



**Submission to the Victorian Law Reform Commission  
Consultation on Improving the Response of the  
Justice System to Sexual Offences**

December 2020



**Jesuit  
Social Services**  
Building a Just Society

## Summary of Submission

Jesuit Social Services welcomes the opportunity to contribute to the Victorian Law Reform Commission's (VLRC) consultation on *Improving the Response of the Justice System to Sexual Offences*.

We consent to the VLRC posting this submission on its website.

Our submission responds to Questions 1, 2 and 5 of the VLRC's consultation *Issues Paper G – Sexual Offences: Restorative and Alternative Justice Models (October 2020)*.

In general, Jesuit Social Services advocates a restorative approach by the justice system, rather than a punitive approach, in response to offending. Specifically, in the context of sexual offending and sexual offences, we emphasise the need to ensure that restorative approaches are appropriate – for example, to the nature of the offence and the needs of the victim. A continuum of responses is critical, including preventative programs and targeted post-sentence/post-prison support services, as well as carefully implemented restorative justice programs.

Our submission emphasises several factors that should be considered when dealing with sexual offences by different cohorts in the context of any proposed restorative justice response, such as group conferencing. It also emphasises that careful assessment is required to determine the appropriateness of any particular response in each individual sexual offence case.

Our submission outlines a range of programs and projects relevant to preventing and addressing sexual offending in which our organisation is engaged through service delivery and program research and development. These initiatives include the *Worried About Sex and Porn Project (WASAPP)*, *Stop It Now!*, group conferencing programs (*Youth Justice Group Conferencing Program*, and *RESTORE*), *Circles of Support and Accountability (COSAs)*, and transitional and supported housing programs (*ReConnect*, *Perry House*, *Next Steps*, *Link Youth Justice Housing Program*, and *Maribyrnong Community Residential Facility*).

Our submission makes several recommendations for the trialling/establishment or expansion of several of these programs.

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## Introduction

Jesuit Social Services welcomes the opportunity to contribute to the Victorian Law Reform Commission's (VLRC) consultation on *Improving the Response of the Justice System to Sexual Offences*. Our submission responds to Questions 1, 2 and 5 of the VLRC's consultation *Issues Paper G – Sexual Offences: Restorative and Alternative Justice Models (October 2020)*.

Jesuit Social Services recognises that sexual violence and sexual offending cover a spectrum of criminal and other behaviours committed against children and adults. This includes sexualised bullying, sexual harassment, problem sexual behaviours, unwanted kissing and sexual touching, sexual pressure and coercion, child sexual abuse, and sexual assault, including rape. We also recognise that sexual violence can overlap and interact with domestic and family violence, and that sexual violence is a gendered crime – sexual violence is almost exclusively perpetrated by men, with women overwhelmingly the victims of sexual violence.<sup>1</sup>

For over 40 years, Jesuit Social Services has been working in solidarity with people and communities experiencing disadvantage and marginalisation. We work with people who frequently experience multiple and complex challenges. Our mission and work are described in the next section.

In general, Jesuit Social Services advocates a restorative approach, rather than a punitive approach, to responses by the justice system to offending. Specifically, in the context of sexual offending and sexual offences, our submission:

- emphasises several factors that should be considered when dealing with sexual offences by different cohorts in the context of any proposed justice system response, such as group conferencing, and that careful assessment is required to determine the appropriateness of any particular response in each individual sexual offence case;
- outlines a range of programs and projects relevant to preventing and addressing sexual offending in which our organisation is engaged through service delivery and program research and development. These include the *Worried About Sex and Porn Project (WASAPP)*, *Stop It Now!*, group conferencing programs (*Youth Justice Group Conferencing Program*, and *RESTORE*), *Circles of Support and Accountability (COSAs)*, and transitional and supported housing programs (*ReConnect*, *Perry House*, *Next Steps*, *Link Youth Justice Housing Program*, and *Maribyrrong Community Residential Facility*); and
- makes several recommendations for the trialling/establishment or expansion of several of these programs.

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<sup>1</sup> For example, see Northern Territory Government (2019). *NT Sexual Violence Prevention and Response Framework Discussion Paper*: [https://haveyoursay.nt.gov.au/preventing\\_and\\_responding\\_to\\_sexual\\_violence](https://haveyoursay.nt.gov.au/preventing_and_responding_to_sexual_violence).

## Jesuit Social Services: Who we are and what we do

Jesuit Social Services is a social change organisation.<sup>2</sup> Our mission is to build a just society where all people can live to their full potential.

For over 40 years, Jesuit Social Services has been working in solidarity with people and communities experiencing disadvantage and marginalisation. We work with people who frequently experience multiple and complex challenges.

As an organisation, we ‘do’ and we ‘influence’. We accompany people and communities to foster and regenerate the web of relationships that sustain us all – across people, place and planet; and we work to change policies, practices, ideas and values that perpetuate inequality, prejudice and exclusion.

We work where the need is greatest and where we have the capacity, experience and skills to make the most difference. We operate in multiple locations across Victoria, New South Wales and the Northern Territory.

Our service delivery and advocacy focus on the following key areas:

**Justice and crime prevention** – for people involved with the justice system or at risk of becoming so involved.

**Mental health and wellbeing** – for people with complex and multiple needs, including mental illness, trauma, homelessness, and complex bereavement.

**Settlement and community building** – for recently arrived immigrants and refugees, and disadvantaged communities.

**Education, training and employment** – for people with barriers to sustainable employment.

**Gender and culture** – providing leadership on the reduction of violence and other harmful behaviours prevalent among boys and men, and building new approaches to improve their wellbeing and keep families and communities safe – as discussed in the next section.

**Ecological justice** – inviting discussion on what practices, policies and actions can be taken by governments, individuals, organisations and the community services sector within Australia to build an ecologically just society. The pursuit of ecological justice underpins all that we do in our programs and advocacy.

The promotion of education, lifelong learning and capacity building is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence participants’ lives and improve approaches to address long-term social challenges. We do this by working collaboratively with the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

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<sup>2</sup> See Jesuit Social Services’ website: <https://jss.org.au/about-us/>.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation, as well as articulating and disseminating information on best practice approaches to working with participants and communities across our programs.

*We acknowledge that we live and work on unceded Aboriginal lands. We value and respect the knowledge and living culture that Aboriginal and Torres Strait Islander people bring to our communities. We walk alongside them as we strive together for justice.*

### Our work on gender justice

Jesuit Social Services has been working with boys and men for over 40 years. This includes work with boys and men involved in the criminal justice system, including those leaving prison; establishing Victoria's first dedicated counselling service to work with young people struggling with concurrent mental health and substance abuse problems; and the *Support After Suicide* program, which provides free individual and family counselling to people bereaved by suicide and runs a specialist men's group.

Many of the boys and men we work with use violence, and we see many of them hold harmful attitudes towards girls and women. Our work with men who have committed serious violent and sex offences seeks, upon their release from prison, a successful transition back into the community to lower the risk of recidivism and improve community safety. We recognise that the most effective way to reduce the recurrence of sexual violence is to stop it from happening in the first place.

Drawing from this experience, The Men's Project was established to provide leadership to develop new approaches to reduce violence and other harmful behaviours prevalent among boys and men; to build new approaches to improve their wellbeing; and to keep families and communities safe.

The Men's Project incorporates a range of initiatives across four key areas, aiming to:

1. Promote cultural and attitudinal change around issues of masculinity and gender to support primary prevention efforts.
2. Develop, deliver and evaluate interventions that address violence and other harmful behaviour.
3. Share knowledge across sectors about what works to engage boys and men and change their behaviour, and
4. Build capacity across services to recognise and respond to violence and other harmful behaviours in boys and men.

Collectively, these initiatives seek to promote positive social change surrounding masculinity, reduce male violence and harmful behaviours, and improve men's wellbeing and relationships.

## Responses to Issues Paper G – Sexual Offences: Restorative and Alternative Justice Models

### Question 1: Do you support adopting a restorative justice model for sexual offences? Why or why not?

In general, Jesuit Social Services advocates a restorative approach, rather than a punitive approach, in the response of the justice system to a range of behaviours across the offending continuum. Specifically, in the context of sexual offending and sexual offences, we emphasise the need to ensure that restorative approaches are appropriate – for example, to the nature of the offence and the needs of the victim. A continuum of responses is critical, including preventative programs and targeted post-sentence/post-prison support services, as well as carefully implemented restorative justice programs.

In any proposed restorative justice responses to sexual harm, such as group conferencing, Jesuit Social Services emphasises several factors that should be considered when dealing with sexual offences by different cohorts. We also emphasise that careful assessment is required to determine the appropriateness of any specific response in each individual sexual offence case. The factors that require consideration include:

- **the context of the offence** – including, for example:
  - the nature and severity of the offence;
  - the age of the person who has committed the offence and of the victim-survivor;
  - the cognitive capacity of the parties involved (i.e. whether there is any cognitive impairment and, if so, the nature, extent and implications of the impairment); and
  - the risk indicators for reoffending.
- **the perspective and wishes of the victim-survivor** – in particular, the victim-survivor's willingness to participate and the availability of appropriate support beyond the conference program itself if required.
- **that different responses are needed for children and adults.** This is especially the case where the victim-survivor is a young person and is also a perpetrator (e.g. in the context of out-of-home care).
- **the need for a diversity of programs** that respond to the continuum of offending and range of needs and vulnerabilities of those involved (i.e. perpetrators and victim-survivors).

Jesuit Social Services emphasises that, in establishing and expanding any justice responses to sexual offences, there is also a need to ensure:

- **provision of adequate training** for all relevant staff in trauma-informed and restorative practices.
- **availability of expert clinical support and resources** (i.e. clinical oversight and governance).
- **access to stable and safe housing** for those who have committed offences, especially when exiting prison.
- **provision of wrap-around services** that are flexible in intensity and duration.
- **appropriate, adequate and integrated information sharing** between the various stakeholders in custodial and community settings.

- **that all programs rolled out have been trialled, evaluated and found to be effective.**
- **comprehensive funding, conduct and evaluation of any pilots/trials** of new programs that appear promising.

*Question 2: If a restorative justice model is adopted, what should its features be?*

Jesuit Social Services is engaged in the development and delivery of a range of programs designed to prevent and address the range of offending behaviour, including serious and sexual offending. Outlined in the following sections, these programs include the *Worried About Sex and Porn Project (WASAPP)*, *Stop It Now!*, group conferencing programs (*Youth Justice Group Conferencing Program*, and *RESTORE*), *Circles of Support and Accountability (COSAs)*, and transitional and supported housing programs (*ReConnect*, *Perry House*, *Next Steps*, *Link Youth Justice Housing Program*, and *Maribyrnong Community Residential Facility*).

### Worried About Sex and Porn Project (WASAPP)

In collaboration with the University of Melbourne, Jesuit Social Services is currently engaged in a research project, *WASAPP*, for young people worried about their sexual thoughts or behaviours. Funded by a Learning System Grant, through the Centre for Excellence in Child and Family Welfare, the research is seeking to understand the developmental trajectories of children and young people to inform the contents of an effective online help tool. The next stage is to secure funding to build and trial a *WASAPP* online help tool.

*WASAPP* is addressing the following research questions:

- What is known about intervening early in harmful sexual behaviour for children and young people?
- What are the components of an online/helpline tool for children and young people worried about their sexual thoughts and behaviours?

The research method involves:

- A workshop and interviews with relevant professionals and international experts addressing the trajectories of, and help-seeking by, young people with harmful sexual behaviours.
- Interviews, in collaboration with relevant behaviour treatment services, with children and young people who have harmed (on hold due to COVID-19).

The developmental trajectories of children and young people with harmful sexual behaviours who have come to the attention of the system include:

- Curiosity driven through porn use (porn as trigger).
- Abuse-reactive and trauma-related (victim of child sexual abuse and domestic violence).
- Long-standing pattern of antisocial behaviour in family and peer groups, violating others (becomes sexualised at puberty).
- Developmental or cognitive impairment, such as learning disability or Autism (not being able to cognate boundaries and social norms).
- Other trajectories:
  - Most children do not go on to become adult perpetrators.

- If they are still abusing at around the age of 17, they are more likely to continue abusing in adulthood.
- If they use threats, violence and are indiscriminate in choice of victim, they are more likely to keep offending as adults.
- Severe behaviours may be evident from the start, due to porn.
- There are growing numbers of girls, groups, and younger children with harmful sexual behaviours.
- Sexualised dating violence as a form of harmful sexual behaviour.

The key components identified for an effective online help tool include:

- Chat or text – chat box, not telephone (voice)
- Pop ups directing to website help
- Confidential and anonymous
- Non-judgmental, trauma-informed, strengths-based
- Inclusive of family, teachers, and friends
- Thoughtful context of young people’s help-seeking
- Primarily psychoeducational, but option to speak to practitioner.

The contents identified for such a tool would involve psychoeducation and planning about:

- Consent and the law
- Impact on victims
- Managing pornography
- Normal, inappropriate and harmful sexual behaviours
- Respectful relationships and friendships
- Sexual arousal – the “tingles”
- Self-care.

**Recommendation 1:**

Jesuit Social Services recommends the building and trial of a *WASAPP* online help tool, which requires additional investment in order to proceed.

**Stop It Now!**

*Stop it Now!* is a program that seeks to prevent child sexual abuse (i.e. sexual abuse of children). *Stop it Now!* currently operates successfully in North America, the UK and Ireland, and the Netherlands. Key features of the program are a phone helpline and website to support adults desist from, and ultimately prevent, child sexual abuse as well as viewing child exploitation material online; and support for parents, family members, and professionals who encounter child sexual abuse.

Jesuit Social Services has invested in the design of a *Stop it Now!* program over several years and, in October 2020, we were awarded a Westpac Scale Innovation grant to build the foundations of a *Stop It Now!* service in Australia. Jesuit Social Services has identified and initiated national and international collaborations, including a working relationship with *Stop it Now! UK*, which will also provide expertise and mentoring during the implementation phase of this project. The Jesuit Social Services *Stop It Now!*

report<sup>3</sup> outlines a proposed framework for the program, including scope, governance, integration, multi-jurisdictional service partnership, and legal issues.

Jesuit Social Services has already built national alliances for *Stop it Now!* This includes state and federal government departments, community sector organisations, and law enforcement and victim-survivor agencies. A strong foundational collaboration exists, with the University of Melbourne contributing expert academic and evaluation input. In collaboration with leading Australian academics and advocates, grant funding has been received through the Creswick Foundation to bring, pending COVID-19 restrictions, Donald Findlater, Director of *Stop It Now! UK and Ireland*, and Elizabeth Letourneau, Director, Moore Center for Prevention of Child Sex Abuse to Australia to enhance evidence-based child sexual abuse prevention policy and practice in the Australian context.

These initiatives are consistent with the call of the Royal Commission into Institutional Responses to Child Sexual Abuse for a “national strategy to prevent child abuse” that includes “information and help seeking services for people concerned they may be at risk of sexually abusing children ... informed by the Stop It Now! model implemented in Ireland and the United Kingdom.”<sup>4</sup> The Royal Commission noted that telephone and online interventions can be as effective as face-to-face services, are cost-effective, and can be accessed from regional and remote areas. An economic evaluation in the UK found estimated benefits of up to £6.15m per annum – over 15 times larger than annual costs.<sup>5</sup>

The Westpac Scale Innovation grant provides the opportunity to build on existing relationships and knowledge and pilot an important service for the prevention of child sexual abuse, as called for by the Royal Commission. The objective of the project, as agreed with Westpac in the Grant Funding Agreement, is to build the evidence base for *Stop it Now!* such that government is persuaded to provide sustained funding for the operation of *Stop it Now!* in Australia. This will be achieved through:

1. Advocating for increased government investment in perpetrator focussed child sexual abuse prevention, including obtaining sustained funding for *Stop it Now!*
2. Building the inputs required for a pilot (e.g. practice guides, training for staff, minimum viable product system to receive calls and manage participants, referral pathways).
3. Working in partnership with a state/territory police force, as well as other relevant departments, to identify a targeted group of people to engage in a pilot, which would be evaluated with lessons learned captured in an implementation plan to inform scale up.

**Recommendation 2:**

Jesuit Social Services recommends that the Victorian Government support a trial of *Stop it Now!* (e.g. with a selected group of participants potentially referred by Victoria Police) with a view to providing ongoing funding for a *Stop It Now!* program in Victoria.

<sup>3</sup> Jesuit Social Services (2019). *Stop it Now! A scoping study on implementation in Australia*. Melbourne, Australia. Available from <https://jss.org.au/wp-content/uploads/2019/07/Stop-It-Now.pdf>.

<sup>4</sup> Royal Commission into Institutional Responses to Child Sexual Abuse (2017). *Final Report, Recommendations, Recommendation 6.2*, p. 4, [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_recommendations.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_recommendations.pdf).

<sup>5</sup> Bowles, R. (2014). *Economic analysis of the Stop it Now! UK and Stop it Now! Netherlands Helplines: Summary*, <http://natcen.ac.uk/media/338803/stop-it-now-economic-analysis.pdf>.

### Group conferencing programs:

Jesuit Social Services is experienced in delivering effective restorative justice group conferencing programs to young people involved in Victoria's Justice System through the *Youth Justice Group Conferencing Program (YJGCP)* and *RESTORE*, which are described below.

It is important to bear in mind that processes like group conferencing involve highly verbal social exchanges that require higher order cognitive skills and are challenging for people with impaired language-processing abilities<sup>6</sup>, which are disproportionately evident and also often undiagnosed among people involved in both the youth and adult justice systems. This does not mean that everyone with some level of cognitive impairment should be denied access to group conferencing, rather it highlights the critical need for careful assessment of suitability to participate in such a program.

While group conferencing programs play an important role in the range of relevant responses to the continuum of offending behaviours, Jesuit Social Services encourages the VLRC to also consider other relevant programs and projects that we deliver or in which we are involved in the context of sexual harm. These initiatives include the *Worried About Sex and Porn Project (WASAPP)*, as discussed above; and *Circles of Support and Accountability (COSAs)*, and *transitional and supported housing programs*, which are described in later sections.

### Youth Justice Group Conferencing Program (YJGCP)

*YJGCP* is delivered throughout Melbourne. It is a restorative justice program that enables dialogue between people who have offended, their victims and the wider community, and brings together those involved or affected to discuss how the young person can make amends for the harm done. Referrals to the program can be made by a Magistrate in any of Victoria's Children's Courts, under Section 414 of the *Children, Youth and Families Act 2005*.

In Victoria, the *YJGCP* commenced as a small pilot in 2002-2003, and expanded to statewide from 2006. Jesuit Social Services has also been delivering the program in Darwin, Palmerston and Katherine in the Northern Territory since early 2017.

Using a problem-solving approach based on restorative justice principles, the *YJGCP* is designed to:

- address issues that contribute to the young person's offending behaviour
- divert the young person from more intensive supervisory outcomes, and
- involve family members, significant others, community members, the police, and victims in the decision-making process, thereby enhancing their satisfaction with the justice process, as well as increasing the pool of people who can assist the young person to address their offending.

The *YJGCP* is for young people aged 10-17 years at the time of offending who have:

- pleaded guilty, or have been found guilty, of an offence(s)
- committed offences serious enough to warrant an order or custodial sentence
- consented to participate in the program, and
- been assessed as a suitable participant, based on their:

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<sup>6</sup> Snow, Pamela C. (2019). 'Speech-language pathology and the youth offender: Epidemiological overview and roadmap for future speech-language pathology research and scope of practice.' *Language, speech, and hearing services in schools*, 50(2), [https://pubs.asha.org/doi/pdf/10.1044/2018\\_LSHSS-CCJS-18-0027](https://pubs.asha.org/doi/pdf/10.1044/2018_LSHSS-CCJS-18-0027).

- acceptance of their role in the offence(s)
- level of remorse
- victim awareness, including level of empathy toward the victim
- safety and/or special needs, including intellectual functioning, substance abuse and cultural values, and
- interpersonal skills, and how these affect their participation in the group conference.

An independent evaluation by KPMG of young people who completed a Youth Justice Group Conference between 2007 and 2009 found that more than 80 per cent had not reoffended two years later, compared with 57 per cent for the comparison group.<sup>7</sup> On the basis of this, and outcomes to date in the use of group conferencing in other jurisdictions in relation to sexual offending, Jesuit Social Services supports the use of group conferencing for sexual offending in Victoria with the following provisos:

- that the perpetrator is pleading guilty and shows remorse
- that the perpetrator has sufficient cognitive capacity to participate effectively
- that the offending is higher order, and
- that the victim is genuinely willing to participate and appropriately supported throughout the process and beyond.

## RESTORE

*RESTORE* is a pilot program based in the Melbourne's Children's Court that is trialling restorative approaches to working with young people who perpetrate family violence. It offers a Family Group Conference to help the young person and their family develop practical solutions that will keep people safe and prevent further violence occurring at home after an intervention order (IVO) has been lodged. The program is currently being evaluated by the University of Melbourne and shows promising early results.

In 2018, Jesuit Social Services commenced *RESTORE* as one of two new pilot projects trialling restorative approaches to working with young people who perpetrate family violence. It was developed in response to an identified absence of interventions for adolescent perpetrators in the Family Division of the Children's Court. *RESTORE* intervenes at a later point in the cycle of violence – that is, after an intervention order (IVO) has been lodged in the Family Division of the Children's Court. By engaging the family in a restorative conferencing intervention at this point, *RESTORE* aims to reduce the risk of the young person being criminalised for breaching their IVO. The program seeks to address the ensuing harm caused by the violence and prevent future harm from occurring.

The *RESTORE* program was initially funded by John T. Reid and is currently funded by the Lord Mayor's Charitable Trust. The University of Melbourne is currently conducting an evaluation of the *RESTORE* program, which will be completed in 2022. *RESTORE* has been paused due to COVID-19, but the pilot saw early promising results and has implications for broader application in Youth Justice.

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<sup>7</sup> KPMG (2010). [Review of the Youth Justice Group Conferencing Program: Final Report](#). Melbourne: Department of Human Services, p. 39.

**Recommendation 3:**

Jesuit Social Services recommends that the Victorian Government fund the *RESTORE* program recurrently.

### Circles of Support and Accountability (COSAs)

COSAs is a restorative justice program operating in numerous overseas jurisdictions that is shown to reduce the risk of reoffending by people who have committed sexual offences ('Core Members') through helping them re-integrate into the community after release from prison. COSAs harnesses the assistance of volunteers to engage Core Members with community. The volunteers help with practical aspects (e.g. housing, study options, modifying risky behaviour), while under constant professional oversight and with on call support in situations of concern. This provides a surrogate social network for the Core Member, as well as providing additional monitoring.

COSAs aims to create a safer community for all, at the same time holding those who have committed offences accountable for their actions and ensuring they recognise the need for behaviour change. The primary goals of the program are to reduce reoffending and to protect communities. However, the program reflects the reality that most people who have committed sexual offences will be released back into society at some stage, and that effective reintegration is the best way of ensuring no future victims. Social connection both sets boundaries and provides a sense of belonging that reduces the risk of offending.

COSAs reduce reoffending by:

- Helping the Core Member to reintegrate responsibly into the community.
- Acting as a support and safety mechanism for both the Core Member and the community.
- Enhancing public safety when there is a perceived element of risk.

COSAs originated in Canada in 1994<sup>8</sup>, in response to the release of a specific person considered at particularly high-risk of committing further sexual offences into a community in Ontario without any supervisory requirements. A second Circle was founded in Canada four months after the first Core Member's release, encouraged by the early promising signs. The success of these two trailblazing COSAs led to a grant to establish a pilot and more systematically develop, promote and implement the COSAs concept across Canada. In 2000, a group of Canadians visited the UK to share their COSAs experiences. This led the UK government to fund three pilot projects in the UK, which led to a much more systematic development of the model there. From the start, UK COSAs were operationally embedded within the statutory process that coordinates police, parole and corrections staff in managing the risks posed by people who have committed violent and sexual offences living in the community.

While Canada and the UK have implemented COSAs most enthusiastically, and the program has been embedded in the Vermont (US) corrections system for over a decade, around a dozen other jurisdictions have also adopted the program to varying degrees – including Malta, Ireland, and the Isle of Man. COSAs have expanded into mainland Europe with programs beginning in the Netherlands (in

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<sup>8</sup> There had previously been a concept of "Circles of Support" aimed at supporting parents of disabled children.

2009), Belgium (in 2010) and, more recently, Spain, where a 2014 conference provided further impetus to adoption in Europe. The first Scottish COSAs began in 2009, while Latvia, Bulgaria, Hungary, Northern Ireland and France have also shown interest. Although the US has been slow to adopt COSAs, models are operating in a handful of states. Vermont has run around 100 COSAs since 2006 and is unusual in that it has extended their use beyond people who have committed sexual offences to other cohorts at risk of social isolation and in need of community support. In the southern hemisphere, COSAs have operated in New Zealand and Australia, and on a small scale in South Africa.

COSAs add an additional level of support and monitoring that is not provided by existing programs. They are designed to complement other programs (e.g. prison-based behaviour change programs) and supports (e.g. allocated Corrections Worker) and not replace them. Underpinning COSAs is the dual purpose of “no more victims” and “no-one is disposable”. COSAs depend on substantial training of volunteers and strong professional oversight.

Jesuit Social Services believes that a COSAs program could add a valuable additional layer to Corrections Victoria’s approach to people who have committed sexual offences, filling a gap in program responses to the continuum of offending and increasing the likelihood of successful community reintegration of people who have committed offences without further offending.

**Recommendation 4:**

Jesuit Social Services recommends that Corrections Victoria consider conducting a COSAs pilot, in accordance with the parameters outlined below.

We recommend Corrections Victoria consider conducting a pilot in accordance with the following parameters:

- Run by an independent community sector organisation.
- Comprehensively funded by Corrections Victoria, including resources allocated for:
  - training, monitoring and evaluation, in addition to core program activities.
  - training and support for Youth Justice staff working with people who have committed sexual offences, to ensure consistency of language, engagement, critical information sharing (e.g. regarding Core Members’ engagement in relevant prison-based behaviour change programs), and service integration within and between the custodial and community settings.
  - expert clinical support and resources (i.e. a clinical oversight approach).
- A focus on high-risk, socially isolated people who have offended, show motivation to change, and are under some form of monitoring/supervision by Corrections Victoria.
- Able to provide housing that is safe and secure for the Core Member, as well as safe for the local community. The housing for the Core Member must include wraparound services – incorporating support, coordination and integration services.
- To run for a minimum of 3 years, both for effectiveness and also for evaluation purposes. It is anticipated around five Circles would operate over this period.
- To be established in a region that has active programs working with the target cohort.

- It is anticipated it would take at least six months for a pilot operator to get all systems and relationships in place before beginning to recruit volunteers, so the lead time to establishing the first Circle would be well over nine months.
- A graduated start, where the pilot operator leverages existing participant pools with known Core Members who are assessed as appropriate and motivated to voluntarily participate.
- As the program progresses, it should be aligned with Corrections Victoria's reintegration processes, such that people who have committed sexual offences are flagged on entry to prison as potential COSAs participants on release. This would be confirmed when the reintegration processes begin around 18 months before release, with referral to the COSAs operator around 9 months before release.

### Transitional and supported housing programs:

The provision of support, including transitional facilities, for people leaving prison is critical to reducing reoffending and building safe communities by ensuring that individuals do not exit into homelessness or unsuitable or unsafe housing. However, there continues to be a significant gap between the need for, and availability of, after-prison support services – especially the provision of transitional housing and assistance to access suitable and stable longer-term accommodation. For example, in 2014-15, despite that most of the approximately 4,500 people exiting prison in Victoria would have met the criteria for intensive support needs, less than 700 (15%) were able to access the Intensive Transitional Support Program, including assistance to find stable accommodation.<sup>9</sup> In 2019-20, more than 6,000 people were released from prison in Victoria<sup>10</sup>, and more than half of all those exiting prison expected to be homeless upon release.<sup>11</sup>

A small proportion of male prisoners can access the 25 beds at the Judy Lazarus Transition Centre, which has been found to reduce recidivism and better prepare people for transition back into the community. This model provides a staged release, which has been shown to help people develop the skills and confidence to live in the community. Meanwhile, there is currently no comparable service to the Judy Lazarus Transition Centre available to women, and there is very limited tailored flexible transition support available to women.

Responding to these significant service gaps, Jesuit Social Services delivers a diversity of transitional and supported housing programs that are effective in assisting vulnerable adults and young people involved with, or exiting, the justice system. Examples of these programs are *Perry House*, *Next Steps*, *Link Youth Justice Housing Program (Link)*, the *Maribyrrong Community Residential Facility*, and *ReConnect*, which are now described below.

Jesuit Social Services reiterates that the scale of these programs is not commensurate with the overall need. Therefore, we continue to call for increased investment in the provision and expansion of intensive transition services for the range of cohorts of vulnerable people exiting prison.

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<sup>9</sup> Willis, M. (2018). *Supported housing for prisoners returning to the community: A review of the literature*: <https://www.aic.gov.au/publications/rr/rr7>.

<sup>10</sup> Corrections Victoria (2020). Prison Discharges: [https://www.corrections.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2020/12/b7/169b6a2cd/Infographic\\_Prison\\_discharges\\_2020.pdf](https://www.corrections.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2020/12/b7/169b6a2cd/Infographic_Prison_discharges_2020.pdf).

<sup>11</sup> Australian Institute of Health and Welfare (2020). Specialist homelessness service annual report: <https://www.aihw.gov.au/getmedia/9e4e2ff0-d30c-419d-abe6-1bb648fc43dd/Specialist-homelessness-services-annual-report.pdf.aspx?inline=true>.

## ReConnect

*ReConnect* is delivered across Melbourne's north and western regions as part of the Corrections Victoria Reintegration Pathway. The aim of the program is to support high-risk and high-profile men and women transitioning from prison. *ReConnect* is a voluntary support program for people considered to have a higher than normal risk of re-offending and who would like help settling back into the community. It provides targeted (up to 4 weeks) and intensive (up to 12 months) reintegration outreach for people who have committed serious violent or sexual offences, Aboriginal and Torres Strait Islander people, women prisoners, and prisoners with high transitional needs.

Referrals to *ReConnect* are usually made by a Corrections Victoria worker located at a Victorian prison (excluding Ravenhall). The program is offered to prisoners up to 18 months before their release, to help smooth the transition from the fixed timetables of prison life to the complete freedom and choice of life in the community. Teaching prisoners how to provide for themselves and gain trust in friends and community helps ease what can often be a stressful transition back into the community.

*ReConnect* works through:

- **Assessment** of those who need transitional support – Initial needs and risk assessments of men and women exiting prison are conducted, usually in the custodial setting, to determine the type of transitional support we will provide (i.e. targeted or intensive).
- **Provision of tailored, flexible support** to those exiting prison – Through case management, assertive outreach and providing practical assistance, our post-release workers create and implement individual transition plans that address participants' housing and material supports, family reunification, referral to needed specialist health and wellbeing services (e.g. drug/alcohol and mental health services), pathways to economic and social participation, connection to community and culture, and compliance with parole conditions and/or community orders, thus empowering participants to overcome the legacy of negative experiences in their lives.
- **Collaboration** with others to reduce re-offending – We work collaboratively with Corrections Victoria and other community-based agencies to provide a network/continuum of care.

*"They helped me with the practical things that I needed in order to live my life and move forward. Being out of jail – it does show you all of the things that you missed. Life is too short to be in places like that."*

*"Self-esteem. Just leading me the way – I've never had a social worker or anything like that and so the encouragement and support was really important."*

*"My personal wellbeing – basically having a secure place over my head and helping me getting back in touch with friends, and better mental health."*

*"Living in society without using drugs and alcohol – I used to be a fairly heavy drinker and now I'm not. Linking me in with my [recreational club] – I really enjoy it. You can't [engage in activity] when you're drunk. Finding people with common interests [...] I needed to find people that were interested in doing similar things to me – without using drugs and alcohol."*

*"It's the best support I've ever had in my life. When I found out I'd been offered the house it was awesome. It made me cry because I've never had so much good support like that. Honestly, I wouldn't be where I am today if it wasn't for them."*

**Recommendation 5:**

Jesuit Social Services recommends that post-prison transitional support services, such as *ReConnect*, be expanded so that more people have access and recidivism rates reduce.

**Perry House**

*Perry House* provides a residential-based living skills program for justice system-involved young people with an intellectual disability who are at risk of, or are experiencing, homelessness and require support. It provides a residential-based living skills program for up to four participants at a time for up to 12 months, and a further four months supported in an outreach capacity once they have left the house, assisting them to develop independent living skills and engage with activities.

**Next Steps**

Jesuit Social Services' *Next Steps* program was recognised by the 2017 Victorian Homelessness Achievement Awards, winning the category for *Excellence in ending homelessness among young people*. *Next Steps* is a supported housing program for 16–24 year-olds who are involved with the justice system and are experiencing, or are at risk of, homelessness.

*Next Steps* was established in 2012 and is funded under the Victorian Homelessness Action Plan. It delivers intensive case management and supported accommodation through our Dillon House property, a key component of the program, with young people supported to develop daily living skills, including cooking, meal planning, shopping, budgeting and banking. The focus is on building trusting relationships that are meaningful to each young person, and the program offers a therapeutic approach through a Family Practitioner that acknowledges the trauma most of the young people have experienced.

**Link Youth Justice Housing Program (Link)**

The *Link Youth Justice Housing Program (Link)* is an innovative pilot program launched in 2018 that supports young people (aged 16–22 years) exiting the justice system who are homeless or at risk of homelessness. *Link* facilitates access to stable housing, and works to secure and sustain ongoing and stable living arrangements.

*Link* involves head leasing, through partner agency VincentCare taking out a private rental lease and subletting to a participant, providing access to the normally exclusive private rental market. Rent is subsidised, making it equivalent to public housing (i.e. 25% of the young person's income) and thus affordable. Jesuit Social Services provides an after-hours support service to engage participants during the highest risk time for reoffending (outside business hours and on weekends), when they are also most likely to experience crisis and breakdown in their relationships and tenancies; and assists the young people to develop independent living skills.

An evaluation of *Link* conducted after the first 12 months of program delivery<sup>12</sup> found that over half the young people participating in the program showed improvement in relation to managing day-to-day, and with their family connections and view of the future. Just under half the participants showed

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<sup>12</sup> Learning and Practice Development Unit, Jesuit Social Services (June 2019). *Twelve Month Report: Jesuit Social Services Link Youth Justice Housing Program*.

improvement in relation to their use of supports, participation in education and employment, goal setting, and view of self. Feedback from *Link* participants is provided in the box below.

*"I can call my worker at any time... they will pick up and help me."*

*"Other workers come around just when you have an issue, [Link support worker] will come just if you're stressed or low, you don't have to know why or anything, she just comes around and we figure it out."*

*"Sometimes I've just forgotten an appointment or something and I stress about it. It's good to have someone to call so they can tell you what to do and stop stressing."*

*"I have a guaranteed roof over my head every day. What could make it better?"*

*"I have my OWN place, my OWN place... I get to live independently. I never thought I'd do that."*

*"Privacy. Like this is the first place I can have stuff sent and no one else touches it. It's also easier to enrol in school and get to school."*

*"I never really had my own fridge.... to cook and clean for yourself... it's hard you know... but it's pretty close to perfect."*

*"It's great having workers that don't live with you, when you have the choice about when they should be here."*

### Maribyrnong Community Residential Facility

The *Maribyrnong Community Residential Facility* is a pilot initiative funded by the Department of Justice and Community Safety, which was established in response to the COVID-19 pandemic. Situated on the site of the former immigration detention centre, the facility houses men exiting prison who are at high risk of homelessness. Jesuit Social Services has been engaged to deliver the transitional support to the men.

#### **Recommendation 6:**

Jesuit Social Services recommends that the Victorian Government invest more in the provision and expansion of intensive transition services, including supported accommodation, for highly vulnerable people exiting prison, as outlined below.

Jesuit Social Services calls for the Victorian Government to:

- provide recurrent funding for the *Link Youth Justice Housing Program* and expand it statewide;
- recurrently fund a housing model similar to our *Next Steps* program for young women transitioning from prison back into the community and make it available statewide;
- expand the Judy Lazarus Transition Centre to enable a greater proportion of the male prisoner population to access intensive transitional support; and
- establish an equivalent transitional support facility for women prisoners, especially those with mental health issues, drug or alcohol misuse issues, intellectual disability or cognitive impairment.

*Question 5: Are there Aboriginal justice models that you think should be considered for sexual offences? If so, what are their strengths and weaknesses?*

Jesuit Social Services believes that Aboriginal controlled organisations are best placed to respond to this question. We acknowledge, as discussed in our submission to the consultation on the Northern Territory Sexual Violence Prevention and Response Framework<sup>13</sup>, that responses to Aboriginal men and boys who use violence must be informed by the foundational violence, structural violence, cultural breakdown, intergenerational trauma, dispossession, and disempowerment experienced by Aboriginal people. This requires responses led by and developed in partnership with communities through a genuine co-design process that respects and supports local cultural governance and self-determination and empowers communities to drive change, underpinned by Aboriginal values and principles, based in local culture, and which create safe spaces for trauma-informed healing, as identified in work by the Healing Foundation and White Ribbon.<sup>14</sup>

### Summary of Recommendations

1. Jesuit Social Services recommends the building and trial of a *WASAPP* online help tool, which requires additional investment in order to proceed.
2. Jesuit Social Services recommends that the Victorian Government support a trial of *Stop it Now!* (e.g. with a selected group of participants potentially referred by Victoria Police) with a view to providing ongoing funding for a *Stop It Now!* program in Victoria.
3. Jesuit Social Services recommends that the Victorian Government fund the *RESTORE* program recurrently.
4. Jesuit Social Services recommends that Corrections Victoria consider conducting a *COSAs* pilot, in accordance with the parameters outlined in this document (see pages 13-14).
5. Jesuit Social Services recommends that post-prison transitional support services, such as *ReConnect*, be expanded so that more people have access and recidivism rates reduce.
6. Jesuit Social Services recommends that the Victorian Government invest more in the provision and expansion of intensive transition services, including supported accommodation, for highly vulnerable people exiting prison, as outlined in this document (see page 17).

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<sup>13</sup> <https://jss.org.au/submission-on-northern-territory-sexual-violence-prevention-and-response-framework/>.

<sup>14</sup> Healing Foundation with Adams, M., Bani, G., Blagg, H., Bullman, J., Higgins, D., Hodges, B., Hovane, V., Martin-Pederson, M., Porter, A., Sarra, G., Thorpe, A. and Wenitong, M. (2017). *Towards and Aboriginal and Torres Strait Islander violence prevention framework for men and boys*, The Healing Foundation and White Ribbon Australia, p. 32.