

## **Probation and After-Care Service (JPACS) Submission**

Dear Deputy Ward

### **Petition: Higher Sentences for Paedophiles**

Thank you for inviting me to comment on this subject although it would be inappropriate for my Service to comment on sentencing policy which is a matter for the courts. This arrangement seems to be in line with the separation of powers principle.

My first instinct is to assert that the Probation and After- Care Service (JPACS) absolutely recognises the harm that is caused to children by sexual abuse. It is quite rightly viewed as a serious crime by society and court sentences reflect this. As a Service we have policies and initiatives designed to address sexual offending and make a positive contribution to child protection and safeguarding. As an example, we were instrumental in creating the Jersey Multi Agency Public Protection Arrangements (JMAPP) and currently second a Probation Officer to co-ordinate this process. We are also represented on the Joint Safeguarding Board and play an active role on several sub-groups.

In terms of our work with sex offenders we have maintained an effective partnership for over ten years with Dr David Briggs, Forensic Clinical Psychologist who provides regular training and case consultancy. Colleagues from the Police and HMP La Moye have also been involved in this initiative where it is appropriate.

The Service will usually become involved with a sexual offender once they have pleaded or have been found guilty. A Probation Officer will prepare a Social Enquiry Report for the Court which will include a commentary about the offender's background, offending history and an assessment about the risk of further re-offending. Two accredited risk assessment tools are used for this purpose:

The Risk Matrix 2000 is an instrument designed to assist in the prediction of sexual and violent recidivism for sexual offenders. The Risk Matrix 2000 consists of 7 items and produces estimates of future risk based upon the number of risk factors present in any one individual. The risk factors included in the risk assessment instrument are age, previous sexual and criminal sentencing appearances and non-sexual violence. Other factors include having never having lived with an intimate partner for two continuous years, non-contact sex offences and stranger victims.

The Stable/ Acute 2007 assessment is more dynamic in that it addresses current circumstances in an offender's life and examines four main domains: sexual interests, distorted attitudes and beliefs, social functioning and self – regulation. It takes into account factors such as victim access, substance abuse and anti-social attitudes.

The Social Enquiry Report will also consider a sentencing recommendation to the court and whether a non-custodial option such as a Probation Order might be effective in that particular offender's case. A Probation Order has standard clauses directing where the offender should live and work. Any travel outside the island also has to be agreed by the Probation Service. In addition, a recommendation for a Probation Order will outline a detailed work plan about how the Probation Service would work with the offender to address the offending behaviour. A significant part of this work would be joint working with other agencies to ensure that any treatment is complemented by monitoring and strategies to manage future victim safety. Public protection is always a priority and we work closely with the Police and the Law Officers Department to consider whether Restraining Orders are appropriate.

A registered sex offender who is subject to a Probation Order will be required to attend regular meetings with their Probation Officer. There may also be Restraining Orders preventing offenders from being alone with children or that allow the Police to view their internet history. The focus will be on maintaining the offender's motivation to stay out of trouble, helping them cope with deviant sexual interests, managing victim empathy and improving the ability to avoid or deal with risky scenarios.

The Service adopts the Risk –Need- Responsivity model. This highlights the risk principle (matching the intensity of service to the offender's risk to reoffend) and the need principle (assessing the problem areas to be addressed to avoid offending and targeting them in treatment). Finally, the responsivity principle involves maximising the offender's ability to learn from the rehabilitative intervention by providing cognitive behavioural treatment and tailoring that to the learning style, motivation, abilities and strengths of the offender.

The Probation Officer will also meet with the offender and Dr Briggs throughout the Order to establish that the treatment plan remains relevant and on target. Dr Briggs has developed a one to one programme which is tailored to an individual's needs. This bespoke approach to treatment has been vital as group delivery is difficult given the relatively low numbers and the different categories and needs of offenders in Jersey. The partnership with Dr Briggs is an important aspect of quality assurance and is additional to the regular supervision provided by Probation Service managers. Throughout the Probation Order, the offender will be monitored by the Police who conduct home visits. All offenders are subject to multi agency JMAPPAs reviews where the adequacy of supervision, treatment, monitoring and victim considerations are discussed.

When offenders are sentenced to custody, staff at HMP La Moye will work with the allocated Probation Officer to design an intervention plan and to help prepare the offender for release. Upon release all offenders are offered voluntary contact with the Probation Service with several choosing to do so in order to undertake treatment and assistance in reintegrating back into the community. The Service also takes referrals from members of the public who

might be concerned about their sexualised thoughts and would like assistance in this area.

Aside from the technical side of our work, I think it is useful to explore some promising policy considerations. There has been growing recognition of the depth and impact of sexual abuse within our community. McCarten, Meridan et al 2018<sup>1</sup> argue that we should move away from a criminal justice only approach to one that encapsulates a public health dimension to stopping sexual abuse based upon the fact that sexual abuse is a life course and multi-disciplinary issue impacting not only individuals, but communities and society as a whole. A public health approach would emphasise opportunities to intervene with general, and, at risk populations whilst also providing services to victims and perpetrators.

An important element to this work for the Probation Service would be contributing to a more effective culture and system for community reintegration. Perpetrators should always be held to account and the effect of abuse on victims needs to be recognised. A progressive and effective strategy for reducing the risk of reoffending would be to move to a position where genuine employment and accommodation opportunities are available to offenders who wish to break free from the label “sex offender” and forge a new non-offending identity. This approach is likely to encourage the family and friends of offenders who are often so painfully affected by the crime and often share the sense of shame. Yet it is usually these pro- social support networks that need to be maintained if we are serious about encouraging rehabilitation and reducing risk in our society.

Mike Cutland  
Chief Probation Officer  
12<sup>th</sup> July 2019

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<sup>1</sup> McCarten, K; Meridan, H; Perkins, D; & Kettlebrough, D (2018). The ethics of secondary prevention approaches with individuals at risk of committing sexual harm. *International Journal of Offender Therapy and Comparative Criminology* 62(9) 2548-2566.



States Greffe: Scrutiny

Mr. Mike Cutland,  
Chief Officer  
Probation and After-Care Service  
1 Lempriere Street  
St. Helier  
JE4 8YT

3rd July 2019

Dear Mike,

**Petition: Higher Sentences for Paedophiles**

I am writing to you in relation to the [E-Petition](#) calling for mandatory minimum sentences for convicted paedophiles, and that they are placed on the sexual offences register for life. As you will be aware, the petition has recently reached the 5,000 signatures mark and has been scheduled for an in-committee debate during the next States sitting on Tuesday 16th July.

In order to inform the debate, I would be grateful if you could provide the Panel with an overview of the work that is conducted with registered sex offenders within the Probation Service, especially in relation to any therapeutic interventions and support that are offered. The Panel would also be interested to understand your views on the concept of mandatory minimum sentences and whether you believe that they are an effective means of preventing both initial and repeat offending.

Given the proximity of the debate, I would be grateful of a written response in the first instance by **Friday 12th July**, however, please let our Scrutiny Officer ([a.harris5@gov.je](mailto:a.harris5@gov.je)) know if you wish to speak with the Panel. It is the intention of the Panel to publish any information received on the States Assembly website so that it can be pointed to during the debate.

Thank you for your assistance in this matter.

Yours Sincerely,

Deputy R. Ward  
Chairman, Education and Home Affairs Scrutiny Panel