

Sex Offences in Israel - Public opinion, Risk Management and Treatment

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Abstract

The issue of sex offending in Israel is a matter of great public concern and debate. The matter populates the media and news almost on a daily basis. The article reviews the common practice and development in the areas of risk assessment, supervision and treatment of sexual offenders in Israel. Major steps have been made in the last few years; the biggest was the legislation of the Supervision and Treatment law that aims to protect the public from sexual offences. This Law has clarified important issues like risk assessment and treatment. Yet a lot of progress is still needed; mainly making risk assessments more evidence based and specific for the Israeli diverse population and expanding the amount of sex offenders that receive treatment.

Key Words: Israel, Sex offender, Treatment, Risk Assessment

Israel is one of the few democratic states in a Middle East, a region which is populated with countries that are ruled by military dictatorships, theocracy regimes (sometime extreme in nature) or monarchies. The conceptual values that govern Israel relating to sexual behavior are western and modern and are different from its neighboring countries. Another unique attribute of Israel is the diversity of the Israeli population which is based on immigrants from many countries and regions around the world making it a very culturally heterogeneous society.

According to police official reports, 1.5% of convictions in criminal records pertain to sexual offences (Israel Bureau of Statistics, 2018)). The legal criminal justice system in Israel view sexual abuse and sexual offending in a very harsh way. According to the reports, 90% people that face allegations of sexual misconduct and sexual offend will be prosecuted (Israel Bureau of Statistics, 2016) and sentenced accordingly. A rape perpetrator can be sentenced between 7 to 20 years in prison. Child molesters in the family can be sentenced up to 20-30 years. Contrary to other types of offences, sexual offences have minimum punishment periods that obligate judges to give more harsh punishments. No one is immune as can one see from the trials of well-known politicians, journalists, artists as will be discussed later.

The issue of sex offending in Israel is a matter of great public concern. The media covers stories of perpetrators and victims on a daily basis. In 2008, long before the "Me too#" campaign in the United States, a project named "Giborot (Hebrew for 'Heroines')" has allowed women from all sectors of society to post sexual harassment testimonials, on an internet site dedicated to the subject. This is only one example of a several other similar initiatives. In another recognized project, a wave of known and popular women from different sectors of society have come forward in the press testifying on sexual misconduct allegations of people they have worked with. Several known actors and politicians were asked to resign or leave their positions.

A growing number of politicians have been accused and prosecuted of sexual allegations. The most

noteworthy and unprecedented case was the conviction of the eighth Israel's President Mr. Moshe Katzav for severe sexual offences (including rape and obscene acts towards women employees that worked under his supervision throughout the years) (The Guardian, 2011). The former President was sentenced in 2010 for 7 years in prison and was released under restricted conditions after 5 years. There are some growing incidents of informal punishment when it comes to sexual misconduct. A famous case is one of Israel's most acclaimed movie stars, who stopped appearing in movies after allegations of sexual harassment (Steinberg, 2016) appeared in the media. In addition, a prominent art teacher has committed suicide in 2017 after his name was linked to sex offences that he has allegedly committed on his students (Levi, 2018).

The change in public opinion and awareness to the importance of consent in sexual encounters has started to shift in 1993 after the Supreme Court paid attention to the issue in a groundbreaking decision to convict a group of teenagers who raped a 14-year-old girl in a Kibbutz (A form of social collective community unique to Israel). That decision changed the tone and understanding of what consensual sex means and gave a new light to the stand against sexual crimes (New York Times Archives, 1992).

In contradiction to the visual media (TV and films) that deal with sexual offending, there is a meagre number of articles and books written about the subject. Most known is the book "Treating Sexual Offenders in Israel" (Schori, Ben David & Hovav, 2010), a collection of articles about risk assessment and treatment. Most public debates are not scientifically based and are prone to child victim's activists and feminist activist's views. Judges that are lenient to give low punishments for sexual crimes sometimes face heavy public pressure and criticism.

There is a scant amount of research. Research is published mostly on treatment and much less (hardly anything) on risk assessment. Israel policy makers are therefore highly influenced by the public's opinion as expressed in the media. During legislation changes the policy makers are sometimes exposed by the professionals to research that has been conducted abroad (mostly in the US Canada and Britain).

Israel has unique laws concerning severe penalties for sexual offenders. Some laws dictate that sexual offenders cannot work in facilities that have children or others helpless populations. In 2006, a law for supervision and treatment of people who were convicted of sex offences was approved (Its' goal is "to protect the public from sexual offences"). The law deals with the supervision of sexual offenders more than registration or notification as costumed in other countries. Therefore, offenders are under surveillance according to their risk level and have restrictions based upon the characteristics of their offences. The law contains three major sections: A. Sexual risk assessments (How to conduct it). B. Supervision of convicted Sex Offenders and C. Treatment of Sex offenders. The third part of the law was applied in 2010 but was implemented only 4 years later. Treatment centers for sex offenders (including for special populations like addicts, people with major mental health issues, people with special needs, and people from the extreme religious community) have been certified since the law has passed. These Treatment centers cover only a small part of the convicted ever growing population of sex offenders. Israel has only one facility that houses offenders who are at high risk and one facility that treat sexual offenders who are also addicts. According to unofficial reports only 15% of offenders that are released from prison and need treatment, receive it.

Several suggestions to create laws that allow open registry of sex offenders for the public eyes were not approved after professionals argued against it. It also worth to mention that the supervision and treatment law was named "the law of protection form sexual offenders" was changed to its' current name "the law of protection from sexual offences", hence not labeling people who were convicted

as sexual offenders, after professionals argued against it.

It is important to note that the supervision and treatment law does not include people who were convicted out of Israel. Two years ago it was claimed that Israel has therefore become a haven for Jewish sexual offenders that seek refuge from registration laws in other countries and have no obstacles to enter the country (Faulkner, 2016).

In the last 12 years, Prisons in Israel have adjusted to deal with the unique population of sex offenders. Special divisions have been assigned to deal primarily with sex offenders. There are several departments that administer treatment that at its first stage is psychoeducational in nature and in later stages directed to deal with the offence cycle and the relapse prevention model. Very few programs address the "Good lives model". Treatment is divided between Social workers who treat the low moderate risk and clinical criminologists who treat the moderate high- risk offenders. The biggest ward that treats sexual offenders is located in Hermon prison and is a treatment community on a daily basis. In the last two years, attempts to treat sex offenders in prison who are in categorical denial have been attempted in two pilot groups.

During 2016-2017 after a legal petition, a committee of experts that dealt with the question: 'When to start Sexual offenders treatment for long term prisoners' has recommended treatment in prison to start 5 years prior to release.

Sexual risk assessments are the responsibility of the Ministry of Health and are conducted in the sole Risk Assessment Center in Beer Yaakov. Risk assessments officially are based on structured clinical judgments and not on actuarial measures, even though the recent worldwide research results are taken into consideration. One article that reviews risk assessment in that governmental center claims that risk assessments there are actually unstructured clinical examination using various risk factors from Structured Professional Judgment and actuarial tools (Rabeea & Doron, 2016). The article also claims that the method that is used there is based on intuitive basis without reference to a specific decision procedure, therefore rendering it to subjective bias of the examiner. Several private (non-governmental) assessors use actuarial measures including the Static-99R, Stable 2007 and the MnSOST-R and structured clinical measures like the SVR-20. On some specific and relevant cases PCL-R is been used. Risk assessments are based on the offenders' interview, collateral information and court and treatment documents. In Israel it is not customary to use Penile plethysmography, Attention based measures or any other method of evaluation which is not verbal. The Polygraph is sometimes used in Israel but not in risk assessments and has a very low impact on the judicial system since it is not considered scientifically valid. Israel has not yet passed to the new Standardized risk levels method as explained in Hanson & Bourgon (2017).

Risk assessments are conducted during trials if the person's punishment might not include imprisonment. It is also conducted before release and during the supervision period. Every person that stands before the prison parole board, who has a history of sex offences, is obligated to pass a risk assessment. In prisons sex offenders risk is evaluated by the ministry of health professionals periodically. The evaluators give recommendations about risk and conditions that should be adhered to during prison vacations and parole release.

Sex offenders who offended against a family member are also evaluated by a special committee (named The Incest Committee). This committee is considered by some to be based on poor professional standards, yet the prison parole board pays attention to their recommendations. It should be noted that Israel has no system to assess the risk of convicted sex offenders in relation to their own children which might create sometimes complicated situations for child molesters who are parents to underage children and want to live with their children under the same roof.

The law dictates that sex offenders whose risk is above low should be under surveillance. The supervision court order can hold up to 5 years after exhausting the sentence. If the offenders' risk stays high, the court can lengthen the supervision period up to an additional 5 years and so forth to a maximum of 20 years. A special unit of the Israeli Prison Service officers handles the supervision. The officers assigned to the job try as much as possible not to intrude or interrupt the daily lives of the offenders and encourage the offenders to participate in treatment, which is financed by the government. Currently, around 1,200 sex offenders are under supervision, 43% are considered to be at high-risk. Only 170 are in treatment and approximately 40 receive medical treatment to lower their sexual drive on a regular basis. It's worthy to mention that Israel does not use any kind of chemical castration, however some sexual offenders receive by choice (It is not mandatory) a monthly injection to lower the sexual drive. The most common drug that is used is Triptorelin, sold under the brand name of Decapeptyl and is claimed to have minor side effects compared to other known drugs. SSRI drugs are used in less severe cases. The supervision and treatment law has proved to be very effective. Since first implemented, recidivism in sex offences lowered down to approximately 3.5% for offenders that are under surveillance and decreases even lower as time progresses.

Before the supervision and treatment law legislation, multi-agency cooperation was quite limited. Each system (the police, the judicial system, risk assessors and the treatment providers) worked mostly on its own. The treatment providers in prison hardly took into account previous treatment that has been done by outside private providers, and therefore created sometimes overtreatment for some offenders while under-treatment for others. To date cooperation has started to appear at the communication level between the different agencies, however contradicting to the statement that treatment would be provided to all, most offenders who deny the offence, part and whole, and/or that do not show motivation for treatment are not incorporated into the treatment system.

In summary, Israel's public opinion and professionals have a lot of impact on legislation that deal with sexual offending and implementation of laws that aim to protect the public from sexual offences. Since the supervision and treatment law has been implemented, considerable progress has been made in the areas of sexual risk assessment and treatment. However, a lot of progress is still needed; mainly making risk assessments more evidence based and specific for the Israeli diverse population and expanding the amount of sex offenders that receive treatment.

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Footnote

¹The data is based on the statements made by the officer in charge of the sexual offender's supervision unit during an article in the news.

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