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<td><strong>Author(s)</strong></td>
<td>Walker, Mary</td>
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<td><strong>Publication date</strong></td>
<td>2014</td>
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<td><strong>Type of publication</strong></td>
<td>Doctoral thesis</td>
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Sex Offender Risk Assessment and Management in Ireland

Mary Walker

Thesis Submitted in Partial Fulfilment of the Requirements for the Degree of Doctor of Philosophy to the National University of Ireland, Cork.

Head of Department: Prof. Ted Dinan
Supervisor: Dr. Margaret O'Rourke

Department of Psychiatry

Submitted October 2014
Declaration

I hereby declare that this PhD thesis is a presentation of my original work and has not been submitted for another degree, either at University College Cork or elsewhere.

Signed: _____________________________        Date: __________________

Mary Walker

Publications from PhD Thesis to date:

Abstract

This research examined sex offender risk assessment and management in Ireland. It focused on the statutory agencies with primary responsibility, namely the Police (Garda Síochána) and the Probation Service. The goal was to document the historical, contextual and current systems, in addition to identifying areas of concern, and areas which require improvements.

The research was a mixed-methods approach, although primarily qualitative in nature. Eight studies were conducted. They incorporated a documentary review of four Commission to Inquire Reports, qualitative interviews and focus groups with Garda staff, Probation Service staff, statutory agencies, community stakeholders, various Non-Governmental Organisations (NGOs) and sex offenders. Quantitative questionnaires were also administered to Garda staff. In all over 70 interviews were conducted and questionnaires were forwarded to 270 Garda members. The overall findings are:

- Sex offender management in Ireland has become formal only since 2001. Knowledge, skills and expertise is in its infancy and is still evolving.
- Mixed reviews and questions regarding fitness for purpose of currently used risk assessments tools were noted.
- The Sex Offender Act 2001 requires additional elements to ensure safe sex offender monitoring and public protection. A judicial review of the Sex Offender Act 2001 was recommended by many respondents.
- Interagency working under SORAM was hugely welcomed. The sharing of information has been welcomed by managing agencies as the key benefit to improving sex offender management.
- Respondents reported that in practice, sex offender management in Ireland is fragmented and unevenly implemented.

Findings are examined in the context of national and international data and expertise and the implications for public safety are discussed. It is concluded that an independent National sex offender Authority should be established as an oversight and regulatory body for policy, strategy and direction in sex offender management.
Further areas of research were also highlighted namely: ongoing evaluation and audits of the joint agency process and systems in place; recidivism studies tracking the risk assessment ratings and subsequent offending; and an evaluation of the current status of sex offender housing in Ireland.
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## Glossary

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<td>AGS</td>
<td>An Garda Síochána</td>
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<td>ARMS</td>
<td>Active Risk Assessment System</td>
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<tr>
<td>BBL</td>
<td>Building Better Lives</td>
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<td>CORI</td>
<td>Conference of Religion in Ireland</td>
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<tr>
<td>CPD</td>
<td>Continuous Professional Development</td>
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<tr>
<td>CPM</td>
<td>Community Protection Model</td>
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<tr>
<td>DJELR</td>
<td>Department of Justice Equality and Law Reform</td>
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<tr>
<td>DMR</td>
<td>Dublin Metropolitan Area</td>
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<tr>
<td>DSM-V</td>
<td>Diagnostic and Statistical Manual of Mental Disorders, 5th Ed</td>
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<tr>
<td>DVSAIU</td>
<td>Domestic Violence and Sexual Assault Investigation Unit</td>
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<tr>
<td>ECHR</td>
<td>European Court of Human Rights</td>
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<tr>
<td>Gda</td>
<td>Garda (Police Officer)</td>
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<td>GLM</td>
<td>Good Lives Model</td>
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<td>HSE</td>
<td>Health Service Executive</td>
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<tr>
<td>ICCL</td>
<td>Irish Court for Civil Liberties</td>
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<td>IMU</td>
<td>Irish Missionary Union</td>
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<td>IRGC</td>
<td>International Risk Governance Council</td>
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<td>LST</td>
<td>Local SORAM Team</td>
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<td>MAPPA</td>
<td>Multi Agency Public Protection Arrangements</td>
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<td>MAPPP</td>
<td>Multi Agency Public Protection Panel</td>
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<td>MG</td>
<td>Monitoring Guard</td>
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<td>NOMS</td>
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<td>RAMP</td>
<td>Risk Assessment Management Plan</td>
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<td>RNR</td>
<td>Risk Needs Responsivity</td>
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<td>Sgt</td>
<td>Sergeant</td>
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<td>SOA</td>
<td>Sex Offender Act</td>
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<tr>
<td>SOMIU</td>
<td>Sex Offender Management and Intelligence Unit</td>
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<tr>
<td>SORAM</td>
<td>Sex Offender Risk Assessment and Management</td>
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<td>SOTP</td>
<td>Sex Offender Treatment Programme</td>
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<td>SPJ</td>
<td>Structured Professional Judgement</td>
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<td>SPO</td>
<td>Senior Probation Officers</td>
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<td>SVI</td>
<td>Special Victim Interviewer</td>
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Acknowledgments

This research would not have been possible without the assistance of a number of people. Firstly, the staff of the Probation Service and the Garda Síochána as the primary interviewees, I thank you for allowing me to interview you. I also thank the sex offenders who volunteered and the statutory agencies and NGOs staff who participated in the research. Thank you for giving me your time.

I would like to thank Brian Santry (Probation Service) for his assistance and support at the access and recruitment of the probation participant stage. The regional managers and senior probation officers also facilitated this and I am very grateful. A word of thanks to Mark Wilson, Ann Reade, Dave Kenny and John Corcoran, all from the Irish Probation Service, for the numerous sex offender discussions.

In the DVSAIU, I am grateful to Supt John McCann, Insp. Michael Lynch and Gda. Geraldine Coldrick for their assistance. I would also like to thank Gurchand Singh, Head of the Garda Síochána Analysis Service for his support and encouragement.

Special appreciation must go to my colleagues, Patrick Kennedy, Caroline Copeland, Eamon Lynch and Phil Browne of the Garda Research Unit for their time, conversations and support for the PhD. For the IT support and software support, I would have been lost without the help of Brian Roche and Richie Cullinan. I would also like to express my gratitude to Johnny Healy and Deirdre Doyle in the Print Room for their help. To Angela Bergin, my friend and colleague, for her assistance with books and articles, not to mention the constant encouragement, support and unwavering confidence in my ability!

I would like to thank my supervisor Dr. Margaret O'Rourke for her support, encouragement, advice, expertise and friendship. Dr. Sean Hammond of the Applied Psychology Department, UCC, also advised me on this PhD and his input was invaluable.

I am grateful to the British Forensic Faculty of the Division of Clinical Psychology and the Garda Síochána for their financial contribution to this research.
I am also grateful to Joe O’Sullivan, from Mentor Forensics, for supporting this PhD and giving me an opportunity to co-risk assess sex offenders in the early stages of this thesis.

An outpouring of sisterly love and thanks to Antoinette and Paula, who proofread chapters and endured many conversations on progress, intentions and updates, not to mind the support when I was overwhelmed by tasks. Also, thanks to Jess, Theresa and Angie for your support. Regina and Maria, thanks for all the feedback on the chapters you read, it was greatly appreciated. Gratitude also to the rest of the girls, for their phone calls of support and thanks to Ash, for enduring the lack of visits, walks and cinema trips.

Thank you, Mam and Dad for showing me the importance of education and instilling a love of it in me. Not to mention the support and phone calls, and always asking “How did you get on in UCC?, after every supervision session.

Thanks also to Rob, for your support, encouragement and love.
Chapter 1

Introduction

1.0 Introduction
This research is concerned with sex offender risk assessment and management in Ireland. The Police\textsuperscript{1} and Probation Service are the statutory agencies with primary responsibility for sex offender management. Therefore, this research is primarily focused on their joint agency risk assessment and management of convicted sex offenders living in the community. The risk assessment tools and management models in use were examined. In addition, the role of police officers who monitor sex offenders and probation officers who supervise them is deconstructed. As sex offenders are often not included in sex offender management research (Hudson, 2005), a number of sex offenders were interviewed to obtain their perspective on how they are managed in Ireland.

Four Commission to Inquire/of Investigation reports on sexual abuse in Ireland were critically examined to identify sex offender management practices and context prior to the current management model. A number of statutory and voluntary agencies were interviewed to gather their perspectives in order to evaluate if lessons had been learned from past failings.

1.01 Purpose Statement
The purpose of this research is to critically examine sex offender risk assessment and management in Ireland. The goal is to document the current (from 2010) risk assessment and management system and then examine it with a view to identifying areas of concern and areas which require improvement. Commission to Inquire/of Investigation reports will be examined in order to identify practices in place in Ireland regarding sex offence allegations, investigation and management. Areas of weakness within these will be identified. In consultation with relevant voluntary and statutory stakeholders and through examination of official data, whether or not

\textsuperscript{1} The Irish police force is An Garda Síochána, where an individual police officer is called Garda (plural Gardai). Garda members are informally called ‘guards’ and the expression is widely used in Ireland. Therefore the Irish police force can be known as An Garda Síochána, the guards, the Gardai or the police (though rarely). For the purposes of this study, a monitoring (of sex offenders) police officer is referred to as the ‘monitoring guard’, a term employed by Garda members themselves.
practices have changed will be documented, and current areas of contention identified. Multiagency cooperation will be examined throughout. A further aim is to establish sex offenders’ views on their experience of being managed by police and probation as well as the main challenges for them living as a sex offender in Ireland. Ultimately, the objective is to provide a holistic examination of sex offender management in Ireland from multiple perspectives.

1.1 Context of Sex Offending/Management in Ireland
Irrespective of country, the topic of sex offender management has spawned numerous opinions, arguments and debates from the various stakeholders: victims, sex offenders, law enforcement, prison and probation authorities, politicians, academics, voluntary groups and the public. There is often no consensus of opinion on the management of sex offenders living in the community as:

Controversial questions swirl around the correctional system’s management of sex offenders: How long should they be incarcerated for their crimes of forcing sex acts on adults or children? How should they be monitored following release? Does psychological treatment in prison actually affect the risk of committing further offences? And how can courts balance offenders’ potential for rehabilitation with a community’s need to protect its citizens? (Kersting, 2003, p. 52).

This lack of consensus may be in part because the topic is so emotive and complex. Moreover, it may be difficult to fully appreciate other viewpoints when one’s own perspective is deeply entrenched.

Governments have attempted to establish policy and legislation to address this issue since the 1990s. Worral (1997, as cited in McIvor, Kemshall & Kendrick, 2004) asserts that there was heavy criticism of criminal justice agencies in the 1980s in the United Kingdom (UK) for failing to take sexual crime, specifically against women, seriously. In Ireland, the Ryan Report (2009) also found that the Irish police force - the Garda Síochána did not take sexual offence cases seriously during the 1980s, with a lack of recording practices and subsequent investigation. McKeown and Gilligan (1991) identified the first indication of professional concern about sexual abuse of children in Ireland was at a conference organised by the Irish Association of Social Workers, in 1983. This conference identified the need for an Irish study on child sex abuse which resulted in the establishment of a working group by the Irish
Council for Civil Liberties (ICCL). Even well into the 1990s, Walsh (1998) stated that efforts to deal with sexual crimes in Ireland were inadequate and unsatisfactory with imprisonment as the main sentence option for convicted sex offenders. Travers (1998) noted that there was a significant lack of co-ordination and integration between statutory and voluntary services concerned with the management of sex offenders in comparison to international practice.

During the 1990s, a preoccupation with sex offenders dominated UK penal policy agenda (Soothill & Francis, 1997). The situation was, (albeit to a lesser degree), similar in Ireland as legislation and polices were introduced by government and various agencies. The Child Care Act 1991, including some reforms identified by the ICCL, came into force. In 1994, as more sexual complaints against priests occurred, the Irish Catholic Bishops Conference and the Conference of Religious of Ireland (CORI)\(^2\) set down guidelines for the proper handling of allegations of abuse that came to the attention of Bishops in Ireland. This framework document was adopted by all dioceses, although the implementation of these guidelines was left to the individual Bishops. Furthermore, during the 1990s a number of high profile cases (Fr. Brendan Smyth\(^3\), and Larry Murphy\(^4\)) drew people’s attention to sex offenders and the perceived lack of measures to detect, convict, and control them, thereby ensuring public safety.

This culminated in two significant developments. Firstly in 1999, *The Children First: National Guidelines for the Protection and Welfare of Children* were published by the then Department of Health and Children. The guidelines intended to assist people in identifying and reporting child abuse. It called for an interagency approach between health boards, statutory agencies and voluntary organisations and consistency in

\(^2\) The Conference of Religious of Ireland (CORI) was established in 1983. It has a membership of 136 Religious Congregations that through its leadership represents in excess of 9,000 men and women known as “religious” across the island of Ireland, north and south. The purpose of the Conference is to serve the leaders and through them the members of Religious Congregations. It provides a forum where religious can work together in the mission they hold in common.

\(^3\) Brendan Smyth was a Roman Catholic priest who became notorious as a child molester using his position in the Roman Catholic Church to obtain access to his victims. During a period of over 40 years, Smyth sexually abused and indecently assaulted over 100 children in parishes in Belfast, Dublin and the United States. His actions were frequently hidden from police and the public by Roman Catholic officials. Controversy surrounding his case brought about the downfall of the Irish government in December 1994. He died in 1997 in prison, aged 70 years.

\(^4\) Larry Murphy is an Irish convicted rapist and a suspected serial killer. In 2001, he was convicted of kidnapping, repeatedly raping and attempting to murder a young woman in the Wicklow Mountains. He was released in August 2010 after serving 10 years of a 15 year sentence. There was widespread public concern regarding his release and residents of his hometown opposed his return. He fled the country and took up residence in Spain, France and Holland. The media continue to track his whereabouts. He is not subject to the Sex Offender Act as he was convicted prior to its introduction.
their policies and procedures, was paramount. Each organisation was required to designate responsibility to a specific member of staff for ensuring that procedures and arrangements were in place within their organisation to protect children. These guidelines have since been updated to *Children Guidance 2011*.

The second significant change was the Sex Offender Act 2001\(^5\) introduced in June 2001. The introduction of both of these items supports Radford’s (2007) assertion that policies and procedures are driven by public outcries following highly publicised sex offences.

### 1.1.1 Sex Offender Definition (Sex Offender Act 2001)

The Sex Offender Act 2001 significantly changed the way sex offenders were treated by the Criminal Justice System in Ireland. Individuals who were convicted of scheduled offences\(^6\) listed in the Sex Offender Act, were deemed a “sex offender” and were obliged under the Act to fulfill certain notification requirements. This made Ireland one of only five countries with such notification systems alongside the United Kingdom, Canada, the United States of America (USA) and Australia (Wilson, McCann & Templeton, 2013. p.1). Not all sex offenders are the same, as the charge and subsequent conviction could arise from an array of sexual offences. The generic label “sex offender” is used for all offenders subject to the Act. The actual offence and conviction dictates the length of time during which they will be subject to the Act. The Department of Justice, Equality and Law Reform (2009) states that rape, rape under section 4 and sexual assault account for the majority of offences for which sex offenders are in prison (approx. 80%). The remaining 20 per cent is derived from a range of offences within the scheduled offences under the Act.

After 2001, two agencies (the Garda Síochána and the Probation Service) were assigned responsibility for sex offenders under this Act. The Health Service

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\(^5\) Sex Offender Act 2001 – See Appendix 1.1

Executive (HSE) which has a child protection role, was not included. The Probation Service’s role is focused on risk assessment and post-release supervision⁷, as directed by the presiding Judge. Therefore, sex offenders became a category of offenders which are now pivotal to the Probation Service statutory role. Robinson (2011) stresses that the Probation Service has aligned itself with other criminal justice agencies, moving from its traditional links with social work departments. While, it once operated within the care aspect, it now has a clear control aspect as public protection priorities come to the fore. Equally, a shift has occurred on the police side. Prior to this Act the Garda role in relation to sexual offenders centred on the detection and investigation of sexual offences. The Garda Síochána role is now focused on an individual deemed a sex offender by law, (on conviction or once released from prison). Their role has moved the control element towards “care” via their monitoring position.

The new aspect of their role centres on notification requirements and monitoring whether breaches (non-compliance) of the notification requirements (or any conditions placed on the sex offenders under the post-release supervision order) have taken place. For example, a sex offender may be prohibited from attending certain places, such as schools, sports-clubs and play-grounds or a sex offender may be required to receive psychological counselling or other appropriate treatment during the period of supervision. Section 16⁸ of the Act also allows for the Garda Síochána to obtain a sex offender order at any stage of being subject to the Act. It would prohibit the sex offender from engaging in activities which the court considers necessary for the purpose of protecting the public from serious harm. Failure on the part of the sex offender to comply could result in a new offence i.e. a fine (not exceeding €1,900) or imprisonment for a maximum of 12 months or both.

1.1.2 Sex Offender Process on Conviction in Ireland
Once a sentence has been given for a sexual offence listed in the Sex Offender Act 2001, the individual, now deemed a sex offender, is subject to the requirements of the Act. The Court Service forwards a certificate of conviction to the Garda Síochána informing them of the status of the convicted person (i.e. conviction details and

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⁷ A post-release supervision order under the Sex Offender Act is where the offender is sentenced to a period of probation supervision following their release from prison.
⁸ The Order is obtained on foot of application to the Circuit Court by a member of An Garda Síochána not below the rank of Chief Superintendent. It remains in force until the expiration of a period of five years from the date of notification of its making being given to the Offender or such longer period as the Court may provide for in the Order.
sentence). As mentioned, the length of time the convicted person will be subject to the Act depends on the sentence imposed\(^9\) (Section 8 of Act).

When a sex offender is due to be released from prison, or following a conviction of a non-custodial sentence, the Garda Síochána will be informed ten days in advance. The sex offender must comply with all requirements of the Act and any sex offender orders. The Sex Offender Management and Intelligence Unit (SOMIU) within the Domestic Violence Sexual Assault Investigation Unit (DVSAIU), retain all records received in relation to sex offenders. The original copy of the investigation file is also kept at the SOIMU offices.

The sex offender must notify the Garda Síochána of their name, date of birth and place of residence within seven days following release from prison or from the date of non-custodial conviction (first notification). This can be done in person at any Garda station (does not have to be the sex offender’s local station) or by post. Once this is done the Garda member will create a sex offender notification on the Garda PULSE\(^{10}\) system. This contains information relating to the conviction, details such as surname, first name, address, local station, person id, date of birth and gender, the Garda member to whom the notification is made (name, number, rank, station) and notification details such as the notification record number, date of receipt, station, notification method, notification reason\(^{11}\), date of conviction and court, country of conviction, offence details, comments, return date if leaving jurisdiction for period of time (Garda HQ Directive 54/10).

If the sex offender is already on the system it can be matched to that record. If the person has not been on PULSE previously (i.e. from a different jurisdiction), an intelligence record will automatically be created. If there is any change to the details of the first notification the sex offender must notify the Garda Síochána within seven days of the change. Also, if the sex offender is leaving the jurisdiction for a period of

\(^9\) A suspended sentence would result in the person being subject to the Sex Offender Act for 5 years (2½ years if under 18 years); a sentence of under 6 months would result in the person being subject to the Sex Offender Act for 7 years (3½ years if under 18 years); a sentence of 6 months to 2 years would result in the person being subject to the Sex Offender Act for 10 years (5 years if under 18 years) and a sentence of over 2 years would result in the person being subject to the Sex Offender Act for an indefinite length of time both for adult and juvenile sexual offenders.

\(^{10}\) PULSE is the abbreviation for Police Using Leading Systems Effectively. Introduced in November 1999, it is a computer system used by the Garda Síochána to record criminal offences.

\(^{11}\) A drop down menu will appear which lists the following options; change of address, change of name, initial notification, leaving jurisdiction (permanently), leaving jurisdiction (temporarily), release from prison, residing here (permanently), residing here (temporarily) and unknown.
seven or more days, they must provide the Gardaí with details of the address they plan to stay at. If a sex offender has left the jurisdiction for longer than the permitted number of days without notifying the Gardaí, Interpol will be contacted and alerts will be circulated across Europe (Garda HQ Directive 54/10).

Within each division\textsuperscript{12}, nominated Inspectors have responsibility for the management of the sex offenders in their division. SOMIU will inform the Inspector of the release of a sex offender in the division where the offence occurred. Prior to 2010, (and still the case for single agency management), the Inspector would devise a divisional plan for that sex offender. This would take into account the number of home visits to be made depending on Risk Matrix 2000 risk category: once per month for high and very high-risk sex offenders, once per quarter for medium-risk sex offenders and twice per year for low-risk sex offenders. Other elements of the plan would include ensuring that the sex offender complies with their requirements under the Act that records are kept up to date and reflect any changes in lifestyle or social circumstance, and that contact is made with the Probation Service if the sex offender is subject to post-release supervision. Also the Garda member should be mindful that a sex offender order (Section 16 of Act) can be applied for, if necessary, and to adhere to Children First (1999) guidelines at all times.

Regarding the probation aspect, the risk rating as determined by Risk Matrix 2000 will dictate whether the sex offender is managed by a probation officer from a High Risk Team\textsuperscript{13} or a Community Team. The risk category will also dictate how often the sex offender will meet with their probation officer (supervision). Areas of concern or development would be identified. This could include: offence-related work i.e. taking responsibility and accountability for the offence; anger management, and substance abuse issues etc. The probation officer may refer the sex offender to external services e.g. sex offender treatment programmes, addiction programmes, etc.

\subsection*{1.1.3 Sex Offender Landscape 2000-2010}

During the early 2000s, both the Garda Síochána and the Probation Service were either working independently of each other or there was informal working between some monitoring guards and probation officers. In 2008, the Criminal Law (Human

\textsuperscript{12} The Rep. of Ireland is divided into six Garda regions. Each region is divided into a number of divisions. There are 26 divisions in total. There is one Garda Inspector nominated with the sex offender portfolio for each division.

\textsuperscript{13} High Risk Teams were located in Dublin and Cork prior to being disbanded in 2013.
Trafficking) Act 2008 considered, but did not legislate for the attribution of responsibility to the Garda Síochána and Probation Service for the assessment and management of sex offenders and the sharing of information. In response to this, both agencies drew up guidelines for joint sex offender risk assessment and management at an operational level and prepared themselves for future legislation. At this stage the Probation Service had powers to conduct a risk assessment with the sex offender under the Sex Offender Act but the Garda Síochána did not.

Risk factors and the reliance on risk assessment tools have become an integral element of sex offender risk management. Risk assessment tools can be based on static or dynamic risk factors. Static factors typically are ones that do not change dramatically or can be historical i.e. number of convictions, age, marital status (Thornton, 2007). Alternatively, dynamic factors can change very quickly i.e. mood change, substance abuse, access to victim (Hanson, Harris, Scott & Helmus, 2007). From 2007/8 onwards, both the Garda Síochána and Probation Service commenced joint training in risk assessment tools: Risk Matrix 2000\(^\text{14}\) (2007 onwards) and Stable and Acute 2007\(^\text{15}\) from (2009 onwards) to supplement Risk Matrix 2000.

Risk assessment is seen as an ongoing process as more relevant information is gathered or comes to light about the sex offender (Public Protection Arrangements Northern Ireland Manual of Practice, 2012). The value of risk assessment is seen in that it divides the sex offender population into risk categories to which an organisation can direct resources. Furthermore, “the assessment of risk and the identification of factors which can contribute to offending are starting points for all work with offenders” (MAPPA Manual 2012, p. 58).

In 2009, the Irish Department of Justice published a discussion document on sex offender management. It stated “to be effective, systems of managing sex offenders need to include (1) an assessment of risk of reoffending and potential harm, (2) monitoring and oversight arrangements for compliance with relevant court supervision orders, (3) engagement and motivation of offender to effect positive change and (4) collaboration between all relevant agencies in managing risk” (Dept of Justice, 2009, p. 20-21). These four elements generally constitute the arrangements for managing sex offenders in Ireland.

\(^\text{14}\) Risk Matrix 2000 is also known as RM2000 and RM2K  
\(^\text{15}\) Stable and Acute 2007 is also known as SA07, SA2007, Stable & Acute 2007.
At this time (2005-2009), within the wider socio-political Irish sphere, tribunal reports on sexual abuse scandals within the Catholic Church were being published. A report called ‘Time to Listen’ was published in 2003 by the Bishops Committee on Child Protection before the publications of the tribunal reports. It stated that child abuse by clerics had occurred over an extended period of time and that some clergy including senior members of the Church must have been aware of this. Furthermore, the report highlighted variations in the interpretation and management of the inappropriate sexual behaviour by priests, with the emphasis being on the moral implication for the offending priest and a confessional approach was taken. This, and the Commission to Inquiry reports on sexual abuse of children by priests, further added to public intolerance of how sex offenders had been assessed and managed by State agencies for the previous fifty years. Public outcry in the form of community demonstrations and marches put sex offender management back on the Government agenda. A collision course between the Irish Government and the Catholic Church in Rome gathered pace with the former wanting the latter to admit accountability and knowledge of the historical reported cases. This kept sex offender management responsibility uppermost in the public's mindset.

The Irish Department of Justice (2009), discussion document on sex offender management saw the way forward as:

A much more integrated approach involving the Garda Síochána, the Probation Service, the Irish Prison Service and possibly other agencies, the use of evidence-based risk assessment tools which identify higher risk sex offenders and to focus on them a through-care approach to the management of sex offenders from conviction through imprisonment and in the community by appropriate rehabilitative interventions, a more active supervision and monitoring of higher risk sex offenders after their release from prison by local management committee involving the Gardaí and the Probation Service. (Department of Justice, 2009, p. 3).

This discussion document was published at the same time both agencies were jointly devising their operational model of practice and guidelines which became known as Sex Offender Risk Assessment and Management (SORAM).

The Irish SORAM model is a relatively new initiative. It was piloted by the Garda Síochána and Probation Service in June 2010 in five divisions and their
corresponding probation areas (Walker, 2012). A national rollout was implemented although still in pilot form in May 2013. The SORAM Model is very similar to management arrangements in Northern Ireland and England. Ireland has notification requirements (where the sex offender is required to notify certain information) but it does not have a sex offender registration system. While the listing of individuals subject to the Act is often described as a ‘register’, that is not its function. Registers are a contentious matter as decisions regarding whether information is available to the public have to be made. Before the SORAM model is described, measures in other jurisdictions are presented.

1.2 Arrangements for Managing Sex Offenders

As mentioned earlier, Ireland is only one of five countries with notification processes in place. The approach taken in Ireland is similar to that taken in the United Kingdom. The USA was the first country to introduce notification requirements therefore it is examined first.

1.2.1 Arrangements in Other Jurisdictions

As briefly mentioned the two approaches taken by governments regarding sex offender management are either registration and/or notification requirements. The USA (specifically California) was the first country to enact sex offender registration legislation in 1947. In 1994, following the Jacob Wetterling Act, all States were required to pass legislation requiring sex offenders to register with State sex offender registries. Regarding notification requirements, Megan’s Law, passed in 1996, required States to pass legislation mandating public notification of personal information for certain sex offenders. The Adam Walsh Child Protection and Safety Act, introduced in 2007, organised sex offenders into three tiers. Tier 3 offenders (the highest risk) have to update their whereabouts every three months with lifetime registration requirements. Tier 2 offenders must update their whereabouts every six months with 25 years of registration, and Tier 1 offenders must update their whereabouts every year with 15 years of registration. Failure to do so is a felony offence. America has a reputation for having the most restrictive and public measures for managing sex offenders (Petrunik, 2003).

In the UK, Part 2 of the Sexual Offences Act, 2003 (which updated Part 1 of the Sex Offender Act, 1997) refers to the notification requirements (name, registered address, any changes). The sex offender has to do this within three days on release from prison, unlike the seven day notification period in Ireland. In England and
Wales, the management of sex offenders is called Multi-Agency Public Protection Arrangements (MAPPA). The main agencies involved are the Police, Probation and Prison Service. MAPPA works at three levels of risk management: Level 1 – single agency risk management of category 1 offenders (low risk), Level 2 – local inter-agency risk management of category 2 offenders (high risk) and Level 3 – multi-agency public protection panels (MAPPP) for category 3 offenders (very high risk). Level 2 denotes an active involvement of more than one agency in the management due to some higher level of risk or case complexity. Level 3 is concerned with the joint agency management of category 3 offenders often referred to as the “critical few”. Criteria for level 3 is an OASys\textsuperscript{16} assessment rating of high or very high and represents risks due to case complexity or the need for resources, hence a devised joint agency plan approach is called for. The third reason why an offender could be managed by MAPPP is, while not assessed as high/very high on OASys, due to a high media or public profile, a multi-agency arrangement is necessitated (MAPPA Guidance 2012).

Once an offender is managed within MAPPA, all risk management plans in relation to that individual have to be justified with a defensible decision-making process. This is recorded within the risk management plan and approved by a supervisor. Information is confidential. Any disclosure is for the purpose of sex offender management and only to certain agencies. In essence, the MAPPA process aims to assess the risk presented by an individual and manage that risk through the supervision process and risk management plans. Where an offender is assessed as presenting an increased risk to individuals or to the wider community additional measures can be put in place, such as, increased supervision, or an application for a Sexual Offences Prevention Order (SOPO). SOPOs can help prevent re-offending by placing a number of prohibitions or conditions on the sex offender. A breach of any of these prohibitions carries a maximum penalty of up to five years imprisonment (MAPPA Manual, 2012).

Level 3 management measures that could be taken include police monitoring (including electronic monitoring), intelligence sharing, securing accommodation requirement, instructing prohibited behaviours, curfews and attendance at programmes. In addition, planning for contingency arrangements, reviews and

\textsuperscript{16} OASys stands for Offender Assessment System. It was developed between 1999-2001 jointly by the Prison and Probation Service from a need to create an effective single system for assessing the needs and risks related to offenders (Howard, Clark and Garnham, 2006).
limited disclosures to other relevant people i.e. potential or previous girlfriends, can be utilised at this level.

Regarding registration, the Violent and Sex Offender Register (ViSOR) is a database of (1) those required to register with the police under the Sexual Offences Act, (2) those jailed for more than 12 months for violent offences, and (3) people not convicted but thought to be at risk of offending. The Police, National Probation Service and the Prison Service have access, with it being managed by the Policing Improvement Agency (Home Office).

In Northern Ireland, the arrangements for managing sex offenders are known as PPANI - Public Protection Arrangements Northern Ireland (PPANI Manual of Practice, 2012). These are very similar to MAPPA with three categories of risk management. Category 1 requires no multi-agency intervention, category 2 requires multi-agency intervention and category 3 requires intense/focused multi-agency intervention. Kemshall, (2012, p.1) states multi-agency working like PPANI “provides shared risk assessment, creates a 360 degree view of the offender’s risk and behaviours, and provides a mechanism to jointly plan and jointly deliver a risk management strategy”.

In Canada, there is a seamless transition from prison to community based sanctions for convicted offenders (Lundstrom, 2002). This is facilitated by shared databases with laws, policies and structures that aid co-operation between criminal justice and community agencies.

1.2.1 Arrangements in Ireland (SORAM)
The SORAM model incorporates a national management and guidance level in the form of the National SORAM Steering Group (NSSG), and at a local operational level - Local SORAM Teams (LST). The NSSG is made up of representatives from the Garda Síochána, Probation Service, HSE and the Irish Prison Service (IPS). The Garda Síochána and Probation Service are the lead agencies with the latter two being active partners in the process. The role of the NSSG is to lead the development and roll-out of the SORAM model, to govern the effectiveness of and compliance with the model at a local level, to support and guide Local SORAM Teams, to provide the requisite guidance material, templates and training for the SORAM process and to review the risk assessment and management plans for those assessed as very high risk, among others (SORAM Guidance Document,
2013). Their role is supported by the newly formed (October 2013) National SORAM co-located office which has three full time staff. The staff includes a senior probation officer, a Detective Garda and a principal social worker (HSE).

Not all sex offenders are managed under the SORAM model. As SORAM is joint agency working, a sex offender is only eligible for inclusion if he is subject to Part 2 of the Sex Offenders Act, 2001 (notification requirements) and is under Probation Service supervision. Furthermore, sex offenders that are under both agencies will only be included in SORAM if they are risk assessed as medium, high or very high in Risk Matrix 2000. Any offender who scores low risk in Risk Matrix is managed by the single agency with responsibility for him. All other cases are managed jointly by the SORAM Team.

The role of Local SORAM Teams is to enhance public safety and prevent further offending. Each Local SORAM Team is made up of the Garda Inspector with responsibility for sex offenders in that division, their probation counterpart (a senior probation officer), and HSE counterpart (a principal social worker when there are child protection and welfare concerns), monitoring guards, and probation officers. For a meeting to occur the Garda Inspector and senior probation officer have to be in attendance. The supervising probation officer, monitoring guard and principal social worker attend the part of each meeting where their sex offender has been scheduled for discussion. In certain cases, invited guests relevant to a particular sex offender i.e. treatment provider, intellectual disability trainer etc. attend for specific discussion of that offender.

Each LST firstly identifies eligible sex offenders and completes a Risk Matrix 2000 and Stable and Acute 2007 (SA07) risk assessment for the sex offender. This is followed by identifying and ensuring all sources of information are accessed. A sex offender details form is completed jointly by the monitoring guard and the probation officer case worker. All information is considered by the LST when identifying risk factors. A Risk Assessment and Management Plan (RAMP) is agreed and a RAMP form completed by the LST. This is revised and reviewed at subsequent meetings to take into account additional information gathered at the Acute stage of the Stable and Acute risk assessment or from any other sources. Once the sex offender is no longer subject to the Act and probation supervision or if he permanently moves to another country a SORAM termination form is completed.
1.3 The Sex Offender Perspective and Communities

There are approximately 1400 individuals subject to the Sex Offender Act in Ireland, as of September 2014. Approximately two per cent of those fall within the very-high risk category. Grange, (2003) claims, that registration and subsequent monitoring is not welcomed by offenders. Furthermore, the majority pose a small risk of danger and/or reoffending compared with the critical few. He states, "differentiating between the two is far more complex than the public and media understand and is a more fluid situation than is accepted" (p. 229).

The defensible decision-making process mentioned within the MAPPA risk management plans may be justifiable to practitioners but this may not satisfy the public or media. This is a challenge for practitioners working in this vacuum. Furthermore, Garland (2001) states that current sex offender management directions do not view sex offenders in concrete terms rather they have become a projected image of themselves. Hudson (2005) adds that political parties try to win the public’s confidence with popular proposals that crime should be reduced and sex offenders should be managed under special measures. She claims that there appears to be no clear boundaries or ethical constraints with regard to how this is achieved. The perspective of sex offenders within that role of “being managed” and having to comply with certain measures is explored in this research.

One question that might be posed therefore is; does the community have a role in public safety? At the moment it is one of a consumer of fear and subjective evaluator of the situation. Duffy (2006) maintains that with growing public opposition to community integration of released sex offenders, further policy is required. Kemshall, (2012) states:

High profile failures in the community management of high risk sexual offenders always raise questions about the conduct of those agencies tasked with their safe management, and cast doubts onto the effectiveness of current responses to sexual offending. Can we manage sexual offenders safely in the community is asked by public, politicians and media alike? The answer to that question is a resounding yes if the right things are done (Kemshall, 2012, p.5).

It is only through evaluation of the management model that we can possibly start to answer Kemshall’s question. But what criteria do we use to measure it by? If it is
based on recidivism the public may have zero tolerance for re-offending. A more pragmatic approach by practitioners in the criminal justice field might be that “risk cannot be eliminated but managed” (MAPPA Manual, 2012, p. 58). Hence, this may be the threshold of effectiveness.

1.4 Claim of Originality

There is a dearth of research on multi-agency sex offender management in Ireland. In 2006, Duffy stated “policy development for the risk management of sex offenders in Ireland has received no attention from the academic community” (Duffy, 2006, p.7). This is still the case, with the need for a holistic evaluation of SORAM and multi-agency sex offender management in Ireland well overdue.

It is within this context that the current research is being undertaken. Firstly, joint agency sex offender management is relatively new as only implemented in pilot form in 2010. Risk assessment tools were introduced from 2007 onwards in both agencies. Therefore, it is timely that research interviews were conducted with the Garda Síochána in 2009, prior to the new management (SORAM) developments and afterwards with both the Garda Síochána and the Probation Service. Secondly, it is the first time access to Garda members in their sex offender monitoring, risk assessment and management role has ever taken place. Prior to this research, these roles had never been documented or evaluated. Probation risk assessment, supervision and management roles are also explored. Therefore multi-agency perspectives were never conducted in one research project. Thirdly, the inclusion of sex offenders provides an added dimension, often neglected. The number of studies included in the research provides a scope and depth not normally observed in risk management research. A combination of this provides research that was never conducted in Ireland before and attempts to fill a gap in the existing body of research. Moreover, on an international level, as only five countries have notification and registration systems for sex offenders, multiagency research, while it may be different culturally, adds to that knowledge of research.
1.5 Outline of Thesis Chapters
The remainder of this chapter provides an outline of the structure of the thesis document and content of each chapter.

Chapter 2 examines three theoretical approaches: (1) psychology of sexual offending, (2) sex offender risk assessment and (3) sex offender risk management. Firstly, the theory or psychology behind why sex offenders commence and maintain sexual offending is examined. Risk assessment techniques are explored, specifically looking at the main risk assessments tools being used in Ireland and the UK. The third theoretical standpoint focuses on risk management theory. Risk management theory is the least developed of the three. Quackenbush (2003) claims that as “clinical experience and research findings interact within an evolving theoretical framework, the picture of what is important, as well as what is possible to know about a sex offender, is rapidly changing”. With that in mind, the main theories that influence the assessment and management of sex offenders are presented and examined. This sets the theoretical context for the current research study.

In Chapter 3 the methodology that supports the research questions will be described. Eight studies were conducted for this research with participants from the Garda Síochána, Probation Service, sex offenders and statutory and voluntary agencies. A mixed-methods approach was used. The benefits and limitations of using each research method are explained. An epistemological worldview of the research is put forward and ethical considerations are considered.

Chapter 4 is the first of five findings chapters. It presents data on Study 1 and Study 2. Documentary evidence and qualitative interview findings, along with official data provide a picture of the sex offender landscape in Ireland from the 1930s to 2009. Findings from an analysis of four Commission to Inquire/of Investigation reports are presented which depict how sexual offenders (priests) were managed and by default how victims were treated. Relevant stakeholders were interviewed in order to ascertain whether or not lessons have been learned.

Chapter 5 focuses on Study 3. It examines the Garda perspective on risk assessment and management prior to the introduction of the SORAM model. Therefore, it examines the single agency approach to sex offender management.
Chapter 6 is concerned with risk assessment. It presents data on Study 4 which is the qualitative findings on risk assessment and Study 5 which is the quantitative findings on risk assessment. The two risk assessment tools under review are Risk Matrix 2000 and Stable and Acute 2007. The role of risk assessment within the sex offender management is identified, described and evaluated. Differences in practice application of the same risk assessment tools are also discussed.

Chapter 7 focuses on the management of sex offenders. It presents findings on Study 6 based on qualitative risk management data. Study 7 puts forward the quantitative findings on risk management. Practices employed by police and probation staff of various ranks, in the risk management of sex offenders living in the community, are presented. Areas of improvement in current sex offender management in Ireland are also identified.

Chapter 8 focuses on the sex offender perspective of being managed by State agencies. Their experience of being supervised and monitored by the Probation Service and the Garda Síochána respectively is explored. Furthermore, their experience living as a ‘sex offender’ in the community is also documented as is their views on integration, incorporating issues of training, employment, housing and the media.

Chapter 9 brings all the findings from the previous chapters together. It connects the findings with earlier work, practice and existing theory, thereby identifying best practice. It also shows implications for work practice. Areas for future direction of risk assessment and management practice in Ireland are also highlighted. Furthermore, opportunities for future research are considered.
Chapter 2

Theoretical Framework and Context

2.0 Introduction
This chapter examines the main theoretical framework behind the three aspects of this research, namely; theories of sexual offending, risk assessment and risk management. The first two elements have a strong theoretical basis and have been firmly established in the literature, research and practice, with Otto and Douglas (2009) stating that, within the criminal justice field professionals are conducting risk assessments with increasing regularity. Risk management appears less developed and defined. Practice and research generally inform and influence further development of theories. Current risk management practices are informed by the limited research conducted to date although this area is likely to become more established with time.

Before the theories of sexual offending are examined a classification of sexual offenders is put forward. While the Irish legal definition of a sex offender is a person convicted of a scheduled offence under the Sex Offender Act 2001, further operational definitions or typologies are useful to clarify what type of sexual offender is being discussed. Craig, Browne and Beech (2008, p.3) state "sex offenders are usually separated into individuals who commit ‘non-contact’ sex offences involving little or no contact with the victim" (for example exhibitionists17 and internet offenders) and “those who indecently assault a child or adult victim, frequently referred to as ‘contact sexual abuse’” (for example child abusers and rapists).

The most basic categorisation of contact sex offenders is the use of the age of the victim to differentiate between sex offenders who offend against adult victims often called rapists and child victims often called paedophiles or child sexual molesters. A paedophile is an individual who fantasizes about, is sexually aroused by, or experiences sexual urges toward prepubescent children (generally under 13 years) for a period of at least 6 months. The individual must be at least 16 years of age and

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17 An exhibitionist is the name used to describe an individual who exposes their genitals to others - mainly unsuspecting females and children. The motivation to expose their male genitals indicates two types (1) men who expose themselves to seek sexual interaction with others and to become sexually aroused by the victim seeing their genitals - the narcissistic exhibitionist and (2) men who expose themselves to intimidate and cause fear in others and to become sexually aroused by the shock and frightened reaction of their victim -the sadistic exhibitionist (Craig et al, 2008, p. 4).
at least 5 years older than the juvenile of interest to meet criteria for paedophilia. Individuals who engage in sexual activities with pubescent teenagers under the legal age of consent (ages 13—16 years) are known as hebophiles (attracted to females) or ephebophiles (attracted to males).

The DSM-V\textsuperscript{18} list a number of paraphilias - some contact and others non-contact. Paraphilias (one of which is paedophilia as referred above) are recurrent intense sexually arousing fantasies, sexual urges or behaviours generally involving non-human objects, suffering or humiliation of self or others, and/or children or other non-consenting persons. The diagnostic criteria is that the behaviour, fantasies and urges must be manifest for at least 6 months and must cause significant clinical distress or impairment in functioning. Again the person must be over 16 years and there must be a five years age gap between the victim and abuser. Paraphilias can be coercive and non-coercive, with the latter generally being a solo activity or with a willing participant. Coercive paraphilias are listed in Table 2.1 below.

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<th>Paraphilia</th>
<th>Summary Definitions</th>
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<tbody>
<tr>
<td>Exhibitionism</td>
<td>Exposing one’s genitals to an unsuspecting person or performing sexual acts that can be watched by others.</td>
</tr>
<tr>
<td>Frotteurism</td>
<td>Touching or rubbing against a non-consenting person.</td>
</tr>
<tr>
<td>Voyeurism</td>
<td>Urges to observe an unsuspecting person who is naked, undressing or engaging in sexual activities, or in activities deemed to be of a private nature.</td>
</tr>
<tr>
<td>Fetishism</td>
<td>Use of inanimate objects to gain sexual excitement.</td>
</tr>
<tr>
<td>Paedophilia</td>
<td>Sexual preference for prepubescent children.</td>
</tr>
<tr>
<td>Sexual masochism</td>
<td>Wanting to be humiliated, beaten, bound or otherwise made to suffer for sexual pleasure.</td>
</tr>
<tr>
<td>Sexual sadism</td>
<td>In which pain or humiliation of a person is sexually pleasing.</td>
</tr>
<tr>
<td>Transvestic fetishism</td>
<td>Arousal from clothing associated with members of the opposite sex.</td>
</tr>
<tr>
<td>Not otherwise specified</td>
<td>These include paraphilic behaviours i.e. partialism; zoophilia, necrophilia; klimaphilia; coprophilia; urophilia; infantilism; telephone scatologia.</td>
</tr>
</tbody>
</table>

Source: DMS-V Handbook 2013

\textsuperscript{18} The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V) is the 2013 update to the American Psychiatric Association's (APA) classification and diagnostic tool. In the United States the DSM serves as a universal authority for psychiatric diagnosis.
The first major typology of sex offenders was conducted by Groth in 1978. He defined child sexual abusers as fixated or regressed. Fixated sex offenders’ sexual interests and preferences are focused on children and that interest would commence in their adolescence. Relationships with children would occur as they would rarely have age-appropriate sexual relationships. They would identify with children on an emotional level and extensive grooming and pre-mediation would take place before offending occurred. Regressed individuals would have “normal” sexual interests with age-appropriate partners. They generally are not interested in children but will offend against children in times of stress where the behaviour would be situational, impulsive or opportunistic. Holmes and Holmes (2002) added two other types to Groth’s typology: the mysoped and naïve offender. Some offenders, like the mysoped, “who molests children; specifically want to harm their victims physically. This offender will stalk his victim rather than use any form of seduction...they will often abduct a child from places where children gather” (Holmes & Holmes, 2002, p.103). The naïve offenders are child offenders often misdiagnosed as having a brain dysfunction. They further (2002, p.103) state that while some would fall under this category the majority do not. Furthermore “only a few are involved with children because they do not understand the true nature of their offences or the societal rules prohibiting sexual involvement with children”.

Regarding a classification of rapists, Groth and Birnbaum (1979) put forward three categories - the anger rapist, the power rapist and the sadistic rapist. The anger rapist commits rapes not for sexual gratification but as a means of expressing anger and hostility that has built up over time. The power rapist is motivated by power and controlling their victim rather than inflicting physical pain. The sadistic rapist is one who obtains pleasure, excitement and sexual arousal from inflicting pain on their victims and seeing them in fear, pain and suffering. Victims can be tortured, mutilated or killed by the sadistic rapist.

2.1 Theories of Sexual Offending

A number of theories have been put forward by academics and clinicians to elucidate what motivates an individual to start sexually offending and also maintain offending over a period of time. Five of the main models will be examined in this section. These are: Finkelhor’s Precondition Model (1984), Marshall and Barbaree’s Integrated Theory (1990), Hall and Hirschman’s Quadripartite Model (1992), Malamuth’s Confluence Model of Sexual Aggression (1996) and Ward and Siegert’s Pathways Model (2002). Finkelhor’s Precondition Model (1984) is the most popular
and widely cited theory of child sexual abuse (Morrison, Erooga and Beckett, 1994) and is the first to be examined here.

### 2.1.1 Finkelhor’s Precondition Model (1984)

O’Reilly and Carr (2004, p. 37) states that Finkelhor’s model has two elements. The first is an attempt to summarise as four factors the main theoretical and empirical ideas existing at that time regarding adult sexual offenders and their behaviour. The second is the identification of the factors that precipitate offending. The first element is explored by examining the four factors: emotional congruence, sexual arousal to children, blockage and disinhibition. “The first factors explain how a person develops a sexual interest in a child or children in general. The last factor explains how this interest is translated into actual behaviour” (Finkelhor, 1984, p. 37).

Emotional congruence as described by Finkelhor (1984, p. 38) refers to "the fit between the adult’s emotional needs and the characteristics of children". Ward, Polaschek and Beech (2006) state it is where:

> There is a reasonable fit or match between what certain individuals need and what children can provide…it implies some degree of psychological vulnerability that contributes to the man’s expectation that children are more likely to respond optimally to his needs for closeness, safety or some such needs (Ward et al, 2006, p. 22).

Regarding sexual arousal towards children, Finkelhor (1984) states this may be caused by a variety of maladaptive early learning experiences. These could include being exposed at an early age to sexual activities involving children, possibly via pornography or abuse of a child by an older individual or an intense and rewarding sexual experience with another child. As a result, children can forge a connection or experience so strong that it becomes the primary source of sexual arousal from then on (Ward et al, 2006, p. 22).

Blockage is where normally functioning men cannot meet their sexual and emotional needs in adaptive ways and hence turn to maladaptive or abusive ways to do so. Blockages can be of two kinds; developmental blockages e.g. fear of intimacy or never moving to a sexual relationship with an adult; and situational blockages e.g. marital problems or loss of a relationship which met the abuser’s needs.
The final factor is disinhibition which involves a lack of behavioural control which would contradict the moral, ethical and legal stance point which members of the general population would adhere to regarding abuse of children. Finkelhor (1984) cites some explanation for this lack of control as (1) poor impulse control, (2) senility, (3) alcohol and other substance abuse, (4) psychosis, (5) environmental stressors i.e. unemployment, loss of love relationship or bereavement, (6) factors that weaken familial bonds i.e. step-father/step-daughter relationships or prolonged absences from children, (7) cultural influences promoting a patriarchal society and family structure and (8) use of child pornography.

The four preconditions to sexual offending are essentially the behavioural and contextual conditions (stages) that need to be present to facilitate sexual offending:

1. Motivation to sexually abuse (wants to engage in sexual behaviour with child)
   The individual must be motivated in one way or another to sexually abuse a child. This could be due to emotional congruence with a child, some degree of deviant arousal from directing his sexual behaviour towards children and he may be partly motivated through being blocked in meeting his emotional and sexual needs in a non-deviant, non-abusive manner.

2. Overcoming Internal Inhibitions (squaring it with their conscience)
   This incorporates the disinhibition factor previously described. Individuals want to offend but internal factors may be stopping them engaging in any abusive behaviour. The abuser “may minimise the impact of internal inhibitions such as guilt or fear of being caught, through engaging in an internal dialogue in which the abuse is justified, its negative impact on the child is minimised and/or denied and the possibility of being detected is denied” (Carr, 1999, p. 812)

3. Overcoming External Inhibitions (creating opportunity)
   Once the individual is motivated to sexually offend and has overcome his internal inhibitions then the next stage is to overcome any external factors which may prevent offending. These could involve grooming a child or parents to overcome problems accessing children. It could involve obtaining a position of trust and authority to facilitate offending.
(4) **Overcoming the resistance of the child (dealing with victim opposition)**

The offender must overcome the resistance of the child. This could range from “building a relationship with the child then exploiting it, to bribery, trickery, and use of threats and/or physical force” (O’Reilly & Carr, 2004, p. 41)

### 2.1.2 Marshall and Barbaree’s Integrated Theory (1990)

Marshall and Barbaree (1990) and Barbaree, Marshall and McCormick (1998) focus on the structure and dynamics of the family as a source or pathway to future sexual offending behaviour. Barbaree et al, (1998) argue that children from abusive families generally do not form secure attachment bonds to their parents or may form serious disruptions in relationships with their primary care-giver. Furthermore, in sexually, physically and/or emotionally abusive families, parental control over family members’ behaviour generally occurs through threats, intimidation and physical violence. Essentially it is not a nurturing family unit where children can develop interpersonal and intimacy skills within loving caring bonded relationships. As a result “the child learns to achieve his social and interpersonal goals through aggression, intimidation and manipulation often the only interpersonal strategies that are effective in this [family] environment” (Barbaree et al, 1998, p. 3).

This may continue into adolescence with their peers and potential partners. As a result a failure to develop emotionally and/or sexually as a young adult, whereby healthy intimate relationships do not materialise. Individuals may have low self esteem, anti-social attitudes, a lack of empathy and have cognitive distortions which support criminal behaviour (Ward et al, 2006, pp. 33-36). Barbaree et al, (1998) further add that if there are repeated failures to establish intimate relationships based on mutual sexual attraction, it could lead to feelings of powerlessness, exclusion and emotional isolation. Strong feelings of anger and resentment, which result in the formation of aggressive, manipulative and coercive strategies to obtain a sexual connection with the required individual or a younger or vulnerable child, develop.

### 2.1.3 Hall and Hirschman’s Quadripartite Model (1992)

Hall and Hirschman’s model was initially devised for adults who sexually offended against adult woman but was reworked to include child victims as well. It has four components; (1) the influence of physiological sexual arousal, (2) the influence of cognitive distortions, (3) the influence of affective dyscontrol and (4) chronic personality difficulties that have their origin in difficult early life experience. The first
three are seen as transitory states that have a role in offending. The last component can co-exist as a more stable factor. The Quadripartite Model highlights that all factors may be present to some degree in the one individual at the same time.

Physiological sexual arousal is seen as the motivation that prompts people to engage in sexual behaviour. For individuals who offend, the normal arousal pattern is deviated from and resulting behaviour is directed at children. For adult victims the sexual interest may not necessarily be deviant as they are directed at other adults. Obviously issues of consent and wellbeing of the other adult are disregarded.

Cognitive distortions in this context are defined as “belief systems that support having sexual contact with children, but also as justifications, perceptions and judgments used by the sex offender to rationalise his molestation behaviour” (Abel et al., 1989, p. 137). Bandura (1986) used the term "faulty thinking" rather than cognitive distortions. Abel (1989) stresses that boys, as they develop, will learn which sexual arousal patterns are socially inappropriate or unacceptable and stop them. Others will still fantasise using unacceptable material and a deviant sexual arousal pattern will develop, which will be carried into adulthood, unless there is disapproval from significant others.

When the individual realises that this is in conflict with societal norms the response is to develop cognitive distortions. Sexual offenders may deny, minimise, rationalise or justify their behaviour. Cognitive distortions also serve as a "self-protective" function for the abuser by reducing anxiety, guilt or shame which accompanies inappropriate and/or illegal sexual behaviour. This legitimises or maintains abusive behaviours/thoughts. With respect to denial, the sex offender may deny consequences of actions/or blame someone else i.e. deny that abuse took place, minimise the abuse by claiming fewer victims, deny seriousness i.e. admit fondling not sex, deny there is anything wrong with it, deny responsibility or blame child for seducing offender (Salter, 1988). The core features of individuals characterised by cognitive distortions are a high degree of planning, little impulsivity in offending behaviour and higher rates of incestuous offending (Hall & Hirshman, 1992).

Affective Dyscontrol refers to affective states like anger, depression and hostility which are important features in the psychological functioning that facilitates sexual offending. These states can sometimes precede cognitive thinking episodes which result in sexual offending. Hall and Hirschman (1992) state that when these
affective states like guilt, moral conviction, anxiety and victim empathy are deeply felt by the offender, normal emotional inhibitions are overcome which should have prevented the sexual offences occurring.

Regarding early-life experiences, Hall and Hirschman (1992) focus on enduring trait-like features that can be described as “offence-related vulnerabilities” (Ward et al, 2006, p. 50). These personality difficulties emerge from adverse developmental experiences like physical/sexual abuse or parental divorce. Again the offender can develop anti-social attitudes, skills deficits and problematic interpersonal strategies. The offending personality will display a wide range of interpersonal and personal deficits whereby treatment should be intense (Ward et al, 2006, p. 52).

2.1.4 Malamuth’s Confluence Model of Sexual Aggression (1996)

Malamuth's work concentrates on sexual aggression whereby he put forward the causes of sexual offending as either ultimate or proximate. Ultimate causes would include a particular characteristic or pattern of behaviour that arises due to natural selection. Proximate causes focus on a particular genetic inheritance which manifests itself in the person. Malamuth’s model is a confluence of these two causes.

Within the ultimate causes, Malamuth claims men and women differ. An example is to produce an offspring it will take women an investment of nine months rather than men’s few minutes to contribute genes for the offspring. He states that different psychological mechanisms in the brains of men and women result. In practical terms this could influence the sexual promiscuity pathway. Another difference between men and women is the degree to which men prefer impersonal sex and the ability for coercion sex. The latter is also influenced by environmental and life experiences, but men are more equipped to carry it out than women. The Confluence Model has four elements:

(1) sexual offending results from convergence of risk factors (2) the causes of aggression against women are somewhat specialised and do not predict as effectively men’s behaviour towards other men, (3) the causes of sexual aggression also predict other controlling and coercive behaviour towards women, and (4) non-evolutionary factors i.e. environmental factors are important in explaining variations in actual behaviour (Ward et al, 2006, pp. 80-84).
The model has three primary clusters of risk factors - motivators, disinhibitors and opportunities – which increase the likelihood that an individual will become sexually aggressive towards women. The interaction of these factors results specifically in two pathways, the sexually promiscuous (SP) pathway and the hostile masculinity (HM) pathway. Men, influenced by peer status and self esteem, will have well developed strategies to influence women to engage in sexual activity in the SP pathway whereas men, in the HM pathway, will view women in an adversarial, defensive and mistrustful way where they obtain satisfaction in dominating, humiliating and controlling them.

2.1.5 Ward and Siegert’s Pathways Model (2002)

The Ward and Siegert’s Pathways Model (2002) draws on the first three models of sexual offending outlined in this section and attempts to integrate the best elements of each model. It has five pathways (1) intimacy and social skills deficits, (2) deviant sexual scripts, (3) emotional dysregulation, (4) anti-social cognitions and (5) multiple dysfunctional mechanisms.

The first pathway into sexual offending is intimacy and social skills deficits according to Ward and Siegert. This is due to some childhood abuse or neglect combined with “insecure attachment relationships with significant care-givers”. There has been a failure to form normal healthy relationships as a result. Poor quality relationship skills, attachment styles reflective of insecurity, emotional loneliness and isolation occur. Due to this deficit the abuser treats the child victim as a “pseudo-adult” or “surrogate partner”. Distorted thinking follows where the child is seen as meeting the offender’s sexual needs (O’Reilly & Carr, 2004, p. 48).

The second pathway is deviant sexual scripts. Within this the deviant script is related to early abusive sexual experience. “Sexual scripts is a mental representation acquired by an individual during his life that reflects relevant past experience” (O’Reilly & Carr, 2004, p. 48). This organises and guides thoughts, feelings and behaviour related to sexuality. Childhood abuse may affect the development of healthy sexual scripts. The sexual script which Ward and Siegert focus on is not one that encourages an inappropriate partner like a child or inappropriate behaviour like a deviant act, rather the sexual script they are concerned about is the “context” whereby the offender sees the sexual behaviour with a child as acceptable (O’Reilly & Carr, 2004: Ward et al, 2006).
The third pathway highlights emotional dysregulation. This is described as “the ability of an individual to control affective states in order to meet personal goals” (O’Reilly & Carr, 2004, p. 49). This includes problems with the ability to recognise emotions, an inability to adjust emotional states when they are experienced, anger management problems, strong negative affective states like low mood or high anxiety and the inability to use social support in times of emotional dysfunction. Offenders will either become overwhelmed by their emotions and become sexually disinhibited or they use their sexual activity to cope with the negative mood (sex as coping).

The fourth pathway covers sexual offenders who are also involved in general criminality. Therefore there are pro-offending beliefs and cognitions centred on anti-social behaviour. Offenders who entered sexual offending via this pathway may also have difficulties with impulsivity and conduct disorder related behaviour. The incidents of sexual abuse on children may be opportunistic or impulsive rather than a persistent sexual preference for children.

The fifth pathway is one which covers all the other pathways. It applies to the individual who has all the problems and issues of the previous pathways. Ward and Siergert would describe them as pure paedophiles. The sexual script would be paedophilic in nature and probably developed at a young age due to sexual victimisation or exposure to sexual behaviour and material. Furthermore, offenders within this pathway would have offended before they have reached adulthood. These offenders are characterised as (1) having an early onset of sexually abusive behaviour, (2) having ingrained cognitive distortions regarding sexual activity with children, (3) having deviant patterns of sexual arousal in response to children and (4) experiencing positive affect in response to their offending behaviour.

2.1.6 Theoretical Commentary
Ward and Hudson (1998) developed a meta-theoretical framework for classifying theories of sexual offending. They distinguished between level 1 (multi-factorial), level 2 (single factor) and level 3 (micro-level or offence process). The above cited theories are from level 1. The level 1 theories can also be described as global. Single concept theories within level 2 are quite specific and look at concepts like cognitive distortions, lack of victim empathy, intimacy deficits etc. While being single concepts on their own they also form elements of the level 1 theories. These
theories form the basis of risk factors within risk assessment and treatment options for sex offenders.

2.2 Theories of Risk Assessment

The following sections examine the evolution of the concept of risk and dangerousness and the development of risk factors. The subsequent risk assessment tools created based on theoretical understanding of sex offenders and risk factors are also presented.

2.2.1 From Dangerousness to Risk

The concept of risk was born out of the idea of dangerousness or the dangerous offender and the lack of utility for that concept. Castel (1991) highlights this as dangerousness is a feeling and can only be reliably predicted after the event, therefore the focus has to be on something other than mere dangerousness. Dangerousness as defined by the Concise Oxford English dictionary is (1) a situation involving exposure to danger or (2) a person or thing causing risk or regarded in relation to risk: a fire risk. Therefore the term dangerousness is vague, alarmist in nature, subjective and not beneficial to address potential behaviour or future recidivism in a meaningful way. Floud and Young (1981, p. 4) further view risk “as a matter of fact but danger is a mere matter of opinion”. Therefore the need for a more concrete term, where predictive aspects and useful responses could be estimated and put forward respectively was called for (Canton, 2011, p. 131).

The term “risk” as opposed to “dangerousness” started to develop in the 1980s. Until then the word risk was a neutral word meaning the chance of gain or loss (Parton, 1996). Its practical use was mainly in actuarial measurements for car insurance premiums. Characteristics of individuals in car accidents were the risk factors and these were weighted in any risk assessment conducted. Unlike the vague term of dangerousness, risk is more quantifiable, identifiable and specific. Kemshall, (2001, p. 11) described risk as “the uncertain prediction about future behaviour, with a chance that the future outcome of the behaviour will be harmful or negative”. Furthermore, Janus and Meehl (1997) state that risk can be defined in the following terms; certainty of an event occurring, the likelihood of offending, the imminence of offending, the consequence of offending and the frequency of offending. Its utility therefore is much more valuable and useful. Craig et al, (2008) see risk of offending as linked with imminence of offending, but dangerousness may reflect severity of offence.
With respect to the Probation Service, Canton (2011) states:

Discussions of risk used to be concerned mainly with the identification of a small number of ‘dangerous offenders’ but risk has now become central to all aspects of probation work. The risk posed by all offenders is now routinely assessed and the outcome of that assessment determines the type and intensity of intervention that will follow. (Canton, 2011, p. 129).

Equally, police work has moved away from its traditional policing model or the standard model of policing, which was mainly reactive, to other proactive models like the community policing model, problem solving model of policing and intelligence-led policing (Walker & Copeland, 2012). The latter is centred on management of risk and problems through data analysis and intelligence analysis rather than by being solely reactive (Maguire & John, 2006). The commitment to risk management is also seen by the incorporation of risk assessments tools in Garda practice within the last decade.

2.2.2 Risk Factors
Burgess (1936) used statistical techniques to generate risk predictors of future parole violations. Factors (or predictors) for those who re-offended were cross validated against the non-offending sample, therefore variables linked to the re-offending behaviour were ascertained. Weights are given to each variable and when combined provide an aggregate risk score and classification. Therefore, a risk factor can be defined as an item drawn from existing empirical researched criteria and selected based on their ability to demonstrate a relationship to future sexual violence (Blacker, 2009, p. 12). Risk factors can be static or dynamic, with a further stable and acute level to the dynamic risk factors. In Burgess’s case, they were mainly static risk factors.

Static risk factors are defined as relatively fixed aspects of offenders’ histories, such as age and the extent of previous offending. This raises the risk of reoffending but cannot be changed for the better through deliberate intervention (Mann, Hanson & Thornton, 2010). Thornton (as cited in Perkins, 2013) describes them as “historical markers of long-term psychological vulnerabilities”. Dynamic risk factors are defined as psychological or behavioural features of the offender that raise the risk of reoffending and that are potentially changeable, i.e. distorted attitudes or deviant sexual interests. Hanson et al (2007, p.1) further divide dynamic risk factors into
“stable dynamic” and “acute dynamic” factors. “Stable” risk factors are ones with chronic problems i.e. alcoholism or personality disorders etc. whereas “Acute” risk factors were ones which could change quite quickly and precipitate immediate offending i.e. intoxication, victim access, collapse of social supports. Craig et al (2008) refer to stable factors as slow-changing and acute factors as quick-changing. Dynamic factors are used to inform decision making regarding offender suitability for treatment programmes, in addition to level of freedom, targets to work towards and areas of concern (Bonta, 1996). Logan and Johnstone, (2013, p. 93) highlight that:

These risk categories can be mapped onto aetiological models (Beech and Ward, 2004) which describe distal development factors (such as attachment problems, genetic vulnerability, abuse or rejection) that lead to psychological vulnerabilities or traits (sexual problems, dysfunctional attitudes emotional and interpersonal difficulties, self-regulation problems) heightening the risk of particular states of mind, leading to offending. (Logan & Johnstone, 2013, p. 93).

Therefore, the risk factors are linked directly to aspects of the theories of sex offending.

### 2.2.3 Risk Assessment Tools

Kemshall (1996) characterises a risk assessment as the probability calculation that a harmful behaviour or event will occur, and involves an assessment about the frequency of the behaviour/event, its likely impact and who it will affect. The explosion in the development and use of risk assessment tools has been based on the professional consensus achieved in the 1990s that (a) risk assessment should be based on factors associated empirically with risk and (b) structured approaches to risk assessment are more accurate than unstructured professional opinion (Monahan, 2007).

Risk assessment has evolved over the years. Bonta (1996) identified three generations of risk assessment tools. First generation risk assessment began with experts in a particular field i.e. doctors, psychologists etc. giving an unstructured clinical or professional opinion/judgement on the risk or probability of an event occurring. Risk factors may not have been examined and there was not a clear method as to how practitioners arrived at the risk. Therefore, there could be a significant degree of disparity between practitioners’ view of the risk of an offender
reoffending as their qualifications, experience, any biases or exposure to the offender could influence any assessment of risk. Research suggests that the accuracy of this was little better than chance (Hanson & Bussiere 1998; Hanson, Morton & Harris, 2003).

The late 1990s welcomed actuarial risk assessment tools such as Rapid Risk Assessment for Sexual Offender Recidivism (RRASOR), Sexual Offender Risk Appraisal Guide (SORAG), Static 99 and Risk Matrix 2000 which utilised a more structured approach. These second generation risk assessments tools were evidence-based in respect to recidivism rates and were more accurate than the first generation risk assessment tools in predicting risk. The items or risk factors for these scales were static risk factors which could correlate with sexual recidivism in various follow-up studies. However, they still lacked any direction for treatment of the offender or interventions to prevent reoffending.

Risk Matrix 2000 is a static risk assessment tool. It is reviewed within this research as it is used by prison, probation and police forces in Ireland since the late 2000s. It has been used by the same agencies in the UK since the late 1990s. It is a statistically derived risk assessment classification, intended for males aged at least 18 years who have been convicted of a sexual offence. It uses factual information about an offenders’ past history to divide them into categories that differ substantially in their rates of reconviction for sexual or other offences. It is designed to assist in the prediction of sexual and violent recidivism, with resulting risk ratings of low, medium, high and very high (Thornton et al, 2003). It incorporates static risk factors. Grubin, (2008, p. 3) claims it “has not been subjected to any rigorous evaluation and its empirical foundation is thin”. Furthermore, he claims “it should be seen as the first step in an assessment process not as a substitute for the assessment process itself; to be effective, it must form part of a wider package” (p. 28).

While these second generation risk assessment tools have their limitations, “actuarial risk instruments were consistently more accurate than unguided professional opinion for predicting sexual, violent non–sexual and general recidivism” according to Hanson (2004, p.10). Craig et al, (2008) suggested that as these actuarial scales are based on follow-up studies of specific types of offenders, the findings and subsequent scales can only be accurate for those offenders hence
the scale should only be used on offenders with the same characteristics as the original cohort. Otherwise the predictive accuracy can be called into question.

Third generation risk assessment tools were born out of the desire for a risk assessment tool to predict risk but also identify risk factors in order to address interventions. Unlike previous risk assessment tools, dynamic risk factors do not focus on historical factors solely which do not or rarely change. Also much of available information on the offender may not be included in static risk assessments whereas all relevant sourced information on the offender feeds into a dynamic risk assessment (Hanson & Harris, 2007). Instruments such as Level of Service Inventory- Revised (LSI-R), Offender Assessment System (OAsys) and, Stable and Acute 2007 are examples of these intervention-driven risk assessment tools.

Stable and Acute 2007 is a dynamic risk assessment tool. It is reviewed within this research as it is used by probation and police forces in Ireland since the late 2000s. It incorporates a “stable assessment” of the offender where 13 risk factors, clustered around five areas\textsuperscript{19}, are discussed. Subsequently after each meeting with the sex offender “an acute assessment” which focuses on seven risk factors\textsuperscript{20} is completed. It is designed to assist in the prediction of sexual and violent recidivism with resulting risk ratings of low, moderate and high on the stable assessment. The acute assessment has a sex/violence score and a general recidivism score with a priority rating of low, moderate high and INV (intervene). Stable and Acute 2007 is used in Ireland, the UK, Canada, Germany and America to name a few.

The ability to measure change in the offender is the fundamental difference between second and third generation risk assessment tools (Bonta, 1996). These tools are often described as risk-needs assessments based on the Andrews and Bonta (1998) Risk Needs Responsivity (RNR) Principle. RNR has 4 principles. Firstly, the “risk principle” is concerned with matching the level of risk with the amount of treatment/supervision/interventions required. High risk individuals should receive the most intervention. Secondly, regarding the “needs principle”, devised programmes should target criminogenic needs i.e. dynamic offender characteristics which, when changed, would reduce the risk of recidivism. These could include pro-offending attitudes and values, aspects of antisocial personality (e.g. impulsiveness), poor

\textsuperscript{19} The five clusters are significant social influences, intimacy deficits, general self regulation, sexual self-regulation and cooperation with supervision.

\textsuperscript{20} Victim access, hostility, sexual pre-occupation, rejection of supervision, emotional collapse, collapse of social supports and substance abuse.
problem solving, substance abuse, high hostility and anger, and criminal associates (Andrews and Bonta, 1998). Thirdly, the “responsivity principle” is concerned with a programme of work’s ability to reach and make sense to the participants for whom it is designed i.e. getting to their level of abstraction or the offender’s need. The fourth and last principle rests on “professional discretion” whereby clinical judgement should override the above principles if circumstances dictate it. As a result, flexibility and creative thinking can be drawn upon in certain circumstances.

The overestimation or underestimation of risk are two issues for practitioners of any risk assessment. Boer and Hart (2009, p. 27) state that the former can result in “needless prolonging of incarceration, overly intensive treatment or supervision for low risk offenders with the underestimation of risk resulting in additional risk of victimisation of the public by high-risk offenders who may be released premature or provided with inadequate levels of treatment or supervision”. They claim practitioners need direction for what constitutes best practice.

Much of structured professional judgement (SPJ) uses static and dynamic factors (Douglas, Ogloff & Hart, 2003). SPJ is also known as guided clinical judgement or structured clinical guidelines. Boer and Hart (2009, pp. 33-34) state these guidelines rest on a number of assumptions (1) the assessment is completed by a trained professional, (2) the guidelines specify the important risk factors that should be considered at a minimum and (3) the evaluator exercises discretion with respect to how the information about risk factors is combined to reach a final judgement regarding risk. As a result the guidelines have been adopted by practitioners worldwide. They further state that the Sexual Violence Risk - 20 (SVR-20) is “the best validated SPJ for the risk assessment of sexual offenders” (p. 34).

Since Bonta’s 1996 three-generational risk assessment typology, has come a fourth generation of risk assessment. This incorporates risk assessment into a management process. Campbell, French and Gendreau (2009) stress that the specially designed risk assessment is not only integrated into the management plan but also into any targets or intervention methods for treatment. This would include the assessment of the rehabilitation process as well.

An essential aspect of any effective or thorough risk assessment is the information that is gathered for the assessment. This should be gathered from as many sources as possible (Hanson & Harris, 2007; Wilson, 2013).
2.2.3 **Strengths and Benefits**

The benefits of actuarial risk assessments are that they provide valid risk factors, explicit rules for combining factors, explicit probability estimates, robust across settings and samples and they can be easily scored. Drawbacks include they have only moderate predictive accuracy, coding rules can be confusing, one needs to pay attention to rules, and they may neglect important factors i.e. sexual deviance (phallometrics) and dynamic factors (Wilson, 2013).

The third generation tools of risk-need incorporate more information and dynamic risk factors which can measure change and can affect change. This is its greatest strength. Grubin (2004) states:

> Neither actuarial nor clinical techniques on their own are capable of providing a meaningful assessment of risk. The former are empirically driven but inflexible, whereas the latter lack an anchor and have a tendency to be blown by distracting winds. It is only when the two are integrated in a systematic manner that risk assessment becomes robust, transparent and defensible (Grubin, 2004, p. 108).

Wilson (slide presentation, February 18, 2013) highlights a bad assessment as "He is dangerous". Rather a good assessment provides a useful risk assessment under which to manage an offender effectively. An example of which is:

> If the following risk factors are present, then there is a high/medium/low probability that the person will engage in a specific behaviour within a specific period of time that may place specific persons at risk for specific type and severity of harm. (Wilson, 2013)

Harris and Hanson, (2010, p. 307) assert risk assessment procedures should be both evidence-based and clinically useful with systematic reviews taking place rather than the risk assessment being a “tick-box exercise”. Furthermore, “risk assessment should lead to proportionate individualised defensible risk management” (Russell & Darjee, 2013, p. 95). Fitzgibbon (2012) suggests that the public protection environment under which practitioners work is more hostile than previous decades. Backlash from the public and the possibility of losing their job is very real now. As a result, a culture of defensive practice has grown with a reliance on risk assessment tools. O’Rourke and Hammond (2000) highlight that rather than
having a defensible practice, a safe system should have a retrospectively defensible practice, with standardised protocols, multi-agency input and a common language used between agencies.

MacLean (2000, p. 9) stresses in his report for the Scottish Executive, that risk assessment is a constant process involving risk management, a review of its effectiveness and re-assessment and reappraisal in cases of escalation or reduction of risk, as risks change over time and in differing contexts. Furthermore, risk is uncertain with only relative probabilities able to be estimated. "Risk operates along a continuum with thresholds of risk being difficult to establish and liable to change over time" (Kemshall, 2002, p. 12). Risk assessment is a tool of risk management where changes in risk can be appraised and where appropriate risk management decisions can be made.

2.3. Theories of Risk Management

Purvis, Ward and Shaw (2013) put forward:

The question of how to best manage sexual offenders has led to an enormous amount of theory creation, model generation, research and evaluation. Historically most research has been focused on the treatment of sexual offenders with considerably less attention given to the effects of supervision or case management. Increasingly, policy makers are examining available theories and research in order to determine the ‘best’ ways to manage sexual offender cases (Purvis et al, 2013, p.1).

The distinction between risk management theory and practice is not fully clear as risk management practice has been informed by elements of what has worked in the past and by other jurisdictions’ management arrangements. While operational practices, in the form of legislation and management models, in place in different jurisdictions have been previously described, stand-alone theory can be elusive as risk management theory tends to be applied in model form. Notable developments in theory and practice have been the Offender Management Model (OMM) in the UK and the Good Lives Model (GLM) used internationally. A variation of GLM is Building Better Lives (BBL) used by psychologists in Irish prisons. Desistance theory, which focuses on factors that influence an offender to cease offending, have also been added to the theoretical base of risk management. This is in addition to public protection models of risk management such as the Community Protection
Model (CPM) and the Public Health Model (PHM). These will be explored in the next sections.

2.3.1 Risk Management Evolution

Duffy, (2006, p.13) points out that the release of a convicted sex offender back into society creates unique problems and concerns in relation to further criminal activity that is not created with the release of other convicted persons who have completed their sentences. This risk needs to be managed. In the past management of sex offenders has taken a number of forms. Prior to the 1970s, the management model was one of concealment or simply ignoring the problem. During the 1970s and 1980s, the approach centred on offender therapy, but the aims and goals tended to be conflicting. During this time there is extensive evidence of priests being treated for “sexual perversions” but there was no focus on containment or the protection or support of victims (Ferns Report, 2005; Murphy Report, 2009).

From the 1990s, the management style was to confront the problem. Feeley and Simon, (1992, p. 452) state that the language of penal practice has evolved over time. The focus has shifted from treating and rehabilitating the offender, to the efficient management of the criminal justice system. As a result of this discourse shift, the practice of assessing offenders by levels of risk using actuarial measures came about. Instead of an overall view of offenders, there were individualised diagnoses which reflected issues of surveillance, confinement and control. Confronting the problem focused on assessing the risks and providing treatment needs based on Andrews and Bonta’s Risk-Need-Responsivity (RNR) principles. At that time attention was also focused on reducing the risk through sex offender treatment programmes (SOTP) and relapse prevention (RP) programmes.

At this time in the USA and Canada, Petrunik (2003, p. 47) highlights the development of the community protection model calling for increased government attention to the rights of victims and their families and to citizens’ fear about crime. Public safety was prioritised over the liberty, privacy and security of the offender’s rights. Many of the management measures put in place at this stage in the U.K. and USA were in the form of legislation i.e. registers, community notification which forms part of a community protection model. (Community notification and registers in Ireland have been commented on in Chapter 1).
The new millennium saw a more collaborative management style with joint agency work and a more rounded collaborative approach to risk assessing and managing the sex offender as seen from the Ward’s Good Lives Model (GLM). Kemshall (2008) sees the GLM as working with the offender to reframe goals and identify how to achieve them positively and in legitimate ways. Moreover, the model assists the offender to construct a new identity and ability to work towards goals in pro-social ways.

Since then the management style could be defined as one of ‘connectedness’ with the focus on desistance (Perkins, 2013). The literal meaning of desistance is to desist or stop committing crime. Theory on desistance centres on three areas (1) the relationship between age and crime, (2) how social bonds and crime are related and (3) the influence of threat and perceived threat of retribution versus the benefits of offending on the continuation of desistance.

The following sections focus on the Offender Management Model (OMM), the Good Lives Model (GLM), Desistance Theory and Public Protection Models of risk management.

### 2.3.2 Offender Management Model (OMM)

One well known management model is the offender management model (OMM) as designed by the UK National Offender Management Service (NOMS) to operate across the probation service, prisons and any other agency working with offenders. NOMS was established in 2004 as a result of “an urgent need for different parts of the criminal justice system to work closer together” (Carter as cited in Canton, 2011, p. 95) and especially to break down “silos” between prison and probation (p. 185).

As offenders can have a range of problems i.e. substance abuse, anger management, homelessness, they may need the services of a number of agencies, not just the probation service. Holt (2000) states that case management originating in social work and community health care emerged as the guiding strategy to provide coherent services. Faulkner (2008, p. 74) asserts that “case management is certainly not new to the probation service but is a developing practice elsewhere”.

The development of the OMM was informed by a review of case management systems by Sarah Partridge in 2004. She asserts core features of any model should contain:
(1) an acknowledgement of the offenders’ experiences and needs, (2) continuity of contact with staff so rapport and confidence can be developed and maintained, (3) mindfulness that more separation of tasks for the offender leads to confusion, (4) face-to-face contact with a small case management team is beneficial for the offender and staff and (5) openness, flexibility and support were key motivating factors for offenders (Partridge, 2004, p. 5).

In 2006, NOMS highlighted some of the fundamental elements of the OMM. At this stage, case management became known as offender management. The fundamentals were that it is an evidence-based, offender-focused approach that is essentially a human service where a personal relationship is developed within a one case worker, one offender structure. The goal is an end-to-end process based on a thorough assessment, whereby an individualised service is given to the offender. The concept of offender/case worker team work also underpins the relationship. The offender team is made up of an offender manager, offender supervisor, key workers and a case administrator. While one key worker would maintain a continuous link with the offender, tasks could be divided amongst the team (NOMS, 2006, p.12).

Like Andrews and Bonta’s Risk-Need-Responsivity (RNR) principles, one core element of OMM is to target resources and interventions to the risk level. This is assessed on risks and needs resulting in a four tier system. The tier the offender falls within is dependent on the result of the completed risk assessment. The approach to the offender management process is reflected in the ASPIRE acronym – Assess, Sentence, Plan, Implement, Review, Evaluate. The offender is assessed and assigned a tier which will reflect the intervention types and delivery aspects. This will set in motion planning, implementing interventions or addressing risks/needs which are followed by reviews and evaluations in order to see if the plan is working or having any benefit or unexpected drawbacks. OMM was introduced in phases since December 2008. Canton (2011, p. 98), stresses the item of most concern with OMM is the possibility of fragmentation. He claims “relationships are at the heart of probation work and some felt this would be jeopardised in a model that seemed likely to reduce the amount of personal contact between an offender and probation officer”. Robinson (2005) also claimed good practice could be compromised. In addition, staff morale and sense of purpose could be damaged.

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21 Tier 1 = punish, Tier 2 = punish and help, Tier 3 = punish and help and change, Tier 4 = punish and help and change and control.
2.3.3 Good Lives Model (GLM)

The Good Lives Model of Offender Rehabilitation is a strengths-based approach for lives in transition. GLM is focused on a goal-orientated way of living rather than recidivism.

Its ethical core is that of human rights and it starts from the assumption that while offenders have obligations to respect other peoples’ entitlements to well being and freedom, they are also entitled to the same considerations. This is particularly so when it comes to the implementation of punishment and reintegration initiatives. Two fundamental intervention aims follow from this ethical starting point, the enhancement of offenders’ well-being and reduction of their risk of further offending. According to the GLM, these goals are inextricably linked and the best way to create a safer society is to assist offenders to adopt more fulfilling and socially integrated lifestyles. (www.goodlivesmodel.com).

The GLM has been adopted as a grounding theoretical framework by several sex offender treatment programmes internationally (McGrath, Cumming, Burchard, Zeoli and Ellerby, 2010). Ward and Brown, (2004) state that the goal of GML in correctional settings is as an intervention which will enhance the offender’s well being and human needs, and as a result they will desist from offending.

Within the Good Lives Model, it is asserted that all humans value certain states of mind, personal characteristics, and experiences known as primary goods (Ward & Brown, 2004; Ward & Marshall, 2004). There are eleven primary goods which are (1) life (including healthy living and functioning), (2) knowledge (how well informed one is about things that are important to them), (3) excellence in play (hobbies and recreational pursuits), (4) excellence in work (including mastery experiences), (5) excellence in agency (autonomy, power and self-directedness), (6) inner peace (freedom from emotional turmoil and stress), (7) relatedness (including intimate, romantic, and familial relationships), (8) community (connection to wider social groups), (9) spirituality (in the broad sense of finding meaning and purpose in life), (10) pleasure (feeling good in the here and now) and (11) creativity (expressing oneself through alternative forms). Instrumental goods, or secondary goods, provide concrete means of securing primary goods and take the form of approach goals (Ward, Vess et al. 2006). In this sense, the individual may put measures in place to ensure a primary good i.e. a night course may be completed to aid “excellence in
work” or the individual may train for a marathon which would reflect “excellence in play”. These activities are incompatible with dynamic risk factors, therefore if the offender addresses these goals truthfully, offending should not occur.

The model relies on the premise that each person has a “life plan” which is how a person plans (either implicitly or explicitly) to live their life, both now and into the future. This can differ from their “way of living” which refers to how a person is currently living their life i.e. daily activities, functioning, behaviours, and values and attitudes. The two can be quite different. Ward (2002) stresses that there are four types of difficulties or problems that people can have in the way they are currently living their life. These are capacity, scope, means and coherence. While these will not be explored here, the basic tenet is that a holistic achievement of these “human needs or primary goals may not be met resulting in physiological dysfunction, psychological distress leading to mental health problems, or social maladjustment, all of which will invariably lead to decrease one’s overall life happiness”

There could be a variety of problems with offenders’ life plans or way of living and rehabilitation will aim to identify what problems exist so that lifestyles and life plans can be altered to suit each offender’s preferences, capabilities, skills, temperament and opportunities. This would then allow the offender to access goods in pro-social ways that are also intrinsically beneficial and meaningful. As mentioned earlier the Irish prison psychological service use GLM with sex offenders in prison settings. As a result, a number of convicted sex offenders who have served custodial sentences in Ireland have undergone this treatment programme.

2.3.4 Desistance Theory
Laub and Sampson (2001) point out that while there have been numerous theories on why individuals start offending, less work have been done on why they stop committing crime. It is easier to study events like criminal incidences, as they are points in time but desistance, according to Maruna and Immarigeon (2004, p.17), “is the termination point of offending which is harder to observe”. Therefore, Laub and Sampson (2001) describe termination of offending as the “result” - the time at which criminal activity stops whereas, desistance is the process which causes and supports the termination.

The process of Desistance Theory is of interest for sex offender management as if one knows why individuals choose to stop offending this could be incorporated into
risk management strategies. One of the main factors influencing desistance in generic offending is maturation. With sex offender risk assessment, age as a risk factor is weighted heavily in actuarial risk assessment tools (Thornton, 2007). However, some clinicians dispute that maturation is a key factor in sexual offence desistance (O’Rourke, 2013, communication). Hirschi and Gottfredson (1983) claim that the relationship between age and offending was the overriding principle in desistance above gender, environment or race. Gottfredson and Hirschi (1990) further cite self control as a factor in offending. Those with low self control are most likely to offend. Furthermore, individuals with low self control were found to be risk takers, impulsive, and seek immediate gratification. Self control, in the form of impulsivity, is also highly correlated with offending as can be seen from the aetiological research (Finkelhor, 1984) and dynamic risk factors (Hanson and Harris, 2007).

Another aspect of desistance is the link between crime and social bonds or the lack of social bonds. Sampson and Laub (2001, p. 2) cite a number of factors or turning points that are associated with desistance from crime i.e. family formulation, employment and training. As with pathways to criminality, there can be pathways away from crime where social bonds or social capital can be renewed. Hughes (1998, p.143) highlights that further to maturation “respect and concern for children, fear of physical harm or incarceration, contemplation time, and support and modelling” are important factors in creating “turning points” away from crime.

Another aspect is the benefits of leading an offence-free lifestyle (desistance) are outweighed and prioritised over the threat or perceived threat of retribution. The appeal of committing crime is not as strong as the punitive disadvantages of separation from family due to imprisonment or loss of employment etc. Essentially a new life has been forged which the offender wants to maintain. In a desistance study in Liverpool to examine changes in offenders’ identities, Maruna (2001) investigated self narratives of two groups of offenders whereby one persisted and the other desisted. He found that both the desisting and persisting criminals were similar in personality characteristics and were not as agreeable and conscious entities as the general population. Persisting offenders had a “condemnation script” where they saw life in negative terms where their life circumstances had brought about their criminality. Furthermore, they stated they felt nothing could change this and the authorities were unhelpful or even pushed them away. Conversely, desisters had a different much more positive outlook, both on their past and future.
Maruna (2001) suggested that this aided their desistance. Offender identity is important especially for sex offenders as there is a distinct perception and labelling of “sex offenders”.

Caverley (2013, p. 143) states that “the last 30 years have seen a shift in public policy regarding the appropriate punishment for offenders” and this has had implications for desistance. The view of punishment to reform individuals back to society has been replaced. He argues, with notions of punishment in retributive terms. Furthermore, he quotes Young's (1999) assertion that offenders are seen as “other” or dangerous and represent a risk which should be managed and controlled. Caverley postulates that the outcome of this new penal approach has been to impede the availability of opportunities for desistance.

2.3.5 Public Protection Models of Risk Management

Two public protection models of risk management are (1) the Community Protection Model and (2) the Public Health Model. Community protection approaches to risk management of sex offenders came about in the late 1980s, early 1990s as a result of high profile cases of children being abducted, sexually assaulted and/or murdered by convicted sex offenders (victims cases - Ryan Alan Hade, Jacob Wetterling, Megan Kanka and Christopher Stephenson).

Connelly and Williamson (2000) state that MAPPA (Multi-Agency Public Protection Arrangements) best reflects what they term as the “community protection model”. MAPPA is described in detail in Chapter 1 but, in brief, it involves the police, probation and prison service in the management of sex offenders. It has three levels22 of risk management with the third level for sex offenders who pose the highest risk. This level involves intensive joint agency working where information and intelligence is shared. It could include thorough police monitoring, probation supervision, sex offender orders/curfews, obtaining access to accommodation, treatment programmes etc where a holistic management of the sex offender is conducted.

22 The three levels incorporates (i) ordinary risk management at level 1 which would involve one agency, (ii) local inter-agency risk management at level 2 which would involve two agencies due to a higher level of risk or complicated case and (iii) multi-agency public protection panels (MAPPP) at level 3. This would involved all three agencies and the offender would have scored high or very high on OASys or be a high profile high need case (MAPPA Guidance 2012).
A key element of the community protection model is that the sex offender is conceptualised as a “rational choice actor” within the model. In 1961 Rational Choice Theory was pioneered by sociologist George Homas and was extended into a formal model of rational choice by other theorists, Blau, (1964), Coleman (1973) and Cook (1977) in the late 1960s and 1970s. The basic premise is that an offender, through rational choices and decisions, engages in criminal behaviour as a means to satisfy their need for money, sex, power etc. The theory assumes that each person sees themselves as an individual, who wants to maximise their goals, and are self-interested. Choices will be driven by obtaining individual pleasure but it can be controlled by focusing on the negative consequences of actions i.e. punitive measure, prison, separation from family etc. Importantly the theory highlights that crime is calculated and deliberate, although offenders may make decisions based on bounded/limited rationality. This concept reflects that people may make decisions or simplify decisions without anticipating potential consequences or ramifications. This may be due to cognitive limitations or extremes in emotional arousal. The latter may reduce their rational thinking and offending behaviour may result.

Within the community protection model, risk management plans are devised with risk decisions made by police and probation officers. Victims rarely feature within the operational risk assessment or management strategies. Silverman and Wilson (as cited in Kemshall & Wood 2007, p. 208) posit that the State tends to “blend paternalism with secrecy to protect the public”. It is therefore, very much a “behind closed doors” approach to sex offender risk management with little or no information disclosed to victims or the public.

Furthermore, the public is viewed as a potential source of risk to the management strategies i.e. media naming sex offenders or disclosing living arrangements and public vigilantism. Within this, Megan’s Law in the States and Sarah’s Law in the UK were seen by police and probation in their respective countries as potentially driving sex offenders underground making it more difficult to manage the sex offender effectively. At present, Ireland does not have equivalent legislation and whether police and probation officers are of the same mind is unknown. On the other hand, parents and the public argue they have a right to know if a convicted sex offender is residing near their home. Petrunik (2003, p. 51) highlights that members of the public due to Megan’s Law can be involved in the surveillance mechanism as they can access the name of convicted sex offenders by phone, computer or CD-ROM.
“Exclusion and distancing of sexual offenders are the key functions of the Community Protection Model” (Kemshall & Wood, 2007, p. 210). The distancing of the offender from society and as something “other” (Giddens, 1991; Young, 1999) only serves to exclude the offender rather than integrate him into society and the community. Simon (1998) stresses this is a form of vengeance whereby Kemshall and Wood (2007, p. 210) claim “such vengeance is repackaged as public protection and justified on the grounds of risk management”. Petrunik (2003, p. 51) claims sex offenders who were already shunned by the public now, through registration and notification, find integration into the community more difficult. Terry (2011) stresses that community approaches should have two aspects:

A containment approach model of supervision and management of offenders so that offenders are monitored as well as integrated into community. Moreover, registration and community notification laws should provide information to community members that will help them protect themselves not only from registered sex offenders who may live nearby but also from those who may commit acts of sexual violence in the future (Terry, 2011, p. 280).

Richard Laws’s (1996) Public Health Model, in contrast, is less reactive and focuses more on preventive measures based on three levels: primary, secondary and tertiary. In short, primary level focuses on the sexually offending behaviour before it starts, secondary level focuses on the prevention of first time offenders, who may have been opportunistic, in progressing further into offending and tertiary level is for persistent or prolific offenders where the focus would be relapse prevention and treatment programmes.

Unlike the CPM, the Public Health Model does not focus on containment and surveillance, but rather prevention. Interventions are mainly based on environmental factors which affect the offender. The risk management focuses on those factors which encourage or precipitate offending behaviour. The goal is not to exclude the offender from social activities or society but manage risky situations. One such example is by having a code of behaviour at certain leisure activities. Non-adherence to the code of behaviour could result in challenging the offender or referring the incident to the police. These would be measured at the primary and secondary levels. While Laws (1996) does not view treatment as compulsory, it could be utilised at the tertiary level.
A key element of this model is that the offender must play a part in their risk management. They have to engage in the process and take ownership of their behaviour and agree to any codes of behaviour etc. Like Community Protection Model, they are also a rational choice actor within the Public Health Model. The assumption is that the offender wants to change and will take responsibility for past behaviour [hence it may not suit convicted sex offenders who are deniers of sexual offences] and current behaviour.

In addition, there is a community role whereby leisure centres or other community agencies will engage in allowing the sex offender be a part of community life albeit under certain conditions. It is more inclusive than the CPM. Laws (1996), further adds that volunteerism is vital for the PHM to work. The role of the community is very different as a result. They are viewed as an active partner through awareness of risk and education. Communities are made up of victims, parents, media etc and so the willingness of these groups to engage with convicted sex offenders is questionable.

Circles of Support and Accountability (COSA) is an initiative devised by Quakers in Canada in the mid-1990s to help high-risk/high-need sex offenders reintegrate into communities once released from prison. “COSA grew out of the principles of restorative justice, which seeks to involve, and work for the benefit of the victim, the offender and the wider community” (Circles of Support and Accountability in the Thames Valley Interim Report November 2003, p. 3). It is a partnership between voluntary and statutory agencies and the community. The circle of support is made up of volunteers i.e. church leaders, retired police officers etc. who would have regular and significant contact with the offender, referred to as the “core member”. The volunteer will be screened and trained to support the sex offender but also to identify warning signals of potential offending behaviour, in addition to possibly informing the police/probation of the behaviour if necessary.

The role of the community is seen here in that the volunteer makes a substantial commitment of time, over a period of one year in the first instance. They must be willing to befriend the core member and be responsible and mature about their own sexuality. A number of COSA have now been set up in England. Clarke (2011, p. 4) highlights that COSAs “gives responsibility to the community for its own safety and can result in more open and reasoned debate about the management of sex offenders in society”. Wilson, Cortoni, and McWhinnie (2009), in their evaluations of
COSA in Canada, cited a reduction of 83 per cent in sex offending recidivism. The evaluation of the pilot in the Thames Valley in England found that after three years none of the 20 participants had committed a new sexual offence (100% reduction), although eight were engaged in recidivist behaviour suggesting they were about to commit an offence. In seven of these cases, the recidivist behaviour was detected by the COSA.

Clarke (2011) conducted a feasibility study into COSA for Ireland. Some of her recommendations were that Ireland should adopt a model similar to the Scottish one. The Scottish model has one host organisation with primary responsibility to co-ordinate, establish and run the local COSA. Furthermore, she recommended a two-year pilot scheme of five circles, in urban areas of various sizes, should be established and funded by the Departments of Justice and Children. They would target medium to high-risk sex offenders released from prison who are under probation supervision (Clarke, 2001, p. 41). To date, as of September 2014, no pilot scheme is in place. Although, it has been muted that PACE in conjunction with the Probation Service will commence developing 10 COSAs in 2015.

2.4. Rationale for Conducting the Present Research

Bullock (2011, p. 124) highlights that “concerns have been raised that risk management practice seeks to regulate rather than respond to offending”. While an official approach to sex offender management may be documented and include “features of risk assessment, attempts to responsibilise offenders, mechanisms to regulate and hold offenders to account and to punish them if they fail to do so, it also compromises attempts to standardise probation officers practice and closely monitor activities” (Bullock, 2011, p. 131). In practice, however, she asserts that practitioners will interpret guidelines, with their views and preferences shaping the management style or the resulting practice.

The practice of risk assessment and management of sex offenders in Ireland appears to be following a community protection model approach. There are guidelines which practitioners, both police and probation officers are following, but there is also scope for practitioner discretion. As Bullock (2011, p. 133) states “one consequence of risk management practice is it continues to be moulded in terms of practitioner values and preferences".
Furthermore, McIvor and Kemshall (2002) suggest that risk assessment and management procedures are often context-specific and agency-specific and are therefore, less likely to be transferable to other situations or settings. Barry (2007) adds that there can be a distinct lack of a common understanding about risk both within and between agencies as well as a lack of a common language. To cement the complexity, organisations have different cultures, different definitions of risk and differing expectations of their staff. The Expert Panel on Sex Offending (Scottish Executive, 2001) highlighted that difficulties and confusion can arise when agencies use different tools at different times in the process of assessing risk for different purposes.

To ascertain if the above or other issues are present in the Irish context of interagency working is important to investigate. In order to do this, the present research firstly documents the practice and perspective of the Garda Síochána, Probation Service and sex offenders within the current Irish sex offender management model. The interaction between the three central players (probation officers, monitoring guards and the sex offender) is deconstructed. Also, interagency working is critically examined and areas of improvement are identified.
Chapter 3

Methodology, Procedures and Research Questions

3.0 Introduction and Research Questions
This chapter outlines the general research questions and the research methodologies employed in the eight studies concerning sex offender management in Ireland.

The methods used to investigate the research questions are mainly qualitative in nature. These are semi-structured interviews, focus groups and documentary evidence. Quantitative research in the form of questionnaires is also included. This is, therefore, a mixed methods approach. "Quantitative and qualitative approaches should not be viewed as polar opposites or dichotomies; instead, they represent different ends on a continuum" (Newman & Benz as cited in Cresswell, 2009, p.3). "Mixed methods research resides in the middle of this continuum because it incorporates elements of both qualitative and quantitative approaches" (Cresswell, 2009, p.3).

The broad research aim is to evaluate sex offender management in Ireland. Eight studies were employed to ascertain how convicted sex offenders living in the community are risk assessed and managed by statutory agencies (the Garda Síochána and Probation Service). The research focuses on (1) the context, (2) risk assessments tools, (3) sex offender management model and (4) sex offender perspectives.

In brief, the context was determined by an examination of Commission to Inquiry Reports and stakeholder interviews. This provides a historical element to the development of current sex offender management. An evaluation of the two risk assessment tools, namely Risk Matrix 2000, and Stable & Acute 2007 was conducted. These risk assessment tools were chosen purely because they are the ones currently being used by the Garda Síochána and Probation Service in Ireland. The evaluation examined the value, benefits, strengths and weaknesses of each tool. In addition, how monitoring guards and probation officers administered the tool and whether it supports their work and management plan was explored. Areas of improvements were also identified.
The sex offender management research looked at (1) single agency management of sex offenders and (2) the joint agency SORAM (Sex Offender Risk Assessment and Management) management model. The management role of senior probation officers and Garda Inspectors within the management model was explored. The structures, procedures and protocols of the management model were also documented.

The perspective and experience of sex offenders supervised by the Probation Service and monitored by the Garda Síochána was explored. Aspects of the challenges of living as a sex offender in the community were also investigated. The broad research questions can be seen in Table 3.1.

### Table 3.1: Broad Research Questions

<table>
<thead>
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<th>Research Questions</th>
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<tr>
<td>Historically, how was sex offending and sex offenders managed in Ireland? What are</td>
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<td>the changes if any?</td>
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<td>How are sex offenders currently being managed in Ireland?</td>
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<td>What is the role/experience of probation officers and Gardaí in (1) the risk</td>
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<td>assessment and (ii) the management of sex offenders in Ireland?</td>
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<td>How does joint working operate in practice?</td>
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<td>What is the experience of sex offenders under probation supervision and/or Garda</td>
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<td>monitoring in Ireland?</td>
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#### 3.1 Qualitative and Quantitative Research

Qualitative research can be defined as the array of attitudes towards and strategies for conducting inquiry that are aimed at discerning how human beings understand, experience, interpret and produce the social world (Mason, 1996). It involves some form of purposive sampling from information-rich cases, in-depth interviews and open ended interviews/focus groups, field observations and/or document or artefact study whereby techniques for analysis and the interpretation of data moves beyond the data generated and their surface appearances. It strives to produce ideographic knowledge because the emphasis is on penetrating understanding of particular phenomena, events or cases (Lewis-Beck, 2004, p. 893). The particular phenomenon in this research study is sex offender risk assessment and management in Ireland. The purposive sampling was of relevant stakeholders within that phenomenon i.e. monitoring guards, probation officers, sex offenders and
community groups. Documentary evidence was also conducted. This approach was chosen because it would generate information about how practitioners conduct their risk assessment and risk management work. In some cases especially with monitoring guards officers, the sex offender monitoring role was not previously fully documented and interviews with them had never been conducted. Sex offenders have rarely been interviewed about their experiences of being “managed” by the Garda Síochána and the Probation Service. Therefore, in the semi-structured interview context, work practices were identified, the rationale for decision-making and the personal perspective of practitioners/sex offenders could be explored. Aspects that presented themselves in the interview, of which the researcher was unaware could then be explored further.

Quantitative research is characterised by having a population from which the researcher wants to draw conclusions but it is not possible to collect data from the entire population. One tool that can be utilised is the survey questionnaire. One can target a sample of the population relatively cheaply, and, if done correctly, it would be representative of the entire population. This approach was chosen because it would capture a greater number of practitioners than could be accessed via interviews. Interviews were conducted prior to the questionnaire. This aided questionnaire formulation as explicit questions were devised based on the information gathered in the interviews.

### 3.1.1 Mixed-Methods Approach

Mixed-methods has been defined as combining both quantitative and qualitative elements. Patton (1990) claims that when investigating human behaviour and attitudes, it is most fruitful to use a variety of data collection methods. This is to ensure the strengths of each type of data collection can be capitalised on and the project is not reliant solely on one approach. Furthermore, the validity of results is strengthened by using more than one method to study the same phenomenon (Shadish, 1993).

This research adopted a pragmatic epistemological paradigm whereby a worldview arises out of actions, situations and consequences rather than antecedent conditions. There is a concern with “what works” and solutions to problems (Patton, 1990). Instead of concentrating solely on research methods, the research question is the focus, and the use of all approaches to understand the problem are used in
order to produce knowledge about the problem/social phenomena. In this case, it is
knowledge about the intricacies of risk assessing and managing sex offenders.

The mixed-methods design employed in this thesis verges on the qualitative end of
spectrum. In mixed-methods, procedures can be sequential or concurrent. A
sequential mixed-method was employed whereby the qualitative documentary
review was conducted first. This was followed by qualitative interviews to see the
landscape of sex offender management in Ireland. After which interviews and focus
groups were conducted, and then a quantitative survey of a larger group followed.
Information gained in the earlier stages informed the quantitative questionnaire. This
attempted to ensure comprehensive practice knowledge was gathered from a larger
cohort of the population under review (Gardaí). Table 3.2 shows the sequential
mixed-methods used. A benefit of mixed-methods and a pragmatic viewpoint is that
if inconsistencies and discrepancies are identified the researcher can expand the
design and data collection options to fully address the issue in order to obtain
complete and clear knowledge of the phenomena under review.

Eight research studies were conducted. Approximately 82 individuals were
interviewed face-to-face (n=67) or participated in a focus group (n=15). There was
a further 46 per cent response rate of quantitatively surveyed Gardaí (n=125).
Where each study falls within the Sequential Mixed Methods is shown in Table 3.2.

<table>
<thead>
<tr>
<th>STUDY 1</th>
<th>STUDY 2</th>
<th>STUDY 3</th>
<th>STUDY 4</th>
<th>STUDY 5</th>
<th>STUDY 6</th>
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<tr>
<td>QUALITATIVE</td>
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<tr>
<td>Documentary Evidence</td>
<td>Semi-Structured Interviews/Focus Groups</td>
<td>Questionnaires</td>
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Table 3.2: Mixed-Method Design
3.1.2 Research Studies

The eight studies that constitute this research are shown in the Table 3.3. It highlights the methods used in each study and the research element it corresponds to.

**Table 3.3: Research Study, Method and Research Element**

<table>
<thead>
<tr>
<th>STUDY</th>
<th>STUDY NAME</th>
<th>METHOD</th>
<th>RESEARCH ELEMENT</th>
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</thead>
<tbody>
<tr>
<td>STUDY 1</td>
<td>Historical Document Review of Church Tribunal Reports</td>
<td>Documentary Evidence</td>
<td>Sex Offender Landscape</td>
</tr>
<tr>
<td>STUDY 2</td>
<td>Stakeholders Perspective on Impact of Tribunal Report</td>
<td>Interviews</td>
<td>Sex Offender Landscape</td>
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<tr>
<td>STUDY 3</td>
<td>Pre-SORAM Garda Síochána Perspective on Risk Assessment &amp; Management Model</td>
<td>Focus Groups &amp; Interview</td>
<td>Risk Assessment &amp; Management</td>
</tr>
<tr>
<td>STUDY 4</td>
<td>Risk Assessment (Qualitative) Review</td>
<td>Interviews</td>
<td>Risk Assessment</td>
</tr>
<tr>
<td>STUDY 5</td>
<td>Risk Assessment (Quantitative) Review</td>
<td>Questionnaire</td>
<td>Risk Assessment</td>
</tr>
<tr>
<td>STUDY 6</td>
<td>Risk Management (Qualitative) Review</td>
<td>Interviews</td>
<td>Risk Management</td>
</tr>
<tr>
<td>STUDY 7</td>
<td>Risk Management (Quantitative) Review</td>
<td>Questionnaire</td>
<td>Risk Management</td>
</tr>
<tr>
<td>STUDY 8</td>
<td>Sex Offender Perspectives</td>
<td>Interviews</td>
<td>Sex Offender Perspective</td>
</tr>
</tbody>
</table>

3.2 Methods of Data Collection

This research focused on data collection from four main sources; (1) documentary evidence, (2) semi-structured interviews, (3) focus groups and (4) questionnaires. These methods were used in order to provide a complete picture of sex offender risk assessment and management in Ireland, both from a historical context or practice (documentary evidence) and current context or practice (interviews, questionnaires etc). These methods best suited that goal and the needs of the research. The focus groups provided an exploratory awareness of information and the semi-structured interviews, while following aide memoires, provided additional information divulged by the interviewee not previously anticipated. The questionnaire, based on the interview information allowed for a greater number of subjects to be interviewed.
3.2.1 Source 1: Documentary Evidence

“The use of documentary methods refers to the analysis of documents that contain information about the phenomenon we wish to study” (Bailey, 1994, p. 4). Documentary methods are techniques used to categorise, interpret and identify the limitations of physical sources of information, most commonly written documents, whether in the private or public domain (Payne & Payne, 2004). Documents can be primary or secondary, based on the information source. Primary documents are based on first-hand accounts produced by the people involved in the event whereas secondary documents are produced by people not present at the event but who received the information from the eye-witness. Documents can be public or private. Public sources include government publications i.e. legislation, policy statements, census reports, official statistics, statistical reports, reports of commissions of inquiry, ministerial or department reports. Private sources may come from private businesses, non-government agencies, trade unions and private individuals. This could range from minutes of meetings to invoices, personal records, medical records, suicide notes, diaries etc.

The documentary evidence used in this research was official statistics and Commissions of Inquiry reports. With respect to the official statistics, reported sexual offences from 1985-2002, compiled by the Garda Síochána, and the same information compiled by the Central Statistics Office (CSO) from 2002-2008 was gathered. This was to provide evidence of any trends in reporting of these offences. The benefit of using this information is that it is relatively easy to access as it is available on the CSO website. Limitations included the fact that counting rules and categories changed over the years, in addition to the compilers of the data changing from the Gardaí to CSO. Hence, comparability between years was always not possible.

3.2.1.1 Documentary Evidence Procedure

Commission to Inquire/of Investigation reports were examined. These were (1) The Ferns Report - Presented to the Minister for Health and Children 2005 (Ferns Report23), (2) Report of the Commission to Inquire into Child Abuse 2009 (Ryan Report24), (3) Commission of Investigation: Report into the Catholic Archdiocese of

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24 The Ryan Report unlike the other three focused on public protection issues/abuse in schools, reformatories and institutional setting nationwide from 1936 onwards, whereas the other reports highlighted sexual abuse perpetrated by individual priests.
Dublin 2009 (*Murphy Report*\(^{25}\)), and (4) Report by Commission of Investigation into the Catholic Diocese into Cloyne 2011 (*Cloyne Report*\(^{26}\)). Current sex offender management must be influenced by practices of the past. These reports provide data on strategies, policy and practice regarding sexual offending in Ireland and were therefore incorporated into the research to answer the research question - ‘What were the past failings in the assessment and management of sex offenders in Ireland?’

The benefits of using Commission to Inquire/of Investigation reports are that they document the sex offender landscape prior to any sex offender management model being introduced. The main advantage is the accessibility and availability of huge amounts of information which has been gathered from first-hand accounts. It would be impossible for a sole researcher to conduct that level of research. Due to the nature of the inquiry, the reliability of the data is high. Denscombe (2010) stresses that government publications appear authoritative. They tend to have credibility as large resources and expert professionals have produced the reports. Furthermore, they are considered objective as compiled by officials and factual as in the case of statistics, it is the hard facts of the “numbers” that is recorded.

With any documentary evidence, Scott (1990) states that a document should not be taken at face value unless four basic criteria are met. These are authenticity, representativeness, meaning and credibility. Is the document genuine, is the document complete, is the extract in context, are words clear and unambiguous and is it accurate. The Commission to Inquire/of Investigation reports met these criteria. Limitations are that these reports are not produced for research purposes hence they can be cumbersome to examine.

3.2.2 **Source 2: Semi-Structured Interviews**

Semi-structured interviews were conducted with probation officers, Garda members, sex offenders and relevant stakeholders. A semi-structured interview is a one-to-one interview with an individual whereby the defining characteristic is that the

\(^{25}\) The Murphy Report (2009) focused on abuse in the Diocese of Dublin from 1975 to 2004. It excluded alleged abuse by 67 priests from the 1940s. Due to the volume of evidence and allegations for the time period, a representative sample of 320 allegations against 46 priests was included in the Report. 172 priests had been named for the time period, but the Commission decided that 102 priests were ‘within its remit’.

\(^{26}\) The Cloyne Report focused on sexual abuse of children in the diocese of Cloyne by 19 priests from 1996 to 2009.
The interview is flexible and fluid. It is usually structured around an aide memoire or interview guide. The topics are covered over the course of the interview but do not need to be sequential or use the exact wording for each person interviewed. The interview is normally concerned with people’s knowledge, understandings, interpretation, experiences and interactions (Lewis-Becks, 2005 p.1020).

The interview can be dynamic as the semi–structured nature allows the interviewee to develop ideas and speak widely on the issues raised (Denscombe, 2010, p. 176). While the interview guide was available to the researcher, it was not strictly adhered to; the dynamic nature of the semi-structured interview was allowed to generate its own momentum. Areas of importance for the Inspector, or within their Garda division were explored more fully than in other interviews where the topic may have not been important or relevant.

3.2.2.1 Semi-Structured Interview Procedure

In total 67 semi-structured interviews were conducted. These incorporated different agencies as well as individuals with different roles or perspectives. Both the Probation Service and the Garda Síochána granted access to interview their staff involved in the administration of sex offender risk assessment and management. They included senior probation officers (n=4),27 probation officers (n=16), Garda Inspectors (n=9) and monitoring Gardaí and Sergeants (n=15). The Probation Service also allowed access to interview sex offenders (n=15) under probation supervision. A number (n=8) of different stakeholders (HSE, Victims Groups etc) granted the researcher access to interview them. Potential participants were given information sheets (Appendix 3.1 and Appendix 3.2). Participation was voluntary and consent forms (Appendix 3.3 and Appendix 3.4) were signed by participants. The Probation Staff interviews were conducted in ten probation offices nationwide. Garda interviews were conducted in eleven Garda locations nationwide. Sex offender interviews were conducted in ten locations nationwide, including probation offices, specific rooms in a court house and, for one sex offender in his home. Stakeholders’ interviews were conducted in the place of work of the person being interviewed. The duration of Garda Síochána, Probation Service and stakeholders interviews ranged from 45 to 75 minutes. Sex offender interview duration ranged from 20 to 100 minutes. All interviews were audio-recorded. Interviews were conducted from February 2012 – November 2012.

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27 This is further supplemented by focus group research.
The benefits of conducting one-to-one interviews are that they are relatively easy to arrange as only two people's schedules need to coincide and if the researcher is flexible this can happen easily. They are “easy to control as the interviewer has only one person’s ideas to grasp and interrogate” and, "it is far easier to transcribe a recorded interview when the talk just involves one interviewee as there is only one voice to recognise and only one person talking at a time" (Denscombe, 2010, p.176). One-to-one interviews were conducted in order to elicit as much information about the role and tasks under review. Open-ended questions allow the interviewee to put forward their own viewpoint. The real advantage is complex questions and issues can be discussed and clarified. The interviewer can probe topics suggested by the respondent's answers, picking-up information that had either not occurred to the interviewer or information of which the interviewer had no prior knowledge.

This raises the issue of the skill and knowledge base of the interviewer. Miles and Huberman (1994) highlight markers of a good qualitative researcher. These include familiarity with the phenomenon and setting under study, strong conceptual interests, a multidisciplinary approach as opposed to a narrow grounding or focus in a single discipline and good investigative skills. This research was conducted by a psychologist with 15 years experience in research of which 10 have been within a police context.

Limitations of one-to-one interviews are a significant number of interviews must be conducted to generate information. The planning and organising to ensure that a sufficient number of interviews takes place is time consuming. It can also be time consuming if travelling is involved, which was the case for this research as interviews were conducted nationwide. It helps, therefore, if a number of interviews are organised on the one day or on consecutive days to reduce travel time and expense. This was aided by probation and Garda staff facilitating meeting times. On some occasions however, only one person was interviewed per day as schedule conflicts occurred.

**Practitioners (Stakeholder) Interviews**

A stakeholder can be defined as a person with an interest or concern in something, especially a business (Concise Oxford English Dictionary, 2011). Within this research a stakeholder was defined as an academic or agency representative that had a vested interest in sex offender management in Ireland.
Eight interviews were conducted with relevant stakeholders. These were Victims Groups, An Garda Síochána, Health Service Executive (HSE), Catholic Church Body, Sex Offender Service Providers’ Perspective and Practitioners. The interviews were semi-structured based on a prescribed interview guide with four main areas of inquiry (Appendix 3.10), although the agency perspective was also explored. The research question was ‘Have sex offender practices changed since the timeframes examined in the Commission to Inquiry reports?’

An interview approach was taken to answer this research question as this research was exploratory to a degree. While the interview guide focused on specific areas of discussion, the perspective of the stakeholder was somewhat unknown. Hence the face-to-face interview approach best served to gather the information where stakeholder’s views could be teased out and ambiguities be clarified.

**Garda Síochána Interviews**

Nine face-to-face interviews were conducted with Garda Inspectors who have responsibility for sex offenders in their division. The research question for this element was ‘What is the Garda management role within the joint working framework of the sex offender management model?’ Interviews were used to answer this research question as while there is a certain amount of policy, Garda Inspectors have discretion to tailor the management approach. Therefore, an interview was considered the best approach to explore the management style, and possible tailoring of management to suit the local sex offender context.

As the highest saturation of sex offenders reside in the Dublin vicinity the majority of Inspectors interviewed were stationed in the Dublin Metropolitan Region (DMR). This was done for two reasons; (1) Inspectors had responsibility for more sex offenders than other areas and (2) convenience of travel to interview participants. There are 25 Garda Inspectors with divisional responsibility for sex offenders hence gathering the views of nine was regarded as a good response rate. The interview guide can be seen in Appendix 3.7.

Fifteen face-to-face interviews were conducted with monitoring Gardaí and Sergeants trained in Risk Matrix 2000 and/or Stable and Acute 2007 who have a monitoring or assessing responsibility for sex offenders. The research question was “How do Risk Matrix and Stable and Acute operate from the perspective of the Garda officer? It also explored the Garda role in relation to monitoring and
management. The interview guide with specific headings\(^\text{28}\) can be seen in Appendix 3.8.

**Probation Service Interviews**

Four face-to-face interviews were conducted with senior probation officers utilising an interview guide with specific headings (Appendix 3.5). The research question was “What is the role of senior probation officers in the management and supervision of probation officers (who have sex offender responsibilities)?” Interviews were conducted to answer this as they allowed for fluid discussion. The interviewee could highlight what was important for them in their role and expand on relevant items.

Sixteen face-to-face interviews were conducted with probation officers trained in Risk Matrix 2000 and/or Stable and Acute 2007 who have responsibility for sex offenders. The research question was “How do Risk Matrix and Stable and Acute operate from the perspective of the probation officer in addition to examining how they supervise and manage sex offenders? This also incorporated any joint working elements. A detailed description of the interview questions is contained in the interview guide (Appendix 3.6).

**Sex Offender Interviews**

Fifteen face-to-face interviews were conducted with sex offenders. Many studies on the treatment and management of sex offenders do not include sex offenders’ perspectives (Hudson, 2005). The research question was “What is the sex offender’s perspective of being on probation supervision and/or Garda monitoring, incorporating their experience of living in the community as a sex offender? The sex offender interview guide can be seen in Appendix 3.9.

The interview approach was deemed most suitable as the research was focused on generating rich data on the sex offender’s experiences, views and values of their risk assessment and management by State agencies. This insight and understanding could only be explored through face-to-face interviews where issues could be fully explored and in-depth information gathered. Rapport and trust between the researcher and subject was necessary in order to obtain

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\(^{28}\) Risk assessment tools, stable assessments, management plan, rapport, supervision, co-interviewing, interagency working, managing sex offenders, resources, training, strengths/limitations of tools, challenges for sex offenders, future directions
comprehensive information. It was deemed that the best approach to achieve this was a face-to-face interview.

The interview provided a more holistic view of the risk assessment and management of sex offenders. The two agencies’ (Probation Service and Garda Síochána) measures to control and manage the risk of offending were compared with the sex offender's “under control” perspective.

Criteria for research inclusion was based on the sex offender being (1) male, (2) over 18 years of age and (3) either on probation supervision for a sex offence/concealed sex offence and/or subject to the Sex Offender Act. The achieved sample was 15 sex offenders. The age ranged from 22 to 64, with four in their 20s, five in their 30s, three in their 40s, one in their 50s and two in their 60s. The majority of the sex offenders (n=10) had committed child abuse. This ranged from non-contact offences to penetrative offences. Three had committed adult rape or attempted rape. Two had been convicted of internet offences.

One further sex offender decided not to participate in the study on the day of interview as he was participating in another study and he thought it would not be appropriate to be involved in two research projects at the one time. Attempts were made to include sex offenders who were priests. The Probation Service did not have any priests on probation supervision at the time the research was in the field. Furthermore, attempts to access sex offender priests via the National Board for Safeguarding Children in the Catholic Church also proved fruitless.

3.2.3 Source 3: Focus Groups

Focus groups were conducted with Garda members and senior probation officers. A focus group is an interview with a small group of people on a specific topic. Kitzinger (1994, p. 103) described them as “group discussions organised to explore people’s views and experiences on a specific set of issues”. Groups comprise typically six to eight people who participate in a group discussion for one-half to two hours (Patton, 1990 p. 335). The number of participants is important as too few may not encourage free-flowing discussion and too many may intimidate some participants resulting in them not participating.

Groups can be homogenous or heterogeneous. Homogenous group members are comparable in essential dimensions related to the research question and have a
similar background whereas heterogeneous groups have different characteristics that are relevant to the research questions (Flick, Von Kardoff & Steinke, 2004, p.115). In these research studies, groups were homogenous. Occupation and rank dictated which focus group participants fell into i.e. Garda Inspectors with management responsibility for sex offenders, Garda members with a monitoring role or senior probation officers with responsibility for sex offenders. This was conducted to obtain information on a specific element of work of which every participant was involved. It was considered that this would afford the best opportunity to explore detailed work intricacies.

Focus groups can be dynamic as when participants discuss the topic, it may generate further layers to the discussion not previously considered by the researcher. The goal of a skilled facilitator is to ensure the discussion is fluid and generates rich data but not to the point that it veers away from the central discussion. If this should happen, the interview guide should be employed. The role of the facilitator is, not to direct the conversation, but to ensure it stays within the specific topic parameters. Dreher and Dreher (as cited in Flick, 2002, p.116) state that “the moderator should disturb the participant's own initiative as little as possible and leave it a scope which is as free as possible, so that the discussion keeps going first through the exchange of arguments”.

3.2.3.1 Focus Group Procedure
Three focus groups were conducted. This incorporated two with Garda members and one with the Probation Service. The Garda focus groups were conducted in the Garda College, Templemore in 2009. The Probation Service focus group was conducted in 2012 in a regional probation office.

Garda Síochána Focus Groups
Two focus groups (and one face-to-face interview) incorporating 10 participants of Garda and Garda Inspector rank were conducted. One contained four Garda Inspectors29 and the other five Gardaí who had sex offender duties. Criteria for inclusion were that Garda members of both rank had been nominated for a further sex offender role (management role or risk assessor role) within the new SORAM model, which was to be piloted in June 2010. SORAM was (at that stage) a formal

29 The fifth Garda Inspector was interviewed in a one-to-one interview as he could not attend the focus group but still wanted to participate in the research.
pilot of joint working between the Garda Síochána and the Probation Service operating in five Garda divisions and the corresponding probation areas.

The research question was ‘What is the sex offender management practice in place prior to the introduction of SORAM’s multi-agency practice? In addition, the views, expectations and concerns of the Gardaí and Garda Inspectors were documented. The focus group approach was chosen for a number of reasons. Firstly, the research was exploratory therefore a focus group was considered best suited to generate initial information. Secondly, it would provide as a baseline of views of all Garda members involved in the new SORAM management model prior to its introduction. The dynamic nature of joint discussion would generate data on Garda members’ feelings, expectations, concerns, views etc of their new role. This interaction would provide a clear view of how they considered their role and whether or not other Garda members held the same attitude. It was also convenient to use focus groups rather than individual interviews as participants were attending a SORAM training event and were available for a short period in the evening. Hence a 60-75 minute focus group was the best approach to gather data from the practitioners. Garda Síochána focus groups were conducted in Nov/Dec 2009 at the Garda College, Templemore. Participation was voluntary and consent forms were signed. An interview guide was devised for both focus groups – Garda Inspectors and Risk Assessors and can be seen in Appendix 3.11 and Appendix 3.12 respectively.

**Probation Service Focus Group**

One focus group with five senior probation officers (SPO) with sex offender responsibilities was conducted. This complemented face-to-face interviews with SPOs. This focus group occurred due to the availability of senior probation officers on a particular day. The researcher availed of the opportunity to conduct the focus group. The focus group was conducted in August 2012. While the focus group method in this case was mainly chosen out of opportunity, the value of practitioners discussing the realities of their role where agreement or dissent could be explored was invaluable.

Participation was voluntary and consent forms were signed. The interview guide devised for senior probation officer’s one-to-one interviews was utilised as a reference (Appendix 3.5). The research question was ‘What is the role of senior
probation officers who have a management responsibility in relation to supervising probation officers and sex offenders’.

Benefits of using focus groups include: the rich data they produce and the dynamic interaction between participants, their cost and time effectiveness as people are interviewed at the one time. Patton (1990) states that a focus group interview is:

Highly efficient qualitative data collection technique which provides some quality controls on data collection in that participants tend to provide checks and balances on each other that weed out false or extreme views…and it is fairly easy to assess the extent to which there is a relatively consistent shared view among the participants (Patton, 1990, pp.335-6).

Limitations of focus groups are there can be a lot of organising and planning to ensure all participants can attend. Indeed, some participants at the last minute may not attend which could impact on a small-sized group. Participants may have to travel to the focus group and commit to a specific time therefore more commitment is needed than from an one-to-one interview where the researcher would fit around the interviewee’s schedule and generally travel to them. Another limitation could be that a dominant or opinionated participant may bias the results obtained as more reserved group members may be hesitant to talk. Group dynamics of occupational rank or personality, as previously mentioned may affect participation. As the focus groups participants were based on each participant having the same rank, and no dominant personalities were in the groups, these issues did not impact the current research.

Other limitations could be that the facilitator may bias results by (intentionally or not) providing cues about what types of responses and answers are desirable. The researcher was mindful of giving these facial cues i.e. nods, eye blink, hand gesticulation and consciously refrained from such gestures. Furthermore, the open-ended nature of responses obtained in focus groups often makes summarisation and interpretation of results difficult.

3.2.4 Source 4: Questionnaires

“A questionnaire is a written list of questions, the answers to which are recorded by the respondent. In a questionnaire, respondents read the questions, interpret what is expected and then write down the answers” (Kumar, 2005, p.126). There are
different types of survey questionnaires depending on how they are administered. Examples of self-administered questionnaires are postal or internet questionnaires. Interviewer-administered questionnaires would take the form of telephone or person-to-person questionnaire interview.

The challenge is to devise a questionnaire that will gather information as accurately and efficiently as possible. Decisions regarding whether questions are open-ended i.e. with a text box for respondents to make comments, or closed where respondents tick a box must be made. Other decisions include ordering of questions, use of filter questions\(^30\), the response scale for each question, font size, number of questions etc. Badly worded, poorly ordered or formatted questions can create confusion and add to measurement errors of bias or variance. (Kumar, 2005: Lewis-Beck, 2004).

The next stage was the questionnaire approach. It was considered the best option to gather more information about the Garda monitoring and risk assessment role as information could be collected from a large number of Garda members. Interviews with a smaller number of Garda members provided an in-depth understanding of the role but the questionnaire could target a larger number of Garda members in a standardised way to ascertain the extent of practices, views etc.

### 3.2.4.1 Questionnaires Procedure

Two questionnaires were devised for this research study. The first was a Risk Assessment Questionnaire (Appendix 3.12) with four sections – demographics, risk assessment – RM2K, risk assessment – SA07, and multi-agency work. The second was a Monitoring Role Questionnaire (Appendix 3.13) with the following headings: A: demographics, B: sex offender work, C: monitoring role- home visits, D: risk assessment – RM2K, E: risk assessment – SA07, and F: multi-agency work. The questionnaire had two additional sections (Sections B and C) to the Risk Assessors Questionnaire. This was due to the fact that some monitoring Gardaí/Sergeants were trained in risk assessment tools. If monitoring guards were trained in risk assessment tools they would complete the full questionnaire, if not Sections D and E would be skipped. The devised questionnaires were then created on Survey Monkey. Survey Monkey was chosen because the researcher could devise an

\(^30\) A filter question is a question asked that depend on the response from a previous question. An example would be if the respondent answered yes it would trigger certain questions which would not be asked of a ‘no’ response.
unique questionnaire which could be accessed by sample subjects via a link in an e-mail. Questionnaires created through Survey Monkey software look professional, easy to complete and allow for the incorporation of filter questions. In addition, Survey Monkey is quite well known - people are familiar with it. It was considered therefore that this would be conducive to a high sample response.

The objective of the Risk Assessment Questionnaire was to ascertain further information about the risk assessor role from a larger number of risk assessors. The objective of the Monitoring Role Questionnaire was to inform on the Garda monitoring/managing role. While it appears the probation supervisory role is well documented, the Garda monitoring role is less transparent. The questionnaire also would supplement the monitoring Garda interviews.

Questionnaires are quantitative research technique that seeks to gather information from a large group of people or population of interest. Two groups were surveyed for this research (1) monitoring guards and (2) Sergeants/Gardaí who were risk assessors (either Risk Matrix or Stable and Acute). A sampling frame defines a set of elements from which a researcher can select a sample of the target population as rarely has a researcher direct access to the entire population of interest. The researcher was aware that the entire population of interest was between 250 and 300 and access to all was possible. The intention therefore was to survey the full population of monitoring guards and risk assessors rather than taking a sample of them.

A full listing of all monitoring guards/sergeants was required. A request was made to all Garda Inspectors to furnish the researcher with a list of all monitoring guards/sergeants within their division. Once returns were obtained, this was cross checked against the listing of Gardaí trained in either Risk Matrix or Stable and Acute. If a Garda member was trained in either risk assessment tools but was the monitoring guard/sergeants they would be included in the target population of monitoring guards/sergeants. The population size was 133.

A full listing of all Gardaí trained in the risk assessment tools was provided by Garda Continuous Professional Development (CPD). This provided the target population of risk assessors. The population size once monitoring guards/sergeants were excluded was 137 which included assessors trained only in Risk Matrix 2000 (59), SA07 only (9) and both Risk Matrix 2000 and SA07 (69).
A distribution e-mail list was created using the work e-mail of risk assessors and monitoring guards. An e-mail was forwarded to both groups (Appendix 3.15) with a link to the questionnaire on the 30th November 2012.

Difficulties arose as the e-mail to monitoring guards was sent to their work e-mail which is a Garda e-mail system. The link was to an external website – Survey Monkey. Some Garda members have only internal e-mail capacity while others can receive and send e-mail to external addresses. While some Gardaí surveyed could access the website link, others could not due to poor internet connections or firewalled security. In some cases, the link was accessed from their personal computer, others contacted the researcher where the link was forwarded to a personal e-mail address. Moreover, some asked for a hard copy of the questionnaire, which was forwarded to their respective Garda station in a self-addressed envelope. Therefore, by default, the methodology incorporated a postal survey aspect. An updated e-mail was forwarded to the survey group two days later once the issue was identified by the researcher. The e-mail listed available options as to how to successfully complete and return the questionnaire. A reminder email was sent out in January 2013. The survey remained in the field until March 2013.

The limitations and difficulties of using questionnaires have been highlighted although the benefits are numerous. Questionnaires are familiar to most people (Berdie, Anderson, and Niebuhr, 1986). Nearly everyone has had some experience completing questionnaires and they generally do not make people apprehensive. They are less intrusive than telephone or face-to-face surveys. When respondents receive a questionnaire, they are free to complete it at their own convenience (Cahalan, 1951; Jahoda, Deutsch and Cook, 1962). Unlike other research methods, the respondent is not interrupted by the research instrument. Furthermore, they are cost effective when compared to face-to-face interviews, mostly because of the costs associated with travel time.

3.3 Methods of Data Analysis
The following sections present the methods of data analysis for the (1) documentary evidence, (2) structured interviews, (3) focus groups, and (4) questionnaires.

3.3.1 Data Source 1: Documentary Evidence
The official statistics (Garda Annual Report Records and Central Statistic Office Data) for reported sexual offences were collated per year from 1985-2012. They
were then compared with each subsequent year in order to identify any increase or decrease in the reporting of sexual offences.

Four Commissions of Inquiry reports were examined. Regarding the Ryan Report (RR), the sexual abuse element was only examined as this was within the remit of the research study. Findings and recommendations from this report were extracted. With respect to the three other reports (the Ferns Report (FR), Murphy Report (MR) and Cloyne Report (CR)), each chapter detailing the alleged abuse perpetrated by a priest was examined and analysed. All identified issues per priest were noted. This resulted in a listing per priest of sex offender assessment and management errors. These were then collated under the following headings: relationship between clergy and Garda Síochána/notifications, recording practices, Director of Public Prosecutions, investigations, interagency communication/management and complaints. Findings from each report were then presented in tabular form where the notation FR, MR and CR corresponded to the Ferns Report, Murphy Report and Cloyne Report respectively.

3.3.2 Data Source 2: Semi-Structured Interviews

“The analytical techniques that are selected for semi-structured interviews within the framework of an investigation will depend on the goals, the questions, and the methodological approach and not least on how much time, research equipment and human resources are available” (Flick et al, 2004, p.253). All 68 interviews were transcribed verbatim. This was both time-consuming and labourious but it resulted in large amounts of rich data. Braun and Clarke (2006) view thematic analysis as a way of seeing, as well as a process for coding qualitative information. They assert that the researcher must make many decisions about the process of identifying themes, and he or she must inform others why specific categories were chosen. The researcher must decide how they will code the data to enable categorisation as themes emerge.

The analytical research techniques used for the semi-structured interviews first sought to reduce the data to a manageable size for analysis. Each transcript was read and reread to familiarise the researcher with the content or “material”. In order to reduce the data, labels or codes was required for analysis. Firstly, an initial code was generated i.e. Information, Risk Matrix, Stable & Acute, Training. This was colour coded in the text transcript for easy recognition. Sentences and chunks of text were then labelled or coded under that initial code. This was called a sub-code.
Each transcript was carefully coded and an initial code could yield a few or hundreds of sub-codes. All the sub-codes were collated and similar codes were categorised together. Once grouped together, some sub-codes were collapsed as within the research context they reflected the same sentiment i.e. Garda File and Original Garda File. The process of classifying and recoded sub-codes generated main codes. In turn this process started to identify the themes. Themes were determined by the main codes. For example in relation to the initial code Risk Matrix 2000, a number of themes from the main codes resulted: basic/foundation tool, resource allocation, role and usefulness, accuracy of results, professional override facility.

Some segments of text related to a number of initial codes i.e. an individual saying that the Risk Matrix 2000 and Stable and Acute 2007 assessments are different and the skill of the assessor is based on training and experience. In this case, the underlined were initial codes and generated themes in their own right. Therefore there can be crossover of themes within the same sentence. These were colour coded to represent each theme within the same sentence or paragraph. Certain themes or coded data tended to cluster around each other e.g. Risk Matrix and Stable and Acute 2007 and joint agency working and SORAM. Coded data were then analysed against the same coded material in the other interviewer transcripts for that particular study. Points of connection of coded material across studies were also collated. Themes were then reviewed in order to rename or redefine them. Appendix 3.16 provides an example of the thematic analysis coding for the initial code - Information.

### 3.3.3 Data Source 3: Focus Groups

All focus group recordings were transcribed. This was more difficult as there were numerous voices to recognise in order for the transcription to be accurate. Each transcript was read a number of times so the researcher became accustomed to the content. Major themes were categorised, then sub-themes identified. Segments of text were labelled with the relevant coded theme or sub-theme. Comparisons across studies were made through linkages of coded text.

### 3.3.4 Data Source 4: Questionnaires

Questionnaires were either completed on the Survey Monkey web link or returned to the researcher in hard copy. Response rate is the single most important indicator of how much confidence can be placed in the results of a questionnaire survey. A low
response rate can be devastating to the reliability of a study (Benson, 1946; Phillips, 1941; Robinson, 1952). In total, 41 questionnaires were returned for the Risk Assessment Questionnaire and 84 were returned for the Monitoring Role Questionnaire. This represented a response rate of 30% and 63% respectively, although 72 monitoring guards, trained in SA07 (n=34) and Risk Matrix (n=44), completed the sections on risk assessment hence these were combined with the risk assessment analysis. The overall response rate was 46 per cent with n=125. More questionnaires resulted from the postal aspect then the internet-based aspect. This reinforces Nulty’s (2008) assertion that, in general, online surveys are much less likely to achieve response rates as high as surveys administered on paper. Furthermore, Watt, Simpson, McKillop and Nunn, (2002), stated in their meta-analysis of different studies that the overall response rate for online surveys was 32.6 per cent, while for paper surveys it was 33.3 per cent. Therefore the 46 per cent response rate achieved in this questionnaire survey was very welcomed.

A database was created using SPSS (Statistical Package for the Social Sciences, Version 20). Questionnaire data were entered onto this database. It was analysed using SPSS analytical functions i.e. descriptive statistics, frequencies, cross tabulation across a number of questions, recoding and transforming data for additional analysis.

3.4 Ethical Considerations and Impact of Research

The research covers highly sensitive information in a high-risk domain of public safety and therefore there were ethical considerations. One of these considerations was that the researcher is employed by the Garda Síochána in the capacity of a research psychologist but was conducting independent research on a police related topic. This therefore led to disclosure issues. If staff within the Probation Service, Garda organisation, NGOs etc. were aware of the researcher’s job they may have been under the initial impression it was a Garda research project. Candidates were told verbally and in writing as per the research information sheet, that the research was not a Garda research project but a separate independent research project.

All sex offenders and, indeed, all research participants were informed that the researcher was a civilian employee of the Garda Síochána. Furthermore, it was communicated that the research was independent of all Garda research or involvement. Specifically, any important information they provided would be confidential and not communicated to any Garda members. Ethical approval to
conduct this research was granted by the Social Research Ethics Committee (SREC), at UCC.

Potential conflicts of interests should be noted as well. One issue which arose during the course of the research study was that the researcher, within her work role, became involved in training Garda and probation officers in both risk assessment tools – Risk Matrix 2000 and Stable and Acute 2007. This led the researcher to evaluate her thinking on the efficacy of the risk assessment tools and the nominated training role with respect to those risk assessment tools. Furthermore, whether continued training of the risk assessment tools ultimately indicated an endorsement.

The researcher also evaluated a pilot programme of joint working between the Garda organisation and Probation Service. It was completed in January 2012 and is contained in Garda Research Report 1/12: Sex Offender Risk Assessment and Management (SORAM). A second pilot is due to commence late 2014.

3.5 Summary of Methodology, Sources of Information & Data Analysis

In summary, the present research is concerned with eight research studies which incorporated qualitative aspects of research i.e. documentary review, semi-structured interviews and focus groups and quantitative aspects i.e. survey questionnaires. The analytical procedures used to examine the research elements were, a thematic analysis of the interviews and focus groups and SPSS analysis of the quantitative survey. Table 3.4 on the next page provides a summary of the research studies.
<table>
<thead>
<tr>
<th>STUDY</th>
<th>STUDY NAME</th>
<th>PERIOD IT TRACKED</th>
<th>WHAT IT TRACKED</th>
</tr>
</thead>
<tbody>
<tr>
<td>STUDY 1</td>
<td>Historical Document Review of Church Tribunal Reports</td>
<td>1930s-2009</td>
<td>Identified Practice</td>
</tr>
<tr>
<td>STUDY 2</td>
<td>Stakeholders Perspective on Impact of Tribunal Report</td>
<td>After 2009</td>
<td>Views on Practice</td>
</tr>
<tr>
<td>STUDY 3</td>
<td>Pre-SORAM Garda Siochána Perspective on Risk Assessment and Management Model</td>
<td>2001-2009</td>
<td>Pre-SORAM Garda Perspective</td>
</tr>
<tr>
<td>STUDY 8</td>
<td>Sex Offender Perspectives</td>
<td>2012-present</td>
<td>Sex Offender Experience</td>
</tr>
</tbody>
</table>
Chapter 4

Results: Historical Document Review and Stakeholder Perspective

4.0 Introduction

This chapter reports on Findings from Study 1: (historical document review of Church tribunal reports and Study 2: (stakeholders perspective on impact of tribunal report). Study 1 incorporates a systematic examination of the documentary evidence of the four Commissions to Inquire/of Investigation reports: the Ryan Report (2009), the Ferns Report (2005), the Murphy Report (2009), and the Cloyne Report (2011). Study 2 is a qualitative analysis of the interviews with relevant practitioner stakeholders conducted in 2012.

In order to understand current sex offender management practices in Ireland, previous practices in sex offence allegations, investigations and management of suspected and/or convicted sex offenders should be examined. The Commission to Inquire/of Investigation reports on sexual abuse by priests in the Catholic Church provide data to ascertain what practices were in place from 1936 to 2009. Therefore, the reports are invaluable to examine as they inform previous practice and show the evolution and understanding of what moulded sex offender management in Ireland. The review of these reports attempts to capture the sex offender landscape prior to the establishment of the current interagency sex offender management model in 2010. Also it highlights past failings, if any, in the investigation, risk assessment and management of suspected and/or convicted sex offenders in Ireland. It also presents a highly complex picture. Keenan (2012, p. 182) has pointed to the fact that “the decision making processes used in the Catholic Church in relation to handling the abuse problem are more complex than the published accounts or media representations suggests”.

Furthermore, Keenan (2012, p. 185) is critical of the absence of wide ranging views of the professionals and Catholic hierarchy involved.
While the Reports puts the detail of the sexual abuse by clergy and the handling of such abuses by the Church hierarchy into the public domain in a manner not done previously, thus vindicating the victims’ accounts of their experiences and offering the Irish people and the Catholic Church much to consider about themselves and their history, the Ferns and Murphy reports failed to show the diversity of views amongst many of the participants primarily the professionals involved and the Church hierarchy and the effects of their distinctive social locations on their understandings. (Keenan, 2012, p. 185).

Therefore, while the findings from the reports have been collated it is important to report on the views of professionals in the field as well. To this end, interviews were conducted with eight practitioner stakeholders namely Victims Groups, An Garda Síochána (AGS), Health Service Executive (HSE), the National Board for Safeguarding Children in the Catholic Church (NBSCCC)\(^{31}\), Clinicians and Sex Offender Service Providers’. This allowed practitioners to comment on the report findings in addition to attempting to identify if practitioners in child protection/sex offender work believed practices have changed. Also the interviews sought to provide a view of the current sex offender management in Ireland from their professional perspective.

### 4.0.1 Commission to Inquire/of Investigation Reports & Chapter Format

The four reports into sexual abuse of children by clergy/religious were examined. These focused on abuse in various locations and over specific timeframes as outlined below.

1. The Ryan Report (2009) investigated the extent and effects of abuse\(^{32}\) on children (defined as under the age of 18) in schools, reformatories and

\(^{31}\) The National Board for Safeguarding Children in the Catholic Church (NBSCCC) was established in 2006 in order to develop policies that would foster the prevention of child abuse in the Catholic Church in Ireland. Its goals are to advice on best practice in safeguarding children, to assist in the development of safeguarding policy, procedures and practice and to monitor practice in relation to safeguarding children. The majority of religious in Ireland fall into one of three groups namely the Conference of Irish Bishops, the Conference of Religious in Ireland (CORI) and the Irish Missionary Union (IMU) – all of which have signed up to the safeguarding guidelines advised by the NBSCCC.

\(^{32}\) ‘Abuse’ was defined as:- (a) the wilful, reckless or negligent infliction of physical injury on, or failure to prevent such injury to, the child, (b) the use of the child by a person for sexual arousal or sexual gratification of that person or another person, (c) failure to care for the child which results, or could reasonably be expected to result, in serious impairment of the physical or mental or development of the child or serious adverse effects on his or her behaviour or welfare, or (d) any other act or omission towards the child which results, or could reasonably be expected to result, in serious impairment of the
institutional setting nationwide from 1936 to 2003 (800 abusers both religious/lay people in 26 institutions).


3. The Murphy Report (2009) focused on abuse in the Diocese of Dublin from 1975 to 2004. It excluded alleged abuse by 67 priests from the 1940s. Owing to the volume of evidence and allegations for the time period, a representative sample of 320 allegations against 46 priests was included in the Report33.


The documentary evidence review identified a number of issues or themes regarding how allegations of sexual abuse by religious were dealt with and also how suspected and convicted sex offenders were managed by the Church and statutory agencies (Garda Síochána and Health Service Executive) in Ireland. The five overall themes with subsets are listed. Themes were formulated based on documentary evidence from the Commission to Inquire/of Investigation Reports, the practitioner research interviews, available statistical data, and academic literature on the subject matter as well as organisations’ informal or statutory policies, practices and procedures.

The five areas of concern are:

1. Nature/Extent of Abuse (Ryan Report)
2. Relationship between Church and Garda Síochána
3. Investigations/Prosecutions:
   i. Church Investigations
   ii. Garda Investigations
   iii. Director of Public Prosecutions

32 Some 172 priests had been named for the time period, but the Commission decided that 102 priests were “within its remit”. 
4. Information/Data Management
   i. Reporting Practices
   ii. Recording Practices
   iii. Communication

5. Monitoring:
   i. Monitoring Role
   ii. Risk Assessment/Advances

All reports, with the exception of the Ferns Report, followed the same format in that each paragraph was numbered. Therefore, when a point or quote was taken from the Ryan Report (RR), Murphy Report (MR) or Cloyne Report (CR) and included in the box tables, the report annotation, the paragraph number as well as page number was given, e.g. CR:1.23 p.6. This would refer to the Cloyne Report, paragraph 1.23, on Page 6. In the case of the Ferns Report (FR), the page number was given only, i.e. (FR: p.123). If more than one volume was produced, the volume number will be cited.

The structure of this chapter follows the five themes above. Items raised in the qualitative interviews not covered in the respective themes are then discussed. These were: (i) agency perspective, (ii) monitoring/management approach, (iii) gaps in current sex offender management in Ireland, (iv) Commission to Inquire/of Investigation reports’ impact, and (vi) the role of the community. The chapter concludes with a tabular overview of the presence or absence of practices and procedures identified from the review of the Inquiry reports. Before the themes are explored the rank structure of the Catholic Church and the Garda Síochána are described.

**Structure of the Catholic Church**

Figure 4.1 illustrates the structure of the Catholic Church. The laity are baptised Catholics and are essentially the congregation or the public. Areas under the supervision of a bishop are known as dioceses with districts within a diocese known as parishes. In Ireland, there are 26 dioceses and 1359 parishes. A person after six years of training at a seminary can be ordained a deacon. A deacon can then decide to take his celibacy vows after one year and be ordained a priest. If a priest is a notable individual in service to the Catholic Church, he can attain the rank of monsignor, whose role does not include the supervision of other priests. Bishop is the next rank, while a lateral rank of bishop is an archbishop. An archbishop
governs a larger diocese, such as a metropolis, rather than being in charge of other bishops. The next rank is cardinal, who is selected from the bishops to help the Pope run the Church in Rome. He can lead a diocese, or archdiocese, or manage a department of the Roman Curia. Again cardinals are not the supervisor or superior of bishops or archbishops. There are three ranks of cardinal: cardinal priest, deacon and bishop; who each would be given greater roles in the organisation of the Church depending on their respective roles. The final rank and highest rank is Pope, who Catholics believe to be the successor of St. Peter and the Vicar of Christ. (www.catholicireland.net)

Figure 4.1: Catholic Church Hierarchy Structure

Structure of the Garda Síochána
Regarding the Garda Síochána structure, the country is divided into six regions. Within each region, areas are divided into divisions, which are subdivided into districts. In Ireland, there are 28 divisions and 109 districts. The first rank is a guard or Garda. Garda members can have lateral roles of Detective Garda or a specialist role, however, it is not a higher rank. The next rank is Sergeant which does have a supervisory role over Garda members. Following that, the next rank is a Garda Inspector. The fourth rank is a Superintendent, who has responsibility over a district.

Figure 4.2: The Garda Síochána Rank Structure
A Chief Superintendent has responsibility for a division, where the superintendent in the districts would report to him or her. The next rank would be Assistant Commissioner (of which there are 12), who has responsibility for a region or a specific portfolio e.g. crime and security, traffic. There are three Deputy Commissioners and the highest rank is Garda Commissioner (www.garda.ie)

The Ryan Report (2009), unlike the other reports, investigated the extent and effects of abuse on children (defined as under the age of 18) from 1936 onwards in institutional settings. It also produced findings in relation to reporting of abuse and how it was managed. For the purposes of this study sexual abuse was only examined.

While the Ryan Report stated it was “not possible to determine the full extent of sexual abuse, it found that sexual abuse was widespread in boys’ institutions but not systemic in girls’ institutions” (RR: 6.18 p. 453, Vol.4). The report highlighted that offences for boys ranged from improper touching and fondling to rape with violence (RR: 6.19, p. 453, Vol. 4) whereas “the reported abuse of females ranged from inappropriate fondling and touching to oral/genital contact, vaginal and anal rape” (RR: 9.70, p. 150, Vol. 3). Furthermore, non-contact sexual abuse of females was identified whereby victims were questioned and interrogated about their sexual activity/knowledge, in addition to cases of voyeurism and indecent exposure (RR: 7.120, p. 80, Vol. 3).

It detailed the kinds of perpetrators and locations of abuse. Females were “subjected to predatory sexual abuse by male employees, visitors or in outside placements” (RR: 6.18 p. 453 Vol. 4). Abel (1989) asserts that abusers who have male victims tend to have more victims with the abuse often being of a more brutal nature. This may inform account for why the abuse was endemic in boys institutions. Also, the opportunity to abuse females by male abusers may have been restricted to certain times of the day, activities, etc. “Female perpetrators would have had more access to girls than male abusers due to the residential care arrangements. The abuse of females by females included incidents where sisters [nuns] in charge of girls tended to humiliate and denigrate females” (RR: 6.39, p. 457, Vol. 4).
The Department of Education was seldom informed of abuse perpetrated by clergy in schools and reformatories. When it was informed, according to the Ryan Report (2009), it dealt inadequately with sexual abuse complaints as they were generally dismissed or ignored. The Report highlights that a full investigation of the extent of the abuse should have been carried out in all cases. Furthermore, the lack of oversight often perpetuated abuse. It stated: “The failure of authorities to inspect and supervise the care provided to children in hospitals and special needs services was noted as contributing to abuse which occurred in those facilities” (RR: 6.43 p. 458 Vol. 4).

The Sexual Abuse and Violence in Ireland Report (2002) on prevalence of abuse in Ireland stated that “clerical/religious ministers or clerical/religious teachers constituted 3.9 per cent of abusers”. This is roughly in line with international rates. A study conducted in Canada in the 1990s by Loftus and Camargo (1992 & 1993, p. 292) examined the clinical files of every clergy member (n=1322) who attended a treatment centre from 1966 to 1991. The study showed 2.7 per cent admitted having sexual contact with children aged under 13 years and 8.4 per cent admitted some explicit genital activity with a person aged 19 years or less. Follow-up studies utilising a more extensive case examination indicated that 8.9 per cent had some sexual contact or sexually abused people under the age of 19 years with the 2.7 per cent admitting abuse for under 13 years staying the same (Camargo, 1997).

The John Jay College (2004, pp. 6-11) examined the nature and scope of the sexual abuse problem by Catholic clergy in the United States (US) with follow-up studies in 2006 and 2011. While there are some slight methodological limitations, the study appears to be the best data available on prevalence to date. It points out that four per cent of the 109,694 priests in active ministry between the years 1950 to 2002 had allegations of sexual abuse made against them. Since 2002, more allegations of sexual abuse by Catholic clergy in the US have come to light, therefore the figure cited by John Jay College might be an underestimation. Sipe (1995) asserts that the figure could be as high as eight per cent.

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34 Sexual Abuse and Violence in Ireland (SAVI): A National Study of Irish Experiences, Beliefs and Attitudes Concerning Sexual Violence. First published in 2002, it was the first major piece of research into prevalence of abuse in Ireland and still is the most definitive as of 2014.

35 Two per cent of diocesan priests and a large group of religious priests were not included in the study. Also, the survey was based on Church files which were not always complete.
Keenan (2012, p. 3) puts forward an ominous prophecy: “While sexual abuse by Catholic clergy have been reported in many countries on all five continents, the countries that have received the most attention include the United States, Canada, Australia, the United Kingdom, Ireland and most recently Germany, Belgium, Austria, the Netherlands, France, Malta, Italy and Switzerland. If current patterns persist, disclosures of sexual abuse are likely to continue and to be the focus of international concern for some time to come”. The true extent of sexual abuse by clergy may never be fully known.

4.2. Relationship between Church and Garda Síochána

One of the main issues identified in the Commission to Inquire/of Investigation reports examined, was the relationship between the Church and the Garda Síochána. An “inappropriate relationship dynamic” was recorded in a number of cases. This resulted in an informal communication system where sensitive or investigatory information was passed between the two agencies. In the 1937 Irish Constitution, the Republic of Ireland gave the Catholic Church a “special position” as the church of the majority, which allowed laws to be passed on religious and moral grounds e.g. censorship on films etc. Furthermore, education and healthcare were predominantly controlled by the Catholic Church. Hence aspects of family life such as sexuality, reproduction, moral codes, healthcare, education and care of children (schools, industrial schools and orphanages) were greatly influenced or proscribed by the Catholic Church (Inglis, 1998). As a result, close ties between agents of the State and the Church became the norm (Whyte, 1980). It is within this context that Table 4.1 (on next page) highlights some examples of the type of inappropriate relationship behaviour between Garda members and Church members.

The Murphy Report (2009, 1.113, p. 28) found: “The structures and rules of the Catholic Church facilitated [a] cover-up. The State authorities facilitated that cover-up by not fulfilling their responsibilities to ensure that the law was applied equally to all and allowing the Church institutions to be beyond the reach of the normal law enforcement processes”. Essentially from the report evidence, the Church held the moral high-ground, wielded great power and its religious were perceived as non-criminal and above reproach.
Table 4.1: Allegations of “Inappropriate Relationships”

<table>
<thead>
<tr>
<th>“Inappropriate Relationships” Examples</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>An inappropriate relationship existed with some Garda members and priests</td>
<td>MR: 1.92 p. 24</td>
</tr>
<tr>
<td>The Garda Commissioner in 1960 did not initiate an investigation following a complaint from the UK. He handed the complaint to the Church for them to investigate instead</td>
<td>MR: 13.5 p. 189</td>
</tr>
<tr>
<td>A priest was allowed to read victim statement or was facilitated to read it. (Garda disputed this)</td>
<td>MR: 20.95 p. 317</td>
</tr>
<tr>
<td>In 1986, priest called to Chief Supt's house &amp; made certain limited admissions who did not convey them to the investigation team but who did convey them &amp; the fact of the Garda investigation to his local priest. Chief Supt considered priest's behaviour to be a matter for the Church to deal with despite his knowledge that a investigation had just commenced into an allegation of indecent assault</td>
<td>MR:20.92 pp. 315-316</td>
</tr>
<tr>
<td>There are some examples of Gardaí reporting complaints to the Archdiocese instead of the investigating them.</td>
<td>MR: 1.93 p. 24</td>
</tr>
<tr>
<td>Concerned over the level of co-operation extended to Garda by Bishop at early stages of investigation – no statement made though was 'in communication' with senior Gardai.</td>
<td>FR: p. 230</td>
</tr>
</tbody>
</table>

As the majority of the country was practicing Catholics, many of them devout, it would appear at odds with their beliefs that a cleric would condone or perpetrate abusive acts. Even in the face of evidence, Gardaí chose to ignore or were forced to ignore the reality that abuse was taking place due to pressure from superiors both within the Church and the Garda Síochána. The basic protocols of policing should have had priority rather than a power dynamic of concealment. The extracts below support this argument.

Garda Child Protection Specialist: “The Church and State were not separate and we are the State. The guards are the State…. Because the people the generations before me that were in the guards they were brought up with the likes of the Eucharistic Congress and they believed in every bit of that. There was a concession for going to mass in the Gardaí. You literally could take an hour off work and go to mass [on Sundays/Holy Days] if you were working. The relationship was so close in a way too close…too familiar. Those types of relationships are now gone definitely gone, gone. The only place I would still have a concern for the power of the Church is in the schools.”

NBSCCC Director: “The position some people held in the community like bishops was impregnable. They were never going to get a speeding ticket. They were never going to get a parking fine. They were never going to get anything because they were a cleric. They were a bishop. That’s nonsense that’s not right. Now we treat them with respect but we do not defer to them in any way.”
Over the years, the separation of Church and State agencies has become more apparent. The Church’s “special position” status was removed from the Irish Constitution in 1973 and was followed by a degree of secularisation or separation from the State. With the establishment of specific Garda units in 1993 and guidelines documents (Church’s Framework Document, 1996, the Children First Guidelines, 1999, updated to Children First Guidance, 2011), it removed or at least reduced the opportunity for ambiguities to arise. Irish society was also changing rapidly. Nic Ghiolla Phadraig (2009, p. 157) states that “a more diverse, urbanised population, with a higher standard of living and education by comparison with the 1970s and 1980s, is also much less conformist in religious practice, prayer, belief in God and sexual and reproductive norms”. This further separation was cemented by the revelation of the Church scandals, whereby Dwan (2009) asserts that the cosy relationship between Church and State has come under intense scrutiny.

With respect to internal relationships with the Church and the Gardaí, the Ferns Report (2005, p. 256) states that the “culture of secrecy, fear of causing a scandal and a lack of understanding of the dynamics of child sexual abuse within the Catholic Church had prevented the clergy in the past from identifying and passing on information about child sexual abuse to their superiors and the civil authorities but all of this was now corrected”. As priests and brothers had vows of obedience some found it difficult to address or challenge inappropriate behaviour by offending priests/brothers, although some did generally to no avail. The inverse occurred over time within the Garda Síochána, as the Murphy Report (2009) highlighted infringements on reporting practices perpetrated by Garda members were not followed suit by junior members of the Garda Síochána. Furthermore, the Ryan Report Commission found “authoritarian management systems prevented disclosures by staff and served to perpetuate abuse” (RR: 6.24, p. 455 Vol. 4).

Based on this documentary review, it would appear any informal relationship between members of any organisation should be safeguarded by mandatory
protocols rather than the personal relationship or the world-view of the particular agency.

4.3 Investigations and Prosecutions
The following sections examine Church investigations, Garda investigations and the role of the Director of Public Prosecutions (DPP) in sexual abuse/assault cases within the Inquiry time period. Changes in practice since that time-frame are also included.

4.3.1 Church Investigations and Management
The principles that underpinned the management of sexual abusers (prior to any child protection protocol in place) were ones of concealment rather than victim centred. “Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the Congregation. This policy resulted in the protection of the perpetrator. As a result perpetrators were able to operate undetected for long periods at the core of institutions” (RR: 6.19, p. 453 Vol. 4). It was put forward that there was a lack of acceptance of responsibility for the abuse by the male religious congregations (RR: 6.26, p. 455 Vol. 4) and that the abuse of boys was known to be a persistent problem (RR: 6.23, p. 454, Vol.4).

There appears to have been a dual standard regarding the management of abusers: lay people discovered perpetrati ng abuse were reported to the Garda Síochána whereas clergy/religious were dealt with internally and not reported to an external agency. Furthermore, sexual abuse of girls by lay people was taken seriously by the sisters-in-charge and lay people were normally dismissed.

A document was prepared by US clergy and a civil lawyer in 1985 in response to a priest charged with multiple counts of sexual abuse in the USA. It was called “The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner”. It represented the first in-depth analysis of the growing problem of sexual abuse of children and adolescents in the USA. It sought to inform the Catholic hierarchy in addition to posing a number of medical and legal questions. It identified the possibility of liability if bishops knew about priests’ sexual abuse activity and did nothing. While the Irish Catholic hierarchy claim they never received these guidelines officially, a number of dioceses did take
out polices in the late 1980s. This may have influenced or encouraged the concealment rather than the victim-centred approach.

Prior to the introduction of Church child protection guidelines in 1996, early Church law ranked sexual sins as the most serious offences along with homicide and idolatry. The most serious sexual offences were fornication, adultery and the sexual corruption of young boys. The first Code of Canon law, in 1917, specified canons condemning solicitation, false denunciation and failure to denounce. However, from the Ryan Report it was highlighted that a code of secrecy surrounded abuse cases (RR: 6.20 p. 454; RR: 6.43, p. 458 Vol.4). This may have been influenced by the document ‘Crimen Sollicitationis’ on procedural law issued by Pope John XXIII in 1962. The document specifically dealt with how priests who abused children were to be handled and it imposed a high degree of secrecy on all Church officials involved in such cases. The breach of this sanction was automatic excommunication. Therefore the problem of “abusing clergy” was known as early as the 1960s and it encouraged bishops to adopt a secretive insular approach to their management without any central concern for the victim’s needs or other potential victims. As a result, this could have impacted on the safe disclosure/reporting of abuse, full investigations and the effective management of the abuser.

Essentially, there was no strategic, organised approach to child protection, procedures to follow or the management of suspected sex offenders in the Catholic Church until 1994. During that year the Irish Catholic Bishops Conference and the Congregation of Religious in Ireland (CORI) first sat down to devise guidelines for the proper handling of abuse allegations that came to the attention of bishops in Ireland. This document published in 1996 known as the Framework Document was to be the reference document on child protection. It was adopted by all dioceses, although the implementation of these guidelines was left to the individual bishops.

This was the dawn of a new era within the Church, triggered by lessons learned given that the ‘Framework Document’ (1996) structure created different roles with specific responsibilities. Each bishop or religious superior was obligated

To appoint a Delegate to oversee and implement the adopted protocol and to have such additional responsibilities in relation to sexual abuse as may be required. A deputy Delegate should also be appointed to carry out the same functions in the Delegate’s absence or incapacity or for any other
sufficient reason. A specific person should be appointed as a support person to be available to those who alleged that they have suffered abuse (Framework Document, 1996, p. 25).

Furthermore, the document stipulated that a person should be appointed by the bishop or religious superior to be available to the accused priest or religious. This person was known as an advisor (Framework Document, 1996, p. 26). Each bishop or religious superior was obligated to appoint an advisory panel, the members of which would be available to offer advice on a confidential basis, collectively and in their respective discipline when required. This panel was to include lay people with qualities and expertise relevant to the issue of child sexual abuse. It is recommended that a child care professional, a canon lawyer and a civil lawyer be included in the membership of the panel.

In 2005, ‘Our Children, Our Church’ was published which was described as a more comprehensive and unified approach to child protection across the Catholic Church in Ireland. The document aimed to provide clarity and consistency on Church procedures by proposing a single national structure for the monitoring and managing of child protection issues and to be inclusive of all types of abuse. The Framework Document only referred to sexual abuse whereas ‘Our Children, Our Church’ included physical, sexual and emotional abuse and neglect. This classification is in line with Children Guidance 2011.

Also in 2005, the Minister for Children requested an audit of Catholic Church diocese to ensure recommendations of the Ferns Inquiry were being implemented in line with Children First Guidelines. An audit questionnaire was sent to all bishops. This included: (1) child protection policies and procedures, (2) procedures, (3) training, (4) structures, (5) audit - information on complaints and allegations of child sexual abuse, (6) selection procedures and codes of conduct and (7) observations/comments.

The bishops responded by stating they were co-operating with the audit but would not complete Section five of the review. This was due to matters of confidentiality, given that appropriate legal arrangements had not been in place. From this review, it came to light that sexual abuse cases which arose in the Diocese of Cloyne were never disclosed to the HSE. It appeared some child protection structures were in accordance with Chapter four of the Framework Document while other bishops
followed the *Our Children Our Church* guidelines. It is within this context that the Cloyne Report was published in 2011.

The Cloyne Commission of Investigation Report was unique in that its timeframe was 1996-2009, considering that the Church’s own child protection *Framework Document* was in place in 1996, *Children First* in 1999, *Our Children Our Church* in 2005. At this time, three Commissions of Inquiry reports into Church activity had either been published or were being examined. Media attention on prolific sex offender priests (Fr Brendan Smyth and Fr Sean Fortune) in the 1990s and the disclosures listed earlier should have alerted all bishops to pay attention to sex offender investigation and management in their diocese. While the general public was under the impression that child abuse in the Catholic Church in Ireland was now addressed with all the child protection guidelines, the revelations from Cloyne were surprisingly the reverse. The presumption that lessons had been learned by the Church, especially by all bishops, had not occurred. Tables 4.2 and 4.3 highlight the problems in Church investigations namely around procedures, the role of the Church delegate and the role of the advisory panel/group during this timeline.

The primary issue was that in many cases no investigation was carried out or not adequately carried out. By then all bishops should have been adhering to their own policy guidelines in the *Framework Document* and compliance would have been expected. Furthermore, in 1999 when the *Children First Guidelines* were introduced, it appeared that these were not adhered to either despite being devised by the Church authorities. Allegations of abuse, as set down in both set of guidelines, should have been reported to both the Gardaí and the HSE. However, sometimes either one or the other was contacted.

The role of the Church delegate appears to be the lynch-pin in Church investigations. The delegate’s responsibilities include responding immediately to a complaint, ensuring the protocol is implemented, being responsible that every complaint is recorded and examined so that pastoral, legal and canonical obligations may be identified, and having responsibility for the co-ordination of the response to the complainant.
Table 4.2: Church Investigation – Procedure Findings

<table>
<thead>
<tr>
<th>Church Investigations</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the priest was deceased, procedures i.e. reporting to Gardaí were not followed in some cases.</td>
<td>CR: 13.10 p. 216</td>
</tr>
<tr>
<td></td>
<td>CR: 20.38 p. 268</td>
</tr>
<tr>
<td></td>
<td>CR: 24.6 pp. 315-6</td>
</tr>
<tr>
<td></td>
<td>CR: 22.15 p. 306</td>
</tr>
<tr>
<td></td>
<td>FR: p. 196</td>
</tr>
<tr>
<td>The procedures were not followed when this complaint was made in 1997. No record was made of the complaint and no investigation was carried out. The complaint was not reported to the civil authorities.</td>
<td>CR: 13.10, p. 218</td>
</tr>
<tr>
<td>Delay of six months from the first notice of complaint until Fr Ronat was interviewed. There was no reason for the delay.</td>
<td>CR: 9.13, p. 133</td>
</tr>
<tr>
<td>No attempt made to establish if there were other possible complaints against the alleged priest.</td>
<td>CR: 19.4 p. 258</td>
</tr>
<tr>
<td></td>
<td>CR: 24.5 p. 315</td>
</tr>
<tr>
<td></td>
<td>CR: 16.11 p. 240</td>
</tr>
<tr>
<td></td>
<td>CR: 20.5 p. 260</td>
</tr>
<tr>
<td>No investigation was carried out</td>
<td>CR:13.10, p. 216</td>
</tr>
<tr>
<td>No diocesan investigation was carried out and the complaint was not reported to the Gardaí in accordance with the Framework Document obligations</td>
<td>FR: pp. 200-201</td>
</tr>
<tr>
<td>No proper investigation was carried out by Church</td>
<td>CR: 14.14 p. 222</td>
</tr>
<tr>
<td>The name of the alleged abuser was not given to the Gardaí. Bishop Magee said the Delegate told him that the name was not included because the Gardaí had told him that they did not want the name of the person kept on file if the complainant did not come forward. There is no evidence this was ever suggested by the Gardaí. It was not the Delegate’s practice in other cases to omit the name of the alleged abuser when reporting to the Gardaí. The Gardaí told the Commission that the omission of the name of the alleged abuser is not and never has been the policy, practice or procedure adopted or recommended by them</td>
<td>CR: 21.37.p. 282.</td>
</tr>
<tr>
<td>The matter was not reported to the Gardaí until 2002 and was never reported to the Health Board. This was a breach of the Church’s own guidelines</td>
<td>MR: 30.28 p. 477</td>
</tr>
<tr>
<td>In 2000, the diocese did not report the complaint to the Gardaí or HSE as was required by procedures</td>
<td>CR:9.33, p. 139</td>
</tr>
</tbody>
</table>

In many cases this was not done, whereby the delegate purposely did not record and, did not mandatorily report, and advised that minimal statements be given. Furthermore, there was a pattern of ad hoc adherence on the delegate’s part in that some cases were dealt with very well and all procedures followed correctly, while other cases were managed to a deplorable standard, where procedures were not complied with at all. With regard to the advisory groups the meetings were unstructured with little or no emphasis on minute taking or communication to the
bishop. In addition, any actions regarding restrictions, precepts or conditions placed by the advisory group on the offending priest were rarely or if at all followed up. As a result, the perpetrator was allowed to roam unfettered in the community free from any punitive ramifications.

Table 4.3: Church Investigation- Delegate/Advisory Group Findings

<table>
<thead>
<tr>
<th>Church Investigations</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Church Delegate Role</strong></td>
<td></td>
</tr>
<tr>
<td>Delegate did not adhere to the mandatory nature of reporting complaints to AGS</td>
<td>CR: 13.10 p 218 CR: 9.45 p. 142</td>
</tr>
<tr>
<td>Delegate suggested statements should be minimal to Advisory Group (CR:10.33 Pg 180)</td>
<td>CR: 9.85 p 154</td>
</tr>
<tr>
<td>No clear policy in place in 2000 by Delegate, some cases followed procedure others not.</td>
<td>CR: 14.14 p 222</td>
</tr>
<tr>
<td>Delegate was the one who laid down conditions (restrictions) which were seen as for the priest protection.</td>
<td>CR: 14.7 p. 220</td>
</tr>
<tr>
<td>At times the Delegate did not inform Bishop about restrictions.</td>
<td>CR: 14.3 p. 221</td>
</tr>
<tr>
<td>Delegate accepted denial of offending priest as truth.</td>
<td>CR: 14.10 p. 222</td>
</tr>
<tr>
<td>Even though Fr Corin admitted he was guilty of sexual abuse the Delegate said ‘apart from what would today be classed as overly familiarity I did not find evidence of sex abuse’. The Commission found this judgment ridiculous.</td>
<td>CR: 10.10 p. 174</td>
</tr>
<tr>
<td>Suspicions of sexual abuse were not reported.</td>
<td>CR: 25.2 p. 317</td>
</tr>
<tr>
<td>Church procedures in place during the period covered by this report (1996-2009) required that all complaints of clerical sexual abuse be reported to the Health Board/HSE. It is clear the Church Delegate was aware of this requirement in 1996 and abided by it in that case. However he did not abide by it in subsequent cases up to 2008.</td>
<td>CR: 6.30 p. 92</td>
</tr>
<tr>
<td>Both Bishop and Church Delegate understood the requirements under the Framework Document and Our Children, Our Church to formally notify the HSE. Nevertheless this was not done. Both seem to consider it the responsibility of the Gardaí to notify the HSE.</td>
<td>CR: 21.69 p. 292</td>
</tr>
<tr>
<td><strong>Advisory Group</strong></td>
<td></td>
</tr>
<tr>
<td>Advisory Group meetings were unstructured in terms of timing &amp; minute taking, no direct contact with Bishop. Restrictions placed by Group were not followed up</td>
<td>CR: 9.54 p.145</td>
</tr>
</tbody>
</table>

4.3.2 Garda Investigations

With respect to Garda investigations Table 4.4 highlights cases mainly from the Ferns and Murphy Reports where problematic issues arose. The cases investigated during the Cloyne Report period (1996-2009) appear to be markedly different in that proper investigations were carried out by the Garda organisation. Garda protocols, procedures and adherence to Children First Guidelines (1999) were followed at this stage by Gardaí. The main areas of issue with regard to Garda investigation prior to this have been grouped under the following headings: (1) decision to investigate/no
follow-up, (2) level of investigation, (3) effectiveness of investigation, (4) investigation team and (5) noted investigation delays.

Table 4.4: Garda Investigations Findings

<table>
<thead>
<tr>
<th>Garda Investigations</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Decision to Investigate/No Follow-Up</strong></td>
<td></td>
</tr>
<tr>
<td>When guards did not receive direct complaints they felt they could not investigate the matter</td>
<td>MR: 34.28 p. 512</td>
</tr>
<tr>
<td>When priest returned to Ireland, Church notified Gardai of same. No steps taken at any stage</td>
<td>MR: 17.34 p. 246</td>
</tr>
<tr>
<td>(Rumour, suspicion and innuendo came to the attention of members of the AGS as well as teaching and medical profession, the Church and general public but never acted upon.</td>
<td>FR: p. 239</td>
</tr>
<tr>
<td>Gardai failed to attend meeting organised by Director of Community Care (apologies were sent). This would have alerted them that further complaints had been made. No follow up made.</td>
<td>MR: 29.61 p. 468-9.</td>
</tr>
<tr>
<td>Failure of the Gardai to acknowledge the notification of the allegation by the Diocese.</td>
<td>FR: p. 242</td>
</tr>
<tr>
<td><strong>Level of Investigation</strong></td>
<td>MR: 40.32 p. 563</td>
</tr>
<tr>
<td>Sometimes very comprehensive, in other cases was cursory</td>
<td>MR: 45.13 p. 594</td>
</tr>
<tr>
<td><strong>Effectiveness of Investigation</strong></td>
<td>MR: 1.95 p. 24</td>
</tr>
<tr>
<td>Some investigations were haphazard &amp; desultory</td>
<td>MR: 17.46 p. 249</td>
</tr>
<tr>
<td>At times, local Garda investigation was conducted very well but was hampered by inappropriate dealings by Supt/Chief Supt</td>
<td>MR: 20.94 p. 316</td>
</tr>
<tr>
<td>Investigations were marred by church interference which was facilitated by Gardai</td>
<td>MR: 20.95 p. 317</td>
</tr>
<tr>
<td>Investigation was poorly directed, displayed a marked reluctance to intervene with the clergy. Matter not investigated fully at senior management level as felt not sufficient corroboration to justify taking matter further</td>
<td>FR: p. 233</td>
</tr>
<tr>
<td>Statement was not corroborated by interview of third parties</td>
<td>MR: 20.94 p. 316</td>
</tr>
<tr>
<td>The error by the Church authority [dismissing allegations] was greatly exacerbated by the failure of the Gardai to carry out any adequate contemporaneous investigation</td>
<td>FR: p. 152</td>
</tr>
<tr>
<td><strong>Investigation Team</strong></td>
<td>FR: p. 238</td>
</tr>
<tr>
<td>Inquiry feels that a complaint of sexual abuse where the victim is female and particularly a minor, at least one member of the investigation should be female.</td>
<td>CR: 1.63 p. 17</td>
</tr>
<tr>
<td>The Commission considers that most of the Gardai who were involved in investigating the complaints outlined in the Cloyne Report carried out their tasks well and did so while treating the complainants with compassion and dignity</td>
<td></td>
</tr>
<tr>
<td><strong>Noted Investigation Delays</strong></td>
<td>FR: p. 230</td>
</tr>
<tr>
<td>Bishop did not volunteer files until after the investigation was a year under way</td>
<td>FR: p. 230</td>
</tr>
<tr>
<td>Prohibition by way of Judicial Review by an accused can cause significant and unavoidable delay to investigation</td>
<td>FR: p. 230</td>
</tr>
</tbody>
</table>
As discussed in a previous section, if a direct complaint was not received by the victim or the victim withdrew their complaint no investigation was commenced. It appears little or no informal investigation was also conducted to corroborate the initial complaint. The case tended to be dropped, irrespective of whether or not the sex offender priest could abuse in the future. Moreover, suspicions or concerns were not investigated without a direct complaint. Other cases where no investigation occurred was when the offending priest returned to Ireland and notification was sent to the Gardaí by the Church authorities, yet for some unknown reason an investigation were not commenced. In some cases direct complaints were made but no investigation was commenced.

Since 2007, all cases of sexual crime are investigated\(^{36}\) irrespective of who puts forward the claim. Equally so, any rumour or suspicion of abuse is investigated. This links in with the *Children First Guidelines* introduced in 1999.

The issue of how soft information, as defined by the Garda Síochána, is managed has been addressed. How soft information, which relates to alleged sexual, physical or emotional abuse of children or matters of child neglect and in respect of which no prosecution has been initiated was managed was of concern in light of rumours, suspicions and concerns regarding child protection. From past experience, we know nothing was done. Now all information including soft information is recorded on PULSE. Where a specific child is at risk due to ongoing contact with an alleged perpetrator the HSE is notified. Therefore, soft information can be disclosed to the HSE but is not provided as part of the vetting disclosure to the registered organisation (Cloyne Report, 2009, pp. 75-76).

“Mentor\(^{37}\) pointed out that the Gardaí do not share information with other agencies and they consider that this is a particular problem in Ireland. It means that other agencies do not have access to soft information and it also means that complainants

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\(^{36}\) *DPP (at the suit of Garda Quigley) v Thomas Monaghan*. High Court, unreported, Charleton J, 14\(^{th}\) March 2007. The community is the ultimate party wronged when a crime is committed. It is therefore unnecessary that any one should complain of being the victim, whether an apparent crime is prosecuted summarily or on indictment. That fact that a different person has complained that the person ultimately prosecuted, or the fact that the person who first complains is himself prosecuted, does not affect the ultimate interest of the community. The DPP in bringing the case acts in the name of the people. An accused person can be prosecuted summarily where the decision to prosecute is based on evidence gathered pursuant to a complaint made by the accused himself and it is not necessary that a formal complaint should be made against any accused person before a prosecution is initiated.

\(^{37}\) Mentor is an independent psychological organisation that reviewed sex offender priest cases in the Cloyne Report from 2008 onwards.
have to go through their evidence again. The Gardaí have pointed out which the Commission accepts that there is no statutory basis for the sharing of information gathered by them with any agency other than the HSE". (Cloyne Report, 2009, p. 113).

As regards the nature of the investigations, they were not conducted in a standard way across all divisions prior to 1990s and this impacted on their level and effectiveness. Different interpretations of Garda protocol, relationship dynamics, religious beliefs and sexual mores resulted in varying practices and approaches to investigation as can be seen in the reports. Investigations were quite *ad hoc* - some were very detailed and well investigated while others were brief and unfocused. As mentioned before, some were affected by interference or communication from Church authorities or the sharing of information (e.g. statements) with Church authorities by guards of various ranks. This was apparent from the practitioner interviews, whereby the NBSCCC Director stated: “This was a concern for me because I remember we had one file and there was a complete record of a Garda interview in the [Church] file. I don’t know how they got it but it was just a complete record of the actual interview.”

Corroboration of statement evidence was not conducted in some cases where poor investigations resulted in no prosecution. Investigation delays were also cited as problematic in Garda investigations because access to Church records proved difficult at times. Furthermore, a lack of knowledge was highlighted as contributing to poor investigations by both guards and social workers.

There were a number of developments within the Garda organisation that brought some changes to the way sexual offences were being investigated and sex offenders managed. The Woman and Child Unit was established in 1993 to oversee cases of sexual violence and assaults and to advise on complicated cases. In 1997 the Domestic Violence and Sexual Assault Investigation Unit (DVSAIU) was established and took over the role of the Woman and Child Unit. Whereas sexual violence investigations are the responsibility of the local district where the offence takes place, the DVSAIU responsibilities include carrying out investigations as directed by the Assistant Commissioner National Support Services and the Detective Chief Superintendent National Bureau of Criminal Investigation. It coordinates and provides assistance in the investigation of sexual crimes that are of a particularly serious, complex or sensitive nature. Furthermore, it provides
assistance in the areas of training and policy implementation and the promotion of best practice within the Garda Síochána in the investigation of sexual crimes. Its remit also includes providing advice and assistance to other Garda units and liaising with governmental and non-governmental agencies. In addition and rather crucially, it acts as a central point of contact for religious orders and the HSE and liaison with foreign police organisations via Liaison and Protection, in Garda Headquarters (Garda HQ Directive 54/10).

Within DVSAIU three units were established, (1) the Paedophile Investigation Unit, (2) the Sexual Crime Management Unit and (3) the Sex Offender Management and Intelligence Unit. The Paedophile Investigation Unit focuses on the enforcement of the Child Trafficking and Pornography Act 1998 and the investigation and coordination of cases relating to the possession, distribution and production of child pornography and related sexual abuse of children. The Sexual Crime Management Unit has responsibility for maintaining a record of all complaints of clerical abuse brought to the attention of the Garda Síochána. It monitors the progress of a selected number of sexual crime investigations each year, identifies and disseminates best practice advice to Gardaí in addition to providing advice to members investigating clerical sexual abuse cases. The Sex Offender Management and Intelligence Unit has national responsibility for maintaining records and the monitoring of convicted sex offenders that are subjected to the Sex Offender Act 2001. Under this Act, a Garda Inspector within the division has responsibility for sex offenders and a monitoring guard or sergeant is assigned to each sex offender that is subject to the requirements of the Act.

Furthermore, child protection units were introduced in districts due to the high number of HSE notification referrals under the Children First Guidelines. These units investigate child protection concerns arising from those notifications. Regarding the investigation team, the Ferns Report (2005) claimed that at least one member of the investigation team should be a female, especially in the case where the victim is a minor. In 1995, as Garda policy, the Garda Síochána had introduced that this should occur where possible. Furthermore, since 2005, members of the Garda Síochána and the HSE have been trained as specialist victim interviewers (SVI). Suitably qualified SVIs interview children under the age of 14 years or persons with intellectual disabilities who are a victim of or witness to sexual abuse, where the welfare of the victim is paramount. While their main work involves interviewing children, they can be used as a resource for adult victims as well.
Moreover, a number of dedicated suites (situated at locations separate from Garda stations) have been established where interviews can be conducted that provide a level of anonymity and comfort for the victim.

The perceived priority status of sex abuse investigation work over other types of police work poses an interesting point as raised in the Garda practitioner interviews.

Garda Child Protection Specialist: “There was these things called return of work and if you had 35 tax summons for no tax on the car they would all be listed. If you had taken 10 abuse statements, they wouldn't be on it. So you got no credit for that kind of work and you could spend days, days, days with children, even though we didn’t have the language for it at the time, but just building rapport, playing with them and trying to see what you would do and paddling away to get the investigation done. And there wouldn’t be any prosecution either, because there were very few prosecutions in those days. So there was nothing out of it, and it was like trawling in the dark really. You really had no idea, you’d put all this effort in and there was nothing.”

Another issue raised during the Garda practitioner interviews was the lack of training, awareness and understanding in sexual abuse cases. It was highlighted that “there was acknowledgement of rape of females but the whole children’s stuff didn’t break until the mid-1980s. It wasn’t in the consciousness”. Furthermore, when the cases started to be reported, the response from Garda management in the station was “what are we going to do with this? The approach to it was “go up and do your best”. While limited training was introduced there was no support structure in place to advise Garda members investigating cases. The extract below reflects the situation in the 1980s.

Garda Child Protection Specialist: “Back in the early 80s when I trained in the Guards, we did training in rape investigations, we did not do training in child abuse investigations. There was no training as such and then there was Dr Maura Woods, she was brought in and she did some towards the latter part of the 80s. But it was seen as women’s’ crimes and the girls were sent out to do it but when you were stuck with a crime there was no where to go [and ask for help]. There was nowhere to go because no one had an answer and nobody knew what to do with it, and files were left in lockers and that is why in Children First you have the liaison person, the liaison management person because their job is now to help somebody if you get stuck with an investigation or an interagency piece, what do you do with it, and they are supposed to know what to do.”

In terms of basic training that did exist, a course called Crimes against Women and Children was developed in 1996 in the Garda Training College, Templemore.
However, it was only when *Children First Guidelines* was introduced in 1999 that the sex abuse investigation landscape changed dramatically, as a Garda member reflects: “1999 made a huge difference, a lot of money was pumped into the training and education of *Children First*. It was evidential that we had to work with the HSE then”. Regarding the view of current police practice, the assertion was that Garda members are competent in their role at present as indicated in the following extracts:

**Clinical Practitioner:** “*I think some of the statutory services have responded well and clergy perpetrators have said to me ‘give me the guards any day to interview me, don’t give me my own type or the bishops because they’re just running around the place with no training or skill’. Whereas, the guards are humane, firm, clear, and are aware of the legislation. So I think Garda practice has improved.*”

**Garda Child Protection Specialist:** “*I would say the guards and the HSE have a reasonably good idea of what they are doing. I would be quite confident they would know what they are doing.*”

The organisation One in Four set up in 2002, supports men and women who have experienced sexual violence, believed a significant cultural shift in the Garda organisation had occurred but was concerned about the burnout that some Garda members were experiencing due to the level of support and involvement in sex abuse cases. Furthermore, its clinical director stressed that mandatory clinical supervision or debriefing should be available for guards involved in this line of work.

**4.3.3 Director of Public Prosecutions (DPP)**

The Office of the Director of Public Prosecutions (DPP) was established in 1974 under the Prosecution of Offences Act 1974. The Garda Síochána investigates allegations of sexual abuse but it is the decision of the Director of Public Prosecutions to prosecute or not. Once a Garda investigation is completed a file is sent to the DPP. The file contains statements from the victim, any corroborating witnesses, and the suspect in addition to any other evidence. The file is reviewed by the superintendent, at which time further investigation might be called for and subsequently, the file is sent to the DPP with a Garda recommendation.

Prior the 1980s, files of a sexual nature were not automatically forwarded to the DPP for consultation. It was rather the case that a decision could be taken at a local level by the superintendent. Today that practice has been abandoned. The superintendent can now, however, recommend a prosecution under a particular
legislation e.g. Rape under Section 4 of the Criminal Justice Act. The DPP may down grade it to a sexual assault and, despite disagreement from the superintendent on occasion, the DPP’s decision is the one under which the offender will be prosecuted.

In 1980, all files for murder, attempted murder, manslaughter and sexual offences were sent to the DPP for direction. While at this period it was just a procedure, it only became statutory in 2005 (Section 8 of the Garda Síochána Act). The file is now reviewed at the DPP offices and a decision to prosecute or not is made. Subsequently, the Gardaí are notified of the most appropriate charge(s) or the decision for not proceeding to prosecute. At this stage, the DPP has responsibility for the case and the Gardaí will be called as witnesses for the State when it comes to trial.

From the Commission to Inquire/of Investigation reports it was found that in some cases a file was never sent to the DPP for reasons unknown, while in other cases the superintendent decided that it would not be sent. Furthermore, in some cases where the file was sent to the DPP, a copy was given to the relevant archbishop. Table 4.5 notes some of the findings in relation to the DPP and investigations of clerical abuse.

One of the major issues found in the Murphy Report was the delay factor. “The most frequent reason for deciding not to prosecute was the perceived delay in making the complaints ... the DPP’s approach to the time period that would be regarded as undue delay changed considerably over the period. In the 1980s, a delay of as little as a year might be considered to be a bar to prosecution whereas, in the 2000s, delays of up to 40 years are not considered a bar to prosecutions’ (MR: 5.46, p. 93). Two types of delay can affect the fairness of a criminal trial, firstly complainant delay and secondly prosecutorial delay. The former is where the person delayed in making the complaint and, as a result, valuable evidence could have been lost and it is therefore unfair to the accused. Delays by sexual abuse victims were treated the same as any other type of offence. The second delay is where the complainant was made in a timely manner but there was a delay at some stage of the criminal process by the authorities whether the police, DPP, or court system.
### Table 4.5: Director of Public Prosecutions (DPP) Findings

<table>
<thead>
<tr>
<th>DPP Issues</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No direction sought from DPP. Supt decided that no proceedings should occur instead of forwarding file to DPP with recommendation not to prosecute. Inquiry satisfied that current practice renders it extremely rare that a file on a serious Garda investigation would not be referred to the DPP.</td>
<td>FR: p. 233-234</td>
</tr>
<tr>
<td><strong>Forwarding File</strong></td>
<td></td>
</tr>
<tr>
<td>No file sent to DPP.</td>
<td>CR: 10.51 p. 186</td>
</tr>
<tr>
<td>Victim said file was sent to DPP. No record of such by DPP. Commission believes none was sent.</td>
<td>CR: 10.39 p. 183</td>
</tr>
<tr>
<td>Despite the Garda recommendation of an indecent assault, there is no record of this file being sent to DPP.</td>
<td>MR: 27.25 p. 408</td>
</tr>
<tr>
<td>The Garda file was forwarded to the DPP who decided that there be no prosecution as no criminal offence was disclosed.</td>
<td>CR: 26.48 p. 335</td>
</tr>
<tr>
<td><strong>Delay Issue</strong></td>
<td></td>
</tr>
<tr>
<td>The file was sent to the DPP but due to the delay between the abuse (1973-1975) and complaint (1995) declined to prosecute.</td>
<td>MR:12.28 p. 183</td>
</tr>
<tr>
<td>In Aug 1994, the DPP decided not to prosecute stating 'This office is not prepared to look beyond the delay aspect'</td>
<td>MR: 17.22 p. 244</td>
</tr>
<tr>
<td>The DPP decided not to prosecute as there had been a considerable delay in making the complaint</td>
<td>MR: 39.14 p. 550</td>
</tr>
<tr>
<td>The DPP decided not to prosecute in 1994 due to the delay</td>
<td>MR: 32.54 p. 193</td>
</tr>
<tr>
<td><strong>Evidence Issue</strong></td>
<td></td>
</tr>
<tr>
<td>The case did not result in a prosecution as the DPP considered there was insufficient evidence</td>
<td>MR: 25.6 p. 387</td>
</tr>
<tr>
<td>The DPP decided not to prosecute due to lack of medical/forensic evidence, the delay and the absence of witnesses to the alleged incident</td>
<td>MR: 45.18 p. 596</td>
</tr>
<tr>
<td><strong>Victim and Offender Rights</strong></td>
<td></td>
</tr>
<tr>
<td>Offender was not aware that the DPP had decided not to prosecute</td>
<td>FR: p. 238</td>
</tr>
<tr>
<td>Delegate suggested to HSE in a letter that the practice of removing priests was discriminatory where the DPP did not direct a prosecution</td>
<td>CR: 15.40 p. 234</td>
</tr>
</tbody>
</table>

It was only in the mid-1990s, that the DPP considered that the principle of complainant delay may be different for sexual abuse cases. Hence, the policy was changed in 1997, whereby the state of mind of the victim was assessed in order to indicate reasons that prevented the person from making a complaint. In 2006, the policy was updated due to a Supreme Court ruling deeming it no longer necessary to inquire into the reason for the delay.

Reasons not to prosecute, while provided to the Garda Síochána, were not furnished to the complainant on an individual basis under the DPP policy. Victims were thus left not knowing why their case “wasn’t good enough”. In 2008, however, the DPP changed its policy on a phased pilot basis.
The policy change was confined to alleged offences where a death had occurred for murder, manslaughter, infanticide, fatalities at the workplace or fatal road traffic accidents. Reasons for non-prosecution would be given if requested to members of the deceased family, their legal/medical advisers and social workers acting on their behalf. It was envisaged that this would be extended to other serious crimes such as, sexual crimes, but this has not happened as of September 2014.

4.4 Information/Data Management

The following sections examine the role and the management of information. Firstly, reporting practices are examined. This is followed by recording practices of both the Church and the Gardaí. Lastly, communication and information sharing between agencies during the abuse timeframe of the Inquires is explored. Changes in practice in the intervening years and the current status of each of the three aspects of information management are reported.

4.4.1 Reporting Practices

The Ryan Report (2009) found that the opportunity to disclose abuse was rare in institutional settings. The victim was often not listened to or believed and sometimes punished as a result of the complaint (RR: 6.23 p. 454, Vol. 4). This could be the case regardless of a wealth of evidential information from Garda investigations, criminal convictions and witness accounts (RR: 6.25 p. 455, Vol. 4). Examples of this include a Garda in 1976 who interviewed the parents of a deaf boy at St. Joseph’s Industrial School in Kilkenny where the Garda was in no doubt that an indecent assault had taken place, although the term sexual abuse had not been mentioned. A member of staff admitted it to both the Garda and the nun who was the resident manager of St Joseph’s. As the Garda member thought it was a one-off incident and the staff member had been dismissed, he did not proceed any further. No formal complaint was taken from the parents or a statement from the nun (RR: 14.294-14.302, p. 537, Vol. 2).

Another example was a boy in the late 1940s that ran away from an industrial school in Greenmount, in Cork City. He went with a friend to a Garda Superintendent to report that he was being sexually abused by a religious brother at the school. No investigation was conducted and the Garda superintendent said “They [the religious Brothers] don’t do that... I can only bring you up to Bishop Cohalan”. The boy was returned to the school and “got a flogging” (RR: 4.151 p. 175, Vol. 2). In these two cases, while direct complaints were provided and
corroborated, no further action was conducted.

The victim was often powerless to report the abuse. “Witnesses reported that the power of the abuser, the culture of secrecy, isolation and the fear of physical punishment inhibited them in disclosing abuse” (RR: 6.43 p. 458 Vol. 4). Even when believed, the abuser was not always seen as at fault (RR: 6.23 p. 454 Vol. 4). Moreover, some blame was often attributed to the victim. “In the exceptional circumstances where opportunities for disclosing abuse arose, the number of sexual abusers identified increased significantly” (RR: 6.24 p. 454 Vol. 4). This highlights two important points: firstly, reporting opportunities were rare but when they did arise victims availed of them. Secondly, offenders were not limited to a few who victimised many, but rather abusers were widespread across the staff, lay people and other individuals with whom children came into contact. Table 4.6 highlights some of the problematic reporting practices.

An important measure in the safeguarding of children and the effective management of sexual offenders is the presence of appropriate structures, protocols and practices (Children First, 2011). The Ryan Report (2009) found “the absence of structures for making complaints or investigating abuse allowed abuse to continue” (RR: 6.43 p. 458 Vol. 4).

The question of a cover-up on the part of Church and State was raised in the reports. The Murphy Report (2009, 1.113, p. 28) found that, “the structures and rules of the Catholic Church facilitated [a] cover-up. The State authorities facilitated that cover-up by not fulfilling their responsibilities to ensure that the law was applied equally to all and allowing the Church institutions to be beyond the reach of the normal law enforcement processes”. Essentially from the report evidence, the Church had the moral high ground, had great power to exert and its religious were perceived as beyond reproach and non-criminal.
### Table 4.6: Reporting Practices

<table>
<thead>
<tr>
<th>Reporting Practices</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No Reporting to Agencies</strong></td>
<td></td>
</tr>
<tr>
<td>There was no report to the Gardaí and no report to the HSE.</td>
<td>CR: 11.4 p. 187</td>
</tr>
<tr>
<td></td>
<td>CR: 14.14 p. 222</td>
</tr>
<tr>
<td></td>
<td>CR: 24.5 p. 315</td>
</tr>
<tr>
<td>Victim reported complaint to priest, priest interpreted it not as a complaint but</td>
<td>CR: 15.7 p. 225</td>
</tr>
<tr>
<td>within the seal of confession.</td>
<td></td>
</tr>
<tr>
<td>Victim was given a choice regarding whether complaint was reported to Garda Siochána</td>
<td>CR: 21.13 p. 273</td>
</tr>
<tr>
<td>or not.</td>
<td>CR: 9.35 p. 140</td>
</tr>
<tr>
<td></td>
<td>CR: 16.4 p. 240</td>
</tr>
<tr>
<td>Priest felt the Church should not report to the Gardaí if the victim did not deem</td>
<td>CR: 4.74, p. 67</td>
</tr>
<tr>
<td>so.</td>
<td>CR: 4.77 p. 68</td>
</tr>
<tr>
<td>Bishop Comiskey did not inform Health Board of any allegations that arose in Fr.</td>
<td>FR: p. 134</td>
</tr>
<tr>
<td>Collins case until 2001.</td>
<td></td>
</tr>
<tr>
<td>Prior to 2009, the diocese did not report complaints against deceased priests to</td>
<td>CR: 1.24 p. 7</td>
</tr>
<tr>
<td>the Gardaí or the HSE.</td>
<td></td>
</tr>
<tr>
<td>Church did not start to report complaints of child sexual abuse to the Gardaí until</td>
<td>MR: 1.96 p. 25</td>
</tr>
<tr>
<td>late 1995 (<a href="#">Framework Document</a>).</td>
<td></td>
</tr>
<tr>
<td>Incidents were not reported to the Gardaí or any other appropriate authorities.</td>
<td>MR: 30.5 p. 471</td>
</tr>
<tr>
<td><strong>Allegations and Ordinations</strong></td>
<td></td>
</tr>
<tr>
<td>Allegations or suspicions were known in 1972 for Fr Doyle but he was still</td>
<td>FR: p. 134</td>
</tr>
<tr>
<td>ordained in 1974. No reporting to Gardaí.</td>
<td></td>
</tr>
<tr>
<td>Allegations or suspicions were known in 1974 Fr Fortune but he was still ordained</td>
<td>FR: p. 171</td>
</tr>
<tr>
<td>1979. No reporting to Gardaí.</td>
<td></td>
</tr>
<tr>
<td><strong>Reports from Victims</strong></td>
<td></td>
</tr>
<tr>
<td>While the Inquiry appreciates the difficulties investigating allegations without</td>
<td>FR: p. 239</td>
</tr>
<tr>
<td>the co-operation of the victim, if there are additional written complaints by the</td>
<td></td>
</tr>
<tr>
<td>father and there are rumours surrounding the priest then every effort should be</td>
<td></td>
</tr>
<tr>
<td>made to probe the matter and create a record for further information.</td>
<td></td>
</tr>
<tr>
<td>Raymond’s case (abuse 1980s) illustrates the dilemma of victims that want a</td>
<td>FR: p. 241</td>
</tr>
<tr>
<td>prosecution but are fearful as being identified as a victim of abuse. Raymond was</td>
<td></td>
</tr>
<tr>
<td>encouraged to formally report a complaint but did not (July 1995-Feb 1996). Even if</td>
<td></td>
</tr>
<tr>
<td>victims are granted confidentiality by the courts, details of the evidence could</td>
<td></td>
</tr>
<tr>
<td>identify the victim. The Inquiry believe this is one impediment to victims making</td>
<td></td>
</tr>
<tr>
<td>a complaint to the Gardaí.</td>
<td></td>
</tr>
<tr>
<td>Bill (alleged victim) reported a complaint of child sexual abuse to the Church</td>
<td>FR: p. 242</td>
</tr>
<tr>
<td>resulting in a notification to Gardaí though Bill’s identity was not disclosed. The</td>
<td></td>
</tr>
<tr>
<td>Church Delegate asked Bill to confirm/deny the allegation. He would do neither.</td>
<td></td>
</tr>
<tr>
<td>Bill’s case highlights the necessity of a willing complainant in order to pursue a</td>
<td></td>
</tr>
<tr>
<td>Garda investigation. The Inquiry is satisfied that Gardaí made sufficient efforts to</td>
<td></td>
</tr>
<tr>
<td>procure the cooperation of the complainant &amp; could not proceed any further in the</td>
<td></td>
</tr>
<tr>
<td>absence of the complainant.</td>
<td></td>
</tr>
<tr>
<td>A number of complainants were prepared to make clear statements &amp; co-operate fully</td>
<td>FR: p. 230</td>
</tr>
<tr>
<td>with criminal prosecution.</td>
<td></td>
</tr>
</tbody>
</table>
In the Ferns Report, three individuals whose allegations of child sexual abuse were conveyed to the Gardaí either by the complainant or by the Diocese did not result in a formal complaint to the Gardaí. As a result, no investigations occurred. The same occurred in the Murphy Report in the case of 13 complainants and also in the Diocese of Cloyne.

The greatest failure in the Diocese of Cloyne was its failure to report all complaints to the Gardaí. Between 1996 and 2005, there were 15 complaints which very clearly should have been reported by the diocese to the Gardaí. This does not include concerns or allegations already known to the Gardaí although some of these should have been reported. Of these 15, nine were not reported (Cloyne Report, 2009, pp. 6-7).

Within the Ferns, Murphy and Cloyne Reports a number of themes arose in relation to reporting which are explored in the following sections.

A. Reporting and Mandatory Reporting

The first significant issue was that while the victim may have disclosed abuse to the Church authorities the complaint may not have been passed onto the Gardaí or the HSE. From 1995, as previously mentioned, the Church had its own child protection guidelines in the Framework Document which stressed that all allegations of sexual abuse involving children had to be reported to both the HSE and the Gardaí. However, in practice, this did not always happen. It sometimes occurred because the priest was deceased or the complainant was an adult, although the abuse had occurred when they were a child or they chose not to report it for unknown reasons. At times the Church authorities misinterpreted the required reporting, believing that their reporting role was dependent on the wishes of the victim.

The reports collectively demonstrate that there was no mandatory reporting of sexual abuse complaints as per their own Church child protection policies. Under Children First (1999, 2011), the guideline states that any reasonable concern or suspicion of abuse or neglect must elicit a response. This could include considering the possibility of abuse and looking out for signs and the recording of information in relation to the suspicions and reporting it to the HSE if deemed necessary. In some cases an organisation (e.g. an employer) or person may decide not to report to the HSE or Gardaí. In that situation, the organisation then has to provide a written
statement to the employee/volunteer who raised the concerns regarding the reasons for not reporting to the authorities. The person can consult or report to the authorities as an individual if they still have concerns.

The issue of mandatory reporting emerged in a number of the practitioner interviews with varying viewpoints. While the overall view was it could be a good development there was concern as to the capacity, in terms of HSE resources, to cope with investigating and assessing the increased referrals. As it stands, some practitioners believed that the current levels of referrals are not being fully processed quickly enough. Secondly, the point was raised that services would need to be in place to meet the needs of the clients referred.

Garda Child Protection Specialist: “Guards now are at the point that they may be annoying the HSE as since the Children First training, guards will report everything to the HSE.”

HSE Head of Policy & Strategy: “We process a massive amount of referrals every year approx 30,000 in relation to child abuse. Sexual abuse would be one of the lowest but never the less it is big. Neglect is consistently the highest area.” (2012)

Clinical Practitioner: “I am in favour of mandatory reporting but I am also in favour of a tapestry of services ready i.e. domestic violence services, addiction services, perpetrators services we need all those services in place if mandatory reporting is brought in’.

One in Four Executive Director: “We are dealing with historical allegations so we do a mandatory reporting policy here…. We estimate that fewer than 10 per cent of the allegations we pass on are investigated by the HSE; they just sink to the bottom of the pile. Some HSE areas unless we can name a particular child that is at risk won’t go near it.”

Proponents of mandatory reporting claim that all allegations or suspicions concerning child protection issues should be reported to the authorities. Once notified then it is the responsibility of the authorities to act. Without mandatory reporting it can allow for discretion, misunderstanding and possibly some cases being left behind. The ‘National Review of the Compliance with Children First’ in 2008 referred to mandatory reporting and the reasons why the Government did not introduce it. While the Government did consider introducing mandatory reporting they did not proceed “on the basis that it has not been proven that this would result in greater protection for children and there is a danger that scarce child protection resources would be diverted into an extensive administrative burden and the
implementation of sanctions” (National Review of the Compliance with Children First, 2008, p. 4).

Shannon (2009) highlighted that the Children First Guidelines seek to put in place a structure for the proper identification and reporting of child protection concerns. However, the application of these guidelines has been far from satisfactory primarily due to a failure to impose them on a statutory basis thus leading to inconsistency in their application. The National Review of the Compliance with Children First (2008, p. 4) said as much when it stated “in general, difficulties and variations in relation to implementation of the guidelines arise as a result of local variation and infrastructural issues, rather than from fundamental difficulties with the guidelines themselves.” Whether or not, Children First Guidelines will ever obtain a statutory footing is uncertain. At present if agencies do not comply there is no legal consequence to this. If it does occur, the resources will need to be in place.

HSE Head of Policy & Strategy: “With the prospect of Children First being put on a statutory footing and mandatory reporting we can expect a further surge. So it is very hard for us even to be treading water with that volume. I am confused as to the relationship between that and mandatory reporting will be and who will be mandated to report and what’s the difference between statutory…and what are the sanctions.”

One in Four Executive Director: “But even to say that if Children First goes on a mandatory footing, to say that that is going to address the issues says a lot. It is a lack of clear policy in relation to all notifications they get and there is an issue of management in the HSE as well. Now I am actually optimistic because I think things are changing dramatically. The new Children Liaison family is going to make a big difference.”

The extracts above reflect the concerns regarding the capacity of the HSE to deal with the volume of referrals which would result from mandatory reporting if it was placed on a statutory footing. It also appears that reporting is referred to within the context of a child protection system but also family services system with three sections having responsibility. These are the HSE (Children and Family Services), the Family Support Agency and the National Educational Welfare Board. Hence the two systems in tandem under the Children First appear confusing. In January 2014, a new Child and Family Agency with a budget of €609 million was launched which brings child services into one centralised regime. The agency’s remit includes any responsibilities the three agencies listed above possess as well as pre-school inspection services, domestic, sexual and gender-based violence services and community-based services related to the psychological welfare of children and
families. At its launch, the Minister for Children and Youth Affairs Frances Fitzgerald said “I consider the new Child and Family Agency as the most effective response possible to our country’s repeated and tragic failings in child protection, as shown in the evidence of successive enquiries and reviews over many years”. Furthermore, she added the agency is designed in such a way that never again will child protection “be seen as just a secondary concern and that at-risk children will no longer fall through the gaps between disparate services” (the Journal.ie 30 Jan 2014).

B. Formal Complaint and Willing Complainant
When reporting did occur, a formal complaint by the victim was needed for a Garda investigation to occur. A formal complaint is not a legal requirement as such, but it can be important evidence when attempting to secure a conviction in court (Garda Inspectorate Report, 2010). As one Garda member from the practitioner interviews said: “Because some guards think you must have a statement before you can have an investigation. There is no-where in law that says that. These are myths that have built up down through the years but they [the guards] wouldn’t do it out of a badness sense. They would do it out of a trying nearly to be too right. They didn’t have enough information [knowledge about the process]”. In a lot of the cases, no investigation was commenced without a formal complaint. It would appear irrespective of the presence or absence of a formal complaint that there could have been child protection issues surrounding the alleged priest that were not looked into.

One of the most blatant cases was Canon Clancy in the Diocese of Ferns, who molested victims over a long period with impunity. According to the Ferns Report (2005) the alleged abuse took place over a 30-year period (1965 - 1992) and “it emerged at various points in time during that period, members of the Gardaí, the teaching profession, the medical profession and the Church were aware of rumours and suspicions concerning Canon Clancy but no action was taken” (Ferns Report, 2005, pp. 187-88). The question of pressurising victims to make complaints was also raised. The Rape Crisis Network of Ireland (RNCI) in the practitioner interviews highlighted that issue in particular:

In fact I have a lot of people come to me with the opposite complaint they don’t want to make a statement and the Gardaí are putting pressure on them and they won’t leave them alone. They are putting pressure on them to make a statement [in order to conduct an
investigation]….. It is interesting and I suppose you can see there is a
great pressure in the wake of all these appalling reports.

As referred to in Section 4.3.2, since 2007, no formal complaint is necessary to
initiate an investigation.

Considerable research into the lack of reporting of sexual abuse to police agencies
exists. The main reasons cited for non-reporting include: (1) the relationship
between assailant and victim, where non-stranger rape incidents often go
unreported (Skogan, 1984); (2) whether the victim feels her report will be believed
by police; (3) her treatment by police, and (4) the likely possibility of a conviction.
The Ferns Report particularly identified the fears of complainants who felt they may
be identified as a victim of abuse and the difficulties to an investigation when a
complainant is not engaged in the process. Bacik, Maunsell and Gogan, (1998)
identified that the main reasons for reporting were influenced by fear of personal
safety, a desire to protect others from being sexually victimised by the same
perpetrator or a desire to see the perpetrator punished.

From the practitioner interviews, the experience of reporting to the Gardaí was
considered somewhat positive but the current issues related more to the level of
contact between the guards and the victim. This was especially so in relation to
case progress feedback to the victim, given that cases can take a significant length
of time before they reached the courts. Also, the Rape Crisis Network stated that it
was not that investigations were not being conducted but rather that the Garda
manner could be disconcerting for victims. The Rape Crisis Network asserted "some
Gardaí may be very offhand, very rude or impossible to contact or make
inappropriate remarks or [the victim is] being pushed all the time to make a
statement".

The reluctance to make a statement, according to the Rape Crisis Network of
Ireland could be due to a myriad of reasons ranging from family relationships
(familial abuse) to the victim being too traumatised. One in Four also commented
that it was the decision of the victim to make a complaint to the Gardaí, and that
victims should be supported if they do not wish to make a complaint as well. Even
for a willing complainant, the process was difficult: therefore, there was "no point in
dragging a reluctant victim". Furthermore, One in Four stated that they normally
encouraged people to report to the Gardaí but it was a dilemma because “it is
almost unethical to put people through it because when there was a conviction people were still saying they wished they hadn’t done it”. The Rape Crisis Network stressed that the rate of reporting of sexual violence has increased, which is positive, as is reflected by the following comments.

RCNI Legal Director: “The reporting to the guards has increased over time. [In the past] it was hovering on or below 20% but now depending on the category, the overall figure is 30%. We are very pleased with the increase but that’s taking together historical child sexual abuse and sexual abuse that occurred when people were adults. But the figure for people who experienced sexual abuse as adults is nearly 40% so to us that is a big increase.”

RCNI Legal Director: “You will get flurries of activity when there’s a lot of attacks or a lot of reports… on foot of one of these formal Reports coming out like Cloyne. There might be a bit of a spike.”

C. Official Statistics on Reported and Recorded Sexual Offences
Up until 2003 the Gardaí produced the annual statistics on crimes in ‘An Garda Síochána Annual Report’ each year. However, the Central Statistics Office (CSO) took over the role in 2003. In the 1980s sexual offences fell within the offences against the person grouping, of which there were six categories: 1. unnatural offences, 2. rape, 3. indecent assault on females, 4. defilement of a girl under 15 years, 5. defilement of girls aged between 15 -17 years and 6. incest.

These categories stayed in place until 1994 when the unnatural offences category was removed. Defilement of girls under 15 and defilement of girls aged between 15 and 17 years were re-categorised to unlawful carnal knowledge under 15 and unlawful carnal knowledge (15 - 17) respectively. Rape became rape of females and three new offence categories were added: buggery of males only, bestiality and gross indecency. A new Irish Crime Classification System (ICCS) was also introduced in 2003. The final recorded categories of sexual offences can be seen in Table 4.7 below. The seven offences fall under the Sexual Offences heading with the first four listed as Rape and Sexual Assault and the next four under Other Sexual Offences.

The new categorisation of sexual offences adds clarity to the offences. In the past categorisations were grounded in legal and historical distinctions. Rape Section 4 is one such classification that incorporated text from the original legislation. Similar
offences could have been recorded in a number of scattered places as the data was not organised by consistent underlying principles.

Table 4.7: Categories of recorded sexual offences from 1980 to 2014

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unnatural Offences</td>
<td>Buggery of Males only</td>
<td>Buggery of Males only</td>
<td>Sexual Assault</td>
<td>Rape of a Male or Female</td>
</tr>
<tr>
<td>Rape</td>
<td>Bestiality</td>
<td>Bestiality</td>
<td>Aggravated Sexual Assault</td>
<td>Defilement of a Boy or Girl less 17 years</td>
</tr>
<tr>
<td>Indecent Assault on Females</td>
<td>Gross Indecency</td>
<td>Sexual Assault on Females or Males</td>
<td>Sexual Assault involving Mentally Impaired Person</td>
<td>Sexual Offences involving Mentally Impaired</td>
</tr>
<tr>
<td>Defilement of Girls under 15 years</td>
<td>Sexual Assault on Females or Males</td>
<td>Unlawful Carnal Knowledge under 15</td>
<td>Gross Indecency</td>
<td>Aggravated Sexual Assault</td>
</tr>
<tr>
<td>Defilement of Girls aged between 15-17</td>
<td>Unlawful Carnal Knowledge (15-17)</td>
<td>Unlawful Carnal Knowledge (15-17)</td>
<td>Buggery</td>
<td>Sexual Assault Not Aggravated</td>
</tr>
<tr>
<td>Incest</td>
<td>Unlawful Carnal Knowledge (15-17)</td>
<td>Incest</td>
<td>Unlawful carnal Knowledge</td>
<td>Incest</td>
</tr>
<tr>
<td></td>
<td>Incest</td>
<td>Aggravated Sexual Assault</td>
<td>Rape Section 4</td>
<td>Child Pornography Offences</td>
</tr>
<tr>
<td>Aggravated Sexual Assault</td>
<td></td>
<td></td>
<td>Rape of a Female</td>
<td>Child Pornography Obstruction of Warrant</td>
</tr>
</tbody>
</table>

* Categories listed in the order they appear in official statistical reports.

The new Irish Crime Classification System (ICCS) system records related crime in one group with subsets. This allows for group level comparison. The examination of an overall crime figure which could be impacted by different factors is less valuable. Therefore the group level comparison where related offences are affected by similar factors (Church Reports/TV Coverage) is more meaningful as trends over time can be observed.

Tables 4.8 to Tables 4.12 are listed in the following three pages. The data corresponds to the number of offences for each category of offence per year from 1980 to 2011.
Table 4.8: Reported and Recorded Sexual Offences in Ireland from 1980-1993

<table>
<thead>
<tr>
<th></th>
<th>1980 (a)</th>
<th>1981 (a)</th>
<th>1982 (a)</th>
<th>1983 (a)</th>
<th>1984 (a)</th>
<th>1985 (a)</th>
<th>1986 (a)</th>
<th>1987 (a)</th>
<th>1988 (a)</th>
<th>1989 (a)</th>
<th>1990 (b)</th>
<th>1991 (b)</th>
<th>1992 (b)</th>
<th>1993 (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unnatural offences</td>
<td>37</td>
<td>48</td>
<td>54</td>
<td>33</td>
<td>61</td>
<td>40</td>
<td>36</td>
<td>61</td>
<td>55</td>
<td>43</td>
<td>48</td>
<td>63</td>
<td>31</td>
<td>27</td>
</tr>
<tr>
<td>Rape</td>
<td>46</td>
<td>51</td>
<td>58</td>
<td>57</td>
<td>68</td>
<td>73</td>
<td>74</td>
<td>75</td>
<td>61</td>
<td>84</td>
<td>69</td>
<td>110</td>
<td>127</td>
<td>143</td>
</tr>
<tr>
<td>Indecent assault on females</td>
<td>111</td>
<td>120</td>
<td>147</td>
<td>128</td>
<td>111</td>
<td>178</td>
<td>171</td>
<td>158</td>
<td>226</td>
<td>197</td>
<td>215</td>
<td>245</td>
<td>300</td>
<td>368</td>
</tr>
<tr>
<td>Defilement of a girl under 15 years</td>
<td>8</td>
<td>5</td>
<td>8</td>
<td>6</td>
<td>11</td>
<td>16</td>
<td>12</td>
<td>19</td>
<td>22</td>
<td>22</td>
<td>23</td>
<td>19</td>
<td>23</td>
<td>17</td>
</tr>
<tr>
<td>Defilement of girls aged betw. 15-17</td>
<td>12</td>
<td>5</td>
<td>4</td>
<td>18</td>
<td>6</td>
<td>13</td>
<td>3</td>
<td>12</td>
<td>11</td>
<td>12</td>
<td>11</td>
<td>7</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Incest</td>
<td>3</td>
<td>18</td>
<td>11</td>
<td>8</td>
<td>8</td>
<td>19</td>
<td>7</td>
<td>23</td>
<td>17</td>
<td>21</td>
<td>10</td>
<td>6</td>
<td>11</td>
<td>14</td>
</tr>
<tr>
<td>Yearly Total</td>
<td>217</td>
<td>247</td>
<td>282</td>
<td>250</td>
<td>265</td>
<td>339</td>
<td>303</td>
<td>348</td>
<td>392</td>
<td>378</td>
<td>377</td>
<td>454</td>
<td>492</td>
<td>579</td>
</tr>
</tbody>
</table>


Table 4.9: Reported and Recorded Sexual Offences in Ireland from 1994-1995

<table>
<thead>
<tr>
<th></th>
<th>1994</th>
<th>1995</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buggery of Males only</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>Bestiality</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Gross Indecency</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>Rape of Females</td>
<td>184</td>
<td>191</td>
</tr>
<tr>
<td>Sexual Assault on Females or Males</td>
<td>381</td>
<td>604</td>
</tr>
<tr>
<td>Unlawful Carnal Knowledge under 15</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>Unlawful Carnal Knowledge (15-17)</td>
<td>6</td>
<td>17</td>
</tr>
<tr>
<td>Incest</td>
<td>16</td>
<td>15</td>
</tr>
<tr>
<td>Aggravated Sexual Assault</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>Yearly Total</td>
<td>619</td>
<td>897</td>
</tr>
</tbody>
</table>

Table 4.10: Reported and Recorded Sexual Offences in Ireland from 1996-1999

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buggery of males only</td>
<td>34</td>
<td>80</td>
<td>29</td>
<td>78</td>
</tr>
<tr>
<td>Bestiality</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Rape of Female</td>
<td>180</td>
<td>256</td>
<td>292</td>
<td>218</td>
</tr>
<tr>
<td>Sexual Assault on females or males</td>
<td>551</td>
<td>602</td>
<td>598</td>
<td>431</td>
</tr>
<tr>
<td>Unlawful Carnal Knowledge under 15</td>
<td>20</td>
<td>23</td>
<td>18</td>
<td>20</td>
</tr>
<tr>
<td>Unlawful Carnal Knowledge (15-17)</td>
<td>14</td>
<td>19</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>Incest</td>
<td>11</td>
<td>10</td>
<td>18</td>
<td>8</td>
</tr>
<tr>
<td>Aggravated Sexual Assault</td>
<td>8</td>
<td>11</td>
<td>11</td>
<td>5</td>
</tr>
<tr>
<td>Yearly Total</td>
<td>819</td>
<td>1002</td>
<td>979</td>
<td>767</td>
</tr>
</tbody>
</table>


Table 4.11: Reported and Recorded Sexual Offences in Ireland from 2000-2002

<table>
<thead>
<tr>
<th>Offence</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault</td>
<td>549</td>
<td>1048</td>
<td>1626</td>
</tr>
<tr>
<td>Aggravated Sexual Assault</td>
<td>12</td>
<td>18</td>
<td>24</td>
</tr>
<tr>
<td>Sexual Assault involving Mentally Impaired Person</td>
<td>3</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Gross Indecency</td>
<td>3</td>
<td>33</td>
<td>109</td>
</tr>
<tr>
<td>Buggery</td>
<td>23</td>
<td>36</td>
<td>94</td>
</tr>
<tr>
<td>Unlawful carnal Knowledge</td>
<td>15</td>
<td>78</td>
<td>102</td>
</tr>
<tr>
<td>Rape Section 4</td>
<td>52</td>
<td>66</td>
<td>85</td>
</tr>
<tr>
<td>Rape of a Female</td>
<td>238</td>
<td>335</td>
<td>412</td>
</tr>
<tr>
<td>Incest</td>
<td>18</td>
<td>16</td>
<td>27</td>
</tr>
<tr>
<td>Yearly Total</td>
<td>913</td>
<td>1640</td>
<td>2491</td>
</tr>
</tbody>
</table>

Table 4.12: Reported and Recorded Sexual Offences in Ireland from 2003-2011

<table>
<thead>
<tr>
<th></th>
<th>2003 (a)</th>
<th>2004 (b)</th>
<th>2005 (b)</th>
<th>2006 (b)</th>
<th>2007 (b)</th>
<th>2008 (b)</th>
<th>2009 (d)</th>
<th>2010 (e)</th>
<th>2011 (e)</th>
<th>2012 (f)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape of a Male or Female</td>
<td>328</td>
<td>409</td>
<td>447</td>
<td>367</td>
<td>354</td>
<td>342</td>
<td>374</td>
<td>466</td>
<td>455</td>
<td>519</td>
</tr>
<tr>
<td>Defilement of a Boy or girl less 17 years</td>
<td>148</td>
<td>137</td>
<td>123</td>
<td>76</td>
<td>72</td>
<td>82</td>
<td>111</td>
<td>158</td>
<td>147</td>
<td>137</td>
</tr>
<tr>
<td>Sexual Offences involving Mentally Impaired</td>
<td>23</td>
<td>14</td>
<td>13</td>
<td>15</td>
<td>11</td>
<td>7</td>
<td>8</td>
<td>15</td>
<td>13</td>
<td>25</td>
</tr>
<tr>
<td>Aggravated Sexual Assault</td>
<td>11</td>
<td>14</td>
<td>7</td>
<td>16</td>
<td>17</td>
<td>13</td>
<td>9</td>
<td>8</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>Sexual Assault not Aggravated</td>
<td>1364</td>
<td>1098</td>
<td>1156</td>
<td>888</td>
<td>786</td>
<td>891</td>
<td>952</td>
<td>1489</td>
<td>1194</td>
<td>1290</td>
</tr>
<tr>
<td>Incest</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>4</td>
<td>8</td>
<td>10</td>
<td>8</td>
<td>9</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Child Pornography Offences</td>
<td>74</td>
<td>62</td>
<td>37</td>
<td>39</td>
<td>77</td>
<td>46</td>
<td>65</td>
<td>139</td>
<td>158</td>
<td>131</td>
</tr>
<tr>
<td>Child Pornography Obstruction of Warrant</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gross Indecency</td>
<td>34</td>
<td>12</td>
<td>11</td>
<td>12</td>
<td>9</td>
<td>16</td>
<td>19</td>
<td>24</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>Yearly Total</td>
<td>1989</td>
<td>1752</td>
<td>1801</td>
<td>1414</td>
<td>1334</td>
<td>1407</td>
<td>1546</td>
<td>2308</td>
<td>1992</td>
<td>2117</td>
</tr>
</tbody>
</table>

Tables 4.8 to Table 4.12 provide figures for Figure 4.3 below. The total number of sexual offences per year from 1980 to 2011 was calculated and presented in Chart 1 below. Chart 1 shows a number of trends firstly that reporting of sexual offences has increased from a low reporting rate of 217 cases in 1980 to 1992 cases in the year 2011. Secondly some years exhibited significant spikes of reporting rates namely 1988 (392 cases), 1997 (1002 cases), 2001 (1640 cases), 2002 (2491 cases) and 2010 (2308 cases).

**Figure 4.3: Reporting Rates from 1980 to 2013 on a Yearly Basis**


> It is quite plausible that all of the small 1997 increase [in sexual assaults] can be explained by higher rates of reporting and recording. Various factors may explain such an increase including a hardening of social attitudes towards offenders, legislative changes, the destigmatising of sexual victimisation, a shift in perceptions of and within the Gardaí, rape crisis centres support and intense media coverage of sexual abuse cases. (Leon and O’Dwyer, 1998 p. i).

The possibility of increased reporting as a result of historical cases is noted by Furey (1999, p. 7). She stated that “an increased rate of reporting to Gardaí of earlier incidents [of buggery] could explain most of the recent increase in recorded crime. It is even possible that higher reporting and recording could explain all of the increase or even mask a fall in the current incidence in the community”.

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The 1990s saw an explosion of revelations about abuse of children and child sexual abuse in Ireland. In 1992, Christine Buckley was the first woman to publicly disclose and talk about the abuse she suffered as a child in an industrial school in Dublin in the 1950s and 1960s. Around that time it was revealed that Bishop Eamon Casey had fathered a child with his American housekeeper (in a consensual relationship). It was also revealed that Father Michael Cleary, a media priest based in Dublin, had fathered a child with his housekeeper. Therefore, the sexual activity of priests within the Catholic Church and the issue of celibacy were being questioned. In addition, Father Brendan Smyth and Fr Sean Fortune were two high profile cases of sexual abuse of children with the mismanagement/failure of the former resulting in the collapse of the Irish Government in 1994 for failure to extradite Smyth back to Northern Ireland to face sexual abuse charges.

The Roderick Murphy Inquiry (1998) examined how allegations of sexual abuse were handled by the Irish swimming authorities and is the only other inquiry that examined child sexual abuse outside of the family. Other reports like the X case (1992), the Kilkenny Incest Case (1993), the West of Ireland Farmer Case (1995) brought awareness of the sexual abuse of children within families and the statutory agencies involvement in such cases.

Programmes were also broadcast on Irish television on the issue of sexual abuse: Suffer Little Children (1994) regarding Father Brendan Smyth; Dear Daughter (1996) told Christine Buckley story; States of Fear (1999) detailed abuse suffered by children between the 1930s and 1970s mainly in the reformatory and industrial schools. After a public outcry, the Irish Taoiseach (Prime Minister) Bertie Ahern apologised on behalf of the State. Suing the Pope (2002) was a BBC documentary about the sexual abuse perpetrated by Fr Sean Fortune in the Diocese of Ferns and the handling of the case by the Church authorities. Cardinal Secrets (2002) also looked at clerical abuse, this time in the Archdiocese of Dublin. This resulted in the setting up of the Murphy Commission of Investigation and the subsequent publication of the Murphy Report. All of this exposure set the context for possibly why victims came forward and reported their sexual abuse.

The RCNI’s assertion that spikes in reporting do occur with publications and TV broadcasts has been borne out from the official statistics (Figure 4.3 below). This was observed in 1997 (extensive media coverage and disclosures of abuse), 2002
(television documentaries), 2010 (post publication of the Ryan and Murphy Reports in 2009). The RCNI also claimed that victims may have been ready or able to report historical abuse in the knowledge that they would be believed. They also asserted that increased reporting was partly attributed to investment by the RCNI in Garda accompaniment and court accompaniment and the training of the volunteers which was supported by the Garda Commission.

4.4.2 Recording Practices

From examining the reports it is evident that the recording practices in the Catholic Church and the Garda Síochána were neither mandatory nor organised and were sometimes informal in their nature. Citations from the reports are presented in Tables 4.13 and 4.14 to illustrate this fact.

Items described as records within the Church reports included minutes of meetings, statements, notifications to other agencies, letters or correspondence to: victims, the HSE, the Garda Síochána, the DPP, medical or psychological practitioners, solicitors, Church orders, schools, Church internal agencies etc. Records were sometimes not created or when notes were taken they were not contemporaneous, accurate, truthful or were deliberately misleading. "Records are an essential part of any organisation’s effective management and the creation and preservation of such records is of vital importance" (Mr Justice Roderick Murphy (1999) cited in Ferns Report, 2005, p. 133).

*Children First Guidance* (2011) also states record keeping is of critical importance. "Unless accurate records are maintained, the ability to adequately protect vulnerable children may be severely curtailed. It is essential that professionals keep contemporaneous records of all reported concerns in a safe place. These should include details of contacts, consultations and any actions taken". Based on the reports’ findings the emphasis on documenting, maintaining or sharing information on allegations of sexual abuse and child protection was not considered a priority.
Table 4.13: Church Recording Practices Prior to 2010

<table>
<thead>
<tr>
<th>Reporting Practices</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No Records Kept</strong></td>
<td></td>
</tr>
<tr>
<td>No records were created.</td>
<td>FR: p. 133, MR: 20.91 p. 315</td>
</tr>
<tr>
<td>Many relevant documents were not generated or, alternatively, not preserved.</td>
<td>FR: p. 171</td>
</tr>
<tr>
<td>No records in the archdioceses files about the complaint but there is no doubt it was</td>
<td>MR: 17.36 p. 247</td>
</tr>
<tr>
<td>made.</td>
<td></td>
</tr>
<tr>
<td>No record of the original complaint in the files of Archdiocese</td>
<td>MR: 32.5 p. 483</td>
</tr>
<tr>
<td>No contemporaneous [Church] notes taken when meeting victim in some cases</td>
<td>CR: 11.2 p. 187, CR: 13.2 p. 216</td>
</tr>
<tr>
<td>Neither the Archdiocese nor the Society has a contemporaneous record of the complaint.</td>
<td>MR: 16.22 p. 224</td>
</tr>
<tr>
<td>No written record of [Church] meetings. There is no evidence the parish priest did</td>
<td>CR: 9.7 p. 131</td>
</tr>
<tr>
<td>anything about the complaint.</td>
<td></td>
</tr>
<tr>
<td>No copies or receipts of letters/complaints.</td>
<td>CR: 9.64 p. 148, CR: 13.3 p. 216</td>
</tr>
<tr>
<td><strong>Contemporaneous or Misleading Records</strong></td>
<td></td>
</tr>
<tr>
<td>of true events was inferred.</td>
<td></td>
</tr>
<tr>
<td>Not only were the diocesan records of poor quality and unclear, some were deliberately</td>
<td>CR: 21.91 p. 299</td>
</tr>
<tr>
<td>misleading. Bishop Magee has admitted that he created 2 versions of his 22nd Sept</td>
<td></td>
</tr>
<tr>
<td>2005 meeting with Fr Caden. Other documents do not record the full truth.</td>
<td></td>
</tr>
<tr>
<td><strong>No Record Keeping of any Information Type</strong></td>
<td></td>
</tr>
<tr>
<td>Records of abuse disclosures were not kept as were not other records i.e. sibling</td>
<td>RR: 7.20</td>
</tr>
<tr>
<td>relationships, educational issues etc. The Commission recommended that full personal</td>
<td></td>
</tr>
<tr>
<td>records of children in care including reports, files, family &amp; educational history</td>
<td></td>
</tr>
<tr>
<td>must be maintained.</td>
<td></td>
</tr>
</tbody>
</table>

The practitioner interviews highlighted that records kept by the Church were quite detailed but in other scenarios on the direction of legal advice records were kept short or not at all. The rationale of bishops not following the Catholic Church’s prescribed child protection guidelines was that they were following the advice of Church solicitors on a case-by-case basis. This is reflected in the extracts below.

Garda Child Protection Specialist: “One thing the Catholic Church was meticulous about was record keeping ..the nuns in school they wrote down everything on pieces of paper absolutely emphatic about keeping pieces of paper. A specialist interviewer reported that she went up to an investigation to the Principal for the records. The nun made her a cup of tea and told her ‘I don’t think I could be giving them to you now darling they are our state records’. She [the guard] drank her cup of tea, went down for her warrant and returned. The specialist interviewer reported that the attitude was encapsulated by the nun’s words.”
“Legal opinion is very highly prized in the Church. And the reason why it is highly prized is because what they [Bishops] would have tended to have done is whenever a Bishop heard of an allegation, the first thing he did was ring his solicitor and the second thing he did was whatever his solicitor told him to do. So in a sense whatever policy and procedures may have existed in the Church as a whole they were negated ultimately by the solicitor either doing or not doing or agreeing or not agreeing with him.”

A substantive point to make is that when auditing Church records, the NBSCCC found the state of the records to be substandard due to poor record taking, as no standard guidelines were in place. Also, no training had been provided in note taking. The result was poor records, although detailed at times. An additional problem was that there was rarely differentiation between fact and opinion. The two extracts below from the NBSCCC succinctly identify some of these issues.

“One of the things we recognised very early when we read the [Church] files or looked at documents was there was no national guidelines with regard to how you should record. People were never trained in recording so they didn’t know. So they wouldn’t differentiate between facts and opinions in terms of what they were writing. They were simply writing down things that came into their heads. Quite often they wouldn’t date it. They wouldn’t sign it. They had no idea really of what personal recording was. So we introduced training. We introduced a national training file template which was based on best practice within social services.”

“Some of the records were appalling, unbelievable stuff, just absolutely unbelievable stuff. And of course they had been told by legal advice to write down as little as possible and what time. Because if you write the time it is evidence and if it is evidence don’t write it down. I actually read one of the files in [place name] it was actually a note by the Church Delegate when he was recording the file he actually wrote ‘I must remember not to record’. He actually puts it down on the file.”

In the case of Garda record keeping, some complaints or interview notes were lost or not maintained. Furthermore, sometimes notes were not accessible to other Gardaí across the division, hence there was no awareness of how prolific an offender may have been. Monitoring of sex offenders was also minimal as records were not kept on an offender in order to protect his constitutional rights.
Table 4.14: Garda Recording Practices Prior to 2010

<table>
<thead>
<tr>
<th>Garda Reporting Practices</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No Records Kept</strong></td>
<td></td>
</tr>
<tr>
<td>No record in Garda files of notification of complaint by victim or Church Authority.</td>
<td>MR: 23.15 p. 362</td>
</tr>
<tr>
<td>No record kept regarding the one allegation made by victim’s father. Letter from Church</td>
<td>FR: p. 239).</td>
</tr>
<tr>
<td>solicitors was not with Garda files</td>
<td></td>
</tr>
<tr>
<td>No record in Garda files in relation sexual abuse, though three members of AGS were</td>
<td>FR: p. 223</td>
</tr>
<tr>
<td>aware of complaints.</td>
<td></td>
</tr>
<tr>
<td>Proper notes kept in official journals were not maintained or accessible to Gardaí within</td>
<td>FR: p. 223</td>
</tr>
<tr>
<td>division.</td>
<td></td>
</tr>
<tr>
<td>There is no record in the Garda files of notification of the complaint to them by the</td>
<td>MR: 23.15 p. 362)</td>
</tr>
<tr>
<td>victim or the Church authorities</td>
<td></td>
</tr>
<tr>
<td><strong>Missing or Lost Files</strong></td>
<td></td>
</tr>
<tr>
<td>No notes taken at interview, Garda file went missing.</td>
<td>MR: 20.91 p. 315</td>
</tr>
<tr>
<td>Garda] Statement lost. No attempt to address this until 7 years later when complainant</td>
<td>MR: 17.46 p. 249</td>
</tr>
<tr>
<td>returned &amp; inquired about case status .</td>
<td></td>
</tr>
<tr>
<td>Superintendent states practice in the 1980s would have involved monitoring of suspected</td>
<td>FR: p. 223</td>
</tr>
<tr>
<td>offender; no record of such appeared on files forwarded to the Inquiry.</td>
<td></td>
</tr>
<tr>
<td>Difficulty finding documentation, no investigations.</td>
<td>CR: 10.35 p. 181</td>
</tr>
<tr>
<td></td>
<td>CR: 10.36 p. 181</td>
</tr>
<tr>
<td><strong>Misleading Records</strong></td>
<td></td>
</tr>
<tr>
<td>Connivance by the Garda stifling one complaint. Information was only in Church records</td>
<td>MR: 20.179 p343</td>
</tr>
<tr>
<td>not Garda files</td>
<td></td>
</tr>
<tr>
<td>Information was passed on by Superintendent to Gardaí as required, though advised not</td>
<td>FR: p. 223</td>
</tr>
<tr>
<td>to keep a record at the station in order to protect constitutional rights of suspect.</td>
<td></td>
</tr>
<tr>
<td>The Garda Síochána did not interview the Bishop or anyone in authority. The Garda did</td>
<td>CR:9.60 p. 147</td>
</tr>
<tr>
<td>not ask the diocese about any similar complaints.</td>
<td></td>
</tr>
<tr>
<td>Recorded the incident on the PULSE system in the category which records matters of a non-</td>
<td></td>
</tr>
<tr>
<td>criminal nature.</td>
<td>CR: 9.60 p. 147</td>
</tr>
</tbody>
</table>

There have been a number of changes in relation to recording practices since these findings. The current practice is that all reports of sexual crime must be recorded as outlined in the Garda Code (amended 2005). All incidents are recorded on the Garda computer system PULSE and given an incident number. PULSE was introduced in 1999 and therefore records from that year onwards are computerised.

Once the sexual crime is reported, the Garda member will create the appropriate entry on the PULSE system, clearly identifying the reported offence. Once on PULSE the data cannot be deleted, hence the record should not be "lost". If at a later stage evidence becomes available indicating that the originally reported offence did not in fact occur, then the incident can be re-categorised or invalidated accordingly but not deleted. Furthermore, the emphasis that data on PULSE is accurate is ensured by the Divisional Inspectors having responsibility that all sexual crime incidents are properly recorded and reviewed on PULSE.
As mentioned previously, the National Board for Safeguarding Children in the Catholic Church (NBSCCC) was established in 2006 in order to develop policies that would foster the prevention of child abuse in the Catholic Church in Ireland. They started reviewing practices in a number of dioceses and found appalling record-keeping practices as indicated by some of their extracts in previous pages. Seven years later when the practitioner interview was conducted in 2012 with the NBSCCC Director, the situation had improved considerably. He reported that “the standard of recording is so much better because the bishops now have an understanding of its purpose; they have been given a template. They want to know how to do it and we [NBSCCC] are able to retrieve information and accurately I’d say [in our audits of them]”.

Evaluation and audit of practices provide checks and balances on a system. The NBSCCC conducts audits on Church practices, while the HSE regularly reviews all child protection services it provides. The Head of Policy and Strategy in his practitioner interview stated that the HSE has “a national review panel where we review all serious cases and try to extract the learning from it”. He stressed there needed to be “a balanced approach to work practices”, citing that a social worker failing in their duties would result in a HR process. The balance also applies to the other side of the coin where there is a systemic failure, with a number mitigating circumstances contributing to the failure rather than a single element. The intention of the review is not a punitive process but rather a review of the system to produce learning outcomes as well. The extract below describes the quality assurance and internal audit process that takes place in the HSE currently.

HSE Head of Policy & Strategy: “The primary role in terms of quality assurance is just in relation to service improvement so it covers performance management to a large extent. Then there is an element of audit where we impose ourselves on services like I could go to an office in Kerry and pull 10% of the files you know what I mean so there is that type of thing. Information management comes into it and strategically we reserve the right to go in to do audits and checks but also I mean that would go right down to peer review and self assessment. Everyone is trying to create a learning environment so it is not all the big brother stuff. One of the elements of it is risk and safety not only for kids but also for ourselves.”
4.4.3 Communication/Information Sharing

From the Reports review, the lack of a proper structure in place to facilitate communication between the Garda Síochána, the HSE and Church authorities was apparent (Table 4.15). The role and functions of each agency in relation to abuse was not clear to the agencies and proper channels of communication to maintain procedural order to the abuse inquiries were not in existence.

Failings existed in both internal and external communication. Internal communication within the Church structure was non-existent or inadequate. Church authorities did not share information across dioceses, religious orders or to dioceses in other countries to which the priest was transferring. The NBSCCC Director in the practitioner interview stated:

The default position in the Church was one of secrecy. Not only did they not talk to outside agencies like the guards they didn’t talk to each other. Even when bishops met at their conferences four times each year they wouldn’t talk to each other about their dioceses. There was an element of competency. One particular bishop would not know that the bishop he was sitting next to at the conference had 12 cases and he wouldn’t know that he had 10 cases because they wouldn’t talk to each other: they wouldn’t share. But also the problem was the individual bishop didn’t have a sense of the scale [of the problem] in a sense they didn’t have an overview position to understand.

Therefore, had the scale of the problem been known and that the situation was epidemic the bishops might possibly have provided some peer support to each other and strove to address the issue collectively rather than individually trying to conceal it. While the true scale of the problem might have been unknown in the early days of the sexual abuse epidemic in the Catholic Church, the Time to Listen document in 2003 by the Bishops Committee on Child Protection adds to the reality of the awareness. It stated that child abuse by clerics had occurred over an extended period of time and that awareness of the problem must have occurred among some clergy, especially senior members of the Church. Furthermore, the "recidivist nature of sexual abuse was known to religious authorities" (RR: 6.21, p. 454 Vol. 4) but not addressed.
The absence of records of communication was also apparent. The Commission of Investigation in the Murphy Report was concerned that breakdowns in internal Archdiocesan communication could still have been occurring in 2005 (MR: 48.30, p. 610). External communication between the Church and external agencies was little better. As with internal communication, at times there was no interagency communication across all the agencies. It appears that information or communication silos existed whereby information was not communicated across statutory agencies. Furthermore, communication with victims was also negligible.

*The Children First National Guidelines for the Protection and Welfare of Children (1999)* impacts directly on the communication structure in place across State agencies. As demonstrated, Table 4.15 provides a litany of cases where there was either no communication or it was ineffective. The items identified in Table 4.10 therefore should not occur if the *Children First Guidelines* are being adhered to. The guidelines provide a framework to support the two agencies with statutory responsibility for child protection (the Garda Síochána and HSE), hence enhancing interagency co-operation and the strengthening of multidisciplinary responses to child abuse. It also provides procedural direction for communication with any other agencies. Table 4.15 provides a litany of cases where there was either no communication or it was not effective.

The Kilkenny Incest Case Investigation (1993) criticised the communication between the different agencies involved and as a result the then Health Board (now HSE) and the Garda Síochána established a much closer exchange of information from 1995 onwards. The main difficulty it would appear was that the goal of each agency was different. The goal of the then Health Board is child protection whereas for the Gardaí it was obtaining a criminal prosecution.

On a positive note, there were incidences of good or extensive communication in some cases (MR: 26.41, p. 398, MR: 29.43, p. 465). Furthermore, some investigation and management of priest sex offenders illustrated effective interagency communication and working. This was mainly observed for cases after 2000, where child protection guidelines were being adhered to which resulted in interagency meetings between the HSE, Garda Síochána and the Archdiocesan bishops (MR: 43.26, p. 589, MR: 45.21, p. 596, MR: 52.23, p. 625). Also, the replacement of inappropriately appointed Church delegates saw an improvement in the adherence to *Children First* in the Diocese of Cloyne.
<table>
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<tr>
<th>Communications</th>
<th>Citation</th>
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<tbody>
<tr>
<td><strong>Church Internal Communication</strong></td>
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<tr>
<td>There are no records available of any communication between the boy’s family &amp; the Archdioceses around this time</td>
<td>MR: 19.09 p. 254</td>
</tr>
<tr>
<td>There was inadequate communication between Bishop Magee &amp; the Church Delegate. Bishop Magee does not seem to have ever checked that the Delegate was actually abiding by the requirements of the Framework Document. Sometimes the Church Delegate did not tell Bishop Magee about complaints</td>
<td>CR: 1.53 p. 15-6</td>
</tr>
<tr>
<td>No communication with a neighbouring diocese when a priest who had retired because of complaints, went to live there</td>
<td>CR: 1.55 p. 16</td>
</tr>
<tr>
<td>The communication between the order and the Archdiocese was very poor in this case, in fact, it was virtually non-existent on the part of the order.</td>
<td>MR:32.51 p. 493</td>
</tr>
<tr>
<td>Internal communication within the Archdiocese was clearly inadequate in Fr Maguire’s case</td>
<td>MR: 16.29 p. 227</td>
</tr>
<tr>
<td>Bishop Murray asked to speak to Fr McNamee in 1994 about behavioural difficulties with children but said he was uninformed at that time that Archbishop Connell had issued a decree initiating a preliminary investigation into the 1994 allegation. Once again this highlights the very poor communication that existed within the Archdiocese</td>
<td>MR: 12.49 p. 187</td>
</tr>
<tr>
<td>Absence of records of communication between Bishop O’Mahony and Fr Vidal</td>
<td>MR: 15.7 p. 215</td>
</tr>
<tr>
<td>A major breakdown in communication among those in overall charge of the Archdiocese</td>
<td>MR: 35.57 p. 589</td>
</tr>
<tr>
<td>The Commission is very concerned that breakdowns in internal Archdiocesan communication may still have been occurring in 2005</td>
<td>MR: 48.30 p. 610</td>
</tr>
<tr>
<td><strong>Interagency Communication</strong></td>
<td></td>
</tr>
<tr>
<td>No communication between authorities.</td>
<td>CR: 22.5 p. 304</td>
</tr>
<tr>
<td>(No communication to Church authorities to warn of danger posed by offending priest.</td>
<td>FR: p. 133</td>
</tr>
<tr>
<td>Health Board didn’t always report abuse to Garda Síochána.</td>
<td>MR: 33.41 p. 504</td>
</tr>
<tr>
<td>Neither the Gardaí or diocese notified the Health Board.</td>
<td>CR:22.7 p. 307</td>
</tr>
<tr>
<td>No report to the HSE or Gardaí by Church.</td>
<td>CR: 15.39 p. 234</td>
</tr>
<tr>
<td>There was no written communication between the Gardaí and the diocesan authorities in relation to this case while the Gardaí investigation was taking place.</td>
<td>CR: 22.5 p. 304</td>
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</table>

Interagency cooperation was highly valued in the practitioner interviews. Cooperation follows from information sharing, where there is a joint understanding of the issue and a clear remit. This was viewed as the direction that sex offender management and child protection should be striving for. While it was acknowledged that there was very little interagency working in the past and some currently happening, the view was that more should be occurring. Furthermore, the idea of having to learn from the legacy of past failings and to bring the structure and
communication forward was noted, however difficult at times. The extracts below highlight some of the current interagency working where the Gardaí, the HSE and the NBSCCC meet on a regular basis with a shared goal and joint responsibility.

One in Four Executive Director: “No, not enough [interagency work] is being done, no not at all. I think it is improving and again big credit to Gordon Jays [HSE] because for example every two months he has a big meeting with all the NGOs working in the area so all issues can be raised and addressed directly.”

HSE Head of Policy & Strategy: “No there wasn’t interagency communication in the past but I think it is changing. I think the relationship between us [HSE] and the Gardaí was alright I mean obviously case by case. At various levels there are meetings between us and the Gardaí and I know very recently [2012] the Commissioner and Gordon Jays the National Director [of the HSE] have set up a steering group that meet every quarter, every three months or something like that. The big issues will be dealt with in there.”

NBSCCC Director: “The Supt in DVSAIU and also Gordon Jays in the HSE, we sit down regularly and talk to each other and discuss where we jointly are and how we can improve the working relationships for our three respective agencies on the ground. And that’s great because that’s what you want. Everybody is coming from the same place and everyone recognises that the goal is the safety and wellbeing of children and it is a joint responsibility between us to ensure that it is a reality.”

Further to interagency working, non-integrated models are now obsolete and need to evolve to effectively manage changing situations. A radio interview was broadcast in May 2011 with Dr Joseph Duffy, the director of clinical services at the Granada Institute, Dublin addressed the imminent closure of the Institute, which mainly treated and risk-assessed sex offender priests. He stated:

The reason really [for the closure] is twofold. The first one is mainly to do with funding. There is a real difficulty in terms of attracting funding for this particular work. The second reasoning is looking at the model of service. When the Granada Institute was established it was responding to an important need. That need has now changed over the years and if anything it has got bigger. The model we would be aspiring to is an integrated multi-agency model. The idea of having a standalone independent agency does not work so we have been working with the Probation Service and we had an independent review done also. We are trying to develop an interagency model.
The importance of and the absolute need for interagency cooperation, which essentially adopts a holistic approach can be seen throughout the inquiry reports review and interviews.

4.5 Monitoring
The previous sections highlighted the lack of adherence to formal procedures or a common sense approach to the reporting, recording and investigation of sexual abuse. It is therefore unsurprising that little or no supervision or monitoring took place with respect to either priests convicted of sexual offences or priests who had allegations of sexual abuse against them. Table 4.16 reflects on cases where no meaningful or serious supervision took place.

The management of priest sex offenders often involved the offending clergy or religious being transferred to other locations with impunity to abuse new victims. In cases where the abuse was deemed extreme, clergy/religious were allowed to obtain dispensation from vows but were often permitted to work as lay teachers hence allowing the cycle of abuse to continue. In cases where supervision of the abuser was thought necessary, it generally was neither adequate nor strategic. What resulted was the protection of the perpetrator to the detriment of the safety of the child. While it was not documented or possibly not fully realised, in essence a perpetrator protection plan was in place. This served mostly to maintain institutional reputations.

One problem with the supervision/monitoring of offending priests was that bishops did not see it as their role or responsibility to do so. Bishop Murray claimed there was no "developed thinking" within the Archdiocese of Dublin at this time (1993 - 1996) regarding how a known or suspected offender should be supervised (MR: 34.33, p. 513). The type of monitoring that was put in place was often of little or no value, seeing that it involved bishops, in this case Bishop Murray, inquiring from the offending priest if he was behaving himself (MR: 34.20, p. 510). A key stumbling block to effective monitoring was the approach to supervision. In short, three problems can be identified: (1) child protection guidelines took second place, (2) the approach to sex offender management was a pastoral/confessional one and took priority over child protection and (3) no standard approach to the management of the offending priest occurred due to the variance among bishops.
## Table 4.16: Monitoring

<table>
<thead>
<tr>
<th>No Monitoring</th>
<th>Citation</th>
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<tbody>
<tr>
<td>No record that any attempt was made to monitor or control Fr Gallagher but priests in St Peter’s were aware of his history.</td>
<td>MR: 22.15 p. 356</td>
</tr>
<tr>
<td>No evidence of any monitoring of his activities.</td>
<td>MR:13.55 p.197</td>
</tr>
<tr>
<td>Priest’s activities appear to have been entirely unmonitored despite the Archdiocese knowledge that he had been declared a paedophile, that there was many complaints against him</td>
<td>MR: 20.83 p.313</td>
</tr>
<tr>
<td>There was no monitoring of his activities by the Archdiocese and since the nuns were not told anything about his background they could not have been expected to take on a monitoring role</td>
<td>MR: 12.21 p.181</td>
</tr>
<tr>
<td>Both [the Bishop &amp; Archbishop] were aware of his abusive past. Still no monitoring system had been put in place.</td>
<td>MR: 12.49 p.187</td>
</tr>
<tr>
<td>Priest not asked to stop wearing clerical clothing hence could present himself to public as priest in good standing</td>
<td>CR: 9.79 p. 153</td>
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<tr>
<th>Some Monitoring (Not Serious or Proper)</th>
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<tr>
<td>No monitoring in any meaningful way, monitoring priest not told of his specific role or full particulars of offences only that restrictions were on the priest.</td>
<td>CR:9.98 p. 158</td>
</tr>
<tr>
<td>It is clear that there was no serious monitoring of Fr Payne’s whereabouts at this time.</td>
<td>MR:24.61 p. 379</td>
</tr>
<tr>
<td>Monitoring priest still had to monitor even if offending priest had moved a significant distance away</td>
<td>CR: 9.98 p. 158</td>
</tr>
<tr>
<td>No follow up on supervision success/failings</td>
<td>CR: 14.14 p. 222</td>
</tr>
<tr>
<td>There was some monitoring of compliance with conditions.</td>
<td>MR:27.31 p.409</td>
</tr>
<tr>
<td>That a curate [Fr Fortune] could open youth clubs and build reconciliation rooms for young people in the basement of his house represented a serious lack of supervision.</td>
<td>FR: p. 172</td>
</tr>
<tr>
<td>Bishop Comiskey failed to put in place any proper monitoring or supervision of Sean Fortune. Such monitoring/supervision was wholly inadequate given Fortune’s history at that time.</td>
<td>FR: p. 173</td>
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<tr>
<th>Monitoring Responsibility</th>
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<tr>
<td>Archbishop Connell seems to have held the view that Bishop O’Mahony was responsible for monitoring Fr Payne but it is not clear that this was ever explicitly given to the Bishop O’Mahony.</td>
<td>MR:24.62 p. 380</td>
</tr>
<tr>
<td>The Archdiocese &amp; the Society discussed the monitoring arrangements &amp; who would be liable for any further offending</td>
<td>MR: 29.44 p. 466</td>
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<tr>
<th>New Practices and Commission Monitoring Comments</th>
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<tr>
<td>Precept was declared by new Delegate in 2008 that when out of ministry, no wearing of clerical clothes.</td>
<td>CR: 15.46 p. 236</td>
</tr>
<tr>
<td>In the context of today transferring a priest against whom, a suspicion of child sexual abuse arose to another diocese as was the case regarding Fr Iota would not be appropriate.</td>
<td>FR: p. 198</td>
</tr>
<tr>
<td>The Inquiry believes not withstanding that sexual offending in the 1960s was widely viewed as a moral rather than a medical or social problem, even in 1968 it would have been appropriate to have imposed some monitoring/supervision on Fr Collins on his return to St Peter’s given the circumstances of his departure and the high number of alleged victims involved</td>
<td>FR: p. 132</td>
</tr>
<tr>
<td>Fr Iota’s recall to parish duties after a period of ‘penance’ in Westminster without any apparent supervision or control indicates a failure on the part of Bishop Herlihy to properly appreciate the danger this man posed to children in diocese.</td>
<td>FR: p. 198</td>
</tr>
</tbody>
</table>
When monitoring was implemented the nature of it was haphazard, unorganised, non-strategic and not reviewed. At times priests were nominated to be monitoring priests of suspected or convicted priests without the priest being told that that was their role, without the true knowledge of the offending priest’s offences or with the direction “to keep an eye on him”. Furthermore, monitoring priests were not given training or adequate direction for the role. The abdication of responsibility may have been influenced by a fear to deal with the topic matter, as suggested by the NBSCCC Director. He stated in the practitioner interview that the vast majority of the bishops were "absolutely terrified of these issues, they don’t want to deal with them. So if they can get someone else to deal with them, that’s great”.

Where monitoring was put in place, conditions or restrictions were sometimes placed on the priests though often there was no review of whether there was compliance or not. "A penal precept in Church terms is an order from a bishop to a priest usually restricting him in carrying out some or all of his priestly functions". (Cloyne Report, 2009, p. 380). Restrictions could vary depending on the circumstances of the offences e.g. not to act as a supply teacher, not to be alone with children, not to wear clerical attire, or not to say mass in their home.

The issue of priests still wearing clerical dress was particularly a factor regarding supervision. In many cases as offending priests who did not adhere to that precept or if it was not a restriction, could still present themselves to the public as a respectable priest. Once an allegation is made known to the diocese, the restrictions placed on the priest apparently are not lifted until the bishop is satisfied that the priest does not present any danger to children. In 2004, Bishop Walsh in the Diocese of Ferns made it clear that neither he nor the advisory panel would be so satisfied (that the priest did not present any danger to children) without a favourable medical report following assessment from a medical practitioner or psychologist designated by the bishop (FR: p. 205).

The Cloyne Report (2009, 1.73, p. 20) highlighted that while it is one step to introduce protocols and procedures, they also need to be implemented fully, as in the Cloyne diocese: "The structures were never embedded because it had an uncommitted delegate/director of child protection and an ineffective bishop for the period 1996 -2008". Furthermore, in the Murphy Report (2009, 34.33, p. 513) the case of Fr Marius illustrated "the weakness in the management of the Archdiocese, the lack of communication between the authorities in the Archdiocese, and the
failure to properly address the whole question of monitoring. In the Commission’s view, there was nobody responsible for monitoring”.

4.5.1 Risk Assessment Practice and Treatment

Ultimately there was no joined-up thinking regarding sex offender management or supervision. Regarding psychological input, a number of priests were sent for psychiatric and psychological treatment in the 1960s and 1970s. However, from the 1980s the Archdiocese of Dublin realised that sex offending priests needed extensive treatment. Records indicate that psychological management focused more on psychological assessment and treatment of the individual rather than a risk assessment as such. Limited intervention outlets or treatment resources were available in Ireland and the UK. Facilities or practitioners to which sex offender priests were referred included: Prof O’Doherty in the Royal College of Surgeons in Ireland (in the 1980s); Our Lady of Victory Treatment Centre in Stroud Gloucestershire England, (1980s onwards); and to the Granada Institute in Dublin (from 1994 upon its inception). Both of the latter centres have since closed, in December 2004 and 2011, respectively. Twenty-five priests in the Murphy Report sample were assessed or treated by Granada and eight attended Stroud (MR: 1.70, p. 19). In this current research three of the sex offenders interviewed attended the Granada Institute.

As Table 4.17 shows, often the practitioner conducting the psychological assessment was not provided with a truthful disclosure from the offending priest or full information from the bishops therefore any assessment recommendations were flawed. In any event, the bishop became the final arbiter of the assessments. “Sometimes psychiatric and/or psychological reports were used to justify decisions and sometimes they were just ignored. Ultimately it was a matter for the archbishop to decide the weight he gave to such reports. The question of returning a priest to pastoral ministry following treatment is a judgment which ultimately falls on the Archbishop” (MR: 1.72, p. 19). Because bishops did not furnish the full facts to the psychological team, it is difficult to see how a bishop could justify his decisions with a psychological report he knows was completed in the absence of the full knowledge of the priest’s offending history, current behaviour or work role.
Table 4.17: Risk Assessment Limitations Prior to 2010

<table>
<thead>
<tr>
<th>Risk Assessment Limitations</th>
<th>Citation</th>
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<tbody>
<tr>
<td><strong>Inadequate Risk Assessments</strong></td>
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</tr>
<tr>
<td>A report from Granada in June 2000 stated Fr Naughton was unlikely to re-offend and had not abused in many years. It was stated he would not require stringent monitoring or restrictions</td>
<td>MR: 29.45, p. 466</td>
</tr>
<tr>
<td>The Commission is very concerned at the fact that in some cases full information was not given to the professional or the treatment facility about the priest’s history. This inevitably resulted in useless reports. Nevertheless, these reports were sometimes used as an excuse to allow priests back to unsupervised ministry</td>
<td>MR: 1.71, p. 19</td>
</tr>
<tr>
<td>The question of returning a priest to pastoral ministry following treatment is a judgment which ultimately falls on the Archbishop</td>
<td>MR:1.72, p. 19</td>
</tr>
<tr>
<td>Fr Fortune was referred to Prof O’Doherty for psychological assessment in 1981. The psychiatrist report was manifestly based on inadequate information. The report recommended that certain precautions be taken which were ignored by Bishop Comiskey.</td>
<td>FR: p. 172-173</td>
</tr>
<tr>
<td><strong>Introduction of Good Practice</strong></td>
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</tr>
<tr>
<td>The social worker asked about monitoring and also whether the psychological assessment was a ‘risk assessment and if so what the results were.</td>
<td>MR: 34.30 p. 588</td>
</tr>
<tr>
<td>Bishop Magee and Arch Bishop Clifford are to be commended for recruiting risk assessment specialists in 2009 to review diocesan files &amp; arrange risk assessments for some priests.</td>
<td>CR: 1.62 p. 17</td>
</tr>
<tr>
<td>The Society of Columban set up a Circle of Support and Accountability. The Probation &amp; Welfare Service was involved in monitoring the priest.</td>
<td>MR: 16.67 p. 236</td>
</tr>
</tbody>
</table>

One such report provided by the Granada Institute for Fr Terentius in November 2001 to Church authorities clearly was unaware of the true nature of the priest’s offences. The report concluded that the offending priest “was at low risk of sexually offending, needed to be supported in his present alcohol-free state, should continue to avoid any unsupervised contact with any children, should continue with counselling to deal with his anger and should be allowed to go on holiday and travel abroad without restriction”. The head of the order had reservations about the leniency of some of the restrictions but felt bound by the findings of the Granada report (MR: 37.47, p. 542).

There was no infrastructure or expertise in monitoring sex offenders during this time period. The approach to monitoring up until the 1990s was very poor indeed not only for priests with allegations against them but also for priests convicted of sexual offences. No one took responsibility for monitoring or supervision, no one was appointed in charge of the offending priest or if nominated the nominee may not have been informed. Some convicted sex offenders may have been under the
supervision of the Probation and Welfare Service at this time. When the Sex Offender Act 2001 was introduced convicted sex offender priests would have had to comply with these requirements. Therefore, the supervision and monitoring landscape is clearly improving. The One in Four director claims put forward that the current management of convicted sex offenders is far better, “better than what it was”. However, the current system is not flawless. The HSE stated in relation to gaps in the service that “where it bites the most is immediate risk assessment”.

Within the reports, religious orders appeared to take a better management approach than the bishops with parish priests. For example, the Society of St Columban set up a Circle of Support and Accountability for one of its offending brothers. The Probation and Welfare Service was involved in monitoring the priest (MR: 16.67, p. 236). Based on principles of restorative justice, Circles of Support and Accountability (COSA), were developed by a Mennonite pastor Harry Nigh in Canada in the 1990s in response to the media frenzy and public outcry upon the release from prison of a high-risk sex offender. The model involves a core member (sex offender) who is part of an inner circle of trained volunteers (4 - 6 volunteers) who support the core member and hold them to account. This inner circle is in turn supported by an outer circle of professionals (e.g. co-ordinator, probation officers, etc.). The core member would normally be of medium to high risk with few social networks, socially isolated and would find it difficult to reintegrate successfully into society (Clarke, 2011, p. 3).

The practitioner interviews highlighted the value of circles of support and accountability. Moreover, it was mentioned that the circle may still be in place long after the State’s obligation under the probation order or obligations under the Sex Offender Act have transpired. The selection of appropriately committed people from the community was considered important for its success. Furthermore, it was noted that sex offenders are subject to the Sex Offender Act and probation supervision for only a certain lengths of time. Therefore, if an effective circle of support was in place for the long term it would be very beneficial.

One in Four Director: “The whole question of circles of support or something really needs to be developed. I would imagine there are responsible people out there in the community if a properly supported programme was set up we would be happy to become involved in. You would have well selected people who their role would be to form circles of support and perhaps they would continue so for a number of years. I think that is the bit that is always missing. And in the end of the day in 5 years 10 years
down the line, the agencies will have melted away but if you have a circle of support that’s in place and it’s working [that’s the real success].”

RCNI Legal Director: “I think they [circles of support and accountability] are a great idea. They have to be properly run, properly funded, the best possible practice, resourcing is important. Getting the right people to do it, to introduce it and to train others is important. But that is a real example of where the community at large can be pulled in to support not just the sex offenders, themselves but survivors of course. I can’t see in principle where we would have an objection if it comes back to reducing risk.”

4.6 Additional Practitioners Interview Themes

A number of themes were explored in the practitioner interviews regarding sex offender management namely (1) agency perspective (2) monitoring/management approach, (3) gaps in current sex offender management in Ireland, (4) impact of Commission to Inquire/of Investigation reports and (5) the role of the community

4.6.1 Agency Perspective - Language

The different agencies looked at the sexual abuse and sex offenders with different perspectives and therefore the language or the concepts put forward varied. The NBSCCC focused on the term safeguarding whereas the HSE and practitioner used the term child protection. Furthermore, the approach was victim or survivor centred from the rape crisis network.

RCNI Legal Director: “We prefer the word survivor because it sounds much more positive and active than a victim. A victim sounds like a person with no choices. Our philosophy is about empowering as much as possible.”

HSE Head of Policy & Strategy: “Our motto if we had one would be ‘Children First Always’. Every decision we make it is in that order. From a child protection point of view that is the first thing we are going to do.”

One in Four Executive Director: “We have a safeguarding approach as opposed to a child protection one. The safeguarding approach places the creation and maintenance of a safe environment for children within the Church and the only way we can do that is to identify, manage and minimise or eliminate risk in that environment. So if you have an individual who is deemed to be a risk then he has to be managed.”

Garda Child Protection Specialist: “The process from the guards would be crime centred absolutely crime centred, not child centred and not out of a bad sense. It is out of a sense in order to get the guy who did this to this child I have to do follow procedures to get evidential proof instead of child centred as such.”
Whichever term an organisation prefers the goal is safety and reducing or eliminating sexual offending. It is in stark contrast to the Murphy Report (2009, 1.113, p. 28) findings that “the welfare of children which should have been the first priority was not even a factor to be considered in the early stages. Instead the focus was on the avoidance of scandal and of what the situation regarded as its most important members – the priests”. Additionally, the different agencies highlighted that there appears to be a zero tolerance for any errors when it comes to child protection issues and sex offender management as reflected in the comment below.

HSE Head of Policy & Strategy: “It is a tricky enough because social workers and this is not an Irish thing but you are hanged if you do and you’re hanged if you don’t. You can’t win. You just have to accept that if you work for a statutory child protection service you can’t win. You can take that for granted and people do not assume that you have the best interests of the children at heart. There is that default in the media that we couldn’t possible care about children…There is the expectation of child protection that we will get it 100% right all the time and we just can’t.’

Likewise, agencies with any involvement with children have a responsibility to protect them and also create a safe environment. Praise was given to the advances and/or commitment made by sporting organisations (comments below). In a landmark case in January 2014 the European Court of Human Rights (ECHR) ruled in favour of a woman called Louise O’Keeffe who was abused by her then-principal, Leo Hickey, in a Cork primary school in the 1970s when she was eight years old. The Government, specifically the Department of Education, had denied liability, insisting that it was the school board of management involved that was responsible. Ms. Hickey had unsuccessfully sued the State over the 1970s abuse incidents and claimed the Department of Education was liable as they paid the teacher’s wages, supervised the school curriculum, paid the teachers’ pension and even inspected the classrooms. The court ruling effectively meant that there is a governmental responsibility to keep children safe in the school setting. The ECHR ruling will also have enormous implications for European law given the fact that dozens of countries other than Ireland also rely on the principal of vicarious or separated liability (Riegel & McDonald, 2014).

4.6.2 Monitoring/Management Approach

The issue of monitoring and the management of sex offenders was examined in the practitioner interviews. A number of the practitioners reported there was a lack of understanding of the monitoring role that Gardai are involved in on a day-to-day
basis. While not familiar with the particulars of the monitoring process, the Rape Crisis Network of Ireland stated that it was reassuring that a multi-agency structure was in place that conducted such an activity as indicated in the following extracts.

RCNI Legal Director: “To know that there is a structure that the guards and probation are working together to keep a real eye on this guy [sex offender] would be very reassuring.”

RCNI Legal Director: “On a day-to-day basis I do not know what guards do on a local basis to supervise offenders. As I understand it they are assessed pretty much immediately as low, medium, high or very high risk and that then dictates the level of supervision but I am a bit hazy about what that means in reality. I know what supervision from a probation point of view is but from the Gardaí - no.

Practitioners highlighted that feedback from their clients indicated that monitoring is currently not developed. Furthermore, by maintaining a low profile and “not bringing yourself to the attention of the guards”, it resulted in little contact with the Gardaí. With respect to whether or not the approach to sex offender priests should be any different to other sex offenders, the view was that it should not. The NBSCCC Director stated he would “hope they would be treated like any other member of the community, any other member of society. Because ultimately they are a sex offender, they should be treated first as a sex offender who happens to be a priest. That is the attitude we want to encourage. We don’t want people to be treating them as priests who happen to be sex offenders. They are sex offenders who happen to be priests”.

Furthermore, the NBSCCC highlighted that the approach that police might need to be mindful of is that monitoring of the priest may be simultaneously conducted by the religious order. Therefore, it is important to link in with the religious orders. The monitoring guard “needs to relate to this and draw on it as well as keep informed about that process”. Essentially, there needs to be interaction with the monitors within the religious order for sharing of information and effective management and the Gardaí. Also, clinical practitioners mentioned that not all sex offenders need the same level of monitoring. The approach taken should therefore be linked to the Risk Needs Responsivity Model (Andrews and Bonta, 1998).

Another issue which was raised by the NBSCCC was the amount of sex offender priests that are not convicted. The number of priests with credible allegations is much greater than the convicted number. “Therefore there isn’t a statutory
responsibility per sec in relation to those”: however, the NBSCCC stated that it was the responsibility of the Church and the NBSCCC responsibility to manage and monitor those unprosecuted or suspected sex offenders. Moreover a concern that numerous priests have returned to Ireland from abroad with allegations of abuse was also expressed. The exact number of these returning priests who abused victims is unknown, little or no information has been communicated and they are not being monitored. only time will tell whether or not a trend will result in detections of new offences by these priests.

NBSCCC Director: “A particular complication for Ireland is it was a net exporter of priests for many years to places like America, Australia and so on. And many of those individuals have been subjects of allegations or have been convicted in their diocesan or vocations. The diocesan has retired them early and sent them home so they have come back and they are within Ireland and often the information about them doesn’t come back. So it creates a difficulty for us. Between 2002 and 2004 in the States over 700 priests left ministry as a result of the crisis in the Catholic Church in America. Now a large number of them were Irish and they came back to Ireland. In many of the cases the American diocesan has not supplied us with the information which they have in relation to those individuals.”

4.6.3 Gaps in Sex Offender Management

A number of gaps were highlighted in relation to sex offender management in the community. The first one was the provision of adequate secure accommodation for sex offenders. One in Four raised the point that some local housing authorities are proactive in joint agency work to house sex offenders while other agencies are not. In 2010, Wicklow county councillors passed a resolution to prevent the local authority from housing convicted sex offenders or their families. The intervention by Wicklow County Council was the first of its kind in Ireland38.

A joint report launched on the 30 December 2013 by the Garda Síochána, HSE and the Prison Service put forward a plan that sex offenders should be given homes by local authorities on their release from prison. This is currently under consideration by the Minister for Justice. The plan would relate to the Dublin region and its aim is for sex offenders to avoid becoming homeless. The plan recommends the setting up

38 It came to light in an incident where the family of a man convicted in 1992 of unlawful carnal knowledge of a minor was on the housing list. He was assessed as low risk and Wicklow County Council had attempted to house the family on several occasions but pressure from local residents prevented this from happening successfully. Eventually, the family were to be housed in the town of Ashford but one Sunday night, a fire was started in the house. The family had not yet taken up residence in the house, and the first steps towards removing them entirely from the list was taken at a meeting of the Council on the Monday night when the motion calling for their removal was passed.
of placement committees who will decide where sex offenders should live. If implemented, the radical measures will shift the onus of housing responsibility on to local authorities. Serious concern has been raised about the current system, which leaves sex offenders staying for weeks and months on end in hostels and temporary accommodation when they leave prison.

One in Four Director: “I think there needs to be something, very much like Northern Ireland where it is standard practice that the housing authority agency whatever they are called are automatically a part of the conversation with Probation, the police and the NGOs that are involved as well.”

The theme of accommodation is discussed in later chapters as a serious concern for sex offenders (Section 8.7.1) and a challenge for probation officers to secure appropriate housing (Section 6.5.2).

The second gap which was identified was the level of treatment available to sex offenders. It was highlighted that there are very few providers of sex offender treatment in Ireland. There was “no organised treatment service” and “there is nothing nationwide”. Two adolescent treatment programmes were identified with one in Dublin and the other in Galway. Likewise two adult treatment programmes exist nationwide, one run by One in Four in Dublin and the other by Cosc in County Donegal. Treatment programmes completed in prison focus on the Good Lives Model which shares some similarities with One in Four’s programme. The Probation Service also offers a treatment programme called Safer Lives for sex offenders who are on probation service. Because the programme is based in Dublin the feasibility of travelling to obtain treatment is a factor. The HSE, on reviewing the services, found that they were “extraordinary patchy, with very little available for people with sexually harmful behaviours”. As a result they have established a model of service delivery based in the four HSE regions with links to the child protection services, namely the Gardaí, the Probation Service and the Prison Service. “The philosophy behind their fledging service is a "core and clusters model where it would have a certain amount of dedicated staff and bringing in other people maybe on a day or a two-day basis to try and populate the service". The following extracts reflect the view that some meaningful therapeutic intervention is being conducted that should be available to more sex offenders. Also there is a need to encourage sex offenders to participate in programmes as well as having a national coordinating body which should have responsibility for it. The HSE was cited by One in Four as being the most appropriate agency to be tasked with the role.
“Regarding the programmes it would be great first if there were more available but also if people were incentivised to continue to participate formally like making it a condition of their temporary release or making it a condition of their post-release supervision order. You have to incentivised programmes for people to attend programmes and you have to make the programmes meaningful’.

“Some meaningful appropriate therapeutic intervention that might have some outcome. They would be a gap for us. I suppose COSC which is a HSE service is the most insightful service but unfortunately it is not replicated all over the place.”

“There needs to be a national coordinating body so that there are national standards, national monitoring and probably the HSE is the ideal group to do that. But that’s not happening.”

A further concern was that if there were a concentration on risk and management without rehabilitation or restorative justice, it would prove fruitless.

“One of the gaps is rehabilitation not only for perpetrators but also victims. It is important we focus on risk. It is important we focus on management but if we don’t focus on rehabilitation as the third prong of the tripod we are just controlling.”

4.6.4 Impact of Commission to Inquire/of Investigation Reports

The question was posed of what impact has the Commission to Inquire/of Investigation reports had on the processes involved in the investigation of sexual abuse and the management of sex offenders. Some practitioners believed that there had been a great outcry on release of these reports and, as mentioned previously, it does encourage reporting of offences, but questions remain as to what are the long-term benefits to processes and their impact.

From the interview analysis, some asserted that real changes or recommendations came from the reports, which were reinforced by subsequent work or initiatives. This was specifically the case after the publication of the Ferns Report when “a national committee was set up with a fairly complex structure which broke into was five or six different projects and Ferns 5 focuses on adult perpetrators of abuse. The National Committee for FERNS 5 produced some pretty good work that came up at the time with a state of the nation position for the HSE on this area saying the treatment of offenders is actually a child protection issue because the more you treat them the less they offend at least in theory anyway”. Other practitioners on the Ferns 5 committee were less positive stating “we deliberated and produced reports but
nothing has happened to my knowledge on it”. A recommendation of Ferns 5 was “there needs to be this integrated approach to services because one service can’t do it all on our own”.

Some were disillusioned by the reports as when wrongdoing was identified people or organisations were not held accountable. There was a view that the reports were “assessing processes and not assessing incompetence”. While it was stated that the reports were an expensive venture, they are cathartic for the victims. The point that there is no accountability after the production of the Commission to Inquire/Investigation reports does not always sit well but the relevance of auditing systems was welcomed as Hiqa was one such auditing mechanism cited. While the NBSCCC states that the government reports did not make a change to Church practices rather it was the setting up of the safeguarding agency which ultimately brought the change of practices and transparency to the church processes. The extract below from the NBSCCC clarifies their position as an auditing agency of Church practices:

NBSCCC Director: “The state would not have brought about change and the State didn’t bring about change. I mean the State introduced the Public Inquires Ferns and that in itself did not alter practices in the Church to any significant degree. What altered practice in the church was Cloyne and the fact that the Church had created themselves a body [NBSCCC] which told them to do something [and the Cloyne diocese didn’t] and are now dioceses are adhering. That was the real stroke. We have given [Bishops/priests/religious] a remit and they are actually doing it and of course that is what has developed. It hasn’t been good in the past, mistakes have been made and everything else but this is where we are at now. This is what we have got in place and we are committed to transparency and accountability. That was massive and it was done without State intervention. That is massive change because we are now leading a process which is having profound change profound repercussions within the [Church]. We are now making the standards real.”

With respect to the impact the NBSCCC did claim one of the legacies of the reports was that there was a freer communication between bishops than before and with outside agencies. The increased flow of information to and from the Church to the

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39 Health Information and Quality Authority was established in 2007. It is responsible for appropriate governance for ensuring that there are effective systems of internal control, statutory and operational compliance and risk management. It has responsibility for driving quality, safety and accountability in residential services for children, older people and people with disabilities in Ireland and for the quality and safety of healthcare on behalf of patients.
statutory was due to “learning from the reports and also the NBSCCC monitoring role as well”.

4.6.5 The Role of the Community
A lot of the time the focus on sex offender management has rested on the state agencies and the various non-governmental organisations but the practitioner interviews highlighted contribution from society or the community was also needed. The community contribution sought is constructive where the focus is on the reintegration of the sex offender into society with supports for non-offending behaviour rather than any vigilante approach to safeguarding children. Furthermore, the community has a restorative role with respect to healing and social inclusion of the sex offender.

Some practitioners highlighted that the community sometimes will not accept that a convicted sex offender actually committed the offence and the ramifications for the offender are non-existent. Others see the life that sex offenders have to lead in the community as convicted sex offenders as a human right violation.

Regarding the contribution of the community it was noted that “a community can not contribute when they are hurting” but equally the concept that you cannot heal a community through legal measures alone like redress boards, prison sentences etc. O’Malley (2009) asserts that it is folly to believe the law will heal the hurts of the past. Rather the focus should be to prosecuting and making people accountable but also have other elements in place which are restorative for the victim and the offender.

The Rape Crisis Network stressed that “it is very difficult for survivors to deal even with the idea of sex offender reintegration much less the reality of it”. But as an organisation they are mindful that factors like “the availability of a stable home, a stable routine, being able to mix with the right sort of people” and not marginalising them were important in reducing the risk of further sexual offending. It is from that perspective that they believe “there needs to be reintegration as it is not only about keeping the survivor safe for the future but also other people from being attacked”. One practitioner cited it was “a cruelty – a human rights violation not allowing men and women to join the human race”. The contribution most reflected on was the circles of support and accountability. This was the avenue where the community
could play a part. The more people involved with the offender the better claimed some practitioners.

4.7 Summary Conclusion
This chapter examined the four Commission to Inquire/of Investigation reports (Ryan Report, Ferns Report, Murphy Report and Cloyne Report) and stakeholder interviews were conducted. Table 4.18 on the following page provides a summary of the four Reports. It also identifies the degree to which the practices and procedures put in place were adhered to in the reports’ sexual abuse time frames and a 2014 status. The main findings of this chapter are:

- The true extent of sexual abuse by clergy in Ireland is unknown, although the abuse of male victims in institutions was more endemic than in female institutions.
- The era was a time of concealment where essentially a "perpetrator protection plan" was in place.
- An inappropriate relationship dynamic existed between the Church and the Garda Síochána. This resulted in informal communication where sensitive information or investigatory information was passed between agencies. The Garda Síochána have provided leadership in implementing clear guidance and this relationship dynamic no longer exists.
- There was no structure in place for reporting, recording and investigating sex abuse.
- There was a lack of a structure in place to facilitate communication between the Garda Síochána, the HSE and the Church. Children First Guidelines 1999 set a structure in place.
- When structures were established, they were not fully implemented, embedded or adhered to.
- Barriers to reporting have now been removed with new legislation (2007 – no formal complaint needed from victim), guidelines and protocols (1996 onwards).
- Sexual violence reporting rates have increased year-on-year with spikes in line with publications of inquiry reports or media reports/broadcasts of sexual abuse documentaries/dramas.
- Garda investigations in the past were haphazard and poorly directed. Marked improvements in Garda investigations have occurred since the late
1990s. This has incorporated specialised sexual violence units and specialised training.

- Record-keeping was inadequate across the agencies. When taken, there was no distinction between fact and opinion. Notes were often mislaid, lost or not accessible.
- Audits of records were not conducted. Audits and evaluations are now a more common practice.
- Sex Offending priests were poorly monitored and supervised. Risk assessments, if conducted, were not provided with the complete information about the offending priest’s offences, behaviour or history hence any assessment report was limited in value.
- Recommendations from risk assessments were not always followed.
### Table 4.18 Inquiry Reports Summary - Lessons from Inquires

<table>
<thead>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
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<td>Dublin</td>
<td>Cork</td>
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<td><strong>Type of Abuse</strong></td>
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<td>Sexual</td>
<td>Sexual</td>
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</tr>
<tr>
<td><strong>Context</strong></td>
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<td>Authority Abuse</td>
<td>Authority Abuse</td>
<td>Authority Abuse</td>
<td></td>
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<tr>
<td><strong>Victims</strong></td>
<td>Children</td>
<td>Children &amp; Adults</td>
<td>Children &amp; Adults</td>
<td>Children &amp; Adults</td>
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</tr>
<tr>
<td><strong>Perpetrators</strong></td>
<td>Priests/religious and lay people</td>
<td>Priests/religious</td>
<td>Priests/religious</td>
<td>Priests/religious</td>
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</tr>
<tr>
<td><strong>Structure/Procedures for reporting sexual abuse</strong></td>
<td>N*</td>
<td>N*</td>
<td>N*</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Procedures embedded</strong></td>
<td>N</td>
<td></td>
<td>Y</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Standard Church approach to sexual abuse complaints</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Inappropriate relationships re: Church &amp; State agencies</strong></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Church records maintained &amp; accurate</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Mandatory reporting by Church to Gardaí/HSE occurring</strong></td>
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<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Garda records maintained</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Comprehensive Garda investigation</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Proper Risk Assessments conducted</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y**</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Effective communication across agencies</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y***</td>
</tr>
<tr>
<td><strong>Victim centred Church</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Perpetrator centred approach by Church</strong></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Victim centred Garda</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Perpetrator centred approach by Gardaí</strong></td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td><strong>Common language</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Effective monitoring practices</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Audit and follow up</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>Trained staff</strong></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Y</td>
<td>UK</td>
</tr>
</tbody>
</table>

Y=Yes N=No UK=Unknown. *introduced at latter stage of abuse timeframe. **yes at later stage. *** getting better

Please note that Chapter 5, pp. 136-148 is unavailable due to a restriction requested by the author.
Chapter 6

Results: Risk Assessment Review

6.0 Introduction and Chapter Format
This chapter reports on findings from Study 4 (qualitative review of risk assessment and Study 5 (quantitative review of risk assessment). The qualitative sources of data are (1) interviews with monitoring guards, (2) interviews with probation officers. The quantitative sources of data come from two questionnaires (1) a Monitoring Guard Questionnaire (Appendix 3.13) and (2) a Garda Risk Assessor Questionnaire (Appendix 3.14). In total, 125 respondents out of a population frame of 270 was achieved. Two questionnaires were conducted because not all monitoring guards are trained in Risk Matrix 2000, and Stable and Acute 2007. Equally, some Garda members trained in the risk assessment tools are not monitoring guards. The questionnaires incorporated some of the same sections hence the resulting data was incorporated into the one SPSS database, for analysis.

This chapter first provides an outline of the risk assessment tools used in Ireland. Findings on Risk Matrix 2000 are presented on a thematic basis incorporating the qualitative interview and quantitative questionnaire analysis. Findings on the Stable Interview of the SA07 assessment are first presented followed by the Acute assessment. A thematic approach integrating both qualitative and quantitative analysis is also used. As the assessment tools are common to both agencies, the findings of monitoring guards and probation officers’ views are presented together as the resulting themes have commonality. A recap of the structure of each risk assessment tool is outlined at the beginning of each risk assessment section. The final section examines risk assessment practice implications and an organisational risk paradigm. Additional interview extracts for this chapter are contained in Appendix 6.1.

6.0.1 Risk Assessment Tools
The two risk assessment tools that the Garda Síochána and the Probation Service use to assess sex offenders risk of reconviction or reoffending are the Risk Matrix 2000 and Stable and Acute 2007 respectively. Risk Matrix as a risk assessment tool has been used by prison, probation and police forces since the late 1990s in the UK and the late 2000s in Ireland. Stable and Acute 2007 is used in Ireland, the UK,
Canada, Germany and USA by probation officers and police officers for sex offenders living in the community. However, it also has been used in the prison setting. It was implemented in Ireland from 2007 onwards and its assessments also feed into multi-agency sex offender management discussions in Northern Ireland (PPANI) and Ireland (SORAM).

Prior to the introduction of these tools, clinical opinion of risk of reoffending was used by probation officers mainly. In 2000, LSI-R was adopted in the Probation Service for generic offenders. Therefore, the Probation Service has a history of assessing risk of reoffending either by clinical opinion or the LSI-R. The Garda Síochána was more focused on detection of sexual crimes rather than risk reviews of convicted sex offenders at that time.

6.1 Risk Matrix 2000 Findings
The following sections present findings on Risk Matrix 2000. A summary review of RM2K’s structure is first put forward. It then explores the opinions of monitoring guards and probation officers on Risk Matrix (RM2K), focusing on any limitations and difficulties encountered. Finally implications for practice are discussed.

6.1.1 Risk Matrix 2000 Recap
To recap, Risk Matrix 2000 is a statistically derived risk assessment classification intended for males aged at least 18 years who have been convicted of a sexual offence. It uses factual information about an offender’s past history to divide them into categories that differ substantially in their rates of reconviction for sexual or other offences. It is designed to assist in the prediction of sexual and violent recidivism (Thornton et al, 2003). Risk Matrix 2000 has three scales: S (sexual scale), V (violent scale) and C (combined scale). Risk Matrix 2000 incorporates static risk factors. Static risk factors are defined as relatively fixed aspects of offenders’ histories, such as age and the extent of previous offending, that raises the risk of reoffending but cannot be changed for the better through deliberate intervention (Mann et al, 2010). Table 6.1 on the next page indicates the steps to complete the Risk Matrix Sexual Scale.
### Table 6.1 Risk Matrix Sexual Scale

<table>
<thead>
<tr>
<th>STEP ONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age of Commencement of Risk</td>
</tr>
<tr>
<td>Sexual SentencingAppearances</td>
</tr>
<tr>
<td>Criminal Sentencing Appearances</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Initial Risk Category</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STEP TWO (Aggravating Factors)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any conviction for a sex offence against a male Yes/No</td>
</tr>
<tr>
<td>Any conviction for a sex offence against a stranger Yes/No</td>
</tr>
<tr>
<td>Any conviction for a non-contact sex offence Yes/No</td>
</tr>
<tr>
<td>Single Yes/No</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Increase by 1 risk group if two aggravating factors present</td>
</tr>
<tr>
<td>Increase by 2 risk group if all four aggravating factors present</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINAL RISK CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOW</td>
</tr>
<tr>
<td>MEDIUM</td>
</tr>
<tr>
<td>HIGH</td>
</tr>
<tr>
<td>VERY HIGH</td>
</tr>
</tbody>
</table>

#### 6.1.2 Opinion of Risk Matrix 2000

Both monitoring guards and probation officers had similar views on Risk Matrix. Views on the tool itself were mixed, however in the main it was considered a basic tool or as a screening mechanism to divide the sex offender population under probation supervision or Garda monitoring into risk categories. This would determine resource allocation and whether the next stage of risk assessment (the Stable and Acute) occurred. The latter resulted if an individual scored a medium to very high risk rating.

Risk Matrix was seen as the “starter risk assessment” and from it lead implications. The Risk Matrix risk rating determined five main actions namely:

1. Allocation onto a High Risk Team, Community Team (Probation Service)
2. Frequency of probation supervision meetings
3. Frequency of visits from monitoring guards
4. Whether Stable and Acute was conducted
5. Inclusion in SORAM process
Given that professional judgement was the mode of risk assessment prior to the introduction of Risk Matrix, it was seen as validating probation officers’ work as it was founded on evidence-based risk assessments. Moreover, there was now a defensible practice where judgement biases were removed and the risk assessment process was more scientific. This is supported by Kemshall’s (1998) work where probation officers believed risk assessments instruments with their checklists and weighting systems resolved the value debates they had. Alternatively, some saw Risk Matrix’s “only value as a screening device for Stable and Acute” or as a foundation which gives a framework to work from. The concern that the risk factors were focused solely on static risk factors was also mentioned, whereby it failed to highlight progress which the sex offender could make. The risk rating would effectively decrease as the sex offender got older and if they qualified for marital status. Essentially, the limitation was seen in its static foundation, which is the essence of the tool. Extracts below illustrate some of these views:

PO10: “It is a part of our defensible practice now so it supports our hunches. It is a useful tool in that regard....”

PO6: “As a risk assessment tool it is a crude assessment tool. It is basically putting people into boxes so you can separate out. There is only four different factors so while it bunches people together, also people come out as low risk might have other issues when you get to know them more that it is not capturing, so on its own it is not of much benefit. I don’t think it is. I suppose as a numerical or statistical instrument it is useful but not from a practical point of view.”

PO15: “It is very basic, but I mean it’s better than when I was in the service first nine years ago, there was nothing. So you wouldn’t have a clue ... So it kind of makes you feel you have a better handle on what the risk is.”

Whereas monitoring guards did not use terms like defensible practice or clinical judgement regarding risk assessment, Risk Matrix was seen as an advancement, as sex offenders had not been risk assessed in any formal method prior to it. It was seen as a basic tool and often compared to Stable and Acute, which was put forward as having greater value. Table 6.2 presents findings from the quantitative questionnaire regarding usefulness of Risk Matrix.

<table>
<thead>
<tr>
<th>Usefulness of RM2K</th>
<th>Very High</th>
<th>High</th>
<th>Neither</th>
<th>Low</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>65</td>
<td>17</td>
<td>13</td>
<td>100</td>
<td>(n=72)</td>
</tr>
</tbody>
</table>
Nearly three-quarters of Garda members surveyed stated that Risk Matrix as a useful risk assessment tool was high or very high (71%). Thirteen per cent believed its usefulness was low with 17 per cent considering it was neither useful nor helpful. The extracts below indicate the common views on Risk Matrix.

MG17: “It’s not as comprehensive as the Stable and Acute, you know what I mean ... if one has to be basic about it, it’s only a rough assessment, or a brief assessment. It’s not a thorough one.”

MG07: “Risk Matrix’s fine, straightforward it doesn’t take very long. It’s is fine, because it gives you an idea. Alright I’m saying I don’t always feel that it’s entirely accurate, but I think by and large it’s probably there, thereabouts, do you know what I mean so it gives you an idea then, and then we visit them.”

There are concerns, especially from probation officers, that as Risk Matrix does not necessitate meeting the sex offender it could become a tick-box exercise. The assessment itself was seen as straightforward, “very easy to use, user friendly”. It could be conducted relatively quickly once all the information required was at hand. Table 6.3 (on the next page) presents questionnaire data. It highlights that 51 per cent of Garda members surveyed said it was easy or very easy to complete, while one-third said it was difficult or very difficult. The remaining 16 per cent were ambivalent.

6.1.3 Sourcing Information for Risk Matrix 2000

With respect to information, the ease of obtaining information to conduct the Risk Matrix was at times difficult. Contact with investigating guards proved difficult if not impossible as Garda members can transfer to a number of divisions over the years. Issues with sourcing information were followed up in the questionnaire survey of Garda members.

MG17: “I was ringing the guards and ringing retired guards and guards that are moved on. We’ll say a case might have happened in Limerick, so you ring Limerick, Henry Street, she’s [the guard] not here anymore she’s over in Carlow. But that did happen with one or two of them, you know, so you know it’s just to track [down the information, it’s hard.] When you open your file here, you know you fill in your data, you know you fill in whatever, but you don’t have the old files, so maybe you should have them.”
Table 6.3 shows that fifty-one per cent of respondents in the questionnaire survey stated it was a bit or very difficult to source information for the RM2K assessment. Also from the quantitative data, eighty-three per cent stated PULSE did not provide all the information they needed to conduct the Risk Matrix.

As can be seen in Figure 6.1, after PULSE the main sources of information identified in the questionnaire data that Garda members would refer to were investigating Garda (27%), investigation file/book of evidence (25%), monitoring guard (39%), sex offender (39%) and probation officer (14%).

Furthermore, the questionnaire data indicates in Table 6.4 the information aspects of the Risk Matrix that are the most difficult to source are. These were: stranger victim, single status, non-contact offence, sexual sentencing appearances, criminal sentencing appearances, male victim, and age of victim. The first port of call for information is PULSE with the next step either the investigating guard or
investigation file. The risk assessor in the Risk Matrix has to find at least one stranger victim in order to affirm its presence. Therefore, all sexual offences or concealed sexual offences have to be tracked down and examined in order to confirm or negate the presence of at least one stranger victim.

**Table 6.4: Ranked Most Difficult Information to Source for RM2K**

<table>
<thead>
<tr>
<th>Most Difficult Aspects of RM2K to Source Information For</th>
<th>%</th>
<th>Ranked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stranger Victim</td>
<td>23</td>
<td>1</td>
</tr>
<tr>
<td>Single Status</td>
<td>23</td>
<td>2</td>
</tr>
<tr>
<td>Non-Contact Offences</td>
<td>21</td>
<td>3</td>
</tr>
<tr>
<td>Sexual Sentencing Appearances</td>
<td>13</td>
<td>4</td>
</tr>
<tr>
<td>Criminal Sentencing Appearances</td>
<td>12</td>
<td>5</td>
</tr>
<tr>
<td>Male Victim</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Age of Offender</td>
<td>2</td>
<td>7</td>
</tr>
</tbody>
</table>

With the single status, this does not reflect marital status. If the offender has never lived in a continuous marital-type relationship (male or female) for at least two years this would equate to single status. Furthermore, if he has been in a continuous marital type relationship for two years or more but there has been sexual abuse of children within the first two-year period of the relationship, it would account as single. Therefore, this nuance may prove difficult for assessors to establish and hence is one difficult item to source information on. The reason why non-contact offences proved difficult to source is uncertain.

The assessor had to follow up on any source that was needed to complete the Risk Matrix assessment and then rely on the accuracy on the information from that source unless blatantly incorrect. In the qualitative interviews, the view that the risk rating is only as good as the quality of the information utilised was held by both monitoring guards and probation officers. This was also confirmed in the questionnaire data where 97 per cent of Garda respondents either agreed (55%) or strongly agreed (42%) that risk assessment is only as good as the accuracy of the information.

### 6.1.4 Risk Matrix 2000 Rating vs. Professional Opinion

Probation officers and Garda members also had to reconcile the fact that the results may not correlate with their expected professional opinion of risk. Therefore, the value of the Risk Matrix result was questionable for some cases. While having a defensible practice to the probation work was welcomed, when the risk rating was at
odds with the perceived expected risk rating: there was some anxiety. This was mainly because Risk Matrix provides a risk of reconviction rather than reoffending, and uses static\textsuperscript{42} risk factors. Hence it does not incorporate all the information about the offender available to the probation officer or guard.

Figure 6.2 presents a bar chart based on three aspects of clinical opinion and Risk Matrix 2000 that was identified in the questionnaire analysis. Seventy-eight per cent of Garda respondents believed that Risk Matrix provided an accurate estimation of risk “sometimes”, with 7 per cent stating it did so “not often” enough. Again, with alignment with professional judgement nearly three-quarters of respondents (72%) stating this occurred “sometimes”. A further 12 per cent stated Risk Matrix did not align with professional opinion often.

When asked if they believed Risk Matrix over or underestimated risk, over half (57%) of questionnaire respondents stated it happened “sometimes”, with 38 per cent considering it occurred “not often”, and with 6 per cent believing it “always” happened. The main concern was an underestimation of the level of risk, as can be seen in the following extracts:

MG17: “Well, it has its advantages but the only thing I would find fault with, is, you could grade someone as a low risk, which you genuinely feel they’ve a potential to be a high risk, and I suppose its historical [factors] you’re going

\textsuperscript{42} Static RM2K factors are - age, number of sexual sentencing appearances, number of criminal sentencing appearances, single status and whether there was a stranger victim, male victim and non-contact offence.
on. We had a guy that was considered low and I would have considered him one of our most dangerous people that we have or is most at risk. He has been convicted since and he reoffended and he is back inside but he would have been low on the system and that was because he was of senior age and he didn’t have many previous convictions.”

MG15: “I’ve seen ones coming back as high risk that I thought, I wouldn't have much of a concern about him, he seems to be [okay], so I’m not sure. Now they tell you that it’s accurate and it’s right. I’d question it [the validity].”

6.1.5 Concerns: Specific Assessment Elements of the Risk Matrix 2000
Concern was observed in two areas: (1) the criminal sentencing appearances stage, and (2) the strict scoring rules. The concern with the criminal sentencing appearances section of the Risk Matrix, was because, the emphasis was on convictions rather than offences. Garda members had a particular issue with this element of the assessment. Furthermore, the scoring rule within Risk Matrix where convictions for different offences or sample charges received in the one court appearance would account for one conviction, irrespective of number of victims, was of worry. Garda members asserted that this was biased in favour of the offender.

PO4: “When you get to the conviction stage. I don’t think it’s very fair that somebody has been arrested, the file has gone to the DPP, they come back with directions and it’s a charge and then it falls in the court for whatever reason, it could be technicality, it could be the warrant that was used and then they’re not being [convicted]. I don’t think that they’re being assessed properly [in Risk Matrix]. I don’t think the accurate information is there, I don’t really understand…. the convictions, they could be, like my particular man could be in a higher risk category only because he hasn’t been convicted … it’s not recorded, you can’t use it [in Risk Matrix]. I get very frustrated about that.”

The frustration with the criminal sentencing appearances is twofold – the evidence is present to arrest an individual and for the Director of Public Prosecutions (DPP) to also agree and bring it to court, but a successful court conviction may not result due to a technicality or for various reasons. Respondents cited these as; the Judiciary are not convicting offenders; prisons numbers are stretched to capacity hence custodial sentences are not being given; convictions are not achieved due to intimidation of witnesses, wrong police evidence and injured party withdrew case.
This has the knock-on effect according to the monitoring guards, of reducing the risk because of the risk category that the offender ultimately is designated. As strict scoring rules have to be followed in the Risk Matrix instrument, it was viewed as cumbersome at times especially if not completed regularly. This has an implication for training and practice in that if assessors are not conducting Risk Matrix regularly, difficulties or inaccuracies may result when completing them. The following extracts, reflects this view.

MG20: “The thing is you need to be doing it a lot otherwise, it’ll go out the window. There’s a certain few things that are tricky and it can very easily be done wrong. I kept all the notes and stuff for it so I’d have to refresh, every time I do it. I’ve read over that because there is a few tricky parts in it, but yes, no I’d say it’s accurate.”

PO10: “I wouldn’t do them that often, so I am out of the habit of doing them. So as soon as I get one I have to pull out all the books and I have everyone tormented because I find it quite a complicated tool in some of questions because it is what it is, there are no grey areas, so counting the persistence after conviction, that kind of stuff.”

There were concerns regarding its limitation, namely that there was a lot of unnecessary emphasis on Risk Matrix and its importance as a risk assessment tool was over exaggerated. The Stable and Acute assessment in contrast was seen as incorporating all the available information and much more directly relatable to the practical role of supervision. Ultimately, it was seen that Risk Matrix and Stable and Acute had different roles within the Probation Service, both measuring different things and serving different purposes. Therefore, the dual system where they complemented each other was observed as a good fit.

6.1.6 Risk Matrix 2000 Practice Implications
These findings have implications for practice. Firstly, Risk Matrix should not be used in isolation but rather in conjunction with a dynamic risk assessment tool like Stable and Acute. Both Risk Matrix and Stable and Acute have different implications for practice within the Probation Service and Garda Síochána. The Risk Matrix identifies an initial risk rating, which dictates the level of supervision/monitoring and whether a Stable and Acute is conducted and entry to SORAM. The Stable and Acute assessment, while identifying a risk rating, also identifies areas of supervision work. Hence Risk Matrix for probation officers was seen as having little practical value in terms of directing interventions or supervision work: “It doesn’t really give
The second practice implication is that a professional override can be employed. This is utilised when a sex offender scores low on Risk Matrix but there are concerns due to their needs or responsivity. Hence it may be in the best interests of both the offender and public safety for further assessment to be conducted to identify risk behaviour and/or areas of work/interventions. The override adds to the probation officer’s defensible practice. This override facility in risk assessments is not uncommon as the Probation Service allows this practice within the LSI-R assessment (Prendergast, 2012). This override is available to Gardaí as well: while the risk rating would indicate how often the sex offender should be visited, the guidelines may not be adhered to quite so rigidly as additional visits may be completed or closer monitoring would occur than what the Risk Matrix’s level would normally dictate. The following extracts illustrate this risk assessment override work practice.

PO10: “The officer who had him thought ‘nah this boy is far from low, he needs to be assessed’. So we have the wherewithal, that even if they are low, we can assess them.”

PO7: “I am not sure about the accuracy of it. This guy, a Risk Matrix was done and he came out low. He was a complex character and I decided to go ahead with it. He came out high on the Stable...It was felt that there was more to this guy than the RM2K was suggesting or it wasn’t reflecting what we felt.”

MG06: “In the Risk Matrix, if somebody comes in as low but yet there are issues there then we will treat them as a high risk offender.”

6.2 Stable (of Stable and Acute 2007) Findings

The following sections present findings on Stable interview of the Stable and Acute assessment. A summary review of the Stable assessment structure is first put forward. The following sections explore the opinion monitoring guards and probation officers have of Stable and Acute 2007. Implications for practice are also identified. Then three sections follow (1) Pre-Stable Interview (2) Conducting the Stable and (3) Post Stable Interview.
6.2.1 Stable and Acute Assessment Recap

To recap, Stable and Acute 2007 as a third generation risk assessment tool utilises dynamic risk factors defined as psychological or behavioural features of the offender that raise the risk of reoffending and that are potentially changeable. As a result, it is intervention driven and can effect real change. Dynamic factors can be further divided: “stable dynamic” risk factors are ones with chronic problems, i.e. alcoholism whereas “acute dynamic” risk factors are those which could change quite quickly and precipitate immediate offending, i.e. victim access. Stable and Acute incorporates two elements: (1) the Stable assessment or interview with the offender where 13 risk factors are discussed, and (2) the Acute assessment which is conducted at any subsequent meeting that focuses on seven risk factors. Table 6.5 on the following page provides an overview of the Stable assessment risk scale used in the SA07. For each risk factor a score of zero, one or two is given.

| Scoring Item                        | Notes                                              | Section Total |
|-------------------------------------|***************************************************|---------------|
| Significant Social Influences       |                                                    |               |
| Capacity for Relationship Stability |                                                    |               |
| Emotional ID with Children          | (only score this item for child molesters)        |               |
| Hostility toward Women              |                                                    |               |
| General Social Rejection            |                                                    |               |
| Lack of Concern for Others          |                                                    |               |
| Impulsive                           |                                                    |               |
| Poor Problem Solving Skills         |                                                    |               |
| Negative Emotionality               |                                                    |               |
| Sex Drive                           |                                                    |               |
| Sex Preoccupation                   |                                                    |               |
| Sex as Coping                       |                                                    |               |
| Deviant Sexual Preferences          |                                                    |               |
| Co-operation with Supervision       |                                                    |               |
| Sum for Final Score                 | 26                                                 |               |

Interpretive Range: 0-3= Low, 4-11= Moderate, 12+ = High
The Stable element of the Stable and Acute 2007 is being conducted extensively by the Probation Service and to a lesser degree by the Garda Síochána. Unlike the Stable interviews, the Acute assessments were being conducted sporadically in the Probation Service, hence they were not an extensive practice. Furthermore, the major commentary regarding the Stable interview arises from the probation officers who have more experience of conducting them than the Garda members. Where cases were jointly managed by the two agencies, the probation officer often took responsibility for conducting the Stable interview. In some scenarios a joint Stable interview was conducted by the probation officer and the monitoring guard.

6.2.2 View of Stable and Acute 2007
Garda members were impressed by the thorough nature of the Stable and Acute assessment. What struck them most was after their training in Stable and Acute was how differently they had been approaching sex offenders. This was mainly in the types of questions they were asking sex offenders in that they had focused on “very basic stuff” (like who was in their life, holidays planned, etc) and hadn’t really delved into their other aspects (i.e. sexual self-regulation). Essentially, they considered themselves more informed as a result. Data from the questionnaire survey in Table 6.6 shows that nearly three quarters of monitoring guard respondents changed their approach to sex offenders after the Stable and Acute training.

<table>
<thead>
<tr>
<th>Approach changed after SA07 Training</th>
<th>Absolutely</th>
<th>Somewhat</th>
<th>Not at all</th>
<th>Not Applicable</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>27</td>
<td>46</td>
<td>19</td>
<td>2%</td>
<td></td>
<td>100 (n=25)</td>
</tr>
</tbody>
</table>

Moreover, because Stable and Acute examines every aspect of the sex offender’s life, the risk rating was considered more accurate. This element was important for probation officers as well because the focus was not just on the negative aspects of the offender’s life but all aspects of his life. The inclusion of dynamic factors was also noteworthy as pertinent relevant issues which could precipitate reoffending were present. The usefulness of Stable and Acute was rated as high or very high by 84 per cent of monitoring guard respondents in the quantitative element of this study. (See Table 6.7 below).

43 Since the fieldwork of this research the acute assessment are conducted after each supervision session with a sex offender by the probation officer.
Table 6.7: Usefulness of SA07 as a Risk Assessment Tool

<table>
<thead>
<tr>
<th>Usefulness of SA07</th>
<th>Very High</th>
<th>High</th>
<th>Neither</th>
<th>Low</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>20</td>
<td>64</td>
<td>12</td>
<td>4</td>
<td>100 (n=25)</td>
<td></td>
</tr>
</tbody>
</table>

Stable and Acute 2007 was seen as a practical risk assessment because it directed supervision work and interventions for probation officers and, from a Garda point of view, it was considered more indicative of risk. This also added to the probation officer’s defensible practice. A significant factor for supervision work was how the Stable and Acute could observe progress made by the offender, which could be communicated to the offender as feedback rather than the abstract risk rating.

Furthermore, the structure of Stable and Acute and the skills developed were not only utilised in dealing with sex offenders under Stable and Acute risk assessments, but also for other sex offenders that probation officers and monitoring guard were supervising/monitoring. Due to Stable and Acute training and subsequent risk assessment practice, it has changed the probation officers and Garda members’ mindset when interacting with other sex offenders. The structure of the Stable and Acute and the skills built up were transferrable to other offenders not being formally risk assessed. The following extracts demonstrate the value practitioners place in Stable and Acute.

PO9:  
“It doesn’t look for exclusively what the old days would have seen as flaws within the offender, traits. It clearly does look at those areas … but it also takes into account the wider environment: who their supports are and deficits that arise as well, so it is much more comprehensive.”

PO8:  
“It is very helpful. It is extremely helpful even for working with sex offenders that are low risk. I feel it really guides you to what you need to know and what you need to find out, even to put a report together … Well, when I would have wrote reports initially … we would gather as much information as we could using our professional judgment, writing these reports and there were gaps missed and I think SA07 fills those gaps. It clearly identifies the risk areas. It makes it very clear and I think you can find out so much when you are interviewing a client and you have those headings in your head.”

MG13:  
“I have to tell you I loved it [the SA07 training]. It helped me get a greater, much greater understanding of how to interview and talk to sex offenders as opposed to what I was doing prior to that … I would have thought I had the skills until I did the course.”
6.2.3 Pre-Stable Interview

Three aspects of preparation were noted regarding the Stable interview. The first was the interviewer preparing themselves; the second was preparing the offender, and the third was ensuring all available information or collaterals were in place. Each of these will be examined.

6.2.3.1 Preparing Oneself as the Interviewer

Apprehension and trepidation were the key emotions that Garda members and probation officers reported at the prospect of conducting their first Stable assessment. Therefore, probation officers prepared themselves by reading the SA07 training manual and the practical guide\textsuperscript{44} for probation officers. Some typed out the questions from the manual and put it in their own language making it more user-friendly. This would be on hand as a guide if needed. Brief notes were also taken which acted as prompts for discussion of subsequent risk factors. As a result, the language and flow of the interview was not too scripted, or indeed the turn of phrase was not out of character for the probation officer. Ultimately, the wording was changed to fit the interviewer’s style and the client’s level of abstraction. The following extracts indicate how probation officers prepare for the Stable and Acute.

PO12: “I try to prepare myself as best I can by reading through the questions, by familiarising myself with the Stable guidelines. Prepare the guy as best I can, especially for the more intrusive questions and then just go and get into it.”

PO2: “It is difficult because different people have different levels. So some days you are working and you think you have got it right and you are trying to tune into what his language is. You will say something and he will come back to you and you say [to yourself] ‘Oh God now I really now have confused the guy’. And he is rightly confused and it is my failure to have spotted something. So I have to re-edit quickly and come up with a new way to explain it. Like every interview, sometimes you are on the ball, you’re sharp and other times you walk out and say ‘that was terrible’. It just didn’t come together. But if you are working with a person, you have a chance to come back on it and give it another go.”

Garda members, on the other hand, being less experienced than probation officers in Stable interviews took the opportunity to sit in and observe Stable interviews being conducted by probation officers. Gardaí were aware that a different dynamic

\textsuperscript{44} The Management and Supervision of Sexual Offenders: A Practical Guide for Probation Officers (2007). This handbook was compiled by the Probation Service and Department of Psychology, UCC to guide and inform probation officers in their supervision of sex offenders and as a practical and informative aid for staff involved in assessment and intervention of adult sex offenders.
may be present and were keen to learn from the probation officer’s experience and style of interviewing.

Table 6.8 presents findings from the questionnaire data in relation to the ease of allocating time to prepare and conduct the Stable and Acute assessment. In addition, the ability to source information easily for the Stable and Acute assessment is also presented. Half of respondents stated it was “a bit” or “very difficult” to allocate time to prepare and conduct the Stable assessment. Less than one third of respondents (27%) stated it was “a bit difficult” to source information for the Stable and Acute.

Table 6.8: Ease of Preparing, Conducting & Sourcing Information for the SA07

<table>
<thead>
<tr>
<th>How easy is it to:</th>
<th>Very Easy</th>
<th>Easy</th>
<th>Neither</th>
<th>A Bit Difficult</th>
<th>Very Difficult</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocate time to Prepare for SA07</td>
<td>10%</td>
<td>24%</td>
<td>19%</td>
<td>29%</td>
<td>19%</td>
<td>100%</td>
</tr>
<tr>
<td>Allocate time to do for SA07</td>
<td>10%</td>
<td>32%</td>
<td>10%</td>
<td>36%</td>
<td>14%</td>
<td>100%</td>
</tr>
<tr>
<td>Sourcing Information for SA07 Interview</td>
<td>5%</td>
<td>36%</td>
<td>32%</td>
<td>27%</td>
<td>0%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Observations of trained Garda members conducting the Stable interview also took place. Some monitoring guards who were not trained in Stable and Acute, were present when the sex offender they monitored was being risk assessed by a trained Garda member; therefore, they had first-hand experience of the Stable interview. As the SA07 assessor may never have met the sex offender, the monitoring guard was present as a link and aided rapport building. The monitoring guard tended “to elaborate or help clarify or maybe tease out answers”. A risk assessor conducting a Stable interview on a sex offender they never met can be problematic as no rapport is in place. In the next section probation officers stressed the importance of rapport and how they develop it with sex offenders prior to any risk assessments being conducted.

Table 6.9 presents findings from the questionnaire data regarding the frequency of joint Stable interviews. In the main guards had completed joint assessments with other guards and probation officers. When asked did they prefer to conduct with someone or solely one third said it “makes no difference” with a quarter stating they preferred to conduct them with another Garda member.
Table 6.9: Conducting Stable Interview with Others.

<table>
<thead>
<tr>
<th>Have you ever conducted a SA07 with?</th>
<th>No</th>
<th>Yes, with a Garda Colleague</th>
<th>Yes, with a Probation Officer</th>
<th>Yes, Other</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>31</td>
<td>42</td>
<td>27</td>
<td>0</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>(n=26)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Do you prefer to conduct SA07 with?</th>
<th>Alone</th>
<th>With a Garda Member</th>
<th>With a Probation Officer</th>
<th>Makes No Difference</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>4</td>
<td>25</td>
<td>7</td>
<td>33</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>(n=24)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Furthermore, both probation officers and Gardaí were aware that they may be uncomfortable conducting the Stable interview, specifically regarding the sexual regulation risk factors. Probation officers found that any initial embarrassment or discomfort discussing the sexual regulation risk factors was quickly dissipated once a professional role using appropriate language was assumed. Practice and experience of conducting the interview were seen as factors which aid overcoming discomfort/embarrassment issues. Other concerns prior to interviewing centred on not capturing the right information or not picking up on information. Monitoring guards were also concerned with having enough preparatory time to adequately prepare for the Stable interview. The interview extracts below present some of these concerns:

PO15: “I remember my first client was a 66-year old Christian Brother and he was the first who I had to ask in relation to Stable and Acute. I was thinking of those sexual questions, oh my God, but I did it and it was fine in the end, but it is difficult.”

MG10: “I suppose we’re so used to doing the Stable now at this stage, we’re going out for over two years.”

MG12: “There’s a lot in it, so it’s going to take a lot of practice before I get comfortable doing it, but it’s very interesting.”

MG17: “I suppose, I mean asking sexual preferences and that like is awkward…. You need to put time into it like you can’t rush it … I suppose being honest you’re not preparing enough, you should sit down beforehand and go through everything about the offender.”
6.2.3.2 Preparing the Sex Offender as the Interviewee

Probation officers cited the importance of building up a relationship with the offender as vital to the success of the Stable and Acute assessment. Normally, a Stable interview would not be conducted with a new sex offender client until three or four supervision meetings had occurred. The reasons for this were twofold: rapport would have been built up and information gathered that would be incorporated in the assessment.

Probation officers stated the Stable assessment would normally take two or three sessions, though, while not the norm, it has in some cases been conducted over one session. This could be the case for a repeat Stable assessment where the offender knows what to expect, has been through the process before, and there is an existing relationship. Rapport and trust were essential in order for the offender to be open and allow for disclosure of information. Essentially, once the sex offender is prepared and knows what to expect he may engage more. Probation officers also believed they can better “judge his feelings and emotions” if a relationship with the offender exists. Garda risk assessors were conscious that the participation in the risk assessment was voluntary and when there is no rapport the sex offender may chose either not to talk to the Garda assessor or “give the answers that they want you to hear”. When the guard knows the sex offender and there’s rapport, one can coax them to engage or provide more truthful responses.

When guards have had the opportunity to build rapport before the assessment it was “through visits and chats and getting to know them”. Rapport was built on respect. Interviews extracts which reflect this are available in Appendix 6.1. The dilemma for monitoring guards was the inverse situation. They could have been monitoring the same sex offender for a number of years therefore established rapport and built up trust when suddenly a Stable interview had to be conducted. This was unsettling for both sex offender and monitoring guard as it was a change to the dynamic of the relationship. Monitoring guards, because of the good rapport developed over the years, could communicate to sex offenders that this was a new practice introduced. Consequently, it was the sex offender’s decision to engage or not with the risk assessment process. However, compliant sex offenders, where there was a good relationship with the monitoring guard, did tend to engage in a Stable interview. The interview extract below demonstrate the issues.

Stable interviews are normally conducted every 12 months.
MG08: “It’s difficult enough. You are asking awkward questions that you wouldn’t normally have to ask. To sit down and actually ask the person, especially I suppose the sex offenders that I’ve been dealing with. As I said, have been here long before I ever did Stable and Acute. I’ve built up a bit of a rapport with them and I suppose they trust me, but then you are coming back and you are asking them a lot more personal questions and I just found sometimes they might be a bit sort of wary of me then. Like we were getting on fine beforehand and then why do I have to go and ask them about their sexual preoccupation. They felt that I’m just there to monitor them,… I don’t need to know their ins and outs.”

Garda members tended to conduct the Stable in one sitting ranging from 1½ to 2 hours’ duration. As the participation is voluntary and sex offenders are aware that the sexual practices questions are in the second half of the assessment, some guards found “they just want to skedaddle then after getting out of one assessment”. Furthermore, some believed “if you leave them stewing for a week, they are building up an anxiety towards it and they will just cancel”.

6.2.3.3 Interviewee Information/Collaterals

Information obtained prior to the assessment focused on written formal information and verbal informal information. The objective is to gather as much information about the offender from as many different sources as possible prior to the assessment. This is used in order to have a rounded risk factor discussion and as collateral information to verify or spot discrepancies in the offender’s responses. It further acts as a means to challenge the offender, thereby ascertaining the truth and ensuring a more accurate assessment.

Items which probation officers identified as formal written information included the sex offender probation file and any reports (or case notes) written by a previous probation officer or possibly a report completed prior to sentence. Prison reports, visit reports and any prison psychological reports or educational reports would be requested. In addition, any treatment programme reports (Lighthouse/Safer Lives/Addiction Centres/private treatment provider) if they are willing to provide to the probation officer, would also be requested. Regarding young offenders, information provided by schools could also be requested to ascertain problematic schooling, expulsion and extent of misbehaviour. Sometimes if access to this information was proving difficult a request to the offender’s solicitor, with the offender’s consent, to provide copies in their possession may be made.
Data from the questionnaire research in Figure 6.3 below, shows the main sources of written formal information utilised for the Stable Interview. Nearly one-third of respondents stated they used the investigation file. This was followed by probation reports (20%) and psychological reports (18%).

Figure 6.3: Main Sources of Written Formal Information for SA07

The Book of Evidence\(^{46}\) (BoE) is also obtained where possible in order to get a sense of the conflicting accounts of the offence and to monitor how divergent the sex offender account is to the facts as contained in the Book of Evidence. Documents examined, in particular are the statements and medical reports. Firstly, the victim's account is deemed as the more truthful description of the incident than the offender's, as it may be in the interest of the offender to lie in order to prevent a charge and subsequent potential conviction. Secondly, probation officers look at the offender's statements to see how he shifts his defence, his rationale, motivation, whether he minimise or deflects responsibility, etc as seen from the following extracts.

P08: “[I look for] the victim statement in the Book of Evidence....Because my own experience tells me all offenders, not just sex offenders, will minimise the offence or minimise their involvement in the offence or try and excuse it in some way. I think the victim's viewpoint is vital because it gives you something to come back on. How do you think this affected the victim or just to get knowledge on who the victim is.”

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\(^{46}\) The Book of Evidence is a document containing all the evidence against the accused which is put together by the prosecution team once the Gardaí have charged the accused. It contains statements from witnesses as well as the victim, the accused and all Garda statements. It also includes other documents, i.e. a list of any physical evidence in medical reports, chain of evidence reports etc, in addition to items like photographs and weapons used.
“Generally speaking, the victim’s statements and medical reports are what you would be looking for really. You can see the damage the person has done and the harm.”

Furthermore, the Book of Evidence gives the probation officer an indication of “where the offender was at the time of the offence”. It captures a sense of “then” (offence time) and “now” (on supervision). It would appear that the Book of Evidence is essential when completing an assessment. While probation officers have found innovative ways of obtaining the Book of Evidence, it possibly should be mandatory that it would be released to the Probation Service under these circumstances.

While guards would not seek to obtain the Book of Evidence, they would go through their own Garda file on the sex offender they were monitoring or examine the investigation file if available to them. Also, they highlighted they would sometimes follow up on probation reports, psychological reports and prison reports.

Verbal informal information that Garda members utilised includes contact with the investigating guard of the index sexual offence, monitoring guard or previous monitoring guards and the probation officer. Verbal informal information that probation officer would follow up on would involve phone contact/discussion with a Garda member, mainly the monitoring guard or investigating guard, which probation officers assert is vital. The following interview extracts describe this scenario.

“I ring the prosecuting guard and ask is there anything else you want to tell me about this person that I don't know about already. It is completely confidential and it won't be going into the report. Is there anything you want to tell me or is the way he describes the offence the way it is. I always do that, it is a matter of pride with me.”

In relation to verbal sources of information utilised for the Stable Interview, data from the questionnaire research is shown in Figure 6.4 below. The most relied upon information sources were: the investigating guard (27%), the probation officer (25%) and the monitoring guard (22%).
6.2.4 Conducting the Stable Interview

With respect to conducting the Stable interview, probation officers stated that they generally follow the ordered sequence of the risk factors as listed in the Stable risk scale. This order led the client from “easier to discuss” risk factors to the more difficult sex orientated discussion. Probation officers used the “more neutral risk factors”, i.e. significant social influences and general social rejection as an avenue to develop and maintain rapport during the assessment in addition to setting the landscape of the interview. It was considered the gradual progression of the assessment eased the offender into discussing more intimate personal aspects of their life or their offending. The process is outlined in the following interview extract.

P09: “When you come in [to the meeting] you wouldn’t go straight to ‘how often would you masturbate a day or do you look at pornography?’. You would start with their early sexual experience, how you learned about sex, when did you first hear, was it in school, was it through peers, can you remember your first contact with girls, if there was any contact…”

With respect to conducting Stable interviews, it was understandable for sex offenders to be reticent about their offending and personal intimate sexual practices as would any non-offending person. However, probation officers stated that sexual offenders on their caseload would minimise their offending, deflect responsibility, try to distance it to historical cases, or place mitigating factors which rationalised the offending.
Within this context, monitoring guards and probation officers have to navigate through truth and lies to arrive at the most accurate risk assessment possible. A significant part of the information gathering process is whether the information is accurate or a true reflection on reality. Hence, not everything the sex offender says is believed. While some sex offenders could be overly compliant and “will do anything to please you, where they will give the answers they think you want to hear”, the truthfulness of responses is paramount.

Probation officers said they would challenge rather than confront response inconsistencies and suspected inaccurate self-reports through the use of collateral information. The probation officer would give the offender the opportunity to clarify and save face rather than potentially closing down engagement and trust.

While probation officers would challenge sex offenders on their responses, guards were more restrained to do so, as it may appear more confrontational. Garda members also put forward that the sex offender’s participation was voluntary, unlike with the Probation Service where they were mandated by the court to engage with the risk assessment. Therefore, guards held the view that the sex offender would not engage or could terminate the assessment if he was challenged or confronted. Furthermore, there was the belief that there was an onus on the sex offender to be honest and the information had to be taken at “face value” or that they are “taking him at his word a lot of the time”. Both guards and probation officers knew that sex offenders were lying at times and could trip themselves up at a later stage and both would be aware of it.

In one respect, probation officers were trained to understand the complexities of challenging or confronting untruths. As one Garda member suggested “at the end of the day a guard’s main instinct is to get an admission of guilt, whereas they’re [Probation] doing stuff in different ways”. Clearly, this is a new skill which Garda members are coming to grips with and while not challenging the sex offender they would question him. These nuances of challenging, confronting and questioning would need to be clarified in any devised training programme. Some guards believe that specific skills training like rapport building with sex offenders would be helpful. The points are evident in the following extracts.
MG06: “No [I wouldn’t challenge them] because then if they are asked, the thing might fall directly. But then at a later stage they find themselves tripping themselves up if they are lying, kind of smiling then, they know you know [they were lying].”

MG18: “I wouldn’t challenge them but I’d question them. Depending on the person, you might just ask the question again or ‘are you sure now you’re not holding something back on me there?’ ... I feel, I suppose you’re better off trying to get it [Stable interview] done anyway, rather than argue with him. He’s not going to answer you if you argue with him.”

MG14: “I think a course to build my skill set dealing with them. More probing questions...Just in case they were keeping something from me and I got the impression there was something he wasn’t telling me. How to break it down, without being too confrontational, to make him feel comfortable telling me that information.”

Furthermore, probation officers stressed that they set the emotional tone of the interview and this was crucial to the successful completion of an interview. This they considered was a skill or ability which comes with knowledge and experience. Questions posed are framed appropriately, with the probation officer not shirking the responsibility of asking tough questions.

Probation officers mentioned older men as having more difficulty discussing their sexual interests/preoccupations than younger men as it would have been culturally not the norm for older men to discuss sexual habits. However, younger men in their early twenties may be embarrassed also speaking about sexual preferences and interests as they “may never have spoken about these issues before”. Probation officers found that some offenders think there should be right or wrong answers. Other challenging assessments for probation officers were with individuals with psychological issues, disabilities and cultural issues. While some offender responses are easily verifiable, other discrepancies or hunches that the probation officer may have are not. These are specially related to the offender self-reports which the probation officer will have to make a judgement call on. Issues with discussing the sexual related risk factors are explored in the following interview extracts.

PO12: “As you go down to the more sexual [risk factors], i.e. masturbation they are very intimate details and they are all men and I am a young female. I am comfortable enough asking the questions but again for the client answering them and how truthful [they are with me is uncertain].”
PO4: “The sex offender is often a little embarrassed about how often he masturbates or what their use of pornography is or has been or whatever. But I think the more confident you are about that and how you express it [helps]….You wouldn’t be always confident that they are telling you the truth of course and there is no verification there unless you might have collaterals that the guards might have found pornography in the house if they searched it but that is not that often.”

6.2.5. Post Stable Interview
A number of procedures are adhered to following completion of the Stable interview. This involves scoring the risk assessment and the involvement of a mentor group in the case of probation officers.

6.2.5.1 Scoring the Stable
After the Stable assessment is conducted all the risk factors are scored. In the main each risk factor is scored a zero, one or two. The resulting score is out of 26 which indicates a low (0–3), moderate (4–11) or high (12+) risk range. While there is a significant range within the moderate risk rating, sometimes probation officers referred to a lower moderate or higher moderate risk.

A concern when scoring any risk item was accuracy, especially “recording the wrong information in the wrong section”. As information can impact on a number of risk factors it was felt this cross reference may be a difficulty for newly trained probation officers, especially for “sex as coping” and “sexual preoccupation” risk factors which may impact on practice. However, probation officers were mindful that complacency would not creep into their practice once accustomed to conducting the Stable and Acute risk assessment. The scoring of the risk factors incorporated data and information for numerous sources not just self-reports from the sex offender. Furthermore, when scoring, while a higher score may be desired if the data or information evidence was not present, a score that correlated with the information was entered. The extracts below reflect these viewpoints:

MG18: “I’d say most, all I’d say, of the ones that I’ve done that they should be higher, but I can’t find the score, you know, I can’t say.”

MG06: “If I know it’s untrue I will just leave it stand and then I would take it in for the final scoring I would bring in all the information, for the kind of holistic right view and then score it that way, nothing from what they tell me. If what they are saying would only give a zero, whereas if you have other information coming from somewhere else, i.e. I know they’ve been drinking. You put it as a one or two.”
Garda members were asked how easy it was for them to discuss and score the different risk factors. Data from the questionnaire analysis provides the ranking of scores for this question as shown in Table 6.10. As can be seen the sexual risk factors were harder to discuss and score. Emotional ID with children was also identified as somewhat difficult both to discuss and score. Easier risk factors to both discuss and score were significant social influences, capacity for relationship stability, and co-operation with supervision. Both Garda and Probation practitioners of this risk assessment tool stated that they would begin the interview with these easier risk factors which would take the form of a conversational style of questioning and would resemble rapport building.

<table>
<thead>
<tr>
<th>Stable Factors</th>
<th>Easy to discuss</th>
<th>Easy to score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Social Influences</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Capacity for Relationship Stability</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Emotional ID with Children</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Hostility toward Women</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>General Social Rejection</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Lack of Concern for Others</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Impulsive</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Poor Problem Solving Skills</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Negative Emotionality</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Sex Drive/Sex Preoccupation</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Sex as Coping</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Deviant Sexual Preference</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Co-operation with Supervision</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

*Joint ranking if the score was the same

Questionnaire data contained in Table 6.11 refers to what would guards’ ability to discuss and score risk factors more easily. The method that would support this learning was identified as more practice in the form of interviews. More training in scoring Stable and Acute risk factors was cited by one third of respondents surveyed.
Table 6.11: Ability to Discuss and Score Risk Factors Easily

<table>
<thead>
<tr>
<th>Help increase your ability to:</th>
<th>More Training</th>
<th>More Preparation Time</th>
<th>Mentor Review</th>
<th>More Practice (Interviews)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discuss the risk factors more easily</td>
<td>24%</td>
<td>21%</td>
<td>14%</td>
<td>41%</td>
<td>100%</td>
</tr>
<tr>
<td>Score the risk factors more easily</td>
<td>31%</td>
<td>n/a</td>
<td>22%</td>
<td>47%</td>
<td>100%</td>
</tr>
</tbody>
</table>

6.2.5.2 Mentor Group Process

In relation to scoring the risk factors, the value of the probation mentor group process was apparent. The process was introduced in 2010 to run as a pilot project, but proved so successful; it is still in place as of September 2014. The objective of the mentor group structure is to ensure greater standardisation and objectivity in the application of specifically the Stable interview of the Stable and Acute 2007 assessment instrument. There process was put in place to counteract any assessor’s subjectivity.

This process involves a narrative being written up by the probation officer who completed the assessment. A second probation officer co-rates the scoring assessment sheet based on the narrative. The resulting score or any variance on each of the 13 risk factors are discussed at a mentoring group with the probation officer and the co-rater present, in addition to senior probation officers, one of whom normally chairs the meeting, and some probation officers present as a learning environment. Probation officers with long-term usage of the instruments and a level of expertise would sit on the mentor group as “experts”, and provide support. Approximately four Stable interviews would be discussed at each mentor group meeting.

Extensive discussion around some risk factor can occur. For example, how the probation officer arrived at a particular score could be perplexing. Some scores could be based on objective inaccuracies, i.e. sexual history while others can be more subtle. This may revolve around some self-report information which may prove unreliable. The rationale for the score, while utilising the narrative and input from the probation officer who conducted the Stable interview, in the discussion, would occur. The disputes and value of the mentor group process can be seen in the extracts below:
PO5: “I have sat on these meetings for years and I see there are so many disputes ... as someone hasn’t asked the questions in the right way using the right information or with that information they are making the wrong calls, so it needs to be teased out why you have arrived at that decision.”

PO1: “There will always be a question maybe around deviant sexual preferences or whatever it is. A big discussion around that reinforces what you know already and gives you ideas around what you should be asking.”

PO11: “That [mentor group] really helps me because I feel I know my client better as a result of the whole process. I see it as very beneficial because it is helpful to hear other people’s views because there might be something there that I haven’t realised.”

From a psychological point of view, the mentoring process, provided an environment of learning and support. It also fosters skill enhancement and personal development. The probation officers cited at first the process was perceived as an attack on their work practice which as an extension of them was difficult. The personal development and constructive manner of the process became apparent and the initial vulnerability dissipated. Positives outcomes of the experience were; the assessment was validated and accurate; there was a shared responsibility for the risk assessment; probation officers were more confident about risk ratings and perceived themselves as more competent; they observed other probation officers work style and it provided direction for further supervision work with the sex offender.

With respect to the variance of risk scores for the 13 risk factors, some scores are more difficult than others. If the variance is very high, probation officers stated that could be problematic however the expectation of low level variance or disagreement is expected as “by definition it is not 100% pure clinical, simply because you got humans working it, it is open to interpretation”. A final score is validated by consensus and signed off. This process is to ensure greater standardisation and to remove any potential assessor subjectivity. Essentially, the point of the mentoring group is to ensure the instruments are being used “for what they are purported to be used for”; therefore, the process though resource intensive needs to be continued to ensure the integrity.

Probation officers reported that the mentor group discussions are useful because the “whole area is very complicated and you get a very good appraisal”. Furthermore, they saw it as an indirect learning environment “as there are different aspects of the information that you bring forward people will question or make
suggestions and it is very helpful for the next interview you do”. This was considered as being very important especially in light of the absence of formal training due to resource constraints. Also it directly relates to the individual probation officer’s work hence its relevance is twofold as it ensures the Stable assessment is accurate and impacts on developing the skills on the probation officer. The mentoring group was also seen as positive as it “places checks and balances” and can identify any “blind spot” to a certain behaviour or something the probation officer has missed.

The isolating nature of supervising sex offenders came to the fore. Prior to the mentoring group (and SORAM) probation officers reported that they felt “very alone with a sense of responsibility on your shoulders” when supervising sex offenders. The benefit of the mentoring group is that now this is shared as “you are covering every angle...you are discussing everything, everything is out in the open and it is hugely beneficial”. While a practice implication is that it is resource intensive and time consuming but the benefits appear to outweigh the limitations.

No such mentoring process is in place for Garda members conducting the Stable risk assessment as of September 2014. While they do have the support from the SORAM process, an environment which increases learning and confidence to interview and score the Stable interview is lacking.

Some joint interviews would occur where the probation officer and the guard subsequently score the Stable interview together but the guard does not attend the mentor group process. Some probation officers considered that this should not be the case as reflected in the extract below:

PO10: “The guards aren’t a party to that [mentor group] even though I think they should be. I just think if they are a part of the assessment they should be a part of the process.”

6.3 Acute (of Stable and Acute 2007) Findings

The Acute assessment, as mentioned previously, is based on dynamic acute risk factors which can change quickly and herald immediate offending. It is focused on short-term risk and incorporates seven risk factors. Table 6.12 shows the Acute risk scale with the seven risk factors.
<table>
<thead>
<tr>
<th>Sex/Violence</th>
<th>Score</th>
<th>General Recidivism Score</th>
<th>Scoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Victim Access</td>
<td>→ →</td>
<td>Copy these scores over</td>
<td>→ → Copy these scores over</td>
</tr>
<tr>
<td>• Hostility</td>
<td>→ →</td>
<td>Copy these scores over</td>
<td>→ → Copy these scores over</td>
</tr>
<tr>
<td>• Sexual Pre-occupation</td>
<td>→ →</td>
<td>Copy these scores over</td>
<td>→ → Copy these scores over</td>
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<tr>
<td>• Rejection of Supervision</td>
<td>→ →</td>
<td>Copy these scores over</td>
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<tr>
<td>Sex/Violence Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Sum of four factors)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low priority</td>
<td>0</td>
<td>Low priority</td>
<td>0</td>
</tr>
<tr>
<td>Moderate Priority</td>
<td>1</td>
<td>Moderate Priority</td>
<td>1-2</td>
</tr>
<tr>
<td>High Priority</td>
<td>2+</td>
<td>High Priority</td>
<td>3+</td>
</tr>
</tbody>
</table>

Source: Stable and Acute Tally Sheets.

Each risk factor is scored: zero, one, two or IN. The rating reflects the following; 0 - no problem; 1 - maybe a problem; not sure, 2 – yes, a concern; and IN the equivalent of a 3 for Intervene Now.

Two key findings regarding the Acute assessments were: (1) they were not being conducted regularly and (2) it lends itself to being conducted in a more informal manner. The emphasis was placed on the Stable interview, which was being conducted extensively by the Probation Service and to a lesser degree by the Garda Síochána (due partly to legislative constraints). There was no extensive practice of Acute assessments in 2012, by either the Probation Service or the Garda Síochána. It was rather the case that probation officers (especially on High Risk Teams) and Garda members trained in Stable and Acute either took it on board in their work practice or not. (Though as at 2014, acute assessments are a regular practice for probation officers). The following extracts from the Garda and probation perspective reflect the whether Acute assessments are being conducted and with what level of frequency. Additional extracts can be seen in Appendix 6.1.

PO10:  “I do [the Acutes all the time]. It was just part of our training that we were supposed to do them… it was more of a safety net to me that I wasn’t missing anything. I am very conscious with my sex offenders, well all my offenders that my case notes are up [to date].”
PO13: “I don’t think we were ever told to do an Acute every time we saw a client and therefore I was happy not to do it. In my head beforehand I kind of just take notes of the headings and kind of tune into check but I don’t fill in the form. I don’t do it in a hugely structured way.”

MG18: “I haven’t done them yet, no, but I need to start doing them now.”

MG10: “We tend to do his Acute nearly every time we meet him, every two weeks. Or it can vary, two to three weeks but it gives us a good understanding of what we’re facing and where he is and has he improved, and we can go back and look at older ones. We know there are certain areas to focus on then.”

There was no policy for both probation officers and Garda members trained in Stable and Acute 2007 to conduct Acute assessments. Therefore, this resulted in its sporadic practice. The status of the assessments introduction was perceived from an organisational viewpoint to “get to grips” or learn to walk (Stable assessments) first before running (Acute assessments). Furthermore, the Stable was the larger piece of work and identified areas of work and areas of risk, whereas the Acute assessment was a check-in assessment. It was considered that previously there was less of an emphasis on the Acute assessments but that had changed in recent times.

A lot of probation officers stated that they either conduct the Acute assessment with direct questions, i.e. “have you slept with someone since I last spoke to you”, or indirect questions in a conversation-style approach. For the latter, the probation officer would have the Acute risk factors in their head and ask some questions informally based on the current context of his life. Some probation officers asserted it was harder to score the Acute if the sex offender “indirectly doesn’t answer the questions”. At present, the Acute assessment is not within the probation mentor group process.

The Acute assessment forms would be stored in the sex offender’s file. Probation officers highlighted that they would refer to them if the sex offender was beginning to score more regularly on a particular risk factor. Then it may direct them “to change tack a bit”. The Acute assessment was seen as one that identifies areas of concern, which may necessitate some supervision work or referral. In addition, the other benefit was it was a tool to illustrate to the sex offender what are risky behaviours and which he should be concern about.
Also, as Acute assessments reflect the current situation, these scores would feed into the SORAM meeting discussion of that offender if he was within the SORAM joint management process. The value of the Acute assessments was not as a standalone assessment but as an information thread conducted regularly and a pattern of their behaviour could present itself.

6.4 Implications for Risk Assessment Practice & Risk Paradigm

The following area highlights implication for practice in addition to findings on a risk paradigm risk with both agencies.

6.4.1 Implications for Risk Assessment Practice

The value of the Stable and Acute assessments for probation officers was clearly that it identified risk and also areas of intervention. From the Garda point of view, it identified risk, which was welcomed, but the necessity for the interventions was not always considered an essential element of the guard’s role. The concern for some guards was that Stable and Acute was basically not suitable for the Garda role. This was due to the perception of the guard as an enemy would hamper the Stable interview. Other unease rested with it not being a Garda function or as a risk assessment tool it had “gone too far” and that it was the Probation Service role or a therapeutic role for specific clinicians. Others considered it as an emerging role which would grow with the prevalence of sexual offending. The following extracts illustrate these views. Additional extracts can be seen in Appendix 6.1.

MG18: “It’s a long process the Stable and Acute and I don’t know if it’s suitable for the guards to be honest. It’s like a lot of sex offenders won’t divulge such information to you. I think the guards are seen more as the enemy and it would take a long time to build up such a relationship and to ask them big questions like that.”

MG07: “The Stable and Acute I really feel is delving into the Probation Service area and probably even counsellor’s area and I can’t see why it’s a police or a Garda function at all, and I don’t know whether I’m right or I’m wrong, but that’s what I felt about it, and I mean they were going into the most in-depth details of a person’s sexual behaviour and I just felt that, that’s like a question that should be explored with a counsellor or with a Probation Service maybe, but I don’t really see it as a police function. I don’t know if that’s the common view or not?”

The Garda view that the Stable assessment was a therapeutic role may have some weight with probation officers as well. They identified there were gaps in their knowledge and skills for implementing some intervention-driven work, namely
around the sexual behaviours and sexual regulation. Probation officers believed they were equipped to deal with some areas of work – substance abuse, significant social influences, suicidal thoughts, social isolation but “they were not trained to do some of the work around some of the [Stable] areas” particularly work centred on the sexual elements i.e. excessive masturbation and coercive rape fantasies. Some probation officers with a psychotherapy background were happy to explore these issues with their offenders, though others reported it was beyond their level of experience or role.

Furthermore, some probation officers believed it is their role to do some of the intervention-driven aspects to the SA07 findings. However, there is no Probation Service manual where each risk factor has been deconstructed and linked to possible intervention-focused work or options. At present, some believed the assessments were “unconnected to the interventions”. Furthermore, it was stressed that just because a number of sex offenders scored a “two” for the same risk factor, it did not mean the approach for that intervention would be the same because every sex offender is different and their issues are different.

Whether or not their role should stretch that far was posed. If it was the case that their role did extend that far, then more training would be needed to complete this work effectively and appropriately. The reaction by and large was that more support or training should be provided for probation officers to qualify them to do this type of work. But was this encroaching into more of a therapeutic role?

In respect to the risk assessments, probation officers identified the need for what they described as “sexuality training” as crucial. They claimed that, while the Stable and Acute have guidelines, i.e. what is excessive masturbation to qualify for sexual preoccupation?, etc they believed they need more training to identify normal sexual practices and where the deviancy started with respect to a sex offender. What is normal for a sex offender may be quite different to an ordinary person but acceptable in the context of a sex offender. Similarly, some guards referred to the questioning style and called for training in interview skills for the risk assessment interview. It is a departure from their usual questioning style but they believed it was necessary to receive dedicated training to hone these skills. The Probation Service conduct interview skills training for its staff but it was noted that “most people are social work trained so they would have many years [experience of this interviewing style] as well”.

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Another key point was that while probation officers and monitoring guards were trained in the risk assessment tools, some of their supervisors were not and therefore they did not understand the language used, the significance of risk levels and the time taken to conduct the risk assessment. One probation officer stated that all line managers should have an understanding of what the risk assessments measures. While not being trained to the level of risk assessor for that tool, they should have an in-depth knowledge of its language, use and outcomes.

6.4.2 Agency Risk Paradigm

Role clarity is an important theme within sex offender management in Ireland. Both agencies have taken on board risk assessment tools and management models which create roles for its employees. While both sets of employees were in the main content with the direction their respective organisations were moving in because it advocated public safety and structured work practices, there were also concerns. Some asserted that “they might say there is [role clarity] on paper but on the ground there isn’t. I think it’s a big problem”.

Probation officers stated that the current probation approach to sex offender management was top heavy with risk assessment and the supporting elements are not in place like interventions and training. There was a fear that there was a lack of connection with the client and the risk assessment tools. Furthermore, the concern was present that the macro view of probation work was lost with an excessive focus on risk assessment tools. The following extracts from probation officers assert these concerns.

PO5: “I think the Probation Service has to be careful that it doesn’t forget that the risk assessment only highlights the risk and the protective factors it doesn’t address it so it’s all okay having all this information and knowing how risky someone is but you need to address it and my concern would be that the resources are being put into the risk assessment and the mentoring group and ensuring the integrity of that and the very purpose of it gets lost in translation.”

PO10: “[Risk assessment] is a safety net for me but it is not the be all and end all and there is a risk that we are putting so much focus and energy on it that it becomes the be all and end all but it isn’t. It is really useful but it is not all there is.”

PO13: “We changed an awful lot. We would have been social workers in the past and help people now we’ve gone to risk assessments and managing. I think we’re lost a lot… I think the two should probably be integrated more. I think risk assessment is often done nearly in isolation, it’s not linked in to
the bigger picture of how we treat people.”

PO11: “[Sometimes you think] ‘Oh God another bloody assessment if I could get this done then I could do the real work’ but our service would say doing the risk assessment is real work.”

Garda members, on the other hand, assert that while they want risk assessment, they are not sure the level of detail in the Stable and Acute is entirely necessary for their purpose. They cite the identification of interventions which form the basis of probation supervision work as one example.

Interventions were often considered in the therapeutic sense rather than as an action or process of intervening. With respect to therapeutic-type interventions, the issue specially arises in the context of which management approach is in place; joint probation and Garda sex offender cases or single agency cases. The probation officer can address the intervention element of the Stable and Acute 2007 in supervision or referral to Safer Lives programme or external treatment provider. This can be also done for joint management cases. The problem arises for single agency Garda management cases, which results in a vacuum, whereby the monitoring guard has identified the areas of risk but also the areas for interventions. What does the monitoring guard do with this information? Is it his responsibility to address this aspect of the SA07 or not? If not could this result in potential reoffending? Policy needs to be created to address this current gap in risk assessment management. The following interviews extract from a monitoring guard crystallises this dilemma.

MG17: “There’s no protocol there outlining it. I know common sense says you have to do something about it. But I suppose by right. [Int: Is it that the Stable is done, you have a risk factor.] Tick the box. Yeah, it’s kind of like that at the moment. I know if you say look, a report to the Inspector, and you say look this is the story, we feel there’s a risk in relation to whatever, maybe deviant sexual preference. In relation to being close to children, you could send off a HSE referral. You know I mean common sense would tell you to do it, but I suppose there’s nothing there.”

Table 6.13 presents three identification aspects and two undertakings of the Stable and Acute assessment and whether the monitoring guard or the probation officer can fulfil those aspects in their current organisational situation. In this context the type of intervention is therapeutic because if an intervention is described as an action then both agencies could place some action in place for a risk concern.
Table 6.13 Stable Assessment Stages and Agency Role Fit

<table>
<thead>
<tr>
<th>Monitoring Guard</th>
<th>Identify Overall Risk</th>
<th>Identify Areas of Risk</th>
<th>Identify Areas of Intervention</th>
<th>Conduct basic Interventions</th>
<th>Conduct Complex Interventions</th>
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<td></td>
<td>√</td>
<td>√</td>
<td>√ -Referral</td>
<td>X</td>
<td>X</td>
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<td>Probation Officer</td>
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The traditional roles of both probation officers and Gardaí are now blending. The previous social work type role of probation officers and control type role of policing are evolving. Their roles are now taking on aspects of the other. The previously held view of probation officers to “befriend and assist” is now moving more to “care and control” (i.e. prosecution of breach of supervision). In fact, more sex offenders were brought back to court due to probation action than Garda action. This is due to the fact that the sex offender is mandated by the Courts to engage and may have conditions on their probation order. If these are not adhered to, then the probation officer is able and will enforce those legal consequences.

Another key item identified by one probation officer was that the Probation Service was known as the Probation and Welfare Service up until 2006. Probation officers observed this as a “subtle but significant shift”. Where the role was previously centred on the rehabilitation of offenders, it is now focused on protecting the community. For some probation officers, this shift “doesn’t always tally the two things so our [role] is more about preventing and monitoring rather than working as social workers”. Others believe the shift was to free probation officers’ time and resources to focus on offence-related work. However, some are still conflicted as there was no agency to fill the welfare gap and these issues such as housing, social welfare payments, employment have a knock-on effect in terms of likelihood to reoffend. The issues are the main challenges when monitoring and supervising sex offenders. Figure 6.5 illustrates that the police role is moving towards a social work type role which is considered the arena of the Probation Service. Conversely, the Probation Service is moving more rapidly and willingly towards a policy or control perspective regarding sex offender management.

Figure 6.5 Current Role Shift

![Diagram showing the current role shift between policing, social work, control, and probation](image)
6.5 Summary Conclusion

This chapter examined the risk assessment tools used by the Garda Síochána and the Probation Service in sex offender management. The main findings are:

- The value of Risk Matrix 2000 is limited. It is considered a basic rudimentary tool; best suited for screening or dividing the sex offender population into risk categories for resource allocation.
- RM2000 did not always align itself with the professional opinion of the practitioners.
- Sourcing information for Risk Matrix specifically the “stranger victim” and “single status” elements was difficult at times.
- Risk Matrix should not be used as a standalone risk assessment tool.
- The Stable and Acute assessment is considered more practical than Risk Matrix 2000. It identifies areas of risk and intervention that focus probation officers’ supervision work.
- The utility of Stable and Acute for the Garda function is called into question. Whether Stable and Acute is fit for policing purpose should be considered.
- The Acute assessment of the Stable and Acute 2007 were being conducted sporadically by both monitoring guards and probation officers. Although, the latter now conduct them with more regularity.
- The mentoring process for Stable and Acute is invaluable for both validating the risk assessment tool and providing learning for probation officers.
- No such mentoring process is in place for monitoring guards.
- There is an over-emphasis on risk assessment. Sex offender management was considered “top-heavy” with assessment.
- A role shift from care to control for probation officers and from control to care for monitoring guards is evolving.
- Accurate risk assessment is based on multiple sources of accurate information, interpreted by objective skilled risk assessors supported by expert experience and mentoring processes.
Chapter 7

Results: Risk Management Examination

7.0 Introduction and Chapter Format
This chapter reports on findings from Study 6 (qualitative review of risk management) and Study 7 (quantitative review of risk management). The qualitative sources of data come from (1) interviews with monitoring guards, (2) interviews with Garda Inspectors, (3) interviews with probation officers and (4) interviews and one focus group with senior probation officers. The quantitative sources of data come from two questionnaires (1) a Monitoring Guard Questionnaire (See Appendix 3.13) and (2) a Garda Risk Assessor Questionnaire (See Appendix 3.14) In total, 125 respondents out of a population frame of 270 was achieved.

This chapter examines sex offender management in Ireland. This is completed on two levels: (1) the day-to-day management of sex offenders and (2) the overall divisional management of them. The first relates to the monitoring guard who monitors the sex offender and the probation officer who supervising him. The second aspect of management relates to single agency management and joint agency management (SORAM). This management level relates to the Garda Inspector and senior probation officer roles.

The monitoring guard role to date is undocumented or unresearched. Therefore, Study 6 firstly deconstructed the role. The component elements were identified and examined. The equivalent role in the Probation Service is the probation officer role. This incorporates “supervision” and knowledge about that practice is more recognised as extensive research has been conducted with non-sex offender clients and to a lesser extent with sex offenders. This research examines that role in light of sex offender supervision.

In terms of Garda single agency management, a person convicted of a scheduled offence under the Sex Offender Act (SOA) 2001, is deemed a sex offender. The length of time subject to the requirements of the Act is dependent on the sentence given\(^47\). The Garda Síochána has responsibility for sex offenders subject to this Act

\(^47\) See Footnote 9, Page 6.
and for ensuring the sex offender complies with his SOA requirements. As explored in Chapter Five (Study 3), this entails notifying the Gardaí of the sex offender’s name, date of birth and address on release from prison or on conviction and when not residing at the specified address for seven consequent nights. Other conditions could also be in place for the sex offender, i.e. curfew, not to frequent or loiter around schools, etc. The process map for single agency Garda sex offender management is contained in Figure 5.1 on page 144.

In terms of Probation Service single agency management, the length of time a sex offender may be supervised is at the Judge's discretion, on conviction. Under probation supervision the sex offender attends the probation office a number of times per month, complete offence-related work, cooperate with risk assessments, and complies with any probation conditions set by the Judge or the Probation Service. In short, this results in a sex offender being managed by a single agency or by the two agencies simultaneously. The latter can occur either jointly or separately. Once the supervision period transpires, the sex offender becomes the sole responsibility of the Garda Síochána until the time subject to the Act also transpired. For adult sex offenders the length of time could range from five years to an indefinite time period. A point of note is, if a sex offender is convicted of a scheduled sexual offence listed on the Sex Offender Act, he will automatically be subject to that Act and be monitored by the Garda Síochána. Conversely, regardless of the offence type or sentence, the sex offender may not receive probation supervision. It is the Judge’s decision at sentencing whether or not, to give probation supervision and what duration that would be. The process map for single agency Probation Service sex offender management is contained in Figure 7.6 on page 227.

This chapter is divided into two parts. Part 1 focuses on the Garda monitoring role and the probation supervision role and Part 2 on joint agency SORAM management. It also identifies areas of improvement in sex offender management. Each section is presented in a thematic approach that incorporates qualitative and quantitative data from Studies 6 and 7. Additional interview extracts for this chapter are contained in Appendix 7.1.

Please note that pp. **188-218** are unavailable due to a restriction requested by the author.
7.2 Probation Supervision Role (Single Agency Role)

Unlike the Garda monitoring role, the probation supervision role of sex offenders has been in existence for much longer. While the Probation Service in Ireland was established in 1922, it was not until the 1970s that the Probation Service resembles what it looks like today. It supervised generic offenders and at times offenders convicted of sexual offences normally when sentences were part-suspended at the discretion of the Judge. This role became more formalised with the introduction of the Sex Offender Act 2001 and post-release supervision became a pivotal aspect of the Probation Service’s role.

The probation officer role is to help protect the public, improve communities and to support offenders to reintegrate back into the community. Someone placed on supervision is required to maintain regular contact with their supervising probation officer and to comply with all conditions of the order. Supervision would involve both the offender meeting their probation officer at the probation office as well as visits to the offender’s home. The latter may involve family members/others if they consider this will assist the offender avoid further offending. The frequency of meetings will depend on the Risk Matrix risk level and this will also determine the amount of resources put into that offender. Over the course of the supervision offenders are helped to identify the causes of their offending behaviour and ways of avoiding it happening again. In addition, offenders may also be required to attend and participate in group work, such as to address behaviour, i.e. Safer Lives, substance misuse, anger management, etc.

The Probation Service supervises approximately 300 sex offenders either living in the community or within prison settings at any one time. Probation officers as a result can be located on High Risk Sex Offender Management Teams, Prison Resettlement Teams, Community Teams and Assessment Teams.

7.2.1 Probation Orders

The supervision of offenders in the community is the primary statutory responsibility of the Probation Service. The main orders are (1) probation orders, (2) post-release supervision orders, (3) conditional suspended sentence, and (4) temporary release orders.

53 Since 2013, these teams have been disbanded and high risk offenders are now supervised by probation officers on Community Teams.
54 This team was outside the remit of this research.
A probation order is an order which can be imposed by the Courts when a person is found guilty of an offence. District Courts can make an order for any duration up to three years. The order mandates the offender to be of good behaviour, avoid further crime and adhere to the conditions of the order. Standard conditions would also include to follow the instructions of the supervising probation officer and to inform their probation officer of any change of address. Other conditions could include participation in a training programme, attendance at a treatment programme, and abstaining from drinking, etc.

A post-release supervision order is an order which a Judge can impose under the Sex Offender Act 2001 when a sex offender is being released from prison. The offender is supervised by a probation officer, whereby the work would focus on the offence committed by the sex offender, identifying methods and coping strategies in order that the offender does not reoffend.

A conditional suspended sentence is a sentence whereby there are conditions attached to the order. In this case the Judge could suspend all or part of the sentence for a specific duration on condition that the offender complies with the probation supervision. Breaches of both the post-release supervision order and the conditional suspended sentence can result in the offender carrying out the remainder of his sentence in prison.

Another order is the supervised temporary release, whereby the Probation Service would supervise a prisoner released from prison for a specified length of time. Normally sex offenders would not be eligible for temporary release.

7.2.2 Probation Teams and Allocation of Sex Offenders

Fifteen probation officers interviewed for the qualitative interviews were from three main areas: High Risk Sex Offender Management Teams55 (3), Community Teams (11) and Risk Assessment Teams (1). While probation officers in this research were located on these teams, five would have had experience in a number of the teams as transfers, promotions and moves, etc would have occurred. Another factor which could result in probation officers having experience in a number of teams was policy based. Probation officers indicated that it was policy to change the probation officer from their team every three years, though it has not been fully enforced with some

55 High Risk Sex Offender Teams within the Probation Service were disbanded in late 2013.
changed after four years and some “seem to stay indefinitely”. Whether the policy was in place for probation officers to gain experience in a number of work practices or to prevent burnout was not identified in the interviews.

A probation officer on a High Risk Sex Offender Management Team would manage the sex offenders in prison who are going to be released onto supervision in the community in addition to very high to medium risk sex offenders in the community. High Risk Teams only existed in Dublin and in Cork. Some would also be involved in the Safer Lives Treatment Programme. The latter programme is a joint Probation Service and local voluntary service provider initiative, established in 2012, with two programmes based in Dublin and one in Cork. This programme is an evolution of the Lighthouse Project56.

A probation officer on a Risk Assessment Team would normally conduct pre-sanction reports, sentence reports, the Risk Matrix 2000 and the Stable interview. A Stable interview would be conducted, which would “guide what you’re saying in the report and in any meeting requests when he is eventually released into the community”. The Acute would normally be conducted by the supervising probation officer once the sex offender is being supervised in the community. Probation officers on these teams work to time limits determined by court dates, as “if you’re lucky, you’ll get the referral two months in advance … if not lucky, six weeks, a month, which has often been the case”.

Probation officers on Community Teams would constitute the probation officers mainly working with sex offenders. In this scenario, they would supervise sex offenders of varying risk. Some probation officers on Community Teams who have training in Risk Matrix and/or Stable and Acute “would get allocated sex offenders but there wouldn’t be as many as non sex offender cases”. For new sex offender cases, the senior probation officer would assign the individual to a probation officer. In some probation areas, sections of the city or county could be divided up and if the sex offender is within the probation officer’s catchment area, then he would be assigned to that probation officer. Allocation can also depend on the “seriousness” of the case and which probation officers have the required risk assessment training.

56 This was a Probation Service operation in partnership with the Granada Institute where three were in operation until 2009 with the closure of the Granada Institute. Two were based in Dublin and one in Cork. Each group programme had the capacity for eight offenders. Therefore there were 24 places available nationwide for this course.
completed. Moreover, if a probation officer has fewer sex offenders on their caseload than other probation officers, the former would be assigned the new sex offender.

While some probation officers stated that one could request not to work with sex offenders, others suggested this would be a local arrangement which may not always be possible due to location, time or staffing logistics. However, probation officers believed they would not be tasked with the role if the probation officer had a significant issue with it. In 2013, the Probation Service supervised 211 sex offenders in the community. This is less than 2 per cent of the Probation Service’s full caseload. Year on year, this percentage is the norm; therefore, it is possible that a high percentage of probation officers may never have supervised a sex offender.

All of the probation officers interviewed have been trained and have conducted risk assessments in Risk Matrix 2000 and Stable and Acute 2007. In addition five mentioned the use of PS-ROSH (Probation Service – Risk of Serious Harm) and three mentioned LSI-R (Level of Service Inventory- Revised) in their work practice. The PS-ROSH an internal probation risk assessment tool, with a version (PS-ROSH S) completed for sex offenders. This tool was introduced in 2012. Probation officers stated they were becoming familiar with the 18 page information tool. It was cumbersome but its value was not yet known in practical terms. The importance, probation officers stated, was the emphasis of risk of serious harm, which was lacking in some risk assessment tools. The LSI-R as a validated risk assessment tool for adult offenders was introduced in the Probation Service in 2004. “A structured, standardised risk assessment and risk management approach required practitioners to shift their practice orientation from the traditional casework approach to an evidence-based one” (Prendergast, 2012, p.111). Therefore, probation officers became familiar with conducting risk assessments in an integrated risk management approach from that date.

7.2.3 Sex Offender Workload

With respect to caseload, the Community and High Risk Sex Offender Management Teams will be examined in this study. Probation officers on Community Teams indicated that the offender workload was standardised, whereby the probation officer would supervise a maximum of 45 offenders. The majority (40 or so) would be generic offenders with some sex offenders. This had been reduced, as previously the overall caseload was much higher. The range of sex offenders
supervised by probation officers on the Community Teams in the interviews was three to seven. Probation officers with shorter working weeks would have a lower overall caseload with less sex offenders by default. Within the generic caseload, while they would not be sex offenders, they could require intensive supervision as there could be “a lot of addiction work and mental health issues”.

In areas where High Risk Sex Offender Management Teams (High Risk Teams, for short) existed, high risk or complicated cases i.e. “high end, high tariff, difficult, a lot of need”, would be allocated to the High Risk Teams. This was due “basically [because] it is the level of resources that need to go into these cases in order to manage them appropriately” and High Risk Teams were able to provide that function. In areas where there was no High Risk Team, these cases would be supervised by the Community Team. It was noted that probation officers on High Risk Teams build up expertise: as the work “is intensive and you become very expert within it. There is no doubt about that how to deal with the types of cases coming up and how best to respond to it. They build up the expertise”. As all probation officers in non High Risk Team areas would have to supervise all the sex offenders, both high risk and high need, they could also build up expertise. Probation officers on the High Risk Teams in this research supervised between nine and ten sex offenders, though ten would be seen as the maximum number.

No standard policy was in place in relation to allocation of sex offenders to probation officers. Instead this allocation was based on a case-by-case basis where the strengths and ability of probation officers were considered. This is observed in the senior probation officers interview extracts below:

SPO3: “The decision isn’t rocket science to an extent… we have to try and match it a good bit so people have a mix [of risk categories] because you would be worn out.”

SPO2: “It is not always possible but I would try and match the interests and the skill base of the probation officer with offenders … As far as the Probation nationally is concerned we work with offenders and everyone that works here should be willing and able to work with all offenders who come our way.”

SPO1: “So it depends on what the skills, the skill base, the knowledge base [of the probation officers] and the numbers coming through. Sometimes it can be somewhat numbers how many do we need prioritised?, who can take what case [depending on the probation officer caseload?].”
As mentioned by Gardaí, high need or high risk cases can be a draw on time, as also indicated by probation officers in the extract below:

PO12: “I think I was managing it much better a month or two ago but, when you throw in extra demands and we have a lot of administrative work to do, recently it becomes a lot more difficult, so there are extra demands and then we have a lot of high risk clients who are not sex offenders, which is demanding.”

7.2.4 Supervision and Management Plan

For generic offenders on supervision, this involves maintaining regular contact with their probation officer and complying with all conditions of their order. Supervision work would involve offenders identifying the causes of their offending behaviour and ways of avoiding it recurring, with the help and support of the probation officer.

For sex offenders, supervision also involves two elements: risk assessment and (sometimes SORAM multi-agency) management of the sex offender. Firstly, a Risk Matrix 2000 would be conducted normally prior to release from prison by the probation officer attached to the Prison Resettlement Team. This probation officer would have worked with the sex offender in prison, assessing his risk and his needs if not for the duration of his sentence, then for either 12 or six months prior to release. If the Risk Matrix risk category warranted a Stable and Acute, the prison probation officer may conduct this solely, or jointly with the probation officer on the Community Team who would be assigned to him on release. Alternatively, the probation officer in the community may conduct it at some stage at the beginning of supervision. The risk assessment process, which is a significant part of probation officer’s work with sex offenders, has already been explored in Chapter 6.

To maintain continuity and building rapport, there may be a three-way meeting with the two probation officers and the sex offender. Some sex offenders who are high need, high risk or high profile may necessitate a case conference with prison, probation and Garda authorities prior to release, where issues would be addressed and aspects put in place, i.e. accommodation, social welfare payments, treatment courses, etc.

The supervision role involves meeting with the sex offender or client, as probation officers would normally refer to them. The frequency would depend on the risk category. Probation officers stated they would meet very high risk sex offenders
once a week, and possibly at the start of supervision it could be every day. As supervision continues and if the risk reduces the frequency would decrease. Also when the supervision was drawing an end, the probation officer would wean the visits down if the risk was at an acceptable level.

The management plan for the sex offender is mainly dictated by the probation officer. The kind of work the probation officer does with the sex offender in the past was at their own discretion within national policy guidelines. Probation officers cited a practitioner manual ‘The Management and Supervision of Sexual Offenders - A Practical Guide for Probation Officers’ that was commissioned by the Probation Service and produced jointly with the Department of Applied Psychology, UCC in 2007 prior to the introduction of risk assessment tools. This manual was essentially a guide to their sex offender supervision practice with sex offenders. It provided guidance on supervision, offence-related work and various intervention work practices with the client. While its practical value and use were acknowledged, given that the manual was introduced prior to the risk assessments tools, it was seen at times as “the cart before the horse”.

The manual gave practical guidance and exercises for discussing and working through intervention or problem areas.

PO12:  “I manage them whatever way I like within the guidelines, like you meet the high risk guys more frequently than the medium or low risk ones, but it is difficult with the sex offenders, you are really on your toes.”

PO8:  “Well, the manual it gives you exercises which you can use in supervision once you have identified stuff you need to work on, whereas I found at the assessment stage when you get a guy for the first time you are still a bit on your own device…”

PO5:  “The manual is underutilised I think, but it is very good. It is written in a very helpful way. For probation officers it is a very useful tool but I think it needs to be re-launched. I think they need to now on foot of the instruments.”

Probation officers indicated that since the introduction of the risk assessment tools, the findings of the latter fed directly into the work that the probation officer does with the sex offender. The risk assessment (Stable interview) identifies individual risk factors across 13 risk factors. Any risk factor with a score of 2 would be the first risk area which the probation officer would address or conduct interventions for or liaise with or refer to another agency for intervention. If there are a number of 2s, then the
probation officer would prioritise them and see what ones could be addressed in conjunction with each other or simultaneously.

Some probation officers said that some areas that needed attention would be obvious and they would initiate it when they believed the sex offender was ready to address that area of their life or sometimes the issue had to be tackled head on. They would “go with their gut” as regards the programme of work for the sex offender. The risk assessment findings generally confirmed the suspicions of the problem for some risk factors. Essentially, the risk assessment puts a structure on the way the probation officer may have been working in the past. For example, the probation officer through supervision would know that the sex offender has difficulties with alcohol use. Therefore the approach or intervention may be to discuss the topic with the sex offender and suggest trying to abstain and attend a treatment group. The risk assessment for this sex offender probably would score a 2 on substance abuse. Other risk factors that were more subtle may not have been perceived as problematic or the extent of the issue known until the questions for that risk factor would be asked in the risk assessments. These issues may have gone unnoticed for a length of time or indefinitely.

Furthermore, probation officers saw themselves as agents of change and were there to effect change. Being able to demonstrate to the sex offender that change was occurring and progress was being made was important. Therefore, the weight given to supervision work and therapeutic intervention to bring about that change was the essence of the supervision role.

### 7.2.5 Home Visits

Probation officers would incorporate home visits into their supervision. The first meeting would normally take place in the probation office. Some probation officers try to alternate between the probation office and home visits, while others prefer for the supervision to always take place at the probation office. Therefore, the onus would be for the client always to attend at the office. This it was felt was a “more formal setting”.

The home visits give the probation officer the opportunity to meet with the offender’s partner/family and to see home lifestyle and living standards. This provides an opportunity to verify information that the offender has already given in the sessions.
PO3: “I think they are extremely important. I always mix home visit interviews because I want to know they are where they are supposed to be – that is really important. The second thing is with home visits you are intruding on them a little bit. You are cramping their style a bit no matter how nice you are…You can tell even by the physical way the house is being kept.”

PO12: “No, to be honest I don’t do too many of them on the basis that I prefer my client to come to me, although the benefit of doing a home visit is you get to see the set-up a bit more.”

As a safety measure, probation officers have either completed home visits in pairs with colleagues and Garda members or notified the local Garda station or the probation office that they were meeting sex offenders at a specified time and would ring back when finished. Others have stopped home visits entirely due to safety issues. Other than that they requested the client to come to the probation offices. The extracts below indicate this practice.

PO8: “If I was going out to a rural area I would ring the guards let them know I am on my way out and I will ring you when I come back out or I would ring the office here or if I had any concern about anyone I wouldn’t go on my own I would bring them or their partner into the office.”

PO5: “You wouldn’t be going on your own as a woman. We have a policy we don’t. I wouldn’t go on my own. I go with a colleague or a guard. I have many times gone with a [monitoring] guard.”

PO15: “We’re kind of gone away from home visits because we don’t really have time to do them anymore. You know it used to be a very big factor in probation but not anymore and then there are the health and safety things. It’s quite dangerous around [location name] at times. The guards would tell us to stay the hell out of it…some of the areas are quite serious, there’s been a lot of shootings. You wouldn’t be going anywhere near them.”

7.2.6 Rejection of Supervision

A key aspect of supervision is whether the offender co-operates with supervision or not and is there engagement or rejection of supervision. Failure to comply with supervision would first be addressed by the offender’s probation officer. If there is no improvement a number of options are open to the probation officer, depending on the probation order the offender is serving.

The probation officer may place conditions on the offender as part of supervision, i.e. attend a sex offender treatment programme, abstain from drinking. Alternatively, the probation officer may go back to the courts in an attempt to get the Judge to
place conditions on the probation order, though this does not happen too often as probation officers believe “Judges aren’t buying into it”. In these cases, the offender may have been sentenced to five years’ supervision but “there was no consequence to the breach of supervision”.

When the offender’s supervision is tied to a post-release supervision order mandated by the Courts, then the probation officer has the opportunity to bring the offender back to Court for breach of supervision where there can be consequences. In these scenarios, the Judge may impose new conditions attached to the probation order as suggested by the probation officer, impose the offender to carry out the remainder of the sentence in prison or recommend no punitive measure.

PO3: “When the person isn’t cooperating anymore then you have a problem.”

SPO2: “I mean going back to prison is the last thing they want to do, others don’t care very much and even the ones that don’t want to go to back to prison they don’t always put the effort into desisting do you know what I mean. The stated position is they don’t want to go back to prison but they still won’t put the work in not to re-offend.”

7.2.7 Probation Single Agency Management Summary
The previous sections detailed the single agency management within the Probation Service. Figure 7.6 on the next page illustrates a process map of the structure of the management. At the fieldwork stage, High Risk Teams were in place but have since been disbanded as expertise developed in the Community Teams. However, they have been replaced by Sex Offender Resettlement Teams as of 2014. The latter focuses on high risk or high need cases identified by probation officers working in the prisons. Once the case becomes stabilised and the risk or need reduces, they are transferred to a Community Team. The structure of Sex Offender Resettlement Team appears similar to the High Risk Teams.

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Chapter 8

Results: Sex Offender Perspectives

8.0 Introduction and Chapter Format
This chapter reports on findings from Study 8 (sex offender perspectives). The source of data for this study was gathered from qualitative interviews with 15 male sex offenders.

The sex offender characteristics are as follows. The ages ranged from 22 to 64 years. Ten of the sex offenders had committed child abuse ranging from non-contact offences to penetrative offences. Of the remaining five, three had committed adult female rape/attempted rape and two had been convicted of internet offences. Twelve of the sex offenders had served custodial sentences ranging from nine months to six years. One received community service and the remaining received a suspended sentence or probation supervision.

The findings are discussed in a chronological order starting with the prison experience. This explores the segregation issues and treatment from other inmates. It is followed by their fears and expectations on release into the community as a sex offender. A defining aspect of the prison experience was whether or not treatment was completed. Some research participants opted for or were mandated to complete community treatment programmes or private consultation. The effect of treatment on sex offenders is discussed at this juncture. Identity and labelling aspects of being a sex offender are critically reviewed in this chapter. Displays of minimisation and distancing were also identified and analysed.

The next stage in the chronological process is the Garda and the probation experiences. Attitudes to the Garda monitoring process are first documented and subthemes within this area are also explored. The view of probation supervision is then considered. Positive and negative views of probation are documented, in addition to the perceived role of probation supervision. The experience of risk assessment is then presented and focuses on the opinions and the experience of undergoing risk assessments as well as views on risk ratings and scoring. Three
categories of engagement in risk assessments are identified. Furthermore, the views of sex offenders on joint Garda/probation risk assessment are presented.

The final section centres on the areas of concerns for sex offenders, namely: accommodation, social connections, public/community connections and media intrusion issues. Employment and training complexities are examined as subthemes within public/community connections. The chapter concludes with a summary.

8.1 Prison Experience

The prison experience varied for the sex offenders in this study, although there was commonality on three issues. The first was the segregation of prisoners into sex offender and non-sex offender populations, and their cell location on “sex offender landings” or “wings”. Treatment of the sex offenders by the non-sex offender population due to this segregation was also a significant aspect of the prison experience. The second issue, often voiced when discussing the prison experience, was whether or not the sex offender participated in the prison sex offender treatment programme (Building Better Lives). This is explored in Section 8.2. The third and final issue related to fears/concerns prior to release and prisoner expectations for their future life.

8.1.1 Segregation and Resulting Treatment

All of the 14 prisons in Ireland, except for Castlerea Prison, County Roscommon, have segregated wings or landings for sex offenders. The only prison that houses mainly sex offenders is Arbour Hill Prison in Dublin. Of the 12 sex offenders that served sentences, five did so in Arbour Hill Prison, two in Castlerea Prison and the remaining five in various other prisons: Limerick Prison, Cork Prison, Portlaoise Prison, Midlands Prison or St Patrick’s Institution. The majority completed their sentence in one prison and two served their sentence in two prisons. Another sex offender completed his time in custody in the Central Mental Hospital in Dundrum as well as in prison. For nine sex offenders, it was their first time in prison. The remaining three had custodial convictions for theft, burglary or driving without tax and insurance.

The main perception of prison was a markedly negative experience and one that had to be endured or survived. The survival was linked to the perception and reality of the risk of serious harm from the non-sex offender population. A major point was the fear of being assaulted or killed due to the sex offender label. One individual that
moved to Castlerea, where there was no segregation on landings, was both conscious and anxious of the general prison population finding out that he “was in for a sex offence”. The segregation in the prison population perpetuated resentment and anger directed at the sex offender population. The extracts below indicate these viewpoints:

SO10: “I was stressed out... On the landing underneath there was a lot of them [sex offenders] and the abuse all the time, people shouting at them from up the top [of landings] down, but I was just [afraid]. Some people knew what I did but it was serious, real serious [the abuse directed at sex offenders].”

SO05: “We had a wing on the second floor; there was about 40 or 50 on the wing and they were all sex offenders so there was a certain amount of resentment against us all, but I got through it.”

SO08: “It’s about acceptance, because when it comes to doing the prison sentence I mean if you’re stuck in a wing in a prison and you have four other wings around you and they all know that’s where, as they call us, ‘the scumbags are held’, which I agree with them, because believe me there were a lot of them. The abuse that would come through them gates as people were walking past on the other side. I mean okay, it’s not nice, but at the same time we deserve it.”

SO02: “I was in the army for several years; prison was nothing apart from the fear of being killed.”

Arbour Hill, whose prison population was mainly sex offenders, was considered relatively safe. Some considered the prison experience as less daunting than imagined or had some life experience to aid them through it.

SO07: “I suppose if you have to be in prison, especially for a sex offence, Arbour Hill would be the prison. In the sense [of] it’s safe to go to school there; it’s safe to walk around the environment; as for anywhere else [other prisons] you don’t know who is going to get you, who is going to attack you, who is going to cut you with a knife or whatever.”

SO13: “It was alright. You have rough times and good times; it’s prison life but it was a good prison, though it was Arbour Hill.”

SO12: “You make acquaintances to get you by, to pass the time but you don’t make friends and you watch your back all the time.”

SO12: “Far easier [in an all sex offender prison] because you haven’t got the general population. The general [prison] population would burn sex offenders.”
However, for some sex offenders the prison experience was not as negative as they thought it would be. Furthermore, after the initial stage where the offender adapted to the daily routine of prison life, their mindset shifted to “getting on with things” and completing the sentence. Moreover, some saw the prison experience as turning their life around. The following extracts demonstrate some of these attitudes.

SO11: “Bloody scary, I mean I’d never been to prison before. I’d never been through the criminal justice system before. I mean the first few weeks are overwhelming but you settle into the routine.”

SO05: “Well, at first it was scary but then after three or four months I settled into it. I didn’t know what to expect.”

SO08: “It was an experience but it wasn’t that bad to be honest with you.”

SO12: “Do you sit down in a corner crying about it? That’s not going to change the fact that you are in prison. You need to get on with things. You want the time to go quickly, so the best way is to keep busy, so I started doing a few classes.”

SO10: “To be honest I think it’s good because before I got locked up I was a menace, real bad. I was never there for no one. I was just in pieces from drink, drugs and my life was ruined and jail opened my eyes a bit. That’s one good thing I got out of jail, it snapped me out of my buzz.”

8.1.2 Fear of Release

The prospect of imminent release brought emotions of relief and happiness to sex offenders, but also apprehension. The relief was due to the fact that they had survived the sentence both mentally and physically, given that it was either their first custodial sentence or their longest sentence and a sentence for a sex offence. They were happy their prison sentence was coming to an end and they would have “their freedom back” and their own life again. The apprehension focused on what that life would resemble and the element of uncertainty, as observed in the extracts below.

SO05: “Well, I had no concerns. I was just glad to get out of it, that’s all. I didn’t think I could do it – six years straight.”

SO11: “Well, I mean the first thing within the number of weeks running up to it is, they call it, gate fever. Like you’re seeing the end of your time looming, you want to get out but on the other hand you’re nervous about what’s waiting for you on the other side of the gate, which is actually a similar feeling going in to prison.”

SO12: “Oh, it’s good to get your freedom back. I had lots of concerns, though. Number one I was going back home so I knew there was lot of people in the area that didn’t want anything to do with me.”
SO10: “I did and I didn’t have worries because I didn’t know what I was doing when I got out.”

This uncertainty centred on four main aspects. The first aspect was where they were going to live and accommodation issues. The second related to fear of rejection from (1) family and friends and (2) the community (especially any backlash). The third focused on employment opportunities. The fourth was based on fear of exposure and media intrusion. These aspects are explored more fully in Section 7.7: Areas of Concern. None of the sex offenders raised either being subject to Garda monitoring or probation supervision post-release as a concern.

A key defining issue which was raised within the prison experience discussion was treatment. This is explored in the next section.

8.2 Treatment Programmes

A key aspect of prison life for sex offenders was whether or not they completed a sex offender treatment programme. The programme Building Better Lives was introduced in 2009 and replaced the Sex Offender Treatment Programme previously in place. When sex offenders discussed treatment the main avenues for support or treatment, as they referred to it, were cited as follows: (1) the prison-run treatment programme; (2) the Probation Service treatment programme; (3) Grenada Institute programmes; (4) private psychologists/counsellors; and (5) probation supervision.

The first three avenues involved group work and one-to-one sessions. The following section identifies issues pertaining to treatment.

The most frequently occurring negative experience was the group work sessions. Having to disclose both offence details and personal sharing were problematic for some sex offenders. The one-to-one sessions were acceptable and they “could talk about anything”, the group work made some offenders “close up”. Some sex offenders cited particular group participants as hindering their progress, whereas others were wary of participants they knew from the prison setting.

SO02: “It was one-to-one for the next two years I’ve no problem, but I said I’m not doing it in a group.”

For individuals who passed the treatment programme, the transforming nature of treatment was seen as a positive. Oftentimes, sex offenders mentioned “there were
questions that needed answering" or they hoped the treatment programme would “be able to fill in the missing answers”. Some sessions were particularly draining but these were considered the “good sessions”. Alternatively, some did not want “to know the answers”, as they would have to deal with whatever issues arose, which would be painful. The extracts below reflect the positive attitudes and outcomes to the treatment programmes:

SO02: “You’re deconstructing it and then you’re trying to find what pieces of that deconstruction went on to make you do that. I wouldn’t recommend it to anybody… It is not a good thing to get the answers.”

SO07: “The programme taught me so much about myself. Little did I know what I was going to get out of it. But you have to want to do it, be willing to look at yourself from the outside.”

The sex offenders discussed various aspects of the treatment programme. They stated that it included the following elements: (1) discuss their past; (2) understand the victim’s experience of the offence; (2) read out an imaginary letter to the victim; and (4) speak about the actual offence and the build-up to it. Seven of the sex offenders reported that group work was frustrating if they believed other participants were not being honest, minimising the offence or being purposively evasive. This they believed was to obtain a low risk rating.

SO13: “I could have bullshitted through the whole thing and got low risk. And some fellas have done that and I get fed up with that because there was one fella and he was supposed to disclose what he did and he spent the whole half hour talking about the hours before it. And I said, well like, you’re supposed to be here talking about your offence not your autobiography; the disclosure, he wouldn’t talk about it. It’s to minimise the impact, you know. Well, I’ve heard the fella talking in the yard, ‘oh tell them nothing, just tell them what they need to know.”

SO13: “You have to teach people to treat people respectfully and challenge them. I suppose it gets quite heated at times. You have to listen to other people’s offences, that gives you time to observe them; they can observe you as well so there’s a mixture.”

Sex offenders were also asked what they would do if they thought they were going to re-offend. All but two of the sex offenders stated that this would not occur in the future as they had learned their lesson or had addressed the issues in treatment which had caused the offending in the first place. The overall rate of sexual reoffending is low at approximately 20 per cent. It is higher depending on offence and victim type. Therefore, approx. three of the sex offenders interviewed have a
high probability of reoffending. The two sex offenders who acknowledged the possibility of re-offending, because “no one knows the future”, hoped that the coping skills and awareness from treatment would stand to them. They hoped that they would seek help before it progressed to offending. The main people they cited as worth approaching for help were a probation officer, a medical or psychological practitioner.

8.3 Sex Offender Identity
The following sections examine sex offender identity. Firstly the attitude to the label “sex offender” is examined. This is followed by how sex offenders interviewed for this study distanced themselves from the sexual offences they committed.

8.3.1 Sex Offender Label
All of the sex offenders interviewed did not like the term or label “sex offender”. This was due to the perceived homogenous aspect of the term. They reported that there was a widespread perception was that all sex offenders abused children. In addition, they reported that the general public should be aware of the variance in the label but considered this would be unlikely to happen. This impact of the label was more apparent for non-contact sex offender interviewees. The only sex offenders interviewed who accepted the term were child abusers, but they claimed that labels in and of themselves were not constructive. The extracts below reflect these viewpoints:

SO15:  “I don’t like it [the label]. The word itself, sex offender, is enough. Do you know, I mean, society really doesn’t want you if you’re a sex offender. That’s what I feel anyway... A person that’s not wanted.”

SO10:  “It just makes me sick. Everyone that hears that is thinking children. Like you hear that you’re not even classified, like no-one wants to hear the story, you’re just rapist, that’s really that. So you can’t like, you’re not going to go round door to door explaining your story to every single person. Do you know what I mean; it’s just preparing yourself for when it comes.”

SO01:  “Dreadful of course, but I mean it’s the truth, my offence is a sexual offence. It’s the truth you know so I can’t argue with it. So labels are labels but they’re not helpful.”

All of the sex offenders interviewed stated that they had been ostracised by neighbours, lifetime acquaintances or some family members. Furthermore, they were often humiliated or harassed by members of the public. Ten sex offenders in
the study were physically challenged, threatened or assaulted. The reaction to the verbal abuse was usually to ignore it. As some had suspended sentences, any infraction could result in a return to prison. Others reported that nothing would be gained from engaging in such an encounter and, as the incidences could be numerous, the best approach was non-engagement. Three had been assaulted and they deliberated whether they should physically defend themselves or not. Owing to this unwanted physical and verbal attention, a number of the sex offenders employed avoidance behaviour by withdrawing from society, e.g. staying at home, avoiding certain locations or busy areas. This exacerbated social isolation, however, and is explored fully in Section 8.7. The following extracts illustrate the dilemmas of confrontations with the public and the response of the sex offenders.

SO04: “I ignore it. They just want a fight and I’m the one who would come out worse because the bad egg even when in the right is the one that smells. People would side with the other fella. There’s no point defending yourself.”

SO12: “So my normal reaction would be to thump them or something. I can’t do that. You know the biggest sort of deterrent for that is the fact that I’m on probation. You ignore it, you walk away. There’s not much else you can do.”

SO13: “I don’t know. Either they’d run at me or verbally abuse me or physically assault me. My probation officer told me that would happen but she said ‘you can’t worry about things that could happen’. I’d walk away, I wouldn’t get into a confrontation because I think I could end up back inside again and they could be inside if they assaulted me.”

SO02: “‘There should be a town for us. You think I’m joking; there should be a town for us where we could live safe and have peace there. You live on the edge; it never leaves the back of your mind. It goes further and further as times goes by, but all it takes is something like someone giving the odd look and it surfaces.”

None of the sex offenders interviewed denied the fact of their offending. In essence, the deniers did not participate in the research as they believed they did not fit the research criteria. Interviewed sex offenders spoke in terms of a hierarchy when talking about sex offenders, which relates to their views on the sex offender label. Firstly, half of the sex offenders referred to the convicted sex offender Larry Murphy as the pinnacle or image of the worse type of sex offender. In the main his name arose within the context of that they were “nothing like Larry Murphy”62. Some sex offenders described other sex offender’s offences under the premise of minimising

62 See Footnote 4, page 3.
their own offence. These offences generally involved a degree of premeditation, violence or abuse of children. In addition to minimising their offending behaviour, distancing themselves from the offence was another mechanism observed in the interview analysis.

8.3.2 Distancing from Offence
Distancing from the offence can be considered a cognitive distortion. It incorporates elements of minimisation, rationalisation and justification from the offending behaviour. It is a self-protective feature which allows the sex offender to lessen their guilt, anxiety or shame (Salter, 1988). Five types of distancing techniques were identified in the sex offender interviews. These are:

1. Distancing by comparison with other sex offenders
2. Distancing by premeditation/impulsiveness dichotomy
3. Distancing by amount of contact with the victim (degree and frequency)
4. Distancing by time
5. Distancing by age of the victim

Firstly, the distancing by comparison with other sex offenders not only minimised their offending but also distanced themselves from their perceived true meaning of sex offender. This sex offender was “a predator”, “a scumbag”, “dangerous”, and abused children. The contradiction that Larry Murphy did not abuse children but in their view was the essence of the worse type of sex offender went unnoticed by the interviewed sex offenders. While the label sex offender did not clarify what type of sex offence it was, a scale or hierarchy was alluded to.

SO11: “This guy was sitting on the bus going home. He had done time for rape before and this very nice smart girl gets on and sits down. He just watches when she got off the bus, he got off after her, followed her, dragged her into a garden [and] raped her with a car key... I don’t know if he, anyway, it was very, very nasty.”

The degree of premeditation was a factor when taking ownership of the abuse. Many of the sex offenders cited the consumption of alcohol and/or drugs precipitating an offence. A dichotomy between premeditation and impulsiveness due to inebriation, mental instability, general instability or “untogetherness” led to their “out of character” behaviour. The extracts below reflect these positions.
SO03: “Ah, I don’t know what I was doing”.

SO04: “I was messed up then. I was out of my head on drink. It wasn’t really me.”

SO05: “I was gone in the head. I was mad in the head, well that’s the way I see it.”

Not one of the sex offenders stated that they premeditated the abuse. However, it is apparent that at least five engaged in grooming and creating opportunities for abuse, or temporary premeditation, e.g. 30 minutes to a few hours. Eight of the sex offenders referred to alcohol/drug use at the time of the offence. Currently, all but one of the eight sex offenders does not partake in substance usage due to choice or a condition of the probation order.

Three of the sex offenders distanced themselves from the offence by the amount of physical contact they had with the victim. Moreover, the frequency of incidence was also relied upon with lower incidences of assault being viewed as lower on the sex offender scale. Also, one sex offender viewed attempted rape as lower on the scale than completed rape. This was irrespective of the fact that it did not occur because it was interrupted. Furthermore, the internet offenders believed their offences were victimless as they “did not touch them” or as one said: “There was no victim.” Non-contact sex offenders were viewed as at the low end of the spectrum. The extracts below demonstrate this thinking.

SO12: “I didn’t rape anybody; it was only a sexual offence. I groped a couple of girls.”

SO01: “Now the offences consisted of only touching so it didn’t go further than that.”

SO15: “It’s not as bad because I didn’t harm anybody. I maybe put the fear of God in them but I didn’t harm anyone. I frightened them by looking in the window but I didn’t touch them. They’re two different things…but maybe psychologically I would have harmed them.”

SO10: “You see I don’t understand it; mine’s very, very mild. Obviously like, it was bad but at the time I was 23 so that’s the way I looked at it. The judge was even in my favour, the detective went against me. They had it down that I was with her twice. And it was once I was only with her.”

SO04: “It was bad but it was only attempted. I didn’t do it [as was interrupted in the act].”

Two of the sex offenders distanced themselves from the abuse with the passage of time. The general viewpoint was because it happened years ago its relevance had
diminished. Phrases such as “it was 30 years ago” and “I'm a different person now” allowed the sex offender to abdicate responsibility or ownership of the abuse. It was likened to behaviour that a young person might engage in yet would not be representative of the future person. The preference or attempt to bury the abuse in the past was keenly made.

Three of the sex offenders cited the age of the victim as contentious. All three raised separate points; the first two are somewhat related but in different contexts. The issue is in deciphering the age of the victim. The first context is assuming a victim is over 18 years prior to consensual sexual activity. The onus does not appear to rest with the sex offender to enquire first whether the girl is of full age or not. The second point is in deciphering the age of a victim of child pornography and the subtle argument of the perceived age of the person. Therefore, the sex offender's argument is whether or not it is child pornography or adult pornography. One is legal, the other is not; one makes the person a sex offender, the other does not.

One impression held by a sex offender was that because the random victim he chose to assault was under 18 years he would not be a sex offender if the victim was an adult. This lack of knowledge complicates an understanding of sex offenders. It is hardly surprising that the general public tarnish all sex offenders as child abusers when sex offenders themselves do not understand what constitutes a sex offence. The following sex offender extracts raise this age-related issue.

SO10:  “I thought she was 18 but she was only a teenager.” (Sex offender was 19 years at time of offence).

SO11:  “I mean let’s be a little bit blunt about a few things, like say, child pornography. Where is the limit in which somebody’s age becomes... where somebody is a child and somebody is an adult.”

SO05:  “I was driving around looking for someone to attack. I was very nervous so it turned out she was 16. If she was 20 or 30 I wouldn't be a sex offender.”

The previous paragraphs identified how sex offenders in the interviews minimised or distanced themselves from the offence. The analysis revealed that this was for two reasons. Firstly, it attempted to reflect that there was a sex offender scale or hierarchy of offending, of which they were on the lower spectrum. This justified why they should rate low risk on risk assessments. Secondly, the scale would show that there were far worse offenders than them. Sex offenders who had abused children were frequently considered the worst.
8.4 Garda Monitoring

The following sections present findings on the view of Garda monitoring from the sex offender’s perspective. It examines how specific aspects of Garda procedures affect sex offenders. In addition, the sex offenders describe the modifications they have made as a result of being subject to the Sex Offender Act.

8.4.1 View of Gardaí/Garda Monitoring

Sex offenders in this research study were subject to the Sex Offender Act requirements ranging from five years to an indefinite period of time. For some this expanse of time appeared all-consuming and they considered themselves “stuck” until the period being subject to the Act lapsed. The view of monitoring was mixed. Some saw monitoring as an annoyance, which was a “torment” and a “checking-up exercise”. Others had the view that the Gardaí were “always watching”. Others again found it less intrusive and monitoring was not overly disproportionate. The extracts below demonstrate these views:

SO05: “I suppose it is tormenting you; it’s tormenting, that’s about it really.”

SO06: “I wouldn’t say it’s excessive, I think in the wide range of offences I think it’s necessary. For me I don’t know I just do it… it is just something that has to be done and it will be for whatever, another sort of four years or something. I’ve no problems. I’ve never really had any problems with them [Gardaí].”

SO11: “They don’t seem to be terribly onerous.”

The role of the Gardaí in monitoring was seen as twofold. The primary role was observed as crime prevention in the form that sex offenders subject to the Act would not commit new sex offences. But a secondary role incorporating protection of the sex offender was also considered. This was influenced by the Gardaí assisting sex offender in the past regarding community backlash and the monitoring guards on home visits verbalising that if they “needed any help to ring them” or “was there anything troubling them”. The Garda role as considered by sex offender is listed below.

SO04: “I actually feel in fairness that they’re as much protecting me.”

SO01: “From the guard’s point of view, say, is prevention and the [Probation Service] point of view is behavioural prevention, but they have the same aim.”
SO07: “[The Garda role] obviously protecting people from these fellas [sex offenders] well that goes without saying, but also protect me and make sure I’m okay… that I’m okay in society. I’m not being chased out. I’m not being hounded. The good thing is they say if they’re any problems whatsoever you ring us.”

The perception of the Gardaí is also worthwhile to note. Firstly, all the sex offenders have experienced the Garda process as a suspect in a sex offence where the evidential proof was required to prosecute and convict them in court. Their experience of the interviewing style could be confrontational at times. Therefore, that experience sometimes distorted their perception of the Gardaí. Also, one sex offender had been in institutional care and had run away at a young age. The abuse he received at the hands of the institution was not believed and he was beaten by Gardaí for “his lies”. Therefore, some saw the Gardaí as a malevolent force. The trust or acceptance of the Gardaí as a fair force was hence uneasy for some sex offenders, as can be seen from the extracts below. Others considered that the Gardaí had a job to do which entailed a degree of bureaucracy. Therefore, the amount of work required in the relationship-building stage for the monitoring guard would be much greater for the sex offenders with some of the sceptical views below.

SO05: “They could be a bit nicer, a bit friendlier than they are. You don’t know what they’re going to come up with, what have they this time like, what they are going to come out with this time… They like to catch you for something. Well, that’s the impression I get anyway.”

SO12: “You wouldn’t normally have a fondness for guards, you know.”

SO09: “I wouldn’t trust the guards after what they did to me.”

SO05: “Well, I’m definitely a sex offender and that’s it. They treat you as one, they don’t treat you as a man at all.. No, I’m treated as a sex offender and that’s it like.”

SO07: “In general they are not out to get you; this is just the official end of it.”

8.4.2 Section 10 Notification

The experience of the Section 10 Notification process, though straightforward, could also be stressful. Sex offenders stated that it was a quick exercise normally taking about 10-15 minutes. The only difficulty was that in some cases the Garda station was very busy and sex offenders chose to return on another occasion. The open nature of the public office and the number of people in the station who would overhear the sex offender’s business was the concern rather than any other factor.
As was seen in Section 7.3, the perception of sex offenders by the public and the labelling of them make the sex offenders very wary of people. Sex offenders in this study said they “do not advertise they’re a sex offender”. This would be one instance where they would remove themselves in order to avoid detection from the public. As the sex offender is permitted seven days to notify at the Garda station they could opt to leave the station with no consequence. However, they would have to notify before seven days from the date of prison release/conviction or sentencing date had lapsed. Moreover, others stated that the designated person was not there and they were either told to call back at a specified day/time or told the person would visit them at home. One sex offender highlighted that at the notification process the guard informed him that a sex offender “can live a healthy life and have no problems once [they are] compliant”. The sex offender believed that the guard was telling him not to be afraid of monitoring. The following extracts reflect some of these views:

SO14: “[The process] was basically like the same way as it was when I got arrested, me name, me address, any tattoos, any scars, do I drink, do I smoke, me eyes, me colour of me eyes, me height, me weight. That’s basically it. It took about 10 minutes but sometimes it takes longer with the guards. They’re asking me normal questions, not about my offences but about football and all of that as well.”

SO06: “When I went down to [station name] for the first time I went down to register and I don’t think there was anybody there to deal with me, so they sent a policewoman up to my house and then she had a chat with me.”

SO02: “I took a look at the reception desk [at the Garda station] and it was like an opening day sale at Dunnes Stores so I said ‘no way’. There was no way I was standing in front of all those people saying ‘I’m a sex offender’. [It was] way too public to sign on as a sex offender. I mean you talking about people two feet between you and me from the counter.”

SO13: “[If I have to notify a change of address] I always go down the next day to be honest. It’s always a bit stressful going down there, but I’m lucky, though where I’m now it’s a very old station and it’s not very tight as other stations. There’s more space. People don’t even know you’re a sex offender, you would get all paranoid.”

Some sex offenders objected to the documentation when completing subsequent notifications. This was specifically the printed form which lists their name, offences and notification changes. The sex offender is allowed to retain a copy, however some said they “refuse to take them as they do not want them in their apartments/homes”. While there is awareness that the form is proof that they reported and it could be imperative if the Garda record was lost, some still prefer not
to accept them. Regarding the requirements of the notification, it became apparent that there was difficulty in the communication or understanding of them. While they were stated to be straightforward, the sex offenders found they could be simpler. The following extracts express this sentiment.

SO06: “Like the rules are clear, they are written in black and white but it needs to be simplified a little bit.”

SO11: “I constantly, repeatedly asked him [my solicitor] to give it to me in plain English but not a sausage. So I’m reading this in legalese and as far as I understand it the one thing that sticks in my mind is the travel notification restrictions. In other words, if you intend to be away from your notified place of abode for more than six days, notify the Gardaí.”

SO07: “I think there is something about seven days. I’m [not] really sure how that works.”

One area of apparent confusion seemed to rest with the seven-day notification period. Under the rules, if the sex offender is away for a seven-day period he has to notify the Gardai. But a nuance exists in that if the individual days accumulate to seven days over a specific time period, then notification is needed. The complexity of this aspect has been the causal factor in why most sex offenders will notify the Gardai, even if absent overnight. They stated that this was purely a precaution on two grounds. Firstly, they do not want to inadvertently breach the sex offender requirements. Secondly, if the monitoring guard did an unannounced home visit they may be suspicious of the sex offender’s whereabouts and it could set a chain of unnecessary events in motion. Notification would circumvent that “unnecessary hassle”. One sex offender’s understanding of the notification requirement was completely wrong, as he incorrectly believed that notification was required if he left the county and if only for a few hours at that: “If I leave the county I’ve to tell them, even for a couple of hours, I still have to.”

8.4.3 Requirements and Planning/Organising
The major issue sex offenders acknowledged with the requirements, was the degree of planning that now had to be incorporated into their day-to-day life. This was difficult for a few, as they said they were generally “impulsive” or “laid-back” individuals, so it was a new departure for them to change that trait. The extracts highlight the lack of ability to act on the spur of the moment and be more organised:

SO12: “Before I’d go anywhere I’d have to give details on where I’m going. You
can’t do anything on the spur of the moment. I was always that [impulsive] type of person. [Int: Is there a lot of planning?]. There is and I don’t plan. I’m not a good planner.”

SO06: “It’s just that you just have to plan a little bit if you’re doing something.”

SO08: “That’s one of the main things, is letting them know where you are all the time.”

Another element of behaviour that sex offenders stated was problematic was the fear that innocuous behaviour would be misconstrued. The result was that they would alter their behaviour in order for it not to be interpreted within the prism of sexual offending. Examples included crossing the road if children were in the same space, not travelling on specific travel routes, avoidance of areas, etc., as can be observed in the following extracts.

SO02: “If I walk down the street here now and there’s a bunch of kids in front of me I’ll cross the road. Not because they worry me but because if someone was driving by [and] said ‘isn’t that your man, oh God it is’. It is always there. I won’t be in confined spaces. I won’t travel on a train, I won’t go on a bus. It’s just in case something happens, a lot of people hate me, end of story.”

SO04: It’s not as prominent as it used to be. It’s way back in the back of the mind but all it takes is a sideways glance … and you get this funny look and straightaway you say to yourself ‘Jesus she knows who I am’ and she could be thinking ‘oh Christ, where did you get those old-fashioned glasses’. These are my [glasses]… I bought these because I can read and see at the same time. You know and it could be something like that but that doesn’t strike you.”

A key behaviour finding among the sex offenders interviewed was the new practice of keeping a diary and/or retaining receipts. This was seen as a precaution in case a sex offence occurred somewhere and the authorities wanted to know the whereabouts of the sex offenders at the time. By maintaining a contemporaneous record of their movements they believed it would reinforce the recognition that they were not involved. Furthermore, retaining receipts as evidential proof of where they were at a given time was also viewed as important. The following extracts illustrate the importance of keeping a diary, receipt retention or GPS phone tracking.

SO02: “I wrote where I went and what time I got there, what time I left, just in case someone said there was someone assaulted in such and such a place and it would be there now, well I was in [a different place] on that day.”
SO01: That’s another thing we [sex offender and wife] both keep diaries. Everywhere we are every minute of the day, because had I got that for the [offence] period, for the years, I could have disproven an awful lot of what was said about me. We keep till receipts since I came home [from prison].”

SO08: “[I’d be] fearful of getting blamed for something I haven’t done. I have a phone that’s in my jacket [and] I got GPS system onto it that actually tracks everywhere I go and I never leave it at home. It tells exactly where I am.”

8.4.4 Garda Home Visits

The home visits by monitoring guards centred on four main elements: when they called, how often they called, why they called, and how they called (uniforms/patrol cars). Regarding the when, this related to whether the visits were scheduled or unannounced. Generally they were unexpected, though on occasion they were planned. The planned visits could be at short notice: minutes, hours or the previous day. Given that some sex offenders lived in rural areas the guard might be in the vicinity and ring to say they “were passing and was he there”. Some stated that they were surprised to get a visit on an Easter Sunday or New Year’s Day. The average duration of the visit was 10-15 minutes, though it might have been longer on occasion. From the interview analysis, the duration varied from monitoring guard to monitoring guard.

The visit could be conducted at the door or inside the house. The sex offenders stated that it was their choice to allow the monitoring guard inside the house. At times they did not if they had friends around and did not want to introduce that dynamic to their friendships. The frequency of home visits was in general not high. The interview analysis shows that sex offenders did not consider the visits excessive however inconvenient at times. The subsequent extracts reflect the access of the monitoring guard and views on the frequency of home visits:

SO06: “It would be nicer to know when they’re coming, I wouldn’t like to have friends around for dinner or something like that and a Garda knocks at the door. I don’t think I necessarily have to let him in. I can chat to him at the door, you know. I can explain to him if I have friends over, you know, it’s not a good time.”

SO05: “If I didn’t want him to come in, he wouldn’t come in but I let him come in. He stays about 10 or 15 minutes.”

SO10: “He don’t call to me a lot, he don’t smother me.”
SO04: “He doesn’t call that often, thank God.”

SO12: “Now the guard is checking up on me all the time, now he doesn’t check that often… he takes a photograph of me about every second month just to keep an up-to-date photograph.”

The reason for the home visit that sex offenders self-reported was to ensure the sex offender is residing at his home. Some were mindful that an underlying issue may be present which prompted the monitoring guard to visit and query this with them. This stems from the belief that all Gardaí know all the sex offenders, therefore they are constantly being watched or spotted on patrol. Also, they postulated that a member of the public could have reported something to the Gardaí (which the sex offender would consider innocuous) but it would have to be followed up. In the main the visit would take the format of a general chat. A shorter conversation would occur on the doorstep. If other people were in the house, the monitoring guard would converse with them as well. The extracts below illustrated these points.

SO14: “He doesn’t ring me up and says he coming down; he can come down out of the blue to see how I am. Like if he’s passing the area he’ll come in to me. Just to see how I’m getting on and how I feel, am I alright in the hostel and all that as well.”

SO02: “[Monitoring guard 1] would see you at the door. How are you doing? Grand. Any changes? No. Right, bye. Gone, that would be the extent of it. The other guard would come into the house and the sergeant came on New Year’s Day and stayed an hour chatting and looked at my radio equipment.”

SO06: “There was one time he was around; he came in and he talked to my mum and my mum’s partner and my sister and stuff like that, and he was yapping away and it was all fine.”

The home visits were considered “more private” and “in [your] own territory” than having to call into the Garda station. However, there were other considerations that caused anxiety. This was whether the monitoring guard wore a uniform or drove a patrol car. The key issue was visibility and the neighbours knowing that a guard was calling to the house. It was viewed that this would raise suspicion or interest on the neighbours’ part, which sex offenders were fearful would lead to exposure. Exposure could have numerous ramifications. The uniforms and marked cars were highlighted in ten cases as being the most unhelpful aspect of Garda monitoring. However, some sex offenders stated that many of their monitoring guards were detectives and would be in plain clothes regardless, so it would not be an issue for
them. The other visibility aspect was the use of the patrol car. This again was viewed as drawing attention to the sex offender, as revealed in the following extracts:

SO11: “It’s relatively infrequent... he’s usually in plain clothes and it’s usually a fairly ordinary car so it’s quite discreet.”

SO06: “She actually was in uniform. I think she was in an unmarked car but she was in uniform. I wasn’t very happy about it to be honest with you, but at that stage I didn’t really know that nearly all of them don’t do that. So I just thought it was sort of the norm.”

SO14: “Everybody in the hostel could think it could be anybody. He’s a detective anyway so he’s always in plain clothes.”

SO06: “When I went into [station name] I chatted to that chap for a while and he explained it all, the ins and outs, and he assured me that they’ll never sort of come around in uniform or anything like that, sort of drawing any more attention to me.”

SO04: “One of the lads [monitoring guards] I had would always come inside the house but the other tends to stay at the door for a quick chat. I don’t mind either way as they’re in plain clothes and [an] ordinary car, or if they have a squad car it’s not parked outside the house, maybe around the corner or something, so it’s less obvious.”

SO03: “I’m out in the country so it doesn’t make a difference if they’re in uniform and patrol car. No one sees except for me if they come into the yard.”

8.4.5 Relationship with Monitoring Guard

The relationship with the monitoring guard was important for effective communication between the two parties. The sex offenders’ opinion of the Garda Síochána was very much determined by the relationship with their monitoring guard. In the main most of the sex offenders had a good relationship with their monitoring guard which had been built up over years. Phrases like “he’s alright”, he’s fair” and “we understand each other” were used. Moreover, sometimes the monitoring guard was described as a “friend”. The extracts below illustrate the attitude to monitoring guards.

SO10: “The one that’s assigned to me is grand. Like if I need something, he’ll help me. He said to me loads of times if I do need any help about anything he’ll see what he could do.”

SO01: “I feel there’s rapport. He understands me but I understand him and I’m not afraid of him and obviously he is doing what he likes to do and there’s no tension when he calls.”
Ten of the sex offenders’ monitoring guards were male and five were female. The gender of the monitoring guard had no relevance for the sex offenders, but rather if they were fair, approachable and helpful was more significant. One sex offender did refer to female Garda members negatively but his offence involved a high level of hostility towards women. Hence it was considered indicative of that behaviour rather than the gender of the monitoring guard. An issue of concern for the sex offender was that if they moved and were assigned a monitoring guard that was not “as good” as their current one. The considerable effort to get to know each other and to build up trust was an issue. Additionally, guards were judged on a one-to-one basis where different styles of monitoring were observed by the sex offenders.

SO02: “Well [monitoring guard 1] has always said if I’m ever in trouble make sure I ring him, no matter what it is, if you need someone to talk to; [monitoring guard 2] didn’t say that. But as I said [monitoring guard 1] knew a lot more about me.”

SO13: “There’s a stigma in my own head. I don’t like telling them where I’m moving to. I have a dread they’ll knock on the door in the area you’re going [to] and you wouldn’t know the guard you’re going to get. You mightn’t get as nice a fella as [monitoring guard’s name].”

There were both positive and negatives views of monitoring guards. Positive impressions of monitoring guards were based on the view that they were professional, their advice could be drawn upon, and were seen as a support. The alternative negative opinions of some Garda members were that they would constantly harass a person. These varying views are presented in the following extracts.

SO02: “He was totally professional. He didn’t s**t talk.”

SO13: “Well, it’s authority, it’s the Gardaí. He’s not a friend, you know, but he’s nice, he’s nice as far as he can.”

SO10: “[Monitoring guard is not a dirtbird] No, my version of a dirtbird now would be like someone that would just torment you every time he sees you, like. Arrest you for nothing and takes the drink off you and just torment you, charge you every chance they have.”

SO11: “I wouldn’t see him as a support but there are areas where I obviously, I mean, his advice and expertise would be very useful because he would know where areas might have trouble which I wouldn’t know about… His expertise would be worth drawing on.”
With respect to making contact, all of the interviewed sex offenders stated that the monitoring guard had their mobile phone number. Of the 15, eight stated they had a mobile number for the monitoring guard. It is uncertain whether or not the mobile phone was a work mobile or the guard’s personal mobile. The use of text message was also used, which they stated was “cheaper”. The benefit, according to sex offenders, was that they were confident the monitoring guard would receive messages or there would be a record of the call or text message which the monitoring guard would see on his return to work. This was evident because they could subsequently receive an acknowledgment text or call from the monitoring guard. Also, because some monitoring guards advised sex offenders to contact them if they were in trouble, the mobile phone ensured that reliable contact could be made. The alternative for the sex offender was to make phone calls to the Garda station which may or may not be picked up. If the guard is off duty, the problem could have escalated without the monitoring guard's intervention or support. Of the five that do not have their monitoring guard’s mobile number, one said: “If I had his mobile number it would make it a lot easier.”

The only drawback with mobile phones which the sex offenders noted was that Garda calls do not have a caller identity listed and “private” is shown in the display. As a result, one sex offender stated that he always answers private numbers in case it is the monitoring guard, and may be lumbered with other callers that he would have otherwise avoided.

8.5 Probation Supervision
The following sections present findings on views and attitudes to probation supervision from the sex offender’s perspective. Positive and negative aspects of probation are identified. Moreover, the relationship with the probation officer is also examined.

8.5.1 View of Probation Service/Probation
For sex offenders subject to supervision, the duration of supervision ranged from one year to five years. Probation had both positive and negative factors for sex offenders with some holding mixed views. In the main it was seen as something helpful. Similar to the sex offenders’ opinion of Gardai they encountered during the investigation period, the Probation Service would have conducted pre-sanction reports for the Courts prior to sentencing. Some sex offenders would have considered these unfavourable to their case and skewed their view of probation, as
reflected in the extracts below. Relationship building is vital for progression in these cases.

SO15: “I think it’s great. It sort of helped me along with my life and put me on the right track.”

SO07: “I found them nothing but nice and supportive in the sense of if there’s something you’re not sure of, you have someone to ring.”

SO02: I was totally anti-probation after my experience in [location name] prior to prison while they were making out their report. So I wasn’t wary on probation [after prison], I just didn’t like the idea of it but there was nothing I could do so I went... we had plenty of time to build up the relationship and build on trust. They have been very supportive.”

A number of the sex offenders believed that sex offenders should either not be released from prison until they were deemed safe or that all sex offenders should receive probation supervision. This was observed more as a support for offenders than a punitive measure. The following extracts demonstrate this point.

SO07: “I suppose for someone who is only after coming out of prison this is where you really need probation, because until you do find your feet this is where they’re very good”

SO07: “Well, to be honest, I think everyone who is convicted of a sex offence should have some sort of support when they come out [of prison] regardless to what risk level they’re at. There should be an avenue of support there, because for those who want to use it, will use it. And it’ll be a help to them to kind of keep their train [of] thought in the right direction. Those who don’t want to use it, there’s nothing you can do for them.”

SO13: “Well, I think everyone should, depending on the offence, like some have it for six months, some have it five, some for 20 years, like everybody should get it depending on their circumstances.”

SO04: “They shouldn’t get out unless they’re safe.”

8.5.2 Positive Views of Probation

There were certain aspects of probation supervision which sex offenders saw as beneficial, necessary and of value to them. Probation supervision was seen as a support where problems could be addressed and practical issues like accommodation, training employment and financial issues could be addressed. The ability to speak freely to the probation officer about all aspects of their life and offending was liberating. Some sex offenders described how they were able to talk to their probation officer about matters which they would not discuss with their
girlfriends or wives. One saw the goal of probation as opportunities “to check up on you” and to make sure everything was “going good” and further ensure there was no chance of re-offending. But probation also had a supportive role in that “if there is something going on in your life that you can't fully understand or handle, they can talk to you and help you through it”. Other positive views of probation supervision are described below:

SO13: “It’s good. You can offload your problems and you can talk to them and they talk to you and they give you advice.”

SO02: “You can talk, that’s all. You can talk about whatever you want… they have been very supportive… they have helped me out with money through St Vincent de Paul.”

SO10: “I have this relationship with [probation officer] now where I can tell her anything, like if I bottle something up, I wouldn't even talk to my girlfriend about, but I can just offload to [probation officer] alright. She'd be able to handle things and give me a bit of back-up.”

Additional positive factors reported by sex offenders were that probation was a support and a lifeline that assisted the transition from prison to community living. Others saw it as “nearly free counselling” that would help them build a new life and address general life issues in order to have a meaningful life.

8.5.3 Relationship with Probation Officer
An asset of probation supervision was the relationship with the probation officer. All of the sex offenders attributed both a support and a control element to the relationship with their probation officer. Phrases such as “you can always go to her about something and she will help” were paired with “not letting you away with anything”. Therefore, a dual role was seen. In the sex offenders’ view, it was important that the probation officer was not a “walkover” and would challenge the offender on certain aspects. Essentially, probation officers were described as “helpful”, “genuine”, “trustworthy” and “intelligent”, and had the offender’s rehabilitation as the priority. These points are supported by the extracts below.

SO01: “He’s very approachable, very knowledgeable and obviously this is his job, he knows more about it than I do, but I feel he is on my side… He’s part of my support team, he’s not my enemy and he’s not watching me, he’s aiding me.”

SO13: “It is support but it's also a checking exercise as well.”

SO10: “If I need something they'll help me with it but they have to be hard on me
at the same time… She’ll take no sh*t, do you know what I mean. She doesn’t but she’s good help as well.”

SO06: “I think that, like, I trust all the people that I’ve dealt with in the probation because they all seem like very genuine people, you know ... and I think that it’s part of their job that you have to trust them, you know.”

8.5.4 Probation Supervision

Supervision sessions in general ranged from 30 minutes to one hour. This was in addition to addressing the core issues that impacted on offending, i.e. gambling, excessive drinking and impulsive actions. The value of supervision was seen in that “problems of the past which were never dealt with would be worked through with the probation officer”. Sex offenders identified these issues as “returning to the old ways”, which they were wary of, as some perceived a direct link between the behaviour, offending and subsequent consequences of these actions. At times, these were held up as mitigating factors of the offending, thereby reducing full personal responsibility for the offending. For sex offenders, the probation officer would help curb these previous behaviours.

From the interview analysis it emerged that supervision could incorporate one or all three of the following elements: (1) rapport building, (2) offence work, or (3) general self-regulation work, though sex offenders did not classify them in those terms. The start of each session would involve the sex offender providing an update on what had occurred in his life since the last session. The following extracts illustrate how the sex offender views probation supervision sessions.

SO01: “Well, they’re kind of a general chat about various things. Obviously, more or less what’s happened since the last one last week or whatever, what have I been doing. I fill him in on how I’m using my hours, where we’ve gone if we went away for the weekend.”

SO15: Just how things have been in the past couple of weeks and how you’re getting on. How is the family going and you’re in no contact with the Gardai and you’re not causing trouble. Has anything cropped up?”

SO14: “At the start it’s generally how I’m getting on. We talk about our interest in the football, what’s on on the weekends and all, and then we start talking about what made me start offending and all that, basically like that.

SO10: Sometimes you don’t do any work, sometimes we do. But next year we’ll probably be doing more work than we did in the last year, because I think this is the last year of the probation, around everything, like things like committing offences, like impulsive actions and my drinking, gambling.”
Sex offenders stated that they believed the probation officers knew them well, and understood their personality type. They stressed that this was due to honesty and frankness in supervision sessions where the probation officer knew their good points as well as bad.

SO11: “Oh I’d say she knows me pretty well, she has me fairly well. She always kind of susses out whether I’m ... you know, as soon as I walk into the room she’ll know whether I’m looking particularly tired or stressed, or whatever if I’m looking relaxed.”

SO06: I think she’s got a good picture. I think she’s got a good picture of me, yeah. I think once she’s read the report, she’s got a good picture and I think that I’ve explained my situation, how I’ve sort [of] been working through the last few years, so I think she does. I think she does understand me quite well and I think she knows what I’m sort of going for and what my aims are.”

8.5.4 Negative Views on Probation
There were also a few negative factors to probation expressed. One concerned the level of control or “the checking up” that they believed probation officers did. The surveillance approach to probation was not to their liking but viewed as a necessary aspect of the supervision imposed by the Court rather than the desire of the probation officer to carry it out. The main complaints with supervision were the inconvenience of appointments, the cost of travelling to supervision sessions and the fact that it was something that the person was obliged to do, whether they wanted to or not. These attitudes are expressed in the following extracts.

SO05: “You have to do it, you are compelled to do it. If it was something you were doing that was voluntary it would be different.”

SO06: “It’s not a traumatic experience coming in here but it’s [having to come in]. It’s part of it, it never goes away.”

SO14: “If I’m having a bad day and thinking about offending I can ring [probation officer’s name] and he will bring me in and talk about it.”

SO05: “Well, it wastes up a whole day coming. I live 20 miles away from here, like out in the country, so it wastes a whole day coming in, like, and it’s costing me petrol... just a waste of time, I’d say. You have to do it, you see you’re compelled to do it, if it was something you were doing voluntary, like it would be different.”

When asked would they prefer not to be on supervision, the majority said they would yet they saw the value in it. Furthermore, some said they would miss it when it ceased, while others said they would seek to come in on a voluntary basis. Also,
they stated that they would contact their probation officer from time to time to let them know how they were getting on. Illustrated below are these opinions.

SO10: “Well, of course I would be buzzing, but at the same time I would be a bit gutted because I need something stable.”

SO13: “I thought about it sometimes. I probably would miss it to be honest with you, like I’m well able to do my own thing but they are a help as well, and maybe a hindrance with regards I was told not to join this cookery class or the yoga. But no they have been a help.”

SO15: “I think it’s a support. I’ll miss it for a while, you know.”

Some expressed the view that probation supervision should be reduced as the months and years passed, i.e. “after two years it should be two weeks and after four weeks it should be every month”. This was mentioned without any regard to the perceived risk of re-offending. Their premise was that risk decreases with time. The sex offender in their view is most at risk of sexually offending on release from prison and if that does not occur in the first six months, his risk has lessened. Risk in this instance was equated with opportunity to offend. Risk assessment is a major element of a probation officer job description. This is critically explained in the following section.

8.6 Risk Assessment
The experience of undergoing a risk assessment was examined in detail. This is presented in the next section. Also, the views on risk were ascertained from the sex offender interviews.

8.6.1 Risk Assessment Experiences
Sex offenders stated that the first time they underwent SA07 it was unsettling and uncomfortable but for subsequent assessments it was easier. It was likened to an exam, being nervous at what questions would come up and whether they would pass or fail it. Some stressed that because they had talked about the offence numerous times with Gardaí, probation officers, in sex offender treatment programmes either in prison or in the community, this made it easier to engage with the probation officer conducting the risk assessment. However, three sex offenders stated that they did not like discussing it, regardless of the number of times they had undergone it in the past. The views of risk assessment are shown in the following extracts.
SO11: “You go ‘oh God a risk assessment’ because obviously again it’s the ... it’s almost like taking an exam, you’re nervous of, you know, am I going [to be high risk], what questions they want to ask in order to assess what the risk is ... so again the exam thing, you don’t know what questions are going to come up beforehand, so you kind of get all that nerves and things like that and you think ‘oh my god what am I going to be asked?’. [Doing it] is never as bad as the thoughts of it.”

SO01: “No, because I felt he was trying to get a … inside my head, it’s a difficult thing.”

SO15: Some of them, I mean, down to your sexual fantasies and things like that and all about family. So I scored fairly well on them anyway. I felt uncomfortable the first risk assessment, now that was done, I felt very uncomfortable with all these questions. But I don’t mind, I didn’t mind the second one. [Int: Is it because you knew what to expect?] I knew what way, it was the same questions again just to see how you ... scoring regime and see how you’ve changed from the last one, so yeah.”

SO10: They weren’t comfortable. I felt I don’t know, I just laughed at some of them. I don’t know, I was just trying to lighten the moment, because some of them are heavy questions.”

The focus turned to the questions posed to the sex offender. There was a differentiation between the sexual offence questions and all other questions. The questions regarding sexual fantasies and children, if posed to rapists of adult female victims, were in particular treated with venom. The questions were deemed “sick” and sex offenders voiced disgust that they were directed at them during assessments. Others, who were convicted child sex abusers, stated these questions had to be asked as they were relevant to their offence though still hard to endure. Sex offenders also raised the issue that in order to complete the assessment they would build up rapport with the probation officer before being able to discuss the factors in the SA07, as reflected in the extracts below.

SO05: “As far as I’m concerned she shouldn’t be asking me them questions at all. They’re personal, do you know what I mean, it’s none of her business, that’s the way I feel.”

SO12: “Some of them are personal, some of them you don’t want to answer, but you have to answer them all.”

SO10: “I don’t mind answering any questions because I know they’re for something, like. But some of them are a bit f**king out there like, with what their charged on, and they’re just sick, like. After the probation officer that done my risk, some questions he just marked them a naught anyway, because he would ask me them questions and he knew, like on about kids now. What are my fantasies about young children and all this carry on, like, you know what I mean? And they’re f**king sick questions.”
SO07: “And I suppose, there would be elements of questions that you don’t mind answering because they’re not, they’re kind of normal. But as soon as it comes down to your offence, it’s very hard to speak of something that you’re so ashamed of, and the realisation of the hurting of what it causes and all that. That is the difficulty because straight away I f**king feel horrified about when I have to say this is what I done. And I have to say it in detail and it’s bad enough knowing in your head, and find that you can’t blank it, it doesn’t work that way.”

SO06: “You wouldn’t necessarily jump right into it; you would build up a bit of a relationship before you actually jump right into things, you know.”

Some believed that the sexual offence questions were personal, intrusive and they should not be asked. When queried did they refuse to answer questions, all stated that they did not. It was rather the case that the assessment was held once a year and they were obligated to complete as it was a part of probation supervision, hence they answered the questions and “got through it”. This then led on to issues of truthfulness and honesty of responses. While the SA07 does incorporate collateral or collaborating information, the assessment itself is largely a self-report from the sex offender. Three categories of responses were identified from the interview analysis, namely: (1) honest, (2) covertly evasive, and (3) openly hostile or aggressive. The first type of engagement was honest responses as the sex offender was fully engaged in the process. They saw it as an investment in themselves to divulge all information in order to advance their progress. Also, probation officers could help them effectively if they knew the full extent of the issues.

SO06: “I tend to try to be totally honest with them, you know. I think there’s no point in not being. Yeah, well, to get as much out of it and to make it as easy for myself as it can be, you know.”

The second type of engagement was covertly evasive. In one sense the sex offender may think he is being covert but a skilled risk assessor may observe it as overt. In this scenario answers were not expanded on, were curt or partially truthful. Sex offenders would “hold back” information rather than being totally truthful. Their responses attempted to deflect the probation officer from the question posed to either a different less innocuous issue within the question or to a separate issue altogether. When challenged on certain issues that they were being evasive about, some sex offenders stated they “gave the same answer in different words”. The phrase giving them “what they want to hear” contrasted with the honest engagement, where they “would give the answer whether right or wrong”. The
assumption or preoccupation with what an answer should be rather than a response being organic was to the fore in discussions on interactions with risk assessors.

The relationship the sex offender has with his probation officer is important with regard to the truthfulness of responses. The more secure, respectful or trusting the relationship is, the more it discourages sex offenders who are considering being evasive in both risk assessments and supervision. Also, given that the probation officer would know the sex offender quite well and have an understanding of him, the opportunity for the sex offender to hoodwink the probation officer was seen as rather low. The latter would be aware of the sex offender’s “ways to avoid things so would spot it if there was skirting around issues”. As a result, some sex offenders claimed there was no point in being evasive. Furthermore, sex offenders stated that sometimes their mood would dictate the degree of engagement in the assessment or in supervision sessions. The following extracts reinforce the above points.

SO12: “You would give them an answer, but you at the time what you do is you give them an answer, but it’s basically what they want to hear... So when they ask you a question, you know, they don’t want to hear the fact that you are innocent, that you would never do this again, they are still not going to believe that. No more than you are going to believe it yourself. So what you do is you tell them then that, well, at the moment I don’t see myself as a risk, I don’t feel any urges or anything like that, whereas you are telling them the truth, because at the moment you don’t feel like that. But you are covering yourself for the moment they ask you the question.”

SO14: “I would answer them but I wouldn’t answer them completely and honestly, well, not honestly, I would, I’d answer them honestly but not like 100 per cent. I’d keep things back. It would actually depend on who it is. Like if it was with [probation officer’s name] I wouldn’t hold anything, like. If it was someone new, I’d just let them know bits and pieces at the time until I got to know them better.”

The third type of answering was openly hostile or aggressive. This is where the sex offender will not engage with the risk assessment process at all. They are openly hostile regarding why questions are being asked or refusing to answer questions, as reflected in the extract – “leave me alone with these bloody questions”. The probation officer or assessor in this scenario may “shut down” the assessment and attempt it at a later stage.

8.6.1 Risk Rating
The sex offenders had a number of views on the risk rating, as demonstrated in the extracts below. Firstly, the attitude on hearing they were high risk raised two
emotions: (1) fear that someone could think they were high risk when they
themselves believed they were not at that risk level, and (2) disappointment, as it
meant there was extensive work to complete before the risk was reduced.
Moreover, one sex offender considered that the probation officer took enjoyment
from informing him that he was a high risk.

SO13:  “I find it demeaning. I find it very scary, in one way that they think I am
high risk, you know.”

SO08:  “The assessor is going to turn around to you and go ‘you’re a high risk’.
And they’re the words nobody wants to hear, as if to say, they don’t
believe me and they think it’s going to happen again.”

SO15:  “Myself, when it came in moderate [the result], I thought it might have
been lower than that. And then I didn’t know what to expect then with
the next one and it came it in low, the last one came in low, so I was
fairly happy. Oh I was happy, I was very, very pleased, like. [Int: What if
it had come in high?] I’d have been worried. Yeah, there’d probably be a
lot of things to have been worked on then.”

SO13:  “I did the Building Better Lives in prison and I came out as high and the
probation officer has me down as high risk at the moment. Sometimes I
think that she enjoys writing high risk, often in my head I think that.”

There was a belief among sex offenders that everyone risk-assessed on release
from prison was high risk. This was seen as the “norm” and that the risk would
reduce as time passed, so long as there was no offending or breaches of probation
supervision or Garda monitoring requirements. The reason they posited was linked
to the absence of sexual activity with women during their imprisonment. Therefore,
in their view, it was understandable for them to want to meet a woman to have sex
with, hence the risk would be high. One sex offender suggested that there should be
controlled prostitution in prison in order to combat a sex offender being high risk on
release. These points are supported by the extracts below.

SO14:  “Well, I would consider myself low, but I wouldn’t say I’d be low at the
moment because it’s only a year from the time I got out, but gradually it
could end up going down after a few years. Because I think everybody
puts them into that [high] category when you get released out of prison.”

SO03:  “Shure, if you’re only out of prison you’ll be very high risk. It stands to
reason.”

SO12:  “Everybody that comes out of prison is always high risk. Well naturally,
you are going to be high risk because you are after been locked up for 11
months, for the want of another way of putting it, you haven’t got any
[sex]. Well, you’ve been locked up there with fellows and firstly I’m not that
way inclined [homosexual], so when you would get out of prison it would be nice to have a bit of female company.”

SO08: “You’ve spent 4½ years in prison or six or 10 without a woman of any shape. I mean to be honest with you, it is the first thing you go looking for. You do have the tendency to go to a pub and try and pick up a woman.”

All of the sex offenders cited themselves as “not a risk to anyone” or “low risk”. However, some said that this may differ from the probation officer’s view. If the latter’s opinion was a higher risk rating, this they considered was due to being recently released from prison or some infraction had occurred, i.e. non-compliance with supervision, alcohol use, breaches of conditions or Act requirements. Equally, one sex offender stated that they would not be at high risk of sexually offending but they could be involved in criminal activity if they engaged in substance abuse. Views on risk are shown as follows:

SO08: “I’m of absolutely no risk to anybody.”

SO10: “Very low risk. I wouldn’t be a risk to anybody. And even if I was drinking I wouldn’t be that risk to anyone. Because even probation there, like she wouldn’t be afraid of me re-offending sexually. If I drank, it would be burglaries, robbery. She says it to me, she kind of reassures me, like she knows they’re not that. She understands it was, like, stupid or whatever, like. But do you know what I mean, I’m not a beast.”

The sex offenders were also aware that risk could fluctuate over time. The onus was therefore on the sex offender to reduce it with hard work. While they were cognisant that their actions could increase their risk rating, they believed external factors not in their control could also increase it, namely, negative interactions with the public and press intrusion. These factors are included in some of the following extracts.

SO14: “Anything can happen. You could bump into somebody who you don’t like and have an argument with them and then be having a bad day and then you could do something you regret… But some people can gradually lower their risk by doing things in their life, like if they’re going back to college and they get a job, they sort their lives out, the way I’m trying to do myself at the moment.”

SO08: They did the second assessment and that was a medium. You know, and I think I had another one after that. Now due to my non-disclosure of where I was with the girlfriend at the time, it did sort of bounce me up a bit, back up to the high because I failed notification, which is understandable. That’s my own fault, you know it wasn’t anyone else that caused that. But again, you know with the compliance on that and with sorting it out very quickly through the courts and the guards and all that, admitting to it, it will bring it back down to medium.”

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The risk rating on the SA07 provides a numeric rating which corresponds to a category of low, moderate or high. The probation officer explains the risk assessment score to the sex offender and why they arrived at that score. Therefore, it is not an abstract entity but provides an understanding to the sex offender of the stage he is at within probation and risk. The fluctuations of risk as a result can be progression (“right things changed”) or regression (“more work needed”). Hence the risk rating signals two things for sex offenders: (1) the amount of work or change needed, and (2) how harmful the sex offender is believed to be. The following extract represents the viewpoint of one sex offender on different numeric risk scores:

SO10: “The risk assessment, I think I done one in jail. I scored, I think it was a 6 or a 3, was it? No, a 3 or something like that. But I scored the same when I came out here as well. But different things on it changed, but the probation officer said it was brilliant anyway compared to what it was in jail. The right things changed, like. I just didn’t understand it, to be honest, like. The way they were marked and all this carry on. Oh, she’d go through the whole lot, and explain everyone to me then so.”

Two of the sex offenders interviewed stated that a joint Garda/probation SA07 was conducted. Both sex offenders had no objections to their monitoring guard attending the assessment. This was due to a good relationship that existed with the monitoring guards. The interview extract below illustrates this point.

SO10: “Two of them done it. He was just sitting in and [probation officer’s name] was asking the questions and all of that like and… [Int: How did you find it with him sitting in?] It don’t bother me because I wouldn’t say I know him personally, but he’s not just any detective I know, he’s around years. I’d know him, like, from being arrested by him and all that. Now, he’s fair, he’s not a dirtbird. He’s fair…. like he’s just one that does his job.”

8.7 Areas of Concern for Sex Offenders
A number of areas of concern were identified in the sex offender qualitative research interviews. These were: (1) accommodation, (2) social connections, (3) public/community connections, and (4) media intrusion.

8.7.1 Accommodation
A key concern on release from prison was where the sex offender was going to live. Eight returned to a family home, which was either a partner’s, mother’s, brother’s or own home. Five found new residences. Only one of the sex offenders interviewed
was homeless but a semi-independent hostel was secured. One of the sex offenders had his home, which he shared with his wife and child, burnt out four days after being released from prison. Accommodation may be secured privately or with the assistance of the probation officer. Moreover, sex offenders stated that when seeking accommodation with a local housing authority, the application form requests information on previous residences and criminal convictions, specifically public order offences. In the process, the local housing authority can request and obtain information from the Garda Síochána.

Therefore, the housing authority would be aware that the applicant is a sex offender and would then attempt to find suitable accommodation for the sex offender and his family if he has one. The sex offender in the study who obtained housing in this way was happy that there was no exclusion of sex offenders, which he partly anticipated. Some county councils or local housing authorities attempted to exclude sex offenders from housing lists, thus limiting sex offenders’ housing opportunities. Sex offenders also said that they would not inform a prospective landlord that they were a sex offender or that they were in prison, as it may affect whether they would rent to them or not. If they did disclose the fact, some surmised it would be harder to secure accommodation or the neighbours may become aware, which could have negative consequences. The following extracts highlight these accommodation issues.

SO15: “I explained I was on probation to the council. They had no problem and the guards had no problem with us getting the house either.”

SO10: “I said I was away in Italy for a few years. I didn’t tell him I was in prison and I wouldn’t tell him that I’m a sex offender. It’s none of his business.”

Once a housing location is identified, a risk assessment of the location would be conducted by the probation officer in order to see whether it was suitable or appropriate. This would normally assess the proximity to schools, leisure facilities, parks, etc. Sex offenders claimed that it was difficult to find decent accommodation and were annoyed when the probation officer deemed it unsuitable. Also, once living in a location they were fearful that it would become known that they were a sex offender, resulting in them having to move. Sex offenders identified apartments or flats as a better option than housing estates as the former has a degree of anonymity and lower sense of community, as demonstrated in the following extracts.
SO07: “My biggest fear is a housing estate because I don’t know who on any given day is going to drive by or has an auntie or an uncle or a cousin living there and say ‘There’s what’s his face, this is where he’s living’. And so you have this scenario, especially when you’re from Dublin, and unfortunately for me I was very well-known.”

SO07: “So, like for me flatland, it has to be flatland. In flatland you can be very anonymous. You can hide without hiding. You can live anonymously and come and go all day and there’s no one, and because the next house beside you is going to flats as well so there’s no issue. There’s no like ‘oh my cousin, you know’... So it gives you ... it’s not freedom, it gives you a bit more security in that you feel like there’s no one going to be saying ‘Oh I don’t want you here’ so.”

Sex offenders with families found it challenging as two issues were identified. Firstly, in cases where the partner and children are willing to allow the sex offender move back into the family home, opposition from neighbours can make it impossible. This results in the sex offender living elsewhere and the family unit not together. The second issue is violence in the form of threats and/or action of burning a house or gang-marching on a house. This profoundly affects partners and children of the sex offender. Family members are subjected to abuse and feelings of insecurity only by association with the sex offender.

SO15: “When I got released from prison on the Thursday, the following Sunday night our house was burned... The community was very negative, they didn’t want me there. Some people said to me that what I did, I didn’t deserve that. I didn’t deserve it, even though I had done wrong, I still didn’t deserve that.”

If a sex offender is homeless, they may be housed in hostels on a temporary basis or in quasi-dependent hostels, which was the case for one of the sex offenders in the study. Not being able to return home as “people in the area had told me Ma that if they saw me in the area they would kill me”, he was rendered homeless. Through the assistance of his probation officer, he obtained a place in a semi-dependent hostel in which he can reside for up to four years. Hostel residents have their own bedrooms and can develop skills which will enable them to live independently.

SO14: “Some hostels are basically like semi-independent that you’re paying your bills, that you can buy your shopping. You do your own washing. While you’re in a hostel to get you used to doing the things you have to do, and then when you get your own flat you’ll be used to it. But the only thing is you.”
When the monitoring guard and probation officer have to conduct a home visit in the context of a hostel, it would not be unannounced. Also, it would generally not occur in the sex offender’s bedroom, which is essentially his own private quarters. While this room would provide the most intelligence and home visits have sometime occurred there if a laptop had to be viewed, etc., the visit would normally occur in a quiet area of the main lobby. There is a concern that a number of sex offenders could be residing at the one hostel purely due to the lack of accommodation provision. The sex offender in this study stated that he kept to himself.

8.7.2 Social Connections

An important but unsurprising finding from the interview analysis indicated the loneliness and social isolation of the sex offender experience. Firstly, on release from prison the analysis revealed the realisation that the life or existence that had previously been built was certainly dramatically different, if not gone. This was in addition to changes to the world through advances in technology, currency changeover and children that had grown up. Prior to their imprisonment, four of the 15 sex offenders interviewed were married and two were in a relationship. After prison, three returned to the family home to their wives, although in one case the neighbours did not accept his return and the sex offender had to reside elsewhere. One returned to his girlfriend but she was highly perturbed at the Sex Offender Act requirements, to which she was not aware her partner would have to adhere. Of the remaining nine sex offenders who were unmarried or not in relationships, two had their own homes so returned there; three returned to their mother’s home; one to his brother’s house; one was homeless; and three found new places of residence.

For all of the interviewed sex offenders, not all the significant people in the sex offender’s previous life were present in this new life. Therefore, while there was some semblance of their previous life, it was utterly changed and the sex offenders were acutely aware of this fact. For two sex offenders, the children of the marriage did not speak to the offending father. Sex offenders voiced that they were embarrassed when they accidentally met previous work colleagues or classmates. In the main, previous work colleagues, relations and friends “blanked them”. These fears are described in the extracts below.

SO07: “I walked out thinking I can go back to my life as I knew it, but no, you soon realise that [isn’t the case].”
SO01: “Well, my biggest fear was the family. My poor wife was a brick through all this she became supportive…and I’ve four children. They are all upset by it. None of them have spoken to me since. It’s painful but I can’t do anything about it. Unfairly, they feel my wife should have left me.”

SO13: “I knew it was going to be lonely because all my friends were gone … and even now I’ve no friends … making contacts is very hard with regards platonic friends, it’s very tough.”

Sex offenders emphasised three things in particular: they were lonely, wanted a friend, and wanted a partner to share their life with. Regarding the loneliness, while some sex offenders had limited social connections with some people, there was no meaningful connections for the majority of the sex offenders interviewed. There was no purpose to each day and their home was sometimes considered “their human cage”. The social isolation was further compounded by the lack of employment or connections with people on a daily basis. The opportunity to create meaningful connections was also limited as certain hobbies or opportunities for meeting people were out of bounds. Also, they were fearful of making a friend in case they would be identified as a sex offender. While they wished to reintegrate, the fear of social rejection and exposure therefore discouraged making any such effort. Social isolation was further exacerbated for sex offenders who lived in rural areas. The lack of finances also curtailed the opportunities for social interaction via shopping, cinema trips – essentially leaving the house. When probation officers suggested outreach support to sex offenders it was considered “fake and demeaning” and the idea was rejected. Ways in which sex offenders create company for themselves are presented in the following extracts.

SO02: “I still need company, shopping is company. Like if I need some company I go shopping, chat with the sales girls at the counter. You know start a conversation in the queue and then back to the farm. I have five female cats that’s my company and farmer Jim has a horse out in the field and I might see him every 10 days in the field.”

SO13: “I don’t want a fake friend. My probation officer says ‘they are not friends they’re there to help you integrate’, but I don’t want two fellas walking beside me being nice to me because they’re getting paid to do it.”

SO04: “I just keep to myself. I don’t bother with anyone and no one bothers with me. I see no one except for the guard and the probation officer.”

The view that the monitoring guard and/or the probation officer were their friend was also observed. At times this may constitute the only social interaction the sex
offender has with another individual and also one where the sex offender is treated with respect. The extracts below reflect the desire for friendship.

SO13:  "If I make a friend it would be fantastic but I see it that I’ve got no choice and I’ve no friends but that’s my situation."

SO01:  "He’ll sit for a few minutes and chat with you. I feel he’s a friend."

Seven of the sex offenders spoke of wanting to find a partner to share their life with. Some highlighted that this was for the company, intimacy or to share their life. A dilemma for them was when to disclose that they were a registered sex offender. They believed that they could not reveal it too early in a relationship as they considered the relationship stood a better chance of lasting if the partner knew the sex offender better. By making an early disclosure it was believed it would be the defining characteristic of the sex offender. On the other hand, not telling the partner early in the relationship created issues of deception and omission on the part of the sex offender. This dilemma is illustrated in the extracts below.

SO12:  "How am I supposed to start a relationship? If you are chatting up somebody they need to know. It’s a dilemma when is the right time to tell them. You don’t tell them on the first date, definitely not. You want the person to get to know you before you tell them, so that they can see that that’s not just the only part of you. I just avoid relationships now."

SO07:  "There are so many people that are predators…You hear stories that would frighten you even as a sex offender of what people are doing. It’s not I’d be making my thing any less than it was, but when you hear other stories you’re going I thought I was bad but they are really bad."

SO12:  "I just avoid relationships now. No matter what way I try to explain it the end result is the same. If they find out before you tell them you are the worst in the world for not telling them. If you tell them first, they don’t know you so what do you do. That’s a big dilemma."

SO02:  "What’s missing is someone to care about and it’s not someone to love, don’t get me wrong. It’s someone that you can have a reason to buy a small present for, send a birthday card, things like that."

SO03:  "It’s a dilemma but I suppose it is just another form of punishment for being a convicted sex offender. I will have to live with it the rest of my life."

SO12:  "I was chatting up a girl there not that long ago and on the internet and everything was going grand. We had met a couple of times for meals and going to the cinema and stuff like that, so everything was going alright and it just hadn’t been the right time to tell her. You know, I just didn’t feel comfortable enough to tell her in case she disagreed or that. She found out about it on the internet then when she googled my name. She hasn’t spoken to me since."
8.7.3 Public /Community Connections

The issue of verbal abuse from neighbours and members of the community was raised in a previous section. The chosen response on the offender’s part is to ignore it as best they can. But the following extracts reflect some of the issues which face sex offenders when there is a community backlash against them. This can be the case where a sex offender wants to return to their home area or where a sex offender wishes to reside in a new area.

SO12: “They think sex offenders should be killed.”

SO06: “There wasn’t a backlash but the neighbours approached my brother and sister and wanted to know what was going on, which was understandable. I wouldn’t blame them for that.”

SO07: For the first few weeks I was in my own area and then one woman had seen me and she didn’t want me around there, so that caused a lot of friction. She kicked up murder making stories out to bigger than they ever were and threatening to get gangs to come after me and riots and all this on the house. So actually the guards got involved and everything, so the guards came in and they were saying that [the people] were talking about marching on the house and I said, ‘no, tell them not to march on the house, I won’t come back’, so I don’t visit the house now.”

SO07: “I was very naive before coming out [of prison] about how bad it would be for a sex offender. It’s one thing reading a book, it’s another thing living it. Hearing the stories inside was one thing but when I came out and started to live it and realise what it was like.”

SO08: There was first of all the fear of going out the door and being seen. When I first came out [of prison] I think it was about 5 or 6 weeks before I actually stepped out the door. A friend of mine I had his number, I rang him and I was actually getting him to go down to the shop because I was afraid to go.”

SO14: What they’d probably do if they didn’t get their hands on me, they’d start attacking my house. They did that the last time, painting, writing [slurs] on the wall of my house......I wouldn’t like it because they could end up doing the same thing as what happened to other people, like protest to get me out of the area.”

One of the biggest challenges for sex offenders is integrating back into society. The sex offenders interviewed noted that sex offences are offences for which there is no redemption. Even if individuals burgle or kill someone, a justification can be made for those kinds of crimes and the general public will allow integration to take place. Also, sex offences occupy a unique space, as there are no notification requirements for any other type of offender. The difference between sex offence and other types of offences is noted in the following extracts.
SO01: “If you’d robbed a bank you could say that somebody, you know, I went mad and Jesus I went out and robbed a bank one day and I did three years’ time for it, you know. And people could swallow that and they don’t feel that that gives you a behaviour or attitude which is likely to infringe on their needs, where if you said I’m a sex offender [they will] block you immediately.”

SO15: “Trying to fit in, trying to fit into the community again after committing the offence, it’s very hard for people. Do you know, for people to talk to you again after you’ve committed an offence, they give you dirty looks and that sort of thing, that’s the hardest part of it … to fit into society again, yeah.”

The isolation that sex offenders experience was quite palpable. They believed that they were outside of the community with little or no opportunities for inclusion. Nobody wanted them and efforts to “get on with their life” were not accepted for the most part. Irrespective of having served their time in prison, they believed that they were still being punished and it would never be any different. While there were some pockets of people (probation officers, guards, family, friends, some voluntary groups) who supported their efforts, the majority of the public was against the idea of sex offenders living in the community. The view that the offence “never went away” was uppermost in their minds when considering the lack of ability to reintegrate, as seen in the extracts below:

SO11: “One of the things that you feel is that the offence never seems to go away, you know. Again it’s the old thing about, you know, peel those labels off and get rid of them, put them on the fire and let me get on and try and rebuild my life.”

SO07: “You can just try and put it aside, it’s always there. So you try to get on day-to-day with your life as much as you can, but that’s never going to go away. You know, if I live to be 100, it will still be sitting there.”

Opportunities to integrate were undermined by (1) conditions imposed by probation, (2) the lack of employment, and (3) difficulties with access to training courses.

While probation conditions are a risk management measure, two types of probation conditions cited by sex offenders in this study as hampering inclusion in society were alcohol abstinence and curfews. The first was that they could not socialise in pubs which they considered was a way to connect with people and feel a part of society. Moreover, for sex offenders who managed to retain friendships, they
considered they were at odds with their male group of friends if social events were organised, e.g. matches, concerts, etc., and they could not join them because of their compulsory alcohol abstinence. These points are reflected in the following extracts.

SO05: Yeah, well, I'm isolated from them. And then, you see, when I can't go for a drink it makes it worse altogether, so you can't go for a drink, it tends to ease them up a bit, like, when I'd be drinking, you know what I mean. I have none. I just stay in the house, like, and walk around the farm now and then and that's it.”

SO10: “I won't be able to have a drink for five years.”

The second aspect under criticism was the curfews. In this scenario, even if the sex offenders were able to have an alcohol drink, the curfew would prevent any socialising at night-time. One sex offender stated that he could not even go to the cinema with his wife because of the curfew. The curfew did not have much of an impact on weeknights, but, according to one sex offender, it did on the weekends when he liked organising things to do. With respect to the conditions, the sex offenders were asked did these aspects feature in their offence. In the main they confirmed they had, although some stated that alcohol did not feature in their offence.

Three of the sex offenders stated that they were looking to secure places on courses rather than find employment. The courses were either conducted by what was called FÁS63 or were privately run. Some accessed the courses independently but others sought the assistance of Linkage64. One of the sex offenders was annoyed with course provision on two counts. Firstly, he believed that the Probation Service could veto him attending a (cookery) course, which was a great hindrance to him. The veto was applied due to the student base being predominantly female and his victim being an adult female. Secondly, with respect to a separate course, the sex offender was dissatisfied that it would have to be disclosed to the course

63 FÁS was the Irish National Training and Employment Authority which provided courses for jobseekers in the past. It was dissolved and replaced by SOLAS in 2013, which is the new Further Education and Training Authority. In partnership with SOLAS, training courses and certification is now under the control of the newly established Education & Training Boards Ireland.

64 The Linkage Service was established in 2000 as a joint initiative between Business in the Community Ireland and the Probation Service, with support from IBEC, the Small Firms Association, and the Irish Congress of Trade Unions. It is now under the management of IASIO (Irish Association for the Social Integration of Offenders). The aim of Linkage is to help ex-offenders access appropriate training, education, and employment with the ultimate objective of desistance from crime and full integration into the community.
teacher that he was a convicted sex offender. This he considered was unnecessary and would make him uncomfortable and paranoid in class. Another sex offender was concerned about train times to attend his course and his curfew. However, this was amended once it was explained to the judge that he would have to leave his house before 7am in order to travel by train.

SO14: “I haven’t really looked for a job. I’ve been looking for courses first to go back to do college stuff.”

The possibility of obtaining employment as a sex offender was a major worry on release from prison and currently in the community the concern was still present. The sex offenders saw employment as serving a number of functions: (1) as a method to integrate with society, (2) to provide money to support themselves and their family, (3) to provide money for pastimes, and (5) to help desistance from offending. Of the 15 sex offenders, two were retired, two were working, three were looking for educational courses and eight were unemployed. Some believed they were unemployable for the long term or foreseeable future. This was due to the economic climate in addition to being a sex offender looking for work. The value of work was observed in the following extracts.

SO02: “Just to have that extra little bit of money that you can do things, go here and there. That’s not an option anymore.”

SO15: “It’ll keep my mind occupied... I was idle, I was drinking a lot. I had too much time for thinking about things, whereas if I was working I’d be focused on my work.”

A number of findings regarding employment were identified from the research. Firstly, the sex offenders were aware that certain jobs were no longer open to them. These were jobs they described as “to do with the public” or “at the front of house”. One sex offender, having resumed his job after his imprisonment, lost it when customers put an ultimatum to his employer that they would remove their custom if the sex offender continued working at that workplace. Sex offenders also alluded to the fact that as long as they were not seen by the public they had some chance of employment. Furthermore, that some employers were willing to give sex offenders employment but external pressures prevent them. One sex offender who had been self-employed stressed how the publicity regarding his case and conviction adversely affected his business, making it impossible to survive. These points are supported by the following extracts.
SO07: “In my case [child abuser] I wouldn’t go looking for a job to do with the public full stop.”

SO02: “I got my old job back doing three nights a week and doing the books as well. But after about six weeks some of the customers noticed and said something to him and it was a case of we won’t be doing business with you anymore if he’s working here. So fair enough the boss kept me on giving me work by email for six or seven more weeks and then he said it just wouldn’t work out.”

SO12: “It not easy [being self-employed]. What made it the most difficult of the whole lot was the write-up in the paper.”

A major concern when applying for jobs or interviews was the question of a criminal record. For those that were in prison they asserted that it was far more difficult for sex offenders to gain employment than other types of offenders, as reflected in the extracts below. Also, one sex offender stated that sex offenders would have a good work ethic in comparison to other offenders but that this was irrelevant to society.

SO13: “The funny thing is, like, most sex offenders worked all their lives. They are not junkies like in Mountjoy [prison]. I worked all my life. I contributed to society but yet we’re told to go away and die.”

SO14: “I think it makes it a lot harder for people who commit sex offences than people who didn’t.”

SO08: “My main concern coming out of prison was getting a job because I knew being on the sex offender register there’s a lot of red tape when it comes to going for jobs and even applying for jobs. You have to disclose on the forms.”

The follow-on pressing issue for sex offenders was the dilemma of whether to confirm or lie about their criminal past. By confirming a conviction they were fearful it would automatically exclude their consideration as applicants. Alternatively, if they denied it, Garda vetting would nonetheless reveal it. If they started a job, they would be fearful that they could be fired if it became known. Some incorrectly believed that because they did not receive a custodial sentence they would not be “ticking the box” for a criminal record. The effect of having a criminal record when seeking employment is presented in the following extracts.

SO14: “The main challenge I think is getting a job. Most of them are asking you if you’ve any previous convictions, you can’t leave that blank. You’d be afraid to tick ‘no’ just in case they checked as well. So you never know what to do, yes or no. They could check it out with Garda vetting and then you wouldn’t get the job, but if you’re upfront with them, they might think that he’s honest, he might have had problems in the past but he’s trying to
deal with them, so we’ll give him a chance.”

SO15: “I wouldn’t have a criminal record because I didn’t do time in prison, shure. [Int: You do have a conviction though?] I do have a conviction, yeah. I didn’t do time. I’d hope that that wouldn’t come into it.”

Three of the sex offenders were concerned with how it would be possible to maintain a job and attend weekly probation supervision. They believed that it would be unrealistic for any employer to give them employment while on supervision: “You wouldn’t get many jobs that would give you a day off every week to go to probation.”

The solution, as seen by one sex offender, was that they should all be segregated or quarantined in one area. However, the polar opposite view was put forward by another sex offender, i.e. the driving force behind the segregated area is that the sex offender could live in safety yet that would not be fully possible either. Currently, some of the sex offenders are not only living in fear of assault but also fear of exposure from the media. This impacts on how much of their lives they have rebuilt thus far: the “little life built up is in ruins again” and they have to “start all over again”. Some sex offenders confessed they were weary from all the “restarts” they had to do, as can be observed in the following extracts.

SO02: “There should be a town for us. You think I’m joking, there should be a town for us where we could live safe and have peace there. You live on the edge, it never leaves the back of your mind. It goes further and further as times goes by but all it takes is something like someone giving the odd look and it surfaces.”

SO11: “You can’t create a little village in the corner of the community, that’s all the sex offenders there. So I mean people mix in society… the perception society has is that they don’t really want particularly your sex offender integrated into society.”

The hiding away of sex offenders out of sight does not help sex offenders in the long term. The view that shunning or excluding them will mean that they are not there does not help society in general. Rather integration should be the key. The task placed on risk managers was to address the integration issue. The views, as alluded to in the extracts below, assert a more integrated approach to sex offender management.

SO13: “It’s like a spider, you can see the spider, you know where it is, you know what I mean, integrate them instead of hiding, stay in the back.”

SO12: “It’s getting people integrated as much as possible. It’s the million dollar question because I would say how do the people that do management
influence that. I don’t know but there’s some way those dots need to be joined and I don’t have enough expertise to be able to suggest how that might be… Maybe if there was a Garda attached to a sports club, chess club, bridge club, then I’ll be integrating with people in the club and he’d be able to see how I’m integrating.”

8.7.4 Media Intrusion

The print media was identified in particular as damaging sex offenders’ ability to hold down employment, accommodation and integrate back into society. This was achieved by disclosing details of their address, employment, offences, photograph or documenting a sex offender’s movements. Some of the sex offenders became very angry when discussing the role the media plays in their life.

All of the sex offenders stated that they had some media coverage – print, radio or television – especially at the time of the trial but also at other times. They were fearful when a new sex offender was in the media because they never knew if their own case might be accessed from the archives to fill some of the newspaper page. This did not concern two sex offenders who believed their stories were “old news” and were not worried about their case appearing in the newspaper again. They believed that court reporters pick up on stories and that is how theirs entered the print media. Therefore, as long as they were not in court again, it should not surface.

The publicity not only affected the sex offender but family members as well. Sex offenders said they were “embarrassed”, “mortified”, and “took it very badly the first time” their story was in the media. They said that they felt they had disgraced their families when the story was in print. The level of detail which the articles provided was considered too much. Furthermore, two sex offenders stated that some family members do not buy newspapers expressly because they are fearful that a story relating to their relative could be in the paper. Some sex offenders stated that they would prefer to have had served longer prison sentences than receive the publicity they had. The views and positions that sex offenders take regarding publicity and media attention are presented as follows:

SO01: “I would have done another year rather than appear in the newspaper.”

SO06: “I took it, the first time that it was in the papers, quite badly. I don’t know how you’re supposed to take it but I took it quite badly... It wasn’t good, you know, it wasn’t good for me or any of my family.”
SO15: “It was on the local paper [when the house was burnt out]. I feel like I had disgraced my family and I disgraced myself. It was the full page; they wrote everything down, everything about the offences, which I don’t think they should have gone into great detail.”

SO12: “It’s not easy. What made it the most difficult of the whole lot was the write-up in the paper that was basically at the end of the trial and the paper put a whole big article on me. [In] big writing, sex offender, you know, and my photograph.”

SO14: “When I first got out, they were talking about me on FM104 on the talk show. I don’t know, I didn’t hear it, but I know my brother rang into the show and told them all to shut up that they didn’t know anything about me and not to be judging people you don’t know.”

8.8 Summary Conclusion

This chapter examined sex offender perspectives. The main findings are:

- The main perception of prison experience was influenced by the segregation issue and whether or not they participated in sex offender treatment programmes.
- The dislike for treatment was mainly centred on the group work element of the process.
- The main concerns on release from prison were (1) accommodation issues and (2) friends/family/community backlash. All of the sex offenders interviewed had been ostracised by neighbours, lifetime acquaintances, or some family members.
- Eighty-seven per cent of the sex offenders interviewed reported that they would never reoffend again.
- All sex offenders interviewed believed the risk rating on release from prison is an automatic “very high”. This is due to the opportunity to have sexual activity.
- Sex offenders displayed minimisation and denial of offences via distancing techniques.
- A lack of privacy is the main issue with the Section 10 Notification process.
- Sex offenders cited a consequence of being subject to the Sex Offender Act was they had to be more organised and plan activities. They reported they could no longer be spontaneous which was frustrating at times.
- The relationship with the probation officer was viewed as very important. It was considered as both a support and a control element.
• The experience of undergoing risk assessment was unsettling and uncomfortable but sex offenders stated they got accustomed to it. Of note was the finding that some sex offenders stated that they believed it was inappropriate that they were asked questions about sexual attitudes & behaviours.
• Accommodation, social connections, public/community connections and media intrusion were the major concerns expressed by sex offenders as impacting on integration.
Chapter 9

Discussion and Conclusion

9.0 Introduction
This chapter integrates the findings from the previous research chapters and discusses the existing risk assessment and risk management systems in Ireland. Furthermore, the role of the community in risk management is also evaluated. The chapter concludes with recommendations in risk assessment and management practice as well as directions for future research.

9.1 Lessons Learned from the Past
Study 1 of this thesis examined the context of sexual offending prior to the late 1990s. A number of key issues emerged namely: inappropriate relationships between religious bodies and statutory agencies; lack of reporting and recording of complaints; disregard for victims’ rights; poorly conducted investigations by Church, Gardaí and the Health Service Executive; and a lack of effective communication between the agencies. Ultimately this scenario, inadvertently by some agencies and directly through concealment by others, propagated what has been called a “perpetrator protection plan” rather than being based on public protection or child safety.

The review of the inquiry reports and stakeholder interviews revealed that the current context, specifically the response to sexual offending has changed in Ireland. Perhaps the very fact that Inquiries were progressed opened up the whole topic for public interest and scrutiny. This research indicates that the era of concealment by the State has come to an end. The nature of sex offending however means that sex offences will always be concealed. Sex offenders are highly vested in concealment, minimisation, denial and discrediting their victims.

Legislation and national sex offender management needs to properly protect the public with regard to sex offenders. International research and expertise indicates that systems, once in place require several things:
The main finding of the analysis was the lack of a viable structure and that a naïve / skewed attitude towards sexual offending and sex offenders often existed. Since 1996, procedures and protocols have been put in place based on victim and child protection plans. Introduction of these guidelines, protocols and procedures provided a structure. Barriers to reporting have been removed and victims are now believed. Since 2007, a formal complaint from the victim is no longer necessary to commence a Garda investigation. Therefore, an investigation can commence immediately if sexual abuse is suspected. However, a further finding was that, even if a structure is in place, for it to be effective, it must be fully implemented, communicated to professionals/practitioners, audited and embedded. Non-compliance has been detected through either audit as was the case in the Diocese of Cloyne resulting in the Commission to Investigation Report in 2009 or high profiles cases which are revealed in the media.

A further finding of the Cloyne Report (2009) while citing some very good and appropriate adherence to the newly introduced child protection guidelines and investigative protocols was the existence of entrenched thinking on the part of some individuals tasked with the child protection role. Essentially, the structure was not embedded and the old approach still continued. The importance of evaluation and audit is therefore significant in identifying system or personnel failures. Greater accountability, which so often was not evident in the past, should result. This approach is not merely punitive but rather to act as a deterrent for future non-compliance with victim protection plans.

An example of failings occurring regardless of the presence of systems and protocols was observed in 2014 in Rotherham, England, where approximately 1400 children from 1997 to 2013 were identified as victims of child sexual exploitation (CSE). The Rotherham Inquiry (2014, p.1) found that:
The Police had excellent procedures from 1998, but in practice these appear to have been widely disregarded. Certainly there is evidence that police officers on the ground in the 1990s and well beyond displayed attitudes that conveyed a lack of understanding of the problem of child sexual exploitation and the nature of grooming. Within social care, the scale and seriousness of the problem was underplayed by senior managers.

Therefore, while systems were in place, they were not audited, monitored or embedded, and attitudes of the public sector workers took precedence.

In 2013, a report entitled: *An Examination of the Recommendations from Inquiries into Events in Families and their Interactions with [Irish] State Services, and Their Impact on Policy and Practice* was published. It stated that since the early 1990s there have been 29 inquiries and reviews in Ireland with 551 recommendations. It found that one of the main systemic failures across all the contexts was a lack of effective communication. Indeed, “all tragedy is the failure of communication” (Wilson, 1974, cited in O’Rourke et al, 2003, p. 42).

The 2013 report noted two points pertinent to this research, namely, allaying public concerns and restoring trust and confidence in the public sector and secondly, the question of unintended consequences, in particular political influence. The research (Study 2) found that a number of public sector practitioners questioned the value of inquiry reports due to their expense, wherein there is a perceived lack of accountability from them. On the other hand, the cathartic nature of the reports, for victims was perceived.

Regarding the unintended consequences, one such was the “emergence of different policy directions and the rise of child protection as a political issue from its minor role in 1970s to its prominent position today” (2013, p.1). The Victoria Climbié Inquiry (Laming, 2003) in England has shown that major systemic changes can

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65 How many were implemented is unknown.
66 Victoria Adjo Climbié was an eight-year old Ivorian girl who was tortured and murdered by her guardians in London in 2000. Up to her death, the Police, the social services department of four local authorities, the National Health Service, the National Society for the Prevention of Cruelty to Children (NSPCC), and local churches all had contact with her, and noted the signs of abuse. However, in what the judge in the trial following Climbié’s death described as “blinding incompetence”, all failed properly to investigate the case and little action was taken. Kouao and Manning were convicted of her murder and sentenced to life imprisonment.
occur from Inquiry reports. Evidence of unintended consequences was confirmed in findings in Chapter 4 i.e. increased reporting following publications of reports and increased political influence. While some political pressure may exist, the political willpower is currently not in evidence to update the rather inadequate Sex Offender Act 2001, despite numerous inquiry reports since 2001, high profile sex offender releases from prison, and high profile predatory sexual assaults on children resulting in mass demonstrations.

With respect to sex offender management, the context has also changed. It emerged from the documentary review (Study 1) that risk assessments if conducted by independent treatment providers were rare and ineffective, mainly due to lack of full disclosure of offences/behaviour. Recommendations from risk assessment were not implemented. Monitoring, if in place by religious bodies, was poorly managed, evaluated or not transparent. Convicted sex offenders were not monitored or managed in any formal way until 2001. Statutory single agency sex offender management (in the Probation Service and Garda Síochána) has now been in place in Ireland for 13 years (2001). Risk assessment has been in situ only seven years (2007) and joint management on a small scale for four years (2010) and nationwide for two years (2012). The joint agency approach (SORAM) was established in 2010 is still at the pilot project stage and has no statutory footing to date. Unlike Ireland, the UK’s multiagency approach is underpinned by mandatory reporting and specific legislation. Nevertheless, sex offender management in Ireland has evolved considerably in that short space of time; from nothing to single agency responsibility to a connected multi-agency approach. In an effort to address gaps in sex offender management, the SORAM National Office, in 2014, began to develop two crucial areas: involvement of housing agencies in SORAM teams and proper dissemination of information to relevant agencies.

9.2 Risk Assessment
The current studies on risk assessment revealed that Risk Matrix 2000 (RM2K) and Stable and Acute 2007 (SA07) yielded mixed reviews. In the main, RM2K is of limited value because it relies purely on static risk factors. Its chief value is that it divides the sex offender population in order to allocate resources. However, its utility as a standalone risk assessment tool was largely dismissed. This finding is in line with Grubin’s (2004) thinking that it should be a first step on the risk assessment ladder.
An examination of SA07 (Studies 4 & 5), revealed that one potential benefit of SA07 was its role recognises change and progress. This can be communicated to the offender while also identifying areas of risk and intervention. Probation officers reported that they see themselves as an “agent of change” and they believed that, its value as a risk assessment tool is, it predicted risk and risk factors which identified intervention focused work to address. Its value for Garda members was more varied, as it was observed as being significantly more informative than RM2K. A considerable amount of information Gardaí knew about the sex offender is not captured in the static RM2K risk assessment, whereas this information was captured in the dynamic risk factors of the Stable and Acute assessment.

The practical utility of SA07 (which identifies areas of work for supervision), for Garda monitoring is less evident. SA07 is seen very much as an essential preserve of the Probation Service but less immediate for Garda members. While some monitoring guards are conducting SA07 assessments, in the main, for SORAM cases, the probation officer is conducting the assessment or it is completed as a joint interview. Stable and Acute 2007 identifies risk and interventions and therein lies the dilemma: the goal of the probation officer is to effect change and therefore it provides a framework to support their work: the goal of the monitoring guard is to monitor the sex offender. Hence, what is the role of the monitoring guard once the SA07 is conducted for single agency cases (where the Probation Service is not involved)? Does the monitoring guard then commence referrals, etc in the absence of the probation officer role? There are hazards when protocols are followed without an appreciation of the outcomes or the further work that must be followed through. The risk assessment safeguards established become counter-productive and can do more harm as the system becomes a tick-box exercise. This is line with Hart, Michie and Cooke’s (2007) assertion that caution should be exercised when using actuarial measures as there can be poor precision associated with them and large margins of error can occur.

In the UK, similar findings were expressed by police and probation officers in 2010 when the Ministry of Justice published a report on the implementation of the Stable and Acute risk assessment tool within a pilot project in England and Wales. The main findings showed that police and probation staff valued the use of the tool because they believed it improved their skills which in turn enhanced risk management practice. However, some potential limitations were identified: models of delivery varied from one area to another; questionable reliability of the tool; and,
albeit identifying offender's needs, routes to addressing them were not always open to staff. These shortcomings led NOMS not to progress rolling out SA07 in England and Wales. One solution offered has been the development of NOMS’s own dynamic risk assessment tool – the Active Risk Management System (ARMS\textsuperscript{67}) piloted in 2012.

Analysis of sex offender interviews (Study 8) indicated that they found undergoing risk assessments unsettling on the first occasion but it became easier as time went on. Furthermore, there was a distinct difference between sexual questions and non-sexual questions. Some believed that the sexual questions were intrusive, too personal and should not be asked. With respect to risk rating, sex offenders were under the impression that all sex offenders were deemed high risk on release from prison primarily due to forced sexual abstinence. Their belief was that the risk rating decreased the longer the sex offender was offence-free in the community.

The emphasis on risk assessment has been quite dominant in sex offender management in Ireland, possibly to the detriment of other elements. The supporting package regarding intervention work for probation officers has not been clarified to date. With respect to Garda cases, the structure or policy is as yet not devised where risk and therapeutic interventions are identified and required. While the dynamic risk assessment is beneficial for practitioner's defensible practice without the supporting structure for interventions, fears that it would be a tick-box exercise were expressed.

An important point of note is that effective risk management is based on accurate risk assessments. Therefore, the mentoring process connected with the dynamic risk assessment, in place in the Probation Service validates the risk assessment. Furthermore, this mentoring process was so successful that the pilot was continued indefinitely because it was seen as an essential aspect of ensuring a consistent standard approach to the risk assessment instrument, and that accurate assessments were being conducted. It also was identified as a learning environment.

\textsuperscript{67} ARMS is a structured assessment process to assess dynamic risk factors known to be associated with sexual re-offending, and protective factors known to be associated with reduced offending. It is intended to provide Police and Probation Service in England and Wales with information to plan management of convicted sex offenders in the community.
The Garda Síochána does not have a risk assessment mentoring process in place. A system which quality checks the risk assessment, while also providing a mentoring process, not only validates the risk rating but ensures feedback and a learning environment for its assessors. In its absence, no appraisal of the risk assessments on a case-by-case basis is occurring. Harris and Hanson (2010, p.307), state that "built-in methods of quality control are needed to maintain motivation and limit rater drift (e.g. peer review, conference calls, mentorships, webinars, scoring ‘parties’). Good practice does not involve a single training session, no matter how good."

Furthermore, risk assessors need support to conduct risk assessment. Gaps in interviewing skills for this specific type of sex offender interaction and training in human sexuality were also identified in Study 4.

The risk assessment tools in place in Ireland cater for adult male sex offenders. Therefore, the internal capacity to assess juvenile sex offenders and females is not available. Moreover, some sex offenders who have psychological diagnoses, disabilities or mental health difficulties make conducting the current risk assessment tool challenging for the risk assessor. One attempt to address the issue involves using interpreters in assessments in Ireland where the individual is deaf. However, the second-hand account which the assessment is based on could be deemed questionable. Due to the difficulties of either communication or abstraction, whether or not the assessment can be fully validated consequently is uncertain. Referrals to practitioners would have to occur in case of for juvenile sex offenders, females and possibly other individuals with specific issues. The extent to which this is occurring at present is uncertain and unquantifiable.

The need to establish standard risk assessment tools across all agencies for all types of sex offenders, in the State is paramount. Slattery et al (2012) refer to their two-year joint initiative between the Northside Inter-Agency Project (NIAP)68 and the Irish Prison Service (IPS) that caters for males and females aged 12-18 in Ireland

68 Northside Inter-Agency Project (NIAP) provides a community-based treatment programme to young people, male and female, between the ages of 12 and 18 years in Dublin Ireland who have sexually abused. It is funded through the HSE’s Children and Family Services and was established by a group of professionals who noticed an increasing trend in young people who sexually abuse.
who have sexually abused. The risk assessment tools they used were the non-
actuarial AIM2 Assessment, Intervention and Moving On (Print et al, 2007) and the
actuarial VRS-SO (Wong et al, 2003). Their recommendation as practitioners for
sexually abusive adolescents in the study was “to agree standard assessment tools
to be used by agencies working with young people aged 16-21 years which would
facilitate cooperation between agencies and provide a standardised approach to the
management of these young people” (Slattery, 2012, p.88).

Another issue concerns familiarity with risk assessment tools across the Republic of
Ireland and the United Kingdom. While there is a common understanding between
the Republic, Northern Ireland and Scotland, as they use the same risk assessment
tools it is a different case for England and Wales. As sex offenders often travel
between Ireland and the UK, familiarity with the language of the newly introduced
tool ARMS should occur in order for the effective inter-jurisdictional management of
sex offenders. The English and Welsh counterparts would certainly be familiar with
the terminology of the Irish risk assessments tools having employed those tools in
the past. (However, it now behoves Irish agencies to acquaint themselves with the
new terminology given the increased mobility of sex offenders). Given the amount of
travel between the UK and Ireland, there is opportunity to work together with other
countries regarding sex offenders and we in Ireland are building expertise and
experience towards this.

Harris and Hanson (2010, p.296) reported that since the 1990s best practice in risk
assessment has "evolved at a dizzying pace, leaving many practitioners and
programme managers uncertain about which tests or procedures they should use
and frankly, wondering why things keep changing". A case in point is the
modification in Thornton’s Risk Matrix 2000 scoring that was made in 2014. The
new rule specifies that if a sex offender is offence-free for five years in the
community after being released from prison, his risk category will be downgraded by
one category, i.e. very high to high, high to medium, etc. His rationale was that it
was related to desistance factors and would reflect a more accurate assessment.
Desistance as a key area of study in sex offender management has come to the
fore in recent years. Hanson et al in their 2014 paper (p.254) stressed that “high-risk
sex offenders may not be high risk forever. The results suggest that offence history
is a valid, but time-dependent indicator of the propensity to sexually reoffend.
Further research is needed to explain the substantial rate of desistance by high-risk
sexual offenders”. This change will more likely affect Garda practitioners of RM2K
as sex offenders could be subject to notification requirements for more lengthy periods of time than the average length of probation supervision.

With each modification, trainers have to notify risk assessors of the relevant update. Risk Matrix as an assessment tool is highly regimented and objective in its scoring with no scope for bias or subjectivity, if the scoring rules are applied correctly. Furthermore, Harris and Hanson (2010) stress changes to risk assessment tools are due to ongoing evolution and increased knowledge, which they see as very positive. Nevertheless, multiple changes can affect practitioners' perception of credibility of certain risk assessment tools. Police officers, unlike other practitioners, are not accustomed to risk assessment and this “chopping and changing” may affect their engagement with and endorsement of the risk assessment tool.

9.3 Risk Management

Findings across the different studies indicated that sex offender management has evolved from concealment and “a perpetrator protection” plan to a victim-centred plan. The latter favours a more integrated approach. In relation to sex offender management theory, research findings display some aspects of Offender Management Model (OMM) and Desistance Theory but in the main it aligns itself with the Community Protection Model.

The similarity to the OMM rests with the one worker-one offender premise as there is one monitoring guard and one probation officer assigned to the sex offender. Furthermore, the rationale for the establishment of the OMM in England equate to reasons for the recommendation to create an Irish National Sex Offender Authority (discussed more fully later in this chapter). This would prevent silos and enhance more joint-up thinking. While OMM encouraged increased Criminal Justice agency working, the National Sex Offender Authority would advocate a step further incorporating statutory and non-statutory agencies.

Incorporating Desistance Theory, sex offenders highlighted some of the reasons for no longer wanting to participate in sexual offending as ones which impacted family life and relationships. Furthermore, the desire to turn their life around and focus on training/employment was also to the fore. Offender identity, in the form of labelling and condemnation scripts which Desistance Theory focuses on were also aspects of thoughts and behaviour which sex offenders were preoccupied with.
The Community Protection Model is characterised by a number of aspects: the agencies involved, levels of management, management plans are devised and containment of risk. The latter incorporates registration and notification laws. These aspects exist for current sex offender management in Ireland. In addition, the containment of risk via risk assessment and non disclosure of information to the public also reflects current practice in Ireland.

With respect to specific findings, a major one (from Study 6) that impacts primarily on the Garda Síochána was the lack of a legislative framework for effective management of sex offenders. This was reflected in two circumstances: (1) some current tasks (risk assessment, gathering additional information, access to house) were being completed without the legal foundation but rather by the consent of the sex offender; and (2) potential tasks that would like to be conducted cannot because the legal underpinnings are not present. This is a major management issue where monitoring is uniquely tied to the engagement of the sex offender in the process. At present it is a factor which the primary agencies involved in sex offender management cannot change. Moreover, the current schedule of sexual offences does not capture the full range of sexual offences (i.e. voyeurism, concealed sexual intent, etc). This also needs to be addressed by the judiciary in any reviews or amendments to the Sex Offender Act 2001. Many practitioners in both the Garda Síochána and Probation Service suggested that the Judiciary, need to address these inadequacies as a matter of urgency.

A number of important findings were identified in the interviews and questionnaires on risk management (Studies 6 & 7). These are specifically related to Garda monitoring and management of sex offenders that could be addressed by Garda Senior Management. Findings regarding the Section 10 notification (under the Sex Offender Act 2001) process highlight the need for Garda policy and clarity in asking sex offenders to return to the Garda station to be processed and conducting the notification in a private space/room rather than at the public office. Sex offenders stated (in their interviews in Study 8) that the Section 10 Notification was both straightforward but stressful. This was primarily due to the lack of privacy in the public office. In addition, some confusion with respect to the seven day notification requirement was cited.

A strategic finding was that there was no clear single policy in relation to recruitment or selection of monitoring Guards. Attitude, approachability and the availability of the
monitoring guard were key findings in relation to developing rapport and for gathering information from the sex offender. It emerged from the analysis that some monitoring guards gave their personal mobile phone numbers to sex offenders in order to ensure availability, compliance with the Sex Offender Act, and public safety. Without the use of mobile phones, communication between the sex offender and monitoring guard can be difficult. This contrasts with the fact that all probation officers are issued with mobile phones by the Probation Service in the course of their work. Furthermore, it reflects the deep commitment and priority that monitoring guards give to effective sex offender management. In addition, it pinpoints that practitioners will attempt to fill the void that legislation or organisational policy overlooks.

From the analysis of sex offender interviews (Study 8), sex offenders considered the role of the Garda Síochána as twofold: (1) protection of the community from them and (2) their protection from the community vigilantism and media intrusion. The major finding regarding sex offenders’ view of the requirements of the Act was the degree to which the sex offender had to organise and plan their life, which was at odds with the relaxed, spontaneous and sometimes impulsive lifestyle they had prior to the sex offence conviction.

Another finding focused on the manner of home visits, where sex offenders stated four key elements: (1) when guards call, (2) how often they call, (3) why they call and (4) how they call (uniform/patrol cars). With respect to home visits from probation officers, these visits would be scheduled routinely, and as they do not have involve uniforms or marked cars these factors therefore do not come in to play. From Study 5, monitoring guards stated they try to be as innocuous as possible when visiting sex offenders, i.e. not wearing their uniform or by disguising it with the use of a civilian jacket; the use of unmarked cars or if using a patrol car parking around the corner from the sex offender’s home. The logistics of this was not always possible in practice. Uniform wearing or availability of unmarked cars were issues which affected monitoring guards in specific units rather than other units that were plain clothes based, e.g. detective units.

Across studies it showed there is no policy in relation to where the monitoring Guard should best be located. Also, the optimal number and maximum number of sex offenders per monitoring guard should be officially determined. With the Probation Service, sex offenders in the community were supervised on Community Teams or
High Risk Teams, with the latter since disbanded\textsuperscript{69}. The rationale for the development of High Risk Teams’ in 2007 was that probation officers on the team would develop an expertise for high risk, high need, high profile and complex cases, without having a generic offender caseload. With its discontinuance in 2013, all sex offenders living in the community are supervised by probation officers on Community Teams (who have a generic caseload as well). This change in structure suggests that the Probation Service decided that it is appropriate that all sex offenders are supervised by probation officers on Community Teams. It also became apparent from Study 4 that probation officers’ high caseload can be very challenging specifically if issues arise for a number of the sex offenders and generic offenders simultaneously.

As of June 2014, the need for a new type of supervision of sex offender was identified by the Probation Service. The Sex Offender Resettlement Team was established by them to bridge the gap between custody and community. It was deemed necessary that a single point of contact (probation officer) was required to stabilise the transitional phase where the offender has intensive supervision needs. It is envisaged that cases would be managed under the Resettlement Team for approx. six months before stabilising and being transferred to a probation officer on a Community Team. Resettlement Teams are only established in Dublin where the need was required.

Sex offenders’ view of the Probation Service revealed mixed attitudes. While in the main, probation was seen as helpful and supportive, it was still something that sex offenders were obligated to engage in. The very nature of being mandated to engage was viewed as a negative aspect of probation supervision. Other negative views focused on the inconvenience of attending appointments and the cost of travel to appointments. Positive aspects focused on the relationship with the probation officer. It was one of trust where sex offenders stated they could discuss any topic. They perceive the role of the probation officers as supporting the sex offender to an offence-free life in the community but it also incorporated a control element as well.

From the analysis of findings across a number of studies (3, 6 and 7), a sufficient structure existed at Garda management level at the Domestic Violence and Sexual

\textsuperscript{69} These were disbanded as expertise was developed on community teams.
Assault Investigation Unit and the SORAM process down to the Garda Inspectors management role, where roles and responsibilities were clearly delineated. Beyond that level, it is not as clear as could be wished. The roles, responsibilities and duties of the monitoring guard are not clearly defined. A related finding regarding this aspect was found in stakeholders interviews (Study 2) where NGO practitioners stressed that they had an understanding of the probation supervision role but were not familiar with what Garda monitoring involved at all, which they believed they should be. Continuing with the Garda monitoring role, there is insufficient training provided for that role at present. While evidence for extensive training in risk assessment was found, a lack of training or detailed instruction for the monitoring role was determined from the research analysis. As a result, more structured training is required for monitoring guards on home visits and for their interaction with sex offenders.

With respect to single agency probation management, the structure is much tighter. This may be due to the fact that the role centres on supervision, which normally takes place at the probation office; the sex offender is mandated by the courts to engage in the process; and as an organisation there are less sex offenders to manage. While the High Risk Teams are no longer in place, the core management of sex offenders still remains relatively the same. As all high risk sex offenders would be managed through SORAM, it may have been considered that high risk teams were no longer necessary. Whether or not the absence of the High Risk Teams will be noticed will become apparent in future years. Having said that, the High Risk Teams were only established in Dublin and Cork with the rest of sex offenders nationwide managed on Community Teams. Its absence may not be detrimental to the Probation Service’s sex offender management structure in the long run.

Findings from across the studies show that there is commitment and engagement by Garda members of all ranks and by probation officers of all levels in the SORAM Model, but there were concerns for single agency management. While single agency management incorporated limited interagency work, the level of multi-agency cooperation and working displayed by the SORAM Model was considered potentially beneficial to all cases. Under the current SORAM Model, all low risk cases are managed by the single agency. Regarding Garda cases, if the sex offender is not subject to probation he will not qualify for the SORAM Management Model. Alternatively, with the professional override for low risk cases, all sex
offenders on probation could be managed within the SORAM process if considered necessary.

Multi-agency management of sex offenders across the globe follows the pattern whereby low risk categories of sex offenders are managed by the single agency. In addition to resources being limited, following the Risk-Needs-Responsivity Principle (Bonta, 1996), it is counterproductive to target low risk sex offenders with excessive supervision, attention and interventions. Unlike SORAM, the arrangements in other jurisdictions, i.e. PPANI in Northern Ireland and MAPPA in Britain, have all other categories of risk managed under multi-agency public protection arrangements. The reason for the discrepancy in the Irish situation would appear to be the lack of legislation to enable full joint agency working. Nevertheless, the Health Service Executive (HSE) became a participating primary agency within SORAM in 2012 where principal social workers, the equivalent of senior probation officers, now sit on local SORAM Teams. Whether or not other agencies could be mandated to participate is uncertain. It would appear other jurisdictions commenced joint working under adequate legislation to do so. For example, the UK legislation places agencies under a “duty to cooperate” with the primary agencies: namely, the Police, the Probation Service, the Prison Service and the National Health Service.

Multi-agency sex offender management in Ireland, while evolving rapidly, is still very much in its infancy, compared to other countries who introduced arrangements 10 to 15 years ago (RAMAS, England, 1997; PANNI, Northern Ireland, 2000; MAPPA, England and Wales, 2001; MAPPA, Scotland, 2007). The advantage of Ireland’s position is that it can draw on the processes of other countries as tried and tested approaches and can learn from their experiences. In the southern hemisphere, New Zealand is in a similar position, with its announcement in 2014 that it is planning to introduce sex offender notification and a register, which should be in place in 2016.

The importance of joint working for sex offender risk assessment and management is crucial. According to O’Rourke et al (2003, p.3) “risk assessment and management does not fall exclusively within the domain of any single profession. No agency can operate in isolation when working with risk”. Therefore, it is not surprising that both Gardaí and probation officers as practitioners within the system stated the same sentiments. Likewise, NGO and other statutory agency practitioners in Study 2 supported more joint agency working. Furthermore, for
effective monitoring of sex offender priests, the religious bodies need to be engaged in the management plan.

It emerged from the analysis that the benefits of joint working were numerous. These include: (1) the ability to conduct joint sex offender risk assessment, (2) joint home visits, (3) sharing of information in a confidential setting, (4) devising strategies for management utilising the contributions of each discipline, (5) shared decision making, (6) shared accountability, and (7) defensible practice in a common goal approach to sex offender management.

Peer support is another issue worth noting. Probation officers highlighted in their interviews (Study 6) in particular that when they were experiencing challenging issues that the support of their peers in the SORAM meeting was of great benefit. Previously, the weight of responsibility of managing a sex offender was not shared. While senior probation officers and Garda Inspectors could be approached regarding sex offender issues, the daily management of the sex offender rested separately with the probation officer and the monitoring guard. This internal accountability, and the perception that the public sector practitioner would be held accountable for a sex offender’s reoffending (given the public’s zero tolerance), weighed heavily on practitioners. This weight has been lifted somewhat due to the shared responsibility of joint working.

So often agencies, even within the same sphere like the Criminal Justice System, act in total isolation of each other in a silo mentality. In order to break this down, a relationship must be created between agencies, specifically individuals, where they can be easily approached, know each other’s roles and/or facilitate each other if possible. As agencies have different goals, it is apparent from this research that the value of assisting other agencies was not a priority. But when a common goal is shared, it becomes reasonable or equitable to do so. The research interviews identified three steps which aided a supportive working environment: (1) actually meeting the counterpart and being able to put a face to the name, (2) joint training in risk assessment tools, and (3) SORAM cementing the relationship building stages where both were learning together. Furthermore, the SORAM Model of joint management was a pilot project devoid of a rank structure or posturing by any individuals (Walker, 2012). Indeed any individual in attendance could have an input and this contributed to a shared experience.
Furthermore, the co-located unit of the National SORAM Office which incorporates a detective guard (AGS), senior probation officer (PS) and a principal social worker (HSE) fosters co-working at a strategic level. Their role incorporates the provision of support to local SORAM Teams on a day-to-day basis while working with the National SORAM Steering Group on development of policy with regards to best practice, i.e. housing policy, third-party disclosure issues, etc.

The significant aspect of joint working is that each agency has different strengths as they are coming from different disciplines, have different roles, goals and work practices. Therefore, the contribution of each can make management effective. Munro (2011, p. 135) states that, failings in child protection joint agency working, stem from “a confluence of errors” which individually may not be significant or detrimental but cumulatively may have disastrous consequences. The inverse can also be said. The present research indicates that while a little joint agency working is valuable, when there is a confluence of sharing it can truly be effective management.

This leads to a crucial finding across the studies regarding the integral role that information, data and intelligence has in the management of sex offenders. Sharing of information in a confidential manner through the forum of SORAM was found to be a major advance in effective communication between the agencies. Furthermore, information was shared which may never have occurred previously. Specifically, different types of information were contributed from each agency: personal information and case history from sex offender self-reports were cited as the main information from the Probation Service; on the Garda side, intelligence, criminal associations, sightings at any time of day were perceived as information which the Gardaí contributed to the multiagency discussion. All these sources of information added to the pool of information on the sex offender and informed more effective decision making. Furthermore, from the analysis it suggests that the available actions that can be taken once the sex offender’s case is discussed at SORAM meetings are more varied when numerous agencies are involved.

Across the studies, recognition was found in maintaining records and intelligence on sex offenders. The value of the Garda PULSE system and the Probation Service’s CTS system supporting this was crucial. While record keeping was viewed by research participants as cumbersome at times, the value was also tangible.
With respect to disclosure of information, whether or not the full Garda station party should be aware of the sex offenders in the division was a concern in Garda Inspectors’ interviews in 2009 and 2012. The decision rests with the Garda Inspector, for example, whether or not booklets in stations on resident sex offenders are available to the full station party. Standard policy or protocols regarding booklets in stations should be formally devised. Furthermore, what and how information is provided from SORAM teams to third parties was a concern which needed to be formally addressed by the SORAM National Unit. A major finding was that the amount of information that is gathered on sex offenders was considered adequate, but could be more comprehensive. Sources of additional information where the onus should be on the agency to update the Garda Síochána of changes were cited as social welfare, local authority housing/accommodation and employment/training. A further source of information which probation officers stated was problematic to obtain was the Book of Evidence, which was beneficial when conducting risk assessments.

The International Risk Governance Council (2009) states that, regardless of the development and implementation of risk management tools and processes, risk management failures are common in organisations. They categorised risk management shortcomings into two categories: (1) understanding and assessing risk, and (2) the ability of organisations to implement risk management tools and processes to achieve desired outcomes. A lack of leadership commitment and failure of coordination due to lack of resources, skills, capabilities and a “suitable” organisational culture were cited as reasons for the failures in the latter category.

Resources are a major concern in relation to effective sex offender management. Findings in relation to resource shortages identified across the studies were: (1) deficiency in the number of trained Garda risk assessors, (2) non-attendance of monitoring guards at SORAM meetings due to financial budgets, (3) no mentor process in place within the Garda organisation, (4) lack of clerical support, (5) gaps in legislation, (6) lack of risk assessment audits, and (7) a lack of role clarity.

Data across all the studies, highlights that there is no oversight group for all aspects of sex offender management. It is hard to ascertain who or what is the driving force behind sex offender management in Ireland. Why adopt certain risk assessment tools over others, are risk assessment tools or management systems fit for purpose? What legislation is needed and when will it be introduced? What
accommodation policy should be in place, disclosure policy etc. How could sex offender management be conducted better? How can best, safe practice be best maintained? (Are there silos across agencies?)

Ireland is in an enviable position in that it has one police force and one probation service unlike other jurisdictions which have federal or county police forces. The latter complicates the introduction of single risk assessment and management systems. While they would be the primary agencies involved in sex offender management, there are a myriad of agencies whose roles may not be extensive but valuable. Sex offenders are not the responsibility of any one agency and can feed into a number of services, in addition to community groups etc. One central authority acting as an umbrella for all agencies involved in sex offender management is required.

An oversight body such as a national sex offender authority which would facilitate the building of knowledge skills and expertise and make strategic decisions in relation to the direction and practice of risk assessment and management in Ireland is called for. This then would be the driver of sex offender risk assessment and management based on evidence-based best practice.

An important finding identified across some of the studies is what could be called the “iceberg effect” of sex offender management that is to say convicted sex offenders subject to the Sex Offender Act are only one portion of known sex offenders. While the remit of thesis is focused on the management of convicted sex offenders and public safety arrangements in place for that category of sex offender, other categories also pose a threat. There are approx. 1400 sex offenders subject to the Act as at Sept 22nd 2014. A further 399 are in custody with another 680 no longer subject to the Act. Therefore, those no longer subject constitutes nearly half (49%) of the number currently subject to it. Another category of sex offender is those that were convicted of sex offences prior to the introduction of the Sex Offender Act (SOA) in 2001. That number is unknown. Furthermore, there are sex offences e.g. voyeurism, concealed sexual offence, not listed as scheduled offences under the Sex Offender Act 2001. Therefore, any person convicted of those offences is not subject to the Act either. The last category of sex offender currently unmonitored is one identified in stakeholders interviews (Study 2). The National Board for Safeguarding Children in the Catholic Church (NBSCCC) stated that Ireland was a net exporter of priests over the last century. The Catholic Church
abuse scandals in the USA saw thousands of priests return to Ireland with little or no document from the parishes. While some were convicted of sexual offences, others had credible allegations made but no prosecutions.

Therefore, of concern is four categories of sex offenders not subject to monitoring (1) individuals no longer subject to Act (2) those convicted prior to SOA 2001, (3) individuals convicted of sex offences not scheduled in SOA, (4) sex offending but non-convicted priests returning to Ireland from other countries including the USA, Canada, Africa. While this thesis was proposing that a more public safety victim centred approach has evolved. There is still potentially a level of concealment when all the above categories of sex offenders are unmonitored. While Garda Inspectors voiced their concerns in respect of category 1-3, they were constrained in what they could do other than be aware of the “person of interest” and collect intelligence when detected. If a national sex offender authority was established, direction in regard to the above could be made. Furthermore, national policy or strategy in relation to accommodation for sex offender (which will be explored in the next section) could also be within the remit of national sex offender authority. A national sex offender authority would connect all the pieces of jigsaw rather than a piecemeal approach to sex offender management.

9.4 Community Concerns

The language used to describe people or processes within sex offender management is important. It became apparent that different agencies have different terminology i.e. Rape Crisis Network (victim = survivor), HSE (child protection), NBSCCC (safeguarding approach), Gardaí (crime centred). Furthermore, the Probation Service referred to sex offenders as clients. In Study 10, sex offenders reflected on the label “sex offender” and the negative connotations it brings. They detest that it is used as a homogenous term and it is term is synonymous with paedophilia.

The various studies revealed all practitioners in statutory and NGOs identified the need for adequate secure accommodation for sex offenders. It was also a major concern for sex offenders in their interviews as some had to move due to houses being burned out, media intrusion, neighbours refusal to allow them live there and mass demonstrations. Probation officers stated it was one of the most challenging aspects of their work sourcing secure accommodation for sex offenders. Probation officers would conduct a risk assessment on suitability of the accommodation prior
to the sex offender moving in. The difficulty arises in city areas where proximity to schools is problematic as a significant portion of schools are concentrated in city areas. Furthermore, suitable locations when they do arise cannot be saturated with sex offenders either. The importance of secure accommodation is observed as a protector factor against reoffending.

The support and role of accommodation providers e.g. TRAIL and PACE which caters for ex-prisoners was vital. While it aided the sex offender accommodation crisis, the need for a national policy on sex offender housing is overdue. Currently, National SORAM Office is actively working with local housing authorities and accommodation providers to provide guidelines in relation to accommodation for sex offenders. The National Accommodation Strategy for Sex Offender (NASSO) in the UK is a clear national framework for housing sex offenders in the community with improved public safety at its heart. It classifies sex offenders as: (1) all registered sex offenders, (2) those subject to bail not yet convicted, (3) those convicted prior to the introduction of the Sex Offender Register and (4) those whose period of registration has transpired. Therefore, the framework addresses all category of sex offender. This approach is in stark contrast to the draconian approach to accommodation demonstrated in the 2006-2010 sex offender colony known as Bookville in the city and county of Miami, in the State of Florida, USA. If a national sex offender authority was in place, it could safeguard against the latter situation ever arising. Moreover, the task of creating an encompassing national housing framework similar to the Scottish example would be a big step in safeguarding the public. The Bookville approach, on the other hand, resulted in at least one in seven sex offenders stopping their notification requirements.

Study 8 identified that sex offenders want to be a part of society. They reported that they were lonely, isolated and not integrated into society. Some sex offenders had limited social connections but the majority had no meaningful connections. The opportunities to develop social connections were not possible and few were employed or in training which could foster some social connections or sense of integration in society. The literature support the research data in Study 8 as Bumby

70 Ron Book, a lobbyist wrote ordinances in several different Miami-Dade County cities to restrict convicted sex offenders from living within 2,500 feet of schools, parks, bus stops, or homeless shelters. This resulted in displacing sex offenders to the only location which was not within the radius zone – an encampment under the Julia Tuttle Causeway. Temporary shelters were built and 100 sex offenders lived them between 2006 and 2010. Due to international pressure, Ron Book attempted to house the sex offenders when neighbourhood resistance abounded. By late 2011, at least one in seven of the offenders had stopped reporting to authorities.
et al, (2003), states the ability of offenders to secure affordable and adequate housing and employment is among the most significant barriers to effective re-entry, and this challenge becomes even more pronounced when sex offenders are involved.

One possible approach to that integration advocated by practitioners across the studies was circles of support and accountability (COSA). While the view was put forward in Study 2 that it is unrealistic to expect a community to engage with a sex offender when they are healing from the hurt of sex abuse, COSA were seen as potential integration option. The circle has the sex offender as the core member and is supported and accountable to the other members who would be respected members of the community. It is used as a means to reduce the incidence of reoffending and to aid integration sometimes in hostile communities. While not yet established in Ireland, their potential value if correctly implemented can be seen.

Another avenue for community involvement is through restorative justice. Research into restorative justice and sexual abuse was published by University College Dublin, Ireland and Facing Forward71 in 2014. It goal was to provide a space for discussion of the unaddressed psychological and social needs of people who have experienced sexual trauma or who have engaged in sexually harmful behaviour and/or violence. It found that “all cohorts of research participants are in favour of restorative justice in sexual violence cases”. (Keenan, 2014, p. 312) Furthermore it called for “a three-year pilot project of Restorative Justice in certain cases of sexual violence be established in Ireland as a matter of urgency, with a specified agency established for this purpose” (Keenan, 2014, p.314).

To conclude, O’Rourke et al, (2003, p.30) states successful implementation on a multi-agency system relies on the following elements:

- A clear strategic purpose
- Leadership (from visionary individuals)
- A sharp focus upon results
- Common language and clear communication chains

71 Facing Forward is a member based voluntary organisation established in 2005 in response to gaps in the Irish criminal justice system and to support the introduction of restorative approaches. Members come from a range of backgrounds e.g. mediation, criminal justice community development and peace and reconciliation work.
• Investment in and support for people
• A shared training and support strategy
• Coordination at each level of service
• Audit and review

This thesis concludes by suggesting that sex offender management in Ireland could be improved by two key developments: the update and improvement of the Sex Offender Act 2001 as suggested by respondents in these studies and by the establishment of a National Authority that would provide clear strategic purpose with the sharp focus on monitoring, data, intelligence and information. A common language could be facilitated by the Authority and by the use of a standardised, integrated risk assessment, management and audit framework and tool such as those provided by RAMAS, ARMS etc. Standardised tools and protocols would facilitate more effective communication. Audit and review are the vital link in accountable and effective risk assessment and management safeguards.

9.5 Future Research and Recommendations

Four areas of research are required at this stage of sex offender management in Ireland. Firstly, the research found that a judicial review of the Sex Offender Act 2001 is needed to ascertain what should be amended in the Act and also be the catalyst for that change. As of October 2014, a new Criminal Law (Sexual Offences) Bill was published with some amendments directly impacting on sex offender management. Some of these amendments relate to issues highlighted by research participants in this thesis. Whether or not this Bill will be enacted remains to be seen.

The second research requirement is ongoing evaluation and audits of the joint agency process and systems in place. This would also include research on disclosure of information processes. These continuous evaluations would identify areas for improvement in addition to establishing best practice.

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72 The changes include reduction in period in which sex offenders must make notifications to Gardaí from 7 days to 3 days; a new requirement on sex offenders to provide fingerprints, palm prints, photographs, if requested by Gardaí; a new requirement that notification is only possible by attending in person at the district/divisional Garda station in which the sex offender lives; place the risk assessment on a statutory footing and provides a statutory basis for the necessary disclosure of information relating to the sex offender.
Thirdly, recidivism studies tracking the risk assessment ratings and subsequent offending using police records should be conducted. Reviews of cases where the risk rating and subsequent offending occurred could also be addressed. This could provide learning for sex offender management. Another element could be an examination of offences committed prior to the baseline offence in order to identify any trends or key indicators of future offending. Offence categories and type of sex offender could be matched in the analysis. The sample size of approx 1500 registered sex offenders in Ireland would be adequate, and add to the dearth of sex offender studies in Ireland.

Lastly, an important piece of research in order to ensure safety and protection is an evaluation of sex offender housing in Ireland. The identification of the gaps and possible solutions is required. A national policy on housing should come from the research. Moreover, how the policy is incorporated into the SORAM Model and single agency management should be documented. The latter could be a role for the national sex offender authority.

9.5.1 Recommendations

Ten recommendations were identified from the research evidence in this thesis.

1. Limitations of the Sex Offender Act require adjustment as a matter of urgency.

2. An independent national sex offender authority should be established. It would be an umbrella authority over all agencies with responsibility for sex offender management. It remit would be at a strategic level in policy development and as the catalyst for change and direction in evidenced-based risk management best practice.

3. Sex offender management approaches in relation to the four categories of sex offender “under the sex offender management iceberg” should be debated.

4. A national policy on housing sex offenders of all categories should be formulated. With respect to data protection, guidelines should be drawn up regarding housing policy within the SORAM process.
5. Operational definitions, protocols and a more defined structure for the Garda monitoring role should be in place. An additional element here would be the need for a clearer policy for selection, and consideration as to the most suitable unit for monitoring guards to reside in. Standard policy in relation to the maximum number of sex offenders an individual monitoring guard can monitor should also be set.

6. Regarding data sharing and communication, disclosure of information should be examined for the SORAM Model. This would include internal information disclosure within the organisations and external information disclosures.

7. An education campaign informing the public about the measures that are in place to effectively risk assess and manage sex offender could allay some of the public's fears. Also it may aid probation officers and monitoring guards to conduct their roles without the extreme response from communities.

8. An examination of whether the current risk assessment tools are fit for purpose for each agency should be examined.

9. Training in all aspects of sex offender assessment monitoring and management should be provided for practitioners (guards and probation officers).

10. Update training, CPD and support in the form of mentoring process should be established within the Garda Síochána in line with the risk assessment directions.
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APPENDIX 1.1 -  SEX OFFENDERS ACT, 2001

AN ACT TO REQUIRE, IN THE INTERESTS OF THE COMMON GOOD, THE NOTIFICATION OF INFORMATION TO THE GARDA SIÓCHÁNA BY PERSONS WHO HAVE COMMITTED CERTAIN SEXUAL OFFENCES; IN THOSE INTERESTS TO IMPOSE, OR ENABLE THE IMPOSITION OF, CERTAIN OTHER REQUIREMENTS ON SUCH PERSONS (INCLUDING REQUIREMENTS THE PURPOSE OF WHICH IS TO ASSIST IN THEIR REHABILITATION); TO ENABLE CERTAIN COMPLAINANTS TO BE HEARD AND LEGALLY REPRESENTED IN RELATION TO APPLICATIONS UNDER SECTION 3 OR 4 OF THE CRIMINAL LAW (RAPE) ACT, 1981, TO AMEND SECTION 2 OF THE CRIMINAL LAW (RAPE) (AMENDMENT) ACT, 1990, AND TO PROVIDE FOR RELATED MATTERS. [30th June, 2001] BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1 - Preliminary and General

1.—(1) This Act may be cited as the Sex Offenders Act, 2001. (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

2.—(1) In this Act, unless the context otherwise requires— “Act of 1861” means the Offences against the Person Act, 1861; “Act of 1908” means the Punishment of Incest Act, 1908; “Act of 1935” means the Criminal Law Amendment Act, 1935; “Act of 1990” means the Criminal Law (Rape) (Amendment) Act, 1990; “Act of 1993” means the Criminal Law (Sexual Offences) Act, 1993; “conviction” (other than in sections 12, 22, 26(8) and 33) includes a finding of guilty but insane and “convicted” and cognate expressions shall be construed accordingly; “court” means any court exercising criminal jurisdiction and includes court-martial; “imprisonment” includes detention in Saint Patrick’s Institution or the Central Mental Hospital and “prison” shall be construed accordingly; “Minister” means the Minister for Justice, Equality and Law Reform; “remission from the sentence” means, in relation to the sentence imposed on a person, the remission which the person may earn from the sentence under the rules or practice whereby prisoners generally may earn remission of sentence by industry and good conduct; “sentence” includes a sentence of imprisonment and any other order made by a court in dealing with a convicted person, including— (a) an order under section 2(2) of the Trial of Lunatics Act, 1883, and (b) an order postponing sentence; “sexual offence” shall be construed in accordance with section 3.

(2) In this Act— (a) a reference to a Part, section or Schedule is to a Part or section of, or a Schedule to, this Act, unless it is indicated that reference to some other enactment is intended, (b) a reference to a subsection or paragraph is to the subsection or paragraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

(3) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any enactment.

3.—(1) Each of the offences referred to in the Schedule shall, subject to subsections (2) and (3), be a sexual offence for the purposes of this Act.

(2) An offence referred to in— (a) paragraph 2 of the Schedule (sexual assault or indecent assault),
(b) paragraph 5 of the Schedule (incest by males), (c) paragraph 6 of the Schedule (incest by females of or over 17 years of age), or (d) paragraph 18, 19 or 20 of the Schedule in so far as it relates to an offence referred to in paragraph (a), (b) or (c), shall not be a sexual offence for the purposes of this Act if—

(i) the victim of or, as the case may be, the other party to the offence was aged, at the date of the offence’s commission, 17 years or more, and

(ii) the person guilty of the offence has not, in respect of the offence, been sentenced to any punishment involving deprivation of liberty for a limited or unlimited period of time or been made subject to any measure involving such deprivation of liberty.

(3) An offence referred to in—

(a) paragraph 8 of the Schedule (defilement of girl between 15 and 17 years of age), (b) paragraph 11 of the Schedule (buggery of persons under 17 years of age), (c) paragraph 12 of the Schedule (gross indecency with males under 17 years of age), or (d) paragraph 18, 19 or 20 of the Schedule in so far as it relates to an offence referred to in paragraph (a), (b) or (c), shall not be a sexual offence for the purposes of this Act if—

(i) the victim of or, as the case may be, the other party to the offence was aged, at the date of the offence’s commission, 15 years or more but less than 17 years, and

(ii) the person guilty of the offence was aged, at that date, not more than 3 years older than that victim or other party.

4.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed or for the purpose of enabling any provision of this Act to have full effect.

(2) Every regulation under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

5.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART 2 - Obligations of Sex Offenders to Notify Certain Information

6.—In this Part, “relevant date” means the date of conviction for the sexual offence concerned.

7.—(1) Without prejudice to subsection (2) and sections 13 and 16(7), a person is subject to the requirements of this Part if he or she is convicted of a sexual offence after the commencement of this Part.

(2) A person is also subject to the requirements of this Part if he or she has been convicted of a sexual offence before the commencement of this Part and, at that commencement, either—

(a) the sentence to be imposed on the person in respect of the offence has yet to be determined, or

(b) a sentence has been imposed on the person in respect of the offence and—

(i) the person is serving the sentence in prison, (ii) the person is temporarily released under section 2 or 3 of the Criminal Justice Act, 1960, or (iii) the sentence is otherwise still in force or current.

8.—(1) A person who, by reason of section 7, is subject to the requirements of this Part shall be so subject for the period referred to in subsection (3) or, in the case of a person referred to in section 7(2), so much (if any) of that period as falls after the commencement of this Part.
(2) Subsection (1) is subject to section 11. (3) The period mentioned in subsection (1) is the period, beginning with the relevant date, of— (a) an indefinite duration if the sentence imposed on the person in respect of the offence concerned is one of imprisonment for life or for a term of more than 2 years, (b) 10 years if the sentence imposed on the person in respect of the offence concerned is one of imprisonment for a term of more than 2 years, (c) 7 years if the sentence imposed on the person in respect of the offence concerned is one of imprisonment for a term of more than 6 months but not more than 2 years, or (d) 5 years if the sentence imposed on the person— (i) is one of imprisonment for any term, the operation of the whole of which is suspended (but, if the operation of that term is revived by the court, whichever of the preceding paragraphs is appropriate shall apply instead of this subparagraph), or (ii) is otherwise than one of imprisonment.

(4) If— (a) a sentence is imposed on a person in respect of a sexual offence, and (b) at the time of sentencing the person is aged under 18 years, subsection (3) shall have effect in relation to that person as if for the references to 10 years, 7 years and 5 years in that subsection there were substituted references to 5 years, 3 \frac{1}{2} years and 2 \frac{1}{2} years, respectively.

(5) If a sentence of imprisonment for any term is imposed on the person referred to in subsection (1) in respect of the offence concerned and the operation of a part of that term is suspended— (a) the part of that term the operation of which is not suspended shall be regarded as the term of imprisonment imposed on that person for the purposes of subsection (3) (but, if the operation of the first-mentioned part of that term is revived by the court, whichever of paragraphs (a), (b) and (c) of subsection (3) is appropriate shall apply without regard to this paragraph), (b) the preceding paragraph extends to a case in which that suspension is provided for subsequent to the imposition of the sentence.

(6) If a person is or has been sentenced in respect of 2 or more sexual offences and the sentences imposed are consecutive or partly concurrent then subsection (3) shall have effect as if— (a) in the case of consecutive sentences, the sentence imposed in respect of each of the offences were or had been a sentence equal to the aggregate of those sentences, (b) in the case of partly concurrent sentences, the sentence imposed in respect of each of the offences were or had been a sentence equal to the aggregate of those sentences after making such deduction as is necessary to ensure that no period of time is counted more than once.

(7) Without prejudice to section 11, a person shall cease to be subject to the requirements of this Part if the conviction in respect of the offence concerned is quashed on appeal or otherwise.

(8) A reference in this section to a sentence imposed on a person shall, if the sentence is varied on appeal, be construed as a reference to the sentence as so varied and, accordingly, the period for which a person is subject to the requirements of this Part, by reason of this section, shall stand reduced or increased, as the case may be, in the event that such a variation is made which results in the sentence falling into a different paragraph of subsection (3) than it did before the variation.

9.—The person for the time being in charge of the place where a person subject to the requirements of this Part is ordered to be imprisoned in respect of an offence (whether or not the offence that gave rise to the person’s being subject to those requirements) shall notify in writing— (a) before the date on which the sentence of imprisonment imposed on the person in respect of the first-mentioned offence expires or, as the case may be, the person’s remission from the sentence begins (“the date of release”), the person that he or she is subject to the requirements of this Part, and (b) at least 10 days before the date of
release, the Commissioner of the Garda Síochána of the fact that that expiry or remission will occur in relation to the person.

10.—(1) A person who is subject to the requirements of this Part shall, before the end of the period of 7 days beginning with the relevant date, or, if that date is prior to the commencement of this Part, that commencement, notify to the Garda Síochána — (a) his or her name and, where he or she also uses one or more other names, each of those names, and (b) his or her home address.

(2) A person who is subject to those requirements shall also, before the end of the period of 7 days beginning with— (a) the person’s using a name which is not the name, or one of the names, last previously notified by him or her to the Garda Síochána under this section, (b) any change of his or her home address, (c) the person’s having resided or stayed, for a qualifying period, at any place in the State, the address of which has not been notified to the Garda Síochána under this section as being his or her current home address, or (d) the person’s returning to an address in the State, having, immediately prior to such return, been outside the State for a continuous period of 7 days or more, notify that name, the effect of that change, the address of that place or, as the case may be, the fact of that return to the Garda Síochána.

(3) If a person who is subject to the requirements of this Part intends to leave the State for a continuous period of 7 days or more he or she shall notify the Garda Síochána of that intention and, if known, the address of the place outside the State he or she intends to reside or stay at.

(4) If a person who is subject to the requirements of this Part is outside the State for a continuous period of 7 days or more and did not intend, on leaving the State, to be outside the State for such a continuous period, the person shall, subject to subsection (5), notify the Garda Síochána, before the expiry of a further period of 7 days, reckoned from the 7th day that he or she is so outside the State, of that fact and the address of the place at which he or she is residing or staying outside the State.

(5) Subsection (4) shall not apply if the person concerned has returned to the State before the expiry of the further period of 7 days mentioned in that subsection.

(6) A notification given to the Garda Síochána by any person shall not be regarded as complying with subsection (1), (2), (3) or (4) unless it also states the person’s— (a) date of birth, (b) name on the relevant date and, where he or she used one or more other names on that date, each of those names, and (c) home address on the relevant date.

(7) For the purpose of determining any period for the purposes of subsection (1), (2), (3) or (4), there shall be disregarded any time when the person concerned is— (a) remanded in custody, (b) serving a sentence in prison, or (c) temporarily released under section 2 or 3 of the Criminal Justice Act, 1960.

(8) A person may give a notification under this section— (a) by attending in person at any Garda Síochána station which is a divisional or district headquarters and notifying orally a member of the Garda Síochána at the station of the matters concerned, (b) by sending, by post, a written notification of the matters concerned to any Garda Síochána station which is such a headquarters, or (c) by such other means as may be prescribed.

(9) Proof of the sending by post of such a notification shall, in any proceedings for an offence under section 12(1)(a), lie on the defendant.

(10) A notification under this section shall be acknowledged in writing and that acknowledgement shall be in such form as may be prescribed.

(11) In this section— “home address”, in relation to any person, means the address of his or her sole or main residence or, if he or she has no such residence, his or her most usual place of abode or, if he or she has no such abode, the place which he or she regularly visits; “qualifying period” means—
(a) a period of 7 days, or (b) 2 or more periods, in any period of 12 months, which (taken together) amount to 7 days.

11.—(1) A person who, by reason of sections 7 and 8, is subject to the requirements of this Part for a period of an indefinite duration may apply to the court for an order discharging the person from the obligation to comply with those requirements on the ground that the interests of the common good are no longer served by his or her continuing to be subject to them.

(2) An application under this section shall not be made before the expiration of the period of 10 years from the date of the applicant's release from prison.

(3) The applicant shall, not later than the beginning of such period before the making of the application as may be prescribed, notify the superintendent of the Garda Síochána of the district in which he or she ordinarily resides or has his or her most usual place of abode of his or her intention to make an application under this section.

(4) That superintendent or any other member of the Garda Síochána shall be entitled to appear and be heard at the hearing of that application.

(5) On the hearing of an application under this section, the court shall, if satisfied that the interests of the common good would no longer be served by the applicant's continuing to be subject to the requirements of this Part, make an order discharging the applicant from the obligation to comply with those requirements.

(6) In considering an application under this section, the court may require to be adduced, in such form as it thinks appropriate, evidence (including expert evidence) with regard to whether or not the interests of the common good would any longer be served by the applicant's continuing to be subject to the requirements of this Part.

(7) If the court makes an order discharging the applicant from the obligation to comply with the requirements of this Part, the court shall cause the Garda Síochána to be notified, in writing, of that discharge.

(8) The jurisdiction of the court in respect of an application under this section may be exercised by the judge of the circuit where the applicant ordinarily resides or has his or her most usual place of abode.

(9) Proceedings under this section shall be heard otherwise than in public.

(10) In this section—"applicant" means the person referred to in subsection (1); "court" means the Circuit Court; "date of the applicant's release from prison" means the date on which the applicant's sentence of imprisonment referred to in section 8 (3) expires or, as the case may be, his or her remission from the sentence begins.

12.—(1) A person who—(a) fails, without reasonable excuse, to comply with subsection (1), (2), (3) or (4) of section 10, or (b) notifies to the Garda Síochána, in purported compliance with that subsection (1), (2), (3) or (4), any information which he or she knows to be false or misleading in any respect, shall be guilty of an offence.

(2) A person is guilty of an offence under subsection (1)(a) on the day on which he or she first fails, without reasonable excuse, to comply with subsection (1), (2), (3) or (4), as the case may be, of section 10 and continues to be guilty of it throughout any period during which the failure continues; but a person shall not be prosecuted under that provision more than once in respect of the same failure.

(3) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding £1,500 or imprisonment for a term not exceeding 12 months or both.

(4) In proceedings for an offence under subsection (1)(a) a statement on oath by a member of the Garda Síochána referred to in subsection (5) that no notification of the matters concerned was given by the defendant to the Garda Síochána by any of the means referred to in section 10(8) shall, until the
contrary is shown, be evidence that no such notification was given by the defendant.

(5) The member of the Garda Síochána referred to in subsection (4) is a member not below the rank of sergeant who, from his or her evidence to the court, the court is satisfied— (a) is familiar with the systems operated by the Garda Síochána for recording the fact that particular information has been received by them, and (b) has made all proper inquiries in ascertaining whether a notification by the defendant of the matters concerned was received by the Garda Síochána.

13.—(1) If— (a) a person has been convicted, in a place other than the State, of an offence, (b) the act constituting the offence concerned would, if done in the State, constitute a sexual offence (within the meaning of this Act) under the law of the State, and either— (i) the person would, accordingly, be subject to the requirements of this Part by reason of subsection (1) or (2) of section 7, or (ii) at the commencement of this Part, the person, as a person who has been convicted of the first-mentioned offence in paragraph (a), is required, under the law of the first-mentioned place in that paragraph (however that requirement is described in that law), to notify to the police in that place information of a similar nature to that required to be notified by a person otherwise subject to the requirements of this Part, and (c) the person is, at the time of the conviction, or thereafter becomes, resident in the State, that person shall be deemed to be subject to the requirements of this Part and this Part shall, subject to subsection (2), apply accordingly.

(2) For the purposes of such application, section 10 shall have effect as if for subsection (1) there was substituted the following subsection: “(1) A person who is subject to the requirements of this Part shall, before the end of the period of 7 days beginning with— (a) in case the person is already resident in the State upon his or her so first returning and paragraph (c) does not apply, the date on which the person first returns to the State after being convicted of the offence concerned, (b) in case the person is not so resident and paragraph (c) does not apply, the date on which the person first becomes resident in the State after being convicted of the offence concerned, or (c) in case the date on which the person so first returns to, or becomes resident in, the State is prior to the commencement of this Part, the commencement of this Part, notify to the Garda Síochána— (i) his or her name and, where he or she also uses one or more other names, each of those names, and (ii) his or her home address.”. (3) For the purposes of this section, a person shall be deemed to be resident in the State if he or she is ordinarily resident, or has his or her principal residence, in the State, or is in the State for a qualifying period.

(4) Where a person to whom this section applies is charged with an offence under section 12, he or she shall, whether or not he or she would be treated for the purposes of section 12 as having a reasonable excuse apart from this subsection, be treated for those purposes as having a reasonable excuse if he or she believed that the act constituting the offence referred to in subsection (1) would not, if done in the State, constitute any sexual offence (within the meaning of this Act) under the law of the State.

(5) For the purposes of subsection (4), it is immaterial whether a belief is justified or not if it is honestly held.

(6) In this section— “police” means, in relation to the first-mentioned place in subsection (1), any police force in that place, or a member thereof, whether that force is organised at a national, regional or local level; “qualifying period” has the same meaning as it has in section 10.

14.—(1) If the conviction, after the commencement of this Part, of a person for an offence gives rise to his or her becoming subject to the requirements of this Part, the court before which he or she is convicted of the offence shall forthwith,
after the conviction, issue to each of the persons referred to in subsection (5) a certificate stating— (a) that the person has been convicted of the offence, (b) the sentence, if any, imposed on the person in respect of the offence, and (c) that the person has become subject to the requirements of this Part.

(2) If a sentence is imposed on a person in respect of the offence referred to in subsection (1) after a certificate relating to that offence has been issued under that subsection, the court which imposed the sentence shall forthwith, after the imposition of the sentence, issue to each of the persons referred to in subsection (5) a certificate stating the sentence that has been imposed on the person.

(3) If— (a) the conviction referred to in subsection (1) is quashed on appeal or otherwise, or (b) the sentence imposed on foot of that conviction is varied on appeal or otherwise, the court which quashes the conviction or varies the sentence shall forthwith, after the quashing of the conviction or the variation of the sentence, issue to each of the persons referred to in subsection (5) a certificate stating that the conviction has been quashed or stating the variation that has been made in the sentence.

(4) A certificate purporting to be issued under subsection (1), (2) or (3) shall, in any proceedings, be evidence of the matters stated in it without proof of the signature of the officer of the court purporting to sign it or that that person was authorised to sign it.

(5) The persons referred to in subsections (1), (2) and (3) are— (a) the Garda Síochána, (b) the person convicted of the offence concerned, and (c) where appropriate, the person for the time being in charge of the place where the convicted person is ordered to be imprisoned or, as the case may be, the probation and welfare service (within the meaning of Part 5).

(6) The mode of proving a conviction or sentence authorised by subsection (4) shall be in addition to, and not in substitution for, any other authorised mode of proving such conviction or sentence.

(7) Rules of court may make provision in relation to the form of certificates under this section and the manner in which they may be issued.

PART 3 - Sex Offenders Orders

15.—In this Part, unless the context otherwise requires— “applicant” means a member of the Garda Síochána not below the rank referred to in section 16 who has applied to the court for the making of a sex offender order and, in relation to such an order that is in force, means any member of the Garda Síochána; “court” means the Circuit Court; “respondent” means a person in respect of whom an application for a sex offender order has been made or in respect of whom such an order has been made; “sex offender order” has the meaning assigned to it by section 16.

16.—(1) If, on application to it in that behalf by a member of the Garda Síochána not below the rank of Chief Superintendent, it appears to the court, on evidence tendered by the applicant, that the conditions specified in subsection (2) are satisfied in respect of the respondent, the court may make an order (in this Act referred to as a “sex offender order”) prohibiting the respondent from doing one or more things specified in the order.

(2) The conditions mentioned in subsection (1) are that— (a) the respondent has been convicted, before or after the commencement of this Part, either— (i) in the State of a sexual offence, or (ii) in a place outside the State of an offence and the act constituting that offence would, if done in the State, constitute a sexual offence (within the meaning of this Act) under the law of the State, and (b) the respondent has, at a time referred to in subsection (3), acted on one or more occasions in such a way as to give reasonable grounds for believing that an order under this section is necessary to protect the public from serious harm from him or her.
(3) The time mentioned in paragraph (b) of subsection (2) is any time subsequent to the date of the respondent’s release from prison or, as the case may be, the date on which the sentence imposed on the respondent in respect of the offence referred to in that subsection otherwise ceases to be in force, being in either case a time after the commencement of this Part.

(4) A sex offender order shall contain only such prohibitions on the respondent’s doing a thing or things as the court considers necessary for the purpose of protecting the public from serious harm from the respondent.

(5) References in this section to protecting the public from serious harm from the respondent shall be construed as references to protecting a member or members of the public from death or serious personal injury, whether physical or psychological, which would be occasioned if the respondent were to commit a sexual offence at a time subsequent to the making of the application under this section.

(6) A sex offender order shall continue in force until the expiration of— (a) 5 years from the date of notification of its making being given to the respondent, or (b) such longer period as the court may provide for in the order.

(7) For so long as a sex offender order is in force, Part 2 shall have effect as if— (a) the respondent were subject to the requirements of that Part, and (b) “relevant date” (within the meaning of that Part) were the date on which notification of the making of the sex offender order has been given to the respondent.

(8) Subsection (7) shall not operate to prevent a respondent’s remaining subject to the requirements of Part 2, on the date that the sex offender order concerned ceases to be in force, if, by reason of the operation of sections 7 and 8 (including those sections as applied by section 13), he or she would remain so subject to those requirements.

(9) The reference in subsection (3) to the date of the respondent’s release from prison is a reference to the date on which the sentence of imprisonment imposed on the respondent in respect of the offence referred to in subsection (2) (if such be the sentence imposed) expires or, as the case may be, the respondent’s remission from the sentence begins.

17.—(1) A sex offender order shall take effect on notification of its making being given to the respondent.

(2) Oral communication to the respondent by or on behalf of the applicant of the fact that a sex offender order has been made, together with production of a copy of the order, shall, without prejudice to the sufficiency of any other form of notification, be taken to be sufficient notification to the respondent of the making of the order.

(3) If the respondent is present at the sitting of the court at which the sex offender order is made, he or she shall be taken for the purposes of subsection (1) to have been notified of its making.

18.—An appeal from a sex offender order shall, if the court that made the order or the court to which the appeal is brought so determines (but not otherwise), stay the operation of the order on such terms (if any) as may be imposed by the court making the determination.

19.—(1) Where a sex offender order is in force, the court, on application to it in that behalf at any time by the respondent, may, if it is shown to the satisfaction of the court that— (a) the protection of the public from serious harm from the respondent does not require that the order should continue in force, or (b) the order’s effect for the time being is the cause of injustice, discharge or, as may be appropriate, vary the order.

(2) The court shall, on application to it in that behalf at any time by the applicant, discharge a sex offender order.
(3) The reference in subsection (1) to protecting the public from serious harm from the respondent shall be construed in accordance with section 16(5).

20.—(1) The jurisdiction of the court in respect of civil proceedings under this Part may be exercised by the judge of the circuit where the respondent ordinarily resides or carries on any profession, business or occupation or by the judge of the circuit where the respondent is alleged to have acted in such a way as to give reasonable grounds for believing that the making of a sex offender order is, or, as the case may be, was necessary.
(2) For the avoidance of doubt, subsection (1) applies in the case of section 19 notwithstanding that the sex offender order concerned was made by the High Court on appeal from a decision of the court refusing to make such an order.

21.—(1) The standard of proof required to determine any question relating to the making, varying, or discharge of a sex offender order shall be that applicable to civil proceedings.
(2) Proceedings under this Part (other than under section 22) in relation to a sex offender order shall be heard otherwise than in public.

22.—A respondent who, without reasonable excuse, contravenes a sex offender order shall be guilty of an offence and shall be liable— (a) on summary conviction, to a fine not exceeding £1,500 or imprisonment for a term not exceeding 12 months or both, or (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years or both.

23.—(1) For the purpose of ensuring the expeditious hearing of applications under this Part, rules of court may make provision for the service of documents otherwise than under section 7 of the Courts Act, 1964 (as amended by section 22 of the Courts Act, 1971), in circumstances to which that section 7 relates.
(2) Rules of court shall provide for the documentation required for the commencement of proceedings under this Part.
(3) This section is without prejudice to section 17 of the Interpretation Act, 1937, which provides for rules of court.

24.—Section 28 of the Civil Legal Aid Act, 1995, is hereby amended by the substitution of the following subsection for subsection (3): “(3) Where the proceedings the subject matter of the application under this section concern— (a) the welfare of (including the custody of or access to) a child, or (b) a sex offender order (within the meaning of the Sex Offenders Act, 2001), paragraphs (c) and (e) of subsection (2) shall not apply.”.

PART 4 - Provision of Information for Employment Purposes

25.—(1) In this Part— “child” means a person who is less than 18 years of age; “contract of employment” means— (a) a contract of service or apprenticeship, or (b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act, 1971, and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract), whether the contract is express or implied and if express, whether it is oral or in writing; “mentally impaired” has the meaning assigned to it by section 5 of the Act of 1993; “State work or a service” means work done or a service performed by a person who— (a) holds office under, or is otherwise in the service of the State (including as a civil servant, within the meaning of the Civil Service Regulation Act, 1956), (b) is a member of the Garda Síochána or the Defence Forces, (c) is an officer or servant of a local authority for the purposes of the Local Government Act, 1941, or (d) is
an officer or servant of a harbour authority, health board or vocational education committee.

(2) In this Part a reference to a person applying to another person includes a reference to the person applying to another person without that other's having requested or solicited the making of the application.

26.—(1) In this section “relevant work” means work or a service (including State work or a service) a necessary and regular part of which consists, mainly, of the person referred to in subsection (3), (5) or (6) having unsupervised access to, or contact with, a child or children or a mentally impaired person or persons.

(2) A person referred to in subsection (3) shall be guilty of an offence if he or she—

(a) applies to another person to be employed by that person to do relevant work, (b) enters into a contract of employment to do relevant work, (c) applies to another person to do relevant work on that other person’s behalf (whether in return for payment or for any other consideration or not), or (d) enters into a contract for services to do relevant work, without, during the course of the application or before entering into the contract, informing the other person or the other party to the contract of the fact that he or she has been convicted of the offence referred to in subsection (3).

(3) The person mentioned in subsection (2) is a person who has been convicted, before or after the commencement of this Part, either—

(a) in the State of a sexual offence, or (b) in a place outside the State of an offence and the act constituting that offence would, if done in the State, constitute a sexual offence (within the meaning of this Act) under the law of the State.

(4) In proceedings for an offence under subsection (2) it shall be a defence for the accused to prove that he or she neither knew nor could reasonably be expected to have known that the work to which the application or contract referred to in subsection (2) related was relevant work (within the meaning of this section).

(5) A person convicted, before or after the commencement of this Part, of an offence referred to in subsection (3) who—

(a) does a thing referred to in any of paragraphs (a) to (d) of subsection (2) (and, in the case of paragraph (a) or (c) of that subsection, commences to do the work concerned), and (b) at the time he or she does such a thing, neither knows nor can reasonably be expected to know that the work concerned is relevant work (within the meaning of this section), shall inform the other person or the other party to the contract referred to in subsection (2) of the fact that he or she has been convicted of that offence as soon as may be after he or she becomes aware of the fact that the work concerned is relevant work.

(6) A person who—

(a) does a thing referred to in any of paragraphs (a) to (d) of subsection (2) (and, in the case of paragraph (a) or (c) of that subsection, commences to do the work concerned), and (b) is subsequently convicted of an offence referred to in subsection (3), shall, unless, at the time of the conviction, the work he or she has applied to do is wholly completed or the contract he or she has entered into has expired or ceased to be in force, inform the person on whose behalf the work is being done or the other party to the contract, as soon as may be after the conviction, of the fact that he or she has been so convicted.

(7) A person who fails to comply with subsection (5) or (6) shall be guilty of an offence.

(8) A person guilty of an offence under subsection (2) or (7) shall be liable—

(a) on summary conviction, to a fine not exceeding £1,500 or imprisonment for a term not exceeding 12 months or both, or (b) on conviction on indictment, to a fine not exceeding £10,000 or imprisonment for a term not exceeding 5 years or both.
PART 5 - Post-Release Supervision for Sex Offenders

27.—(1) In this Part— “probation and welfare officer” means a person appointed by the Minister to be a probation and welfare officer or to be a welfare officer or probation officer; “probation and welfare service” means the probation and welfare service of the Department of Justice, Equality and Law Reform; “sentence involving post-release supervision” shall be construed in accordance with section 29(1); “sex offender” means a person who, after the commencement of this Part, is convicted of a sexual offence for which, in the opinion of the court before which the person appears, the appropriate sentence is, apart from the provisions of this Part, one of imprisonment for any term (whether in addition to the imposition of a fine or not); “supervision period” shall be construed in accordance with section 29(1); “supervision period conditions” means the conditions referred to in section 29(1)(b) or 30 that relate to the sex offender concerned.

(2) References in this Part to protecting the public from serious harm from a sex offender shall be construed as references to protecting a member or members of the public from death or serious personal injury, whether physical or psychological, which would be occasioned if the offender were to commit a sexual offence after he or she has been released into the community.

28.—(1) In determining the sentence to be imposed on a sex offender in respect of the sexual offence concerned, the court shall consider whether to impose a sentence involving post-release supervision.

(2) In considering that matter, the court shall have regard to— (a) the need for a period, after the offender has been released into the community, during which his or her conduct is supervised by a responsible person, (b) the need to protect the public from serious harm from the offender, (c) the need to prevent the commission by the offender of further sexual offences, and (d) the need to rehabilitate or further rehabilitate the offender.

(3) For the purposes of this section, the court may, if it thinks it necessary to do so, receive evidence or submissions from any person concerned.

29.—(1) A court may impose on a sex offender in respect of the sexual offence concerned a sentence involving post-release supervision, that is to say a sentence which consists of— (a) the imposition of a sentence of imprisonment for a specified term (whether in addition to the imposition of a fine or not), and (b) a provision that during a specified period (“the supervision period”) commencing on the date of the offender’s release from prison, the offender shall be under the supervision of a probation and welfare officer and requiring the offender to comply with such conditions as are specified in the sentence for securing that supervision.

(2) The aggregate of the sentence of imprisonment referred to in subsection (1)(a) and the supervision period shall not exceed the duration of the maximum term of imprisonment that may be imposed in respect of the sexual offence concerned.

(3) The term of the sentence of imprisonment referred to in subsection (1)(a) shall not be less than the term the court would have imposed if it had considered the matter apart from the provisions of this Part.

(4) In determining the period to be specified as the supervision period, the matters to which the court shall have regard shall include the matters referred to in paragraphs (a) to (d) of section 28(2).

(5) The reference in this section to the date of the offender’s release from prison is a reference to the date on which the offender’s sentence of imprisonment referred to in subsection (1)(a) expires or, as the case may be, the offender’s remission from the sentence begins.

30.—(1) In addition to the conditions referred to in section 29(1)(b), a sentence involving post-release supervision may include such conditions as the court...
considers appropriate for the purposes of paragraphs (a) to (d) of section 28(2) and having regard to the needs of the sex offender.

(2) Without prejudice to the generality of subsection (1), there may be included in a sentence involving post-release supervision—(a) a condition prohibiting the sex offender from doing such one or more things as the court considers necessary for the purpose of protecting the public from serious harm from the offender, and (b) a condition requiring the sex offender to receive psychological counselling or other appropriate treatment provided by the probation and welfare service or any other body which it appears to the court, having regard to any submissions made to it on behalf of the probation and welfare service, is an appropriate body to provide such counselling or treatment.

(3) A condition referred to in subsection (1) or (2) shall have effect during the whole or a specified part of the supervision period as the court considers appropriate and specifies in the sentence concerned.

31.—In imposing a sentence involving post-release supervision on a sex offender, the court shall explain to him or her—(a) the effect of the sentence, (b) the consequences provided for under section 33 if he or she fails to comply with any of the supervision period conditions, and (c) that under this Act the court may vary or discharge any of those conditions on the application of either the offender or a probation and welfare officer.

32.—At any time after the supervision period has commenced the court may, on the application of—(a) the offender on whom the sentence involving post-release supervision concerned was imposed, or (b) a probation and welfare officer, discharge all of the supervision period conditions (and the supervision period shall lapse accordingly) or vary or discharge one or more of those conditions if, having regard to the circumstances which have arisen since the sentence was imposed, it considers—(i) it would be in the interests of justice to do so, and (ii) the protection of the public from serious harm from the offender no longer requires that those conditions should continue in force or, as appropriate, that they should continue in force in the form in which they stand at the date of the making of the application.

33.—(1) A sex offender who fails, without reasonable excuse, to comply with any of the supervision period conditions shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or imprisonment for a term not exceeding 12 months or both.

(2) Subject to subsection (3), the conviction of a sex offender for an offence under this section shall not prevent the supervision period conditions from continuing to have effect.

(3) If a sentence of imprisonment is imposed on a sex offender for an offence under this section, that sentence shall, for the period the offender spends in prison on foot of that sentence, operate to suspend the supervision period conditions and the period for which those conditions are so suspended shall not be reckoned in calculating the date on which the supervision period expires.

PART 6 - Miscellaneous

34.—The Criminal Law (Rape) Act, 1981, is hereby amended by the insertion after section 4 of the following section: "Legal 4A.—(1) Where an application under section 3 representation for or 4 is made by or on behalf of complainants an accused person who is for the time being charged with an offence to which this section applies, the complainant shall be entitled to be heard in relation to the application and, for this purpose, to be legally represented during the hearing of the application.

(2) Notice of intention to make an application under section 3 or 4 shall be given to the prosecution by or on behalf of the accused person before, or as soon as practicable after, the commencement of the trial for the offence concerned or, as
the case may be, the commencement of the proceeding concerned referred to in section 4(1).

(3) The prosecution shall, as soon as practicable after the receipt by it of such a notice, notify the complainant of his or her entitlement to be heard in relation to the said application and to be legally represented, for that purpose, during the course of the application.

(4) The judge shall not hear the said application without first being satisfied that subsections (2) and (3) have been complied with.

(5) If the period between the complainant’s being notified, under subsection (3), of his or her entitlements under this section and the making of the said application is not, in the judge’s opinion, such as to have afforded the complainant a reasonable opportunity to arrange legal representation of the kind referred to in this section, the judge shall postpone the hearing of the application (and, for this purpose, may adjourn the trial or proceeding concerned) for a period that the judge considers will afford the complainant such an opportunity.

(6) This section applies to a rape offence and any of the following, namely, aggravated sexual assault, attempted aggravated sexual assault, aiding, abetting, counselling and procuring aggravated sexual assault or attempted aggravated sexual assault, incitement to aggravated sexual assault and conspiring to commit any of the foregoing offences.”.

35.—(1) In this section “the Act of 1995” means the Civil Legal Aid Act, 1995.

(2) In addition to the meaning assigned to that expression by section 27 of the Act of 1995, “legal aid” in the Act of 1995 means representation by a solicitor or barrister, engaged by the Legal Aid Board under section 11 of that Act, on behalf of a complainant in relation to an application referred to in section 4A of the Criminal Law (Rape) Act, 1981, that concerns the complainant.

(3) Section 28 of the Act of 1995 is hereby amended by the insertion of the following subsection after subsection (5): “(5A) Notwithstanding any other provision of this Act, the Board shall grant a legal aid certificate to a complainant for the purpose of his or her being represented in relation to an application referred to in section 4A of the Criminal Law (Rape) Act, 1981, that concerns him or her.”.

36.—(1) In proceedings against a person for an offence under— (a) section 12 (where the person is a person referred to in section 13(1)), or (b) section 26 (where the person is a person referred to in subsection (2), (5) or (6) of that section and falls within subsection (3)(b) of that section), the production to the court of a document that satisfies the condition referred to in subsection (2) and which purports to contain either or both— (i) particulars of the conviction in a state, other than the State, of that person for an offence and of the act constituting the offence, (ii) a statement that, on a specified date, that person was subject to the first-mentioned requirement in section 13(1)(b)(ii), shall, without further proof, be evidence, until the contrary is shown, of the matters stated in it.

(2) The condition mentioned in subsection (1) is that the document concerned purports to be signed or certified by a judge, magistrate or officer of the state referred to in that subsection and to be authenticated by the oath of some witness or by being sealed with the official seal of a minister of state of that state (judicial notice of which shall be taken by the court).

(3) That condition shall be regarded as being satisfied without proof of the signature or certification, and the authentication of it, that appears in or on the document.

37.—(1) Section 2 of the Act of 1990 is amended by the substitution of the following subsection for subsection (2): “(2) (a) A person guilty of sexual assault shall be liable on conviction on indictment— (i) in case the person on whom the assault was committed was a child, to imprisonment for a term not exceeding 14
years, and (ii) in any other case, to imprisonment for a term not exceeding 10
years. (b) In this subsection ‘child’ means a person under 17 years of age.
(2) The amendment effected by subsection (1) shall apply to sexual assaults
committed after the commencement of this section.

SCHEDULE -Sexual Offences for Purposes of Act
1. Rape.
2. Sexual assault (whether the offence of which the person was convicted was
   known by that name or by the name “Indecent assault upon a female person” or
   “Indecent assault upon a male person”).
3. Aggravated sexual assault (within the meaning of section 3 of the Act of
   1990).
5. An offence under section 1 of the Act of 1908 (incest by males).
6. An offence under section 2 of the Act of 1908 (incest by females of or over 17
   years of age).
7. An offence under section 1 of the Act of 1935 (defilement of girl under 15
   years of age).
8. An offence under section 2 of the Act of 1935 (defilement of girl between 15
   and 17 years of age).
9. The offence of buggery with a person or with an animal referred to in section
   61 of the Act of 1861.
10. The offence of an attempt to commit such buggery referred to in section 62
    of the Act of 1861.
11. An offence under section 3 of the Act of 1993 (buggery of persons under 17
    years of age).
12. An offence under section 4 of the Act of 1993 (gross indecency with males
    under 17 years of age).
13. An offence under section 11 of the Criminal Law Amendment Act, 1885 (acts
    of gross indecency).
14. An offence under section 5 of the Act of 1993 (protection of mentally
    impaired persons).
15. An offence under section 4 of the Act of 1935 (defilement of mentally
    impaired females).
16. An offence under any of the following provisions of the Child Trafficking and
    Pornography Act, 1998— (a) section 3 (child trafficking and taking, etc., child for
    sexual exploitation), (b) section 4 (allowing child to be used for child
    pornography), (c) section 5 (producing, distributing, etc., child pornography),
    (d) section 6 (possession of child pornography). 17. An offence under section 2
    of the Sexual Offences (Jurisdiction) Act, 1996 (sexual offences committed
    outside the State).
18. An offence consisting of attempting to commit an offence referred to in any
    of paragraphs 1 to 17 of this Schedule (other than such an offence that itself
    consists of an attempt to do a particular act).
19. An offence consisting of aiding, abetting, counselling, procuring or inciting
    the commission of an offence referred to in any of paragraphs 1 to 18 of this
    Schedule.
20. An offence consisting of conspiracy to commit an offence referred to in
    any foregoing paragraph of this Schedule.
APPENDIX 3.1 PRACTITIONER INFORMATION SHEET

Purpose of the Study. As part of the requirements for my PhD at UCC, I have to carry out a research study. The study is concerned with the risk assessment and management of sex offenders in Ireland.

UCC Student: It is important to say that while I am a civilian working for the Garda Research Unit, this study is within my capacity as a student of UCC and not the former.

What will the study involve? The study will involve conducting a number of focus groups/interviews/questionnaire, historical document review, examination of risk assessment tools in order to identify best practice in relation to management of sex offenders in the community.

Why have you been asked to take part? You have been asked to take part in a focus group/interview because you work within the Criminal Justice System/related NGO area.

Do you have to take part? Participation is voluntary. Participants will be asked to sign a consent form and can retain a copy of it along with this information sheet. Furthermore, participants can withdraw before the study commences or within two weeks of participation and ask to have their data destroyed.

Will your participation in the study be kept confidential? Your participation and all participants' names will be kept anonymous. Any information supplied to me by you will have any identifiable features removed as deemed possible in order to ensure that there are no clues to your identity other than with your consent. Any quotes from what you say that are quoted in the thesis will be entirely anonymous. If quotes are from an organisational viewpoint, the article/document will be given to the person to review the accuracy of their comments.

What will happen to the information which you give? The data will be kept confidential for the duration of the study. On completion of the thesis, it will be retained for a further twelve months and then destroyed.

What will happen to the results? The results will be presented in a PhD thesis. They will be seen by my supervisor, a second marker and the external examiner. The thesis may be read by future students on the course. The study may be published in an academic journal.

What are the possible disadvantages of taking part? In the main I do not see any negative consequences of taking part. Rather you will be able to voice your concerns about the present system which may be therapeutic.

What if there is a problem? At the end of the interview/focus group, I will discuss with you how you found the experience and how you are feeling. If you subsequently feel distressed, you should contact your immediate supervisor.

Who has reviewed this study? Approval must be given by the Social Research Ethics Committee, University College Cork before studies like this can take place.

Any further queries? If you need any further information, you can contact me: Mary Walker on 086 XXXXXXX and e-mail mary.e.walker@garda.ie If you agree to take part in the study, please sign the consent form overleaf.
APPENDIX 3.2 SEX OFFENDER INFORMATION SHEET

Purpose of the Study. As part of the requirements for my PhD at UCC, I have to carry out a research study. The study is concerned with the risk assessment and management of sex offenders in Ireland.

What will the study involve? The study will involve conducting a number of focus groups/interviews/questionnaire, historical document review, examination of risk assessment tools in order to identify best practice in relation to management of sex offenders in the community.

Why have you been asked to take part? You have been asked to take part in an interview/complete a questionnaire because you are currently subject to the Sex Offender Act 2001.

Do you have to take part? Participation is voluntary. Participants will be asked to sign a consent form and can retain a copy of it along with this information sheet. Furthermore, participants can withdraw before the study commences or within two weeks of participation and ask to have their data destroyed.

Will your participation in the study be kept confidential? Your participation and all participants’ names will be kept anonymous. Any information supplied to me by you will have any identifiable features removed as deemed possible in order to ensure that there are no clues to your identity other than with your consent. Any extracts from what you say that are quoted in the thesis will be entirely anonymous.

What will happen to the information which you give? The data will be kept confidential for the duration of the study. On completion of the thesis, it will be retained for a further twelve months and then destroyed.

UCC Student: It is important to say that while I am a civilian working for the Garda Research Unit, this study is within my capacity as a student of UCC and not the former.

Duty of Care: Before agreeing to participate, you should be mindful that there is a duty of care to report to your Probation Service Officer/Monitoring Garda if you disclose information during the interview which could put yourself or others at risk.

What will happen to the results? The results will be presented in a PhD thesis. They will be seen by my supervisor, a second marker and the external examiner. The thesis may be read by future students on the course. The study may be published in an academic journal.

What are the possible disadvantages of taking part? In the main I do not see any negative consequences of taking part. Rather you will be able to voice your concerns about the present system which may be therapeutic.

What if there is a problem? At the end of the interview/questionnaire, I will discuss with you how you found the experience and how you are feeling. If you subsequently feel distressed, you should contact your monitoring Garda or Probation Service Officer.
Who has reviewed this study? Approval must be given by the Social Research Ethics Committee before studies like this can take place. Any further queries? If you need any further information, you can contact me: Mary Walker on 086 XXXXXXX and e-mail marywalker@umail.ucc.ie

If you agree to take part in the study, please sign the consent form overleaf.
APPENDIX 3.3  
PRACTITIONER CONSENT FORM,
UNIVERSITY COLLEGE CORK
SCHOOL OF MEDICINE BEHAVIOURAL SCIENCE SECTION

Consent Form (ii)

Data, Information and Intelligence: Sex Offender Management in Ireland

PhD Student Researcher: Mary Walker

PhD Supervisor: Dr. Margaret O’Rourke Consultant Forensic Clinical Psychologist, Director of Behavioural Science Section, UCC.

I am invited to participate in this research project which is being carried out by Mary Walker, Research Psychologist, Garda Research Unit, PhD candidate. My participation is voluntary. Even if I agree to participate now, I can withdraw at any time without any consequences of any kind.

The study is designed to investigate community management of registered sex offenders in an effort to establish best practice for both the agencies and the person who is subject to the Sex Offender Act 2001.

If I agree to participate, this will involve me participating in an interview or focus group with researcher Mary Walker.

While I may not benefit directly from participating in this research, it could advance practices in relation to the community management of risk. This research may benefit public safety and the person (sex offender).

Information which is obtained during this research will be treated within the normal limits of confidentiality. All identifiable variables will be removed.

Data from this research project may be published in future. Materials that are sensitive will be kept in a secure location at the Researcher's research base.

If I have any questions about this research I can ask Mary Walker at 086 3472244 or by e-mail marywalker@umail.ucc.ie or mary.e.walker@garda.ie

Signature of research participant

I understand what is involved in this research and I agree to participate in the study. I have been given a copy of the Participant Information Leaflet and a copy of this consent form to keep.

----------------------------------------- ----------------
Signature of participant       Date

I believe the participant is giving informed consent to participate in this study.

----------------------------------------- ----------------
Signature of researcher       Date
APPENDIX 3.4  SEX OFFENDER CONSENT FORM

UNIVERSITY COLLEGE CORK
SCHOOL OF MEDICINE BEHAVIOURAL SCIENCE SECTION
Consent Form (i)

Data, Information and Intelligence: Sex Offender Management in Ireland

PhD Student Researcher: Mary Walker. PhD Supervisor: Dr. Margaret O'Rourke
Consultant Forensic Clinical Psychologist, Director of Behavioural Science Section, UCC.

I am invited to participate in this research project which is being carried out by Mary Walker, Research Psychologist, Garda Research Unit, PhD candidate. My participation is voluntary. Even if I agree to participate now, I can withdraw at any time without any consequences of any kind.

The study is designed to investigate community management of registered sex offenders in an effort to establish best practice for both the agencies and the person who is subject to the Sex Offender Act 2001.

If I agree to participate, this will involve me participating in an interview or completing a questionnaire with researcher Mary Walker.

While I will not benefit directly from participating in this research, it could advance practices in relation to the community management of risk. This research may benefit public safety and the person (sex offender).

Information which is obtained during this research will be treated within the normal limits of confidentiality. I understand that there is a duty of care to report risk to myself or others to my supervising officer and I will be fully informed if this arises. All identifiable variables will be removed. Information provided by me will not be given to any third party.

Data from this research project may be published in future. The original recording and all copies will be available only to the researcher. Materials that are sensitive will be kept in a secure location at the Researcher's research base.

If I have any questions about this research I can ask Mary Walker at 086 3472244 or by e-mail marywalker@umail.ucc.ie

Signature of research participant

I understand what is involved in this research and I agree to participate in the study. I have been given a copy of the Participant Information Leaflet and a copy of this consent form to keep.

--------------------------------------------------------------------
Signature of participant                          Date

I believe the participant is giving informed consent to participate in this study.

--------------------------------------------------------------------
Signature of researcher                          Date
## APPENDIX 3.5 SENIOR PROBATION OFFICER INTERVIEW GUIDE

**Interview Guide**

**Senior Probation Service Staff**

You are a Senior Probation Officer? How long are you in that role? How long are you within the Probation Service?

**How different is the role from a probation officer?**

**Role**

How many probation officers would you have working under you? How do you allocate sex offenders to probation officers? What is the sex offender caseload? Would you supervise cases?

**Workload**

What is the structure of sex offender management in Ireland? High Risk Teams and Community Teams?

**Structure**

How are you notified of new cases? What is that process like?

**Present Process**

What type of risk assessment tools would you have used in relation to sex offenders (RM2K, Oasys, SA07)?

Approx, how many RM2K and Stable and Acutes have you conducted? What is your opinion on each?

**No. of Risk Assessments Tools**

How often is a Stable assessment conducted? Does this vary?

How do you prepare for a SA07 interview?

Generally how long does it take to conduct a Stable assessment?

Would it be completed in one sitting or over two? Would you ever take a break during the session?

Is it harder to interview some sex offenders for the SA07 rather than others? If so why?

Are they resistant to engage with the SA07?

Does RM2K risk category, learning disability have any impact on ease of completing the SA07?

Regarding the Risk Factors, are some more difficult to talk through with the offender?

Are some more difficult to score? How have you overcome those difficulties?
Supervision
How many sex offenders would you supervise on a regular basis? How often would you meet them?
Would you complete an Acute after each session? What do you do with the completed Acutes?

Co-interviewing
Do you normally conduct the SA07 by yourself or jointly with another interviewer? Either Stable or Acute element?
Which do you find easier?
Regarding co-interviewing, how does that process work?
Have you ever co-interviewed with a member of An Garda Síochána, what were your observations?
Have you ever co-interviewed with a member of another agency, what were your observations?

Interagency Working
What are the difficulties/advantages involved in interagency work?

SORAM
What do you think of SORAM? How different is it from previous practice?
Is there enough communication between the agencies regarding sex offenders?

Managing Sex Offenders
What are the main challenges for you managing sex offenders?
What would make your life easier managing sex offenders?

Resources
In your opinion, what resources are needed to complete SA07?

Training
What training did you receive in relation to assessing sex offenders? (RM2K, SA07??????)
What training did you receive in relation to managing sex offenders?
Would you recommend this training?
Is there any training you would like, if so, what?

Strengths/Limitations of Tools
What do you see as the limitations/strengths if any to RM2K?
What do you see as the limitations/strengths if any to SA07?
What advice would you give an agency newly embarking on Stable and Acute assessments?
# APPENDIX 3.6 PROBATION OFFICER INTERVIEW GUIDE

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<th>INTERVIEW GUIDE</th>
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### No. of Risk Assessments

**Tools**

What type of risk assessment tools would you have used in relation to sex offenders (RM2K, Oasys, SA07)?

Approx, how many Stable and Acutes have you conducted?

### Stable Assessments

How often is a Stable assessment conducted? Does this vary?

How do you prepare for a SA07 interview?

Generally how long does it take to conduct a Stable assessment?

Would it be completed in one sitting or over two? Would you ever take a break during the session?

Is it harder to interview some sex offenders for the SA07 rather than others? If so why?

Are they resistant to engage with the SA07?

Does RM2K risk category, learning disability have any impact on ease of completing the SA07?

Regarding the Risk Factors, are some more difficult to talk through with the offender?

Are some more difficult to score?

How have you overcome those difficulties?

### Plan

How much of an influence are the results of the Stable assessment to the management plan?

What other factors if any are taken on board?

### Rapport

Is Rapport important when conducting a SA07?

Does your relationship (PS/Client) help the risk assessment process?

Do you think it would be harder for gardai to conduct the assessments?

Do you think the Gardai should be conducting the risk assessment like SA07?
Supervision

How many sex offenders would you supervise on a regular basis?
How often would you meet them?
Would you complete an Acute after each session?
Is an Acute easier to complete than the Stable interview?
What do you do with the completed Acutes?

Co-interviewing

Do you normally conduct the SA07 by yourself or jointly with another interviewer? Either Stable or Acute element?
Which do you find easier?
Regarding co-interviewing, how does that process work?
Have you ever co-interviewed with a member of An Garda Síochána, what were your observations?
Have you ever co-interviewed with a member of another agency, what were your observations?

Interagency Working

What are the difficulties involved in interagency work in relation to conducting risk assessments?
What do you see as the major strengths?
Is there enough communication between the agencies regarding sex offenders?

Managing Sex Offenders

What are the main challenges for you managing sex offenders?
What would make your life easier managing sex offenders?

Resources

In your opinion, what resources are needed to complete SA07?

Training

What training did you receive in relation to assessing sex offenders? (RM2K, SA07??????)
What training did you receive in relation to managing sex offenders?
Would you recommend this training?
Is there any training you would like, if so, what?

Strengths/Limitations of

What do you see as the limitations/strengths if any to RM2K?
Tools
What do you see as the limitations/strengths if any to SA07?
What advice would you give an agency newly embarking on Stable and Acute assessments?

Challenges for Sex Offenders
In your experience, what are the challenges for sex offenders living in the community?
What is the biggest challenge for the do you think?
How can the Probation Service and/or An Garda Síochána help alleviate this?
Or is it outside both agencies remit? Responsibility of other agency, sex offender themselves or community)
Do we as organisations contribute to sex offenders' difficulties while living in the community?

Future Directions
In your opinion what direction should we be moving in regarding risk assessment? Are we moving in the right direction?
Regarding risk management, are we on the right path in your opinion?
APPENDIX 3.7

GARDA INSPECTOR INTERVIEW GUIDE

**Interview Guide**

**Inspectors Questions**

**Inspector**

You are an Inspector with responsibility for sex offenders-for how long? Among other portfolios?

**Workload**

How many sex offenders are in this division? How do you cope with the number of sex offenders in this division?

Of this total how many fall into the 4 categories of risk? Are all sex offenders risk assessed, if not, how many are still to be assessed?

**You in Charge**

If you were in charge of sex offender management in Ireland what would you do?

**Present Process**

So how and by who are you notified that a sex offender will be residing in your district/division? What do you do first? Do you get the certificate of conviction via NBCI, or told of potential offender moving to your area from Probation, Prison?

**Case Conferences**

Have or would you be involved in any case conferences for particular sex offenders prior to release with custody?

**SOA Act-Registration**

What does that process involve? Notify within 7 days? Photograph, details form, fingerprints, how long does it take, where does info go?

What would you do if they didn't notify? What are the requirements of the Act from your point of view? The length of time dependent on sentence.

**Risk Assessment**

What do you see as the role of Risk Assessment of sex offenders for AGS? What value do risk assessments tools like RM2K & SA07 have for AGS?

A risk matrix assessment is conducted? Based on that the number of visits is determined- What issues would make you visit a person more?

Stable and Acute is also used. How do you link in with the Assessors?
**Monitoring Garda**
What is the role of the monitoring Garda? How many monitoring Garda do you have? How many sex offenders should be monitored by one guard?

Should monitoring Gardaí have specific qualities/training to do this role? Do you select Gardaí as monitoring Garda - what criteria? Dual role?

What instruction do you give them when visiting/interacting with sex offenders on home visits or elsewhere?

How often would you meet them -separately/collectively - what issues arise for monitoring guards?

---

**Home visits**
Are they mainly initiated by guard or directed by Inspectors or both? What should they entail? Door step/or inside house?

Always unannounced/scheduled?

Should the sex offender be able to contact the monitoring guard directly - use mobile or not? work place visits - yes/no

Information fed in to PULSE following visits.

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**SORAM**
As of May 2012, your division came under the SORAM pilot. How different was the process prior to SORAM?

SORAM Meetings - Details Form and Risk Assessment & Management Plan Form - how easy to you find it to complete these forms for SORAM

How much of risk assessments feed into SORAM? How much Garda info and intelligence feed in, in your opinion?

What are the value/strengths of meetings? Are there any limitations in your view?

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**Interagency Working**
What are the difficulties involved in interagency work? Strengths? Is there enough communication between the agencies in relation to sex offenders

What agencies should we be dealing with regarding sex offenders? Communication traffic-

---

**Management Plans for offenders outside of SORAM**
How are plans devised for sex offenders not within SORAM criteria? What would be a typical plan in this division look like?

Do plans differ between risk categories? Or how do plans differ across same risk category– radical or slight differences

---

**Intelligence**
How would you define intelligence? (gut feeling, experience, gathering info, knowing MO, joining dots, collaboration, communication)
What is the role of intelligence in sex offender management - what form does it take?
Do you link in with collators/Criminal intelligence officers? How valuable a role do they have?
Would you want all your station party to know the sex offenders in the area or just the monitoring Garda and select few?

Data
What do you think about the data we retain about sex offenders? Should we gather more, or do we gather enough?
Do we have effective linkages across the data, intelligence and information on sex offenders? (Has SORAM helped this?)
Have we the capacity to move from record keeping to effectively know what we are dealing with?
How does PULSE fit in with the system? Does it have a managing, monitoring role, communication or information role?

Behavioural Analysis
Have you ever tracked a sex offender over a time frame to conduct a behavioural analysis on him? If a surveillance was done what behaviour would be interrelated or is it a exercise to see if he is lying & hence uncovering deception or identifying potential risk behaviour (i.e. at locations)

Training
What training did you receive in relation to sex offenders? Who provided it and what type was it? (Garda College, local CPD, Seminar
Do you think it was adequate? Is there any training you would like, if so, what?

Sex offenders outside of SOA
How do you deal with those convicted of sex offences prior to SOA 2001 but not required to notify under the SOA.
What do you do with offenders who commit offences with a sexual motive (sending texts, nude photos etc) but are not subject to the Act?
What measures are in place for sex offenders who have recently come off the register? Is there any
What data/intelligence is coming out of these undocumented sex offenders?
| Challenges/Areas for improvements | What are the main challenges managing sex offenders? what is the most difficult thing dealing with sex offenders  
| What are the gaps in the system? What features would you like to see in a new system  
| Under the present system what do you think works? What wobbles? What needs improving?  
| What would make your life easier managing sex offenders? |
| Future Directions | In your opinion, what direction should we be moving in? Are we moving in the right direction? |
| Legislation | The SOA 2001 is under review, what changes or additions do you think should occur? |
**APPENDIX 3.8 MONITORING GUARD/ASSESSOR INTERVIEW GUIDE**

<table>
<thead>
<tr>
<th>Interview Guide</th>
<th>Monitoring Guard/Assessor Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role Context</td>
<td>You are a monitoring Garda with responsibility for a sex offender- how long have you been a monitoring Garda? How many sex offenders do you have &amp; what risk category are they? What is the longest length of time you have been monitoring a sex offender? Should the same Garda have the SO for the duration of the register time? How many sex offenders should be monitored by one guard in any one time in your opinion? Are you on a regular unit, community policing etc</td>
</tr>
<tr>
<td>Assessor</td>
<td>RM2K Assessor Y/N SA07 Assessor Y/N. How many done of each (including repeats) and check training?</td>
</tr>
<tr>
<td>Notified</td>
<td>So how and by who are you notified that you would be monitoring a sex offender? What did you do first? What instruction do you get at this stage? Is it enough? Nominated or volunteer</td>
</tr>
<tr>
<td>Role</td>
<td>What does the role entail? Admin side, interaction (home, station), Intelligence, registration</td>
</tr>
<tr>
<td>SOA Act-Registration</td>
<td>As a monitoring Garda would you be involved in that? What does that process involve? Notify within 7 days? Photograph, details form, fingerprints, how long does it take, where does info go? What would you do if they didn't notify? What are the requirements of the Act from your point of view? The length of time dependent on sentence.</td>
</tr>
<tr>
<td>Risk Matrix</td>
<td>What is the value of RM2K? Benefits/Limitations What do you need to complete one?</td>
</tr>
<tr>
<td>Stable Assessments</td>
<td>How often is a Stable assessment conducted? Does this vary? How do you prepare for a SA07 interview? Generally how long does it take to conduct a Stable</td>
</tr>
</tbody>
</table>
assessment?
Would it be completed in one sitting or over two? Would you ever take a break during the session?
Is it harder to interview some sex offenders for the SA07 rather than others? If so why?
Are they resistant to engage with the SA07?
Does RM2K risk category, learning disability have any impact on ease of completing the SA07?
Regarding the Risk Factors, are some more difficult to talk through with the offender? Are some more difficult to score?
How have you overcome those difficulties?
Have you ever completed one with another agency i.e. Probation Officers or other colleagues

Resources
In your opinion, what resources are needed to complete SA07?

Plan
How much of an influence are the results of the Stable assessment to the management plan?
What other factors if any are taken on board?
And how much of the SA07 filters into the plan that is devised
So what other factors or bits would come in?

Visits
How often would you visit a sex offender? (depending on risk) - what other factors? What would a typical visit look like
Door step vs getting inside? What kind of questions would you ask offender? What would you be looking out for inside house?
Are they mainly initiated by you or directed by Inspectors or both? Always unannounced/scheduled?
Ever jointly with PS? Normally by self or with another colleagues (which is better?)

Rapport
Is Rapport important when conducting a SA07 or home visits?
Does your relationship (PS/Client) help the risk assessment process?
What has been your experience of dealing with the POs supervising your sex offenders in your experience?
Do you think the Gardaí should be conducting the risk assessment like SA07?

Recording
How do you record it? On PULSE, as intelligence? How detailed would you be?

Contact
Should the sex offender be able to contact the monitoring guard directly - use mobile or not? Work place visits - yes/no
Has a sex offender contacted you? How Mobile/station landline? What would the contact be about (staying over night somewhere, changing address,)

Acutes
Would you complete an Acute after each session?
Is an Acute easier to complete than the Stable interview?
What do you do with the completed Acutes?
Pattern?

Training
What training did you receive in relation to sex offenders? Who provided it and what type was it? (Garda College, local CPD, Seminar
Do you think it was adequate? Is there any training you would like, if so, what?
Training in Risk Assessment, interaction what?

New Roster
How do you fit in it your day? New roster make any difference?

Breaches
Have you ever had to breach a sex offender? How many? What for?

Legislation
The SOA 2001 is under review, what changes or additions do you think should occur?

SORAM
As of May 2012, your division came under the SORAM pilot. How different was the process prior to it?
SORAM Meetings - Details Form and Risk Assessment & Management Plan Form - how easy to you find it to complete these forms for SORAM
How much of risk assessments feed into SORAM? How much Garda info and intelligence feed in, in your opinion?
What are the value/strengths of meetings? Are there any limitations in your view?

**Interagency Working**

What agencies do you link in regarding sex offenders? What are the difficulties involved in interagency work? Strengths? Is there enough communication between the agencies in relation to sex offenders
What agencies should we be dealing with regarding sex offenders? Communication traffic-

To what degree and how does intelligence feed into the monitoring of the sex offender in your opinion?
How would you define intelligence? (gut feeling, experience, gathering info, knowing MO, joining dots, collaboration, communication)

**Intelligence**

What is the role of intelligence in sex offender management - what form does it take?
Do you link in with collators/Criminal intelligence officers? How valuable a role do they have?
How much info comes from the members of the different unit?

What do you think about the data we retain about sex offenders? Should we gather more, or do we gather enough?
Do we have effective linkages across the data, intelligence and information on sex offenders? (Has SORAM helped this?)
Have we the capacity to move from record keeping to effectively know what we are dealing with?
How does PULSE fit in with the system? Does it have a managing, monitoring role, communication or information role?

**Data**

**Behavioural Analysis**

Have you ever tracked a sex offender over a time frame to monitor him? What was the benefit?

**Challenges/Areas for Improvement**

What are the main challenges for you monitoring sex offenders? What is the most difficult thing dealing with sex offenders
What would make your life easier managing sex offenders?
What are the gaps in the system? What features would you like to see in a new system
Under the present system what do you think works? What wobbles? What needs improving?
What would make your life easier managing sex offenders?

Challenges for Sex Offenders
In your experience, what are the challenges for sex offenders living in the community?
What is the biggest challenge for the do you think?
How can the Probation Service and/or An Garda Síochána help alleviate this?
Or is it outside both agencies remit? Responsibility of other agency, sex offender themselves or community)
Do we as organisations contribute to sex offenders’ difficulties while living in the community?

Future Directions
In your opinion, what direction should we be moving in? are we moving in the right direction? If you were in charge of sex offender management in Ireland what would you do?
If you were given a blank template, what approach would you take? If you were to draw up a plan, what direction would it take?
## APPENDIX 3.9 SEX OFFENDER INTERVIEW GUIDE

<table>
<thead>
<tr>
<th>Interview Guide</th>
<th>Sex Offender Interviews</th>
<th>Questions</th>
</tr>
</thead>
</table>
| **Theme**       | **Label/Media**          | What do you think of the term ‘Sex Offender’?  
|                 |                         | How does the public see sex offender, do you think?  
|                 |                         | Do they group them altogether?  
|                 |                         | Are they fair to sex offenders?  
|                 |                         | How should they treat them?  
| **Past History**| **Past History**         | Did you serve a sentence for a sexual offence  
|                 |                         | How long was the sentence for?  
|                 |                         | Could you tell me what sexual offences you have been convicted for?  
|                 |                         | On release from prison how did you feel?  
|                 |                         | What were your main concerns?  
| **Sex Offender Act 2001** | **Sex Offender Act 2001** | Were you required to notify to An Garda Síochána within 7 days of leaving prison/ or being convicted for a non-custodial sentence?  
|                 |                         | What was that process like?  
|                 |                         | What other requirements are there?  
|                 |                         | Do you agree with the requirements?  
|                 |                         | Do you think they are necessary, excessive?  
| **Supervision (AGS)** | **Supervision (AGS)** | Under the Sex Offender Act 2001, the Garda Síochána is obliged to manage all sex offenders living in the community, what does that entail for you?  
|                 |                         | Do you have a monitoring Garda that visits you regularly?  

Garda Visits

How often would he/she call?
Where do they visit you (work/home)
Are the visits unannounced?
Can you describe what an average visit would be like?
Do you have a way of contacting him directly (i.e. mobile number)
Would you ever contact him? (have in the past)
If you had a problem would you contact the monitoring Garda first or contact your local station?
What is your relationship like?

Supervision (PS)

Do you meet with the probation officer regularly? How often?
What is that relationship like?
Is supervision a support?
Would you prefer not to have PS supervision?

Has either the Probation Service or An Garda Síochána completed a risk assessment with you?
What did that involve?
Did you find it hard going or were you comfortable answering all the questions?
Did you find it excessively invasive?
Or do you think these type questions have to be asked in order for it to be an effective risk assessment?
Would you refuse to answer some questions?
Should risk assessment of this kind be conducted by (a) Probation Service, (b) the Garda Síochána?

Resettlement back into Community

What were the main challenges facing you resettling back into the community?
How did you overcome them?
Are any still ongoing?
What did you do regarding accommodation on leaving prison?
Did you move back to you home location (where offence was committed) or somewhere new?
Do members of the public know you have been convicted of a sex offence?
Would this make it harder if they were aware?
What supports do you have?
How do you fill your day? Do you have a job/in training?
Was it difficult to get /maintain a job?

Future

Do you worry that you may commit another offence in the future?
What would you do if you were thinking of committing an offence?
APPENDIX 3.10   PRACTITIONER STAKEHOLDER INTERVIEW GUIDE

1. Have we learned from past failings identified in the Ryan, Murphy, Ferns and Cloyne Reports?
   i. Inappropriate Relationships
   ii. Reporting Structures
   iii. Recording Practices
   iv. Garda Investigations
   v. Role of DPP
   vi. Communication between agencies
   vii. Treatment of Complainants
   viii. Interagency Work

2. Are the right mechanism in place now do you think?

3. Do you think people/organisations are
   a. Aware of the mechanisms
   b. Will follow/adher to the mechanisms

4. What are the next major problems to come? How will they manifest?

5. What are your views on current sex offender management in Ireland?

6. Further thoughts from your agency perspectives?
APPENDIX 3.11

GARDA INSPECTORS FOCUS GROUP INTERVIEW GUIDE 2009

Theme

Questions

Workload

How many sex offenders are in this division?
Of this total how many fall into the 4 categories of risk - very high, high, medium and low
Are all sex offenders risk assessed, if not, how many are still to be assessed?

Devising Content

How are plans devised? By who? Just the Nominated Inspector or with others -who?

Plan Content

What elements make up a robust plan?
What would be a typical plan in this division look like?
How do plans differ between risk category? - very high, high, medium and low
How do plans differ across same risk category-- radical or slight differences?

Limitations of Plan

How do plans go right and how do plans go wrong?
What are the potential hazards in plans?

Adjustments to Plan

Are plans ever modified?
When and why would a plan be changed? An example?

Plan Review

Are plans reviewed?
How often are plans reviewed and by whom?
Are plans altered after a review? Can plans be altered prior to a review?
What are the main factors which result in a change to a plan after being reviewed?

Agencies

What other agencies are important in this domain?
How do you link in with other agencies? Formally and informally
Is there any agency that isn’t involved but should be?
What are the difficulties involved in interagency work?
How can gardai work effectively with them.
What do you think about information sharing?
**Resources**
What resources are relied upon when managing sex offenders?
How are these resources deployed?
How do you cope with the number of sex offenders in this division?
What resources are needed?

**Personnel**
Under your command in relation to SOs are Risk Matrix Assessors and Gardai tasked on sex offender visits -
What do you see as the role of Risk assessment?
How do you link in with the Assessors?
How do you liaise with the guards on sex offender visits?
How are sex offender visits delegated?
What instruction is given to guards tasked with visits?
Is there a role profile at a divisional level for guards on visits?

**Communication**
Who do you need to communicate with?
Is this achieved in a timely manner?
What are the barriers to communication?

**Record Keeping**
What do you think about the records we keep on sex offenders?
Are the records monitored, audited and reviewed? By who?
What is done following this?

**Integration of data & intelligence**
What do you think about the data we retain about sex offenders?
Should we gather more, or do we gather enough?
Do we have effective linkages across the data intelligence and information on sex offenders?
Have we the capacity to move from record keeping to effectively know what we are dealing with?
How does PULSE fit in with the system? Does it have a managing, monitoring role, communication or information role?
Are they any gaps?
Does and when does intelligence get used in plans?
### Training

What training did you receive in relation to sex offenders
Who provided it and what type was it? (Garda College, local CPD, Seminar)
Do you think it was adequate?
Is there any training you would like, if so, what?

### Undocumented sex offenders

How do you deal with those convicted of sex offences prior to SOA 2001 but not required to notify under the SOA
What do you do with offenders who commit offences with a sexual motive (sending texts, nude photos etc) but are not subject to the Act?
What measures are in place for sex offenders who have recently come off the register?
What data/intelligence is coming out of these undocumented sex offenders?

### Strengths/Weaknesses

What are the main challenges managing sex offenders?
What are the gaps in the system?
What would make your life easier managing sex offenders?
Should the present system be changed if so, how?
What features would you like to see in a new system?
is there any preventive measures that can be taken?
APPENDIX 3.12  
GARDA RISK ASSESSOR FOCUS GROUP INTERVIEW GUIDE 2009

Role Context
You are a monitoring Garda with responsibility for sex offenders and you all will be involved in the new SORAM pilot next year?

Monitoring Guard
Are you on a regular unit, community policing, detective etc
How were you selected for the Garda monitoring role?
How do you find the monitoring role? Home Visits?

Assessor
Trained in RM2K?
How would you rate the tool?
Is it easy to conduct? What is the hardest part? Is it easy to source information for it?
What is the value of RM2K? Benefits/Limitations What do you need to complete one?

Stable and Acute 07
You will be trained in SA07? What are your thoughts on that risk assessment tool?

SORAM
What are your expectations, concerns with the new pilot?

Interagency Working
What agencies do you link in regarding sex offenders? What are the difficulties involved in interagency work? Strengths? Is there enough communication between the agencies in relation to sex offenders
What agencies should we be dealing with regarding sex offenders? Communication traffic-

Future Directions
In your opinion, what direction should we be moving in? are we moving in the right direction?
If you were given a blank template, what approach would you take? If you were to draw up a plan , what direction would it take?
APPENDIX 3.15 (A)  E-MAIL TO MONITORING GUARD/SGT SURVEY
RECIPIENTS

To all Monitoring Gardaí/Sergeants for sex offenders*,

My name is Mary Walker and I am based in the Garda Research Unit. I am
completing my PhD in the area of the risk assessment and management of
convicted sex offenders living in the community. I have been given sanction to
survey Monitoring Gardaí/Sergeants on their role within this context. As this subject
matter is very important, research which informs on practice is vital in order to
manage the risk posed by sex offenders. Also this may be an opportunity for
yourself to voice some opinions on the role or any suggestions you may have.

Your role is an integral part of that management therefore I would appreciate your
participation by clicking on the link below. The questionnaire is anonymous so you
can be as candid in your responses as you wish. The questionnaire has a number
of sections (Sex Offender Caseload, Monitoring (Home Visits), Risk Matrix Role,
Stable & Acute Role, Multi-Agency work) and should take approx 25 minutes to
complete if all the sections are relevant to your role.

https://www.surveymonkey.com/s/MonitoringRoleSurvey

If you want to contact me directly regarding the survey, or about the subject matter I
can be contacted on (0504) 35503 or (086) XXXXXXX.

Thank you in advance.

Regards
Mary

*If you have received this e-mail in error please disregard.
APPENDIX 3.15 (B)  E-MAIL TO RISK ASSESSORS SURVEY RECIPIENTS

To all personnel trained in Risk Matrix 2000/ Stable and Acute 2007*,

My name is Mary Walker and I am based in the Garda Research Unit. I am completing my PhD in the area of the risk assessment and management of convicted sex offenders living in the community. I have been given sanction to survey both (i) Risk Assessors and (ii) Monitoring Gardaí/Sergeants on their role within this context. As this subject matter is very important, research which informs on practice is vital in order to manage the risk posed by sex offenders. Also this may be an opportunity for yourself to voice some opinions on the role or any suggestions you may have.

Your role is an integral part of that management therefore I would appreciate your participation by clicking on the link below. The questionnaire is anonymous so you can be as candid in your responses as you wish. The questionnaire has a number of sections and should take approx 10 minutes to complete.

https://www.surveymonkey.com/s/RiskMatrix_SA07Questionnaire

If you want to contact me directly regarding the survey, or about the subject matter I can be contacted on (0504) 35503 or (086) XXXXXXX.

Thank you in advance.

Regards
Mary

*If you have received this e-mail in error please disregard. If you are a monitoring guard, please contact me and I will send you the link for that survey instead.
APPENDIX 3.16  EXAMPLE OF THEMATIC ANALYSIS CODING

<table>
<thead>
<tr>
<th>Initial General Code – colour coded</th>
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<tbody>
<tr>
<td>Yellow</td>
<td>Risk Matrix 2000</td>
</tr>
<tr>
<td>Green</td>
<td>Stable and Acute 2007</td>
</tr>
<tr>
<td>Orange</td>
<td>Mentor Group</td>
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<td>Blue</td>
<td>Information</td>
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<tr>
<td>Pink</td>
<td>Joint Working/SORAM</td>
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<tr>
<td>Purple</td>
<td>Training/Skills/Professional Development</td>
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<td>Community/Media</td>
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<table>
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<tr>
<th>SUB-CODE</th>
<th>TRANSCRIPT TEXT (EXAMPLE)</th>
<th>SUB-CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subjective.........</td>
<td>Stable and Acute is much more subjective than RM2K. RM2K is a basic tool. Either way everyone isn’t trained in them at the moment. RM2K is easy to do as it is paper based whereas you have to meet the client for the SA07.</td>
<td>....Not all trained</td>
</tr>
<tr>
<td>Basic Tool.........</td>
<td>Information you would look for for the SA07 are psychiatric assessments, reports, collaborative information, background information. This is important for the SA07. Sharing of information is important and this is where SORAM comes in. The benefits of SORAM is that it is a collective process. Guards will gather intelligence whereas we gather personal information and case histories that guards wouldn’t.</td>
<td>....Meeting</td>
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<td>Paper based.....</td>
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<td>...Type of info</td>
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<td>Benefits..............</td>
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<td>...SORAM</td>
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### EXAMPLE OF THEMATIC ANALYSIS CODING IN RELATION TO GENERAL CODE - INFORMATION

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<td>INFORMATION</td>
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<tr>
<td>Garda File</td>
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<td>Investigating Guard</td>
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<td>Fingerprints</td>
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<td>Prison Information</td>
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<td>Prison Visit Log</td>
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<td>Probation Service get Info Guards wouldn't</td>
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<td>Probation Information</td>
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<td>Probation Reports</td>
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<td>Probation Assessments</td>
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<td>Probation Personal Histories</td>
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<td>Information Type Sought</td>
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<td>Informal Sources of Information</td>
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<td>Informal Sources</td>
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<td>Ease of getting Information</td>
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<td>Collateral Information</td>
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<td>More Information with Rapport</td>
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<td>Information Depends on Rapport</td>
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<th>Information Worse in the Past</th>
<th>Past Situation</th>
<th>Information Concerns</th>
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<tbody>
<tr>
<td>Old Files – Records maintained</td>
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<td>Info Integrity and Accountability</td>
</tr>
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<td>Sitting on Information</td>
<td>Not Using Info</td>
<td></td>
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<tr>
<td>Not Using Information</td>
<td>Access Issues</td>
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<tr>
<td>No Access to File</td>
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<tr>
<td>Integrity of Information</td>
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<tr>
<td>PULSE information (Accountability)</td>
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<tr>
<td>Information isn’t Power (to be abused)</td>
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<td>Station Party Know – More Intel Gathered</td>
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<td>Intelligence – Sex Offender Appearance</td>
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<td>If SO is Noticeable, More Intel Gathered</td>
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<td>Where Intel is going</td>
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APPENDIX 6.1 Additional Interview Quotes from Chapter 6

6.1.2 Opinion of Risk Matrix 2000

PO2: “The RM I think it gives a foundation, it gives a framework but again because they are not dynamic factors I think there is more of a risk of turning that into an administrative exercise. Where it can kick off where you score it higher than you think it is or lower than you thought it was going to be, and then you start exploring it. Then it is useful if it focuses you.”

PO9: “Well, I suppose it is very static – that is the whole basis for it – there are lots of static risk factors which are important and apparently some of those factors, like the nature of the offence profile of the victim, if it was a stranger victim apparently they are quite strong indicators of recidivism, so they are worthwhile and valuable but the problem is they are static and they don’t really take into account progress that you might be making with the offender and it is kind of a score that will stay with them.”

MG10: “I think it’s helpful. It is good like because it gives you a general breakdown of where you are with him.”

MG06: “It’s not great, I thought it was great when I had it done, but I wasn’t aware of the Stable and Acute, the Stable and Acute wipes the floor with Matrix literally. The information you get from stable and acute is so dynamic and it’s so sensible as well…. It gives you more information, it gives you more about the person rather than just flat statistics [from the Matrix].”

6.1.4 Risk Matrix 2000 Rating vs Professional Opinion

MG10: “I think it’s with the scoring, I don’t know, I suppose my opinion it’s always easier to have them at a higher level than under-rating.”

MG07: “But I have seen ones come back as low risk and medium risk that I’d be kind of thinking God I’d more concerned about them than that.”
6.15 Concerns: Specific Assessment Elements of the Risk Matrix 2000

MG17: [Its value] depends on the person. In relation to court appearances and how many, one fellow could have 20, so that doesn’t have relevance, whereas in other cases [with fewer court appearances] then it can. I mean if he was convicted 20 different times then you know, it makes sense, but not for a fellow that goes to court and all cases are brought into the one day.”

MG19: “It’s so much harder to prosecute successfully somebody in court. The Judge will not convict people in the courts. The prisons are absolutely jam packed, people aren’t getting sentences.”

MG19: “It could be a guard gave wrong evidence, it could be that the injured party didn’t want to go ahead with the complaint. You know, she might say, I’m not able for court, I’m just not able to do this. What do you do and yet he’s sitting in the box ready to go ahead with the case, and then he goes from let’s say, a medium risk to low risk or high risk to a medium. You know they could be intimidating witnesses, you just don’t know like.”

6.2.2 View of Stable and Acute 2007

MG08: “There is a value to it alright, I suppose you get to know, like you try to get to know their thoughts and all their [issues], you know that sort of way and getting to know them better and you could manage them a little bit better, but I just found with the numbers that I have, I just found it very difficult to.”

MG13: “The Stable and Acute, if it does what it says it does, we could be really protecting the public and really doing a good job. If you’re given the time and there was an ideal world, a dedicated unit within a division.”

MG13: “You know we’re nearly detecting the crime that’s about to happen with S and A, we’re looking into the future and we can stop that from happening. At the same time we can tell the sex offender work with us and it’s possible we could reduce your risk. We can actually, if you work with us, we can help you from committing a further offence.”
6.2.3.1 Preparing Oneself as the Interviewer

MG13: “To be honest with you, I think with the next one I will try and really sit in and just observe what the probation officers do … Learn from them, yes before I start going in. Now I’m very eager, I’ve done the course, I’m really happy with doing the course, but I want to see how it operates when you’re sitting in front of Joe Bloggs. I also think it’ll be good with the Probation Service but we’re the Gardai and we’re very, we’re different when it comes to talking, and I think that will be another [issue]… I think there’d be different interaction.”

MG07: “I think I’d be uncomfortable doing them, would I be uncomfortable. I think I could do it if I wanted to do it. Slightly uncomfortable and I think I actually don’t have the time to do it as well.”

6.2.3.2 Preparing the Sex Offender as the Interviewee (Rapport)

MG17: “I just always say with sex offenders treat them like they’re a normal person and they’ll be okay with you. Even though in the back of your mind you mightn’t think they are but just let them think that they are and you’re just doing your job. If you look down at them they’ll find that offensive and they’re not going to play ball, they might do what they have to do [required compliance to Sex Offender Act] but that will be it.”

MG09: “If you don’t build up a rapport, the walls will be build up and they will just shut down. So I think rapport is really important. Yeah, that if you don’t engage, and I won’t say get to their level but do you know what I mean, try and maybe don’t build up barriers. [Not to be ] going in and making judgements, do you know what I mean, and just kind of, you know hammering them like you know. He’s been convicted, the judge has decided that. I think we’re just there to manage, we’re not there to enforce … we’re all human and we all are kind of prone to be kind of judgemental about different things.”

6.2.5.2 Mentor Group Process

PO4: “[the mentor group process makes the Stable interview] more professional and careful and an objective risk assessment.”.

PO15: “It’s great because you find out different things about how other people work with them [sex offenders] as well.”

PO1: “I would be more confident [with the risk rating] after the mentor group… I would have been lost without it. Whilst it’s time consuming, it has been hugely beneficial. I am very confident using the Stable as a result and I would say solely as a result of the mentor group.”
5.3 Acute Assessment (of Stable and Acute 2007)

PO12: “My sense of it is some people use it [Acute assessment], some people don’t. There is not a huge amount of preference or priority on to it.”

PO11: “I do them because it is a service requirement.”

MG06: “Yeah, it’s kind of hit and miss at the moment, like I’m only trained so I’m still in early days with it and we are supposed to be, we are in the SORAM project as well and the Acutes come up in that, so we are still trying to find our feet between the Acute with the Probation Service and ourselves and how we are going to correlate those results together.

6.4.1 Implication for Practice and Risk Paradigm

MG15: “It’s definitely a role they should be doing and there should be more emphasis because I think it’s going to be more and more of a bigger problem in years to come.”

MG15: “I think the whole issue of sex offenders is an area that actually has huge potential that causes a lot of problems. As an organisation it’s just somewhat an accident waiting to happen that they could commit an offence [under our watch].”
APPENDIX 7.1 Additional Interview Quotes from Chapter 7

7.4.3 Contact

PO1: “I would never have known the monitoring guards and to be honest even to ring them you felt it was a bit of an inconvenience, like ‘oh God here is Probation on, goody two shoes. They are only trying to take them out of prison’, there was that element there. You would have made it your business to known the name of the monitoring guard. You would have rang but you mightn’t have got a phone call back. Yeah now saying that some of the guards were quite [good] it just depended on who you got as well.”

PO07: “You would know the names of guards down through the years. It is the same detectives down through the years. It is a small community Probation and the guards but the SORAM has formalised it in a way and put a structure on to it.”

PO12: “Now that I am working with the Garda closely that is great. I have a bit more support. I am not just talking to him over the phone now and then sporadically if I have a question but we are in the same room together sharing our concerns [about the sex offender].”

7.4.4 Information Sharing

GI14: “The inter-agency exchange of information has benefit for both people.”

MG11: “It’s the information definitely and I suppose the reason why I had such an interest and succeeded at it is because of SORAM and the Stable and Acute and working with the probation service sitting down in front of them in a formal atmosphere throwing all those questions.”

MG11: “Well it’s funny because the Probation Service will turn around and they’ll say that they’re not around at night time and they’re not seen when the guards are being called out or what state the house is in or what’s happening, so they think that they are at a disadvantage but there’s a lot more trust for the probation service, sex offenders aren’t going to trust the guards. I think it works perfectly with the probation service because they have the 9 to 5 when they’re coming in, you know the sex offender is coming into them, they’re offering up information to them. The guards on the other hand are seeing what’s happening after hours or when they’re drunk or they’re being arrested on the street or even who they’re hanging around with. So working together I think works perfect. You know shared information.”
7.4.5 **SORAM Meetings**

PO01: “Every decision I make I bring it to SORAM and we discuss it. It is trivial [example] but we brought it to SORAM and I realise you can get an internet lead through to a X-box and we discussed it and we looked it up and we decided ‘no [he couldn't get an X-box]’. Whereas before if I didn’t have that SORAM I would probably have said yes. I wouldn't have realized about the X-box [internet element]. So it is the simple things that make a huge difference [MW: So is it like a problem shared is a problem halved?] PO1: Absolutely. Even him going to college, discussing that there are schools around primary schools around the college, discussing what we can do, what route he is to take, we devised up all that kind of stuff in SORAM. It is a huge responsibility – [But it's now about] sharing it.”

PO10: “Thrashing it out at the SORAM meeting in particular when you haven’t a clue. There are sometimes when you say ‘what am I suppose to do with this, I do not know how we are supposed to do this’... Somebody will have an idea or somebody has someone they can ring and ask or we can share there is nothing we can do about this. It is kind of like a security for your own work that you have done as much as you can and you have gotten as much advice as you can and there is no solution. You just have to keep doing what you’re doing.”

PO01: “It’s recorded in the Minutes. It’s there and you can say no there we did discuss this. This is the decision made. It wasn’t just me, we all made a decision on it.”

7.4.7 **Perceived Drawbacks of SORAM**

MG06: “The form, it could be an hour or two between getting certificates of convictions and putting all these stats and defences on and trying to get the information say the acute from the probation officers and that it is hard to do. I know I do it; I do it here for the division. Yeah we would encrypt it and email it over to the probation service and they fill it in and send it back then….It’s hard to get a hold of the probation officers, they are literally up to their eye balls half the time so it is hard to get hold of them and but a lot is done by email, it’s not phone calls. When I started off trying to do visits to the office and all that but sure between their schedule and my schedule it didn’t happen yeah.”
7.5.1 Involvement of Health Service Executive (HSE)

PO11: “When someone comes out of custody we write to them and let them know where they are going to be, in the past the HSE would have asked for a copy of the assessments, we would have said what the score was with our clients permission but I suppose we would share it anyway because it is a risk to children. We would share that anyway but I have noticed if a sex offender comes into an area and the HSE are convening a meeting with us and the guards and just talking about risk and how it is managed which seems to be a new more proactive policy. The HSE are going to come on board so that is a much more joined up way of working.”

7.5.2 Social Welfare

MG07: “I did attempt to retrieve information about each and every one from the Social Welfare Authorities, but they wouldn’t release them by email without me going through the Superintendent so I was hoping to get things like details of what payments they were getting, of what children they were claiming for of any other connection that we could put together, purely for the purpose of inputting onto their profile form. I think we should have access to the Social Welfare details.”

7.6.1 Legislative Framework

GI14: “We don’t have the legislation to back us.”

GI11: “Other than if he [sex offender] breaches the criminal law you can prosecute him. Other than that you can only closely supervise him. We have no powers. You are limited in what you can do to them.”

GI08: “The new legislation will put it on a statutory basis but we thought it would be here by now and it would have given us greater powers. But you know monitoring is probably a big problem for the guards. It’s fine with a person that’s compliant, okay but the person that’s not compliant you have no power we should have some law to force compliance and to ensure compliance.”

GI12: “In the new Act that the risk assessment is mandatory. I mean at the moment risk assessment, it’s all voluntary.

GI14: “There is to my mind a much more tightening up they can do to build up the legislation, particularly in relation to how we monitor the sex offenders. I think we should be given a little bit more power in that the sex offender has got to come within an appointed date and time to us: that should be the minimum.”
7.6.2 Training and Continuous Professional Development (CPD)

GI08: “I think that I should have been brought to the [Garda Training] College to say this is what you have to do, this is the Sex Offenders Act, this is what it says, this is the part that refers to the guards. As a monitoring Inspector this is what you have to do, these are the levels of risks. These are the records you have to keep. This is how you update the file. This is who you have to report to, you have to report to DVSAIU. These are the things you have to report. These are the things you have to be aware of, something like that, whereas I think really it was only an issue of ticking boxes that there has to be an Inspector in charge of sex offenders in each division, that’s your job, go and do it. So really I think a one day, two day seminar along the lines I’ve outlined would have been very very beneficial.”

GI14: “Literally I was given the files and say here you are, away you go. One advantage I did have is I had gone through the actual Sex Offenders Act a long time ago in great detail. And I felt kind of confident the fact that I had the legislation covered. But that said it didn’t get you over the practicalities of how to deal with it and I felt it difficult to try and get into you know the cut and thrust of it, say okay are there certain protocols here and I had to read the protocols back and forth and sometimes when you read these things they are very much black and white, you know but you have to kind of say well how do they function on the actual [in practice].”

GI14: “Well I’d like to have started it at the bottom, the very, very first rung and say right this is the kind of training we can throw up to you. Now and certainly if it comes my way I’ll be taking it up you know. I think I felt I started it at one end of the spectrum and kind of be working you know what I mean, because like for instance I started the SORAM process, not really knowing the full nuts and bolts of that you know, but gradually I’m learning from the members themselves.”

GI15: “Monitoring guards are selected by way of consultation with a District office and local detective Sergeant, crime Sergeant. Now honestly someone that we know, will be active and will take an interest in it and will do the job. There’s no point putting a guard who’s only interested in traffic offences, looking after sex offenders. You would know the ability of guards and would they be up to that and would they have an interest and would they follow it up.”

GI07: “Who’s available I think obviously if a person is in the detective branch or has been selected for D branch they have certain qualities anyway, they have an enquiring mind and they’ve some investigation skills and they have good communication skills...A person that has good communication skills and good investigation skills, but open and able to communicate well with the person you know.

GI06: “I actually have a presentation that I give to the Gardaí which explains a lot of it. So in the instructions to each of the monitoring guards, there’s the Sex Offenders Act 2001 which is obviously the notification requirements. There’s HQ Directive 167 of ’01 so there’s certain
documentation that every monitoring guard needs to be aware of, which is basically that a Garda Inspector is appointed. HQ Directive 54 of '10, I keep saying a fantastic reference document within our organisation, so they have to have that and be aware of that as well. So we basically go through the relevant stuff. We bring it down to the Section, the Sex Offenders Orders and why they have it and then what I try and explain to them as well is, while the Sex Offenders Acts gives us specific powers if they failed to comply with their obligations, our other function is the Garda Síochána Act of 2005 Section 7 which is basically the legislative function of An Garda Síochána and the highlight on red, like there’s a number of Sections, it’s the preservation of peace and public order protection of life and property, vindicating of human rights etcetera, so we can build some of that into the reason why we monitor, because the guards you know, saying to the guards the importance of it, and a copy of this presentation is given once we have formally gone through it.

GI08: “Number one I explain their role to them and depending on the level of risk if a person is low risk our regulations say there’s a visit every three months, if it’s a high risk there’s a visit once a month, but that’s not written in stone. I mean if the monitoring guards or if I think that a person will benefit from closer supervision then I’ll tell them that okay. Number two not to be taken in by the sex offender, it’s not sufficient to ring them and say ‘are you still residing at whatever address? Because they could be in anywhere and say ‘oh I am yeah’. You have to call to the house, you have to visit them, you have to see them, you have to see the conditions in which they are living, who they are living with. You might call for example to the house and you might find that he’s after finding a new partner with two or three children, that person’s offending could have been for child pornography, it could have been for abuse of children. If you don’t call to them, you don’t know what their circumstances are. If you allow them call to you, you will only see them at the [Garda station] counter, so you will lose all this local knowledge that you should have, that’s the main thing you have to meet them in their environment.

7.6.3 Resources

GI09: “So the role is expanding and I suppose the time is not expanding and you could say it should be a dedicated role for an Inspector to have but you know I don’t think the way resources are and everything that it’s going to change.

GI14: “They may be involved in serious investigations, to get the time to monitor these [sex offenders]. They have so many different jobs. This is one single aspect that the DVSAIU are dealing with but a detective on the ground has forty or fifty jobs and they can’t [deal with it all].”