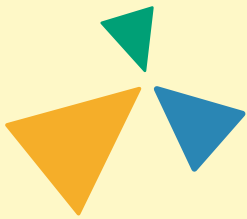


TWELFTH ANNUAL CONFERENCE



acjrd

Perspectives on Sex Offending

- The Victim & the Offender

Date: Friday 16th October 2009

Venue: Castleknock Hotel & Country Club,
Castleknock, Dublin 15

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WELCOME ADDRESS

Maura Butler, Chairperson, ACJRD Ltd

It is my great pleasure to welcome you all here today to the Castleknock Hotel and Country Club for the 12th Annual ACJRD Conference. The Council Members and Staff are delighted that you have endorsed our belief that the topic of this conference is an extremely important one, by virtue of you turning up here today in such numbers. The diversity of the range of speakers here today both at plenary and during workshops is reflective of what is best about ACJRD – its diverse membership. I love the fact that we are inclusive of as many aspects of the Criminal Justice System as wish to join us. Our Council Membership reflects that diversity.

We aim today to provide a space where you can share your views and expertise with those who agree with you or indeed, challenge you. Those who advocate for the victims of sex offending have an opportunity to speak with those who advocate for the offender. Policy makers amongst us have an opportunity to hear how sex offending and its consequences are processed in other jurisdictions as we will hear from Scotland, Northern Ireland and Belgium. We will hopefully at the end of today have formed a community of learners who have seen the other side of the coin and if not in agreement with that perspective may have a broader understanding of its essence. The networking opportunities provided may present further opportunities for an exchange of views that will create other opportunities. You may decide to become a member of ACJRD and thereby make your contribution to our aims and objectives which endeavour to inform the development of policy and practice in justice.

I invoke the Chatham House Rules for the duration of this conference. They are outlined on the reverse of your programme.

It is now my privilege to introduce you to Minister Barry Andrews who has kindly taken the time out of his busy schedule. I now invite the Minister to launch our 12th Annual Conference.

Maura Butler

Chairperson, ACJRD Ltd

OPENING ADDRESS

Barry Andrews T.D., Minister for Children & Youth Affairs

Ladies and Gentlemen and members of ACJRD. I am delighted to join you this morning as you begin your debate around the very important topic of how we, as a society, deal with the whole issue of sexual crimes.

Your conference theme quite rightly seeks to examine sexual offending from the perspective of both the offender and the victim. This theme is timely, coming as it does after the publication of a very detailed Discussion Document entitled “The Management of Sex Offenders” earlier this year. Looking at your list of guest speakers for today I was struck by the range of angles you intend to cover. I’m not going to go into great detail on the Government’s policies and initiatives in the whole area of sexual offending – other speakers will give you chapter and verse on many of them.

Rather I want to share a few thoughts on how we might advance the debate and hopefully find meaningful and workable solutions, but first I think it is important to set in context strategic developments that will help our understanding of crime generally and more particularly what supports can be given to victims. I want to mention three important initiatives:

White Paper on Crime

The first is the development of a White Paper on Crime. As many of you will know the Department of Justice, Equality and Law Reform earlier this year started work on this Paper which is intended to be completed during 2011. A key element in the process will be the production of a series of discussion documents designed to stimulate and structure debate. The first of the papers in the series, dealing with Crime Prevention and Community Safety was published in July. The second paper dealing with Sanctions and Offending is currently in preparation with a view to publication at the end of the year. The eventual White Paper will set out the overall framework within which strategies to combat and prevent crime will be implemented. In addition to addressing the issues specifically raised in the discussion documents, the intention is that the progress being made on all

fronts, including that set out in the Management of Sex Offenders document, will be incorporated into the overall White Paper framework.

Victims

The second initiative quite correctly relates to victims. Recognising the importance of victims some very important developments have taken place in this area including:

- the setting up of the Victims of Crime Office, in September 2008, with the aim of improving the continuity and quality of services to victims of crime, by State agencies and non-governmental agencies throughout the country;
- the reconstitution of the Commission for the Victims of Crime – with a role to distribute funding to groups working with crime victims, as well as providing general oversight of services and promoting awareness; and
- the setting up by the Commission of a Victims of Crime Consultative Forum, representing victims’ interests.

I am pleased to tell you that work is ongoing in the Commission and in the Victims of Crime Office to ensure that services for victims of crime are available regionally. The Commission has allocated about €5m to organisations supporting victims of crime from 2005 to date. A number of organisations supporting victims of sexual violence have received funding and continue to receive funding from the Commission today.

Cosc

A third important initiative was the establishment in 2007 of Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. Cosc’s key responsibility is to ensure the delivery of a well co-ordinated “whole of Government” response to sexual violence as well as to the other forms of violence within its remit.

Cosc's current priority is to produce a National Strategy on Domestic, Sexual and Gender-based Violence. This strategy will set out the policy on addressing the forms of violence concerned as well as the preventative and responsive actions to be taken by a broad range of organisations to ensure a well coordinated system is in place. Work on preparing the strategy is well advanced. A wide range of State and non-governmental organisations dealing with such violence are assisting with the development of the national strategy. Those organisations responded to the call for submissions on the strategy and participated in subsequent rounds of consultations. The organisations include Government Departments, State offices and agencies as well as non-governmental organisations at national and local level which deal with victims of the violence concerned.

It is expected that work on the preparation of the national strategy will be completed as planned by the end of this year with a view to publication in early 2010.

An informed debate around sexual crime

Returning to the theme of your conference. All of you in this room will probably agree with me when I say that the general public has a particular revulsion for sex offenders. We immediately think of the worst possible situation. The degradation, the abuse of trust, the trauma caused to the victim, the invasive nature of the crime prompts a very emotional reaction in all of us. That reaction is perfectly understandable. I am not here today to say that we should not abhor such crimes. On the contrary, I think we need to look in a very focused way at how we respond to offending generally, and in the context of today's conference, sexual offending.

I think we would generally agree that we must have appropriate penalties to show society's rejection of the offending behaviour. Importantly, whilst the sanction must be proportionate to the offence, it must also be at a level that can deter re-offending. Furthermore, we must give thought to community safety issues where a person has been sent to prison and following completion of the sentence he/she returns to the community. This is where the Gardaí and the Probation Service come into the picture by way of supervision in

the community or registration requirements with the Gardaí in accordance with the Sex Offender legislation. Another important element is dealing with accommodation issues and providing the necessary level of supports to reintegrate the released person back into society.

Understandably some victims of sexual violence, in particular, may have very strong personal views about the provision of treatment for offending behaviour to the person who attacked them. At the same time we have to acknowledge that imprisoned sexual offenders, by and large, will have to be released from prison one day. In this context treatment in prison makes sense. It is one of the things we can and should do to help reduce the number of future victims of sexual violence.

Treatment is not some worthy and vague idea.

There is experience of such treatment and research on outcomes. Therefore, we must, in my view, take a clinical and evidence-based approach.

That is why Minister Dermot Ahern published the Discussion Document "The Management of Sex Offenders" to stimulate a reasoned and proportionate dialogue. I do not propose to go into the detail of the document or what has transpired since other than to say that I believe we do need to look openly and honestly at how we are tackling sexual crime:

- How good is our co-ordination of services to victims and families of victims?
- Are there barriers to information sharing? or
- Put very simply, what more can we do.

Today's debate may well shine more light on some of these questions. As well you will have a presentation from Mr. Jimmy Martin who chaired the working group that developed the Discussion Document. I am sure he will bring you up-to-date on the current position.

Sex offenders

One might well ask what we mean when we use the term "sex offender". I think there is a tendency to treat all "sex offenders" as one homogenous group. Of course, that is far from the truth. Indeed, research tells us that sex offenders are not all the same. They commit different types of offences for different reasons. They

also come from a variety of social classes and age groups and are a much more diverse group than the “typical criminal”. Some pose very little risk of committing another serious offence while others can only be described as posing a very high risk to the public. Research both in Ireland and in other jurisdictions indicates that sex offenders are less likely to re-offend than what we might term “ordinary criminals”. That of course, gives little comfort or a sense of security for any victim of such offenders.

So – as a society – what we need to do is identify those persons that pose a higher risk of re-offending and concentrate our efforts on them. This requires a joined-up response and if I took one single thing from the Sex Offender Discussion Document it would be the need to strive to do even more in this area.

There is no doubt that there are very significant levels of co-operation between the key criminal justice players – Gardaí, the Irish Prison Service and the Probation Service. We need to continue this strong interagency co-operation and at the same time encourage greater interaction with the non-criminal justice players. For the next few minutes I will give you a flavour of some of what is happening day in day out.

Sex offenders in prison: the interventions

Firstly, let’s look at the management of sex offenders in prison. I am glad to report some significant developments in recent times. Last April a new policy for the management of this group of offenders was published. The Policy is aimed at bringing about changes in offenders’ lives that reduce the risk of re-offending and enhance public protection. It quite rightly forms an integral part of the wider range of interventions by criminal justice and community-based agencies. In addition, a new programme of group interventions for sex offenders – Building Better Lives – was started last January. The new treatment programme will ensure that all sex offenders serving sentences of one year or more will have access to appropriate treatment. When fully operational the new programme will allow for interventions to take place with up to 60 offenders annually.

Therapeutic interventions with sex offenders are delivered primarily through the Psychology Service of the Irish Prison Service and this Service has increased substantially in recent years to a staff complement of 21 today as compared to eight back in 2002. Of this staff, five are assigned to Arbour Hill, five are assigned to Wheatfield Prison and three to the Midlands Prison. Arbour Hill is the designated centre for the delivery of the new sex offender programme. Wheatfield and Mountjoy Prisons are satellite centres for sex offenders and also deliver a range of interventions. Again, I note, you have a workshop around this work with the prisons.

I should also mention two other initiatives: under the Integrated Sentence Management Initiative (ISM) within the prison system there is multi-disciplinary co-operation to assist offenders to make good use of their time in prison. ISM is open to sex offenders serving sentences of a year or more. There is also a high level of inter-agency work dealing with higher risk offenders in the period leading up to their release from prison.

Work of the Probation Service

Another important element is the work of the Probation Service in this area. The Service, in partnership with the Granada Institute, runs the Lighthouse treatment programmes for sex offenders under the Probation Service. Currently it may interest you to know that there are three group programmes in operation – two in Dublin and one in Cork with 24 places available at any one time. I am also advised that a small number of sex offenders are receiving individual treatment under the Lighthouse programme.

Sex Offenders Act, 2001

I might also mention that the Sex Offenders Act makes persons convicted of a range of sexual offences subject to notification requirements. These provisions extend to any offenders convicted abroad of the same range of sexual offences who enter the State. An Garda Síochána has a system in place for the monitoring of all persons subject to these requirements.

Co-operation between jurisdictions

Of course, we have had to also look at how we enhance co-operation across jurisdictions at an operational level. For example, I'm glad to tell you that significant work is ongoing between the criminal justice agencies here and in Northern Ireland. One of the priority targets for this year is the introduction of an all island system for the assessment of sex offenders. The work on this initiative is led within this jurisdiction by the Probation Service and the Garda Síochána.

Another important development is the sharing of data. Back in 2006 agreement was reached between Ireland and the UK, including Northern Ireland, to share information on persons travelling between this jurisdiction, Northern Ireland and the UK and who are subject to sex offender notification requirements in their own jurisdictions. More recently, in 2008, the Gardaí and the PSNI signed an agreement on the sharing of personal data in relation to the investigation of sexual offences and the monitoring of sex offenders, which formalised the exchanges of information which had always taken place.

I hope that, that swift run over developments gives you some feel for what is happening on the ground.

Involvement of other sectors

Too often we associate interventions with sex offenders, or indeed offenders more generally, simply with the criminal justice system. It is worth restating that when an offender has completed his/her sentence and moves back into the community, the role of the criminal justice agencies is limited. Yes, we can say that the Probation Service may continue to have some involvement but one of the key challenges facing us is how to mobilise in a coordinated fashion those bodies outside the Justice family who can have a crucial role in ensuring sex offenders are re-integrated into the community so as to minimise the likelihood of them re-offending.

It is also worth remembering that the criminal justice system only deals with a minority of offenders – those found guilty and convicted of a criminal offence. Many others need access to community-based services on a voluntary basis so as to enhance community safety and protect some of the most vulnerable in our society.

Conclusion

There is no single or specific set of proposals that will instantly solve or deal with the consequences of sexual offending.

That said, we must strive to find a balance that protects victims, enhances community security and strives to do all that is possible to motivate and assist sex offenders to lead better lives. All of our initiatives within the criminal justice system strive to meet this goal and will continue to do so based on best available evidence. There is, however, also a need to provide the necessary supports to those who do not come into the criminal justice system but who need targeted interventions.

Other speakers will give you many different insights and together I hope the collective deliberations of this conference will make a significant contribution to the ongoing debate on this sensitive topic.

All that remains for me is to once again thank the organisers, particularly your Chairperson, Maura Butler, for inviting me to open your Conference.

Barry Andrews T.D.

Minister for Children & Youth Affairs

INVESTIGATION AND PROSECUTION OF SEXUAL CRIMES – SCOTLAND'S REFORM

*Derek Ogg QC, Assistant Principal Advocate Depute –
The Crown Office and Procurator Fiscal Service, Scotland*

I am very happy to accept the invitation to address the conference here today.

As a senior prosecutor and Head of the National Crimes Unit and also, I should say, having previously practised as defence counsel for over 20 years, I am very happy to share my perspectives on sex offence cases learned from having seen both sides.

The National Sexual Crimes Unit consists of a team of Scotland's most senior prosecutors who specialise in investigating all sexual crimes in Scotland, including internet pornography, murder, rape, abductions and historical abuse cases. Scotland is said to have a very low conviction rate for rape (approximately 4%) when compared with the number of 'reported' rapes. We shall hear more later today about how that statistic is unrepresentative of the true 'conversion rate' of individual complaints to conviction.

In reality the rate is closer to 16% and is therefore comparable with other European jurisdictions. From actual indictment by Crown Office to conviction before a jury the rate is nearer 40%. But the public have seen only the low figure and are rightly appalled by it. Could it reasonably be suggested that 96% of reports were false? Of course not, yet there are many reasons why reports do not result in convictions. There are cases which we can never prove, cases where the offender is unidentified due to the passage of time, where there are no forensics, where the offender is dead, where the complainer withdraws his/her complaint or is too ill to proceed for whatever reason and so on.

But it is in the margins we previously neglected that we could address ourselves, it is in specialisation we could apply ourselves and it is in the type of support we give our complainers that we could improve ourselves.

That is why the Lord Advocate set up a Sexual Crimes Unit. She held a lengthy and thorough review – our top people went to the special victims units pioneered in the United States and saw the advantages and the problems. We examined the South African experience and the English practice and finally a 50 recommendation report was published addressing our preferred approach to sex crime prosecution. It was root and branch. From the minimum rank of officers permitted to investigate rape cases to training of interviewers, resourcing of victim support, specialised local and national teams of prosecutors – every area was examined. Every recommendation was implemented within a year.

One, the setting up of our Unit was scheduled to start on 29 May. As the date got closer the civil servants wanted to put it back, in good faith, hoping that more training might be done or that the offices might not be ready or the personnel might need to be re-assigned. The Lord Advocate insisted on the date she promised. She would brook no delays. It was a promise she had made and was going to keep. She kept it. A lesson to be learned there I think. If such root and branch reform is to work you need dedicated people at the top who will simply not be deflected whatever the apparently persuasive reason. She also appointed highly focused people such as Dorothy Bain QC, our Principal advocate-depute, and Andrew McIntyre, our head of victim policy, to direct the reform and gave them the clout and backing to implement it. That's the next lesson. Change won't just 'happen' on the back of reports, reviews and recommendations. Even a benignly disposed system

which wants change still needs people with the right status, seniority and backing to see it through. Inertia, in large organisations, is the enemy of change. Do not underestimate the energy required to see it through.

In setting up the unit I identified that being in it needed to be a high status job. I chose excellent prosecutors who had high reputations and persuaded them to join us. For too long this type of work has been the subject of an odd type of sexism. It is seen as women's work by many police, lawyers and prosecutors. That has sometimes led to people being appointed because they were women rather than because they were excellent advocates for this type of case. Now, it is true that the adversarial system breeds a type of lawyer with a certain set of skills in their toolbox. This specialised work however requires those and more, skills of empathy, perception, judgement, gentleness, imagination and compassion that do not always sit well with our rather macho culture in the courts. Every good unit I've studied anywhere in the world is good mainly because of the type of people in it. In Cape Town I saw a unit starved of resources and budgets achieve wonderful things because wonderful people of vision, clarity of purpose and determination were in it.

The next step in raising the status of this work was a campaign to persuade the press to back us. We could have only spoken to the broadsheet press, the respectable intellectual establishment press. That would certainly have met with the approval of some of the more stuffy members of the profession. Well, we spoke with them of course and their readership of a couple of hundred thousand! But we also spoke with the tabloid press who reach among them over a million readers in central Scotland. And they were delighted to see these prosecutors come down from their ivory towers and speak in plain language about what we were trying to do. They lapped it up and gave it big licks. We had front page headlines and double centre page spreads. There were headlines like 'We will hunt you down' and 'No hiding place'. Many of my more conservative colleagues cringed. Not the Lord Advocate. Not me. I was reaching my target audience, the ordinary men and women who make up the juries who every day decide these difficult cases. I was able to get across several short simple

messages which debunk many of the myths about rape. It was a flying start. Never underestimate the power of the press to hurt you if you screw up, but equally never underestimate their power to educate and draft support behind your work.

The editors of the popular press want rapists and child abusers behind bars, why on earth ignore their power to help you get across to the future jury the simple messages, such as a drunk woman does know if she was raped or not in the same way a drunk man knows if he was punched in the face or not. Or that sexually abused children can delay reporting that abuse for years. They just do.

In terms of our attempts to approach our work in a new way we looked at who was being let down by the system. One of the areas we resolved to focus upon was those disenfranchised 'unattractive' victims, whose story does not fit a classic empathetic prosecutor's model case.

What about the difficult and troublesome cases where the victims were for whatever reason not perceived as very sympathetic witnesses? Were they too not entitled to access to justice? We wanted to 're-frame' the public's perception of these cases. What about the prostitute doing a god awful job to feed a relentless addiction, beaten and battered by a punter or the drunken and drugged up teenager preyed upon at the end of the night at a club? Was she not entitled to access to justice too? Are rapists not exactly the kind of people who would target women on the margins like that? "What", it should be asked, "first attracted you, Mr. Accused, to this slaverling, vomiting, falling down drunk girl with laddered tights and whose pals had left her?" Our policy in our Unit is pull back the camera and stop focusing on the victim, let us include the accused in the frame, let us subject his conduct to careful scrutiny in the lead up to the act. So we ask, "Was it her scintillating conversation? The sheer elegant style of the girl?"

In policy and in practice we also undertook to achieve consistency of approach. Every case is different of course but general themes can be observed when the work is concentrated in a small team. A common approach to which type of court we might indict a certain class of

case in, for example. A common approach to time limits, to pressing for forensic test results within a certain period, to ordering certain types of psychological expert reports in similar cases, to having a routine approach to evidence recovery, and to examination of mobile phone records. On that last subject, for example, we learned that many young people use their phones like a previous generation used a diary. You can find out so much relevant circumstantial evidence if people only took the trouble to recover the phone in the first place and then took the time to examine them.

Our very concentrated experience allowed us to establish quickly some essential and effective protocols that really made a difference, such as the type of support for the complainant. We learned we could provide really valuable support without necessarily imperilling our independence. Complainants, we found, readily understood that we were not 'their' lawyer but were acting for the State. Yet they were delighted and always empowered when they had a chance to meet the prosecutor face to face and to hear him say he knew the case, to speak to her like the adult she was, to give her respect, to give her time, to hear us say that we could not guarantee any particular verdict but that we would guarantee this case would go to the jury in the best possible shape it could be, prosecuted by a specially trained prosecutor and prepared meticulously.

We tell her that she will be supported so that she can make the best fist possible of telling her story to the court. In every single case we did that, our complainant commented on it, complimented us on it and was empowered by it. So it has become our rule. We always meet the complainant, often more than once, not to talk about the evidence but to get to know her and to tell her the things I've just mentioned. We also learn a lot about how she might sound as a witness. If she is a child we learn what makes her laugh and relax, and her hobbies and her heroes. It's called rapport and it's a no-brainer.

Another important lesson we quickly learned was about effective prosecuting from the grass roots up. Most of our organisations, police or prosecutors are highly structured and hierarchical. I don't knock it but I don't let it get in the way of good team work either.

I have authorised a flattened pyramid in our own structures. People from any level have direct access to the most senior of our prosecutors to ask for practical day to day advice and support. We encourage everyone to think about the case as it's going to be when it comes to trial. We communicate at the earliest stages to say what we are looking for, to give directions, advice, tips and hints about how to find this or that useful support for our case. For our part in the national team we recognise that we couldn't get anywhere without our specialised local teams beavering away day in day out. We try to remember to say thanks, to spot good or imaginative work and to debrief our big cases so we can all learn lessons from the trial. Instead of sometimes feeling like overworked and undervalued cogs in the wheel they now are made to feel vital parts of a team approach. We share our success and provide mutual support in our losses.

As you will have learned I can go on and on like this, there's so much to tell about the perils and pitfalls but also the emerging successes of the specialist approach. I hope I have given you a flavour of it and of course I can take questions later in the day. I look forward to us continuing our valuable conversation and networking with you, our Irish colleagues, and I hope this will not be the last time we all meet to discuss on how to improve our efforts in this work.

PERSPECTIVES ON INVESTIGATION, CONVICTION AND ATTRITION IN RAPE CASES

Professor Michele Burman, Co-Director: Scottish Centre for Crime and Justice Research (SCCJR) and Co-Convener of the International Centre for Gender and Women's Studies, University of Glasgow, Scotland

Introduction

Throughout the 1980s and 1990s legal and procedural reforms took place affecting the criminal justice response to rape and sexual assault in many Western European and English-speaking countries. These occurred in response to concerns about under-reporting, the investigation and prosecution process, 'secondary victimisation' (resulting from the ordeal of giving evidence in the court room) and the high rates of attrition, the process by which rape cases fail to proceed through the justice system. Attrition has been highlighted as a critical issue in several countries.

There has been limited research on this, but in most countries where studies have taken place, the number of reported rape offences has grown over the last two decades, yet the number of prosecutions has failed to increase proportionately, resulting in a falling conviction rate. However, this pattern is by no means universal in Europe, with decreasing and fluctuating reporting and conviction rates apparent in some parts of Eastern and Southern Europe and distinctive trends evident in Germany (see Regan and Kelly, 2003).

Previous Daphne Research

Two previous Daphne projects were carried out on rape attrition by Professor Liz Kelly at the Child and Woman Abuse Studies Unit (CWASU) at London Metropolitan University (Kelly & Regan, 2001; Regan & Kelly, 2003). These projects discovered three patterns: (1) classic attrition, which involved increased reporting and falling conviction rates; (2) no change, i.e. a flat reporting and conviction rate and (3) transition reverse, which involved falling reporting and a flat conviction rate.

This research revealed attrition to be a dynamic process. The reasons why rape cases do not continue have layers and timings. These can involve the actions of victims and/or the actions of the police, prosecutors or courts. These are not independent variables.

Daphne Research 2009: Different Systems, Similar Outcomes?

This study builds upon the two previous Daphne projects (Kelly & Regan, 2001; Regan & Kelly, 2003), to research attrition both in the European context, and across countries with varying judicial systems and cultures.

The multi-methodological research design combined several strands of data collection:

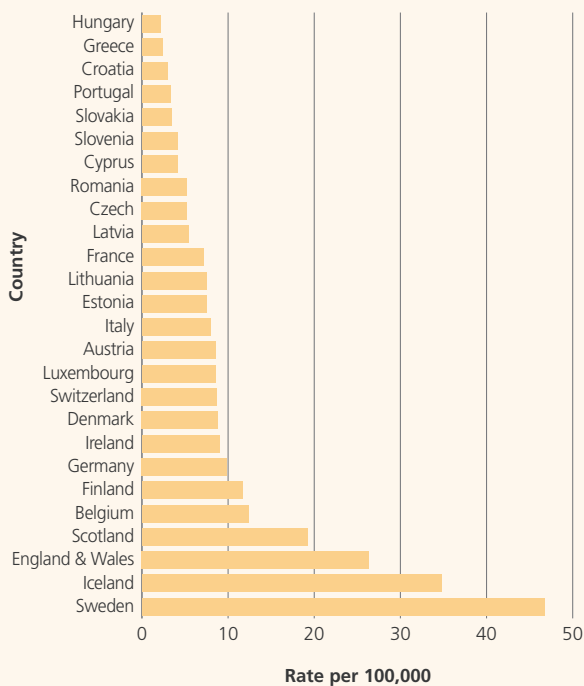
- a time-series of national rape statistics across the EU;
- quantitative case file analysis of 100 rape cases in 11 countries;
- a set of expert interviews in the 11 participating countries;
- a mapping of the legal process in the 11 countries;
- construction of timelines delineating social and legal responses to rape in each country from 1976.

This paper focuses on the first and second of these strands. The first strand involved national level data on reporting, prosecution and conviction across Europe. This consisted of useable data from 26 countries and complete data sets from 17 countries. The second strand, the case tracking data, involved the collection and quantitative content analysis of 100 case files of reported rapes from Austria, Belgium, England and Wales, France, Germany, Greece, Hungary, Ireland, Portugal, Scotland and Sweden.

National Level Data

National level time series data was obtained for 26 countries. National data was requested on the number of reported rapes, prosecutions and convictions for the years 1977-2006. Additional information was obtained on legal and procedural responses to rape.

The following chart shows the rape reporting rates per 100,000 of the population in 26 European countries in 2006:

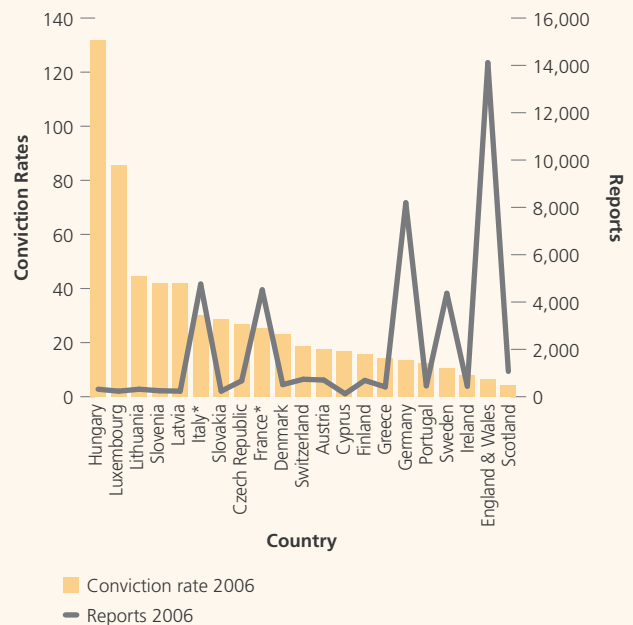


This analysis established some patterns. Low reporting rates – or those defined as less than six per 100,000 population – were found in 10 countries, including Hungary, Greece, Croatia and Portugal. Mid-range reporting rates – defined as 6-10 per 100,000 – were evident in a further 10 countries, including Ireland, Germany, Denmark, Switzerland and Luxembourg. High reporting rates – defined as more than 10 per 100,000 population – were found in six Northern European countries, that is, Sweden, Iceland, England and Wales, Scotland, Belgium and Finland.

Increased reporting over the three decades is most evident in Northern and Western Europe, with the highest percentage increases in England and Wales, Ireland, Iceland, Scotland and Sweden. There may be a number of possible explanations for this. It may

be that these countries have better or more complete recording. It may also be that there is more confidence in these countries to report rape or that there is more sexual violence. Another explanation may be that apart from Scotland, where, at the time of the research, the legal definition of rape remains narrow, all of these countries have extended the definition of rape. These are also all countries with long-standing women's movements which have campaigned for gender equality, including State action on violence against women (VAW). However, the precise mechanisms involved and how they are present in each country are yet to be adequately researched.

The following chart shows the conviction rates by rapes reported in 2006:



The data identifies four core patterns:

- **Type 1: Classic attrition** – rising reports and a falling conviction rate. For example, Sweden, England and Wales, Scotland, Ireland.
- **Type 2: Expected pattern** – rising reports and a rising conviction rate. For example, France.
- **Type 3: Reverse attrition** – falling reports and a falling conviction rate. For example, Portugal.
- **Type 4: Anomalous** – falling reports and a rising conviction rate. For example, Hungary.

Conclusions from National Level Data

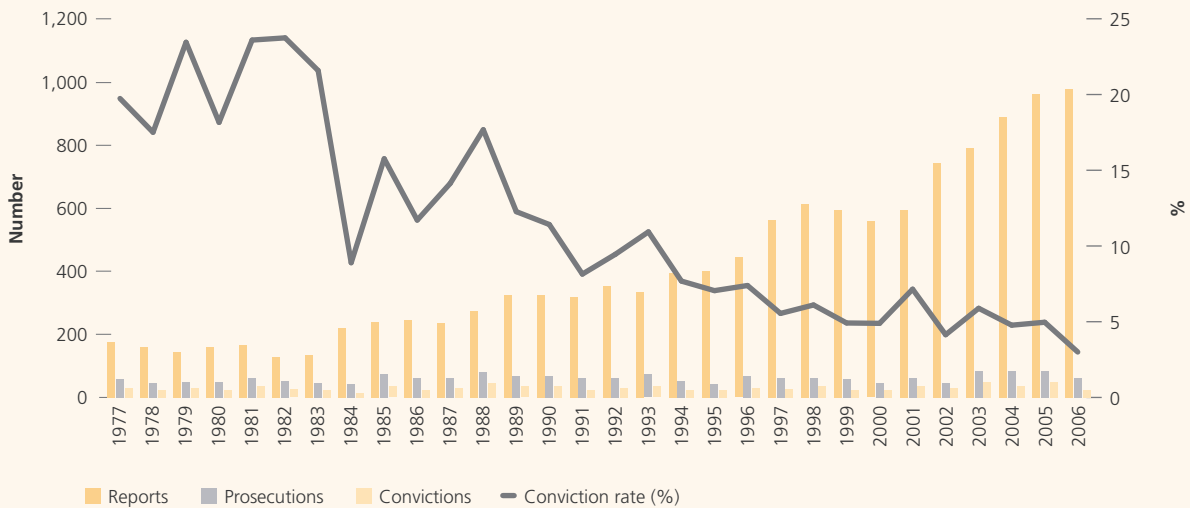
This data revealed some significant differences, alongside similarities, across Europe with respect to trends in the reporting and processing of rape cases. The key findings are:

- increased reporting, especially in Northern and Western Europe;
- substantial variations in reporting rates per 100,000 of the population;
- variations in conviction rates, both over time and between countries;
- a correlation between high conviction rates and low reporting;
- the majority of European countries, especially over the last decade, exhibit the classic attrition pattern.

Reporting Rape in Scotland

The Scottish national statistics over the last three decades reveal attrition trends similar to those found in England and Wales and other northern European states – increased reporting, virtually static prosecutions and convictions and a declining conviction rate. Rape reports in Scotland have grown fairly consistently year on year, with a large increase of 451% between 1977 and 2006. The increase in the number of reported rapes has been attributed to the widening of the legal definition of rape to include marital rape in 1989, the removal of the requirement to prove force in 2001 and the existence of policy objectives to increase reporting. There have been notable annual increments in reporting of 61.2% between 1983 and 1984 and 26.5% between 2001 and 2002.

Scotland: Rape Reports, Prosecutions, Convictions 1977-2006:



	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Reports	178	166	145	166	170	131	139	224	248	249	241	279	328	326	320	350	339	395	403	447	570	613	591	562	589	745	794	892	960	981
Prosecutions	60	52	50	52	64	55	52	43	80	65	64	84	72	70	62	68	74	55	43	72	68	66	59	51	67	52	86	89	90	69
Convictions	35	29	34	30	40	31	30	20	39	29	34	49	40	37	26	33	37	30	28	33	31	37	29	28	42	32	47	42	47	29
Conviction rate (%)	20	17	23	18	24	24	22	9	16	12	14	18	12	11	8	9	11	8	7	7	5	6	5	5	7	4	6	5	5	3

In contrast to reporting there has been no change in the number of prosecutions or convictions. Between 1977 and 2006 the number of prosecutions grew by just 15% (from 60 to 69). This represents a fall in the proportion of reported cases prosecuted from 34% in 1977 to 7% in 2006. Convictions have also remained static, with a decrease of 17% between 1977 and 2006 (from 35 to 29). Around half of prosecuted cases are successful (42-61% between 2001 and 2006). Like other EU countries where reporting levels are high, the conviction rate as a proportion of reported cases is very low. Using this data, Scotland's conviction rate is currently the lowest in Europe at 3%.

Reporting and Prosecuting Rape in Ireland

The number of reported rapes in Ireland has increased more or less year on year since the 1970s, from just 60 in 1977 to 363 in 2007 – an increase of 505%. The peak was reached in 2002 when almost 500 cases were reported. The number of prosecutions has increased only slightly and decreased dramatically as a proportion of reports, from 73% in 1977 to 20% in 2007. In the period 1998-2000 prosecutions were 29%, 44% and 32% of reports, respectively, and in the period 2005-2007 they were 17%, 16% and 20% of reports, respectively (O'Mahoney, Corr, Lovett and Kelly 2009).

In relation to convictions in the period 1998-2000 convictions were 15%, 16% and 18% of reports, respectively. In the period 2005-2007 they were 7%, 7% and 10%, respectively. The lower conviction rates mainly reflect the lower prosecution rates since the proportion of prosecutions that led to a conviction was relatively stable throughout the period 1998-2007.

The source of this data is: (1) data on reports from 1977-2007 and on prosecutions from 1977-1997 is taken from Garda Annual Reports; (2) data on prosecutions and convictions from 1998-2007 is taken from the Annual Reports of Courts Service; (3) convictions data 1989-1994 refers only to convictions for rape leading to a sentence of imprisonment and is from the Department of Justice, Equality and Law Reform (1998). There are some issues with reliability in relation to this data, especially in the earlier years.

Case Tracking Methodology

Studies were carried out in 11 countries and involved the case tracking of 100 sequential cases from 1 April 2004. The case tracking involved single perpetrator rape cases with adult victims (male and female). In relation to each case data was collected on the victim and suspect; the offence and reporting proceedings; the investigation, prosecution processes and court outcomes; and attrition. The tracking of 100 reported rape cases in each country creates a dataset which can be analysed at both the individual and cross-country levels.

The attrition rate is the proportion of reported cases that fail to result in prosecution and/or conviction.

In this study the attrition rate is calculated as a percentage, so if there are 100 reports and 10 prosecutions, the prosecution rate is 10% and if there is only one conviction arising from these prosecutions the conviction rate is 1% and the attrition rate is 99%.

To provide context for the analysis of attrition, and to enable a clear exploration of the differences in legal systems between countries, a visual map was created for each country depicting the typical pathway of a case through the reporting, investigation and prosecution stages. This identified four key stages of attrition:

- **Early investigation:** the reporting stage and shortly afterwards;
- **Mid-investigation:** completion of initial evidence gathering including formal statements, identification of the suspect and charge;
- **Late investigation:** any additional evidence gathering and decisions about prosecutions;
- **Court:** cases are referred for trial, pleas and actual court cases.

The 100 Cases in Scotland and in Ireland

The 100 cases tracked in each country had the following inclusion criteria to ensure maximum comparability: cases originally recorded as rape; female and male adult victims (aged 16 or above); single perpetrator cases.

In Scotland and Ireland access to reported cases was via the Police and Prosecution Service and in both countries, national (i.e. whole country) data was used.

All cases were gathered sequentially from 1 April 2004. In Scotland, data was provided by all eight Police forces and the Crown Office and Procurator Fiscal Service (COPFS) (see Burman, Lovett and Kelly 2009). In Ireland 100 cases were selected sequentially from cases originally reported as rape generated by the police data system, PULSE. The Garda Domestic Violence and Sexual Assault Investigation Unit and the DPP's Policy Office collaborated directly with provision of the required information (see O'Mahoney, Corr, Lovett and Kelly, 2009).

Scotland

- **Victims:** All the victims were female and the average age was 25 years. One-fifth were minors (under the age of 16) at the time of the offence. This was dissimilar to other country samples. The majority of victims were white and Scotland was the least ethnically diverse of the participating countries. 21% of the victims were employed, 29% were students and 44% were unemployed, which represented the highest proportion of all countries in the study. A fairly high proportion (44%) had consumed alcohol at or around the time of the assault and 6% had consumed drugs at or around the time of the assault.
- **Suspects:** All of the suspects were male and older than the victims. The average age was 31 years. The majority were white, although there is some missing data in relation to this. More suspects were employed than victims (37%), far fewer were students (5%) and a similarly high proportion (51%) were unemployed. Just over a third (35%) had consumed alcohol. 2% had consumed drugs, which is a slightly lower proportion than among victims. Two-fifths (40%) had been previously accused of a criminal offence and 29% were previously convicted of an offence (of which one-fifth (21%) were analogous offences).
- **Offences:** Almost two-thirds of assaults (63%) occurred in a private space (e.g. in the perpetrator's or victim's home). One-fifth (20%) occurred in a public or semi-public place (e.g. club, pub). Almost two-thirds of perpetrators (65%) were known to the victim in some way. The proportion of strangers (7%) was by far the lowest of all countries participating in the study. Just over a quarter (27%) of victims had documented physical injuries, and one case involved a weapon.
- **Investigations, Arrests, Charges:** All victims were interviewed by police, but over a fifth did not make a formal statement (78% did overall). Around half (52%) had a forensic examination (taking into account the proportion of historic allegations). The majority of suspects were identified or interviewed (88% and 85%) by police (high numbers were known to the victim). Most unidentified suspects were either strangers or recent acquaintances (i.e. had met victim in the previous 24 hours). Over three-fifths of suspects were arrested and 57% were held in custody (most commonly by police), representing the highest arrest and custody rates of all countries. Almost three-fifths (59%) were charged. This is the second highest rate in the study.
- **Analysis of Attrition:** In Scotland attrition takes place over the course of the legal process. It has the lowest proportion of cases discontinued at the early (21%) and mid-point (9%) stages of any participating country. Cases were discontinued at the early stage as a result of a decision by victims, police and prosecutors (due to a lack of evidence) and three cases were designated as 'false allegations'. Cases were discontinued at the mid-point stage by prosecutors (due to the sufficiency of evidence) and one case was designated as a 'false allegation'. Late investigation is a key stage of attrition and 26% of cases were discontinued at this point. This decision was made by prosecutors and police. More cases discontinued just before court (14) than in any other participating country, due to the decisions of prosecutors and victims. In these cases the suspect was well known to victim, including one current and four ex-partners.
- **Convictions:** 16 cases produced a guilty outcome. In 10 of these cases guilty verdicts were reached, in four cases guilty pleas were entered and in two cases there were part-convictions. Most of the sentences imposed were custodial (from 1-8 years). The conviction rate was noticeably higher than the national level data although as a proportion of cases referred to the court (57% or 16 of 28) it is within the national rate of successful prosecutions in recent years. Six of the convicted cases involved minors (these were historic cases).

Ireland

- **Victims:** All victims were aged 18 or over and included four males. 72% were aged between 18 and 30. All the victims were white and from Ireland or other European countries, including Northern Ireland and England and Wales. Over half were employed or students and more than a third were unemployed. A fifth were recorded as having a mental health issue, one of the highest proportions in the study, and 6% had a disability. 78% had consumed alcohol at or around the time of the assault, one of the highest proportion in the study, and 10% had consumed drugs.
- **Suspects:** All of the suspects were male and on average older than the victims. The ethnic origin of the suspects was slightly more mixed. Over half were either in employment or students (55%), with fewer unemployed (27%) than among the victims. Over four-fifths (88%) of suspects had consumed alcohol at or around time of assault. Over a third of the suspects were known to police, having been accused of offences, and over a quarter (27%) had previous convictions (of which 2% were analogous offences).
- **Offences:** Assaults occurred in a variety of locations, but over half were in the homes of victims and/or suspects. Offences were committed by current or ex-partners (24%), with those known to the victim accounting for more than half of all suspects (55%). A fifth (20%) were strangers and a further fifth were recent acquaintances. Over a third of victims (38%) had documented injuries and a high proportion were forensically examined (76%) compared to other countries. A weapon was used in only a single case.
- **Investigations, Arrests, Charges:** Virtually all victims were interviewed, although fewer (85%) provided a formal statement. The majority of suspects were identified or interviewed by police (high numbers were known to the victim). Yet only 18 suspects were charged, with 16 referred for trial. 51 cases were discontinued between interview and charge. In 13 of these cases the victim had mental health problems, in 45 the victim had consumed alcohol, in 41 the suspect had consumed alcohol, in 31 there was 'insufficient evidence' and in 13 there was victim withdrawal.

- **Analysis of Attrition:** The majority of attrition, similar to other adversarial systems takes place in the early and mid investigation (82%). Most decisions (34%) are taken by the prosecutor on evidential grounds, mainly insufficient evidence. In less than a fifth (17%) the decision to discontinue was taken by police, mainly due to cases being designated false allegations, and evidential issues, including the failure to identify or locate the suspect. Ireland has the highest proportion of designated false reports (9%). In all nine cases, the victim had consumed alcohol at the time of the assault. Four of these involved a suspect well known to victim (two ex-partners, one family member and one colleague).
- **Convictions:** Eight cases resulted in conviction. All of these received a custodial sentence of between 4.5 and 15 years. Two of the four guilty pleas received among the highest sentences. Although low (eight) these figures are consistent with the national statistics, which in 2005-2007, when most of these cases would have been finalised, showed a prosecution rate of 16-20% of reported cases and a conviction rate of 7-10%.

Case Progress in the Irish Sample:

Stage of legal process	Case progress and outcome	N =100
Investigation	Victim interviewed	97
	Suspect identified	79
	Suspect interviewed	69
Charge	Suspect charged	18
Court	Referred to court	16
	Pending	2
	Victim withdrawal	2
	Outcome unknown	1
	Suspect absconded	2
	Tried at court	10
	Acquittal	2
	Conviction	8
<i>Includes guilty verdicts, guilty pleas and part convictions</i>		

Attrition points identified in case tracking analysis – European data:

Phase of legal process	Case progress and outcome	Austria N/%	Belgium N/%	Scotland N/%	Germany N/%	Hungary N/%	Ireland N/%	Portugal N/%	Sweden N/%
Investigation	Victim interviewed	98	99	100	98	99	97	96	94
	Suspect identified	57	56	88	79	88	79	75	73
	Suspect interviewed	57	50	85	74	73	69	59	52
Charge	Suspect charged	31	49	59	34	62	18	21	43
Court	Referred to court	30	4	28	28	39	16	16	16
	Tried at court	29	4	18	27	39	10	11	13
	Acquittal	11	0	2	4	4	2	3	3
	Conviction*	18	4	16	23	34	8	8	10
Total		99	100	100	100	100	100	100	100

* Includes guilty verdicts, part convictions (for some, not all, offences tried) and guilty pleas.

Factors Which Make Conviction More Likely

Ireland

- Presence of documented injuries (n=7 of 8);
- Having been previously accused of criminal offences, especially rape (n=5 of 8);
- Being arrested prior to interview and held in custody or remand (n=8);
- Assaults by strangers (50% of convictions compared to 20% in the sample);
- The offender (n=7 of 8) having alcohol prior to the offence.

In Ireland, the majority of attrition, similar to other adversarial systems takes place in early and mid investigation (82%). A high proportion, compared to other countries, were designated false reports (9%). The majority of cases resulting in a conviction reflect stereotypes of rape and rapists (O'Mahoney, Corr, Lovett and Kelly, 2009).

Scotland

Almost all (88%, n=14 of 16) convicted offenders were known to the victim, with the most common relationships family members (n=8) and ex-partners (n=3). A higher proportion of convicted offenders had been previously accused (50% v 40%) or convicted (75% v 29%) of criminal offences.

In over half of cases (56%, n=9 of 16) victims were under the age of 20 at the time of the assault, and in over one-third (38%, n=6) they were minors. More victims in convicted cases had undergone a forensic examination (63% v 52%) – a figure that is probably even more significant given the six historic cases in the convicted group – and a higher proportion of convicted cases (38% v 27%) involved documented injuries. A lower proportion of victims in convicted cases (25% v 44%) had consumed alcohol.

In Scotland, an Attrition takes place across the legal process, albeit that much more of the decision making takes place later and is made by prosecutors. A relatively low proportion (4%) of cases are designated false reports. The conviction rate is mid-range for the study, but considerably higher than the national statistics.

Whilst cases involving perpetrators who were family members had a reasonable chance of proceeding to trial, very few of those involving current/ex-partners did so. The majority of cases resulting in a conviction reflect stereotypes of rape and rapists, as in the case of Ireland (O'Mahoney, Corr, Lovett and Kelly, 2009).

Offence Profiles: European Data

From the European data gathered it is established that the most common assault locations are (1) the suspect's home/the victim's home/a shared home or a public place (for example, Scotland); (2) a vehicle (for example, Ireland, Portugal, Sweden); or (3) a friend's home (for example, Sweden).

When examining the suspect-victim relationship it was shown that an offence committed by a stranger was most common in Austria, Belgium and Portugal. The largest group of offenders in Portugal and Sweden was an acquaintance and in England and Wales, Scotland, Germany and Ireland the largest group of offenders was a current or ex-partner.

Victim injuries were highest in Austria, Ireland and Portugal. Weapons were used during stranger assaults in Austria and Portugal.

Emerging Conclusions

The European data shows that there is a wide range of reporting rates across various countries. There is a broad range of conviction rates, but factors in attrition, such as evidence, identification or investigation of a suspect and victim co-operation, are similar. There is still a limited understanding of what 'rape' is, for example, the types of cases reported, proceeded with and convicted. There is a disproportional representation of ethnic minority suspects, but not in Scotland or Ireland. The data shows criminal histories among the convicted cases and few current or ex-partners among the convicted cases. There is a persistence of the 'real rape' stereotype. The scale of 'false allegations' is low (1-9%) and Ireland has the highest rate of these.

Whilst reporting rates and wider definitions of what constitutes rape undoubtedly change the profile of cases seen by criminal justice personnel, these alone do not explain low and falling conviction rates. Factors which were more common in the low conviction rate samples included: failures in investigation to interview victim and/or suspect and high rates of victim withdrawal. Conversely, the samples with higher conviction rates had neither of these and were systems where prosecutors took control of the investigation and made most decisions about whether cases proceeded (Lovett and Kelly 2009).

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FORMULATING POLICY ON THE MANAGEMENT OF SEX OFFENDERS

Jimmy Martin, Assistant Secretary, Department of Justice, Equality and Law Reform

Introduction

I am here to talk to you about formulating policy on the management of sex offenders in this jurisdiction.

I will say a few words about policy formulation first before turning to the question of sex offenders.

Policy

Policy tends to be a very nebulous concept. There is often a disconnect between policy and practice. Frequently this is because implementing a policy is generally much more difficult and time consuming than formulating the policy in the first place.

Moreover, implementation of new policies can be resource intensive and is always risky.

We live in a democracy and believe it or believe it not, the Department of Justice, Equality and Law Reform does see part of its role as upholding democracy and protecting human rights. As well as ethical and moral reasons for this, there are practical reasons. We work for politicians and they are accountable one way or another directly to their constituents through regular meetings but also more generally to the country through the Dáil, through the media and through interest groups. If a policy does not have public acceptance, it will fail. Ministers do not like being associated with failure.

In the area of human rights we tend to look at the overall balance between the rights of society, the rights of victims and the rights of those accused as opposed to the effect on a particular individual. While we do test the edge of the envelope occasionally, we certainly are not going to put forward a policy that we know conflicts with established human rights. This is not least because it is embarrassing and a waste of time and valuable resources for a shiny new policy to be struck down as unconstitutional or incompatible with the European Convention on Human Rights.

Genesis

So why did we start looking at policies on sex offenders – the subject is potentially a real can of worms, politically a minefield and involves very stark conflicts regarding the rights of different individuals.

The Minister and key people in the Department and in the criminal justice agencies saw a need to do better. In my own case once or twice a year a particularly dangerous sex offender would have to be released and if you have to read the details of his offence and the assessments as to the risk of future offending, you could not fail to be concerned.

However, it was not clear at the initial stages if we could put forward any new policies that would actually improve matters. So to be honest we started off very quietly so that if we failed at the outset no one would notice. A working group was established involving different areas of the Department as well as the Garda Síochána, the Irish Prison Service and the Probation Service and I was the chair of that group.

Our objective was to devise a policy on sex offenders,

- that when assessed objectively could be seen to significantly reduce the danger posed by convicted sex offenders;
- that could be implemented by the key agencies within the resource constraints every agency faces;
- that would not conflict with the Irish Constitution or the European Convention on Human Rights; and
- that at a minimum would be broadly acceptable to the electorate and those who lead public opinion.

That was quite a tall order. On the positive side, some of the factors that made the task so challenging also helped. Sex offenders are high profile. Everybody is aware of the sensitivity of the public and media to the issue and therefore people were willing to invest more time and effort in addressing potential problems in the area.

Furthermore we were not starting from zero but reviewing existing policies, identifying gaps and contributing to an incremental improvement.

Perhaps most importantly of all we had a Minister who was keen to see progress being made and was willing to test the water.

Life is messy

I should say that I am identifying these features with the benefit of hindsight. Indeed I am putting everything we did in a structured format for your benefit. In reality we bounced around a bit, did not see the wood for the trees, had arguments, went up dead ends and had moments of inspiration before things came together.

Mechanics Used

Our working method was straightforward. Everybody in the group was asked what their agency would like to see changed. We also looked at a variety of research on managing sex offenders and we also looked at those jurisdictions that we considered might be leaders in the field. Fortunately for us, Northern Ireland was one such jurisdiction and I will come back to that later. Because all the key criminal justice agencies were involved as well as those with legislative experience on the working group, any proposals that might look attractive on paper but could not be implemented in practice or raised constitutional issues were very quickly identified as non runners and sent to the bin.

Facts

On average 130 sex offenders are convicted every year here in Ireland. We have about 240 sex offenders in prison, about 100 of those are released every year and we have over 1,000 convicted sex offenders living in the community.

The number of un-convicted sex offenders in the community is a much higher number. In the period 1998 to 2004 the Health Boards received an average of over 2,000 reports of sexual abuse each year.

Research

There is a lot of research on offenders and on sex offenders in particular. Some of it is contradictory and only a small amount of it has been conducted in Ireland. Our interpretation of research, particularly meta-analyses reinforced by our own experience, suggests:

- Sex Offenders are different. They are different from the “normal” offender and they are different to one another. Their social background, mental capability, age, offending behaviour and risk of future offending varies enormously.
- Interventions with sex offenders can have positive results in a proportion of cases. However, research confirms that it is very difficult to change a person’s behaviour if that person is not already personally committed to change. Research also shows that the best place to rehabilitate an offender is in the community, not in prison.
- The level of risk posed by some serious sex offenders is not affected by their participation in sex offender programmes.
- For those who do benefit the lasting effect is minimal if not followed up in the community.
- Too much intervention with a low risk, minor offender can be counter productive.
- Supportive type interventions in a community setting are more effective at reducing risk than repressive type measures.
- Risk analysis tools are not perfect, you can get wrong results, but they are significantly more reliable than subjective assessments by individual experts when trying to determine the risk of future offending.
- You can manage risk but you cannot eliminate it altogether.

Other Jurisdictions

We looked at a number of jurisdictions to see what we could learn from them about the management of sex offenders. We did not get much inspiration from the usual suspects such as the Scandinavian countries, New Zealand and Australia. As you would expect some of the jurisdictions in the USA had quite radical approaches. Perhaps more surprisingly the official guidance from Federal Department of Justice sources was very balanced and supported by research. The State of Vermont was particularly advanced in certain areas dealing with sex offenders. There were lessons we could learn from but the administrative and legal structures in the USA are so different to ours that they did not provide a model of post release management that could be applied in this jurisdiction.

It was actually Northern Ireland that proved to be the most valuable source on managing offenders after release from custody. The management of sex offenders has been an issue of major public concern in Northern Ireland and they have devoted a huge amount of administrative and political energy and resources to it.

The Northern Ireland arrangements used to be known as Multi Agency Sex Offender Risk Assessment and Management (MASRAM) and are now known as Public Protection Arrangements Northern Ireland (PPANI). One of your workshops before lunch was on these arrangements so I won't go into further detail but we closely studied and were impressed by the Northern Ireland arrangements and used these arrangements as a template for our own plans.

Our Proposals

On the basis of the experience of the agencies involved, international research and the experience of other jurisdictions we concluded that the ideal regime for higher risk sex offenders should include the following:

- The sex offenders should have engaged in appropriate interventions while in prison to address their behaviour and reduce the risk they pose on release;

- They should be placed in appropriate housing, register with the Gardaí and be known to the Probation Service;
- Their daily patterns should be known and stable;
- They should engage in post custodial interventions/ treatment designed to address their behaviour;
- They should be compliant and have an interest in remaining compliant with any conditions imposed by the courts;
- The Gardaí/Probation Service should have regular contact with them so they can note any worrying developments;
- Each individual case should be reviewed on a regular basis by a multidisciplinary risk management committee;
- There should be easily applied measures including sanctions to address any worrying behaviour.

What the Group then did was to review every stage of the criminal justice system from the moment of conviction to release into the community to see how these objectives might be achieved.

Risk analysis

Resources should follow risk – we want to concentrate on those sex offenders who pose the greatest level of risk. We therefore have to be able to identify who are higher risk offenders and that requires a risk assessment mechanism that,

- provides objectivity and consistency
- is accurate
- is validated by scientific evidence.

The Probation Service, the Irish Prison Service and the Gardaí are working together to build up their expertise on assessing risk and managing sex offenders. Specific risk assessment tools for sex offenders that are validated internationally have been introduced and are being used by these services. These are vital and underpin a significant element of our proposals. The details of risk assessment are touched upon in two of your workshops today.

Courts

It is the courts that determine the sentence in individual cases within the broad framework set by the legislature. The courts are independent and do not form part of the integrated approach being developed for the management of sex offenders. However, as they have a key role in protecting the rights of both the convicted offender and society in individual cases, we need a mechanism whereby the courts can have access to objective information and expertise without impinging on their independence.

We looked at the possibility of using the prosecution as the vehicle but for a number of reasons decided that a more appropriate and viable option was the Probation Service. Pre-sanction reports are already a service provided by the Probation Service for the courts. A special unit has now been established within the Probation Service to build up their expertise on the assessment and management of higher risk sex offenders.

We have decided that in all cases involving serious sex offenders, the court will be offered the possibility of a pre-sanction report which would include a risk assessment as well as an indication of the treatment options and conditions that might be appropriate and available. As is the position at present, such reports will never address the length of custodial sentence to be imposed. In this context, there is a working presumption that serious sex offender means those to be sentenced by the Central Criminal Court or Circuit Court. We do not have the resources to do pre-sanction reports for every sex offender who comes before the District Court. However, if a known serious sex offender is to be convicted in the District Court, a pre-sanction report will be offered.

From a practical point of view it is hard for everyone including the trial judge to determine what post release conditions might be appropriate if an offender is going to spend several years in prison. It is therefore intended to have the option whereby the court could revisit the question of post release conditions immediately prior to release from custody.

Prison

If the sex offender is imprisoned he or she passes into the hands of the Prison Service. Their first priority is to provide safe and secure custody for the punishment of the offender and the protection of the public. However, they also have an interest in rehabilitation. In the early 1990s the Prison Service invested a lot of effort in devising a sex offenders programme. It followed best international practice at the time and was extremely intensive.

However, a recent assessment showed that its success rate was questionable. It was not suitable for every sex offender and partly because of its intensity was not popular with prisoners, many of whom saw no gain to be had by engaging in such a demanding exercise.

A new programme of group interventions was commenced in January 2009. The interventions take greater account of individual risk, needs and capacity, with higher risk offenders, for example, spending longer on offence-based work where necessary. It is expected that the programme will be fully operational by the end of 2010 and will deliver interventions with up to 60 offenders each year. This compares to an average of seven to eight offenders per year who completed the previous programme.

From Custody to Community

The transition from custody to community is critical to managing the future risk of sex offenders. There were two areas we looked at:

- the legal framework for the management of a convicted sex offender in the community; and
- the administrative arrangements.

The most controlling and flexible legal framework for the re-integration of a prisoner into the community is temporary release. In effect a prisoner is given conditional release before the end of his sentence. A range of conditions can be applied and any breach can result in re-imprisonment without court intervention. It only lasts for the duration of the sentence.

For those who have finished their custodial sentence, the use of suspended sentences or deferral of sentencing by the courts gives the ability to retain some power over convicted offenders even after they have left prison.

The Sex Offenders Act 2001 introduced new provisions affecting convicted sex offenders in the community. They must notify their name and address to the Gardaí, they may be subject to post release supervision orders and in specific cases the Gardaí may apply for a Sex Offenders Order to prohibit a sex offender from doing certain things. While we do propose some amendments to improve their operation, we do not envisage any fundamental legal changes.

It is in the administrative use of these legal tools where there will be major changes. As I mentioned earlier, we want the courts to have access to expert advice at the sentencing stage so the package applied is appropriate to the particular offender and will be part of a consistent and coordinated engagement by the criminal justice agencies from the time of conviction, through custody and back out into the community. We are trying to ensure continuity.

Our research and the experience of our agencies all pointed to a need for greater enhanced inter-agency cooperation. We have already made substantial progress. The people with the relevant expertise from the Department, Gardaí, Irish Prison Service and the Probation Service have been meeting regularly to discuss the best approaches and specific measures are already being introduced.

In the case of higher risk offenders, a case conference involving the Irish Prison Service, the Probation Service and the Gardaí can be organised to plan for the offender's reintegration into the community and the management of the risk they pose.

In addition all existing sex offenders out in the community registered with the Gardaí are being assessed. The Probation Service and the Gardaí are using the same risk assessment tools and they are compatible with those in use in Northern Ireland and mainland Britain. Following the lead of our Northern Ireland colleagues local area risk management committees are being established. The Gardaí and Probation Service are already working together to

manage higher risk offenders in the community and we are extending the number of agencies involved.

Supportive

I want to emphasise that the focus in the management of sex offenders is on supportive measures as well as supervision.

If a sex offender is released into a hostile community where he is hounded, the sex offender will very quickly go underground. The Gardaí will not be able to monitor him. The offender will have no stake in society. Prison may become more attractive than the community and there will be fewer constraints on the person re-offending.

Housing for serious sex offenders is a good example of a practical issue where both the supportive and supervisory interests come together. We have a strong interest in ensuring appropriate accommodation is available for such a person:

- We want to know where they live so we can keep an eye on them and intervene if necessary.
- We want them to live in a stable environment (not moving around constantly) where they have a stake in society and an incentive not to re-offend.
- We want them to live in an environment that limits their access to factors that might precipitate offending behaviour.
- We don't want them living with or near potential victims.
- We don't want vigilantes or hordes of media outside their house.

Discussion Document and Democracy

The management of sex offenders is not a responsibility limited to criminal justice agencies. In January of this year the Minister published on the Department's website a discussion document entitled The Management of Sex Offenders (The Discussion Document). This Document gave a lot of background information on the subject, explained what our proposals were and invited comments on specific topics. We invited a number of key groups to a Forum on the subject in March and also invited written submissions.

We took this approach for three reasons:

1. We wanted to stimulate an informed debate on the management of sex offenders and ascertain what level of support or opposition there was for our proposals.
2. We wanted to engage with the wider community outside the criminal justice agencies who could be of assistance in the management of sex offenders.
3. Finally we wanted to see if anyone had any improvements to suggest.

I explained earlier about democracy in action and the need to have support if a policy is to succeed. As we were touching on very controversial issues we wanted to get an idea of what informed public opinion might be. We specifically tried to engage with what might be regarded as representative groups or opinion leaders in these kind of issues – the people you will hear on your radio or see on TV discussing particular cases involving sex offenders. They included victims groups, rape crisis centres, human rights groups as well as the media.

We were particularly conscious that sympathy for sex offenders is limited and there can be calls for quite extreme measures that are not always compatible with our Constitution. Indeed our own proposals could have been perceived as an unwarranted intrusion by the State into the private lives of citizens who have served their sentences. We wanted to have some balance in the debate and went out of our way to invite those who advocate civil rights to participate in our Forum on the matter. As it turned out, very little interest was shown by civil rights groups. Fortunately the groups representing the victims' side turned out to be very balanced in their approach. Indeed we were impressed by the mature and constructive approach taken by all those who participated in the consultative process.

There were a few issues that we viewed as potentially very controversial and we were particularly interested in hearing views on these. I will mention just two.

One is **temporary release**. While there is no policy per se and each case is decided on its merits, Ministers and the Department have always had reservations in relation to allowing sex offenders out on temporary release because of the risk factor. In the Discussion Document

we set out the various arguments for and against the use of temporary release. There was a surprising amount of support for granting temporary release to sex offenders to encourage their participation in sex offender programmes and to facilitate their re-integration into society although subject to careful restrictions.

We also raised the question of **Megan's law** – the right of the public to get access to information such as the addresses of sex offenders – and the response we got was very much against such an approach. While it confirmed our own position it was still a useful exercise and threw up a few issues that we had not thought of before.

On a more practical level it was relatively straightforward for us to get the views of the criminal justice agencies. Going outside the criminal justice family is more complicated both for us and for those who engage with us. All the members of the Group were strongly of the view that we should engage with non criminal justice agencies. In particular we all agreed that there is a lot of merit in the Northern Ireland model of engaging the full range of bodies in managing sex offenders.

However, there are a lot of practical problems. Not least we have to find willing partners and one of the objectives of the Discussion Document was to assist in that process. Our consultative process has already borne some fruit in this regard. Several non-governmental bodies have expressed an interest in being involved. On the Governmental front, the Health Services Executive has recently joined us in the process.

However, there are still issues to overcome. For example, in Northern Ireland they have one Housing Executive which deals with housing including the housing of sex offenders. However, we do not have any centralised housing agency. In this jurisdiction, each local authority has a role. You will appreciate the difficulties of engaging with over 30 housing bodies in formulating a policy. However, work is underway with the Homeless Agency and key local authorities and we hope to engage with the Department of the Environment, Heritage and Local Government.

The third objective of the consultative process was to seek suggestions for improvements that we had not thought of. We were conscious that we were all coming from the same mind set and other perspectives would be valuable. We did get some very useful suggestions which we are pursuing.

Progress

The Discussion Document published in January 2009 set out existing and possible future policies on the management of sex offenders. Following on from that consultative process, the Minister is most likely to publish a further follow up document. This would contain a synopsis of the views received and confirm what policies are going to be implemented. There will be legislative changes and work is already underway on preparing that legislation. As I have mentioned we are also working away on gradually extending the range of bodies involved in the overall process.

Conclusion

To conclude I would just like to restate what are the main innovations proposed in our new policy:

- A more enhanced integrated approach to the management of convicted sex offenders by the criminal justice agencies;
- The level of risk posed by convicted sex offenders to be assessed using internationally recognised risk assessment tools;
- The level of risk to be assessed at critical stages and shared between the criminal justice agencies (e.g. on conviction, during any custodial sentence and release in the community);
- New interventions for sex offenders to be introduced by the Irish Prison Service;
- More focus on arrangements for the transition from custody to the community;
- All higher risk sex offenders in the community to be monitored on an individual basis by local risk management committees involving the Garda Síochána and the Probation Service;
- Strengthened legislative provisions on the monitoring of sex offenders.

References and resources

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THE EFFECTIVENESS OF PSYCHOLOGICAL INTERVENTION WITH MEN WHO COMMIT SEXUAL OFFENCES

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*"Knowledge consists in understanding the evidence
that establishes the fact, not in the belief that it
is a fact". Charles Spurling*

An Appropriate Response?

Thanks to the outstanding contribution to knowledge made by a Rape Crisis Centre funded study, known as the SAVI report, we have an evidenced-based understanding that sexual victimisation is a serious and substantial problem in Irish society (McGee, Garavan, de Barra, Byrne, & Conroy; 2002). In an extremely well designed and executed confidential survey of a nationally representative sample of over 3,000 Irish people, 23.5% of men and 30.4% of women reported that they were subjected to some form of abusive sexual behaviour in childhood. The fact that most of these experiences remain hidden is evident by the fact that just 4.6% of those who were subjected to sexually abusive behaviour indicated that their experience was reported to the Gardaí.

Given the extent of the problem some appropriate responses seem self-evident. Clearly, community-wide interventions like the Stay Safe Programme in our schools are vital in helping children appropriately protect themselves and indicate their need for help and safety. Effective and adequately resourced child protection services are needed. Equally, services which provide effective support and counselling for people subjected to abusive behaviour and their families are required. Undoubtedly, a hugely improved and just legal response is desirable. But what about intervention with those who perpetrate sexually abusive behaviour?

Does it play a potential role in improving the safety of children and adults in Irish society by reducing the risk of re-offending by those who have engaged in sexual abuse?

I propose that as a society we ought to adopt a sceptical frame of mind regarding the potential of such programmes to reduce sexual abuse. To adopt a sceptical frame of mind is simply to establish, understand, and evaluate the objective evidence on whether such intervention improves the safety of individuals within our society who are at risk of the potential re-offending of those who perpetrate sexual crimes. Quite understandably in considering such issues we are often convinced by, from a scientific perspective, the weakest evidence, such as our emotional response or, our own or other people's direct experience or knowledge of a limited number of individuals. We are often simultaneously mistrustful or dismissive of the strongest evidence, carefully designed and executed scientific studies, or erroneously conclude that to offer intervention is soft on crime or replaces legal sanction. This presentation outlines two strands of evidence that we can use to objectively inform our perspective on whether intervention with sexually offending men works to reduce their rates of recidivism. It outlines the Irish research which has addressed this question and places it within the context of international research in this area.

Two Strands of Evidence

Two strands of evidence, or types of research design, are available to us to objectively consider whether sexual offender intervention works.

- **Evidence Strand 1** measures psychological change attributable to intervention. That is, if we target aspects of psychological functioning linked to sexual offending and offer a suitable intervention, do those who receive it change? In order to attribute change to our intervention, rather than to other factors such as the passage of time, the effects of crime detection, prosecution, time spent in prison, family pressures, or societal attitudes, we require at least two groups in this kind of evaluation. Group 1 who receive the intervention and Group 2 who do not. For a fair evaluation it is vital that group 1 and 2 are equivalent to each other in all aspects except their intervention status and a pre and post intervention assessment of psychological characteristics associated with sexual offending is carried out with both groups.
- **Evidence Strand 2** assesses the impact on offence recidivism using Groups 1 and 2 as above.

Evidence for Ireland

In Ireland a very limited number of intervention programmes are available in community settings for adults and adolescents who engage in sexually abusive behaviour. To date none of these community programmes have systematically evaluated the outcome of their interventions as outlined above. To the substantial credit of the managers and clinicians involved, the only service to do so is offered in a custodial context by The Irish Prison Service (IPS). As an outcome of two independent research studies it has uniquely established both strands of evidence which are described below.

Study 1: Does Intervention Change Aspects of Psychological Functioning Linked to Sexual Offending?

In the first study there were a total of 74 participants (O'Reilly, Carr, Murphy, & Cotter, 2010). Group 1 comprised all 37 participants in the IPS sexual offence programme over a three year period. They were assessed pre and post intervention and compared to group 2 who were 37 untreated men equivalent in their demographic and offence characteristics who were imprisoned at the same time.

Aspects of psychological functioning linked to sexual offending and targeted by the programme were assessed in the areas of personal functioning (including emotional loneliness, locus of control, self-esteem, assertiveness and anger management problems), offence specific factors (including victim specific empathy, and cognitive distortions regarding offending) and relapse prevention (RP) factors (RP awareness and RP strategies).

Figure 1: Changes in the psychological functioning of men participating in the IPS Programme:

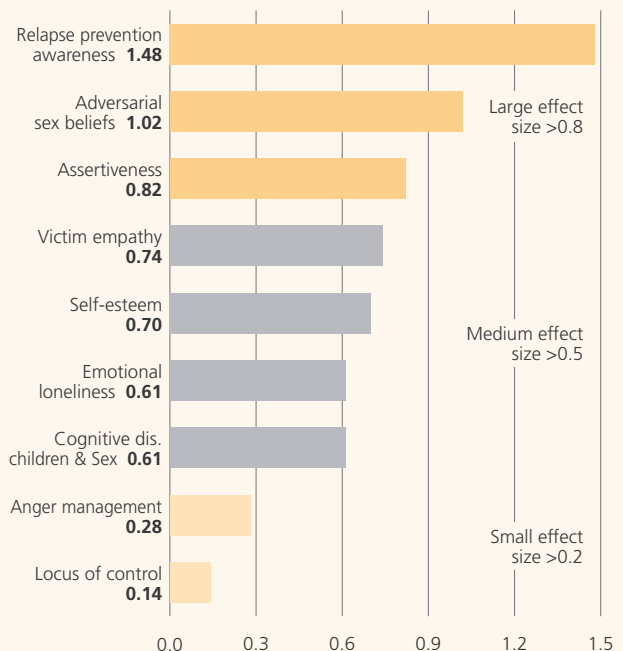


Figure 1 illustrates the effect sizes for different aspects of psychological functioning assessed within the study. It demonstrates the magnitude of change observed in the intervention group relative to the no-intervention group. All these changes are directly attributable to the intervention programme rather than the effects of crime detection, punishment, family factors, societal attitudes, or personal motivation to change. Some aspects of programme revision were identified, in particular the need to support changes made on the programme into post-release functioning in the community. Overall, the findings from this study clearly show a well-designed, well-run, well-delivered programme that effectively met almost all of its main therapeutic targets with a remarkably challenging client group (O'Reilly et al., 2010).

Study 2: Does Intervention Change Recidivism?

In study 2 the impact of intervention on rates of sexual, violent-non-sexual, and non-violent offending was evaluated (O'Reilly & McDonald, 2009). Group 1 (the treatment group) consisted of 124 men who participated in the IPS Sexual Offender Treatment Programme (SOTP) between 1994 and 2007 and who returned to the community post release. Group 2 (the control group) consisted of 124 men convicted and imprisoned for sexual crimes who did not take part in the IPS programme. These groups were matched on a case-by-case basis on 11 variables. These included their release date from prison (controls were selected who were released as close as possible to within 12 months of the matched treatment group participant); imposed sentence length (as close as possible to the sentence length of the treatment group); date of birth (as close as possible to within five years of the treatment group); and victim characteristics (gender, age, and relatedness). In addition they were equivalent on the following variables: previous sexual and non-sexual offence history; marital status; and employment status.

Recidivism was measured by re-conviction, and/or sentenced re-imprisonment, and/or time spent on remand. The re-conviction data was obtained from An Garda Síochána Domestic Violence Sexual Assault Unit of National Criminal Bureau of Investigation through their PULSE system. The re-imprisonment and remand data was obtained from Irish Prison Service records through their computerised PRIS system for recent cases (70% of the full group) and archived files for older cases (30% of the full group). The average post release time spent in the community was 6.22 years for group 1 and 6.16 years for group 2.

This study asked whether men who have received intervention, compared to those who have not, have different levels of (1) sexual offence recidivism, (2) violent offence recidivism, (3) non-violent offence recidivism or (4) all types of offence combined recidivism.

- **Impact of intervention on rates of sexual recidivism:** the sexual offence recidivism rate for all 248 participants was 8.1%. There was no evidence of a treatment effect on the rate of sexual offence recidivism.
- **Impact of intervention on rates of violent recidivism:** the violent offence recidivism rate for all 248 participants was 7.3%. There was no evidence of a treatment effect on the rate of violent offence recidivism.
- **Impact of intervention on rates of non-sexual non-violent recidivism:** the non-sexual non-violent offence recidivism rate for all 248 participants was 24.6%. There was no evidence of a treatment effect on the rate of non-sexual non-violent offence recidivism.
- **Impact of intervention on rates of all types of combined recidivism:** the combined all types of offence recidivism rate for all 248 participants was 28.2%. There was no evidence of a treatment effect on the combined all types of offence recidivism rate.

This study also investigated whether men who have received intervention, compared to those who did not, took different amounts of time to re-engage in offending behaviour. Again no differences were found between treated and untreated groups.

Understanding These Findings within an International Context

Whether intervention with men who commit sexual offences is a successful endeavour or not is understandably a topic that has received considerable attention in the international research literature. In recent years there has been a sustained attempt to statistically combine the data from all available studies that compared rates of recidivism among treated and untreated men through meta-analytic reviews of the data. The clear result from these reviews indicates that intervention significantly reduces sexual and other forms of recidivism (Hanson et al. 2002; Losel and Schmucker, 2005). However, simply combining data from every available study is not always the most instructive strategy. A better approach is to identify all available research and then sift through those studies discriminating their relative methodological merits and then determining whether intervention changes recidivism rates and simultaneously understanding the quality of the studies combined in the review in order to determine our current conclusions.

In relation to sexual offender intervention the Collaborative Outcome Data Committee (CODC) developed extensive criteria that allows sexual offender recidivism studies to be assigned to categories of (1) This study should be rejected from further consideration as its methodology is too poor; (2) This study has a weak but acceptable design; (3) This study has a good design; and (4) This study has a strong design. In applying the CODC criteria Hanson, Bourgon, Helmus, and Hodgson (2009) conducted an extensive literature review and identified 129 potential studies reporting recidivism from treated and untreated sexual offenders that could be included in a meta-analysis. However, after applying the CODC study quality guidelines they assigned these studies as follows: 104 were rejected due to poor design; 19 were of weak but acceptable design; four were of good design; and none were of strong design.

In other words Hanson et al whittled the 129 studies down to just 22 studies the majority of which were of weak but acceptable design. This provided them with a meta-analysis with a total of 22,181 participants. There was a significant reduction in the rate of sexual recidivism among treated (10.9%) compared to untreated men (19.2%). There was also a significant reduction in general non-sexual recidivism but not violent recidivism. The strongest effect is evident from the weakest studies and there is variability among the 'good' studies. Among all 22 studies the principle of tailoring intervention to reflect the risks, needs and responsiveness of sexual offender populations was apparent.

Conclusions

In Ireland the IPS has uniquely established independent research to evaluate its intervention programmes with sexual offending men. This research shows that, independent of imprisonment and motivation to change, men who participate in the programme change significantly on key psychological risk factors associated with sexual offending. However, research also shows that these changes resulting from programme participation are not translated into reduced levels of or time to sexual, violent, non-sexual non-violent, or combined offence recidivism. In response to these findings and to its own continual efforts to offer the most effective intervention the IPS has now developed a newly revised programme. A key element in its future success will require issues concerning the management of sexual offenders after programme completion and return to the community to be extensively addressed. Within the international research literature there is evidence that intervention with sexual offending men can reduce sexual, and general non-sexual but not violent recidivism. However, the majority of these studies on which these conclusions are based have serious methodological weaknesses. There is a need for the development of good quality evaluation of sexual offender intervention programmes unless we are satisfied to draw our conclusions from weak rather than strong evidence.

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WORKSHOP DISCUSSIONS

Workshop A: Report of the Commission to Inquire into Child Abuse, 2009 – Implementation Plan

Co-ordinator: Sylva Langford

Chair: Finbarr O’Leary

Rapporteur: Annaleen Mackin

This workshop involved a discussion in relation to the Ryan Report and implementation of the 20 Recommendations in the Report involving a total of 99 action plans contained in this Implementation Report. The Report of the Commission to Inquire into Child Abuse – known as the Ryan Report – was published on 20 May 2009 and detailed the abuse that took place in many reformatory and industrial schools throughout the country. The Ryan Report placed considerable emphasis on steps that should be taken to ensure children are listened to, respected as individuals and protected against any type of abuse.

The workshop presented a background to the Report; the learnings and the way forward. The key question is how do we shape up (as a society and as a deliverer of State services to children and young people) over the next and future decades?

The Ryan Report (background)

- The Report found that the social class of families was a large factor in why certain children were abused. Children from disadvantaged backgrounds were left on the street, put into care and were expected to look after and care for themselves.
- The Report found that complaints of abuse were not dealt with and that no one within the institutions prevented the abuse from occurring. Many parents, relatives and professionals were aware that abuse was taking place but failed to take action to protect these children.
- The Report found that social services were amongst the groups of persons that had a duty to protect these children and failed in that duty of care.
- Every person must reflect on what has happened to ensure that this type of abuse never occurs again and every person has a duty to ensure that children have a voice, that they can be heard and that they can depend on the State to protect them.
- The Report highlights that social services, amongst others, face very difficult challenges in 2009.

General Comments

- Do we look at our own professions when delivering services to children and young people?
- Do we reflect on our practices? Do we demonstrate innovative thinking?
- In delivering on policy and legislation have we adequately or successfully implemented and evaluated service delivery with the child and young person at the centre?
- Do we listen to the Voice of the Child in delivering services?
- What are the future challenges? Leadership, staffing, relevant IT systems and governance.
- The focus in the National Programme (Towards 2016) is on the effective use of Children’s Services Committees covering distinct local authority areas incorporating all the key agencies lead by the health services.
- Aftercare must be seen as a continuum in the overall delivery of care services to children and young people.

Recommendations

- The need for adequate inspections – this relates to children in care and children in schools. An inter-agency approach was proposed, whereby the agencies working with children should have each others' details so that they can work together.
- The provision of counselling services – counselling should be available for people who were abused in the past and for children in schools who need help with improved aftercare services.
- A memorial for the victims of abuse will be commissioned to remember people who were abused in the past.
- Establishment of an Out-of-Hours service – a service for children so that they could contact a professional in the evenings or during the weekend if they need help.
- No single agency can tackle the problem – an interagency focus is required. People in all services (such as, speech therapists, teachers, social services and health care workers) must work together to ensure that all the needs of a child are being provided for.
- Early intervention – intervention at an early stage in a child's life should ensure that a child can grow up to lead a normal life. Children without a support system tend to get into trouble, to leave school early and to continue to struggle throughout their lives.
- The needs of the child should take priority – the child's needs should come first. For a child to develop, all aspects of their life should be examined, particularly in relation to education, health and family, because these factors will determine whether a child can develop and succeed.
- The provision of additional services – the families which are most vulnerable are those on low incomes, those within the prison population and families where the parents have marital or addiction problems. The provision of additional services (such as, leaving/collecting the child from school, making dinner, helping with homework or providing childcare at weekends when parents have to work) could have a huge impact on such vulnerable families.

- Guidance for professionals – guidance should be available to certain professionals, particularly the Gardaí and social workers who may be the first point of call, on how to deal with certain situations should they arise. Social workers and counsellors should be made available to children in a vulnerable position.
- The Children's Court – the Children's Court is a very intimidating place for children who have never been in trouble before. Special conditions should be put in place to protect these children.

Workshop B: Victims – SAVI's Perspective

Co-ordinators: Ellen O'Malley Dunlop and Angela McCarthy

Chair: Norah Gibbons

Rapporteur: Ciara Hanley

This workshop involved a discussion on the SAVI (Sexual Abuse and Violence in Ireland) Report. This study was commissioned by the Dublin Rape Crisis Centre in 2000 and was the first national survey to assess sexual abuse and violence in Ireland. The aim of the study was to estimate the prevalence of various forms of sexual violence affecting Irish women and men from childhood to adulthood.

Methodology

- 3,118 randomly selected Irish adults took part in the study and this represented a 71% participation rate. The high participation rate means that the findings can be taken as broadly representative of the general population of Ireland.
- A survey was conducted by anonymous telephone interview and many ethical and safety considerations were built into the study to ensure that a sensitive approach was used.

Results

- The SAVI study found that four in 10 women and a quarter of men reported some form of sexual abuse or assault in their lifetime. Almost half (47%) of those who disclosed experiences of sexual violence in this study reported that they had never previously disclosed that abuse to others.
- In cases of adult sexual assault, only 1% of men and 7.8% of women had reported to the Gardaí, while in the case of childhood sexual abuse, 5.6% of men and 9.7% of women had reported to the Gardaí, i.e. 8% overall of victims of child sexual abuse.
- The notable characteristics of sexual abuse included that in the case of childhood sexual abuse, 22% were abused before age nine; in the case of adult sexual abuse, most cases were once off events and alcohol was involved in 47% of cases.
- The study revealed that in relation to child sexual abuse, over 80% of children were abused by someone known to them, and 66% of perpetrators of sexual abuse of boys were friends or acquaintances. Almost one-quarter of perpetrators of sexual violence against women as adults were intimate partners or ex-partners.
- Victims reported dissatisfaction with the legal process in terms of lack of information, re-traumatisation, lack of contact with the prosecution barrister and aggressive cross-examination. Many victims felt that they were on trial.

SAVI-2 Study

- There is a need to conduct a SAVI-2 study to determine where Irish society is now, 10 years later, in relation to sexual violence, prevalence and attitudes and to determine whether levels and/or types of sexual violence have changed over time. There is also a need for more research on the perpetrators of sexual crimes.

Workshop C: Public Protection Arrangements in Northern Ireland

Co-ordinator: Dr. William McAuley

Chair: Kieran O'Dwyer

Rapporteur: Claire Cregan

This workshop focused on the management of sex offenders once they re-enter the community. The purpose of public protection arrangements is to reduce the opportunity and/or the inclination which offenders might have to re-offend. Of the crimes reported in Northern Ireland, 1.7% are sexual offences. The government response to sexual offending was a public health approach focusing primarily on victim issues, investigation and prosecution, public education and risk assessment and management.

Public Protection Arrangements

These arrangements apply to:

- A relevant sexual offender, i.e. an individual who is subject to the notification requirements of Part 2 of the Sexual Offences Act 2003;
- A relevant violent offender, i.e. a person who has been convicted of a violent offence (including homicide) against a child or vulnerable adult;
- A relevant potentially dangerous person, i.e. a person who is subject to a Risk of Sexual Harm Order (RSHO) or has been interviewed by the police for an alleged or suspected sexual offence against a child or a serious sexual offence on an adult and is in the process of being reported with a view to prosecution.

Risk Assessment & Management

- The arrangements provide for a risk assessment and risk management process which apply to all relevant convicted sex offenders and violent offenders. The risk assessment principle propounded is that a full and thorough risk assessment is carried out on all offenders and potentially dangerous persons to identify the specific risk which each individual presents to the community.

- On a practical level, this risk assessment places an offender in one of three categories in ascending order of perceived risk to the community. A dedicated PSNI department known as Strategy and Administration Unit ascribe the initial risk category to each convicted or cautioned offender or potentially dangerous person. This initial assessment is presented to a multi-agency group known as Local Area Public Protection Panel (LAPPP). This panel consists of a chair who is usually a Probation Board Manager, police officers, probation officers, social workers and prison staff. The LAPPP carries out further assessment of the individual, considering the offending behaviour of the individual and their current behaviour and circumstances. Risk assessments are kept up to date as new information comes to hand.
- The assessment of the Strategy and Administration Unit in conjunction with the further assessment of the LAPPP results in the classification of the individual into one of the following three categories:
 - **Category 1** – Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstance present little evidence that they will cause serious harm through carrying out a contact sexual or violent offence.
 - **Category 2** – Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour & current circumstances present clear and identifiable evidence that they could cause serious harm through carrying out a contact sexual or violent offence. In October 2009, there were 159 such offenders, of whom 90 were in the community and 69 in custody.
 - **Category 3** – Someone whose previous offending (or current alleged offending in the case of potentially dangerous persons), current behaviour and current circumstances present compelling evidence that they are likely to cause serious harm through carrying out a contact sexual or violent offence. In October 2009, there were 26 such offenders, of whom eight were in the community and 18 in custody.
- The risk management plans for those offenders classified as Category 1 offenders are, in contrast to the subsequent categories, not subject to a multi-agency risk assessment. The risk management plan will instead be monitored by a single lead agency. The agency charged with this task depends on the individual circumstances of the offender, i.e. the Youth Justice Agency will take the lead where the offender is a young person under 18 years of age and not subject to probation supervision.
- In contrast, offenders classified as more high risk Categories 2 and 3 are subject to an agreed multi-agency risk management plan and a designated risk manager is appointed for each offender. High levels of support and supervision are provided. Higher risk offenders may also be subject to civil orders that impose restrictions such as not being in the proximity of playgrounds or schools. All risk management plans are delivered at an operational level by a co-located public protection team which provides a dedicated and specialist response.
- Risk management plans for those assessed as Category 2 are reviewed by LAPPP at least quarterly, with those assessed as Category 3 being reviewed at least monthly.

Workshop D: Assessing and Managing Risk – A Prison Perspective

Co-ordinator: Dr. Esther Lonergan

Chair: Ian O'Donnell

Rapporteur: Adele Smith

Therapeutic Programmes

- This presentation provided a summary of the newly introduced therapeutic programme called Building Better Lives that is run in Arbour Hill Prison for sex offenders. The programme uses a strengths based, positive psychology approach. Participation is voluntary and offenders are proactively invited to engage.

- The programme is run on an open rolling format. Offenders receive an induction process involving two sessions where they are made aware of the process which the programme will follow. They are introduced to the language which will be used in discussions and made aware of the expectations which will be set for them to achieve. Relevant background information is gathered during these sessions.
- The programme is based on the individual's needs and is tailored so that the prisoner gets the most out of the learning experience. Entry into the programme can sometimes be the first time that the offender has talked openly about their offending behaviour and their life.

Building Better Lives (BBL) Programme

In line with the publication of the Discussion Document and the Sex Offender Management Policy Document in 2009, Arbour Hill was designated as a national centre for the treatment of sex offenders. The Building Better Lives programme was introduced in January 2009 and is delivered in three groups.

1. Exploring Better Lives – the aim of this group is to increase motivation and confidence in positive change. It is run over 8-10 sessions each lasting 2½ hours, twice weekly. Participants who complete this group will progress to the Practising Better Lives Group.
2. Practising Better Lives – is run over 24-32 sessions, with a flexible timeframe for completion. The aim of this group is to obtain a fuller understanding of past offending and develop positive offence-free self management plans for the future. It is designed in such a way that individuals who are ready to progress to the next level are not held back by those progressing at a slower rate. Also this structure helps individuals who are progressing at a slower rate to 'save face' when they are required to stay longer, or if they feel they are not ready for this stage they can opt to leave and re-enter the programme in their own time.

3. Maintaining Better Lives – aims to support ongoing progress and development for men who are serving longer sentences in prison and to ensure a thorough care plan from prison to community based supports.

Overall aims of BBL programme

- The aims of the programme are to promote an offender's confidence, to recognise the harm they have caused and to understand how they came to offend. It aims to transfer their progress from the treatment programme into their prison routine and hopefully into their life outside of prison.
- Those who have been in the programme longer and are ready to progress have the opportunity to offer guidance and support to those who are just entering the programme or who may be struggling.
- An integral part of the BBL programme is the involvement of family and significant others. Depending on the individual offender's circumstances, their designated support persons from the community will be involved in a series of meetings in tandem with the three groups. The goal of these meetings is to foster links between the offender, their support network and professionals who will be involved in their post release supervision and resettlement plans.

Funding

- With regards to funding issues and the introduction of the programme, priority was given initially to those who were nearing their dates of release. Longer term offenders will initially have to wait to enter this programme, although there is a plan to start a second group shortly (Exploring Better Lives). Although funding is currently allowing the programmes to run if that funding was withdrawn or cut there is a serious threat that the benefit of these programmes would be lost.
- The operation of group interventions for sex offenders in Arbour Hill has, in conjunction with appropriate community follow-up, the potential to significantly improve community safety by reducing the risk of re-offending.

Workshop E: Duties of the Prosecutor in Sex Offence Cases

Co-ordinator: Mary Rose Gearty SC

Chair: Jane Farrell

Rapporteur: Louise Brangan

Reporting rates for sex offences are considerably low in Ireland. Therefore prosecutors are only dealing with a tiny fraction of these cases. This workshop focused on ways in which the role of the prosecutor could be changed and made more effective. This would hopefully encourage more sex offence victims to come forward.

Sexual Offence Trials Distinct from Other Trials

- Due to their nature trials for sexual offending are distinct from other types of trials. Three central characteristics that distinguish sex offence trials can be identified; firstly, meeting complainants can prove to be more challenging; secondly, the indictment can be much more complicated; and thirdly, there are difficulties with relation to disclosure.

Resolving the Challenges Faced by the Prosecutor in Sex Offence Cases

- The prosecutor does not represent the victim but the people of Ireland, and therefore has to retain a relatively clear and unsympathetic stance which can make meeting the victim more difficult. However, there could be greater use of specially trained support from NGOs by complainants in sex offence cases. They would be able to help manage the victim's expectations and make the process more sympathetic. Their central role would be to attend legal meetings with the victim and help translate the information. Essentially, adding this layer of sensitivity could help prevent the victim from being tangled up in the prosecution process.
- The prosecution must take special care when framing the indictment. The prosecutor must take care to translate the narrative provided by the complainant into the indictment and make it as explicit as possible. This makes the job of the prosecutor easier and more effective as it makes clear to the jury what the victim is alleging.

- There is a need to re-examine how third party information, such as that from counsellors and therapists, is handled in sex offence cases. Currently it is up to the prosecution as well as the Gardaí to seek out and disclose relevant information. Instead the burden of disclosure could be with the judge who is already the independent referee in the case.

The Future for Prosecutors in Sexual Offence Crimes

- While the above suggestions would do a great deal to help with the existing system, there is also the need for a new innovative approach such as the National Sexual Crimes Unit in Scotland. The role of the prosecutor could be made much more effective if there was a specialised group who worked solely on sexual offences and therefore was equipped with the particular skills required to deal with the specific complexities of sexual crimes and trials.

Workshop F: Allegations of Sexual Offending and the Rights of the Accused

Co-ordinator: Bobby Eagar

Chair: John Brosnan

Rapporteur: Sinéad Ring

This workshop focused on the rights of the accused person where sexual offences are alleged against him or her.

Range of Sexual Offences

- Legislation relating to sexual offences dates back to 1861. The various statutes governing sexual offences are listed in the Schedule to the Sex Offenders Act 2001. The Criminal Law (Sexual Offences) Act 2006 creates the offence of defilement of children, which replaces the offence of unlawful carnal knowledge. The law on sexual offences needs to be consolidated into one piece of legislation.

Powers of Investigation, Arrest and Questioning

- For the vast majority of sexual offences the Gardaí are conferred with general powers of arrest for the purposes of questioning. Videotaped interview sessions are a valuable protection for the person being questioned because there are then no unexplained gaps in the written records. The Gardaí have the power to take photographs, fingerprints, bodily samples, including DNA samples.

The Role of the Solicitor

- The accused person has the right to a consultation with his or her solicitor. The role of the solicitor is governed by practice and decisions of the High Court. The solicitor is not entitled to sit in during the interview and guide the accused or advise him or her. The solicitor is usually allowed a 20-30 minute session with the accused person, normally once in every six hour period of time. Anything said by the accused to his or her solicitor is privileged.
- In some circumstances a person may approach a solicitor saying that they believe that someone may have made complaints against them. These tend to relate to old offences. Sometimes the time lapse between the alleged offence and reporting can be as long as 45-50 years. In these situations the solicitor would try and get the person to talk about what it is they are facing. If the accused is denying the allegations it is advisable for them to prepare a statement dealing with the issues.
- During the trial of the case a solicitor is bound by their instructions. The solicitor's duty is to the client and this requires the solicitor to be listening at all times and to act for the accused person.
- If a client admits guilt to the solicitor, but pleads not guilty the solicitor cannot cross-examine a witness about something they know to be untrue. This would be a breach of ethics and would make the solicitor an accessory to perjury.

Historic Child Sex Abuse Cases

- The main difficulties in these cases are the forensic difficulties posed to the accused by the delay in reporting and the lack of findings of fact. There is no statute of limitations in Ireland for indictable criminal offences.
- Questions arise here in relation to the issue of imprisoning older people and the issue of deterrence as a rationale for sentencing may be queried, for example in the context of an offender who may not have committed any offences in the 20 years since the offence. Society has changed and the sentences that would be imposed if committed today are not necessarily the sentence that should be imposed on the offender.
- It is difficult to prove that old allegations made are false. There is no doubt that false allegations are made. The way the Residential Institutions Redress Board operated was that if allegations of a sexual nature were made more money was awarded. It therefore attracted false allegations.
- Judicial review applications for prohibition in historic child sexual abuse prosecutions are not made with as much frequency as they were prior to the decision of the Supreme Court in *H v DPP* [2006] IESC 55. The number of prosecutions for alleged historic child sexual abuse has not necessarily lessened. The focus now is on prosecutorial delay and on substantive prejudice to the defence. Unfortunately in sexual offences there are usually no witnesses. However, there are opportunities for testing the evidence against the accused in historic cases. For example, inconsistencies between statements of the complainant to the Gardaí and the evidence in court can be highlighted. Any gaps between the statement and the testimony can be drawn out in court, and highlighted in the speech to the jury. Despite this the danger of an unfair conviction is still very high. The DPP is more likely to prosecute older historic child sexual abuse cases than recent complaints of rape. This is because issues arise in recent cases in relation to consent and to the lack of or the probative value of forensic evidence.

- False allegations of sexual offending are devastating for the suspect. It is very difficult for people working in detention centres and residential care centres. The risk of allegations is such that men are leaving positions in these workplaces. There is a lack of public and media discourse about this problem.

Workshop G: Victim-Offender Mediation in Belgium: focused on sexual crimes

Co-ordinator: Hilde de Voghel

Chair: Gerry McNally

Rapporteur: Phyllida Clarke

Victim-offender mediation can take place at all stages of the criminal procedure, i.e. at the time of charging, during the court proceedings with the consent of the prosecution or post sentencing.

In Belgium the work of Suggnomè in victim offender mediation in sexual offence cases and with offenders in custody is innovative and has extended victim-offender as a restorative justice practice beyond the lower tariff, diversionary and community based cases which have constituted the principal area of restorative justice and victim-offender mediation to date.

Principles of the Mediation Programmes by Suggnomè in Belgium

The principles of the programmes are based on three key principles:

- The mediator is neutral – he or she shows respect for both parties and treats them equally.
- Voluntary participation – The parties must be self-motivated. They can withdraw at any time, but the offender is strongly discouraged from withdrawing just before the mediation begins as this can risk causing harm to the victim again (revictimisation). If either or both parties want to stop the mediation a report is given that ‘we ended the mediation process’.
- Confidentiality – the content of the process is confidential, but sometimes a copy of the agreement might go back to the court in the form of a contract between the parties.

The Use of Mediation Programmes

- Over the last three years there were 315 mediations carried out by Suggnomè mediators in sexual offence cases. 71 of these were face to face meetings and some of the others involved the use of video links. Victim-offender mediation need not always be face-to-face meetings. Letters, messages through mediators, video messaging (as in the example below) and other creative means of communication can support the process.
- Mediation can be initiated by the victim or the offender. 10% of cases were initiated by victims/survivors. The greater the impact of the crime, the greater the need for mediation.
- Mediation post sentence is, in Hilde’s opinion, preferable as the timing and circumstances seem more appropriate than pre trial. The motivation of the parties for mediation is not always clear in sex offence cases and positions are more defined post trial.
- There are some important aspects of this kind of victim/offender mediation. There must be thorough and careful preparation by the mediator with the parties in advance of the mediation, conditions of respect and security must exist, adequate support must be provided, a flexible approach must be adopted and the mediator must be cognisant throughout of the interests and wellbeing of the parties.

Reasons for Mediation

- Victims may want to participate in mediation as it is an opportunity to express their feelings and the impact of the crime. It is very important to hear an apology and an acknowledgement. Also, there is also the opportunity to ask questions, get answers, to redress the sense of harm and hurt and, in some cases, reparation may be agreed.
- Offenders may want to participate in mediation to apologise to the victim, to take responsibility for their actions, to seek forgiveness, to explain, to answer questions or to reassure the victim. They may also get involved in order to be able to make some kind of reparation.

An Example of Mediation

- This sample case related to sexual offences committed during a four year period when the male victim was 14-17 years of age. The offender was his neighbour and had been imprisoned for the offences.
- The victim drew up a list of questions that he needed to ask the offender. Meetings were held with both parties separately. The questions were put to the offender who gave his answers to a camera and video recorder.
- The video was then watched by the victim. This allowed the victim to regain his power and he said that the day after watching the video he felt 10 kilos lighter. After this the victim agreed for the first time to engage in counselling.

Discussion

There was a lively discussion in the workgroup exploring the issues to be considered in victim-offender mediation with sexual offence cases and with offenders in custody. Victim-offender mediation in serious criminal cases or with offenders in custody has not happened, to date, in Ireland.

There was discussion on the suitability, risks and benefits of mediation in sexual and other serious offences and where offenders are in custody. The positive experience recounted by Hilde in her presentation in Belgium was informative and helpful though many remained cautious regarding risks to the victim.

The small number of victims opting for face-to-face contact/mediation was commented on. Concern was expressed regarding possible misuse of mediation in custody as an influence on release decisions. The separation of the mediation process from sentence management was highlighted as necessary.

Overall the workgroup benefited and was stimulated by the experience and knowledge of Hilde de Voghel in working as a mediator in sexual offending cases. Her practice based knowledge and experience did open possibilities and prompted renewed consideration of benefits for the victim and for the offender in victim-offender mediation in higher tariff serious cases.

For further information: www.suggnome.be

Workshop H: Managing High Risk: Homeless, Housing and Risk Management Perspectives

Co-ordinators: Cathal Morgan and Mark Wilson

Chair: Norah Gibbons

Rapporteur: Aimée Dillon

There are approximately 1100 sex offenders, convicted under the Sex Offender Act 2001, required to register with An Garda Síochána. A further 320 are serving prison sentences. It is estimated that 100 sex offenders are released from custody each year. Identifying accommodation options for a homeless sex offender is extremely complex and problematic.

A response to this problem is being developed through a committee known as MAG (Multi Agency Group on Homeless Sex Offenders) which is a sub committee within the structures of the Homeless Agency. MAG is a cross sectoral and cross departmental approach involving agencies from the justice, environment, health, voluntary, and employment and training areas.

The accommodation of sex offenders is an objective within the national housing strategy 'The Way Home' and within the Homeless Agency's action plan.

Homeless Agency Partnership

The Homeless Agency Partnership is comprised of a range of statutory and voluntary organisation's working together to implement the agreed action plan 'A Key to the Door'. The Partnership's vision is, by the end of 2010, long term homelessness and the need for people to sleep rough will be eliminated in Dublin. Currently some 2,144 households (2,366 adults) are resident in homeless services across Dublin.

The Homeless Agency has now created a blueprint for the reconfiguration of homeless services which is articulated in the 'Pathways to Home' report. This aims to move people from long term emergency accommodation into housing with on-site or visiting support as required.

Department of Justice, Equality and Law Reform

A discussion document outlining an approach to a more integrated management system for high risk offenders was published by the Department in January this year. It promotes closer collaboration between justice agencies in the areas of risk assessment and risk management, through national and local structures, and the inclusion of enhanced communication with the HSE and local authorities.

The MAG plan proposes that accommodation pathways for sex offenders are structured based on the risk level posed by the offender. It recommends that low risk offenders are housed in generic homeless and housing services, with higher risk offenders being accommodated through a Housing Support Model. An intensive supported temporary accommodation facility will be required for those who are assessed as very high risk of reoffending.

Observations

- How does one deal with the situation where the offender has served his sentences and is under no obligation to participate in the housing support plan? The response to this is to use a motivational approach. This is achieved by using a certain type of tenancy agreement whereby the offender receives certain benefits, that is, have their needs met, in exchange for participating in the support programme.
- This plan needs to be fast tracked as there is an immediate need on the ground. Will the policy be translated in accordance to what is occurring at ground level? This difficulty has been acknowledged and the relevant agencies are chipping away at this issue, especially to overcome policies which make it difficult to provide housing for offenders. Most of these issues have been resolved and progress should be witnessed next year.

- Can someone be re-assigned to a different level of accommodation in accordance with a change in risk level? This issue is currently being examined.
- The lack of legislation to facilitate the fluid exchange of information between the various agencies is an issue. This is highlighted by the fact that local authorities won't take on the risk if they can't have access to the information they require in order to be able to make an informed decision.
- It is necessary to ensure the housing allocated to such offenders is widespread and not concentrated in certain areas, especially if families and schools are situated nearby.
- There is a need for social and community support on the issue. This is especially necessary at local and national government level.

CLOSING ADDRESS

Maura Butler, Chairperson, ACJRD Ltd

We have been most honoured today by the presence of Minister Barry Andrews to launch our annual conference and the calibre of speakers who have graced this podium. We are greatly indebted to each and every one of them, Derek Ogg, Michele Burman, Jimmy Martin and Gary O'Reilly, for their erudite contributions to this very important area of criminology and criminal justice. This abundance of riches continued to reveal itself in each of our eight workshops. Thanks again to Sylva Langford, Ellen O'Malley Dunlop, Angela McCarthy, William McAuley, Esther Lonergan, Mary Rose Gearty, Bobby Eagar, Hilde De Voghel, Cathal Morgan and Mark Wilson. As you will no doubt know they have given their services free of charge in the true spirit of experts committed to their work.

Today is a triumph for the Team that is the Council, Staff and volunteers of ACJRD together with the rapporteurs who joined us today. I want to pay particular tribute to our Manager, Danelle Hannan, who so capably oversaw the organisation of her first ACJRD Annual Conference. She was ably assisted by our Administrator, Linda Mooney and Adele Smith who is the most committed of volunteers. Our rapporteurs, Annaleen Mackin, Ciara Hanley, Claire Cregan, Adele Smith, Louise Brangan, Sinéad Ring, Phyllida Clarke and Aimée Dillon, acquitted themselves well. The future of criminological discourse and research is in good hands!

And to you the members who support the work of ACJRD we say a big thank you! Your contributions are what make this annual event and our other activities worthwhile. We look forward to your continued support and involvement. To non-members in attendance – we would love for you to join us as members. Danelle and Linda will be only too delighted to provide you with relevant documentation! We look forward to meeting you all at our next event.

Maura Butler

Chairperson, ACJRD Ltd

CONFERENCE ATTENDEES

Name	Organisation
Barry Andrews TD	Minister for Children and Youth Affairs
John Balfe	Probation Service
Neil Brady	Peter McVerry Trust
Louise Brangan	Dublin Institute of Technology
Geraldine Broderick	Probation Service
John Brosnan	Garda Síochána Inspectorate
Prof. Michele Burman	University of Glasgow
Maura Butler	ACJRD Ltd
Don Caulfield	Ceim ar Cheim
Karen Charnley	Probation Service
Phyllida Clarke	Facing Forward
Annette Codd	Special Olympics Ireland
Caroline Counihan	Rape Crisis Network Ireland
Dolores Courtney	Irish Prison Service
Claire Cregan	Trinity College Dublin
Mark Curley	Irish Prison Service
Lisa Cuthbert	PACE
Irene Daly	Office of the DPP
Hilde De Voghel	Suggnome Mediation Brussels
Gerry Deegan	Child Protection Service
Aimee Dillon	Law Society of Ireland
Liam Dowling	Arbour Hill Prison
Patrick Doyle	Peter McVerry Trust
Martina Duggan	Peter McVerry Trust
Michael Dunne	Trinity House School
Bobby Eagar	Garrett Sheehan & Partners
Jane Farrell	Office of the DPP
Éimear Fisher	Cosc
Cathal Flynn	Children Acts Advisory Board
Gerard Mannix Flynn	Farcry Productions Ltd
Patricia Flynn	Oberstown Girls School

Name	Organisation
Nadette Foley	Facing Forward
Brian Friel	Peter McVerry Trust
Michael Gavin	Trail
Mary Rose Gearty SC	The Law Library
Conor Geoghegan	Depaul Ireland – Tus Nua
Maria Gibbons	Probation Service
Norah Gibbons	Barnardos
John Griffin	An Garda Síochána
Maureen Griffin	University College Cork
Lakshmy Gunawardhana	MOVE
Ciara Hanley	Dublin Rape Crisis Centre
Danelle Hannan	ACJRD Ltd
Lisa Hempenstall	University College Cork
Adrienne Higgins	Business in the Community
Brian Hogan	Oberstown Boys School
Susan Hudson	Office of the DPP
Marie Keenan	University College Dublin
Dave Kenny	Probation Service
Deirdre Kenny	One in Four
Sylda Langford	Office of the Minister for Children
Mary Lathrop	Cosc
Esther Lonergan	Arbour Hill Prison
Annaleen Mackin	Law Society of Ireland
Jimmy Martin	Department of Justice, Equality & Law Reform
Patti McCann	Business in the Community
Angela McCarthy	Dublin Rape Crisis Centre
Dr. William McCauley MBE	Public Protection Arrangements Northern Ireland
Sinead McDonnell	Child Protection Service
Claire McGuinness	Children Acts Advisory Board
Noel McGuinness	One in Four
James McGuirk	Children Acts Advisory Board
Susan McHugh	Oberstown Boys School
Gerry McNally	Probation Service
Linda Mooney	ACJRD Ltd

Name	Organisation
Mary Moore	Probation Service
Cathal Morgan	The Homeless Agency
The Hon. Mr. Justice Michael Moriarty	ACJRD Patron
Brian Moss	Garda Síochána Ombudsman Commission
Kate Mulkerrins	Office of the DPP
Brian Murphy	Irish Prison Service
Paul Murphy	Caphucin Friary
Ewan Murtagh	Whelan & Murtagh
Ellen O'Malley Dunlop	Dublin Rape Crisis Centre
Stephanie O'Brien	National University of Ireland, Galway
Ian O'Donnell	University College Dublin
Kieran O'Dwyer	Irish Prison Service
Derek Ogg QC	Crown Office and Procurator Fiscal Service Scotland
Finbarr O'Leary	Children Acts Advisory Board
Pól O'Murchú	Solicitor
Dr. Gary O'Reilly	University College Dublin
Barry Owens	Business in the Community
Yvonne Philips	Garda Síochána Inspectorate
Sinead Ring	University College Cork
Dr. Mary Rogan	Dublin Institute of Technology
Paul Rooney	Extern
Clíona Saidléar	Rape Crisis Network Ireland
Deirdre Seery	Trinity House School
Elaine Slattery	Ceim ar Cheim
Adele Smith	ACJRD Ltd
Catherine Staines	Law Society of Ireland
Susan Tiernan	Oberstown Boys School
Mary Walker	University College Cork
Imelda Wickham	Wheatfield Prison
Marie Williams	Facing Forward
Mark Wilson	Probation Service

The ACJRD Ltd would like to thank the Office of the DPP, Garda Síochána Inspectorate, Irish Prison Service, Department of Justice, Equality & Law Reform Crime One Division and the Children Acts Advisory Board for their bursary contributions which enabled a number of students to attend, participate and benefit from the conference.



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