

New Street

Adolescent Service

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29th April, 2010

Madeleine Foley
Principal Council Officer
NSW Legislative Council
Standing Committee on Law & Justice
Parliament House
Macquarie Street
SYDNEY NSW 2000

RECEIVED

30 APR 2010

LAW & JUSTICE

Dear Madeleine

Re: Enquiry into Spent Convictions for Juvenile Offenders

Please find enclosed two CD's containing additional information related to my evidence which I presented orally on Monday, 29th March, 2010. The first of these CD's contains the published evaluation of the NSW Pre-Trial Diversion of Offender's Program. The second CD contains seven documents. They are as follows:

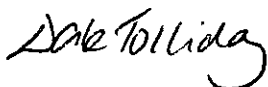
1. An article published on the "Association for Treatment of Sexual Abusers (ATSA)" website entitled "Youth Who Have Sexually Abused: Registration, Recidivism and Risk". This article is currently on the website. It can be found at www.atsa.com/pdss/ppYouth.pdf. This is a useful article indicating the limitation of a range of assertions made in relation to recidivism and risk by young people.
2. "Safety and Wellbeing Outcomes for Young People After Being Identified as Having Sexually Abused Others and Being Referred for Treatment". This is the paper I presented at the Monash University Conference, "Children and the Law: International Approaches to Children and Their Vulnerability" in Prato, Italy in September, 2009. In this PowerPoint presentation, I outlined key research in relation to recidivism and more significantly, in relation to subsequent risk to the safety and wellbeing of children and young people who have been identified as "offenders".
3. Research paper authored by Professors Stephen Smallbone and Richard Wortley of Griffith University, Qld, "Child Sexual Abuse in Queensland: Offender Characteristics and Modus Operandi". In this study, Professors Smallbone and Waterley found a very low rate of adolescent sex offending in the background of adults convicted for sexual offences against children.
4. An article by Professor Elizabeth Letourneau and Charles Borduin, "The Effective Treatment of Juveniles Who Sexually Offend: An Ethical Imperative". This 2008 published article outlines a number of research areas including over-estimate of risk in relation to sex recidivism by young people.

5. An article by Professor Elizabeth Letourneau and Kevin Armstrong "Recidivism Rates for Registered and Non-Registered Juvenile Sexual Offenders". This 2008 article includes research indicating a low sexual offence reconviction rate for youth in relation to sexual offences.
6. An article by Professor Elizabeth Letourneau and Michael Miner, "Juvenile Sex Offenders: A Case Against the Legal and Clinical Status Quo". In this article, Professor Letourneau and Michael Minor address the absence of evidence base for a wide range of sanctions and consequences in relation to sex offending by juveniles.
7. PowerPoint presentation by Professor Elizabeth Letourneau, Sydney on 1st April, 2010, "Sex Offender Registers and Adolescents: Helpful, Harmful or No Effect?" This recent paper presented by Professor Letourneau in Sydney addresses issues not just related to sex offender registration but also in relation to recidivism and risk.

I have no corrections to suggest to the transcript of my evidence.

There are a small number of points I would like to emphasise.

- The most recent empirical research shows that while recidivism by juveniles who commit sexual offences is generally low, that low rate of recidivism is dramatically reduced by those young people and their families participating in holistic family-focused counselling. If there is to be a scheme whereby juveniles convicted of sex offences may have those convictions spent and if an assessment of who may be eligible for such an action is to be considered, having participated through to completion in a treatment program would in my opinion be a relevant criteria. It should be noted that in NSW, The Commission for Children and Young People is charged with the task of running an accreditation scheme, not only in relation to individuals who work with children and young people who have sexually abused others, but also to accredit programs.
- It is currently an unusual position for many jurisdictions as a range of sanctions imposed by law and public policy upon adolescents who have sexually abused others are being reconsidered (appropriately in my opinion), those sanctions were imposed with little contemplation of whether they were developmentally appropriate. Further, there was no empirical evidence to support them but paradoxically to undo or revise those sanctions apparently requires evidence that they are not needed. The question of whether adolescents who have sexually abused others are more likely or less likely or neutral compared with the general adolescent population to commit sexual offences as adults is only able to be ascertained from present data in relation to adult studies such as the Smallbone and Wortley study which is attached.



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Programs Director
Pre-Trial Diversion of Offenders Program and
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