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# RaY

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**1 Abstract**

2 'Criminals', particularly sex offenders, are thought of as an indistinguishable, homogenous  
3 group by society, despite the variety of offences they commit, with differing levels of  
4 severity, impact, and outcome. Perceptions of criminal behaviour also fail to recognise that  
5 *everyone* engages in norm-violating/unlawful/immoral behaviour at one time or another. This  
6 view of offending, that it is something 'other' dangerous people do, combined with the  
7 tendency to generalise across varied behaviours and experiences, has resulted in the construct  
8 of the sex offender as a 'monster'. This has implications for how sex offenders are treated at  
9 each stage of the criminal justice process resulting in a problematic approach to sex  
10 offenders, one that is not centred on evidence and is, ultimately, not in anyone's best  
11 interests. Specifically, the dialogue results in: lower confession rates, lower conviction rates,  
12 ineffective treatment/rehabilitation, and a cycle of violence that causes ~~various~~ severe harms  
13 within society, as a whole. This paper will address each stage (e.g., investigative  
14 interviewing, sentencing, etc.), showing the ways that social constructions have had an  
15 adverse effect, how the treatment of sex offenders at each stage is contrary to best practise/the  
16 evidence, and will provide recommendations for future research and policy decisions that are  
17 in line with the evidence base.

18 2056 words

19 Key Words: *Sexual Offending; Sexual Offenders; Discourse; Media; Criminal Justice*

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1           There has been considerable, recent media attention regarding violence against women,  
2 specifically related to sexual offences. This media coverage is sensationalist and is associated  
3 with panic-induced public perceptions, which results in responsive, punitive legislation (e.g.,  
4 Galeste et al., 2012; Zarkin et al., 2021). ~~This, in turn, and~~ creates an environment that neither  
5 addresses offending behaviour, nor protects future victims. ~~In exploring the conundrum~~  
6 ~~between the legitimate public concern regarding sexual offending and the unintended harm that~~  
7 ~~this moral outrage causes,~~ This paper will explore the ways in which media and popular  
8 narratives regarding sexual offending and offenders affect how perpetrators of these crimes are  
9 processed at each stage of the Criminal Justice (CJ) process. The paper begins by outlining  
10 what the social narrative is, and how it differs from the legal definition of sexual offending.  
11 The authors then discuss how the dialogue has impacted the CJ response to sexual offending,  
12 with that response ceding to populist demands, particularly those pertaining to sentencing. It  
13 then follows the sexual offender through the Criminal Justice System (CJS), discussing how  
14 s/he is affected at each stage, from initial police processing of complaints, through to  
15 rehabilitation efforts and restrictions put in place post release. Throughout, the authors will  
16 show how popular narratives have negatively affected the CJ processes, leading to decision-  
17 making that runs counter to the evidence base. It is not the authors' intention to explore these  
18 areas in detail; they simply wish to highlight how, rather than protecting those who may be  
19 harmed and responding rationally and logically, the CJS augments the problem. The paper  
20 will finish with policy and research recommendations to help counter this narrative and ensure  
21 a functional response to sexual offenders.

## 22 **Populist Narrative Vs Legal Definition**

23           In the media, sex offenders are often described as “evil, sick or mad” and far from a  
24 ‘normal’ or ‘ordinary’ individual (Brown, 2005, 5). Media coverage has contributed to the

1 monstrous and manipulative image of the sex offender concentrating on a few unrepresentative  
2 and extreme cases (Klein, 2017; Matravers, 2003; Pickett et al., 2013). This discourse is based  
3 on interchangeable terminology, such as sexual offender/paedophile, and dialogue that focuses  
4 on child sex offenders. There is always a deviant and irredeemable offender; irredeemable not  
5 only because of the nature of the crime, but also the nature of those who would perpetrate such  
6 crimes against such an innocent victim (McCartan, 2010). For example, consistent with the  
7 interchangeable terminology problem noted above, Stelzmann and colleagues (2020) found  
8 that only one third of media reports discuss paedophilia in a realistic manner. This ‘predator’  
9 discourse is evident in media representations of sexual offending (DiBennardo, 2018), and  
10 serves to fuel moral panic (Zgoba, 2017).

11 Media representations also rely on inaccurate depictions that appear to be more about  
12 catering to sensationalism rather than facts and evidence (Brown, 2005; Kitzinger, 2004;  
13 Matravers, 2003; Wilson, 2011). This is problematic because, from its inception, media  
14 coverage has been the main source of information for the public about sexual offending and is  
15 usually presented without reference to any unbiased or expert opinion (Höing et al., 2016b).  
16 Given this, it is important to establish here the legal definition of “sex offender”, to ensure an  
17 accurate understanding of what and who the Criminal Justice System (CJS) is responding to.

18 Sexual offending is an umbrella term for a wide variety of behaviours that vary from  
19 non-consensual acts such as rape and sexual assault to consensual but illegal sexual acts such  
20 as sexual relationships between adult relatives. The Crown Prosecution Service (CPS; 2017)  
21 lists the following as sexual offences: “domestic abuse, rape, sexual offences, stalking,  
22 harassment, so-called ‘honour-based’ violence including forced marriage, female genital  
23 mutilation, child abuse, human trafficking focusing on sexual exploitation, prostitution,  
24 pornography and obscenity”. Most of these offences are covered by the Sexual Offences Act,

1 2003, but other areas have been brought into the above CPS definition through supplemental  
2 Acts i.e., Female Genital Mutilation Act, 2003, Anti-Social Behaviour, Crime and Policing Act  
3 2014 (forced marriage) Serious Crime Act, 2015 (enhances the protection of children and other  
4 vulnerable groups).

5 The law also differentiates between victims based on age (adults, under 18 years, under  
6 16 years and under 13 years), and perpetrators based on age and cognitive functioning (Sexual  
7 Offences Act, 2003). Female sexual offending is estimated to be between 2% and 24% (see  
8 Douglass et al., 2020 for review); however, UK law precludes female offenders from being  
9 charged with rape and female offenders are less likely to be reported and prosecuted for sexual  
10 offences (McLeod, 2015). For this reason, and because the popular narrative deals almost  
11 exclusively with male offenders, the focus of this paper will be on men. [The authors will also](#)  
12 [primarily focus on data from the US and UK because it is these countries where the most well-](#)  
13 [known, high-profile cases driving punitive legislation are documented; however, ~~though other~~](#)  
14 [countries will be included where possible applicable, to show that this is an international issue.](#)

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15 Despite the variety of behaviours covered under these varied laws, there is a pervasive  
16 view from the general population that sex offenders are a homogenous, high-risk group of  
17 individuals with comparable predispositions. This is not the only issue with the populist  
18 narrative, as well as depicting sexual offenders as 'mad' and characteristically similar, the  
19 media also misconstrue the frequency, nature, and severity of the behaviours that are involved.  
20 The most-reported type of sexual offending is unwanted sexual touching (OFS, 2019). Despite  
21 this, media reports focus on the most extreme and severe cases, thereby moulding public  
22 perception of sexual offending; for example, there is an over-representation of child victims  
23 and graphic reporting of sexual crimes that include kidnapping and murder (DiBennardo,  
24 2018). As a second example, there is evidence to suggest sex offenders are the most varied type  
25 of offender when considering motive, risk, victim, and type of offence (Sample & Bray, 2006,

1 Browne, Hines & Tully, 2018). The rate of reoffending (recidivism) is dependent upon criminal  
2 versality (Ryan et al., 2017), the age of the victims they target (Browne et al., 2018), and their  
3 motive for offending (Browne et al., 2018). Despite this, sex offenders are depicted as a group  
4 of individuals who prolifically offend and are incapable of change, irrespective of treatment  
5 and rehabilitation efforts (e.g., Brown, 2005; Höing et al., 2016a; Philpot, 2011).

6 Taken together, this shows that the overarching narrative oversimplifies sexual  
7 offending. From a CJS perspective, this is problematic for two reasons. Firstly, it is not just  
8 members of the public who are exposed to this narrative; those involved in the law enforcement  
9 and judicial processes, including e.g., juries, are surrounded by this narrative from their earliest  
10 socialisation. Secondly, the populist narrative plays a direct role in policy through political  
11 pressure which is harnessed by those seeking power (Zatkin et al., 2021). As will be discussed,  
12 this means that the narrative directly influences the CJS response to sexual offending, resulting  
13 in ineffective handling of sexual offenders at each stage of the legal process. Having shown  
14 how popular cognisance is inconsistent with the legal definition and what is known about  
15 sexual offenders and their behaviour, the paper will now move to discussing how the popular  
16 dialogue affects policy, processes, and individual attitudes within the legal system.

### 17 **Laws & General CJS Response**

18 The initial CJS response is dictated by how the country of residence/perpetration  
19 defines sexual offending. This is important to acknowledge because the definition of sexual  
20 offending changes across time and place. As discussed in the previous section, in the UK, the  
21 Sex Offences Act (2003) provides legal definitions of sexual offending alongside sentencing  
22 options for offenders that are found guilty of sexual crimes. It is not the authors' intent to be  
23 comprehensive in their discussion of laws, given that they vary between and, in many cases,  
24 within a country (see Eher & Pfafflin, 2011 for a discussion of international policies).

1 Moreover, while the stigma and legislative consequences are evident in a variety of Western  
2 countries (e.g., Australia, Richards & McCartan, 2018; Canada, Sparks & Wormith, 2021),  
3 with the notable exception of Nordic countries, where incarceration rates are significantly  
4 lower (Lappi-Seppälä, 2012), the focus will predominantly be on the UK and US as illustrative  
5 examples because the central argument that punitive legislation follows high profile sexual  
6 offences originates in these countries. The legislative changes are focused on extended  
7 restrictions and/or management. They include sentences that do not allow the perpetrator the  
8 right to early release (Ministry of Justice, 2015), limitations on freedoms of movement and  
9 communication post release, and the creation of a registration scheme. In the US, the general  
10 public have open access to the Sex Offender Registry via the National Sex Offender website  
11 which covers all 50 states. In contrast, disclosure under the Child Sex Offender (CSO)  
12 Disclosure Scheme in the UK is more proscribed. Whilst anyone can make an application for  
13 disclosure, to promote safe-guarding, disclosure will only be to a person who is in a position  
14 to safeguard the child i.e., parents, careers and/or guardians (Home Office, 2010). Such  
15 disclosure will only be made following a review by the police.

16 The sex offender legislation discussed above focuses on restrictions and prevention. It has  
17 been suggested that such sanctions have been liberally and vigorously used to cover as many  
18 potential or preventable risks as possible (Hebenton & Seddon, 2009; Hudson & Henley, 2015).  
19 Prevention can be applied not only on those who have offended, but those who are potentially  
20 'dangerous' and, eventually, those who are not dangerous but may become dangerous in time  
21 (Hebenton & Seddon, 2009). This precautionary zeal is difficult to resist once it enters  
22 mainstream media, causing the net of criminal justice involvement to widen in ever-increasing  
23 circles (Cohen, 1985). It also shows just a few examples of the direct impact that social  
24 dialogues have on legislation. The fact that this occurs is not in itself a problem; what is an  
25 urgent issue is that this approach is not evidence based. Not only are these laws not created by

1 evidence-based understandings of what effective legislation would look like, but they have had  
2 limited impact on sexual offending rates in both UK and USA (Zgoba, 2017; Zgoba, Jennings,  
3 & Salerno, 2018), with a widescale meta-analysis showing that such registers do not reduce  
4 recidivism (Zgoba & Mitchell, 2021).

5 A second issue is that such legislation has negatively affected sex offender rehabilitation  
6 and reintegration into the community (Levenson & Cotter, 2005). For example, US sex  
7 offender registration and community notification has resulted in considerable problems with  
8 employment, relationships, harassment and finding housing (Jenning, Zgoba, & Tewksbury,  
9 2012; Rydberg, 2017). Sex offender legislation can aggravate known risk factors of isolation  
10 and exclusion, triggering relapse for some individuals (Edwards & Hensley, 2001), with no  
11 proven community safety benefits (Kemshall & McCartan, 2014; Thomas, 2008). It also fails  
12 to consider the nature and dangerousness of the offender. For example, an underage youth who  
13 has sexual congress with their same-age partner is put on the same register as those with an  
14 extensive history of child molestation. In short, the register and associated laws treat offenders  
15 as a uniform, high-risk group which has implications for effective monitoring, alongside  
16 effective treatment and rehabilitation and risk. The net result undermines the very purpose of  
17 the legislation, directing resources away from the most severe cases, making such legislation  
18 costly, unnecessarily punitive, ineffective, and not in line with best evidence. Therefore, a  
19 better approach, one that is evidence-driven, is needed.

## 20 **Police & Judicial Response**

21 Having highlighted some of the issues around legislation designed to respond to sex  
22 offending, the paper will now turn to the investigative process. Police officers hold similar  
23 views to those held by other members of society, having been subjected to the pervading  
24 rhetoric concerning the nature of sex offenders. This may affect police officers' initial response

1 to reports of sexual offences, and directly influence the investigative process (e.g., police  
2 interviews). The harm that inadequate police response can cause when interacting with victims  
3 is not in the purview of this paper, whilst it is acknowledged that this is a serious matter  
4 warranting attention. For now, it is important to know two things: despite lay perceptions,  
5 confessions occur at substantial rates within police investigations. Secondly, evidence suggests  
6 that sex offenders are less likely to confess than other offenders (e.g., Beauregard et al., 2010;  
7 Gudjonsson & Sigurdsson, 2000; Holmberg & Christianson, 2002). This crime-specific fact  
8 warrants some attention and is partly to be expected given that confession rates are lower for  
9 more serious offences (e.g., Beauregard et al., 2010; Gudjonsson & Sigurdsson, 2000;  
10 Holmberg & Christianson, 2002; Read et al., 2014). However, rapists still confess at lower  
11 rates than other violent offenders (Gudjonsson & Sigurdsson, 2000). Given that sexual  
12 offences have extremely low conviction rates (Lovett & Kelly, 2009; Victims Commissioner,  
13 2020), and the impact of contested court cases on victims, ways of increasing  
14 sexual offenders' confessions should be explored.

15         There are several possible reasons for the low confessional rates of sexual offenders  
16 these include: police hostility (St-Yves, 2006), perceived weakness of evidence (e.g., Read et  
17 al., 2014), and fear of conviction/ retribution, which is dependent on victim  
18 characteristics (e.g., sex of the victim; Beauregard et al., 2010; St-Yves, 2006). While none of  
19 these can be controlled, one thing that can be is the police officers' response to the interviewee.  
20 This is important because the evidence suggests that one of the main reasons sexual offenders  
21 are less likely to confess is the way the criminal justice system responds to them.

22         Police in many jurisdictions across the world are trained to use coercive tactics, e.g., the  
23 Reid model of interrogative interviewing. This is especially true for suspected sex offenders,  
24 whose alleged crime is judged more harshly by police personnel (St-Yves, 2006), and who are  
25 more likely to experience humiliation during questioning. This is despite their being little

1 evidence that coercion secures confessions (e.g., Gudjonsson & Bownes, 1992), and a host of  
2 research suggesting it increases the probability of false confessions (e.g., Meissner et al.,  
3 2012). Counter-intuitively, the evidence favours a gentler approach. For example, supportive  
4 interviewing increases talking and cooperation in truth-tellers more broadly (e.g., Mann et al.,  
5 2013). In addition, offenders believe that dominant interviewer styles are less likely to result  
6 in a confession (Kebbell et al., 2010).

7         There is also direct evidence that a less coercive approach is beneficial, based on work  
8 with a sample of convicted murders and rapists. Sex offenders' self-reports indicated that  
9 those who confessed felt more respected by their interviewer (Holmberg & Christianson,  
10 2002). The authors theorised that this was because feelings of respect were linked with a  
11 positive demeanour on the part of the investigator; by comparison, those who exhibited a  
12 negative demeanour during questioning resulted in the suspect's failure to cooperate during  
13 questioning or admit their guilt (Holmberg & Christianson, 2002). This suggests that  
14 acknowledging and responding to feelings of shame and building a feeling of connection and  
15 understanding, while avoiding being overtly judgemental, would encourage the (guilty)  
16 accused to admit to his/her actions. The authors admit that this is likely to prove challenging  
17 without specific training, given that police officers hold particularly negative views about sex  
18 offenders (Hogue, 1993; Lea et al., 1999), when comparing them to other criminal  
19 justice professionals. However, given the importance of confessions within the interrogative  
20 process, the currently extremely low conviction rates in England and Wales (Lovett & Kelly,  
21 2009; Victims Commissioner, 2020), and attrition rising throughout Europe (Lovett & Kelly,  
22 2009), this approach is one that at least deserves further investigation.

23         The initial police response to sexual offending is not the only area where problems  
24 exist, however. It is well known that there is a dishearteningly rare occurrence of successful  
25 prosecutions in this area. Convictions are notoriously rare due to under-reporting (ONS, 2018),

1 a lack of tangible evidence (i.e., where it is one person's word against another's), and the view  
2 that any resulting charges would be unsafe (Woska, 2013). However, even where a charge is  
3 pursued, rates of conviction remain low (ONS, 2018). This means that, on average, those  
4 targeting boys will commit 150 offences before conviction, those targeting girls 20 offences,  
5 and those targeting adults 7 offences (Abel et al., 1987). While this study is admittedly dated,  
6 the fact that conviction rates have not improved (indeed the opposite is true) in the intervening  
7 years does not inspire confidence in the authors that the situation has improved. The low rate  
8 of conviction also exacerbates existing public misconceptions about sexual offenders because  
9 those who are convicted are disproportionately repeat offenders who have committed the most  
10 severe type of sexual offence, who will be given a custodial sentence – i.e., it seemingly  
11 supports the popular discourse, but only because the overwhelming majority never reach court.

12 Should the case reach the trial phase, there is also considerable evidence that social  
13 dialogues affect jury decision-making. Like everyday sexism, less severe forms of sexual  
14 harassment and assault are not taken seriously by juries, despite evidence that they are  
15 perpetrated at astonishingly high rates and result in equal harm. This creates a juxtaposition  
16 where certain offences are 'fine', despite being perpetrated by the same people, and tending to  
17 increase in severity across time. More specifically, juries have been shown to hold rape  
18 narratives regarding what 'rape look like' (Pennington & Hastie, 1993). Those holding such  
19 narratives consistently fail to convict when the case does not match their pre-existing 'rape  
20 story' (e.g., Wilmott et al., 2018). This is highly problematic for two reasons: it invalidates the  
21 experiences of those who are victims of the more frequent but less severe forms of sexual  
22 violence (e.g., sexual harassment), and most rape cases are inconsistent with such narratives.

23 The final stage of the judicial process is also affected. Where convictions occur, public  
24 perception is that current sentences are too short (Roberts & Stalans, 1998). This is  
25 corroborated by a more recent, large-scale, UK-based on-line survey where 76% of the adult

1 participants indicated that sentences given on a guilty rape conviction were ‘too lenient’ (Marsh  
2 et al., 2019). The authors of that article proposed that the results could be explained by media  
3 reporting of high-profile sex offender cases such as John Worboys in UK and Harvey  
4 Weinstein in US<sup>1</sup>. This perception, in turn, creates political pressure for more punitive  
5 sentences. For example, Fox (2013, 169) highlights the populist view that “retribution is  
6 essential, that sex offenders are incurable, and that lenient judges create more victims”.  
7 Looking to the US, one can see the result of this pressure. Cochran et al. (2021) reviewed sex  
8 offender sentences in Florida state courts between 1995 and 2011 and found that both the use  
9 and length of incarceration had increased over this period. This was despite there being no  
10 discernible increase in severity or degree of sex offending, in fact national rates of sexual  
11 violence were decreasing. Whilst the longer sentences play into the construct of ‘irremediable’  
12 individuals they do little to proactively respond to the issue of sexual offending, while  
13 strengthening the narrative.

14 This section has highlighted a few key things. Firstly, there is evidence that everyone  
15 involved in the CJS response to a sexual offence accusation, from police officers handling the  
16 case to those making sentencing recommendations, are affected by, and respond to, populist  
17 narratives regarding sex offenders. Secondly, the resulting behaviour of those involved with  
18 the CJS contradicts the evidence base regarding what best practice would be. Thirdly,  
19 combined, this explains why, despite agreeing on the seriousness of this crime type, and the  
20 reprehensible nature of the behaviours involved, convictions remain low. While this may seem  
21 counter-intuitive, the authors suggest that a less hostile response to sexual offending would  
22 prove beneficial for all involved.

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<sup>1</sup>John Worboys is known as the black cab rapist and was originally convicted in 2009 for sexual offences against women. He was due to be released in 2018 but following public outcry the parole board’s decision was reversed as more victims came forward. He subsequently received further convictions for historical cases of rape. The US film producer Harvey Weinstein was found guilty of rape and other sexual offences in 2020. His offences triggered the #metoo movement. Both cases were extensively discussed in the media in 2019-20.

## 1 **Prison**

2 The next phase of the sex offender's journey is usually prison, which will [now](#) be discussed  
3 ~~in this section~~. In March 2021, 18% of the UK prison population was serving a sentence for a  
4 sex offence, this was the second highest category after violence against the person (GOV.UK,  
5 2021). ~~The rationale for use of prisons when responding to criminal behaviour is to~~[Custodial](#)  
6 [sentences](#) serve three purposes: deterrence from offending, ensuring the safety of the public  
7 by temporarily removing offenders from the general population, and rehabilitation (Kifer et al.,  
8 2003). However, ~~there is evidence that~~ prison does not effectively meet ~~two of~~ these aims. In  
9 terms of deterrence, despite the ~~use of prisons as a risk management tool~~ increasing [use of](#)  
10 [prisons](#) over the past quarter of a century, they are not effective at preventing crime (Lee &  
11 McCrary, 2018).

12 The ~~failure to achieve the deterrence aim would~~ ~~fact that prison itself does not~~ ~~deter crime~~  
13 ~~would not~~ be ~~as much of an issue~~[problematic](#) if prisons successfully ~~achieved their~~  
14 ~~rehabilitation~~ ~~and offenders aim~~; however, ~~there is only weak evidence that they do~~ ~~evidence~~  
15 ~~that they do so is weak, at best~~ (see Petrich et al., 2021 for review). Prisoners ~~are much more~~  
16 ~~likely to~~ experience [higher rates of](#) mental disorder, [particularly addiction](#), ~~than are~~ the general  
17 population, ~~particularly in the form of addiction~~ (Graham, 2019; Na & Cho, 2019; Petersen et  
18 al., 2014; Tweed, et al., 2019); ~~indeed, prisoners exhibit more psychological distress than those~~  
19 ~~in forensic mental health facilities, and equivalent levels to psychiatric inpatients~~ ~~with and are,~~  
20 ~~therefore, less likely to actively engage with rehabilitative programmes. Indeed, prisoners'~~  
21 ~~exhibit rates of psychological distress that are equivalent to psychiatric inpatients and higher~~  
22 ~~than those in forensic mental health facilities~~ (Otte et al., 2017). While mental disorder may  
23 precede reception, wellbeing scores decline across time while incarcerated, and decline further  
24 during subsequent incarcerations (Tweed et al., 2019). Given the high rates of mental disorder  
25 and general conditions in prison, the system is unable to cope, with less than half of prisoners

1 with a ~~known diagnosis~~ pre-reception ~~diagnoses~~ receiving treatment for more than 10% of  
2 their stay (Martin et al., 2018). Not only does this result in a self-perpetuating cycle of drug  
3 use, violence, and deprivation, but it also results in poor mental and physical health at release,  
4 which are known risk factors for recidivism (Wallace & Wang, 2020). ~~In addition, the present~~  
5 ~~conditions result in minimal rehabilitation efforts, with such programmes (which will be~~  
6 ~~discussed more below), perhaps unsurprisingly given their dearth, being ineffective at reducing~~  
7 ~~recidivism.~~

8 ~~While this is common across all prisoners, sex offenders experience~~ ~~These factors are true~~  
9 ~~for all prisoners but there are also~~ additional issues specific to sex offenders ~~crime-specific~~  
10 ~~issues because, within the system, .~~ ~~Namely, within the system, sex offenders have been~~  
11 ~~described as they are perceived as~~ ‘outcasts’ (Akerstrom, 1986 as cited in Hogue and Peebles,  
12 1997), ~~with some suggesting that this attitude held by extends from fellow~~ prisoner ~~attitudes~~  
13 ~~to and~~ staff ~~attitudes~~ (Mann, 2016). Mann (2016) emphasises the extreme nature of the  
14 antagonism of other “non-sex offenders” by highlighting the targeting and, in one case, death  
15 of sexual offenders in prison riots<sup>2</sup>. This has ~~resulted in~~ ~~meant that~~ separate units and/or prisons  
16 ~~have been set up~~ for sexual offenders, ~~exacerbating. This exacerbates their othering. , again~~  
17 ~~making them appear different from other offenders and, ,~~ potentially ~~acting to~~ encourage ~~ing~~  
18 them to self-identify with, and learn from one another, ~~further~~ normalising adverse sexual  
19 behaviours ~~further~~.

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<sup>2</sup> Although rare there are numerous examples of prison riots occurring across the decades in both US (Attica Correctional Facility 1971 through to St. Louis City Justice Centre 2021) and UK (1990 Strangeways Prison to HMP Winchester 2019). In February 2022 all US Federal prisons were locked down due to violent incidences (Buncombe, 2022 \*\*\*\*\*from the Independent\*\*\*) and the COVID-19 pandemic has exacerbated frustrations and poor conditions leading to greater risk of riots \*\*\*\*\*I only have a newspaper article for this (Olla, 2021, the Guardian\*\*\*\*\* should I delete?

1 The hostile nature of prison has, in turn, affected how the sex offender views the services  
2 offered, including ~~any~~ treatment programmes. Mann et al (2013) ~~conducted an exploratory~~  
3 ~~study into~~ why incarcerated sex offenders ~~in prison~~ refused to participate in sex treatment  
4 programmes. One of the key factors ~~revealed was that 44% of the participants said they did not~~  
5 ~~trust the prison was~~ lack of trust in prison staff, ~~staff and with~~ 37% ~~reporting said~~ “that they had  
6 heard staff saying that sexual offenders could not change” (Mann et al. 2013, p. 202). It is  
7 perhaps unsurprising then that a large-scale study ~~of prison sex offending programmes~~ found  
8 ~~that~~ such programmes ~~were not to be~~ ineffective (Mews et al., 2017).

9 ~~Taken together,~~ This means that prisons do not effectively achieve any of their three aims;  
10 ~~of deterrence, prevention, and rehabilitation. This suggests that i.e.~~ our current approach is not  
11 working. The reason for this is three-fold. ~~The first has to do with the risk that sex offenders~~  
12 ~~pose. Firstly, in terms of risk,~~ While ~~there are~~ serious, repeat offenders, ~~who~~ are a danger to  
13 the public, those who desist for three years post-release are no more likely to ~~go on to~~ offend  
14 than are ~~the~~ non-offending controls (Hanson, 2019). Indeed, rates of reoffence in studies with  
15 follow-up periods ranging from one to seven years ~~find have found~~ sexual re-offending,  
16 including in adolescents, is around 10% (Fanniff et al., 2017; Jennings et al., 2015; Ozkan et  
17 al., 2020), and may be lower in some countries (e.g., a seven-year follow-up found a 1%  
18 recidivism rate in a Finnish sample of child sex offenders; Laajasalo et al., 2020). Those who  
19 do reoffend, like other violent offences, are generally not charged with a new sexual offence;  
20 rather, they are recalled due to failure to meet the conditions of release or due to a nonsexual  
21 offence (Lösel et al., 2020). Therefore, the perception of ‘irredeemable monster’ is  
22 questionable.

23 ~~A second issue is that the~~ Secondly, ~~use of~~ the use of risk assessment tools is itself  
24 problematic. While the authors acknowledge that such tools reliably predict low and high-risk  
25 individuals, their predictive utility for medium-risk individuals, who constitute the majority of

1 ~~offenders, is low (Hanson, 2019). They are good at determining who is at very high risk and~~  
2 ~~who is at very low risk, however, these measures, but struggle to identify the majority who~~  
3 ~~are those who would be considered a “medium risk”, which constitute the majority.~~ While this  
4 may ~~reflect~~ ~~constitute~~ use outwith the tools’ original purposes, ~~there is evidence that~~ such use  
5 not only occurs, but is required by the courts in many countries (e.g., risk assessments are  
6 routinely required for all violent offences; see Nussbaum et al., 2019 for an international  
7 review). Furthermore, such instruments, rather than being scientific, objective tools, are  
8 affected by pre-existing biases (Kamorowski, 2021) and attitudes (Harper & Hicks, 2021),  
9 further exacerbating this problem. Therefore, based on their predictive utility, risk assessments  
10 are not fit for purpose (Hanson, 2019).

11 It is generally acknowledged that the West is experiencing a ‘prison crisis’ ((Antunes et al.,  
12 2021; Chamberlen & Carvalho, 2019; Day, 2020), with a dearth of evidence-based approaches,  
13 particularly for sex offenders. For example, researchers in Australia (Day, 2020) and Argentina  
14 (Narey, 2019) have argued that the poor conditions in prisons make rehabilitation efforts in  
15 prison essentially futile. Again, these are just illustrative examples; there is overwhelming  
16 evidence that the same can be said for other national prisons. While some suggestions have  
17 been ~~proposed-made~~ for ~~how we can~~ tackle the ongoing need for reform in prisons (see e.g.,  
18 Antunes et al., 2021), ~~researchers-it has been~~ ~~have argued that~~ our Western cultural dialogue  
19 around prison reform and offending keeps us in a perpetual state of crisis and we use the  
20 dialogues discussed in earlier sections as justification for our mistreatment of offenders  
21 (Chamberlen & Carvalho, 2019). This is exacerbated by a lack of theory-driven and evidence-  
22 based approaches to forensic applications, which means that where we try to rehabilitate, we  
23 fail. This must change – we owe it to ourselves, victims of sexual abuse, and the perpetrators  
24 themselves, many of whom have a history of sexual exploitation and abuse (Caravaca-Sánchez  
25 et al., 2019).

1

## 2 **Treatment and Rehabilitation**

3           Treatment and rehabilitation for sex offenders happens both in prison and in the  
4 community; however, there is little public awareness of such programmes. While there is some  
5 international evidence that media reports are improving by e.g., becoming less likely to engage  
6 in sensationalism and focusing less on extreme cases (Grøndahl et al., 2021), they rarely  
7 mention rehabilitation, nor do they acknowledge that this is possible (Grøndahl et al., 2021;  
8 Mejia et al., 2012; Weatherred, 2017). Moreover, the fact that they are improving does not  
9 negate the wealth of evidence, including in the article by Grøndahl et al. (2021) that media  
10 narratives are problematic and that they create the perception that sexual offenders are  
11 'irredeemable. Such narratives also affect rehabilitation efforts, because such efforts exist  
12 within the wider dialogue and, as such, are affected by it.

13           A variety of rehabilitation programmes are available for sex offenders with varying  
14 degrees of effectiveness. A medical model approach using Androgen Deprivation Therapy  
15 (ADT) has been offered to some high-risk sex offenders. Outcomes have ranged from no effect  
16 (Langevin, 1979) to a significant reduction in recidivism (Maletzky et al., 2006), sexual  
17 fantasies, and compulsions (Winder et al., 2018). Various negative side effects (weight gain,  
18 depression, impaired short-term memory), alongside the ethical issues associated with this type  
19 of treatment (Rice & Harris, 2011), mean it is only considered for the most high-risk sex  
20 offenders who struggle to engage in more therapeutic treatments without medication. Where  
21 pharmacological interventions are used, an international study found evidence that ethical and  
22 medical standards are upheld in the majority of cases (Turner et al., 2017).

23           The most common treatment for sex offenders in England and Wales has been the core  
24 sex offender treatment programmes (SOTP), a cognitive-behavioural intervention whose

1 primary aim is reducing recidivism by targeting multiple criminogenic needs. The programme  
2 was provided to sex offenders serving a sentence of more than 12 months. Offenders were  
3 required to acknowledge their offence and be willing to engage in treatment. Despite the  
4 pervasive use of this programme in prisons, evaluations indicated that offenders are more likely  
5 to re-offend post-treatment (Mews et al., 2017) which resulted in the termination of core SOTP  
6 programmes in England and Wales. Mixed results from cognitive behavioural programmes  
7 have been reported in Canada (Olver & Wong, 2013) and USA (Harrison et al., 2020).  
8 However, there is evidence that sex offender programmes are effective at reducing non-sex-  
9 offending (Losel et al., 2020), which, as previously mentioned, is more common.

10 It is important to explore why existing programmes do not work and what alternatives  
11 are available. Effective rehabilitation programmes require a multi-faceted approach to  
12 ameliorate the bio-psycho-social factors related to sexual offending (Völm et al., 2019).  
13 Cognitive-behavioural interventions that are based only on the risk-needs-responsivity model  
14 (RNR; Andrews & Bonta, 1998), which are a preferred approach in many countries, including  
15 Canada (e.g., Bourgon et al., 2018), often fail to motivate or engage participants due to their  
16 concentration on risk (Casey et al., 2013). Other treatment principles, such as Good Lives  
17 Model (GLM) (Ward & Brown, 2004), focuses on developing goals to achieve a better life,  
18 [alongside addressing risk](#), for the individual—thereby negating the desire to offend. However,  
19 this model also has critics because it fails to consider the individual’s social and economic  
20 background, which will have the potential of limiting any future aspirations (Casey et al.,  
21 2013).

22 Therefore, existing interventions run counter to what should, arguably, be their aim:  
23 offender transformation – a process that works towards the desistance of reoffending (McNeill,  
24 2006). Desistance has been explored by many criminologists with reference to general  
25 offending, young offenders and sexual offending (Farmer et al., 2015; Farrall & Calverley,

1 2005; Harris, 2014; Judd & Lewis, 2015; Laub & Sampson, 2003; Maruna, 2001). There now  
2 exists an extensive body of literature which endeavours to explain how and why ex-offenders  
3 change their behaviours and how such changes or desistance can be supported (McNeill, 2006).

4         Despite the commonality of approaches seeking to encourage desistance, to truly  
5 embrace this aim action needs to be taken to improve both the individual's human and social  
6 capital (McNeill, 2009:28). Whilst promoting human capital (improved cognitive and  
7 employment capabilities) is captured by many intervention and treatment programmes,  
8 building social capital remains more difficult as it needs to be fostered by being a functioning  
9 part of society (McNeill, 2006, 50). Social capital goes beyond just the social network provided  
10 by families and friends but is the expanding connection base that is provided by these  
11 relationships, promoting ties to a wider community (Farrall, 2004; McNeill, 2009). Such  
12 connections provide both opportunities and a positive social environment which are more likely  
13 to support any changes in behaviour and personal identity (Göbbels, et al., 2012). Maruna  
14 (2001) points out that this changed or different identity is part of an internal narrative which is  
15 important for desistance. He highlights that if an individual has a good self-image, s/he can  
16 believe that they are a good person who had behaved badly and, therefore, can change. All the  
17 issues inherent within the CJS, discussed above, makes hearing and believing such a narrative  
18 challenging, if not impossible.

19         Relationships play an important part in both rehabilitation and desistance (McNeill &  
20 Weaver, 2010). In a report commissioned by the National Offender Management Service it was  
21 stated that positive offender change was facilitated by advice and support offered within  
22 respected personal and professional relationships (McNeill and Weaver, 2010: 4). This echoed  
23 the findings of a study into a Home Office crime reduction scheme where over half the  
24 participants suggested that they found the emotional support offered by their mentor most  
25 helpful (Lewis et al., 2007). They appreciated being able to talk to someone who was there to

1 listen to them, an interaction not commonly experienced by sex offenders. This is corroborated  
2 by data from an Israeli sample from a prison-based sex-offender rehabilitation programme  
3 where offenders advocated the formation of therapeutic alliances to promote trust and open  
4 communication between themselves and professionals (Geiger & Fischer, 2018).

5 Programmes developed using an integrated model of change are providing a promising  
6 avenue of rehabilitation for sex offenders. In the community, Circles of Support and  
7 Accountability (CoSA) (Clarke et al., 2017) aim to improve both human and social capital by  
8 supporting an offender to develop a satisfying and prosocial lifestyle (Ward & Brown, 2004)  
9 with a social network that extends beyond families and friends. Offenders are supported to  
10 develop accountability, problem solving, social skills, and self-regulation (Clarke et al., 2017)  
11 during weekly meetings with volunteers, who generally hold positive attitudes towards sex  
12 offenders and their ability to rehabilitate (Völm et al., 2019). Research in both the UK (Bates  
13 et al., 2014) and USA (Duwe, 2018) reported significant reductions in recidivism for sex  
14 offenders that had participated in CoSA alongside improvements in community integration  
15 which is related to desistance (Richards et al., 2020). Further research is required to fully  
16 evaluate the effect of these programmes on sexual recidivism, but the emerging results indicate  
17 change is possible when the appropriate support is provided.

18 In prisons, in England and Wales, core SOTP have been replaced with improved  
19 strengths based and future focused programmes such as Horizon and Kaizen (Wilkinson &  
20 Powis, 2019). These programmes draw upon the core principles from RNR, GLM and the  
21 desistance literature to provide sex offenders with a programme that supports the development  
22 of skills that will facilitate their ability to construct meaningful life plans that are incompatible  
23 with offending. It is also suggested that the environment that treatment occurs in can facilitate  
24 engagement. Sex offenders often experience multiple stigmas in prison which can disrupt their  
25 ability to engage with treatment. An environment in which sex offenders feel safe to disclose

1 and discuss their offending behaviours alongside supportive staff is integral to change (Blagden  
2 et al., 2016). This may require greater use of Therapeutic Communities or wings within a prison  
3 to facilitate rehabilitation. The pessimistic view of nothing works for sex offenders and  
4 management focusing on restriction, is being replaced, with tentative caution, with appropriate,  
5 evidence-based treatment firmly grounded in the desistance literature, suggesting that change  
6 is possible and sex offenders can be redeemed.

### 7 **Future Research/Policy Recommendations/Conclusions**

8 Based on the evidence~~d~~ presented in this paper, the authors have several recommendations.  
9 Firstly, in the immediate-to-short-term, ~~there needs to be~~ early intervention and education is  
10 needed to prevent sexual offending and raise awareness about what constitutes (un)acceptable  
11 sexual behaviour. For example, recent evidence suggests that young people are influenced by  
12 viewing violent, often illegal, pornographic materials (Vera-Grey et al., 2021). This exposure  
13 must be countered to combat the exacerbation of existing rape culture. Having open, honest  
14 dialogues about sexual behaviours will also help to ensure ~~that~~ victims are not silenced and that  
15 they receive the assistance~~help~~ they urgently need. This would help to break the cycle of  
16 violence and the externalising problems that help to explain the link between early life  
17 victimisation and later life perpetration.

18 In the longer-term, efforts should focus on three things: challenging maladaptive narratives,  
19 ~~where they exist~~; psychoeducation of both public and professionals working in the CJS to  
20 counter misinformation; and research ~~that is aimed at~~ providing evidence-based  
21 recommendations for the CJS. In terms of narrative, this paper has highlighted the dangers of  
22 treating sexual offenders as a homogenous group of irredeemable offenders. Recent research  
23 has shown that those supportive of treatments such as CoSA focus on the efficacy and cost-  
24 effectiveness of the therapy (Richards & McCarten, 2018). In contrast, dehumanising language

1 is predictive of lower support for rehabilitation efforts (Viki et al., 2012). This has led Richards  
2 and McCarten (2018) to suggest that the prevailing public dialogue could be successfully  
3 countered through non-emotive, humanising language.

4 This ~~must would~~ correspond with psychoeducation, given that those who are more  
5 knowledgeable about sex offenders ~~and victims (who presumably share that greater~~  
6 ~~knowledge)~~ have more positive attitudes towards the sexual offenders (Spoo et al., 2018).  
7 Based on the work of Sparks and Wormith (2021) and others, primary ~~areas to educational~~  
8 ~~targets~~ would be the differential risk posed by different groups of offenders (e.g., that juvenile  
9 offenders ~~are a pose~~ lower risk group ~~who and~~ are more treatable), the negative consequences  
10 of harsh sentences, and the difference between paedophilia and child molestation. ~~This~~  
11 objective would be achieved through narrative shift via education. Psychoeducation messages  
12 should focus on using effective strategies (e.g., nudging) to alter public and political rhetoric,  
13 ~~thereby~~ promoting and enabling evidence-based policy change.

14 For example, researchers and ~~practitioners those who work with sex believe offenders have~~  
15 ~~been voicing the idea~~ that sex crimes, ~~and their prevention~~, should be viewed as a public health  
16 issue (Harper, et al. 2017; McCartan & Kemshall, 2021), including paedophilia (Harper et al.,  
17 2021). This approach would facilitate “both macro (societal, community, and institution based)  
18 and micro level (individual, family, and relational) solutions” (McCartan, et al. 2021:817). ~~to~~  
19 ~~the issue of sexual violence. We could move away from It could divert~~ punitive policies ~~into~~  
20 more creative, productive, and humane programmes ~~that to achieve the general strive for aim~~  
21 ~~of~~ a healthier society. This realignment of perspectives would facilitate the general discourse  
22 ~~about not only around both sexual~~ offenders ~~but and~~ sexual offences, challenging ~~both~~ the  
23 ‘monstrous’ image and ‘rape myths’ ~~and~~ creating a ‘real’ understanding of a social problem.

1 This will allow a gradual transition towards a more compassionate CJS, more effective  
2 investigation of sexual offences, and better rehabilitation for offenders. For example, Rume  
3 and McPhee (2021) ~~have~~ discussed the benefits of offender-centric policing that focuses on  
4 offender behaviour, ~~which would~~ ~~which they argue would be beneficial for~~ ~~benefit all parties.~~  
5 ~~victims, offenders, and police officers alike.~~ A second example would be ~~to~~ the integration of  
6 trauma-informed therapies, ~~one~~ that recognises, particularly for young offenders, the ~~likelihood~~  
7 ~~possibility~~ of child sexual exploitation ~~and other adverse childhood experiences~~ as a precursor  
8 to their offending. Such compassion should be extended to how sex offenders are treated within  
9 the police, court, prison systems.

10 In pursuing this aim, ~~it will be necessary for~~ researchers and practitioners ~~in this area to will~~  
11 ~~likely need to actively en~~counter ~~and~~ ~~resistance~~ ~~attacks on their academic freedom to research,~~  
12 ~~particularly when pursuing~~ ~~and discuss~~ taboo topics, ~~as alluded to earlier, to allow~~ ~~to ensure the~~  
13 ~~necessary supportive research to take place~~ ~~takes place.~~ ~~Suppression of academic freedom is~~  
14 ~~documented~~ ~~instances where this has been an issue~~ in a variety of scientific disciplines and the  
15 ~~academic~~ consequences are discussed in, ~~for example, e.g.,~~ Hoepner (2017, 2021) and Malcolm  
16 (2021). A specific area ~~where this is a~~ concern ~~would be~~ is qualitative research involving non-  
17 offending paedophiles, ~~due to their legitimate safety concerns.~~ ~~i.e., individuals who felt~~  
18 ~~sufficiently safe to agree to be classed as such.~~ ~~This is essential to move from~~ ~~Research in this~~  
19 ~~area has highlighted that the issue of child sex abuse is presently being responded to~~ ~~post~~  
20 ~~offending~~ ~~to prevention strategies~~ ~~and in prison whereas focus should be given to prevention~~  
21 (Dymond and Duff, 2020), ~~thereby developing programmes that respond.~~ ~~Such valuable~~  
22 ~~prevention programmes have the potential of responding~~ to a real public health issue but are  
23 only viable if individuals are supported in their efforts to ~~re~~/~~desist~~ ~~rather than vilified.~~

24 Efforts must also be made to resist attempts to target and silence counter-narratives, which  
25 is a prime ~~reason means through which~~ existing dialogues persist. This is seen in recent 'guilt

1 by association' incidents, such as that directed at friends/acquaintances of Jeffrey Epstein, as  
2 well as the media furor around, and petitions against, the lawyers representing high-profile  
3 accused (e.g., Harvey Weinstein). The latter example is particularly problematic given that due  
4 process ~~the legal professionals involved were simply ensuring the accused was allowed due~~  
5 process, is a right protected under law. Another example is the social media trolling of those  
6 contributing evidenced-based arguments to highlight problems with existing narratives. For  
7 example, ~~there has been extreme instances of~~ negative reactions to experts (e.g., James Cantor),  
8 elucidating the distinction between paedophilia and child molestation, and discussing scientific  
9 evidence that paedophilia is a sexual orientation.

10 Finally, in terms of research, there is limited awareness to date of how ~~individuals working~~  
11 ~~with the CJS employees manoeuvre respond to~~ the cognitive dissonance ~~resulting from the~~  
12 ~~disconnect between~~ of the seemingly ordinary accused versus ~~media portrayals of 'sexual~~  
13 ~~offender as monster' and the seemingly ordinary individuals who stand accused of such crimes.~~  
14 A second area of focus should be on conducting rigorous, scientific studies to determine which,  
15 if any, rehabilitation efforts are effective ~~in rehabilitating sex offenders~~. This includes  
16 exploring proactive programmes ~~aimed at preventing offending. Adaptation of any associated~~  
17 and risk management strategies to recognise ~~is needed to recognise the individual and to~~  
18 ~~consider the offending behaviour the~~ ambit of their requisite context, environment and/or  
19 personal qualities, thereby. ~~Understanding and placing the sex offender within a framework~~  
20 ~~which recognises his/her humanity enabling a better understanding of offending factors and~~  
21 ~~promote the process of change~~ (McAlinden, 2021:14).

22 Given that this is a three-pronged strategy, it will be necessary for such research to avoid  
23 ~~focus on evidence and actively counter~~ pre-existing assumptions about ~~what causes offending~~  
24 ~~and what strategies should be promoted to reduce offending~~ offending aetiology and effective  
25 treatment. Awareness ~~There is also a need to be aware~~ needed of the potential harms that

1 gendered dialogues cause for victims and society alike (see e.g., Douglass et al., 2020; Damiris  
2 et al., 2021) and [we](#) should build upon our current understanding of how and why factors such  
3 as attractiveness (Vrij & Firmin, 2001) affect perceptions and decision-making in the CJS. This  
4 research should be assisted by better trained and supported CJ professionals, particularly in  
5 rape and serious sexual offence investigations (Rape Crisis, 2020). While doing so, to aid  
6 efforts to reform our cultural dialogue, future research must be mindful of cultural context,  
7 given evidence that media reports differ significantly by country (Grøndahl et al., 2021),  
8 meaning that cross-national conclusions may be inappropriate.

9 Failure to change the existing popular narratives and populist laws, which exacerbate  
10 existing structural inequalities, in an era of heightened awareness of the prevalence of sexual  
11 victimisation, will continue to have catastrophic individual and societal effects. This would be  
12 an injustice of major proportions. To address these narratives ‘monsters’ need to become  
13 ‘humans with problematic behaviour’ so that behaviours shrouded in stereotypes, myths and  
14 misconceptions can be better understood and managed. Changing the sex offender dialogue  
15 will help facilitate the necessary discussions, research, and policy revisions to respond to an  
16 ever-present societal problem. Whilst public health discussions seek to reframe the possibility  
17 of prevention as a response to sexual offending further debate surrounds the risk management  
18 strategies applied of this group. Discussions highlight that the “algorithmic episteme” of risk  
19 tools do not consider context or individual qualities and that ‘risk’ should be re-positioned to  
20 understand the sex offender as a human being in order to better support the process of change  
21 (McAlinden 2021:14). Again, this is [a](#) further way of changing the sex offender dialogue,  
22 transforming “monstrous” concepts into ones of “humans with flaws”.

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