Fact Sheet

January 2009

Participation in treatment programs

Management of sex offenders on community-based orders

Notification and disclosure of information about sex offenders

QUESTION: What is the *Dangerous Prisoner (Sexual Offenders) Act 2003*?

The *Dangerous Prisoner (Sexual Offenders) Act 2003* (DPSOA) came into force on 6 June 2003 and provides for the detention and supervision of serious sexual offenders after they have completed their sentence of imprisonment.

An application is made by the Attorney-General to the Supreme Court in the last six months of the prisoner's sentence and if an order is granted it takes effect at the expiry of the sentence. This takes two forms – a continuing detention order and a supervision order. If the court issues a continuing detention order it is reviewed annually and the court may determine to release the offender to supervision at one of the annual reviews. If it issues a supervision order, the court can impose a range of conditions including curfews, electronic monitoring, random alcohol and drug testing as well as excluding them from certain organisations or areas such as playgrounds and school.

Offenders subject to supervision orders are strictly monitored and taken back to court if they contravene the conditions of their order.

QUESTION: What are the other ways sex offenders are monitored?

Corrective Services

Sexual offenders may be sentenced by the court to community-based orders including probation or intensive correction orders. Under these orders sexual offenders would be supervised by Probation and Parole officers for the duration of the order. If an offender is in breach of any the conditions of these orders, they can be returned to the court and re-sentenced or the conditions of the order amended.

Sexual offenders, who have been sentenced to a term of imprisonment by the court, may apply to a Parole Board for early supervised release into the community. If granted parole these offenders are strictly supervised by Probation and Parole officers for the duration of their sentence.

Under the conditions of parole an offender must report and receive regular visits from Probation and Parole officers and may be tested for substance abuse. If a parolee is found in breach of their parole conditions they may have their parole order suspended or cancelled and returned to prison for the duration of their sentence.

Under section 27 of the *Corrective Services Act 2006* a prisoner (including those convicted of sexual offences) are not able to change their name without the permission of the chief executive, Corrective Services.

Amendments will be made to the DPSOA this year that will also provide that a dangerous prisoner will not be able to change their name without the permission of the chief executive, Corrective Services.

The Australian National Child Offender Register

The *Child Protection (Offender Reporting) Act 2004* is part of national legislation which provides for the registration of child sex offenders residing in or entering Queensland. This Act supports the operation of the Australian National Child Offender Register (ANCOR) which keeps details of all registered child sexual offenders (known as reportable offenders).

Offenders on the register must keep police informed of their current whereabouts and other personal details including any aliases, address and employment details, car registration details and any affiliations with clubs that have child membership or child participation.

Queensland Corrective Services assist in keeping the register up-to-date by disclosing to the police when an offender is:

- discharged/released from custody;
- re-enters custody;
- is transferred interstate;
- granted permission to travel; or
- ceases supervision.

Prohibition orders

The *Child Protection (Offender Prohibition Order) Act 2008* which commenced on 2 June 2008 provides further ways in which sex offenders can be supervised after their sentences have expired. Under this Act a prohibition order may be made against certain convicted child sex offenders to prohibit them from engaging in specified conduct. The court must be satisfied that the child sex offender has engaged in conduct which poses an unacceptable risk to the lives or sexual safety of children in the community. The conduct need not amount to a criminal offence. On making a prohibition order, the respondent to the order is placed on the ANCOR register if not already.

Child Protection

Under the *Child Protection Act 1999* corrective services officers can inform the Department of Child Safety if it is considered there is a risk of harm to a child from a supervised reportable offender.

QUESTION: How does the disclosure system work and why are there penalties for breaches of confidentiality?

Release of confidential information brings with it certain responsbilities and duties.

Section 341(3)(e)(ii) of the *Corrective Services Act 2006* permits disclosure of confidential information by the chief executive where it is in the public interest to do. A similar provision has been in force in Queensland since 1 July 2001 in the *Corrective Services Act 2000.*

This provision is relied upon by Queensland Corrective Services when it discloses information about DPSOA offenders to members of the community. Information about offenders is only disclosed when the placement or employment of an offender at a particular location needs to be brought to the attention of individual community members. Any disclosure is made to residents in the immediate vicinity of the offender's residence or local schools and child care centres.

Before a person receives specific information about an offender they must acknowledge in writing the confidential nature of this information and their obligations as a person who has received confidential information. If the person does not wish to sign the acknowledgement form only general information is provided. General information may be that there is a convicted sex offender who is residing in the local neighbourhood.

QUESTION: How many sex offenders are there in Queensland?

On any given day, there are 840 sexual offenders in custody and about 600 sexual offenders on community supervision orders.

QUESTION: What is the average sex offender's profile?

There is no such thing as a typical sexual offender.

Most offenders are likely to know their victims. Research has shown that about a third of all sexual offenders are family members and less than 10 per cent of victims were unknown to the offender (Crime and Misconduct Commission, 2000).

Most offending tends to take place within the home of the offender or victim, which is often one and the same. Nearly all child sexual offenders are male (aged 14-73).

Intra-familial offenders have fewer victims, but longer abusive duration and more abusive acts. Incest offenders are the least likely group to re-offend.

Offenders who have victims both from within and outside the family are the smallest group but most have long abuse periods, have high numbers of victims and high numbers of abusive acts.

The least common group of child molesters are those that offend against stranger victims. This group is considered to be the most likely to reoffend.

Research shows rapists are more likely to offend against adult female victims, are more likely to have a history of violent offending and general anti-social behaviour, and their offences are likely to be more violent.

Megan's Law

Megan's Law is an informal name for laws in the United States (US) requiring law enforcement authorities to make information available to the public regarding registered sex offenders. Individual states decide what information will be made available and how it is disseminated. Commonly included information includes the offender's name, picture, address, incarceration date, and nature of the crime. The information is often displayed on free public websites, but can be published in newspapers, distributed in pamphlets, or through various other means.

Any person can access sexual offender registers. For example, the online Californian Sexual Offender Register can be accessed by acknowledging the disclaimer provided, and entering the name of the offender who is being searched. The disclaimer includes statements regarding:

- the potential errors or omissions on the website;
- the possibility of mistaken identification when using the information on the website; and
- legal and illegal uses of the information. The information is made solely available to protect the public and anyone who uses the information to commit a crime or to harass an offender or his or her family is subject to criminal prosecution and civil liability. In addition, any person who is required to register pursuant to Penal Code section 290 who enters the website is punishable by a fine and/or imprisonment.

Vigilantism offences have been evident in the US where, for example, murders of registered sex offenders took place in Washington State in August 2005 and in Maine in April 2006. These offences resulted in the Maine Sex Offender Registry Website being dismantled.

Contacts

For more information visit www.correctiveservices.qld.gov.au or phone 1800 088 534.