

THE SUPERVISION OF HIGH RISK SEXUAL OFFENDERS IN NORTH QUEENSLAND

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ABSTRACT

This paper provides an overview of the functions of the High Risk Offender Management Unit of Queensland Corrective Services within North Queensland. The Unit is responsible for the supervision of high risk sexual offenders subject to Supreme Court Supervision Orders pursuant to the Dangerous Prisoners (Sexual Offenders) Act. There are challenges particular to the region in terms of the availability of resources and supports. The use of evidence-based practice and a collaborative case management approach with stakeholders ensures a high standard of community safety, in addition to the rehabilitation of sexual offenders. The theoretical framework of the Good Lives Model underpins the work undertaken within the High Risk Offender Management Unit and assists in balancing the risks and needs of sexual offenders with the overriding objective of community safety.

I INTRODUCTION

Statistics available through the Queensland Police Service¹ indicate that the highest rate of recorded sexual offences within Queensland in the review period between 2016 – 2017 occurred in Northern Region, Queensland. Recorded sexual offences across Queensland however, decreased by up to 18%.² Offences of a sexual nature, especially those perpetrated against children or of a violent nature, often attract significant media attention³.

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¹ Queensland Police Service, *Annual Statistical Review 2016-17* (2017) State of Queensland, <https://www.police.qld.gov.au/corporatedocs/reportsPublications/statisticalReview/Documents/2016-17/AnnualStatisticalReview_2016-17.pdf?>.

² Ibid.

³ See, eg, Sunshine Coast Daily, *Rapist who asked victim for phone number to be released* (10 April 2016)

<<https://www.sunshinecoastdaily.com.au/news/rapist-who-asked-victim-for-phone-number-will-be-r/3382927?>>; Courier Mail, *Hetty Johnson says child murderers like Rick Thorburn should be jailed indefinitely* (26 May 2018) <<https://www.couriermail.com.au/news/queensland/crime-and-justice/hetty-johnston-says-child-murderers-like-rick-thorburn-should-be-jailed-indefinitely/news-story/2700f997e986c4bcd5e5673472e12f3d?>>; Brisbane Times, *Attorney-General to appeal loss of supervision order of serial rapist Robert Fardon* (3 September 2018)

<<https://www.brisbanetimes.com.au/national/queensland/attorney-general-to-appeal-loss-of-supervision-order-of-serial-rapist-robert-fardon-20180903-p501gs.html?>>; ABC News, *Qld Government makes last-ditch attempt to keep Robert John Fardon under supervision* (3 September 2018)

<<https://www.abc.net.au/news/2018-09-03/qld-government-to-appeal-court-decision-on-rapist-robert-fardon/10195700?>>; ABC News, *Fardon victim 'cried for joy' at hearing notorious rapist would remain under supervision* (3 October 2018) <<https://www.abc.net.au/news/2018-10-03/robert-fardon-appeal-decision-supervision-order-extended-qld/10307100?>>

Debates at both a community and political level in relation to the sentencing and rehabilitation of sexual offenders, have shaped sentencing options and legislation relating to sexual offenders in Queensland.⁴ Most recently this can be evidenced through amendments to the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004* (Qld) in September 2018. These changes allow the Police Commissioner to make application to a court for a prohibition order in respect of a relevant sexual offender who has engaged in ‘concerning conduct’.⁵ The *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) (‘*DPSOA*’) was enacted in Queensland in response to ‘growing concern in [the] community about the release from prison of convicted violent sex offenders and paedophiles who are not rehabilitated ... a risk [the] government [viewed] as unacceptable.’⁶ Since the inception of the *DPSOA*, 239 Orders have been made by the Supreme Court.⁷ Where it is determined to a high degree of probability that an offender is a serious danger to the community in the absence of an order under the legislation, an order can be made requiring an offender to be subject to ongoing supervision in the community or to be held in custody beyond the end date of their custodial sentence.⁸

The supervision of offenders subject to orders made under the *DPSOA* falls under the responsibility of four organisational units within Queensland Corrective Services. The Central to Far Northern Queensland High Risk Offender Management Unit (HROMU) was established in 2016 to centralise the management of offenders in this area previously managed by Probation and Parole. The unit currently operates out of Rockhampton and Townsville, and is made up of a team of highly skilled professional and support staff. Senior Case Managers are responsible for the direct supervision of offenders, and receive intensive clinical support and supervision to enable them to effectively undertake the task of protecting the community through the rehabilitation, supervision and reintegration of high risk sexual offenders.

This paper will seek to highlight the challenging and invaluable work undertaken by the team in the Townsville region. Offenders who are subject to Supervision Orders under the *DPSOA* often present with difficult behaviours, impacting on the case management process. Challenges can arise as a result of varied mental health diagnoses, denial of offending, a reluctance to participate in interventions, and disconnect from family and culture. Offenders are often released to Supervision Orders following lengthy custodial sentences and require substantial support to reintegrate post-release. This can be particularly difficult in rural and remote regions such as Townsville, where support can be limited compared to metropolitan areas.

The need to balance risk management and the protection of the community with reintegration and rehabilitation of sexual offenders, requires an evidence based approach. The *Good Lives Model* is incorporated into case management strategies within the HROMU to assist in achieving this balance.

⁴ See, eg, *Penalties and Sentences Act 1992* (Qld) s 160D and *Child Protection (Offender Reporting) Act 2004* (Qld).

⁵ *Police Powers and Responsibilities and Other Legislation Amendment Act 2018* (Qld) s 13A.

⁶ *Dangerous Prisoners (Sexual Offenders) Bill* (Qld), Second Reading Speech, Rodney Welford, Attorney-General, 3 June 2003.

⁷ Queensland Corrective Services, High Risk Offender Management Unit data as at 19 October 2018.

⁸ *Dangerous Prisoners (Sexual Offenders) Act 2003* (Qld) s 13. These are ‘Division 3 Orders’.

II ACHIEVING RESULTS THROUGH EVIDENCE-BASED PRACTICE

The overriding principle of community-based supervision within Queensland Corrective Services (QCS) is to deliver community safety and crime prevention through the supervision and rehabilitation of offenders⁹. Staff based in the Townsville region of the HROMU supervise high risk sexual offenders from diverse backgrounds, with varying risks and needs. Often, offenders are geographically displaced from their communities. These factors often result in complexities in the case management process requiring Senior Case Managers to ‘think outside the box’ when conducting risk assessments and identifying programs and interventions to support an offender’s rehabilitation and reintegration. Risk mitigation is a central component of case management, and community safety is at the forefront of all decisions made in this process. In addition to working within operational guidelines, legislative requirements, and directives, staff utilise theoretical frameworks to underpin their daily practice. The use of theoretical frameworks provides a base within which to balance the often difficult task of identifying and responding to risk, with rehabilitation and reintegration.

A *The Good Lives Model*

The *Good Lives Model* is a framework used to guide case management in the HROMU.¹⁰ Fortune describes the focus of treatment within the *Good Lives Model* as being to increase ‘the capacities, skills and external resources the individual has for living their life in a prosocial way while addressing the difficulties such as a lack of variety (scope) in primary goods in someone’s life and reducing the conflicts that might be present, while also, indirectly reducing risk.’¹¹ The experienced Senior Case Managers based in Townsville, work within this model by completing case formulations to identify the offending pathway for an individual. These assessments explore factors such as poor emotional regulation, cognitive distortions relating to healthy relationships, and an alignment with antisocial values and beliefs. From this, a plan is able to be developed with the offender to identify strategies that can be implemented to assist them to achieve their primary human goods, in a pro-social manner.

As noted by Ward, the risk factors for an offender essentially indicate their pursuit of ‘primary human goods is compromised ... thus the therapeutic focus should be on implementing offender’s good lives conceptualisation rather than simply managing risk.’¹² Ward further emphasises that the risk-need approach should be incorporated within the *Good Lives Model*.¹³ The establishment of short and long terms goals based on the individual risks and needs of the offender is integral to achieving this. This process is assisted through the use of specialised assessment tools and is further informed during case management discussions held with the Senior Case Manager. Goals are revisited and

⁹ Queensland Government, *Queensland Corrective Services Strategic Plan 2018 – 2022* (31 October 2018) <<https://corrections.qld.gov.au/documents/strategic-and-other-plans/>>

¹⁰ Clare-Ann Fortune, ‘The Good Lives Model: A strengths-based approach for youth offenders’ (2018) 38 *Aggression and Violent Behavior* 21.

¹¹ *Ibid* 25.

¹² Tony Ward, ‘The Management of Risk and the Design of Good Lives’ (2002) 37(3) *Australian Psychologist* 172, 172.

¹³ *Ibid*.

reassessed regularly in response to external factors that may indicate a reduction or increase in risk for the offender.

Risk factors are defined in this model as ‘obstacles that erode individuals’ capacity to live more fulfilling lives ... [they] function as indicators or markers that an individual’s pursuit of primary human goods is compromised in some way.’¹⁴ Risk can be dynamic or static, and within this cohort of offenders, can vary within short timeframes. Validated assessment tools are used to establish an individual’s risk of sexual offending over both the short and long term. These assessments place staff in the best position to make informed decisions based on evidence and best practice. The *Good Lives Model* aims to ‘reduce risk while also explicitly aiming to assist offenders to develop more personally meaningful and fulfilling lives; by attending to their individual interests, abilities, and aspirations.’¹⁵ The model is supported by a number of core principles and assumptions.¹⁶ One of the key assumptions is that, at least to some extent, all individuals strive to meet and accomplish similar basic needs and aspirations in their lives. These are defined as primary goods; the outcomes, states of being, or experiences that are valued by an individual and which contribute toward their overall level of well-being, including their sense of happiness or fulfilment. According to the model, all people seek to achieve their personal goals or values through whatever means are available to them. An offender’s attempts to obtain at least some of these primary goods are often counter-productive, ineffective, and/or socially unacceptable, which can be a contributing factor to their offending behaviour.¹⁷

In order for Senior Case Managers within the HROMU to help offenders work toward the goal of not engaging in sexually inappropriate behaviour, intervention is tailored to address important areas of a person’s life, such as substance abuse, social supports, employment, and problem solving skills.¹⁸ This is not something that can be achieved in isolation, and requires the support of professional staff within Queensland Corrective Services who deliver targeted treatment programs for sexual offenders in the community, and prior to their release from custody. External to Queensland Corrective Services, the value of organisations and community members cannot be overstated. Undoubtedly, access to and the availability of interventions and supports can be limited in regional and remote areas of Queensland. Despite this, there are a number of stakeholders in the Townsville region who go above and beyond to provide high quality, specialised support to this cohort of offenders.

Understandably, it can be difficult for those outside the criminal justice sector to understand the practical implications of an offender being subject to a Supervision Order under the *DPSOA*. Order conditions imposed by the Supreme Court, often place restrictions on places an offender can attend, who they can interact with, and the types of activities in which they can engage. For example, a Support Worker’s role is often to assist clients to undertake tasks and enhance the quality of life of their client through participation

¹⁴ *ibid.*

¹⁵ Fortune (n 10); Robin Wilson and Pamela Yates, ‘Effective Interventions and the Good Lives Model: Maximizing Treatment Gains for Sexual Offenders’ (2009) 14 *Aggression and Violent Behavior* 157.

¹⁶ Ward (n 12) 175.

¹⁷ Fortune (n 10) 24.

¹⁸ Wilson and Yates (n 15) 160.

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in activities in the community. The application of numerous and varying order conditions invariably complicates this process.

B Collaborative Case Management

The patience of staff from external organisations who have been willing to take the time to understand the intersection between delivery of service, with that of risk mitigation and compliance with the conditions of a Supervision Order, is integral to our practice. Given the varying needs of sexual offenders supervised by the HROMU, collaboration with both Government and Non-Government Organisations assists offenders to comply with the conditions of their Supervision Orders, in addition to achieving primary goods. Locally, collaboration occurs across a number of areas, including with mental health workers, job network providers, disability support services, cultural networks, treating psychologists, and accommodation providers. Without this, the breadth of support provided to sexual offenders would be substantially diminished. Additionally, enacting the principles of the *Good Lives Model* as it relates to rehabilitation and risk management would not be achievable. By complimenting the work undertaken by staff within the HROMU, these organisations make a significant contribution toward a safer community in the Townsville area.

The *Good Lives Model* highlights the importance of lifestyle domains such as self, family and community.¹⁹ An example of this model guiding case management was recently evidenced after an offender supervised by the HROMU in Townsville, was informed his mother — who resided five hours away — was unwell and likely to pass away within the following few days. The offender's Senior Case Manager identified that if he were not able to visit his mother and other family members before her passing, this would impact his perception of himself as a son, and also negate his capacity to achieve the primary goods of family and connection to culture. If this were to occur, the offender would have been at increased risk of destabilising in the community. Reference to the offender's case formulation, revealed this would also have resulted in an elevation in risk of sexual reoffending.

To achieve the primary goods of perception of self, family and community, the Senior Case Manager supported the offender to travel and visit his mother. This involved a significant level of inter-agency collaboration between the offender's support worker, Public Trustee, Adult Guardian, and treating psychologist. The Senior Case Manager assisted the offender to travel to and from the location of his mother by attending with him, noting he ordinarily required a significant level of support to undertake daily tasks in the community. She maintained increased contact and support with him following his return to Townsville. The offender's mother passed away a short time later, and further support was provided to assist him to attend her funeral with family members in a remote area of Central Queensland.

By applying the theoretical framework of the *Good Lives Model* to the offender's supervision and case management, the offender was able to reconnect with his mother prior to her death and participate in the grieving process with his family in a way that respected his cultural needs. This outcome could not have been achieved without the coordinated

¹⁹ Fortune (n 10) 24. The concept of self refers to an individual's perception of themselves.

efforts of a number of people, and demonstrates the benefits a collaborative approach to achieving shared outcomes.

It is important to acknowledge that this outcome relied on the availability of a level of support that is not always achievable. Factors that may impact on this include the type of support an offender is eligible to receive from external organisations, the stability of an offender in terms of general compliance and engagement, and family and community supports. All of these factors are carefully considered on an individual basis. There may also be instances where it is assessed that an offender cannot be supported to achieve some primary goods where community safety may be compromised.

Difficulties can also arise in circumstances where an offender has a disability or limited capacity for independent daily living. With the roll out of the National Disability Insurance Scheme (NDIS) in the Townsville region, staff have worked closely with the NDIS and associated stakeholders to obtain appropriate supports for eligible offenders. This has resulted in several offenders subject to Supervision Orders in Townsville being provided adequate funding to support them to achieve their identified goals. Local programs are also delivered by Non-Government Organisations to provide offenders with an additional layer of support during their initial transition from custody into the community.

III CONCLUSION

The work undertaken by the HROMU continues to evolve with the support of a range of community stakeholders. Staff are committed to working through challenges to develop innovative solutions based on research and best practice. The passion and enthusiasm of team members is intrinsically linked to their desire to contribute to the safety of their community. The value of a community approach to crime has proven itself in recent times. A number of Government, Non-Government and academic initiatives have been designed and implemented in the Townsville region to assist offenders to desist from criminal activity, and pursue meaningful lives that contribute to the greater good of the community. As members of the criminal justice sector, we each have a key role to play.

The *Sofronoff Parole Review* noted that ‘unless programs and assessments are appropriately resourced, evaluated and researched, they will not remain best practice. This is particularly important for the assessment of risk and intervention for ... offenders under supervision in the community.’²⁰ The HROMU is fortunate to be able to collaborate with local stakeholders, including James Cook University, to increase the visibility of our work and ensure we continue to operate from a framework of evidence based practice.

²⁰ Walter Sofronoff, ‘Queensland Parole System Review: Final Report’ (2016) 120
<<https://parolereview.premiers.qld.gov.au/assets/queensland-parole-system-review-final-report.pdf>>.

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