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Why there should be no public register of child sex offenders



Evidence from the US shows it has been an abject failure with dire unintended consequences, writes **Danielle Harris**.

To many “sex offender” conjures a specific image: stranger abduction, child victim, sexual assault, murder. Such horrible things do happen but it’s extraordinarily rare. It’s so horrible it makes the news. And it happens so rarely it makes the news every time it happens and when it happens it shakes us to our core.

As a child, I was keenly aware of the fates of Sian Kingi and then of Ebony Simpson, and of course, we now have a generation who will always remember Daniel Morcombe. It is crucial to note none of those deaths would have been prevented with a public register of child sex offenders, which is now proposed by Home Affairs Minister Peter Dutton.

In the US the publicly available sex offender register is about to reach one million people.

The outcome of these laws has irreparably distorted what constitutes a “sex offender”. The unfortunate and unintended consequences of this legislation are far-reaching and permanent. Those individuals branded with this label include the handful of (mostly) men who have been convicted of abhorrent sexual crimes against stranger children. But it also includes a 34-year-old Florida mother convicted of indecent exposure for publicly breastfeeding and a Massachusetts man who was 18 when he had a consensual sexual relationship with his girlfriend who was just shy of 16 at the time. It’s gone too far.

Here in Australia, we are at a precipice. Dutton wants a national public register. But robust evidence demonstrates that the 20-year legislative experiment in the US has been an abject failure and we can learn from it.

These laws have left prisons overcrowded, families devastated, victims publicly identified, survivors re-traumatised and communities fractured. It has widened the net far beyond what is reasonable or useful. Extending correctional supervision so far beyond custody constitutes cruel and unusual punishment. We now know that sexual recidivism rates are quite low – drug abusers and burglars are much more likely to reoffend upon release than someone who has committed a serious sexual offence.

Furthermore, our law-enforcement personnel work with finite and limited resources and their focus should remain on the detection, investigation and apprehension of active criminals – not on keeping track of tens of thousands of people, many wrongly identified, or with decades-old convictions for isolated offences.

The biggest problem with this proposal is twofold. Firstly, there are people who are on the registers but shouldn’t be and there are people who should be but are not. The registers include wrongly identified innocent people, incorrect information, unverifiable or imaginary addresses, mistaken identities, misspelling, aliases and more. Then there are the people who should be on any register, but we don’t know about them yet.

Second, although it is often hailed as a deterrent, for the people we are trying to deter, such a law would be redundant. Laws already criminalise sexual assault, abduction and murder. The proposal is therefore directed towards

people who have already demonstrated they have no regard for our criminal justice system.

Research consistently demonstrates public registration has neither resulted in enhanced community safety, nor led to a significant reduction in recidivism. In fact, it is now patently clear such initiatives exacerbate factors associated with the risk of recidivism (homelessness and unemployment for the publicly identified offenders) and leave communities more vulnerable to sexual, domestic and other violence.

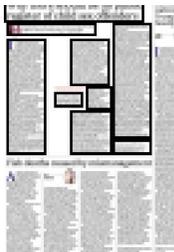
If we aspire to evidence-based practice, this is not the best approach.

We know that more than 90 per cent of child sexual abuse is perpetrated by someone in the child’s circle of trust.

As a public opponent of these laws I am often asked what I would do if a sex offender moved onto my street. Having spent my entire professional life studying this phenomenon, the best advice I have is to be aware that there are probably already some in your neighbourhood. Almost all sexual abuse is preventable, and we can learn behaviours that make us all safer.

Help your children understand any behaviour that makes them feel unsafe is not OK, and trust them when they share their experiences with you. Teach your children the anatomical names for their genitals, so they have the language to use to tell someone what happened. Avoiding only the guy that lives in number 10 creates a false sense of security. Stranger danger is a good lesson but it misdirects all of our resources and attention to only the narrowest of circumstances.

Prevention is possible but intervention and awareness-raising needs to start early and will require



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more difficult conversations than we
have so far been willing to have.

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