**Lecture 12 2022. Citizens and Criminal Justice. Psychological Treatment of Sex Offenders.**

**12. 1 Introduction.**[[1]](#footnote-1)

Sexual assault leads to a range of both psychological and physical problems for victims.[[2]](#footnote-2) As most sex offenders will eventually be released back into society, it is imperative that as far as possible, they are rehabilitated as far as possible.[[3]](#footnote-3)

You may recall that in Part 2 of Lecture 6 at section 1.8 we considered psychological treatment of sex offenders in Hong Kong, England and Wales and the USA.

In this case we will consider the following recommendations made by the Law Reform Commission of Hong Kong in its Law Reform Consultation Paper dated November 2020.[[4]](#footnote-4) We will consider one of its recommendations, as follows:

*the current specialised treatment and rehabilitation programs for sex offenders available on a voluntary basis at the Correctional Services Department should be maintained*.

**12.2**. **Psychological Treatment Available for Sex Offenders in Hong Kong.**

It is generally accepted that psychological treatment is directed at reducing recidivism of offenders, rather than providing a cure, which is normally not possible.[[5]](#footnote-5) In this regard, we will examine the use of non-mandatory psychological treatment, rather than mandatory treatment, as coercive treatment is more likely to be effective in reducing recidivism.[[6]](#footnote-6) While recidivism rates for sexual offenders (in committing further sexual offences) are generally low compared to other types of offenders (such as property offenders),[[7]](#footnote-7) because of the damage caused by these offences, it is probably fair to say that all available means should be utilised to try to reduce these types of offences.

It is useful to follow on from here with a consideration of the extent of recidivism of sex offenders (who may or may not have completed a sex treatment programme) post-release from custody in Hong Kong within 2 years of such release.[[8]](#footnote-8) While there has been some fluctuation in the numbers of those caught reoffending, there do not seem to be dramatic changes in these figures. They probably broadly correlate with recidivism figures in places like the USA, although prima facie they are a bit lower.[[9]](#footnote-9) Of these (34) re-offenders referred to in the table below, only one of these had completed a sex treatment programme; so, here the recidivism rate for such an offender is 2.94%. Unfortunately, the figures are too small to provide a clear scientifically proven conclusion of the benefits of these programmes in alleviating recidivism, although they do provide cautious grounds for optimism.[[10]](#footnote-10) Also, the follow-up period is relatively short, making evaluation of the strength of these figures somewhat difficult.[[11]](#footnote-11)

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| --- | --- |
| Year of Discharge | Reoffending Sexual Offence |
| 2013 | 5.2% |
| 2014 | 6.1% |
| 2015 | 4.7% |
| 2016 | 6.9% |

In Hong Kong, recently sentenced sex offenders are divided by the Sex Offender Evaluation and Treatment Unit[[12]](#footnote-12) into 3 categories for the purpose of treatment, as follows: low-risk offenders, moderate-risk offenders and high-risk offenders.[[13]](#footnote-13) Following this cataloguing process:

* Low risk offenders are returned back to the institution they came from to receive required treatment (although it is not immediately clear what this is). Nevertheless, it is reported that recidivism is reduced by approximately 1/3rd for those in this category of offenders who have received such treatment versus those who have not.[[14]](#footnote-14)
* Moderate offenders and high-risk offenders engage in the Moderate Intensity Programme and High Intensity Programme respectively.[[15]](#footnote-15) Treatment in these programmes is directed through participation in the following modules:
* *Understanding Offending Behaviours*
* *Self-esteem Enhancement*
* *Sex Attitudes Restructuring*
* *Mood Management*
* *Self-management Plan*
* *Healthy Sexuality*
* *Relationship Skills Enhancement*.[[16]](#footnote-16)

Currently, this type of psychological treatment (while those sentenced are in custody) is entirely voluntary.[[17]](#footnote-17)

**12. 3 Effectiveness of Voluntary Psychological Treatment for Sex Offenders in General**

Broadly speaking, views amongst academics and psychologists vary as to the effectiveness of psychological treatment for sex offenders.[[18]](#footnote-18) As a result of the need to optimize public spending due to scarce resources, it is critical to determine with some accuracy the efficacy of this type of treatment in reducing recidivism.[[19]](#footnote-19)

According to the Washington State Institute for Public Policy, it conducted a comprehensive analysis of evidence-based programs involving adult offenders.[[20]](#footnote-20) As it notes, the more rational the allocation of resources, the more likely these allocations can reduce crime rates.[[21]](#footnote-21) The study found the following reductions:[[22]](#footnote-22)

*Psychotherapy - 0%*

*Cognitive-behavioral treatment in prison - 14.9%*

*Cognitive-behavioral treatment[[23]](#footnote-23) for low risk offenders on probation - 31.2%*

*Behavioural therapy[[24]](#footnote-24) for sex offenders - 0.0%*

It seems then that a combination of cognitive and behavioural treatment will significantly mazimize reductions in recidivism, both for those in custody and on probation. Losel and Schmucker also found significant reductions in recidivism for those receiving this treatment, compared to those who did not.[[25]](#footnote-25) Another study published by Soldino found that multisytematic therapy (which would appear to be the type of treatment used in Hong Kong and includes cognitive and behavioural treatment) was the most successful psychological treatment in reducing recidivism.

**12. 4 Future Directions.**

It would appear to be worth persisting with psychological treatment of sex offenders in Hong Kong, both for those in custody and on probation However, because of the somewhat secretive nature of sex-based crimes, and the consequential difficulties of measuring recidivism,[[26]](#footnote-26) it is important that further research takes place to better understand the extent of this area of crime. In this regard, it is worth further exploring the extent to which different types of psychological treatment works best for different types of sex offenders[[27]](#footnote-27) (as perhaps other strategies are best used for them).

1. Students should read Lecture 6 (Part 2) of your lecture notes for this course. [↑](#footnote-ref-1)
2. Tao-Hsin and others, “An Assessment of the Effects of Sexual Offender Physical and Psychological Treatment and Counselling Education in Taiwan” *Journal of Forensic Legal and Investigative Service* 3 (circa 2016), available at <https://www.herladopenaccess.us> > an-asse… [↑](#footnote-ref-2)
3. Friedrich Losel and Martin Schmucker, “The Effectiveness of Treatment for Sexual Offenders: A Comprehensive Meta-analysis” *Journal of Experimental Criminology* (2005) 117. [↑](#footnote-ref-3)
4. Law Reform Commission of Hong Kong, *Sentencing and Related Matters in Review of Sexual Offences* (HKLRC Consultation Paper. November 2020), available at https:www.hkreform.gov.hk. [↑](#footnote-ref-4)
5. Tao-Hsin (n 2) 5. [↑](#footnote-ref-5)
6. Henning Hachtel, Tobias Vogel and Christian G Huber, “Mandated Treatment and Its Impact on Therapeutic Process and Outcome Factors” 10 Article 219 *Frontiers in Psychiatry* (April 2019) 1. [↑](#footnote-ref-6)
7. See Lecture 6 (Part 2) of your lecture notes for this course at 1.3. [↑](#footnote-ref-7)
8. Ibid para 2.16. [↑](#footnote-ref-8)
9. Ibid. In the case of the USA, the time frame to monitor recidivism for sexual offences is between 5-10 years. It is expected then in the USA, that the figures for recidivism would be higher. [↑](#footnote-ref-9)
10. Ibid para. 2.17. [↑](#footnote-ref-10)
11. Losel and Schmucker (n 3) 118. [↑](#footnote-ref-11)
12. The Government of the Hong Kong Special Administrative Region, *LCQ 16. Recidivism Rate of Discharged Offenders* (October 2019) 2, available at https://www.info.gov.hk/gia/general/201910/23/P20192300618.htm. [↑](#footnote-ref-12)
13. Lam Kwok Leung, *Country Report - Hong Kong (SAR)* (Resource Materials Series No. *72* circa 2006) 104, available at <https://www.unafei.or.jp> > English > publications > Reso… [↑](#footnote-ref-13)
14. Ibid 105. [↑](#footnote-ref-14)
15. Anon, Sex Offenders Evaluation and Treatment Unit 1, available at https://www.csd.gov.hk/psy\_gym/InDssign/en/sex/sex.htm. [↑](#footnote-ref-15)
16. Ibid 4. [↑](#footnote-ref-16)
17. Law Reform Commission of Hong Kong (n 4) para. 2.31. [↑](#footnote-ref-17)
18. Virginia Soldina, “Effective of Treatment on Sex Offenders’ Recidivism: A Meta-analysis” 33(3) Anales de psicologicia (October 2017), available at <http://dx.doi.org/10.6018/analesps.33.2.267961> 578. [↑](#footnote-ref-18)
19. Nichola Tyler, Theresa A Gannon and Mark E Olver, “Does Treatment for Sexual Offending Work?” 23/51 *Current Psychiatry Reports* (2021) 2. [↑](#footnote-ref-19)
20. Washington State Institute for Public Policy, *Evidence-based Adult Corrections Programs: What Works and What Does Not* (January 2006), available at https:www.researchgate.net > publication > 23270608\_... [↑](#footnote-ref-20)
21. Ibid. [↑](#footnote-ref-21)
22. Ibid 3. [↑](#footnote-ref-22)
23. This assists offenders in correcting “their thinking and practice problem solving and pro-social skills”; ibid 5. [↑](#footnote-ref-23)
24. This type of treatment is designed to reduce “deviant arousal involving biofeedback or other conditioning and increasing skills necessary for social interaction with age appropriate individuals”; ibid 6. [↑](#footnote-ref-24)
25. Losel and Schmucker (n 3) 123-127. [↑](#footnote-ref-25)
26. Roger Przbylski, “Recidivism of Adult Sexual Offender” *SOMAP: Research Brief* (US Department of Justice July 2015) 1, available at https://smart. ojp.gov > files > media > document. [↑](#footnote-ref-26)
27. See Lecture 6 (Part 2) of your lecture notes for this course at 1.8.4. [↑](#footnote-ref-27)