



28 February 2012

Commissioner Peter Marshall
cc. Deputy Commissioner Viv Rickard
cc. Deputy Commissioner Mike Bush
cc Kevin Kelly
cc Mark Evans
cc Catherine Petrey

SEX OFFENDER REGISTERS

Introduction

1. Sex Offender Registers (SORs) are a common law enforcement tool in many Western jurisdictions. New Zealand is one of few Western nations not to have its own SOR. In 2003, Parliament considered a Private Member's Bill which, if enacted, would have established such a Register. However, it was voted down in 2006 at the Second Reading stage as Parliament had a number of concerns about the effectiveness of SORs.¹
2. Periodically, interest in SORs is piqued. Although no political party in the lead up to the 2011 General Election had an SOR as part of their manifesto, this government appears keen to break down information-sharing barriers between agencies and, as the current Green Paper indicates, is focusing more on vulnerable children. Furthermore, events such as the recent Turangi sexual assault case often lead to media speculation about the need for such a database. Therefore, Policy Group has taken the liberty of preparing a position paper on SORs, should the matter arise in the next few years.

3.

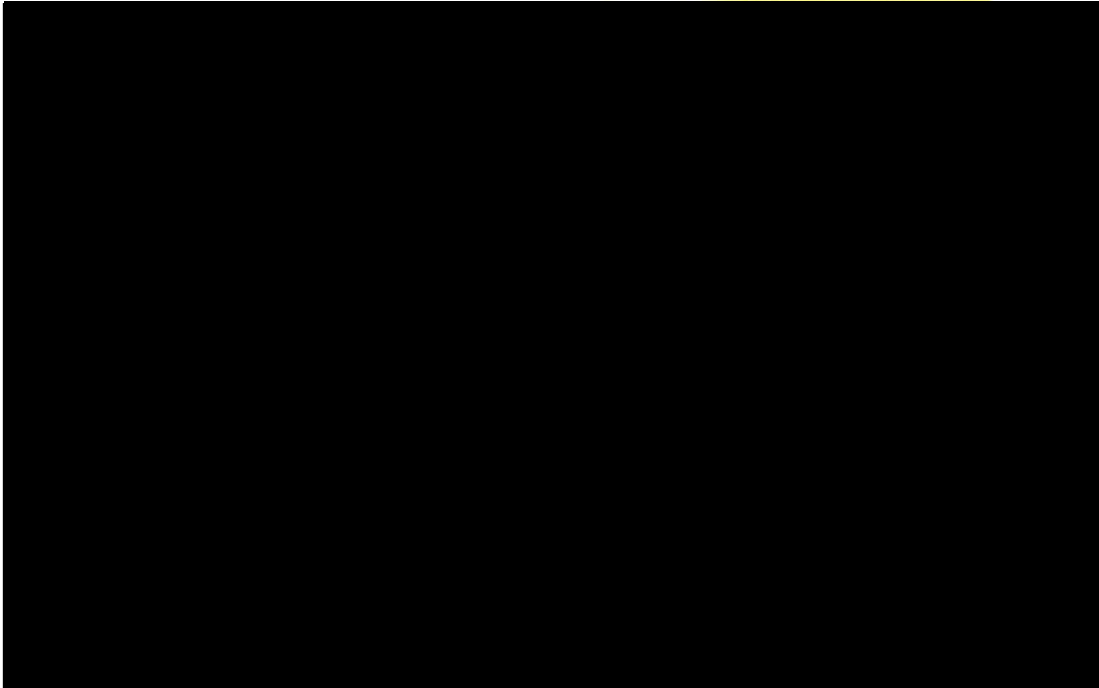
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4.

5.

¹ The Sex Offenders Registry Bill (36-1), referred to Select Committee in 2003, voted down in 2006.

6.



Sex Offender Registers (SORs)

7. SORs have become a standard law enforcement and crime prevention tool in many Western nations, including the United Kingdom, Australia and the United States. SORs aim to keep the public safe in three ways:
 - (1) allowing ordinary members of the public to access information about convicted sex offenders, thereby allowing them to take precautions to protect themselves and other vulnerable members of the community;
 - (2) discouraging convicted sex offenders from reoffending, and
 - (3) aiding law enforcement agencies in the investigation of sexual offending and the surveillance of sex offenders.
8. As SORs attempt to monitor the movements of convicted sex offenders released at the end of their sentences, SORs operate on the following assumptions:
 - the majority of convicted sex offenders will invariably reoffend;
 - the majority of sex offenders are "predators" who seek to victimise strangers; and
 - most victims of sexual offending do not know their offender.
9. As the above assumptions suggest, public concerns about sexual predators, and child sex offenders specifically, were a major impetus for the development of SORs in all Western jurisdictions. Usually, a specific and widely publicised case of sexual offending against a child has been the driving factor behind the introduction of an SOR, and it is normally the surveillance of child sexual offenders that take up most law enforcement action.
10. In every jurisdiction where an SOR has been introduced, any person convicted of a sexual offence is liable for registration either at the time they are convicted, or when they are released from prison. In most jurisdictions, sex offenders are required to register with an SOR upon conviction. Generally, most SORs allow the public to access the database and download pictures and details of convicted sex offenders, although the number of publicly available

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databases has been declining in recent years (for reasons which will be discussed below). The SOR models adopted by Australia, the United Kingdom and the United States are considered below.

History of SORs

11. In 1947, the US State of California became the first jurisdiction in the world to implement an SOR. However, the technology of the time meant that the effectiveness of the Register as a law enforcement tool was limited. It was not until the early 1980s, when sexual offending against children came to be identified as a major concern throughout the Western world, that the idea of a modern SOR database was first proposed.
12. Although a typical SOR will contain a list of all convicted sex offenders, growing public awareness of child sexual abuse appears to have been the catalyst for the development of the modern SOR. The 1970s had seen the rise of the child protectionist movement, led by academics, medical practitioners and social commentators who released a considerable volume of widely publicised research on child abuse. By the mid 1980s, the efforts of the child protectionist movement had led to what New Zealand author Lynley Hood has described as a "moral panic"² in many Western countries, including New Zealand.
13. As most sexual offending happens in private, there are usually no witnesses or any other evidence to reliably ascertain the frequency of such abuse. However, this did not prevent the child protectionist movement from making a number of dramatic claims, including their statistic that one in four children would suffer some form of sexual abuse before they reached the age of 18. Although this statistic was later discredited,³ it did much to encourage public perception that sexual abuse of children was a widespread problem, and gave ammunition to those who argued that convicted sex offenders should be actively monitored once they were back in their local communities.
14. As public concern about the activities of sex offenders swept the Western world, the media responded by highlighting sensational cases of sexual abuse. Most of these publicised cases involved opportunistic sexual predators victimising people unknown to them (usually children). The public outcry resulting from these individual cases would prove significant in the development of modern SORs – particularly in the United States.

United States: "Megan's Laws"

15. In 1994, a seven year old girl living in New Jersey named Megan Kanka was raped and murdered by her neighbour. The media attention and the resulting public furore led to the United States passing the federal Sex Offender Registration and Notification Act in 1996.⁴ The SORNA Act, as it is popularly known, required all States to establish their own SOR and all sex offenders to register. SORNA also directed that the personal details of sex offenders be made available to all members of the public. The resulting statutes which established SORs in the individual States became known colloquially as "Megan's laws". As the United States "Megan's Laws" have served as the model for many SORs subsequently introduced in other jurisdictions, the benefits and detriments of this particular approach will now be considered.

² Lynley Hood, *A City Possessed*, (Longacre Press, 2001), pp 15, 133-165.

³ Hood, *A City Possessed*, pp 72-131; see also Caroll DuChateau "How The Mental Health Foundation is Trying to Drive Us Mad", *Metro* magazine, October 1988.

⁴ SORNA now forms the First Part of the Adam Walsh Child Protection and Safety Act 2006 (Public Law 109-248).

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Benefits of SORs

16. What follows are some of the perceived benefits of "Megan's Laws" SORs which led to their being established.

Public Perception

17. As noted above, the New Zealand public, like most Western nations, has become aware of the significant toll sexual offending can take on society. In New Zealand, as in most other Western nations, Governments have responded by placing more resources into detecting and prosecuting offenders, and increasing support and counselling services for victims. SORs were intended to be an important tool to further these aims. If implemented properly, an SOR can serve to reassure many people in the community that serious sex offenders are subject to some degree of monitoring and treatment so that they do not reoffend.⁵ Though, as will be seen below, few jurisdictions with an SOR are able or willing to commit the necessary resources to make this goal a reality.

Law Enforcement and Investigative Purposes

18. The presence of an SOR has proven to be a useful investigative tool for law enforcement authorities, provided it is well maintained and constantly updated.⁶ Many jurisdictions require all sex offenders to register in an SOR, and should any of these people reoffend, an SOR is a tool which can enable a law enforcement agency to investigate and prosecute a crime reasonably quickly. The effectiveness of an SOR in this regard is determined by the wide variety of stored information regarding individual offenders, such as photographs, distinguishing physical features, and biometric data.

Monitoring and Treatment of Offenders

19. Through a comprehensive monitoring programme, serious or recidivist sex offenders on an SOR database can receive more effective monitoring and treatment so that they do not reoffend. This is one of the reasons why mandatory registration for all sex offenders is commonplace in most jurisdictions with an SOR.⁷ However, as noted below, offender monitoring can be effective only if there are the resources and law enforcement tools available to undertake the monitoring work.⁸ In the United States, providing the necessary resources in order to ensure that offenders on an SOR receive the treatment they require has proven to be a significant issue.⁹

Drawbacks of SORs

20. Although SORs may increase public perception that active steps are being taken to track and manage convicted sex offenders, the experience of overseas jurisdictions has also demonstrated a number of drawbacks to an SOR. What follows is a brief outline of some of these drawbacks.

⁵ Stout, B. Kehshall, H and Wood J "Building Stakeholder Support for a Sex Offender Public Disclosure Scheme: Learning from the English Pilots"; *The Howard Journal* Vol 50, No 4, (2011), pp 406-418, p.413.

⁶ Stout, B. Kehshall, H and Wood J, above n 7, p.415.

⁷ Fitch, K "Megan's Law: Does it Actually Protect Children?" NSPCC, London (2006), accessed at http://www.nspcc.org.uk/inform/research/findings/meganslaw_wda48233.html.

⁸ Cohen, M and Jeglic, E. "Sex Offender Legislation in the United States: What do we know?" *International Journal of Offender Therapy and Comparative Criminology* (2007) 51, 369-83.

⁹ "States Struggle to Control Sex Offender Costs" 28 May 2010. <http://www.npr.org>.

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Underlying Assumptions

21. As noted above, most SORs proceed on the assumption that sex offenders are "predators" who victimise strangers, and who will invariably reoffend once they are released from custody.
22. However, these assumptions are demonstrably false. First, studies in North America, the United Kingdom and New Zealand have confirmed that, contrary to public perception, the level of recidivism among sex offenders is generally low.¹⁰ The conclusions drawn from these studies have been reinforced by the success of sex offender treatment programmes such as the Kia Marama Treatment Unit based at Rolleston Prison in Christchurch. A 2003 analysis of sex offenders who had completed the Kia Marama programme between 1994 and 2001 found a reported re-offending rate of only 4 per cent.¹¹
23. The second and third assumptions are also flawed. Although the public may perceive most sex offenders to be predators who will abduct complete strangers, the reality is that, in at least 80 percent of all cases, the offender is well known to the victim.¹² Public perception about this issue is distorted because of the disproportionate coverage the media dedicates to cases of sexual offending against children by strangers. Although the number of cases involving sexual predators is rare, the public is much more aware of them, and this has inflated concern that such predators are a serious issue.

Public Access

24. Given the widespread public concern about sexual offending, many jurisdictions enable members of the public to access SORs for the purpose of tracking convicted sex offenders.
25. General public access to SORs has been criticised by many commentators who point out that, instead of using the information on SORs to protect themselves, many members of the public use this information to harass registered offenders.¹³ In extreme cases, members of the public have used such information to perform acts of "vigilante" justice.¹⁴ Critics have also pointed to the implications that a publicly available register may have on an offender's right to privacy. It is significant to note that a New Zealand based SOR operating on the "Megan's Laws" template could conflict with a number of the Information Principles in the Privacy Act 1993.¹⁵

Confusing Information

26. Although most SORs are specifically designed to provide a complete profile on individual offenders, research has shown that the information about individual offenders is often incomplete, confusing or contradictory.¹⁶ Many SORs also

¹⁰ See, for example: McMurrin, M and Ward T. "Treatment Readiness, Treatment Engagement and Behaviour change" (2010) *Criminal Behaviour: Mental Health* 20, 75-157; *No Easy Answers: Sex Offender Laws in the United States*, Human Rights Watch (September 2007); Plotnikoff & Wilson *Where Are They Now? An Evaluation of Sex Offender Registration in England and Wales* (Home Office, Police Research Series Paper 126 (2000)).

¹¹ Department of Corrections (2011) sourced from http://www.corrections.govt.nz/about-us/fact-sheets/managing-offenders/specialist_units/kia-marama-special-treatment-unit.html

¹² See, for example: *No Easy Answers: Sex Offender Laws in the United States*, Human Rights Watch (September 2007);

¹³ Meloy ML, Saleh Y and Wolff N "Sex offender laws in America: Can Panic-driven Legislation Ever Create Safer Societies?" *Criminal Justice Studies* (2007) 20: 423-443.

¹⁴ Howard, Cori. "Internet Vigilante." *Maclean's*, Vol. 118, Issue 23 (2005), pgs. 56-57. See also Stout, B. Kehshall, H and Wood J " above n 7, p.415.

¹⁵ Privacy Act principles that could be violated by an SOR: Principles 2(1), 3(1), and 5(a)(iii).

¹⁶ See, for example Criminal Justice Joint Inspection (UK) *Putting The Pieces Together: An Inspection of Multi-Agency Public Protection Arrangements*, November 2011, para 4.15; Plotnikoff

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fail to provide relevant information in an understandable format so that the public can actually use the information in an SOR to stay safe. In the United States, almost all data in a typical SOR is based on an offence-based classification system, and fails to provide users with any strategies or advice about how to use the information to protect vulnerable people.¹⁷

Broad Definition of "Sex Offender" and Mandatory Registration

27. Most American States requiring sex offenders to register on an SOR define the term "sex offence" broadly. Consequently, relatively minor offending is often captured in SORs by offenders who do not pose any serious risk to society. A typical SOR in the United States will not only include those offenders who rape young children, it will also include a 17-year-old male who has been convicted for having consensual sex with his 14-year-old girlfriend. Although the profile of these offenders could not be more different, they are both required to register and both suffer the same degree of stigma. Recently, some US States have recognised the inherent unfairness of this approach and this policy has been abandoned.¹⁸
28. As the number of offenders registered on the database increases, so do the costs of maintaining the SOR. In the more populous regions of the United States, a typical SOR can contain as many as 300,000 offenders (as is the case in California). The sheer magnitude of some SORs forces many law enforcement agencies to make uninformed judgments about which offenders are likely to reoffend because they simply cannot closely monitor all offenders.¹⁹
29. Requiring all offenders to register when society does not fear all of them has proven to be counterproductive to the entire purpose of the SOR and a significant drain on the capabilities of law enforcement agencies.²⁰ The resources diverted towards those deemed by society as minor offenders could be reinvested into programs designed to protect society from those offenders who actually do present a risk.

Stigmatising the Offender

30. Although the intent of many SORs is to actively monitor offenders and discourage them from reoffending, the stigmatisation can increase their likelihood of reoffending.²¹ As most people on an SOR find it difficult to gain employment or develop social connections, sex offenders are often forced to socialise with other convicted sex offenders which is much more likely to lead to recidivism.
31. Researchers have noted that while some positive benefits may arise because of SOR notification procedures, the vast majority of sex offenders feel despair,

& Wilson *Where Are They Now? An Evaluation of Sex Offender Registration in England and Wales* (Home Office, Police Research Series Paper 126 (2000)).

¹⁷ Skenazy, Lenore "Burn Your Sex Offender Map" (August 2009). Sourced from <http://freerangekids.wordpress.com/2009/08/08/>

¹⁸ The US State of Michigan has most recently taken steps in this regard. See "Changes Coming to Michigan's Sex Offender Registry" (June 2011). Sourced from <http://www.wgmt.com/articles/michigan-1392582-sex-coming.html>

¹⁹ See, for example Plotnikoff & Wilson *Where Are They Now? An Evaluation of Sex Offender Registration in England and Wales* (Home Office, Police Research Series Paper 126 (2000)).

²⁰ Zevitz & Farkas (2000) "Sex Offender Community Notification: Managing High Risk Criminals or Exacting Further Vengeance?" *Behavioural Sciences and the Law* 18: 375-91.

²¹ See, for instance Schram, D and Milloy, C.D. "Community Notification: A Study of Offender Characteristics and Recidivism" (1995) Olympia, Washington, Washington State Institute for Public Policy.

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lose the ability to provide for their families, and suffer harassment.²² The stigma goes beyond just the sex offender – it includes their wives, children, and other family members. This is exacerbated by the fact that, in most jurisdictions, once an offender is registered on an SOR, there is little opportunity for them to be removed from the SOR at a future date.

Natural Justice

32. As with all crimes, punishment for sex offences in terms of prison and parole should not exceed the maximum penalty for any given offence. The requirement to register, however, can last a lifetime. To the extent that registration results in the type of stigmatisation outlined above, the registry presents a form of continued punishment. By eliminating job opportunities, education, rehabilitation programs, and therapy to offenders, this not only prevents them from reintegrating into society, but pushes them toward further offending.

Lack of Continued Supervision

33. Following prison and parole, sex offenders are often released from supervision yet they are required to keep their sex offender registration current. But as noted by numerous studies, registration alone provides little incentive or structure conducive to sex offender rehabilitation and reintegration.²³ Without continued supervision, offenders are also less likely to receive therapy to assist them in avoiding further sexually deviant behaviour. Requiring sex offenders to register without any accompanying supervision decreases the likelihood that the offender will successfully reintegrate into society.

Alternatives to the "Megan's Laws"

The Australian Approach

34. Australia's National Child Offender Register (ANCOR) is maintained by CrimTrac, which is the national information-sharing service for Australia's police, law enforcement and national security agencies. There are presently 12,596 offenders on the Australian National Child Offender Register, but details of sex offenders on the national register are known only to police and state and federal government authorities. In contrast to SORs based on the "Megan's Law" model, the details of convicted sex offenders registered on ANCOR can be accessed only by law enforcement agencies, or organisations that specialise in the treatment and rehabilitation of sex offenders.
35. All Australian states have their own specific SOR database. Although there are differences in how the individual states approach sex offender registration,²⁴ the state SORs are all maintained by Police and used for the purposes of monitoring convicted sex offenders. Information contained in the individual state SORs are not publicly available. However Western Australia has just

²² See, for example, Chen, Stephanie "After Prison: Few Places For Sex Offenders to Live" *Wall Street Journal* (February 2009); sourced from <http://online.wsj.com/article/SB123500941182818821.html>

²³ A good summary of the research on this point can be found in Prescott & Rockoff (2010) "Do Sex Offender Register and Notification Laws Affect Criminal Behaviour?" University of Columbia, sourced from <http://www0.gsb.columbia.edu/faculty/jrockoff/papers/prescott%20rockoff%20meglaw%20jan%2010.pdf>

²⁴ "A Comparative analysis of Australia Sex Offender Legislation for Sex Offender Registries", *Australian and New Zealand Journal of Criminology* (2011), 44(4), 404-424.

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implemented a publicly available database, and the Victorian government is also considering following suit.²⁵

Western Australia

36. In December 2011 the Western Australian (WA) State Government passed legislation to implement its own publically available SOR. The new WA State register will take details of sex offenders on the national ANCOR register who are living in Western Australia and make their details public.
37. As in the case of Megan Kanka in New Jersey, it would appear that a very similar crime in WA has led to the introduction of a publicly accessible SOR. In 2006, an eight-year-old girl named Sofia Rodriguez Shu was abducted, raped and murdered at a local Perth shopping mall by a 21-year old stranger named Dante Arthurs. As a result of the murder, many concerned citizens, including Sofia's family, lobbied the State Government to introduce its own SOR.
38. The WA Attorney-General supported the introduction of an State SOR on the grounds that the rights of parents and guardians to protect their children outweighs the risk that released sex offenders could be persecuted. However, others have criticised the move on the grounds that the "media-driven hysteria" of cases such as those of Dante Arthurs could spark vigilante attacks on pedophiles and rapists, and prevent the rehabilitation of sex offenders.²⁶
39. The WA State Government will spend \$2.9 million setting up the public register and has committed a further \$1.4 million a year for administration and operating costs.
40. When the WA SOR becomes active in 2012, members of the public will be able to see photos of sex offenders living in their area by entering their local residential postcode on the website. It is proposed that the WA SOR will enable the public to:
 - Access photographs of repeat or dangerous sex offenders;
 - Access names, dates of birth, photographs and aliases of any child sex offenders being sought by WA Police, following a breach of bail or reporting conditions;
 - Determine whether a person who has unsupervised contact with their children for more than three days a year is on the WA SOR.

United Kingdom Approach

41. The United Kingdom has a national sex offender register database that is accessible only to members of Police and Corrections staff. The UK Sex Offenders Act 1997, as amended by the Sexual Offences Act 2003, established a national Police-led monitoring database and all convicted sexual offenders are required to register with their local Police force within three days of their conviction, or release from prison. Failure to do so can result in imprisonment. They must inform Police if they change their name or address

²⁵ "Statewide Sex Offender Register Stats Revealed", *Herald Sun*, 15 January 2012, sourced from <http://www.heraldsun.com.au/news/statewide-sex-offender-register-stats-revealed/story-e6frf7jo-1226244738691>

²⁶ Australian Lawyers Alliance national director Tom Percy QC stated in the *West Australian* in December 2011 that the risk of vigilante reprisals was too great. "The media-driven hysteria about these offenders would make vigilante reactions a reality and, in the circumstances, an unacceptable risk for no tangible benefit in return".

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and disclose if they are spending more than seven days away from their home address.²⁷

42. In 2001, this Police-led monitoring process was supplemented by the introduction of the Multi-Agency Public Protection Arrangement (MAPPA). MAPPA was introduced in 2001 to provide a mechanism whereby the agencies responsible for managing sexual and violent offenders could better discharge their responsibilities to protect the public in a coordinated way.²⁸
43. In order to ensure that MAPPA would be an effective tool for managing violent and sex offenders, government funding was also provided to establish a "Violent and Sexual Offender Register (VISOR). VISOR is a national database of all offenders who have sexual offender registration conditions imposed upon them following criminal conviction. VISOR also contains information on violent and potentially dangerous people. Implemented across the UK police forces in 2005, VISOR was subsequently rolled out to the probation service in 2007 and to the prison service in 2008.
44. VISOR classifies offenders on a category and level based approach. To be eligible for MAPPA, offenders must be in one of the following VISOR categories:
 - Category 1: Registered Sex Offenders on the Police-led database (RSOs);
 - Category 2: Violent and other sexual offenders who receive a sentence of 12 months imprisonment or more. It includes those detained under hospital orders or guardianship;
 - Category 3: Other dangerous offenders – those who do not meet the eligibility criteria under category 1 or 2, but are considered by the responsible authority to pose a risk of harm to the public which requires multi-agency management.
45. Once categorisation is complete, the offender is allocated within VISOR to one of three levels of management (although the level of management can change over time in the light of assessment):
 - Level 1: Ordinary agency management; where the risks posed by the offender can be managed by the agency responsible for the supervision/case management of the offender;
 - Level 2: Where the risk of harm to others requires active involvement and coordination from other agencies to manage the presenting risks;
 - Level 3: Where there is a requirement for active involvement by senior managers from the agencies involved in order to commit significant resources and/or where there are significant media and/or public interest issues.
46. Level 2 and 3 MAPPA cases are subject to a requirement to hold regular meetings comprising the representatives of agencies involved with the offender. The minimum frequency of these meetings is set out in the MAPPA Guidance 2009. The guidance also contains a standard document set for minutes of meetings and other activities such as referral and information exchange.

²⁷ Criminal Justice Joint Inspection (UK) *Putting The Pieces Together: An Inspection of Multi-Agency Public Protection Arrangements*, November 2011.

²⁸ For further information on MAPPA, see above n 24.

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47. A review of MAPPA and VISOR in 2011 concluded that the MAPPA procedure itself is generally effective in monitoring sex and violent offenders, and ensuring that they receive appropriate treatment. However, the same report also expressed concern that the information on the VISOR database was often incomplete and difficult to access.²⁹

Informing the UK Public: Managed Disclosure

48. MAPPA and the VISOR database can be accessed only by members of the UK Police, the probation and prison services, and those individuals who are involved in the assessment and treatment of sex and violent offenders. However, since 2008, the United Kingdom has been trialling a "managed disclosure" approach through a number of pilot projects.³⁰ In contrast to the "Megan's Laws" databases where the names of sex offenders are automatically disclosed to the general public, the UK managed disclosure approach allows a member of the public to enquire whether an individual who has contact or potential contact with a child has a record of child sex offending and or poses a risk of harm to a child.
49. The managed disclosure approach enables any member of the public to apply for information about an individual who has registered with Police as a sex offender. However, any disclosure remains a decision for the Police in consultation with relevant partner agencies. All disclosures must be lawful, proportionate and necessary to protect a child from the risk of significant harm. Disclosure will only be given to the person best placed to protect the child, thus disclosure cannot be guaranteed in all cases. The safeguarding of children will be paramount throughout.
50. Information about a disclosure must be treated as confidential. Anyone who receives a disclosure is required to sign an undertaking prior to receiving the information, stating they will not share the information disclosed to any other person.
51. Although many child protection and human rights agencies in the UK were initially skeptical of the managed disclosure approach, subsequent reviews of the pilot projects have revealed that most now hold favourable views towards the scheme, and there are plans to expand the managed disclosure approach throughout the UK on a permanent basis.³¹

New Zealand's Approach to Managing Sex Offenders

52. Although New Zealand does not have a register for all convicted sex offenders, there are protocols in place to monitor child sex offenders who have been released from prison.
53. In 2009, New Zealand Police, the Department of Corrections, the Ministry of Social Development and Housing New Zealand Corporation signed an information sharing³² agreement for managing child sex offenders who have been released from prison into the community with conditions or on supervision. As such, it applies to all CSOs who are released under such

²⁹ Above n24, paras 7.7, 8.31-8.36.

³⁰ For an overview of the managed disclosure approach and the results of the pilot projects, see Stout, B. Kehshall, H and Wood J "Building Stakeholder Support for a Sex Offender Public Disclosure Scheme: Learning from the English Pilots"; *The Howard Journal* Vol 50, No 4, (2011), pp 406-418, p.413.

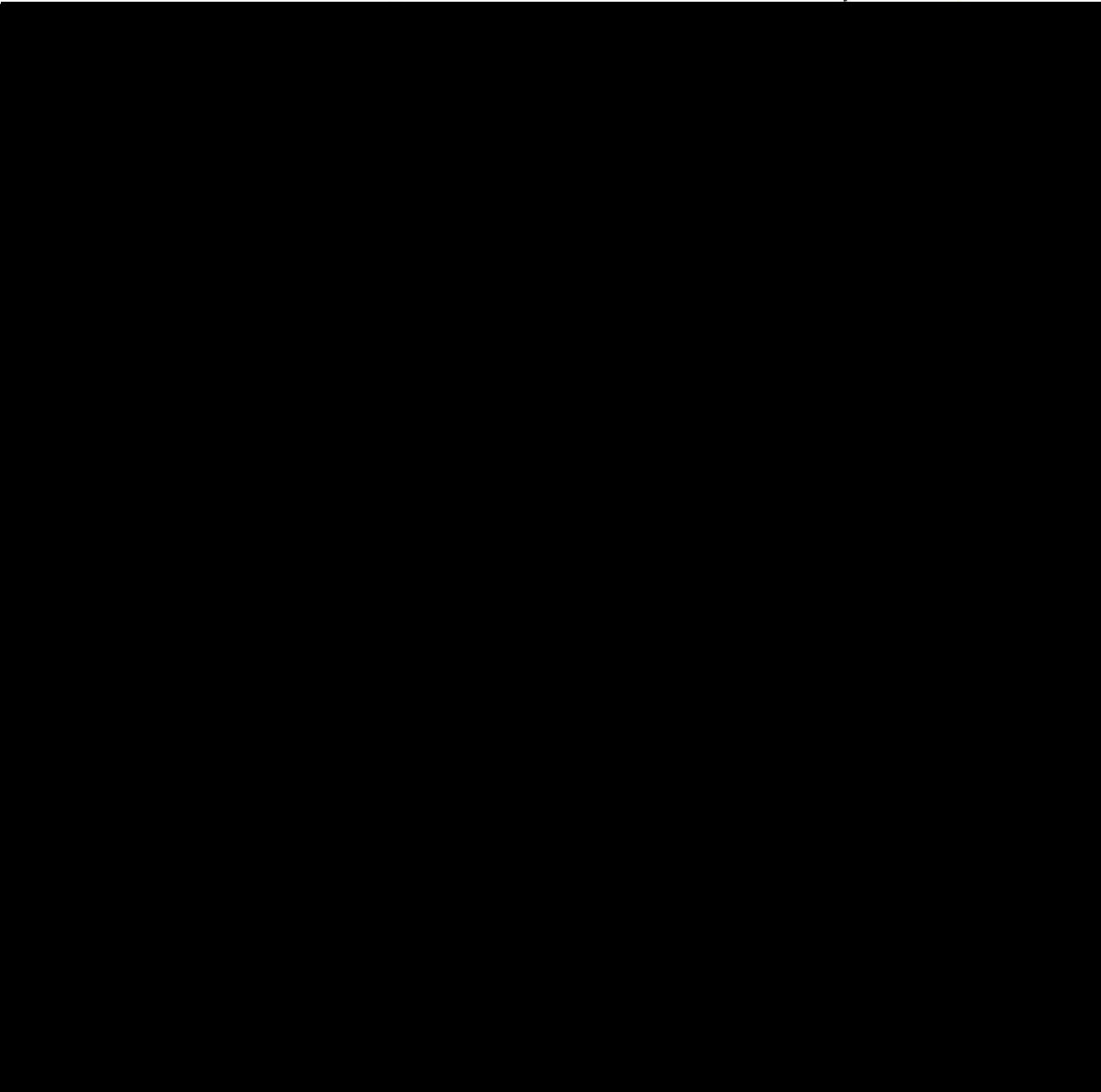
³¹ Above n 27.

³² Section 182A(1) of the Corrections Act 2004 authorises an agency which has entered into an information sharing agreement under section 182D with the Department of Corrections to disclose personal information to those other agencies about child sex offenders.

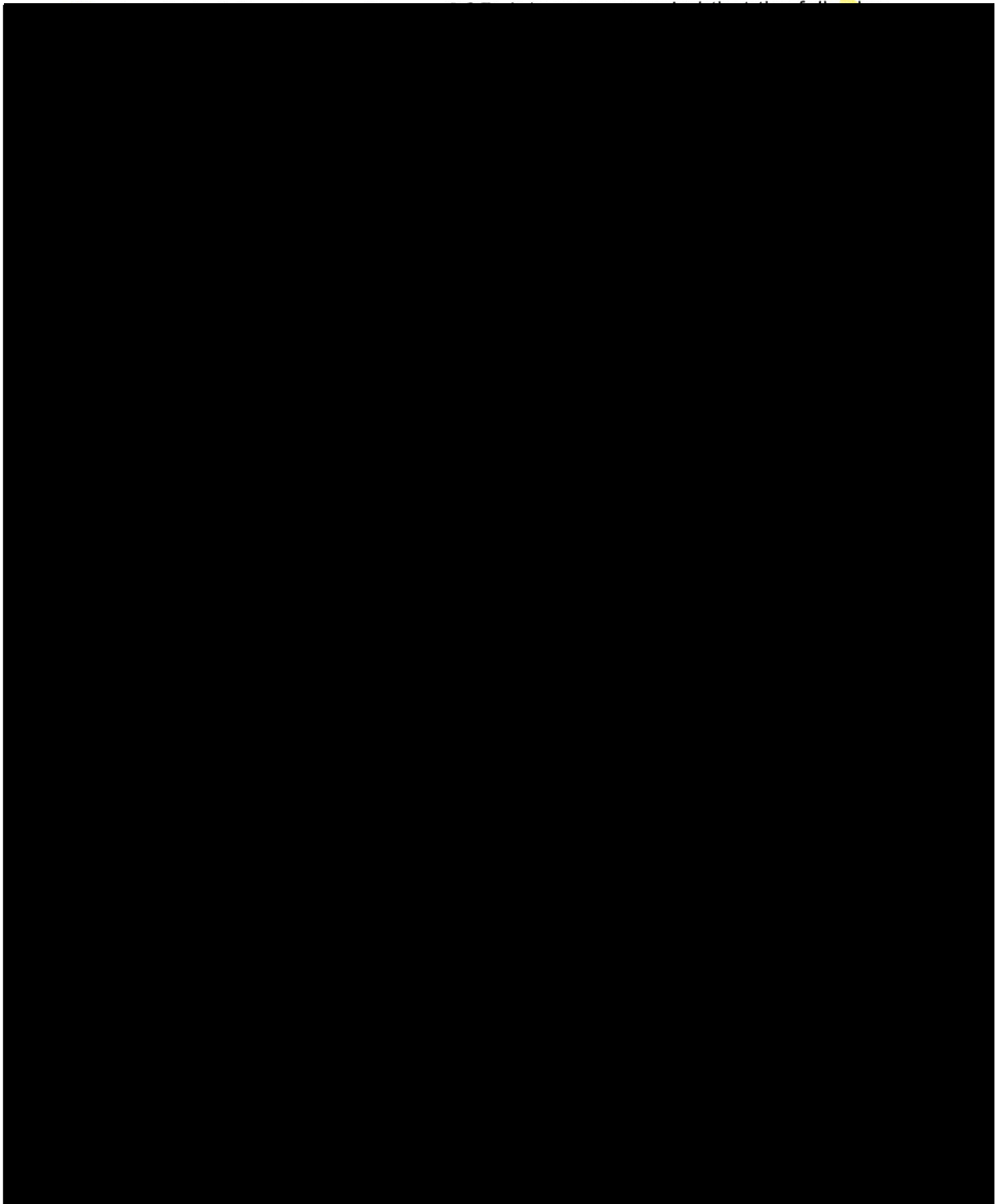
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conditions, and for as long as those conditions last.³³ The agreement authorises the sharing of information to:

- monitor compliance by a Child Sex Offender (CSO) with his/her release conditions;
- manage the risk that the offender may commit further sexual offences against children;
- identify any increased risk that the offender may breach his/her conditions or will commit further sexual offences against children; and
- facilitate the reintegration of the offender into the community.



³³ In New Zealand, a CSO is defined under section 182B of the Corrections Act 2004 as an offender who has been convicted of sexual offending against a person under 16 years of age AND who is subject to release conditions, detention conditions (if the offender is serving a sentence of imprisonment on home detention), conditions of a sentence of supervision, intensive supervision, community detention, or home detention (imposed under section 80A of the Sentencing Act 2002), post-detention conditions of a sentence of home detention, or conditions of an extended supervision order.



Recommendations

61. The recommendations are that you:

- (i) **note** that, New Zealand is one of the few Western nations to have not implemented a Sex Offenders Register;
- (ii) **note** that the benefits of an SOR include increased public reassurance about how sex offenders are managed, the possibility of more meaningful monitoring and treatment for such offenders so that they do not reoffend, and investigative assistance;

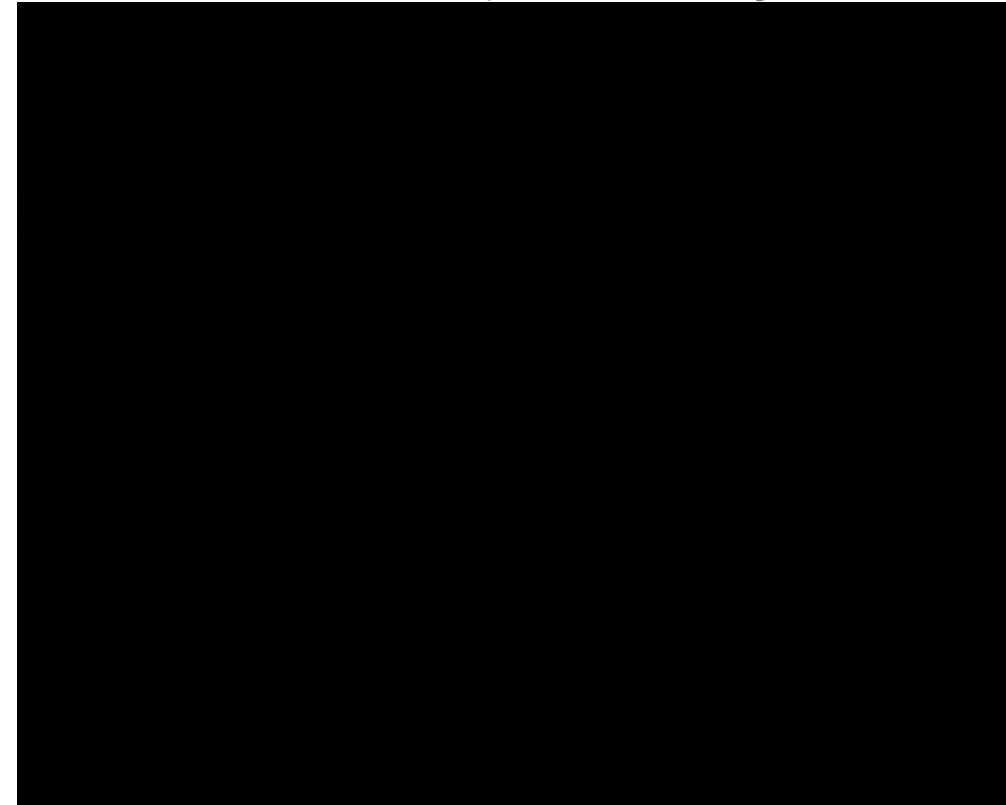
(iii)



(iv)

(v) note that there is already a process in New Zealand in section 182A of the Corrections Act 2004 for monitoring child sex offenders and a recent review concluded that this process is functioning well;

(vi)



(vii)

(viii)



Policy Adviser
Police National Headquarters

[REDACTED]

From: [REDACTED]
Sent: Wednesday, 28 March 2012 11:19
To: KELLY, Kevin
Cc: [REDACTED]
Subject: FW: BR-12-30 Sex Offender Registers - New Zealand
Attachments: BR-12-30 Sex Offender Registers - New Zealand.pdf

Importance: High

Kevin,

Minister Tolley has signed the above briefing but has made some comments requiring further response from Police (see email below).

Can you please coordinate this response and feed back through EMS in the first instance?

[REDACTED] - can you please log this request in the database.

Thanks,

[REDACTED]
Executive & Ministerial Support Coordinator
Police National Headquarters | 130 Mokeby Walk Street | PO Box 3017 | Wellington

From: [REDACTED]
Sent: Wednesday, 28 March 2012 10:58
To: [REDACTED]
Subject: BR-12-30 Sex Offender Registers - New Zealand

Attached is a signed copy of the above briefing.

The Minister commented "Can we share this report with Corrections in regard to the work they are doing on ESOs and then we need some joint advice."

The Minister has also commented (preserved on post-it notes throughout this copy)

- "All these points are surely debatable" – Paragraph 4
- "When are Police notified? Needs to be prior to release" – Paragraph 30

[REDACTED]
Administrative Assistant (Police) | Office of the Hon Anne Tolley MP | Minister of Police

[REDACTED]
Parliament Buildings | Private Bag 18041 | Wellington 6160

[REDACTED]

From: KELLY, Kevin
Sent: Wednesday, 4 April 2012 10:24
To: [REDACTED]
Cc: [REDACTED]
Subject: BR-12-30

[REDACTED]

In respect of the Ministers queries regard the SOR briefing:

“Can we share this report with Corrections in regard to the work they are doing on ESOs and then we need some joint advice.”

Yes - a copy of the briefing has been sent to Corrections. We are hoping to hear from [REDACTED] shortly about a possible meeting to discuss the joint.

“All these points are surely debatable” – Paragraph 4

Police agrees that these points are debateable. They simply reflect some of the issues faced in overseas jurisdictions which can inform a New Zealand policy.

When are Police notified? Needs to be prior to release” – Paragraph 30

The protocol for sharing information about child sex offenders is an agreement between Corrections, Police, Housing New Zealand and the Ministry of Social Development. Under the agreement The Department of Corrections prepares a list of people each week who are Child Sex Offenders (CSOs) (as defined by section 182B of the Corrections Act 2004) and who became CSOs in the previous week.

When a CSO who is judged by Corrections to be at serious risk of reoffending is about to be released, Police are notified by Corrections before they are released, and discussions occur at a local level between Corrections, Police and other affected parties as to how the release of the CSO into the community will be managed.

In cases where a CSO is not considered a serious re-offending risk, information about that released offender is made available to Police only after a Probation Officer has met with the CSO and advised them of the existence of the Protocol and the purposes that the information is being shared with Police.

Happy to advise further if required.

Kevin Kelly
General Manager
Strategy, Policy & Performance
Police National Headquarters
P O Box 3017, Wellington

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 3 April 2012 14:55
To: [REDACTED]
Cc: KELLY, Kevin; [REDACTED]
Subject: Ministerial Briefing: Sex Offender Register
Attachments: SOR Min Briefing 2012.doc

Good afternoon [REDACTED]

Last month, New Zealand Police sent a briefing to our Minister which briefly outlined the arguments for and against New Zealand adopting a Sex Offender Register. This issue crops up periodically in Police and as the issue has received a reasonable amount of media coverage in recent weeks, we thought it prudent to give our Minister some indication on the views of Police in this area.

After the Minister had seen the briefing, she directed that a copy be shared with the Department of Corrections with the aim of receiving some joint advice from both our agencies. Consequently, if you would be able to read the attached briefing, I would be most grateful. Police is also happy to meet up with your agency to discuss the usefulness of Sex Offender Registers, and to formulate some joint advice for the Minister.

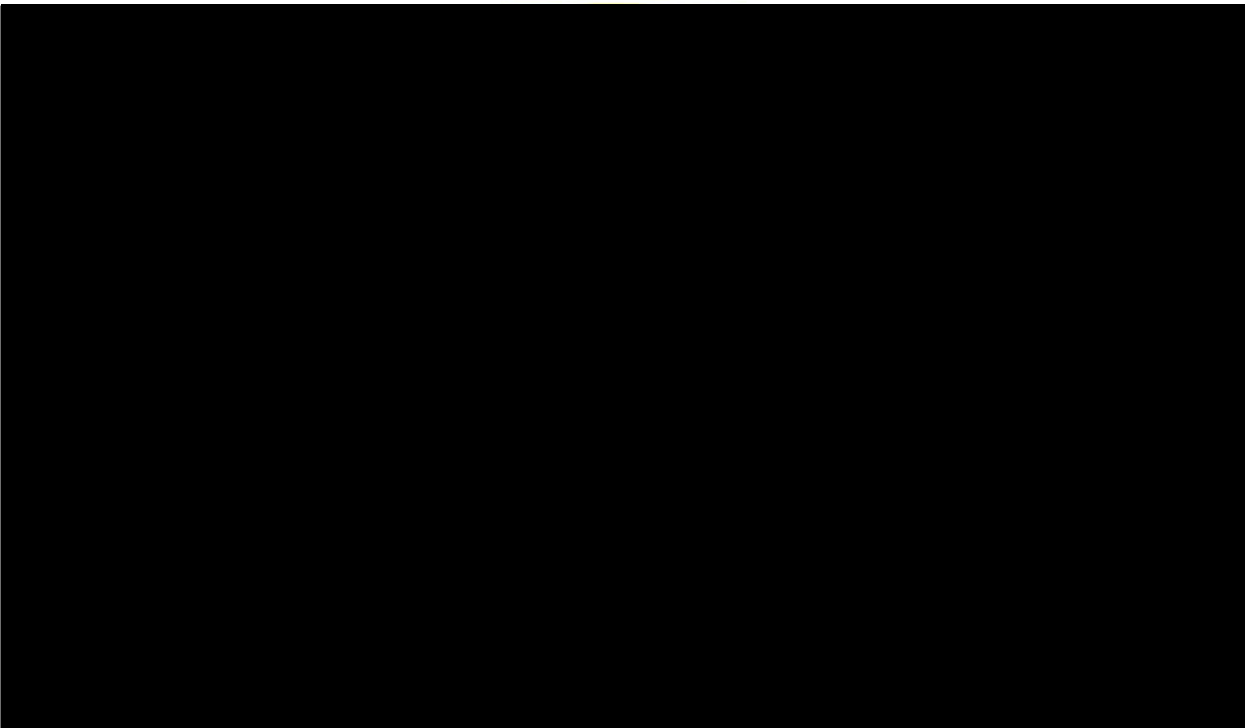
If you have any further questions, please feel free to contact me.

Regards

[REDACTED]

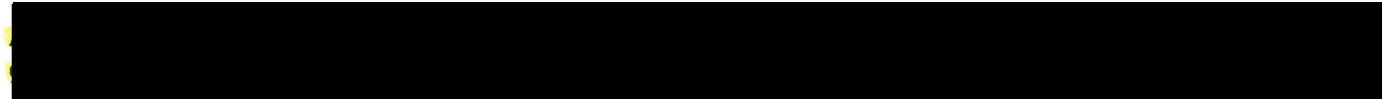
Social Policy Team
Policy Group
Police National Headquarters
Wellington

[REDACTED]



[Redacted] 7/03/2012 8:42 a.m. >>>
Good morning [Redacted]

Thanks for your phone message - please find attached the research paper on Sex Offender Registers that I have been working on, periodically, for the last six months or so. It is still a draft as there is some further information on NZ's own approach to monitoring high-risk sex offenders that I have yet to incorporate. This draft is forwarded to you in confidence.



Please also note that the information in this paper is not official Police policy - [Redacted]

If you have any questions, or want to discuss, feel free to contact me.

Regards



Policy Adviser
Social Policy Team
Policy Group
Police National Headquarters
Wellington



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[REDACTED]

From: [REDACTED]
Sent: Wednesday, 18 April 2012 13:36
To: [REDACTED]
Subject: Sex Offender Register: Minister's Briefing
Attachments: SOR Min Briefing 2012.doc

Hi [REDACTED]

Thanks again for your call. Attached is the briefing I prepared for our Minister on Sex Offender Registers. I would ask you to treat this as confidential until I get some direction from the Minister's Office about where they want to take the conclusions in this paper. But I hope it gives you some useful starting points.

Look forward to meeting you on Friday.

Regards

[REDACTED]

Policy Adviser
Social Policy Team
Policy Group
Police National Headquarters
Wellington

[REDACTED]