



New Beginnings,
Stronger Communities

Inquiry into Justice Responses to Sexual Violence

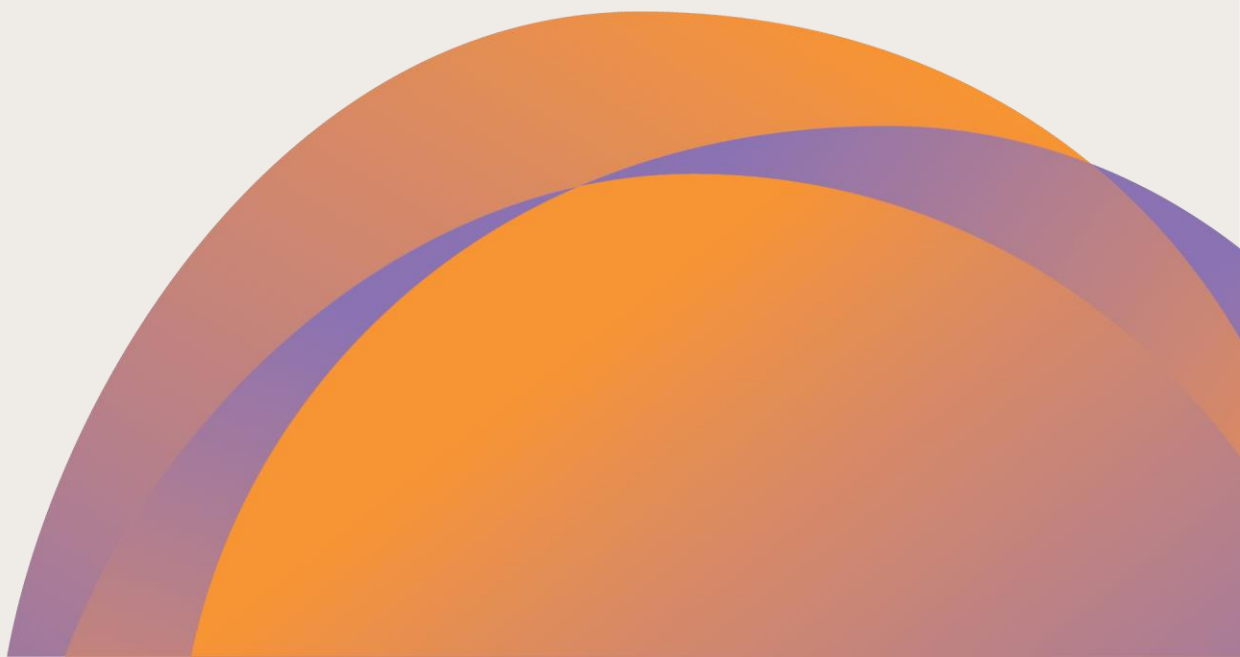
Vacro submission to the Australian Law Reform Commission

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About Vacro

Vacro is an independent, non-profit organisation created in 1872. We support people in contact with the criminal justice system and their families to create new beginnings and stronger communities.

Our work provides the support people need to get their lives back on track and recognises the role all members of a community play in successful reintegration.

We provide programs in three broad categories:

- Returning to community: we deliver tailored pre-release support to adults in prison and provide a case manager to support people post-release.
- Strengthening family connection: we support family visits and provide family counselling across both the men's and women's prison system.
- Returning to work: we run two social enterprises to build job skills and connect people with employment pathways after prison, walking alongside our participants and their employers for up to a year post-release.

Vacro's services provide practical support driven by long-term thinking. Our research, policy and advocacy work imagines a fairer future through systemic change. Vacro's work benefits individuals, their families, and whole communities.

Introduction

Vacro welcomes the opportunity to submit to the Australian Law Reform Commission's *Inquiry into Justice Responses to Sexual Violence*. As Victoria's only specialist criminal justice reintegration service provider, we hope our substantial experience and institutional knowledge of working with people who are reintegrating into the community after being convicted of sexual offences will aid the Commission in its work. In this submission, we will make recommendations for governments to invest in specialised, comprehensive, evidence-based services targeted specifically to this cohort. These services should include early intervention and prevention initiatives that are available from a participant's first point of contact with the justice system. Those who have been convicted of sexual offences and sentenced to prison should also be able to access pre-release reintegration planning and post-release reintegration support that involves a multidisciplinary team and supports them to build new self-narratives and pro-social bonds while promoting community inclusion.

Many people who perpetrate sexual violence have themselves been victims of violence, have had other traumatic experiences, or live with disabilities that are implicated in their use of violence. In recognition of this, governments should be moving away from justice responses that serve to ostracise and marginalise them further from society. The central aim of the justice response to sexual violence should shift from punishing perpetrators to preventing the violence, intervening early to stop it continuing, and providing robust reintegration support to stop it recurring after a prison sentence.

Full list of recommendations

Governments should invest in evidence-based early intervention and prevention initiatives.

Governments should fund the development and implementation of specialised, voluntary pre-release support and reintegration programs, run by community services specifically for people who have been convicted of sexual offences.

Justice departments should ensure any post-sentence supervision of people convicted of sexual offences is paired with comprehensive, long-term reintegration support.

Governments should invest in specialist, evidence-based reintegration programs and services, offered by specialist criminal justice reintegration service providers, for people who have been incarcerated following convictions for sexual offences.

Governments should fund these services to undertake initiatives to build the capacity of mainstream social services to support people convicted of sexual offences.

Early intervention, prevention, and diversion

There is an assumption in public, media, and policy discourse that incarceration is the most appropriate response to sexual violence. However, our experience is that carceral responses may not be the best way to prevent reoffending. Many people who perpetrate sexual violence have themselves been victims of violence, have had other traumatic experiences, or live with disabilities that are implicated in their use of violence. Early intervention to prevent someone using sexual violence, including by diverting them from the prison system where appropriate, can be much more effective in supporting this cohort to desist from violent behaviours. The near-exclusive endorsement of carceral responses to sexual violence means that the evidence base supporting other types of intervention is relatively slim. However, there is some literature supporting the re-direction of resources from incarceration and post-sentence supervision and management towards community-based early intervention and prevention programs available at the first point of contact with the justice system, or even earlier: such as when a person has thought of using sexual violence but has not yet done so.

Multiple previous inquiries and strategies have recommended the expansion of early intervention services in Australia. For example, the Royal Commission into Institutional Responses to Child Sexual Abuse identified a gap in preventative interventions and, in the subsequent National Child Sexual Abuse Prevention Strategy, a program model known as *Stop It Now!* was endorsed. The Victorian Law Reform Commission (VLRC) report *Improving the Justice System Response to Sexual Offences* also identified *Stop It Now!* and *Prevention Project Dunkelfeld*, another sexual violence prevention program, as potential models for early intervention initiatives in Australia.

Stop It Now! is an intervention model that operates as a website, helpline, and live chat function for people worried about their own or someone else's risk of committing child sexual abuse. Iterations of *Stop It Now!* had been available and found effective in the USA, the UK, Ireland, and the Netherlands before *Stop It Now! Australia* was launched in 2022 as a four-year pilot run by Jesuit Social Services.¹ The pilot will be evaluated by the University of Melbourne, with preliminary findings indicating positive differences made during more than 200 engagements in which 60% of callers who self-identified concerns about their own sexual thoughts or behaviours were unknown to the police.² Prevention Project Dunkelfeld operated in Germany and provided one year of medical and psychological support to people who are worried about their sexual interest in children. The program was found to reduce known risk factors for child sexual offending and related behaviours, supporting participants to overcome emotional deficits, change beliefs, and improve self-regulation.³ The German government has now integrated preventive treatment

¹ <https://www.stopitnow.org.au/>

² <https://theconversation.com/we-started-a-service-for-people-worried-about-their-sexual-thoughts-about-children-heres-what-we-found-213235>

³ Beier, K. M., Grundmann, D., Kuhle, L. F., Scherner, G., Konrad, A., & Amelung, T. (2015). The German Dunkelfeld Project: A Pilot Study to Prevent Child Sexual Abuse and the Use of Child Abusive Images. *Journal of Sexual Medicine*, 12(2), 529–542.

without financial cost or identity disclosure for all people with paedophilic inclinations into the healthcare system.⁴ Importantly, both of these program models have shown that there is demand for self-help early intervention and prevention options, that people who are concerned about their sexual thoughts or behaviour are amenable to treatment outside the justice system, that people who use such programs may not be already known to authorities, that programs help participants identify and manage risk and address their beliefs, and that programs may mitigate against the stigma and social exclusion of participants.⁵

Overall, the VLRC report showed that support for prevention and early intervention is growing and Vacro adds its name to the list of organisations calling for greater investment in this space. Programs need to be accessible and affordable to people who have identified themselves or been identified by a court as in need of treatment in the community. Governments must ensure these initiatives respond to the nature and context of someone's use of sexual violence. For example, culturally safe and Aboriginal community-led responses are needed to respond to Aboriginal and/or Torres Strait Islander cohorts, as are interventions with strong capacity to work with people with cognitive disabilities. Project pilots should be rigorously evaluated, and data reported and shared, to expand the small body of research into what works to intervene early and prevent sexual violence. Lessons should also be drawn from the perpetrator interventions that have been set up and operating following the Royal Commission into Family Violence, such as men's behaviour change programs that include work on sexual violence used in the context of family violence.

Recommendation

Governments should invest in evidence-based early intervention and prevention initiatives.

Support in prison

At present, prison systems across Australia offer little targeted support to people who have been convicted of sexual offences. This represents a lost opportunity to work with people intensively to prepare for reintegrating into the community and desisting from further offending. Vacro advocates for psychological support, intensive case management, access to specialist family services, and comprehensive reintegration support for all people in prison, but people who have been convicted of sexual offences would likely have among the highest needs for this kind of in-prison support.

We believe there is a need for voluntary services available specifically for people who have been convicted of sexual offences, which should sit alongside compulsory programs, and any mainstream men's behaviour change programs. General men's behaviour change programs are not

⁴ <https://troubled-desire.com/en/about>

⁵ Victorian Law Reform Commission. (2021). *Improving the Justice System Response to Sexual Offences*. Available at: <https://www.lawreform.vic.gov.au/wp-content/uploads/2023/08/VLRC-Improving-Justice-System-Response-to-Sex-Offences-Report-web.pdf>, p. 275.

sufficiently tailored to people in the justice system, and our understanding is that these programs are not currently operating in the Victorian prison system. These services must be voluntary, to ensure that people come to them when they are open to the possibility of change and willing to work towards it. Programs could offer coaching, psychological support, and reintegration planning targeted specifically to sexual offending. We also believe strongly in the value of a throughcare approach, by which we mean providing coordinated support that starts before a person is released from prison and which continues through the transition back to community life. We therefore recommend an in-prison program that prepares participants to receive post-release reintegration support in the community, and connects through to a post-release reintegration program, which we have detailed below.

Recommendation

Governments should fund the development and implementation of specialised, voluntary pre-release support and reintegration programs, run by community services specifically for people who have been convicted of sexual offences.

Post-sentence justice responses

Justice system responses to sexual violence also include post-conviction considerations. In Victoria, people who have been convicted of sex offences and are assessed as posing an ongoing release after they have completed their sentence are subject to post-sentence orders and/or to the requirements of registering as a sex offender, including reporting regularly to the police. Post-sentence orders are managed by the Post Sentence Authority,⁶ which was established in response to the Review of Complex Adult Victim Sex Offender Management (commonly known as the Harper Review). The Post Sentence Authority monitors people who have had post-sentence supervision orders or post-sentence detention orders placed on them by a court. A post-sentence supervision order application is made by the Secretary of the Department of Justice and Community Safety applying to the County Court or Supreme Court, which imposes the order where they consider the individual to pose an unacceptable risk to the community after they have completed their prison sentence. Supervision orders can be made for up to 15 years and renewed for further periods of up to 15 years, with reviews by the court mandated every three years. These orders mandate certain conditions, which can include where the individual can live, who they can contact, their activities, their participation in drug testing and treatment programs, and electronic monitoring. A post-sentence detention order application must be made by the Director of Public Prosecutions to the Supreme Court. If the court considers the individual to be such a high risk to the community after completing their prison sentence that they must continue to be detained, it can impose a detention order for a period of up to three years. The order can be renewed for

⁶ <https://www.postsentenceauthority.vic.gov.au/>

periods of three years at a time and must be reviewed by the Supreme Court annually. People on post-sentence detention orders are detained at purpose-built facilities on prison grounds.

This small group can also access the voluntary Community Support Program (CSP), which provides forensic case work to people on post-sentence orders. This program provides much-needed reintegration support aimed at assisting participants to reintegrate into their communities, desist from offending, and build new, pro-social lives. We strongly support CSP as a necessary adjunct to the more punitive post-sentence order approach. However, only a small minority of people who have been convicted of sexual offences can access this program, since they must be subject to a post-sentence order to be eligible.

The Victorian Law Reform Commission has found that the Register of Sex Offenders in Victoria (the register) is too broad, inflexible, disproportionate in its impact, and difficult to manage.⁷ Rather than taking a more individualised approach of regular reviews, people who commit certain offences must be put on the register for lengthy periods of time, including those who are at a low risk of re-offending. This means that the impact on someone's life of being on the register might negatively outweigh any risk they pose to the community, which may act as a disincentive to the kinds of disclosures necessary to enable early intervention and treatment.⁸ Stakeholders ranging from Liberty Victoria to Victoria Police agreed that a failure to pair mandatory registration with reintegrative or rehabilitative support compromised its aim of preventing reoffending. We agree that people on the register must be offered targeted support and that there must be regular opportunities to review their registration. We are strongly against any expansion in the prohibitions associated with the register, including any kind of requirement for a higher level of disclosure. A smaller, more flexible register, oriented around support and reintegration rather than surveillance and punishment, would be more effective.

Recommendation

Justice departments should ensure any post-sentence supervision of people convicted of sexual offences is paired with comprehensive, long-term reintegration support.

Comprehensive, long-term reintegration support

While there is a small evidence base for reintegration interventions specifically for people convicted of sexual offences, we do know that community-based reintegration support is an important accompaniment to any statutory response for this cohort.⁹ In the course of Vacro's work as a

⁷ Victorian Law Reform Commission, (2021), p. 282 onwards.

⁸ See submissions to the Victorian Law Reform Commission's inquiry from the Criminal Bar Association, the County Court of Victoria, and Victoria Legal Aid.

⁹ See Harper, D., Mullen, P., & McSherry, B. (2016). *Complex Adult Victim Sex Offender Management Review Panel: Advice on the legislative and governance models under the Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic)*. On

specialist criminal justice reintegration service provider in Victoria, a significant proportion of the people we support have been convicted of sexual offences. Our practice experience aligns with the evidence that reintegration services for this cohort are most effective when they support new identity formation; strengthen social bonds and social inclusion; and offer holistic case management support involving a multidisciplinary team. Two years of post-release reintegration support is considered best practice.

The evidence is clear that desistance from crime is supported by developing new narratives about the self and adopting new identities distant from criminalised groups or behaviours.¹⁰ For people who have been convicted of sexual offences, this can be particularly challenging because the post-conviction justice response labels them 'sex offenders', and because of the social stigma and exclusion this label entails. Furthermore, post-sentence orders or compliance requirements often mandate a certain level of self-exclusion from the community. Desistance from crime for this cohort should therefore be supported by reintegration services that emphasise social inclusion and community involvement. Treatment options that promote protective social bonds and support networks have been recommended to mitigate against the association between social exclusion and reoffending,¹¹ and reintegration services should also prioritise establishing community involvement and social support.¹² Opportunities for pro-social engagement are rare for this cohort and may need to be intentionally created by reintegration services. For example, the *Circles of Support and Accountability* (CoSA) model harnesses the power of pro-social support systems by constructing a 'circle' of trained volunteers around a participant post-release.¹³ The volunteers role model appropriate behaviour and social interactions, support participants to meet their release requirements and other goals, and challenge inappropriate thoughts and behaviours with the goal of forming a new, law-abiding identity.¹⁴ Evaluations of the original CoSA model in Canada found a reduction in recidivism and improvements in reintegration; a review of pilot CoSA programs in the

behalf of Corrections Victoria. Available at: <https://www.corrections.vic.gov.au/review-of-post-sentence-supervision-scheme-for-serious-sex-offenders>; Centre for Innovative Justice. (2014). *Innovative justice responses to sexual offending – pathways to better outcomes for victims, offenders and the community*. RMIT University. Available at: <https://cij.org.au/cms/wp-content/uploads/2018/08/innovative-justice-responses-to-sexual-offending.pdf>; Bartels, L., Walvisch, J., & Richards, K. (2019). More, Longer, Tougher...or Is It Finally Time for a Different Approach to the Post-sentence Management of Sex Offenders in Australia? *Criminal Law Journal*, 43(1), 41-57; Victorian Law Reform Commission. (2021).

¹⁰ This literature is broad; we direct readers in the first instance to: Maruna, S. (2001). *Making good: How ex-convicts reform and rebuild their lives*. American Psychological Association; Maruna, S. & Immerglieu, R. (2004) *After crime and punishment: Pathways to offender reintegration*. Willan Publishing; Laws, D. R. & Ward, T. (2011). *Desistance from sex offending: Alternatives to throwing away the keys*. The Guildford Press; Göbbels, S., Ward, T., & Willis, G.M. (2012). An integrative theory of desistance from sex offending. *Aggression and Violent Behaviour*, 17, 453-452.

¹¹ Harper et al., (2016).

¹² Sentencing Advisory Council. (2007). *High-Risk Offenders: Post-Sentence Supervision and Detention, Final Report*. Available at: https://www.sentencingcouncil.vic.gov.au/sites/default/files/2019-08/High_Risk_Offenders_Final_Report.pdf

¹³ Centre for Innovative Justice, (2014).

¹⁴ Richards, K., Death, J., & McCartan, K. (2020). *Community-based approaches to sexual offender reintegration*. ANROWS.

United Kingdom found they supported risk management and compliance by participants and reduced their social isolation, which is a known risk factor for offending.¹⁵

We therefore recommend that governments invest in the development of a voluntary two-year post-release case management program provided by community service organisations for anyone convicted of a sexual offence, even if they are not subject to a post-sentence order. The program would support participants to develop new self-narratives and coach them through difficult moments as they establish a pro-social life. For Aboriginal and Torres Strait Islander people, any such service must be culturally safe. Governments could look to the *Cultural Mentoring Program* in Queensland for a model; the program provides cultural and spiritual support to Aboriginal and/or Torres Strait Islander people who have been convicted of sex offences. Support from Elders helps to establish culturally appropriate ways to adhere to release requirements, and trauma-informed activities organised around reconnection to culture allow recognition of the context of colonisation to inform the participant's recovery, desistance, and reintegration.¹⁶

We further recommend that these services are funded to build the capacity of mainstream services to engage with this cohort. As the Harper Review asserted, "the responsibility for providing the services that will reduce reoffending and protect potential victims lies as much with mental health, intellectual disability, and various social services, as it does with any part of the criminal justice system."¹⁷ At present, mainstream service providers need resourcing and support to partner with specialist criminal justice reintegration services in working with this cohort. Our experience is that there are currently substantial barriers for people convicted of sexual offences accessing mainstream social services, and this impedes their successful reintegration. These barriers include a lack of education about the cohort, leading to ignorance or stigma among the service's staff, and a lack of information and resources dedicated to supporting this cohort or partnering with organisations that have specialist expertise and capacity. The impact on individuals trying to reintegrate into their community post-release is that they are excluded socially and materially from integral reintegration supports such as employment, healthcare, housing, or aged care.

Recommendations

Governments should invest in specialist, evidence-based reintegration programs and services, offered by specialist criminal justice reintegration service providers, for people who have been incarcerated following convictions for sexual offences.

Governments should fund these services to undertake initiatives to build the capacity of mainstream social services to support people convicted of sexual offences.

¹⁵ Centre for Innovative Justice, (2014).

¹⁶ Richards et al., (2020).

¹⁷ Harper et al., (2016).