

Legal and Ethical Aspects of Sex Offender Treatment

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Sex offenders and in particular pedophiles have become the 'folk devils' of modern society. This depiction of sex offenders is promoted by the media and to a lesser extent by governments and their politicians. As argued by a number of academics, including Chaffin (2008), sex offenders are probably one of the only groups of offenders who it is acceptable to hate. Due to this loathing and also because of the dangers which some sex offenders pose to the public there has been an increased emphasis on populist punitiveness throughout the Western world. This global prominence given to public protection has therefore permeated through the vast majority of state criminal justice legislation and risk management strategies, often culminating in a system that is based on a community protection model (Kemshall and Wood, 2007).

Against this background of public and governmental pressures, there has been a growing engagement with the legality and morality of such practices. The significance of this has always been recognized, but it is increasingly being viewed as fundamentally important by academics, practitioners, policy makers and international advisory bodies. This symposium therefore aims to contribute to this essential debate. It attempts to do this by bringing together international academics and practitioners who are working and writing in this important area.

Treating Sex Offenders: Legal and Ethical Concerns

Karen Harrison, Ph.D., LL.B
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This presentation, acting as a broad preface to the symposium, will introduce some of the moral and legal issues involved in the treatment of sex offenders. It will begin with a discussion of the difference between legal and ethical issues and will explain that, whilst the two concepts often overlap, they are not always co-dependent. We will then focus on some of the ethical issues involved in treating sex offenders including whether treatment should be court ordered (mandatory) or voluntary (and if so, issues surrounding consent); whether it should be regarded as being treatment or punishment; whether it should be restricted in its use to convicted offenders or made available to all who display signs of sexually unacceptable behaviour; how offenders are selected for treatment; how they are allocated

to the differing types of treatment and finally the effectiveness of treatment. Next, we will discuss issues of legality and explore how the highlighted issues are located within national and international human rights frameworks. In particular we will be discussing issues such as consent, dignity and the 'balancing' of offender's rights with public protection.

Safety or Care? The Dual Relationship in the Assessment and Treatment of Sex Offenders

Professor Tony Ward, MA(Hons), PhD, DipClinPsyc

The dual relationship problem in forensic and correctional practice emerges from conflict between two sets of ethical norms: those associated with community protection and justice versus norms related to offender/defendant well-being and autonomy. The problem occurs because forensic practitioners typically have their professional roots in mental health or allied disciplines such as psychiatry, clinical psychology, social work, or law, and as such, often struggle to ethically justify aspects of forensic and/or correctional work. First, the problem of dual relationships will be described and its nuances explored. As will become apparent, the problem extends beyond the straightforward conflict of roles and resides at the very heart of professional practice.

It is a core normative conflict created by practitioners varying ethical allegiances. Second, contemporary ways of resolving the dual relationship problem will be briefly outlined, that is, approaches that assert the primary of one set of codes over the other or involve the construction of hybrid ethical codes. Third, after briefly reviewing the shortcomings of these approaches I present a possible way forward drawing from relational ethics and the concept of moral acquaintances.

A Forensic Psychologist's Involvement in Working with Sex Offenders

Professor Daniel T. Wilcox, PsychD, M.A., B.A.

This paper explores the author's involvement as a forensic psychologist in working with sexual offenders over a number of years during which time treatment and evaluation have steadily progressed. The integration of psychology within this process is examined through a combination of historical summation and the author's reflections about working through these various developments. The presentation addresses changes in approaches to assessment, intervention and supervision. Account is taken of new technology and more recent relevant legislation, together with specific attention focused on ethical practice issues, including the balance between individual rights and public protection.