



Committee Secretariat
Social Services
Parliament Buildings
Wellington

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Child Protection (Child Sex Offender Register) Bill SUBMISSION

- 1.1 This submission is being made by Family First NZ, a charitable organisation that researches and advocates on family issues in the public domain.
- 1.2 **Family First SUPPORTS the intent of this Bill**
- 1.3 Family First NZ is welcoming proposals for a Child Sex Offender Register, and says that a Register will not only protect the public but will also protect child sex offenders from themselves.
- 1.4 **The prime purpose of the Register is to notify the public**, and particularly parents of young children who need to know the background of adults who interact with their children and may place their children at risk. Rehabilitation should be an important focus, but the Register is about **protecting both parties** from each other.

Background

- 1.5 A 2011 Department of Corrections study¹ has shown that 30% of child sex offenders were convicted of a new offence within five years of being released from prison. 17% was serious re-offending. But the report contained a note of caution...
- 1.6 *“Victim surveys indicate that, of all crime types, sex offences are perhaps the least likely to result in the apprehension and conviction of an offender – it appears that the vast majority of offences are either not reported by victims, or not resolved by Police.² This means that conviction histories of sex offenders are often unrepresentative of actual offending behaviour. Second, it is widely recognised that sex offending can be a compulsive behaviour that persists over decades of an offender’s life. As a result there can be long time gaps between recorded criminal convictions; alternatively, offenders may still be active despite criminal records that suggest desistance.”*

¹ http://www.corrections.govt.nz/resources/reconviction_rates_of_sex_offenders.html

² <http://www.justice.govt.nz/publications/global-publications/c/NZCASS-2009/publications/global-publications/c/NZCASS-2009/documents/The%20New%20Zealand%20Crime%20and%20Safety%20Survey%202009%20Main%20Findings%20Rep.pdf>

- 1.7 For those aged under 25, reimprisonment rates are very high. For Maori, their re-imprisonment rate over 60 months (28%) is considerably higher than the rate for either NZ Europeans (12%) or Pacific offenders (10%).
- 1.8 Significantly, of the 689 child sex offenders, *“about two thirds were in prison for the first time. The re-imprisonment rate of these first-timers is 10 percent; in contrast, the re-imprisonment rate of the remainder – the recidivists - is 33 percent. The reconviction rate of the first-timers is 19 percent and the recidivists is 54 percent.”* This information highlights the need for the Register to especially target recidivist offenders who have committed serious offences. This is a similar effective approach to the Three Strikes Law.

Public Register

- 1.9 We would note that there is already a ‘public’ register – otherwise known as “Google”. It is very easy to find out details of child sex offenders simply by a ‘google’ search and media reports of their cases, although this information may not be as reliable as a government register. A Register will make the information more accessible in an age where people increasingly get their information from the Internet.
- 1.10 We also note that the Sensible Sentencing Trust has had a public register for some time, but there have been little or no reports of ‘vigilante justice’ or danger to families.
- 1.11 Much of the ability for child sex offenders to commit their crimes is based on secrecy. To bring their criminal offending in to the open and exposed to the light of day means that families and school communities will be aware of the safety concerns and can ensure that safeguards are put in place, but also that the offender themselves will be fully aware that their actions can no longer be hidden and that their trust must be earned over a period of time.
- 1.12 **We support the different classes of qualifying offences**, although we believe that **there should be factors which enable an offender to prove that they have changed their ways and become productive members of society. This could lessen the period of time that they are on the register.** A system that allow people to ‘work’ or earn their way off the registry would provide the public with more accurate information regarding potential danger.
- 1.13 We support the proposal that the direction to be registered is at the discretion of the sentencing judge who is the most informed person as to the potential danger of the person being in the public and a risk to children, and to themselves.
- 1.14 We support the provision that where there is reasonable grounds to believe that where a registered offender poses a threat to the safety of any children, information in the register may be provided to a parent, guardian, teacher, or caregiver of the child.
- 1.15 In effect, this makes it a public register. It is therefore questionable as to whether the register should NOT be publicly available.
- 1.16 We would therefore recommend that names and details can be accessed **on application** – including the reasons for asking. This may be location, suspicious activity, information found already on the internet, and simple vetting of members of communities that aren’t covered by the requirements of the Vulnerable Children’s Bill and the police vetting contained therein. The application may be to confirm or deny information which is already available on the internet.

- 1.17 Child sex offenders should only be given name suppression if the victims request it for their own benefit.
- 1.18 We support a provision which requires that the **residential address should be a mandatory part of the accountability and reporting process**. This will ensure that the offender is not put in a location that causes further injury and distress to the victims or their families, and also that the offender is not put in a location where children may congregate on a regular basis with minimal supervision e.g. playground.

Rehabilitation

- 1.19 Rehabilitation needs to be incorporated in to this process. The best results for offenders are when they can be rehabilitated back in to the community with appropriate levels of **support** and **accountability**. It could be argued that the Register is part of that accountability, but there also needs to be investment in rehabilitation programmes, and accountability groups within communities to help offenders reintegrate in a safe way. This includes resourcing of effective programmes e.g. the Kia Marama treatment programme for child sex offenders. An evaluation³ has found an 8% recidivism rate for child sex offenders who successfully completed the programme.
- 1.20 It is vital that communities create an environment of support to help the offender find a job, interact with people, and reintegrate back in to society where both they and children will be safe.

Summary – Whose Rights Are More ‘Right’?

- 1.21 Child sex offenders need to understand that one of the consequences of their actions will be the right of families and communities to be aware of what they have done.
- 1.22 When their actions are hidden and suppressed, and when they are ‘sneaked’ in to communities and living opposite schools and playgrounds with unlimited access to children, we are simply exacerbating the problem and the temptations.
- 1.23 We actually need to protect child sex offenders from themselves and their weaknesses, while ensuring they continue to get the treatment and support that they need.
- 1.24 The protection of children should be our paramount consideration, even if that infringes on the so-called rights of the offender. The welfare of children takes priority over child sex offenders. There should be a bias towards the most vulnerable.
- 1.25 **We wish to appear before the Committee**



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³ http://www.corrections.govt.nz/__data/assets/pdf_file/0004/665635/kiamarama.pdf