

# *Is it Time for Australia to adopt Circles of Support and Accountability (COSA)?*

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## **Abstract**

Circles of Support and Accountability (COSA)—an innovative process for reintegrating child sex offenders into the community after a period of incarceration— have not yet been firmly established in any Australian jurisdiction. This is the case despite their widespread use in Canada, the United Kingdom, and parts of the United States of America, and despite a growing body of research evidence that demonstrates their efficacy in reducing recidivism among child sex offenders. This Contemporary Comment outlines the emergence of COSA and the existing evidence in support of COSA. It argues that COSA should be piloted in Australia.

## **Introduction**

Circles of Support and Accountability (COSA) have been implemented in international jurisdictions, including Canada and the United Kingdom, since the mid-1990s. Although there has been sustained interest in implementing COSA in Australia, and there is a growing body of evidence that COSA can reduce the recidivism of child sex offenders, and thereby reduce the sexual victimisation of children, COSA have yet to be formally piloted in Australia. This Contemporary Comment describes COSA and outlines the evidence of their effectiveness. It argues that, subject to considering the Australian sociopolitical context, COSA should be formally piloted and evaluated in one or more Australian jurisdictions.

## **What are COSA?**

COSA can be broadly defined as groups of trained and supported volunteers who work with child sex offenders who have been recently released from prison, with the aim of assisting the offender's reintegration into the community, and thereby reducing sexual recidivism against children.

A number of definitions of COSA have been proposed. Hannem and Petrunik (2004:100) define a COSA as:

A group of four to seven trained volunteer members who enter into a covenant with a high-risk sex offender who is known as the core member. COSAs have the dual objectives of preventing further victimization and helping the core member function in the community.

More broadly, Petrunik et al. (2008:120) describe COSA as 'a restorative justice initiative that helps high-risk sex offenders integrate into communities while holding them morally accountable for their behavior'.

## When and how did COSA Emerge?

As the emergence of COSA has been rehearsed at length in the literature (see Correctional Service Canada 2002; Drewery 2003; Hannem and Petrunik 2004; Petrunik et al. 2008; Wilson 2007; Wilson, Picheca et al. 2007a; Wilson, Picheca et al. 2007b; Wilson et al. 2008; Wilson, Picheca et al. 2005), only a brief summary will be provided here.

COSA emerged in Canada during the summer of 1994 in response to the planned release of high-profile, repeat child sex offender Charlie Taylor, who was due to be released at his Warrant Expiry Date (WED) in Hamilton, Ontario. Being released at WED meant that Charlie, who had served his entire sentence in prison rather than serving a proportion of it under supervision in the community, as would ordinarily be the case, would have 'no strings attached... he would have no Parole Officer with whom to meet, and he would have no conditions on his community interactions other than those that apply to all citizens (keep the peace and be of good behaviour)' (Wilson et al. 2008:26).

This situation alarmed Correctional Service Canada psychologist Bill Palmer, who, having worked with Charlie in prison, was aware that he was a 'marginalised man with few life skills and a persistent sexual interest in children' (Wilson et al. 2008:27). Palmer decided, as a 'last ditch effort' (Wilson, McWhinnie et al. 2007:7) to contact the Reverend Harry Nigh, the pastor of a small Mennonite congregation in Hamilton, the city to which Charlie would return.

A COSA, consisting primarily of members of Harry Nigh's church congregation, was formed around Charlie Taylor:

Nigh and his volunteers helped Taylor find a place to stay, welcomed him to attend church services and social functions, and set up a safety net of daily contacts to protect Taylor and minimise his risk to children. (Hannem and Petrunik 2004:100)

Shortly after Charlie Taylor's release, a notorious paedophile with 36 convictions, Wray Budreo, was due to be released in Peterborough, Ontario, also at his WED (Hannem and Petrunik 2004; Wilson et al. 2008). A colleague of Harry Nigh's, the Reverend Hugh Kirkegaard, a community corrections chaplain, decided to emulate Nigh's approach with Charlie Taylor, and formed a COSA for Wray Budreo (Hannem and Petrunik 2004; Wilson et al. 2008).

Following anecdotal reports of the success of these two COSA, the Mennonite Central Committee of Ontario, with the community chaplaincy division of the Correctional Service Canada, obtained a small funding grant to pilot COSA, 'to more systematically develop and promote the COSA concept and implement it across Canada' (Hannem and Petrunik 2004:100).

## What is the Purpose of COSA?

COSA have twin objectives: to reintegrate child sex offenders into the community; and to reduce the sexual victimisation of children. The concomitant twin mantras of COSA are: 'no one is dispensable' (or 'no one is disposable') and 'no more victims' (Fox 2010; Liautaud 2010). COSA also have twin methods for reaching these objectives: *support*; and *accountability*.

Correctional Service Canada (2003:12) describes the aim of COSA as 'to substantially reduce the risk of future sexual victimization of community members by assisting and supporting released individuals in their task of integrating with the community and leading responsible, productive, and accountable lives'. This mission statement has been adopted by many COSA programs across North America.

## **Where do COSA Currently Operate?**

COSA currently operate in a number of locations around the world, including in various locations across Canada (Vancouver/Fraser Valley, Calgary, Regina, Saskatoon, Prince Albert, Winnipeg, South Western Ontario, Peterborough, Kingston, Ottawa, Montreal, Moncton, Halifax, and St John's), and a number of locations in the United States of America (including three pilot locations in Minnesota; Fresno, California; and the state of Vermont) (see Richards (forthcoming) for more detail). Under the umbrella of the charity Circles-UK, COSA also operate in a number of regions in England and Wales, including: Hampshire and Thames Valley; North Wales; Cumbria; East of England; Greater Manchester; Leicestershire and Rutland; Yorkshire and Humberside; Devon and Cornwall; Dorset, Avon and Somerset; Northumbria; and London (see <<http://www.circles-uk.org.uk>>). In addition, non-government organisation the Lucy Faithfull Foundation has a national focus and operates COSA in numerous locations across the United Kingdom (see <<http://www.lucyfaithfull.org>>).

There has been interest in COSA in other countries also, including Scotland (Armstrong et al. 2008), and South Africa, Bermuda, and The Netherlands (Wilson, Picheca et al. 2005).

## **Australian Interest in COSA**

There has been sustained interest in COSA in parts of Australia over a number of years (see Church Council on Justice and Corrections 2008; Wilson, Picheca et al. 2005). American COSA expert Robin Wilson recently visited Australia to discuss COSA at a range of fora, for example, and in 2010, COSA were discussed on ABC program *Encounter* (Stewart 2010).

A fledgling COSA program, 'Five8' (prison slang for 'my mate'), is even currently in operation in Melbourne (O'Sullivan 2010). The program, auspiced by Prisoner Aftercare and Support Services, builds 'micro-communities' around prisoners and assists prisoners' release into the community by offering practical support and friendship (Five8 2010). The Five8 program currently does not work with sex offenders, although it proposes to do so in the future (Personal Communication 2010).

## **Is it time for Australia to Pilot COSA?**

Despite this, there has to date been no formal, funded pilot of COSA in Australia. This is somewhat surprising, given that Australia often adopts criminal justice practices from comparable international jurisdictions such as Canada (for example, a range of restorative justice practices were adopted/adapted from New Zealand and Canada during the 1990s), and that there is a solid body of evidence demonstrating that COSA can be effective in

reducing recidivism of child sex offenders. Although it is without doubt vital to consider the social, cultural and political contexts of Australia's jurisdictions rather than uncritically 'transplanting' COSA into Australia, the purpose of this *Contemporary Comment* is to argue that it may be time for one or more Australian jurisdictions to commit to formally piloting and evaluating a COSA program.

My argument in this regard is based on the research evidence on COSA from Canada, the United Kingdom and the United States of America, which demonstrates the effectiveness of COSA in reducing the recidivism of child sex offenders, and thereby reducing the sexual victimisation of children. I outline this evidence in the following section.

## **What does the Research Evidence Show about the Effectiveness of COSA?**

Two rigorous evaluations of COSA have been conducted in Canada (Wilson, Cortoni et al. 2009; Wilson, Picheca et al. 2005). In the first, Wilson et al. (2005) matched 60 high-risk offenders who participated in a COSA in the South-Central Ontario region with 60 high-risk offenders also from this region who did not participate in a COSA. The offenders were matched on a number of key criteria, including: risk level, exposure time (the average follow-up time was 4.5 years), and whether the offender had participated in sexual offender treatment. In this study, recidivism was defined as 'having a new sexual offense, or having breached a condition imposed by the court' (Wilson et al. 2005: ii).

Wilson et al.'s (2009) more recent study sought to replicate Wilson et al.'s (2005) original study by using data on high-risk child sex offenders from across Canada, rather than limiting the study to one geographical area. Wilson et al. (2009) matched 44 COSA participants with 44 offenders who did not participate in a COSA; the two cohorts were again matched on a range of factors. In this study, the average follow-up time was 35 months.

Both of these studies found that COSA participants had statistically significantly lower rates of recidivism than offenders in the comparison group. This was the case for sexual recidivism, violent recidivism and recidivism of any kind. Wilson et al.'s (2005) original study found that COSA participants had 70 percent less sexual recidivism than offenders who did not participate in a COSA (i.e. 5 per cent (n = 3) of COSA participants reoffended sexually, in comparison with 16.7 per cent (n = 10) of non-participants). In the more recent study, Wilson et al. (2009) found that COSA participants had 83 percent less sexual recidivism than non-participants (i.e. 2.3 per cent (n = 1) of COSA participants reoffended sexually, compared with 13.7 per cent (n = 6) of the comparison group).

Importantly, both evaluations also found that where sexual reoffending did occur, COSA participants committed less serious offences than their index offence (i.e. the offence for which they had been incarcerated). For example, the new offence of one of the COSA participants, whose index offence had been a violent rape, was making an obscene telephone call. Wilson et al. (2005:24) found that 'no function of harm reduction was found in the comparison sample; their new offenses were just as violent and invasive as their most recent offense'.

One limitation of these studies is that they rely on official data on criminal charges and convictions to measure recidivism. It has been well-documented however, that sexual offences against children are often not reported (Abel et al. 1987), and that sexual offending against children has a high rate of attrition (Eastwood et al. 2006). It should be noted that this is likely to be the case for both COSA participants and members of the comparison groups in both of the studies described above. In addition, research on COSA in the United Kingdom has sought to address this limitation by adopting a broader definition of 'recidivism' and examining not only formally-documented rearrests and/or reconvictions, but 'pro-offending behaviour' among offenders participating in COSA (see Bates et al. 2007; Quaker Peace and Social Witness 2005).

For example, a study on COSA in the Thames Valley by Quaker Peace and Social Witness (2005) found that although none of the twenty COSA participants were reconvicted of a new sexual offence during the period under consideration (April 2002 to March 2005), eight demonstrated behaviours that were identified (usually by members of the offender's COSA) as 'pro-offending'. In one case, a COSA participant was found to be grooming underage girls in internet chat rooms; another secretly purchased a car, which had been his modus operandi for previous abduction offences (Quaker Peace and Social Witness 2005; see also Bates et al. 2007). Another COSA participant developed a relationship with a woman known to have grandchildren without alerting his case manager (Bates et al. 2007).

This research indicates that while many offenders who participate in a COSA do not reoffend sexually (at least in the short to medium term), some exhibit what Neale (in Quaker Peace and Social Witness 2005:15) describes as 'precursory' behaviours. That is, COSA volunteers were able, in these cases, to alert the authorities about specific behaviours that the COSA had identified as belonging to the offending pattern of the offender. As Bates et al. (2007) and Nellis (2009) argue, these decisions, many of which resulted in offenders being returned to prison, might be considered a 'success' rather than a 'failure' of COSA. Although in these cases, offenders were not successfully reintegrated into the community, the actions of COSA volunteers contributed towards preventing sexual recidivism; they therefore contributed towards the safety of children in the community.

## Key Issues to Consider

The existing evidence about the capacity of COSA to reduce the recidivism of child sex offenders is therefore very promising. Where rigorous quantitative studies have been undertaken, statistically significant reductions in reoffending among those who participate in COSA have been found (Wilson et al. 2009; Wilson et al. 2005).

This is not to suggest, however, that a 'policy transfer' (Jones and Newburn as cited in Nellis 2009) of COSA into the Australian criminal justice landscape should be attempted without consideration of a number of key issues.

For example, in North America, COSA rely heavily on volunteers from faith communities, particularly Mennonite and/or Quaker congregations. As Whitehead (under review) demonstrates, it is necessary to examine critically the role of faith-based initiatives in the criminal justice system, and to consider the evidence about the efficacy of these initiatives. In the Australian context, it is important to consider to what extent faith-based

volunteers might exist as a resource for COSA, to what extent this might be appropriate, and how best to ensure that church and state remain separate.

Given their heavy reliance on volunteers, it is also important to consider the landscape of volunteering in Australia, which may differ from that of international jurisdictions in which COSA currently operate. Volunteer recruitment is considered one of the primary struggles of COSA (Nellis 2009). If appropriate volunteers cannot be recruited, trained and retained, COSA cannot function successfully. If one or more Australian jurisdictions are to pilot COSA, it is vital that thought be given to this issue (see Richards (forthcoming) for more detailed discussion of this issue).

One reason for the reluctance of Australian jurisdictions to implement COSA may be concern about the response of the community and/or the media to this seemingly controversial initiative. It should be recognised in relation to this concern that community fear of and anger towards child sex offenders is by no means unique to Australia. Those jurisdictions in which COSA have been implemented internationally have also experienced community outrage about the release of high-risk child sex offenders, including picketing and vigilante attacks against offenders. (Indeed, as described above, this provided the impetus for COSA in Canada in 1994). In the United Kingdom, for example, a number of innocent people have been killed as a result of attacks on suspected or convicted child sex offenders (Petrunik and Deutschmann 2008), and the home of a paediatrician was famously vandalised when attackers mistook it for the home of a paedophile (Allison 2000).

Community response to COSA has, however, been overwhelmingly positive in those locations in which COSA already exist. As Nellis (2009) claims, even 'bad press' usually results in expressions of support from the community, and assists COSA programs with finding and recruiting volunteers.

## Conclusion

There are undoubtedly other issues that ought to be considered by Australian jurisdictions considering implementing a COSA pilot; some of these are described in Richards (forthcoming). Nonetheless, the evidence base on the efficacy of COSA provides a strong foundation on which to trial this innovative initiative for dealing with child sex offenders who are released into the community after a period of incarceration. In addition, COSA are likely to result in substantial cost savings for governments, as any reduction in offending reduces costs. Furthermore, our colleagues in the Northern Hemisphere have a wealth of knowledge about and experience with COSA on which we could draw.

It is impossible to predict what the outcomes of an Australian COSA pilot might be, and it goes without saying that appropriate risk management strategies are vital to ensuring the success of a program like COSA. It would appear however, that it is time for one or more Australian jurisdictions to take a courageous step and implement a pilot COSA program.

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