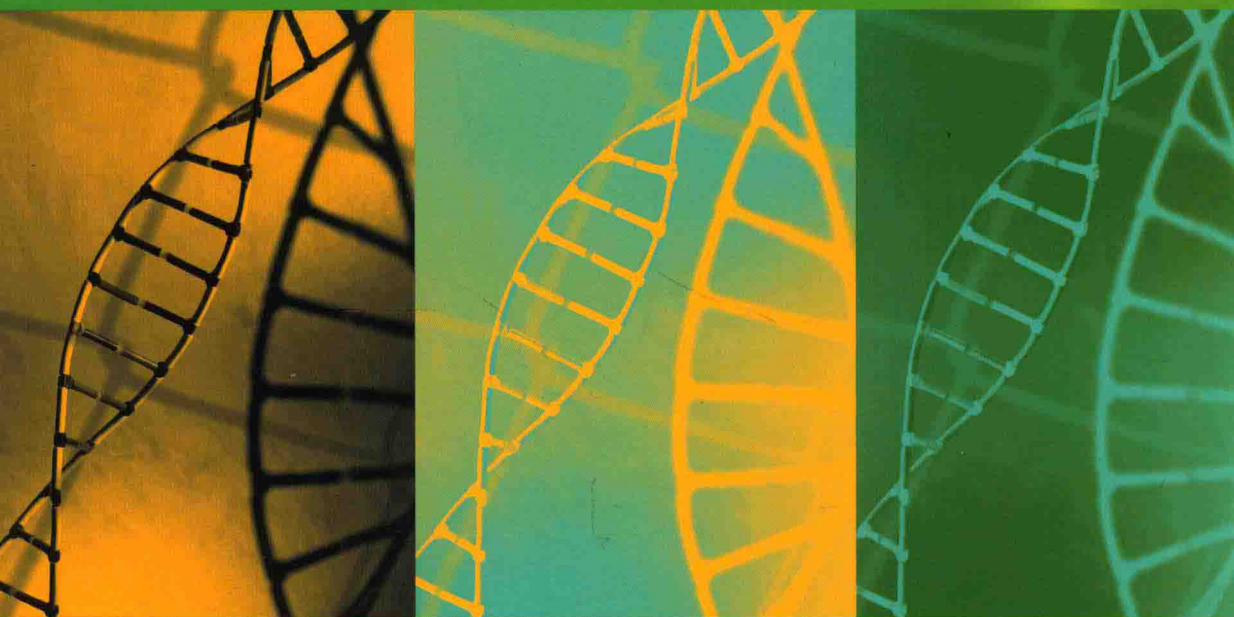


Sexual offender treatment



Controversial issues

Edited by

William L. Marshall, Yolanda M. Fernandez,
Liam E. Marshall and Geris A. Serran

f Wiley Series in
Forensic Clinical
Psychology

SEXUAL OFFENDER TREATMENT Controversial Issues

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SEXUAL OFFENDER TREATMENT

WILEY SERIES IN FORENSIC CLINICAL PSYCHOLOGY

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SERIES EDITORS' PREFACE

ABOUT THE SERIES

At the time of writing it is clear that we live in a time, certainly in the UK and other parts of Europe, if perhaps less so in other areas of the world, when there is renewed enthusiasm for constructive approaches to working with offenders to prevent crime. What do we mean by this statement and what basis do we have for making it?

First, by "constructive approaches to working with offenders", we mean bringing the use of effective methods and techniques of behaviour change into work with offenders. Indeed, this view might pass as a definition of forensic clinical psychology. Thus, our focus is the application of theory and research in order to develop practice aimed at bringing about a change in the offender's functioning. The word *constructive* is important and can be set against approaches to behaviour change that seek to operate by destructive means. Such destructive approaches are typically based on the principles of deterrence and punishment, seeking to suppress the offender's actions through fear and intimidation. A constructive approach, on the other hand, seeks to bring about changes in an offender's functioning that will produce, say, enhanced possibilities of employment, greater levels of self-control, better family functioning, or increased awareness of the pain of victims.

A constructive approach faces the criticism of being a "soft" response to the damage caused by offenders, neither inflicting pain and punishment nor delivering retribution. This point raises a serious question for those involved in working with offenders. Should advocates of constructive approaches oppose retribution as a goal of the criminal justice system as a process that is incompatible with treatment and rehabilitation? Alternatively, should constructive work with offenders take place within a system given to retribution? We believe that this issue merits serious debate.

However, to return to our starting point, history shows that criminal justice systems are littered with many attempts at constructive work with offenders, not all of which have been successful. In raising the spectre of success, the second part of our opening sentence now merits attention: that is, "constructive approaches to working with offenders *to prevent crime*". In order to achieve the goal of preventing crime, interventions must focus on the right targets for behaviour change. In

addressing this crucial point, Andrews and Bonta (1994) have formulated the *need principle*:

Many offenders, especially high-risk offenders, have a variety of needs. They need places to live and work and/or they need to stop taking drugs. Some have poor self-esteem, chronic headaches or cavities in their teeth. These are all "needs". The need principle draws our attention to the distinction between *criminogenic* and *noncriminogenic* needs. Criminogenic needs are a subset of an offender's risk level. They are dynamic attributes of an offender that, when changed, are associated with changes in the probability of recidivism. Non-criminogenic needs are also dynamic and changeable, but these changes are not necessarily associated with the probability of recidivism. (p. 176)

Thus, successful work with offenders can be judged in terms of bringing about change in noncriminogenic need *or* in terms of bringing about change in criminogenic need. While the former is important and, indeed, may be a necessary precursor to offence-focused work, it is changing criminogenic need that we argue should be the touchstone in working with offenders.

While, as noted above, the history of work with offenders is not replete with success, the research base developed since the early 1990s, particularly the meta-analyses (e.g. Lösel, 1995), now strongly supports the position that effective work with offenders to prevent further offending is possible. The parameters of such evidence-based practice have become well established and widely disseminated under the banner of "What Works" (McGuire, 1995).

It is important to state that we are not advocating that there is only one approach to preventing crime. Clearly there are many approaches, with different theoretical underpinnings, that can be applied. Nonetheless, a tangible momentum has grown in the wake of the "What Works" movement as academics, practitioners, and policy makers seek to capitalise on the possibilities that this research raises for preventing crime. The task now facing many service agencies lies in turning the research into effective practice.

Our aim in developing this Series in Forensic Clinical Psychology is to produce texts that review research and draw on clinical expertise to advance effective work with offenders. We are both committed to the ideal of evidence-based practice and we will encourage contributors to the Series to follow this approach. Thus, the books published in the Series will not be practice manuals or "cook books", they will offer readers authoritative and critical information through which forensic clinical practice can develop. We are both enthusiastic about the contribution to effective practice that this Series can make and look forward to continuing to develop it in the years to come.

ABOUT THIS BOOK

In the history of forensic therapeutic endeavour, the development of effective interventions with sex offenders will undoubtedly be seen as a major contribution. There are two particular areas in which work with sex offenders has led the field of forensic clinical psychology.

The first contribution flows from the integration of mainstream therapeutic theories and techniques into the forensic field. This is partly explicable by the fact that sexual problems, disorders and dysfunctions, are of longstanding interest within mainstream psychology. Thus, those working with sex offenders had a strong therapeutic base from which to take on the challenge posed by sexual offending. As is seen in this text, clinical approaches to working with sex offenders have now become highly sophisticated, with advances in assessment and treatment methods that have grown from work with sex offenders. In particular, the difficulties of working with people who refuse to recognise that there is a need for them to change have been highlighted by this area of practice. The application and refinement of techniques such as motivational interviewing and working with denial have been notable contributions.

Of course, the problem of sexual offending extends well beyond the bounds of the individual distress of the client, as might be the case in mainstream clinical work. It was clear from a very early stage that work with sex offenders would take forensic practice into an area in which there are very strong feelings and opinions. While the treatment of sex offenders gives rise to spirited discussion among its proponents, this pales to insignificance when set against the vehemence of the disagreement voiced by opponents of this approach. There are professional opponents who offer a different analysis of the causes of sex offending and see no room for treatment. There are political opponents who see punishment, not treatment, as the only way to deal with offenders. There are, perhaps most significantly, ferocious opponents among the general population who see little reason in treating those who commit terrible crimes. In all, there is little doubt that the treatment versus punishment debate is at its sharpest when the treatment of sex offenders is on the agenda. It follows that the reality of the public face of their work was not one that could be avoided by those seriously engaged in this work. Some of those working in the field, including Professor Marshall, took on the difficult task of communicating with other professions, with politicians, and with the public to state their point of view. It would be wrong to say that the argument is over—perhaps there is strength in acknowledging that debate is healthy and should always be with us—but the growth of treatment for sex offenders across different criminal justice systems suggests that the arguments in favour of a treatment approach have had some success.

Alongside developing clinical practice, the second contribution made by those working with sex offenders lies in their research output. One of the core values of this Series in that research is paramount in sustaining and advancing clinical practice. As is highlighted by research into the effectiveness of sex offender treatment, empirical evidence is fundamentally important for two reasons. First, as is so evident in this book, empirical research provides the stimulus for refining existing clinical techniques and developing new methods. It is also true that new research findings stimulate advances in theory, as seen both here and in other books in this Series. The continual interplay between research, practice and theory is, we argue, absolutely essential from a professional perspective.

However, the production of research evidence has another function, equally if not more important than professional considerations. In a system in which the treatment of offenders is viewed with caution at best and hostility at worst, evidence

that interventions work is critically important. It is a harsh reality that political and public interest lies not in whether treatments work in the sense that offenders change at a clinical level, but the over-riding concern is with reduction in offending. The question is simple: does the treatment of sex offenders reduce the crimes they commit? Of course, a reduction in crime has many benefits, both in terms of reducing victimisation and the financial and societal costs of crime. Finding an answer to the question of whether treatment works on a scale that is worth sustaining in terms of reductions in offending has been at the forefront of outcome research with sex offenders. The low baseline rate of reconviction in sex offender populations has led researchers to develop their skills to attempt to produce evidence that is professionally acceptable and which can be used in political and public arenas.

Overall, it is clear that the treatment of sex offenders raises a host of issues. In bringing together and editing the chapters for this book Professor Marshall has made another significant contribution to the field. We hope it will reach a wide readership both within and outside the forensic clinical community.

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PREFACE

Although the sexual offender literature has a long early history (Laws & Marshall, 2003) it is really only since the 1970s that publications on various issues related to our understanding assessment and treatment of these offenders began to proliferate (Marshall & Laws, 2003). Particularly from the early 1980s onwards the growth in the number of published reports has been accelerating (Prentky, 2003). The knowledge base has become so extensive that it is now time to reflect on where we are, what is it that we understand, what are the limitations of our knowledge, and how stable are the foundations of our knowledge.

It occurred to us that the time was ripe to ask questions. It seems always to be true in any area of research or clinical practice that certain things become accepted as facts simply because they appear to work. A prime example of this in the treatment of sexual offenders was the uncritical acceptance of the relapse prevention model originally introduced by Marques and Pithers (1981) and subsequently elaborated by Pithers, Marques, Gibat and Marlatt (1983). There is no doubt about the significant impact of this model on the treatment of sexual offenders. Within a short time after its introduction, almost all programs in North America (Knopp, 1984, 1986) and subsequently in Britain (Grubin & Thornton, 1994), Australia (Nisbet, Wilson & Smallbone, 2004), the Netherlands (Van Beek & Mulder, 1998) and Spain (Marshall & Redondo, 2002) adopted the RP approach to treatment. It was not until Ward and his colleagues (Ward & Hudson, 1996; Ward, Hudson & Siegert, 1995) began to publish a series of critical analyses of what had by then become the traditional RP approach, that treatment providers began to modify, or at least question, their approach. We believe the same thing is true in various other areas.

With these thoughts in mind we began to consider which areas of research and practice might profit from more detailed examination. Some areas, for example the potential for psychopaths to profit from treatment, are inherently controversial although fraught with hardly questioned assumptions. The same is true for the so-called "Sexually Violent Predator laws", Internet access to child pornography, and sexual murderers. In other areas, for example the appropriate methods of evaluating treatment outcome, consistent disagreement has prevailed for many years. Some areas, for example diagnostic practices concerning the paraphilias, have not generated much discussion but seem to need it. Risk assessment has become more sophisticated and comprehensive in recent years, so an update and suggestions for current practice seems needed. There are also, of course, possibilities concerning emerging issues such as the role of schemas in directing sexual offending, or the influence of therapeutic processes on the changes aimed for in treatment, or the

value of pre-treatment preparatory programs. We could also ask what role attachments, mood, coping abilities, and shame or guilt, might play in the enactment of offending and treatment of the offender.

As a result of these considerations we identified authors who were either acknowledged experts on a topic, or who had novel ideas, to write the chapters of the present book. We asked our authors to feel free to speculate and to make controversial comments relatively unrestrained by available data. However we did require them to offer supportive data (not necessarily from the sexual offender field alone) where possible. We believe our authors successfully met this challenge and we are delighted to have the honour to edit this collection. We hope our readers will be equally pleased.

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