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**THE EFFECTS OF NAMING AND SHAMING
ON TREATMENT OUTCOMES FOR SEX OFFENDERS**

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The Effects of Naming and Shaming on Treatment Outcomes for Sex Offenders

Abstract

The notion of shaming has achieved prominence in criminological theory and practice. A significant illustration of this for sex offenders is *The Australian Paedophile and Sex Offender Index* (Coddington 1997). Many of those involved in the treatment of sex offenders have criticised the Index and its likely effects on rehabilitation. This paper explores the consequences of the publication on the rehabilitation of offenders, with respect to criminological notions of shame and degradation. The second aim is to utilise the Index as a database on sex offenders — one likely to parallel the profile of recipients of formal treatment programs — on a range of variables (offender demographics, details of the offences, sentences, previous convictions and victimology). The paper concludes that the Index: has criminogenic potential; is likely to nullify the rehabilitative effects of treatment programs; and is likely to escalate fear of crime and the incidence of false allegations.

Introduction

Sex offenders (alleged or convicted) have received 'rough justice' in Australia in recent years. This rough justice includes harassment and brutal vigilante attacks, some of which have resulted in death:

- The former mayor of Wollongong was brutally bashed and murdered allegedly by vigilantes after publicity about his supposed paedophile interests (Radio National 1998).
- A Wollongong shopkeeper was decapitated and the offender(s) scrawled the word 'Satan' on the walls of his premises (Radio National 1998).
- An inmate was stomped to death in Junee gaol in NSW in 1998 allegedly because this former school headmaster was convicted of child sex offences (Courier Mail 1998)

'Rough justice' has also come in the form of sex offenders being singled out for *specialised* treatment in terms of criminal justice options:

- Former Democrats leader, Don Chipp, suggested that convicted paedophiles should be tattooed on their forehead to 'warn society that this person is not only dangerous, but will remain dangerous' (Sunday Mail 1997:18).
- In Queensland prisons, those convicted of sex-related charges are forced into admitting their guilt (whether they claim innocence or not) in order to enrol in rehabilitation programs which in turn allow them to receive a lower classification and move toward release (Personal communication 1998).

And, this 'rough justice' has most certainly come in the form of increased and intense public concentration on sex crimes:

- Justice Wood released his 1335 page report on the NSW Royal Commission into Paedophiles (Canberra Times 30 August 1997).
- Queensland established a Crime Commission to address perceived inadequacies in investigating allegations of paedophile activities (Canberra Times 30 August 1997).
- The Australian Bureau of Criminal Intelligence developed a database of convicted sex offenders and those suspected of paedophilia from 1990 (Canberra Times 30 August 1997).
- The Australian Federal Police established a database on suspected paedophiles named Project Mandrake comprising 1340 names, of whom 330 are

considered active and 450 new names are added annually (*Canberra Times* 30 August 1997).

- The publication of *The Australian Paedophile and Sex Offender Index* in 1997 by Deborah Coddington (combined with the earlier release in New Zealand of a similar publication) heightened the calls for tougher punishment, vilification and potential for vigilantism.

It is this latter example of 'rough justice' — the Coddington Index — that is the focus of our paper. It is reported that 29,000 copies of the Index were sold in Australia and New Zealand (although these figures are not precise); a British version is due to be published and there were plans for a Canadian index (*The Dominion* 19 August 1997). In our paper we first analyse the contents of the Index as a form of database with respect to characteristics of the offenders and offences selected. We then attempt to assess how the Index may disrupt or enhance current forms of treatment for sex offenders. Finally, we place the Index within the perspective of justice concepts like shame and degradation to evaluate its utility.

Description of the Index

The Index

The Index has been described as an 'unlovely object' that has a 'shiny acid-yellow cover on which is depicted a teddy bear, not exactly spread-eagled but with arms outstretched in an attitude of helplessness' (Walker 1997:22). The format of the Index is the name of the individual listed by last name in alphabetical order. This is followed by the entry of the supposed occupation, the town/city and state generally where the offence took place (as well as the rare occurrences where the person is known to have moved to another area) and the age of the individual named. Then follows a brief paragraph which usually commences with the results of their court appearance (Pleaded guilty to ...), followed by the charges and then more descriptive details of the victims and the offences. An italicised sentence or two follows that describes sentencing details and whether there has been an appeal or not and the outcome of such appeals. So essentially it provides brief details of the offender, a short synopsis of the offence and then a summary of the disposition. There is also an insert containing 30 photographs of convicted offenders courtesy of various newspaper sources. At the back is a listing of the individuals named in the Index by state or territory and then a listing of the individuals by occupation.

The Index includes a 22-page introduction setting out the justification for, and a description of the development of the Index. The process of collecting the entries appears to be that the author sifted through newspapers to locate names and then contacted the courts for further information, although she notes that the court system in New South Wales was uncooperative. Coddington justifies her work by saying that she has drawn only on publicly available information from media and law reports, so that those named have been convicted and therefore she is not encouraging innuendo nor wild allegations (*The Australian* 18 February 1997).

The author suggests that there was a need for a directory of this kind in Australia because she perceived a lack of concern about sex offending. She implies that there is greater coverage in the mass media given to international cases and yet the problem is ignored in the local arena. This was in particular reference to the Belgium case where Coddington (1997:26) notes that: 'our newspapers are full of photographs, names and grieving parents when it's the other side of the world, but when it happens next door, we turn away and don't want to know'.

Further, her rationale explicated in the introduction is 'to prevent sex attacks, on both adults and children, before they happen' (1997:23) and because she 'wanted the general public to confront the horror of sexual abuse, [to] bring it out into the open, [and] then change some of the apathetic attitudes of those who still believe this doesn't happen' (1997:8). She is firmly of the view that anyone convicted of a sex offence can never pay their debt for 'they can never pay back what they've taken, ever ... and their lives can never be the same' (*The Australian* 18 February 1997:11).

While Coddington concedes that she cannot predict a potential sex offender, the Index 'at least includes all those I have been legally able to warn you about' (1997:23). Her view is that the Index provides specific deterrence in that 'a conviction will be a stain on the offender's reputation for ever, that life will never be as it was when their record was unblemished' (1997:7). The named offenders listed are seen as having forfeited their 'rights' because they have 'breached, in some way, another person's right to pursue their own privacy and happiness' (1997:7).

Coddington admits that she did not consider the effect that the publication of cases may have on the victims of sexual abuse. However, she suggests that the Index has been able to 'reassure victims that they are not to blame' (1997:8). Likewise, she did not initially consider the Index's impact on the treatment of sex offenders. She does concede that her Index may 'jeopardise the rehabilitation of offenders' (1997:7). Yet, she states emphatically that rehabilitation occurs very infrequently and she has her own definition of rehabilitation that does not conform to those proposed by psychologists and others who treat sex offenders (although her alternative is never expounded).

Offender Characteristics

The Index includes 650 individual cases, of which 17 cases are unnamed and listed separately in the back of the Index. There are three individuals named with a co-offender and not listed individually, that we have included in our analysis as additional individual cases. This has been done because there are other instances where multiple offenders in a single case are listed also under their own names — a key example of this is the rape and murder of Anita Cobby where all offenders are listed and named separately. We have not included in our analysis two individuals who are not listed as textual entries but whose photographs appear, because both of these men were deceased at the time the Index went to press. Indeed one died of cancer in 1991 (six years before the Index's publication) and the other committed suicide in 1994 (three years before publication).

The gender breakdown of offenders shows that 644 are male and 6 female. Of the six female 'offenders', two are listed as co-offenders and not separately listed and one is listed separately as an unnamed offender. The offenders' ages range from 16 to 84 (see Table 1 for age breakdown). The majority of offenders are within the 21-50 years of age bracket (68%). Each Australian state and territory is included in the Index, with the largest proportions of offenders from Victoria (28%), New South Wales (19%) and Queensland (18%) (see Table 2). Almost a quarter (23%) of offenders listed in the Index are noted to have had some sort of previous offence (not necessarily a sex offence).

Table 1: Offender Age

Age	N	%
16-20	34	5.2%
21-30	167	25.7%
31-40	148	22.8%
41-50	127	19.5%
51-60	86	13.2%
61-70	43	6.6%
71-80	17	2.6%
81-90	1	0.2%
Unknown	27	4.2%
Total	650	100%

Table 2: Offenders by State

State	N	%
Victoria	180	27.7%
New South Wales	125	19.2%
Queensland	116	17.8%
Western Australia	94	14.5%
South Australia	55	8.5%
Tasmania	46	7.1%
Northern Territory	29	4.5%
Australian Capital Territory	5	0.8%
Total	650	100%

Offence Characteristics

The range of offences covered by the Index is wide. They include: the rape and murder of Anita Cobby, obscene phone calls, a woman who had a 'lesbian affair' with a student, a woman who had a live-in relationship with a 14 year old homeless youth, a case of consensual sex with a 14 year old student and an unnamed woman who stood guard outside a van while her boyfriend raped a young woman. The range of

offences have been broken down into six categories based on the Queensland Criminal Code (see Table 3), with rape, sexual penetration, sexual intercourse etc. being the most represented offence type (53%). There are 5% of cases in the Index which involved the murder of the victim.

Table 3: Offence Types

Offence Type	N	%
Rape, sexual penetration, sexual intercourse, etc.	345	53.1%
Indecent assault, aggravated indecent assault, etc.	174	26.8%
Indecent dealings, committing indecent act, indecency	54	8.3%
Pornography, photographs, exposure, phone calls, etc.	24	3.7%
Attempted rape, or intent to have intercourse	21	3.2%
Unknown	19	2.9%
Other (mutilation, incest, etc.)	13	2.0%
Total	650	100%

In 69% of cases multiple offences are noted, and 10% involved multiple offenders. Cases were also analysed in respect to whether or not they appeared to be occupation related (where the offender's occupation enabled him or her to have access to the victim). We found that 26% of cases appeared to be related to the offender's occupation, while for 43% of cases it was unclear.

Although Coddington states in the opening paragraphs of her introduction that most sentences date back to 1991, and indeed she said that she regretted not being able to include a case because the conviction occurred in 1986 and was 'too early to be included' (Coddington 1997:17), offences in the Index date back to 1964 (104 prior to

1991, and 47 prior to 1986), and 22 cases are listed where sentencing is stated as having occurred prior to 1991 (6 prior to 1986). In 60% of cases listed in the Index, the offender has pleaded or admitted guilt, while in a further 37% of cases it is assumed that they pleaded not guilty as Coddington does note that they were found guilty or convicted. The majority, 81%, of offenders were sentenced to gaol. Sentence length varied from up to five years (57%), to between 5 and 20 years (36%) to over 20 years to life (7%).

Table 4: Sentence Type

Sentence type	N	%
Gaol	529	81.4%
Suspended sentence / probation	41	6.3%
Fine	24	3.7%
Unknown or not sentenced	21	3.2%
Good behaviour bond	18	2.8%
Community service order / diversion	17	2.6%
Total	650	100%

Victim Characteristics

The breakdown of victim sex shows that female victims were predominant, while in almost 5% of cases victims of both sex were involved. The victims varied from children under 10 years of age to the elderly with 46% of victims aged 16 or under. The relationship between victim and offender was also noted for most cases. Important to note is that although a large percentage of sexual offences are known to be intrafamilial or partner-related, Coddington includes only a small percentage. Less than 1% of offences can be categorised as familial and less than 1% as partner, with the greater proportion (34%) being committed by ‘strangers’.

Table 5: Gender of Victim

Victim Sex	N	%
Female	384	59.1%
Male	188	28.9%
Unknown	48	7.4%
Both	30	4.6%
Total	650	100%

Table 6: Victim's Age

Age Category	N	%
10 and under	123	18.9%
11-16	174	26.8%
17-20	49	7.5%
21 and over	70	10.8%
Unknown	234	36.0%
Total	650	100%

Table 7: Offender-Victim Relationship

Offender - Victim Relationship	N	%
Stranger	221	34.0%
Unknown	177	27.2%
Formal (teacher, church, coach, etc.	141	21.7%
Friend (of victim or family)	103	15.8%
Partner	5	0.8%
Family	3	0.5%
Total	650	100%

Summary

James (1997) notes that the debate has been emotional and the issues are complex. Paedophilia is not, as the media (and in turn Coddington's Index) would lead us to believe, usually committed by strangers who randomly molest children with whom they have had no previous contact. James implies that paedophiles cover the range of

social and demographic categories who can be 'neighbours and relatives, social workers, child care workers and teachers, church leaders, politicians, judges and doctors. They may be well educated or not; rich or poor; married or unmarried; employed or unemployed ... they are found in every suburb, organisation and walk of life' (1997:1). Research does, however, indicate that the vast majority of offenders are male, a significant number of whom are adolescent and when females are involved it tends to be with a male accomplice.

While Coddington would no doubt argue that her Index contains only the tip of the iceberg of what is a true representation of sexual offences, it is important to note that by concentrating on this 'tip' as Coddington does, the real picture of sexual crimes becomes lost. Hood and Boltje (1998) found that figures in South Australia showed that of 1579 cases of child sexual abuse reported to government departments, 69% were assessed by police, 31% led to arrests and only 4% resulted in convictions. If we consider the percentage that would have been reported in the media (Coddington's data source) this picture of sexual abuse is severely limited in scope.

By publicly naming convicted offenders, Coddington is aiming to shame these men and women into not re-offending. The effects of such a degradation tactic on the individual is anything but helpful. Coddington states that her understanding of rehabilitation differs to that of trained therapists and psychologists, and she is critical of the views and opinions of those who are trained to work with offenders. It is important to note that her journalistic beliefs - that publicly denouncing someone as dangerous and untrustworthy will make them conform to social norms - are naïve and dangerous. What Coddington does not seem to consider, is what the community is expected to do with this information. In fact, it is not unreasonable to suggest that she provides them with one option, to offer absolute ostracism of the individual and in other words the 'rough justice' as explicated at the beginning of this paper.

Consequences of the Index

Community Notification

The public disclosure of an offender's personal information has become a popular response to the perceived dangers released offenders pose to the community.

Ingrained with images of the predatory stranger, and the vulnerable and threatened community, community notification is a step beyond the more common official criminal registers held by enforcement bodies. There are generally three forms of access to information on offenders. These include:

1. Restricted access: individuals and community organisations apply for specific information (i.e. CrimTrak, police database etc.).
2. Limited disclosure: particular organisations or individuals who are assessed as 'at risk' or vulnerable are notified of particular offenders release (i.e. schools and churches may apply for information).
3. General disclosure: individuals in a particular area are notified of the personal information and location of offenders who reside in their community (Internet sites, indexes, etc.) (Hinds 1997).

With this in mind, it is important to note that community notification, and registration of offenders is most commonly used with sex offences. Community notification tends to feed off the rhetoric of the threatened public (in particular children) and images of stranger danger. These notions are underlined by the belief that crime and offenders are not adequately dealt with by the criminal justice system: that dangerous men and women are being allowed to roam the streets, looking for their next victim.

Coddington's Index clearly concerns itself with this last proposition. She states: 'They are out there, hunting your children, and they don't want to be stopped' (1997:19)

Such images are perpetuated in the mass media, which is able to construct public perceptions and fear of crime and victimisation (Surette 1994). Offences which 'typically make the cut' as far as media reporting is concerned, are commonly sensationalist and stranger attacks which heighten public anxiety towards sex crimes. While statistics suggest that domestic and familial attacks are far more frequent, they are often omitted from journalistic reporting, and as a consequence have not been included in Coddington's Index. The Australian Bureau of Statistics *Women's Safety* survey shows that 24.5% of physical and sexual violence was perpetrated by a stranger, and 75.5% by partner, either current or previous, boyfriend or date, or other known male (ABS 1996:19). Reporting on child sexual abuse 'however well intentioned on the part of journalists and editors, acts to reinforce the familiar

typification of child sexual abuse as 'out there', perpetuated by a demonised monster, at the expense of attention to more difficult questions about who really does abuse children' (Atmore, cited in Howe 1998).

In the United States most community notification or registration laws have been passed immediately following violent sexual offences. Washington State's Community Protection Act was enacted in 1990, following the sexual mutilation of a seven year old boy by a man with a long history of sexual violence (Hinds 1997). In 1991 Minnesota's notification law was passed after an eleven year old boy was abducted in 1990. In 1994 Bill Clinton passed Megan's Law, three months after the death of Megan Kanta of New Jersey. Seven year old Megan was sexually assaulted and murdered by a neighbour who had a history of sexually offending against children (Hinds 1997).

In Australia the issue of community notification has not reached the legislative stage. There has however been a renewed effort, particularly through the mass media to open the debate of community notification in Australia. Queensland's member for Whitsunday pushed early last year for the establishment of a register of sex offenders. Under the proposal the register would be maintained by the police and public access would be limited. A number of concerns over the register were raised by the Bar Association of Queensland, the Queensland Council for Civil Liberties and a parliamentary committee who expressed concerns about privacy issues (*Courier Mail* 28 February 1998:11). On a federal level the Prime Minister has 'pledged a national blitz' on child molesters by establishing a DNA database called CrimTrac (*Courier Mail* 17 September 1998:1, 7). In Queensland, two cases highlighted this new push.

In April 1996 Raymond Garland, an offender with a long history of sexual offending against children, raped a 14 year old girl he had met and started dating while on parole. After the rape Garland fled and raped three of 14 hostages during a 12 hour siege. Media reports in late 1998 suggested that a priest who had advocated for Garland's parole and who aided him in enrolling in a school, should be removed or reprimanded. The priest was severely criticised for not informing the public of

Garland's offending history (*Courier Mail* 30 April 1998: 2; *Courier Mail* 6 November 1998:17).

The second case involved the abuse and torture of a young boy at the hands of his mother and her de-facto, which preceded a media debate on the public rights to access information about offenders. Discussion centred on the rights of the public against the right to privacy of the victim (*Courier Mail* 23 November 1998:13).

Notification laws are problematic. The potential usefulness and accuracy of publications like *The Australian Paedophile and Sex Offender Index*, where the offender is not required to keep the author informed of their movements, is seriously questionable if we consider the compliance of offenders to official register requirements. Compliance rates have been shown to be low in numerous studies. In Los Angeles 90% of 3200 addresses on a register were found to be inaccurate (Wyre 1998); and in 1984 and 1993, registers in two countries were found to have inaccuracy rates of 90% and 80% respectively (Hinds 1997).

Community notification is also heavily criticised as it targets a certain type of offence and offender. Typically targeting only sex offenders, notification registers are seen to single out sexual offending and this detracts from offences which may present as much, if not more, danger to individuals (such as drug dealing and murder). In addition, the offences that appear in Coddington's Index are on the whole, typically sensational cases, and ones that have made it to mainstream media (as exemplified in her data collection method). It is interesting to note that the length of the case descriptions vary from 12 to 371 words (with a mean of 115 words), with the more sensationalist cases being described in unnecessary and lengthy detail.

Other Criminal Justice Effects

Negative public reactions suggest that the Index will encourage vigilantism (Walker 1997, *The Australian* 22 February 1997). It has been described as 'offensive' because it spurned the publication in newspapers of excerpts: for example, in Townsville 8 names were published of identified locals; and in Wollongong 13 names were published of locals named in the Index (*The Australian* 22 February 1997). This is a

bizarre repercussion as the Index itself was initially drawn from newspaper reports of court cases, but it demonstrates the potential for targeting of local individuals as that which occurred in Wollongong as noted at the beginning of our paper. Both the Federal Privacy Commissioner and the Australian Bureau of Criminal Intelligence are said to have criticised the Index at the Australian Institute of Criminology conference on paedophilia in 1997 saying that it could be misused in this way (*Daily Telegraph* 16 April 1997).

Radio National (1998:13) reports a segment from 'A Current Affair' about a convicted child molester in Melbourne who was targeted by the MAKO (Movement Against Kindred Offenders) group who were out at night distributing pamphlets containing details of the past conviction as well as the name and current address of the so-called child molester, and one of the participants claims to be 'promoting community awareness, and if they see us as vigilantes, then so be it' (Radio National 1998:14). But as Terry O'Gorman notes there is the risk of considerable harm being caused to the individual or to their family (Radio National 1998). Indeed, Coddington herself includes in her Index a case of such vigilantism. This is the case of two male offenders who attacked and physically violated an invalid when they decided after a night of drinking, that the man was a child abuser (Coddington 1997:279).

Ray Wyre gave expert evidence especially about notification laws to the Wood Royal Commission in NSW and he has strong reservations about unfettered public disclosure of the whereabouts of paedophiles (Radio National 1998:15) and suggests that it is also important to consider the victims who in many cases are already feeling guilty about the consequences for the offender, especially where the offender is a family member. One young girl in Britain, according to Wyre, believed that because she told about the abuse her father was killed (Radio National 1998).

Wyre says that making public declarations about the residential location of paedophiles essentially sends a message of revenge and punishment. It does not send a message about the protection of children, for the community members should already be protecting their children. Wyre utilises the case of Thomas Hamilton, the mass killer at Dunblane, who was not convicted as a paedophile and yet he was summarily

punished by the community by not being allowed to run the youth group he was involved in. He then went on to react to this summary justice by saying that if he could not have the children then no-one else would have them. Wyre also notes that vigilante attacks in the UK at least have been known to have targeted the wrong person (Radio National 1998) (i.e. someone who had not been convicted previously of child sexual abuse) and there was one case he noted where a child died in a fire as a result of publicity about a paedophile.

Another set of criticisms is that the Index interferes with criminal justice processes. Justice James Wood is reported as saying that the publication could be 'detrimental and indeed prejudicial to a fair trial' (*The Australian* 18 February 1997:11). He said that it fosters a form of 'double jeopardy' for those punished by the criminal justice system were now being punished through this public exposure. Others note that it cuts across our notion that a fair trial means that previous convictions are not known (*The Australian* 22 February 1997). There are likewise problems in publishing names because most jurisdictions allow for crimes with minor detention sentences to be expunged after a specified period. The Index works against this rule for it is 'unlawful for others to disclose' such 'spent' offences (Bailey 1997).

Effects on Treatment and Rehabilitation

The Chair of the International Commission of Jurists in Melbourne wrote to *The Australian* (19 February 1997:10) and said the Index actively works against genuine rehabilitation and reintegration of offenders into the community. It is also strongly suggested that the Index extends the negative effects of labelling and stigmatisation and self-fulfilling prophecies (*The Australian* 22 February 1997, Walker 1997). The 'publication [runs] the risk of unfairly stigmatising people who may have managed, after treatment, to overcome their propensity' (Bailey 1997:3).

As noted in this paper, there is enormous diversity in the sex offence cases listed so that minor incidents are grouped with serious serial offences. Indeed, Justice Woods noted that 'many convictions were minor or technical and inclusion in the book may threaten the rehabilitation process' (*The Australian* 18 February 1997:11). The Director of Public Prosecutions in New South Wales at the time of publication said

the publication is 'dangerous' and Nicholas Cowdery is reported as saying that 'next they'll be asking them to wear an emblem on their coats' (*The Australian* 18 February 1997:11). Bailey (1997) says that defamation may occur, not from the listing of the actual convictions, but because of potential public commentary that the Index could generate. He says this could result in innocent people being marginalised and also that 'offenders will tend to be forced into fringe groups and may therefore even reinforce each other in their practices' (Bailey 1997:3).

Professor Freda Briggs says that the Index is not likely to be effective (Clausen 1996) and others suggest that its stigmatising potential could force sex offenders underground so to speak (Walker 1997). Wilson (1998) cites the Howard League (1985) to note the great difficulties that sex offenders face when they try to reintegrate into the community after imprisonment (Wilson 1998:8). He strongly endorses the use of half-way or after-care hostels as many offenders are ostracised from their families. It is suggested that notification processes such as Coddington's only intensify the feeling of isolation for an offender on release.

Indexes such as Coddington's, fundamentally undermine a number of the principles behind contemporary notions of justice. Critics suggest that offenders who are placed on notification registers are less motivated to comply with rehabilitation goals and may encourage recidivism (Brooks 1996). The concept of notifying communities that a released offender is living in their neighbourhood is contradictory to the principle that once an individual has served time, or completed judicial requirements they have paid their debt to society. It typifies the idea Coddington puts forward in her introduction that the deterrent to committing a crime should be that a conviction will be a 'stain on the offenders reputation, forever, that life will never be as it was when their record was unblemished' (Coddington 1997:7).

With respect to treatment and notification legislation, it is suggested that once the laws were enacted in some jurisdictions in the United States, that there was an increase in the numbers of sex offenders seeking treatment (Hinds 1997). Yet, this is balanced by the view that 'the threat of community notification may prevent convicted sex offenders from seeking or maintaining treatment' because of 'fear of reprisals'

against the offender or their families and friends, and that many factors involved in notification are anathema to successful treatment outcomes (such as increasing individual stress, increasing the likelihood of not finding employment, increasing the likelihood of offenders seeking solace in drugs, etc).

‘There is no empirical evidence indicating that community notification will increase public safety or provide greater assistance to law enforcement’ (Hinds 1997:3). There are severe problems of labelling and secondary deviance (see Lemert 1967) or of deviance amplification (see Young 1971) in the Coddington process. Coddington’s work, like community notification laws in the USA, stems from the views that rehabilitation does not work, that sex offenders are somehow intractable and different from other forms of offenders, that recidivism for sex offenders is high, and that sexual aberrations are impossible to treat (Hinds 1997). Tony Morrison suggests that practitioners need to be aware of the potential harm that societal attitudes and legislation can have on the outcomes of treatment programs (Morrison, Erooga, & Beckett 1995:25). In order to overcome them, programs need to take concerns such as the effects of naming offenders into consideration.

Conclusion

The concept of shame, as Braithwaite (1989) has demonstrated does have a role to play in contemporary criminal justice processes. It can be a useful adjunct to more formal mechanisms of social control. However, there are many caveats under which shaming should be restricted. The work by Sherman, Schmidt and Rogan (1992) on policing domestic violence has demonstrated that strong public condemnation only works well with certain groups of offenders (namely those who are middle-class, white and employed). Likewise, Braithwaite (1989) has noted that shaming only works where it is followed by reintegration rather than degradation. In his analyses of family group conferences or community accountability conferences as he prefers to call them, he has documented a plethora of conditions under which shaming and reintegration ceremonies will be successful (see Braithwaite & Mugford 1993). It is clear that Coddington’s Index offers plenty of shame but zero reintegration. Indeed, the Index offers nothing but more of the ‘rough justice’ that sex offenders seem to have been condemned to in recent years. It is the kind of ‘rough justice’ that is likely

to nullify the rehabilitative effects of treatment programs, and is likely to escalate fear of crime and the incidence of false allegations.

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