The Impact of Community Notification Policies on the Management of Sex Offenders

by

Laura Whitting, BPsySc (Hons)

Submitted in partial fulfilment of the requirements for the degree of

Doctor of Psychology (Forensic)

Deakin University

October, 2016
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The Impact of Community Notification Policies on the Management of Sex Offenders

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Publication date: 2014  
Volume number: 47  
Page numbers: 240-258 |

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Acknowledgements

First and foremost, I would like to express my sincere gratitude to my thesis supervisors, Professor Andrew Day and Professor Martine Powell. I feel privileged to have had the opportunity to study under such highly esteemed and accomplished researchers, and I have benefited enormously from their expertise. Both Andrew and Martine were very responsive and always made themselves available to me despite their busy schedules. I deeply appreciate their guidance, constructive feedback, support and encouragement throughout the duration of my candidature. I would especially like to acknowledge Andrew, who continued to provide advice and guidance after he left Deakin University.

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Forthcoming conference presentation:

# Table of Contents

Abstract .......................................................................................................................... iii

CHAPTER 1: INTRODUCTION .................................................................................. 1  
Description of the Western Australian Scheme ......................................................... 8 
Rationale and Aims of the Thesis ............................................................................. 12 
Structure of the Thesis .............................................................................................. 14

CHAPTER 2: REVIEW OF THE LITERATURE ...................................................... 17  
What is Community Notification? ........................................................................ 18 
What is the Rationale for Community Notification? ........................................... 20 
The Impact of Community Notification on Reintegration ...................................... 24 
The Impact of Community Notification on Offending ........................................... 28 
   Sexual and general recidivism ............................................................................. 28 
   Non-recidivistic sexual offending ...................................................................... 35 
The Impact of Community Notification on Risk Management ............................ 37 
The Impact of Community Notification on Criminal Justice Agencies ............. 39 
Discussion ............................................................................................................... 44

CHAPTER 3: STUDY 1 ............................................................................................ 47  
Method ...................................................................................................................... 55 
   Participants ......................................................................................................... 55 
   Design ............................................................................................................... 56 
   Procedure .......................................................................................................... 56 
Analysis .................................................................................................................... 58 
   Limited Confidence in the Policy of Community Notification ....................... 58 
   Impact on Offenders ......................................................................................... 60 
   Impact on Victims and the Broader Community ............................................. 63 
   Impact on the Agency ....................................................................................... 64 
Discussion ............................................................................................................... 66

CHAPTER 4: STUDY 2 ............................................................................................ 71  
Method ...................................................................................................................... 74 
   Design and Procedure ....................................................................................... 74 
   Participants ......................................................................................................... 76 
Results ...................................................................................................................... 77 
   What are the characteristics of offenders subject to notification? .................... 77
Has the introduction of the scheme significantly increased the workload of the police who are responsible for managing it? .................................................. 83
Has the scheme adversely impacted offenders’ psychological wellbeing? ....... 87
Have there been any incidents of vigilantism linked to the scheme? ............... 91
Has the introduction of the scheme had an impact on offenders’ compliance with their reporting obligations? ................................................................. 93
Discussion ................................................................................................. 96
CHAPTER 5: GENERAL DISCUSSION ......................................................... 102
Contribution, Implications and Recommendations ........................................ 107
  Implications for policy............................................................................... 108
  Implications for practice........................................................................... 110
Limitations and Directions for Future Research ........................................... 111
References .................................................................................................. 114
Appendix A: Description of the Scheme ....................................................... 138
Appendix B: Description of the Missing Offenders Register (Tier 1) .............. 141
Appendix C: Description of the Local Search (Tier 2).................................... 143
Appendix D: Description of the Disclosure Scheme (Tier 3) ......................... 145
Appendix E: Disclosure Scheme (Tier 3) Application Form ......................... 147
Appendix F: Community Protection Website User Agreement ...................... 152
Appendix G: Deakin University Human Research Ethics Committee Approval .... 153
Appendix H: Human Ethics Advisory Group Approval of Amendments .......... 154
Appendix I: Police Agency Approval Letter (Study 1) .................................. 155
Appendix J: Police Agency Approval Letter (Study 2) ................................. 157
Appendix K: Invitation to Prospective Participants ...................................... 159
Appendix L: Plain Language Statement and Consent Form .......................... 160
Abstract

Community notification statutes, popularly known as “Megan’s Law,” were passed in rapid succession throughout the United States (US) following the enactment of landmark legislation in the state of Washington in 1990. Calls for the adoption of similar legislation in Australia gained momentum following the introduction of “limited disclosure” schemes in the United Kingdom (UK) and, in 2012, one Australian state became the first jurisdiction in Australasia to introduce community notification. The three-tiered scheme that was introduced incorporates elements of both the U.S. and U.K. models of notification.

The overarching aim of this thesis was to examine the perspectives and implementation experiences of the police who are responsible for administering the scheme. Three standalone but related articles are presented. The first is a review of the relevant international literature, most of which emanates from the US. This review is provided in order to contextualise the introduction of the scheme that is the subject of this thesis and to highlight how international developments have informed the development of this policy in Australia.

The aim of the first empirical study was to explore police officers’ expectations and concerns in relation to the introduction of the community notification scheme. In-depth interviews were conducted with 21 specialist police officers drawn from a squad that is responsible for coordinating the ongoing management, registration, and monitoring of sex offenders who live in the community, as well as administering the community notification scheme. Systematic thematic analysis revealed that the police officers who were interviewed were concerned that the policy would not achieve its intended objectives, and that it could
potentially adversely impact offenders, the community at large, and/or the police agency.

The aim of the second empirical study was to investigate whether the major concerns identified in the first study had, in fact, been realised. This study integrated an analysis of the in-depth interviews conducted with the police with an analysis of some limited outcome data, which was used to either corroborate or disconfirm the police officers’ expectations. The analysis provided little evidence that the concerns voiced by police in relation to the introduction of community notification had come to fruition.

This research makes a modest, but nonetheless important, contribution to the literature. It provides the first exploration of police officer perspectives of a community notification scheme operating outside of the US or UK. The primary value of this type of research lies in its potential to inform the effective design and implementation of community notification in similar jurisdictions. This is timely given the interest of other Australian jurisdictions, and in New Zealand, of adopting similar legislation. Policy and practice implications are discussed, and suggestions for future research are offered.
CHAPTER 1: INTRODUCTION

In 2012, Western Australia (WA) became the first jurisdiction in Australia to enact legislation\(^1\) that allows personal details about convicted sex offenders to be released to the general public (Trenwith, 2012); what is commonly referred to as “community notification.” This fulfilled an election commitment made by the state government (then in opposition) in response to sustained community campaigning following the sexually motivated murder of an 8-year-old girl in a suburban shopping centre in the state’s capital in 2006 (Eliot, 2010; Spagnolo, 2011a, 2011b; “Website names and shames,” 2012). The then state Attorney-General, Christian Porter, declared that the enactment of this legislation was “a clear win for the people of WA and the rights of parents to be able to access information that may protect their children from sex offenders in their community” (Trenwith, 2012, para. 10); a statement that both reflects the underlying intent of the legislation and acknowledges the power of community pressure in driving this type of legislation. In this case, the victim’s parents had been instrumental in mobilising community support for the introduction of a publicly accessible sex offender register (Campbell, 2016; Eliot, 2010).

Public fear and outrage in response to highly publicised sex crimes against children has been a common impetus for the introduction of similar laws around the western world (Levenson, 2003; Petrunik, 2003; Thomas, 2004a, 2011; Thompson & Greek, 2010). Indeed, the main catalyst for the passage of the very first community notification statute was the particularly brutal sexual assault of a 7-year-old boy by a convicted sex offender in Tacoma, Washington State in 1989 (Petrunik, 2003;  

\(^1\)Community Protection (Offender Reporting) Amendment Act of 2012 (WA)
Thomas, 2011). The following year, in response to extensive media coverage and significant public pressure, the Washington State Legislature enacted a landmark piece of legislation, which included community notification provisions (see Thomas, 2011, for a detailed review of the background to the drafting of this legislation). The rapid introduction of similar legislation in other states was also often precipitated by tragic events. In 1994, for example, the State of New Jersey passed “Megan’s Law” just three months after 7-year-old Megan Kanka was murdered by a convicted sex offender who, unbeknownst to Megan’s parents, lived in the same street as the family (Levenson, 2003; Petrunik, 2003). The New Jersey statute became a blueprint for federal legislation passed in 1996, which mandated that all states adopt community notification or else face funding cuts (Levenson, 2003; Petrunik, 2003; Thomas, 2011; Thompson & Greek, 2010).

Collectively, United States (U.S.) federal and state community notification statutes have come to be known as “Megan’s Law.” Stout, Kemshall, and Wood (2011) have noted that the use of the term “law” (rather than “laws”) in this context is somewhat misleading given that there is, in practice, significant variation between the states in how they have responded to the federal mandate. Notwithstanding the 2006 passage of the federal Adam Walsh Child Protection and Safety Act which was, in part, an attempt to introduce greater uniformity among the states, marked differences exist in how these laws have been implemented (Ackerman, Harris, Levenson, & Zgoba, 2011; Harris & Lobanov-Rostovsky, 2016). Adam Walsh was a 6-year-old boy who, in 1981, was abducted and murdered by a convicted serial killer (Thomas, 2011).

\(^2\)Community Protection Act of 1990
There are numerous other examples of U.S. state and federal statutes being named after (predominantly child) victims (e.g., Indiana’s Zachary’s Law and the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, both of which were passed in 1994), reflecting the moral panic engendered by sex crimes against children and the emotionally charged nature of the development of public policy in relation to this issue. The prominence of victims’ names in the discourse surrounding legislative reform in this area is significant because, as Logan (2009) has observed, this form of personalisation effectively inoculates the legislation against challenge. As Logan notes, “opponents risk…being portrayed as being ‘soft on criminals,’ potentially leaving them responsible for any subsequent victimisation” (p. 94). As a result, legislation in this area has often been drafted with a sense of urgency and passed unanimously, without meaningful debate (Logan, 2011).

In the United Kingdom (UK), the abduction and murder of 8-year-old Sarah Payne by Roy Whiting in 2000 led to a fierce media driven campaign for Megan’s Law to be introduced (see Thomas, 2011, for a discussion of this campaign). The campaign for “Sarah’s Law” was instigated by the Sunday newspaper the News of the World, which published the names and photographs of known sex offenders and incited the public to agitate for open access to the sex offender register held by law enforcement ("Named, shamed," 2000; "Sign here for Sarah," 2000). The ensuing hysteria led to public demonstrations and disorder in parts of the UK, which was reported to result in many offenders – and those wrongly identified as such – being driven out of their homes and in some cases physically attacked (Dodd, 2000; Herbert, 2000).
The Home Office resisted sustained media and community pressure for public access to the sex offender register; however, in a move to conciliate the public, amendments to the Criminal Justice and Courts Services Bill\(^3\) were introduced that strengthened existing registration provisions\(^4\) (see Thomas, 2004a, 2004b, for an explanation of these amendments). The following year, in response to renewed pressure following Roy Whiting’s conviction and sentencing and the revelation that he had previously been convicted of a child sex offence, the Home Office announced an intention to appoint lay advisors to Multi-Agency Public Protection Panels (MAPPPs), which are convened to discuss and review the management of high-risk sexual and violent offenders who live in the community (Kemshall, 2008; Thomas, 2004a; for a discussion of MAPPPs, see Maguire & Kemshall, 2004; see also Thomas, 2004b, 2011). This was viewed as an attempt to quell public outrage whilst averting demands for public access to the register (Kemshall, 2008; Thomas, 2004a, 2004b, 2011).

Demands for greater public access to the register periodically resurfaced in the years that followed, up until the release of the Review of the Protection of Children From Sex Offenders report (Home Office, 2007), which heralded a change in government policy. The report identified 20 actions which had the shared aim of improving the management of child sex offenders; among them was a presumption that relevant authorities would disclose information about convicted child sex offenders to members of the public where a risk of serious harm to children was identified. This represented a departure from the practice of “discretionary disclosure” that had existed for some time – prior to the introduction of the sex

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\(^3\)These are subsumed in Schedule 5 of the Criminal Justice and Court Services Act (2000).

\(^4\)Pursuant to the Sex Offenders Act (1997).
offenders’ register (established under the Sex Offenders Act of 1997) and Sarah’s Law campaign.

Among the actions proposed in the report was the introduction of a pilot scheme in which members of the public could register a child protection interest in a named individual. Subsequently, a pilot scheme was introduced in four police force areas of England (see Kemshall & Wood, 2010; see also Kemshall, Dominey, & Hilder, 2011; Kemshall, Kelly, & Wilkinson, 2012; Kemshall & Weaver, 2012; Stout et al., 2011), with Scotland introducing its own pilot program shortly thereafter (see Chan, Homes, Murray, & Treanor, 2010). These schemes allowed parents and guardians\(^5\) to enquire about a particular individual who had unsupervised contact with their child or children and where warranted, empowered police to disclose to the applicant that the person of concern was a registered sex offender. The pilots were hailed a success and the scheme was subsequently rolled out across England, Wales, and Scotland (Kemshall & Weaver, 2012).

The community notification scheme that was introduced four years ago in WA was modelled on both the U.S. and U.K. systems of notification (see below for a description of the scheme). It is, at present, the only community notification scheme operating in Australasia, although its introduction has led to calls for community notification gaining momentum in other Australian jurisdictions and in New Zealand. In 2014, for example, an elected parliamentarian in Queensland attempted to introduce a similar scheme but the private member’s bill failed to garner the support of the two major political parties and was voted down (Rebgetz & Agius, 2014). In the same year, however, the Northern Territory (NT) Government announced its

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\(^5\)The English (and, following its roll-out, Welsh) scheme was later expanded to allow anyone with a child protection concern about a named child to make an application (Kemshall et al., 2012).
intention to introduce a bill into parliament that, if passed, would see the introduction of more extensive community notification akin to the public sex offender registers that exist in the US (Davidson & Chan, 2014; Elferink, 2015; Purtill & Dorsett, 2014). The bill was named “Daniel’s Law” in honour of Daniel Morcombe, a 13-year-old boy from Queensland who was abducted and murdered by a convicted child sex offender on parole in 2003 (Elferink, 2015; Purtill & Dorsett, 2014). Daniel’s disappearance attracted widespread and sustained media attention and was reportedly “the biggest police investigation in Queensland’s history and Australia’s biggest missing persons case” (Norton, 2014, "Cowan's Criminal History," para. 20).

Daniel’s parents, Bruce and Denise Morcombe, established the Daniel Morcombe Foundation in 2005, its mission being to “maintain public attention on Daniel’s disappearance [prior to Brett Peter Cowan being charged with, and convicted of, Daniel’s murder some years later], educate children about personal safety and keeping safe, and assisting child victims of crime” (Butt, 2016, para. 2). A major initiative of the Foundation is the campaign for Daniel’s Law to be introduced nationwide (Butt, 2016). The NT bill was seen as a first step towards this goal (Davidson, 2015; Purtill & Dorsett, 2014). Bruce and Denise Morcombe were present for the initial press conference in which the then NT Attorney-General, John Elferink, announced that the bill would be tabled, as well as for the first and second readings of the bill in parliament (Davidson, 2015; Oaten, 2016; Purtill & Dorsett, 2014).

Daniel’s Law proved to be very divisive and a number of prominent individuals and bodies voiced strong opposition; including the then Prime Minister

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6The full title of the bill is the Sex Offender and Child Homicide Offender Public Website (Daniel’s Law) Bill.
of Australia Tony Abbott, members of the parliamentary opposition, the NT Criminal Lawyers Association and Law Society, and victim advocacy groups (Davidson, 2015; Davidson & Chan, 2014; Oaten, 2016; Purtill & Dorsett, 2014; Terzon, 2015a, 2015b). Various concerns were raised about the lack of evidence that such laws “work,” the increased risk of vigilantism, the possible identification of victims, and potential to discourage victims from reporting abuse (Davidson & Chan, 2014; Oaten, 2016; Purtill & Dorsett, 2014; Terzon, 2015b). In addition, other state governments did not support the proposal and indicated that they would refuse requests for access to their data due to privacy concerns (Davidson, 2015; Dunlop, 2015; Terzon, 2015a). A major criticism was the lack of consultation that took place prior to the bill being tabled in parliament (Davidson, 2015; Oaten, 2016). In response, the government withdrew the bill from parliament in December 2015 to allow further consultation, with public forums commencing the following month (Oaten, 2016; Walsh, 2016). A general NT election held in August 2016 saw a change of government (La Canna, 2016), making it even less likely the legislation will be passed in its current form.

Derryn Hinch, a media personality and prominent public figure in Australia, has been a strong – and vocal – supporter of Daniel’s Law. The self-proclaimed “human headline” ("About Hinch," 2014) has spent five months under home detention and served two brief jail sentences for contempt of court for breaching suppression orders and related offences by publicly identifying sex offenders and revealing details of their past convictions (Koziol, 2016; McGrath, 2014; Smith, 2016). In 2014, upon his release from a prison in regional Victoria, he embarked on a 10-day, 180 kilometre walk to Victoria’s Parliament House to present a petition signed by nearly 130,000 people calling for a national public sex offender register
The following year, he formed his own political party, Derryn Hinch’s Justice Party, and was subsequently elected to the Australian Senate in July 2016 (Koziol, 2016; Smith, 2016). The Justice Party’s key policy agenda is the introduction of Daniel’s Law (Derryn Hinch's Justice Party, 2016), and Hinch has vowed to continue to campaign for this until it is passed at both the state and federal levels (Skinner, 2016). In his maiden speech in parliament he called for a national public sex offender register and delivered on his promise to use parliamentary privilege to “name and shame” child sex offenders whose names had been suppressed by the courts; a move which attracted significant media attention and controversy (Butler, 2016; “Derryn Hinch uses parliamentary privilege,” 2016; Hutchens, 2016; Remeikis, 2016; Timms, 2016). Being a veteran journalist and broadcaster, Hinch is well-versed in making headlines, and since he assumed office there has been renewed interest and debate around a national public sex offender register (Skinner, 2016). It is in this context that this thesis was completed.

**Description of the Western Australian Scheme**

The legislation passed in WA that provided the legal foundation for the introduction of community notification, the Community Protection (Offender Reporting) Amendment Act of 2012 (henceforth the “2012 Act”), amended the existing Community Protection (Offender Reporting) Act of 2004 (henceforth the “2004 Act”). The 2004 Act introduced a statewide sex offender register and made it a requirement that offenders convicted of certain sexual or other serious “reportable”

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7The petition has now amassed 160,000 signatures (Skinner, 2016; Smith, 2016). Details of the petition can be found on the Justice Party’s website: http://www.justiceparty.com.au/#!/public-register-convicted-sex-offenders/2xra
offences (such as murder, manslaughter, and the abduction or kidnapping of a child)\textsuperscript{8} must register their personal details with the police within seven days of their release into the community from custody or court, and report to the police at regular, pre-determined intervals (at least annually). The 2004 Act also made it a requirement that reportable offenders update the police with any changes in their personal circumstances, including their living arrangements, employment status, relationship status, club or organisation membership, vehicles owned or regularly driven, carriage service providers, email addresses, and online user profiles. Failure to comply with reporting obligations can result in imprisonment.

The period for which an offender is subject to these requirements is dependent on: the seriousness of the offence (there are three different offence classes); whether s/he has prior convictions for reportable offences; and his/her age (i.e., whether s/he is a juvenile or an adult). The initial reporting period for adult offenders is either eight years (for a Class 2 offence) or 15 years (for a Class 1 offence or two Class 3 offences). Reportable offenders who go on to commit a further reportable offence are subject to these requirements for life (for a more detailed explanation of reporting requirements, see Vess, Langskaill, Day, Powell, & Graffam, 2011).

Prior to the passage of the 2012 Act, information held in the sex offender register could only be released with the Police Minister’s written authorisation. The 2012 Act introduced provision for the controlled and limited release of information to the general public. It stipulates the strict conditions under which information may be released and to whom these provisions apply. A specialist police squad formed in

\textsuperscript{8}The list of reportable offences includes sexual and other serious offences against a child, as well as select serious sexual offences against an adult and serious non-sexual offences against an adult where the individual has prior convictions of a similar nature.
2006 with responsibility for coordinating the ongoing management, registration, and monitoring of all reportable offenders administers the scheme, which came into effect seven months after the passage of the 2012 Act, with the launch of the Community Protection Website (https://www.communityprotection.wa.gov.au) in October 2012. The state government committed $2.9 million to implement the scheme and a further $1.4 million towards its ongoing administration and operating costs (Government of Western Australia, 2012).

This three-tiered scheme incorporates elements of both the U.S. and U.K. models of notification (see Appendix A for the description of the scheme that is published on the website). The first tier pertains to reportable offenders who have failed to comply with their reporting obligations or who have provided false or misleading information and whose whereabouts are unknown to the police. The name, date of birth, gender, physical description and photograph of such offenders are published on an online “missing offenders register” that can be viewed by the general public (see Appendix B for the description that is published on the website). The photograph and details of missing offenders are promptly removed from the website upon police locating them. As such, only a small number of offenders are published on the missing offenders register at any one time. As at September 2016, the details of 12 individuals were published on the register.

The second tier allows residents of the state to perform a search that returns the photographs of any dangerous or high-risk offenders residing in the same locality (i.e., the same town or suburb or an adjoining suburb; see Appendix C for the description that is published on the website). The specific criteria are restrictive and capture only a small proportion (less than 5%) of reportable offenders; those
classified as a Dangerous Sexual Offender pursuant to the relevant legislation\(^9\) and serious repeat offenders (i.e., reportable offenders who have committed further sex offences). In addition, the photograph of any offender convicted of a serious offence (including non-sexual offences) may be published at the discretion of the Commissioner of Police and Minister for Police if the offender is deemed to pose a serious risk to public safety that warrants disclosure. Offenders who meet the tier two eligibility criteria are given advanced notice in writing and there is a formal process through which they can appeal the decision to publish their photograph. Anyone wishing to conduct a “local search” must provide their personal details and verify their identity before proceeding. All photographs of offenders that are revealed through a local search are watermarked with the name of the person who performed the search, enabling the source of illegally reproduced photographs to be traced. The legislation stipulates that all offenders subject to notification pursuant to tier two must have an “extraction plan” in place, to be followed in the event of a vigilante attack.

The third tier, the “disclosure scheme,” was modelled on the limited disclosure schemes that exist in the UK, and allows parents and guardians to enquire whether a particular individual who has regular\(^10\) unsupervised contact with their child or children is a reportable offender (see Appendix D for the description published on the website). The police assess each application (see Appendix E) and, where the person of concern is found to be a reportable offender, make a determination as to whether disclosure is warranted. Disclosure of information must be authorised by the Commissioner of Police and applicants are advised that they are

\(^{9}\)Dangerous Sexual Offenders Act of 2006 (WA)

\(^{10}\)Defined as at least three days of unsupervised contact with the child or children in any 12-month period.
not permitted to share any information provided by the police with others, or else they may face possible criminal charges.

The 2012 Act criminalised vigilantism by introducing two new offences. The more serious offence – engaging in conduct intended to create, promote or increase animosity towards, or harassment of, an identified offender – carries a maximum penalty of 10 years’ imprisonment, while the less serious offence – engaging in conduct that is likely to create, promote or increase animosity towards, or harassment of, an identified offender – carries a maximum penalty of two years’ imprisonment.

A number of measures were introduced to minimise the risk of vigilantism, including a requirement that users must accept terms of agreement outlining the penalties for the two vigilante offences before viewing the missing offenders register, conducting a local search, or submitting a tier three application (see Appendix F).

Rationale and Aims of the Thesis

The issue of a public sex offender register has received considerable attention at both the state and federal level in Australia, and yet very little empirical research has been undertaken in this area. In one of the few previous Australian studies related to this topic, Powell, Day, Benson, Vess, and Graffam (2014) conducted focus groups with police officers ($N=24$) across three different Australian jurisdictions to explore their perceptions of the sex offender registration schemes that operate in every state and territory. These focus groups were, however, undertaken between 2009 and 2010 – prior to the introduction of community notification in any Australian jurisdiction. Whilst not the focus of this study, participants independently raised a number of concerns regarding the possibility of making registry information publicly available, including: that it would place an additional burden on police
resources; that it would reduce offender compliance and increase the risk of reoffending; and that it would discourage victims of intra-familial sexual abuse from reporting. These concerns are investigated further in this thesis in light of the police force of the state that introduced the first – and currently only – community notification scheme in Australia was reported to be opposed to the new laws (Eliot, 2010). Prior to the passage of the legislation, the state Police Commissioner also voiced concerns about vigilantism and the possible negative impact on offender compliance, warning that evidence from the US indicated that the introduction of similar laws across the US would drive offenders “underground” (Eliot, 2010). This contrasts with US studies which have generally concluded that law enforcement officers are largely supportive of community notification (the findings of this body of research are discussed in further detail in Whitting, Day, & Powell, 2016; Chapter 3). This underscores the importance of more fully understanding the views of police officers. Furthermore, there are several other factors that might suggest that the findings of international research may not be directly generalisable to the Australian context. These are discussed next.

Firstly, the design of the Australian scheme is unique insofar as it is an amalgamation of schemes introduced in the US and UK. Speaking to the press the week the bill was introduced in parliament, the then state Attorney-General, Christian Porter, explained, “we have borrowed models that have operated successfully in the US and in the UK and we have put in a hybrid system” (Spagnolo, 2011a, para. 13). Notwithstanding the fact that the success of community notification schemes has been the subject of some debate (see Whitting, Day, & Powell, 2014; Chapter 2), to assume that a policy that has been shown to be effective in one context will be effective in another would appear to be somewhat misguided.
Secondly, related to this, although there are cultural similarities between Australia and other western countries, there are also important socio-political and cultural differences, including those that exist within Australia between the states/territories, counties/districts, and local government areas. The review of the international literature presented in Chapter 2 reveals a range of findings about effectiveness, most likely resulting from differences at the local level in the wording of the relevant legislation, associated policies and practices, and wider contextual factors. These differences highlight the need for a rigorous review of any new policy at the jurisdictional level.

There has been no previous Australian research specifically on this topic and this thesis aims to make an important contribution to current knowledge by exploring the perspectives of those police officers who are responsible for managing the scheme. Although this does not represent an outcome evaluation (which is not feasible given the number of offenders involved, the lack of a suitable comparison group, and the limited follow-up time available), the value of this type of study lies in its potential to inform the successful implementation of community notification. The findings of this research will thus hopefully be of value to legislators, policymakers, and those charged with implementing similar policies in other jurisdictions. Furthermore, the findings may also be of interest to researchers, and should be considered when designing and interpreting the results of any future outcome evaluation of this scheme and other similar schemes.

Structure of the Thesis

This thesis is formatted according to the university’s requirements for thesis by publication. The following three chapters are standalone but related articles, all of
which have been accepted for publication in peer-reviewed journals. Each chapter is presented as it appears in the journal, preceded by a brief introductory paragraph. Due to the format of thesis by publication, some repetition was unavoidable.

Chapter 2 provides a review of the relevant international literature (most of which emanates from the US), which was published in the *Australian and New Zealand Journal of Criminology* (see Whitting et al., 2014). The review begins by describing what is meant by the term “community notification” and goes on to outline the rationale for its implementation. It then considers the impact of community notification on offender reintegration into the community and their subsequent risk of reoffending, its potential deterrent effect, its usefulness as a management tool, and implementation issues. This review is provided in order to contextualise the introduction of the scheme that is the subject of this thesis and to highlight how international developments have informed the development of this policy in Australia.

Chapter 3 presents the first empirical study – a qualitative exploration of police officers’ perceptions of the community notification scheme. This study, which has been accepted for publication in the *International Journal of Police Science and Management* (see Whitting et al., 2016), presents an analysis of in-depth interviews with 21 police officers drawn from a squad that is responsible for coordinating the ongoing management, registration, and monitoring of sex offenders residing in the community, as well as managing the community notification scheme. The analysis concentrated on identifying and coding participants’ expectations and concerns – what they anticipated would occur – rather than their observations regarding the actual impact of the scheme. The results of this study guided the focus of the second empirical study presented in Chapter 4.
The second empirical study presented in Chapter 4 builds on the first study presented in the preceding chapter. This study, which has been accepted for publication in the journal of *Psychiatry, Psychology and Law* (see Whitting, Day, & Powell, in press), sought to better understand the impact of the scheme from the perspective of the police who have been responsible for its administration, and more specifically, to determine whether their main concerns reported in the first study had been realised. This study integrates an analysis of the in-depth interviews conducted with police officers with an analysis of official quantitative and qualitative data about the use of community notification provided by the police agency.

The concluding chapter (Chapter 5) aims to draw together the main findings of this body of research, considers policy and practice implications arising from these findings, discusses limitations and identifies useful directions for future research.
CHAPTER 2: REVIEW OF THE LITERATURE

This chapter reviews the international literature in relation to the impact of community notification. This review, entitled “The Impact of Community Notification on the Management of Sex Offenders in the Community: An Australian Perspective,” has been published in the *Australian and New Zealand Journal of Criminology* (see Whitting, Day, & Powell, 2014)\(^\text{11}\). This review informed the development and interpretation of the results of the two empirical studies presented in Chapters 3 and 4.

In 2012, Western Australia (WA) passed legislation providing for the disclosure of information about convicted sex offenders to the general public. This legislation fulfilled an election commitment made in response to continued community lobbying following the sexually motivated murder of 8-year-old Sofia Rodriguez-Urrutia Shu in a suburban shopping centre in Perth in 2006 (Trenwith, 2012). Sofia’s parents were instrumental in mobilizing community support for a publicly accessible sex offender register to be introduced (Spagnolo, 2011b).

Public outcry in response to high-profile sex crimes against children has been a common driving force behind the enactment of similar legislation in other countries (Levenson, 2003; Petrunik, 2003; Thompson and Greek, 2010). Community notification statutes currently exist in the United States (US), South Korea, the United Kingdom (UK), a few Canadian provinces, and now in WA (Logan, 2011; Vess et al., 2012). Although WA is, at present, the only jurisdiction in Australasia to have adopted this policy, other jurisdictions in Australia and New Zealand are likely

to be monitoring its progress closely. In the US, community notification statutes were passed in rapid succession across the country after the state of Washington enacted landmark legislation in 1990 (Lasher and McGrath, 2012; Petrunik, 2003). As such, it is timely to review the current evidence base in relation to the impact of community notification policies on the management of sex offenders who reside in the community.

This review begins by describing what is meant by the term “community notification” and outlining the rationale for its implementation. It then considers the impact of community notification on offenders’ reintegration into the community and their subsequent risk of reoffending, its potential deterrent effect, its usefulness as a management tool, and implementation issues. This discussion identifies several factors that potentially moderate the effectiveness of community notification schemes in enhancing public safety. The paper concludes with some directions for future research and suggests a fruitful line of inquiry that may usefully inform the development of policy and practice in this area.

**What is Community Notification?**

Community notification, or “Megan’s Law” as it is commonly known in the US\(^\text{13}\), or “Sarah’s Law” in the UK\(^\text{14}\), takes many different forms but essentially

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\(^{12}\)It should be noted that whilst juvenile sex offenders may be subjected to notification requirements, this review focuses on the impact of these laws on adult sex offenders (including juveniles who are treated as adults before the law) as the requirements imposed on juveniles generally differ to those imposed on adults.

\(^{13}\)Both New Jersey’s community notification statute passed in 1994 and the US federal legislation enacted in 1996 are named in honour of 7-year-old Megan Kanka who was tragically raped and murdered by a convicted sex offender who, unbeknownst to Megan’s parents, lived across the road from their NJ home (Thompson and Greek, 2010).

\(^{14}\)The UK legislation is popularly known as “Sarah’s Law”, memorializing 8-year-old Sarah Payne who was tragically abducted and murdered by a convicted sex offender (Dean, 2000).
involves the systematic disclosure of information about convicted sex offenders who reside in the community to members of the public (Finn, 1997). It may be proactive in the sense that information is routinely disseminated to the public (as is the case in the US and South Korea), or reactive, insofar as formal mechanisms exist through which enquiries may be made, and it is these enquiries that trigger the release of information (as in the UK; Finn, 1997; Logan, 2011). The UK scheme is much more limited than the US and South Korean schemes, as only those who have a concern about a particular individual who has contact with a child or children for whom they have caretaking responsibilities are able to lodge an enquiry (Kemshall and Weaver, 2012).

When community notification laws first came into effect in the US in the 1990s, typical methods of notification included issuing press releases, displaying posters in public places, distributing flyers to each household in the area via post or in person, and convening community meetings (Lasher and McGrath, 2012; Levenson and Cotter, 2005; Thompson and Greek, 2010). Since Internet access has become widespread, and with the enactment of federal legislation mandating that the information be made available online, these more resource-intensive methods have become less common, although they are still utilized in some jurisdictions (Appelbaum, 2008; Levenson et al., 2007). The information that is published on official websites varies from state to state, but may include an offender’s name, their date of birth, residential address, place of employment, drivers license number, a description of their motor vehicle including the license plate number, details of past convictions, a physical description and photograph (Tewksbury and Jennings, 2010; Thompson and Greek, 2010). Similar information is published on a website maintained by the South Korean government (Shin and Lee, 2005). However, in
contrast to the US, where information is typically released on an ad hoc basis, in South Korea, information is released biannually and only remains on the website for a six-month period (Shin and Lee, 2005). There is considerable variability throughout the US with respect to the period of time information about an offender is to remain on the website, but lifetime registration appears to be increasingly common (Appelbaum, 2008; Logan, 2011).

There is also marked variation in the scope of the laws in relation to whom they are applied to. Even within the US, there are no accepted criteria defining who should be subject to notification, with some states employing an inclusive definition that captures all persons who have been convicted of any offense of a sexual nature (including non-contact offenses, such as possessing child pornography), and others subjecting only those convicted of particular types of sex offenses involving children to notification requirements (Thompson and Greek, 2010). About half of the states take offense history (and often other factors) into consideration when determining the appropriate manner and extent of notification, reserving more aggressive forms of notification and/or more extensive disclosure for those convicted of more serious offenses (Lasher and McGrath, 2012; Levenson and Cotter, 2005; Levenson et al., 2007).

**What is the Rationale for Community Notification?**

The ostensible aim of community notification is to increase public safety (Levenson and Cotter, 2005). Proponents of community notification claim it serves both a specific and a general deterrent function. Specific deterrence in this context refers to the law’s presumed reductive effect on the recidivism rate of convicted sex offenders who are subject to notification requirements (Drake and Aos, 2009).
Discussion of the specific deterrent effect of community notification has traditionally focused on the potential deterrent effect of increased surveillance. Advocates argue that increased surveillance of known sex offenders through improved public awareness and vigilance reduces risk of reoffending (Vásquez et al., 2008; Vess et al., 2011). Of course, this argument assumes that members of the community, armed with the knowledge that there is a sex offender living nearby, will engage in protective behaviors that prevent victimization. Available empirical evidence does not, however, provide unequivocal support for this assumption. Although some studies have found that community members are generally more safety-conscious and more likely to take precautionary measures to minimize the threat of victimization as a result of learning that a convicted sex offender lives nearby (e.g. Lieb and Nunlist, 2008; Phillips, 1998; Simpson Beck and Travis, 2004; Simpson Beck et al., 2004), others have concluded that community notification does not lead to any appreciable behavioral change (e.g. Anderson and Sample, 2008; Caputo and Brodsky, 2004). Indeed, it has even been suggested that community notification could, in fact, jeopardize public safety by perpetuating and reinforcing common misconceptions about sexual abuse, and thereby potentially creating a false sense of security (Edwards and Hensley, 2001; Kemshall and Weaver, 2012; Levenson et al., 2007).

A related concern is that community notification schemes are premised on flawed logic. For example, the laws have been designed to protect potential victims from attacks by strangers, and yet the vast majority of sex offenses against children and adults alike are perpetrated by someone known to the victim (Cohen and Jeglic,
2007; Levenson, 2003; Welchans, 2005; Winick, 2003). It has been suggested that the law’s focus on the threat posed by strangers may leave the community more vulnerable to victimization at the hands of a family member or acquaintance (Meloy et al., 2007; Sandler et al., 2008; Vess et al., 2011). Furthermore, it has been pointed out that community notification laws can have, at best, only a modest impact on rates of sexual victimization in view of the fact that repeat offenders (i.e. those with prior convictions for sexual offenses) are responsible for only a very small proportion of all sex offenses (Langan et al., 2003; Sandler et al., 2008). Proponents of community notification have responded to these critiques by emphasizing the presumed general deterrent effect of these laws, that is, their potential to deter the population at large from sexually offending.

Another rationale for community notification that is commonly articulated is that it can be a useful management tool for supervising sex offenders and, moreover, that it can facilitate the investigation of new sexual offenses (Gaines, 2006; Kemshall and Weaver, 2012). This suggestion is based on the idea that by engaging the community in the monitoring of known sex offenders, they are better placed to provide law enforcement agencies with valuable intelligence (Kemshall and Weaver, 2012). This not only assumes that community members will be more vigilant as a result of community notification, but also that they will report suspicious activity to the relevant authorities. The results of a telephone survey of Washington residents (N = 643) conducted by Lieb and Nunlist (2008) do not offer compelling support for this assumption. Although the majority of respondents agreed that they were more likely

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15 It is generally reported that 70-95% of all reported sex offenses are committed by someone known to the victim (Catalano, 2005; Greenfeld, 1997; Snyder, 2000).

16 One US study found that over 95% of those arrested over a 21-year period for sex offenses did not have any prior convictions for sex offenses (Sandler et al., 2008).
to report suspicious behavior to the police as a result of learning that a sex offender lived nearby, less than 3% of those sampled had in fact reported that a known sex offender was engaging in questionable behavior in the preceding 12-month period.

Another argument for community notification is that it heightens offenders’ awareness of their own risk and may therefore increase their motivation to engage in treatment (Levenson and Cotter, 2005; Vess et al., 2012). This could be considered another mechanism by which community notification may exert a specific deterrent effect. However, once again, this assumption has been disputed, with critics arguing that community notification can have precisely the opposite effect insofar as it may cause offenders to disengage from treatment and supervision; in effect driving them underground (Petrunik, 2003).

It may then be, as Petrunik (2003: 61) proposed, that community notification laws are symbolic rather than instrumental in nature, their ‘essential purpose being to address public fear’. It cannot, however, be assumed that these laws do provide reassurance to members of the public. While some studies have found that community notification is an effective means of allaying the fear and anxieties of community members (e.g. Anderson and Sample, 2008; Phillips, 1998), others have found that it has had precisely the opposite effect (e.g. Kemshall and Weaver, 2012; Simpson Beck and Travis, 2004, 2006; Simpson Beck et al., 2004; Zevitz and Farkas, 2000b).

The following sections provide a review of the current evidence relating to the impact of community notification policies on the management of offenders. Findings are reported in relation to the impact of such policies on: reintegration, (re)offending, risk management, and the impact on criminal justice agencies.
The Impact of Community Notification on Reintegration

One of the more compelling arguments against community notification is that it impedes offenders’ reintegration into the community, which undermines their prospects of rehabilitation. A growing body of empirical evidence suggests that community notification leads to offenders being ostracized and persecuted, producing – or reinforcing – feelings of shame, embarrassment, hopelessness, stress, and alienation (Edwards and Hensley, 2001). It has also been shown to create a number of physical obstacles to reintegration including homelessness, unemployment, and the loss of social supports (Levenson et al., 2007; Tewksbury and Jennings, 2010). Community notification may place a strain on existing relationships, particularly if family and friends experience vilification due to their association with the offender, and may also impede the ability of offenders to cultivate new supportive relationships (Edwards and Hensley, 2001). Stable housing and employment and a supportive social network have been identified in the criminological literature as important predictors of successful reintegration and desistance from offending (Lasher and McGrath, 2012). The collateral consequences of community notification may, therefore, inadvertently jeopardize the successful reintegration of offenders by undermining those factors empirically associated with successful reintegration.

The results of Zevitz and Farkas’s (2000b, 2000c) seminal study generated considerable attention as this study represented the first attempt to quantify the impact of community notification on offenders’ potential for successfully reintegrating into the community after a period of incarceration. The authors interviewed 30 male sex offenders residing in Wisconsin, reporting that all but one felt that community notification had adversely affected them in some way, with
difficulty securing stable accommodation and employment identified as having the most disruptive effect. The proportion of offenders who reported that they had been forced to relocate (83%) or lost a job (57%) as a result of community notification was surprisingly high. Furthermore, the majority of those sampled indicated that they had been ostracized by acquaintances or neighbors (77%) or had experienced threats or harassment (77%) after being publicly identified as a sex offender. Though these findings are of concern, it should be noted that all of the offenders surveyed were classified as high risk and, as a consequence, were subject to extensive community notification through media releases, distribution of flyers, and community meetings. Furthermore, the small sample size also limits the generalizability of these findings.

A recent review by Lasher and McGrath (2012) lends support to Zevitz and Farkas’s (2000b, 2000c) findings, although the figures provided by Lasher and McGrath are more conservative than those reported by Zevitz and Farkas. Lasher and McGrath reviewed eight quantitative studies published between 2000 and 2009 (including the study by Zevitz and Farkas) that examined the impact of community notification on offenders’ reintegration. Participants (N = 1,503; <1% female) were drawn from eight US states. Around half (51%) of the total sample reported they had lost social supports as a result of community notification, and a substantial minority indicated they had lost a job (30%), been threatened or harassed (20% or 44% depending on the wording of the question), been forced out of home (12% or 19% depending on question wording), or suffered property damage (14%). Psychological distress was also high among those sampled and feelings of shame, embarrassment, hopelessness, stress, and isolation were common (up to 60% of the total sample acknowledged experiencing these feelings).
It should be noted that Lasher and McGrath’s (2012) analysis revealed that there was considerable variability amongst the studies reviewed. Whilst this may be due, at least in part, to differences in the samples and methodologies used, such considerations are unlikely to fully account for the divergent results. The observed heterogeneity may, of course, be an accurate reflection of the differential impact of community notification laws in the various jurisdictions studied. As previously noted, there is a lack of uniformity in the law’s implementation and operation in each jurisdiction. Lasher and McGrath’s finding that community meetings were associated with a significantly higher rate of job loss when compared to other notification methods is noteworthy, particularly in light of the fact their review indicated that there was wide variation across states in this practice. This finding is consistent with the results of an earlier study by Levenson and Cotter (2005) which compared the impact of different notification methods. These authors found that, in general, more aggressive and intrusive notification strategies (such as community meetings) had a greater negative impact on offenders \((N = 183)\) than more passive strategies. While these findings are insightful, methodological weaknesses of both studies limit the conclusions that can be drawn. Both studies used rather rudimentary data analytic techniques that failed to control for possible confounding factors, such as the offenders’ level of risk or degree of supervision.

A major limitation of the body of literature examining the effect of community notification on reintegration is that it relies heavily on offenders’ self-report. None of the aforementioned studies have attempted to substantiate the claims made by the offenders surveyed. A small-scale study of criminal justice practitioners’ \((N = 13)\) perceptions of community notification undertaken by Finn (1997) does, however, partly corroborate the findings of these studies. Finn reported
that several of the professionals surveyed acknowledged that community notification can impede offenders’ ability to secure housing and find a job. Similar concerns were expressed by some of the law enforcement officers Gaines (2006) surveyed. These findings, taken together, lend support to studies that have examined the impact of community notification on reintegration from the perspective of offenders themselves.

Available evidence from the UK supports the claim that the limited disclosure scheme recently rolled out throughout the UK has not affected offenders to the same extent as community notification schemes operating in the US. However, in view of the fact that only two studies examining the impact of the UK scheme on offenders’ reintegration have been published, it is too early to draw any firm conclusions. Both of these studies are evaluations of the pilot programs that took place in England (Kemshall and Wood, 2010) and Scotland (Chan et al., 2010) between 2008 and 2010 which have now been rolled out nationally. Under this scheme, members of the public who have a concern about a particular individual who has contact with a child or children in their care can lodge an enquiry with the police, who are authorized to disclose to applicants whether the person of interest is a convicted sex offender. Initially, only parents, guardians, and carers were eligible to make an enquiry but this was later extended in England (but not Scotland) to any member of the public with a concern about the welfare of a particular child or children for whom they had caretaking responsibilities.

Both evaluations of the UK pilots garnered the perspectives of sex offenders residing in the pilot site regions. Although the majority of offenders interviewed by Kemshall and Wood (2010; N = 61), and at least some of those interviewed by Chan et al. (2010; N = 8), reported heightened anxiety, and some expressed anger, few had
experienced serious adverse consequences as a direct result of the limited disclosure pilot scheme, and none reported that it had affected their accommodation or employment prospects. Furthermore, the researchers were not made aware of any incidents of vigilantism. This is noteworthy because this was one of the chief concerns raised by the UK legislature in response to mounting public pressure to introduce widespread and unrestricted community notification (as in the US) following the highly publicized abduction and murder of 8-year-old Sarah Payne by a convicted sex offender in 2000 (Dean, 2000; Logan, 2011). Although the UK pilot evaluations permit cautious optimism, this optimism must be tempered by a caveat: none of the offenders who were interviewed as part of either the English or Scottish pilot evaluation had been the subject of a disclosure and, as such, none of the participants would have been directly affected by the scheme. The impact of the UK scheme on the reintegration of offenders about whom disclosures are made remains to be seen.

It is evident from this body of research that community notification can have unintended negative social and psychological consequences for offenders which can impede their reintegration. The limited available evidence from the UK suggests that the controlled release of information about sex offenders may avert some of these collateral consequences and could, therefore, limit the negative impact of notification on reintegration. However, further research is needed before more definitive conclusions can be drawn.

The Impact of Community Notification on Offending

Sexual and general recidivism. It is well-established that successful reintegration into the community is empirically associated with desistance from
offending (Göbbels et al., 2012; Levenson et al., 2007; Tewksbury and Jennings, 2010). Thus, the physical and psychosocial factors that have been shown to impede successful reintegration (such as homelessness, unemployment, loss of social ties, stress, and hopelessness) are also associated with an increased risk of reoffending (Edwards and Hensley, 2001; Lasher and McGrath, 2012; Levenson, 2003). This association raises serious questions regarding the ability of community notification laws to reduce reoffending, the purported goal of this legislation.

Levenson et al. (2007: 598) have asserted that the marginalization and social exclusion experienced by sex offenders as a consequence of community notification may ‘diminish their investment in mainstream social values and increase their resentment toward society’. This could, in turn, increase the likelihood they will reoffend. Similarly, Winick (1998, 2003) has suggested that the labelling and stigmatization associated with community notification may have a negative impact on offenders’ self-concept and attributions, such that they may feel that they cannot escape the sex offender label and come to internalize society’s perception that they are unable to change or control their behavior. According to this argument, community notification produces feelings of learned helplessness, which can have a detrimental effect on offenders’ motivation to change and, ultimately, on their prospects of rehabilitation.

In addition to the psychosocial stressors identified, the physical stressors associated with community notification also increase the risk of reoffending (Levenson and Cotter, 2005; Levenson et al., 2007; Tewksbury and Jennings, 2010; Zevitz and Farkas, 2000c;). As noted above, the prejudice and discrimination experienced by sex offenders as a result of community notification can impact on housing and employment prospects. Unemployment and a lack of secure, stable
accommodation have been identified as risk factors for recidivism, as has a lack of social support (Lasher and McGrath, 2012). These collateral consequences of community notification may induce stress, which has been shown to be an important antecedent to relapse (Cohen and Jeglic, 2007; Tewksbury and Jennings, 2010).

Studies of the impact of community notification on recidivism have not produced uniform findings. However, on balance, the available empirical evidence does not provide support for the contention that community notification is an effective means of reducing recidivism. Whilst a small number of studies have found that community notification reduces sexual (e.g. Barnoski, 2005; Duwe and Donnay, 2008) or general (e.g. Duwe and Donnay, 2008; Veysey et al., 2008) recidivism, most (e.g. Adkins et al., 2000; Letourneau et al., 2010b; Sandler et al., 2008; Zevitz, 2006; Zgoba et al., 2009) have not found that it leads to an appreciable reduction in either sexual or general recidivism, and the results of at least one study (Prescott and Rockoff, 2008) suggest that it can in fact increase recidivism. Still others (e.g. Freeman, 2012; Schram and Milloy, 1995) have concluded that although community notification does not have a significant impact on the rate of recidivism, it is correlated with a significant decrease in “time to failure”, as measured by rearrest, reconviction, or reincarceration rates.

Freeman (2012) found that sex offenders who were subject to community notification under New York’s law ($N = 10,592$) were rearrested twice as quickly for a sexual offense and one-and-a-half times more quickly for a non-sexual offense than those not subject to notification requirements upon release from prison ($N = 6,573$). This finding corroborates an earlier finding reported by Schram and Milloy (1995). These authors determined from a survival analysis that offenders in their sample who had been subject to community notification in Washington ($N = 90$) tended to be
rearrested considerably more quickly for a new offense of any kind than a matched sample of offenders \(N = 90\) who had not been subject to notification. It is not clear how to interpret these findings. Although a faster rearrest rate could be considered evidence that community notification is not effective, an argument can also be made that the increased surveillance associated with community notification led to the earlier detection and apprehension of recidivists.

There is also a lack of robust evidence to suggest that community notification has any effect on the number or nature of offences committed by recidivists, although it should be acknowledged that few studies have examined this, and, as such, it would be premature to draw any firm conclusions. Tewksbury and Jennings (2010) compared the sexual and general recidivism patterns amongst a large cohort of offenders from Iowa who were subject to community notification \(N = 823; 99\%\) male) with a matched sample of offenders who were released from prison prior to the passage and implementation of these laws \(N = 759; 98\%\) male). Offenders were tracked for five years following release from prison. Few differences emerged between the two groups. Offenders in both groups could be reliably classified into one of three subgroups representing three distinct reoffending trajectories: non-recidivists, low-rate recidivists, and higher-rate recidivists. The distribution of offenders within each subgroup was virtually identical between the notification and comparison groups, leading the authors to conclude that community notification did not have any appreciable effect on either the rate of recidivism or the number of offenses committed by recidivists. A limitation of this study that is common to many studies in this area of research is that the treatment and comparison groups may not have been comparable by virtue of the fact offenders within each group were
released from prison during two different periods in time (i.e. pre- and post-implementation). This may have masked the effects of community notification.

There are a number of methodological limitations inherent in this literature, owing largely to the retrospective quasi-experimental study design that is characteristic of research in this area (Day et al., 2012). Empirical studies examining the impact of community notification on recidivism typically compare the recidivism rates of sex offenders released from prison prior to and subsequent to the enactment of legislation introducing these measures. A smaller number of studies have modelled the effects of community notification using time series analysis. A major limitation of both of these study designs is that it is not possible to infer causality and, as such, causal explanations can only be considered to be speculative. The possibility that historical trends in crime rates or wider socio-political trends account for the findings cannot be excluded. Most researchers have failed to consider the impact of other legislative or policy measures introduced during the same period, notably the effects of mandatory registration of sex offenders, which clouds the interpretation of findings. Furthermore, although most group comparison studies have made some attempt to match the ‘treatment’ (i.e. notification) and comparison groups, often important demographic or offense-related variables that are empirically associated with recidivism are overlooked, which could mean that the groups are not comparable and thus confounds the interpretation of findings. More generally, this is reflective of the greater difficulty of quasi-experimental research to control for extraneous variables that may mediate or moderate the relationship being investigated.

A further limitation of the body of research concerned with the impact of community notification on recidivism is that most published studies have restricted
the analysis to only one jurisdiction. The results of single-site or single-state studies may have limited generalizability due to the marked variation that exists between jurisdictions in the relevant legislation, policies, and practices. Multi-state evaluations may overcome some of these limitations, permitting greater confidence in the conclusions drawn. In one such study, Prescott and Rockoff (2011) examined the specific and general deterrent effects of registration and community notification by modelling mathematical equations and testing their fit against aggregated arrest data for 15 US states. The authors tentatively concluded that the introduction of community notification led to an increase in recidivism. This study is one of only a few to have examined the main effects of registration and notification policies in addition to their interactive effects. Although this is a significant strength of this study, it is not without limitations. Confidence in the interpretation of the results is limited by the fact that Prescott and Rockoff had to draw inferences as to the likely specific deterrent effect based on the number of offenders subject to community notification as the data did not permit distinctions between first-time offenses and repeat offenses (i.e. those committed by a convicted sex offender who would have been subject to notification requirements).

The results of two independent systematic reviews do not offer support for the assertion that community notification deters convicted sex offenders from reoffending. Drake and Aos (2009) located 18 studies that examined the impact of the passage of registration and notification laws on crime rates, of which only nine were judged to have been of sufficient methodological rigor to be included in their quantitative analysis. A meta-analysis of the seven studies that investigated the impact of these laws on the rate of recidivism failed to find a statistically significant effect. Drake and Aos cautioned that their conclusion that these laws are ineffective
in reducing recidivism should be considered tentative as it was based on just seven studies – three of which had small sample sizes – and there was considerable variability in the results of these studies, with two studies reporting that the implementation of these laws was associated with a significant reduction in recidivism, one study reporting a significant increase in recidivism following implementation, and the remainder reporting no significant difference in recidivism rates pre- and post-implementation.

Similar conclusions were drawn by Socia and Stamatel (2010), who reviewed the effect of community notification on recidivism as part of a broader review of the effectiveness of the various laws targeting sex offenders that have been enacted in the US during the past two decades. Consistent with the findings of Drake and Aos’s (2009) review, Socia and Stamatel also concluded that community notification has had no demonstrable effect on recidivism. This is not surprising given the considerable overlap in the studies included in both reviews. Four of the seven studies in each review were the same, including the only two studies that found evidence of a specific deterrent effect. It should be noted that both of these reviews considered the aggregate effects of registration and notification.

On balance then, the available empirical evidence does not support the conclusion that community notification reduces recidivism. However, in light of the fact the evidence is equivocal and hampered by a number of methodological limitations, this conclusion should be regarded as tentative. Interpretation of findings is further complicated by the complexities of the relationships under investigation. It is possible, for example, that a non-significant finding is actually the product of two competing forces, such that community notification may lead to a reduction in the true incidence of reoffending but this reduction may be offset by an increased
likelihood that offenders subject to notification who reoffend will be detected and apprehended on account of the increased surveillance (Vásquez et al., 2008; Vess et al., 2012).

**Non-recidivistic sexual offending.** A small body of empirical evidence exists suggesting that community notification has a general deterrent effect on the public at large. However, the findings are inconsistent and often ambiguous and this literature suffers from the same methodological limitations that hamper the interpretation of the results of studies that have investigated the specific deterrent effect of these laws.

Although the results of a study by Letourneau and colleagues (Letourneau et al., 2010a) are consistent with a general deterrent effect and have been cited as proof of the law’s effectiveness, the authors were unable to definitively conclude that the observed downward trend in sex offense arrests was due to the introduction of community notification. Letourneau et al. modelled the effects of the enactment of registration and notification laws in South Carolina on sex offending rates. The results of their trend analysis revealed an 11% reduction in the monthly rate of first-time sex offense arrests from pre- to post-implementation, lending support to the argument that these laws exert a general deterrent effect. The authors were, however, unable to partial out the unique contribution of community notification due to the fact it came into effect at the same time as mandatory registration. They did, however, model the effects of the introduction of the publicly accessible online sex offender register four years later and found that it had no appreciable effect on first-time sex offense arrests.

In contrast to Letourneau et al.’s (2010a) findings, Sandler et al. (2008) failed to find evidence of a general deterrent effect of New York’s registration and
notification laws. These two studies employed similar methodologies and yet yielded markedly different results. It is not clear whether the divergent results reflect real differences in arrest trends, which could suggest that the policies in each state have idiosyncratic effects, or whether the discrepancy is simply a methodological artefact. It is noteworthy that New York’s policy selectively targets higher-risk sex offenders whereas South Carolina does not discriminate on the basis of risk, with all registered sex offenders being subjected to the same level of notification.

The results of a larger-scale multi-state study suggest that the relevant laws in each jurisdiction have a differential impact on sex offense rates. Vásquez et al. (2008) conducted interrupted time series analyses in order to determine whether the implementation of registration and notification had any impact on the incidence of rape in 10 US states. No clear trends emerged from the data. Three of the 10 states included in the analysis showed a significant decline in the rate of rape following the implementation of these laws but one state showed a sharp (and significant) incline in the rape rate from pre- to post-implementation. There was no statistically significant difference in rape rates for the six remaining states. Vásquez et al. concluded that these laws have not had a uniform observable influence on sexual offending but did not offer any possible explanation to account for the divergent results. A limitation of this study is that the authors were not able to conclusively determine whether the observed decrease in the rape rate in three states was attributable to a general, as opposed to a specific, deterrent effect, nor could they determine whether the observed effects were due to registration or notification. A further limitation of this study is that only the incidence of rape was considered. Notwithstanding these limitations, the findings of this study are informative and
underscore the importance of exercising caution when generalizing the results of single-state studies.

The aforementioned multi-state study by Prescott and Rockoff (2011) demonstrated that the passage and implementation of community notification laws was associated with a decline in the arrest rate for first-time offenders (i.e. those without any prior convictions for sex offenses), lending support to the assertion that community notification has a general deterrent effect. Though encouraging, this finding should be qualified by the concomitant finding that the enactment of these laws was associated with an increase in the recidivism rate. Prescott and Rockoff hypothesized that there could be a trade-off between general and specific deterrent effects such that the threat of notification and its associated costs might effectively deter some would-be sex offenders from offending but that the high personal costs of notification may increase the likelihood that convicted offenders will reoffend. Although this is certainly plausible, further research must be conducted before any firm conclusions can be drawn, as Prescott and Rockoff were unable to systematically test this hypothesis due to limitations of the data.

The Impact of Community Notification on Risk Management

Although often cited as a benefit of community notification (e.g. Finn, 1997), there is a paucity of empirical evidence in relation to its potential usefulness as a management tool for supervising sex offenders in the community. There is limited evidence to support the suggestion that it generates intelligence that is useful from a risk management perspective and that may aid in the investigation of sex crimes (Farkas and Zevitz, 2000; Finn, 1997; Gaines, 2006). An evaluation of the implementation of community notification in Oregon, for example, noted that
members of the public provided law enforcement with valuable information concerning the activities of sex offenders subject to notification (Oregon Department of Corrections, 1995). Similarly, one of the law enforcement agents Gaines (2006) surveyed recounted an instance where information provided by a member of the public led to an offender’s arrest. In view of the fact this evidence is largely anecdotal, it should be interpreted with caution. It could be argued that the finding that offenders subject to community notification are rearrested more quickly following release from prison than those who are not (e.g. Duwe and Donnay, 2008; Freeman, 2012; Schram and Milloy, 1995) supports the contention that community notification facilitates the provision of intelligence. However, as previously noted, such a finding is open to several different interpretations and is often confounded by the introduction of mandatory registration.

Notwithstanding reports that community notification has assisted in locating offenders who have absconded (e.g. Oregon Department of Corrections, 1995), there is a widely held view that such practices can cause offenders to disengage from supervision and treatment, driving them underground. Such a concern has been expressed by both law enforcement agents and mental health professionals working within the justice system as well as offenders themselves (Chan et al., 2010; Kemshall and Wood, 2010; Logan, 2011; McGuickin and Brown, 2001). Indeed, several of the offenders (N = 15) Wood and Kemshall (2007) surveyed admitted that they would probably fail to report, or, in the words of one offender, they would ‘disappear’ if the US model of community notification were to be introduced in the UK. In spite of these views, there is very little empirical evidence indicating that the implementation of community notification has affected offenders’ compliance with reporting obligations or other conditions of supervision (Kemshall and Wood, 2010).
39

That said, very few studies have examined this, and a lack of evidence demonstrating that it affects compliance should not be interpreted as evidence that it does not affect compliance.

There is some anecdotal evidence that community notification promotes greater information sharing and collaboration amongst criminal justice agencies (Chan et al., 2010; Farkas and Zevitz, 2000; Finn, 1997; Zevitz and Farkas, 2000b). While one might expect that this would lead to more effective risk management, this relationship has not been systematically tested. Taken together, these findings provide only limited support for the contention that community notification is an effective management tool, and, on the contrary, suggest that in some cases it may even be a hindrance to effective risk management.

The Impact of Community Notification on Criminal Justice Agencies

A small but growing body of research demonstrates that community notification has a significant impact on the agencies responsible for its administration (typically the police have primary responsibility). One of the most frequently cited concerns of administrators is that it places a strain on limited agency resources (Lasher and McGrath, 2012; Levenson and Cotter, 2005; Levenon et al., 2010). Community notification schemes are undeniably expensive to implement and maintain, irrespective of whether they are active or passive (Tewksbury and Jennings, 2010; Zevitz and Farkas, 2000c; Zgoba et al., 2009). The time and money invested in activities associated with notification inevitably must be redirected from other areas, which could plausibly lead to an increase in other types of crime (Day et al., 2012).
Sandler et al. (2008) speculated that the practice of community notification could result in resources being diverted from those offenders – or potential offenders – who account for the majority of sex offenses (i.e. those without any prior convictions and those with a pre-established relationship with the victim) to the relatively small number of offenders targeted by these laws who, in spite of fitting the stereotype of a sex offender, account for only a minority of all sex offenses. In a similar vein, Vess et al. (2012) asserted that the indiscriminate process of subjecting sex offenders who pose a relatively minimal risk to public safety to notification may detract attention and resources from the few who pose a very high risk. This assertion echoes an earlier remark by Appelbaum (2008: 354), who noted that subjecting anyone ever convicted of a sex offense to notification without regard for the level of risk they present ‘blur[s] the focus of police and the public on the most dangerous offenders’. Furthermore, other important law enforcement functions may suffer as a consequence of community notification. This reality must be borne in mind when appraising the relevant literature evaluating the law’s impact on law enforcement agencies.

One of the most consistent findings of the body of research investigating the impact of community notification is that it is associated with an increased workload. Respondents to Matson’s (1996) survey of Washington-based police chiefs and sheriffs (N = 45) identified both advantages and disadvantages of community notification, with increased workload among the most frequently cited disadvantages. Many noted that community notification is a very time-consuming task that ‘spreads resources thin’. An evaluation of the impact of the enactment of these laws in Wisconsin produced similar findings (Zevitz and Farkas, 2000b; see also Farkas and Zevitz, 2000). Over two-thirds of the law enforcement agents
surveyed ($N = 188$) reported concerns relating to resource implications and the majoritiy (58%) indicated that community notification had increased their workload. Zevitz and Farkas (see also Zevitz and Farkas, 2000a) also found that the enactment of these laws has had a significant impact on the demands of probation and parole officers ($N = 77$), many of whom reported that difficulties sourcing accommodation and employment for offenders subject to notification significantly increased their workload.

Although the findings of these studies appear to be reflective of the experiences of other jurisdictions within the US (Finn, 1997), it should be acknowledged that these studies are now over a decade old and it is probable that community notification practices in these jurisdictions have changed since these evaluations were undertaken. As previously noted, since the enactment of federal legislation in 2003 mandating all states to publish details about convicted sex offenders on the Internet, there has been a steady decline in some of the more resource-intensive notification strategies that were widely practiced throughout the 1990s, such as community meetings and door-to-door flyer drops, both of which were common practices in Washington and Wisconsin at the time these evaluations were undertaken (Appelbaum, 2008; Levenson et al., 2007). A decline in resource-intensive notification strategies presumably would reduce the workload of law enforcement agencies. However, over this same period, the criteria stipulating who qualifies for community notification have been expanded, which has essentially produced a net-widening effect (Appelbaum, 2008; Levenson and Cotter, 2005; Thompson and Greek, 2010). Furthermore, the mandated duration of notification has been extended in most states, with many offenders now subject to lifetime notification via the online register (Appelbaum, 2008; Levenson et al., 2010).
Consequently, the number of offenders on the online register has grown exponentially in the last decade.

Posting and maintaining the accuracy of information on the online sex offender register has thus become an onerous and time-consuming task on account of the large number of offenders subject to notification. Gaines (2006) conducted a survey of law enforcement agents (N = 21) responsible for managing the online register in 11 US states. He reported that several respondents commented that it was a ‘manpower intensive’ task. Not surprisingly, maintaining the accuracy of information on the register has been identified as a significant challenge facing law enforcement agencies and numerous reports have emerged indicating that much of the information contained on the online registers is inaccurate (Lasher and McGrath, 2012; Levenson and Cotter, 2005). As Levenson et al. (2007: 589) note, ‘these reports call into question the capacity for state officials to continuously update sex offender databases quickly enough to maintain accurate flow of information to the public’.

The limited available evidence from the UK indicates that passive community notification schemes also have a significant impact on the workloads of those responsible for responding to enquiries from members of the public. The evaluations of the English (Kemshall & Wood, 2010) and Scottish (Chan et al., 2010) limited disclosure pilots noted that these schemes demanded a substantial investment of time, particularly during the implementation phase. This is in spite of the fact that all five pilot sites received significantly fewer enquiries than anticipated. A dedicated team was established at each pilot site to implement and administer the scheme. Chan et al. estimated that each enquiry fielded during the Scottish pilot program took, on average, just under eight hours to finalize; however, there was marked
variation in the amount of time dedicated to each case. Documented resolution times for a sample of cases (N = 24) ranged from 2 to 15 hours per case. It should be noted that these estimates do not include the time devoted to general administrative tasks that did not relate to a particular enquiry. It was estimated that this would add just under three-and-a-half hours to each case if this were factored in. These early findings suggest that the passive model of community notification adopted in the UK is also very resource-intensive. However, further research is needed before more definitive conclusions can be drawn.

Community notification may increase the workload of law enforcement agents in other, less obvious, ways. For example, it may add to their workload by inciting vigilantism, to which they must respond. Although the actual incidence of vigilantism appears to be lower than that which is commonly anticipated\textsuperscript{17}, there nonetheless have been numerous reports of vigilantism connected to community notification (Appelbaum, 2008; Levenson, 2003; Redlich, 2001; Tewksbury and Lees, 2006), and it remains the case that just one serious incident can create a significant amount of work. Law enforcement agencies may attempt to circumvent vigilantism through community engagement by educating the public and allaying anxieties, which could also potentially involve a considerable investment of time. A further means by which community notification can impact on the workload of law enforcement agents is they may be expected to find solutions to problems created by community notification, such as homelessness and unemployment, even though such responsibilities may not be part of their usual role.

\textsuperscript{17}Empirical evidence suggests that between 3-16\% of sex offenders subject to notification are the target of vigilante attacks (Lasher and McGrath, 2012; Levenson and Cotter, 2005; Levenson et al., 2007; Oregon Department of Corrections, 1995; Zevitz and Farkas, 2000c).
In conclusion, it is apparent that community notification has significant resourcing implications in terms of the high fiscal and labor costs associated with its implementation and ongoing maintenance. Given the lack of empirical evidence supporting the effectiveness of these measures, it may be difficult to justify these expenditures, particularly in light of evidence suggesting that community notification could in fact jeopardize community safety.

Discussion

It may be tempting to conclude on the basis of this review that community notification is ineffective, and that the introduction of the scheme in WA is ill-informed. However, it seems premature to conclude that community notification is ineffective as the findings of many of the studies reviewed here are somewhat equivocal. The possibility remains that community notification is effective in some circumstances but ineffective in others, and broad judgements about its overall effectiveness fail to capture the complexities of the interrelationships between the many factors at play. Pawson’s (2006b) argument that for policy evaluations to be meaningful they must move beyond the question of whether interventions work and instead address how and why they work is relevant here. He suggests that a more useful question to ask is: ‘What works for whom in what circumstances?’ (Pawson, 2006b: 25).

Few researchers have hypothesised as to the conditions under which community notification is of optimal effectiveness. Letourneau and colleagues (2010b) speculated that the wide net cast by these policies could be masking differential effects for different groups of offenders. Certainly the last decade has seen a dramatic increase in the number of offenders who are subject to notification in
the US. This is largely due to the fact that the criteria stipulating who qualifies for notification have become more inclusive over time. One might expect that these measures would have a differential impact on subgroups of offenders, such as intrafamilial versus extrafamilial sex offenders, or those classified as low- versus high-risk.

It is noteworthy that the only two published studies that have found that community notification reduces recidivism (Barnoski, 2005; Duwe and Donnay, 2008) both employed samples exclusively comprised of offenders assigned the highest risk classification and who were subjected to the most extensive notification. It follows that community notification may be most effective when only high-risk offenders are selected, as was the original intent of the legislation. The tiered notification scheme introduced in WA combines elements of a US-style proactive notification system with a UK-style reactive system and takes offenders’ risk level into consideration. This will allow outcomes to be compared for different subgroups of offenders, thereby facilitating determinations regarding the efficacy of notification for different subgroups of sex offenders.

As is apparent from this review, community notification places a significant strain on limited agency resources. Subjecting low-risk offenders who present a relatively small risk of reoffending to notification, or using methods that have the potential to undermine rather than enhance public safety, is probably not an efficient use of public resources. Identifying the conditions under which community notification is and is not effective will allow these measures to be more targeted, maximizing the use of limited resources. This is a useful direction for future research.
In conclusion, it will be interesting to see how the implementation of the community notification scheme in WA will be received by the public, the criminal justice system and by offenders themselves. The purpose of this paper was to provide a comprehensive review of current knowledge about community notification that can be used to inform the interpretation of any data that are gathered to establish the extent to which it can be regarded as successfully achieving its objectives. It may also be of value to those in other Australasian jurisdictions that are considering introducing community notification schemes, in their efforts to ensure that public policy in this area is, indeed, truly evidence-based.
CHAPTER 3: STUDY 1

This chapter presents the first empirical study; a qualitative exploration of police officers’ perceptions of the community notification scheme introduced in Australia. The study, which has been accepted for publication in the *International Journal of Police Science and Management* (see Whitting, Day, & Powell, 2016)\(^{18}\), presents an analysis of in-depth interviews with 21 specialist police officers. The results of this study guided the focus of the second empirical study presented in Chapter 4.

Community notification statutes, popularly known as ‘Megan’s Law’, were passed in rapid succession throughout the United States (US) following the enactment of landmark legislation in the state of Washington in 1990 (see Lasher & McGrath, 2012; Petrunik, 2003; Thomas, 2011)\(^{19}\). By 1996, when the federal government enacted legislation mandating community notification, a majority of states had already adopted this policy (Matson, 1996; Washington State Institute for Public Policy, 1996); often in response to public outcry in the wake of highly publicised sex offences against children (Levenson, 2003; Petrunik, 2003; Small, 1999; Thomas, 2011; Thompson & Greek, 2010). The form that notification takes varies from state to state (e.g., door-knocking, community meetings, posters, flyers, social media; see Harris, Lobanov-Rostovsky, & Levenson, 2015, p. 5), but federal legislation mandates that all states must maintain a publicly accessible online sex

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\(^{19}\)See Thomas (2011) for an in-depth review of the legislative background to current community notification laws.
offender register (see Thomas, 2011). The information that is published generally includes the offender’s name, date of birth, gender, address, past convictions, a physical description and photograph, and may also include their driver’s licence number, a description of their motor vehicle including licence plate number, their place of employment, their victim’s gender and age, and risk rating (see Ackerman, Harris, Levenson, & Zgoba, 2011 for a descriptive analysis of the content of state-based online public sex offender registries).

When these laws first came into effect, generally only those convicted of more serious sex offences against children were affected. The scope of these laws has, however, expanded over time and the relevant criteria have come to include a wider range of offences, with some states now publishing the details of all adults – and in some cases juveniles – who have been convicted of a sex offence of any kind (Appelbaum, 2008; Thompson & Greek, 2010). This is despite evidence that community notification may not reduce rates of sexual offending. Drake and Aos’ (2009) meta-analysis of the impact of the passage of sex offender registration and notification laws on crime rates in the US, for example, concluded that they did not lead to statistically significant reductions in recidivism. However, they cautioned that the evidence upon which this conclusion was drawn was limited (the seven studies which were judged to be of sufficient rigour to be included reported conflicting findings and three had small sample sizes). Drake and Aos were also unable to separate the independent effects of registration and notification. A subsequent systematic review of the literature by Socia and Stamatel (2010), however, lends weight to the general conclusion of Drake and Aos; namely that the introduction of community notification in the US has had no demonstrable effect on recidivism.
Fewer studies still have investigated whether community notification deters those who have never been convicted of a sex offence. Whilst some (e.g., Letourneau, Levenson, Bandyopadhyay, Armstrong, & Sinha, 2010) have found evidence of a general deterrent effect, others (e.g., Sandler, Freeman, & Socia, 2008) have not. Nonetheless, the results of a larger-scale multi-state study by Vásquez, Maddan, and Walker (2008) are informative. These authors conducted interrupted time series analysis in order to determine whether registration and notification laws had an impact on the incidence of rape in 10 US states. No clear trends emerged from their analysis, with six states showing no significant change, three states showing a significant decline, and one state showing a significant increase in the rate of rape. Vásquez et al. concluded that these laws had not had a uniform observable influence on rates of sexual offending.

A more recent large-scale multi-state study by Prescott and Rockoff (2011) examined both specific and general deterrent effects by modelling mathematical equations and testing their fit against aggregated arrest data for 15 US states. The authors tentatively concluded that the introduction of community notification had led to a decrease in the arrest rate for first-time offenders (i.e., those without any prior convictions for sex offences), although this was offset by an increase in the arrest rate for repeat offenders. This finding led Prescott and Rockoff to hypothesise that there is a trade-off between general and specific deterrence; however, they were unable to systematically test this hypothesis due to the limitations of the available data.

At the same time, evidence has emerged that community notification can have collateral consequences that jeopardise offenders’ successful reintegration and rehabilitation (Edwards & Hensley, 2001; Lasher & McGrather, 2012; Whitting,
Day, & Powell, 2014). Surveys of offenders subject to notification reveal that harassment, threats, and property damage are commonplace, which contributes to heightened psychological distress (Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007; Tewksbury, 2005; Zevitz & Farkas, 2000b). Offenders also commonly report that they experience the loss of social supports, housing, and employment as a result of notification (Levenson & Cotter, 2005; Levenson, D'Amora, et al., 2007; Tewksbury, 2005; Zevitz & Farkas, 2000b). This is significant given the well-established correlation between each of these factors and recidivism (Hanson & Harris, 2000; Hanson, Harris, Scott, & Helmus, 2007; Hanson & Morton-Bourgon, 2005). Furthermore, it has been suggested that community notification can hinder effective risk management by driving offenders underground (see Chan, Homes, Murray, & Treanor, 2010; Hudson, 2005; Logan, 2011; Petrunik, 2003; Wood & Kemshall, 2007).

Despite the lack of robust evidence supporting the effectiveness of these laws, they enjoy widespread support in the US. Surveys of the public have generally found a high level of endorsement for community notification policies (Anderson & Sample, 2008; Harris & Socia, 2014; Katz-Schiavone & Jeglic, 2009; Levenson, Brannon, Fortney, & Baker, 2007; Lieb & Nunlist, 2008; Phillips, 1998). Fewer studies have examined the views of professional stakeholders. This small but growing body of research indicates that criminal justice professionals are generally the most supportive, with Levenson, Fortney, and Baker (2010), for example, reporting that they were significantly more likely than other professionals who worked with offenders (most of whom had a background in mental health) to agree with the notification laws in their state and to believe that all sex offenders should be

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20The evidence is more mixed in other parts of the world (see, for example, McCartan, 2004; 2013).
subject to notification. Interestingly, the majority of the criminal justice professionals surveyed indicated that they would support sex offender policies even if there was no scientific evidence showing they reduce child sexual abuse.

Tewksbury and colleagues have drawn similar conclusions based on the findings of a programme of research investigating the views of law enforcement officials (Tewksbury & Mustaine, 2013), probation and parole officers (Tewksbury, Mustaine, & Payne, 2011), prison wardens (Connor, 2012, cited by Mustaine, Tewksbury, Connor, & Payne, 2015), and parole board members (Tewksbury & Mustaine, 2012). Tewksbury and Mustaine (2013), for example, found that most law enforcement officials did not believe that being listed on a public sex offender register was an effective deterrent, nor did they believe that these laws were otherwise effective in reducing sex offences, and yet most believed that all sex offenders should be subject to notification. They concluded that:

> It appears that many criminal justice officials are in support of sex offender polices, even if there is no scientific evidence to suggest they work, and even when the rationale for such support is unclear. As such, it becomes quite apparent that attitudes about sex offender registration and notification are complex and difficult to understand. (Tewksbury & Mustaine, 2013, p. 111)

Although law enforcement officers are generally found to be largely supportive of community notification, most do not believe it should be the responsibility of law enforcement (Walker & Ervin-McLarty, 2000), and increased workload and a lack of resources are common complaints among these professionals (Finn, 1997; Gaines, 2006; Matson & Lieb 1996). More than two-thirds of the Wisconsin law enforcement agencies that Farkas and Zevitz (2000) surveyed (total $n = 188$), for example, indicated that they were concerned about labour expenditures.
Furthermore, the majority reported that the law increased their workload and over one quarter believed that it placed a strain on departmental resources.

Other parts of the world have implemented community notification schemes that are more limited in scope than those that currently exist in the US. In the United Kingdom (UK), the government has resisted community pressure for a public sex offender register. However, in response to sustained media attention and community lobbying following the high-profile abduction and murder of an eight-year-old girl by a convicted sex offender, the Home Office announced in 2008 that it would be piloting a ‘limited disclosure’ scheme across four police force areas of England (see Logan, 2011; Kemshall & Weaver, 2012; Thomas, 2011). The scheme allowed parents and guardians\(^{21}\) to enquire about a particular individual who had unsupervised contact with their child and empowered police to disclose to the applicant that the person of concern was a registered sex offender, where this was warranted. The pilot was hailed a success and the scheme was subsequently rolled out across England and Wales (Kemshall & Weaver, 2012). Shortly thereafter, Scotland introduced a similar scheme following its own pilot (Kemshall & Weaver, 2012).

The results of the English (Kemshall & Wood, 2010; see also Kemshall, Dominey, & Hilder, 2011; Kemshall, Kelly, & Wilkinson, 2012) and Scottish (Chan et al., 2010) pilot evaluations suggest that the controlled and limited disclosure of information to members of the public has fewer negative consequences than blanket disclosure, as embodied in ‘Megan’s Law’ in the US. None of the offenders interviewed by Kemshall and Wood (\(n = 61\)) or Chan et al. (\(n = 8\)) reported that they

\(^{21}\)The scheme was later expanded in England (and following its roll out, Wales) to allow anyone with caretaking responsibilities for a child to lodge an enquiry (Kemshall & Weaver, 2012).
had experienced difficulties finding accommodation or employment as a result of the scheme, and no incidents of vigilantism were reported. However, it should be noted that none of the offenders interviewed had been the subject of a disclosure and, as such, it would not be expected that they would be directly impacted.

The introduction of limited disclosure schemes in the UK led to calls for the introduction of community notification to gain momentum in Australia. This culminated in 2012, when one Australian state enacted legislation providing for the disclosure of information about convicted sex offenders to the public. The three-tiered scheme introduced later that same year draws on elements of both the UK and US models of notification. The first tier pertains to offenders who have failed to comply with their reporting obligations or who have provided false or misleading information, and whose whereabouts are unknown to police. The name, date of birth, gender, physical description and photograph of such persons are published on an online register that can be viewed by anyone. The second tier allows residents of the state to perform a search that will return the photographs of dangerous, high risk, and recidivist offenders who reside in close proximity to them (i.e., in the same suburb or an adjoining suburb). The criteria are restrictive, capturing only a small proportion (less than 5%) of registered sex offenders. The third tier was modelled on the schemes introduced in the UK and allows parents and guardians to enquire whether a particular individual who has unsupervised contact with their child or children is a registered sex offender. A specialist police squad responsible for coordinating the ongoing management, registration, and monitoring of sex offenders living in the community is tasked with managing the scheme.

In 2014 another Australian state began publishing the details of child sex offenders whose whereabouts are unknown, and a bill has recently been drafted in a
third jurisdiction that could see the introduction of more extensive community notification as is practised in the US. The bill is named ‘Daniel’s Law’ in honour of Daniel Morcombe, a 13-year-old boy who was abducted and murdered by a convicted sex offender (Elferink, 2015). Daniel’s parents and supporters have been campaigning for ‘Daniel’s Law’ to be introduced nationally, and it is quite possible that other jurisdictions will soon follow suit. It is in this context that the current study explores how Australia’s first community notification scheme has been viewed by those who are responsible for managing it.

There has been one previous investigation of this topic in Australia. Powell, Day, Benson, Vess, and Graffam (2014) conducted focus groups with police officers (N = 24) across three different jurisdictions prior to the introduction of community notification. Whilst not the focus of this study, participants independently raised a number of concerns regarding its possible introduction, including that it would place an additional burden on police resources, that it would reduce offenders’ compliance, and increase the risk of re-offending. The current study builds on Powell et al.’s study by providing a detailed analysis of the expectations and concerns of police officers involved in implementing Australia’s first community notification scheme. It adds to the growing body of research from the US examining criminal justice professionals’ views of community notification, which, as Tewksbury and Mustaine (2013) have observed, reveals that attitudes toward notification are complex and multi-faceted. With few exceptions, research in this area has used a survey methodology, and whilst this has some advantages, the results can be difficult to interpret, particularly in cases where the subject matter is complex and not well understood. Through the use of in-depth interviews, this study offers a unique perspective that it is hoped will contribute to a better understanding of the views of
police. The findings of this study will be of particular interest to other jurisdictions considering introducing similar schemes and may usefully inform the development of effective public policy in this area.

Method

Participants

Participants were drawn from a specialist police squad responsible for coordinating the ongoing management, registration, and monitoring of sex offenders residing in the community, as well as managing the community notification scheme. Twenty-one police personnel (17 males, 4 females) volunteered to take part, which represented just over one-third of the entire squad. The sample was heterogeneous and was comprised of sworn officers of various ranks as well as a few unsworn officers. Participants had between three and nearly 40 years’ policing experience ($M = 18.07$ years, $SD = 12.00$). Tenure of employment within the squad ranged from five months to approximately eight years (when the squad was formed). The majority (81%) of participants were frontline staff who had regular contact with sex offenders as part of their role. Half were compliance officers, a role that entails managing a caseload of offenders and ensuring that they comply with their reporting obligations. The sample also included inquiry officers, whose primary responsibility is to locate missing offenders, officers with sole responsibility for managing those legally designated as ‘Dangerous Sexual Offenders’, an officer in a dedicated role responsible for managing the scheme, an intelligence analyst, and an administrator. Participants had between seven months and 11 years’ experience working with sex offenders ($M = 4.61$ years, $SD = 3.09$).
Design

A qualitative research design utilising thematic analysis was deemed most appropriate in view of the exploratory nature of the study and relatively small pool from which to draw participants. Thematic analysis is a widely used method of qualitative analysis that involves identifying patterns of meaning across a dataset through a rigorous process of coding data and generating themes (Braun & Clarke, 2006). Whilst the identification of themes is a component of many methods of qualitative analysis, such as grounded theory and phenomenological analysis, Braun and Clarke argue that it should be considered an analytic method in its own right. They contend that thematic analysis has a number of advantages over alternative approaches, including the fact that it is not tied to any particular theoretical or epistemological framework, and, as such, provides greater flexibility.

Procedure

An email was sent to all staff within the squad inviting them to take part in the study. Prospective participants were encouraged to contact the first author to find out more about the study and arrange a suitable time to be interviewed. Managerial staff also informally identified particular individuals who they believed would be good candidates on account of their knowledge, experience, or interest in research, and these individuals were approached in person and invited to take part. All prospective participants were made aware that participation was voluntary and provided informed, written consent. This study received clearance from the Deakin University Human Research Ethics Committee and the police agency’s research unit.
All interviews were conducted by the first author. Eighteen interviews were conducted in person at the participants’ workplace in April 2013 (six months after the scheme came into effect) and three interviews were conducted via telephone in August 2013 (these participants were not available at the time the face-to-face interviews were conducted). The interviews were semi-structured. This was deemed appropriate as there were no strong preconceptions regarding what issues or themes would emerge from the interviews. Broad open-ended questions were asked to elicit participants’ perceptions of the scheme. A conversational style of interviewing was adopted (Mason, 2002), which allowed the interviewer the freedom and flexibility to pursue lines of inquiry raised by participants.

All interviews were audio-recorded and transcribed verbatim. After being double-checked for accuracy, the transcripts were imported into the software program NVivo10, which was used to organise and interrogate the data. The six phases of thematic analysis delineated by Braun and Clarke (2006) were followed. The first phase involved reading and re-reading the transcripts a number of times in order to gain familiarity with the data and formulate some initial ideas regarding patterns in the data. The transcripts were then systematically coded to identify interesting features of the data. The initial codes that were generated were collated and sorted into potential themes. The candidate themes were then reviewed and refined. This phase entailed two levels of review. The first involved reading the coded data extracts pertaining to each theme to check that they formed a coherent pattern. The second level of review involved re-reading all of the transcripts to check that the thematic map fit the data set as a whole and to code any data that was missed in the earlier coding phase. Following refinement of the themes, sub-themes were identified and the themes (and sub-themes) were defined and labelled. As no new
themes were generated from the analysis of the latter telephone interviews, data saturation was considered to have been reached (Bryman, 2012; Sim & Wright, 2000).

Analysis

Four major themes emerged from the analysis. The first reflected the limited confidence that many participants had in the extent to which community notification is likely to meet its overarching aims, with the remaining three themes relating to concerns about the impact of notification on offenders, victims and the broader community, as well as the agency. Several subthemes were identified within each of the broader themes, which are discussed below. Quotations are provided to illustrate the themes. Detail that could potentially lead to the identification of individual participants was, however, removed from quotations and minor grammatical changes were made where appropriate to improve readability.

Limited Confidence in the Policy of Community Notification

There was a widely held view among participants that the government developed the policy to garner public support. The police officers interviewed perceived that community notification had strong public support and believed that this was the impetus for its introduction. As one participant reflected, ‘The public wanted something and the government gave them something’ (Participant [P] 5). Another noted, ‘A commitment had been made [by the government] and they had to

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22 This includes changing the tense where appropriate.
follow it through’ (P1). Underlying this belief was scepticism as to whether the scheme would achieve its ostensible aim of increasing community safety. There were, however, suggestions that it could nonetheless lead to a perception among community members of increased safety.

Few participants believed that the scheme would be an effective deterrent. Some opined that it might effectively deter some offenders, but that others would not be fazed if their details were published on the register. Participants specifically identified that the scheme would not effectively deter opportunistic offenders, Indigenous offenders living itinerant lifestyles, those with learning disabilities or substance use problems, and those without a support network or strong ties to the community. As one participant asserted:

I think by and large most offenders who are going to re-offend are going to re-offend anyway and it’s irrelevant to them what’s out there and what the potential punishments are. . . . I don’t think it forms any form of deterrent for them. (P2)

Furthermore, concern was expressed that the scheme could in fact increase some offenders’ risk of re-offending, with one participant asserting, ‘I think that it is going to drastically increase the rate of re-offending of our worst offenders’ (P19). This comment, and those relating to the deterrent effect (or otherwise) of the scheme, are indicative of a perception that its effectiveness may be moderated by offenders’ risk level, among other factors, and points to the need for flexible and discretionary application of the policy.

There was a minority view that the scheme had the potential to be more effective if its scope were expanded. These participants believed that the scheme would have only a negligible impact on the rate of offending due to the fact that so
few offenders were subject to notification, and advocated expanding the narrow eligibility criteria. One participant, for example, opined:

I think the way it’s been restricted so much…I don’t know why it was brought it. Decisions were made above my level, that to get on [the register] you have to have offended twice. There are people that have offended once that are absolute monsters that should be on there. (P8)

Another suggested that the register should not be restricted to sex offenders, and should include other types of offenders, such as violent offenders and arsonists.

**Impact on Offenders**

Among the most common concerns raised by participants was that the scheme would negatively affect offenders’ psychological wellbeing, and consequently had the potential to inadvertently increase their risk. It was reported that in the months leading up to the scheme’s implementation, offenders were highly anxious about how it would affect them, with one participant describing offenders as ‘panic-struck’ (P19). Participants identified that the stigma associated with being published on the register could produce feelings of shame and hopelessness, and thereby jeopardise offenders’ reintegration and rehabilitation. Concern was further expressed that this would increase the risk of depression and suicide. Indeed, one participant disclosed that some offenders had threatened to commit suicide if their details were published on the register. Another speculated that the experience of negative affect could lead to substance abuse, which is a recognised risk factor for offending. The following quotes are illustrative of these concerns:
There was a lot of fear; lots of phone calls; lots of stressed guys when it came out in the media that the government was looking at it. One guy I saw hadn’t slept and hadn’t eaten for about three days, and he looked like it as well. He was so stressed that he was going to go on the public register and that he would beouted in the community where he lived. . . . He sat and cried because he was so concerned about it. (P18)

When the legislation was proposed, the first question that was on all their lips was, ‘Am I going to be on it?’ And the relief on their faces when they found out they weren’t; they were holding hands with their wives and saying, ‘Oh my god, I’m not going to be on there.’ They thought their lives were over. . . . That’s more scary [sic] to most people than going to jail, being on the public register, and having the shame of their face being on that website. (P10)

Evidently, a major source of offenders’ anxiety surrounding the introduction of the scheme was fear of vigilantism. The police officers interviewed shared this concern, believing that the introduction of the scheme would lead to an increase in vigilantism. One participant recounted instances of vigilantism that preceded the introduction of the scheme, contending that incidents such as these would only become more common. Whilst it was noted that safeguards were in place to minimise the risk of vigilantism, many appeared to consider it an inevitable outcome. It was identified that an increase in vigilantism could result in difficulties finding suitable accommodation for offenders. This is significant as a lack of stable accommodation is a known risk factor for offending. Furthermore, it was recognised that vigilantism could also negatively impact offenders’ family members. Indeed, one participant perceived that this was offenders’ greatest concern in relation to the
introduction of the scheme. This could potentially place a strain on offenders’
relationships and jeopardise their social support, further compounding their stress
and increasing their risk. The following examples highlight some of the concerns
relating to vigilantism:

I have a repeat serious sexual offender, all he’s ever done is offended within
the family. . . He’s now on the public register. Now, somebody can look him
up in their area and all of the sudden there’s a problem with it but the guy’s
never actually offended outside his family so the concern is about what’s
going on in and around his family and friends, not some stranger who decides
to have a problem with him who’s seen his photo on the website and
recognises him from the local search and then starts carrying on a series of
vigilante-type actions where they’re outing him. . . and putting him under
stress and pressure. Now, the moment you do that to the offender, they’re
likely to re-offend. . . It’s not doing what it’s supposed to do, which is to
protect; it’s actually increasing the risk of kids being offended against. (P2)

We have a high profile guy who was released from prison recently. . .
Trying to house these people is very difficult. . . We had to move this guy
three times within four days because the media were aware of where he was
going to be, so you can imagine that if his picture goes on there, then all the
things that have been put in place to keep him safe and keep other people safe
could be destroyed by his photo going on there. (P1)

A related concern voiced by participants was that the introduction of the
scheme would result in offenders going underground in an attempt to avoid being
recognised and targeted. Indeed, it was reported that some offenders had threatened
to go underground prior to the scheme’s implementation. Participants cited evidence from the US suggesting that the introduction of community notification resulted in a decline in offenders’ compliance with reporting obligations, fearing that a similar decline would be seen in the jurisdiction in which they worked.

I honestly think that it is going to force these people to go underground, and if they do go underground they will revert back [sic] to their original lifestyle, and will end up back on their offending cycles, and end up offending again against children. . . . There’s plenty of evidence that that is the case if they go unmanaged. (P19)

**Impact on Victims and the Broader Community**

Concern was expressed that increased awareness of the prevalence of sexual offending resulting from the introduction of the scheme would create fear and panic within the community and lead to hypervigilance, which was considered counterproductive. However, a more commonly cited concern was that the scheme would inadvertently create a false sense of security within the community. Those who raised this concern speculated that members of the public may become complacent about safety if the results of a local search do not indicate that any offenders live in their area or if they learn through the disclosure scheme that a person whom they were concerned about is not a registered sex offender. The following quotes capture these opposing concerns:

It may well make people overly vigilant and thinking, ‘Well look how many [offenders] there are on there.’ That would be a concern. (P4)
It might give the public a false sense of security. If they look up [their address] and they see. . . that there is no-one listed, then they may be a little bit more lax on [sic] their kids – letting their kids go to the park, and thinking that they are safe. I’d like to think that parents didn’t think that way, but I’m sure there probably are some parents out there [who think like that]. (P18)

It was noted that misconceptions regarding the scope of the scheme in general, and the local search function in particular, may contribute to a false sense of security insofar as members of the public may be under the impression that the local search identifies all registered sex offenders in their area, when this is not the case.

A lot of the public think that every single sex offender is on the public website, and that’s misleading because they’re not. We’ve actually only got about 50 people on the public website out of 2,700, so it can lull people into a false sense of security. (P11)

Indeed, the perception among some participants that the scheme may not deliver what the public wanted was based on a presumption that the public would want all registered sex offenders to be published on the register. Finally, concern was expressed that the scheme could lead to victims being identified, and that this could result in harmful consequences, such as victims committing suicide.

**Impact on the Agency**

A salient concern identified by participants related to the impact the scheme would have on their personal workload or that of the agency as a whole. It was noted that publishing offenders on the register is quite an involved process on account of the various approvals that must be sought. There was a belief among some
participants that the introduction of the scheme would inhibit management of offenders, adding to the demands of their role. These participants commented that having to protect offenders from vigilantism and respond to such incidents would expand and complicate their role. This may necessitate a paradigm shift for police, who may view their primary role as protecting the interests of victims and the community. One participant identified that the agency could be held liable if offenders are victimised by vigilantes, which could give rise to offenders instituting legal proceedings against the agency. One of the measures introduced to manage the risk of vigilantism is the development of individualised ‘extraction plans’ to be enacted by offenders in the event they are victimised. It was noted that there was a significant amount of work involved in creating these plans as a new plan must be devised each time an offender moves address. Finally, participants expressed concern regarding the financial cost involved in implementing and maintaining the scheme, with some questioning whether this was optimal use of limited resources.

It’s costing millions of dollars to put together, millions of dollars, and millions of dollars to run, with all the staff that we have in place and things like that, and it’s just not well spent in my opinion. (P13)

[We’ve] got to provide staffing for it and resources, so there is a definite impact on the agency. (P21)

The offenders…were obviously all apprehensive about it when it was first mentioned and as it became more and more public that it was coming, they

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23 Although it is recognised that any offender who is targeted by vigilantes is themselves a victim, the police may not view them as such.
all had concerns and a lot of our time was being wasted on, if you like, trying to calm them down. (P9)

We have to have . . . extraction plans in place. They have to be kept up-to-date . . . [It’s a] massive amount of work because some of our offenders move every couple of weeks – you have an extraction plan in place for one address, then they move and you’ve got to do it all again for [their new address], and then they move again and you’ve got to do it all over. So it does generate a lot of work. (P11)

Discussion

The aim of this study was to report the perspectives of those police officers who are responsible for administering Australia’s first community notification scheme. Given their expertise in managing sex offenders, and their pivotal role in the scheme’s implementation, these professionals are uniquely placed to identify potential policy implementation issues and possible unintended consequences. Whilst the perspectives of those involved in the implementation of a policy is no substitute for hard outcome data, they are nonetheless an important consideration in evaluating the overall utility of a policy. As Day and colleagues (Day, Carson, Newton, & Hobbs, 2014) suggest, practice-based wisdom can be used to augment objective outcome measures, particularly where the available evidence is limited or equivocal, as is the case for the evidence base for community notification. There is at present no outcome data on the effectiveness of the Australian scheme given that it is in its infancy. However, even when ‘hard’ data do become available, any analysis is
unlikely to be conclusive – community notification was introduced in the US over two decades ago and still the evidence remains somewhat equivocal (see Whitting et al., 2014).

Many of those interviewed were sceptical as to whether the scheme would achieve its ostensible aim of increasing community safety. However, there was a suggestion that community members might nonetheless perceive that they were safer, which could be beneficial in its own right. As Petrunik (2003) has suggested, community protection measures targeting sex offenders may be ‘more symbolic than instrumental in nature, their essential purpose being to address public fear’ (p. 61). It is noteworthy that there was a widely held belief among participants that the policy was developed to garner public support. Concern was expressed, however, that the perception of increased safety would be counter-productive if it created a false sense of security. For example, preoccupation with only those who are identified on the register could inadvertently divert attention away from those who pose a genuine risk. On the other hand, some participants speculated that it could create fear and panic within the community, which equally would be of concern. The international evidence in relation to this is mixed: whilst some studies have found that community notification provides reassurance to the public (e.g., Anderson & Sample, 2008; Boyle, Ragusa-Salerno, Marcus, Passannante, & Furrer, 2013; Katz-Schiavone & Jeglic, 2009; Lieb & Nunlist, 2008; Phillips, 1998), others have found that it has precisely the opposite effect, creating fear and anxiety (e.g., Beck, Clingermayer, Ramsey, & Travis, 2004; Beck & Travis, 2004, 2006; Kemshall & Wood, 2010; Zevitz & Farkas, 2000a).

The results of a recent study exploring community attitudes towards the Australian scheme are informative. Taylor, Edwards, Collier, and Gringart (2014)
conducted an online survey of members of the public \((N = 162)\) who accessed the public register within a 5-month period. Twice as many respondents did not agree with the statement ‘This website makes me feel safer’ than the number who did (46.9% either strongly disagreed or disagreed, whereas 22.9% either strongly agreed or agreed with the statement). There was a slightly higher rate of agreement with the statement ‘This website makes the community safer’; however, again, a greater proportion of respondents disagreed (40.1% disagreed whereas 29.7% agreed). These findings indicate that the community has responded to the introduction of the scheme in idiosyncratic ways, and, as such, it is plausible that it has allayed anxiety in some whilst heightening anxiety in others.

A parallel may be drawn with the findings of the current study. Participants believed that the scheme could deter some offenders from re-offending but could inadvertently increase the risk of others. It may be inferred from this finding that these professionals would support a more flexible application of the policy that affords greater discretionary power. Consistent with this conclusion, several participants opined that there should be a provision allowing offenders who have been compliant and who have successfully completed treatment and are no longer considered a risk to be exempt from being listed on the register despite meeting the relevant criteria\(^{24}\). On the other hand, one participant believed that some offenders who have offended only once should be on the register despite not meeting the criteria\(^{25}\).

\(^{24}\)There is a provision in the legislation that allows offenders to appeal the decision to publish their details on the register. Only the Commissioner of Police (the highest authority within the police force) has the authority to deem an offender who meets the relevant criteria exempt from publication.

\(^{25}\)There is a provision in the legislation that allows the Minister to authorise the publication of the photograph and locality of any offender who has been found guilty of an offence punishable by imprisonment for five years or more, who is deemed to pose a risk to the community.
The relevant legislation stipulates that consideration should be given to whether publishing an offender’s details could elevate their risk or affect their compliance with reporting obligations. It is not clear what factors the police take into account when making this determination, and whether the decision to publish or not is informed by evidence. One participant suggested that a risk assessment tool should be developed to guide decision-making in this regard. Whilst this suggestion certainly has merit, there is limited available research to inform the development of such a tool, and their validity has been challenged in a number of court cases involving serious offenders.

The main limitation of this study is that it offers only one perspective – that of police officers who are responsible for administering the scheme – and necessarily reflects only the views of this group. The findings of this study are nonetheless largely consistent with those of a recent study exploring the views of other professionals who work with sex offenders in the same jurisdiction. Day et al. (2014) conducted interviews with psychologists and staff from non-government organisations that provide support services to sex offenders living in the community. Whilst these interviews explored attitudes toward sex offender public policy and risk management more generally, they were conducted shortly after the scheme came into effect and this was a key discussion point. Day et al. reported that these professionals believed that the scheme was detrimental to offenders’ rehabilitation and considered it to be of limited or no benefit to the community. The consistency of views is significant given the different backgrounds and paradigms within which these professionals work.

The results of this study highlight that the police officers responsible for administering the scheme share a number of reservations regarding its potential
impact. It is important to note, however, that the participants were primarily self-selecting and, as such, it is also possible that the sample was not representative of all officers in the squad even though the sample was of a reasonable size given the size of the squad and a range of different staff groups participated. The fact remains that there is strong public support for community notification and history would suggest that mounting public pressure may be difficult to ignore. The conclusion of this study is that legislators and policymakers responding to public demand for community notification would be well advised to consider developing legislation and policy in this area that allows those tasked with enforcement the flexibility to implement notification schemes in such a way as to maximise effectiveness. The question of how best to maximise effectiveness remains the subject of future research endeavours. A useful direction for future research would be to identify those factors or conditions that are likely to optimise – or hinder – effectiveness. This is unlikely to lead to a straightforward conclusion that can be easily translated into broad, universal policy and practice recommendations.
CHAPTER 4: STUDY 2

This chapter presents the second empirical study. The results of the first study presented in Chapter 3 guided the focus of this study. This study, which has been accepted for publication in the journal of Psychiatry, Psychology and Law (see Whitting, Day, & Powell, in press)\textsuperscript{26}, sought to better understand the impact of the scheme from the perspective of the police who have been responsible for its administration, and more specifically, to determine whether their main concerns reported in the first study had been realised. It integrates an analysis of the in-depth interviews conducted with police officers with an analysis of official quantitative and qualitative data provided by the police agency.

In 1990 the Washington State Legislature enacted a bill introducing a raft of new measures targeting sex offenders. These included provision to release information about known sex offenders to the general public, or what is termed ‘community notification’ (but popularly known as ‘Megan’s Law’; Lasher & McGrath, 2012; Meloy, Saleh, & Wolff, 2007). In quick succession, other states followed Washington’s lead (Logan, 2011); often as a response to community lobbying in the wake of high-profile sex crimes against children (Levenson, 2003; Petrunik, 2003; Thompson & Greek, 2010). Significant pressure to adopt community notification legislation was also applied at the federal level, with states being penalised financially for failing to do so (Levenson, 2003; Meloy et al., 2007; Thompson & Greek, 2010). Since 2003 all states have been federally mandated to maintain a publicly accessible online sex offender register which feeds into a

\textsuperscript{26}Whitting, L., Day, A., & Powell, M. (in press). An evaluation of the impact of Australia’s first community notification scheme. Psychiatry, Psychology and Law. Note the formatting of this chapter is consistent with the journal’s specifications.
national register (Appelbaum, 2008; Levenson, D'Amora, & Hern, 2007). The information that is made available to the public varies from state to state, but typically includes the offender’s name, photograph and physical description, date of birth, address, and details of past convictions at the very least (see Ackerman, Harris, Levenson & Zgoba, 2011 for a descriptive analysis of the content of state-based online sex offender registries).

Other countries have been much slower to adopt these measures. Until recent years, the only country other than the United States (US) to have implemented a community notification scheme was South Korea (Logan, 2011; Vess, Langskaill, Day, Powell, & Graffam, 2011). In the United Kingdom (UK), however, public campaigning for community notification gained significant momentum following the highly publicised abduction and murder of an eight-year-old girl, Sarah Payne, by a convicted sex offender in 2000 (Dean, 2000; Logan, 2011). Although the Home Office resisted sustained media and community pressure to introduce a public sex offender register akin to those that existed in the US, it did introduce a ‘limited disclosure’ scheme in 2010 (Kemshall & Wood, 2010; see also Kemshall, Kelly, & Wilkinson, 2012; Kemshall & Weaver, 2012). Shortly thereafter, the Scottish Government followed suit, introducing an almost identical scheme (Chan, Homes, Murray, & Treanor, 2010). Under both schemes, parents and guardians can enquire about a particular individual who has unsupervised contact with their child or children. If the subject of an application is found to be a registered sex offender, police are authorised to disclose this to the applicant.

27 A few Canadian provinces practice community notification but the federal government has thus far resisted pressure to enact federal legislation authorising community notification (Logan, 2011; Petrunik, 2003; Vess et al., 2011).

28 The scheme was later expanded in England and Wales to allow anyone with caretaking responsibilities for a child to make an application.
In 2012, one Australian state became the first jurisdiction in Australasia to introduce community notification. This fulfilled an election promise made in response to prolonged public outcry following the highly publicised 2006 sexual homicide of a seven-year-old girl (Trenwith, 2012, March 8). The scheme is broader than those implemented in the UK, but more limited and controlled than those that operate in the US, comprising a ‘three-tiered’ scheme that incorporates elements of both. The first ‘tier’ pertains to offenders who have failed to comply with their reporting obligations or who have provided false or misleading information, and whose whereabouts are unknown to police. Their name, gender, date of birth, a physical description and a photograph is published on an online register that can be viewed by anyone. The second ‘tier’ allows members of the public to perform a search that will return the photographs of dangerous, high-risk and recidivist offenders who reside in close proximity to them. The criteria are restrictive and capture only a small proportion (less than 5%) of registered sex offenders. The third ‘tier’ was modelled on the schemes introduced in the UK and allows parents and guardians to enquire whether a particular individual who has unsupervised contact with their child or children is a registered sex offender.

In one of the few analyses of this Australian initiative, Whitting, Day, and Powell (2016) conducted in-depth interviews with 21 specialist police officers employed in the squad responsible for managing the scheme shortly after it came into effect. Those interviewed voiced a wide range of concerns, relating to the scheme’s possible impact on the agency, offenders, victims and the broader community. They expressed concern that the introduction of the scheme would significantly increase workload, that it would impact adversely on offenders’ psychological wellbeing, that it would lead to vigilantism, and potentially reduce
offenders’ compliance with reporting obligations. The current study sought to better understand how police officers view the actual impact of the scheme and, more specifically, determine whether these concerns have been realised. Descriptive data on the operation of the scheme are reported, including a demographic profile of those subject to notification, to contextualise and aid the interpretation of the analysis. The findings of this study may usefully inform the development of policy and practice in other jurisdictions that are considering introducing community notification.

Method

Design and Procedure

A mixed methods design (see Creswell, 2014; Tashakkori & Teddlie, 2010) was used in this study. Interview data with police officers working in the squad responsible for managing the scheme were supplemented with quantitative and qualitative data recorded in police databases. This design was deemed most appropriate as some of the research questions lent themselves to a qualitative approach whereas others could not be adequately addressed with qualitative data alone. Clearance for this project was received from a university Human Research Ethics Committee and the police agency research unit.

Interviews. An email was sent to all staff within the squad inviting them to take part in an interview. Prospective participants were encouraged to contact the first author to find out more about the study and to arrange a suitable time to be interviewed. Managerial staff also informally identified particular individuals who they believed would be good candidates on account of their knowledge, experience, or interest in research and these individuals were approached in person and invited to
take part. All prospective participants were made aware that participation was voluntary and provided informed, written consent.

All interviews were conducted by the first author. Eighteen interviews were conducted in person at the participants’ workplace in April 2013 (six months after the scheme came into effect) and three interviews were conducted via telephone in August 2013 (these participants were not available at the time the face-to-face interviews were conducted). The interviews were semi-structured. Broad open-ended questions were asked to elicit participants’ perceptions of the scheme. A conversational style of interviewing was adopted, which allowed the interviewer the freedom and flexibility to pursue lines of inquiry raised by participants (see Mason, 2002).

All interviews were audio-recorded and transcribed verbatim. After being double-checked for accuracy, the transcripts were imported into the software program NVivo10, which was used to organise and interrogate the data. The six phases of thematic analysis delineated by Braun and Clarke (2006) were followed. Quotations are provided to illustrate key themes that emerged from the data. Detail that could potentially lead to the identification of individual participants was, however, removed from quotations and minor grammatical changes were made where appropriate to improve readability.

Data extraction. The police agency provided de-identified quantitative and qualitative data that are routinely collected as part of their usual data collection and reporting practices, in addition to data in relation to the community notification scheme that were specifically requested for this study. The data were extracted from various internal databases and Google Analytics (a web analytics tool that tracks website traffic). Data linkage and cleaning was initially performed in Excel. The data
were provided in password protected Excel files. The primary dataset comprised 2,047 of the 2,426 offenders (84.38%) who committed an offence that resulted in them becoming a ‘reportable offender’\(^{29}\) prior to 1 September 2013\(^{30}\) and contained demographic and offence-related variables for all recorded convictions between 1 January 1998 and 30 June 2014. The dataset originally contained 17,006 rows, where each row represented an offence, although each offence could have multiple counts. The data were then manually imported into IBM SPSS Statistics, Version 23 for the purposes of further data cleaning and analysis. The data were aggregated such that each row represented an offender, rather than an offence, which reduced the total number of rows to 2,047.

**Participants**

Participants were drawn from a specialist police squad responsible for coordinating the ongoing management, registration, and monitoring of sex offenders residing in the community, as well as managing the community notification scheme. Twenty-one police personnel (17 males, 4 females) volunteered to take part in an interview, which represented just over one-third of the entire squad. The sample was heterogeneous and was comprised of sworn officers of various ranks as well as a few unsworn officers. Participants had between three and nearly 40 years’ policing experience ($M = 18.07$ years, $SD = 12.00$). Tenure of employment within the squad

\(^{29}\)A ‘reportable offender’ is a person whom a court sentences for a reportable offence. The list of reportable offences includes sexual and other serious offences against a child, as well as select serious sexual offences against an adult and serious non-sexual offences against an adult if the person has prior convictions of a similar nature. Reportable offenders are required to register their personal details with police within seven days of their release into the community from custody or court, report to the police at regular intervals, and update the police with any changes in their personal circumstances, including change of address, employment and relationship status, club memberships, vehicle registration, carriage service providers, email addresses, and online user profiles. See Vess et al. (2011) for a more detailed explanation of reporting requirements.

\(^{30}\)Data were not available for 379 offenders.
ranged from five months to approximately eight years (when the squad was formed). The majority (81%) of participants were frontline staff who had regular contact with sex offenders as part of their role. Half were compliance officers, a role that entails managing a caseload of offenders and ensuring that they comply with their reporting obligations. The sample also included inquiry officers, whose primary responsibility is to locate missing offenders, officers with sole responsibility for managing those legally designated as ‘Dangerous Sexual Offenders’, an officer in a dedicated role responsible for managing the scheme, an intelligence analyst, and an administrator. Participants had between seven months and 11 years’ experience working with sex offenders ($M = 4.61$ years, $SD = 3.09$).

**Results**

The results section is divided into five subsections. The first presents some basic descriptive data and a demographic profile of those who have been subject to notification. The remaining subsections are centred around four key concerns reported by Whitting et al. (2016): the impact of the introduction of the scheme on the workload of the police; on offenders’ psychological wellbeing; vigilantism; and offenders’ compliance with their reporting obligations.

**What are the characteristics of offenders subject to notification?**

In total, 39 offenders were subject to tier one notification between 15 October 2012 (when the website went live) and 27 February 2015. Of these, six were

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31The actual number of offenders subject to tier one notification may be slightly higher on account of the fact that the dataset only included those who became a reportable offender prior to 1 September 2013. It is possible that a small number of individuals who became reportable offenders after this date were subject to tier one notification.
subject to tier one notification on more than one occasion during this period (four offenders were subject to notification on two separate occasions and two offenders were subject to notification on four occasions). As at 27 February 2015 six offenders remained on the missing offenders register (i.e., tier one)\(^{32}\). Excluding these offenders, those subject to tier one notification were published on the register for between one day and 740 days \((M = 54.40\) days, \(SD = 116.11\)).

Within this same period, 86 offenders were determined to meet the tier two criteria and thus potentially subject to notification (as notification in this case is contingent upon a member of the public who resides in the same locality as the offender performing a local search)\(^{33}\). Five of these offenders were also subject to tier one notification (which involves the release of more personal details about the offender) for a period of time. As at 27 February 2015, only one offender had been subject to tier three notification (see Table 2 for further information).

Table 1 compares offenders subject to notification (broken down by tier) with those not subject to notification on a range of demographic variables: age; gender; Indigenous status\(^{34}\); relationship status; Dangerous Sexual Offender (DSO)\(^{35}\) status; risk level according to the Risk Matrix 2000 ([RM2000] Thornton et al., 2003), the risk assessment tool used by the police agency; and the period of time that the offender must comply with legislative requirements governing registered reportable offenders (this is prescribed by legislation). Where appropriate, significance tests are

\(^{32}\)As above, the dataset from which this figure was derived only included those who became a reportable offender prior to 1 September 2013.

\(^{33}\)As per footnote 5, the actual number of offenders subject to tier two notification may be slightly higher on account of the fact that the dataset only included those who became a reportable offender prior to 1 September 2013.

\(^{34}\)Derived from the offender’s stated ethnicity and their ethnic appearance recorded by police.

\(^{35}\)A person whom a court has found poses a serious danger to the community as per relevant legislation.
reported comparing those subject to tier one notification with those not subject to notification of any kind, and those subject to tier two notification with those not subject to notification of any kind. Levene’s test of homogeneity of variance indicated that the variances in age for the group subject to tier one notification and the group not subject to notification were unequal, $F(1, 1,947) = 11.87, p < .001$. In light of this, a non-parametric Mann-Whitney test was conducted to test the relationship between age and tier one notification. This revealed that those subject to tier one notification were significantly younger ($Mdn = 31.72$ years) than those not subject to notification ($Mdn = 42.83$ years), $U = 25,268.00, z = -3.51, p < .001, r = -.08$. The assumption of homogeneity of variance was met for the comparison between the group subject to tier two notification and the group not subject to notification, $F(1, 1988) = 0.30, p = .58$. An independent-samples $t$-test revealed that there was no significant difference in age between those subject to tier two notification ($M = 44.3$ years) and those not subject to notification ($M = 44.4$ years), $t(2,011) = -0.11, p = .91$.

The distribution of registration length violated the assumptions of normality and homogeneity of variance. As such, separate Mann-Whitney tests were conducted to test the significance of the relationship between registration length and notification. Offenders subject to tier one notification had a significantly longer

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36 It was not possible to compare those subject to tier one notification with those subject to tier two notification due to the fact that this would violate the assumption of independence (as five offenders were subject to both tier one and tier two notification).

37 Separate Kolmogorov-Smirnov tests were conducted to test the assumption of normality. As this test is known to be highly sensitive, a probability value of $p < .001$ was used. The distribution of registration length was non normal for those subject to tier one notification, $D(39) = 0.43, p < .001$ ($Z_{skewness} = 3.62, p < .001, Z_{kurtosis} = 4.02, p < .001$), those subject to tier two notification, $D(80) = 0.38, p < .001$ ($Z_{skewness} = 1.60, p = ns, Z_{kurtosis} = -1.65, p = ns$), and those not subject to notification, $D(1,910) = 0.41, p < .001$ ($skewness = 6.57, kurtosis = 45.79$).

38 The variances in registration length were unequal for both the group subject to tier one notification, $F(1, 1,947) = 109.58, p < .001$, and the group subject to tier two notification, $F(1, 1988) = 915.42, p < .001$. 
period of registration \((Mdn = 15.00)\) compared to those not subject to notification \((Mdn = 15.00), U = 27,566.00, z = -3.30, p < .001, r = -.07,\) as did offenders subject to tier two notification \((Mdn = 100.00), U = 26,465.00, z = -11.62, p < .001, r = -.26.\)

Pearson’s chi-square or Fisher’s exact tests were performed, where appropriate, to test the significance of the relationship between each of the categorical variables and notification. The small number of females and DSOs resulted in a violation of the chi-square assumption that the expected frequency of each cell should be greater than 5 (Field, 2009). For both gender and DSO status, one cell of the 2 X 2 contingency table comparing those subject to tier one notification with those not subject to notification was below 1. As such, significance testing was not appropriate as there is no test or correction that is suitable in instances where the expected frequency for a cell is less than 1 (Campbell, 2007). For both gender and DSO status, all cells of the 2 X 2 contingency table comparing those subject to tier two notification with those not subject to notification were greater than 1. Campbell (2007) recommends Fisher’s exact test when all cells have an expected frequency greater than 1 but at least one cell has an expected frequency below 5. For the analysis of gender, Fisher’s exact test was not significant \((p = 1.00)\), which indicates that the null hypothesis that gender and tier two notification are independent should be retained. However, for the analysis of DSO status, Fisher’s exact test was significant \((p < .001)\), indicating that there is a relationship between DSO status and tier two notification. Examination of the frequencies indicated that DSOs had an increased probability of being subject to tier two notification.

Separate chi-square tests revealed that there was a significant association between Indigenous status and both tier one notification, \(\chi^2 (1) = 46.71, p < .001, \phi = .16,\) and tier two notification, \(\chi^2 (1) = 22.53, p < .001, \phi = .11.\) Indigenous
offenders were 6.91 times more likely to be subject to tier one notification and 2.94 times more likely to be subject to tier two notification than non-Indigenous offenders. In view of the fact that risk level can be considered an ordinal variable with four levels, the chi-square for linearity was computed by subtracting the ordinal (linear) chi-square value from the Pearson chi-square value (see Agresti, 2007, 2013; Howell, 2013). For both sets of comparisons (tier 1 vs. no notification and tier 2 vs. no notification), one cell (12.5%) had an expected frequency of less than 5; however, this was deemed to be acceptable given that the ordinal chi-square is less sensitive to the negative effects of small sample size (Agresti, 2007, 2013; Howell, 2013).

Furthermore, it is generally considered “acceptable in larger contingency tables to have up to 20% of expected frequencies below 5” (Field, 2009, p. 692), provided that all expected frequencies are greater than 1, which was the case for both comparisons. The association between risk level and tier one notification was significant, $\chi^2 (2) = 6.65, p < .05$, as was the association between risk level and tier two notification, $\chi^2 (2) = 66.57, p < .001$. Offenders subject to notification (be it tier one or tier two) were higher risk than those not subject to notification. The effect sizes indicate that the relationship between risk and tier one notification was small whilst the relationship between risk and tier two notification was moderate (Cramer’s $V = .14$ and .35 respectively; Cohen, 1988).

It was deemed inappropriate to test the significance of the association between relationship status and notification in light of the substantial proportion of cases (30.09%) missing relationship status, and Little’s MCAR test result indicating that the data were not missing completely at random, $\chi^2 (74) = 1,194.68, p < .001$. 
Table 1

*Comparison of Offenders Subject to Notification with Offenders Not Subject to Notification*

<table>
<thead>
<tr>
<th></th>
<th>Subject to notification</th>
<th>Not subject to notification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tier 1 ($n = 39$)</td>
<td>Tier 2 ($n = 86$)</td>
</tr>
<tr>
<td>Mean age $^c$</td>
<td>34.7***</td>
<td>44.3</td>
</tr>
<tr>
<td>Gender (% male)</td>
<td>100.0</td>
<td>98.8</td>
</tr>
<tr>
<td>Indigenous status (% Indigenous) $^b$</td>
<td>56.4***</td>
<td>34.9***</td>
</tr>
<tr>
<td>Relationship status (% ever married/de facto) $^c$</td>
<td>48.3</td>
<td>45.9</td>
</tr>
<tr>
<td>DSO status (% DSO)</td>
<td>0.0</td>
<td>30.2***</td>
</tr>
<tr>
<td>Risk level $^e$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low (%)</td>
<td>5.1</td>
<td>1.2</td>
</tr>
<tr>
<td>Medium (%)</td>
<td>48.7</td>
<td>22.9</td>
</tr>
<tr>
<td>High (%)</td>
<td>25.6</td>
<td>37.3</td>
</tr>
<tr>
<td>Very High (%)</td>
<td>20.5</td>
<td>38.6</td>
</tr>
<tr>
<td>Mean registration length (years)</td>
<td>27.4***</td>
<td>66.7***</td>
</tr>
</tbody>
</table>

*Note. DSO = persons legally designated as Dangerous Sexual Offenders pursuant to relevant legislation.  
$^a$As at 27 February 2015.  
$^b$Derived from the offender’s stated ethnicity and their ethnic appearance recorded by police.  
$^c$At the time of sentencing. Note, a substantial proportion of cases (30.09%) had missing data. As such, these figures should be interpreted with caution.  
$^d$These individuals were not subject to notification despite being DSOs because there was a suppression order in place or they were returned to custody.  
$^e$Most current risk level according to the Risk Matrix 2000 (Thornton et al., 2003), the risk assessment tool used by the police agency.  
*** $p < .001$
Has the introduction of the scheme significantly increased the workload of the police who are responsible for managing it?

The police officers interviewed who were directly involved in the implementation of the scheme reported that it created a fairly substantial amount of work in the development of new policies, processes, and procedures. The roll out of tier two was identified as being particularly labour intensive on account of the fact it had to be determined which offenders should be subject to notification and the necessary approvals had to be sought. This view is encapsulated in the quote below.

There’s quite a lot of work that’s gotta be done to put a person on tier two...

It’s quite an involved process to put [forward] the application for the Assistant Commissioner to sign, and we can’t put anyone on there without the approval of the Assistant Commissioner, and you have to go through that step with every single person. (P5)

Those involved in the scheme’s implementation reported that they were inundated with enquiries when the website was launched, the vast majority of which related to the local search function (i.e., tier two). One participant who had oversight for the scheme’s implementation informed that four to five staff were employed on a full-time basis during the implementation phase to manage the influx of enquiries. It was, however, noted that the workload associated with tier two was much reduced due to streamlining and automation of processes, coupled with a significant decline in the volume of enquiries received. Similarly, the workload associated with tier three was noted to be considerably less than anticipated on account of the fact that so few applications had been received. According to one participant (P5), “an influx” of up to 50 applications was expected. At the time the interviews were conducted, only four applications had been received, none of which led to a disclosure.
We anticipated it would [increase our workload]. We anticipated that that’s what would happen, and we got more staff to cater for that, but it just didn’t eventuate because so much of it was going to be based upon the applications from the community to get the information on these people that have access to their kids, and that’s just not working because it’s too complicated, so we’ve had very few applications. (P19)

Indeed, underlying these observations was a perception that the scheme as a whole, but particularly the disclosure scheme (tier three), was under-utilised by the public. There was a divergence of opinion with respect to the extent to which this was viewed as a positive or negative outcome. On the one hand, participants expressed relief that the volume of enquiries and applications was significantly less than projected, insofar as their concerns regarding increased workload had not come to fruition. On the other hand, a minority of participants expressed disappointment in the public response, with some opining that the scheme could be better promoted. The perceived low uptake of the scheme led some to question whether the investment of resources was justified.

When [the website] was first launched in October last year, there were God knows how many hits on the website; inundated on day one, and then day two there were still a lot, and day three not a lot – it was out of the news; it wasn’t topical anymore; it wasn’t the thing of the moment. And then everything that we thought would come out of it actually dropped off, and people don’t actually have that much interest in it anymore. (P11)

I don’t know how many people have actually looked at the public register, but I know the figures are quite low…And it’s been publicised through the
media so I don’t really know what more you can do, but it’s only as good as the people that look at it, that’s the unfortunate thing. (P17)

I think it’s a total waste of time…I think the public really haven’t shown that much interest in it…I don’t think there’s been a lot of searches on there, enough that warrant it to be, say, successful from that side of it. (P14)

By the time the interviews were conducted, only two full-time staff remained in dedicated roles with responsibility for managing the scheme. The introduction of the scheme was perceived to have had a minimal impact on the day-to-day workload of those not directly involved in its implementation or operation. The impacts most commonly cited by those without direct involvement were having to allay offenders’ anxieties when it first came into effect, having to notify offenders subject to notification pursuant to tier two, and creating ‘extraction plans’ for these offenders, to be enacted in the event of vigilantism.

It has caused a little bit extra work, but not as much as I actually thought it would do…Initially, when it first came out we had quite a few people who were going on to the tier two as part of our team, so I had to work with a couple of extraction plans, just the paperwork side of it, that sort of stuff. It just caused a little more work, but nothing overly hard. (P15)

I don’t know that it’s really had any [impact] at all. No, I mean, at first they thought it would create a lot of work but it hasn’t. (P20)

The data provided by the police agency indicated that there were 182,475 hits to the community notification website between 15 October 2012 (when it went live)
and 27 February 2015. Over this period, 36,837 tier two searches were performed and 892 enquiries or requests for assistance were received (542 via the website and 350 via email), the vast majority of which were in relation to tier two. It is not known how many telephone enquiries were received as no record is kept of these. Unfortunately, as only the total number of hits, searches, and enquiries were provided, it was not possible to examine trends in usage over time.

Ten tier three applications had been received as at 27 February 2015; however, two of these were duplicates of previously submitted applications and one was withdrawn because the applicant discovered through other means that the person of interest (an associate of her ex-husband) was a convicted sex offender. As can be seen from Table 2 below, the seven applications that proceeded took between one and 13 days to finalise ($M = 5.86$ days, $SD = 5.30$). Only one of the persons of interest was found to be a reportable offender, and this was disclosed to the applicant in writing.

Overall, whilst the scheme was evidently resource-intensive to implement, with the exception of two staff members in dedicated roles, it does not appear to have had a significant impact on the day-to-day workload of staff. The smaller than anticipated impact may be explained by the apparent low uptake of the scheme and, in particular, the small number of tier three applications received.

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39 A further 11,913 searches were initiated but not completed.
Table 2
Tier Three Applications Received as at 27 February 2015

<table>
<thead>
<tr>
<th>Applicant’s relationship to child</th>
<th>Applicant’s relationship to person of interest</th>
<th>Outcome of application</th>
<th>Time taken to finalise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mother</td>
<td>Ex-husband’s brother (i.e., ex-brother-in-law)</td>
<td>Not a RO</td>
<td>1 day</td>
</tr>
<tr>
<td>Father</td>
<td>Current partner of applicant’s mother</td>
<td>Not a RO</td>
<td>1 day</td>
</tr>
<tr>
<td>Mother</td>
<td>Applicant’s father</td>
<td>Not a RO</td>
<td>3 days</td>
</tr>
<tr>
<td>Not a parent/guardian&lt;sup&gt;a&lt;/sup&gt;</td>
<td>Unrelated (POI was a scout leader)</td>
<td>Not a RO</td>
<td>2 days</td>
</tr>
<tr>
<td>Mother</td>
<td>An associate of ex-husband</td>
<td>Withdrawn</td>
<td>N/A</td>
</tr>
<tr>
<td>Mother</td>
<td>Ex-partner</td>
<td>Not a RO</td>
<td>12 days</td>
</tr>
<tr>
<td>Father</td>
<td>Ex-wife’s current husband</td>
<td>Not a RO</td>
<td>9 days</td>
</tr>
<tr>
<td>Father</td>
<td>Ex-wife’s father (i.e., ex-father-in-law)</td>
<td>POI was a RO.</td>
<td>13 days</td>
</tr>
</tbody>
</table>

<sup>a</sup>This person was not eligible to make an application as they were not the parent or guardian of a child or children.

**Note.** RO = reportable offender.

Has the scheme adversely impacted offenders’ psychological wellbeing?

The introduction of the scheme was evidently anxiety provoking for many offenders, with participants reporting that they were “inundated” (P6) with enquiries from distressed offenders when the scheme first came into effect. Several participants remarked that the offenders who seemed most anxious about it were those who were *not* subject to notification (at least not tiers one or two).
There were a lot of questions from offenders when it was being talked about. They all thought they were going to be on [the public register]. That caused a lot of panic amongst them. The ones who’d been reporting for 6-7 years, never had an issue, never offended since, they were all getting in a bit of a panic. But we knew pretty early it wasn’t going to be that vast; it was going to be a narrow group of people. (P1)

Psychologically, it’s had an impact on the offenders because they were all very concerned leading up to the introduction of it. I know they were very concerned and we were getting inundated with phone calls, but that was through ignorance on their behalf as to what was actually going to happen. But it was having a big impact on them. There were people talking about topping themselves and moving interstate. (P6)

It would appear that the distress and anxiety reportedly experienced by offenders was produced – or exacerbated – by misinformation surrounding the scheme and uncertainty on the part of offenders regarding how the scheme would affect them. It emerged from the interviews that there was a widely held misconception among offenders (and indeed members of the general public) that the scheme was akin to those that exist in the US. Participants speculated that media misreporting created and perpetuated this misconception, which led to offenders wrongly assuming that they would be identified on the public register. Participants reported that providing offenders with a full explanation of the scheme, responding to their queries, and, where appropriate, providing reassurance that the scheme was unlikely to affect them, often allayed their anxieties.
A lot of offenders lost sleep prior to being explained to what it was all about, because there’s always a media misconception. Once most of them had it explained to them they were like, “Yeah cool, I’m not going on it.” That was the biggest issue for most who weren’t going on it; the thought they may do. (P15)

I think initially a lot of them thought, “Oh, we’re straight going to be published, our picture is going to be out there, everyone is going to know where we live.” But once it’s explained how they can end up there, either by whereabouts unknown or reoffending, then I think they’re quite fine with it, a lot of them, because they know that…they won’t end up on there. (P7)

The way that it’s been setup – the offenders that have gone on the register, they’re the ones that don’t comply with the legislation and have committed further sex offences. So 90% of the people that we meet, they’re not affected by it. The offenders that aren’t on it are really relieved that they’re not. The lower grade offenders are the ones that were really, really worried about being on there. A lot of them are fathers or they’ve got what you’d call a ‘family lifestyle’ and the shame of having their face published on a website saying that they’re a child sex offender would’ve…been too much for some of them. I think a lot of them would’ve been at risk of suicide and those sorts of things. (P10)

The longer-term impact of the scheme on offenders’ psychological wellbeing was generally perceived to be limited. A key theme that emerged from the analysis was that the introduction of the scheme had not resulted in many of the adverse
consequences that the police had anticipated. It is probable that their expectations were founded on the evidence from the US, where community notification is much more widespread and intrusive. A consistent finding of this body of research is that community notification adversely impacts offenders’ psychological wellbeing (see Whitting, Day, & Powell, 2014 for a review of this literature). The perception that the scheme has had a limited long-term impact on offenders appeared to challenge some participants’ preconceived notions about the scheme.

[The impact on offenders] wasn’t as bad as I envisaged. It destabilised [offenders], without a doubt. A lot of them were almost panic-struck. A lot of them were starting to go into depression, and there’s a precursor [to offending]. It did have that effect. But now that it’s up and running and it hasn’t had the impact upon them that they thought – that we thought as well – I’ll have to reassess…It definitely did increase their risk. But now that it sort of seems to have blown over – it wasn’t as bad, I suppose, as what we thought – as I thought. (P19)

To the knowledge of participants, no offenders had followed through with threats of suicide and none of those who were apparently planning to close their business down went ahead with this (although it is unclear if any of these offenders were actually subject to notification). As predicted, a small number of offenders reportedly did move interstate around the time of the scheme’s introduction, although by all accounts this appeared to be pre-emptive rather than reactive, and many who voiced an intention to move prior to the implementation of the scheme did not carry through with this.
[The impact on offenders] was nothing like what I first anticipated…We had two or three [offenders] in a row headed off [interstate] but they were between medium and low risk offenders anyway – they were unlikely to have been published on the public sex offender register; they were just a bit paranoid about it. But those who have been published, I’ve been quite surprised that even though some of them probably keep to themselves a little bit more, the frantic changing of addresses and going underground, changing their names and god only knows what else, just didn’t eventuate. (P19)

One rather obvious explanation for the smaller-than-anticipated impact on offenders is that so few offenders are in fact subject to notification under the current scheme. However, there was a perception that even those subject to notification were either “quite accepting of it” (P15) or seemingly apathetic towards it. As one participant (P10) put it, “they [those subject to notification] kind of shrugged it off”. Another (P18) reflected, “I think some of them are quite blasé about it…As the time has gone on, the ones that are on the register seem to have just relaxed and gotten into the flow and not really given it a second thought”.

From the perspective of the police, the scheme has had on the whole a limited long-term impact on offenders. It would appear that the distress and anxiety experienced by offenders prior to the scheme’s implementation arose from misinformation and misconceptions about the nature of the scheme and largely dissipated following its implementation.

**Have there been any incidents of vigilantism linked to the scheme?**

From the perspective of the police officers interviewed, a major source of offenders’ anxiety surrounding the introduction of the scheme was fear of
vigilantism; a concern shared by the police. Some offenders reportedly drastically changed their appearance around the time the scheme came into effect, presumably out of fear they would be targeted by vigilantes. However, contrary to both police and offender expectations, no-one had been charged with vigilantism within the first 10 months of the scheme’s operation (at the time that the final interviews were conducted).

All but two of the police officers interviewed were not aware of any instances of vigilantism linked to the scheme. These participants viewed the fact that there had not been any incidents of vigilantism (at least not to their knowledge) as evidence that the safeguards that had been put in place to minimise the risk of vigilantism were effective. These safeguards include the enactment of legislation criminalising vigilantism and creation of two different vigilante offences; the requirement that one must verify their identity in order to perform a local search; watermarking digital photographs of offenders with the full name of the user who performed the search (enabling the source of illegally reproduced photographs to be traced); and ensuring that all offenders subject to notification pursuant to tier two have an ‘extraction plan’ in place, to be followed in the event of a vigilante attack.

One participant (P21) reported that an offender who was subject to notification pursuant to tier two was forced to relocate as local residents were “making an issue” outside his house and “got a bit carried away”. Another participant (P15) recalled that an associate of an offender discovered a letter addressed to the offender notifying him that he would be subject to notification and subsequently disseminated material to local residents informing them of such. It should be noted, however, that neither of these alleged incidents of vigilantism led to any charges being laid and, as such, it was not possible to verify these accounts.
A subsequent search of the agency’s internal evidence briefs system revealed that only one individual had been charged with a vigilante offence as at 27 February 2015. This followed an investigation into two people who allegedly posted photographs that were obtained through performing a local search to a public Facebook page. Charges were subsequently laid against one person who was originally charged with engaging in conduct intended to create, promote or increase animosity towards, or harassment of, an identified offender – the more serious of the two available vigilante offences, carrying a maximum penalty of 10 years’ imprisonment. However, this charge was downgraded to the lesser offence at the trial and the person was found guilty of engaging in conduct that is likely to create, promote or increase animosity towards, or harassment of, an identified offender, which carries a maximum penalty of two years’ imprisonment.

In summary, it would appear that the safeguards that were put in place to minimise the risk of vigilantism have been effective, as only one person was charged with vigilantism in the first 29 months of the scheme’s operation.

**Has the introduction of the scheme had an impact on offenders’ compliance with their reporting obligations?**

A key concern reported by Whitting et al. (2016) was that the introduction of the scheme would lead to offenders going underground. This concern does not appear to have come to fruition. On the contrary, there was a perception among those interviewed that the introduction of the scheme had improved compliance, at least among some offenders. A few offenders who had failed to report and whose whereabouts were unknown reportedly “surrendered” themselves to police upon being published on the missing offenders register. It emerged that many officers have
capitalised on offenders’ apparent fear of notification by using the threat of notification as a means of ensuring compliance. Anecdotal evidence was cited suggesting that the mere threat of publishing offenders’ details on the register encouraged them to report to police. For example, one participant recalled that an offender who had failed to report and whose whereabouts was unknown telephoned the police within half an hour of his mother being advised that his details would be published on the register.

It has developed into a tool that we have manipulated to be able to be useful to us. We have offenders…that are not being managed because they’ve gone underground, and those people will return to their normal way of life, which is high risk because they offended under those circumstances before. They’ve been identified. Some of them because they’ve been named, have come and handed themselves in. Any offender that is brought back under the fold is an advantage to the community. (P19)

It’s not that you use it as a threat, but it’s a fact that you can say [to offenders], ‘Well, if you don’t take [your obligations] seriously there is a chance you could end up on [the register].’ And that’s the reality; it’s not an inducement or anything like that…So they’re definitely wary. (P12)

It was, however, noted that this approach was not effective in gaining compliance among all offenders, such as Indigenous offenders living in remote areas without Internet access, those with intellectual disabilities or substance abuse problems, or those evading the police because they have outstanding warrants for their arrest.

The primary dataset described in the Method section was then interrogated in order to analyse compliance for the purposes of methodological triangulation (see
Denzin, 1978; Patton, 1999). An independent-samples approach was considered to have fewer limitations than a paired-samples approach (see below for a discussion of the limitations of the chosen approach). The first cohort consisted of all those who became a reportable offender between 14 October 2007 and 14 October 2009 (n = 414), whilst the second cohort comprised all those who became a reportable offender between 14 October 2010 and 14 October 2012 (n = 454). The proportion of offenders in each cohort convicted of failing to comply with their reporting obligations in the 18-month period commencing 15 October 2009 (pre-notification group) or 15 October 2012 (post-notification group) was compared. Those in the pre-notification group had been registered as a reportable offender for, on average, 382 days, whilst those in the post-notification group had been registered for an average of 379 days at the commencement of the relevant period (15 October 2009 and 15 October 2012 for the pre- and post-notification group, respectively). This difference was not statistically significant.

Of those in the pre-notification group, 9.18% had at least one violation (M = 0.16; SD = 0.60; range = 5.00), whereas 13.44% of those in the post-notification group had at least one violation (M = 0.28; SD = 0.98; range = 11.00). Table 3 provides the distribution of violations for each group. A Mann-Whitney test was conducted in order to test whether the difference between the groups was significant. The Mann-Whitney test was selected on the basis that Levene’s test of homogeneity of variance indicated that the variances were unequal, \( F(1, 866) = 16.86, p < .001 \). This revealed that the post-notification group had a significantly greater number of violations than the pre-notification group, \( U = 89,868.50, z = -2.02, p = .04, r = -.07 \).

\(^{40}\) There are in fact four different offence types that relate to failure to comply with the legislative requirements pertaining to reportable offenders. However, due to the low overall number of violations, these four offence types were combined for the purposes of data analysis, and only the totals are provided.
The evidence in relation to the scheme’s impact on offenders’ compliance is mixed. The police perceived that the scheme had led to improved compliance, at least among some offenders. However, the quantitative analysis of compliance revealed a slight overall increase in non-compliance following the scheme’s implementation, although the effect size was small.

### Table 3

**Frequency (%) of Violations for Each Group**

<table>
<thead>
<tr>
<th>Number of violations</th>
<th>Pre-notification group ($n = 414$)</th>
<th>Post-notification group ($n = 454$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>376 (90.8%)</td>
<td>393 (86.6%)</td>
</tr>
<tr>
<td>1</td>
<td>22 (5.3%)</td>
<td>31 (6.8%)</td>
</tr>
<tr>
<td>2</td>
<td>10 (2.4%)</td>
<td>14 (3.1%)</td>
</tr>
<tr>
<td>3</td>
<td>1 (0.2%)</td>
<td>9 (2.0%)</td>
</tr>
<tr>
<td>4</td>
<td>4 (1.0%)</td>
<td>3 (0.7%)</td>
</tr>
<tr>
<td>5</td>
<td>1 (0.2%)</td>
<td>2 (0.4%)</td>
</tr>
<tr>
<td>9</td>
<td>-</td>
<td>1 (0.2%)</td>
</tr>
<tr>
<td>11</td>
<td>-</td>
<td>1 (0.2%)</td>
</tr>
</tbody>
</table>

**$M (SD)$**

<table>
<thead>
<tr>
<th></th>
<th>Pre-notification group</th>
<th>Post-notification group</th>
</tr>
</thead>
<tbody>
<tr>
<td>$M (SD)$</td>
<td>0.16 (0.60)</td>
<td>0.28 (0.98)</td>
</tr>
</tbody>
</table>

**$Mdn$**

<table>
<thead>
<tr>
<th></th>
<th>Pre-notification group</th>
<th>Post-notification group</th>
</tr>
</thead>
<tbody>
<tr>
<td>$Mdn$</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

### Discussion

Taken together, the findings of this study suggest that the major concerns expressed by the police officers responsible for administering the notification scheme have not, for the most part, come to fruition. One of the key concerns reported by Whitting et al. (2016) was that the scheme would significantly increase the workload of police. Whilst it was evidently resource-intensive to implement, the workload
associated with the ongoing operation of the scheme was considered manageable. With the exception of two staff members in dedicated roles, the scheme appears to have had a minimal impact on the day-to-day workload of staff.

The scheme also does not appear to have had the adverse impact on offenders that was anticipated, although it is important to acknowledge that this conclusion is based only on the perspectives of those police officers who were interviewed. It is possible that this group was either not aware of the full extent of the impact of the scheme on offenders or minimised its impact. Furthermore, it should be borne in mind that no tier three disclosures had been made at the time the interviews were conducted. Examination of the tier three applications that had been received revealed that in six of the eight cases, the person of interest was an immediate or extended family member. A disclosure made under such circumstances would be likely to have a significant impact on the offender and could foreseeably result in the breakdown of relationships, loss of contact with the child or children concerned, and potentially a change in living arrangements. The impact of the scheme on offenders who are the subject of a tier three disclosure remains to be seen and should be carefully monitored.

Offenders’ perceptions of the impact of the scheme were not considered in this study and this would be a useful direction for future research. Such a study could reveal, for example, that the true incidence of vigilantism is higher than that reported here. At the time of writing, only one person had been charged with vigilantism and it is quite possible that many such occurrences go unreported or do not proceed to the investigation or prosecution stages. Indeed, the fact that two participants were aware of two separate incidents of vigilantism, neither of which resulted in charges being
laid, suggests that the incidence of vigilantism is indeed higher than is reflected in official records.

One explanation that could account for the scheme’s smaller than anticipated impact is that participants’ expectations were shaped by the experience in the US, where notification is much more widespread and intrusive. Although the US laws were originally intended to target high-risk sex offenders, the purpose and scope of these laws has expanded over time and the number of offenders subject to notification has grown exponentially (Appelbaum, 2008; Center for Sex Offender Management, 2008; Logan, 2011; Thompson & Greek, 2010). Indeed, a common criticism of community notification laws, and indeed other legislative measures targeting sex offenders, is that they are overly-inclusive and many commentators have argued that targeting these laws to higher risk offenders – as was the original intent – would be a more efficient use of limited resources and at the same time mitigate some of the negative consequences experienced by lower risk offenders (Cohen & Jeglic, 2007; Duwe & Donnay, 2008; Lasher & McGrath, 2012; Levenson & Cotter, 2005; Levenson et al., 2007; Prescott & Rockoff, 2011; Vess et al., 2011).

Evaluations of tiered notification systems which discriminate on the basis of risk have generally reported more favourable outcomes than evaluations of systems that operate within a ‘one size fits all’ framework (Barnoski, 2005; Lasher & McGrath, 2012). In one of only a few studies to have concluded that notification has a specific deterrent effect, Duwe and Donnay (2008) compared the recidivism rate of a sample of offenders subject to notification in Minnesota, where offenders are assigned a risk level prior to their release from prison and only those deemed to be high risk are subject to broad public notification, with two separate matched control groups. They concluded that notification significantly reduced sexual recidivism but
cautioned against subjecting low and moderate risk offenders to broad notification, asserting that doing so “would not likely produce an appreciable reduction in sexual recidivism given that the baseline rate for these offenders is already relatively low” (p. 443). It is of interest that offenders have themselves suggested that public sex offender registers would be more effective if they differentiated between different types of offenders and the relative risk they pose (Tewksbury & Lees, 2007).

The tier two eligibility criteria specifically target those legally designated as ‘Dangerous Sexual Offenders’, recidivist offenders, and those who have committed a serious offence and are deemed to pose a risk to the community (this third category is assessed on a case-by-case basis and requires Ministerial approval). At the time of writing, less than 5% of all reportable offenders had been subject to any form of notification. The analysis indicated that those subject to notification were higher risk than those not subject to notification, as evidenced by higher levels of risk according to the RM2000 (Thornton et al., 2003), and a longer length of registration, which can be considered a proxy for risk, given that more serious classes of offences and recidivistic offences attract longer registration periods. Although this finding suggests that the scheme is focussed on high-risk offenders, it should be noted that a sizeable proportion of those subject to notification – over half of those subject to tier one and almost one-quarter of those subject to tier two notification – were classified as low or moderate risk.

The analysis also revealed that Indigenous offenders were more likely to be subject to both tier one and tier two notification. This finding is of significance, particularly when considered in the context of the police perception that the threat of notification is less effective for Indigenous offenders living in rural and remote areas. Further to this, it is noteworthy that participants perceived that the introduction of the
scheme had improved compliance among some offenders but not others. It is possible that a decrease in compliance among a subset of offenders masked an improvement in compliance among another subset of offenders. Unfortunately, it was not feasible to compare subgroups of offenders due to the relatively low number of offenders with violations. Furthermore, there are several caveats that deserve mention that limit the conclusions that can be drawn from the analysis.

Firstly, it was not possible to study compliance over a longer period due to the fact that the scheme had only been in effect for less than two years at the time of the data extraction. Secondly, it is probable that some violations committed in the post-notification period did not have a court outcome at the time the data were extracted, which was approximately four months after the cut-off for the relevant period (15 October 2012 – 15 April 2014), and thus would not have been captured in the dataset. As such, it is likely that the post-notification group committed a greater number of violations than that reported. However, this would not change the direction of the relationship, but rather strengthen the finding that notification was associated with an overall decrease in compliance. Thirdly, there was no way of identifying in the dataset if an offender was reincarcerated during the relevant period. As such, it was not possible to control for opportunity to commit violations (as only those under community supervision can be charged with such offences). Finally, perhaps the most significant limitation is that the approach taken does not allow inferences to be drawn regarding causation and the possibility cannot be excluded that the observed decrease in compliance is attributable to unmeasured differences between the two groups or changes in policy or practice that are unrelated to the introduction of the scheme.
Notwithstanding these caveats, this study represents the first attempt to analyse the impact of the scheme. There is a clear need for further research and more nuanced analysis that attempts to identify the conditions under which notification is or is not effective, as global statements regarding the effectiveness of the scheme are unlikely to be all that informative. Indeed, the findings tentatively suggest that a ‘one size fits all’ approach may limit the effectiveness of the policy, and point to the need for more individualised responses and flexible application of the policy. Although the results of this study are somewhat encouraging insofar as they indicate that the introduction of the scheme has not resulted in many of the negative consequences anticipated, they also do not provide compelling evidence that it has had any observable positive effects. In light of this and the evident costs involved – both fiscal and human – in implementing such schemes, it would perhaps be prudent for other jurisdictions to carefully consider their overall benefits before proceeding further.
CHAPTER 5: GENERAL DISCUSSION

The overarching aim of this thesis was to examine the perceptions and experiences of those police officers who are responsible for administering the first – and currently only – community notification scheme in Australasia. There are three key interrelated reasons research of this type is important. Firstly, there has been no previous research that has investigated the implementation of the scheme from a policing perspective. In fact, to date, there has been only one other published study relating to the scheme – an online survey of members of the public who accessed the Community Protection Website (see Taylor et al., 2014; Chapter 3). Secondly, although U.S. and U.K. models of community notification informed the development of the new policy, the three-tiered design and the particulars of the scheme are unique. Thirdly, the legislative framework and the socio-political and cultural landscape within which this policy is embedded differs in many respects to the context in which similar schemes operate internationally. For these reasons, it cannot be assumed that the results of evaluations of similar schemes operating in other countries can be generalised to the Australian context. This research is also timely given the interest of other Australian jurisdictions, and in New Zealand, of adopting similar legislation.

The aim of the first empirical study was to explore police officers’ expectations and concerns in relation to the introduction of the scheme. The analysis revealed that police were concerned that the policy would not achieve its intended objectives, and that it could potentially adversely impact offenders, the community at large, and/or the police agency. These concerns are broadly consistent with those documented in previous research, most of which emanates from the US (e.g., Farkas
The aim of the second empirical study was to investigate whether the main concerns identified in the first study had, in fact, been realised. The analysis indicated that many of the concerns held by the police officers interviewed had not come to fruition. The finding that the scheme had had a more limited impact than participants anticipated is likely attributable to two main factors. Firstly, that participants’ expectations were shaped by the experience in the US, where notification is much more widespread and intrusive. The design of the Australian scheme is less restrictive insofar as only a small proportion of reportable offenders are subject to notification. In the period 15 October 2012 (when the scheme came into effect) to 27 February 2015, 121 offenders were subject to (or potentially subject to) any form of notification, which represents less than 5% of the population of reportable offenders. Secondly, the number of enquiries and applications received during this period was reported to be less than that which was projected. It is noteworthy that evaluations of both the English (see Kemshall & Wood, 2010; see also Kemshall et al., 2012) and the Scottish (see Chan et al., 2010) pilot schemes reported similar findings, and this trend continued following the scheme’s national roll-out (Kemshall & Weaver, 2012). Kemshall and Weaver (2012) discuss how this reflects value for money when they note that:

From an operational perspective, low numbers of enquiries and low conversion at application and disclosure stages increases costs per disclosure which requires to be measured against the value added by the scheme to
extant measures of child and public protection, in relation to the effective use of scarce resources. (p. 555)

In the first 28 months of its operation, the Australian scheme led to only one disclosure under the remit of the disclosure scheme (i.e., tier 3). This can be weighed against the cost of implementing the scheme, which was reported to be $2.9 million (Government of Western Australia, 2012; Spagnolo, 2011a). Whilst some stakeholders might consider this to reflect success, others might regard it as a failure. A common refrain in the discourse surrounding community notification policy, and indeed sex offender public policy more generally, is that these laws are justified “if one child is saved” (Logan, 2011, p. 235). The former Western Australian (W.A.) Police Minister, Rob Johnson, espoused this view when he declared, “if this public register leads to one less child being sexually abused, it will have served its purpose” (Spagnolo, 2011a, para. 9). The parents of the 8-year-old girl whose murder served as a catalyst for the passage of this legislation have also voiced similar comments (Spagnolo, 2011a). For others, however, the government could have instead invested these funds into an evidence-based programme or intervention that has the potential for greater or more certain (or simply more readily quantifiable) returns.

It may simply be, as Bierie (2016) suggests, that lawmakers, professionals who work with sex offenders, researchers, and the public hold different views regarding what constitutes a “success,” and how “effectiveness” should be defined and operationalised. Although Bierie’s focus is on sex offender registration, his argument applies equally to community notification policies. He suggests that:

It may be that proponents see a different standard or goal for judging registration policy as evidence based than found among typical social science paradigms. Opponents of the registry use methodology and arguments which
assume a policy must work all the time, or most of the time, in order to have value. Proponents are likely more interested in whether it is occasionally or ever useful in reducing sex crimes or assisting law enforcement investigations. (p. 265)

He further notes that in appraising the utility of such schemes, it is important to distinguish between the question of whether they have a statistically significant effect on (re)offending – which will be of interest to researchers but perhaps not to other stakeholders – and whether they help occasionally or ever – which may be of greater interest to some other stakeholders. Whilst this distinction is useful, there are a number of factors which make it difficult to establish statistical significance in relation to questions of effectiveness. These factors include the lack of an appropriate comparison group, the low base rate of re-offending, the under-reporting of sex crimes, and the difficulties associated with disentangling the effects of notification with those of registration and other policy measures. Furthermore, evaluations are typically undertaken after the policy has already been implemented and thus rely on retrospective data. On account of these factors, the quality of the available evidence will rarely meet the standard that would be expected in other realms of science. For example, the randomised control trial – which is generally considered to be the “gold standard” of evidence within the field of psychology – is simply not feasible, nor is it ethical, in this context. In light of this, there is a need for other types of “evidence.”

Pawson’s (2006b; see also Pawson, 2003; 2006a) realist approach was developed to address some of the limitations of the traditional scientific research paradigm when applied to social policy. From a realist perspective, the primary objective of evaluation research is explanation-building. According to this approach, “the overall intention is to create an abstract model of how and why programmes
work, which then can be used to provide advice on the implementation and targeting of any novel incarnation of the intervention” (Pawson, 2006b, p. 74). Pawson argues that the success of social programmes is typically dependent on contextual factors and the structures and systems within which the programme is embedded. As such, the “same” programme or intervention is unlikely to be equally effective under all circumstances or conditions. In light of this, unconditional and global appraisals of the efficacy of a programme or intervention may not be particularly helpful or meaningful, and evaluation research should attempt instead to address the question, “what works for whom in what circumstances and in what respects?” (Pawson, 2006b, p. 178).

The inconsistent and inconclusive results of multisite studies and systematic reviews of the effectiveness of community notification discussed in Chapter 2 point to the futility of global evaluations of effectiveness. There appears to be growing recognition of this among the research community. Stout et al. (2011), for example, have suggested that the framing of the debate around community notification has led to polarised views because it has tended to focus on the broader issue of whether or not it should be introduced, rather than discussion about the wide range of policies and practices that community notification encapsulates in practice. These authors explored stakeholder perceptions of the limited disclosure schemes in the UK, finding that children’s charities became more favourably disposed to disclosure following the pilot scheme. They concluded that the characteristics of a particular scheme, and the way in which it is framed and implemented, will determine whether it garners support and, ultimately, achieves its objectives. Harris and colleagues have also noted that there is significant variability in the way in which sex offender
registration and notification policies have been implemented in the US and also recognised the importance of contextual factors. Harris et al. (2016) assert that:

The aim…is to move beyond an assessment of aggregate level impacts toward a broader understanding of the operational context [emphasis in original] through which the policies are implemented and utilised, as well as the system characteristics [emphasis in original] associated with more effective or less effective registries. (p. 5)

The general principles of Pawson’s (2006a) realist approach to evaluation are thus useful when considering the potential implications of this research.

**Contribution, Implications and Recommendations**

The primary value of this type of research lies in its potential to inform the effective design and implementation of community notification in similar jurisdictions. In Australia, there is interest among other states and at the federal level in introducing similar schemes ("Federal government resisting internal pressure," 2014; Viellaris, 2013). To illustrate, when speaking to the press after a bill to introduce a public sex offender register was voted down in Queensland Parliament, the then Police Minister, Jack Dempsey, stressed the need for evidence-based policy and noted that whilst there was not enough evidence to support a public register of the kind that was proposed, he would be closely monitoring the WA scheme (Rebgetz & Agius, 2014). The police officers interviewed in this research were uniquely placed to comment on the way in which the scheme was framed and implemented and their perspectives might ultimately be of interest to police ministers and other policymakers around the country.
**Implications for policy.** This research provides some preliminary data that addresses the “for whom” component of the aforementioned question posed by Pawson (2006b), which is concerned with the optimal targeting of an intervention. Although the overall majority of those who were subject to notification were classified as high or very high risk, it is noteworthy that a sizeable proportion were low or moderate risk offenders (over half of those subject to tier 1 notification and around one-quarter of those subject to tier 2 notification). This finding is inconsistent with current advice disseminated by the Center for Sex Offender Management ([CSOM] 2008), the Association for the Treatment of Sexual Abusers ([ATSA] 2008, 2010) and others (Blasko, Jeglic, & Mercado, 2011; Lasher & McGrath, 2012; Levenson & Cotter, 2005; Levenson, D’Amora, et al., 2007; Prescott & Rockoff, 2011; Vess et al., 2011) that notification should be reserved for higher risk offenders. The implication here relates to the ideal breadth of the scheme.

The police officers interviewed in these studies believed that the scheme would effectively deter some offenders but not others. They further reported that many offenders were highly anxious and concerned about the prospect of their details being published on the register. It seems reasonable to assume that concern on the part of offenders would be a necessary, but not sufficient, prerequisite for notification to act as an effective deterrent. However, it is significant that there was a perception among participants that those who seemed most concerned about notification were those who were *not* subject to the policy. Around 80% of those not subject to notification were low or moderate risk. Duwe and Donnay (2008) note that notification is unlikely to lead to an appreciable reduction in recidivism among such offenders given that they have a relatively low rate of re-offending without any form of post-sentence intervention. This suggests, perhaps, that the introduction of the
scheme and the prospect of notification could heighten anxiety among many offenders who otherwise would have been unlikely to re-offend, potentially (inadvertently) increasing their risk. Conversely, participants identified that some offenders who *were* subject to notification appeared to be indifferent or nonchalant about the scheme, which suggests that it may not act as an effective deterrent for these offenders.

Further research is needed to identify the characteristics of offenders that influence the extent to which notification is likely to be an effective deterrent. Participants identified some salient preliminary considerations – for example, that notification may be less likely to be effective with Indigenous offenders who live in communities with limited availability of computers or internet access, those who have an intellectual impairment or substance use disorder that affects their capacity to comprehend the implications of notification, and those without friends or strong ties to the community (presumably because such individuals may have less to lose if they are outed by the community). Of note, at least one of these factors – the availability of computers or other devices with internet access – may also have an impact on the community’s capacity to engage in active monitoring and surveillance of offenders, which is an alternative mechanism through which community notification has been proposed to improve community safety. Further research is also needed to distil the individual characteristics or perhaps the constellation of factors that might be associated with an increased risk of recidivism among those subject to notification.

These findings, taken together, suggest that those involved with the implementation of the scheme are cautious about the potential to produce an appreciable reduction in recidivism. Whilst it is recognised that there is a need for
other types of evidence, the value of practice-based wisdom of police should not be overlooked and should inform the development of policy in this area.

**Implications for practice.** As noted above, the police officers who were interviewed reported that many offenders were highly anxious about the introduction of the scheme and the possibility that their details would be published. Concern was expressed that the heightened anxiety and stress experienced by offenders might increase their risk of re-offending. However, in practice, the scheme was seen as having very little impact on the vast majority of offenders. It is suggested, therefore, that offenders are provided with detailed (but easy to comprehend) information well ahead of the implementation of any new scheme. A question and answer type factsheet may be an effective means of conveying this information to offenders and could also direct them to appropriate support services available in the community. This might serve to allay anxieties and minimise the risk of adverse consequences.

Participants in these studies speculated that media misreporting contributed to offenders’ anxiety surrounding the introduction of the scheme. Similar factsheets to those produced for offenders could also be disseminated to professionals within the media industry. This could help to ensure that the public are provided with accurate information regarding the purpose of the scheme and how it works. Consistent with prior research, two opposing – but not mutually exclusive – concerns that emerged from the interviews with police were that: a) the scheme could lead to increased fear and panic; or b) create a false sense of security within the community. The introduction of community notification presents a valuable opportunity to inform and educate the public and dispel common myths about sexual abuse (ATSA, 2010; CSOM, 2001). Other jurisdictions planning to implement similar schemes might consider rolling out a broader public education campaign to coincide with the
introduction of community notification, as has been successfully piloted in the UK (Collins & Fildes-Moss, 2009).

**Limitations and Directions for Future Research**

It is perhaps important to reiterate that this thesis does not represent an outcome evaluation of the community notification scheme. This was not feasible due to the limited outcome data available at the time the research was undertaken; therefore, this research should be viewed as focused on implementation issues and practitioner perspectives and thus a starting point from which to guide future research and evaluation. Although limited in scope, research of this type can be regarded as a prerequisite to outcome evaluation. Indeed, Pawson’s (2006b) realist approach to evaluation places central importance on the mechanisms of change as well as the contextual conditions within which a programme or intervention is embedded. As Pawson notes, “the crucial evidence is…to be found in terms of outcomes and [emphasis in original] mechanisms and [emphasis in original] contexts” (p. 25). This research offers some insights into the mechanisms, contexts and outcomes; however, there is much more work to be done.

Perhaps the overriding limitation of this research is that it offers only one perspective – that of police officers who are responsible for administering the scheme – and is necessarily biased. Garnering the perspectives of other stakeholders would lead to a fuller understanding of the perceived utility and impact of the scheme. It would be particularly worthwhile to also examine the views of offenders who have been subject to notification pursuant to each tier, other professionals who work with sex offenders, and members of the general public who have not accessed the website (Taylor et al., 2014, surveyed members of the public who had; see
Chapter 3). Furthermore, interviews with individuals who have submitted a tier three application would be fruitful as Taylor et al.’s study was very broad and did not specifically address this component of the scheme. Such a study might usefully explore applicants’ motivations for submitting an application and their satisfaction with the process.

Unfortunately, as is often the case with social policy evaluation research (see Pawson, 2006b), the interviews were undertaken after the policy had already been implemented, with the majority of the interviews being conducted approximately six months after the scheme had come into effect. It would have been advantageous to conduct interviews at two separate time points pre- and post-implementation; however, unfortunately, the necessary approval was not received prior to the scheme’s implementation. In light of this, a decision was made to undertake two separate, independent systematic thematic analyses using the same interview data. The initial analysis concentrated on identifying and coding participants’ expectations and concerns – what they anticipated would occur – whilst the focus of the latter analysis was on participants’ perceptions and observations of the impact of the scheme – what actually occurred. Whilst it is recognised that this is less than ideal, it was considered important to differentiate between participants’ expectations and preconceptions and their actual implementation experiences.

It should be noted that it would have been premature to draw any conclusions, even tentative ones, regarding the validity of some of the concerns identified by the police officers interviewed. Several participants explicitly commented that it was too early to say whether the introduction of the scheme had any impact on recidivism. Unfortunately, it was not feasible to investigate the impact on recidivism given the timeframes within which the research was completed. A
quasi-experimental outcome study comparing recidivism rates pre- and post-implementation of the scheme would make a useful contribution to the literature here. Although a rigorous evaluation of longer-term impacts, particularly the impact of the scheme on recidivism and compliance, would be desirable, such an evaluation is unlikely to be conclusive. As noted above, there are a number of methodological challenges inherent in collecting this type of evidence which limit the conclusions that may be drawn. Community notification was introduced in the US a quarter of a century ago and still no definitive conclusions can be reached with respect to its impact on recidivism.

More broadly, future research in this area should seek to identify how best to maximise effectiveness and what factors limit or hinder effectiveness. Pawson’s (2006b) realist approach to evaluation may provide a useful framework with which to design and interpret the findings of future research in this area. From this perspective, a goal of research synthesis is “to produce a general theory of the conditions that support and hinder the programme theory” (Pawson, 2006b, p. 95). The accumulation of further evidence will no doubt provide useful information to legislators and policymakers in weighing the potential benefits and drawbacks of this policy. At the same time, it is important to acknowledge that lawmakers have a range of considerations and viewpoints that they must take into account and it is clearly the case that public policy in this area historically has not been evidence-based. This is a highly politicised and emotionally charged area of public policy that historically has been strongly influenced by public opinion which is not always well-informed. This leads into what is perhaps the overall conclusion of this thesis – that the evidence is more likely to inform policymaking if the public is aware of the evidence – and this must begin with public education.
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^46^This is the reference that was cited by Whitting et al. (2016).


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47 This is the reference that was cited by Whitting et al. (2014).
48 This is the reference that was cited by Whitting et al. (2016).
49 This is the reference that was cited by Whitting et al. (2014).
Appendix A: Description of the Scheme

The following information is published on the Community Protection website\textsuperscript{50}:

About Community Protection

The Community Protection Website provides any member of the public with access to photographs and certain information on Western Australia’s most dangerous and high risk sexual offenders. It will enable parents and guardians to make enquiries with Western Australia Police about any person who has unsupervised contact to their child or children. The website provides three tiers of information access to ensure that families and the public have information on known sex offenders, which will assist with the protection and safety of children and the community. The Community Protection Website will not publish the photograph, personal details or release any information of an offender who is under the age of 18 years.

Tier 1: Missing Sex Offenders Non Compliant Reportable Offenders

The first tier of publication, the Missing Offenders section, displays photographs and personal details of reportable offenders who have either failed to comply with their reporting obligations, provided false or misleading information to Police and whose location or whereabouts is not known to Police.

\textsuperscript{50} https://www.communityprotection.wa.gov.au/About
The purpose of this publication is to enhance public vigilance in order to help locate non-compliant reportable offenders. The publication details include a photograph, the full name, known aliases, date of birth and a physical description of the reportable offender. If you know or have seen these non-compliant reportable offenders and can provide any information to assist in locating them, please pass that information onto Police by contacting 131 444. The photograph and personal details of a reportable offender are removed from publication when the reportable offender is located or reports their current whereabouts to Police.

**Tier 2: Local Search for Dangerous and High Risk Offenders**

The second tier of publication, the Local Search, will display photographs of certain dangerous and high risk offenders that reside within the same suburb and adjoining suburbs as the requester. These offenders are dangerous sexual offenders, serious repeat reportable offenders and other persons whose details have been authorised for publication by the Minister for Police. This publication is primarily for the purposes of enhanced public awareness and safety.

**Tier 3: Community Protection Disclosure Scheme**

The third tier of publication, the Disclosure Scheme, will allow a parent or guardian of a child or children to inquire with Police whether a specific person, who has regular unsupervised contact with their child or children, is a reportable offender. The parent or guardian making the application must provide their full details, the child or children’s details, the identity of the person of interest and the level of
contact that person has with the child or children. Police will assess the request and
may disclose to the applicant whether or not the person of interest is a reportable
offender. This information is provided to better place the parent or guardian in a
position to take appropriate steps to safeguard their children if necessary.
Appendix B: Description of the Missing Offenders Register (Tier 1)

The following information is published on the Community Protection website:\(^{51}\):

The Western Australia Government has stringent measures in place for managing missing sex offenders who reside in our community under the Community Protection (Offender Reporting) Act 2004 (the Act). The significant majority of reportable offenders are compliant with their reporting obligations under the Act. However some reportable offenders fail to comply with their reporting obligations, or provide false or misleading information to Police. Where these non compliant reportable offenders cannot be located by Police, their photograph and personal details may be published on the website to enhance community awareness and to assist in locating them.

Please assist in locating missing sex offenders, whether they are in Western Australia, interstate or overseas. With your help we can work together as a community to protect our children. If you have seen these reportable offenders or have any information concerning their current whereabouts please do not approach them directly. Report your information to the Police by calling 131 444. Thank you for your help.

Please be aware the Community Protection (Offender Reporting) Act 2004 provides that it is a criminal offence to misuse the information made publicly available by this website. Those found guilty of committing such an offence can be liable to up to 10

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\(^{51}\) https://www.communityprotection.wa.gov.au/MissingOffenders
years imprisonment. It is an offence for any person to use the personal information or photographs to:

- engage in any conduct that will create, promote or increase animosity toward or harassment of a person identified by this site, or
- publish, distribute or display any photographs or personal information provided by this site without the prior written approval from the Minister for Police.
Appendix C: Description of the Local Search (Tier 2)

The following information is published on the Community Protection website:\(^{52}\):

Performing a local search will provide the applicant with access to photographs of dangerous and high risk offenders residing in their locality. Only the photographs of offenders residing in an applicant’s suburb and the adjoining suburbs will be displayed. **The offenders whose photographs will be displayed include either:**

- Dangerous sexual offenders subject to supervision orders under the [Dangerous Sexual Offenders Act 2006](https://www.communityprotection.wa.gov.au/LocalSearch);
- Serious repeat reportable offenders;
- Persons who have been convicted of an offence punishable by imprisonment for 5 years or more, and concern is held that this person poses a risk to the lives or sexual safety of one or more persons or persons generally.

Access to this information is primarily for the purposes of enhanced public awareness and safety.

Please be aware the [Community Protection (Offender Reporting) Act 2004](https://www.communityprotection.wa.gov.au/LocalSearch) provides that it is a criminal offence to misuse the information made publicly available by this website. Those found guilty of committing such an offence can be liable to up to 10 years imprisonment. It is an offence for any person to use the published photographs to:

- engage in any conduct that will create, promote or increase animosity toward

\(^{52}\) https://www.communityprotection.wa.gov.au/LocalSearch
or harassment of a person identified by this site; or

- publish, distribute or display any photographs or personal information provided by this site without the prior written approval from the Minister for Police.
Appendix D: Description of the Disclosure Scheme (Tier 3)

The following information is published on the Community Protection website:\footnote{53}{https://www.communityprotection.wa.gov.au/DisclosureScheme}

The Community Protection Disclosure Scheme is available to any parent or guardian of a child or children. A parent or guardian can apply to the Commissioner of Police to be informed whether or not a person of interest, who has regular unsupervised contact with their child, is a reportable offender. No disclosure can be made about a reportable offender who is under the age of 18 years.

The applicant will be required to provide their personal details, the details of the child or children and sufficient detail to identify the person of interest. The application must provide evidence to the satisfaction of the Commissioner that the person of interest has at least three days of unsupervised contact with the child or children in any twelve month period. The three days do not have to be consecutive. If the Commissioner of Police is satisfied that the person inquired about has regular unsupervised contact with a child of whom the applicant is a parent or guardian, the Commissioner may inform the applicant whether or not the person of interest is a reportable offender.

This information is provided to better place the parent or guardian in a position to take appropriate steps to safeguard the child or children if necessary. In all instances disclosure is at the discretion of the Commissioner of Police.
Where information is received by the Commissioner of Police that indicates a reportable offender may be in breach of their obligations under the Community Protection (Offender Reporting) Act 2004, WA Police will investigate and act accordingly.

It is an offence to make a false application in an attempt to obtain information, which you do not have a lawful right to access. This offence is punishable by up to 7 years imprisonment. Anyone who makes an application for disclosure using false information or misuses information disclosed through this website, may be subject to prosecution.

Concerned for Child Safety?

If you are concerned for a child or children, there is a list of agencies that you can contact in Information Links on the website. If you are worried about the wellbeing or safety of a child or young person, you need to contact the Department for Child Protection at the district office closest to where the child lives or the Crisis Care Unit after hours. Talking to someone experienced in supporting families or in child protection can also help you decide what actions need to happen to keep the child or young person safe.
## Appendix E: Disclosure Scheme (Tier 3) Application Form

### Community Protection Disclosure Scheme Application

### SECTION 1 — APPLICANT DETAILS  (MUST BE A PARENT OR GUARDIAN OF THE CHILD)

<table>
<thead>
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<th>Personal Details</th>
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<td>Last Name:</td>
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<td>(Maiden / Other):</td>
<td>Middle Name:</td>
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<tr>
<td>DOB (DD/MM/YYYY):</td>
<td>Age:</td>
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<tr>
<td>Gender:</td>
<td>Male</td>
</tr>
<tr>
<td>Preferred Language:</td>
<td>English</td>
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<tr>
<td>Relationship to Child:</td>
<td>Parent</td>
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### Current Address Details

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<tr>
<th>Unit No:</th>
<th>Street No:</th>
<th>Street Name:</th>
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<th>Street Type:</th>
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<th>State:</th>
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### Contact Details

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<th>Email:</th>
<th>Home Phone:</th>
<th>Mobile:</th>
<th>Work Phone:</th>
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</tbody>
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If there are any issues about future contact that we should be aware of, please give details:
Community Protection Disclosure Scheme Application

SECTION 2 – PERSON OF INTEREST DETAILS

A NEW APPLICATION MUST BE SUBMITTED FOR EACH PERSON OF INTEREST.

<table>
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<th>Personal Details</th>
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<td>Last Name:</td>
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<td>(Alias Last Name):</td>
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<tr>
<td>DOB (DD/MM/YYYY):</td>
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<td>Place of Birth:</td>
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<th>Current Address Details</th>
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<td>Residential Address:</td>
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<td>Employer:</td>
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<tr>
<td>Place of Work:</td>
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<tr>
<td>Vehicle Registration:</td>
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<td>Other information:</td>
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<td>Relationship to Child:</td>
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<tr>
<td>Relationship to Applicant:</td>
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Community Protection Disclosure Scheme Application

SECTION 3 - DETAILS OF CHILD
AN APPLICATION MUST BE SUBMITTED FOR EACH CHILD.

**Personal Details**

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<th>Age:</th>
<th>Place of Birth:</th>
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| Gender: Male Female |

**Current Address Details**

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**Details of Unsupervised Contact**

Please provide details of three or more occasions the Person of Interest has had unsupervised contact with the child:

(The applicant must provide sufficient detail to satisfy the requirements of unsupervised contact with the child before the Commissioner may consider disclosing that a Person of Interest is a Reportable Offender. Regular unsupervised contact means unsupervised contact with the child on at least three days, whether consecutive or not, in any 12-month period.)

**Child’s birth certificate scanned and submitted as an attachment to this application:**

Yes  No

(A scanned birth certificate document can be attached to your request when you submit the application.)

Page 3 of 5
### SECTION 3A - DETAILS OF CHILD

**ANY ADDITIONAL CHILDREN’S DETAILS / UNSUPERVISED CONTACT DETAILS / OTHER INFORMATION TO ASSIST YOUR REQUEST.**

**Additional Information:**

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### SECTION 4 – CHILD’S PARENTS DETAILS

**Mothers Personal Details** *(If not the same as the applicant)*

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<th>First Name:</th>
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<td>(Maiden / Other):</td>
<td>Middle Name:</td>
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</table>

**DOB (DD/MM/YYYY):**  
**Age:**  
**Place of Birth:**

**Current Address Details**

Residential Address:

Does the mother know that you are making this application?  
Yes  
No

If No, please specify why:

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**Fathers Personal Details** *(If not the same as the applicant)*

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<td>(Maiden / Other):</td>
<td>Middle Name:</td>
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</tr>
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</table>

**DOB (DD/MM/YYYY):**  
**Age:**  
**Place of Birth:**

**Current Address Details**

Residential Address:

Does the father know that you are making this application?  
Yes  
No

If No, please specify why:
**SECTION 5 – REASON FOR YOUR CONCERN**

Please Provide Details Where Relevant.

What prompted you to make this disclosure application:

- **For information only:**  
  - Person of interest’s behaviour:  
  - The child(ren)’s behaviour:  
  - Own observations:  
  - Information from child(ren):  
  - Has someone else told you something which has made you concerned:  

Please give details for any response provided regarding your concerns:

---

**SECTION 6 – ADDITIONAL INFORMATION**

Does the specified person have unsupervised contact with other children?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If yes please explain:

Do you feel that the specified person presents an immediate risk to any child (ren)?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If yes please explain:

Does the specified person know you are making this enquiry?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If yes please explain:

Do you consider yourself to be at risk from the specified person of this enquiry?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If yes please explain:

---

**IMPORTANT INFORMATION FOR THE APPLICANT**

Do not use this form to report something that needs urgent police attention, for immediate attention dial 000

A disclosure cannot be made to a person who is not a parent or guardian of a child. The disclosure process will also require proof of your relationship to the child(ren) as a parent or guardian, such as a birth certificate or other valid documentation. Credible proof of the applicant’s identity will be required prior to disclosure, preferably photo ID such as a passport or driving licence. From this, the necessary validation checking and risk assessment process can be completed before any disclosure may be made.
Appendix F: Community Protection Website User Agreement

The purpose of the Community Protection website is to ensure that families and communities have information on dangerous and high risk offenders, which will assist with the protection and safety of children and the community.

By accessing this website and the information contained within it, you acknowledge and agree to the following conditions:

- you will not create, promote or increase animosity toward or harassment of a person identified by this site; and
- you will not publish, distribute or display any photographs or personal information provided by this site without the prior written approval from the Minister for Police.

The Community Protection (Offender Reporting) Act 2004 (WA) provides that it is a criminal offence to misuse the information made publicly available by this website. Those found guilty of committing such an offence can be liable to up to 10 years imprisonment.

If you agree to abide by these conditions please continue. If you do not agree to these conditions, please leave this website now.
Appendix G: Deakin University Human Research Ethics Committee Approval

Memorandum

To: Dr. Sharon Casey
    School of Psychology

From: Deakin University Human Research Ethics Committee (DUHREC)

Date: 22 March, 2013
Subject: 2013-010
Review of sex offender management

Please quote this project number in all future communications

The application for this project was considered at the DUHREC meeting held on 04/02/2013.

Approval has been given for Dr. Sharon Casey, School of Psychology, to undertake this project from 22/03/2013 to 22/03/2017.

The approval given by the Deakin University Human Research Ethics Committee is given only for the project and for the period as stated in the approval. It is your responsibility to contact the Human Research Ethics Unit immediately should any of the following occur:

- Serious or unexpected adverse effects on the participants
- Any proposed changes in the protocol, including extensions of time.
- Any events which might affect the continuing ethical acceptability of the project.
- The project is discontinued before the expected date of completion.
- Modifications are requested by other HRECs.

In addition, you will be required to report on the progress of your project at least once every year and at the conclusion of the project. Failure to report as required will result in suspension of your approval to proceed with the project.

DUHREC may need to audit this project as part of the requirements for monitoring set out in the National Statement on Ethical Conduct in Human Research (2007).

Human Research Ethics Unit
research-ethics@deakin.edu.au
Telephone: 03 9251 7123
Appendix H: Human Ethics Advisory Group Approval of Amendments

To: Prof Andrew Day  
School of Psychology

From: Secretary — HEAG-H
Faculty of Health

CC: Gaynor Hobbs, Laura Whiting

Date: 30 April 2013

Re: HEAG-H 100_2012: A Model of Sex Offender Registration, Monitoring and Risk Management

Approval has been given for Professor Andrew Day, of the School of Psychology, to undertake this project with the modifications that were requested on the 12 April, 2012.

Please note that the current end date for this project is 28 April, 2015.

Steven Sawyer
Secretary
HEAG-H

Signature Redacted by Library
Appendix I: Police Agency Approval Letter (Study 1)

WESTERN AUSTRALIA POLICE
ACADEMIC RESEARCH ADMINISTRATION UNIT
STRATEGY AND PERFORMANCE

Enquiries: Mitch Gilbert
(08) 9222 1403

Laura Whitting
Doctor of Psychology (Forensic) Candidate
School of Psychology
Deacon University
221 Burwood Highway
Burwood VIC 3125

Dear Ms. Whitting

Sex Offender Registration, Monitoring, and Risk Management

Thank you for your application to conduct research within the Western Australia Police. Your application to conduct interviews with staff in the Sex Offenders Management Squad (SOMS) has been approved by the WA Police Research Application Review Committee.

As per our email dated 28 March 2013, it is agreed that up to twenty SOMS staff will be available to be interviewed over the phone or in-person. Please contact Martyn Clancy-Lowe to arrange (martyn.clancy-low@police.wa.gov.au Telephone: 08 94925484).

The conditions outlined below ensure the research is conducted in accordance with the WA Police research guidelines and code of conduct.

Conditions of approval of your research project

- Participants in this research are volunteers and cannot be compelled to take part.
- All information and data provided for, or collected from, this research must be secured at all times, including:
  - The data must be stored in a secure location only accessible to the researchers directly involved in the project.
  - The data must only be used for the purpose of this research project.
  - The material is not to be left in a vehicle unattended or in a location where unauthorised access could be made.
  - No copies of the material are to be made.

Mission Statement: "To enhance the quality of life and wellbeing of all people in Western Australia by contributing to making our State a safe and secure place."
The material will be numbered and must be returned to the WA Police after use (a date will be set for this to occur).
- Personal details contained in the interview material will be blanked by WA Police prior to its release to you.
- Personal details relating to any member of WA police during this research will not be disclosed in any publication.
- Personal details relating to any member of WA Police during this research will not be provided to a third party.

- Reference to specific or identified sex offenders will not take place.
- Any inadvertent reference to or identification of a sex offender during the course of any interview must not be used or documented.
- Any transcripts of any interview which contains identifiable information relating to a sex offender must be removed and brought to the attention of the Academic Research Unit and the Sex Offender Management Squad immediately.

A copy of your report, including an executive summary of the research, must be provided to the Academic Research Administration Unit at least 14 days prior to public release.

If you require any amendments to your research, please contact the Academic Research Administration Unit to process this request.

Your project will be monitored quarterly and advice on the project’s status will be required for the duration of the WA Police involvement.

Failure to comply with any of these conditions will result in WA Police ceasing the research and advising your university human ethics committee of the breach.

I would like to take this opportunity to congratulate you on this very worthwhile research.

Yours sincerely

SHAUN HODGES
DIRECTOR
STRATEGY AND PERFORMANCE

23 April 2013

Cc:

Executive Manager Martyn Clancy-Lowe – Sex Offender Management Squad
Detective Superintendent Glenn Feeney – Sex Crime Division
Deakin University Human Research Ethics Committee
Laura Whitting
Doctor of Psychology (Forensic) Candidate
School of Psychology
Deacon University
221 Burwood Highway
Burwood Vic 3125

Dear Ms Whitting

PROJECT TITLE: THE IMPACT OF COMMUNITY NOTIFICATION ON THE MANAGEMENT OF SEX OFFENDERS LIVING IN THE COMMUNITY.

Thank you for your application to conduct research with the Western Australia Police. Your application to identify the factors that enable and constrain the effectiveness of the sex offender registration and notification schemes and to identify ways in which it might be improved has been approved by the State Crime Portfolio.

The following data can be provided and will be extracted by the Sex Offender Management Squad (SOMS):

- The number of hits to the Community Protection website since it went live in October 2012
- The number and nature of telephone, email and website enquiries fielded by the Public Sex Offender Register team since the scheme came into operation
- The total number of applications received from members of the public since the scheme came into operation, and for each application received:
  - Relationship of Person of Interest to applicant and child
  - Reason for concern
  - Outcome of application (i.e., whether the Person of Interest was a Reportable Offender, and, if so, whether a disclosure was made to the applicant)
  - Time taken to finalise
- Total number of Reportable Offenders subject to Tier 1, 2, and 3 since the scheme came into operation
- Comparison of Reportable Offenders subject to Tier 1, 2 and 3
  - Age
  - Sex

Mission Statement: "To enhance the quality of life and wellbeing of all people in Western Australia by contributing to making our State a safe and secure place."
• Number of prior convictions for a sexual offence
• Number of prior convictions for any offence
• Breaches/order violations in the 12-18-month period pre and post implementation will be provided. Breaches/order violation data for the same period will also be provided for an additional cohort of reportable offenders not subject to tier 1, 2 or 3 notifications to allow comparison between the two groups.
• To date there have not been any vigilante incidents brought to the attention of the Sex Offender Management Squad.
• The provision of intelligence by members of the public – in relation to Tier 1 apprehension and in relation to Tier 3 applications - limited data can be provided.

The conditions outlined below ensure the research is conducted in accordance with the WA Police research guidelines and code of conduct.

**Conditions of approval of your research project:**
All information and data provided for, or collected from, this research must be secured at all times, including:
• The data must be stored in a secure location only accessible to the researchers directly involved in the project.
• The data must only be used for the purpose of this research project.
• No copies of the material are to be made.

A copy of your report, including an executive summary of the research, must be provided to the Sex Offender Management Squad at least 14 days prior to public release. Final reports are uploaded to the WA Police Intranet publications page for access by all WA Police employees.

If you require any amendments to your research, please contact the Sex Offender Management Squad to process this request.

Your project will be monitored and advice on the project’s status will be required for the duration of the WA Police involvement.

I would like to take this opportunity to congratulate you on this very worthwhile research.

Yours sincerely

Craig Ward
Assistant Commissioner
State Crime

26 February 2014

cc: Graham Harnwell, Assistant Director, Strategic Management Office Dr Sharon Casey, Senior Research Fellow, Deakin Forensic Psychology Centre

Mission Statement: "To enhance the quality of life and wellbeing of all people in Western Australia by contributing to making our State a safe and secure place."
11 April 2013

Dear staff,

**RE: Invitation to participate in a research study**

You are invited to take part in a research study being conducted by Deakin University. This study is part of a program of research that aims to develop a model of sex offender registration, monitoring, and risk management. We are interested to know how those who are involved in the management of sex offenders in the community conceptualise the notion of risk, and how this influences what they consider to be effective risk management. This research may contribute to the better management of sex offenders in the future.

Participation in this study will involve taking part in an interview, the maximum duration of which will be 45 minutes, and completing a short questionnaire that should not take any more than five minutes to complete. Please see the attached Plain Language Statement for more detailed information about the research project. Please note participation in this study is completely voluntary and your relationship with your employer and/or Deakin University will not be affected in any way by your decision to participate or not to participate. This research project has been approved by the Human Research Ethics Committee of Deakin University and will be carried out according to the *National Statement on Ethical Conduct in Human Research (2007)* produced by the National Health and Medical Research Council of Australia.

I will be scheduling interviews with staff between 9am and 5.15pm on Monday 22 April – Wednesday 24 April 2013 (inclusive). If you are interested in taking part in this study, please contact me via phone XXXX XXX XXX or email l.whitting@deakin.edu.au to arrange an interview time. If you are interested in taking part but are unavailable on these days, a telephone interview can be arranged at a time convenient to you.

Thank you for your consideration. Please do not hesitate to contact me if you have any queries or concerns about the research.

Yours sincerely,
Appendix L: Plain Language Statement and Consent Form

PLAIN LANGUAGE STATEMENT AND CONSENT FORM
TO: Potential Participants

<table>
<thead>
<tr>
<th>Date:</th>
<th>11/04/2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Project Title:</td>
<td>A Model of Sex Offender Registration, Monitoring, and Risk Management</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>HEAG-H 100_2012</td>
</tr>
<tr>
<td>Principal Researchers:</td>
<td>Prof Andrew Day, Prof Martine Powell, Prof Joe Graffam, Dr Sharon Casey, Prof Ed Carson</td>
</tr>
<tr>
<td>Student Researchers:</td>
<td>Gaynor Hobbs, Laura Whitting</td>
</tr>
</tbody>
</table>

This Plain Language Statement and Consent Form is 4 pages long. Please make sure you read all the pages.

Your Consent
You are invited to take part in this research project. Please read this Plain Language Statement carefully. Feel free to ask questions about any information in the document. You may also wish to discuss the project with a friend or colleague. This Plain Language Statement contains detailed information about the research project. Its purpose is to explain to you as openly and clearly as possible all the procedures involved in this project so that you can make a fully informed decision whether you would like to participate. If you agree to take part, you will be asked to sign the Consent Form. By signing the Consent Form, you indicate that you understand the information and that you give your consent to participate in the research project. You will be given a copy of the Plain Language Statement and Consent Form to keep as a record.

Purpose
In Australia, recent years have seen significant policy changes in relation to the management of sexual offenders. Whilst considerable resources have been dedicated to the implementation of registration and intensive case management schemes, these initiatives have not previously been the subject of systematic review, and it is not clear how they can best contribute to public safety. This research will draw on the perspectives of those who are involved in the management of offenders in the community to develop a theoretical basis from which to inform good practice in offender management and supervision practices.
The research project is being conducted by researchers at Deakin University, and two student researches are involved with the project.

**Background**
The aim of this study is to establish how practitioners – government and non-government services providers – conceptualise the notion of risk, and how this influences what they consider to be effective risk management. This study will be informed by a review of the legislative and public policy basis of work in this area, but have a primary focus on current practice. This will include how different cases are prioritised, the nature and quality of professional interactions with registrants, and how the various roles that professionals are required to undertake (e.g., rehabilitative, monitoring and surveillance, and crime prevention) might be balanced. You are uniquely placed to contribute to an understanding of risk, and yet no previous research has sought to investigate and document the knowledge of those who work in the area. It is well established that practice wisdom can offer valuable insights into the effectiveness of a particular policy or program.

**Methods**
Taking part in this project will involve you answering some questions about how you understand risk in sex offenders and how this influences current practice. The interviews will be either face to face or over the telephone, or you may be asked to join a focus group.

**Potential Benefits and Risks to Participants**
There are no direct benefits from taking part in this research but it is important to know that no one will be individually identified in the research. The research may contribute to the better management of sex offenders in the future.

**Privacy and Confidentiality**
The interviews will be audio taped in order to ensure that what is said is accurately recorded. If you are invited to join a focus group, each participant will be asked to respect other members of the group by not identifying other participants or discussing the group outside of the meeting. The audio tapes will be transcribed and each participant will be given a different name in the transcript to protect your identity. This transcript will only be accessible to the researchers via a password. Once the transcript is completed the audio files will be destroyed.

*Under no circumstances will the identity of any participant in this research be released in presentation or publication of the project’s results.*

**Results of the Project**
The general results of the project will be presented in a thesis by the student researchers of this project and may also be published in peer reviewed journals and presented at conferences. No participants will be identifiable in published or presented results. A short summary of the project will be provided to you if you request this. This option is available in the Consent Form.
How the Research will be Monitored
The project’s researchers regularly communicate about the project and its progression. Any problems with the project will be monitored and discussed by the researchers throughout the entire project. Any changes to what you read in this information statement must first be approved by a stringent ethical process that maintains high levels of ethical responsibility towards participants by the researchers.

Funding
This research is funded by the Australian Research Council. The members of the research team do not have any affiliation with the providers of funding or support, or a financial interest in the outcome of the research.

Participation is 100% Voluntary
*If you do not wish to take part in this research you do not have to.* If you decide to participate and later change your mind, you are free to withdraw from the project at any stage, even in the middle of completing a study. Any information obtained from you will not be used and will be destroyed.
Your relationship with your employer and/or Deakin University will not be affected in any way if you decide to participate, not to participate, or withdraw your participation at a later date.
Before you make your decision, you might have some questions. Please contact either Andrew Day or Laura Whitting whose contact details are below, in order for all your questions to be answered. Sign the Consent Form only after you have had a chance to ask your questions and received satisfactory answers. If, at any time, you decide to withdraw from this project, please notify either Andrew Day or Laura Whitting and complete and return the “Withdrawal of Consent Form” attached to this document.

Ethical Guidelines
This project will be carried out according to the *National Statement on Ethical Conduct in Human Research (2007)* produced by the National Health and Medical Research Council of Australia. This statement has been developed to protect the interests of people who agree to participate in human research studies. The ethics aspects of this research project have been approved by the Human Research Ethics Committee of Deakin University.

Further Information, Queries or Any Problems
If you require further information, wish to withdraw your participation or if you have any problems concerning this project, you can contact:

*Professor Andrew Day*
Telephone: (03) 5227 8715
Facsimile: (03) 5227 8621
Email: andrew.day@deakin.edu.au
Laura Whitting
Doctor of Psychology (Forensic) Candidate
Telephone: XXXX XXX XXX
Email: l.whitting@deakin.edu.au

Complaints
If you have any complaints about any aspect of the project, the way it is being conducted or any questions about your rights as a research participant, then you may contact:

The Manager
Research Integrity
Deakin University
221 Burwood Highway
Burwood, VIC 3121
Telephone: (03) 9251 7129
Facsimile: (03) 9244 6581
Email: research-ethics@deakin.edu.au

Please quote project number HEAG-H 100_2012.
PLAIN LANGUAGE STATEMENT AND CONSENT FORM
TO: Participants

Consent Form

Date: 11/04/2013
Full Project Title: A Model of Sex Offender Registration, Monitoring, and Risk Management
Reference Number: HEAG-H 100_2012

1. I have read and I understand the attached Plain Language Statement.
2. I freely agree to participate in this project according to the conditions in the Plain Language Statement.
3. I have been given a copy of the Plain Language Statement and Consent Form to keep.
4. The researcher has agreed not to reveal my identity and personal details, including where information about this project is published, or presented in any public form.

( ) I would NOT like the researchers to send me a summary of the results of this research.

( ) I would like the researchers to send me a summary of the results of this research. These can be sent via:

( ) email; my email address is:

( ) mail; my address is:

Participant’s Name (printed) ........................................................................................................
Signature ........................................................................................................... Date ............................

Please mail, email, or hand this form in person to:

Laura Whitting
School of Psychology
Deakin University
221 Burwood Highway
Burwood, VIC 3125

Email: l.whitting@deakin.edu.au
PLAIN LANGUAGE STATEMENT AND CONSENT FORM

TO: Participants

<table>
<thead>
<tr>
<th>Withdrawal of Consent Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date: 11/04/2013</td>
</tr>
<tr>
<td>Full Project Title: A Model of Sex Offender Registration, Monitoring, and Risk Management</td>
</tr>
<tr>
<td>Reference Number: HEAG-H 100_2012</td>
</tr>
</tbody>
</table>

I hereby wish to WITHDRAW my consent to participate in the above research project and understand that such withdrawal WILL NOT jeopardise my relationship with Deakin University or my employer.

Participant’s Name (printed) ........................................................................................................................................

Signature ............................................................................................................ Date ..............................................

Please email, email, or hand this form in person to:

Laura Whitting
School of Psychology
Deakin University
221 Burwood Highway
Burwood, VIC 3125

Email: l.whitting@deakin.edu.au