



Sex Offender Management Policy

**Reducing Re-offending,
Enhancing Public Safety**

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SEX OFFENDER MANAGEMENT POLICY – REDUCING RE-OFFENDING, ENHANCING PUBLIC SAFETY

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SUMMARY

- This policy document concerns therapeutic interventions with sex offenders while they are in prison. The interventions are aimed at bringing about changes in offenders' lives that reduce risk of re-offending and enhance public protection. They form an integral part of a wider range of interventions by criminal justice and community-based agencies.
- Programmes to date have produced positive results in many cases but certain limitations became clear. First, many offenders left prison without engaging meaningfully with services. Second, for those that did engage, evidence suggests that positive gains made in prison did not necessarily result in reduced re-offending in the community.
- A number of initiatives are now being advanced aimed at increasing the range and availability of therapeutic interventions in prison, increasing participation rates and increasing the effectiveness of interventions.
- Sex offenders comprise a diverse group with varying needs and levels of risk. Interventions must take account of this diversity and be needs-led. Greater emphasis will therefore be put on interventions that are informed by individual assessments and based on integrated sentence plans.
- A National Centre for imprisoned sex offenders will be established at Arbour Hill Prison. This will facilitate a positive therapeutic environment that supports offenders, concentrates professional expertise and increases prison officer awareness. The prison's population will be comprised primarily of sex offenders. A full range of Prison Service therapeutic interventions will be available in the National Centre.
- Sex offenders will also be accommodated in two Satellite Centres (the Midlands and Wheatfield prisons) where every effort will be made to maximise the therapeutic environment. A narrower range of interventions will be available. Prisoners committed initially to other prisons will be transferred to the Satellite Centres unless exceptional circumstances prevail and subject to normal security imperatives.

- A Sex Offender Unit will be established in the Regimes Directorate at Irish Prison Service Headquarters to ensure appropriate sentence planning for sex offenders and liaison with other criminal justice agencies. A case management system will be developed for this purpose.
- Sex offenders will have an initial assessment in the Satellite Centres within ten weeks of committal. A preliminary sentence plan will be drawn up by a multi-disciplinary team under the auspices of the Governor. The plan may recommend transfer to the National Centre at some stage of the offender's sentence.
- Priority will be given to interventions for those with higher need and risk profiles. Offenders will be transferred to the National Centre as spaces permit, subject to security requirements. Offenders who are unwilling or unsuitable to engage with services or those who have completed their programmes will be transferred out of the National Centre to make way for other prisoners.
- The Irish Prison Service Psychology Service will have primary responsibility for assessment of all sex offenders entering Arbour Hill Prison and the delivery of group interventions. The Governor will continue to have responsibility for overall sentence planning through the prison's multi-disciplinary team.
- A new programme of group interventions, entitled "Building Better Lives", is being introduced in Arbour Hill Prison. The programme comprises three modules:
 - exploratory open groups ("Exploring Better Lives"),
 - practice open groups ("Practising Better Lives"), and
 - maintenance groups ("Maintaining Better Lives").

The first group – "Exploring Better Lives" – commenced in January 2009. The other groups will be introduced during the year. The new programme replaces the Sex Offender Programme initiated in 1994 and concluded last year.
- The group interventions are estimated to reach about 60 prisoners in a full year. This level of intervention will ensure that, when the programme is fully operational, all sex offenders who are serving sentences of at least one year and who are willing and suitable to engage with the therapeutic services will be able to avail of interventions.

- The interventions will be provided from within current resources. Current resource levels do not allow provision of group offence-focused interventions in the Satellite Centres. However, individual therapeutic interventions will continue.
- The transition from prison to community is a critical period for sex offenders. The need for community follow-up is crucial. For suitable offenders, in the latter stages of their sentences, consideration will be given to transfers to open prisons and supervised temporary release (subject to strict conditions, including community-based interventions and, potentially, electronic monitoring). Such a strategy will take full account of the concerns of victims where known.
- Initiatives to improve offender participation rates include motivational work, target-marketing of programmes, a broader range of interventions and regime enhancements. The therapeutic environment is itself likely to encourage participation. The possibility of transfers to an open centre and temporary release are likely to be powerful incentives. Mandatory participation is not considered feasible.
- A phased approach to implementation is envisaged. The initial transfer of prisoners in and out of Arbour Hill will take place over several months.
- A high-level central committee will co-ordinate and oversee implementation and operation of the policy.

1. INTRODUCTION

The management of sex offenders in prison has two clear dimensions – security and rehabilitation, including interventions to address their offending behaviour. This policy document addresses the intervention dimension.

Public protection is the key principle underpinning the document. Managing sex offenders in prison and their resettlement into the community has clear implications for future public protection and this is a sensitive and complex process. About eight percent of the prison population at any one time have been convicted of sex offences. Among their number are some of the most serious offenders in terms of persistence and form of abuse.

In response to this problem, a range of specific and generic interventions has been in place. These include individual counselling and offence-focused work from the IPS Psychology Service and from the Probation Service. A Sex Offender Programme was initiated in 1994 but was concluded in 2008 following a review. The Programme was an intensive programme undertaken by a relatively small number of offenders each year. The replacement programme is described more fully in Section 4. It comprises three distinct elements (exploratory, practice and maintenance) and is more flexible and responsive to individual prisoners' needs, risk and capacity. Other generic interventions available to sex offenders include anger management, interventions for substance abuse and skills development.

Interventions for sex offenders in Irish prisons have, in conjunction with appropriate community follow-up and support, the potential to significantly improve community safety by reducing the risk of re-offending. For this reason serious consideration needs to be given to broadening the range of interventions and increasing participation, as well as enhancing the effectiveness of interventions. Increasing engagement and maximising effectiveness will represent key elements of any strategy to maintain and enhance public safety. IPS sex offender interventions can only ever be part of a wider strategy for ensuring public safety. The work of statutory and non-statutory agencies will be vital in copper-fastening the gains made in prison after release.

The drafting of this Policy has taken account of commitments in the Programme for Government "A Blueprint for Ireland's Future 2007-2012" and has also been informed

significantly by desktop research of international developments in this field and by the *Report on Child Protection* published by the *Joint Committee on Child Protection* in 2006. That Committee recommended the development of a comprehensive and fully-funded programme for the assessment and treatment of convicted sex offenders, beginning upon conviction and continuing for as long as necessary through any period of imprisonment and after release. This Policy represents the IPS response to that recommendation. A copy of the elements of that Report relating to the assessment and treatment of imprisoned sex offenders is attached at Appendix 1 to this Policy.

The drafting of the Policy took place against a backdrop of a number of initiatives to strengthen the State's capacity to minimise the risk posed by sex offenders in the community. Key among these are initiatives to develop an integrated criminal justice system for the assessment and management of offenders, involving the Department of Justice, Equality and Law Reform, the Probation Service, the Garda Síochána and the IPS and to develop mechanisms and structures for closer co-operation with Northern Ireland and Britain. The present Policy also recognises the statutory responsibilities of the Probation Service and the Garda Síochána for the supervision and management of sex offenders in the community.

The policy statement outlines the steps that the IPS will take to meet its responsibilities to protect society by working with offenders while they are in prison to reduce, to the greatest extent possible, the risk of their re-offending.

2. ACTIVE MANAGEMENT OF THE SEX OFFENDER POPULATION

Offenders convicted of sex offences vary as regards offence seriousness, as reflected in gross terms in the length of sentence they serve. They also vary in terms of personal profile and level of challenge presented. The principal offences for which offenders are sentenced are sexual assault, rape and indecent assault. The offences relate to a range of incident types, including child abuse and stranger and acquaintance rape. Offences may have been committed in the recent or more distant past. Offenders also vary significantly by age, with about a third aged 50 or over. The vast majority are Irish. Offenders generally serve lengthy sentences, with about two-thirds sentenced to terms of imprisonment of five years or more. Further information on the sex offender prison population is provided in Appendix 2.

Currently there are some 300 offenders in custody who have been convicted of sex offences. Another 20-30 offenders are not in custody specifically for sex offending but may also require or benefit from interventions addressing this type of behaviour. In recent years between 100 and 120 sex offenders have been released annually from custody.

Sentenced sex offenders are held mainly in three prisons – Arbour Hill, Wheatfield and the Midlands. Smaller numbers are also held in Castlerea, Cork, Limerick and St Patrick's Institution. The offenders may be transferred between prisons for operational reasons but generally stay for considerable parts of their sentence in the one prison and constitute a stable element of the prison population. They are generally segregated from other prisoners at least in respect of accommodation but also often in respect of recreation and general regime. Prisoners may also be transferred to facilitate their participation in programmes that are not available in their assigned prison.

It is the objective of the Irish Prison Service to ensure that all appropriate efforts are made to work with sex offenders to ensure that the risk of re-offending after release is reduced to the greatest extent possible and that they are supported in reintegrating into the community. The steps necessary to ensure this are identification, assessment, sentence planning, involvement in therapeutic interventions, reassessment, preparation prior to release and continuity of services in the community. Offenders need to be encouraged to participate and be supported in their efforts. Factors that potentially discourage prisoners or weaken interventions clearly

need to be minimised.

It is clear from research that the manner in which sex offending behaviour in individuals is developed and maintained over time is multi-faceted. Consequently, attempts to reduce recidivism need to be multi-faceted. The measures must target as many areas as possible of an offender's functioning that reduce the risk of re-offending. A variety of programmes and activities need to be in place, tailored to individual needs and circumstances. The IPS must orientate its services and processes to support such programmes and activities. A key challenge in doing so is to channel resources where they are most needed and where they are most effective. This requires that all offenders are assessed and receive interventions appropriate to their needs.

National Centre for Sex Offenders

Experience in Ireland and in other jurisdictions has demonstrated that interventions with sex offenders are best undertaken within a prison ethos that supports offenders in their efforts to change. Difficulties can arise in prisons where sex offenders who are willing to participate in programmes are required to share facilities with other offenders from the general prison population and with other sex offenders who are not willing to address their offending behaviour. This may be especially true for sex offenders presenting with the most challenging behaviour and attitudes. Providing an appropriate therapeutic environment is therefore a priority.

A National Centre will be established to ensure an appropriate therapeutic environment for the maximum number of sex offenders, allow the further development of relevant expertise and help concentrate resources on those most in need. This approach will provide a special prison regime designed to effect risk reduction on a wide scale and to the greatest extent possible. It also removes the need for "cover stories" whereby, in order to be accommodated in the general population, offenders serving time for a sex offence conceal the nature of their crimes; this minimises the risk of victimisation and injury when they are housed with other offender groups.

It is important, as far as possible, that the operation of such a centre is based on sound risk reduction principles for the management of sex offenders, such as single cell accommodation.

The prisoner population of the National Centre will be composed primarily of sex offenders. In line with international best practice, this will allow a specific offender population to address their offending in a therapeutic environment which will maximise the benefit of interventions.

Arbour Hill is the optimal location for the National Centre. The current capacity is 148 and about sixty percent of the prison population are serving sentences for sex offences. Arbour Hill is a relatively small institution which is characterised by good prisoner-staff relations. The necessary foundations for expanding programmes already exist and management and staff are fully supportive of such programmes. Therefore, Arbour Hill will be designated the National Centre for imprisoned sex offenders.

The therapeutic environment will be designed to ensure that offenders in Arbour Hill are motivated to and engaged in addressing their offending behaviour. In order to protect the therapeutic environment offenders who are not willing to engage with services will be transferred from the National Centre.

Satellite Centres

Other prisons will necessarily continue to hold sex offenders and provide less intensive interventions. For a variety of reasons, it is not possible for all cells in Arbour Hill to be reserved for sex offenders. It could over time accommodate about 135 such offenders, close to half of the number of prisoners sentenced for sex offences throughout the prison estate. The remaining prisoners will be accommodated in the main in two other principal locations (Midlands and Wheatfield). All reasonable efforts will be made to maximise the therapeutic environment and ensure access to appropriate programmes in these two “satellite” prisons.

Sex offenders will be accommodated in prisons other than the national centre and the two satellite centres in circumstances such as imminent court hearings or special needs for proximity to family. The accommodation of sex offenders outside the three main centres will be kept to a minimum and require the prior approval of the Director of Operations and the Director of Regimes. Their therapeutic requirements must be provided for, as far as possible.

Sex Offender Unit

The Irish Prison Service will establish a Unit which will have responsibility for ensuring appropriate sentence planning for sex offenders. The Unit will be based in the IPS Regimes Directorate. The Unit will be responsible for keeping a central record of sex offenders on committal, including those whose primary offence is not a sex offence (e.g. those with a previous conviction for a sex offence or whose current offence has a sexual dimension). The Unit will ensure that relevant prison services (including the Probation Service) and prison management are aware of such committals. The Unit will be responsible for HQ monitoring and reporting on the operation of the system for managing sex offenders and liaison with other State agencies such as the Garda Síochána and the Probation Service. The Unit will ensure that the transfer of sex offenders between prisons is consistent with this Policy. Transfers will continue to require the approval of the Operations Directorate, IPS.

Committal Assessments

All sex offenders will be assessed in their committal prison (if the prison accommodates sex offenders) or in the prison to which the offender is transferred after committal (if the committal prison does not accommodate sex offenders). The assessment will be carried out by a Governor-led multi-disciplinary team, including potentially the Psychology Service, Probation Service and prison management. It will include use of formal risk and need assessment tools where deemed necessary and according as resources and availability of skilled staff allow. It will be informed by pre-sentence assessments prepared and provided by the Probation Service, where available. This committal assessment will, as far as possible, be carried out within ten working weeks of committal and will inform recommendations about immediate future placement, whether the offender should be transferred to the National Centre, kept in the committal prison or transferred to a satellite prison. The local services will draw up a preliminary sentence plan for each offender, which will take account, among other things, of the length of sentence to be served. The assessment result, sentence plan elements and recommendation as to prison placement will be notified to the Sex Offender Unit. Any decision on placement will require the approval of the Director of Operations and the Director of Regimes, who will be advised by the Psychology Service and the Prison Governor. Security and safety requirements will take precedence. Review meetings will be held at regular intervals, in continuance of

current policy and practice, and will involve staff of HQ Operations Directorate.

The sentence planning of sex offenders will be subject progressively to Integrated Sentence Management principles and procedures. Arbour Hill and Wheatfield were pilot sites for the introduction of Integrated Sentence Management, which will be extended over time to other prisons, including the Midlands Prison. The model encompasses, among other things, early initial screening of prisoners and referral to appropriate services. This model will apply progressively to sex offenders, who will undergo a comprehensive assessment of risks and needs by the Psychology Service as part of Integrated Sentence Management and under the Governor-led multi-disciplinary team.

Role of the National Centre

Interventions with sex offenders range from one-to-one counselling and motivation sessions to offence-based individual and group programmes. Offenders considered most likely to need and benefit from group programmes and the therapeutic environment at the National Centre will be transferred there as spaces permit. Prisoners currently in Arbour Hill who are not sex offenders or who are sex offenders but are unwilling or unable to participate in interventions that are deemed appropriate to their needs will be transferred elsewhere. Such transfers will take place in an orderly manner that takes account of prisoner and prison needs. A small number of places will continue to be reserved in Arbour Hill for prisoners who are not deemed suitable for transfer. Transfers in and out of the National Centre will be in consultation with the Governors of the respective prisons and will take account of sentence plans and progress of prisoners. They will be subject to the prior approval of the Director of Regimes and will continue to be subject to the approval of the Director of Operations.

The Psychology Service in the National Centre will have primary responsibility for assessment of all sex offenders entering the Centre and the development and delivery of all offending-related group intervention programmes. Specifically, these responsibilities will include:

- needs and risk assessment of offenders;
- contribution to sentence planning for each individual, under the auspices of the multi-disciplinary team;
- provision, directly or indirectly, of a comprehensive range of individual and group

interventions;

- liaison with other establishments holding sex offenders, and
- provision of detailed information on the operation of the National Centre.

The Probation Service will have primary responsibility for

- bringing pre-sentence assessments and reports to the attention of the multi-disciplinary team in the prison;
- carrying out pre-release assessments as necessary and in conjunction with other services;
- ensuring that issues relating to supervision such as accommodation, addictions, mental health, employment, family contacts and child protection are addressed, and
- liaising with community-based authorities, as appropriate, over the release of offenders.

The Probation Service will also be involved in individual support and delivery of relevant group interventions (for example, pre-release programmes and group skills).

Information-sharing and referral protocols and practices will be developed to ensure maximum effectiveness and coordination of offence-related interventions delivered by the various services.

A multidisciplinary programme approval group, under the aegis of the Governor, will oversee the development and implementation of all programmes operating in the National Centre.

Depending on sentence length and needs assessment, newly-committed offenders could expect to spend some time in Satellite Centres before transfer to the National Centre. The period spent in the National Centre could vary according to the needs and risks of individual offenders. Depending on subsequent reassessment and other factors (such as remaining sentence and pressure on places), offenders could expect to remain in the National Centre, return to the Satellite Centres or be transferred to other institutions, including open and semi-open centres. Decisions would, as before, require the approval of the Director of Operations and take account in relevant cases of Parole Board recommendations and Ministerial decisions.

Role of Satellite Centres

Local services, including the IPS Psychology Service, the Probation Service and prison management, will be responsible for ensuring appropriate assessment of sex offenders entering the satellite centres, sentence planning consistent with Integrated Sentence Management principles and the delivery of any group intervention programmes provided there. Specific responsibilities are similar to those listed for the National Centre above, including pre-release planning.

Offence-related interventions with sex offenders will be comprised primarily of one-to-one interventions and motivational programmes.

Offenders may be transferred to the National Centre at two key stages, in accordance with sentence plans and their capacity and willingness to participate: (i) after participation in initial one-to-one interventions and motivational programmes at the satellite centres and (ii) prior to release for final assessment and for interventions such as maintenance programmes.

Managing Prisoner Releases

The release of sex offenders who are not part of the Parole Board process will be planned on the basis of a final assessment of risk and appropriate contact with other criminal justice agencies, notably the Garda Síochána and the Probation Service. Parole Board cases will continue to be dealt with in accordance with current procedures. The maximum possible notice of release will be given to the Garda Síochána and the Probation Service. At the very least, the IPS will ensure strict compliance with minimum requirements set out in the Sex Offenders Act 2001. A period of supervised release under strict conditions and for short periods may form part of the pre-release programme for specific offenders who have satisfactorily completed all interventions deemed necessary and appropriate. Links to offenders' communities will be made to facilitate their reintegration. This issue is discussed in detail in the Throughcare section of this policy document.

Sex Offender Management System

The Sex Offender Unit will develop a case management system, recording the progress of all sex offenders. Information will be recorded, among other things, on

- date and outcomes of initial assessment,
- date and main elements of the sentence plan,
- engagement of prisoner with prison services,
- monitoring of progress on plans and revision where necessary,
- date and content of individual resettlement programmes,
- an indicator of the level of offence-related needs and risks and related recommendations, and
- the management and support of the prisoner's release.

The database will take account of offender confidentiality issues, especially professional/client relations. Access will be restricted to members of the Sex Offender Unit, Psychology Service and prison management.

Central Oversight

A high-level central committee will be established to co-ordinate and oversee the implementation and operation of the policy. It will comprise the Director of Regimes (Chair), the Head of Psychology and the Governors of the National Centre and Satellite Centres. The group will meet quarterly. It will review and approve prisoner movements as well as consider issues of policy and strategy. Final decisions on prisoner movements will continue to require the approval of the Director of Operations

3. ENSURING OFFENDERS ENGAGE

Introduction

Offender engagement with services can be difficult to achieve and this reluctance needs to be addressed. The challenge for the IPS is therefore to design and implement approaches that will result in greater levels of engagement with a variety of needs-based interventions.

Engagement in interventions is currently voluntary and many offenders see no incentive to participate. Both the Psychology Service and the Probation Service have made specific efforts to identify potential participants and to offer them one-to-one sessions focused on increasing their motivation to participate. Efforts to date have been only modestly successful.

The IPS proposes to adopt further measures to achieve engagement. It cannot guarantee that they will definitely result in increased participation but it is committed to making every effort to achieve this objective. This process requires actions with which the wider community may be uncomfortable but which can be fully justified in terms of the core aim of increasing community safety, which will be the touchstone of any new approaches.

The low number of suitable offenders willing to participate in the Sex Offender Programme was significantly attributable to the lack of sufficient intrinsic and extrinsic incentives. It is the unfortunate reality that in the absence of extrinsic motivators, the majority are reluctant to participate in interventions designed to address their risks and needs. When tangible incentives have been available, greater interest and willingness to participate have been evident.

Offenders' Attitudes and Incentives to Engagement

A number of factors have acted as disincentives to participation for many prisoners. The Sex Offender Policy was intensive and emotionally challenging, lasting 10 months. Participants needed to be psychologically stable to cope with the programme and some prisoners feared being overwhelmed. These two factors suggest that a programme that is more flexible, offers a broader range of interventions and is tailored to individual capacity may have greater success and is

likely to be more effective. Planned changes along these lines are discussed in Section 4.

Another disincentive was that participation (generally in Arbour Hill) could interfere with family and other visits if the prisoner had to move institution to participate. A greater availability of group programmes and individual interventions in the two Satellite Centres may alleviate the problem in future but for the foreseeable future access to key programmes and specialist expertise will continue to require transfer to Arbour Hill. Young offenders aged under 18 years will not be affected since they can only be held in St Patrick's Institution, where particular initiatives are in train for them. Sex offenders in other establishments will anyway be transferred over time to the Satellite Centres even if they are initially unwilling to engage with services, unless particular circumstances dictate otherwise. It is expected that such exceptions will be rare.

Another group of factors militates against participation. Some prisoners have unrealistic levels of confidence in their own capacity to prevent re-offending without participating in the programme. A number of other offenders deny their guilt, some acknowledgement of which was a pre-requisite for acceptance on the Sex Offender Programme. Many offenders have declined involvement in any offence-based interventions, expressing a desire to simply sit out their sentences. Adoption of these positions will in future not be without consequences, at least in terms of location. Steps will be taken to support and motivate offenders to participate, including improved marketing. Offenders will then be given the opportunity to reflect on how to engage with services (through motivational group work or in individual counselling). It will be made clear, however, that engagement is expected and that failure to engage could result in transfer to another prison to make way for others who are willing to engage. Cases will be reviewed individually to take account of particular circumstances but the general principle will be that places in the National Centre are reserved for those undertaking or awaiting sex offender interventions.

A pro-treatment culture will also be promoted through meaningful prison-based incentives. A process of graduation where progressive steps towards rehabilitation are rewarded by concessions and regime improvement (such as single cell accommodation) will be introduced to the greatest extent possible.

Experience shows that these incentives are unlikely to be sufficient. More is needed.

Measures such as structured supervised release and transfer to an open or semi-open centre have potential to be strong incentives.

It is not current practice to grant temporary or early release to sex offenders. Consideration will be given to introducing supervised release subject to strict conditions, including, potentially, use of electronic monitoring and limited to offenders who are assessed as not posing significant risk. The possibility of temporary or early release would be highly prized by prisoners but its function is not merely to provide an incentive. Its real importance is in the reintegration of offenders into the community and in ensuring continuity of intervention and support after release. Its role and how it might operate are discussed further in the context of throughcare in Section 5.

Consideration will also be given to the transfer of suitable sex offenders at the later stages of their sentence to open or semi-open centres. The regime in these centres is more relaxed than in closed prisons and prisoners usually enjoy greater opportunities for temporary release. Again, it has not been general policy to accommodate sex offenders in the centres and they would value the possibility highly. The option is likely to be limited to very small numbers of sex offenders at any one time since segregation from other prisoners is not possible and they must be able to mix safely with other prisoners during the day and night.

Incentives may also be built into sentences. Section 99 of the Criminal Justice Act, 2006 allows discretionary scope for a sentencing Judge to suspend part of a sentence, provided that the offender complies with certain imposed conditions. For example, certain Judges have deemed that a portion of a sentence will be suspended if the offender completes a therapeutic intervention such as the Sex Offender Programme. Ideally, the judicial imposition of specific conditions should be informed by a formal assessment of the offender's risk and therapeutic needs and include a clear stipulation of the necessary progress required in order to obtain a suspension. The operation of Section 99 may thus serve to increase engagement with therapeutic interventions which address offending behaviour.

Prison-imposed participation is not considered an option. The issue of mandatory participation in sex offender treatment programmes is the subject of ongoing debate in different jurisdictions. It can be argued that it has meaning only where it applies to a direction of the Court and failure to comply has considerable negative

consequences. Examples are an indeterminate sentence with release conditional on successful completion of the programme or a court direction that an offender undertake a course before sentencing. In a prison context and in the absence of a court ruling, the concept is considerably diluted. The only possibility is for prisoners who do not participate to be in breach of prison discipline and to be deprived of privileges or remission. This is something which the prison system is reluctant to impose for ethical, legal and equity reasons. Furthermore, available evidence suggests that imposed interventions are less effective. In this connection, the IPS notes the comment made by Dr Harry Kennedy, Consultant Forensic Psychiatrist, to the Joint Committee on Child Protection and recorded in the Committee's 2006 Report that

“all the evidence is that obligatory treatment is not terribly helpful. Motivating people by offering them rewards for engaging in treatment is useful” (p89).

There is also a strong argument for increasing the level of knowledge and awareness of sex offending amongst all staff working in prisons holding significant numbers of sex offenders. This can facilitate the informal passing of information (including information leaflets on the various interventions) to those offenders in the earliest stages of change, appropriate challenge in the face of misinformation, and timely and appropriate referral to services within the prison. In particular, all staff working in the National Centre will be expected to support and be fully aware of the role and function of the various individual and group interventions provided in Arbour Hill. Training will be provided to staff to this end.

4. PROVIDING APPROPRIATE INTERVENTIONS

4.1 Structured Clinical Assessments

All offenders need to be comprehensively assessed soon after committal. All subsequent interventions will be informed by such assessments, with re-assessment taking place as appropriate.

Assessment is multi-faceted and must take account of the complex and multi-dimensional needs of offenders. A range of appropriate measures for assessing sex offenders and for undertaking structured clinical judgements will be adopted by the Irish Prison Service. The specific assessment undertaken will be determined by the needs of the individual offender.

4.2 Nature and Purpose of Interventions

Contemporary research supports the following guidelines for effective interventions with sex offenders:

- Focussing on the development of approach goals is important, that is, supporting sex offenders in identifying individually meaningful positive, future oriented goals that will meet their needs in life. This will motivate offenders to gain the necessary knowledge, skills, self-confidence and attitudes which will support a pro-social lifestyle.
- Such an approach will increase the participation by offenders in programmes. Research indicates that many offenders who refuse intervention would be willing to do so if programmes focused on supporting them in attaining a better life, rather than simply addressing their offending.
- Competent therapists are vital to the success of interventions. In particular, it is critical that the therapeutic process within groups is skilfully managed, so as to best meet the needs of what are typically complex and challenging clients.
- Assessment and risk formulation should guide intervention, with the targets for intervention being determined by the individual needs of offenders.

A range of interventions should be available to sex offenders. This is important because sex offenders (in common with other individuals) go through a series of stages in their efforts to change. These are:

- Pre-contemplation – sex offenders at this stage of the change process are either in denial of their offending or lack the motivation to change. The most effective ways of intervening with these offenders tend to be relatively low-key and informal, e.g. exposure to other offenders in some way motivated to change and undertaking some form of intervention, informal contact with staff with knowledge of sex offending and what is required to change, informal information about intervention opportunities (e.g. information booklets on different intervention programmes).
- Contemplation – individuals at this stage of the change process are beginning to recognise they may have a problem and are thinking about the possibility of change. Individual work and motivational enhancement groups can be helpful at this stage.
- Preparation – individuals are now thinking of what they need to do to change, weighing up the different options and preparing themselves for what they need to do. Access to a variety of interventions is critical at this stage.
- Action – individuals at this stage are actively committed to change and undertaking interventions (either at a group or individual level) that address their offending behaviour and desire to live better lives in the future.
- Maintenance – the task for this group is to maintain the gains made in therapy. For imprisoned sex offenders, the real challenge is to generalise these gains to life back in the community (see Section 5).

4.3 Interventions to be provided

The menu of interventions available to sex offenders should include the following.

4.3.1 One-to-one therapeutic interventions

Individual therapeutic work with sex offenders can be critical. This serves a range of important functions.

- First, research indicates that the early stages of a prison sentence represent a period of elevated risk for suicide, so it is important to support offenders in their adjustment to what are frequently long prison sentences and to address their mental health needs.
- Second, offenders need to be supported in their commitment to change. Individual work is particularly important in the earlier stages of change, both to

engage clients and to foster their motivation to change.

- Third, there is a cadre of sex offenders, who for a variety of reasons may be unable or unwilling to undertake group programmes. Under these circumstances individual work can play a vital role in reducing recidivism, through addressing the risks and needs of offenders and supporting them in their resettlement into the community.
- Fourth, individual therapeutic work with offenders who have completed the group programmes can be important both in further integrating progress made to date and in addressing outstanding issues as part of their resettlement planning.

It is envisaged that individual therapeutic interventions will take place initially in respect of approximately 30 offenders in the National Centre but that the number will diminish somewhat according as greater emphasis is put on group interventions. One-to-one interventions will continue to play an important role in the Satellite Centres and other prisons.

4.3.2 Motivational Enhancement Groups

Motivational enhancement groups are an effective way of promoting change. These programmes can be provided for offenders who are ambivalent about making changes in their lives and are increasingly being used in other jurisdictions. The purpose of the motivational intervention is to help participants explore the potential benefits of therapeutic engagement. Motivational intervention programmes are planned initially in association with the Granada Institute and with financial support from the Dormant Accounts Fund. If they prove successful, it is envisaged that they will be mainstreamed. Each intervention has two strands. The first involves a two-hour information session open to all sex offenders, with an expected uptake of approximately 30 prisoners. Participants will be informed about the rationale for therapy and about therapeutic options within the prison system. This session will also dispel myths about therapeutic programmes and offer guidance about how best to prepare for participation in therapy while in prison. The second strand is a motivational group which will run for about 12 sessions, with two-hour sessions twice weekly. A maximum of 10 offenders will participate in this group. Participants will begin to explore what change may be necessary in their lives and how they can ensure that such change occurs. The group aims to improve participants' self-esteem and self-efficacy by providing a positive and empowering experience of group work. It also aims to instil a sense of hope that participants can achieve the core elements of

a good life.

4.3.3 Offence-related Therapeutic Group Interventions

The Sex Offender Programme was initiated in Arbour Hill in 1994. The most recent group to complete the Programme did so in July 2008, bringing to 136 the total number of offenders who completed the programme since its inception. However, it had become a matter of increasing concern that the number of suitably motivated offenders applying for participation had been declining. In light of this and in an attempt to engage more sex offenders in appropriate interventions, the Irish Prison Service initiated a review of interventions currently available. The review also afforded a timely opportunity to examine developments in other jurisdictions. The review was completed in 2008, with new enhanced models of intervention introduced in January 2009. Other forms of intervention, such as one-to-one counselling, continued while the review was underway.

The new model encompasses three group interventions focusing on exploration, practice and maintenance. The individual groups will be shorter than the Sex Offender Programme, but will be more comprehensive when combined together. The exploration and practice groups will operate as open groups, with changing membership, flexible start and finish times and higher reliance on the group process. The maintenance group is likely to operate as a closed group. The new model puts greater emphasis on assessment and preparation of offenders as well as maintenance of gains while in prison. This new approach will allow for interventions to take greater account of individual risk, needs and capacity. Higher risk offenders, for example, can spend longer on offence-based work, if necessary. Crucially, it will allow for interventions with a significantly greater number of offenders than the 8-per-year with the Sex Offender Programme. The group work, being very much needs-led and flexible, should also be more manageable for offenders and consequently more attractive than the closed format of the 10-month Sex Offender Programme.

A number of benefits accrue from the open group approach. Mature participants encourage novices by modelling appropriate responding, there is an opportunity for repeated vicarious learning of key treatment targets, it promotes group cohesion, it appears to facilitate a more speedy acquisition of intervention goals, and all clients remain in the group until they have achieved their intervention targets. New participants join the group when a space becomes available. A weekly review /

planning meeting takes place, where participants' progress and struggles are discussed.

The number of offenders in each group will average 8. Three preparatory, two regular (offence-focused) and two-to-three maintenance groups are envisaged per annum. They should involve an average of 56-64 offenders per annum, with some overlap between groups.

Initially, sex offenders within 18 months of their release will be targeted for the preparatory programme and regular group. Higher risk offenders will be targeted in particular. It is envisaged that when the needs of this cohort are met, it will be possible to target offenders earlier in their sentences, with gains protected through participation in group maintenance programmes.

Operational details and feasible target numbers remain to be confirmed and will be shaped by early experience. At this stage, it is envisaged that the groups will operate along the lines set out below.

Exploratory group

Group size:	8 offenders at any one time
Number of sessions:	2 per week of 2 hours each
Average duration:	12 weeks
Number of psychologists:	2
Number of groups	3 per year
Number of prisoners	24 per year on average.

The programme focuses on disclosure, offender life history, background to the offence and current plans. The objective is to engage the offender and prepare him for more focused work in a supportive, non-challenging manner. Normally the preparatory work leads straight into the practice group.

Practice group

Group size:	8 offenders at any one time
Number of sessions:	2 per week of 2 hours each
Average duration:	12-16 weeks for lower risk, 24-32 weeks for higher risk

Number of psychologists:	2
Number of groups	2 per year
Number of prisoners	16 per year on average

The programme also focuses on disclosure, offender life history, background to the offence and current plans but the offender is encouraged to engage with the programme in a more detailed manner. The programme also focuses on future plans.

Maintenance Group

Group size:	8 offenders at any one time
Number of sessions:	1 per week of 2 hours
Average duration:	16 weeks
Number of psychologists:	2
Number of groups	2-3 per year
Number of prisoners	16-24 per year on average

The programme focuses on awareness, change/achievement to date and preparation of positive future life plans. The programme will focus on psychological and situational factors which are likely to increase or reduce risk of future offending. As with the preceding groups, it will incorporate a combined 'Good Lives'/Risk Needs Responsivity approach, which is a collaborative effort in meeting future fundamental needs in a manner which will promote an offence-free life. This would include pragmatic issues such as accommodation and work, social issues such as relationships and friendships and self management issues such as responding to setbacks and seeking appropriate support. It prepares the offender for life after release. It will be conducted in liaison with other agencies, including Probation and follow an ISM approach.

All interventions undertaken within the National Centre will be the subject of on-going evaluation in order to assess their efficacy. Research and evaluation needs to be given a higher priority and will form a core element of the infrastructure operating within the National Centre

4.3.4 Other interventions

Sex offenders will continue to benefit from other group programmes not specifically designed for sex offenders but addressing their needs, including stress management, anger management and cognitive skills training. Progress in specific sex offender programmes is based on a premise that fundamental self and social skills require development. Deficits in self management and problem solving skills are key treatment targets and would be fundamental to any battery of programmes provided.

Other programmes could address the needs of those with problems due to the misuse of alcohol and/or drugs or prepare offenders for release. Programmes could also target specific groups, as the need arises. Young people who have been convicted and imprisoned for sexual offences require early intervention in order to reduce the likelihood of them engaging in sexual offending in adulthood. Typically, young people are only incarcerated if they have committed serious offences. Therefore, it is a priority for them (and their families and carers) to participate in appropriate interventions. Programmes may also be required to respond to the needs of internet offenders, offenders with an intellectual disability or offenders who are foreign nationals. These will be developed as and when resources allow. Interventions with young sex offenders in St Patrick's Institution will begin in 2009 in association with the Northside Inter-Agency Project (NIAP) with financial support from the Dormant Accounts Fund. It is envisaged that the interventions will be continued after the period of Dormant Accounts funding if they are judged to be effective.

4.4 In-reach Services

The IPS recognises the potential for community-based services to provide interventions with this group of offenders and is committed to exploring the potential of community and voluntary groups to support the implementation of this Policy. Their participation would be within the framework described above and require commitments such as liaising with and reporting to the Irish Prison Service. Provision of services will be subject to approval by the IPS Programme Approval Group and security clearance in accordance with IPS procedures.

5. THROUGH CARE

As with the management of offenders in prison, the transition from prison to community has two clear dimensions – security and interventions to reduce re-offending.

The security dimension relates to management of sex offenders post-release in the interests of achieving maximum public protection. The IPS is an active partner in efforts to develop an integrated criminal justice system for the management of sex offenders, including initiatives for enhanced cooperation between agencies within Ireland and on an all-island basis.

The Probation Service has statutory responsibility for the supervision in the community of sex offenders who are subject to Post-Release Supervision Orders imposed by the courts under Part 5 of the Sex Offenders Act 2001 or who are subject to part-suspended sentences under Section 99 of the Criminal Justice Act 2006. The IPS sees merit in expanded use of court-ordered supervision. The IPS is fully committed to working closely with the Probation Service to ensure effective discharge of its functions, including assessment and preparation of offenders prior to release and supervision and support of offenders after release. Information relevant to risk assessment and management, will be shared subject to protocols agreed with the Probation Service. All new committals of sex offenders will be notified as a matter of urgency and inter-prison transfers will be notified in advance, where possible, or as soon as possible thereafter. As a general principle, releases will be notified significantly in advance in order to allow the Probation Service to make necessary arrangements. The two Services have agreed a Protocol to ensure adequate supervision in the community during any period of temporary release granted to offenders subject to part-suspended sentences. Every effort will be made to ensure appropriate access by Probation staff to sex offenders in all prisons during the term of their incarceration. This contact needs to dovetail in a seamless manner with the work being conducted by prison management and other disciplines.

The IPS is likewise fully committed to working with the Garda Síochána as regards notification of sex offenders due to be released, as required of Governors under Section 9 of the Sex Offenders Act 2001, and will provide all appropriate information to assist the Gardaí in fulfilment of their statutory duties.

As regards interventions to reduce the risk of re-offending, the need for community follow-up for sex offenders is crucial. In its absence it is very difficult to see the gains made in prison generalised to life back in the community. The transition from prison to the community for these offenders represents a critical period. Two aspects are important: intervention follow-up and the process of reintegration.

It is undesirable for sex offenders to leave prison on the last day of their sentence with no obligation to engage with community supports after their release. The risk of re-offending is increased without such continuity. However, the reality is that prisoners face a paucity of therapeutic and other supports on release, voluntary or otherwise. The Probation Service funds and delivers a community-based treatment programme (the Lighthouse Programme) for men convicted of sex offences against children, in partnership with the Granada Institute. Under the programme, three open groups operate per year, two in Dublin and one in Cork, each catering for eight offenders at a time. Overall, the options are limited. The IPS will pursue with the Probation Service and the Health Service Executive an increase in the availability and accessibility of therapeutic programmes in the community. Expansion would, in addition, facilitate the imposition of mandatory attendance as a condition of temporary release or post-release supervision.

Similarly it is undesirable in principle that offenders who have served long sentences should leave prison on the last day of their sentence without having had their ability to reintegrate tested progressively under controlled conditions. This is true of sex offenders as much as other offenders. It is especially true of sex offenders who are not subject to court-imposed supervision as part of a part-suspended sentence or under a Post-Release Supervision Order. Temporary release would be subject to strict supervision and made subject, potentially, to electronic monitoring. It would be limited to offenders deemed to be a manageable risk (recognising that risk can never be eliminated entirely). Public protection is likely to be enhanced by controlled periods of temporary release. Conditions would be imposed as to lifestyle, whereabouts, reporting to authorities, etc. and the temporary release could also be combined with mandatory community-based treatment. Any breach of conditions would result in the temporary release being rescinded immediately.

Supervised temporary release would be reserved strictly for offenders who meet two criteria. First, they must have participated in appropriate interventions to address their risks and needs. Second, they must have been assessed professionally as

being suitable for supervised release and as posing a manageable risk. The temporary releases would operate for relatively short periods of time towards the end of the sentence. Detailed guidelines would be drawn up to ensure appropriate use. Releases would be subject to the approval of the Director of Operations. Arrangements for supervision would require consultation with the Probation Service.

The prospect of temporary release may also work as an incentive for prisoners to participate in therapeutic interventions while in prison, even though that is not its principal purpose. The Joint Committee on Child Protection recommended in their 2006 Report

"a review of the rules governing remission of sentence and temporary release in the case of convicted sex offenders so that the same may be operated in such a way as to provide incentives for undertaking and completing treatment programmes" (p89)

Consideration must continue to be given to the range of options that will both motivate offenders to address their offending while in prison and provide for supervised release into the community in a way that best supports maintaining public safety. Supervised temporary release subject to strict conditions and the provision of necessary social supports, would better manage this transition and risk.

The issue of throughcare is clearly one that the Irish Prison Service cannot address as an individual service. Adopting this approach of supervised temporary release before the end of the term of imprisonment would require the involvement of many other agencies and the development of a comprehensive policy for the management of this group of offenders. The issue must be addressed in partnership with the other agencies of the criminal justice system, notably the Garda Síochána and the Probation Service, and the Department of Justice, Equality and Law Reform.

6. RESOURCES

6.1 Target interventions

6.1.1 National Centre

Current psychology resources in Arbour Hill comprise one senior Psychologist, three Psychologists and one Psychology Assistant. They offer services to all offenders in the prison, including non-sex offenders. These Psychology Service resources are complemented in the prison by Probation Service resources, currently one Senior Probation Officer and two Probation Officers, whose focus will primarily be on the transition from prison to community and Parole Board cases.

In a full year, with current levels of resources, it is expected that therapeutic and offence-related interventions will be delivered to about 56-64 prisoners. These will increasingly be sex offenders according as non-sex offenders are transferred to other prisons. The preparatory, regular and maintenance groups will each engage with about eight offenders at any one time. In addition, one-to one interventions will embrace about 30 prisoners initially but can be expected to diminish as the emphasis shifts from individual to group work. Some offenders can be expected to benefit from more than one type of intervention over the year.

2009 will be something of transitional year, with the new programmes and processes taking some time to bed down and staff developing the necessary knowledge and skills gradually. The new programmes will be fully operational in 2010. At this stage, the vast majority of offenders in the prison will be sex offenders but services will need to be provided to the small number of non-sex offenders who remain in the prison. Some of these will have complex needs.

6.1.2 Satellite Centres and other prisons

Current psychology resources in Wheatfield, the Midlands and other prisons do not allow for a specific focus on sex offender interventions, other than in individual clinics (to which sex offenders have the same access as other prisoners). Wheatfield has a psychology staff complement of one Senior Psychologist and two Psychologists . The Midlands prison has one Psychologist, although steps are being taken to increase resources there. These psychology resources provide services for all those held in

these prisons with sex offenders accounting for 23 percent and 18 percent of the respective prisoner totals. Sex offenders potentially have access to the same services as other prisoners but they are often reluctant to participate lest they draw unwanted attention to themselves; no offence-related programmes are in place. The Probation Service is similarly situated, with no specific focus on sex offenders while they are in these prisons.

Without new resources, no sex offender group programmes are envisaged. Sex offenders will continue to be able to avail of individual interventions and generic programmes and activities available to other prisoners, but will be required to transfer to the National Centre to avail of group programmes specific to their type of offence. The Satellite Centres will benefit from the motivational enhancement groups, delivered by the Granada Institute and financed under the Dormant Accounts Fund. The intention is to mainstream the motivational interventions if they prove successful.

Interventions are also planned in 2009 for the small number of young sex offenders in St Patrick's Institution. IPS will commission the Northside Inter-Agency Project, with financing from the Dormant Accounts Fund, to develop and deliver a comprehensive assessment package and appropriate interventions. The project will involve assessment of each participant, design of an appropriate method of response in each case and one-to-one sessions. Group sessions will take place where shared needs are identified and the families and carers of the prisoners will also be involved. The intention is to mainstream this programme too if it proves successful.

6.1.3 Overall interventions

Almost 90 percent of sex offenders in custody on 3 December 2008 were serving sentences of two years or more and 57 percent of sex offenders sentenced in 2007 received such sentences (See Appendix 2). The corresponding figures for sentences of one year or more were 97 percent of those in prison and 82 percent of those sentenced. Arbour Hill generally accommodates prisoners serving longer sentences and this will increasingly be the case. It is estimated that delivery of interventions at the level outlined above would reach about half of the prison population in Arbour Hill in a given year, based on certain assumptions of risk and need profiles, the period over which prisoners participate in programmes and prisoner allocation policies (i.e. use of Arbour Hill almost exclusively for sex offenders). However, the period over which interventions can be delivered is expected to vary between about 1.5 years for

lower risk offenders and three years for high risk offenders. On this basis, offenders would stay in the National Centre for an average of 2.3 years. Programmes would clearly have to be adapted for offenders who are serving shorter sentences. The clear implication is that, with current resource levels and assuming motivated and suitable offenders, not all offenders would be able to transfer into the National Centre at the rate required to provide interventions to all sex offenders in custody.

It will be necessary therefore to maximise the cost-effectiveness of interventions by prioritising offenders posing the highest risk in terms of likelihood of re-offending and lifetime propensity for re-offending. Offenders will be prioritised initially according to variables such as sentence length, offence type and age. Priority will be given in the first instance to those serving sentences of two years or more, expanding subsequently to include those serving sentences of one year or more. Perceptions of experienced prison staff will also inform selection, endorsed by the multi-disciplinary team chaired by the Governor. Individual psychological assessment will confirm level of risk and need in due course.

The group interventions are estimated to reach about 60 prisoners in a full year. This level of intervention will ensure that, when the programme is fully operational, all sex offenders who are serving sentences of at least one year and who are willing and suitable to engage with the therapeutic services will be able to avail of interventions.

Assessment of offenders will anyway become a more significant part of the psychology workload as integrated sentence management expands. Participation in multi-disciplinary teams to support integrated sentence planning and resettlement will likewise be more demanding.

Evaluation of delivered programmes will also feature more prominently. Research into sex offender group programmes will continue, as will the establishment of a pro-treatment culture. These will place further demands on resources. It needs to be recognised too that the senior psychologist will have greater responsibilities for supervision and staff training and development. These factors are taken into account in the current estimates of target interventions.

6.2 Prison staff and logistics

The designation of Arbour Hill as the National Centre for Sex Offenders has a

number of potential implications for the operation of the prison. Participation on the Sex Offender Programme typically meant restricted access to visits, education, shop and gym on the days of the programme – three days a week. For programmes of equal duration, alternative arrangements could be made in respect of some elements (e.g. orders taken for tuck shop rather than personal visit). It is expected that participants would be able to rearrange family visits and other requirements for the days that they were not on such courses. This does not rule out the possibility of enhanced regimes such as an additional visit per week or access to education on days when attendance on the programmes is not required. Alternative arrangements, such as family visits in the evenings or on Sundays, are not contemplated at this stage.

Consideration needs to be given to levels of security for therapeutic staff involved in programme delivery. A similar assessment is needed for community and voluntary personnel, whose needs for escorts are likely to be greater. Much depends on the scheduling of interventions and the layout of the areas of the prison that will ultimately be used for the interventions. Sex offenders generally do not present a security risk to prison personnel but the safety of staff is always of paramount importance. It is noted that establishment of Arbour Hill as the National Centre would lead to a modest reduction in its total prison population, to the extent that the desired predominance of single cell accommodation can be achieved in practice.

Issues for further consideration include administrative support and the role of prison staff in prisoner assessments, mentoring, reviews and overall sentence management.

The impact on the satellite centres is expected to be minimal as regards prison staff and office space and capable of absorption within current resources and physical capacity.

7. IMPLEMENTATION

Implementation of the sex offender management policy will be phased, as set out below, with progression to key phases subject to review of the impact of preceding phases.

Phase 1 (January–May 2009)

- Designate Arbour Hill (AH) as National Centre
- Designate Midlands (ML) and Wheatfield (WF) as Satellite Centres
- Begin swap of non-sex offenders currently in AH for sex offenders elsewhere (target: 20 swaps).
- Establish Sex Offender Unit in Regimes Directorate to monitor sentence planning.
- Review sex offenders currently outside AH and the satellite centres.
- Review sex and other offenders currently in AH.
- Revise incentives for participation
- Revise promotional material for sex offenders and their families
- Provide necessary intervention rooms in Arbour Hill
- Develop sex offender management system
- Introduce exploratory open group
- Introduce practice open group.

Phase 2 (June-September 2009)

- Develop links with community-based agencies providing services to sex offenders
- Develop programme for juvenile sex offenders
- Develop motivational enhancement programme
- Roll-out assessments, sentence planning and interventions for all newly-committed sex offenders serving sentences of two years or more (n=70 in 2007)
- Review assessments for sex offenders serving sentences of two years or more already in the system (n= 264 on 6/12/2007).
- Carry out pre-release assessments for all offenders leaving who served sentences of at least two years (Psychology/Probation Services)
- Continue open groups
- Train staff for maintenance group work.

Phase 3 (September-December 2009)

- Review Phase 2, including delivery of services with current staff and impact of revised incentives on prisoner participation rates
- Complete swap of non-sex offenders currently in AH for sex offenders elsewhere (target: another 20 swaps).
- Liaise with other agencies to develop systems for monitoring and supporting sex offenders in their resettlement
- Continue exploratory and practice open groups
- Continue assessments
- Roll-out maintenance group.

Phase 4

- Review first year of operations of new model
- Extend roll-out of assessments, sentence planning and group interventions to all prisoners serving sentences of one year or more
- Carry out pre-release assessments for all offenders leaving who served sentence of at least six months.
- Move progressively from a focus on those in the last 18 months of their sentence to those earlier in their sentence

Appendix 1 Extracts from Oireachtas Report

TITHE AN OIREACHTAIS

An Comhchoiste um Chosaint Leanaí

Tuarascáil ar Chosaint Leanaí

Samhain 2006

HOUSES OF THE OIREACHTAS

Joint Committee on Child Protection

Report on Child Protection

November 2006

15.4 Treatment of Sex Offenders

15.4.1. The question of post-conviction assessment and treatment of sex offenders is one which featured in a number of submissions received by the Committee, including those of the Rape Crisis Network Ireland, and the ISPCC. The desirability of having in place comprehensive arrangements for such assessment and treatment is without question. In his written submission to the Committee, Dr. Harry Kennedy, Consultant Forensic Psychiatrist, to the Committee that studies of research finding indicated that prior to, and even into, the 1980s, treatments did not reduce recidivism among sex offenders. Since that time, however anew approach to “treatment “ (cognitive – behavioural treatment for adults, family-systemic treatment for adolescents) has produced better results. “Treatment”, however is not always the right term. As Dr. Kennedy told the Committee during his oral presentation, in response to a question form Deputy Brendan Howlin,

“Even in relation to the addictions that most people would see as a disorder, it is more useful and more successful to think of the approaches to prevent relapse in that area as being almost more like coaching rather than treating.

Medicalising a problem can have a bad effect on the concept of responsibility. People will find that very often if strong arguments have been made that their responsibility was impaired in some way and they were not responsible for what they did, this is very anti-therapeutic. The goal of what are termed ‘treatments’ is to encourage somebody to recognise, develop and strengthen their sense of responsibility.”

15.4.2 There are a number of ways in which medical or psychiatric expertise can be availed of for the purpose of reducing recidivism. In the first place, expert risk assessment can assist the sentencing judge in determining the appropriate sentence and the requirements for post-release supervision under the Sex Offenders, Act. 2001. Secondly, there is the role for treatment, however described, of sex offenders in custody and following their release. Dr. Kennedy told the Committee that there is evidence that treating large numbers of people in prison reduces the recidivism rate, compared to similar people who do not receive treatment. It must be noted, however, that he also told the Committee that such treatment

“is only effective if one follows on with long-term supervision and support after release”

15.4.3 The Committee also noted Dr. Kennedy's assertion that

“All the evidence is that obligatory treatment is not terribly helpful. Motivating people by offering them rewards for engaging in treatment is useful.”

15.4.4 The Committee is convinced of the need to put in place structured programmes for the assessment and treatment of sex offenders at all stages of the criminal process, beginning upon conviction and prior to sentence and continuing, through the period of imprisonment, if any, into the period following release. Such programmes may need to be supported by rules relating to the earning or a loss of remission and/or the prohibition of temporary release.

The Committee recommends the development of a comprehensive and fully-funded programme for the assessment and treatment of convicted sex offenders, beginning upon conviction and continuing for as long as necessary through any period of imprisonment and after release.

The Committee recommends a review of the rules governing remission of sentence and temporary release in the case of convicted sex offenders to that the same may be operated in such a way as to provide incentives for undertaking and completing treatment programmes.

The Committee recommends a review of the operation of the post-release supervision regime under the Sex Offenders Act, 2001, to ensure participation in treatment programmes for as long as necessary. In that regard the Committee recommends that consideration be given to amending the 2001 Act to enable the imposition of a requirement to participate in such programmes for a period longer than the maximum sentence that may be imposed for the offence in appropriate cases.

Appendix 2 Sex Offender Statistics

Table 1 Committals / Releases in 2007

Committals	n
Number of committals for sex offences (remand/for trial, sentenced)	146
Number of persons committed for sexual offences (remand/for trial, sentenced)	139
Number of persons sentenced for sexual offences (whether in prison at time of new sentence or not)	116
Releases	n
Released on Remission/Completion of Sentence	135
Released from Court/Appeal	24
Other Releases	8

Table 2 Persons sentenced in 2007 for sexual offences by Offence

Offence	n	%
Rape	43	37.0
Sexual assault on male/female	42	36.2
Indecent assault on female	13	11.2
Possession of child pornography	4	3.4
Rape under Section 4	4	3.4
Buggery of persons under 17 years of age	3	2.6
Attempted rape	2	1.7
Aggravated sexual assault	1	0.9
Assault with intent to commit buggery	1	0.9
Indecent assault on male person	1	0.9
Unlawful carnal knowledge, girl aged 15 -17	1	0.9
Unlawful carnal knowledge, girl aged under 15	1	0.9
Total	116	100

**Table 3 Persons sentenced in 2007 for sexual offences
by Age**

Age Group	n	%	Cumulative	
			n	%
<18	1	0.9	1	0.9
18 to <21	7	6.0	8	6.9
21 to <25	8	6.9	16	13.8
25 to <30	18	15.5	34	28.8
30 to <40	21	18.1	55	47.4
40 to <50	24	20.7	79	68.1
50+	37	31.9	116	100
Total	116	100	----	----

**Table 4 Persons sentenced in 2007 for sexual offences
by Sentence Length**

Sentence Length	n	%	Cumulative	
			n	%
<3 Mths	1	0.9	1	0.9
3 to <6 Mths	5	4.3	6	5.2
6 to <12 Mths	9	7.7	15	12.9
1 to <2 Yrs	26	22.4	41	35.3
2 to <3 Yrs	14	12.1	55	47.4
3 to <5 Yrs	14	12.1	69	59.5
5 to <10 Yrs	29	25.0	98	84.5
10 to <20 Yrs	17	14.6	115	99.1
Life	1	0.9	116	100
Total	116	100	----	-----

**Table 5 Persons sentenced in 2007 for sexual offences
by Nationality**

Nationality	n	%
Irish	95	81.9
British	6	5.2
Nigerian	4	3.4
Polish	2	1.7
Other (9 countries)	9	7.7
Total	116	100

**Table 6 Persons in custody on 3 December 2008 for
sexual offences by Institution**

Institution	n	%
Wheatfield	98	30
Arbour Hill	93	28.3
Midlands	83	25.3
Castlerea	23	7.0
Cork	13	4.0
Cloverhill	6	1.8
St. Patrick's	6	1.8
Limerick	3	0.9
Mountjoy (Male)	2	0.6
Mountjoy (Female)	1	0.3
Total	328	100

Table 7 Persons in custody on 3 December 2008 for sexual offences by Offence

Offence	n	%
Rape	148	45.1
Sexual assault on male/female	89	27.1
Indecent assault on female	18	5.5
Aggravated sexual assault	17	5.2
Buggery of persons aged under 17 years	14	4.3
Rape under Section 4	14	4.3
Attempted rape	7	2.1
Possession of child pornography	6	1.8
Indecent assault on male person	5	1.5
Indecency - Criminal Law Amendment Act	4	1.2
Unlawful carnal knowledge, girl aged 15 - 17 years	3	0.9
Unlawful carnal knowledge, girl aged under 15 years	3	0.9
Total	328	100

Table 8 Persons in custody on 3 December 2008 for sexual offences by Age

Age Group	Total	%	Cumulative	
			n	%
18 to < 21	14	4.3	14	4.3
21 to < 25	28	8.5	42	12.8
25 to < 30	42	12.8	84	25.6
30 to < 40	57	17.4	141	42.9
40 to < 50	77	23.5	218	66.5
50+	110	33.5	328	100
Total	328	100	----	-----

Table 9 Persons in custody on 3 December 2008 for sexual offences by Sentence Length

Sentence Length	Total	%	Cumulative	
			n	%
< 3 Mths	2	0.6	2	0.6
3 to <6 Mths	1	0.3	3	0.9
6 to <12 Mths	6	1.8	9	2.7
1 to <2 Yrs	23	7.0	32	9.7
2 to <3 Yrs	22	6.7	54	16.5
3 to <5 Yrs	42	12.8	96	29.3
5 to <10 Yrs	119	36.3	215	65.5
10+ Yrs (determinate sentence)	69	21.0	284	86.6
Life Sentence	8	2.5	292	89.0
Other	36	11.0	328	100
Total	328	100	---	----

Table 10 Persons in custody on 3 Dec 2008 for sexual offences by Nationality

Nationality	Total	%
Irish	290	88.5
British	8	2.5
Polish	6	1.8
Latvian	3	0.9
Malaysian	3	0.9
Pakistani	3	0.9
Czech	2	0.6
Nigerian	2	0.6
Other (11 Countries)	11	3.3
Total	328	100