

Issues Paper F: People Who Have Committed Sexual Offences

Q: 3 How well are post-sentence detention and supervision, and sex offender registration working? How can they be improved?

The goal of this submission

As a criminologist, with a recent publication on the tradecraft of intelligence analysis in the *Intelligence and National Security Journal*, it is my aim to bring together as best I can the various scholarly findings within this topic regarding the Sex Offender Register (SOR) in Victoria. This submission will focus on the research regarding non-contact sexual offenders – specifically those who are found guilty of knowingly accessing and possessing child exploitation material (CEM), particularly those not involved in producing or distributing CEM. The latter of whom do not typically characterise the majority of CEM offenders.

The goal is in to synthesise the aims of the science surrounding both non-contact CEM-only sex offenders and the principals and aims of the SOR in Victoria. Regarding the latter, by drawing attention briefly to the goals of security intelligence with respect to the management of non-contact sex offenders. This synthesis will ideally lead to informing discussions regarding the alignment of informed science (of what is known about non-contact sex offenders and security intelligence principles) for improving the management of offenders on the register.

The principal recommendation of this submission is to discontinue mandatory inclusion of low-risk sex offenders on the register, particularly CEM-only offenders (whom typically present with very low levels of risk of recidivism). As one of the main recommendations by the Victorian Law Reform Commission in 2012 presented in relation to discontinuing mandatory inclusion of sex offenders on the register, the courts could instead conduct risk assessments by psychological and/or psychiatric professionals with expertise in this offending area, to establish whether the individual offender should be included on the register. There are also other factors the courts could take into account for making such an order, such as the individual's criminal history, drug and alcohol use, mental health concerns and perhaps most importantly the presence of an antisociality disorder. Such disorders are considered by many professionals in the area of sexual offending as being the most salient factors to consider with regards to the risk of reoffending in the future (sexually or more generally).

One of the most effective measures for improving an intelligence system, in this case the SOR, is by *limiting* the identification of targets to those who present a 'more likely than not' and demonstrated degree of risk, based on assessments by professionals in this field. Such a system with a more tailored and evidence-based focus, aligned with current insights from science and best practices, ensures that government and law enforcement resources can become most efficient and effective for achieving the aims of the SOR and protecting the community from future harm.

The savings made by removing the mandatory sentencing requirement for many sex offenders, including those at low risk of recidivism (especially CEM-only offenders), could be diverted to support victims of sexual assault.

SOR as an intelligence system

The SOR can be understood as an intelligence system aimed at two core goals, as stated by the Sexual Offenders Registration Act:

- (i) in order to reduce the likelihood that they will re-offend; and
- (ii) to facilitate the investigation and prosecution of any future offences that they may commit.

For any intelligence system to be effective, either with a focus for law enforcement or national security, there must be sensitivity and understanding regarding the first and most important feature of the Intelligence Cycle: Identification of the problem. The other aspects of the Intelligence Cycle include Collection, Processing, Analysis and Dissemination. If the Problem is too broadly defined (in the case of the SOR, including too many demonstrated low-risk sex offenders, especially CEM-only offenders), this will run the risk of poorly understanding and responding to the targets. Such a mistake can undermine the entire system, degenerating into the situation characterised by the saying 'If everyone is a risk, no-one is a risk'.

Sexual offenders, both contact and non-contact, whether they target adults or children, are overwhelmingly not 'specialised offenders'. 'Specialisation' refers to those offenders who specialise, a category or pattern of offending which, '...has been approached mainly from a static viewpoint whereby crime specialization and criminal versatility have been conceptualized as two opposite ends of a continuum' (Deslauriers-Varin et al., 1986). An offender, of any crime-type, may cross-over from being 'versatile' to becoming 'specialised' in their time as an offender. Yet the distinction between a 'specialised' and a 'versatile' offender is significant, as the presence of the former indicates a preparedness for future offending in that specific crime-type area they specialise in. As the following observation makes clear regarding this distinction: 'The topic of offense specialization is one that is distinct from that of offending generally. For offending, the questions often concern how much crime that people commit and why some people do it and others do not. For specialization, the question is instead, among those who do commit crime, are there any who show a preference for a particular type of crime and, if so, then why' (Schreck, 2014). If an offender has committed multiple offences of the same crime-type, over a period of time, this typically places them within the 'specialised' form of offending, based on their criminal history, along with their cognitive and behavioural characteristics. Since most sex offenders have largely *not* committed various crimes of a sexual nature over time (they are typically one-off offences), this clearly does not situate them within the 'specialised' group of offenders for that crime-type. There are very few who do specialise and go on to commit a disproportionate number of sexual offences over time, yet they are the exception to the rule for this crime-type. This exception is similar to the distinction between those who commit murder (one-off cases involving one victim) and serial killers who commit multiple murders. The serial sex offender versus the typical sex offender, like the serial killer versus the person who committed a single murder, are entirely different offenders in terms of their respective risks of reoffending. In relation to CEM-only offenders this is especially the case with respect to their low level of risk for causing future harm to the community. As some studies show, covering a 2-year follow up period, the recidivism rate of CEM-only offenders (513 offenders examined) was 1.4% (Barnett et al., 2010, p. 463). As the criminological research in the area of non-contact sexual offenders demonstrates, not only

are sexual offenders in general unlikely to commit further sexual offences, the CEM-only offender presents a particularly low risk for committing another sexual offence.

Part of the reason that so many offenders are placed on the register is that those who are placed on the register do not need to meet the minimum threshold of their risk of recidivism based on a criterion of 'more likely or not' (McSherry et al., 2007, p. 62). The legislation which is directed towards sentencing sexual offenders is designed to automatically include most sexual offenders, irrespective of their level of risk established by any psychological or psychiatric assessments. With respect to the aims of an intelligence system, this is precisely the worst kind of design that could be implemented. This will be made clearer in the later discussion regarding the goal of an intelligence system being designed around improving the 'noise to signal' ratio.

The research also makes clear the CEM-only offender overwhelmingly do not escalate to contact offences against children or adults. As the studies into this precise issue highlights, the main reason for this lack of re-offending and escalating to contact offending is due to cognitive and behavioural differences between non-contact and contact sexual offenders. This finding can be observed from a meta-analysis of 30 studies into this topic (one of the largest studies of its kind in Australia), which examined rates of contact, CEM-only and 'dual' offenders (who engage in both CEM and contact offences). The meta-analysis revealed that CEM offenders had lower rates of general, violent and sexual offending than both dual and contact offenders (Henshaw et al., 2018, p. 199). The sample was comprised of 1205 individuals (456 CEM, 256 dual, 493 contact offenders) charged with CEM offences or contact offences involving children between 2004-2014 (inclusive) in Victoria. A key finding was the following: CEM offenders were significantly less versatile in their offending when compared with both dual and contact offenders. Later in this submission this meta-analysis is explored in greater detail. Yet with respect to the notion that CEM offenders present a risk for escalating their offending to contact offences, the research clearly indicates this overwhelmingly does not occur. This notion is further demonstrated by international and Australian studies into this topic, as explored in this submission.

Previous recommendations on the SOR - VLRC

The Victorian Law Reform Commission produced a report in 2012 regarding the limitations around the efficacy of the Sex Offender Register (SOR) with respect to protecting children from harm. The report was initiated by the Victorian Ombudsman, out of concern the register may not being optimally efficient, focussed or just. The report produced 72 recommendations. The Sex Offender's Registration Act Amendment 2014 implemented, or partially implemented, only 8 of these recommendations.

In summary, the recommendations were to:

- Give the Court the power to modify reporting conditions and obligations imposed on registered offenders who are under the age of 18 (Recommendation 19; see s 5)
- Allow the Chief Commissioner to suspend the reporting obligations of a person who is unable to comply because of physical or cognitive impairment (Recommendation 26; Note the Act allows a broader discretion in view of the risk to the sexual safety of the person or the community See s 45A).

- Registered sex offenders should be required to report the names, ages and addresses of any children with whom they have 'contact' and the means of contacting those children (Recommendation 31; See s 6(1))
- Clarify which 'contact' a registered sex offender must report (Recommendation 32; s4A and see also s 7(1)(4)-removal of reference to 'unsupervised contact' and s 23).
- Provide clear legislative authority to the Chief Commissioner of Police and the Secretaries of the Department of Justice and Regulation and Department of Human Services to share information (Recommendations 55-56; See s 42B and s 42C)
- Allow information about a registered offender to be given to a parent or carer to protect a particular child (Recommendation 57-59). The Act empowers the Secretary of DHS or an 'authorised person' to disclose information 'to any other person' if disclosure is 'in the interests of the safety and wellbeing of the child referred to in the information' (s 42D). Disclosure is not restricted to a guardian but the information has to concern an identified child.)

With the exception of the first two (limited to only those offenders with a cognitive mental impairment and those who are under the age of 18), the accepted recommendations went towards increasing reporting conditions for all offenders and expanding information sharing arrangements between law enforcement and the Department of Human Services. Arguably one of the most important recommendations made by the VLRC (also not accepted by the government) was regards to discontinuing the mandatory inclusion of sexual offenders on the register. The VLRC recommended that a court considering to make an order should conduct a risk assessment by a psychologist or psychiatrist with expertise to determine whether the offender poses a risk of further offending against children. Another recommendation, also not accepted by the Victorian government, was the introduction of a Sex Offender Registration Review Panel, to establish whether an individual on the register should be removed if they are satisfied that no useful protective purpose is served by them remaining on the registration.

Most recommendations called for narrowing down the focus, discontinuing mandatory reporting, applying more clinical risk assessments and introducing legal mechanisms to remove people from the register in order to improve the efficiency and efficacy of the two core goals of the SOR. None of these recommendations were accepted by the Victorian government. To appreciate the mismatch between all the recommendations the VLRC provided and those few which were accepted, it is worth briefly observing two recent Royal Commissions and the degree to which recommendations were accepted by the Victorian government. The Attorney General Jill Hennessy has promised to accept all 111 recommendations provided by the Royal Commission into the Lawyer X scandal. Of the 409 recommendations provided by the Royal Commission into Institutional Childhood Responses to Childhood Sexual abuse, the Victorian government accepted all, entirely or in consideration of merit or principle, with the exclusion of 92 which fell outside the responsibility of the government.

The Victorian government is at a junction in history where it is in a unique position of privilege to review and digest the various empirical studies, scholarly and government reports outlining the limitations of the SOR and sentencing guidelines. In 2012 the Victorian government decided to maintain its course, as it started out on with the introduction of the SOR in 2004. Now there is even more compelling research to indicate there is a time for a change to the SOR policy. Yet changing a policy requires something akin to courage – to a confidence in refining the focus and

aligning the SOR with what the research and empirical studies indicate. Making such a change would go against what could be described as the orthodox view of the Victorian government. That is, to maintain the status quo and include as many sex offenders on the SOR for as long as possible (as the sentencing guidelines are designed to achieve).

By way of illustration regarding the challenge the Victorian government faces with respect to changing its orthodox position on mandatory inclusion of sex offenders on the SOR, irrespective of the risk they present to the community, is the following example. Glenn Carle was a former CIA interrogator, who published a book *The Interrogator: An Education* detailing the pitfalls of detaining and interrogating terrorist suspects. Glenn made an assessment that a particular detainee he interrogated was largely innocent and should be released. The US government's position maintained he was a threat and kept him detained. After 8 years they released this detainee, who was code-named CAPTUS. His release vindicated Carle's original assessment.

I contacted Glenn via email regarding the difficulties he faced regarding challenging the orthodoxy. The following highlights the situation the Victorian government arguably finds itself within, specifically the difficulties regarding changing its position about the SOR more objectively.

'More precisely to your questions: It was not files full of SIGINT that said CAPTUS was a danger. The issue has nothing to do with HUMINT, SIGINT, or other INT. It was all-source intelligence: years of human, technical, analytical assessments. The issue was one of consciousness, perception, paradigms of thought, institutional orthodoxy. Recall what I wrote in the paragraph above: "perceptions become a paradigm, that the paradigm is held in many ways unconsciously, and that it defines "truth" and bounds perception, so that reality is actually external to the paradigm." There was a mountain of reporting about CAPTUS, years of work by many officers. The counter-terrorism center's assessment was that he was a bad guy, and a critically important and senior one. That was the expert, reasoned view; therefore it was the reference point of truth, to be disproven, perhaps, but the truth. In general, facts that did not confirm the conviction were taken to be evidence of error in thinking or fact.

I challenged orthodoxy. I was not part of the inside expert clergy, one of the guild of terrorism experts. What I reported, assessed, and argued, would undo years of work, the lives and reputations of dozens, even hundreds of officers, of the entire institution – of one of the touted signal successes and triumphs in the War on Terror. That simply cannot be accepted; for the entire edifice would be revealed as fraudulent and wrong. Deluded. In particular, my assessments challenged the priesthood, and in particular one priestess, the high priestess of our counterterrorism paradigm; the woman known to the world as "Maya," from Zero Dark Thirty'.¹

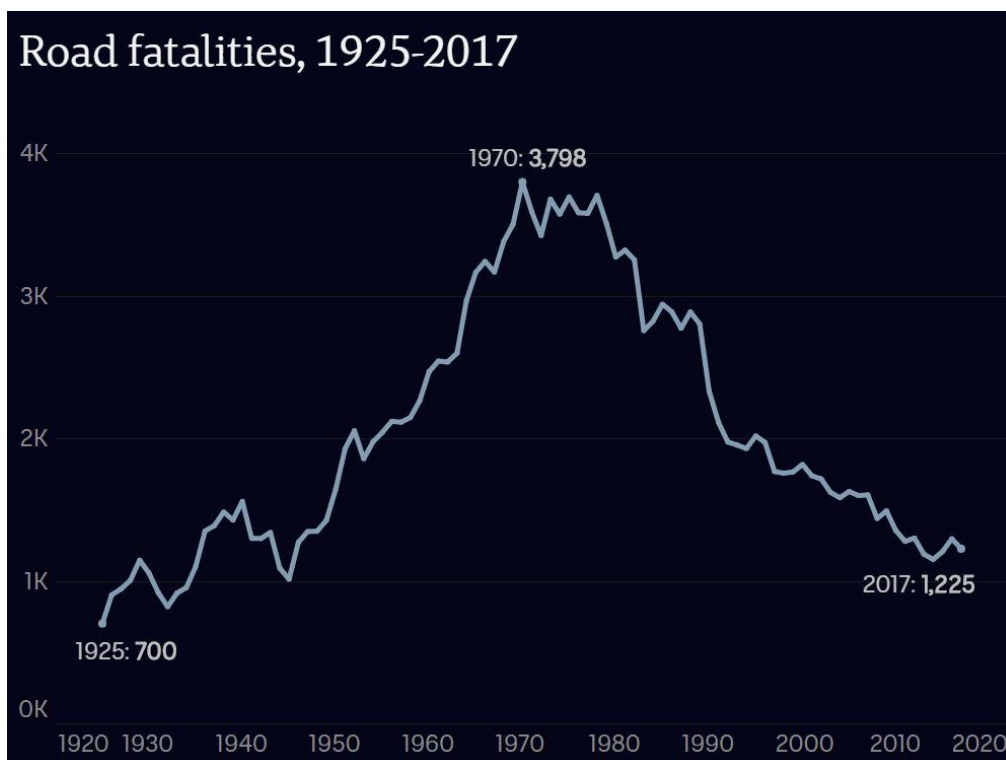
Sexual offending in Victoria

When the Sex Offender Registry was enacted in 2004 there was not much research indicating that such restrictions imposed on offenders who live in the community would be effective in terms of

¹ The complete email, and a deeper examination around the tradecraft of intelligence analysis (applicable in many respects to the SOR), can be found in my published Master of Arts thesis within the appendix, accessible via this link: <http://dro.deakin.edu.au/view/DU:30111036>

lowering levels of recidivism and improving the safety of children. Now there has been a significant degree of research in this area (Letourneau et al., 2010a, p. 53).

To appreciate the degree of the effectiveness of a policy and the application of legislation it is necessary to compare to at least one policy which achieves its goals, by its own standards. The legislation introduced in Victoria to mandate the use of seat belts in vehicles for preventing fatalities on the roads is a useful comparison of an effective policy, which was based on empirical studies. Victoria introduced legislation in 1970 requiring all drivers of vehicles to wear seat belts whilst driving on roads. As a result of this law being introduced, Australians are now seven times less likely to die from road injury than in 1970, despite the fact that there are four times more cars on the roads now than in 1970 (Ting et al., 2019). Road deaths have been cut by two-thirds since 1970 (Ting et al., 2019).



Graph available from *This is every road death since 1989*, (Ting et al., 2019)

Visually this graph shows the strong correlation between the introduction of the legislation mandating all Victorian drivers to wear seat belts in 1970 and the sustained reduction of road injuries leading to deaths. This has been a particularly effective policy for achieving its aims for improving road safety in Victoria.

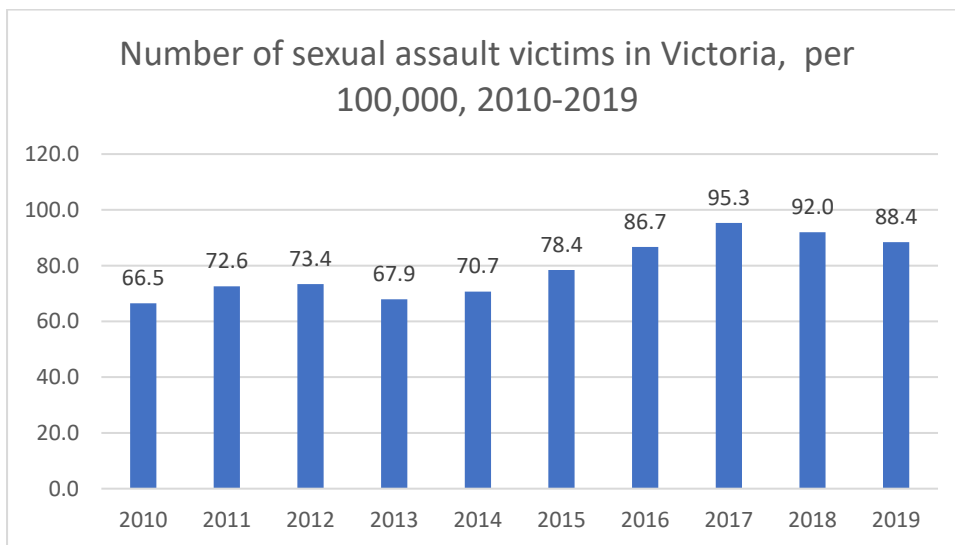
The core SOR aims, specifically 1. Preventing recidivism of sexual offenders and 2. Aiding law enforcement with investigating sexual crimes by sexual offenders, in relation to its effectiveness in achieving (or not) such aims, needs to be examined in greater detail. The numbers tell a powerful story regarding the sentencing legislation and the SOR with respect to dealing with sex offenders in Victoria.

By contrast to the above table, the following tables below show rates of sexual assault in Victoria, including before and after the introduction of the SOR in 2004. It is important to emphasise that if the aims of the SOR were empirically based on evidence and research, there would be a strong

correlation with these aims and rates of recidivism amongst sexual offenders. Or at the very least, the SOR (and the sentencing legislation regarding sex offenders) would have a noticeable impact on rates of sexual offences in Victoria. If there was a strong correlation present, there would be a significant, or statistically noticeable reduction, from 2004 to the present in sexual assaults prosecuted in the courts. At the outset, it is useful to appreciate that these graphs visualise hundreds and in some instances thousands of sex offences and sex offenders. From an intelligence analysis perspective, statistically speaking, this volume of cases and offences is sufficient to demonstrate patterns of offending and rates of recidivism. Taken as a whole, these graphs show many things, but mainly the ineffectiveness of the SOR and the sentencing legislation directed towards sex offenders - by their respective standards. If placing offenders on the register is aimed towards reducing recidivism, then the premise is empirically invalidated. Most offenders are first time offenders. The SOR illustrates that it will continue to have a negligible impact on reducing rates of sexual assaults in Victoria. With respect to the interests of victims of sexual assault and reducing the probabilities of sex offending committing further offences, there is significant room for improvement from legislative and policy standpoints.

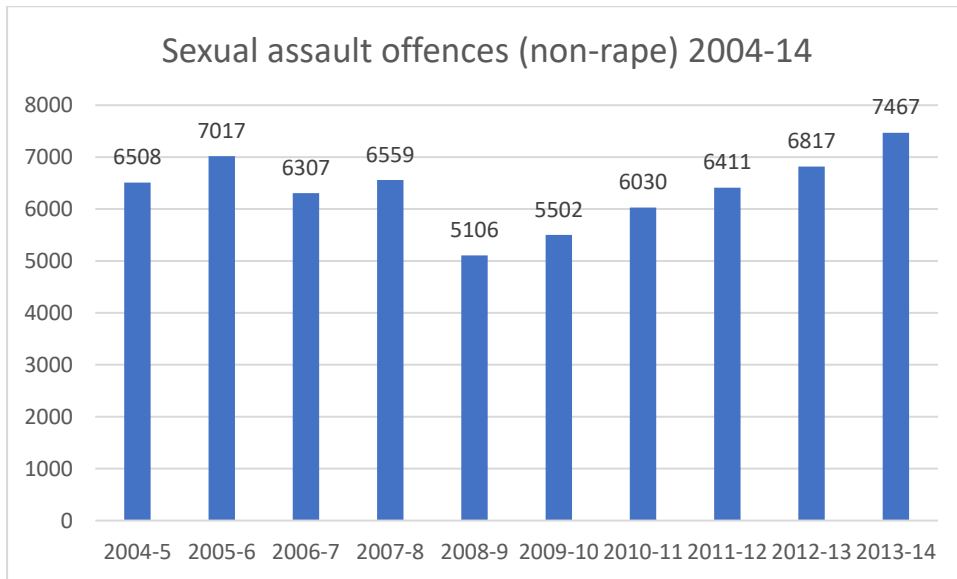
In Victoria, the rate of recorded sexual assault victims increased by 22 percent, from 72.5 per 100,000 people in 1995 to 88.4 in 2019.

The below graph shows the rates of sexual assault victims per 100,000 in Victoria from 2010-19:



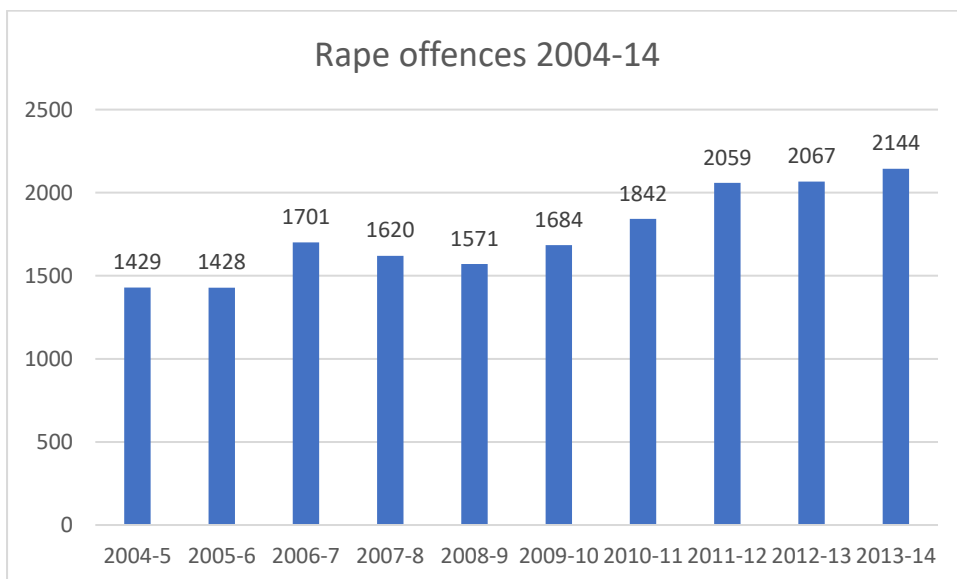
(Data for this graph sourced from Crime Statistics Agency, (Agency, 2020))

The following table shows the number of sexual assault (non-rape) offences committed in Victoria during the period 2004-14:



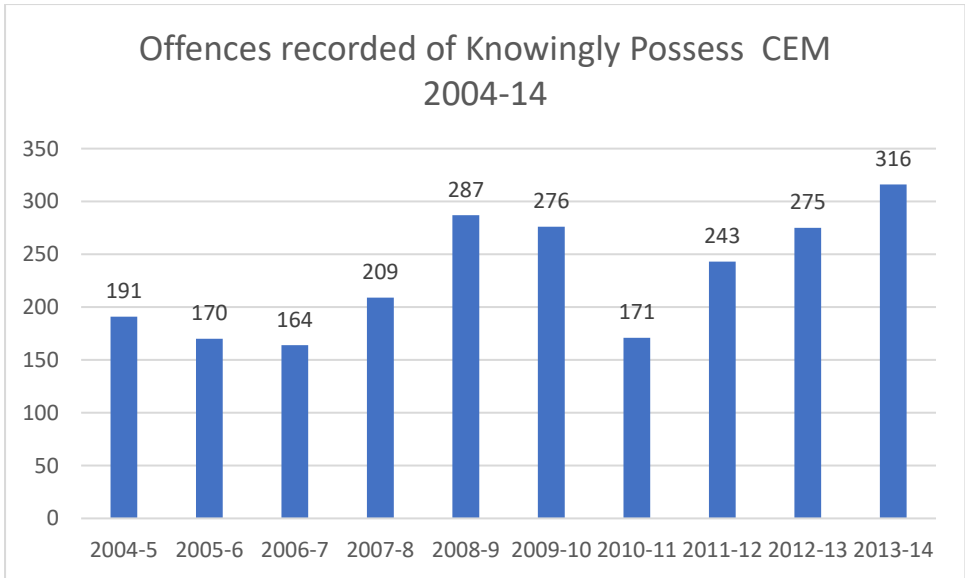
(Data for this graph sourced from statistics compiled by Victoria Police (Police, 2014))

The following table shows the number of rape offences committed in Victoria during the period 2004-14:



(Data for this graph sourced from statistics compiled by Victoria Police (Police, 2014))

Importantly, within the many types of offences grouped within the statistics compiled by Victoria Police, as displayed within the table 'Sexual assault (non-rape) offences 2004-14', contains the offence of CEM. The below table shows the rate of increase since 2004 (the year the SOR was introduced) for recorded offences of CEM.



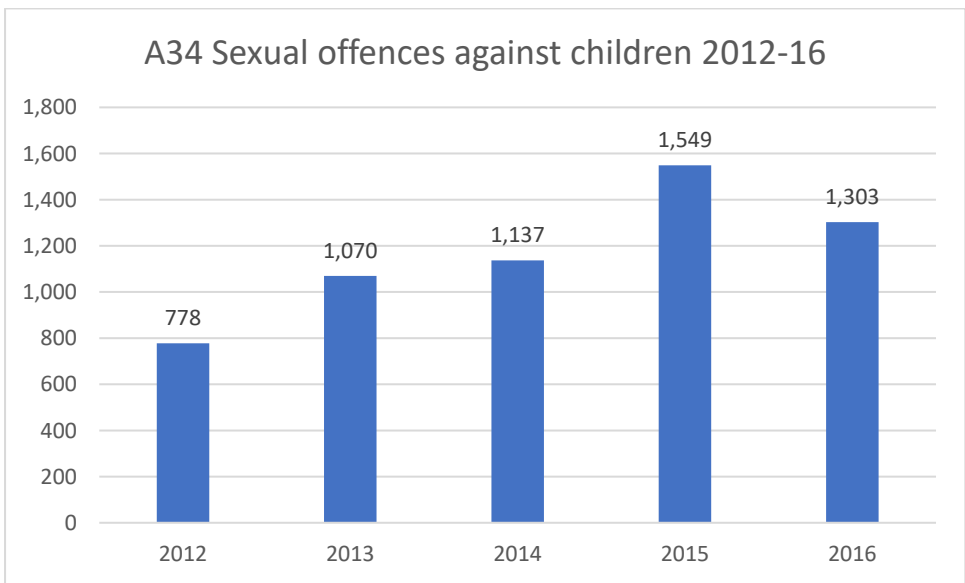
(Data for this graph sourced from statistics compiled by Victoria Police (Police, 2014))

From 2004 (191 CEM offences) and 2014 (316 CEM offences) there was a 65.4% increase in the number of CEM offences committed in Victoria.

The following table shows data relating to ‘A34 Sexual offences against children’ from the period 2012-16 in Victoria. The Crime Statistics Agency includes a series of non-contact offences within this grouping, including the following:

Offences of a sexual nature, or intent thereof, against a person under the age of consent that involves the presence of that person but not physical contact with that person, including:

- procure a child for prostitution/pornography;
- ‘grooming’ offences, including those where a carriage service is used to groom (for example, cultivate an inappropriate online relationship with a child or children);
- force a minor to witness an act of sexual intercourse;
- the production, possession, distribution or display of pornographic or abusive material of a child under the age of consent in written, photographic, film, video, digital, or other format; but
- not including rape, indecent assault or incest offences.



(Data for this graph sourced from statistics compiled by the Crime Statistics Agency (Agency, 2017))

From 2012 to 2016 (inclusive), the above table illustrates that there was a 67.5% increase in the number of these offences.

With regards to the notion that CEM offenders present a demonstrated risk for escalating their offending to contact offences, the following data illustrates this is not the case. Of the 329 offenders charged with the principal offence of sexual penetration of a child aged between 10 and 16 during the period of 2005-09, there were a) 19 offenders also convicted of producing CEM (5.8%), and b) 17 possessing CEM (5.2%) (SAC, 2019a). If there was a correlation between contact and non-contact (CEM) offences, this set of data would be one important area which would reveal this. The data indicates there is no correlation.

The Australian Institute of Health and Welfare annually publishes data on child protection notifications, substantiations and outcomes. In 2002-03 approximately 10% of all substantiations to Child Protection were for sexual abuse (Trewin, 2004, p. 62). In 2018-9, 10% of notifications (substantiated) to Child Protection services were regarding sexual abuse (Welfare, 2020, p. v). In 2017-18, the number of notifications substantiated to Child Protection for sexual assault was 9% (Welfare, 2018, p. 24). As the data reveals in the previous tables, the rise in CEM offences in Victoria is not correlated with contact offences since the rates regarding notification to Child Protection (substantiated) have remained stable, and have remained stable from at least 2002-2019 (Welfare, 2020, p. 32) – from before the SOR was introduced.

SOR trends and sexual offending patterns

The principal reason for limiting who is placed on the register, along with legal mechanisms to remove people from the register who pose little threat of harm to the community, is because doing so would go towards improving the efficacy of the management of the few offenders who *do* pose a risk. From an intelligence analysis and management perspective, limiting the volume of people on the register assists law enforcement separate the 'signal from the noise'. It allows the police to more clearly identify and focus resources on those who pose a greater level of risk of harm to the community.

In 2019 there were 8236 people on the register, with just over half living in the community (Preiss, 2019). 17% were deemed high risk, 21% medium risk and 60% low risk (ibid). A police spokesperson further stated that only 2.3% of people on the register reoffend (ibid). Given what is known about the low rates of all sexual offenders, it is debateable whether the register contributes in any meaningful way towards lowering rates of recidivism, especially in regards to those assessed as being low risk by Victoria Police. This will be examined in more detail later in this submission.

Victoria Police expects the number of people on the RSO to increase to 5,531 by June 2022 (Office, 2019, p. 7). In the financial year 2017-18 there were 552 sex offenders added to the register (Police, 2018). This is a clear indication of the significant growth of people being registered in Victoria. These large numbers, over half being assessed as low risk, present enormous challenges to managing these individuals effectively. As Victoria Police have noted, '...some RSOs receive less management irrespective of risk level' (Office, 2019, p. 8). As will become clearer later in this submission, the principal nature of this challenge is not organisation, or necessarily a resourcing

issue for Victoria Police (although these are typically the focus of audits). The main challenge is addressing the issues as to whether mandatory sentencing should continue, especially regarding those offenders who pose little risk for harming the community (in particular CEM-only offenders). As Police data (Police, 2018) and Personal Safety Survey Statistics (Statistics, 2016) (the latter which reveals rates of self-reported victimisation) indicates, sexual offending (2.5%; 5-18%, respectively) is a crime-type which infrequently occurs, compared to violent offences 8.2%; 31–41%, respectively) in Australia. Therefore, crime prevention strategies are less likely to have an impact on sexual offences because this crime type is so uncommon. As previously mentioned, sexual offending is not typically a ‘specialised’ offence-type. A study in the UK examined the recidivism rate of sexual offenders with violent offenders. The study established that violent offenders were twice as likely to be convicted for any other offence compared to sex offenders (Craig et al., 2006). Importantly, of those few sex offenders who did commit another offence, 50% had committed a non-sexual offence (Craig et al., 2006). A New Zealand study challenged the premise that that child sex offenders pose a greater risk than adult offenders (a distinction made within the Act). The New Zealand study examined the recidivism rates of sex offenders who targeted children under 16 years old, adult victims, or mixed victims. There were no significant differences between rates of recidivism within the 15 year follow up period (Vess et al., 2011). Furthermore, a study by Prescott and Rockoff (2011) examined whether the introduction of the registry was useful regarding the clearing of cases for prosecution – they found that registries did not make any difference. This can largely be attributed to the fact that sex offenders largely do not reoffend. As the register grows in numbers in Victoria, what will be most telling is whether rates of sexual offending can be attributed to new sex offenders (statistically likely) or recidivism of sexual offenders on the register (based on empirical research, these offenders will likely account for a fraction of all new sexual offences committed).

Due to the increasing quantity of people on the register, and the large number of reporting conditions, this has introduced a challenge to the Magistrates’ court for processing breaches of these reporting conditions. 97% of breaches were for typically minor failures to comply, largely dealt with fines (Council, 2017). The total number of backlogged cases in the Magistrates court has doubled since 2011 (Commission, 2018).

Professor Paul Mullen made a submission to the previous VLRC regarding the limitations regarding the SOR. Professor Mullen held positions at Monash University as a Forensic Psychologist, a Visiting Professor at the Institute of Psychiatry in London and was also the Clinical Director of the Victorian Forensic Mental Health Services.

His submissions can be summarised as follows (Mullen, 2011):

- To improve the effectiveness of the SOR, it should only include those who are assessed as being ‘high risk’ for future offending.
- The legislation uses a wide net to identify ‘sex offenders’. It is unlikely that even 15% of those with child sex offences on the register will ever present a plausible risk of sexually abusing children. If only penetration or significant contact abuse is considered the percentage drops even further.
- At least 80% of resources currently devoted to managing the register are directed at those who present no increased risk of sexual reoffending.

- The registration should focus on offenders where there is a significant risk of reoffending against children. This would produce a register of something like 200 offenders not the close to 4,000 currently registered. This would enable the high-risk offenders to have the degree of supervision and management which could make a difference.
- Adequate assessments should be performed prior to an offender being placed on the register. These assessments should be standardised and performed by properly trained professionals.
- Currently the assessment, management and treatment of sex offenders is undertaken by a range of services with widely varying levels of competence. These include Victoria Police, Corrections staff, Forensicare staff and Child Protection workers, including private providers and Mental Health staff. A single state funded service should be established which is charged with the assessment and management of child molesters.
- To severely limit the someone's civil liberties (as in the SOR), there should be 1. A significant ($\leq 30-50\%$) probability of further serious sexual offending. 2. A programme to lessen that risk (monitoring psychological, psychiatric, management and social interventions). 3. Regular evaluation of need for restrictions.

Adopting such recommendations, including assessments for including only high-risk sexual offenders and having qualified trained professionals manage such offenders, would go towards significantly improving the efficiency and effectiveness of the management of the register. This would save millions of dollars and save the Magistrates' courts from being backlogged with breaches of secondary (minor) offences. Such savings could then be diverted to assisting victims of sexual abuse.

Logic underpinning the SOR

At the time of the Sex Offenders Registration (2004) was being tabled for parliament, there was no debate by members of parliament regarding the claim that registering offenders will reduce recidivism. Only one member observed at the time regarding this claim: 'That is a bald statement without any evidence provided in the second-reading speech to actually back it up. I would have hoped that there would have been some evaluation of similar schemes in other parts of the world that could demonstrate to us that that is in fact the case — that the probability of reoffending is reduced when a sex offenders registration scheme is in place. To my knowledge, that evaluation has not been done. That is why I made the comment in my opening remarks that some of the provisions of the bill have not been backed up with the evidence needed to convince members that the measures are going to be effective. I certainly hope they will be' (Hall, 2004, p. 148). The reason that no evidence or research was provided to substantiate the claim that registering offenders will reduce recidivism was because at the time, including the present, there is no empirical research in Australia or internationally to suggest this is the case (Bouffard and Askew, 2019, Terry, 2015). A cursory glance at any research (anywhere in the world) into this topic would have revealed the low rates of recidivism of sexual offenders. A study into this topic in 2004 by the Australian Institute of Criminology begins its findings with the following: 'Despite the assumption that sex offenders are particularly prone to reoffend, reconviction rates for sexual crimes are relatively low' (Lievore, 2004, p. 23). There is indeed some research to support the case that a publicly-accessible SOR can have little impact on reducing recidivism.

The publicly-accessible sex offender register in the USA has been in operation for 20 years. In 2002 Pawson conducted a study into the impact of their register, measuring the effectiveness of Megan's Law (which made the register publicly accessible). Pawson's study examined recidivism rates amongst those on the register pre and post Megan's Law. There was no significant difference in sex offence recidivism in the 4.5 year follow-up period (22% pre-Megan's Law, 19% post-Megan's Law) (Napier et al., 2018, p. 6). Another study, which utilised a meta-analytic approach examining 9 studies, examined the same issue of rates of recidivism amongst sex offenders on the register. The authors found that the register (publicly available) had no noticeable impact on recidivism (Napier et al., 2018, p. 6). Another study found no impact on sex offence recidivism *between offenders on the register and those who were not on the register* (having no general deterrence for the public) (Letourneau et al., 2010b). Another study found that the increase in the number of people on the sex offender registry (including community notification of offenders) was associated with an *increase* in rates of sexual recidivism (Prescott and Rockoff, 2011). This increased risk has been attributed to a variety of factors as a result of an individual being placed on the (publicly accessible) register, including being excluded from a neighbourhood or residence, job loss, anxiety and other psychological problems, all of which are known to be counterproductive for reducing recidivism (Napier et al., 2018, p. 7). Importantly, a study into rates of sexual recidivism of offenders on the register in Australia included the observation by some police officers that a publicly accessible register may provide a 'false sense of security' within the community, by focusing their attention towards those on the register rather than individuals not convicted who pose a potential threat (Whitting et al., 2016). Statistically speaking, since the majority of people on the SOR are unlikely to commit further offences, and first time offenders are not on the registry and yet in terms of probability present a greater level of risk, this observation by the police is telling regarding the role of the SOR.

It is arguable that the fundamental premise of the SOR (reducing sex offenders from further committing sexual offences and aid law enforcement with investigating such potential future crimes) is not aligned with the research or empirical studies into precisely this topic. If the SOR is not underpinned by current research and studies into the management and operation of the register, and the Victorian government decided to not adopt most (or at least the most common and significant recommendation, to discontinue the mandatory registration of sex offenders) of the recommendations, then what does this reflect? Like with any policy, there is always some enduring philosophy or principles which can explain why governments decide not to accept recommendations to change policies. The 'method to the madness', it would seem, is that the large rejection of changes to the SOR by the Victorian government can be explained by the principal goal of having the register – to make an impression to the community that 'something is being done' and to enact legislation which is 'tough on crime'. Yet the studies are in. The SOR has little impact for reducing recidivism.

In the event the Victorian government decides in the future to 'double down' and extend the SOR to one which becomes publicly accessible to Victorians, the following research indicates this will likely have adverse economic consequences for all those Victorians in the housing market:

1. People seeking to buy a home often search levels of crime in that neighbourhood, which is evidenced by the relationship between property sales prices and levels of crime, or perceptions of crime in a neighbourhood (Gibbons and Machin, 2008). Some studies which have examined the relationship between publicly available SORs and the value of

residential sale prices, indicates that the sale prices are reduced by 2-8% if a sex offender lives in the area (Linden and Rockoff, 2008, Pope, 2008, Wentland et al., 2014).

2. Properties which are considered to be close to where a sex offender lives increases the time that property stays on the market by 84%. This is consistent across properties of different type and value, and across different neighbourhoods. The value of properties return to normal levels once the sex offender has left the area, indicating a strong relationship between their presence and the housing market (Pope, 2008, Linden and Rockoff, 2008).

With the call by opposition parties for greater police powers, mandatory registration of offenders and stricter reporting conditions, concerns were raised in parliament regarding Victoria Police to take on these new roles under the scheme:

'We have some major concerns about the police capacity to implement and maintain the system, not only from a resourcing point of view but also from the quality control and data management, analysis and proactive use of the data to get best value from a lot of effort that will go into collecting and storing that data' (Smith, 2004).

Years after the SOR was in operation, the Director of Police Integrity drew attention to the possibility that the registry may lead to the opposite outcome of its intended aims, as he stated 'truly dangerous offenders may be overlooked in the cast sea of registrants' (Ombudsman, 2011, p. 24). This highlights my initial observation regarding the importance of an intelligence system having sensitivity to the Problem being both well understood and addressed, otherwise the system will inevitably degenerate into having a poor 'noise to signal' ratio.

As the 2012 VLRC report stipulated, regarding category 3 offending (involving the possession and sharing of child abuse material online), 'Greater individual assessment is proposed in respect of Category 3 offences, recognising that despite the seriousness of these offences and the manner in which they may be dealt with in sentencing, the offender may not pose a risk of committing sexual offences against children.'

Committing two Class 2 offences, as outlined by the Victorian Sex Offenders Registration Amendment Act 2014, requires a mandatory reporting period of 15 years. In the case of non-contact offences, the typical charges include at least two 1. Using a carriage service to access CEM and 2. Knowingly possessing CEM. In practice, this translates to having most people who are found guilty of knowingly possessing CEM to be placed on the register for 15 years. As the submission by Victoria Legal aid to the previous VLRC regarding the topic of the register, this particular sentencing outcome is '...despite the fact that the charges have arisen from a continued course of conduct, only separated by the artificiality of the legislative change' (Victorian-Legal-Aid, 2011, p. 3). More broadly in relation to the sentencing of CEM offenders and placing them on the SOR, it appears there is a significant inconsistency. As previously outlined earlier in this submission, the two core aims of the SOR are to 1. Reduce recidivism of sex offenders and 2. Assist law enforcement investigate sex offenders for potential future offences. In this sense, the goal of the register is resourced and devoted to specific deterrence – specifically deterring those on the register from reoffending. This is despite the fact that the majority of sex offenders do not reoffend either generally or in relation to sex crimes. The sentencing of offenders in Victoria takes into account a series of sentencing principles, outlined by the *Sentencing Act 1991*, Section 5(1).

These principles generally refer to a just outcome regarding the victim, offender and the interests of the community. Ideally, the sentence will consider a range of factors regarding these varied interests to achieve an optimum sentencing outcome, which further is an outcome proportionate with the seriousness of the offence.

The sentencing principles in relation to those convicted of CEM offences is aimed towards general deterrence, not specific deterrence. Sentencing remarks from various Magistrates and Judges in Australia frequently refer to this being the case regarding their decisions. For example, Judge Johnson included in their sentencing remarks:

‘There is a foundation for the approach that less weight should be attached to evidence of prior good character on sentence for offences of importing child pornography. It appears that such offences are committed frequently by persons of otherwise good character. General deterrence has been referred to as the “paramount consideration” on sentence for this class of offence (Assheton)’ (Griffith and Simon, 2008). Johnson continued to remark: ‘...the public interest in stifling the possession and use of such material as a means of protecting children has been advanced to emphasise the significance of general deterrence on sentence’ (ibid).

The legislation which governs the sentencing of CEM offences clearly emphasises general deterrence, not specific deterrence. Yet this is inconsistent with the aims of the SOR, which are designed to achieve *specific* deterrence of sexual offenders by being placed on the register. It is difficult to reconcile these two diverging aims of the law. On the one hand the sentencing law is aimed at general deterrence of offenders, compared to the specific deterrence of offenders on the register, as managed by law enforcement. Relatedly, one of the reasons that the ‘good character’ or absence of any prior criminal convictions, including of a sexual nature, are not taken into account for sentencing sexual offenders, is because the courts recognise that most offenders (especially those charged with CEM offences) do not have a criminal history. If the courts were to take this into account during sentencing, many (perhaps even most) offenders, would be entitled to draw upon this lack of criminal history as mitigating factors, as is typically the case for most other offence types. In practice these sentencing laws (especially with respect to CEM offenders) are designed to include as many offenders as possible on the SOR, in an attempt to deter other offenders in the community. A cursory glance at rates of sexual assault over time, including before and after the introduction of the SOR in Victoria, clearly indicates this aim of deterrence is not being achieved. For example, between 1 July 2016 and 30 June 2019 there were 152 offenders sentenced in the Victorian Magistrates’ court for the principal offence of CEM, with 34.2% receiving imprisonment (Henshaw et al., 2020, p. 89). Yet despite the significant risk of imprisonment, in 2018 the AFP received 17,905 reports regarding CEM (ibid).

As Henshaw et al. observed, ‘For CEM offenders at least, the most easily identified and largest group is typically prosocial, first-time sexual offenders, with no history or allegations of contact offending. As they are perhaps no more likely to further offend than men in general, it is potentially wasteful to invest large amounts of policing and correctional resources into their management. Such resources are likely to be better focused on the smaller group of higher risk offenders, who are almost invariably those with a history of contact offences or other antisocial and violent behaviour’ (Henshaw et al., 2020, p. 103).

With reference to studies into the rates of sexual assaults in Victoria (by new, typically first-time offenders) the aim of general deterrence is being poorly achieved (and in some instances having no noticeable impact at all). Furthermore, meta-analysis studies have illustrated that rates of sexual recidivism are low, especially regarding CEM offenders. Therefore, the aims of the SOR regarding specific deterrence are also not aligned with the nature of sexual offending and the low probability that most offenders do not reoffend. It is unusual that, by the standards of the sentencing aims of the Victorian courts with respect to general deterrence, along with the aims of specific deterrence of the SOR, are both clearly misaligned from what the empirical studies and research indicates regarding the nature of sexual offending and rates of recidivism. In short, this misalignment of the aims of the legislation along with the goals of the SOR with respect to empirical studies and meta-analytic findings on sex offenders and (low) rates of recidivism is call for concern regarding the underpinning logic of such policies and legislation.

As the 'Sentencing Snapshot' provided by the Sentencing Advisory Council regarding offenders convicted of CEM offences, between 2004 and 2007 there were 197 sentenced for this principal offence (Griffith and Simon, 2008, p. 49). In terms of offenders per population of 100,000 in Victoria during these periods, this translates to: 58 offenders in 2004-5, or 1.16 per 100,000 (Victorian population: 4989246; 78 offenders in 2005-6, or 1.54 per 100,000 (Victorian population: 5061266); 61 in 2006-7, or 1.18 per 100,000 (Victorian population: 5153522) (SAC, 2008, p. 1).

In the Higher courts, the number of offenders convicted of the principal offence of CEM, is taken from 'Sentencing Snapshots' provided by the Sentencing Advisory Council of Victoria. Over the period 1 July 2014 to 30 June 2019, there were 246 people convicted of the principal offence of CEM (Council, 2019) (67% were given a custodial sentence, a sentencing trend which is increasing over time). On average, this amounts to 49.2 per year for this period, or per the average population of Victoria during this period of 6,173,172 (2016 population), this translates to 0.796 offenders per population of 100,000.

Over the three-year period between 2004 and 2007, 197 people were sentenced for the principal offence of 'knowingly possess child pornography' in the Victorian Magistrate's Court. In 2016 alone, there were 102 Australian offenders (Australia, 2017, p. 5). The Internet Watch Foundation, which works internationally to minimise the availability of CEM noted a 417% increase in reports of CEM from 2013-2015 (Australia, 2017, p. 6). From 2011-2016, the number of defendants being charged with the Commonwealth offence section 471.19 *Criminal Code Act 1995* in Australia has remained stable (average being 127.8 per year) (Australia, 2017, p. 14). In Victoria, since 2006, CEM offences have increased 54%. In 2006, the Crime Statistics Agency recorded that there were 175 offenders who came into contact with Victoria Police regarding sexual offences, resulting in arrest, summons, caution or intent to summons. In 2016 the number of people reached 373, amounting to an increase of 113% (Australia, 2017, p. 22).

It would be useful to examine the topic regarding the register with respect to 1. sexual offenders in general 2. Risk distinctions between 'CEM-only', dual CEM-contact and 'contact' offenders.

Past behaviour is a strong predictor of future behaviour. This principle is typically accepted within various disciplines, including psychology, behavioural economics and criminology. In the case of crime prevention strategies, including psychological treatment of offenders, it is this principle which is one of the core pillars guiding such practices. This doesn't mean that people cannot change. Brain plasticity allows for this, amongst other considerations. But it does mean that, in the case of CEM-only offenders and with respect to the premise that they pose a risk of escalating their offending to contact offences, it would be highly unusual for them to change their characteristic offending pattern and behave in a way which is against this widely accepted maxim. There is also a significant body of research, in Australia and more broadly internationally, which strongly indicates CEM offenders overwhelmingly do not escalate to contact offenders. For those few CEM offenders who do, there is some compelling research which can, with reference to key offending characteristics, psychological assessments, coupled with the criminal history of these online offenders, allow for making such predictions for future offending. To appreciate the infrequency regarding CEM-only offenders from dramatically changing their non-contact to contact offences, it is necessary to refer to studies which have examined precisely this topic.

Findings from a meta-analysis of 30 studies into this topic (one of the largest studies of its kind in Australia), which examined rates of contact, CEM-only and 'dual' offenders (who engage in both CEM and contact offences), revealed that CEM offenders had lower rates of general, violent and sexual offending than both dual and contact offenders (Henshaw et al., 2018, p. 199). This explains why the authors suggest that CEM-only offenders may warrant different criminal justice responses, given their distinctly low level of risk of further offending (of any kind) compared to dual and contact offenders (Henshaw et al., 2018, p. 199). Henshaw et al. developed a study exploring a range of demographic, mental health and criminal characteristics of CEM-only, dual and contact sexual offenders. The sample was comprised of 1205 individuals (456 CEM, 256 dual, 493 contact offenders) charged with CEM offences or contact offences involving children between 2004-2014 (inclusive) in Victoria. Data was cross-referenced with Victoria police, DHHS and Corrections Victoria. There were several key findings, including:

- Most offenders, of all types examined, committed few offences of any kind.
- CEM-only offenders committed significantly fewer sexual offences than was the case for dual and contact offenders (Henshaw et al., 2018, p. 204).
- CEM offenders were significantly less versatile in their offending when compared with both dual and contact offenders
- CEM offenders committed offences at lower-than-expected frequencies across physical violence, intermediate violence and non-violent offences
- Almost all predictor variables were found to significantly differentiate CEM from contact offenders. Increases in both the number of sexual offences committed and offending versatility resulted in increased odds of being a contact offender, including exclusively committing sexual offences and having a history of violent offending (Henshaw et al., 2018, p. 208).
- The odds of being a dual offender were significantly decreased for those with both higher education backgrounds with those missing education information

- CEM offenders different from both contact and dual offenders in terms of their less frequent, versatile and violent offending histories.
- Antisociality is likely to be more important in distinguishing between CEM and dual offenders than among deviant sexual interests
- CEM offenders demonstrate high rates of sexual deviance but low rates of antisociality, contact offenders show the opposite, and dual offenders exhibit the concerning combination of both high sexual deviance and antisociality. This indicates dual offenders present an increased risk and thus require the highest level of management and intervention than all three groups.

Other studies further found that CEM-only offenders were twice as likely to be employed compared to contact offenders (Armstrong and Mellor, 2016, Aslan and Edelman, 2014, Neutze et al., 2011, Seto et al., 2015). Across eight studies which examined previous contact sexual offending, the proportion of CEM-only offenders having a history of contact sexual offences ranged from 1-11.2% (Brown and Bricknell, 2018, p. 8). In general, less than one in ten of CEM offenders had a previous conviction for a contact offence (Brown and Bricknell, 2018, p. 9).

By the standards of what the SOR is designed to achieve, it has demonstrated limitations. For example, because of the mandatory inclusion of so many offenders on the Register, this presents a difficult challenge to the Police who manage this long list of (low risk) people. It presents challenges around how to devote the right number of resources to monitor and follow up with people on the register.

Overwhelmingly sex offenders do not commit any sexual offence ever again. Many studies around the world have established this. As Sandler stated, 'Analyses also showed that over 95% of all sexual offense arrests were committed by first-time sex offenders, casting doubt on the ability of laws that target repeat offenders to meaningfully reduce sexual offending' (Sandler et al., 2008, p. 1). Studies in the US by the Bureau of Justice Statistics found that only 5.3% of the 9,691 sex offenders released from prison in 1994 were re-arrested for a new sex offense within 3 years of being released (Langan et al., 2003), compared with re-arrest rates of 73.8% for property offenders and 66.7% for drug offenders (Langan and Levin, 2002).

Interestingly, a research paper produced by the AIC into sexual offending recidivism observed that sexual offenders can be *both* specialised and generalist offenders. The report observed the following: 'Another salient issue is whether sex offenders are generalist or specialist offenders; that is, whether they commit other types of crime or only sex crimes. The preferred view is that sex offenders are versatile offenders: they are both generalists and specialists and the index offence often does not predict future offence types' (Lievore, 2004, p. 29). This is a surprising finding, since the majority of the research in Australia and internationally clearly indicates the typical individual convicted of a sexual offence is a first-time offender – for any category within this crime type. The latter explains why so few go on to commit further sexual offences, or any offence. The AIC report then makes the following (inconsistent) observation regarding the actual rates of sexual recidivism: 'A number of studies report sexual recidivism rates below 10 per cent and relatively few are higher than 20 per cent' (Lievore, 2004, p. 29). The same report then observed the following, 'Finally, a meta-analysis of 61 recidivism studies with over 23,000 subjects from six countries did not support the popular view that sexual offenders always commit further

sex crimes' (Lievore, 2004, p. 35). Any reasonable interpretation of this meta-analysis would make clear that the overwhelming majority of sex offenders are not specialised offenders – and further that recidivism rates of sex offenders is low. Indeed, the report finally comes to the conclusion that 'While most sex offenders are not at risk of sexual recidivism, it is necessary to identify those who are' (Lievore, 2004, p. 37). The report then outlines the core underlying risk factors of those offenders who are more likely to reoffend – factors which are covered in more detail elsewhere in this submission by more up-to-date findings from criminologists, psychologists and practitioners in this field.

By automatically including a large swathe of sexual offenders on the SOR is representative of a 'category mistake' (conflating one offender's risk of recidivism with all offenders of that offence type) in applying a risk assessment. This is especially true regarding the automatic registration of CEM-only offenders.

Low rates of recidivism

Research regarding recidivism of sexual offenders consistently indicates that the overwhelming majority of these offenders do not sexually reoffend (Harper et al., 2015, p. 7). A meta-analysis of 30,000 sex offenders found that the average recidivism rate was 13.7% over 5-7 years. As Doyle and colleagues report: 'Given this relatively low base rate of sexual recidivism and the practical difficulties in predicting a low base rate event, attempting to predict who will commit further serious sexual offending will inevitably be accompanied by false accusations' (Harper et al., 2015, p. 7).

The Sentencing Advisory Council provided data to the Panel regarding statistics of sexual recidivism of 215 convicted sex offenders. The data included a follow up period of 9 years. 84.7% did not reoffend (Harper et al., 2015, pp. 26-7). Of those who did reoffend, upon close inspection, it was revealed that most of those new offences related to breaching administrative reporting conditions, as set out in the Sex Offenders Registration Act Vic (2004). 21 of the 33 who reoffended was failing to comply with reporting under the obligations of the Sex Offenders Registration Act Vic (2004) (Harper et al., 2015, pp. 28). 'The Panel's conclusion from this data is that (the highly publicised and terrible exceptions notwithstanding) reoffending by sex offenders is uncommon' (Harper et al., 2015, pp. 28).

It is important to clarify how many people in Victoria engage in CEM, to have an understanding of the scale of this issue. In 2015 Victoria Police observed that at any one time there are 4000 people in Victoria accessing CEM (Fontana, 2015). As the later trends regarding patterns of CEM offending detected by Victoria Police during the COVID restrictions, this number has significantly increased.

The assumption that non-contact offenders are at risk of becoming contact offenders is challenged by the following study: The key findings from this study into the increased consumption of sexually explicit materials, including CEM, and the decreased incidence of sexual assaults, including against minors, can be observed from the below excerpt:

'The number and availability of sexually explicit materials increased in Japan over the years 1972-95. At the same time, the incidence of rape declined from 4,677 cases with 5,464 offenders in

1972 to 1,500 cases with 1,160 offenders in 1995. The number of rapes committed by juveniles also markedly decreased. The incidence of sexual assault declined from 3,139 cases in 1972 to fewer than 3,000 cases for each year during 1975-90. The incidence of reported public indecencies decreased by about one-third. Marked declines also occurred in the numbers of murders and nonsexual violent physical assaults. Murders dropped by some 40 percent; nonsexual physical assaults decreased by about 60 percent. Findings were similar to those in Denmark, Sweden, and West Germany. Findings were also consistent with what is known about property crime rates in Japan. Nevertheless, the myth persists that an abundance of sexually explicit material invariably leads to an abundance of sexual activity and eventually rape. A variety of societal factors may relate to the decrease in sex offenses. Nevertheless, the data make clear that a massive increase in available pornography in Japan has been correlated with a marked decrease in sex offenses, particularly among juveniles as perpetrators or victims' (Diamond and Uchiyama, 1999, p. 1).

Risk distinction between 'CEM-only', dual CEM-contact and 'contact' offenders

There have been studies done regarding CEM-only offenders, specifically regarding whether the exponential increase of people viewing and possessing CEM around the world has led to an increase in 'contact' offences towards children. Yet this has not happened. In the past 30 years there has been a significant increase worldwide regarding the availability of the internet. A review 'found little to no evidence that availability of the Internet has increased the worldwide incidence or prevalence of in-person child sexual abuse. In fact, during the time period in which the Internet has flourished, international crime statistics have shown a steady decrease of in-person child sexual abuse' (Ly et al., 2016, p. 1). Other studies have made this same finding. For example, 'Following the effects of a new law in the Czech Republic that allowed pornography to a society previously having forbidden it allowed us to monitor the change in sex related crime that followed the change. As found in all other countries in which the phenomenon has been studied, rape and other sex crimes did not increase. Of particular note is that this country, like Denmark and Japan, had a prolonged interval during which possession of child pornography was not illegal and, like those other countries, showed a significant decrease in the incidence of child sex abuse' (Diamond et al., 2011, p. 1) .

If there was a link between CEM-only offenders and contact offenders then there would be a statistical relationship between the demonstrated increase in the volume of CEM material available, the increased number of consumers, and reports of contact sexual abuse (especially in relation to children). This has not occurred - anywhere in the world, as can be observed with reference to many studies and meta-studies included in this submission.

The premise that CEM offenders present a demonstrated risk for escalating to contact offending is categorically unfounded. The research on this topic makes that clear. In a similar sense, the premise that people prefer the real over the virtual is also false. If the premise was true, there would be a correlation between the global trend in millions of people increasingly watching adult pornography and a similar increase in sexual exchanges between adults. The trend presents the opposite finding: there are more people watching porn and fewer people having intercourse (either by consent or even sexual assault) with adults. This will be made clearer shortly with reference to several studies.

Some studies have revealed that CEM offending is partly the outcome of the individual's escalation within a porn-addiction continuum (Brown and Shelling, 2019, p. 4). Other studies have posited that people in general prefer the physical world over the virtual (Brown and Shelling, 2019, p. 5). In many cases this is true, yet there are exceptions to this rule. Otherwise, there would be a correlation of people who watch horror or violent movies and subsequently engaging in such acts of violence. Yet this is not the case.

Sexual fantasies arguably are a classic example of this. Tellingly, this can arguably be illustrated by the trend regarding the increase in people watching adult porn and the *reduction* around the globe of sexual exchanges between adults. The scale of internet porn consumption around the world is worth bearing in mind, especially in relation to the notion that such consumption has an inverse relationship to sexual intercourse between adults. Internet porn consumption is a widespread practice, with 46-74% of men and 16-41% of women being active pornography users in modern nations (Zattoni et al., 2020). Popular porn websites have reported 39 billion searches and 42 billion visits during 2019, which included 18,073 *terabytes* of data transferred *per day* (Zattoni et al., 2020). There are likely many explanations why there has been a significant increase in porn consumption and a decrease in sexual activities. It is not necessary to explore this in detail for this submission. During the COVID-19 restrictions in Victoria, couples living together responded to surveys indicating a 34% *reduction* in sexual intercourse with their partners. Nationally there has been a 25% reduction (Coombe et al., 2020). During the COVID pandemic, porn consumption has increased exponentially around the world. Some adult porn websites have witnessed significant increases, including the following: Spain up 61.3%, France up 38.2%, Italy up 30% as of March 2020 (López, 2020).

In Victoria, during the COVID19 pandemic, there has also been a significant increase in the numbers of people accessing CEM, with some websites which host this material crashing due to the due to the sharp increase (Dillon, 2020). Figures from Victoria Police have revealed that the number of CEM being shared online in Victoria has more than doubled in the last year (Vedelago, 2020). The number of computers accessing CEM in Victoria has increased 34% over the last year (*ibid*).

What should be the response from the CJS?

It is worth bearing in mind the phrase, 'If all you have is a hammer, every problem you see will be a nail'. Given this significant increase in online offending in Victoria, one response by the government may be to increase funding and resources to Victoria Police to combat this crime-type. Yet it appears this would be an ineffective response as the following observation by Detective Inspector Marty Allison, from Victoria Police, makes clear: 'There are 17,000 police in Victoria and I reckon if we put them all onto JACET we still wouldn't make a dent in the offending. I'm not kidding' (Vedelago, 2020). If a law enforcement institution can expend 100% of its state-wide resources and not make a difference at all to a crime-type signifies many things. Principally it means that using law enforcement, as a tool of government, is likely not a suitable tool to deal with this particular problem. It does not mean that Victoria Police needs more resources – if they can't be effective with 100% directed towards a single crime-type, more resources for that agency is not the solution. This is not a criticism of the competence of Victoria Police. It is really an issue regarding the most suitable tool to deal with a specific problem. There needs to be a more

sophisticated response, tailored to addressing the issues surrounding this offending behaviour. Law enforcement will have its place, but perhaps a secondary role to deal with only the most serious of sexual offences. In the case of offences against children, this would be akin to targeting organised crime, for example investigating underground networks of people who traffic in children, along with those who commit contact offences against children and produce the online exploitation material. That is, law enforcement may be better suited to focusing their attention towards the select few who actively engage in contact offences and produce exploitation material – rather than a broadening of their attention to cover the many in Victoria who consume CEM (but overwhelmingly do not escalate to contact offending).

In May 2016 a man in Victoria who pleaded guilty to 37 charges, including the trafficking and sexual abuse of his twin surrogate daughters, was sentenced to 22 years imprisonment with a non-parole period of 15.5 years. The offender had accessed CEM for 20 years and had shared to other online users of CEM for over 5 years. The Judge remarked that this case represented the dangers of offenders escalating from non-contact CEM offences to contact offences and the trafficking of children. In the Judge's view, this extremely rare singular case was sufficient to characterise realistic dangers presented by *anyone who accesses CEM* (Australia, 2017, p. 97). This leap in logic and misappropriating a single case to characterise escalating behaviour of CEM offenders in general to contact offences is difficult to reconcile with respect to the findings from meta-analytic and empirical studies involving tens of thousands of CEM offenders across decades of follow-up periods and several countries, which clearly illustrates this being statistically improbable for the majority of offenders.

The USA has the greatest degree of law enforcement resources devoted to investigating CEM material, along with some of the most severe penalties imposed (including lengthy prison sentences and publicly available registers in several states) on those guilty of these online offences. Yet the USA is the single largest producer and consumer of CEM in the world (Thorn, 2014). In 2014 the US Department of Justice revealed that there were 9.8 million unique IP addresses which engaged in peer-to-peer sharing of CEM, which accounted for (in 2014) 50% of global users accessing CEM.

During the COVID 19 pandemic the trend around the world has been an increase in CEM being available along with more users consuming this material. In the USA, the National Centre for Missing and Exploited Children (NCMEC) has reported a 106% increase in child exploitation material. In the UK, the police have reported an increase in online exploitation material increasing 146% in March 2020, compared to March 2019. In Australia, the Office of eSafety Commissioner has reported an increase of 200% in reports of CEM (Bravehearts.org, 2020). The laws regarding the criminalisation of CEM offending, which include penalties of imprisonment up to 15 years in Victoria, are principally designed to deter such offences. Yet despite this, there is no indication of such laws having much deterrence. This is reflected in the steady rise in the numbers of people in Victoria accessing CEM (Vedelago, 2020). If the cause of the increase in CEM offences is related to some form of porn addiction, as some studies have offered as an explanation (Henshaw et al., 2020), then it might be more worthwhile to tailor policies to more adeptly understand and address that issue (or intelligence Problem).

Recidivism rates continued: CEM-only to contact offences, and treatment studies

Seto and his colleagues examined the recidivism rates of 2,630 CEM-only offenders, finding that only 5% reoffended with a sex offence during the follow up period of six years (two of the nine studies reported no recidivism) (Meridian et al., 2011, p. 3). Two percent of online offenders engaged in a contact offence, 3.4 percent with CEM and 4.2 per cent for a violence assault.

CEM-only offenders, in distinction to contact offenders examined in a study, were found to have a greater interest in fantasy. Fifty six per cent of CEM-only offenders rated fantasy as having higher importance in their life – indicating that for these offenders the focus is purely fantasy-driven, without the intention of progressing onto contact offending (Meridian et al., 2011, p. 5).

The criminologist and documentarian Rex Bloomstein produced a documentary examining the treatment and rates of recidivism of sex offenders in Europe, particularly the UK and the Netherlands. Bloomstein established that the re-offending rate of sex offenders once released from prison is 6%, compared to 50% for the general prison population (Bloomstein, 2016). In the Netherlands it is common practice for police to refer those found in the possession of child abuse material to seek counselling to reduce their risk of further offences. If the offender engages in such counselling run by the state, that is taken into account by the Magistrate upon their sentencing.

In a study which examined the literature regarding the risks of CEM offenders, the authors found that in an 18-month follow up from the offender's convictions, 3% of CEM offenders committed a further offence (Henshaw et al., 2017, p. 428).

Lösel and Schmucker in 2005 conducted one of the largest meta-analyses assessing the effectiveness of sex offender treatment. They combined 69 studies, covering 22,181 sex offenders. They established that with a follow up period of just over 5 years, the recidivism rate of treated sexual offenders was 11.1%, compared to 17.5% for untreated sexual offenders (Przybylski et al., 2015). In another study into the effectiveness of treatment of sexual offenders, Prentky, Schwartz and Burns-Smith (Prentky and Schwartz, 2006, p. 5), treatment reduced recidivism by 5-8%.

In 2017, the amendments to the SOR Act provided police the ability to obtain fingerprints and DNA samples from RSOs. In 2018, Victoria Police identified 2700 RSOs eligible for obtaining such samples and conducted a state-wide targeted collection operation. Victoria Police then began to cross-reference these samples across all unsolved crimes in Victoria and matched only 35 RSOs to 58 incidents. Of all these 2700 RSO, 35 represents a hit rate of 1.29%, which is illustrative of the low rates of sexual offending amongst sexual offenders and more generally draws attention to the degree to which low risk offenders (who make up around 60% of people on the register) translates to in terms of low levels of offending.

An important characteristic underpinning prospective future offending is the category of 'offence-supportive beliefs' of offenders. This category centres around the offender's attitudes regarding victim-empathy, cognitive distortions and emotional identification with children. In comparison to general sexual offenders, CEM offenders have consistently been found to demonstrate fewer offense-supportive beliefs, more empathy towards victims, less distorted thinking regarding their offending and lower levels of emotional identification with children (Babchishin et al., 2015, Elliott et al., 2009, Merdian et al., 2014).

Such findings are consistent with other research which outlines higher rates of antisociality, aggression, and psychopathic traits within child-oriented and generalist sexual offenders in comparison to CEM offenders, with reference to clinical personality inventories (Magaletta et al., 2014, Tomak et al., 2009). The distinct group of CEM offenders draws attention to important differences from traditional contact sexual offenders. The findings are indicative of the presence of a higher functioning group, who largely limit their offending to online or other non-contact sexual activities, who typically follow a seemingly successful life (Henshaw et al., 2017, p. 430).

Elliot established that CEM offenders, exhibiting lower levels of antisocial beliefs and higher fantasy proneness, in comparison to contact offenders, explained 80.9% variance in their respective scores and assessments (Elliott et al., 2009). Importantly, studies into dual-offenders (both contact and CEM) revealed that these offenders were characterised as having both a preoccupation with the internet and antisocial behaviour, suggesting that the principal risk of CEM offenders escalating to contact offending is closely related to antisocial behaviour (Henshaw et al., 2017, p. 430). This is consistent with meta-analytic findings of Babchishin et al. (Babchishin et al., 2015) which indicated that dual offenders as being high risk due to their higher sexual interest in children compared to CEM and contact offenders, along with higher levels of antisociality and offense supportive beliefs.

The Victorian Auditor-General's Office produced a report *Managing Registered Sex Offenders* (2019). This report examined various issues of the management of individuals on the SOR in Victoria. This included a study of a multivariate analysis of using nine factors and found a strong correlation to between the number of general criminal offences committed by an RSO and sexual offending (Office, 2019, p. 14). As stated in their report, 'The higher the number of other criminal offences, the more likely an RSO is to sexually reoffend' (Office, 2019, p. 14). This has a bearing in relation to CEM-only offenders, who overwhelmingly are first time offenders with no criminal history. This multivariate analysis draws attention to the low level of risk of CEM-only offenders, especially those who have an absence of a criminal history. Interestingly, the report did make any observation of the internationally and universal consensus from scholars and practitioners who professionally work with sex offenders (such as forensic psychologists in this area) that recidivism rates of sex offenders is low compared to other crime-types.

A study which examined rates of 541 male CEM offenders committing contact offences found that over 4.1 years, found that only 4% of CEM offenders committed a contact offence (Eke et al., 2011), the predictors of non-contact offenders escalating to contact offending being prior offence history, including violent history and a younger offender age. This is consistent with findings from another prospective study (Seto et al., 2015). Furthermore, findings from McCarthy's dual offender study indicated that contact offenders (84%) typically engaged in CEM offences after, not prior, to contact offences (McCarthy, 2010). This indicates that the typical trajectory of CEM

offenders escalating to contacting offending is questionable. If there was a relationship between CEM and contact offending then there would be a similar increase in the rates of contact sexual offending over the last two decades (Glasgow, 2010). Importantly, in Victoria, recent statistics from the Crimes Statistics Agency reveals the number of Offences Against Children has remained stable over the last few years (CSA, 2020). In 2016, Sexual Offences Against children was the only offence group to *decrease*, by 15.9% in the last 12 months (n=244) (CSA, 2016).

This is supported by statistical analysis available from the Sentencing Advisory Council. A report which examined the sentencing trends for offenders charged with the principal offence of Knowingly Possess Child Pornography in the Magistrates' Court 2004-2007 highlighted an important finding. Within the top 10 most common offences beyond the principal offence of possessing CEM material did not include *any* contact offences. The most common secondary offence was make/produce CEM (13.2%) (SAC, 2008). Further statistical analysis provided by the Sentencing Advisory Council, in relation to the top 10 most common secondary offences highlight the low rates of possessing CEM:

Sexual penetration with a child aged 12 to 16 (6.4%) (SAC, 2017); Sexual penetration of a child aged under 12 (8.6%) (SAC, 2019b); Sexual Penetration of a Child between 10-16 years old, (5.2%) (SAC, 2019a); Sexual Penetration of a Child under 10 (SAC, 2011) (3.8%).

The intersection of CEM and contact offences

A key issue is understanding the intersection of where people who view CEM and then engage in contact offences. This is important because the vast majority of CEM offenders *do not* cross over to contact offences, even after many years since being convicted for CEM possession. There are many reasons for this. Principally because the motivation and pathology of contact versus non-contact offenders is fundamentally different. They are not just a little bit different – the divergence between the two is significant and statistically (and clinically) demonstrated. As Forensic Psychologist Luke Broomhall states 'Treatment for someone who downloads child exploitation material only is going to be different to someone who engages in contact sexual offending, because the pathways to offending are cognitively and behaviourally different for each of those two groups' (Royal, 2015). This is explored in greater detail in this submission.

CEM as 'fantasy' does not translate necessarily to risk of future harm

An important premise behind the decision to respond to CEM-only offenders in much the same way as if they committed contact offences is because of the belief that CEM-only offenders present risks for engaging in contact offending. Part of this thinking comes from the view that people, offenders and non-offenders, prefer reality to virtual-reality. If a person can act out their virtual fantasy in real-life, then they would – or be likely to. This is categorically incorrect. There are two main reasons why it is not the case that a CEM-only offender will likely engage in contact offending. 1. The pathology of a contact offender is fundamentally different to a CEM-only offender. The former engages in real-life offending (assault etc.) because of anti-social behaviour problems, lack of meaningful relationships in their life, poor employment record, poor education and so on. The CEM-only offender does not have such a risk profile. They are not likely to engage in any crime following their CEM offence, and certainly not sexual offences (and likely not again contact offences against children). 2. It is not the case people prefer reality over the virtual. For

example, the PC and console gaming industry, which engages hundreds of millions of people around the world on a daily basis and far exceeds the sales and gross profits of Hollywood (and more generally the entire movie industry) has not led people to engaging in more violent crimes – despite the fact that First Person Shooter (FPS) games are often the highest selling games. People overwhelmingly do not act out their fantasies. Those who do are an unusual exception to the rule. Those exceptions, not surprisingly, also have the same type of risk profile of those who engage in contact offences. If there was a correlation between people acting out their fantasies, such as acting out violent video games in real life, there would be unprecedented levels of violence within developed countries. This is not the case. With the uptake around the world regarding virtual gaming, it could be argued people prefer the virtual over reality, at least in part. This is a sub-topic requiring more attention for another date. Yet in short, it is at the very least questionable there is a correlation between the notion that people a) prefer reality over virtual reality and b) even if this were the case, they would be likely (or more likely than not) to act out such fantasies.

Continued: low rates of recidivism

A report by the New York Senate Standing Committee on Crime Victims, Crime and Correction stated in relation to their Sex Offender Register (with reference to those convicted of CEM offences) ‘there are far too many people in New York who are misclassified in the higher levels of risk, and therefore unnecessarily diverting limited resources from likely re-offenders’ (Bar, 2020).

In the USA, government reports which have evaluated the effectiveness of their Sex Offender Registration system have called for reconsidering a more tailored approach based on (more accurate assessments) of the risk profile of the offender. As one report observed, ‘...although sex offenders elicit little sympathy, overly inclusive registries present barriers to successful reintegration of lower risk offenders who are unlikely to recidivate but who nevertheless face the same stigma and collateral consequences of registration as high-risk offenders. With these facts in mind, registration and notification requirements should be based on empirically validated actuarial risk assessment’ (Letourneau et al., 2010a, p. 54). Furthermore, online notification has not been associated with neither general deterrence of sex crimes or with reduced levels of sexual recidivism. This is likely because those on the sex offender register face reintegration obstacles which are associated with increasing the likelihood of recidivism.

Given the fact that few low risk offenders (currently over half of those on the SOR in Victoria) will sexually reoffend again, and that those who are high risk will present a lower risk as they age and accumulate time in the community offence-free, registered sex offenders should be provided the opportunity to be released from the reporting requirements after a reasonable period of law-abiding behaviour in the community (Letourneau et al., 2010a, p. 55).

If there could be a re-focusing of resources towards high-risk offenders, by removing the need to allocate resources to maintain and monitor low-risk offenders, this will improve the collaborative risk management approach to evaluate offender risks and needs and facilitate better support systems (English, Pullen, & Jones, 1996, 1998; Ward & Brown, 2004)’ (Letourneau et al., 2010a, p. 56).

Final thoughts

The Chinese philosopher Lao Tzu once remarked, 'Governing a large country is like cooking small fish. It can be easily overcooked.' This statement is applicable to several aspects of the Sex Offender Register (SOR) in Victoria – especially in relation to the automatic and mandatory inclusion of individuals convicted of a sexual offence in the SOR. The automatic and mandatory inclusion of sex offenders on the SOR in Victoria should be discontinued. In its place there could be various assessments by forensic psychologists to establish an offender's level of risk, which should be taken into account for sentencing (and whether the offender should be placed on the SOR), along with their criminal history and whether they have anti-social personality traits. This would facilitate a greater capacity of the SOR to be more effectively and efficiently managed by law enforcement, specifically by directing resources towards those few offenders who present a moderate to high degree of risk of re-offending. The savings made by such a re-focusing could then be used to assist victims of sexual assault. Any policy which is successful is invariably due to an alignment with the most current and informed research and empirical studies. The SOR and the sentencing principles in relation to sex offenders, could become significantly improved in terms of reaching their respective aims by a closer alignment of the current research regarding these offenders. Much of this potential evolution will likely centre around aligning the current research and empirical studies into sex offenders with regards to that most important aspect of the Intelligence Cycle: a sophisticated and deep understanding of the nature of the Problem. Otherwise, history will repeat itself.

Reference list

- AGENCY, C. S. 2017. Data tables - Sexual offences spotlight. *In*: AGENCY, C. S. (ed.). Canberra: Crime Statistics Agency.
- AGENCY, C. S. 2020. Victims, Selected offences by states and territories, 2010–2019. *In*: AGENCY, C. S. (ed.). Canberra: Crime Statistics Agency.
- ARMSTRONG, J. & MELLOR, D. 2016. Internet child pornography offenders: An examination of attachment and intimacy deficits. *Legal and Criminological Psychology*, 21, 41-55.
- ASLAN, D. & EDELMANN, R. 2014. Demographic and offence characteristics: a comparison of sex offenders convicted of possessing indecent images of children, committing contact sex offences or both offences. *The Journal of Forensic Psychiatry & Psychology*, 25, 121-134.
- AUSTRALIA, A.-S. 2017. *Behind the screen: Online child exploitation in Australia*, Anti-Slavery Australia.
- BABCHISHIN, K. M., HANSON, R. K. & VANZUYLEN, H. J. A. O. S. B. 2015. Online child pornography offenders are different: A meta-analysis of the characteristics of online and offline sex offenders against children. 44, 45-66.
- BAR, N. Y. C. 2020. *Updating the Guidelines of the Sex Offender Risk Assessment Instrument* [Online]. New York: New York City Bar. Available: <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/updating-the-guidelines-of-the-sex-offender-risk-assessment-instrument> [Accessed 2020 2020].
- BARNETT, G. D., WAKELING, H. C. & HOWARD, P. D. 2010. An examination of the predictive validity of the Risk Matrix 2000 in England and Wales. *Sexual Abuse*, 22, 443-470.
- BLOOMSTEIN, R. 2016. *Treating the Sex Offender*. UK: BBC.

- BOUFFARD, J. A. & ASKEW, L. 2019. Time-series analyses of the impact of sex offender registration and notification law implementation and subsequent modifications on rates of sexual offenses. *Crime & Delinquency*, 65, 1483-1512.
- BRAVEHEARTS.ORG. 2020. *COVID-19 AND ONLINE CHILD EXPLOITATION: UNDERSTANDING AND RESPONDING TO RISKS ASSOCIATED WITH YOUNG PEOPLE'S INCREASED ONLINE ACTIVITIES* [Online]. Australia: Bravehearts.org. Available: <https://bravehearts.org.au/covid-19-and-child-exploitation/> [Accessed 22.11.20 2020].
- BROWN, R. & BRICKNELL, S. 2018. What is the profile of child exploitation material offenders? *Trends and Issues in Crime and Criminal Justice*, 1.
- BROWN, R. & SHELLING, J. 2019. Exploring the implications of child sex dolls. *Trends & Issues in Crime & Criminal Justice*.
- COMMISSION, A. P. 2018. Report on Government services 2018. In: COMMISSION, A. P. (ed.) *Productivity Commission*.
- COOMBE, J., KONG, F. Y. S., BITTLESTON, H., WILLIAMS, H., TOMNAY, J., VAISEY, A., MALTA, S., GOLLER, J. L., TEMPLE-SMITH, M. & BOURCHIER, L. J. S. T. I. 2020. Love during lockdown: findings from an online survey examining the impact of COVID-19 on the sexual health of people living in Australia.
- COUNCIL, S. A. 2017. ONE IN 10 CHARGES SENTENCED IN VICTORIA IS FOR A BREACH OF CONDITIONS. Melbourne: Sentencing Advisory Council.
- COUNCIL, S. A. 2019. SACStat Higher Courts - Knowingly possess child pornography (repealed). In: COUNCIL, S. A. (ed.). Canberra: Sentencing Advisory Council.
- CRAIG, L. A., BEECH, A. & BROWNE, K. 2006. Cross-validation of the risk matrix 2000 sexual and violent scales. *Journal of interpersonal violence*, 21, 612-633.
- CSA 2016. A 30 Sexual Offences. In: AGENCY, C. S. (ed.). Victoria: Crime Statistics Agency
- CSA. 2020. *A30 Crimes Against Children* [Online]. Victoria: Crime Statistics Victoria. Available: <https://www.crimestatistics.vic.gov.au/crime-statistics/historical-crime-data/year-ending-31-december-2016/spotlight-sexual-offences> [Accessed 30.11.20 2020].
- DESLAURIERS-VARIN, N., LUSSIER, P. & TZOUMAKIS, S. 1986. *Crime Specialization*, Oxford, Oxford.
- DIAMOND, M., JOZIFKOVA, E. & WEISS, P. 2011. Pornography and Sex Crimes in the Czech Republic. *Archives of Sexual Behavior*, 40, 1037-1043.
- DIAMOND, M. & UCHIYAMA, A. 1999. Pornography, rape, and sex crimes in Japan. *International journal of law and psychiatry*, 22.
- DILLON, M. 2020. Child exploitation websites 'crashing' during coronavirus amid sharp rise in reported abuse. *ABC News*.
- EKE, A. W., SETO, M. C., WILLIAMS, J. J. L. & BEHAVIOR, H. 2011. Examining the criminal history and future offending of child pornography offenders: An extended prospective follow-up study. 35, 466-478.
- ELLIOTT, I. A., BEECH, A. R., MANDEVILLE-NORDEN, R. & HAYES, E. J. S. A. 2009. Psychological profiles of Internet sexual offenders: Comparisons with contact sexual offenders. 21, 76-92.
- FONTANA, S. 2015. Child exploitation: the sickening scourge. *SMH*.
- GIBBONS, S. & MACHIN, S. 2008. Valuing school quality, better transport, and lower crime: evidence from house prices. *Oxford Review of Economic Policy*, 24, 99-119.
- GLASGOW, D. 2010. The potential of digital evidence to contribute to risk assessment of internet offenders. *Journal of Sexual Aggression*, 16, 87-106.
- GRIFFITH, G. & SIMON, K. 2008. *Child pornography law*, NSW Parliamentary Library Research Service Sydney.
- HALL, P. 2004. Parliamentary Debates, Legislative Council, First session. In: PARLIAMENT, V. (ed.). Melbourne: Parliamentary Debates.
- HARPER, D., MULLEN, P. & MCSHERRY, B. 2015. Advice on the legislative and governance models under the Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic). Melbourne.

- HENSHAW, M., DARJEE, R. & CLOUGH, J. A. 2020. Online child sexual offending. *Child Sexual Abuse*. Elsevier.
- HENSHAW, M., OGLOFF, J. R., CLOUGH, J. A. J. B. S. & LAW, T. 2018. Demographic, mental health, and offending characteristics of online child exploitation material offenders: A comparison with contact-only and dual sexual offenders. 36, 198-215.
- HENSHAW, M., OGLOFF, J. R. & CLOUGH, J. A. J. S. A. 2017. Looking beyond the screen: A critical review of the literature on the online child pornography offender. 29, 416-445.
- LANGAN, P. A. & LEVIN, D. J. J. F. S. R. 2002. Recidivism of prisoners released in 1994. 15, 58-65.
- LANGAN, P. A., SMITH, E. L. & DUROSE, M. R. 2003. *Recidivism of sex offenders released from prison in 1994*, US Department of Justice, Office of Justice Programs, Bureau of Justice
- LETOURNEAU, E. J., LEVENSON, J. S., BANDYOPADHYAY, D., SINHA, D. & ARMSTRONG, K. S. 2010a. *Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence Against Women: Final Report for National Institute of Justice*, MUSC, Medical University of South Carolina.
- LETOURNEAU, E. J., LEVENSON, J. S., BANDYOPADHYAY, D., SINHA, D. & ARMSTRONG, K. S. J. C. J. P. R. 2010b. Effects of South Carolina's sex offender registration and notification policy on adult recidivism. 21, 435-458.
- LIEVORE, D. 2004. *Recidivism of sexual assault offenders: Rates, risk factors and treatment efficacy*, Australian Institute of Criminology Canberra.
- LINDEN, L. & ROCKOFF, J. 2008. Estimates of the impact of crime risk on property values from Megan's laws. *American Economic Review* 98, 1103-27.
- LÓPEZ, C. 2020. *Porn views have sharply increased in some countries since coronavirus quarantines started worldwide* [Online]. New York: Insider. Available: <https://www.insider.com/porn-views-have-increased-worldwide-since-onset-of-covid-19-2020-3> [Accessed 8.12.20 2020].
- LY, T., MURPHY, L. & FEDOROFF, J. P. 2016. Understanding Online Child Sexual Exploitation Offenses. *Current Psychiatry Reports*, 18, 74.
- MAGALETTA, P. R., FAUST, E., BICKART, W., MCLEAREN, A. M. J. I. J. O. O. T. & CRIMINOLOGY, C. 2014. Exploring clinical and personality characteristics of adult male internet-only child pornography offenders. 58, 137-153.
- MCCARTHY, J. 2010. Internet sexual activity: A comparison between contact and non-contact child pornography offenders. *Journal of Sexual Aggression*, 16, 181-195.
- MCSHERRY, B., KEYZER, P. & FREIBERG, A. 2007. *Preventive detention for 'dangerous' offenders in Australia: A critical analysis and proposals for policy development*, Monash University.
- MERDIAN, H., CURTIS, C., THAKKER, J., WILSON, N. & BOER, D. 2011. The three dimensions of child pornography offending. *Journal of Sexual Aggression* 1–12.
- MERDIAN, H. L., CURTIS, C., THAKKER, J., WILSON, N., BOER, D. P. J. P., CRIME & LAW 2014. The endorsement of cognitive distortions: Comparing child pornography offenders and contact sex offenders. 20, 971-993.
- MULLEN, P. 2011. Sex Offenders Registration: Received Submissions. In: COMMISSION, V. L. R. (ed.). Melbourne: Victorian Law Reform Commission.
- NAPIER, S., DOWLING, C., MORGAN, A., TALBOT, D. J. T., CRIME, I. I. & JUSTICE, C. 2018. What impact do public sex offender registries have on community safety? , 1.
- NEUTZE, J., SETO, M. C., SCHAEFER, G. A., MUNDT, I. A. & BEIER, K. 2011. Predictors of child pornography offenses and child sexual abuse in a community sample of pedophiles and hebephiles. *Sexual Abuse*, 23, 212-242.
- OFFICE, V. A.-G. 2019. Managing Registered Sex Offenders. In: OFFICE, V. A.-G. (ed.). Melbourne: Victorian Auditor-General Office.
- OMBUDSMAN 2011. Whistleblowers Protection Act 2001: investigation into the failure of agencies to manage registered sex offenders. Melbourne: Ombudsman Victoria. Available from: <https://www.ombudsman.vic.gov.au>

- POLICE, V. 2014. Offences Recorded by Offence Code 2004-05 to 2013-14. *In*: POLICE, V. (ed.). Melbourne: Victoria Police.
- POLICE, V. 2018. Victoria Police annual report 2017–2018. Melbourne: Victoria Police.
- POPE, J. C. 2008. Fear of crime and housing prices: Household reactions to sex offender registries. *Journal of Urban Economics*, 64, 601-614.
- PREISS, T. MILLS AND B. 2019. One police officer monitoring 100 sex offenders, Auditor-General finds. *The Age*.
- PRENTKY, R. & SCHWARTZ, B. H. 2006. Treatment of adult sex offenders. *National Online Resource Center on Violence Against Women*.
- PRESCOTT, J. & ROCKOFF, J. 2011. Do sex offender registration and notification laws affect criminal behavior? *Journal of Law and Economics*, 54, 161-206.
- PRZYBYLSKI, R., ASSOCIATION, N. C. J., UNITED STATES OF AMERICA %J OFFICE OF SEX OFFENDER SENTENCING, M., APPREHENDING, REGISTERING, & TRACKING 2015. The effectiveness of treatment for adult sexual offenders.
- ROYAL, S. 2015. Mandatory reporting might prevent potential child sex offenders from seeking early intervention. *ABC News*.
- SAC 2008. Sentencing Snapshot 51: Sentencing Trends for Knowingly Possess Child Pornography in the Magistrates' Court of Victoria 2004-05 to 2006-07. *In*: COUNCIL, S. A. (ed.). Victoria: Sentencing Advisory Council.
- SAC 2011. Sentencing Snapshot No 119: Sexual penetration of a child aged under 10. *In*: COUNCIL, S. A. (ed.). Victoria: Sentencing Advisory Council.
- SAC 2017. Sentencing Snapshot: Sexual penetration with a child aged 12 to 16. *In*: COUNCIL, S. A. (ed.). Victoria: Sentencing Advisory Council.
- SAC 2019a. Sentencing Snapshot 114 Sexual Penetration 10 to 16 October 2011. *In*: COUNCIL, S. A. (ed.). Victoria: Sentencing Advisory Council.
- SAC 2019b. Sentencing Snapshot: Sexual penetration of a child aged under 12. *In*: COUNCIL, S. A. (ed.). Victoria: Sentencing Advisory Council.
- SANDLER, J. C., FREEMAN, N. J., SOCIA, K. M. J. P., PUBLIC POLICY, & LAW 2008. Does a watched pot boil? A time-series analysis of New York State's sex offender registration and notification law. 14, 284.
- SCHRECK, C. 2014. Offense specialization: key theories and methods. *Encyclopedia of Criminology Criminal Justice*, 3315-3321.
- SETO, M. C., EKE, A. W. J. L. & BEHAVIOR, H. 2015. Predicting recidivism among adult male child pornography offenders: Development of the Child Pornography Offender Risk Tool (CPORT). 39, 416.
- SMITH, K. 2004. Parliamentary Debates, Legislative Assembly. *In*: COUNCIL, L. (ed.). Melbourne: Legislative Council.
- STATISTICS, A. B. O. 2016. Personal safety, Australia, 2016. *In*: STATISTICS, A. B. O. (ed.). Canberra: Australian Bureau of Statistics Canberra, Australia.
- TERRY, K. 2015. Sex offender laws in the United States: smart policy or disproportionate sanctions? *International Journal of Comparative and Applied Criminal Justice*, 39, 113-127.
- THORN. 2014. Child Trafficking and Sexual Exploitation in the United States. Available from: <https://www.thorn.org/blog/child-trafficking-exploitation-in-the-united-states/> [Accessed 12.11.20 2020].
- TING, I., PALMER, A. & LIU, R. 2019. This is every road death since 1989. *ABC News*, 2019.
- TOMAK, S., WESCHLER, F. S., GHAHRAMANLOU-HOLLOWAY, M., VIRDEN, T. & NADEMIN, M. E. J. J. O. S. A. 2009. An empirical study of the personality characteristics of internet sex offenders. 15, 139-148.
- TREWIN, D. 2004. Sexual assault in Australia: A statistical overview. *In*: STATISTICS, A. B. O. (ed.). Canberra: Australian Bureau of Statistics.
- VEDELAGO, C. 2020. More than 7.4 million images of child abuse circulating in Victoria. *The Age*.

- VESS, J., LANGSKAILL, B., DAY, A., POWELL, M. & GRAFFAM, J. 2011. A comparative analysis of Australian sex offender legislation for sex offender registries. *Australian & New Zealand Journal of Criminology*, 44, 404-424.
- VICTORIAN-LEGAL-AID 2011. Sex Offenders Registration: Received Submissions. In: COMMISSION, V. L. R. (ed.). Melbourne: Victorian Law Reform Commission.
- WELFARE, A. I. O. H. 2018. Child Protection Australia 2017-18. In: WELFARE, A. I. O. H. (ed.). Canberra: Australian Institute of Health Welfare.
- WELFARE, A. I. O. H. 2020. Child Protection Australia 2018–19. In: WELFARE, A. I. O. H. (ed.). Canberra.
- WENTLAND, S., WALLER, B. & BRASTOW, R. 2014. Estimating the effect of crime risk on property values and time on market: Evidence from Megan's law in Virginia. *Real Estate Economics*, 42, 223-251.
- WHITTING, L., DAY, A., POWELL, M. J. I. J. O. P. S. & MANAGEMENT 2016. Police officer perspectives on the implementation of a sex offender community notification scheme. 18, 261-272.
- ZATTONI, F., GÜL, M., SOLIGO, M., MORLACCO, A., MOTTERLE, G., COLLAVINO, J., BARNESCHI, A. C., MOSCHINI, M. & DAL MORO, F. 2020. The impact of COVID-19 pandemic on pornography habits: a global analysis of Google Trends. *International Journal of Impotence Research*, 1-8.