

9th Martin Tansey Memorial Lecture

The Reintegration of Sexual Offenders

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Key Themes

- the competing balance of rights between offenders and the community;
- recognising the 'humanity' of offenders and the need to give them 'a second chance';
- the wider social objective and benefits of offender rehabilitation and reintegration.

Overview



- Models of reintegration
- Barriers to reintegration
- Desistance
- Rethinking reintegration

Models of Reintegration

Models of Reintegration

- Main models of offender resettlement (Maruna and LeBel, 2002);
 - Risks-based
 - Needs-based
 - Strengths-based
- Cross-cutting themes on ex-offender resettlement or ‘community re-entry’; ‘what works’;
- Contribution of community: ‘reintegrative shaming’ (Braithwaite, 1989)

Criminal Justice Context

- Recent trends in crime control:
 - ‘Neo-liberalism’: social exclusion of deviants; incapacitation; high rates of imprisonment
 - ‘Preventative governance’ & pre-emptive approaches to risk (eg Ericson, 2007; Zedner, 2009)
- A risk-based model
- ‘the social consequences of a criminal conviction have become not just more prevalent but also weightier and “stickier” than in previous decades’ (Farrall and Sparks, 2006: 7)

What is the 'Risks-based model'?

- Increasing the surveillance of former prisoners via new technologies
- Extending external control from prison to the community
- 'Knowledge-risk-security' (Ericson and Haggerty, 1997)
- Situational approaches to crime prevention
- Populist approaches to risk (Bottoms, 1995)

Sex Offenders & the 'Risks-based Model'

(1)

- Key indicator for academic and policy debates on sex offender management
- Sex offender notification; range of community control orders; vetting & barring etc;
- Multi-agency work on assessment & management– MAPPA/PPANI/SORAM
- Court-ordered 'treatment' as a vehicle for risk management (McAlinden, 2012)
- 'Rehabilitation' fettered by 'risk'?

Sex Offenders & the 'Risks-based Model' (2)

- Risk as 'known' and identifiable
- Risk as aberrational rather than systemic
- Focus on 'predatory' sex offenders/extra-familial offenders
- Expert/top-down processes
- Public/community generally excluded from the risk management process

'Public Shaming' (McAlinden, 2005/2007)



- 'Shame penalties'/Public exposure sanctions – USA
- Expansive forms of community notification & 'Megan's Law'
- UK: Sarah's Law
- NIMBY
- 'Othering' (Garland, 2001)

Failure of the 'Risks-based Model'

- SO as a 'double outsider' (Spencer, 2009)
- Violence and vigilante action: eg 'Sarah's Law' / 'Name & Shame' campaign
- Impede rehabilitation & increase/displace risk of re-offending
- 'Disintegrative shaming' (Braithwaite, 1989)
- Labelling/stigma & ostracism
- Confirmation of an offending identity (McAlinden et al, 2016)

What is the ‘Strengths-based Model’?

- Linked to restorative justice
- Themes: Repair, reconciliation & community partnership – social inclusion
- ‘the helper principle’ – pro-social concepts of self/identity
- ‘earned redemption’ (Bazemore, 1999)
- ‘reintegrative shaming’ (Braithwaite, 1989)

Sex Offenders & the 'Strengths-based Model' (1)

- Circles of Support and Accountability
- High risk sex offenders on release
- Origins in Canada; pilots/use elsewhere
- Addresses structural & individual obstacles to reintegration
- Effective in:
 - securing reintegration & reducing risk of re-offending (Wilson, 2002)
 - Engaging the community in rehabilitative process

Sex Offenders & the 'Strengths-based Model' (2)

Strength-based

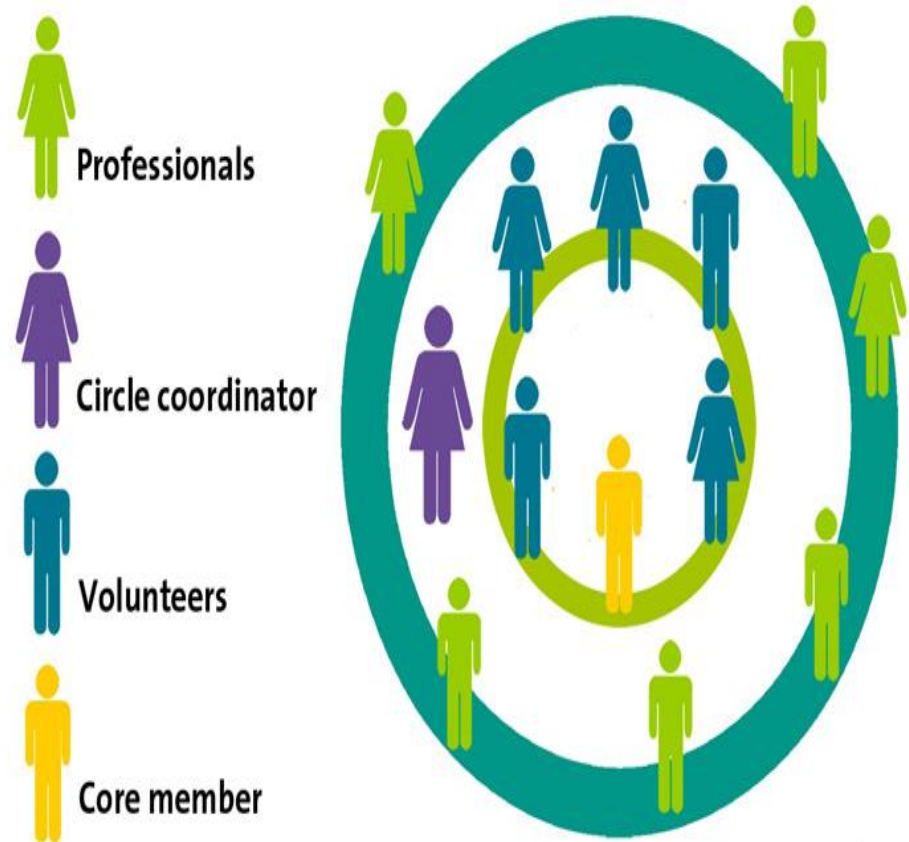
- Capture 'unknown risk'
- Risk as systemic
- Can target intra-familial offending by focusing on strengths & needs
- Community-led/bottom-up processes
- Community as active part of reintegration

Risk-based

- Risk as 'known'
- Risk as aberrational
- Focus on 'predatory' sex offenders/extra-familial offenders
- Expert/top-down processes
- Community excluded from risk management

Circles of Support

- Safety (assurances) + Support (practical)
- The balance of interests
- ‘Partnership’ approach to reintegration
- Offender as core member
- ‘The covenant’
- Daily contact ...
- Mediation between local structures & offender’s rehabilitation



Strengths of the 'Strengths-based Model'

- 'cognitive restructuring towards responsibility' (Toch, 2000); & 'pro-social inclinations' (Burnett and Maruna, 2006)
- 'Reintegrative shaming' (Braithwaite, 1989) - Shame the offence rather than the offender
- Provide high levels of offender support
- Reduces recidivism & manages 'risk' (Bates et al, 2012; Höing et al, 2013)
- Can engage local community & offender's family (Wilson et al, 2007)

The Role of 'Shaming'

- Macro- & micro-levels (Braithwaite, 1989)
- Structural & Individual factors (Maruna, 2001: ch 7)
- Reaction of local community/social infrastructure & offender's interaction
- 'Certification' of rehabilitation by significant others (Leibrich, 1996; Maruna, 2002: 13)
- Circles: empower offenders to take responsibility via positive reinforcement of 'pro-social' identity

Barriers to Sex Offender Reintegration

Main Barriers to Reintegration

- Individual obstacles
- Structural obstacles
 - The role of the community
 - Public mindsets & attitudes

Individual Obstacles

- Offender narratives/'redemption scripts'
(Maruna, 2001) – self motivation
- The role of hope (Burnett & Maruna, 2004; Farrall & Caverley, 2005)
- Undermined by custody but restored by aspects of community/social life
- Circles as emotional & practical support
- A symbolic and actual means of hope of desistance & reintegration

Structural Obstacles

- Risk factors & serious social & economic disadvantages
- Social context can undermine effective informal social controls (e.g. work and relationships) & promote re-offending
- Reconnection with 'Community' as key structural correlate

The Community

- The neglected dimension (Mays, 1952); but renewed academic interest (Sampson & Laub, 1993)
- Importance of place/specific social spaces in individual re-offending (Bottoms & Wiles, 1992; Farrall, 2002)
- Can confirm offending/non-offending identity
- Suggest reformation by fostering constructive activities

Public Mindsets & Attitudes (NI)

(McAlinden & RRS, 2007)

- **Attitudes more punitive for ‘child’ SOs**
 - e.g. **16%** agreed that ‘Most people who commit sexual offences against **children** can go on to live law abiding lives’ (compare 23% with offences against adults)
- **Scepticism about rehabilitation & the effectiveness of treatment**
 - 29-35% agreed that ‘Treatment programmes can help sex offenders to stop re-offending’
- **Overestimate recidivism rates**
 - **66%** guessed that recidivism rates for child sex offenders were over 40%

- Generally unaccepting of a sex offender living or working in the community, even temporarily in a hostel, with many refusing sex offenders other basic rights such as education
- Views most pronounced in relation to sex offenders **living** in their local community:
 - 58% thought it unacceptable for an adult sex offender living in the community
 - 92% stated that if they are living near to a child sex offender they should be informed of any past offences.

But...

- Attitudes are not uniform - women, parents of children aged under 18, and those in older age bracket have stronger attitudes than others.
- Communities, as a whole, have a much more collective response to sexual offending than other social or political issues.

(see also Brown, 1999; Katz, et al, 2008; Craun & Theriot, 2009; Willis et al, 2010)

Public Awareness of Sexual Offending/Current Processes

- Low levels of awareness of MASRAM (as then was), and programmes such as ‘Stop It Now!’ and Circles of Support
- Significant lack of knowledge and misinformation about issues relating to ‘risk’ :
 - underestimate overall levels of sexual offending;
 - at the same time, overestimate increases in these rates and levels of risk posed by sex offenders.
 - Lack of awareness about what constitutes a sexual offence, particularly re non-stereotypical offences (e.g. predatory strangers)

But ... The public recognise:

- the lower risk of sexual victimisation by a stranger
- the risk of sexual abuse to children by other children.

Therefore ...

- In general, inaccurate, negative and often stereotypical views
- Some positive aspects & 'one size does not fit all:
,
 - 39-49% agreed that 'Society has an obligation to assist sex offenders released into the community to live better lives'

Common Myths & Misconceptions

- ‘Stranger Danger’ – identifiable ‘risk’
- Predatory nature of sex offending
- Adult male perpetrators and young victims
- Conflation of levels & types of risk
- Particular concern about ‘child sex offenders’
- Little faith in ‘treatment’ /redemption
- Control in community measures as a panacea
- ‘Child protection’ as preserve of statutory & voluntary agencies

Challenges of Public Engagement re SO Reintegration

- How to address ‘punitiveness?’
- Downplay the negative, encourage the positive
- Build on current initiatives – eg Stop It Now!; Circles of Support
- Public education around sex offender reintegration & work of agencies - media
- Key Messages : ‘risk’ & reintegration
- Better informed public & social inclusion v manage ‘panic.’ fear & mistrust re SOs

Sex Offender Desistance

What is Desistance?

- Slowing down/ complete cessation of criminal behaviour
- Successful community re-entry is key to desistance
- Takes account of both individual (cognitive) & structural (societal) changes
- Limited research to date on desistance from sexual offending (some e.g.s. Kruttschnitt *et al*, 2000 – informal social controls; Farmer et al, 2012; Harris, 2014 – cognitive transformations)

Types of Desistance

- **Primary:** may be 'in and out' of criminality
- **Secondary:** complete cessation for good & the formation of a new 'non-offending identity'
- **Tertiary:** a clear sense of belonging to one's family & the community – reintegration
 - Social reintegration is a key part of desistance from sexual offending (Göbbels, *et al*, 2012; Lussier and Gress, 2014).

Sampling

- Purposive sampling: 32 convicted SOs who had been/were currently under probation supervision in Eng & Wales (NOMS)
- Recent conviction for child SO (3-5 years) (contact & non-contact offences)
- Focus on 'desisting' offenders (25), with 'persisting' (7) as a control/comparison group
- Initial identification from probation records

Understanding Sex Offender Desistance

(ESRC Grant number: ES/K006061/1)

- 32 in-depth 'life history' interviews (McAdams, 1993) with convicted **child sex offenders**
- **'Narratives'** of desisting offenders - how they rationalise their offending & lives
- **First hand accounts** of 'what works' re reintegration and desistance
- **Structural** (social context) and **cognitive** changes (agency) associated with desistance

‘Turning Points’ (other than prison/conviction/probation)

- ‘High Points’
 - Marriage/meeting partner
 - Having children
 - Finding/having a job
 - Friendships in childhood/adolescence
- ‘Low Points’
 - Divorce/relationship breakdown
 - Death of parent/grand parent
 - **Their offending**
 - Accident/health

Overview of Key Findings

- Work
- Relationships
- Hopes for the Future

See Farmer, M., McAlinden, A-M & Maruna, S. (2015),
'Understanding Desistance from Sexual Offending: A Thematic
Review of Research Findings', *Probation Journal*, 62(4): 320-335.

Work

- Work as central to identity of those deemed to be desisting – many defined themselves by work
- Continuity in employment/lifetime of work (either careers or series of jobs)
- A means of keeping busy
- Central to future identity & aspirations
- But ... Gaining employment not related to 'shift' re desistance as an 'informal social control' (as with non-sexual crime: Sampson &

Relationships

- Lengthy relationship histories (partners who 'stuck by them')
- Part of future aspirations & fears re disclosure
- Regret at relationship breakdown (inc loss of children) & often as consequence of offending
- Offending at low point (lack of emotional attachment?) but not as clear cut re desistance
- Having something to lose ...
- 'Reintegrative shaming': role of significant others & impact on partner/family

Hopes for the Future

- Happiness, hope & tangible aspirational goals
- Relationships & friendships
 - New ones/fear of losing old ones
 - Fears re public disclosure
- Work: Stable employment/new job
- Positive sense of their own well being

Implications for SO Reintegration

- Different pathways to desistance & reintegration for SOs (i.e. informal social controls important, but not work in same way as for non-SOs)
- Bridge gap between 'imagined' (Soyer, 2014) & 'authentic' desistance (Healy, 2014)
- Offender agency + overcoming 'social' context which may hinder reintegration and desistance
- Alternative future identity & role of social bonds/supports

Rethinking the Reintegration of Sexual Offenders

Key Elements of this Approach:

- **Inverting the 'risk' paradigm**
- **Removing individual & structural barriers to reintegration**
 - Overcome public stigma re sex offender 'label'
 - Strengthen CJ interventions & improve range of pro-social opportunities for longer term sex offender desistance & reintegration

Inverting the 'Risk' Paradigm

- **Incorporating 'Strengths' and 'needs' with 'risk'-based approaches**
- **Moving beyond 'risk':**
 - reintegration and longer-term desistance rather than just risk management
 - incorporating both 'control' and 'change' /care aspects (Weaver, 2014)
- **Changing the question:** why is it that SOs do not re-offend rather than why is it that they do?

Key Messages for Society (1)

- Sex offenders are not an homogeneous group
 - eg victim preference/onset of offending
- Differing levels of risk & not all offenders pose same level of high risk
- Majority of children abused in home/by someone they know (80%)
- Sex 'offenders' include women (>5%) and young people (33-50%) – e.g. 'sexting'/'cyberbullying' - HSB

Key Messages for Society (2)

- Many sex offenders will not re-offend with appropriate treatment/support
- Preferential v situational offending – only 25-45% attract label 'paedophilia' & will set out to 'groom' children (McAlinden, 2012)
- Most sex offenders will be released into the community at some point
- 'Child protection is everyone's responsibility'

Implications for Criminal Justice (1):

- The ‘twin dimensions’ of reintegration:
 - the offender +
 - their family/wider society
- ‘Affective’ as well as ‘effective’ justice
- The emotional dimension of sex offending for society as well as offender’s families (McAlinden, 2012)
- Support ‘desisting identities/ ‘trajectories of change’ (Sampson & Laub, 1993)

Implications for Criminal Justice (2):

- Potential contribution of community & offender's family/significant others to CJ interventions & reintegration
 - **Rehabilitative SO programmes** with **forward-**, rather than backward, looking ('confessional') approach
 - Improve **range of work-based opportunities** for longer term desistance & reintegration
 - Extend range of **programmes for offender's families** as part of a 'reintegrative' release package

Conclusions (1)

- The goals of reintegration & rehabilitation
 - Assimilation into the community; &
 - cessation/reduction in sex offending
- Mutual responsibilities/needs of society + the offender
- Key to reintegration: Forging a new ‘non-offending/non-offender’ identity
 - For Society: Sex offenders as ‘of us’ rather than ‘other than us’ (McAlinden, 2014: 188)
 - For ‘offenders’: Break free from an ‘offending past’

Conclusion (2)

- Strengths-based approaches help develop intrinsic motivations for change
- Pure managerialist approaches may undermine strengths-based policies
- Develop & institutionalise these approaches as standard part of reintegration practice for sex offenders
- Extend 'pro-social' opportunities for change & the range of programmes for families/offenders