Does New Zealand need a sex offender register?
Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

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ABSTRACT

This explorative study examined the participant’s perceptions of whether New Zealand needs a sex offender register, whether such a register would be supported, and if so, by whom. The study also explored the anticipated practical implications for sex offenders, survivors of sexual abuse and their support people, if a sex offender register and community notification legislation were enacted in New Zealand.

The study applied mixed methods methodology and surveyed 71 participants consisting of Police, survivors of sexual abuse and their support people, sex offenders, sexual abuse therapists, and therapists who provide treatment to sex offenders. The study also integrated a focus group consisting of seven sex offenders.

The results from the study found that most participants, apart from sex offenders and the therapists for sex offenders’ cohorts supported the establishment of a sex offender register in New Zealand and believed that such a register would reduce sexual crimes. An overwhelming 76% of the total sample believed that a sex offender register in New Zealand would improve law enforcement and social service agencies ability to manage sex offenders in the community. Conversely, only 32% of the total sample believed that a sex offender register would improve the public’s ability to protect themselves from being a victim of sexual crime and most participants did not support informing the public of all information contained in a sex offender register.

As expected, sex offenders opposed the establishment of a sex offender register, and purported that such a register would not have deterred them at time they commissioned their sexual offending. This cohort also anticipated significant adverse social and psychological outcomes for them and their family should they be subject to a sex offender register and community notification law.
This study supports the findings of other international studies and is one of the first studies to have explored the applicability of a New Zealand-based sex offender register.
PREFACE

Sex offenders have commonly been regarded as “vile dirty little men” who are society’s “toxic waste” as they have violated and robbed the innocence of the victims of their sexual crimes. It is therefore understandable that these individuals engender intense feelings of anger, fear and disgust in so many and accountability is sought from them. Research has shown that such accountability in other major western counties has been achieved by implementing a sex offender register which can limit the freedom of individuals subject to these laws and publicly identify who these people are. Moreover, that when these registers have been enacted, minimal consideration has been given as to how these laws would impact on people’s lives.

When I was specialist social worker within a community based treatment programme for people who had engaged in sexually abusive behaviour, I became more cognisant of the crucial role employment, relationships, education, social networks, and housing, had on preventing people from perpetrating further sexual abuse and how the enactment of a sex offender register in New Zealand, as seen in other countries, could dramatically change whether these individuals could have access to these social systems. Furthermore, I also became more aware that the debate regarding the benefits and disadvantages of a sex offender register in New Zealand was often argued simply on the basis of offenders rights and did not consider other dimensions such as who else would be impacted and how.

Therefore, the motivation behind completing this research was prompted by my understanding of the potential impact that sex offender registration laws could have for people who have been affected by sexual abuse or practice in that field. My hope is that this knowledge will further enrich and balance the debate regarding the applicability of a sex offender register in New Zealand.
The research achieved its objectives and discovered intriguing findings that provide new insight into the potential impact that a sex offender register could have on certain cohorts in New Zealand. This research will appeal to a wide range of audiences particularly those who consider themselves either a proponent or opponent of sex offender registers or are a professional who work with people who have been affected by sexual abuse.
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CHAPTER ONE

INTRODUCTION

On 4 May 2005 Jennie Collins, an 8-year-old schoolgirl from Woodburn Primary, walked home from school toward her house, just two blocks away. As Jennie walked home, the driver of a Toyota Corolla stopped and lured Jennie into his car under the pretence that Emily Collins, Jennie’s mother, had instructed him to pick her up. Jennie reluctantly entered his car. Jennie did not make it home that night, or any other. Her body was found ten days later, strangled and naked next to a stream in a disused farm paddock some 150 kilometres away from her home. What made this crime even more gruesome was that Jennie was subjected to despicable sexual acts. The following day, newspapers around the country printed sensational front page stories confirming what they had been predicting all along, that is, that Jennie had been murdered.

The Police response was swift and unrelenting as pressure mounted to identify and apprehend the person who had perpetrated the heinous and unthinkable crime. Seventeen days after the discovery of Jennie’s body, the Police efforts were rewarded. The Police facilitated a media conference and disclosed that a 33-year-old male had been charged and taken into custody for the murder of Jennie Collins. They also confirmed for the first time that Jennie had been sexually violated and that this appeared to have been a significant motivator in her disappearance and tragic death.

Upon appearing in Court, the man charged with Jennie’s murder unsuccessfully applied for name suppression. For the first time the alleged murderer was identified as being Richard Arthur Stone, a 33-year-old real estate agent. Mr Stone had recently been released from prison on similar charges, and had previous convictions for sex offences against children. That night, child and victim rights advocate groups and politicians from the opposition were interviewed on prime-time television where they condemned and accused the Government of being soft on criminals who they declared were “society’s toxic waste”.

The media subsequently organise a naming and shaming campaign to “flush out” potential predators who reside in the community. The media then publishes the names of convicted sex offenders. Incidences of vigilantism and public ridicule increases against the named individuals and the family members supporting them. The named individuals who complained of their victimisation received little sympathy, and their family members, when mentioned at all, were often considered collateral damage for the greater good of the many.

Protests were subsequently organised to lobby the Government to enact new laws making communities safer by holding sex offenders more accountable and, therefore, less able to re-offend. The public and political pressure on the Government mounts as even more disturbing media reports surface that outline an increase in sexual crimes and child abuse. Headlines depicted New Zealand as a nation under siege from those compromising the safety of the young and vulnerable. The concept of implementing a sex offender register captures the imagination of the media, lobby groups, and the general public with great zest and sensationalism.

The New Zealand Government concedes that urgent action is required, and that to simply do nothing would be political suicide. Experts on human rights, researchers, and opponents of sex offender registers are routinely dismissed and accused of being naïve, politically correct, and out of touch with the real world. The New Zealand Government subsequently votes unanimously in favour of enacting the New Zealand Sex Offender Act 2005, commonly known as “Jennie’s Law”, only eleven months after Jennie was murdered. Jennie’s Law now requires convicted sex offenders to be subjected to mandatory registration which includes restrictions on their freedom, reporting requirements, and the general public are given the right to know where they reside.

Surely enacting a sex offender register is a straightforward and reasonable solution to prevent tragedies such as this?
This scenario is fictional. However, it resembles the enactments of prominent sex offender registers around the world that were implemented following tragic and high-profile child sexual abuse homicide cases. Such legislation includes the Jacob Wetterling Act 1994, named after 11 year old Jacob Wetterling (Pope, 2008) who was abducted and has never been found (Jacob Wetterling Resource Center, 2010), and “Megan’s Law”, named after Megan Kanka who was abducted, sexually violated, and murdered by a person who had previously perpetrated sexual abuse (Welchans, 2005; Levenson & Cotter, 2005; Presser & Gunnison 1999). Megan’s Law was an amendment to the Jacob Wetterling Act 1994 making community notification mandatory in the United States of America (Brannon, Levenson, Fortney & Baker, 2007). The murder and sexual violation of Sarah Payne, from the United Kingdom, also incited public outrage similar to what is portrayed in the scenario (Hinds & Daly, 2001).

Tragically, New Zealand is not immune to such sex crimes and the intense fear that these crimes can engender. Since 2007, sex crimes in New Zealand have been steadily increasing (New Zealand Police, 2010a). While not all sexual crimes are reported (Rape Prevention Education, 2008), recent statistics indicate that in this country only around two thirds of reported sexual crimes are resolved. For instance, of the 3705 sexual crimes reported to the Police in 2007, 65 percent were resolved (New Zealand Police, 2008). However, despite the alarming crime statistics, New Zealand does not have sex offender register legislation even though other countries such as the United Kingdom, which heavily influenced New Zealand's criminal justice system, established a sex offender register over 10 years ago (Thomas, 2004).

The closest statute that New Zealand has that resembles a sex offender register is the Parole (Extended Supervision) Amendment Act 2004. This statute only applies to convicted child sex offenders who have been deemed high risk of re-offending and are due for release from prison on parole (Department of Corrections, 2010a). Moreover, this statute does not require all convicted sex offenders to regularly register their personal details to a law enforcement agency when they are released from prison.
So why is this research important? Essentially, New Zealand does not have a sex offender register. Therefore the question, “does New Zealand need a sex offender register?” allows for an undetermined and carefully considered investigation into the subject including who would be positively or negatively affected and whether a register is indeed effective and needed in New Zealand. Like the United States of America and the United Kingdom, New Zealand is not immune to intense public and political emotion when a child has been sexually molested and murdered. During these times, New Zealand will be susceptible to asking an entirely different set of questions that have the potential to adversely affect many lives which a sex offender register perhaps may not purposely set out to harm such as the family members of registered sex offender. Such questions could include, what powers should the New Zealand sex offender register have, and, when will such a register be implemented. Thus, the questioning around whether a sex offender register has a place in New Zealand shifts from should, to when this should occur.

This research deconstructs the controversy surrounding sex offender registers; investigates whether sex offender registers are an effective strategy to prevent sexual crimes; and explores what the potential positive and negative consequences are for all stakeholders if New Zealand enacted a sex offender register. Lastly, and most importantly, this research will investigate and attempt to answer whether stakeholders perceive that New Zealand needs a sex offender register and the degree of support they might have toward such a crime prevention method.

**Definition of a Sex Offender Register**

Media, politicians and the public alike frequently refer to and debate the applicability of “sex offender registers” on an assumed understanding of what a sex offender register entails and how it is applied to a “registered sex offender”. However, as discussed in Chapter Three, the purpose, jurisdiction and functions of sex offender registers significantly differs from country to country. The characteristics of these sex offender registers are explored more rigorously in Chapter Three and a clear definition
of a sex offender register is offered based on these common characteristics. Meantime, to assist with clarity on this subject, the broad definition this research will adopt is that a sex offender register is a legal statue that mandates people who have perpetrated sexual abuse and who reside in the community to register personal information with law enforcement and be subject to legal restrictions on their freedom. These were general characteristics found in sex offender registers that are discussed further in Chapter Three.

**Definition of Stakeholder**

Throughout this research the term *stakeholder* will be frequently used. The term stakeholder describes all persons who have agreed to participate in this research and who have not perpetrated sexual abuse. Stakeholders include survivors of sexual abuse, family members of both the perpetrators and survivors of sexual abuse, and other professionals such as therapists and the Police. The term stakeholder has been chosen to represent these participants as it implies that these people are likely to encounter minor to severe consequences should New Zealand legislators enact a sex offender register.

**Rationale for the Study**

This research evolved from one simple intention. That is, to generate an informed discussion on the applicability of a New Zealand-based sex offender register before a heinous and highly publicised sexual crime occurs that subsequently bypasses such considered discussions at the cost of people who are most affected by sexual abuse.

Conversely, a pragmatist may question whether New Zealand needs a sex offender register, citing that the *Parole (Extended Supervision) Amendment Act 2004* is sufficient for New Zealand. Furthermore, they might argue, “Why examine sex offender registers, which essentially equate to non-intrusive method that only requires an
offender to report their personal details to the Police who can then maintain them on a computer database”. Surely, it is reasonable to impose restrictions on dangerous individuals who need limitations on their freedom to prevent them perpetrating further offending?

There are many more points that could be raised by both sides regarding the implementation of a sex offender register which on the surface seem plausible. Despite these perspectives, however, one cannot ignore that given international trends in favour of sex offender registers and community notification, crime statistics that illustrate increases in sexual attacks within New Zealand, and the negative public responses to such offending (Quinn, Forsyth, Quinn, 2004), it is conceivable that at some point New Zealand legislators will seriously consider implementing a sex offender register. Thus, this innovative and explorative research on participant’s perceptions of whether New Zealand needs a sex offender register is relevant and is the forerunner to the urgently needed discussion regarding this critically important social justice issue.

There were other reasons why this research was initiated. Firstly, the debate relating to sex offender registers is frequently contested on the grounds of breaching the human rights of sex offenders versus the rights of the public to know where these individuals reside so that they can take preventative measures to protect themselves. The media reinforces this discussion and highlights this debate as being one of the primary obstacles to the implementation of a register. For example, the Sunday Star Times (18 May, 2008) highlighted this debate when they published a front page story about a convicted sex offender who sexually abused a child who resided next door to him (Woulfe, 2008). The editor requested public opinion on how to address offenders rights balanced with the public’s right to be informed of the details of people who have perpetrated sexual abuse and who reside in the community. This front page story is just one example that highlights how the media commentary only covers one aspect to the debate regarding sex offender registers.
While these are valid points in this debate, it is nonetheless a one-dimensional approach as it suggests that convicted sex offenders are the only cohort that would be affected by the enactment of a sex offender register. However, the debate regarding sex offender registers is broader than merely public versus offender rights. For example, a sex offender register by default could adversely impact on the rights of the offenders families by having their surname and address made public. This is particularly so if they are supporting an offender with accommodation as their address would be published and listed on a sex offender register. Indeed, there is evidence that family members of registered sex offenders experience persecution and threats due to their connection to the offender (Levenson & Tewksbury, 2009). Therefore, like sexual abuse itself, the repercussions and effects of sexual abuse are felt and are experienced at many different levels. To date there is a dearth of research that has examined the positive and negative effects of sex offender registers for people have some form of association with the offender such as family members or survivors of sexual abuse. Yet these people may experience the repercussions of the perpetrators sexual crime in a very real, but different way, from that of the sex offender.

This study intends to address the paucity in the research by identifying and capturing the potential effects that a sex offender register could have on all people likely to be directly and indirectly affected by the implementation of a register so that these effects can be formally identified, represented, and accounted for when decision-makers consider enacting a New Zealand sex offender register.

Secondly, as illustrated in the opening scenario, the public outrage and emotion coupled with political pressure that usually occurs after the death or sexual abuse of a child are inherent ingredients associated with the inception of sex offender registers. The rationale for this research is to begin to elicit the perspectives of stakeholders regarding whether they would support a New Zealand sex offender register in the absence of heated public and political debate. Moreover, it is anticipated that participants will be less influenced by media and public opinion if this research is undertaken prior to a heinous sex crime occurring that may ignite the sex offender register debate.
Lastly, proponents of sex offender registers argue strongly that such registers provide an effective preventative tool to reducing and preventing sex crimes by warning potential victims that a “registered sex offender” lives nearby (Levenson and Cotter, 2005). One might appreciate the appeal of such an apparently impermeable crime preventative initiative when comparing other politically sensitive issues. For example, global warming, pandemics, and terrorism which engender social fear that is similar to sex offending. However, unlike sex offending, global warming, pandemics, and terrorism cannot be abolished or managed by simply enacting legislation. One may also appreciate the appeal of the sex offender register from a political perspective when it offers politicians the power to be seen addressing crime and justice while also subduing the fear of the 641, 529 parents who have the power to vote (Statistics New Zealand, 2007). Consequently, it is critical that sound empirical research is undertaken to delineate what is reasonable and well-founded fear and what is an appropriate preventive response to address these fears. This research also illustrates the complexity and controversy surrounding sex offender registers and the degree of stakeholders support for such a crime prevention method.

Community Notification

There is a need to address community notification in this research. The type of information registered is almost as fundamental as what the practical implications are for those who have to register. This was highlighted recently by Brown (2010), a reporter for the Christchurch Press, who in a front page article publicly named and intended to shame 43 recidivist drink drivers. The details of these drivers’ suburb, gender and age were also published. The Police Minister, Judith Collins, was cited as endorsing the practice of publicly shaming these individuals because “they are gambling with our lives” (Brown, 2010, p.1). The public shaming of recidivist drink drivers alarmingly resonates with community notification practices and extraordinarily illustrates how easy it is for the media and Ministers of Parliament to justify disintegrative public shaming practices for criminals who are deemed a menace to society (Thio, 2009). One can surmise that if the media, prominent Ministers of Parliament, and Police have the capacity to endorse the practice of publishing the name,
suburb, and age of drink drivers (who, unlike sex offenders, do not have a primary victim, apart from the violation of public law and safety), what further lengths could be achieved if they had access to intimate personal information about sex offenders who are often considered the most vile and despicable “offenders”. Greater concern exists when considering the ramifications of this information being made public under the auspice of public safety. Thus, the information contained on a sex offender register would conceivably be vulnerable to being used for other purposes than what it was originally intended for which could have devastating implications for all involved such as family members of the offender. Furthermore, the more information available to legislators and politicians, the easier it would be to publicly locate and recognise people who have sexually offended and, most importantly, to employ restrictions and sanctions on these individuals. Thus, this research will also include a focus on community notification.

Research Hypotheses

The following hypotheses are investigated in this research.

Hypothesis 1: Survivors of sexual abuse and their support people would support the inception of some form of sex offender register and community notification legislation in New Zealand to manage sex offenders in the community.

This hypothesis has been included to determine the level of support that survivors and their support people might have for any proposed inception of a New Zealand sex offender register. It is anticipated that if this hypothesis is proven then further research can be commissioned to investigate why survivors and their support people would support such legislation. Conversely, if this hypothesis is disproved, it could challenge assumptions that survivors and their support people would support sex offender registers policies.
Hypothesis 2: People who have sexually offended would oppose the inception of sex offender registration and community notification legislation.

This hypothesis has been included to avoid assumptions that people who have perpetrated sexual abuse would oppose such a register when this might not necessarily be accurate. Moreover, if proven, then further research may be required to determine the reasons for their opposition to sex offender registers.

Hypothesis 3: Support people who are supporting a person who has perpetrated sexual abuse through their therapy, will oppose any proposed sex offender register and community notification legislation.

There appears to be a dearth of research relating to the impact that a sex offender register could, or has had, on families and support people who support a person who is subject to registration. Therefore, it is critical to understand the level of support that these people may, or may not have, toward the implementation of a New Zealand sex offender register.

Hypothesis 4: Sixty percent of the study’s participants believe that a sex offender register in New Zealand would improve New Zealand society’s ability to protect themselves from people who have sexually offended.

This hypothesis has been included as proponents postulate that a sex offender register and community notification empowers the community to take the necessary steps to prevent being victimised by these offenders (Petrosino & Petrosino, 1999). Therefore, this hypothesis will provide a measurement regarding whether the general consensus of participants who represent stakeholders believe that a New Zealand sex offender register will improve the New Zealand public’s ability to protect themselves. The inclusion of this hypothesis was to allow for correlations or discrepancies from each participant group so that these would be compared and analysed. Consequently, it was anticipated that this data would generate a discussion and provide insight into which stakeholders are likely to support or oppose a New Zealand sex offender register and indicate some of the reasons why these stakeholders might support such legislation.
Hypothesis 5: *Sixty percent of the study’s participants believe that a sex offender register would improve Government departments and social service agencies ability to manage people who have sexually offended and reside in the community.*

This hypothesis has been included as one of the claims that proponents of sex offender registers purport is that registers improve law enforcement agencies management of sex offenders in the community through improved communication and service co-ordination (Levenson & Cotter, 2005). This hypothesis was therefore included to test if such claims existed in New Zealand.

Hypothesis 6: *Survivors of sexual abuse, people who have sexually offended, and their respective support people believe they would experience adverse psychological and social outcomes if a New Zealand-based sex offender register was established.*

As previously outlined, there seems to be a dearth of research that has been undertaken regarding the impact on support people particularly family members, who support individuals who are subject to registration. Therefore this hypothesis has been included in acknowledgement that this cohort may indeed experience adverse effects from a sex offender register, a concept not frequently mentioned in the literature.

Hypothesis 7: *People who have perpetrated sexual abuse and agreed to participate in this research project will deny that a sex offender register would have prevented them from perpetrating sexual abuse.*

Opponents of sex offender registers argue that there is little conclusive empirical research that has determined that sex offender registers or community notification significantly improves public safety (Levenson & Cotter, 2005; Thomas, 2008). This is a highly contentious and vigorously discussed issue and is frequently cited when sex offender registers are debated, implemented or are strengthened. This hypothesis has been included in the research to start exploring whether participants who have perpetrated sexual abuse would have been deterred from perpetrating sexual abuse had a register been in place at the time of their sexual offending. As such, it will attempt to answer whether sex offender registers are indeed an effective strategy for reducing the
occurrence of sexual abuse. It is anticipated that irrespective of whether this hypothesis is proven or disproved, the outcome will identify future research needs.

**Overview of Chapters**

This research contains seven distinct chapters. This chapter is the introduction, and has provided a brief and concise description of what this research will cover. Chapter Two will examine the theory underlining sex offender registers. In doing so sociological, psychological, and community justice theories that relate to sex offender registers are examined and discussed. Theories on treatment of people who perpetrated sexual abuse are also explored.

A review of the national and international literature relating to sex offender registers is presented in Chapter Three. The evolution of sex offender registers and opponent and proponent perspectives are also discussed.

Chapter Four outlines the methodology employed in this research. A clear rationale as to why a mixed methods approach was used is also provided in this chapter as is the sample frame and explanation for including certain stakeholders within the research.

Chapter Five reviews the international literature on whether sex-offence-specific treatment can prevent recidivism and therefore render sex offender registers redundant.

The results of this research are presented in Chapter Six and the key findings are discussed in Chapter Seven. Chapter Eight, concludes with summaries of the pertinent findings on this research.
Summary

The subject matter of this research is cutting edge in that New Zealand does not have a sex offender register nor has there been any real active political or public debate surrounding the possible implementation of such a register, despite frequent public interest in this subject which has also been raised in the media. Some would argue that New Zealand already has sufficient measures in place to manage sex offenders in the community. However, when one discards the hypothetical nature of whether New Zealand needs a sex offender register; examines the benefits and limitations of the Extended Supervision Order; reviews how sex offender registers around the world have been enacted and how these registers have impacted on the people most effected by sexual abuse, it becomes extraordinarily apparent that research such as this is urgently required.
CHAPTER TWO

THEORY, MODELS, AND PERSPECTIVES

Introduction

When sex offender registers are implemented, a number of assumptions and theories are made about them. One such theory is that sex offender registration and community notification increases the community’s awareness of sex offenders’ whereabouts. Therefore, it is assumed that the community is empowered to take the necessary steps to prevent being victimised by these offenders (Hinds & Daley, 2001; Petrosino & Petrosino, 1999; Presser & Gunnison, 1999), and that sex offender registration laws provide information that improves the management of sex offenders in the community (Thomas, 2005; Hinds & Daley 2001). This raises questions about what these assumptions and theories are based on and which theories influence such assumptions. Furthermore, how do these assumptions and theories influence decisions regarding the implementation of sex offender registers?

Understanding theories and perspectives provides insight into the predisposing, precipitating, and perpetuating static and dynamic risk factors that explain how and why sexual abuse occurs. Stinton, Sales and Becker (2008) clearly emphasise the need to understand the etiology, or causes, of sex abuse in order to prevent such behaviour. Therefore, if prediction of sexual abuse is possible and accurate, preventative measures can also be developed. Additionally, theories, perspectives, and models improve the understanding of the latent and intended consequences of decisions made under the auspices of sexual abuse prevention. While certain theories may support preventative measures such as sex offender registers, other theories may illustrate the potentially damaging effects of such registers to the individuals concerned or to society in general. Thus, it is critical to examine these theories so that the ideology and efficacy of theories supportive of, or opposed to, sex offender registers can be scrutinised and understood.
While it is not possible to canvass all the theories that may relate to sex offender registers, this chapter examines the most prominent theories, models, and perspectives in relation to the etiology of sexual offending. In doing so, it initially examines sex offender registers in relation to sociological theories, models and perspectives about deviance. The relevance of these theories and models to sex offender registration is discussed following the review of each theory or model. The exploration of theories regarding causation of sexual abuse is also discussed. The chapter concludes by identifying the theories and perspectives that are likely to specifically underlie sex offender registers.

**Sociological Theories**

**Control Theory**

‘Control Theory’ is influenced by a Functionalist perspective and is derived from the work of Emile Durkheim and Travis Hirschi (Thio, 2009; Robertson, 1989). Control Theory explains that deviance is a failure of social control and that it occurs when social institutions, such as family and schools, are weak (Robertson 1987, 1989; Thio, 2009). Thus, societies that have strong bonds, and shared values and norms are less likely to exhibit deviancy than those societies with weak bonds (Robertson, 1987).

Thio (2009) outlines that Travis Hirschi has argued that a person’s bonds or connections to other people and to society provide an effective control mechanism against deviancy. Control Theory has four elements that enable such bonds or connections: attachment; stake or commitment; involvement; and belief (Thio, 2009). Thio explains these elements as follows. The first element, attachment, or a significant connection to specific people, suggests that people who respect others and their wellbeing are less likely to commit deviant acts. The second element, stake or commitment, suggests that the more investment an individual has in society, such as owning a home, the more reasons a person will have not to engage in deviant acts. The
third element, involvement, suggests that individuals who are active and generally busy do not have the time or energy to engage in deviant acts. Robertson (1987, 1989) and Thio (2009) cited the term ‘idle hands make devils’ work’ to describe this element. The last element, belief, suggests that individuals have alliance to the values and moral code of the group (Robertson, 1987). If individuals have a clear moral code aligned to that of the wider group, then certain acts of deviance become unthinkable (Robertson, 1989).

Societies that fail to strengthen or offer these sociological bonds are likely to have a higher prevalence of deviancy (Thio, 2009). Interestingly, this element is closely aligned with another influential theory on moral reasoning—Kohlberg’s ‘Theory of Moral Reasoning’—which seeks to understand human reasoning in respect to why individuals perceive an action as right or wrong from three different levels (Gannon, Ward, Beech & Fisher, 2007). These levels, each with two stages, are pre-conventional reasoning, conventional reasoning, and post-conventional reasoning. Stage one outlines that moral reasoning is based on avoiding punishment and complying with authority, whereas at stage six moral reasoning is based on self-chosen principles and ethical behaviour (Gannon, et al. 2007). The other stages are concerned with the evolution from one stage to the next until moral reasoning is reached.

Relevance of Control Theory

When examining sex offender registers through the kaleidoscope of Control Theory, an illustration emerges that portrays sex offender registers, with their propensity to isolate individuals from the community, as actually perpetuating sexual deviancy. The community, through fear, eschews registered sex offenders, thereby weakening the offenders’ attachments or bonds to that community. The Mustaine, Tewsbury and Stengel (2006) study found that registered sex offenders tend to reside in communities that have a higher prevalence of social disorganisation—people living on the poverty line, higher unemployment, lower levels of education, lower levels of income and housing—highlight the difficulties registered sex offenders encounter in terms of their attachment to, and stake in, society. Moreover, as Levenson and Cotter
(2005) found, community notification leads to registered sex offenders experiencing job and housing disruption, as well as harassment and vigilantism. These challenges can create barriers to a registered sex offender having a stake in the community, such as owning a home or finding a reason to be a part of the community.

Control Theorists might question whether sex offender registers engender feelings of mutual trust, respect, and connectedness to the community from people on those registers. Control Theorists may also argue that a registered sex offender could have allegiance to a shared moral code when they are reminded through daily living and experience that they are violators of that code. Conversely, an argument could be made that Control Theory influences sex offenders’ adherence to the moral code of the wider community, albeit that compliance is undertaken by compulsion, and therefore they become more involved in the community.

**Social Strain Theory**

‘Social Strain theory’ is influenced by a functionalist perspective and the work of Robert Merton (Thio, 2009; Tishler, 2007). Social Strain Theory postulates that deviancy more likely occurs when there is an imbalance between socially available goals and the means to achieve these goals. Accordingly, deviancy likely occurs when individuals who ascribe to society’s pressures and demands cannot realistically achieve or meet these expectations and engage in illegitimate means to secure their desired goals (Thio, 2009; Robertson, 1989). An individual may commit a robbery to secure an otherwise unattainable goal such as wealth and an indulgent lifestyle, for example, which are goals that society may promote as hallmarks of success.
Relevance of Social Strain Theory

Evidence of the relevance of Social Strain Theory to sex offender registers is illustrated by Prescott and Rockoff’s (2008) study investigating whether sex offender registration and notification laws affect criminal behaviour. Prescott and Rockoff (2008) found evidence that there was an increase in registered sex offender recidivism. They attribute this finding to the heavy social and financial costs associated with registered sex offenders disclosing their personal details to the public, thereby making non-criminal activity less attractive.

Edwards and Hensley (2001) suggest that community notification laws create significant obstacles for registered sex offender reintegration to society by depriving them of the most basic human needs (such as shelter and social contact). Consequently, there is evidence that registered sex offender engagement in criminal conduct can be attributed to being denied the acquisition of socially acceptable goals, such as wealth and employment. A registered sex offender may not secure employment due to the disclosure of their previous offending, for example.

Interestingly, this theory is a similar concept to Ward and Stewart’s (2003) ‘Good Lives’ model. These researchers postulate that the etiology of sexually abusive behaviour can be explained in terms of an offender seeking ‘primary human goods’ such as intimacy or sex, which humans intrinsically need, through illegitimate or abusive means. Thus, they posit that community management of such individuals should centre on understanding human goods and assisting the offender to access these needs by legitimate and non-abusive means.
Labelling Theory

‘Labelling Theory’ was developed by Edwin Lemert and Howard Becker (Robertson, 1987, 1989). Its basic tenet is that the group who has the most wealth, prestige, and power determines the criminalising and stigmatising of acts of deviancy (Robertson, 1987). People who are labelled as deviant experience a ‘degradation ceremony’ whereby accusers lecture and punish them for engaging in a deviant act, which in turn forces them to acknowledge the accusers’ moral superiority (Robertson, 1987). Labelling Theory postulates that labelling an individual can cause two outcomes: primary and secondary deviance. Primary deviance occurs when an individual has been labelled with a deviant act and that individual consequently behaves in a manner the label describes; a ‘sex offender’ will sexually offend and a ‘thief’ will continue to be dishonest. Secondary deviance relates to forcing labelled individuals into the company of other similarly labelled deviants, thus thrusting them into deviant careers. Thio (2009) purports that a deviant label is likely to propel an individual toward greater deviancy as described by the label.

A critique of Labelling Theory is that it does not explain how deviance occurs in the first place because first time offenders are not officially labelled (Thio, 2009).

Relevance of Labelling Theory

Labelling theory is perhaps one of the most relevant theories relating to sex offender registers. Individuals who have perpetuated sexual abuse are given a legal title or label, such as ‘registered sex offender’, and are managed within society according to their label and, indeed, risk to society. Take, for example, the State of Florida’s sex offender register law in the USA, which states that “the designation of a person as a sexual predator is neither a sentence nor a punishment but simply a status resulting from the conviction of certain crimes” (The Florida Sexual Predators Act, 2009). Interestingly, under this statute, a sexual predator is not considered a label but a status,
or position. The term ‘status’ implies that a label has been given. This is consistent with primary deviance as outlined in Labelling Theory. One could question whether a person who has a long-standing status of ‘sexual predator’ has any incentive to abstain from sexually abusive behaviour.

Brannon, Levenson, Fortney and Baker (2007) outline the consequence of labelling for sex offenders. Their study concluded that nearly half of their 125 participants who were registered sex offenders experienced threats, property damage, or physical assault as a result of their personal details being made available to the public. It could be argued that surely there is some benefit in a public ‘degrading ceremony’ and labelling individuals for the sake of public safety, but Zevitz’s (2006) study involving a four-and-a-half year evaluation of re-arrest rates for convicted sex offenders subject to community notification does not support this proposition. It found no direct effect on the likelihood or unlikelihood of individuals who were subject to extensive and limited community notification being recommitted to prison. Thus, informing the public of a registered sex offender’s personal details had minimal effect on preventing further offending by these individuals.

Mustaine, et al. (2006), as outlined previously, found that sex offenders typically reside in disadvantaged neighbourhoods with a higher prevalence of unemployment and lower housing prices. These neighbourhoods are also commonly associated with higher crime statistics. Consequently, Labelling Theorists would suggest that registered sex offenders are more vulnerable to exposure to secondary deviancy because they are likely to be placed in residential situations where crime is prevalent, where other registered sex offenders possibly reside, and within an environment that has disproportionately higher social issues or difficulties. Alarmingly, Hanson and Morton-Bourgon’s (2005) meta-analyses of characteristics of persistent sexual offenders concluded that sexual deviancy and anti-social orientation, such as a history of rule violation, were major predictors of sexual recidivism. It is therefore conceivable that if these individuals are associating with other law violators, they are at increased risk of engaging in deviancy, which could also include sexual abuse.
A crucial consideration regarding Labelling Theory is whether people who had perpetrated sexual abuse would voluntarily disclose their offending if such disclosure meant they would be subject to a ‘public degrading ceremony’, as well as being labelled as a registered sex offender. Edwards and Hensley (2001) also highlight this point, citing that punitive sanctions and strategies targeting sex offenders may have deleterious effects for a sex offender’s willingness to disclose and seek treatment.

**Differential Association Theory**

‘Differential Association Theory’ suggests that deviancy is learned through interactions with other people (Thio, 2009). Essentially, Differential Association Theory hypothesises that if individuals associate with a group who favour the violation of law and are pro-deviant, and that the individual places significant importance on the relationships within the group, then the individual is likely to learn how to interact and behave in a pro-deviant manner.

**Relevance of Differential Association Theory**

Differential Association Theory has many implications for registered sex offenders. A study by Hughes and Burchfield (2008) supported the hypothesis that child sex offenders are over-represented in disadvantaged neighbourhoods. Moreover, these disadvantaged neighbourhoods have comparatively higher rates of sex violators and violations. If clusters of registered sex offenders are placed in particular sections of the community due to their limited choices of where they can reside, then it is plausible that these individuals will associate with one another. This situation could increase their risk of exposure to associates who may share and reinforce sexually deviant attitudes and thinking.
**Shaming Theory**

‘Shaming Theory’ considers how society controls individuals through the use of shaming (Thio, 2009). In a review of Braithwaite’s work, Thio (2009) reports that Shaming Theory involves shaming the wrongdoer to evoke remorse through disintegrative and reintegrative shaming. *Disintegrative shaming* involves the wrongdoer being stigmatised and ostracised—essentially banished from society. *Reintegrative shaming* is more positive because it involves respect and forgiveness, permitting the wrongdoer who has perpetrated a deviant act to be integrated back into society. *Disintegrative shaming* is more prevalent in societies that have enervated social connections, such as the United States of America (USA).

**Relevance of Shaming Theory**

Shaming Theory is applicable to sex offender registers. Mustaine, et al. (2006), for example, outline that sex offender registers and community notification are designed to shame offenders and to deter future re-offending by these individuals.

Interestingly, substantial evidence exists that suggests sex offenders have specific and significant deficiencies with emotional recognition and perspective-taking (Stinton, et al., 2008). Consequently, if sex offenders have emotional recognition and perspective-taking deficiencies, inevitably the effectiveness of shaming these individuals must be questioned because a registered sex offender may not have the capability to elicit the feelings of remorse the public would like.

Edwards and Hensley (2001), in outlining the consequences of disintegrative shame, note that in some states in the USA, sex offenders are made ‘nomadic lepers’. Furthermore, the shame and stigma is frequently extended to the offender’s family and support networks, which are relied upon to provide crucial support to an offender during
their release from prison. Brannon et. al (2007, p.370) summarise potential consequences of shaming, making the point that the greater the disparity between community and offenders, the greater the risk for offenders to feel alienated, powerless, and unable to contribute to society in meaningful ways. Consequently, they become resentful. Their needs are not met, which increases their risk of re-engaging in sexually abusive behaviour.

**Psychological Theories on Sexual Abuse**

The literature provides many theories on the etiology of sexual abuse. Therefore, the following theories should not be considered exclusive or representative of the entire theoretical paradigm that explains the causation of sexual abuse. The theories presented here were chosen because they illustrate the diverse psychological theories that inform the assessment, treatment, and risk assessment of people who have perpetrated sexual abuse.

**Attachment Theory**

Bowlby first introduced ‘Attachment Theory’ in 1958 to explain the relationship between child and primary caregiver, and how that early relationship impacts functioning later in adulthood (Stinton, et. al., 2008; Fishbein, 2000). Attachment Theory postulates that infants develop an ‘internal working model’ (Fishbein, 2000) that shapes and influences how a child cognitively perceives and interprets information about the world. A child who is exposed to chronic physical abuse by a caregiver, for example, may interpret and develop beliefs that the world is a dangerous, hostile, and scary place. Consequently, that individual may develop aggressive responses to non-threatening situations later in life, based on their original cognitive constructs of the world.
The relevance of Attachment Theory to the causation of sexual abuse is highlighted by Marshall (1993), who hypothesised that poor parental attachments in childhood lead to either emotional or social loneliness problems, which subsequently cause adverse interpersonal outcomes for the individual in their adulthood. Such outcomes include lowered self-esteem or anxiety regarding their self-worth. These outcomes cause difficulties for those individuals to initiate or sustain intimate relationships.

Stinton, et al. (2009) outline two possible dysfunctional attachment styles in adulthood that seem related to sexually deviant behaviours: anxious-ambivalent and avoidant. Ward, Hudson, Marshall and Siegert, (1995) argue that individuals with an anxious attachment style can present with poor parental attachments, low esteem and self-confidence, depend on others for approval, are easily frustrated by interpersonal relationships, and can generally feel unfulfilled from their relationships. Adults who experience intimacy deficits and who have low self-worth may choose to engage in maladaptive interpersonal strategies to alleviate underlying anxiety. Individuals who present with an anxious attachment style may attempt to engage in a sexual act with a child to alleviate their anxiety and frustration, and to improve their self-confidence (Stinton, et al., 2008). Conversely, individuals who present with an avoidant attachment style are likely to detach from interpersonal relationships because they place little value on relationships in general, have poor empathy skills, and are hostile towards others (Ward et al., 1995). Individuals who present with an avoidant attachment style may disengage from intimate relationships, have a desire for power and control, be hostile towards others, have a sense of entitlement, and view others as sex objects (Stinton, et al., 2008).

Relevance of Attachment Theory

Attachment Theory highlights important and potential latent consequences of sex offender registers. Consider, for example, the implications for a registered sex offender who may present with an anxious attachment style, and who is susceptible to isolation
and emotional loneliness. A sex offender register may exacerbate the precursors to these individuals’ sexual offending by subjecting them to restrictions on their freedom, thereby potentially limiting their opportunity to initiate pro-social peer relationships or participate in social activities that might otherwise alleviate their loneliness. Moreover, the stigma and status of being a known sex offender could create obstacles when attempting to initiate positive and meaningful relationships in the community.

Marsa et al. (2004) illustrate the strong correlation between attachment theory and sexual offending behaviour in their study, involving 119 participants (including 29 child sex offenders). They found that 93% of the child sex offenders had an insecure attachment style. Moreover, the child sex offenders reported significantly more emotional loneliness and a more external locus of control. Smallbone and Dadd (1998) also explored the relevance of attachment theory to offenders who had committed a variety of sex offences. Their study found that the participants reported significantly less secure paternal and maternal attachment, which supports Marsa et al.’s findings. Conversely, consideration must be given to whether sex offender registers provide the community with protection from individuals who present with an avoidant attachment style and who may exhibit hostility towards members of the public, particularly to those over whom they could exert power and control, such as children or women.

*Empathy and Theory of Mind*

‘Empathy and Theory of Mind’ postulates that in order for an individual to express empathy, he or she must have the capacity to recognise emotions, and have the ability to understand situations from another point of view or ‘perspective take’ (Stinton, et al., 2008). People who have deficiencies in recognising emotions or perspective-taking may engage in, or continue to engage in egocentric behaviour such as sexual offending because they do not have the capacity to recognise and understand how their behaviour may affect others.
Relevance of Empathy and Theory of Mind

The application of Empathy and Theory of Mind is open to debate by both proponents and opponents of sex offender registers. Proponents may claim that a sex offender register would be a very effective method of ensuring that the registered sex offender experiences tangible consequences, which provide feedback regarding the magnitude and severity of the impact of their behaviour on another person. Conversely, opponents may posit that sex offender registers could cause the offender to harbour resentment, and thereby create obstacles to nurture and encourage empathy from the offender.

Precondition Model

Finkelhor’s ‘Precondition Model’ was one of the first models that attempted to understand the causation of sexual abuse against children (Stinton, et al., 2008; Ward & Siegert, 2002; Ward & Beech, 2006). Finkelhor’s model supposes that four sequential preconditions are required for a person to perpetrate sexual abuse against a child. The first of the four precondition stages is offender must be motivated to offend. This motivation may involve three components: emotional congruence; sexual arousal; and blockage. The first component, emotional congruence, relates to the emotional role the victim plays, for example the offender may emotionally relate to the child as a pseudo-partner. The second component, sexual arousal, refers to an offender being sexually aroused by a child. The last component, blockage, refers to the offender not experiencing or having available opportunities to achieve sexual satisfaction, and therefore seeking this satisfaction with a child (Ward & Beech, 2006; Ward & Siegert, 2002).

The second precondition stage is overcoming internal inhibitors, or overcoming the internal barriers that might otherwise prevent him or her from engaging in sexually abusive behaviour, for example the offender overcoming his or her moral viewpoint that
sexual abuse is harmful to children. Essentially, the offender must overcome and extinguish any cognitions or core schemes that challenge the intention to sexually offend.

The third precondition stage is overcoming external inhibitors, which involves how the offender negotiates around the obstacles that might otherwise prevent access to the intended victim. Examples include overcoming parental supervision, or how the offender will instigate and facilitate a situation to be alone with a child who resides next door.

Lastly, the offender must overcome the resistance of the child. This precondition refers to the offender selecting a child who will not resist the offender’s approaches. Overcoming resistance could involve threatening and intimidating the child, or obtaining their trust. The offender’s primary objective when in this stage is to overcome the child’s resistance so that the sexual abuse can occur in secrecy and without detection, and therefore the offender will not get caught.

Relevance of Precondition Model

Finkelhor’s Precondition Model presents a systematic approach to understanding how sexual abuse occurs. This model highlights that individuals must overcome environmental obstacles or external inhibitors to perpetrate a sexual crime against a child. It can be argued that sex offender registers eliminate opportunities for people who intend to perpetrate sexual abuse, for example by placing restrictions on where registered sex offenders may live. In the USA, for example, Appelbaum (2008) has outlined that 20 states restrict where registered sex offenders can reside and some states have imposed restrictions that prevent registered sex offenders from residing within 1,000 feet of day-care centres, schools, or where children congregate. The supposition here is that if an offender does not have access to potential victims, sexual abuse will not occur. However, Stinton, et al. (2008) posit that if an individual is truly determined
and motivated to sexually abuse, they will invariably find a way to overcome external inhibitors.

Interestingly, Stinton, at al. (2008) outline that Finkelhor’s model prescribes that overcoming internal inhibitors might also involve cultural disinhibitors whereby sanctions and punishment for sexual crimes are ineffective or weak. Sex offender register proponents profess that these registers deter individuals from engaging in sexually abusive behaviour (Center for Sex Offender Management, 1999, cited in Mustaine et al., 2008; Quinn Forsyth & Quinn, 2004). Therefore, it can be argued that sex offender registers help deter potential offenders or registered sex offenders from perpetrating sexual abuse by ensuring that sanctions and punishment are severe enough to de-motivate an individual to commission their intended sexual crime.

**Social Learning Theory**

‘Social Learning Theory’ was first developed by Julian Rotter and was further developed by Albert Bandura (Fishbein, 2000). Social Learning Theory attempts to explain the acquisition of appropriate and anti-social behaviours. It outlines two primary hypotheses that relate to sexual offending (Stinton, et al., 2008). The first hypothesis is that a number of individuals who have been sexually abused will later become abusers. This hypothesis essentially suggests that some individuals who have been sexually abused emulate this behaviour later in life, based on their abuser’s behavioural patterns.

The second hypothesis suggests that violent, sexually explicit material, such as pornography, reinforces individuals’ sexually deviant thoughts and desires, and subsequently encourages them to sexually offend. The supposition here is that these individuals will develop attitudes that are supportive of rape myths through the modelling they receive and the reinforcement of these beliefs from the explicit material.
Relevance of Social Learning Theory

Social Learning theory attempts to explain the pervasiveness of sexual abuse by purporting that people learn to perpetrate sexual abuse from their abuser. This theory, however, does not explain how individuals who have not been a victim of sexual abuse engage in sexually abusive behaviour.

If Social Learning theory can be correlated closely with explaining why individuals perpetrate sexual abuse, this raises the issue of correctly allocating financial resources to appropriate programmes. Zogba and Bachar (2009) highlight the financial cost of sex offender registers. They estimate that in 2006, the state of New Jersey spent an estimated $3.9 million US dollars on the implementation of their sex offender registration law. This raises questions as to whether these resources could be spent better on the development and implementation of other methods of sexual abuse prevention. Such methods could include increased sexual therapy for victims or further education programmes for schools, which are designed to challenge myths that are supportive of sexual abuse.

Pathway Model

The ‘Pathway Model’ was developed by Ward and Siegent (2002) to explain child sexual abuse. Essentially, this model postulates that an individual’s learned events, and biological and cultural experiences, cause and then influence four dysfunctional psychological mechanisms (Middleton et al., 2006). These dysfunctional symptom clusters explain the determinants of sexual abuse typically present with adults who have perpetrated sexual abuse against children. Several authors (Stinton, et al., 2008; Laws & Donohue, 2008; Ward & Beech, 2006) outline that the four dysfunctional mechanisms are: intimacy and social skills deficits; distorted sexual scripts; emotional dysregulation; and cognitive distortions. The pathways model purports that child abusers will present with these four clusters in some way. However, the severity,
pervasiveness, and dominance of one cluster an individual may exhibit will vary depending on that individual’s development and psychological vulnerabilities (Stinton, et al., 2008; Ward & Beech, 2006; Ward & Siegert, 2002).

The first pathway, or feature, is social skills and intimacy deficits. These deficits occur when an individual experiences neglect or trauma in childhood, which subsequently causes difficulties for the individual in forming intimate relationships in adulthood. It is suggested that these deficits predispose individuals to experience interpersonal problems such as low self-esteem later in life. The second pathway, or feature, is distorted sexual scripts, which are dysfunctional sexual schemes or beliefs that influence how individuals might engage in a sexual encounter, and with whom. The third pathway, or feature, is emotional dysregulation, which essentially describes how an individual attempts to regulate their affect or emotions by engaging in sexually abusive behaviour. An individual may sexually abuse a child to assist them to manage their depression, for example.

The last pathway, or feature of this model, cognitive distortions, essentially involves an individual having cognitions (thinking) that are supportive of pro-deviant behaviour. An example of this thinking is where an individual who has perpetrated sexual abuse may blame the child for the individual engaging in that behaviour due to the individual’s perception that that child was behaving in a sexually provocative manner at the time. Cognitive distortions are a central component of the Pathway Model.
Relevance of Pathway Model

The Pathway Model is another perspective illustrating that child sex offenders have certain psychological deficits and vulnerabilities, which explain why these individuals sexually abuse children. This model does not portray these individuals as monsters who live among us in the community, as commonly implied by the media, but rather as individuals who have psychological needs and deficiencies that require intervention.

When evaluating Attachment Theory and the Pathways Model, an emergent portrait depicts people who have perpetrated sexual abuse as needing community involvement, opportunities to meet people, and opportunities to receive treatment. A sex offender register may create obstacles for registered sex offenders to access the community, which may therefore exacerbate the antecedents to an individual’s abusive behaviour.

Implicit Theories of Sexual Murderers

The ‘Implicit Theories’ perspective is based on typical themes found in sex offender questionnaires and clinical observations from sex offender statements (Gannon et al., 2007; Beech, Fisher, & Ward, 2005). Implicit Theories are categorised into five clusters (IT): Dangerous World; Male Sex Drive is Uncontrollable; Entitlement; Women as Sex Objects; and Women are Unknowable (Gannon et al., 2007; Beech, Fisher & Ward, 2005). Beech, Fisher and Ward’s (2005) Implicit Theories study involved the distortions and schemas of 28 men in prison for sexual homicide. These men had raped and murdered women. The study found that Dangerous World was the most prevalent IT, followed by Male Sex Drive is Uncontrollable.
Dangerous World refers to an individual’s core belief that the world is a dangerous place, and that people are spiteful and treat them unjustly. This perception subsequently causes them to harbour a sense of resentment and anger, which manifests into developing hostile, aggressive, and retaliatory interpersonal strategies (Gannon et al., 2007). Individuals who present with IT might typically target an individual they believed has wronged them. Gannon et al. (2007) describe the second cluster as Male Sex Drive is Uncontrollable, outlining that individuals in this cluster might feel powerless in their lives. They feel they cannot control their actions and sexual behaviour. Individuals who present with the “Male Sex Drive is Uncontrollable” cluster might also experience overwhelming emotions they feel they cannot control.

Relevance of Implicit Theories

Implicit Theories provide insight into the apparent core schemas (beliefs) of sexual murderers. Interestingly, and perhaps disturbingly, there appear to be more similarities between individuals who have perpetrated rape, and individuals who have both raped and murdered their adult woman victim (Beech, Fisher Ward, 2005).

Implicit Theories illustrate that the people who perpetuate sexual crimes are a heterogeneous group whereby their motivation, offence patterns, criminogenic needs, cognitions, and schemes manifest differently from person to person. However, sex offender registers typically do not account for such variables. They adapt a ‘one-size-fits-all’ approach, targeting all individuals who perpetrate sexual abuse (Levenson and D’Amora, 2007).

Rational Choice Perspective

‘Rational Choice Perspective’ originated from ‘Situational Control Theory’ (Clarke, 1995). Leclerc, Proulx, and Beauregard (2009) outline that Rational Choice
Perspective suggests that individuals who perpetrate a crime undertake a decision-making process when violating the law. Therefore, offenders are considered decision-makers in their offending pattern. This perspective also suggests that individuals violate the law because they wish to satisfy their own personal gain, such as their need for sexual intercourse, excitement, or money (Leclerc et al., 2009; Clarke, 1995).

Rational Choice Perspective provides a theoretical framework that has assisted the development of other crime models, for example crime-commissioned script models (Leclerc, et al., 2009). These models provide a systematic evaluation of the offender’s decision-making process and identify each situational variable before, during, and after the offence. Conish (1998), as cited in Leclerc, et al. (2009), illustrates that crime-commissioned script models for sexual offences against children provide explicit details of the offenders’ stage by stage decision-making process. These stages include preparation, which can involve an offender’s preoccupation with deviant sexual fantasies, or a more tangible outcome whereby the offender has entry into the offence setting. The next stage is preconditions, which can involve ensuring that a supervising adult is absent or the offender has access to the offence setting. The third stage is instrumental precondition, which can involve selecting a potential victim. The fourth stage is instrumental actualisation, wherein the offender eliminates the opportunity for a potential victim to escape and undertakes the sexual act. Lastly, post-condition refers to the offender disengaging from the sexual act and exiting the scene. Leclerc, et al (2009) suggest that models such as crime-commission script assist sexual crime prevention efforts in identifying an offender’s modus operandi and other factors that will provide valuable information and insight into where and, most importantly, how an offender will likely perpetrate sexual abuse.

Relevance of Rational Choice Perspective

This perceptive challenges any proposition that people accidentally or unintentionally perpetrate sexual abuse. Conversely, the offenders’ approach to the sexual crime involves a clear, conscious, and calculated decision-making process
designed to meet the offenders’ goals. Rational Choice Perspective resembles Finkelhor’s Precondition Model insofar as it seeks to understand how sexual abuse occurs by examining stages the offender goes through prior to, and during, the sexual abuse. The supposition here is that if stages are known, intervention and indeed prevention can be targeted at each stage. Rational Choice Perspective and sex offender registers may be seen as complementary in terms of targeting would-be offenders’ preparation and pre-conditions by ensuring they have limited or restricted access to potential victims.

**Conclusion**

This chapter has reviewed a number of predominant sociological and psychological theories that relate to sex offender registers.

Sociological theories likely to underpin sex offender registers are Control Theory and Shaming Theory. Control Theory explains that deviancy occurs when, amongst other aspects, individuals do not share society’s beliefs or moral code that sexual offending is repugnant, and children should never be sexually abused. A sex offender register ensures compliance with society’s moral code through compulsion, thereby reducing the prevalence of sexual deviancy.

Shaming Theory relates to sex offender registers insofar as applying disintegrative shaming methods whereby the offender can be identified publicly for their sexual crime. While sex offender registers do not necessarily purport to elicit shame and remorse, it has been suggested that they deter individuals from perpetrating sexual crimes because of the threat of being publicly identified—a scarlet letter, as it were.

Differential Association Theory, Labelling Theory, and Social Strain Theory explain the adverse consequences of sex offender registers, or how deviancy occurs as a
consequence of social control or societal attitudes. While these theories do not provide a theoretical framework to understand sex offender registers, they illustrate the potential adverse consequences, from a sociological perspective, of applying such preventive strategies.

The psychological theory that is most relevant to sex offender registers is Finkelhor’s Precondition Model, which outlines that a person who intends to sexually abuse a child must overcome external inhibitors in order to commission the sexual offence. Sex offender registers can provide such external inhibitors by ensuring that these individuals have restrictions imposed on their freedom so that their offending is more complicated and onerous to commission. Examples include the police knowing where registered sex offenders reside, or residential restrictions so registered sex offenders cannot reside in areas where children congregate. Therefore, Finkelhor’s Precondition Model provides a defendable rationale for sex offender registers on the basis that these registers intervene, and subsequently prevent, the abuse cycle from proceeding further.

Rational Choice Perspective also underpins sex offender registers. Similar to Finkelhor’s Precondition Model, it deconstructs an offender’s approach to their sexual crime and categorises it into stages. These stages allow for interventions to be applied at each stage to prevent further progression of the offender’s intended crime. The Rational Choice Perspective also acknowledges that offenders are decision-makers throughout their crime.

Certain psychological theories (Attachment Theory and the Pathway Model), like many of the sociological theories previously mentioned, do not necessarily provide a theoretical framework in relation to sex offender registers. However, they illustrate the many possible adverse psychological outcomes for people who perpetrate sexual abuse should they be subjected to registration. Some of these outcomes can involve psychological stress such as isolation, loneliness, insecure attachment styles, and intimacy deficits. Therefore, although these theories do not support and underpin sex
offender registers, they suggest that these registers could indeed compound or exacerbate an offender’s propensity to relapse into sexually abusive behaviour.
There has been significant debate, commentary and research over the last 70 years regarding how sex offenders should be managed in the community and whether sex offender registers are an effective and a prudent approach to subdue the risk certain individuals present to society. This chapter encapsulates the prominent literature, and attempts to deconstruct and clarify why sex offender registers have attracted such extraordinary public, political and scholarly attention. It explores this controversy by reviewing the international literature regarding descriptions of sex offender registers and community notification, and how they have evolved in other major western countries (United States of America, United Kingdom, Ireland, Canada and Australia). The international literature regarding opponents’ and proponents’ perspectives on the efficacy and purpose of sex offender registers and community notification is then discussed. Lastly, research gaps relating to sex offender registration and community notification are identified and discussed.

Description of Sex Offender Registers and Community Notification

The term “sex offender register” is widely used in the literature, media and general public to describe critique and evaluate a method to manage convicted sex offenders in the community. These descriptions appear to be founded on a generic conceptualisation of how a sex offender register operates in practice. However, when reviewing sex offender statutes from around the world, it became evident that sex offender registers function differently from country to country.

Given these differences, a content analysis was applied when reviewing numerous international sex offender registers. This analysis was undertaken to establish a clear description of the common features of a sex offender register, which in turn provides
clarity when describing such a register throughout the research. Tables 3.1, 3.2 and 3.3 present the findings of the analysis,’ which involved the review of the following countries statutes:

- **Canada, Sex Offender Information Registration Act, S.C. 2004**
- **England, Sex Offences Act, 2003**
- **Ireland, Sex Offences Act, 2001**
- **New Zealand, Parole (Extended Supervision) Amendment Act, 2004**
- **South Australia, Child Sex Offenders Registration Act, 2006**
- **Victoria, Australia Serious Sex Offenders Monitoring Act, 2005**
- **United States of America, Adam Walsh Child Protection and Safety Act of 2006.**

It is noteworthy that the *Adam Walsh Child Protection and Safety Act 2006* in the United States of America (USA) does not specifically outline where an offender must reside or impose other restrictions, nor does it specifically mention mandatory community notification. However, each State has its own particular sex offender register legalisation, which can involve more restrictive sanctions on offenders than what is stipulated in the *Adam Walsh Child Protection and Safety Act 2006*. The * in Table 3.1 indicates the functions certain States within the USA enforce, although these are not specially referred to in the *Adam Walsh Child Protection and Safety Act 2006.*

Tables 3.1 and 3.2, outline the criteria used to assess the functions each statute employs to manage offenders who are subject to their respective sex offender laws. These criteria were themes that emerged when reviewing each statute. Table 3.3 summaries the findings of Tables 3.1 and 3.2. In summary, a universal definition of a sex offender register involves law enforcement having a database that contains the registered sex offender’s personal details.
The functions of a sex offender register typically involve:

- a requirement that the eligible offender must disclose personal details such as name, address, DNA and photos to law enforcement, and that this disclosure occurs at least every year;
- an offender can be subject to lifetime registration; and
- an offender must notify law enforcement officials if they intend to travel outside the respective statute’s jurisdiction.

All sex offender statutes have provision for the offender to be imprisoned or incur large fines for non-compliance with the sex offender register or statute.

**Table 3.1 Findings from the Content Analysis (Part One)**

<table>
<thead>
<tr>
<th></th>
<th>Mandatory community notification to the general public</th>
<th>Discretionary community notification</th>
<th>Offenders obligated to notify authorities of intended travel outside of statute’s jurisdiction</th>
<th>Offenders can be prevented from residing in a particular place</th>
<th>Can prevent an “offender” from entering certain areas in the community</th>
<th>Mandated to register personal information to Police at least every year</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No*</td>
<td>No*</td>
<td>Yes</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Australia (Victoria)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Western Australia</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Ireland</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Canada</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>New Zealand</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
Table 3.2 Findings from the Content Analysis (Part Two)

<table>
<thead>
<tr>
<th>Provision for mandated life time compliance to statue/registration</th>
<th>Personal information must be disclosed to Police</th>
<th>Targets child “sex offenders” only</th>
<th>Explicit reference to employment that is prohibited</th>
<th>Indictable offence for non-compliance to statute conditions</th>
<th>Official Police database specifically for sex crime prevention and detection purposes</th>
</tr>
</thead>
<tbody>
<tr>
<td>USA</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>United Kingdom</td>
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<td>No</td>
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</tr>
<tr>
<td>Australia (Victoria)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Western Australia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Ireland</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Canada</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>New Zealand</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Table 3.3 Summary of the Findings from Content Analysis

<table>
<thead>
<tr>
<th>Point</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indictable offence for non-compliance to statute conditions</td>
<td>100%</td>
</tr>
<tr>
<td>Offenders obligated to notify authorities of intended travel outside</td>
<td>86%</td>
</tr>
<tr>
<td>of statute’s jurisdiction</td>
<td></td>
</tr>
<tr>
<td>Mandated to register personal information to Police at least every</td>
<td>71%</td>
</tr>
<tr>
<td>year</td>
<td></td>
</tr>
<tr>
<td>Provision for mandated life time compliance to statute/ registration</td>
<td>71%</td>
</tr>
<tr>
<td>Personal information must be disclosed to Police</td>
<td>71%</td>
</tr>
<tr>
<td>Official Police database specifically for sex crime prevention and</td>
<td>71%</td>
</tr>
<tr>
<td>detection purposes</td>
<td></td>
</tr>
<tr>
<td>Offenders can be prevented from residing in a particular place</td>
<td>57%</td>
</tr>
<tr>
<td>Targets child “sex offenders” only</td>
<td>57%</td>
</tr>
<tr>
<td>Discretionary community notification</td>
<td>43%</td>
</tr>
<tr>
<td>Explicit reference to employment that is prohibited</td>
<td>43%</td>
</tr>
<tr>
<td>Can prevent an “offender” from entering certain areas in the community</td>
<td>43%</td>
</tr>
<tr>
<td>Mandatory community notification to the general public</td>
<td>14%</td>
</tr>
</tbody>
</table>

**Community Notification**

Presser and Gunnison (1999) noted that community notification, also known as "Community Management”, is intended to enhance community protection and safety through awareness and education. Moreover, community notification improves vigilance and collaboration with community and law enforcement agencies. Similarly, Levenson and Cotter (2005) outlined that the primary objective of community notification is to increase the public’s ability to protect themselves by warning potential victims that they reside near a registered sex offender. Presser and Gunnison (1999) outline the two procedures to community notification in the USA. The first involves assessing the offender’s level of risk. The second procedure is to disseminate information.
There are a number of methods employed to notify the community of sex offenders, including transmitting the registered sex offender’s details on cable television, newspaper notifications, mail drops and community meetings (Petrosino & Petrosino, 1999). However, as outlined in the content analysis, the USA is the only country that has adopted mandatory community notification policies. Other countries such as New Zealand and Australia have discretionary notification.

**Evolution of Sex Offender Registries and Community Notification**

Jerusalem (1995, p. 225) outlined that prior to the twentieth century, sex offences were not differentiated from other convictions and punishment that people were subject to at the time. The 1930s and 1940s marked a major milestone for those assessed as being sexual psychopaths. These people were considered to be suffering from mental abnormality, so they were treated and released into the community (La Fond, 1998). Essentially, the sexual psychopath laws in the 1930s and 1940s took an optimistic approach to sex offenders and individuals were considered amenable to medical and psychiatric intervention (Hinds & Daly, 2001). The optimistic approach to treatment effectiveness changed in the 1970s as concerns and questions were raised about offender rights and the ability of treatment programmes to effectively “treat” sexual offenders (La Fond, 1998). This resulted in a loss of faith in the experts who worked with this cohort; American society viewed treatment as a means of escaping prison (La Fond, 1998).

Two high profile child abduction and sexual abuse cases in the 1990s ignited public outrage and propelled the inception of a number of prominent USA federal laws. These laws had a profound influence on the enactment of sex offender registration laws within the USA and arguably the rest of the world. They formalised sex offender registers and community notification across the USA, and were designed to reduce sexual abuse and sexual recidivism.
The first high profile case involved Jacob Wetterling who was abducted in 1989 by an unknown male as he walked home with friends. Jacob has never been seen since this incident (Jacob Wetterling Resource Center, 2010). Jacob’s abduction prompted the enactment of the first influential sex offender registration laws in this field (Levenson & Cotter, 2005; Welchan, 2005; Hind & Daly, 2001).

The Wetterling Crimes against Children and Sexually Violent Offender Registration Act 1994 formally legitimised the registration of sex offenders in state-wide computer data bases (Munstaine & Tewksbury, 2006; Levenson & Cotter, 2005). These registers were required to annually “track” where sex offenders resided for a minimum of 10 years after their release from incarceration (Welchens, 2005). However, the 1994 Act did not require law enforcement agencies to notify the community of registered sex offenders’ whereabouts due to offenders’ right to privacy. This right to privacy changed radically later that year after the death of Megan Kanaka.

Megan Kanaka marked the second high profile child sexual abuse case that profoundly influenced sex offender laws. Megan Kanaka was seven years old when she was abducted, sexually molested and murdered by her neighbour, a twice convicted child sex offender who was on parole (Petrosino & Petrosino, 1999). News of Megan’s ordeal and untimely death incited enormous public and political outrage in New Jersey, USA. Support for what was to become “Megan’s Law” gained strong political and public momentum within the USA (Petrosino & Petrosino, 1999; Presser & Gunnison 1999). In 1996, “Megan’s law” was added to the Wetterling Crimes Against Children and Sexually Violent Offender Registration Act 1994 and required law enforcement agencies to release to the public the information contained on State registers (Welchans, 2005). This legislation was a significant milestone for community notification.

Shortly afterwards, in the United Kingdom (UK), the British Government enacted the Sex Offenders Act 1997 as a civil measure to reduce the risk of sexual re-offending and to make communities safer (Thomas, 2005). However, unlike the USA, a heinous
sexual crime that influenced politicians to initiate a sex offender register did not precede the enactment of this legislation (Thomas, 2004). The Sex Offenders Act 1997 required certain sex offenders to inform Police of their address for prescribed periods of time depending on the severity and length of their sentence. Police were also able to use their discretion and disclose the offender’s personal details to those sections of the public who were likely to be immediately affected (Thomas, 2005). This seems to be the closest the UK has come to community notification.

The Sex Offenders Act 1997 was later reviewed and strengthened after the murder of eight-year-old Sarah Payne in 2000 which ignited public outrage and disgust (Hinds & Daley, 2001). In the aftermath of Sarah’s death, the News of the World presented a naming and shaming campaign in which they publicly named 200 convicted sex offenders and disclosed their whereabouts. This led to a number of named sex offenders becoming victims of vigilantism and denunciation (Hinds & Daley, 2001). A system related to community notification of sex offenders was developed, with political support, in response to public outrage and media surveys calling for community notification.

**Proponents’ and Opponents’ Perspectives**

The literature relating to sex offender registers and community notification systems appears to be dominated by opponents’ perspectives. The reason for this is not clear. The following section is a summary of the key themes and dominant viewpoints from the literature in this field. It is divided into two sections: proponents’ and opponents’ perspectives.
Proponents’ Perspectives

Community Awareness: Many authors (Hinds & Daley, 2001; Petrosino & Petrosino, 1999; Presser & Gunnison, 1999) argue that sex offender registration and community notification increases the community’s awareness of a sex offender’s whereabouts. The supposition here is that the community can be empowered to take the necessary steps to prevent being victimised by these offenders.

Data Availability: Thomas (2005), and Hinds and Daley (2001) suggest that the successful implementation of sex offender laws leads to improved data quality regarding sex offenders, multi-agency law enforcement and social services collaboration, and information sharing. This information subsequently improves the management of sex offenders in the community.

Natural Consequences: Presser and Gunnison (1999) outline that proponents of community notification argue that the government or the community is not to blame for sex offenders experiencing such consequences as employment failures and housing difficulties, because this is merely a “normal societal consequence” for committing such heinous crimes. Welchans (2005) also outlines the natural consequences argument when he postulates that sex offender registers and community notification have been reframed as being a matter of “due process” and “an administrative requirement”. As such, they neutralise any legal challenge that could argue that such registers are an additional punishment to the criminal sentence individuals are given.

Treatment Compulsion: Hinds and Daley (2001) suggest that sex offender registration can increase treatment uptake and compliance because it may “force” previously reluctant sex offenders to undergo treatment in order to avoid being subject to community notification.
**Community Protection:** Brannon, Levenson, Fortney and Baker (2007) argue that victim groups, citizens and treatment providers consider sexual violence to be a serious problem and that the community should be protected from recidivist sexual offenders. Proponents therefore purport that the right to protection outweighs the rights of the individual who perpetrated the offences.

**A Deterrent:** Quinn, Forsyth and Quinn (2004) claim that proponents believe branding and shaming is an effective method of controlling deviancy. Mustaine, et al. (2006) further elaborate this claim and suggest that proponents believe sex offender registers and community notification deter sex offenders by exposing them to the public. The supposition here is that the named individual will not attempt any sexual crime due to the risk of being identified and that consequences or punishment are imminent. Indeed, in cases of high frequency offenders such as serial rapists and child molesters, the time of rearrests for these sexual offences is reduced (Petrosino & Petrosino, 1999). Prescott and Rockoff (2008) completed a study into whether sex offender registration and notification affected criminal behaviour. They found evidence that notification laws reduced crime by deterring first time offenders. However, they also found that these laws do not deter recidivist sexual offenders.

**Incidences of sex offences are reduced:** Prescott and Rockoff (2008) found evidence that sex offender registration reduced the frequency of sexual crimes because local police had knowledge about local sex offenders. Therefore, the swiftness of arrest rates was improved.

**Offenders’ perspectives:** Levenson and Cotter (2005) surveyed 183 sex offenders in Florida to ascertain the positive and negative consequences of community notification. They concluded that sex offenders reported an increased willingness to manage their risk because of neighbourhood vigilance; some sex offenders believed registration reduced their access to potential victims; some sex offenders believed the register assisted them to be more honest with others in their lives. Lastly, the majority of sex offenders reported that most people who were aware of their offences were supportive.
of their recovery. These are compelling arguments in favour of sex offender registers that are validated by the sex offenders.

**Poor Treatment Outcomes:** Levenson, Yolanda, Fortney, and Barker (2007) posit that scepticism regarding the effectiveness of psychological treatment has been a significant factor that has influenced sex offender legalisation. Treatment effectiveness is discussed further in Chapter Six.

**Opponents’ Perspectives**

**Lack of Research:** Several authors (Thomas, 2008; Levenson & D’Amora, 2007; Mustaine, et al. 2006; Levenson & Cotter, 2005) argue that there is little empirical and statistical evidence to prove that sex offender registers and community notification significantly improve public safety and prevent sexual exploitation of children.

**Stranger Danger Myth:** Proponents of community notification assume that the majority of sex offenders who perpetrate sexual abuse are people not known (strangers) to their victims (Levenson & D’Amora, 2007; Quinn, Forsyth, & Quinn, 2004; Hinds & Daly, 2001; Pressor & Gunnison, 1999). However, Greenfeld (1997) found compelling evidence that strangers were not the primary perpetrators of sexual crimes. His study involved evaluating the crime statistics of 480,209 victims of sexual assaults and rape. He concluded that 75 percent of victims knew the offender.

Research undertaken in New Zealand by Fortune and Lambie (2004) also highlighted the misconception that “strangers” predominantly perpetrated sex crimes. These researchers compared 155 adolescents who had engaged in sexually abusive behaviour, and 24 adolescents with special needs who had also perpetrated sexual abuse. They found that only 6.3 percent of the “no special needs” group and only 7.2 percent of the “special needs” group had perpetrated sexual abuse against someone not known to
them. Thus, the myth that most sex offender’s abuse “strangers” has serious implications for community safety; it has the potential to lure the public into a false sense of security by encouraging vigilance around strangers. Studies by Greenfeld (1997), and Fortune and Lambie (2004) suggest that vigilance should be applied in reality to people who have an established relationship with each other.

**Practical Application Issues:** Hebenton and Thomas (1996) argue that sex offender registration and community notification are paradoxical insofar as community notification reflects a government’s inability to protect their citizens from sexual crime. Thus, governments abdicate their responsibility to protect their citizens by creating legislation that expects citizens to take steps to protect themselves from sexual offenders. Also, it can be argued that while community notification laws are prescriptive, they offer the community few suggestions as to how they should respond to receiving information regarding sexual offenders (Pressor & Gunnison, 1999).

**Media:** Quinn, Forsyth, and Quinn (2004) argue that sex offender register laws are founded on misguided and inaccurate information from the media relating to the actual threat of sex offenders in society, which is often fuelled by fear from sensationalised media hype from a few high profile sexual abuse cases. The *Sunday Star Times* (18 May, 2008), for example, published a front-page story about a convicted sex offender who sexually abused a child who resided next door. The article cited the mother as criticising Community Corrections for not informing her that her neighbour was a convicted sex offender. The *Weekend Press* (21–22 June, 2008) also published a front page article about a convicted sex offender who had escaped from supervision. This article inevitably raised questions about professionals’ competency to keep the public safe from dangerous sex offenders.

As mentioned earlier, high-profile cases combined with mistrust in the competency of professionals and the efficacy of treatment programmes contributed significantly to the development of sex offender registration laws in the USA.
**Good Lives:** Ward and Stewart (2003) postulate that sex offenders often seek primary “human goods” such as intimacy and self-esteem through their offending. The ‘Good Lives’ model (Ward and Stewart, 2003) suggests that sex offenders should be given an opportunity to develop and access opportunities within the community so that these “human goods” can be met in non-abusive ways. The offender could join pro-social clubs and societies, for example, with the objective of initiating and sustaining intimate and meaningful relationships, or undertaking activities that assist them to improve their affect regulation. However, community notification can pose a significant barrier to accessing these opportunities (Presser & Gunnison, 1999). It has been suggested that community notification not only draws a line between the offender and neighbours, it also isolates offenders from much needed support, including relatives and friends.

**Reintegration:** Presser and Gunnison (1999) purport that insurmountable barriers can be created when registered sex offenders reintegrate into society. Brannon, et al. (2007) found that such barriers can include: loss of employment; difficulties with securing accommodation; problems with sustaining intimate relationships; and housing disruption. These researchers also found that registered sex offenders were subjected to extreme acts of vigilantism such as property damage and shootings as a consequence of community notification. It is therefore conceivable that a registered sex offender may become isolated or alienated from their community, consequently engendering resentfulness and bitterness that could in turn make them a higher risk of re-offending, particularly if they already have social skills deficits or limited social networks.

**Conviction Issues:** Hinds and Daly (2001) argue that people who have sexually offended may plea-bargain to a lesser or non-sexual criminal charge due to police and prosecutorial practices. Therefore, plea-bargaining can enable people who have sexually offended to avoid sex offender registration even though their risk and crime might have otherwise made them eligible.
**Adverse Impact on Housing Prices:** Pope’s (2008) USA-based study examined the impact of sex offender community notification on housing prices. Pope (2008) found that housing prices fell 2.3 percent when a registered sex offender moved into a community. Pope (2008) also found that housing prices rebound when a registered sex offender moves out an area. Linden and Rockoff (2006) also examined house prices in the USA when the public knew where registered sex offenders resided. They found that the price of houses adjacent to where a known registered sex offender resided decreased by 12 percent. These authors suggest that the general public overestimates a registered sex offender’s level of risk of sexually re-offending, which contributes to the decline in housing prices.

**Reliance on Accurate Risk Assessments:** Predicating human behaviour is an incredibly fraught exercise because humans are by nature unpredictable creatures. This is particularly relevant when predicting human behaviour accurately, which has severe implications (Wood & Ogloff 2006). Wood and Ogloff evaluated *Victoria Australia, Serious Sex Offenders Monitoring Act 2005*. They purport that this legislation assumes that clinicians can accurately predict the risk of child sex offenders with a high degree of certainty. They emphasise that clinicians and legislators must be familiar with the limitations of risk assessments and the ability to predict sexual recidivism accurately, with a high degree of certainty. They conclude that inaccurate predictions have severe legal and ethical implications in respect to whether someone is subject to this legislation.

**Sex Offenders Considered a Homogeneous Group:** Wood and Ogloff (2006) clearly outline that sex offenders are not a homogeneous group with the same etiology. Harris and Hanson (2004), for example, outline that extra familial boy victim molesters demonstrate higher recidivism rates than rapists, whereas girl-victim child molesters recidivate at much lower rates. Moreover, people who have perpetrated intrafamilial sexual abuse against a child have consistently lower recidivism from age 25 years old. In contrast, people who perpetrate sexual abuse against extra familial victims do not demonstrate a reduction until after 50 years old. People who rape steadily decreased their risk over time. The Harris and Hanson (2004) study illiterates that sex offender risk and offence patterns are not identical.
Misinterpretation of Information: Pope (2008) outlines that one disadvantage of publicly accessible sex offender registers is that the general public may misinterpret the different levels of risk a registered sex offender may present to the wider community. Consequently, this may ignite a misplaced fear of crime within certain neighbourhoods. The general public may not differentiate the level of sexual risk that an 18 year-old man presents who has been convicted of “statutory rape” with his 16 year-old girlfriend from an individual who has perpetrated sexual abuse against children. The “one size fits all” approach means that the public views all sex offenders as one homogeneous group.

Economic Costs: Zgoba and Bachar (2009) conducted a study on the impact of “Megan’s Law” on the state of New Jersey in the USA. Their study found that “Megan’s Law” did not reduce the number of people who were victims of sexual crimes, nor did it reduce the amount of people rearrested for sexual offences. Their study essentially found no tangible benefit in reducing sex crimes or improving the management of registered sex offenders in the state of New Jersey. Zgoba and Bachar (2009) also found that the greatest rate of decline in sexual offences occurred before “Megan’s Law” was introduced in 1994 and the least rate of decline occurred following the enactment of “Megan’s Law” in 1995.

Time Intensive: Zevitz and Farkas (2000) conducted a study on the operational aspects of community notification by examining the impact on probation officers and parole agents who were responsible for commissioning community notification. They found that probation officers and parole agents had high caseloads due to the time needed for intense management of registered sex offenders in the community. Moreover, these researchers found that probation officers’ time and focus was heavily absorbed sourcing suitable housing, employment options and facilitating community meetings. Conversely, their study also found that the process of liaison and consultation with other law enforcement agencies was particularly useful. It seemed to improve the information sharing and general management of registered sex offenders residing in the community. Zevitz and Farkas (2000) reported benefit regarding the liaison and information sharing between the police and probation officers may provide clues as to whether other less
intrusive, cost effective and less time intensive sexual crime prevention policies are more effective than enacting an official sex offender register.

**Low Reconviction Rates:** The Department of Corrections (2008) in New Zealand conducted a 48-month follow up of the reconviction rates of people convicted of a criminal offence who now reside in the community. This study revealed that people who had been convicted for sex offences had the lowest reconviction rates for such offences when sentenced to community work, home detention or supervision. Harris and Hanson’s (2004) study involving 4,724 people who had been criminally convicted for sexual abuse supports these findings. Over a 15-year period, these researchers found that 73 percent of sex offenders had not been charged or convicted for further sexual offences. These statistics suggest that people convicted of sexual crimes do not re-engage in sexually abusive behaviour once they have completed their sentence. Thus, if “sex offenders” have the lowest re-offending rate while completing their sentence in the community, inevitably one must question whether New Zealand needs a sex offender register. It needs to be noted, however, that these are “reported” sexual crimes and thus the re-offence rates may actually be higher than known.

**New Zealand and Sex Offender Registers**

In 2003, former ACT Minister Deborah Coddington sought to enact a non-public register named “Sex Offenders Registry Bill”. Under this proposed Bill, people convicted of a “serious sexual offence” would be placed on a register. She proposed that this legalisation would enable Police to access relevant information when undertaking investigations and to “reduce sexual offending” (Caslon Analytics, 2008).

The proposed Bill did not define what constitutes a “serious sexual crime”, a point the Law Society (2008) mentioned when they made submissions to the proposed Bill. They noted that the term “serious sexual offence” was too wide and would essentially involve anyone convicted of a sexual offence.
In 2003, the Ministry of Justice reviewed the proposed Sex Offenders Registry Bill and concluded that it was not inconsistent with the *Bill of Rights* (Ministry of Justice, 2003). The New Zealand Law Society (2008), however, made several interesting submissions to the Sex Offender Registry Bill at that time, including:

- The Sex Offender Registry Bill had no provision to include people already convicted of sexual offences, which from a practical point of view would mean that it would be years before sufficient information pertaining to sex offenders would be useful for the purpose of assisting police with their investigations.

- The Sex Offender Registry Bill would be retrospectively imposing what might be perceived as an additional penalty to the offender.

- The definition of “sexual offender” was too wide, for example, the Sex Offender Registry Bill would include people who were cautioned or subject to community work sentences.

- The Sex Offender Registry Bill would have permitted the Police to use the information from the sex offender register for “law enforcement purposes”. Consequently, this could allow the Police to essentially set up billboards with the registered sex offender details or undertake leaflet drops under the pretence of “law enforcement”.

- There were effectively no limitations on the amount of people who could access information from the register because “reducing sexual offending” could be applied loosely in many situations.

It has been difficult to ascertain the exact reasons why the Sex Offender Registry Bill was not supported. However, in 2003 the Justice and Electoral Committee examined the Bill and recommended that it should not become legislation (Justice and Electoral Committee, 2003).
New Zealand does not currently have an official sex offender register that the general public can access. However, the Sensible Sentencing Trust has created an unofficial online sex offender register containing identifiable information on people who have been convicted of sexual crimes. The Sensible Sentencing Trust declare on their website that while they intend to ensure that all personal details regarding sex offenders are accurate, “mistakes do happen” and they are “only human” (Sensible Sentencing Trust, 2008). Ironically, people who have perpetrated sexual abuse might also use the same excuse for their behaviour.

**Extended Supervision Parole (Extended Supervision) Amendment Act 2004**

The *Parole (Extended Supervision) Amendment Act 2004* enacted in New Zealand is the closet New Zealand statute that resembles a sex offender register. However, this statute does not require eligible offenders to report to the Police within specified timeframes, or provide personal information to an official register or database, which are all hallmarks of a sex offender register.

Instead, the *Parole (Extended Supervision) Amendment Act 2004* requires individuals convicted and sentenced to a finite prison sentence in relation to certain sexual offences against a person under 16 years old to be subject to this Act for up to 10 years (Department of Corrections, 2010a; Parole (Extended Supervision) Amendment Act 2004). Eligibility is determined by a health professional who undertakes an assessment in order to establish whether the person who may be subject to the Act presents a significant risk of perpetrating further sexual abuse (Department of Corrections, 2010a).

When the Extended Supervision Order is made, the Parole board can impose sanctions or “special conditions” to which the eligible individual must adhere (Department of Corrections, 2010a). These special conditions can include home detention or electronic monitoring for the first 12 months of the Act. A person subject to
the Parole (Extended Supervision) Amendment Act 2004 meets their probation officer regularly and may be required to attend treatment programmes. They may also be subject to restrictions on their employment, where they can reside, whether they can have contact with their victims or whether they can associate with a person(s) under 16 years old (Department of Corrections, 2010a).

**New Zealand and Community Notification**

In 2002, New Zealand enacted the *Victims Rights Act* (2002), an interesting statute that resembles community notification. This Act allows eligible victims of crimes to be notified if the person who victimised them applies for parole or will be discharged from prison (Parole Board, 2008). This statute appears to be the closest formalised system New Zealand has to community notification.

The *Corrections Act 2004* permits information sharing regarding convicted child sex offenders. Consequently, the Department of Corrections can share information with Ministry of Social Development, New Zealand Police, Housing New Zealand Corporation, and Department of Child Youth and Family Services. The stated purpose for sharing information is to assist with monitoring offenders’ compliance to their supervision order, manage the offender’s risk of further sexual offending against children and facilitate reintegration (Department of Corrections, 2010c; Correction Act, 2004). There is also provision for sharing information with the public, however the Department of Corrections Area Manager manages this process and is responsible for disseminating such information to the public (Department of Corrections 2010b). Again, the process of sharing information relates only to child sex offenders.
Research Gaps

The literature reveals at least seven significant gaps in the research relating to sex offender registers and community notification.

The first significant gap is that little research has determined that sex offender registers reduce recidivism. Perhaps this is not surprising. Thomas (2004) outlined that there is no agreed way of qualifying the contribution of sex offender monitoring in improving community safety. Moreover, it has been acknowledged that “studying the ability of community notification to reduce sex offence recidivism is methodologically challenging” (Levenson & Cotter, 2005, p.15). A methodological approach that can usefully evaluate the effectiveness of sex offender registers to reduce sexual recidivism is well overdue.

The second gap is the paucity of research into the public’s perceptions of sex offender registers and the prevalence of sexual crime. There appears to have been no research into this issue within the New Zealand context; whether this country could benefit from a sex offender register and/or community notification is yet to be explored fully. Any exploration of this issue must include an evaluation of the legal, political and social implications of implementation of such a register in New Zealand.

The third gap is scarce literature is available detailing how the public are empowered to protect themselves when informed that a sex offender is in their neighbourhood and what practical steps to take to protect themselves when they have this information.

The fourth gap is there are very few studies that have included the victims’, their family members’ and the families’ of registered sex offenders’ perspectives on particular issues. Do they perceive that a sex offender register would be effective for
managing sex offenders? Do they support such sentencing methods? What have been the practical implications for them when sex offender registration legislation has been enacted?

The fifth gap is the minimal literature available evaluating the Parole (Extended Supervision) Amendment Act 2004. Given the time that has lapsed since the inception of this legislation, it would be timely to formally review its effectiveness.

The sixth gap is a lack in the literature of comprehensively canvassing the perspectives of Police, and therapists who provide services to victims or perpetrators. These perspectives are crucial given the specialist nature of their services. Such perspectives would provide a robust and in-depth understanding of the potential benefits and disadvantages of a sex offender register legalisation in New Zealand, and how such a register would impact on these stakeholders’ services, the clients and the public they serve.

Lastly, and perhaps most importantly, the seventh gap is that the studies reviewed do not suggest many benefits for sex offenders in having a sex offender register. Such benefits could include having a clear process and accountability on government departments for improved capabilities to manage sex offender reintegration if sex offenders were registered. Furthermore, sex offender registers could protect sex offenders from misuse of their personal information and provide a means to make a legal complaint if members of the public or government maliciously or accidentally breached their confidentiality, thus causing “collateral consequences” (Mustaine, et al., 2006).
Summary

This chapter has outlined the findings of a content analysis relating to several prominent western countries’ sex offender statutes. The content analysis has revealed that the typical characteristics of a sex offender register involve the Police possessing a database containing personal information of people who are subject to sex offender registration law, and that this cohort are required to report to the Police regularly. They are also subject to restrictions on their freedom in the community. Mandatory community notification is not a standard feature of sex offender registers outside the USA.

The review of the literature revealed some disturbing aspects regarding the evolution of sex offender registers in other countries that are similar to New Zealand. A prominent theme that emerged in relation to the evolution of these registers was how public and political opinion, fuelled by intense emotion and fear (usually after a tragic and heinous case of sexual crime), overrides informed and considered research into the latent consequences of implementing a sex offender register on stakeholders who would be most affected by such legislation. Therefore, it is critical that research, such as this study, is undertaken to evaluate whether a sex offender register and community notification would be supported and could be employed in a constructive manner in New Zealand. Most importantly, such research must be undertaken before further tragedies, like the one that befell Meagan Kanaka, occur in this country, resulting in New Zealand also enacting reactionary legislation that is sanctioned without careful consideration of the implications for all involved.

The review of the literature has revealed that the implications of enacting sex offender registration laws have far-reaching social, political and economic costs. Moreover, it has highlighted that the debate regarding sex offender registers is significantly more complex than merely balancing sex offenders’ confidentiality rights with the rights of the public to know where they reside.
Lastly, the review of the literature and content analysis have revealed that New Zealand does not have a recognised sex offender register even though reported sexual crimes in New Zealand have been increasing steadily since 2007 (New Zealand Police, 2010a). Therefore, it is conceivable that, given these crime statistics, the negative public responses to sexual offending (Quinn, Forsyth & Quinn, 2004), and how sex offender registers have evolved around the world, at some point the New Zealand public and politicians will seriously debate whether to adopt a sex offender register and community notification for New Zealand. Yet it is still unclear whether sex offender registers and community notification are effective. Whether these systems serve their intended purpose to protect society from further victimisation of sexual crime must be critically debated. This study is the beginning of that debate.

The next chapter examines the effectiveness of sex offender treatment programmes.
CHAPTER FOUR
TREATMENT EFFECTIVENESS

As discussed in previous chapters, the efficacy of sex offender registers has been widely criticised. Opponents argue that such registers create significant obstacles for a sex offender’s reintegration into the community; that sex offender registers are based on the stranger danger myth; and that the media perpetuates misguided and inaccurate information relating to the actual threat of sex offenders in society. Proponents’ purport that sex offender registers serve as a deterrent; improve community awareness of where dangerous sex offenders reside and improves data exchange between Government services. Yet, despite these dichotomous views there seems to be an absence of an immensely important variable that could influence the debate regarding sex offender registers. This variable is whether sex offender treatment programmes are effective and whether people who have perpetrated sexual abuse can complete treatment and live an abuse-free life thereby rendering the need for a sex offender register redundant. Essentially, while sex offender registers are one purported prevention strategy, so too is treatment as they both share the tenets of preventing sexual abuse. It is therefore relevant to examine the efficacy of sex offender treatment.

This chapter will examine numerous international studies on whether sex-offence-specific treatment is effective and discuss why treatment outcomes for sex offenders may affect the general public’s confidence in the efficacy of treatment programmes and how this relates to the support for a sex offender register in general. The chapter will conclude by examining the literature regarding treatment modalities that are supported by strong empirical research.
Does Treatment Work?

Does treatment work is a logical question to ask which is essentially the same question as can people who have perpetrated sexual abuse be rehabilitated and live an abuse free life. As Marques (1999) outlined, this question is not as straightforward to answer as it may appear given the magnitude of the different offending behaviours that people present with in treatment e.g. rape, exhibitionism and child sex abuse. Marques (1999) suggested that questions regarding treatment effectiveness should be more specific such as what type of offender benefits from treatment. Harris & Hanson (2004) clearly reinforced Marques (1999) point regarding the need to recognise the distinct differences between sexual offending behaviours. Harris & Hanson (2004) conducted 10 follow up studies involving 4724 sex offenders. They found that “rapists, incest offenders, "girl-victim" child molesters, and "boy-victim" child molesters recidivated at significantly different rates. Sexual recidivism rates were highest for people who perpetrated sexual abuse against a "boy-victim" and people who had "raped" (Harris & Hanson, 2004, p ii.).

Marshall, Jones, Ward, Johnston & Barbaree (1991) reviewed the literature on whether sex offenders can be effectively treated to reduce sexual recidivism. They concluded that evidence provides an unequivocally positive answer to whether people who have perpetrated sexual abuse can be effectively treated. However, they also concluded that people who have molested children and have engaged in exhibitionism are more responsive to treatment. Conversely, people who have perpetrated rape are least likely to profit from sex offence specific treatment. It is noteworthy that Marshall, Jones, Ward, Johnston & Barbaree (1991) did not conclusively state yes or no in relation to whether treatment is effective rather the findings were stated to be positive.

Hanson, Broom and Stephenson (2004) further highlighted the difficulty in determining the efficacy of sex offender treatment. They outlined that no single study is sufficient to determine whether treatment is effective in assisting a person to abstain from sexually abusive behaviour. Grossman, Martis, & Fichtner (1999) also highlighted
this difficulty. They stated that recidivism is categorised differently between different studies. For example, some studies measure recidivism by reconvictions of a sexual crime whereas others may use violation of any crime or probation outcomes. Another obstacle in determining treatment effectiveness is the methodological and ethical challenges that occur when allocating and comparing groups of treated with untreated sex offenders as clearly it would be unethical to purposely deny people treatment for the sake of a evaluative study (Grossman, Martis, & Fichtner, 1999). Thus, when exploring whether treatment of people who have perpetrated sexual abuse is effective, one must recognise that sex offenders are a heterogeneous group and therefore sex offender treatment outcomes may fluctuate based on sex offender subtypes. Lastly, methodological limitations also inhibit the researcher’s ability to conclusively answer whether treatment is effective.

Furthermore, Marshall and Marshall (2010) provide an alternative approach when debating whether treatment is effective. As they pointed out, the question “is treatment effective” assumes that all treatment programmes are identical when studies have found that sex offender treatment programmes can vary considerably in terms of their content and known treatment effectiveness. Therefore, rather than asking whether treatment is effective which exposes this hypothesis to being contaminated by findings from ineffective sex offender programmes, these researchers argue that treatment effectiveness is better phased “can treatment for sex offenders be effective”. When phrased in this way this hypothesis only needs one effective treatment programme to provide an answer as to whether sex offender treatment is effective. Furthermore, that one effective treatment programme provides insight into what elements contribute to effective treatment. They argued that Borduin, Schaeffer, and Heilblum (2009) is one such study where Multiple Systemic Therapy was found to significant reduce sexual recidivism and fewer arrest for all crimes. Thus, the question can sex offender treatment be effective is supported and is affirmed.
Treatment Evaluation Studies

This section cannot possibly canvas all the evaluative studies on treatment programmes due to the scope of this research and the extensive literature that explores the effectiveness of sex offender treatment programmes. However, this chapter will give a summary of a number of treatment outcome studies that will provide an indication as to whether sex offender treatment is effective.

Geer, Becker, Gray & Krauss (2001) evaluated the predictors for people completing treatment within a correctional treatment programme. Their study involved 179 incarcerated male sex offenders who voluntarily participated in a prison-based sex offender treatment programme. They discovered that offenders were more likely to complete treatment if they had more years of education, did not have a history of sexual victimisation, and lower levels of minimising or excusing sexual crimes. While these findings are not directly related to whether treatment is effective, it does provide insight into the characteristics of people who are more likely to complete sex offender treatment.

The McGrath, Cumming, Livingston & Hoke (2003) study involving 195 participants who received prison based sex offender treatment, found that over a six year follow up period, 5.3% of the treatment group sexually re-offended compared to 30.6% who had received some treatment and 30% who received no treatment. These findings suggest treatment reduces sexual re-offending, but there is still evidence that sex offence specific treatment does not entirely create desistance from sexual offending. Geer, Becker, Gray & Krauss (2001) and Maletzky and Steinhauser (2002) studies also found that failure to complete treatment was a consistent and robust predictor of sexual recidivism. Losel and Schmucker (2005) completed a meta-analysis of 69 studies and 22,181 participants and found that treated individuals recidivated 37% less than those who were in the untreated group. They confirmed that treatment was beneficial in decreasing sexual recidivism.
These studies suggest that sex offender treatment is effective at reducing sexual re-offending, though treatment alone does not completely extinguish the possibility of an individual re-engaging in sexually abusive behaviour.

**Treatment Modalities**

Cognitive-Behavioural Therapy and Relapse Prevention are the most popular psychotherapeutic treatment approaches used to treat child molesters (Laws & Donohue, 2008 p. 194). Cognitive behavioural therapy is a popular treatment modality in this field because it assists the person who perpetrated sexual abuse to understand his cognitions (thinking), core schemas (beliefs) and the (affect) that the offender was experiencing prior, during and after the person commissioned their sex offence. Moreover, cognitive behavioural therapy has attracted substantial evaluative studies over many years which have generally found that this therapy is effective with treating sex offenders. Maletzky and Steinhauser (2002) study involving a 25 year follow up of 7275 sex offenders who had received cognitive behavioural treatment, for example, found that child molesters and exhibitionists responded positively to treatment. However, homosexual paedophiles and rapists were less amenable with 16% and 20% reconviction rates respectively. Hanson et al. (2004) completed a meta-analytic review regarding the effectiveness of psychological treatment studies for people who have perpetrated sexual abuse. Hanson et al. (2004) reviewed 43 studies involving 5078 treated and 4376 untreated sex offenders (total 9454 participants). Their review concluded that cognitive behavioural therapy approaches were more effective with reducing sexual recidivism (17.4% to 9.9%) and general recidivism (51% to 32%). They also found that treatment effectiveness was poor prior to 1980.

Terry and Mitchell (2001) found that cognitive behavioural treatment programmes can reduce sex offenders’ cognitive distortions with offenders who did not believe they had a problem and that cognitive behavioural treatment was particularly effective with offenders who had adult victims.
Gallagher, Wilson, Hichfield, Coggeshall and MacKenzie (1999) completed a quantitative review of 25 studies that evaluated the effectiveness of different types of sex offender treatment. Overall, they found that sex offender treatment lowered sexual offending. They also found that cognitive-behavioural approaches appeared more promising than behavioural approaches, chemical and generalised psychosocial treatment.

When considering the variance in the therapeutic approaches used in sex offender treatment and that each approach is influenced with other variables such as length in treatment and whether the treatment programme targets known criminogenic factors that influence recidivism, it easy to understand why the question of effectiveness is such a controversial issue. Moreover, this debate is obscured further by having studies that have found certain sub-types of offenders respond more favourable to treatment and that studies can use different methodology to review effectiveness. Thus, Marshall and Marshall (2010) approach to the debate on treatment effectiveness seems logical.

Conclusion

So what does this chapter illustrate? Essentially, a straightforward answer cannot be offered as to whether treatment is completely effective for people who have perpetrated sexual abuse. The implications of these conclusions are profound as no guarantees can be provided regarding whether someone will abstain from sexually abusive behaviour if they have completed a treatment programme. These findings provide the public with little solace when exposed to a tragic sexually motivated murder of a child. Such crimes inherently engender fear and powerlessness from parents. This is especially so if the child is abducted while undertaking his or her daily activities where parents would expect their child to be safe. Therefore, it cannot be denied that under these circumstances, certainty and risk reduction is understandably sought from somewhere. That somewhere may be offered by way of a sex offender register for all sex offenders as such certainty cannot be offered by treatment alone. Yet, unlike sex offender
treatment, sex offender registers do not have strong empirical evidence that supports the efficacy of these crime prevention strategies.
CHAPTER FIVE
METHODOLOGY

The primary aim of this research was to investigate a somewhat controversial, internationally applied method of preventing sexual crime (a sex offender register) to ascertain whether such a method may be applicable in a New Zealand context, and what the implications would be if it were applied. The secondary aim included pre-empting a debate and discussion regarding the applicability of a New Zealand sex offender register before such debate and discussion occurs in the aftermath of a tragic, sexually-motivated child homicide, when careful consideration of the implications for enacting sex offender register legislation may not occur. The purpose of approaching the research in this way was to raise awareness that a sex offender register may adversely affect many stakeholders. It was also to broaden the debate regarding whether a sex offender register should be implemented in New Zealand, rather than reverting to this debate as simply being about balancing offenders’ right to confidentiality versus the public right to know where offenders reside.

This chapter details how the research achieved the stated aims and the research methodology used to answer the research hypotheses. It highlights the sampling method used, participant recruitment to the study, research methods applied to gather the data, and the seven research hypotheses. The discussion regarding whether quantitative or qualitative research methods are superior cannot be canvassed comprehensibly in this chapter due to the research focus, however this chapter briefly discusses the benefits and disadvantages of each of these paradigms.

Quantitative Research

Quantitative research is based on positivist philosophy (Firestone, 1987) whereby the world is predicable, knowable, and measurable (De’Cruz and Jones 2004). A crucial advantage of quantitative research is the ability to generalise the findings to many
different populations and subpopulations (Johnson and Onewuegbuzie, 2004). Another advantage is that this paradigm seeks to be objective by being removed from the phenomenon being studied. Thus, the researcher is capable of studying the phenomenon without influencing it (Grinnell & Unrau, 2008; Sale, Lohfeld & Brazil, 2002). Conversely, the qualitative researcher is more interactive or immersed in the study of the phenomena (Firestone, 1987). As Johnson and Onewuegbuzie (2004) argue, quantitative research allows for statistical predications and is efficient when studying large numbers of people. Moreover, these researchers purport that quantitative research often has higher credibility with many people in power, for example legislators, politicians, and policy makers.

One of the many criticisms of quantitative research, however, is that the researcher categorises and organises the research design around his or her understanding of the phenomenon being studied (Johnson and Onewuegbuzie, 2004). Therefore, as Sale, et al. (2002) suggest, the researcher is influenced by his or her assumptions of reality or ontology, and knowledge of that reality (epistemology). Johnson and Onewuegbuzie (2004) also believe that the quantitative researcher may overlook emerging phenomena because he or she may focus narrowly on theory and hypothesis testing rather than theory hypothesis generation.

**Qualitative Research**

Qualitative research methods are related to interpretivist and feminist paradigms (De’Cruz and Jones 2004). Unlike quantitative research, the ontology of qualitative research suggests that there are multiple truths based on a person’s construct of reality (Sale, et al., 2002).

Bryman (1984) posits that an advantage of qualitative research is that it is inherently explorative insofar as focusing on discovery of new phenomena, which stimulates new leads, understanding, and avenues for future research. This researcher
also argues that qualitative research is often referred to as “rich” due to the level of
enquiry it employs, and the depth of understanding of the phenomena that is achieved
from undertaking qualitative methods such as a focus group. Qualitative research is
considered more fluid and flexible than quantitative research because it can provide the
researcher with serendipitous outcomes that may require him or her to alter their
research plans (Bryman, 1984).

Qualitative research is beneficial when the subject matter is unclear, poorly
defined, or complex, and the researcher wants to find out what is happening to cause the
particular phenomenon (Johnson and Onewuegbuzie, 2004).

While validity of the findings is one of the strengths of qualitative research,
criticism has been directed toward the reliability of the validity. There are challenges
designed toward the reliability of the validity. There are challenges
when trying to replicate the findings because they are often unique to the participant’s
situation or circumstances (Alston and Bowles 2003; Johnson and Onewuegbuzie
2004). Another limitation of qualitative research is that it generally takes more time to
collect and analyse the data compared to quantitative research (Johnson, Onewuegbuzie &
Turner, 2007).

Mixed Methods

Mixed methods or mixed research methodology is commonly known as the third
research paradigm (Johnson, et al., 2007). Mixed methods research involves combining
qualitative and quantitative research methods, concepts, language, and approaches into
one study (Johnson and Onewuegbuzie, 2004). However, the integration of both
quantitative and qualitative methodologies that form mixed methods research has
attracted considerable controversy because it combines two different ontological and
epistemological paradigms into one study (Johnson, et al., 2007; Sale, et al., 2002).
Methodological purists have argued that these methodological differences are
incompatible and that researchers should always work within either quantitative or
qualitative paradigms, not both (Johnson and Onewuegbuzie, 2004; Bryman, 1984). Johnson and Onewuegbuzie (2004) also argue that mixed methods can generate conflicting results, thus creating challenges when analysing the data; challenges that methodologists have yet to work out fully. However, despite the challenges and controversy surrounding mixed methods, it has a number of advantages, including offering a choice of method that relates to exactly what the research wants to find out (Punch, 2005, p.239).

The numerous advantages of mixed methods include:

a) Use of words, pictures, and narrative to add meaning to quantitative data;

b) Ability to answer a wide range of research questions because the research is not confined to a single preferred method or approach;

c) Combination of stronger evidence for conclusions through convergence of data;

d) The strengths of qualitative and quantitative methods can complete the weakness of each paradigm; and

e) Complementing the corroboration of findings (Johnson & Onewuegbuzie, 2004; Greene, Caracelli & Graham, 1989; Jick 1979)

The stated advantages of mixed methods, combined with the exploratory nature of the research and complicated subject matter, which required a sophisticated yet flexible approach to data gathering that could not be undertaken using a conventional singular paradigm, significantly influenced the integration of mixed methods methodology into this research.
Research Design

The two research methods used to gather data were questionnaire and focus group. It was envisaged that by using the mixed methods of focus group and questionnaire, each would complement the strengths and weaknesses of the other.

While questionnaires may not be capable of answering every hypothesis or research question, a well-designed questionnaire can enhance an understanding of almost every social issue (Grinnell & Unrau, 2008). Grinnell and Unrau also state that questionnaires are often the only means for developing a representative picture of the attitudes and characteristics of a large population, and are an efficient, cost effective method for gathering data.

Cost and time efficiency were considerations in choosing a questionnaire as part of the research design because research participants were recruited from around New Zealand. Despite the research sampling method limiting generalising, the questionnaire’s ability to generalise the findings about what are essentially participants’ attitudes and perspectives regarding their support for a New Zealand sex offender register, also significantly influenced the integration of the questionnaire into the research design.

Having evaluated the advantages of questionnaires, the researcher decided another level of enquiry was required to fully understand the practical implications to participants who would be most affected by the enactment of a sex offender register in New Zealand. Qualitative methods are useful when the subject matter is unclear, poorly defined, or complex, as outlined earlier. Moreover, qualitative methods promote the discovery of new ideas for future research and can produce unexpected results. It was not possible to clearly define two of the research hypotheses, which were too complex to answer by using quantitative methods only. These research hypotheses related to understanding whether a sex offender register would have deterred people when they
commissioned their sexual crime, and whether such a register would deter these individuals in the future should they consider sexually re-offending.

In light of these hypotheses and the limitations of quantitative methods, a focus group was integrated into the research design. A focus group was chosen because this method is particularly effective when research needs to elicit participants’ understanding of, and opinions about a particular subject (Wilkinson, 1998). Moreover, focus groups provide an ability to explore unexpected issues as they arise, stimulate new ideas within a group setting, and create improved spontaneity and candour (Grinnell & Unrau, 2008). Given these stated advantages, a focus group seemed the most effective and appropriate research method for answering the two hypotheses that required a flexible and unassuming approach to gathering the data.

**Research Hypotheses**

The overall aim of the research was to elicit the perspectives of participants regarding whether New Zealand needs a sex offender register, and what the practical implications would be for those most affected by such a register. These questions generated seven hypotheses that were influenced by reviewing the literature relating to sex offender registers, which is outlined in Chapter Three. The seven hypotheses, listed below, also reflect the explorative focus of the research:

1. **Hypothesis One**: Survivors of sexual abuse and their support people would support the inception of some form of sex offender register and community notification legislation in New Zealand to manage sex offenders in the community.

2. **Hypothesis Two**: People who have sexually offended would oppose the inception of sex offender registration and community notification legislation.
3. Hypothesis Three: Support people who are supporting a person in therapy who has perpetrated sexual abuse will oppose any proposed sex offender register and community notification legislation.

4. Hypothesis Four: Sixty percent of the study’s participants believe that a sex offender register in New Zealand would improve New Zealand society’s ability to protect themselves from people who have sexually offended.

5. Hypothesis Five: Sixty percent of the study’s participants believe that a sex offender register would improve government departments’ and social service agencies’ ability to manage people who have sexually offended and reside in the community.

6. Hypothesis Six: Survivors of sexual abuse, people who have sexually offended, and their respective support people believe they would experience adverse psychological and social outcomes if a New Zealand-based sex offender register were established.

7. Hypothesis Seven: People who have perpetrated sexual abuse and agreed to participate in the research will deny that a sex offender register would have prevented them from perpetrating sexual abuse.

**Data Collection and Handling**

The research design allowed for the use of mixed methods and triangulation of data from the following sources.
**Questionnaire**

The questionnaire and related forms for Survivors, Offenders and their respective Support people were delivered to the treatment or therapy providers. When the therapists met with their clients, they invited them to participate in the research. The participants were given the choice of either submitting the questionnaire directly to the researcher or to their therapist, who forwarded the questionnaire to the researcher. Each questionnaire was coded to the relevant cohort and numbered. The therapy and treatment providers were informed of the coding system, and the questionnaires were given to them in specially marked packs to avoid confusion over which questionnaire they should give to which cohort. Each questionnaire was loaded into a spreadsheet, which tracked where each questionnaire went and whether it had been completed. The providers’ Team Leaders or Managers took responsibility for inviting their clinicians or counsellors to participate in the research, and for sending the questionnaires back to the researcher when they were completed.

The manager of the Christchurch Police Child Abuse Unit disseminated the questionnaires to Police Officers in the Police Child Abuse Unit and the Papanui Police station, both located in Christchurch. The manager of the Police Child Abuse Unit confirmed that only New Zealand Police Officers completed the questionnaire, and that all of the Police Officers in the Police Child Abuse Unit had completed and returned the questionnaire.

**Focus Group**

A guided question format was used when interviewing focus group participants (see section titled ‘Selection and Recruitment’ for details of the focus group participants). The interview was recorded and later transcribed in accordance with ethical approval requirements. Once the transcript had been typed, each participant was given a copy and the option of contacting the researcher if they wanted to make any
amendments to the statements they had made during the focus group interview. When the transcript was confirmed as accurate, the data was thematically recoded and translated to frequency distributions.

It is noteworthy to mention the researcher’s epistemological position as it relates to qualitative research. As noted in the preface, the researcher does not have a strong positioning for or against the implementation of a sexual offender register. The researcher supports the need for some form of legislation or protocol to manage people who have a propensity to sexually re-offend. However, this legislation should not be broadly applied to all people who have engaged in this behaviour, nor should it necessarily revolve around the need for a sex offender register. The researcher views that people who have sexually offended can change and live abuse-free lives and that treatment is effective in reducing people sexually re-offending. Therefore, the researcher acknowledges that his epistemological positioning favours sex offender treatment and rehabilitation though is receptive to investigating the efficacy of sex offender registration legislation and whether such a law has a place in New Zealand.

Statistical Analysis

Once the responses to the questionnaire were received, they were entered into Statistical Package for the Social Sciences, SPSS Version 16 (SPSS Inc., 2011) for statistical analysis. Frequency distributions, Cross tabulation with Chi square and Pearson correlations were computed to analyse the data.

The focus group participants’ responses were collated and thematically recoded into frequency distributions.
**Ethical issues**

When conducting research, ethical and cultural issues should be of primary concern to the researcher. Ethical issues that must be critically considered throughout the research process include:

- Does the research method introduce bias?
- Is the research method coercive or threatening?
- Does the research cause harm to people? and
- Does the research protect the confidentiality and privacy of participants (Grinnell & Unrau, 2008)?

Confidentiality of participants’ information was a significant ethical consideration throughout the research processes and one that rightfully attracted intense scrutiny during the ethics approval process. The research design included people who were receiving therapy for psychological trauma as a consequence of experiencing sexual abuse, or were receiving treatment for their sexually abusive behaviour. These circumstances made these participants vulnerable to exploitation or harm. These issues were particularly relevant for the Survivors cohort because, midway through their therapy, they were being asked to comment on how they wanted people who had perpetrated sexual abuse to be managed in the community. Therefore, the research had the potential to create confusion or discomfort for these individuals at a time when they may not have had the emotional resources to consider such issues.

The research design sought to address these ethical challenges by ensuring that the therapist working with these individuals managed the interface between the research and the participant. The supposition was that the therapist would be in a better position to support the participant as they completed the research, and that their confidentiality would be maintained.
The confidentiality of the Offenders cohort was particularly important, given the potential for compromising these individuals’ physical safety if the data was mismanaged and they were identified. Consequently, robust systems were implemented to manage the transfer of information between the researcher and the clients to ensure these individuals were not identified. A strategy for ensuring this was that the questionnaire and focus group did not seek identifiable information from participants, and numbers, not people’s names, were used when conducting the focus group interview.

Another ethical issue relates to how caution must be applied around generalising the research findings and explicating the limitations of such. The research findings should be considered as new insights into the applicability of a sex offender register in New Zealand rather than a representative picture of the wider population who participated in the research. This is relevant in light of the small sample the research secured and the purposive sampling method employed, which does not strongly support representation of populations (Alston & Bowles, 2003). Given that the literature review in Chapter Three revealed that sex offender registers are a “political hot potato”, and generally supported by the public and politicians, a principal concern was making the limitations of the research clear and obvious. This was essential to avoid misuse of the findings in support of political or advocacy group agendas, which may seek policies that could harm the research participants.

Does New Zealand need a sex offender register? This is a similar question to, “Do the people of New Zealand need a sex offender register?” Considering New Zealand is a multi-cultural society, and most importantly that Maori are tangata whenua (indigenous people) of New Zealand, the design of the of questionnaire and focus group interview schedule needed to avoid ethnocentric views and bias. Consequently, consultation with Maori occurred formally and informally as part of gaining ethical approval. Such as ‘The Ngai Tahu Research Consultation Committee’. While the research did not specifically investigate how a sex offender register would affect Maori peoples, or indeed other cultures, the consultation that occurred when developing the research ensured that it was culturally safe and would not harm people who identify as being
Maori. However, it is recommended that further research is undertaken to examine how a sex offender register may impact on Maori or Pacific peoples, given that such a register could limit individuals’ ability to participate in cultural rituals and protocols that are of cultural significance to these peoples.

**Ethical Approval**

This study was granted ethical approval by the Upper South A Regional Ethics Committee on 7 December 2009.

**Sample**

The research applied purposive sampling, which is generally used in exploratory research, although generalising the results is limited (Alston & Bowles, 2003). Rubin and Rubin (1995) as cited in Alston & Bowles (2003), argue that there are three guidelines for selecting participants when designing a purposive sampling strategy. These are the participant’s knowledge about the situation; the culture or experience being studied; and the participant’s willingness to talk and therefore represent various points of view. Participants in the research were chosen on the basis of their particular knowledge or perspective relevant to the research hypotheses and subject matter. This method was consistent with the explorative focus of the research. Moreover, it was anticipated that these participants would be most affected by the enactment of a sex offender register in New Zealand, based on the review of the literature.

The known availability of participants that could be recruited in each of the groups determined the proportion of participants allocated to each cohort. The level of intensity that certain cohorts may experience over other cohorts if a sex offender register were established in New Zealand also influenced the allocation of participants, for example 20 therapists as opposed to 50 sex offenders. The allocation of participants assigned to each cohort was influenced by the researcher having previously worked in
the area of treating men who have engaged in sexually abusive behaviour which included working alongside Police and survivors services. Therefore, the researcher had an understanding of how many participants could be realistically recruited for each cohort. Furthermore, consideration was given to how many participates were required in each cohort so that statistical analysis could be effectively undertaken.

Selection and Recruitment

Questionnaire

Participant selection and recruitment for the research was based essentially on one criterion: stakeholders or participants were directly affected by sexual abuse or offered professional services specific to sexual abuse, and that a sex offender register in New Zealand would likely impact these services or participants’ personal lives in some way. Based on this criterion and the review of international literature, which outlined the specific stakeholders commonly affected by a sex offender register, the following cohorts were included in the research design.

- Twenty Police Officers employed by the New Zealand Police were selected because the respective Police forces govern and operationalise many international sex offender registration legislations, such as the Ireland, Sex Offences Act, 2001 and Canada, Sex Offender Information Registration Act, S.C. 2004. Therefore, it was crucial to ascertain whether the New Zealand Police would support a sex offender register in principle, whether they would advocate for such a register, and if so, what functions and authority would they likely seek. It is noteworthy that the Police response in the research represents 100% of the Christchurch Police Child Abuse Team and a substantial number of Police detectives in another Police branch. Therefore, the findings of the research fully represent the views of the Christchurch Police Child Abuse Unit, which specialises in the criminal investigation of child
abuse cases and arguably strongly represents the views of other Police Units in New Zealand who also specialise in investigating child abuse.

- Twenty Therapists who provide therapy to people who have perpetrated sexual abuse were recruited from all three of New Zealand’s community-based sex offender treatment programmes. These programmes were STOP Adult Programme, Christchurch; Safe Adult Programme, Auckland; and Wellstop in Wellington. These participants were recruited due to their specialist treatment knowledge and understanding of the etiology of sexually abusive behaviour. They also provide therapeutic services to offenders and their families, and therefore have an intricate understanding of how sexual abuse affects these individuals. It was also anticipated that these therapists would provide valuable specialist insight into whether they would support a sex offender register, and whether they believe such a register would be effective in reducing sexual offending.

- Twenty Therapists who provide therapy to survivors or victims of sexual abuse were included in the research sampling frame because they are responsible for facilitating the survivors’ or victims’ recovery and healing process. Consequently, it was imperative that their perspective was included. It was anticipated that these therapists had insight into the psychological impact sexual abuse has on individuals and how these survivors may want their abusers to be managed in the community. Their involvement also meant that their responses could be compared with the Offender Therapists to ascertain similarities and points of difference. This comparison may reveal interesting ideologies surrounding the treatment of sex offenders in the community, which may warrant further research.

- Fifty people, who had perpetrated sexual abuse and were receiving therapy for this behaviour, were recruited nationally from STOP Programme, Christchurch, Safe Programme, Auckland, and Wellstop in Wellington. These participants were included in the research design because they would be primarily affected by a sex offender register. They were also required to verify several of the research hypotheses. Thus, the Offenders cohort findings in the research are drawn from a
national sample, which allows for greater generalisability. Unfortunately, recruitment of the Offenders’ support people could not be secured.

- Fifty Survivors of sexual abuse, who were receiving sexual abuse therapy, were recruited from Start, Christchurch, Male Survivors Trust, Christchurch, and Monarch Centre, Christchurch. These participants were selected because their involvement was required to verify several of the research hypotheses. Moreover, the research focus was to establish the practical implications of how a sex offender register would impact certain clusters of the community. Given that a significant amount of sex offences occur interfamilial (Levenson & D’Amora, 2007), survivors of sexual abuse may indeed have family members who have sexually abused them. Therefore, this relationship makes survivors of sexual abuse an affected party that warrants investigation. Their involvement also related to their having input into how they would like people who have perpetrated sexual abuse to be managed in the community. Attempts were made to recruit survivors of sexual abuse and their support people from other regions within New Zealand, however recruitment of these individuals could not be secured.

- Fifty Support people supporting a person who had perpetrated sexual abuse through their therapy were included in the sampling frame because a New Zealand sex offender register could also affect these participants. Family members who provide support could share the same surname of the registered sex offender, for example, which would implicate them in the registration process. Furthermore, a register may provide the public with knowledge of an offender’s whereabouts. This could inadvertently identify support people as associates of a registered sex offender, which could impact on these people’s willingness to be part of the registered sex offender’s support network. Therefore, it was imperative to include this cohort in the research design. All three sex offender treatment providers agreed to support recruitment of this cohort. Unfortunately, no participants could be secured. Lastly, the term “support person” was included instead of family member because the person who has perpetrated sexual abuse might have perceived the support person as family, but might not have been related biologically. Thus, this would have
unnecessarily precluded these people, thereby limiting the data that could have been provided.

- Fifty support people supporting survivors of sexual abuse were recruited from Start, Christchurch, Male Survivors Trust, Christchurch, and Monarch Centre, Christchurch. These participants were recruited because the literature revealed that families and support people of survivors of sexual abuse are rarely included in research designs despite evidence that these people experience persecution and threats as consequences of their involvement and relationship with a registered sex offender (Levenson & Tewksbury 2009). Again, the term “support person” was included instead of “family member” because the survivor of sexual abuse might have perceived the support person as family, but might not have been related biologically.

The New Zealand Department of Corrections was invited to participate in the research with a view to twenty Probation Officers completing the questionnaire. However, they declined, citing that they believed they had sufficiently investigated the feasibility of a sex offender register and had reached a compromise by implementing policies on notification and information sharing. Moreover, they did not support their probation officers’ participation in the research because their responses would be biased, given the current policies (F. Lynagh, personal communication, July 20 2009). Interestingly, this highlights the controversy that surrounds sex offender registers.

**Focus Groups**

The focus group participants were recruited from the STOP Adult Programme in Christchurch, New Zealand. Seven participants receiving treatment for their sexually abusive behaviour were recruited.
Inclusion and Exclusion Criteria

Questionnaire

Inclusion Criteria

People who have perpetrated sexual abuse:

1. Must be male
2. Aged 18 years or more
3. Must be receiving sex offence specific treatment from a community-based sex offender treatment programme.

Support people for Offenders:

1. Male or female
2. Aged 18 years or more
3. Must be engaged with a sexual abuse therapist from a community-based sex offender treatment provider.

Support people for Survivors:

1. Male or female
2. Aged 18 years or more
3. Must be engaged with a sexual abuse counselling or advocacy service.

Survivors:

1. Male or female
2. Aged 16 years or more
3. Must have been exposed to, or experienced some form of sexual abuse and receiving sexual abuse counselling.
Therapists who provide therapy to the Survivor:

1. Male or female
2. Must actively provide professional therapeutic services to people who are survivors of sexual abuse.

Therapists who provide treatment to the Offenders:

1. Male or female
2. Be employed as a clinician or therapist for a community-based sex offender treatment programme within New Zealand.

Police:

1. Male or female
2. Must be employed as a sworn New Zealand Police Officer.

**Exclusion Criteria:**

1. Participants must not have an intellectual disability and be able to give informed consent
2. No one under 16 years old.

**Focus Group**

1. Must be male
2. Aged 18 years or more
3. Must be receiving sex offence specific treatment from a community-based sex offender treatment programme.
Choosing the most effective methodology to answer the research questions and hypotheses posed some methodological challenges from the outset, given the research subject and that a sex offender register does not exist in New Zealand. Therefore, most participants were unlikely to have had an understanding of what a sex offender register entails, let alone how such a register might affect them. While the research did not reap the desired sample size of 260 participants, it successfully recruited 71 questionnaire participants and a further seven focus group participants.

Mixed methods methodology was chosen because it complemented the research’s explorative focus, and offered the agility and flexibility needed to rigorously investigate all seven of the research hypotheses. These could not be answered sufficiently by using one particular research paradigm. The research used purposive sampling when recruiting and selecting participants. This sampling method was chosen due to the recruitment focus on the participant’s knowledge of sexual abuse, their experience of this social problem, and the representativeness of the range of points of view offered by the many cohorts.
INTRODUCTION

This chapter presents the findings from the research questionnaire and focus group. While not all responses from the questionnaire and focus group relate directly to the research hypotheses, the findings provide a detailed understanding of the participants’ ideology on sex offender registers and their possible application in New Zealand. As such, the findings provide a clearer understanding of whether these stakeholders support a sex offender register in New Zealand and, if so, under what circumstances.

The findings of each question contained in the questionnaire are examined first in chronological order, as outlined in the questionnaire. Some findings will be more rigorously examined than others due to the comprehensive nature of the questionnaire and the particular relevance of certain questions to certain cohorts.

The focus group findings are presented after the questionnaire results. These findings have been recoded thematically into core themes to record the participants’ responses succinctly. The full transcript of the focus group is an appendix to the research.

RESPONSE RATE

Seventy-one participants out of a possible 260 completed the questionnaire. Seven people who were receiving treatment for their sexually abusive behaviour within a
community-based treatment programme participated in a focus group. Table 6.1 describes the composition of the total sample.

Table 6.1: Frequency distribution of the composition of participants (N=71)

<table>
<thead>
<tr>
<th>Participants</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>21</td>
<td>29.6</td>
</tr>
<tr>
<td>Offenders</td>
<td>19</td>
<td>26.8</td>
</tr>
<tr>
<td>Survivors</td>
<td>12</td>
<td>16.9</td>
</tr>
<tr>
<td>Therapist Offender</td>
<td>9</td>
<td>12.7</td>
</tr>
<tr>
<td>Therapist Survivor</td>
<td>9</td>
<td>12.7</td>
</tr>
<tr>
<td>Survivor Support People</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>71</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**Demographics**

The sample frame for the questionnaire consisted of 260 participants, consisting of:

- 20 Police Officers employed by the New Zealand Police
- 20 Therapists who provided therapy to people who had perpetrated sexual abuse and their families
- 20 Therapists who provided therapy to survivors/victims of sexual abuse and their families
- 50 people who had perpetrated sexual abuse and were receiving therapy for this behaviour
- 50 survivors/victims of sexual abuse who were receiving therapy in response to having experienced sexual abuse
- 50 Support People supporting a person in therapy for sexually abusive behaviour who had perpetrated sexual abuse
• 50 Support People supporting a person who had experienced being a victim of sexual abuse, and through their therapy.

Employment, Primary Occupation, Ethnicity and Religion

Almost 58% of the 19 people who had perpetrated sexual abuse (Offenders) were employed, 31.6% were unemployed, and 19.5% did not specify their employment status, while 50% of the 12 Survivors were employed, 33% were unemployed, and 16.7% did not specify their employment status.

Offenders identified themselves as manual workers (21.1%), professionals (15.8%) and as working in the information technology industry (15.8%).

Table 6.2 illustrates the ethnic composition of the participants who completed the questionnaire. It is noteworthy that 73.2% of participants identified themselves as Pākeha or New Zealand Europeans (n=69).

Table 6.2: Frequency distribution of participants’ ethnicity (N=69)

<table>
<thead>
<tr>
<th>Participants</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>NZ European / NZ Pakeha</td>
<td>52</td>
<td>73.2</td>
</tr>
<tr>
<td>NZ Maori</td>
<td>6</td>
<td>8.5</td>
</tr>
<tr>
<td>Samoan</td>
<td>1</td>
<td>1.4</td>
</tr>
<tr>
<td>European</td>
<td>3</td>
<td>4.2</td>
</tr>
<tr>
<td>Other</td>
<td>7</td>
<td>9.9</td>
</tr>
<tr>
<td>Not Specified</td>
<td>2</td>
<td>2.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>71</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

A total of 16.9% of the 71 participants did not respond to this question. When examining religious beliefs, almost 34% reported having no religious beliefs and almost
24% identified as either being Christian or belonging to a Christian denomination, such as Anglican or Catholic.

**Questionnaire**

**Question One**

*“Would you support New Zealand establishing a sex offender register whereby people who have been convicted of a sexual crime of any kind are required to register their name, address and employment location, and be subject to restrictions on their freedom in the community?”*

This question is critical because it relates specifically to two of the seven research hypotheses regarding the level of support participants have for the enactment of a sex offender register in New Zealand. The first hypothesis is that Survivors of sexual abuse, and their Support People, would support the inception of some kind of sex offender register and community notification legislation in New Zealand to manage sex offenders in the community. The second hypothesis is that people who have sexually offended would oppose the inception of a sex offender register and community notification legislation.

Table 6.3 presents the participants’ responses regarding whether they supported a sex offender register in New Zealand. More than half the participants surveyed (64%) stated that they would support the inception of a New Zealand sex offender register that also offered restrictions on the freedom of individuals who would be subject to such a register. Therefore, these findings reveal that there is strong support across the participants for a New Zealand sex offender register, with some restrictions. Most importantly, however, 83.3% of the Survivors and 100% of Survivors’ Support People cohorts supported the inception of a New Zealand sex offender register. Thus, the
findings of this research support the hypothesis that Survivors and their Support People would support the inception of a New Zealand sex offender register.

The Offenders cohort adamantly opposed the establishment of a sex offender register in New Zealand (84.2%). Thus, this finding supports the hypothesis that Offenders would oppose the establishment of a sex offender register.

Given the strong support for a sex offender register by certain cohorts and not by others, the data was analysed further using Pearson Correlation. A highly significant association \( r = 0.498; \ p < 0.01 \) was found between ‘participants’ and ‘support for the establishment of a sex offender register’.

Computation of a cross tabulation with a Chi square test also yielded a highly significant association between these two variables \( \chi^2 = 39.582 \ (df = 10) \ p < 0.001 \). However, the way the data was collected did not allow for any associations between specific stakeholder groups (e.g. Police) and ‘support for the establishment of a sex offender register’ to be determined.
Table 6.3: Frequency distributions of support for a New Zealand Sex Offender Register
(N= 69)

<table>
<thead>
<tr>
<th>Participants</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Not Specified</td>
<td>1</td>
</tr>
<tr>
<td>Offenders’ Therapists</td>
<td>No</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Not Specified</td>
<td>1</td>
</tr>
<tr>
<td>Survivors’ Therapists</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>7</td>
</tr>
<tr>
<td>Survivors</td>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>10</td>
</tr>
<tr>
<td>Offenders</td>
<td>No</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>3</td>
</tr>
<tr>
<td>Survivors’ Support People</td>
<td>Yes</td>
<td>1</td>
</tr>
</tbody>
</table>

Despite not being able to ascertain statistical associations between certain participants and their support for a sex offender register, Table 6.3 does clearly indicate that certain cohorts favoured a sex offender register over others.

**Question Two**

“Do you believe that a New Zealand-based sex offender register would reduce sex crimes from occurring in New Zealand?”

Only 52.1% of the 71 participants believed that a sex offender register would reduce sexual crimes in New Zealand. However, a more accurate and varied picture is depicted when examining responses from individual samples, for example, only 15.8% of the 19 Offenders who participated in the study stated that a sex offender register would reduce sexual crimes and only 44.4% of Offenders’ Therapists believed a sex offender register would reduce sexual crimes in New Zealand. In contrast, 76.2% of
Police, 77.8% of Survivors’ Therapists, and 50% of Survivors believed that a sex offender register would reduce the occurrence of sexual crimes in New Zealand. The significance of this finding will be discussed in the next chapter.

**Question Three**

“Do you believe that a sex offender register would improve New Zealand social services’ and law enforcement agencies’ ability to manage people who have sexually offended and live in the community.”

This is another critical question related directly to another hypothesis of this research: that “Sixty percent of general participants believe that a sex offender register in New Zealand would improve New Zealand society’s ability to protect themselves from people who sexually offend”. The finding that 74.6% of the 71 participants overwhelmingly stated that a sex offender register would improve the ability of social services and law enforcement agencies to manage people who have perpetrated sexual abuse, and who reside in the community, supports this hypothesis.

One hundred percent of the Police cohort and 91.7% of Survivors’ Therapists stated that a sex offender register would improve the ability of law enforcement agencies and social services to manage people who had perpetrated sexual abuse. Interestingly, 63.2% of Offenders, but only 44.4% of Offenders’ Therapists, believed that a sex offender register would improve the management of offenders in the community.
**Question Four**

“A sex offender register in New Zealand would improve the general public’s ability to protect them from experiencing a sexual crime.”

This question is also related to Question Two and another of the research hypothesis, which is that “Sixty percent of the study’s participants believe that a sex offender register in New Zealand would improve New Zealand society’s ability to protect themselves from people who have sexually offended.”

As seen in Table 6.4, 32% of participants believed that a sex offender register would improve the public’s ability to protect themselves. A further 42% of the total participants responded with “Maybe,” which may mean that they suspect a register may improve public safety depending on certain variables. What these variables are remains unknown. Thus, the findings of this research do not support the hypothesis that 60% of participants believe that a sex offender register would improve New Zealand society’s ability to protect themselves from people who have sexually offended.
Table 6.4 shows the responses from the total participant sample regarding whether a sex offender register would improve the public’s ability to protect themselves from experiencing a sexual crime.

Table 6.4: Frequency distributions for Participant’s beliefs on whether a sex offender register would improve public protection (N=71)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Frequency</th>
<th>%</th>
<th>Cumulative %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>3</td>
<td>15.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Agree</td>
<td>12</td>
<td>60.0</td>
<td>75.0</td>
</tr>
<tr>
<td>Maybe</td>
<td>5</td>
<td>25.0</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>21</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Offenders</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>1</td>
<td>5.3</td>
<td>5.3</td>
</tr>
<tr>
<td>Maybe</td>
<td>5</td>
<td>26.3</td>
<td>31.6</td>
</tr>
<tr>
<td>Disagree</td>
<td>7</td>
<td>36.8</td>
<td>64.4</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>6</td>
<td>31.6</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Survivors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>3</td>
<td>25.0</td>
<td>25.0</td>
</tr>
<tr>
<td>Maybe</td>
<td>7</td>
<td>58.3</td>
<td>83.3</td>
</tr>
<tr>
<td>Disagree</td>
<td>1</td>
<td>8.3</td>
<td>91.7</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>1</td>
<td>8.3</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Offenders’ Therapists</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maybe</td>
<td>8</td>
<td>88.9</td>
<td>88.9</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>1</td>
<td>11.1</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Survivors’ Therapists</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>4</td>
<td>44.4</td>
<td>44.4</td>
</tr>
<tr>
<td>Maybe</td>
<td>4</td>
<td>44.4</td>
<td>88.9</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>1</td>
<td>11.1</td>
<td>100.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Survivors’ Support People</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maybe</td>
<td>1</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The responses from this question are scattered. However, the Offenders’ Therapists and Offenders are not convinced that a sex offender register would improve the public’s ability to protect themselves. The possible reasons for the Offenders’
opposition can be understood better from the focus group responses, which are offered later in this chapter.

*Question Five*

Unlike the previous questions, Question Five does not specifically relate to the study’s hypotheses. However, it provides insight into the degree of support participants have toward certain restrictions and functions that a sex offender register can offer. Essentially, this question shifts the study focus from the general questions regarding sex offender registers to the specific details of a register. The implications of these questions are discussed further in the next chapter.

a. “People who have been convicted of a sexual crime must notify law enforcement officials who they are living with.”

In the Police sample, 71.4% strongly agreed with convicted sex offenders informing them of who is residing with them. In contrast, 36.8% of the Offenders cohort disagreed and a further 15.8% strongly disagreed. Clearly, there is a distinct difference between the Police and Offenders sample in relation to needing to inform law enforcement of who is living with them. The Police appear adamant in their support for this restriction. Perhaps their support relates to findings by Greenfeld (1997) that 75% of sexual abuse survivors knew the person who sexually abused them. Therefore, the Police may believe they need to know who an offender is residing with so they can take necessary steps to prevent further victimisation of others.

b. “Law enforcement officials can direct where a registered sex offender lives.”

Thirty-eight percent of the Police cohort strongly supported this authority and nearly 43% agreed. Only 8.3% of the twelve Survivors in the sample disagreed, and 50% strongly agreed that law enforcement officials should have power to direct where a
registered sex offender lives under sex offender register legislation. Only 11.1% of the eight Offenders’ Therapists who responded to this question strongly agreed and 22.2% agreed. Essentially, only a third of the Offenders’ Therapists supported law enforcement officials having statutory powers to direct where a registered sex offender could reside. These findings suggest that the Offenders’ Therapists would oppose this method of managing a registered sex offender in the community.

c. “Law enforcement officials can restrict the registered sex offender’s contact with certain people.”

This question poses thought insofar as it is arguably one of the most intrusive restrictions that could be imposed on a registered sex offender, second only to restricting where a person can reside. This question investigates participants’ level of support for imposing restrictions on a registered sex offender’s freedom to associate with people. In the Police cohort, 47.6% strongly supported this authority and 52.4% agreed, meaning that combined, all the Police participants favoured jurisdiction to restrict an offender’s contact with certain people. Curiously, 31.6% of the Offenders cohort responded with “maybe”, and 42.1% agreed that law enforcement should have authority to restrict a registered sex offender’s contact with certain individuals. The question was ambiguous and did not describe who qualified as “certain people”. Therefore, it remains unknown as to what the Offender sample perceived “certain people” to be. Perhaps they meant the people they had sexually abused, or their families, or maybe children in general. It would be presumptuous, however, to speculate from these findings that sex offenders believe that they should not have unrestricted access to everyone.

Among the Survivors surveyed, 91.7% said they strongly agreed that law enforcement officials could restrict registered sex offenders’ contact with certain people, while 77.8% of the Survivors’ Therapists responded with “strongly agree”. Conversely, only 11.1% of the Offenders’ Therapists strongly agreed with this restriction and 44.4% agreed. Thus, the therapists in this sample would generally
support law enforcement having authority to restrict registered sex offenders’ contact with certain people.

d. “Law enforcement officials can restrict where a registered sex offender can visit in the community.”

This question assessed the level of support for a somewhat invasive method of community management of individuals who had perpetrated sexual abuse. It investigated whether participants would support restricting registered sex offender whereabouts in the community. The results are shown in Table 6.5.
Table 6.5: Frequency distributions regarding views on whether law enforcement officials should have authority to restrict community visitation areas (N=71).

<table>
<thead>
<tr>
<th>Participant</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>10</td>
<td>47.6</td>
</tr>
<tr>
<td>Agree</td>
<td>9</td>
<td>42.9</td>
</tr>
<tr>
<td>Maybe</td>
<td>2</td>
<td>9.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>21</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td>Offenders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>2</td>
<td>10.5</td>
</tr>
<tr>
<td>Maybe</td>
<td>6</td>
<td>31.6</td>
</tr>
<tr>
<td>Disagree</td>
<td>5</td>
<td>26.3</td>
</tr>
<tr>
<td>Strongly Disagree</td>
<td>6</td>
<td>31.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td>Survivors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>9</td>
<td>75.0</td>
</tr>
<tr>
<td>Agree</td>
<td>1</td>
<td>8.3</td>
</tr>
<tr>
<td>Maybe</td>
<td>1</td>
<td>8.3</td>
</tr>
<tr>
<td>Disagree</td>
<td>1</td>
<td>8.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td>Offenders Therapists</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>1</td>
<td>11.1</td>
</tr>
<tr>
<td>Agree</td>
<td>2</td>
<td>22.2</td>
</tr>
<tr>
<td>Maybe</td>
<td>3</td>
<td>33.3</td>
</tr>
<tr>
<td>Disagree</td>
<td>2</td>
<td>22.2</td>
</tr>
<tr>
<td>Not Specified</td>
<td>1</td>
<td>11.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td>Survivors’ Therapists</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strongly Agree</td>
<td>6</td>
<td>66.7</td>
</tr>
<tr>
<td>Agree</td>
<td>3</td>
<td>33.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td>Survivors’ Support People</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agree</td>
<td>1</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The participants’ responses suggest that Survivors, Police, Survivors’ Therapists and Survivors’ Support People would support law enforcement officials restricting the whereabouts of registered sex offenders in the community. Moreover, therapists of people who have perpetrated sexual abuse would also be amenable to such methods, although they were less convinced of the efficacy of such restrictions. The majority of
Offenders would be opposed to such a restriction on their freedom. Conversely, close to a third of the Offenders responded with “Maybe”, meaning they may be receptive to such measures.

e. “Any restrictions that a law enforcement agency deems necessary.”

This question is essentially about gauging the level of support for law enforcement officials to have unregulated and unrestricted statutory authority to discretionarily direct or implement whatever restrictions they deem appropriate on the freedom of registered sex offenders. This is the ultimate restriction because it has no bounds or limitations on how it can be applied.

The Police cohort was very supportive of having this unregulated authority, with 19% strongly agreeing and 47.6% agreeing with the restriction. In the Offenders sample, 47.4% strongly opposed this restriction and a further 15.8% disagreed. Interestingly, 10.5% of Offenders strongly agreed or supported law enforcement having this level of authority to manage registered sex offenders in the community. Thus, this finding suggests that the Police are likely to be receptive to having discretionary powers under a New Zealand sex offender register.

f. “People who have been convicted of a sexual crime must live in restricted areas in the community.”

This question relates to segregating registered sex offenders to certain areas of the community. The implications of such restrictions, and the current existence of such restrictions in the USA, were highlighted in Chapter Three. Table 6.6 outlines support for registered sex offenders residing in restricted areas in the community.
Table 6.6: Frequency distributions regarding support for registered sex offenders residing in restricted areas in the community (N=71)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Police</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Strongly Disagree</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>21</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td><strong>Offenders</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Strongly Disagree</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td><strong>Survivors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Strongly Disagree</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td><strong>Offenders’ Therapists</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Strongly Disagree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Not Specified</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td><strong>Survivors’ Therapists</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Strongly Disagree</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
</tr>
<tr>
<td><strong>Survivors’ Support People</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>1</td>
</tr>
</tbody>
</table>

Responses from participants suggest that restricted residential zones for registered sex offenders in New Zealand would generally be supported by both the Police and...
Survivors, although their allegiance to supporting this restriction is not strong (in the Police responses, only 23.8% Strongly Agreed). Understandably, the Offenders sample opposed this restriction, as did the Offenders’ Therapists to a lesser degree.

g. “People who have been convicted of a sexual crime must complete a sex offender counselling programme.”

Overall, most participants strongly supported sex offender counselling as a condition of a New Zealand sex offender register. Eighty-one percent of the Police, 73.7% of Offenders, 75% of Survivors, 100% of Survivors’ Support People, and 77.8% of Survivors’ Therapists stated they strongly agreed with counselling being a requirement of a sex offender register. However, Offenders’ Therapists were not so enthusiastic about this restriction, with only 44.4% strongly agreeing and 33.3% agreeing. These findings suggest that there would be strong support for a registered sex offender to be compelled to undertake sex offence-specific treatment as a condition of registration.

**Question Six**

“What information do you believe should be registered on any proposed New Zealand sex offender register?”

Question Six serves to elicit participants’ responses on what information they believed should be registered on a sex offender register. Responses will provide an indication of what information participants believe registered sex offenders should disclose to law enforcement officials.
Table 6.7 details responses provided by the Police cohort and, as mentioned in this chapter’s introduction, all responses are frequency distributions and data is shown as percentages. These responses will be compared and discussed in the next chapter.

Table 6.7: Frequency distributions regarding Police responses to proposed information recorded on a New Zealand sex offender register (N=21)

<table>
<thead>
<tr>
<th>Disclosed Information</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
<th>Not Specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>81</td>
<td>19</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Address</td>
<td>76.2</td>
<td>19</td>
<td>4.8</td>
<td>-</td>
<td>-</td>
<td>4.8</td>
</tr>
<tr>
<td>Photo</td>
<td>76.2</td>
<td>19</td>
<td>4.8</td>
<td>-</td>
<td>-</td>
<td>4.8</td>
</tr>
<tr>
<td>Sex offence</td>
<td>76.2</td>
<td>23.8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Employment location</td>
<td>42.9</td>
<td>28.6</td>
<td>19</td>
<td>4.8</td>
<td>-</td>
<td>19</td>
</tr>
<tr>
<td>Associates/ friends names</td>
<td>9.5</td>
<td>23.8</td>
<td>28.6</td>
<td>33.3</td>
<td>4.8</td>
<td>-</td>
</tr>
<tr>
<td>Family names</td>
<td>28.6</td>
<td>23.8</td>
<td>23.8</td>
<td>23.8</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Car registration</td>
<td>57.1</td>
<td>28.6</td>
<td>9.5</td>
<td>4.8</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Drivers licence</td>
<td>57.1</td>
<td>23.8</td>
<td>9.5</td>
<td>9.5</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

The Police sample suggests that they would strongly support the requirement for most information contained in Table 6.7 to be submitted by a registered sex offender for the purpose of recording it in a sex offender register. However, these responses also suggest that Police would not support the inclusion of the names of associates and friends of registered sex offenders. Moreover, while over half the Police would support the inclusion of family names on a proposed New Zealand sex offender register, their response would suggest that they would not strongly seek or advocate for this information.
Table 6.8 shows the responses from the Offenders.

Table 6.8: Offenders’ responses to proposed information recorded on a New Zealand sex offender register (N=19)

<table>
<thead>
<tr>
<th>Disclosed Information</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>15.8</td>
<td>42.1</td>
<td>5.3</td>
<td>5.3</td>
<td>31.6</td>
</tr>
<tr>
<td>Address</td>
<td>5.3</td>
<td>15.8</td>
<td>5.3</td>
<td>21.1</td>
<td>52.6</td>
</tr>
<tr>
<td>Photo</td>
<td>5.3</td>
<td>15.8</td>
<td>5.3</td>
<td>10.5</td>
<td>63.2</td>
</tr>
<tr>
<td>Sex offence</td>
<td>15.8</td>
<td>31.6</td>
<td>31.6</td>
<td>-</td>
<td>21.1</td>
</tr>
<tr>
<td>Employment location</td>
<td>5.3</td>
<td>5.3</td>
<td>15.8</td>
<td>21.1</td>
<td>52.6</td>
</tr>
<tr>
<td>Associates/ friends names</td>
<td>5.3</td>
<td>-</td>
<td>15.8</td>
<td>5.3</td>
<td>73.7</td>
</tr>
<tr>
<td>Family names</td>
<td>5.3</td>
<td>-</td>
<td>10.5</td>
<td>15.8</td>
<td>68.4</td>
</tr>
<tr>
<td>Car registration</td>
<td>5.3</td>
<td>10.5</td>
<td>10.5</td>
<td>21.1</td>
<td>52.6</td>
</tr>
<tr>
<td>Drivers licence</td>
<td>10.5</td>
<td>21.1</td>
<td>5.3</td>
<td>15.8</td>
<td>47.4</td>
</tr>
</tbody>
</table>

While not surprising, most Offenders’ responses suggest they would strongly oppose any personal information being included in a New Zealand sex offender register, however, the same sample of people reported that the names and offences should be registerable information should New Zealand legislators enact a sex offender register. These findings further support the research hypothesis that people who have engaged in sexually abusive behaviour will oppose a sex offender register.

In Tables 6.9 and 6.10, the variables have been recoded so that the Strongly Agree and Agree responses, and the Disagree and Strongly Disagree responses have been combined. It was anticipated that the recoding would provide a more accurate illustration of the various stakeholders’ responses. Furthermore, the recoding provides a more comprehensible answer about whether the majority of participants sampled (over 50%) in each category would support certain information being a requirement of a sex
offender register. Unfortunately, the recoding came at the cost of diluting the intensity of participants’ responses.

Table 6.9 shows responses from Offenders’ Therapists and Table 6.10 shows responses from Survivors.

**Table 6.9: Frequency distributions regarding Offenders’ Therapists’ responses to proposed information recorded on a New Zealand sex offender register (N=19)**

<table>
<thead>
<tr>
<th></th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>55.5</td>
<td>11.1</td>
<td>33.3</td>
<td>Yes</td>
</tr>
<tr>
<td>Address</td>
<td>44.4</td>
<td></td>
<td>55.5</td>
<td>No</td>
</tr>
<tr>
<td>Photo</td>
<td>44.4</td>
<td>11.1</td>
<td>44.4</td>
<td>Inconclusive</td>
</tr>
<tr>
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<td>66.6</td>
<td>11.1</td>
<td>22.2</td>
<td>Yes</td>
</tr>
<tr>
<td>Employment location</td>
<td>22.2</td>
<td>11.1</td>
<td>66.6</td>
<td>No</td>
</tr>
<tr>
<td>Associates/ friends names</td>
<td>11.1</td>
<td>11.1</td>
<td>77.7</td>
<td>No</td>
</tr>
<tr>
<td>Family names</td>
<td>33.3</td>
<td>11.1</td>
<td>55.5</td>
<td>No</td>
</tr>
<tr>
<td>Car registration</td>
<td>33.3</td>
<td>11.1</td>
<td>55.5</td>
<td>No</td>
</tr>
<tr>
<td>Drivers licence</td>
<td>44.4</td>
<td>22.2</td>
<td>33.3</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The Offenders’ Therapists’ responses are mixed and suggest they would support sex offenders’ names and sex offences being recorded on a register. However, they would strongly oppose the requirement to register a registered sex offender’s address, employment location, car registration, and family names. Interestingly, Offenders’ Therapists’ indicated support for a photo of a registered sex offender to be taken for the purpose of sex offender register. One could argue that a photo provides an accurate depiction of an offender.
Table 6.10: Frequency distributions regarding Survivors’ responses to proposed information recorded on a New Zealand sex offender register (N=12)

<table>
<thead>
<tr>
<th>Disclosed Information</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Support</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>83.3</td>
<td>16.7</td>
<td>-</td>
<td>Yes</td>
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<tr>
<td>Address</td>
<td>75</td>
<td>16.7</td>
<td></td>
<td>Yes</td>
</tr>
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<td>Photo</td>
<td>83.3</td>
<td>16.7</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Sex offence</td>
<td>83.3</td>
<td>8.3</td>
<td>8.3</td>
<td>Yes</td>
</tr>
<tr>
<td>Employment location</td>
<td>66.6</td>
<td>16.7</td>
<td>16.6</td>
<td>Yes</td>
</tr>
<tr>
<td>Associates/ friends names</td>
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<td>50</td>
<td>41.7</td>
<td>No</td>
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<tr>
<td>Family names</td>
<td>25</td>
<td>25</td>
<td>50</td>
<td>No</td>
</tr>
<tr>
<td>Car registration</td>
<td>58.3</td>
<td>16.7</td>
<td>25</td>
<td>Yes</td>
</tr>
<tr>
<td>Drivers licence</td>
<td>66.7</td>
<td>8.3</td>
<td>25</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The Survivors cohort conveyed strong support for recording of all personal information regarding a registered sex offender, except for family names, associates, and friends. This response created a dilemma, as previously outlined, due to a significant amount of sexual abuse occurring interfamilially. Thus, the perpetrator and victim are likely to share the same surname, which means the victim’s surname is likely to be registered also.

The Support Person’s response was that they did not support the address, employment location, associates or friends, family names, car registration, and driver licence as requirements of a New Zealand-based sex offender register. However, they supported that details of name, sex offence, and photo be subject to registration laws.
Question Seven

“Do you believe that a person who has perpetrated sexual abuse can change their behaviour and live an abuse free life?”

This question is pivotal to understanding participants’ beliefs regarding whether people who have perpetrated sexual abuse can live an abuse free life. The question is indirectly asking participants to state whether this cohort can change and therefore cease to re-offend. The implications of this question are enormous. It reveals participants’ ideology behind whether they believe sex offenders can change, which inevitably influences their support for a crime strategy that focuses on external locus of control to ensure the community is safe.
Table 6.11 below provides a conclusion column. The answers given in this column are based on the participant group providing more than 50% in support for, or disapproval of Question Seven. The measurement is based on combining Strongly Agree and Agree responses, and combining Strongly Disagree and Disagree responses.

**Table 6.11: Frequency distributions regarding participant’s responses to “Can a person who has perpetrated sexual abuse change their behaviour and live an abuse free life?” (N=71)**

<table>
<thead>
<tr>
<th>Participant</th>
<th>Response</th>
<th>Frequency</th>
<th>%</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>Agree</td>
<td>2</td>
<td>9.5</td>
<td>Possibly</td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>13</td>
<td>61.9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>6</td>
<td>28.6</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>21</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Offenders</td>
<td>Strongly Agree</td>
<td>13</td>
<td>68.4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>5</td>
<td>26.3</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>1</td>
<td>5.3</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Survivors</td>
<td>Maybe</td>
<td>8</td>
<td>66.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>2</td>
<td>16.7</td>
<td>Possibly</td>
</tr>
<tr>
<td></td>
<td>Strongly Disagree</td>
<td>2</td>
<td>16.7</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Offenders’ Therapists</td>
<td>Strongly Agree</td>
<td>1</td>
<td>11.1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>4</td>
<td>44.4</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>3</td>
<td>33.3</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Not Specified</td>
<td>1</td>
<td>11.1</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Survivors’ Therapists</td>
<td>Strongly Agree</td>
<td>2</td>
<td>22.2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>3</td>
<td>33.3</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Maybe</td>
<td>4</td>
<td>44.4</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>100.0</strong></td>
<td></td>
</tr>
<tr>
<td>Survivors’ Support People</td>
<td>Maybe</td>
<td>1</td>
<td>100.0</td>
<td>Possibly</td>
</tr>
</tbody>
</table>
Most participants believed that a person who has perpetrated sexual abuse can change and live an abuse free life. The Police, Survivors and Survivors’ Support People were less convinced that a person who had perpetrated sexual abuse could change. However, their “Possibly” response implies that they believe an offender can change, although this change is contingent on various factors, for example whether they have accepted responsibility for their abusive behaviour. Unfortunately, the questionnaire could not capture what these factors were. Conversely, the Offenders, Offenders’ Therapists and Survivors’ Therapists were more optimistic that sex offenders can abstain from sexually abusive behaviour.

**Question Eight**

“How long should a person who has been convicted of a sexual crime stay registered on any proposed New Zealand-based sex offender register?”

The participants were invited to indicate how long someone who had perpetrated sexual abuse should be registered on a New Zealand-based sex offender register. The options offered were No Time; 0–11 months; 1–2 years; 25 months–5 years; 5 years one month–10 years; Indefinitely; and Depends on the Severity or Frequency.

Curiously, Survivors did not categorically state that someone should remain on a register indefinitely, with 58.3% responding “Indefinitely” and 42.1% choosing “Depends on Severity and Frequency” of the sexual abuse. Only 15.8% of the Offender Sample responded with “No Time” on the register. These results may challenge some assumptions that sex offenders would oppose registration outright, and further, that survivors of sexual abuse would inherently support an indefinite period of time that a registered sex offender should be subjected to registration. The implications of this finding will be discussed in the next chapter.

In the Offenders cohort, 52.4% believed that a registered sex offender should remain on a sex offender register “indefinitely” and nearly 43% reported that registration should “Depend on the Severity and Frequency” of the sexual offending.
The Offenders’ Therapists, however, were more in favour of an individualised approach to registration. More than two thirds of this cohort (66.7%) believed that individuals should be registered depending on the severity and frequency of their sexual abuse. The Survivor’s Support People responded with “Indefinitely”.

In the Police cohort, 52.4% supported indefinite registration and 42.9% believed that registration should be dependent on the severity and frequency of the individual’s sexual abusive behaviour. This is an intriguing finding because the majority of the Police sample wanted permanent registration; however, a significant portion also wanted a case-by-case scenario adopted where a sex offender’s time on a register would be dictated by the severity and frequency of their offending.

Question Nine

“Do you believe that any proposed New Zealand-based sex offender register should include people who may have perpetrated sexual abuse but have not been convicted of that crime?”

This question, in essence, explores inclusion criteria for a sex offender register that is not contingent on criminal conviction. While this may be legally contentious, the feedback from the participants who responded to this question indicates whether a sex offender register should include non-convicted offenders.

Most participants responded with either “Disagree” or “Strongly Disagree” in relation to including individuals who may have perpetrated sexual abuse being subject to sex offender registration. In the Offenders’ Therapists cohort, for example, 44.4% disagreed, while 52.6% of the Offenders cohort strongly disagreed. An important and intriguing finding was that the Survivors cohort did not support individuals who may have perpetrated sexual abuse being subject to sex offender registration (41.7% “Disagree” and 16.7% “Strongly Disagree”).
The Police cohort, however, was more receptive to individuals who had not been convicted of a sex offence being subject to registration, with 23.8% agreeing and nearly 43% responding with “Maybe” to accepting this practice.

**Question Ten**

“Who should be responsible for monitoring and enforcing any proposed New Zealand-based sex offender register?”

The Police cohort responses to this question have been given precedence over other participant samples because they are currently the principal law enforcers within New Zealand and are mandated to maintain public safety (New Zealand Police, 2010b). Therefore, the Police are likely candidates to monitor and enforce a proposed sex offender register. Once again, the variables have been recoded so that “Strongly Agree” and “Agree” have been combined, as have the “Strongly Disagree” and “Disagree” responses.

The Police response suggests they clearly view themselves as a preferred agency, with 71.4% agreeing that the Police should be responsible for monitoring and enforcing a sex offender register. The Police also supported (61.9%) an independent sex offender register agency with statutory powers under a sex offender registration Act.

**Question Eleven**

“Which of the following examples should be used to exclude someone who has sexually offended from being mandated to register on a New Zealand-based sex offender register?”

Each participant was asked whether they supported 13 suggested exclusion criteria. On the whole, participants reported few exclusion criteria for registration.
However, most participants agreed on a number of exceptions to sex offender registration. For example, 79.2% of Police, 89.5% of Offenders, and nearly 90% of Offenders’ Therapists believed that people under 12 years old should be excluded from sex offender register legalisation. In contrast, when the questions were asked about whether someone who was under the age of 14, or under 18 years old should be excluded, the Police sample’s response was less accommodating. The majority of the Police cohort (66%) believed that people under 14 years old should be exempt from being subject to sex offender register laws. If these results were generalised, the findings would suggest that the Police would not support someone under 12, and to a lesser degree under 14 years old, being eligible for a sex offender register. However, the Police would be unsupportive of allowing the exemption to registration to extend to a person over the age of 14 years.

**Question Twelve**

“How should the public be notified of a registered sex offender?”

Question Twelve primarily sought to determine whether the Offenders would support or oppose community notification. The outcome of the Offenders’ responses was critical in determining the key hypothesis that “people who have sexually offended would oppose the inception of sex offender registration and community notification legislation”. In the Offenders cohort, 84.2% had previously stated they opposed the inception of a New Zealand sex offender register in principle, as outlined in Question One. However, this question addressed the second aspect of this hypothesis relating to their support of community notification. Question Twelve focuses on participants’ support for “how” people should be informed, while Question Thirteen outlines “what” information should be disclosed to the public.

In Tables 6.12 and 6.13, the Police, Offenders’, Survivors’ and Offenders’ Therapists’ individual responses have been recoded by combining the “Strongly Agree” and “Agree”, and “Strongly Disagree” and “Disagree” variables. In these tables, each
cohort’s responses have been given a “Yes” or “No” outcome in terms of whether that particular cohort supported the option given. The percentage in each box indicates the degree of support that each sample gave to either “Yes” or “No”.
The * represents “Maybe”. This provided insight into how many participants had some degree of support for the method of notification, yet remained undecided or were contingent on other variables not known. The “Maybe” responses were applied to answers that did not reach over the 50% threshold for majority support of “Yes” or “No”.

Table 6.12: Frequency distributions regarding options for community notification

<table>
<thead>
<tr>
<th>Option</th>
<th>Police (n=21)</th>
<th>Offender (n=19)</th>
<th>Therapist (n=9)</th>
<th>Survivors (n=12)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law enforcement officials are required to release all information from a sex offender register to the general public</td>
<td>No 61.9</td>
<td>No 100</td>
<td>No 77.7</td>
<td>No 50</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*25</td>
</tr>
<tr>
<td>Law enforcement officials can release any information on the sex offender register only to NZ Government agencies, such as CYFS and the Ministry of Education, for the purposes of protecting children</td>
<td>Yes 47.6</td>
<td>Yes 42.2</td>
<td>No 44.4</td>
<td>Yes 91.6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>*23.8</td>
<td>*31.6</td>
<td>*22.2</td>
<td></td>
</tr>
<tr>
<td>Information from the sex offender register is released to the general public when a member of the public makes a formal request</td>
<td>Yes 42.9</td>
<td>No 84.2</td>
<td>No 44.4</td>
<td>Yes 41.6</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*19</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>*44.4</td>
<td>*33.3</td>
</tr>
<tr>
<td>Law enforcement officials visit the neighbours who reside next to a registered sex offender and inform them of the offenders name, personal details and offending history</td>
<td>Yes 52.3</td>
<td>No 73.7</td>
<td>No 66.6</td>
<td>Yes 50</td>
</tr>
<tr>
<td>Law enforcement officials can use discretion to inform the public</td>
<td>Yes 85.7</td>
<td>No 68.4</td>
<td>No 55.5</td>
<td>Yes 56</td>
</tr>
<tr>
<td>Registered sex offenders are required to inform neighbours themselves</td>
<td>No 61.9</td>
<td>No 73.7</td>
<td>No 88.9</td>
<td>No 66.6</td>
</tr>
<tr>
<td>Only employers of people who work with children or within the health and social services field can obtain information from the sex offender register</td>
<td>Yes 57.1</td>
<td>No 57.9</td>
<td>Yes 44.4</td>
<td>Yes 73.3</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>*22.2</td>
</tr>
</tbody>
</table>
The findings for this question support the hypothesis that the Offenders cohort would not support community notification whereby law enforcement officials are required to release all information from a sex offender register to the general public. However, the Offenders cohort responses indicate there are two exceptions to their opposition to community notification. They are allowing information to be shared between government agencies, such as Child, Youth and Family, and allowing employers (who provide services to children, or who provide health or social services), the right to access information contained in a sex offender register.

Numerous findings have been revealed from other samples regarding what, if any, information should be disclosed from a sex offender register, who should have access to this information, and under what circumstances. For example, 50% of the Survivors cohort did not support the general public having access to all information on a sex offender register, with a further 25% responding with “Maybe”. In the Police cohort, 33.3% strongly opposed, and a further 28.6% disagreed with, having to disseminate all information contained in a sex offender register to the public. Conversely, the Police cohort generally supported employers having access to information contained in a sex offender register. The Offenders’ Therapists were somewhat ambivalent; 33.3% “Agreed”, 22.2% responded with “Maybe”, and 33.3% disagreed.

Another crucial finding from this study was that the Police sample strongly supported law enforcement using their discretion to inform individuals about a registered sex offender (26.6% “Strongly Agree” and 57.1% “Agree”). However, Offenders’ Therapists were opposed to the Police having such authority, with 11.1% strongly opposing this practice and a further 44.4% disagreeing.

What does this tell us? These findings, if generalised, suggest that survivors of sexual abuse and the Police generally do not support the public having free access to a sex offender register should such a register be enacted. The Police also seem to favour discretionary disclosure of an offender’s information rather than mandatory disclosure. The implications of these findings are discussed further in the next chapter.
**Question Thirteen**

“This information about a “registered sex offender” should be made available to the general public.”

Question Thirteen illustrates the critical question of what information should be made available to the general public. It is a question that is commonly debated in the media and is the nucleus of the community notification debate, hence this question was included in this research design.

**Table 6.13: Frequency distributions regarding information to be made public (N=61)**

<table>
<thead>
<tr>
<th></th>
<th>Police</th>
<th>Offenders</th>
<th>Therapists</th>
<th>Survivors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>57.1</td>
<td>55.5</td>
<td>55.5</td>
<td>58.4</td>
</tr>
<tr>
<td>Address</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>42.8</td>
<td>84.2</td>
<td>66.6</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>*14.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work location</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>38.1</td>
<td>74.3</td>
<td>66.6</td>
<td>41.6</td>
</tr>
<tr>
<td></td>
<td>*28.6</td>
<td></td>
<td></td>
<td>*50</td>
</tr>
<tr>
<td>Sex offence</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>57.7</td>
<td>57.9</td>
<td>55.5</td>
<td>58.3</td>
</tr>
<tr>
<td></td>
<td>*14.3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photograph</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>57.1</td>
<td>50</td>
<td>66.6</td>
<td>83.3</td>
</tr>
<tr>
<td></td>
<td>*19%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car registration</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>42.9</td>
<td>33.4</td>
<td>66.6</td>
<td>89.5</td>
</tr>
<tr>
<td></td>
<td>*23.8</td>
<td>*33.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>57.1</td>
<td>55.5</td>
<td>55.5</td>
<td>58.4</td>
</tr>
</tbody>
</table>

The Police sample’s response suggested they would support most information on a sex offender register being publicly accessible, although they were not convinced about disclosing information pertaining to a registered sex offender’s work location and
address. Interestingly, the Police opposed car registration information being made available, but the reasons for this were not specified.

The Offenders were supportive of their photograph being publicly accessible, yet strongly opposed their address and work location being released, and generally opposed all other personal information being legally available. The Offenders’ Therapists strongly opposed any information being available to the general public, which is consistent with their response in Question Twelve.

**Question Fourteen**

“*How should the public be notified of a registered sex offender’s details?*”

Question Fourteen captures important data. The results outline favoured methods of community notification should New Zealand enact a sex offender register and make community notification a requirement of that legislation. The options for community notification have been extrapolated from the existing functions of sex offender registers around the world. Some of these functions were explored in the literature review in Chapter Three and will be discussed further in the next chapter.

Discretionary methods of informing the public regarding the personal details of registered sex offenders, such as informing neighbours and employers, were preferred by the Police cohort (57%). The Police also strongly supported law enforcement officials having the jurisdiction to disclose personal details of a registered sex offender to schools when the schools serviced an area where a registered sex offender was known to reside.

The Police least supported public meetings (52.4%) mail drops (42.9%), and newspapers (47.6%). The Police sample did not strongly oppose the Internet being used
to notify the public of the whereabouts and details of registered sex offenders (38.1%). This method is widely used in the USA to inform the public of registered sex offenders’ details (Duwe & Donnay, 2008). It is noteworthy that while the Police indicated their preferred method of informing people, in Question 12 this sample conveyed that they did not support the public having access to all information on a sex offender register. Therefore, their support of a particular method of disclosure of information in this question must be seen in the context that they generally do not support the public having access to all information. Their preference to use discretionary notification as opposed to more public means illustrates this point.

*Question Fifteen*

“*Who do you think should have access to the information in a sex offender register?”*

The Police responses, from most favoured to least favoured organisations to have access to a New Zealand sex offender register, are as follows:

- Government Departments in other countries, Police, and Child, Youth and Family (95.2%)
- New Zealand Police (90.5%)
- New Zealand Immigration (90.5%)
- Schools (80.9%)
- Department of Corrections (80.9%)
- General public (52.4%)
- Therapists who provide therapy to people who have perpetrated sexual abuse (52.3%)
- Therapists who provide therapy to people who are survivors/victims of sexual abuse (38%).
Questions Sixteen to Twenty

Questions Sixteen to Twenty were answered only by the Survivors and Offenders cohorts in acknowledgement of the fact that they are likely to be directly and strongly affected by a sex offender register.

In summary, people who had perpetrated sexual abuse reported the following anticipated consequences or impacts on their lives if they were required to register their name, address, sex offence, and employment location on a sex offender register, and that the general public had access to this information.

Offenders

Employment

The Offenders reported that their eligibility for promotion would be adversely affected (68.4%), they would experience verbal abuse from their colleagues (68.4%), they would not secure employment (63.2%), their work would not be made easier (84.2%), their ability to earn an income would be adversely affected (63.2%), and they would experience financial hardship (52.6%).

Emotionally

The Offenders reported that they would feel shame (94.7%), worry about their safety (78.9%), would not feel relieved (94.7%), and would feel under threat (78.9%).

Family

The Offenders cohort reported that they felt that their family would experience embarrassment and shame (89.5%), verbal abuse (68.4%), or possibly physical abuse (52.6%).
Home Life

The Offenders reported that they would not feel safe in their homes (59.9%), their ability to participate in activities they enjoyed would be adversely affected (63.2%), and they believed their home would be targeted by people who would want to harm them or their family (63.2%)

Survivors

Questions Sixteen to Twenty are crucial to determine the validity of one of this research’s seven hypotheses: “Survivors of sexual abuse, people who have sexually offended, and their respective families believe they would experience adverse psychological and social outcomes if a New Zealand-based sex offender register was established”.

A portion of the Survivors sample who completed Questions 16 to 20 responded with “Not Applicable”. However, the salient questions to which most, if not all Survivors responded, produced the following findings: 50% would not worry about their safety; 33% reported that they would feel safer; 33.3% thought they would feel relieved; only 25% reported they would feel avenged in some way; 41.7% believed they would feel safer in the community; and half of this cohort reported that they believed they could take preventive measures to protect their family.

The Survivors’ Support People chose not to respond to questions 16 to 20. Therefore, the hypothesis that Survivors of sexual abuse, people who have sexually offended, and their respective support people believe they would experience adverse psychological and social outcomes if a New Zealand-based sex offender register were established, cannot be fully proven due to the limited data. What is clear, however, is that the Survivors cohort reported they would experience some personal impact if a sex offender register were established in New Zealand.
Focus Group

The focus group consisted of seven participants who were attending an “open therapy group” for men who had engaged in sexually abusive behaviour. Consequently, participants who were receiving treatment from the STOP Adult Programme commenced their treatment at different times from one another, yet they all attended the same group. Thus, participant responses need to be seen in context. That is, depending on time in treatment, the stage of change, and integration of therapy and rehabilitation, responses may differ greatly for each participant.

The focus group participants’ responses were thematically recoded into core themes that have been translated to frequency distributions, as shown in Table 6.14. Crucial responses from focus group participants are presented after Table 6.14.

The focus group participants’ responses were critical in determining one of the research hypothesis which is “People who have perpetrated sexual abuse and agreed to participate in this research project will deny that a sex offender register would have prevented them from perpetrating sexual abuse”. As shown in Table 6.14, 86% of focus group participants or six out of seven participants denied that a sex offender register would have deterred them from perpetrating sexual abuse. The focus group responses therefore support this research hypothesis.

As seen below, unlike the Offenders who completed the questionnaire, the focus group participants were not opposed to New Zealand enacting a sex offender register. This does not support one of the study’s hypotheses that “People who have sexually offended would oppose the inception of sex offender registration and community notification legislation”. Several explanations regarding why these participants believed that a sex offender register would not have deterred them from perpetrating sexual abuse and why they supported a sex offender register are offered after Table 6.14.
Table 6.14: Frequency distributions regarding core themes raised by focus group participants (N=7)

<table>
<thead>
<tr>
<th>Theme</th>
<th>Yes</th>
<th>No</th>
<th>No Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participants opposed a New Zealand sex offender register in principle.</td>
<td>29</td>
<td>42</td>
<td>29</td>
</tr>
<tr>
<td>Sex offender register would have deterred focus group participants from perpetrating their sexual abuse.</td>
<td>14</td>
<td>86</td>
<td></td>
</tr>
<tr>
<td>Victims should have a right to access the sex offender register.</td>
<td>14</td>
<td>86</td>
<td></td>
</tr>
<tr>
<td>Whether a sex offender has completed treatment should be mentioned on a sex offender register.</td>
<td>43</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>Consequences of Participants sexual offending were not considered at the time of the abuse.</td>
<td>43</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>Sex offender register primary objective should be to support registered sex offender not to re-offend.</td>
<td>14</td>
<td>86</td>
<td></td>
</tr>
<tr>
<td>Sex offender register would deter Participants from sexually re-offending in the future.</td>
<td>29</td>
<td>42</td>
<td>29</td>
</tr>
<tr>
<td>Community notification would reduce sexual crimes.</td>
<td></td>
<td></td>
<td>57</td>
</tr>
<tr>
<td>Participants were concerned that they would experience vigilantism if they were subject to sex offender register legislation.</td>
<td>43</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>Participants were concerned about the impact a sex offender register and community notification would have for their family.</td>
<td>29</td>
<td>71</td>
<td></td>
</tr>
<tr>
<td>Sex offender register would increase Participant’s risk of sexually re-offending</td>
<td>57</td>
<td>43</td>
<td></td>
</tr>
</tbody>
</table>
Summary of Crucial Points made by Focus Group Participants

Participant Seven outlined the mindset of an offender when commissioning a sexual offence, and thus why a register would not deter the offender:

... you are oblivious because you are in a different world and we don’t, sadly, register our offending at the time. If only we could, the hurt that we carry deep down and the hurt to our families stuff us. We offended, we deserve it, but it’s the outcome of having our name printed, it’s like blotting paper.

Participant One outlined more intrinsic motivators that sex offenders may have for abstaining from sexual re-offending. These do not involve deterrence or threats of punishment:

... you know, I have my whole life ahead of me, I have a daughter of my own now, I wouldn’t appreciate this if it happened to my kids. It would deter me from doing it because I wouldn’t want to make the situation any worse.

Participant Four, who engaged in sexual offences via the Internet, outlined the potential for a sex offender register and community notification to adversely affect their family:

It would be a real embarrassment as I live at home with Mum and Dad, anyone else of my family who is involved. I wouldn’t want to put them through the shame. Most people are keen to travel, not be locked up at home.
Participant Five alluded to the potential consequences of community notification:

*If your details are on the Internet and someone started coming round vandalising property thinking “what the hell”, then there would definitely be stress in that would start building up.*

Participant Three discussed the long-term commitment required by a sex offender to live an abuse-free life and how a sex offender register could complement this commitment. This participant also explained why they would support the establishment of a New Zealand sex offender register.

*Police, the Social Welfare departments, Internal Affairs... I think maybe Psychologists who have been appointed because this thing doesn’t go away, you know, you are not cured. It’s always a management thing for life. So... and if there is, if the country can come up with more than just the STOP programme for life treatment, for life guidance, for life ... then it will work rather than the American system.*

Participant Seven outlined why they believed there could be scope for a sex offender register in New Zealand:

*Yeah, there could be a place for it but not in just pointing people out. Only if they really are going for a job or something, not just any job but maybe departments rather than just the general public.*

**Summary**

This chapter has presented the findings of the 71 participants’ responses to the questionnaire. While not all expected 260 participants completed the questionnaire, a number of interesting findings have emerged that may challenge general assumptions about whether certain stakeholders, such as survivors/victims of sexual abuse, would
support certain functions of a sex offender register, or even if they would support such a register. It is particularly interesting to note that while all stakeholder cohorts who completed the questionnaire did not support community notification, they believed that a sex offender register would have some benefit in New Zealand. The questionnaire confirmed most of the research hypotheses except the hypothesis that purported that 60% of participants would believe a sex offender register would improve the New Zealand public’s ability to protect themselves from sexual crimes. Only 32% of the total sample believed the existence of a sex offender register would improve public safety. Lastly, another significant finding of this research was that little over half (52%) believed a sex offender register would reduce sexual crimes in New Zealand.

The focus group offered further insight into the impact a New Zealand sex offender register could have for those people who had perpetrated sexual abuse. These focus group responses further enrich those given in the questionnaire. In retrospect, the focus group participants unanimously stated that a sex offender register would not have deterred them from sexually offending. Moreover, they remained unconvinced that community notification would reduce sexual offences. These participants also offered insight into their psyche when they offended, which subsequently offered an explanation as to why a sex offender register may not deter offenders who are determined to perpetrate sexual abuse. These participants’ perspectives also supported the findings in the questionnaire in respect to the adverse consequences they would experience should they be subject to a sex offender register.

The responses from the questionnaire and focus group will now be discussed in detail in the next chapter.
CHAPTER SEVEN

DISCUSSION

Introduction

The primary purpose of this research was to understand the practical implications for many stakeholders who are likely to be affected should a sex offender register be implemented in New Zealand, and whether they would support such a register. This chapter provides a discussion regarding the research findings and their implications for the stakeholders represented in the study. As such, the chapter initially discusses the findings in relation to the study’s seven hypotheses, which were described in Chapter Five. The focus then shifts to discussing significant findings in relation to each participant cohort. Additionally, the unexpected findings from the research are examined and reviewed.

Hypotheses

*Hypothesis One: Survivors of sexual abuse and their support people would support the inception of some form of sex offender register and community notification legislation in New Zealand to manage sex offenders in the community.*

Analysis of the data revealed that 83% of the Survivors and 100% of the Support People of Survivors cohorts supported some kind of sex offender register and community notification whereby people convicted of a sexual crime of any kind are required to register their name, address, and employment location with law enforcement officials, and be subject to restrictions on their freedom. Furthermore, a strong correlation was determined between participant support for a sex offender register
(r =0.498; p<0.01) and the finding that 62% of the total sample supported the inception of a sex offender register in New Zealand. These findings support this hypothesis.

While the question regarding support for, or against, the implementation of a sex offender register provided a clear description of what participants were responding to, they gave their responses indicating support for a sex offender register without having any exposure to the benefits and disadvantages of such a register because currently New Zealand does not have one. Interestingly, Redich’s (2002) study found that participants who had little knowledge of Megan’s Law (sex offender legislation) still held the belief that violent sex offenders should be subject to sex offender registration and community notification laws.

This study did not specifically measure the correlation between the knowledge score (relating to people’s knowledge of sex offender registers) and support for sex offender registers. However, the findings support Redich’s (2002) study in that both studies have found that people who have little knowledge of sex offender registers tend to support sex offender registration legislation.

There are serious dangers when proponents of sex offender registers, such as the Sensible Sentencing Trust (2010), who have already developed an unofficial sex offender register, advocate for a New Zealand sex offender register. The reviewed literature such as Redich (2002), suggest that the public are unlikely to need strong persuasion to support sex offender registration legislation and restrictions when organisations such as Sensible Sentencing Trust lobby the Government to support such approaches. The findings of this research also suggest that potential advocates of a New Zealand sex offender register, such as the Sensible Sentencing Trust, already have the support of significant and influential stakeholders, for example, the Police, therapists who provide therapy to victims of sexual abuse, and the survivors of sexual abuse.
So, what does this mean? The response from the participants in this study, and the findings of other research studies, illustrate the possible pitfalls and vulnerability of New Zealand adopting punitive and draconian sex offender policies. These vulnerabilities are particularly highlighted when one considers the implications of these stakeholders’ amenability to sex offender registration, evidence that communities are fearful of child sex offenders (which incites support for sex offender policies), and media reports that provide sensationalised and misguided information regarding the actual threat of being a victim of sexual abuse.

*Survivors’ Therapists and Survivors did not support certain information being a requirement for a sex offender register:*

It is important to mention what information participants believed should not be a requirement of sex offender registration. These findings may challenge general assumptions about what survivors may want registered, for example, the Survivors cohort did not support the requirement for registration of names of friends and associates (42% “Agree” and 50% “Maybe”), and half of this cohort believed family names should not be requirement. The Survivors’ Therapists yielded similar results, with 78% not supporting family names and 67% not supporting names of friends and/or associates being information subject to sex offender registration laws.

*The majority of participants did not support all information contained on a sex offender register being released to the public:*

One of the most significant findings of the research was that the majority of all participants did not support “all information” contained in a proposed sex offender register to be disclosed to the general public. One hundred percent of Offenders, 62% of the Police, 78% of the Offenders’ Therapists, and 50% of the Survivors cohorts disagreed that all information on a sex offender register should be disclosed to the public.
When participants were asked precisely what information they believed should be disseminated to the public, an entirely different response was given. The Police and Survivor cohort responses suggest that they would support the public being informed of a registered sex offender’s name, address, sex offence, and photograph. The Offenders’ Therapists and Offenders cohorts answered in a similar fashion insofar as they did not support disclosure of any information to the public. In fact, the only deviation was that the Offenders sample supported their photograph being made available to the public, whereas the Offenders’ Therapists cohort generally disagreed with this practice.

These findings are intriguing and peculiar because they appear contradictory in nature. Most participants did not support all information on a sex offender register being made available to the public, yet they supported disclosure of certain information. The only information that all participants unanimously believed should be withheld from the general public was car registration. One explanation for this contradiction could be that participants generally did not support the disclosure of all information to the public in principle, however, if such disclosure were mandated, they indicated their level of support for disclosure of that information. Conversely, perhaps these findings suggest that participants do not want an all-encompassing law that grants the public automatic rights to access all information on the register even though they believe certain information could, or should, be made available to the public.

It is unclear whether the findings from this study indicate the lack of support for community notification in principle. However, the overall findings suggest that the majority of the participants did not believe that the public should be informed of every identifiable detail regarding people who have perpetrated sexual abuse and who reside in the community.

The findings also suggest that survivors of sexual abuse and Police may not entirely support the media and victims’ rights advocates’ claims that the general public has the right to know where a registered sex offender resides, where they work, and, bizarrely, that the public should have information regarding a sex offender’s car
registration. Perhaps the participants believed that car registration was irrelevant information for the public or that cars are regularly sold, whereas a stronger rationale could be formulated for disseminating names and work locations of sex offenders to the general public.

**Hypothesis Two: People who have sexually offended would oppose the inception of sex offender registration and community notification legislation.**

Predictably, 84% of the Offenders cohort adamantly opposed the inception of a New Zealand sex offender register as described in the questionnaire. That is, they opposed registration of their name, address, employment location, and being subjected to restrictions on their freedom in the community. Thus, the study findings supported this hypothesis, with the majority of the Offenders cohort opposing sex offender registration and community notification legislation. Focus group participants provided further insight into why this cohort did not support the establishment of a sex offender register.

*Focus group participants’ responses to support from sex offender registers:*

Participant One expressed concerns about the possibility of experiencing physical violence from people who held strong opinions about sex offenders. This participant’s concerns are supported by Tewksbury’s (2005) study, which found that registered sex offenders experienced employment losses, and both verbal and physical assaults.

Participant Three’s statement in regard to offenders needing to have a lifelong commitment to abstain from sexually abusive behaviour suggests that a sex offender register may have the capability to benefit those registered, providing that the ideology guiding such a register is focused on lifetime rehabilitation and coaching of offenders so they can live abuse-free lives. If such a sex offender register existed with this paradigm, it is conceivable that sex offenders would be more supportive of a sex offender register.
Some of the focus group participants expressed that support for a register was contingent on who had access to it and whether the registered sex offender had completed treatment.

The research findings suggest that the Offenders sample would strongly oppose both the establishment of a New Zealand sex offender register and any restrictions such a register could impose upon them. However, if the sex offender register were to have a therapeutic and ideological purpose, the Offenders sample may be amenable to it.

**Hypothesis Three:** Support people who are supporting a person in therapy who has perpetrated sexual abuse will oppose any proposed sex offender register and community notification legislation.

This hypothesis was untested because family members or Support people who were supporting a person in therapy who had perpetrated sexual abuse chose not to take part in the research. The responses from this cohort were reliant on the Offenders’ Therapists promoting the support people’s participation in the research. It is unclear whether Offenders’ Therapists adequately promoted the Support people’s participation, or indeed that they were engaged in any family work at the time of recruitment. Thus, caution must be applied in assuming that Support people consciously chose not to take part in the research due to the subject matter. Irrespective of the reasons why recruitment of this cohort was not be secured, valuable data has yet to be gathered from them, including the offender’s family members. It is clear, however, that studies such as Levenson and Tewksbury (2009) outline that registered sex offenders’ family members can experience persecution, abuse, depression, and anxiety as a consequence of supporting their family member who is subject to sex offender registration laws. Therefore, while these Support people or family members were not successfully recruited on this occasion, it is recommended that future research seeks to elicit the responses of this cohort to determine whether they are likely to be inadvertently prejudiced by the enactment of a sex offender registration law in New Zealand, and how they would be affected.
Hypothesis Four: Sixty percent of the study’s participants believe that a sex offender register in New Zealand would improve New Zealand society’s ability to protect themselves from people who have sexually offended.

This hypothesis was disproved because only 32% of the total sample believed a sex offender register would improve the public’s ability to protect themselves from being a victim of a sexual crime, and a further 42% reported “Maybe”. Despite the relatively low confidence in the effectiveness of a sex offender register to improve protection from sexual offenders, 64% of the total sample still supported the establishment of a New Zealand sex offender register. When examining the Police response to this question, 75% agreed that a sex offender register would improve the public’s ability to protect themselves from experiencing a sex crime. Interestingly, only 25% of Survivors and 44% of Survivors’ Therapists believed that the existence of a sex offender register would increase protection for the general public. The participants’ uncertainty could be attributed to many factors, such as the absence of having an understanding of the functions of a sex offender register, and of how these functions assist with the protection of the public. Their uncertainty could also suggest that while they believe a sex offender register would improve the community’s safety, the effectiveness of the sex offender register is contingent on other factors that have not been captured in the questionnaire.

What is fascinating in relation to these findings is that the Survivors’ Therapists and Survivors strongly articulated their support for a New Zealand sex offender register, and strongly believed that such a register would reduce sexual crimes. However, they were less confident about whether public safety would be improved through the implementation of such a register. This finding is even more intriguing when considering that proponents of sex offender registers argue that sex offender registration and community notification increase the community's awareness of sex offenders’ whereabouts, thus empowering the community to take the necessary steps to prevent being victimised by these offenders (Letourneau et al, 2010; Hinds & Daley, 2001; Petrosino & Petrosino, 1999; Presser & Gunnison, 1999). These findings suggest that the Survivors, Police and Survivors’ Therapists cohorts support a sex offender register
in principle, and perceive that social services and law enforcement would benefit from having a sex offender register. However, Survivors’ Therapists and Survivors were not absolutely convinced that such a register would assist the public to protect themselves from experiencing a sexual crime. Perhaps these participants believe a sex offender register would be useful to improve management of sex offenders in the community by sharing information, but not as a means to directly protect the public.

The Police response strongly suggests that they believe a sex offender register would better equip the public to protect themselves from experiencing a sexual crime and, should such a register be considered, they may advocate for such a register on that basis. Yet the Police response is inconsistent with other cohorts who either specialise in treating the casualties or who have experienced sex abuse. It is unclear why the Police strongly believe that a sex offender register would improve the public’s ability to protect themselves. This finding reveals a point of difference between the Police cohort and the other participants, based on a belief regarding the effectiveness of a sex offender register and that the public would be better equipped to protect themselves if a sex offender register were enacted in New Zealand.

**Hypothesis Five: Sixty percent of the study’s participants believe that a sex offender register would improve government departments’ and social service agencies’ ability to manage people who have sexually offended and reside in the community.**

Seventy-five percent of the total sample in this study overwhelmingly stated that a sex offender register would improve the ability of social services and law enforcement agencies to manage people who have perpetrated sexual abuse and who reside in the community. Thus, the findings support Hypothesis Five. However, 57% of Offenders’ Therapists and 63% of Offenders did not believe these services would be better served by a sex offender register. This may be a reflection of their initial lack of support for a sex offender register.
The remainder of the responses unquestionably support the notion that a sex offender register would assist social services and law enforcement to manage people who have sexually abused. It is important to note that these findings do not include input from prominent social services that may profit from a sex offender register. Such services include, for example, Child, Youth and Family (mandated to protect children), non-government social services, and the Department of Corrections (who manage people who have been sentenced and convicted for sex offences and who reside in the community).

Zevitz and Farkas (2000) explored the impact of probation officers who fulfilled their duties, as required, in accordance with sex offender registration legislation set up to notify the community of a registered sex offender. Zevitz and Farkas (2000) found that the operational aspects, including organising public meetings to notify the community that they have a registered sex offender within their community, was onerous on their time and a challenge on their resources. Therefore, while the findings of this study suggest that 100% of Police and nearly 92% of Survivors cohorts believed that a sex offender register would improve the management of people who have perpetrated sexual abuse, further investigation is recommended to establish precisely how the existence of a sex offender register would improve social services and law enforcement. Moreover, as evidenced by Zevitz and Farkas (2000), consideration is required to explore whether such a register could be counter-productive to social services in terms of their resources, time, and finances.

*Hypothesis Six: Survivors of sexual abuse, people who have sexually offended, and their respective support people believe they would experience adverse psychological and social outcomes if a New Zealand-based sex offender register were established.*

This hypothesis was partially supported because both Offenders and Survivors cohorts reported that they would experience some degree of adverse psychological and social outcomes should New Zealand legislators enact a sex offender register law. However, due to the Support people choosing not to complete questions 16 to 20, this
hypothesis cannot be confirmed fully. Despite the absence of Support people, the findings show that Survivors cohort reported they would experience less adverse social and psychological distress than the Offenders cohort if a New Zealand sex offender register were enacted.

The Offenders sample reported they would experience serious psychological and social consequences if a sex offender register were established in New Zealand:

The majority of the Offenders cohort reported numerous detrimental consequences for their lives, which are consistent with actual research findings of registered sex offenders in other countries. Levenson and Cotter (2005), for example, found that just less than one third of the 183 registered sex offenders they surveyed had experienced adverse events such as loss of employment and housing. Physical and verbal abuse was more of a rarity. However, the majority of Levenson and Cotter’s respondents experienced fear, shame, embarrassment, hopelessness, and isolation. In contrast, Brannon, et al. (2007) found that nearly half of 123 registered sex offenders reported experiencing threats, property damage, and physical assault as a consequence of public disclosure. Similarly, Tewksbury (2005) found that 121 sex offenders surveyed reported being denied a place to live, losing at least one friend, being treated rudely in public, and experiencing employment loss. While these study’s results vary in terms of how many people experienced abuse and harassment, they reveal that harassment and persecution toward registered sex offenders is real. Therefore, the Offenders cohort have legitimate concerns for their safety regarding an enactment of a sex offender register.

Similar to Levenson and Cotter (2005), and Brannon, et al. (2007), the most pronounced anticipated consequences the Offenders cohort reported were shame, fear for their safety, and concerns they would experience physical and verbal abuse. They postulated that their employment opportunities and ability to be promoted would also be adversely affected. It would appear that Levenson and Cotter (2005) may reveal incongruence between actual risk and the Offender’s perception that, as a registered sex offender, they would be subjected to harassment and abuse from vigilantes. Perhaps it is irrelevant whether the Offenders sample perceived concerns for their emotional and physical well-being is based on fact or fiction. Rather, it would be expected that the
Offenders sample would feel shame, fear, and anxiety, which are then likely to engender negative mood states irrespective of the accuracy of the basis of their fear. Ironically, the Offenders cohort fear of the consequences of community notification that could feasibly destabilise them, and thereby increase their dynamic risk of re-offending, could also originate from the community’s fear of the risk sexual abuse perpetrators pose to them. This fear arises from an inaccurate overestimation of the risk, which generates such policies (notification) in the first instance (Levenson & D’Amora, 2007).

The focus group participants offered further insight into their concerns regarding the implementation of a sex offender register, citing embarrassment to the family, imprisonment at home, property damage and stress.

Survivors reported minimal emotional affects from the enactment of a sex offender register and stated that they would not feel avenged by such legislation:

Not all participants in the Survivors cohort completed questions relating to anticipated impact on their lives by the enactment of a New Zealand sex offender register, however a very significant finding emerged. The Survivors cohort reported that they would not feel avenged by the implementation of a sex offender register, and that they would not feel safer by having such a register. The term ‘avenged’ implies retribution and retaliation. The Survivors’ responses can mean one of two things: either these feelings did not exist for them, or that they did not view a sex offender register as sufficient to appease these feelings, if indeed vengeance existed for them. Interestingly, the Survivors cohort reported that they would not feel safer through the inception of a sex offender register, yet sex offender registers are purported to protect society from sexual crimes (Hinds & Daley, 2001; Petrosino & Petrosino, 1999; Presser & Gunnison, 1999). Moreover, they reported that even though they would not feel safer, they would support the inception of a New Zealand sex offender register. If the findings of this study were generalised, it could be suggested that survivors of sexual abuse would not feel any safer through the existence of a sex offender register. It is possible to speculate that they are more susceptible to feeling unsafe, due to the abusive and traumatic
experience they have been through, with or without the purported protection of a sex offender register.

Hypothesis Seven: People who have perpetrated sexual abuse and agreed to participate in this research project will deny that a sex offender register would have prevented them from perpetrating sexual abuse.

This hypothesis was proven. Six out of the seven focus group participants convincingly refuted that a sex offender register would have prevented them from perpetrating sexual abuse. The findings of the questionnaire concluded that 84% of the Offenders cohort believed that a sex offender register would not reduce sexual crime which was also supported by the focus group participants’ responses. These are intriguing findings. Clearly, these participants are, by virtue of their abusive behaviour, answering this question from an informed perspective.

Some focus group participants stated that the existence of a sex offender register would have made no difference to their criminal behaviour at the time. Indeed, a large proportion of these participants indicated that they were so intently preoccupied with the commissioning of their abusive behaviour that its consequences did not occur to them at the time. Participants Three and Seven, for example, outlined that the consequences of their offending were not a paramount consideration in their offence planning and execution. Participant Three stated that although he was aware of the consequences, he was immersed in his sexually abusive behaviour. He also reported a compelling argument that the threat of having a criminal record did not deter people who have perpetrated sexual abuse. Moreover, Participant Seven highlighted the apparent disconnectedness that people who have perpetrated sexual abuse might experience in terms of their deficits in, or ignorance of, consequential thinking in relation to their behaviour.

Responses given by Participants Three and Seven are consistent with Stinton, et al. (2008), who suggest there is substantial evidence indicating that sex offenders have
specific and significant deficiencies with emotional recognition and perspective-taking capabilities. Generalising Participants Three and Seven’s responses across their sample, one could extrapolate that perhaps the Offenders cohort response arose from their acceptance that they do not “perspective-take” or “register their offending” at the time of their abusive behaviour, and therefore would not be deterred by a register. Their biases could also have influenced their response because they do not wish to be subject to sanctions on their freedom, irrespective of whether sex offender registers may or may not be effective in reducing sexual crime.

So, what does this mean? The majority of this cohort was confident that a sex offender register would not have deterred each of them from offending because they were preoccupied with achieving their primary goal when they sexually offended. Furthermore, even awareness of current sanctions, such as imprisonment, did not deter them from perpetrating sexual abuse. However, what is unclear from their response is that if each of them were subject to sex offender register sanctions, would they have had the opportunity to offend? This is a point that proponents of sex offender registers promote, although this would not apply to first time offenders because they would not be subject to registration at that point.

In summary, most of the focus group participants reported that their abstinence from sexually abusive behaviour did not relate specifically to imminent consequences, thereby deterring them from engaging in this behaviour. Rather, it related to intrinsic needs such as relationships with family, employment, and not wanting to disappoint people of significance in their lives. One can only speculate what would happen if a sex offender register, with restrictions, were established in New Zealand that impeded people who had perpetrated sexual abuse from accessing these relationships, and impaired their ability to acquire socially acceptable goals such as employment and housing.
Offenders

Offenders opposed most restrictions that a sex offender register could impose:

Not surprisingly, the Offenders cohort opposed most restrictions as a function of a New Zealand sex offender register. However, this sample provided a number of intriguing results, including:

- they supported law enforcement agencies restricting their access with certain individuals (42% “Agree”, 32% “Maybe”)
- they were receptive to law enforcement restricting where they could go in the community (10% “Agree”, 32% “Maybe”)
- they strongly disagreed that registered sex offenders should live in restricted parts of the community (32% “Disagree”, 53% “Strongly Disagree”)
- they stated they would strongly support mandating offenders to complete a sex offender counselling programme (74% “Strongly Agree”).

The Offenders cohort response that they supported law enforcement agencies having the authority to restrict their access in the community, and contact with certain people could reflect their harm avoidance approach. This means sex offenders avoid high risk situations where they could be more likely to re-offend, such as residing with children. The emphasis here is more on avoiding risk rather than managing it.

The Offenders cohort was highly supportive of sex offender counselling as a condition of a New Zealand-based sex offender register. Their support for this particular condition could be attributed to Question Seven, in which they stated that they believed people who had perpetrated sexual abuse could change and live an abuse-free life (68% “Strongly Agree”, 26% “Agree”).
Another crucial finding was that 100% of the Offenders cohort opposed the general public having any information from a proposed sex offender register. These concerns have merit and are supported by Levenson and Cotter (2005), who found evidence that registered sex offenders experienced stress, isolation, loss of employment and housing, and acts of vigilantism as a consequence of community notification. These factors have been associated with sexual recidivism.

Focus group Participant Five provided further insight into why the Offenders sample opposed community notification. This participant expressed worry about use of the Internet to find details of registered sex offenders’ whereabouts, and to use that information to vandalise the offender’s property. This relates further to Lenevson and Cotter’s (2005) findings.

Participant Six also reinforced the potential detrimental consequences of community notification when he reported that he could lose his house, employment, and everything he had worked for. If Social Control theory could be applied, the bonds and attachment to society would be tested under these conditions. Conversely, Duwe and Donnay (2008) found potential benefits for community notification, including evidence that broad community notification had a deterrent effect on sexual offenders. They also postulated support for Rational Choice Theory, which was discussed in Chapter Two. Duwe and Donnay’s (2008) study is consistent with the comments conveyed by a focus group member, who stated he would be deterred from engaging in sexually abusive behaviour if he would be publicly identified for the crime.

The Offenders cohort provided two exceptions to who should have access to a sex offender register. These exceptions were employers of people who work with children or within the health and social services field, and government agencies. Their reasons for supporting such methods are unknown, although one possible explanation could relate to Participant Seven’s response, who stated that people should not just be
“pointed out”. There would need to be good reason for a person to access a sex offender register and information should not be disclosed to the general public.

**Relevance of Social Control Theory**

Participant One illustrated the relevance of Social Control Theory whereby deviance is eliminated when a person has an attachment or connection to people in society (Thio, 2008, Robertson, 1987; 1989). Participant One reported that he would be deterred from sex offending due to his attachment to his daughter. Therefore, deterrence from sexual offending for this participant was not motivated by the risk of public shaming or restrictions on his freedom, as offered by a sex offender register; rather, the deterrence related to the risk of losing something he intrinsically valued. Participant One’s response raises the question of whether a sex offender’s abstinence from sexually abusive behaviour is best supported by the risk of punishment, or best served by facilitating socially acceptable goals that promote a balanced and fulfilling life the offender does not wish to lose through further offending.

**Police**

*The Police sample overwhelmingly supported the inception of a sex offender register:*

The Police cohort responses overwhelmingly supported the proposition of a New Zealand sex offender register with restrictions (90%). These findings are consistent with Redich’s (2002) study which surveyed 269 participants, including Police, community members, and law students to ascertain their perceptions and attitudes about the effectiveness of community notification in reducing sexual crimes against children. Redich (2002) found that law enforcement officials were more convinced of the effectiveness of Megan’s Law, that is, that sex offenders disclose their personal information on a sex offender register, and that this information be publicly accessible.
The Police cohort responses suggest that they would clearly support the enactment of a New Zealand sex offender register.

The Police sample supported most restrictions suggested for a New Zealand sex offender register:

The Police cohort supported registered sex offenders needing to inform the law enforcement of:

- who they live with (71% “Strongly Agree”)
- whether they can leave the country (38% “Agree”)
- where they can reside (38% “Strongly Agree”, 43% Agree”)
- where they can go in the community (48% “Strongly Agree”)
- restrict contact with people and children (48% “Strongly Agree”, 52% “Agree”)
- can impose any other restrictions as deemed necessary by law enforcement (19% “Strongly Agree”, 48% “Agree”)
- must complete a sex specific counselling programme (81% “Agree”).

The Police cohort results reveal that they would generally support almost every restriction that could be imposed on a person subject to a New Zealand sex offender register. The Police would particularly favour a person being required to inform law enforcement of who they are residing with, the Police having authority to restrict and direct where these individuals may go in the community, and the requirement that registered sex offenders must undergo sex offender treatment. The Police response highlights the functions for which they may advocate if New Zealand legislators consider enacting a sex offender register.

When considering the implications of these restrictions, there is extensive literature that highlights the incorrigible and detrimental social and psychological impacts that some of these restrictions have caused people subject to sex offender registration legislation in other countries (Brannon et al., 2007; Levenson & Cotter,
Mustaine, et al. (2006), for example, found a high prevalence of registered sex offenders resided in residential locations that had high social disorganisation; that is, areas considered less desirable, with higher crime, greater economic inequality, and higher unemployment. Therefore, in answering the question about the implications of implementing such restrictions, the risk of sexual recidivism by people who have perpetrated sexual abuse could increase due to the possibility of them being directed to unfavourable locations. This, in turn, could alienate them from much needed social support, subsequently increasing their risk of isolation and sense of hopelessness, helplessness, and stress, all of which have been found to be important emotional triggers in relapse occurrences (Edwards & Hensley, 2001).

Police strongly supported sex offenders being mandated to register specific personal information on a New Zealand sex offender register:

The Police strongly supported the implementation of a New Zealand sex offender register and most restrictions that were offered in the questionnaire. The findings also suggest that the Police would want registered sex offenders to register specific information such as their name, address, employment location, car registration, and drivers licence. However, the Police cohort was less supportive of registered sex offenders needing to report who they associate with (29% “Maybe”, 33% “Disagree”). They were also not enthusiastic about family names being registered, with 24% disagreeing and a further 24% responding with “Maybe”.

So, what are the implications of these findings? Firstly, the Police are likely to welcome the requirement for a registered sex offender to provide them with explicit information that will assist them to locate or identify these individuals easily and efficiently. Secondly, the Police are not perturbed with not knowing the names of these individuals’ associates or friends. This could indicate that the Police view sex offending as an individualistic crime that rarely involves co-offending. Lastly, the Police may not perceive that information regarding a registered sex offender’s family is crucial to assisting them to maintain community safety. Interestingly, as Quinn, Forsyth, and Quinn (2004), and Greenfeld (1997) have found, most sexual offending is perpetrated
by someone the victim knows rather than a stranger. Therefore, it makes sense that registered sex offenders’ families are monitored, which includes associates or friends. This is especially important if the sexual offending has occurred interfamilial. Caution would need to be applied here otherwise there would be a risk of replicating a register specifically for associates, family, and friends of registered sex offenders.

The Police response may have been influenced by the stranger danger fallacy, and thus Police did not believe family names should be registered. While this research cannot address this issue, it helps to explain some of the beliefs that the Police might have regarding sexual crimes and the prevalence of strangers perpetrating sexual abuse.

Majority of Police sampled opposed community notification being required to be delivered in a public manner:

A further finding in this study was that the Police cohort mostly opposed community notification being delivered in a public forum: 68% opposed the use of the Internet; 48% disagreed with the use of newspapers; 52% opposed using public meetings; and 43% were against mail drops. The Police response seemed to favour discretionary powers to inform the public of the presence of a registered sex offender in the community, such as law enforcement notifying neighbours, employers and schools. The Police also perceive themselves as being the primary enforcer of a New Zealand sex offender register.

Curiously, the total sample was predominantly opposed to registered sex offenders needing to visit their neighbours and disclose their history of sexual abusive behaviour to them. This may not be surprising considering the fear and anxiety communities could experience from being informed that they have a registered sex offender in their midst. Equally concerning may be the implications of a registered sex offender having opportunities to locate potential victims through visits to neighbours.
Offenders’ Therapists were divided on their support for a New Zealand sex offender register:

The findings suggest that Therapists for sex offenders were divided on their support for a New Zealand sex offender register. This is consistent with Levenson, Fortney, and Baker (2010), who examined the views of 261 sex abuse professionals on sex abuse policies (sample consisted of Therapists who provided therapy to survivors and Therapists who worked with offenders). More than half their sample stated they would support sex offender policies without having any scientific evidence to support their effectiveness.

While this alone does not provide an explanation as to why Offenders’ Therapists were divided on this subject, further examination of their other responses provides some clarification. Only 44% of the Offenders’ Therapists sample believed that a sex offender register would reduce sex crimes in New Zealand, and a further 44% believed that a sex offender register would improve the ability of social services and law enforcement agencies to manage sex offenders in the community. Lastly, 89% of this cohort responded with “Maybe” in relation to whether they believed a sex offender register in New Zealand would improve the general public’s ability to protect themselves from experiencing a sexual crime.

Extrapolating responses to questions one to four from the Offenders’ Therapists cohort, their responses showed that they did not generally accept that a sex offender register could be of benefit, and they would not support the inception of such legislation because they believed it would not reduce sexual crimes. However, overall, this cohort did not totally discard the possibility that a sex offender register could improve the public’s ability to protect themselves from experiencing a sexual crime.
Given that the Offenders’ Therapists cohort have expert knowledge pertaining to the etiology of sex offending, these responses suggest that overall they did not believe that a sex offender register would be effective in reducing or deterring sexual criminal behaviour. This finding is consistent with Malesky and Keim (2001), who surveyed 133 mental health professionals providing treatment to people who had perpetrated sexual abuse. Malesky and Keim (2001) found that 59% disagreed that a sex offender register website would deter previously convicted sex offenders from sexual recidivism, and that 67% did not believe a sex offender register would sufficiently deter perpetrators from engaging in sexually abusive behaviour against children.

Offenders’ Therapists responses were considered alongside the literature, which postulated that little empirical research exists to support the argument that sex offender registers and community notification are effective in improving public safety and prevention of sexual exploitation of children (Prescott & Rockoff, 2008; Levenson & D’Amora, 2007; Levenson & Cotter, 2005; Adkins, Huff & Stageberg, 2000). Offenders’ Therapists responses cannot be dismissed or viewed as ‘out of touch with the real world’. Rather, their questioning of the efficacy of sex offender registers should be closely examined and their reasons comprehensively explored.

What should happen from here? Essentially, this study suggests that Therapists providing treatment to sex offenders see themselves as change agents who advocate for their clients by engaging in direct and clear conversations with the media about the potential adverse consequences on their clients of enacting a sex offender register or community notification legislation. At the very least, they would need a media strategy allowing them to address their opposition to a sex offender register, their reasons why, and how they perceive it would adversely affect their clients. The Kernsmith, Craun, and Foster (2009) study reinforced this point. They found evidence that the public’s heightened fears of child sex offenders correlated with their support of sex offender registration requirements. Sanghara and Wilson (2006) also found evidence that professionals, such as school teachers, who had less knowledge of sexual abuse, held unhelpful stereotypes of sex offenders, viewing them as predators and “dirty old men”. Therefore, it would be plausible to say that the general public already has a heightened
sense of fear toward sex offenders and are likely to hold unhelpful stereotypes, which could be exacerbated by the media. Consequently, it would be prudent for sex offender treatment programmes to have a pre-emptive strategic media plan in case of a child being sexually molested and murdered, because this is when sex offender registration and community notification laws have been shown to gain political, media, and public momentum (Sample & Kadleck, 2008; Levenson & D’Amora, 2007; Presser & Gunnison, 1999). Levenson, et al. (2007) also made this critical point. They postulated that the media clearly influences public opinion, which in turn affects public perceptions regarding sex offender policies. Sample and Kadleck (2008) argue this idea further. They found that the media influenced policy makers in relation to sex offender registration policies and enactment of law. They then suggested that researchers, including Therapists from within this field, should provide more user-friendly means of communicating facts and empirical evidence on both the implications and efficacy of sex offender registration laws. This point is also supported by this research. In addition, Sample and Kadleck (2008) propose that researchers should be more available for media enquiries and investigative journalists. Levenson and D’Amora (2007) argued that widespread dissemination of factual information is critical to reshape and educate the public on facts regarding the prevalence and severity of sexual recidivism. This could then assist policy makers and the public to avoid the development and support of ineffective polices in an attempt to manage people who have perpetrated sexual abuse.

*Offenders’ Therapists supported certain restrictions that a New Zealand sex offender register could offer:*

A surprising finding of this study is that the Offenders’ Therapists sample supported certain restrictions on people who had perpetrated sexual abuse and who would be subject to sex offender register laws in New Zealand. They appeared particularly supportive of:

- the requirement of registered sex offenders informing law enforcement of their whereabouts (11% “Strongly Agree”, 44% “Agree”)
- Offenders needing to inform people about their abusive behaviour (67% “Strongly Agree”)
• law enforcement having the authority to restrict who registered sex offenders may live with (11% “Strongly Agree”, 44% “Agree”).

What is apparent from these findings is that the Offenders’ Therapists cohort was not absolutely convinced that treatment should be conditional for any sex offender register in New Zealand. While this aggregated sample generally articulated support for treatment (44% “Strongly Agree”), it is unknown why they did not reflect a more strongly held position that treatment should be a condition of a New Zealand sex offender register.

It can be surmised from these findings that the Offenders’ Therapists cohort believes there are occasions when their clients may require external accountability, control, and management in the community. Their positioning on support for restrictions is an interesting one, and is perhaps surprising given that the Offenders’ Therapists have typically responded in a similar manner to the Offenders cohort in relation to their support of a New Zealand sex offender register. However, the responses to the questionnaire used in the research did not provide specific reasons about why the majority of the Offenders’ Therapists cohort supported certain restrictions over others, or indeed why they supported these restrictions at all. Perhaps, as indicated in Hanson, Broom, and Stephenson (2004), Offenders’ Therapists may hold a position that not all people who have perpetrated sexual abuse are amenable to treatment, or that some of these individuals simply do not complete treatment. Consequently, this may necessitate restrictions imposed on certain individuals to ensure that they abstain from sexually abusive behaviour so that the community are kept safe. Further exploration into why the Offenders’ Therapists cohort supported certain restrictions may be warranted.

Offenders’ Therapists and Offenders samples provide unexpected results regarding what information they believe should be registered on a sex offender register:

The Offenders cohort provided a number of unexpected results. They were generally supportive of a registered sex offender’s name (42% “Agree”), and sex offence (32% “Agree”) being a requirement of registration. However, predictably, they opposed all other forms of personal information being on a register. Moreover, the
Offenders cohort fiercely opposed the concept of having their photo submitted on a sex offender register (63% “Strongly Disagree”). Similar to the Offenders cohort, the Offenders’ Therapists supported registered sex offenders registering their name (55% “Agree”) and offence (67% “Agree”), although they were divided on whether registered sex offenders should provide their photo (44% “Agree”). This sample strongly opposed the requirement to register associates’/friends’ and employment details.

The Offenders and Offenders’ Therapist cohorts were receptive to having registered sex offenders’ names and sex offences required for a register. Perhaps their acceptance that this information should be subject to sex offender registration relates to the focus group participants’ responses. Most focus group participants stated that they already had a criminal record, and therefore their name and offence was already known to the Police. Thus, registering their name and sex offence is a redundant point for them because it would be similar to their current situation.

*Offenders’ Therapists sample did not support community notification:*

The Offenders’ Therapists response outlines categorically that they did not support community notification. These findings are consistent with Malesky and Keim (2001) who investigated the opinions of 133 mental health professionals working with sex offenders. Over 80% of people interviewed stated that they did not believe a sex offender register would affect the number of children who were sexually abused each year. Furthermore, over 60% of their sample stated that a web registry would create a false sense of security for parents. It is unknown why the Offenders’ Therapists sample opposed community notification.
Survivor Support People, Survivors, and Survivors’ Therapists

Both the Survivors of sexual abuse, and their Support people, would support the inception of some kind of sex offender register and community notification legislation in New Zealand:

The findings of this research support the hypothesis that Survivors of sexual abuse, and their Support people, would support the inception of a sex offender register (Survivors, 83%; Support People of Survivors, 100%). These participants supported the inception of a New Zealand sex offender register whereby the offender would be required to register their name, address, and employment location with law enforcement agencies, and would be subject to certain freedom restrictions. The participants gave a different response in relation to community notification and the sharing of all the information contained on a sex offender register. These findings suggest that both Survivors of sexual abuse, and their Support people, were likely to support a sex offender register as long as it was without community notification (all information on the register could be released to the general public).

Therapists and their clients respond similarly to each other regarding questions posed to them:

When comparing the Survivors’ Therapists’ with the Survivors’ responses, it became evident that they provided similar answers to each other in relation to their support or opposition to functions of a sex offender register, and whether such a register would be effective. This indicates that they had similar views on their support for sex offender registration and community notification. This pattern is replicated by the Offenders Therapists and Offenders responses whose views were similar to each other also, and frequently different from their Survivors and Survivors Therapist counterparts. This is consistent with a significant research finding by Levenson, et al. (2009), who found that, depending on the population with whom professionals worked (offenders or victims of sexual abuse), those professionals working with sex offenders viewed community notification laws less favourably than those who worked with the victims of
sexual abuse. These researchers also found evidence that professionals who were not working directly with people who had perpetrated sexual abuse had more favourable views of sex offender polices and less tolerance of sex offenders living in communities.

The Support People for Survivors cohort also did not support registration of the address, employment location, associates or friends, family names, car registration, and driver licence as requirements of a New Zealand-based sex offender register. However, they supported the name, sex offence, and photo as being subject to proposed registration law.

Other Significant Findings

_Inclusion of non-convicted sexual offences and duration of a sex offender register_

Participants were asked whether they believed that people who had allegedly perpetrated sexual abuse, but were not convicted of this crime, should hypothetically be subject to a New Zealand sex offender registration legalisation. Interestingly, with the exception of the Police, most of the participants in this study disagreed or strongly disagreed to non-convicted people being subject to sex offender registration laws. Forty-four percent of the Offenders’ Therapists “Disagreed” and 53% of the Offenders cohort “Strongly Disagreed”. Surprisingly, 42% of the Survivors cohort also disagreed that people who had not been convicted of a sex offence should be included on a sex offender register. In contrast, the Police cohort was generally indifferent but did not oppose the concept of including people who had allegedly perpetrated sexual abuse being subject to a New Zealand sex offender register.

When considering the significance of these results, it can be seen that most participants, including Survivors, seem to expect that a level of culpability is required through the criminal justice system to determine an individual’s eligibility for a sex
offender register. They were not in favour of relying on a balance of probabilities approach where individuals are subject to register based on suspicion and circumstantial evidence. It is surprising that the Survivors responded in this way given that a significant number of sexual offences are not resolved (New Zealand Police, 2010a).

**Participants’ responses to the duration of time that a registered sex offender should be subject to a New Zealand sex offender register**

More than half (58%) the Survivors cohort believed that a registered sex offender should remain registered indefinitely, and a further 42% believed that the length of registration should be determined by the severity and frequency of the sexual abuse. However, 56% of the Offenders cohort believed that the duration a person should be subject to a sex offender register should depend on the severity and frequency of the sexual offending. It is intriguing that Survivors of sexual abuse did not hold an avid position that every person who has perpetrated sexual abuse should be subject to lifetime registration. Rather, a large portion of this cohort believed that the determinants and mitigating factors that should guide the length of registration should relate to the severity and frequency of the sexual crime. The other intriguing finding is that the Offenders sample did not categorically state “No Time” (only 16% supported this stance). Conversely, 52% of the Police cohort predominantly favoured an indefinite period of registration, although 43% believed the length should be determined by the frequency and severity of the sexual crime.

The findings from the Survivors cohort suggest they do not conclusively support mandatory lifetime sex offender registration. Therefore, contrary to assumption, survivors of sexual abuse may not hold punitive, retributive, or vindictive attitudes toward people who have sexually offended. The Survivors cohort response is consistent with the findings from Brown, Deakin, and Spencer (2008), who surveyed 979 members of the public and found that their respondents were not as punitive toward sex offenders as assumed. However, an earlier study by Brannon, et al. (2007), who surveyed 193 adults to ascertain the public’s perceptions of sex offenders and community notification policies, found that most respondents demonstrated punitive attitudes toward sex
offenders. Most respondents stated that sex offenders should serve the maximum amount of time the survey offered (99 years) both in prison and on parole. These contradictory research findings appear to be replicated in the findings of this research, where a significant proportion of the Police, Survivors, and Survivors’ Therapists cohorts (while generally favouring indefinite periods of registration) strongly responded with “Depends on Severity and Frequency”, which is debatably not a strongly held punitive stance. These findings also suggest that the Police, once again, are receptive to every function that may be offered by a sex offender register.

**Participants’ response to “can people who have perpetrated sexual abuse change and live an abuse-free life?”**

This question is integral to understanding participants’ beliefs about whether people who have engaged in sexually abusive behaviour can change and live an abuse-free life. This question has deliberately avoided mentioning the variable of treatment effecting change because it is anticipated that these results will simply reveal the participants’ beliefs around whether people who have perpetrated sexual abuse have the capacity to change.

In response, 62% of Police, 67% of Survivors, and 44% of Survivors’ Therapists cohorts all replied with “Maybe” someone can change. Conversely, the Offenders appeared more optimistic and certain about their ability to change, with 68% responding with “Strongly Agree”, and a further 26% stating they “Agree”. Only 44% of the Offenders’ Therapists cohort “Agreed” that people who had perpetrated sexual abuse could change, and 33% stated “Maybe”.

These findings have many implications. First, the participants were not absolutely convinced that people who had sexually abused had sufficient autonomy and control over their behaviour, without treatment or other pro-social influences, that would mean they could sustain a non-abusive life. Second, these participants might not have had the
confidence to believe that people who had perpetrated sexual abuse would be responsive
to treatment, and therefore they might not be able to live an abuse-free life. This finding
is not surprising. Hanson et al. (2004) argue that no single study is effective in
determining the effectiveness of sex offender treatment. Therefore, the easy answer
regarding whether treatment is effective for preventing sexual abuse is not
straightforward, and may erode people’s confidence in the integrity and effectiveness of
sex-specific treatment in general. Third, the participants’ responses may be indicative of
the erroneous beliefs about sex offenders re-offending. Such beliefs were discovered in
a study by Levenson, et al. (2007), who found that their participants believed sex
offenders in general were most likely re-offend and sexual crimes were increasing. The
majority believed sex offenders primarily molested children and were seriously
mentally ill. They were not optimistic about the effectiveness of treatment.

Given that the current research was not designed to elicit public perceptions and
beliefs regarding sex offenders, it is difficult to substantiate whether participants in this
study held the same beliefs as Levenson et al.’s (2007) participants. However, Levenson, et al.’s (2007) study provides a possible explanation for why participants did
not provide a more confident response regarding whether they believed people who had
perpetrated sexual abuse could change and live an abuse-free life. The participants’
“Maybe” responses may suggest that they believe sex offenders can change, although
this change and their ability to live an abuse-free life is contingent on certain
circumstances or variables. What these variables or circumstances are remain unclear
due to the limitations of quantitative research. Further research is recommended to
determine why participants were not convinced that people who had perpetrated sexual
abuse could change.

Summary

This research has attempted to address two very important aspects of the debate
around legislating for a New Zealand sex offender register. The first related to asking
the open-ended question “Does New Zealand need a sex offender register?” The
answer to this question, based on the findings of the research, is that it depends on who you are asking. The Police, Survivors, Survivors’ Therapists and Survivors’ Support People cohorts perceive that New Zealand would benefit from a sex offender register. However, when the Offenders’ Therapists and Offenders cohorts were asked the same question, the general consensus was no, there would be no benefit to New Zealand from having such a register. These dichotomies regarding support for a sex offender register converge in relation to the idea of community notification as a function of such a register. Here, participants generally did not support the proposition that all information contained on a New Zealand sex offender register should be subject to mandatory release to the public. There was support for the release of certain information, however, including sex offence and name of the offender.

The second aspect considered the “Practical implications for people who have sexually offended, the survivors, families, and the services that are involved”. This chapter has reviewed the practical implications for both survivors of sexual abuse and people who had perpetrated sexual abuse. The latter reported they would experience adverse affects to their emotional and social well-being. The Survivors cohort, however, reported that they would not feel any safer with the enactment of a sex offender register and would not feel avenged by such legislation. Thus, the Offenders cohort held a stronger perception of the adverse practical implications of a sex offender register than the Survivors.

The findings, which support international literature and other research findings, have revealed that both Therapists of people who have perpetrated sexual abuse, and their clients (Offenders), answered in a similar manner to each other. Survivors of sexual abuse and the Therapists who work with them replicated this pattern.

In conclusion, the research found support for most of the hypotheses, indicating that, as predicted, different participant groups had differing views on the need for a sex offender register, and that such a register would not provide the commonly assumed benefits for victims or perpetrators of sexual abuse.
This research has extensively reviewed the issues and controversies surrounding sex offender registers and examined the theory and international literature that relates to this subject. The research also confirmed the findings of the study and discussed these in detail. This chapter confirms the study’s hypotheses and summarises the significant findings of the research. The limitations of this study and recommendations for future research will also be made explicit.

Hypotheses

*Hypothesis One: Survivors of sexual abuse and their support people would support the inception of some form of sex offender register and community notification legislation in New Zealand to manage sex offenders in the community*

This research found that 83% of survivors of sexual abuse and 100% of support people of survivors of sexual abuse supported the inception of a New Zealand-based sex offender register. Their support was based on registering sex offenders’ name, address and employment location and that these individuals experience restrictions on their freedom in the community. However, survivors and their support people were not entirely supportive of community notification with the majority of survivors (50% “Disagree” and 25% “Maybe”) opposing the requirement that law enforcement agencies must release all information held in a register to the general public.
Hypothesis Two: People who have sexually offended would oppose the inception of sex offender registration and community notification legislation

The research confirmed this hypothesis with 84% of participants who have perpetrated sexual abuse reporting that they would not support the inception of a New Zealand sex offender register as described in the questionnaire. That is, registering their name, address, employment location and be subject to restrictions on their freedom in the community. Interestingly, a number of focus group participants were not adamantly opposed to supporting a New Zealand sex offender register providing that the ideology that underpins such a register relates to rehabilitation and relapse prevention and not retribution or shaming. All of the people who have perpetrated sexual abuse (100%) reported that they did not support the public having any information from a proposed sex offender register. The focus group participants and people who completed the questionnaire expressed that they would have serious concerns for their own and their family’s physical and psychological safety. They also anticipated that they would experience employment difficulties if the public were informed of their history of sexually abusive behaviour and other personal information such as their name and address. Their concerns are warranted as other international studies have found such social consequences do occur when personal information regarding registered sex offenders is released to the general public.

Hypothesis Three: Support people who are supporting a person who has perpetrated sexual abuse through their therapy, will oppose any proposed sex offender register and community notification legislation

These support people declined to participate in the research and as such this hypothesis could not be confirmed. This response, while disappointing, is an answer in its own right, though the reasons for them not participating in the research are unclear. However, several explanations could be offered, such as the support people may have perceived completing the comprehensive questionnaire being too onerous at a time when they are likely experiencing considerable grief and emotional turmoil as a
secondary victim of the sexual abuse. Another explanation is that the therapists who work with these support people needed to prioritise other therapeutic needs and goals over needing to remind support people to complete a questionnaire. Whatever the reason, further research is recommended to elicit their perspectives on whether they support New Zealand enacting a sex offender register so that the impact of such polices can be formally recorded.

**Hypothesis Four: Sixty percent of the study’s participants believe that a sex offender register in New Zealand would improve New Zealand society’s ability to protect themselves from people who have sexually offended**

The findings of the research did not support this hypothesis as only 32% of participants surveyed believed that a sex offender register in New Zealand would improve society’s ability to protect themselves from people who have sexually offended. Incidentally, apart from Offenders and Offenders Therapists, most participants sampled believed that a sex offender register would reduce sexual crimes in New Zealand. However, the survivors of sexual abuse cohort were less optimistic with only half supporting the idea that the public would be better protected by the existence of a sex offender register.

**Hypothesis Five: Sixty percent of the study’s participants believe that a sex offender register would improve Government departments and social service agencies ability to manage people who have sexually offended and reside in the community**

This hypothesis was confirmed as 75% of all participants surveyed overwhelmingly stated that a sex offender register would improve social services and law enforcement agencies ability to manage people who have perpetrated sexual abuse and who reside in the community. Of the Offenders Therapists cohort, 57% and 63% of Offenders cohort who completed the questionnaire, were less confident that social services and law enforcement would be better served by a sex offender register. While
the response unquestionably illustrates a strongly held belief from the participants of this study that a sex offender register would assist social services and law enforcement, these findings lack input from prominent social services who would seemingly profit from a sex offender register.

Hypothesis Six: Survivors of sexual abuse, people who have sexually offended, and their respective support people believe they would experience adverse psychological and social outcomes if a New Zealand-based sex offender register was established.

Survivors of sexual abuse reported that they would experience few adverse psychological or social outcomes if a sex offender register were enacted. Curiously, the majority of survivors of sexual abuse reported that they would not feel avenged or feel safer if a sex offender register were enacted in New Zealand. Therefore, one could conclude that revenge may not be a primary impetus for their support of a register nor would a register assist survivors of sexual abuse to feel safer in the community.

Hypothesis Seven: People who have perpetrated sexual abuse and agreed to participate in this research project will deny that a sex offender register would have prevented them from perpetrating sexual abuse.

Six of the seven focus group participants clearly refuted that a sex offender register would have prevented them from perpetrating sexual abuse. A number of focus group participants reported that they were so immersed and intently preoccupied with the commissioning of their abusive behaviour that consequences of their behaviour were not salient or relevant to them at the time. Thus, this hypothesis is confirmed by the findings of this research.
Unexpected Findings

A number of interesting findings that did not specifically relate to the hypothesis emerged from the research. The research revealed that people who have perpetrated sexual abuse and their therapists frequently answered in a similar manner, which was generally in contrast to the responses offered by the therapists of people who have been sexually abused and their clients. This finding is consistent with other international studies such as Levenson et al. (2009). Another interesting finding of the research was that the Police cohort was supportive of almost every restriction that a sex offender register could impose. However, the Police cohort did not support community notification whereby the public are informed of the personal details of a registered sex offender, such as where they reside, via public communication channels. For example, mail drops, Internet or public meetings. Rather, the Police favoured discretionary powers to inform the public of the whereabouts of a registered sex offender and that they approach chosen individuals and disclose pertinent information they deem the individual or organisation should know.

Another unexpected result surfaced regarding the therapists of people who have perpetrated sexual abuse and their support of certain restrictions imposed on registered sex offenders. This cohort was supportive of the requirement that registered sex offenders should inform law enforcement of their whereabouts, needing to inform people about their abusive behaviour and law enforcement having the authority to restrict who a registered sex offender can live with. What was also interesting from these findings was that these therapists were not absolutely convinced that treatment should be a compulsory function under any proposed New Zealand sex offender register.
**Recommendations**

While the findings of this study suggest that the Police, survivors of sexual abuse and the therapists who work with them believe that a sex offender register would improve the management of people who have perpetrated sexual abuse, further investigation is recommended to establish precisely how social services and law enforcement would be improved by the existence of a sex offender register in New Zealand.

The literature reviewed in the research suggested that people who have adult victims have a propensity to recidivate more rapidly than interfamily child sex offenders and are less amendable to treatment yet they are not subject to the *Extended Supervision Parole (Extended Supervision) Amendment Act, 2004*. It is therefore recommended that further research be undertaken to determine the feasibility, and appropriateness of broadening the eligibility criteria of the *Extended Supervision Parole (Extended Supervision) Amendment Act, 2004*, to include people who have perpetrated sex offences against adults.

The literature reviewed for this study found strong evidence that the media has a profound influence over the public, social policy makers and politician’s perceptions of sex offenders. It was also found that the media’s influence is usually based on inaccurate or sensationalised information regarding sex offenders risk to the community which is usually followed by lobbying for stringent sex offender policies as a consequence. It is recommended that sex-offence-specific treatment providers, given their apparent opposition to many aspects of a sex offender register, as evidenced in this research, develop a media strategy to educate the public and media regarding the benefits and costs of implementing a sex offender register in New Zealand especially when a child has been murdered and sexually molested. It is hoped that these treatment providers or other stakeholders who have an interest in opposing or supporting sex offender registration legislation in New Zealand will be assisted by the review of the literature and the findings offered by this study.
This research revealed that many participants, including therapists who work with sex offenders, are not convinced that people who have perpetrated sexual abuse can change and live an abuse-free life. However, due to the limitations of the quantitative research method, it is unknown why participants were not completely convinced that people can change. Understanding this response is critical because if the public have reservations regarding sex offenders’ ability to change, then it is conceivable that egregiously punitive sex offender polices could be enacted to ensure the wider public are kept safe from these individuals due to their suspected risk of re-engaging in sexually abusive behaviour.

The focus group participants from this study suggested that they would be receptive to a sex offender register if the ideology that underlines such legislation serves to support a registered sex offender to abstain from sexually abusive behaviour and not as a means of shaming them. It is therefore recommended that further research is undertaken to ascertain whether such approaches are being adopted around the world and to what affect. Moreover, if the Extended Supervision Order currently achieves such objectives.

**Limitations of Research**

There are many limitations to this research, the obvious one being the sample size used in the questionnaire. The size of this sample means that caution needs to be applied when generalising these results. The absence of support people of both Offenders and Survivors cohorts is also a limitation as their views have not been represented in this research.

This research has invested minimal emphasises, in part due to the scope of this study, on cultural factors in relation to sex offender registers. More importantly, investigating how Maori historically responded and treated people who have perpetrated sexual abuse. It is recommended that further research is undertaken to investigate the
implications and consequences of a sex offender register on Maori, particularly if such polices have an agenda to publicly shame individuals. Furthermore, it is recommended that such research investigates the cultural implications for Maori if members of an iwi and whanau were publicly identified as being a registered sex offender, and how certain restrictions imposed by such a register may impact on cultural rituals and protocols that are deemed cultural important to Maori.

The sheer length of the questionnaire was problematic, in that it could have deterred potential participants from responding. Should research that focuses on sex offender registers in New Zealand occur in the future, then it is recommended that a more simpler and shorter questionnaire is developed to optimise the chances of participants choosing to respond to the questionnaire.

The survivors of sexual abuse who participated in this study were likely to be therapeutically at different stages in their therapy. Therefore, their responses should be considered in the context of them being in a state of interpersonal change and healing, as they process their grief from being victimised. Denial, blame, sadness and anger are but some of the common feelings and responses that a survivor may experience. This makes it plausible that they may feel very differently about questions posed to them regarding sex offender registers in one month or indeed in six months time. The process of grief is not isolated to survivors, people who have perpetrated sexual abuse are in a similar situation as they are embarking on their personal journey of discovering how they commissioned, executed and perhaps concealed their crime while also being invited to explore the impact that their behaviour has had on others. Consequently, the answers provided by these participants may also be changeable and should a similar study to this one be commissioned, then it is possible contrasting results are obtained. Thus, the findings from this research must not be deemed as indicative of all survivors and all people who have perpetrated sexual abuse perspectives regarding sex offender registers particularly with the low sample size this research secured.

A further limitation of the study was the absence of social services participants such as probation officers and Child Youth and Family social workers. Their non-
involvement in the study meant that another perspective was denied in relation to the implications on social services resourcing of a sex offender register and whether they believe it would improve or disadvantage their work.

Summary

This research opened with a parable that illustrated the tragic yet fictional story of the death of Jennie Collins. Jennie’s story replicated many extraordinarily heartbreaking cases that are tragically, not fictional where children have been taken from us to appease someone’s sexual gratification and their psychological needs. The story concluded with a question that was intended to evoke a considered response regarding whether the fictional sex offender register legislation after the heinous death of Jennie Collins was a straightforward and reasonable solution to prevent such tragedies. This research has at the very least highlighted that enacting a sex offender register legalisation is not a straightforward solution to prevent sexual abuse from occurring in New Zealand. Sexual crime by its nature is inherently deceitful and secretive, and is a considerably complicated noxious social problem to eradicate. The seemingly straightforward solution not only affects the social, financial and psychological domains of the offender, it also affects the lives of the victims, their respective families, Police, therapists and indeed the wider public. It is anticipated that the research has highlighted this fact and will provide a foundation for more sophisticated and considered discussion on whether New Zealand needs a sex offender register in the future.

If the purpose of a New Zealand sex offender register is to deter individuals from perpetrating sexual abuse, then the findings of this research have found that deterrent-focused sex offender registers and polices will have minimal effect on preventing sex offenders from engaging in sexually abusive behaviour. Conversely, if the purpose of a New Zealand sex offender register is to keep the public safe by informing them of where an offender resides so that they can take steps to protect themselves, then this research has found that there does not appear to be any empirical evidence that has conclusively found that registers improve public safety by reducing sexual abuse.
Moreover, apart from the Police, most participants represented in the research did not believe that the public could better protect themselves from a sexual crime by enacting sex offender register legislation. Yet, the research found that substantial empirical evidence exists regarding registered sex offenders experiencing threats and violence that compromise their safety. If the purpose of a sex offender register is to enhance the collaboration between social services and law enforcement so that the management of sex offenders is improved, then this research has found evidence that registers assist this partnership and that such a belief is held by most stakeholders represented in the research. However, the research outlined that this partnership may come at a significant cost in terms of the time needed to provide intense case management of these individuals and a financial cost.

In conclusion, the research appears to be the first explorative New Zealand orientated study into whether New Zealand would benefit from a sex offender register. The findings, while predictable in many respects, and based on low participation rates, have contributed to the growing pool of literature on public attitudes towards sex offenders and sex offender registers. The research also examined the impact of sex offender registers, though this examination has a significant point of difference of focusing on a New Zealand context. It is hoped that many other research studies will follow, with a particular emphasis on other possible sexual crime prevention methods.
REFERENCES


APPENDICES

Appendix

1 Ethics Committee Approval

2 Questionnaire

3 Questionnaire Consent Sheet

4 Questionnaire Information Sheet

5 Focus Group Guided Interview

6 Focus Group Consent Sheet

7 Information Sheet for Focus Group Participants

8 Focus Group Transcript for Participants

9 Glossary of Terms
7 December 2009

Lincoln Ellery
6 Rowley Avenue
Hoon Hay
Christchurch

Dear Lincoln Ellery,

Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

Investigator: L Ellery, Dr L Briggs (Supervisor)
Localities: START Inc, Wellstop Inc, Christchurch Police Child Abuse Investigation Unit, Papanui Police Child Abuse Unit, STOP Adult Programme Christchurch,
SAFE Network, The Monarch Centre, Male Survivors of Sexual Abuse Trust

Ethics ref: URA/09/05/035

The above study has been given ethical approval by the Upper South A Regional Ethics Committee.

Approved Documents
Information sheet and consent form for questionnaire participants, dated 25 October 2009
Information sheet and consent form for focus group participants, dated 25 October 2009
Questionnaire, dated 25 October 2009
Confidentiality agreement, dated 25 October 2009

Accreditation
The Committee involved in the approval of this study is accredited by the Health Research Council and is constituted and operates in accordance with the Operational Standard for Ethics Committees, April 2006.

Final Report
The study is approved until 1 November 2010. A final report is required at the end of the study and a form to assist with this is available at http://www.ethicscommittees.health.govt.nz. If the study will not be completed as advised, please forward a progress report and an application for extension of ethical approval one month before the above date.

Amendments
It is also a condition of approval that the Committee is advised of any adverse events, if the study does not commence, or the study is altered in any way, including all documentation eg advertisements, letters to prospective participants.

Please quote the above ethics committee reference number in all correspondence.

It should be noted that Ethics Committee approval does not imply any resource commitment or administrative facilitation by any healthcare provider within whose facility the research is
to be carried out. Where applicable, authority for this must be obtained separately from the appropriate manager within the organisation.

We wish you well with your study.

Yours sincerely

Alleke Dierckx
Upper South A Ethics Committee Administrator
Email: alleke_dierckx@moh.govt.nz
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

Please read the information sheet provided before beginning the questionnaire.

While you do not have to answer all questions asked of you if you do not wish to, we encourage you to answer all the questions as your responses are important to the overall study.

Demographic Information

Are you employed (please circle) Yes / No

What is your primary occupation? __________________________________________

Age in years ________

Ethnicity (please circle)

1. NZ European / NZ Pakeha
2. NZ Maori
3. Samoan
4. Tongan
5. Niuean
6. Cook Islands Maori
7. Chinese
8. Indian
9. Other (please specify) __________________

Religion______________________________
Sex Offender Registration

1. Would you support New Zealand establishing a sex offender register whereby people who have been convicted of a sexual crime of any kind are required to register their name, address and employment location and be subject to restrictions on their freedom in the community?

Yes / No (Please circle one)

2. Do you believe that a New Zealand based sex offender register would reduce sex crimes from occurring in New Zealand?

Yes / No (Please circle one)

3. Do you believe that a sex offender register would improve New Zealand social services’ and law enforcement agencies’ ability to manage people who have sexually offended and live in the community?

Yes / No (Please circle one)

4. A sex offender register in New Zealand would improve the general public’s ability to protect them from experiencing a sexual crime.

Please circle one answer below

<table>
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<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

5. What restrictions would you impose on people who would be registered on a New Zealand based sex offender register?

Please circle your answer to each question below

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved. 15 January 2010 Page 3

<table>
<thead>
<tr>
<th>5a</th>
<th>People who have been convicted of a sexual crime must notify law enforcement officials who they are living with</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>5b</td>
<td>Law enforcement officials can stop a registered sex offender from leaving the country</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5c</td>
<td>Law enforcement officials can direct where a registered sex offender lives</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5d</td>
<td>Law enforcement officials can restrict the registered sex offender’s contact with certain people</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5e</td>
<td>Law enforcement officials can restrict where a registered sex offender can visit in the community</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5f</td>
<td>Any restrictions that a law enforcement agency deems necessary</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5g</td>
<td>People who have been convicted of a sexual crime must live in restricted areas in the community</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5h</td>
<td>People who have been convicted of a sexual crime must inform at least three friends or family members of their sex offences</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>5i</td>
<td>People who have been convicted of a sexual crime must complete a sex offender counselling programme</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

6. What information do you believe should be registered on any proposed New Zealand sex offender register?

Please circle your answer to each question below

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>6a</td>
<td>Name</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6b</td>
<td>Address</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6c</td>
<td>Photo</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6d</td>
<td>Sex offence</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6e</td>
<td>Employment location</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6f</td>
<td>Associates/ friends names</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6g</td>
<td>Family names</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6h</td>
<td>Car registration</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>6i</td>
<td>Drivers licence</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>
7. Do you believe that a person who has perpetrated sexual abuse can change their behaviour and live an abuse free life?

*Please circle only one answer*

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

8. How long should a person who has been convicted of a sexual crime stay registered on any proposed New Zealand based sex offender register?

*Please circle only one answer*

<table>
<thead>
<tr>
<th>No time</th>
<th>0-11 Months</th>
<th>1-2 Years</th>
<th>25 months - 5 Years</th>
<th>5 years, 1 month - 10 Years</th>
<th>Indefinitely</th>
<th>Depends on the severity or frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

9. Do you believe that any proposed New Zealand based sex offender register should include people who may have perpetrated sexual abuse but have not been convicted of that crime?

*Please circle only one answer*

<table>
<thead>
<tr>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

10. Who should be responsible for monitoring and enforcing any proposed New Zealand based sex offender register?

*Please circle your answer to each question below*

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>10a Department of Corrections</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>10b Department of Child, Youth and Family Services (CYFS)</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>10c New Zealand Police</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
11. Which of the following examples should be used to exclude someone who has sexually offended from being mandated to register on a New Zealand based sex offender register?

Please circle your answer to each question below

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>11a</td>
<td>The person who perpetrated sexual abuse was not convicted for that sexual crime</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11b</td>
<td>The person who perpetrated sexual abuse did not go to prison for the sexual abuse he/she perpetrated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11c</td>
<td>The person is under 12 years old</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11d</td>
<td>The person is under 14 years old</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11e</td>
<td>The person is under 18 years old</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11f</td>
<td>The person perpetrated sexual abuse on one occasion only</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11g</td>
<td>The person who perpetrated sexual abuse has been assessed by a health professional as a low risk of re-offending</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11h</td>
<td>The person who perpetrated sexual abuse has completed a sex offender treatment programme</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11i</td>
<td>The person who perpetrated sexual abuse has been compliant to parole/probation conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11j</td>
<td>The victim/survivor who was sexually abused does not want the person who perpetrated the sexual abuse against them to be registered</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11k</td>
<td>The person who experienced the sexual abuse would be identified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11l</td>
<td>The person perpetrated sexual abuse against one person only</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
12. How should the public be notified of a registered sex offender?

*Please circle your answer to each question below*

<table>
<thead>
<tr>
<th>Question</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>12a Law enforcement officials are required to release all information from a sex offender register to the general public</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12b Law enforcement officials can release any information on the sex offender register only to NZ Government agencies such as CYFS and the Ministry of Education for the purposes of protecting children</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12c Information from the sex offender register is released to the general public when a member of the public makes a formal request</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12d Law enforcement officials visit the neighbours who reside next to a registered sex offender and inform them of the offenders name, personal details and offending history</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12e Law enforcement officials can use discretion to inform the public</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12f Registered sex offenders are required to inform neighbours themselves</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12g Employers can obtain information from the sex offender register to check that the potential employee does not have a history of sexual offending</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>12h Only employers of people who work with children or within the health and social services field can obtain information from the sex offender register</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

13. This information about a “registered sex offender” should be made available to the general public.

*Please circle your answer to each question below*

<table>
<thead>
<tr>
<th>Question</th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>13a Name</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>
14. How should the public be notified of a registered sex offender's details?

Please circle your answer to each question below

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Strongly Agree</th>
<th>Agree</th>
<th>Maybe</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>14a</td>
<td>Internet</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>14b</td>
<td>Newspaper</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>14c</td>
<td>Public meetings</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>14d</td>
<td>Mail drops</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>14e</td>
<td>Law enforcement officials notify neighbours, employers, schools etc</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>14f</td>
<td>Law enforcement officials visit and inform schools where a registered sex offender lives when an offender is known to be living in their area</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>14g</td>
<td>Neighbours are informed of a registered sex offender living near to them</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

15. Who do you think should have access to the information in a sex offender register?

Please circle your answer to each question below
15a Police | 1 2 3 4 5
15b Department of Corrections | 1 2 3 4 5
15c Department of Child, Youth and Family Services | 1 2 3 4 5
15d All Government Agencies and Government Departments | 1 2 3 4 5
15e The general public | 1 2 3 4 5
15f Schools | 1 2 3 4 5
15g New Zealand Immigration | 1 2 3 4 5
15h Immigration Government Departments in other countries. | 1 2 3 4 5
15g Therapist who provide therapy to people who have perpetrated sexual abuse | 1 2 3 4 5
15h Therapists who provide therapy to people who are survivors/victims of sexual abuse | 1 2 3 4 5

Impact on Individuals

PLEASE NOTE: Only complete this section if you are:

1. Survivor/victim of sexual abuse
2. Support person for someone who is a survivor/victim of sexual abuse
3. Person who has perpetrated sexual abuse
4. Support person for a person who has perpetrated sexual abuse, supporting them to complete treatment

The following section is designed to capture the potential impact that a sex offender register might have on you.

Given that New Zealand currently does not have a formalised sex offender register, we appreciate that this might be difficult for you to answer. We ask that you respond to all these sections. If you believe they do not apply to you then please circle “not applicable”. If people who have committed a sexual crime were required to register their name, address, sex offence, and employment location, and if the general public had access to this information, what would be the impact on you in the following areas of your life?

Please circle your answer to each question below
16. Work

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Yes</th>
<th>Possibly</th>
<th>No</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>16a</td>
<td>I would lose my job</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>16b</td>
<td>My chances of promotion would be negatively affected</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>16c</td>
<td>My colleagues would verbally abuse me</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>16d</td>
<td>I would not be able to do my job effectively</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>16e</td>
<td>I would not be able to get a job</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>16f</td>
<td>The register would make my work life easier</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>16g</td>
<td>My job would not be affected in anyway</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

17. Emotionally

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Yes</th>
<th>Possibly</th>
<th>No</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>17a</td>
<td>I would experience shame</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17b</td>
<td>I would worry about my safety</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17c</td>
<td>I would become more mistrustful of people</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17d</td>
<td>I would feel safer in the community</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17e</td>
<td>I would feel relieved</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17f</td>
<td>I would feel under threat of physical or verbal threats to my life</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17g</td>
<td>I would feel angry</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>17h</td>
<td>I would feel avenged</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

18. Family

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Yes</th>
<th>Possibly</th>
<th>No</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>18a</td>
<td>My family would be shamed or embarrassed</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>18b</td>
<td>My family would experience verbal abuse</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>18c</td>
<td>My family would experience physical abuse</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>18d</td>
<td>My family would be safer</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved. 15 January 2010 Page 10

19. Home Life

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Yes</th>
<th>Possibly</th>
<th>No</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>19a</td>
<td>I would not feel safe leaving my house</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>19b</td>
<td>I would feel safe because I would know who is in my neighbourhood</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>19c</td>
<td>My opportunity to participate in activities and sports that I enjoy would be negatively affected</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>19d</td>
<td>I would not be able to participate in activities that I enjoy</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>19e</td>
<td>My home would be targeted by people who would want to harm me or my family</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>19f</td>
<td>I would not be able to rent or live in a house</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>19g</td>
<td>My property would be damaged</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

20. Financially

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Yes</th>
<th>Possibly</th>
<th>No</th>
<th>Not applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>20a</td>
<td>My ability to earn money would be negatively affected</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>20b</td>
<td>I would experience financial hardship</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Thank you for taking the time to complete this questionnaire.
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

Consent Form for Questionnaire Participants

I have read the information sheet concerning this study and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the study is entirely voluntary.

2. I am free to withdraw from the study at any time without any disadvantage.

3. Personal and identifiable information will be destroyed at the end of the study. However, information upon which the results of this study depend will be kept in secure storage for ten years, after which the information will be destroyed.

4. Some of the questions in the questionnaire might get me thinking about how sexual abuse has impacted on my life.

5. The results of this research study will be used for the completion of a Master of Social Welfare thesis and will be available in the University of Otago Library (Dunedin, New Zealand) and that every attempt will be made to preserve my anonymity.

Please circle Yes or No regarding whether you consent to the researcher using the information gathered from your questionnaire for other related studies in the future. These studies or related work could be published however no identifiable information will be used or published. Yes/ No

I agree to take part in this study.

Name of Participant

Signature of Participant (Date)
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved. 15 January 2010 Page 2

This study has been approved by the Upper South A Regional Ethics Committee. If you have any concerns about the ethical conduct of the researcher you may contact the Committee through the Ethics Committee Administrator (Ph 03 372 3037). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

If you have any questions or concerns about your rights as a participant in this research study, you can contact an independent Health and Disability Advocate. This is a free service provided under the Health and Disability Commissioner Act.
Telephone: (NZ Wide): 0800 555 050
Free fax (NZ wide): 0800 2787 7678 (0800 2 SUPPORT)
Email (NZ wide): advocacy@hdc.org.nz

Group_____

Participant Number_____
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

Information Sheet for Questionnaire Participants

Thank you for showing an interest in this study. Please read this information sheet carefully before deciding whether or not to participate. If you decide to participate we thank you. If you decide not to take part there will be no disadvantage to you of any kind and we thank you for considering our request.

What is a sex offender register?

A large number of western countries have already legalised sex offender registers. These registers differ from country to country, however they do have common features. These features include people who have been convicted of a sexual crime being legally required to regularly register their personal information such as name and address to police. This information is usually then registered on a computer data base for selected people to access. Another common feature of sex offender registers is that registered sex offenders are subject to certain restrictions on their freedom such as where they can live in the community and who they can associate with.

How or whether the general public can access the information on a sex offender register again depends on what country a registered sex offender lives in. For example in the United States of America the general public can access the internet and locate precisely who has sexually offended and where they live whereas in the United Kingdom the general public cannot access the information contained in the register. However the police can use their discretion to inform members of the public.

Sex offender register laws typically receive strong political and public support when a sexual crime has been perpetrated against a child. Tragically, New Zealand is not immune to such sexual crimes thus it is conceivable that New Zealand law makers will entertain the idea of introducing a sex offender register. Consequently, this research study has been initiated to determine the possible positive and
negative consequences to all involved if New Zealand established a sex offender register.

You have been chosen to participate in this research study as it has been recognised that you might in someway be affected by a sex offender register.

**Why should I agree to participate in this research?**

This research study provides you with an opportunity to state your opinion and convey your perspective on how a sex offender register and community notification law might positively or negatively affect your life or line of work. Your responses and perspective, while anonymous, will be formally recorded and made available to law and social policy makers, who may use this information when considering establishing a sex offender register and community notification laws in New Zealand.

Numerous sex offender registers around the world have been established or strengthened in response to a sexual crime against a child. These registers have been criticised for not first investigating how people might be affected by them. This research study provides you with an opportunity to state how a New Zealand based sex offender register might affect you.

You might wonder how a sex offender register might affect your life. Some points to help you consider the links to your situation could be:

1. If you are a survivor of sexual abuse or a family member/support person, perhaps you would consider whether you want the person who perpetrated the sexual abuse in your life to be registered as a “sex offender” which could involve restrictions on their freedom or the necessity to have their details readily available to law enforcement officials or the public.

2. If you are a therapist perhaps consider how a register may positively or negatively affect your clients’ lives, particularly if your client is related to or knows the person who committed the sexual abuse.

3. If you are a police officer perhaps consider how a sex offender register could be enforced, would it improve community safety or assist you to manage the people who commit these crimes.

4. If you are a person who has perpetrated sexual abuse, perhaps you would consider how a register would impact on your life, freedom and ability to reintegrate into the community successfully.
What is the Aim of the Project?

This research study has been undertaken as part of the requirement of the Master of Social Welfare programme through the Social Work and Community Studies Department, University of Otago.

This research study will investigate and explore how a sex offender register and community notification could impact on various stakeholders such as people who have perpetrated sexual abuse, survivors of sexual abuse and the Police.

Who will take part in the project?

This study involves two methods of collecting information. The first method involves 260 people completing a questionnaire. The 260 people will consist of police officers, therapists, survivors of sexual abuse and their families and people who have engaged in sexually abusive behaviour and their families.

The second method involves the researcher interviewing 6-8 people in a focus group who have engaged in sexually abusive behaviour. People who agree to participate in the focus group will be asked a series of questions relating to whether New Zealand needs a sex offender register.

This research study will invite male or female participants from the following categories to complete a questionnaire specifically designed for this study.

1. Twenty sworn police officers.
2. Twenty therapists who provide treatment to people who have perpetrated sexual abuse and who hold a professional health qualification such as social work or psychology.
3. Twenty therapists/counsellors who provide therapy to survivors of sexual abuse and who hold a professional qualification that relate to this field of work such as counselling, social work or psychology.
4. Fifty survivors of sexual abuse who are receiving counselling from a sex abuse therapist/counsellor.
5. Fifty family members or support people who are supporting a survivor of sexual abuse through their therapy.
6. Fifty people who have perpetrated sexual abuse and are receiving sexual abuse therapy from a community based treatment programme.
7. Fifty family members or support people who are supporting a person’s attendance at a community based treatment programme for people who have perpetrated sexual abuse.

All participants who choose to take part in this study must be fluent in English and must be over 16 years old.

**What will I be asked to do?**

**Questionnaire**

The questionnaire has been specifically designed for this study. It is structured in a way that is easy to read and uses multi-choice questions. The questionnaire will ask your opinion on issues relating to whether New Zealand needs a sex offender register and community notification. It is okay if you are not familiar with sex offender registers as the questionnaire should help you to understand what a sex offender register is.

The questionnaire will **not** ask you to provide any detailed personal information that would identify you, such as your name and address etc. The questionnaire will also **not** ask you for details regarding the sexual abuse that you might have experienced or who sexually abused you.

You do not have to answer all questions in the questionnaire if you do not want to.

We hope that this questionnaire will take you no more than 30 minutes to complete.

**Can I change my mind or withdraw from the project?**

You may withdraw from the project at any time without any disadvantage to yourself in any way. Please note, if you change your mind you will need to contact the researcher and advise him of your request. Moreover, withdrawal from the study will not be possible when the results of the study have been published. However you can withdraw your consent for your information to be used in future related studies at any time.

**What Information will be collected and how will it be used?**

The purpose of gathering information from the questionnaires and the focus group is to complete research for a Master in Social Welfare thesis. It is anticipated that the outcome of the research will be published and in that way offer assistance to
law and social policy makers and the other people who have an invested interest in sex offender registers.

The information collected will be securely stored in such a way that only the researcher and the researcher’s supervisor will have access to it. At the end of the research study any personal information will be destroyed immediately except that which is required by the Otago University’s research policy. Information, upon which the results of the study depend, will be kept in secure storage for ten years, after which it will be destroyed.

Non-identifiable information that you provide may be used by the researcher for other future related research studies or related purposes which may be published. While this information could be re-used, your anonymity will remain. Any future related research studies for which information from this study may be used will be subject to approval by the Health and Disability Ethics Committee.

Responses to questionnaires will be entered into a data base for statistical analysis. Only your responses to questions will be recorded.

The results of the research study will be available in the University of Otago Library (Dunedin, New Zealand). You are most welcome to request a copy of the results of the study should you wish to do so.

**What if I have any questions or concerns?**

If you have any questions about our study, either now or in the future, please feel free to contact either:

Lincoln Ellery: Researcher  
Department of Social Work and Community Studies  
University of Otago  
Telephone Number: 021 0234 9161  
Email: ellli408@student.otago.ac.nz

Dr Lynne Briggs: Researcher’s Supervisor  
Department of Social Work and Community Studies  
University of Otago  
Telephone Number: 03 335 4150  
Email: lynne.briggs@otago.ac.nz

*If you have any questions or concerns about your rights as a participant in this research study, you can contact an independent health and disability advocate. This is a free service provided under the Health and Disability Commissioner Act.*  
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Email (NZ wide): advocacy@hdc.org.nz

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Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

Focus Group Guided Interview

Date: _________________________________

Participant number: ____________________

1. What do you think is the purpose of a sex offender register?

2. Why do you think Governments around the world have introduced sex offender registers?

3. Have you ever been required or volunteered to disclose your sex offending history to anyone?
   
   • What was their reaction?
4. Would notifying the community of where people who had perpetrated sexual abuse reside, reduce sexual crimes in New Zealand?
   - Why?

5. On reflection, would you have not perpetrated sexual abuse if you knew that if you got caught you would become a “registered sex offender” and be legally required to register the following details:
   - Your name
   - Your address
   - The sexual crime you were convicted of
   - Where you worked
   - Be subject to restrictions on your freedom such as where you can travel and live

   - Why?

6. Would a sex offender register deter you from sexually abusing in the future if you knew that consequently you would be subject to sex offender registration laws which could mean you would need to register:
   - Your name
   - Address
   - Where you worked
   - Have restrictions on your freedom such as where you lived or limitation on where you can travel.

   - Why?

7. Do you think a sex offender register could prevent people from becoming a victim of a sexual crime or reduce sex crimes from occurring?
• Why?

8. What do you think are the disadvantages of a sex offender register?

9. How would your home life, social opportunities and employment be affected if the general public could obtain information about your sexually abusive behaviour, your name, where you lived and other information that identified you?

10. Was the person that you sexually abused a total stranger?

11. What advice would you give to the general public that would prevent them or a loved one from experiencing a sexual crime?
12. What would you say to any legislator, social policy maker, researcher or politician/decision-makers proposing that New Zealand establishes a sex offender register?
Does New Zealand need a sex offender register?: Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

Consent Form for Focus Group Participants

I have read the information sheet concerning this study and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to ask for further information at any stage.

I know that:-

1. During the group discussion it is possible that personal or sensitive information may be disclosed. I agree to keep this information strictly confidential, but I understand that no guarantee can be given that information about me will be kept private.

2. My participation in this study is entirely voluntary.

3. I am free to withdraw from the study at any time without any disadvantage.

4. Personal information gathered during the interview such as audio-tapes, will be destroyed at the end of this study. However I realise that any information on which the results of the project depend will be kept in secure storage for ten years at which time this information will be destroyed.

5. The focus group will involve questioning that will centre on how a sex offender register in New Zealand would impact on my life, and whether a register may have deterred me from sexually abusing a person. I understand that the questions that will be asked of me have not been confirmed in advance. Therefore, should the discussion develop in such a way that I feel hesitant or uncomfortable, I understand that I may decline to answer any particular question(s) or may withdraw from the study without being disadvantaged in any way.

6. I have had time to consider whether to take part.

7. Who to contact if I have any side effects from the study.

8. I know who to contact if I have any questions about the study.

9. That some of the questions asked of me might make me feel uncomfortable or might get me thinking about how sexual abuse has impacted on my life.
10. I consent to my interview being audio-taped and I understand that these tapes will later be destroyed. **YES/NO**

11. Please circle **either Yes or No** regarding whether you consent to the researcher using the information gathered in the focus group for other related studies in the future. These studies or related work could be published; however no identifiable information will be used or published. **Yes/ No**

12. The results of this research study will be used for the completion of a Master of Social Welfare thesis and will be available in the University of Otago Library (Dunedin, New Zealand) but every attempt will be made to preserve my anonymity.

I agree to take part in this study.

Name of Participant:

Signature of Participant: (Date)

Signature of Researcher: (Date)

This study has been approved by the Upper South A Regional Ethics Committee. If you have any concerns about the ethical conduct of the researcher you may contact the Committee through the Ethics Committee Administrator (Ph 03 372 3037). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

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Group _______

Participant Number _______
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved.

Information Sheet for Focus Group Participants

Thank you for showing an interest in this study. Please read this information sheet carefully before deciding whether or not to participate. If you decide to participate we thank you. If you decide not to take part there will be no disadvantage to you of any kind and we thank you for considering our request.

Participants who choose to take part in this study must be fluent in English and must be over 16 years old.

What is a sex offender register?

A large number of western countries have already legalised sex offender registers. These registers differ from country to country however they do have common features. These features are that the sex offender register is a computer data base containing personal information on registered sex offenders, such as their name, where they live, what offence they have committed and whether there is to be high risk of re-offending. Another common feature of sex offender registers is that registered sex offenders are subject to certain restrictions on their freedom such as where they can live in the community.

How or whether the general public can access the information on a sex offender register again depends on what country a registered sex offender lives in. For example in the United States of America the general public can access the internet and locate precisely who has sexually offended and where they live whereas in the United Kingdom the general public cannot access the information contained in the register, However the police can use their discretion to inform members of the public.

Sex offender register laws typically receive strong political and public support when a sexual crime has been perpetrated against a child. Tragically, New Zealand is not immune to such sexual crimes thus it is conceivable that New Zealand legislators will entertain the idea of introducing a sex offender register. Consequently, this research study has been initiated to determine the possible
positive and negative consequences to all involved if New Zealand established a sex offender register. You have been chosen to participate in this research study as it has been recognised that you might in some way be affected by a sex offender register.

**Why should I agree to participate in this research?**

This research study provides you with an opportunity to state your opinion and convey your perspective on how a sex offender register and community notification law might positively or negatively affect your life or line of work. Your responses and perspective, while anonymous, will be formally recorded and made available to legislators and social policy makers who may use this information when considering establishing a sex offender register and community notification laws in New Zealand.

Numerous sex offender registers around the world have been established or strengthened in response to a sexual crime against a child. These registers have been criticised for not first investigating how people might be affected by them. This research study provides you with an opportunity to state how a New Zealand based sex offender register might affect you.

You might wonder how a sex offender register might affect your life. Some points to help you consider the links to your situation could be:

1. How would you feel if you were legally required to frequently visit your local police station and inform a police officer of your whereabouts?
2. How would you feel if you were legally required to tell your employer about your history of sexually abusive behaviour?
3. How would your family be affected if a sex offender register required you to register your personal information and history of sexually abusive behaviour on a database and that this information was made public.

**What is the Aim of the Project?**

This research study has been undertaken as part of the requirement of the Master of Social Welfare Programme through the Social Work and Community Studies Department, University of Otago.

This research study will investigate and explore how a sex offender register and community notification could impact on various stakeholders such as people who have perpetrated sexual abuse, survivors of sexual abuse and the Police.

**Who will take part in the project?**
This study involves two methods of collecting information. The first method involves the researcher interviewing 6-8 people in a focus group who have engaged in sexually abusive behaviour. People who agree to participate in the focus group will be asked a series of questions relating to whether New Zealand needs a sex offender register.

The second method involves 260 people completing a questionnaire. The 260 people will consist of police officers, therapists, survivors of sexual abuse and their families and people who have engaged in sexually abusive behaviour and their families.

What will I be asked to do?

If you accept an invitation to participate in a focus group, you will be asked to attend a meeting that will take approximately one hour. During the focus group you will be asked a series of more detailed questions on sex offender registers and community notification. The group will also provide an opportunity for you to specifically state what, if any, impact you may experience if a sex offender register was operative in New Zealand.

It is expected that the focus group will consist of between 6-8 people who have, or still are, attending a specific treatment programme on sexual abuse. However, you will be issued with a number when you arrive to participate in the focus group. This number will be used throughout the interview instead of using your name. This is so that your confidentiality is protected from other group participants. Moreover, your personal details will not be published at any stage. We realise that for some people this may be embarrassing or uncomfortable in terms of talking about your sexually abusive behaviour in a group setting. However, you will be respected and the group will be a safe place for you to share your perspective.

The researcher facilitating the focus group has previously been a group therapist for seven years working with people who have engaged in sexually abusive behaviour. The researcher is also a registered social worker working under a code of ethics and therefore he will adhere to professional standards of practice e.g. confidentiality and other standards you would expect from a health professional.

The information obtained during the group discussion will be regarded as confidential and is to remain within the group setting. While every effort will be made to maintain confidentiality, it cannot be guaranteed.

Focus group participants can request a copy of the transcript taken from the interview to check for accuracy and to be assured on what has been written. No identifiable information from other participants will be registered on the transcripts.
Can I change my mind or withdraw from the project?

You may withdraw from the project at any time without any disadvantage to yourself in any way.

What Information will be collected and how will it be used?

The purpose of gathering data from the questionnaires and the focus group is to complete research for a Master in Social Welfare thesis. It is anticipated that the outcome of the research will be published and in that way offer assistance to law and social policy makers and the other people who have an invested interest in sex offender registers.

Non-identifiable information that you provide may be used by the researcher for other future related research studies or related purposes which may be published. While this information could be re-used, your anonymity will remain. Any future related research studies for which information from this study may be used will be subject to approval by the Health and Disability Ethics Committee.

The focus group discussion will be audio-taped and later be transcribed. The person undertaking the word processing will not keep any information or have access to this information except when typing what participants say during the interview. Anonymity is important to us therefore no personal information will be published or requested. The audio tapes will be securely stored and eventually destroyed in ten years time.

The data collected will be securely stored in such a way that only the researcher and the researcher’s supervisor will have access to it. At the end of the research study any personal information will be destroyed immediately, except that required by the Otago University’s research policy. Information which the results of the study depend will be kept in secure storage for ten years, after which it will be destroyed.

Reasonable precautions will be taken to protect and destroy information gathered by email. However, it is recommended that participants do not send any sensitive information via email as the security of such information cannot be guaranteed.

The results of the research study will be available in the University of Otago Library (Dunedin, New Zealand). You are most welcome to request a copy of the results of the study should you wish to do so.

What if I have any questions or concerns?

If you have any questions about our study, either now or in the future, please feel free to contact either:
Does New Zealand need a sex offender register? Practical implications for people who have sexually offended, the survivors, families and the services that are involved. 15 January 2010 Page 5
## Focus Group Transcript

“Does New Zealand need a sex offender register”.

<table>
<thead>
<tr>
<th>Time</th>
<th>Speaker</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00</td>
<td>Lincoln</td>
<td>Alright, Welcome. Thanks everyone for coming. Participant 7, I guess it would be a good chance I guess to talk to us about a recent response you had to seeing a newspaper clip around a newspaper article.</td>
</tr>
<tr>
<td>0.25</td>
<td>Participant 7</td>
<td>No Radio, on the radio. I heard about the 11 year old girl being abducted in Queenstown and I could already hear my previous employer saying ‘Oh that paedophile number 7 offending’ and then they said the girl described well as a Maori and I note that straight away I got ‘Whew’ that I am out of that bracket. But any time I thought, we are classed straight away and I thought ‘Nah’ us guys in this room deserve that 2\textsuperscript{nd} chance because we are doing, you know admitted our guilt.</td>
</tr>
<tr>
<td>1.10</td>
<td>Lincoln</td>
<td>How would you all see a register? What is your response to a register? Would you support a register being put in place for New Zealand?</td>
</tr>
<tr>
<td>1.28</td>
<td>Participant 4</td>
<td>From what I hear not the same as the American style, they can be quite invasive and quite easy for public to generally browse on and see. Maybe a variation to that were like government departments or anyone who needs to be able to go on there can sign up and get permission to go on there. Maybe like some kind of a block just to stop some just random from people browsing and seeing who is a sex offender.</td>
</tr>
<tr>
<td>2.00</td>
<td>Lincoln</td>
<td>So you think that maybe there might be some scope, but maybe not</td>
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<tr>
<td>Time</td>
<td>Speaker</td>
<td>Response</td>
</tr>
<tr>
<td>------</td>
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<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2.03</td>
<td>Participant 4</td>
<td>Yeah there could be a place for it but not in just pointing people out. Only if they really are going for a job or something, not just any job but maybe departments rather than just the general public.</td>
</tr>
<tr>
<td>2.18</td>
<td>Lincoln</td>
<td>So maybe limited information? Would you suggest that some people, would everybody who has been convicted of a sex offence, do you think, should be subject to that?</td>
</tr>
<tr>
<td>2.29</td>
<td>Participant 4</td>
<td>I guess if they have been convicted of a sexual offence, I think that if it was serious enough to have been convicted then you should be.</td>
</tr>
<tr>
<td>2.42</td>
<td>Lincoln</td>
<td>So then it would be OK? How do other people feel about that?</td>
</tr>
<tr>
<td>2.48</td>
<td>Participant 5</td>
<td>Certain offences such as Internet offending, you know, I don’t see the point in having that on the register because it’s not going to provide any information to the community or extend any kind of safety to the community because of the nature of the offending.</td>
</tr>
<tr>
<td>3.10</td>
<td>Lincoln</td>
<td>So from Participant 5’s perspective Internet offending wouldn’t be seen as a major, from your perspective, a community risk therefore no longer needed the warrant.</td>
</tr>
<tr>
<td>3.28</td>
<td>Participant 7</td>
<td>The other side is that I felt so…I thought that that happened in my area, that 11 year old girl being abducted. I already pictured knocking at the door until that description came up and then I thought ‘Whew’ I’m not in that category, race. But it just shows how vulnerable…sure enough the public need to be protected, but the right people have to have our details and I wouldn’t want a uniformed person knocking at my door saying ‘hey look an 11 year old girl was abducted down the road, ok number 7 where were you?’ , you know what I mean? OK we have scarred ourselves, we’ve got to live with that but we’re also doing our</td>
</tr>
<tr>
<td>Time</td>
<td>Speaker</td>
<td>Text</td>
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<td>------</td>
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<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>best to get on top. We also deserve some trust.</td>
</tr>
<tr>
<td>4.19</td>
<td>Lincoln</td>
<td>So Participant number 3 what is your perspective on that?</td>
</tr>
<tr>
<td>4.22</td>
<td>Participant 3</td>
<td>I actually agree with a register. Absolutely limited though, to access and some tight controls, absolutely tight controls. Not for everybody to look at the register because sex offenders generally fall into this category of ‘re-offend’ no matter how hard you try not to and I do think the cops will come knocking on the door anyway even if there is no register because they’ve got their own system so I think it’s for the safety….having a register is for…..having a register should be helpful to the offenders, not to bash the offenders but to help them. It should be helpful to the victims and it should be helpful to the community, helpful to everyone, not the American System</td>
</tr>
<tr>
<td>5.30</td>
<td>Lincoln</td>
<td>What would you see as being a helpful system and who would you see having access if a register were put in place?</td>
</tr>
<tr>
<td>5.36</td>
<td>Participant 3</td>
<td>Ok well of course the Police, the Social Welfare departments</td>
</tr>
<tr>
<td>5.44</td>
<td>Lincoln</td>
<td>Child Youth &amp; Family?</td>
</tr>
<tr>
<td>5.46</td>
<td>Participant 3</td>
<td>Internal affairs and also….did you say ‘who has access”?</td>
</tr>
<tr>
<td>5.55</td>
<td>Lincoln</td>
<td>Who should have access to gain the information?</td>
</tr>
<tr>
<td>6.00</td>
<td>Participant 3</td>
<td>I think maybe Psychologists who have been appointed….because this thing doesn’t go away, you know, you are not cured. It’s always a management thing for life. So….and if there is, if the country can come up with more than just the STOP programme for life treatment, for life guidance, for life….then it will work rather than the American system.</td>
</tr>
<tr>
<td>Time</td>
<td>Speaker</td>
<td>Response</td>
</tr>
<tr>
<td>-------</td>
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<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>6.42</td>
<td>Lincoln</td>
<td>Are you suggesting maybe a peer group rather than the American?</td>
</tr>
<tr>
<td>6.43</td>
<td>Participant 3</td>
<td>Yeah. No it (the American system) doesn’t help anybody.</td>
</tr>
<tr>
<td>6.52</td>
<td>Lincoln</td>
<td>Participant number 2 would you like to add anything? Would you see a place for a New Zealand Register?</td>
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<tr>
<td>6.57</td>
<td>Participant 2</td>
<td>No not at all. I am absolutely against it completely in principle, there is absolutely no need for it at all. People who are considered at risk there is preventative detention. Preventative detention is determined by the Courts, the justice system, which is where it should belong. Not to some list of miscreants that anyone can have access to. It’s clearly designed as a means of bashing a particular section of the community. It has very little to do with protection. It’s basically to allow people who feel bitter something and trying to find a workable solution is not a simple silver bullet like having a register. Also I suspect it is quite discriminatory because it’s only applying to a certain class of people.</td>
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<tr>
<td>7.57</td>
<td>Lincoln</td>
<td>Thank you Participant number 2. Participant number 6 would you see a place in New Zealand for a register where you name would be placed on a database, for example, and either the general public or the Police could access where you live, who you associate with and basically what sex offence you have been convicted for. Would you see a place like that, a register in New Zealand?</td>
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<td>8.23</td>
<td>Participant 6</td>
<td>Yeah but there’s gotta be more on it, like the fact that...taking into account the people that have done programmes for it should be mentioned on there as well. You know, why is it fair to actually judge people by putting them on there what ‘I know you, you’re a sex offender’ but not stating the fact that, hey</td>
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<td>they’ve gone through a programme to try and keep themselves safe. You know it doesn’t, by the sound of things, nothing like that is going on there so you have people, such as us, at risk of other people turning round and taking the law into their own hands</td>
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<tr>
<td>9.03</td>
<td>Lincoln</td>
<td>Thanks. Yes, that makes sense.</td>
</tr>
<tr>
<td>9.15</td>
<td>Participant 6</td>
<td>Yeah well you know having it on there well yes this person has done something but has also had this as the treatment, or has done such &amp; such to keep themselves safe.</td>
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<tr>
<td>9.30</td>
<td>Lincoln</td>
<td>Balancing it out a bit more?</td>
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<td>9.32</td>
<td>Participant 6</td>
<td>Well it’s not fair on the likes of us, Joe Public, to then be critical or ridiculed by the general public for the stuff that we have done in our past and even though we’ve gone through the time and the effort to actually do things to keep ourselves safe it’s not being recognised. They’ve gone ‘Oh well you’ve done this’ who cares about the consequences or anything else that goes along with it. You could have anyone turn up at your doorstep and there is a lot of crazy stuff that is happening these days.</td>
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<td>10.13</td>
<td>Lincoln</td>
<td>Thank you Participant number 6, really clear. Participant number 1 would you see a register of some kind in New Zealand?</td>
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<td>10.23</td>
<td>Participant 1</td>
<td>I agree and disagree with it. I am pretty much the same. Like I agree with Participant number 6, I agree with Participant number 3 and number 2 with regards to that and Participant 4, it should be nowhere near as the American system. Because in my opinion I believe that the public having access to that is going to create more crimes, more….like not sexually abusive crimes, but physical violence crimes against people who have strong</td>
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<td>10.58</td>
<td>Lincoln</td>
<td>Essentially it could be counterproductive to people who are, maybe registered and therefore create crime rather than decrease it?</td>
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<td>11.04</td>
<td>Participant 1</td>
<td>But in the same respect adding on the facts that people who’ve had treatment and whose had counselling on part of that, and as far as, like, I don’t agree with it being fully publicised, but, in my case, I’d be happy for my victim to know that I’ve done a treatment programme, I am on a register, the Police know where I am and everything else like that. And so authorities like the Police, Internal Affairs and such like that, I’d not be worried about it.</td>
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<tr>
<td>11.37</td>
<td>Lincoln</td>
<td>So you’d be accepting of that fact that the Police and other officials know where you live?</td>
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<tr>
<td>11.42</td>
<td>Participant 1</td>
<td>Well they sort of already do in a way.</td>
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<td>11.47</td>
<td>Lincoln</td>
<td>Thank you for that. Alright, I’m going to ask you each a question around, I guess, sounds like most of you have read the information sheet in terms of what the Sex Offender Register involves, such as some of it may involve public disclosure of information. What you’ve done, where you live, name and so forth? I am wondering, let’s just say that system was put in place, much like the American one, the threat of the public knowing where you live, would that have deterred you from engaging in sexually abusive behaviour? In the Past, this is a bit of a retrospective question.</td>
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<tr>
<td>12.28</td>
<td>Participant 6</td>
<td>I don’t believe it would because I was rather young when it happened so that sort of stuff you wouldn’t think about. You</td>
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12.47 Lincoln  So age was a factor, someone of a certain age may not think about that. Thanks Participant 6. Participant number 3?

12.54 Participant 3  The chances are you’re not even …..you’re immersed in that sort of behaviour, not thinking about ….you do think about consequences but you’re not thinking about them when you’re immersed and something else takes over. It’s not going to be a deterrent. After you’ve offended and got caught and got registered that’ll be the deterrent, even the demerit system is a deterrent, but before you even engage in it there are other factors, you’re going way beyond thinking about a register.

13.44 Lincoln  Ok, so Participant 3, absolutely no way? Participant number 4 you’re nodding your head. Can you tell us whether, in retrospect, you would have been deterred from engaging in sexually abusive behaviour?

14.00 Participant 4  No, because it’s not black & white like that. It’s not like… No, because it’s not black & white like that. It’s not like that….ok here’s a good, bad path to take, I can choose

14.16 Participant 3  Criminal records didn’t deter us

14.25 Lincoln  Thank you.

14.30 Participant 7  As Participant 3 said, when you are offending you actually don’t think because you’ve already….I’m older, you’ve already read heaps of papers, heaps to read about people offending and I still offended because I had blinkers on so I didn’t even think ‘it may be publicised’, maybe on the computer, the Court. As
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<td>Participant number 3 said, you are oblivious because you are in a different world and as the interviewer would know having worked within the system, we don’t …..sadly we don’t register our offending at the time. If only we could, the hurt that we carry deep down and the hurt to our families. Stuff us, we offended, we deserve it, but is the outcome of having our name printed, it’s like blotting paper.</td>
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<td>15.31</td>
<td>Lincoln</td>
<td>Thank you Participant number 7. Participant number 2, in retrospect for you would a register deter you?</td>
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<tr>
<td>15.37</td>
<td>Participant 2</td>
<td>No, absolutely not. It’s the same as being fined or losing your licence for speeding. It doesn’t seem to deter anybody.</td>
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<td>15.44</td>
<td>Lincoln</td>
<td>Thank you, very clear. I’ve asked Participant number 6, Participant number 5.</td>
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<td>15.50</td>
<td>Participant 5</td>
<td>No it wouldn’t stop me. The last thing, at the time I was focused on what I was doing. Re-offending now…</td>
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<td>16.02</td>
<td>Lincoln</td>
<td>OK so I was going to ask you the next question actually, looking forward, so thanks but can I come back &amp; see you? Participant 1?</td>
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<td>16.14</td>
<td>Participant 1</td>
<td>Not in the slightest. Before now, before this programme, before training about it I had no idea what any of this was. My idea about relationships was very slight, I knew the victim was not of legal age and not of a consensual age….I still knew all that but it didn’t stop me from going forward.</td>
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<td>16.42</td>
<td>Lincoln</td>
<td>Thank you Participant 1. So I am I think hearing everyone say no to a deterrent factor from a register. This is a hypothetical question, looking forward to six month from now and say you have completed treatment at STOP. New Zealand has enacted a sex offender register in that time. Would</td>
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<td>a sex offender register from your perspective, make you think twice about engaging in sexually abusive behaviour or would it make you think twice about it (sexually offending), if you were already on it?</td>
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<td>17.25</td>
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<td>Going through the programme model I think it has probably helped me because going back when I was a kid I didn’t have any of the support or structure, knowledge, so I probably would have deterred me. But if I was already on it, then the offending would be a lot easier because I am already bloody on it, you know what I mean, so what’s the point in getting help? People just brand me anyway and it would be a lot harder to want to be motivated.</td>
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<td>17.59</td>
<td>Lincoln</td>
<td>So it would severely undermine your motivation to seek support or get help. So let’s say Participant number 3 would it deter you, do you think in the future? Or would there be other factors?</td>
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<td>18.23</td>
<td>Participant 3</td>
<td>There would be other factors, because if there is a register….are we talking about the American version?</td>
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<td>18.29</td>
<td>Lincoln</td>
<td>Good question, think of a punitive approach where it’s registered either publicly or just Police.</td>
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<td>18.40</td>
<td>Participant 3</td>
<td>If the offender was forced to take a course then the chances are high likely they will re-offend again regardless of a register or not. So being on the register you should also be told to do a course because there is more to not re-offending than just being on somebody’s list, or even having a criminal record.</td>
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<td>19.18</td>
<td>Lincoln</td>
<td>Thank you. Participant number 7?</td>
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<td>19.20</td>
<td>Participant 7</td>
<td>It’s arrogant. You know for the first six months, I have only learnt now to absorb the course. We can be told to go on a</td>
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<td>course someone can ask in a couple of days what I think of myself, and then you hear things like that. We are also told by one of our tutors when you walk up the stairs with your family, those people supporting you and it’s taken me a long time but I am absorbing that stuff I know I don’t want to re-offend again and I am just learning how to use the safety modules within this so I’ve got to put my homework on that. So that’s what I’ve got to emphasise in my personal stuff that is the best way, learning how to be safe.</td>
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<td>20.26</td>
<td>Lincoln</td>
<td>Thank you, Participant 5, we said we’d come back to you &amp; we mentioned about the future for you.</td>
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<td>20.33</td>
<td>Participant 5</td>
<td>It would definitely be a deterrent for me re-offending. Divulging your friends, family &amp; workmates about my offending. Even if I could keep re-offending in secret the fact that they are likely to find out through a registry would be a big barrier to stop me re-offending</td>
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<td>21.00</td>
<td>Lincoln</td>
<td>OK, so for you it would be quite a big….</td>
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<td>21.03</td>
<td>Participant 5</td>
<td>Yeah see they have supported me a lot and there are very few people who have thrown my offending back at me, so there’s a lot of people out there that I don’t want to disappoint. So keeping my name off a registry, yeah</td>
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<td>21.23</td>
<td>Lincoln</td>
<td>Thank you Participant 5, Participant number 1?</td>
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<td>21.26</td>
<td>Participant 1</td>
<td>My initial reaction to that question is yes it would deter me. Me personally I hate having the label of ‘Sex Offender’ but I know that I have sexually offended. That’s what it comes down to and that’s just what I have to live with. From here on in I know that I can’t go back to the old ways I just don’t need ….in that…..you know I have my whole life ahead of me, I have a</td>
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|       | daughter of my own now, I wouldn’t appreciate this (register).  
It would deter me from doing it because I wouldn’t want to make the situation any worse. |
<p>| 22.16 | Lincoln       | Thank you. Lastly the group I am aware that we’ve got about five minutes left, so would notifying the community of the where people who have perpetrated sexual abuse reside reduce sex crimes in New Zealand? Number 6? |
| 22.37 | Participant 6 | I don’t believe it would. People may know about people, but you know if you do get caught you get a criminal record for it anyway but it’s never stopped anyone from doing it so far so…..it’s not going to change anything, putting someone’s name on a piece of paper or on the net. |
| 23.03 | Lincoln       | Thank you 6, Number 7                                                                        |
| 23.06 | Participant 7 | I had my day in Court, I had an ex-neighbour who split my marriage up, they sent emails &amp; dropped letter flyers into mailboxes all around where I lived. I also had my boss at the time, who I thought I could trust, send emails to other members of the staff, so I had to stay inside. I’ve even had neighbours stand at the gate and say ‘Hey I know what you’ve done, I read it on an email’. I’m still in the same house and she is still my neighbour. I found in time I make sure that at 2.45 I am not on the road and I’m not out there at 4pm again. The people know…..I’m more embarrassed, I’m aiming for respect within myself. |
| 23.58 | Lincoln       | Thank you…..Number 4 would notifying the community if somebody had sexually abusive behaviours reduce sexual crime in New Zealand do you think? |
| 24.12 | Participant 4 | In my opinion no because I am an Internet offender.  It’s just                               |</p>
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<td>going to keep me inside which is not good. It would be a real embarrassment as I live at home with Mum &amp; Dad, anyone else of my family who is involved. I wouldn’t want to put them through the shame. Most people are keen to travel not be locked up at home.</td>
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<td>24.52</td>
<td>Lincoln</td>
<td>Thank you Participant number 4, Participant number 3?</td>
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<tr>
<td>24.57</td>
<td>Participant 3</td>
<td>Usually sexual crimes are done in secret so having the neighbours know that you are there isn’t going to help. As long as the authorities know that you are there and they don’t keep knocking at your door.</td>
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<td>25.16</td>
<td>Lincoln</td>
<td>So how does, in terms of secrecy, if it’s known in the community that kind of eliminates the secrecy factor……</td>
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<td>25.25</td>
<td>Participant 3</td>
<td>No. No, I don’t think so because those who are committing sexual crimes are doing it in secret and they haven’t been found out yet</td>
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<td>25.35</td>
<td>Lincoln</td>
<td>Thank you Participant number 3</td>
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<td>25.39</td>
<td>Participant 2</td>
<td>That pre-supposes that sex offenders are on the register and that is simply not the case. There are plenty of sex offenders who wouldn’t be on the register so…..they are the ones that are the most risk.</td>
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<td>26.01</td>
<td>Lincoln</td>
<td>Can you tell us more about.</td>
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<td>26.03</td>
<td>Participant 7</td>
<td>The sexual offenders that are not on the register are the ones who are likely to be the ones that the community should be worried about because if you are on the register the authorities know where you are.</td>
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<td>26.18</td>
<td>Lincoln</td>
<td>Offering maybe a sense of security knowing….?</td>
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<tr>
<td>26.22</td>
<td>Participant 7</td>
<td>A very false sense of security, if there is one.</td>
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<td>26.31</td>
<td>Lincoln</td>
<td>Thank you Participant 7. To summarise, what would be the impact on you personally if you had to register your personal details every six months or every year with the Police and the public had access to this information or the police could inform employers of what you’ve done.</td>
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<td>27.02</td>
<td>Participant 6</td>
<td>Theoretically you could lose your house, like if you were renting &amp; it’s on there, you could lose your house, your job, you could lose everything. Everything that you have worked for could just be gone.</td>
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<td>27.22</td>
<td>Participant 4</td>
<td>I think sex offenders, like everyone else who’s got a problem, need support and help, not finger pointing and constantly remind them how bad they are. Every six months if you have to go in and do that then you have to do that. Tell your employer every six months or the place you live …as participant 6 said, we could lose it all and the chance of re-offending would skyrocket because generally sex offenders got here because of stress or things in life weren’t going their way …wasn’t good. You don’t wanna hassle those individuals. So support rather than …</td>
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<td>28.06</td>
<td>Lincoln</td>
<td>Thank you Participant 4. Participant 1, anything you’d like to add…?</td>
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<td>28.12</td>
<td>Participant 1</td>
<td>Personally I’d feel back to square one. The way I did when I did offend 3 ½ years ago and that was feeling inadequate to society. I would just go back to the way it was and it wouldn’t be good and I’d be more likely in fear of actually leaving the house because of threats that society would bring forward about sex offenders. And on top of that it would impact me in the sense that I would probably never ever get to see my daughter and</td>
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<td>there would be….like if I had a family in the future I’m never going to be able to live with that family because of that, so it would impact me hugely.</td>
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<td>29.00</td>
<td>Lincoln</td>
<td>Thank you, number one.</td>
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<td>29.05</td>
<td>Participant 5</td>
<td>If your details are on the Internet and someone started coming round vandalising property thinking ‘what the hell’ then there would definitely be stress in that would start building up….you know, the persecution…so unless I was going to move and lose my home why would I do something more stupid like re-offending?</td>
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<td>29.31</td>
<td>Lincoln</td>
<td>So again, a big impact.</td>
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<td>29.34</td>
<td>Participant 7</td>
<td>My boss already knows and I started a new job. I’ve already been on the Internet, my neighbours know and my employer knows, I had to write it down, so my daughter has changed her name so I have lost other things….so I am already on the system so people know….so it already hurts. I am still dropping $1030 in pay, my boss has accepted me because my work ethics are good and he knows I am in the system getting help. It’s up to myself now to keep myself, or it’ll defeat the purpose. I’ve got to earn the respect from family and myself</td>
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<td>30.16</td>
<td>Lincoln</td>
<td>Thank you Participant 7 and in closing, which we will probably have to do now given the time for the next appointment, thank you all for participating….I’ll just stop the recording</td>
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GLOSSARY OF TERMS

The following shortened terms are used to describe particular cohorts who participated in this research.

“Offenders” describes participants who have perpetrated sexual abuse and are receiving sex offence specific treatment from a community based programme (these individuals may not have been convicted for the sexual crime that they have perpetrated).

“Survivors” refers to participants who have been a victim of sexual abuse and are receiving therapy for their experience.

“Offenders’ Therapists” refers to clinicians who are trained and qualified to provide treatment to people who have perpetrated sexual abuse. These clinicians are based in community based treatment programmes for people who have engaged in sexually abusive behaviour.

“Survivor Therapists” describes therapists who are suitably qualified and have experience with counselling people and their families who have experienced sexual abuse. These professionals provide counselling within a community based setting.

“Survivors Support People” refers to support people or family members who are the support person for someone who has been affected by sexual abuse and is currently receiving counselling for that abuse.