

Submission to Queensland Productivity Commission Inquiry into Imprisonment and Recidivism: Draft report (2019)

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Introduction

This Submission relates primarily to Draft Recommendation 15: “The Queensland Government should fill gaps in preventative service delivery where stigmatisation prevents accessibility or funding (such as programs that encourage self-referrals to prevent sexual offending), and establish trials where these are suitable” (Queensland Productivity Commission [QPC] 2019: xli). It responds to the request for information pertaining to “options that would increase accessibility of stigmatised preventative programs” (QPC 2019: xli).

Preventative programs for sexual offending

It is heartening that the QPC’s (2019: 87) *Inquiry into imprisonment and recidivism: Draft report* (‘the report’) recommends the introduction of preventative programs for sexual offending, stating that “there is a prima facie case to start trialling a similar program [to the United Kingdom’s *Stop It Now!* program] in Queensland”. As detailed in Bravehearts’ (2018) submission, there is much promising evidence from abroad that both *Stop It Now!* programs (<https://www.stopitnow.org.uk>) and Germany’s *Dunkelfeld Prevention Project* (<https://www.dont-offend.org/story/results-publications.html>) can significantly reduce the risk of sexual offending and reoffending against children. I note that there has been a great deal of advocacy among victim/survivor advocates in relation to establishing such measures in the past (see eg Prentice, 2002).

An important point, however, is that in the Australian context, **the issue is not how best to reduce stigma that prevents individuals from accessing these services, but that such services do not exist.** Indeed, research on the Dunkelfeld program clearly shows that individuals will go to great lengths to access the confidential support on offer, including travelling to Germany from other parts of Europe

to access the program (Beier et al., 2009). This suggests that where such programs exist and are managed effectively, stigma will not prevent individuals from accessing them. In short, build it and they will come.

Another point here is that in the main, these programs cater to *paedophilically-inclined individuals*; that is, those with a sole or primary sexual interest in prepubescent children. This is certainly to be commended, and the QPC's draft recommendation to trial a similar program is unquestionably laudable, and supported by this Submission. It should be noted, however, that not all paedophiles are or will become child sexual abusers. Conversely, many child sexual abusers are not paedophiles (Richards, 2011aa). Preventative programs targeted towards paedophilically-inclined individuals therefore run the risk of failing to intervene with the majority of child sex offenders.

In this context, Circles of Support and Accountability, which intervene with individuals who have sexually abused children (whether paedophilically-inclined or not), would fill a critical gap alongside preventative programs such as *Stop It Now!* or the Dunkelfeld program.

Circles of Support and Accountability (CoSA)

Circles of Support and Accountability (CoSA) are, like these programs, essentially a crime prevention measure. As I have argued elsewhere, they are a tertiary crime prevention measure in that they aim to prevent reoffending among those already convicted of sexual violence (Richards, 2011b).

As outlined in more detail in my original Submission (Richards, 2018), CoSA are groups of trained community volunteers who support (usually child) sex offenders to reintegrate into the community after prison (Hannem & Petrunik, 2007; Wilson, Picheca, & Prinzo, 2005). CoSA have twin aims: to reintegrate child sex offenders into the community; and to reduce the sexual victimisation of children. Since their emergence in Canada in 1994 (Correctional Service Canada, 2002; Hannem & Petrunik, 2004), CoSA have become a feature of criminal justice systems in North America (Chouinard & Riddick, 2014; Fox, 2013; 2014; 2015; 2016; 2017), the United Kingdom (McCartan, 2016; McCartan et al., 2014; Nellis, 2009; Thomas, Thompson, & Karstedt, 2014), and Western Europe (Hoing, Bogaerts, & Vogelvang, 2013; 2015; 2016; Hoing, Vogelvang, & Bogaerts, 2015; Petrina, Alards, & Hoing, 2015). Most recently, a small CoSA pilot program was established in Adelaide, South Australia (Richards & McCartan, 2018; Worthington, 2015).

As detailed in my previous Submission, CoSA have been found to be an effective way of reducing sexual recidivism (as well as general and violent recidivism) in Canada, the United Kingdom and the USA (see especially Duwe, 2018). They also save criminal justice costs, since they reduce both crime

and the use of imprisonment. Furthermore, in Vermont, CoSA are successfully utilised not only for sex offenders, but for general and violent offenders also (see Fox 2015, 2016). Their capacity to reduce the use of incarceration and criminal justice spending should thus not be under-estimated.

Reluctance to introduce CoSA may be due to the perception that victim/survivor groups and/or the general public will oppose such an initiative. However, there is evidence to the contrary. This is outlined in the sections that follow.

Victim/survivor views

While we may assume that victim/survivors oppose measures that support perpetrators (or potential perpetrators) of sexual violence, in fact, “we do not know what those who have been most affected by sex crimes think” (Spoo et al., 2017: 3388). Victim/survivors are rarely asked what their views are on this topic; instead, legislators and policy-makers commonly assume a vengeful, angry victim/survivor who would support the most punitive measures for perpetrators. This view is not, however, borne out in the limited research. Most commonly, having experienced sexual violence, or being close to someone who has, does not significantly predict a person’s attitudes towards sex offenders, their management or treatment (Bowman, 2018; Brown, 1999; Levenson, Brannon, Fortney, & Baker, 2007; Willis, Malinen, & Johnston, 2013).

Three research studies even indicate that victim/survivors of sexual violence may actually have *more positive, less punitive* attitudes towards sex offenders than the general public. Ferguson and Ireland (2006) surveyed 49 non-psychology undergraduate students and 90 staff working in forensic settings (eg prison officers, psychologists) about their attitudes towards sex offenders. Thirty-eight of these respondents reported that either they or someone close to them had experienced sexual assault. This subset of participants viewed sex offenders more positively than the other participants in the study. Nelson, Herlihy and Oescher’s (2002) survey of 437 professional counsellors (of which 53.4% had either been the victim of sexual abuse or were very close to someone who had been) found this group held more positive attitudes towards sex offenders than other participants. Similarly, Spoo et al. (2017) surveyed 1,173 undergraduate psychology students and found that those who reported a history of sexual abuse (n=129; 11%) had significantly more positive attitudes towards offenders than those who reported no such history. Spoo et al.’s study is significant because it focused specifically on those who have experienced sexual violence *themselves* rather than combining those who have experienced abuse with those who are close to someone who has experienced abuse, as was the case in both Ferguson and Ireland (2006) and Nelson et al. (2002). All three studies surmise that the

surprising finding that victim/survivors of sexual violence are more positive towards sex offenders than those who have not experienced abuse stems from victim/survivors' better knowledge of sex offenders generally and/or that personally knowing a sex offender results in victim/survivors having a better-rounded picture of offenders and thus relying less on stereotypes. As Spoo et al. (2017: 3397) state:

When it is considered that most of the victims in our study knew their perpetrators, it is not surprising that their views are more positive overall. While they may abhor the behavior, the perpetrator is no longer a monster – but rather someone in their family or their community – and thus the relationship is more nuanced.

While no research on victim/survivors' views about CoSA has been published, a report outlining the first international study on this topic is due to be released in 2019. The report is based on a larger project undertaken by myself, with colleagues Dr Jodi Death (QUT), and Professor Kieran McCartan (University of the West of England), in partnership with Queensland Corrective Services, the Offenders' Aid and Rehabilitation Service of South Australia, and Bravehearts (see also Bravehearts' (2018) original Submission). The research is being funded by Australia's National Research Organisation for Women's Safety. Despite this lack of published research, I note that Bravehearts' (2018) Submission was supportive of CoSA, and that Bravehearts has previously supported CoSA in the media (see Worthington, 2015). It is also noteworthy that in the UK, approximately one-quarter of CoSA volunteers are drawn from the victim/survivor community (Wager & Wilson, 2017). Taken together, the existing information does not demonstrate that victim/survivors will be reluctant to support CoSA.

Public views

Four studies have been conducted on public views about CoSA. In the first, Wilson et al. (2007) surveyed 77 members of the community Ontario, Canada. After being informed about the CoSA program in their community, 69 percent reported that they were "glad", and 62 percent that they were "relieved", about the existence of CoSA. Small proportions held negative views about the program. 14 percent were skeptical that CoSA would reduce reoffending, eight percent were angry that sex offenders would receive support, and three percent were irritated that people would want to help these offenders (Wilson et al., 2007).

In the second study, McAvoy (2012) used an online survey to examine public support for CoSA in Ireland. She used vignettes of fictional sex offenders to determine whether members of the public (n = 84) supported CoSA (eg “George is 34. He is convicted of raping a 10-year-old boy while working as a school caretaker”; “Karl is 19. He has a sexual relationship with a 15-year-old girl. He is convicted of statutory rape”). Participants responded to two statements about CoSA in relation to each vignette: “[The offender] should be provided with a circle of support and accountability when in the community”; and “I would volunteer to be part of [the offender’s] circle of support and accountability”. In all cases, a majority of respondents agreed (or strongly agreed) that the offender should be provided with a CoSA. Support for a CoSA was highest in relation to the most serious offences (molestation of a 12-year-old child (75%); rape of a 10-year-old child (73.8%)). Lower (but not insignificant) levels of support for CoSA were found in relation to indecent exposure (61.9%), and statutory rape (59.5%).

In the third study, Höing et al. (2016) used a web-based panel survey across nine countries (United Kingdom, Ireland, The Netherlands, Belgium (Flemish region), France, Spain, Latvia, Bulgaria and Hungary; total n = 1873) to assess public opinion about CoSA. They found that 12.3 percent of respondents agreed with the statement “I would be interested in becoming a CoSA volunteer, if such a project was nearby. Echoing McAvoy’s findings, however, Höing et al. found greater support for *others* becoming CoSA volunteers than willingness to volunteer on the part of respondents *themselves*. Overall, 55.5 percent of respondents indicated they would approve if a friend became a CoSA volunteer. This decreased to 49.2 percent who would approve if a family member was to volunteer, and to 40.6 percent if a partner was to volunteer.

In the fourth study, Richards and McCartan (2018) conducted qualitative research using online comments to examine Australians’ support for CoSA following the introduction of Australia’s first CoSA program in Adelaide. We found that while much public resistance to the program was expressed online, pockets of the community were strongly supportive of the program. Supporters wanted to see initiatives introduced that have been found to be effective in other countries, and were motivated chiefly by a desire to reduce child sexual abuse, even if that meant assisting perpetrators. This study did not use a representative sample, and did not aim to determine what proportion of the population of Australia would support CoSA. This remains unknown. However, it did demonstrate a diversity of views, underscoring Esser-Stuart and Skibinski’s (1998: 101) assertion that in relation to sexual offending, “the social response is complex”. Certainly, these studies show that the social response is more complex than often imagined.

Conclusion

The evidence is now clear, after quarter of a century of practice in other parts of the world, that CoSA can reduce sexual recidivism and protect children and women in the community. Moreover, CoSA provide a long-term return on investment. It is commendable that the report recommends preventative measures in relation to sexual offending. However, this Submission posits that CoSA, as a tertiary prevention measure, should be included in this recommendation. As outlined above, it is not the case that widespread resistance to CoSA among victim/survivors or the public would hinder such measures.

Given this evidence, as well as the enduring public concern about the issue of sexual offending, this Submission suggests that it is time for the Queensland Government to consider funding and supporting a CoSA trial. This suggestion also speaks to Draft Recommendation 3 as it potentially provides an avenue for victim involvement in criminal justice processes, and to Draft Recommendation 10, as it fosters community involvement in services that support offender rehabilitation and reintegration.

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