. For example, Fitch (2006) reviewed key US evaluations and exemplars in order to make a case against community notification in the UK—a report sponsored and drawn upon by the National Society for the Prevention of Cruelty to Children (NSPCC) and other children's charities. In addition, the "voice" of sex offenders has been rarely heard, with few data on the perceptions and experiences of sex offenders under disclosure schemes and who are subject to any subsequent disclosure (with the notable exception of Brannon et al., 2007).

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Focus of the paper

The aims and key findings of the full study can be found at: http://rds.homeoffice.gov.uk/rds/pdfs10/horr32c.pdf and this paper does not repeat these. Rather, this paper focuses on two key areas under-reported in the study:

- RSOs' perceptions of fairness and legitimacy and how these may impact on compliance; and
- The impact of disclosure schemes on sex offenders' management of their lives in the community, in particular whether disclosure has the potential to help or hinder sex offenders in the living of "Good Lives".

In order to be effective, the current framework for the management of RSOs in the community requires offenders to comply with the conditions and requirements of their registration. Systems of monitoring and community notification are compromised if information about the whereabouts and circumstances of sex offenders is of poor quality. To what extent, then, did the RSOs in this study express views that could make compliance more or less likely? In addition, it is imperative that disclosure can contribute to (or at least not undermine) intervention strategies with sex offenders. Desistance literature within the "Good Lives" perspective (Maruna, 2001; Ward & Stewart, 2003) has argued that the ability to form positive identities and acquire the coping skills and necessary "goods" to live a "Good Lives" are critical to desistance from crime. Does disclosure enable or hinder the formation of positive identities and assist with sex offender transitions into non-offending, sustainable lifestyles? In order to frame the findings from the disclosure pilots within these broader concerns, the paper first considers key literature in respect of legitimacy and compliance, and then desistance and sustainable lives.

Legitimacy, compliance and disclosure

There is limited literature about the concept of compliance in the area of community penalties and sanctions. Robinson and McNeill (2008) make links between this literature and scholarship in the area of compliance with tax regimes. They explore a number of definitions and dimensions of compliance which illuminate some of the perceptions of sex offenders in this study and suggest important principles to be considered in the further development of community notification schemes. Drawing upon the work of Bottoms (2001), they differentiate between "short-term requirement compliance" and "longer-term legal compliance". Short-term requirement compliance is about adhering to the rules and requirements of

the sanction. Longer-term legal compliance takes account of a wider and more general compliance with the criminal law. Robinson and McNeill (2008) go on to divide the category of short-term requirement compliance into two groups: formal and substantive. Formal compliance is behaviour that is the minimum necessary to meet the requirements of the sanction. Substantive compliance involves some engagement and cooperation with the purpose of the community sanction or penalty.

Robinson and McNeill (2008) developed these definitions in the context of community sentences and licences. This approach to compliance can be applied to RSOs, with some caveats. First, it is the case that requirement compliance must be sustained for a long, quite possibly lifelong, period. It is not a short-term constraint. Formal requirement compliance would see an RSO updating their relevant details within the set time-scales. Substantive compliance would see this performed in a constructive way, for example by providing the "whole truth" as well as the "truth". Longer-term legal compliance would see the RSO living in the community without further offending. Arguably, schemes to monitor the behaviour of sex offenders living in the community and protect the public should set out to maximise all dimensions of compliance.

Bottoms (2001) contributes further to the debate about compliance by suggesting a range of mechanisms that support compliant behaviour. In the context of sex offender registration, two of these mechanisms are particularly relevant. Instrumental or prudential compliance results from an individual assessing the likely outcomes of compliant and non-compliant behaviour and deciding it makes sense to comply. For RSOs, failing to comply with registration requirements can result in a prison sentence. Bottoms (2001) identifies three types of normative compliance. The first arises when acceptance of a norm or belief in a value leads to the desired behaviour. The second arises when attachment to particular people or other social bonds leads to compliant and law-abiding conduct. The third involves the notion of legitimacy, the concept that formal authority is being properly exercised and the processes at play are just and reasonable.

The concept of legitimacy appears as a key factor in a number of contrasting places in the offending behaviour literature. For example, Rex (1999) links it with the preparedness of probationers to comply with the suggestions of probation officers and follow their plans and advice. McIvor (2009) writes about the perceived legitimacy of pilot Drug Courts and their impact on compliance with treatment. Murphy, Hinds, and Fleming (2008) report a study that supports the view that the public are more likely to assist the police when they view the work of the police as legitimate.

Digard (2010) has explored sex offender perceptions of the prison recall system. He interviewed 20 sex offenders, convicted of a variety of offences (not just with child victims) and recalled to prison as a result of breach of licence conditions. He found that his interviewees were very concerned with their perceptions of the procedural fairness, or otherwise, of the parole process. Prisoners were angry about the system of extended sentences and the way in which judgements were made about their behaviour in the community. They did not accept that probation service staff should have the authority to recall them to prison, believing that such a decision should be made in court by a judge and with full opportunity for legal representation. This sense of the lack of legitimacy of the parole system then linked to wider negative attitudes to future compliance, a poor sense of well-being and limited expectations for the future. Therefore, the perceptions of legitimacy and fairness are likely to be crucial to sex offender compliance with disclosure schemes and following any disclosure.

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Desistance and a sustainable "Good Life"

In their discussion of the Good Lives Model treatment approach to the rehabilitation of sex offenders, Ward and Gannon (2006) contend that it is not enough simply to work on the acquisition of skills that will enable offenders to control their risk factors and avoid high-risk scenarios. Offenders must also be given opportunity to fashion and sustain personal identities that are fulfilling. Ward and Gannon describe the "primary goods" that are key to the formation of a constructive and forward-looking sense of self under the headings of life (healthy living and functioning), knowledge, excellence in work and play, excellence in autonomy and self-determination, inner peace, friendship (intimacy), community, spirituality (meaning and purpose in life), happiness and creativity (Ward & Gannon, 2006, p. 78). They argue that sexual offending may be the result of pursuing these goals in inappropriate ways. Therefore, the rehabilitation of an offender needs to explore the skills and opportunities to achieve these goals via appropriate and positive means, rather than reinforcing an image of the offender that is totally subsumed by a concept of risk, seen only to warrant control, exclusion and avoidance.

Developments in the investigation and understanding of desistance from crime (Farrall, 2004; Maruna, 2001; McNeill, 2006) highlight the importance of an individual's capacity and opportunity to move away from a personal narrative of condemnation and fatalism. Desistance is associated with maturation, increases in social capital, subjective changes in the individual's sense of self and identity, changing motivations and the consideration of a more positive future (McNeill, 2006, p. 46). The concerns are that the stigmatisation and disintegrative shaming (Braithwaite, 1989) inherent in the sex offender registration and community notification process may hinder attempts by an RSO to acquire a positive redefinition of self. Similarly, RSOs, fearing these negative repercussions, may be wary of any increases to personal and social investments, lessening their chances overall of securing a long-term desistance from crime (Levenson, Brannon, Fortney, & Baker, 2007, p. 598).

Methodology and limitations of the study

Further details of the methodological approach taken in this study are detailed in Appendix 1 of the full study (Kemshall & Wood, 2010). A mixed methodology was employed comprising:

- Scoping days and follow-up visits in each of the pilot areas.
- Inputting and analysing 159 completed disclosure application forms which represents 50% of applications.[4]
- Completion of 186 in-depth qualitative interviews across the four areas, comprising:
  - 29 interviews with pilot staff and police officers involved in the operation of the pilot;
  - 21 police and probation offender managers;
  - 43 applicants;
  - 61 RSOs living in the pilot areas;
  - 11 national stakeholders including representatives of the following: children's charities: NSPCC, Barnados, Action for Children; the Lucy Faithfull Foundation; police leads for the pilot; MAPPA national lead; Head of Sexual and Violent Offending Unit, Ministry of Justice (MOJ); representatives of the Child Exploitation and Online Protection Centre (CEOP); and the Victims Champion; and
  - 21 local stakeholders, including Probation Public Protection leads; MAPPA coordinators[5]; senior managers for Child Protection; MAPPA lay advisers[6]; local

safeguarding children representatives and other professionals with an interest or role in child protection.

- A total of 585 enquiries were made to the pilot scheme; 315 were proceeded with as an eligible application under the scheme. Of these, 21 disclosures were actually made under the remit of the pilot scheme.

The data were analysed through an iterative process of describing, classifying and connecting data (Dey, 1993) within a framework of adaptive grounded theory (Layder, 1998) used previously in similar research carried out by Wood and Kemshall (2007). Transcripts were prepared for review by the research team to enable data familiarisation. Data were categorised and coded and key themes were then established, with data grouped under headings. These were then interrogated for connecting themes and isolated or negative cases in line with best practice guidance for "Grounded Theory" research (Denscombe, 2010).

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Limitations of the data

Although the overall number of interviews across stakeholders, RSOs and applicants is quite large (186), they represent a small proportion of the overall populations. With specific reference to registered sex offenders, the 61 interviews were based on those who had consented and were willing to proceed to interview. While the number represents just a small proportion of the overall numbers in the areas[7], it offers a reasonable qualitative data set and there was no indication from the range of responses that compliant RSOs had been selected: many interviewees were disgruntled with offender management arrangements and personnel. None the less, it is important to state that the views contained within this report are not representative of the wider RSO population, and should therefore be treated with a degree of caution.

It was not possible to undertake an impact assessment, for example to assess changes in sexual offending as a result of the pilot, or RSO compliance with registration and supervision because of the lack of baseline data and inconsistent recording of disclosures by the police forces participating in the pilot. In addition, the research team did not interview any RSOs who had been subject to disclosure under the pilot scheme (indeed, only 21 disclosures were actually made under the remit of the pilot scheme [some 4% of the total enquiries], with a further 11 disclosures made outside the remit of the scheme [non-pilot disclosures]). However, these issues were addressed in a limited manner through the use of RSO perception data from qualitative interviews (including RSO speculation on the impact of and reactions to disclosure, should it be made, and their previous experiences of disclosure in the past, for example through the MAPPA); case files of RSOs subject to the pilot including those disclosed about; examples of disclosures actually made with outcomes; and qualitative interviews with practitioners including supervising police and probation officers, including data on how RSOs were prepared for the pilot and informed of relevant disclosures. These latter practitioner interviews included data on the response of RSOs to disclosure including data on their compliance to supervision and were supported by access to those case records.

Key findings

Any conclusions drawn from the interviews with RSOs must necessarily be tentative; the provisions of the pilot were new and had not had a direct impact on any of the interviewees. As noted previously, the lack of baseline data about behaviour and compliance limits the extent

to which the impact of the pilot can be measured. Further evaluation and monitoring of sex offender compliance and behaviour is needed to understand and assess the consequences of community notification schemes. However, the qualitative data gathered from this sample of RSOs provides evidence about offender perceptions that raise important points about the way in which sex offenders living in the community are managed. Legitimacy and compliance will be explored first, followed by desistance and living a Good Life.

Legitimacy and compliance

The study found no evidence that the pilot had led RSOs to cease to comply with the requirements of registration and cause them to go "underground". Offenders interviewed were certainly anxious about the increased possibility for community notification, seeing the possibility for threats to their personal safety and security. For a number of RSOs, disclosing information about offences was already a reality and the pilot was seen as a continuation of that process. One RSO said: "The disclosure thread runs through every aspect of life including employment, looking for work, at some stage you may be asked to disclose..." (BR02). RSOs expressed some concern about the impact of wider disclosure of information about convictions on their accommodation and employment situation. The possibility of information about convictions spreading beyond those who were entitled to know was a particular issue. As one interviewee commented: "people tell people" (BR03).

Some interviewees were also confused about the provisions of the pilot. A small minority of RSOs had clearly confused giving consent to being involved in the research with consenting to being included in the pilot, something over which RSOs certainly have no choice. As the scheme is implemented more widely, it is important that the information communicated to RSOs is written clearly and understood correctly. Again, the Scottish evaluation found similarly that a number of RSOs were unclear about the provisions of the disclosure scheme and believed they had consented to be involved (rather than consented to participate in the evaluation) (Chan et al., 2010).

Some interviewees clearly had a positive relationship with the police officers responsible for their oversight, a positive factor in encouraging normative compliance. For example:

> [Police officer] said if there was anything at all then she said she would come and ask me how I felt about it. She has always been upfront with me so I have no reason to doubt her. (CP01)

> I was a little bit worried but after talking to [police officer] he calmed me down. [He] was very helpful in every way, very pleasant, he put you at ease, no need to worry unless you had anything to worry about. But no he has been brilliant. (CP05)

Other interviewees spoke more generally about their interaction with the police officers who explained the pilot scheme to them, breaking the news that they faced possible disclosure of information about their offences to the wider community. A number of comments were positive, explaining that the contact with the police had been reassuring. However, there is also evidence that some RSOs had not been left with an accurate understanding of the scheme. For example, on learning from the researcher of the provisions of the scheme, one man became distressed and asked for the research interview to be terminated. A small number of RSOs in the sample also appeared to have been left with the misunderstanding that information about them would only be disclosed with their consent.

The RSOs in the sample expressed mixed views about the fairness of the scheme. One frequently occurring source of perceived unfairness was the way in which people with a range

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of different offences are treated similarly by the registration provisions. While it may be a common trait among sex offenders to deny their offences or minimise the seriousness of their behaviour, a number of interviewees argued that it was not reasonable to treat all RSOs the same regardless of their past offences or current circumstances.

> Basically I think that sex offenders are all tarred and feathered with the same brush... we are all nonces and paedophiles and that. Now I have always said there should be a distinction but people say you can't make a distinction with a sex offender and that's it. Well to me it's not. (C001)

> Don't get me wrong I don't take this lightly, any sexual offence is serious, but there are different levels so to speak. (CP04)

Other interviewees, echoing views expressed to Digard (2010), were concerned about procedural unfairness and lack of opportunity to challenge the system. For some interviewees, lack of confidence in the pilot was linked with lack of confidence in police and probation services to make fair and accurate risk assessments. One interviewee argued that the community monitoring of sex offenders be removed from the police and taken on by an independent safeguarding agency.

The long length of the restrictions placed on RSOs was also seen as unfair.

> ...taken together with the other things it becomes a very insidious piece of legislation from which there doesn't seem to be any future reprieve. Now I could accept any pilot, any SOPO, any piece of legislation that has a time limitation to it. If you don't re-offend after five years after conviction or 10 years after conviction why should there be an assumption there that you will then need these to be in place for the rest of your life. What more can you learn from your rehabilitation that you haven't done in say five or 10 years? (BR02)

However, the RSOs interviewed generally accepted the importance of public protection and agreed that parents had a right to know about possible risks to their children, even if they were not inclined to agree that they posed such a risk. Similar findings emerged in the Scottish evaluation (Chan et al., 2010, p. s9.12). A number of interviewees made comments indicating acceptance of the principle of community notification.

> ... providing it is kept water tight and it is a system in place for protection of people that have legitimate concerns, and not just for the eyes of anyone then there is not a problem. (BR03)

> It is there just for people to protect themselves and their family, that is why it's there and fair enough, everybody needs to feel safe in their own environment. (CR08)

Desistance and sustainable lifestyles

Evidence from RSOs interviewed for the study also provided some glimpses of ways in which sex offenders manage their lives in the community in order to avoid problems with their neighbours, the wider public and the monitoring authorities. Again, these perceptions are relevant to police officers and probation staff concerned with encouraging sex offenders to lead settled lives and avoid future offending.

A significant body of literature has emerged (Lacombe, 2008; Ward & Gannon, 2006; Ward & Stewart, 2003) arguing the limitations of a risk-needs-based[8] approach to the treatment and supervision of sex offenders, and the risk-need-responsivity model has been

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increasingly critiqued. There have also been critical reviews of cognitive–behavioural interventions with sex offenders and the over-reliance on CBT programmes (Brown, 2005). Lacombe, for example, has argued that intervention strategies focused almost entirely on crime cycles, cognitive distortions and relapse prevention strategies results in the social connections offered to a sex offender within such a framework being characterised primarily by suspicion and distrust (Lacombe, 2008). Lacombe continues that the methods of self policing that are actively encouraged within a risk society (Beck, 1992) seek to address "unsafe" sexual fantasises with the ultimate goal of transforming the offender into a responsible sexual fantasist. Rather than providing the opportunity for the development of a more constructive and fulfilling sense of self, risk management strategies continue to be preoccupied with the perpetual status of "being a sex offender" (Lacombe, 2008, p. 55).

From a cognitive–behavioural perspective, there was evidence that the pilot may have aided a small number of RSOs in thinking more about the implications of their behaviour, with these RSOs reporting that they had become more self-aware and with it more anxious about how engagement in certain behaviours or activities may precipitate a disclosure request. However, it may also be the case that such anxieties trigger an offender's disengagement with instrumental strategies that may be essential to his/her reintegration and reform.

For those RSOs who had experienced some form of disclosure, either self-disclosure or through media attention, resulting issues included difficulties in obtaining employment and appropriate housing, the lack of any capacity to build constructive and intimate personal relationships, the receipt of, or fear of violent repercussions and vigilante attacks. While there was no evidence of vigilante attacks as a result of disclosure during the pilot evaluation, it was clear that for some RSOs this additional measure simply reinforced their anxieties regarding the potential dangers of wider community engagement. It appeared on a number of occasions that RSOs felt their only tool for managing such concerns was disengagement and self-imposed isolation.

> I don't interact with anybody around that area, I don't have any friends around that are, well I don't have any friends now anyway. I can't see it affecting me in that way... where I live at the moment nobody knows me. (BR04)

> I am a bit more reserved than I was before. There are only two people I have in my life, I suppose I am a bit scared in case something comes out. (CP01)

> I fairly much keep myself to myself and hopefully don't give any instances where I raise any suspicion. (BR02)

A number of interviewees made comments suggesting that they were already careful to avoid situations where they would put themselves at risk of being identified as sex offenders or be thought to be engaging in inappropriate behaviours. For example, one man said: "I haven't put myself in a position where I would have to have a CRB check because obviously I would fail it. So I make sure I am not in a position to be required to take one. I don't want anybody to think I am trying to get into that position" (DR07).

As noted previously, some offenders believed erroneously that they had consented to be part of the pilot. Their "agreement" to participate was often presented as a wish to demonstrate their low risk of harm and active self-management, stating that they had nothing worry about as they were "careful of what I say and do anyway" (DR06). These interviewees were, although misguided, showing that a sense of personal autonomy was a valuable part of a new offence-free identity.

A realisation, and in some cases a resignation, to the all-consuming nature of an identity as an RSO was apparent during a number of the interviews undertaken. It was also clear that such labelling limited some interviewees' motivation to pursue secondary, instrumental goods, those being the means by which primary goods are obtained (Ward & Gannon, 2006). This might include, for example, certain types of work, personal relationships and leisure activities. While the need to protect children was generally accepted as a reason for an official disclosure of sexual offences in certain circumstances, it was clear that the possibility of such an occurrence shaped many of the interviewees' life choices, arguably in some instances to the detriment of their positive well-being.

Ward and Stewart (2003) advocate that adaptive coping skills are essential part of offender rehabilitation. Offenders need to be the proactive agents of change in their behaviours and lifestyles. A responsible use of autonomy is therefore seen to be fundamental to any successful reduction in recidivism, as individuals are seen to flourish when they are able to make their own decisions regarding the direction of their lives. A number of offenders reported that the most effective form and positive outcome of offence disclosure had occurred when they themselves had provided the information, be that voluntarily or following coercion to do so from their offender managers.

> Yes my landlord knows about it because I had to disclose to him, because he wanted me to take on a property with a younger tenant and I turned round and said I can't do it because of, and he was very good about it, he has been brilliant about it. Even when I've had problems like at the previous house I have gone to him about it, after talking to—and explained the situation and he has done something about it, he has moved me or has moved the person involved. (CP03)

However, for a number of interviewees the main expression of any capacity to execute "choice" and self-agency related primarily to their decisions to withdraw from social interactions and attract as little attention to themselves as possible. One RSO thought that the pilot may play a role in increasing public knowledge and understanding about the varying nature of sexual offending and in reassuring applicants that individuals presented different levels of risk, the majority of which could be managed effectively and safely within the community. Two other RSOs who had been released back into the community for some considerable time expressed their concerns that this new measure may have a detrimental impact on the positive progress and acquisition of primary goods they had achieved up until that point.

> I think it's going to start to make a lot of sex offenders feel very nervous especially the older people. Because if they have been out for a while like me, I have been out 12 years now, so now all of a sudden I have been OK for 12 years now what's going to happen? (C001)

However, there were also examples where the perceived need for social disengagement was less profound. In particular, class and economic status appeared to be variables that would warrant further investigation in relation to an individual's access to instrumental, secondary goods which may lead to a more fulfilling lifestyle. While some anxiety remained that disclosure may destroy some of the positive acquisitions made, where the individual was enjoying close personal relationships, satisfying work, stable accommodation, constructive and fulfilling social and leisure activities there were far fewer, if any, expressions of fatalism or despondency.

A small number of RSOs identified expressions of hopelessness as a result of the numerous restrictions, monitoring and suspicions that RSOs could find themselves subject to,

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and speculated on the impact this may have on a risk of re-offending. This sense of fatalism was articulated more readily in interviews as something "higher-risk offenders" may experience. Interviewees were more reluctant to suggest that this applied to them.

> It's labelling people isn't it and not everybody wants to carry a label round for the rest of their lives. I don't think it gives them much hope and chance. (DR06)

> I think that somebody could easily say well I have got nothing to lose. I am never going to have anybody, I am never going to be able to have a normal life, I am always going to be monitored and watched, so I don't care what I do because I have been written off anyway. (C006)

> I was under the impression, 20 years it was drummed into me, all the years I was in, once a sex offender always a sex offender... It doesn't matter whether you are 10 years old, 20 years old or 50 years old you are all sex offenders, you have committed a crime. (CP6)

At least two RSOs commented that if they became aware that a disclosure had been made about them, they would feel safer back in prison rather than remaining in the community.

Conclusion

Initial concerns regarding the disclosure scheme and the potential for a negative impact on the behaviour of RSOs and possible escalations in risk were not realised in this early-stage evaluation. The evaluation of the Scottish pilot came to similar conclusions. There was no evidence of RSOs leaving the pilot area or being less compliant with offender managers. The small number of disclosures made did not lead to vigilante attacks or other negative outcomes (Chan et al., 2010).

Equally, while there were examples of positive outcomes in relation to the management of risks to children within the small amount of disclosures made, no conclusions should be drawn regarding the impact on recidivism rates by sex offenders. Indeed, as one further addition to a series of measures of sanction and control, the pursuit of any direct correlations between the introduction of the disclosure scheme and reductions or increases in re-offending in sexual offending would appear fruitless. In seeking the offender voice, however, a number of themes emerge which merit further investigation.

One of these is the tendency for some RSOs to isolate themselves and disengage from key gains in social capital as a strategy of self-preservation and personal security. This finding is echoed by the evaluation of the Scottish pilot, which recommended that the potential for some RSOs to avoid contact with members of their community should be monitored. As that report argues:

> Reintegration into communities has been shown to be an important factor in rehabilitation and, while it is clearly appropriate for some RSOs to avoid contact with children, others (e.g. those whose offences were unrelated to children) might unnecessarily avoid contact with children or avoid forming relationships with adults who have children. (Chan et al., 2010, s12.6)

There were some signs in our interviews of the psychosocial distress observed previously by Levenson, Brannon, Fortney, and Baker (2007) which, rather than being a direct reaction to the disclosure pilot *per se*, were seen to be the result of the more general state of being an RSO and the wealth of measures and restrictions, both formal and informal, that this incurred.

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Lacombe (2008), for example, states that the majority of interventions with RSOs continue to reinforce a negative self-identification, advocating the responsible management of such a status rather than encouraging the reconfiguration of a more positive personal identity. The underlying peril is that without constructive opportunities for the acquisition of primary goods, their pursuit by unacceptable means may persist (Ward, Vess, Collie, & Gannon 2006).

The offender perceptions obtained in this study also provide some insight into the extent to which RSOs view current systems as fair and legitimate. Many RSOs are likely to view the registration system as unfair and a disproportionate response to their previous behaviour. This perception will impact upon their willingness to comply with its restrictions at more than a formal level. However, this perception is balanced partly by a willingness to accept the legitimacy of processes and systems designed to protect children and support their parents. Police officers and probation staff involved in the administration of community notification schemes are unlikely to be able to overturn offender perceptions of the unfairness of the system, but should not underestimate the importance that they, as individuals, are seen as straightforward, honest and reliable. This is a matter both of worker style and commitment, but also the resources and time allocated to the task of talking with RSOs and informing them about the requirements and restrictions of new initiatives. In part, this confirms previous studies on sex offender perceptions of fairness (Brannon et al., 2007), with RSOs' positive views of fairness attributable partly to positive relationships with supervising officers, and linked to sex offenders' confidence in the accuracy and fairness of professionals' risk assessments. Issues around procedural fairness were also raised, for example that registration and notification applies across a range of sexual offending, and the duration of registration itself. Generally, however, RSOs accept the need for public protection, and acquiesce with a degree of fatalism and realism. There is also emerging evidence that RSOs take significant steps to self-risk manage and to minimise the impact of disclosure upon themselves. This can range from "taking steps" not to place themselves in positions where disclosure could be requested or given to withdrawing significantly from social interactions. Generally, these strategies were accepted with a degree of fatalism as just one more fact of life for a sex offender. In a very few cases it resulted in feelings of anxiety, despondency and fear.

RSO compliance can be achieved and sustained, primarily through early and clear communication of the disclosure scheme; positive supervisory relationships between RSOs and supervising officers; and RSO confidence and trust in key processes and systems, including the accuracy and fairness of risk assessments. The tightly drawn parameters of the scheme have also served to control disclosure and reduce the opportunity for vigilante action. While many sex offenders engage in self-risk management with varying degrees of acceptance and realism, there is potential for feelings of fatalism, negative identity, despondency, fear and anxiety to arise. These can all be construed as "threats" to effective re-integration and living a "Good Life" (Ward & Gannon, 2006). Supervisors can mitigate these threats by being alert to them and responding positively to signs of social isolation and withdrawal, for example, or supporting offenders through a disclosure being made and assisting with potential negative impacts (e.g. on housing). There is also emerging evidence that where communicated clearly, fairly and in a constructive manner (i.e. it is about public protection and not "outing"), disclosure schemes do not have to reinforce RSOs' negative self-images. It is critical that the disclosure scheme does not merely add to RSO feelings of hopelessness and despondency or stymie transitions to a non-offending self-identity, particularly in the light of the very few disclosures that are actually being made.[9]

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Notes

1. On 1 August 2010 the scheme was rolled-out to a further 18 forces, and will include all remaining forces by March 2011.
2. All offenders convicted or cautioned for a sexual offence against an adult or child or released from prison having served a sentence for such an offence since September 1997 in England and Wales is entered on the sex offenders register. They are a registered sex offender (RSO). RSOs are legally required to register with the police on an annual basis and provide information about a change of address or plans to travel. Offenders who receive a prison sentence of 30 months or longer are on the register for life. For those who receive shorter sentences, the requirement to register expires after a specified time-period.
3. Named after the eight-year-old Megan Kanka, who was abducted and murdered by a violent sex offender. For further information on Megan's Law see: www.apbnews.com/safetycenter/family/kanka/sooo/0328 ol.htm (accessed 2 August 2010).
4. Based on those returned to the research team (discussed in Appendix 1 of the full report).
5. MAPPA coordinators are responsible for coordinating interagency cooperation in the community management of offenders.
6. MAPPA lay advisers are members of the public appointed to the Strategic Management Board in each MAPPA area.
7. At the time of the pilot, Area A had 491 RSOs in the community, Area B had 393, Area C had 1300 and Area D had 260.
8. A risk needs model is concerned with the management of risk, where the aim of rehabilitation is linked inextricably to the avoidance of future harm to victims and the community. Identifying and managing dynamic risk factors is seen to be paramount to reduce re-offending. Enhancements in offender wellbeing may be a secondary consequence of the risk management process, but are not viewed as a primary purpose.
9. The low volume of disclosures under the national roll-out has reflected the low volume under the pilot-information provided to the authors from the police national coordinator.

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