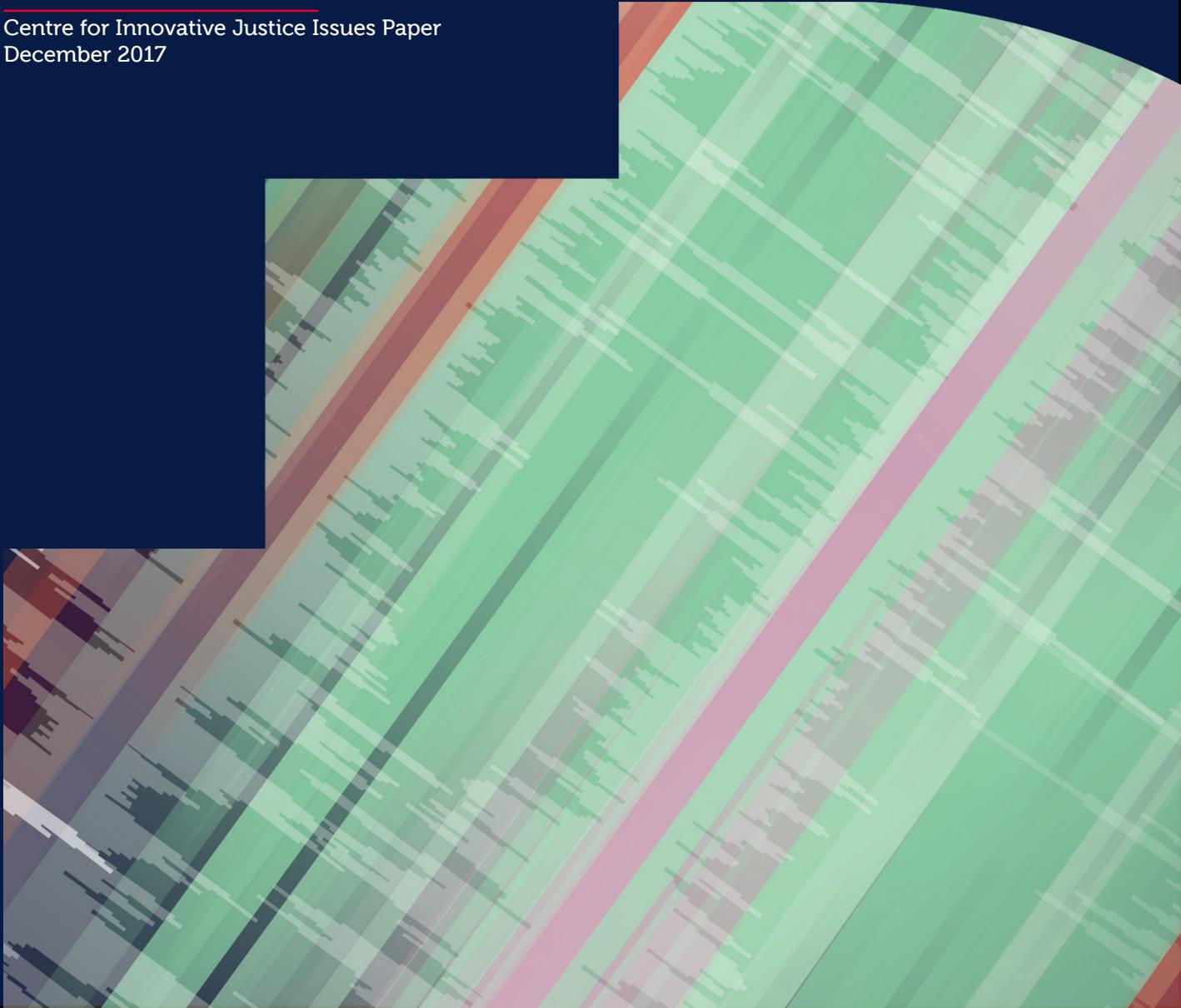
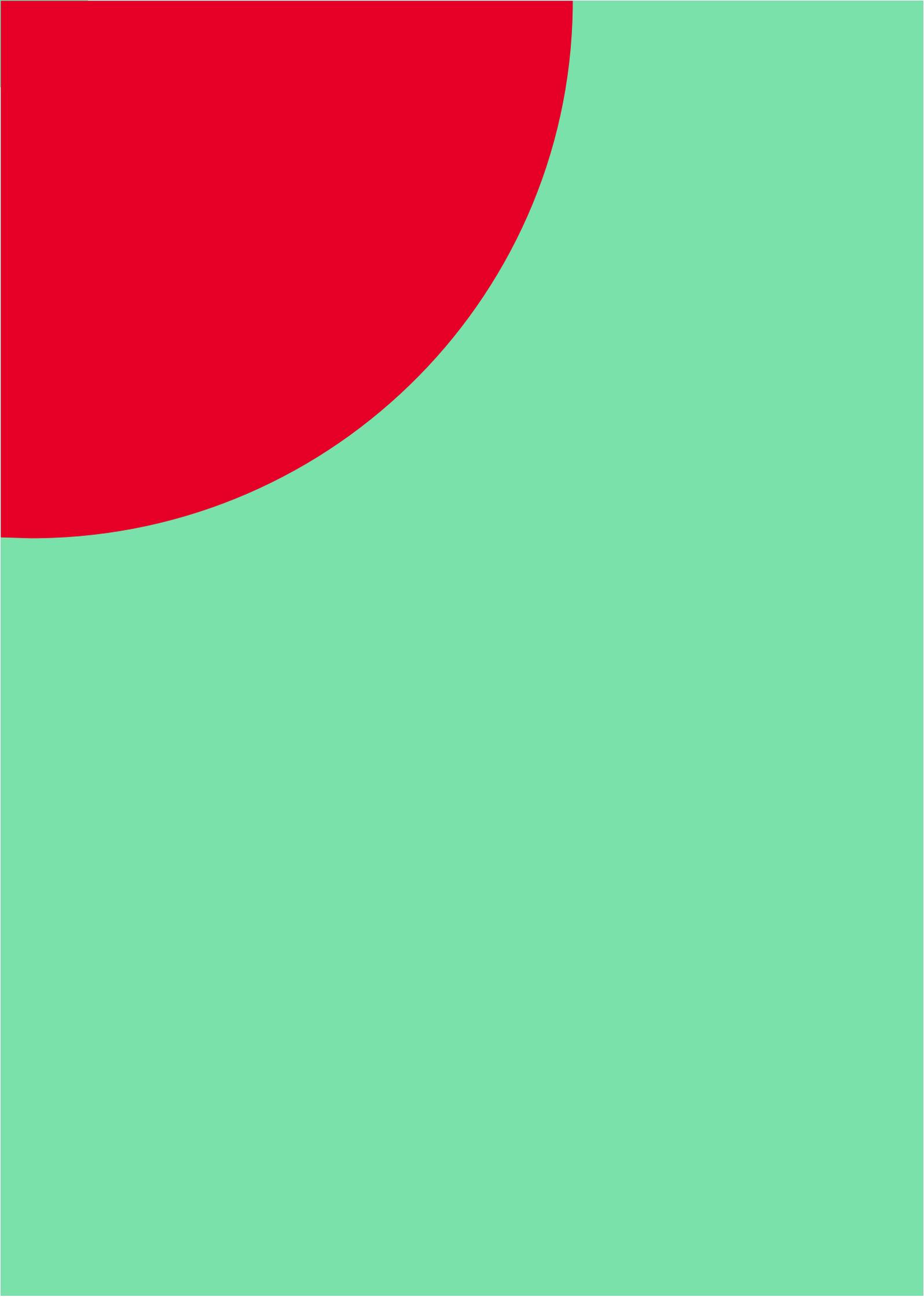

Integrating the indefensible – what role should the community play?

Centre for Innovative Justice Issues Paper
December 2017





Background

In 2016 the Victorian Association for the Care and Resettlement of Offenders (VACRO) asked the Centre for Innovative Justice (CIJ) to review its current practice in relation to providing community-based support to sexual and serious violent offenders.

The CIJ was asked to provide recommendations for any necessary change in light of the pending reforms from a review into the supervision and detention of serious sexual and violent offenders. These recommendations applied specifically to VACRO's programs and practices.

VACRO works across the criminal justice system to create a safe and fair community, to respect and support individual and family dignity, and to make a positive contribution to reducing the harm done by crime.

With the kind permission of VACRO, this paper reproduces some of this research, complemented by research from CIJ work in other areas. This paper therefore reflects the specific views of the CIJ, but is supported by the broader commitment of VACRO to integrating offenders and promoting a safer community.

Introduction

Two decades into the 21st century we still struggle to respond effectively to serious violent crime. Despite evidence that sending more people to prison for longer does not make us any safer, we fall back on costly approaches which serve to entrench crime. Despite equally overwhelming evidence that investment in health, education and social supports does more to prevent crime than any deterrence measures, we continue to increase penalties. Similarly, despite evidence that investment in rehabilitation does more to prevent crime being repeated than longer sentences, we remain more comfortable in punitive terrain.

This is not entirely surprising. Few people want to ponder the motivations of brutal offenders. Nor do many want to think about what is needed to reform these offenders because to do so is complex, protracted and exhausting. It is far easier and simpler to think about them safely locked away – unable to commit further crime purely because they are in a custodial environment.

To add to the challenge, homicides committed by offenders who were either on bail, parole or on post-sentence supervision orders have fueled community anxiety that the criminal justice system is letting them down. Certainly, few areas of policy are more contentious than criminal justice, because few areas work with so many unknowns or face such dire consequences upon failure. This has led successive governments to overhaul aspects of the criminal justice system in order to sharpen or toughen the response.

With the exception of a limited few, however, most offenders will return to the community. This means that, unless we lock more people away for longer and at exponential expense, we cannot wash our hands once someone is in the system and out of view. Nor can we cross our fingers and hope that the limited supports our system provides will be sufficient for offenders to establish a life in the community upon release, to ‘re-integrate’ when some may have never been established or ‘integrated’ in the first place.¹

Most significantly, we cannot expect government or the legal system to carry the entire burden. After all, it is in the community that an offender’s criminal tendencies have developed, though they may be further honed while they are in custody. This includes people who have ended up offending because society as a whole did not protect them from being offended against - the devastating trajectory of violence and abuse against one generation being visited upon the next.

It is also in the community that an offender might start to envisage a different way to live upon release, as the evidence clearly shows. It makes sense, therefore, that the community bear some responsibility for the work to reintegrate – or simply integrate – people who have been so firmly on the outside. The puzzle is then how to integrate damaged people who have caused so much damage themselves.

As unpalatable as it may seem, therefore, this Paper calls for a conversation about the role of the community in responding to serious violent crime. As the next section of this Paper explains, the CIJ is not alone in highlighting this responsibility, one which applies right across the board in terms of the factors which propel people into offending and keep them there.

This Paper asks what this obligation may look like at the pointy end – the responsibility to rehabilitate those who, as a community, we least want to embrace; the responsibility to integrate the indefensible.

¹ P Raynor (2001) ‘Community penalties and social integration: ‘Community’ as solution and as problems’, in A Bottoms, L Gelsthorpe & S Rex (eds) *Community penalties: change and challenges*, pp 183-199, Devon: Willan Publishing, cited in K Fox, (2014) ‘Restoring the social: offender reintegration in risky world’, *International Journal of Comparative and Applied Criminal Justice*, 38:3, 245-256.

Challenges and Opportunities – the context of recent Government reform

Criminal justice policy is a hard slog for any administration, especially when its failures can have such catastrophic results. While the community may believe that any level of expenditure is justified, however, most governments – even some of the most conservative US administrations - know that they cannot afford just to throw more people in prison nor to keep them there indefinitely. As a result, they continue to look for improvements while responding to public anxiety in a way that the community expects to hear.

Failures of criminal justice systems, however, are not necessarily a reflection on a particular aspect of these systems, but of the many complex decisions and assessments which are involved along the way. Missed indicators and fluctuations in risk; reliance on overly compliance based relationships or rehabilitation models; or even a scheme which allows its responses to be dictated by *types* of offending rather than the needs of individual offenders, are all just as relevant. Equally relevant is the expectation that one part of the system should bear the burden alone.

This means that, though they may provide comfort to a community justifiably alarmed by an individual offence, responses which simply keep more offenders in jail for longer do not necessarily increase community safety. For example, eligibility for parole has been severely curtailed in the wake of Jill Meagher's murder by an offender who was on parole at the time.² Arguably, however, this tragedy indicated a failure of relevant risk assessments, rather than an indictment on parole as a concept overall.

Nevertheless, resulting reforms mean that fewer people are receiving parole and - as an unsurprising result - fewer people are committing offences while on it. What this also means, however, is that more people are seeing out their sentence to 'straight release'. In other words, more people are being released into the community with *no supervision* or support at all, which may in turn pose greater risks to the community.

Far from a soft option, parole was designed as a way to transition offenders back into the community while still under sentence, monitoring them as they try to establish a life, and connecting them with the services which will help them do so. Put simply, parole and other forms of Corrections-based supervision are intended to diminish the risk that an offender may ultimately pose and, in the CIJ's view, are an essential piece of the puzzle when appropriate risk assessments and adequate supervision are involved.

Once offenders have seen out their sentence, of course, some are still considered to pose such a significant risk that a post-sentence detention or supervision order is imposed. This means that, despite having 'done their time', individuals who are entitled to return to the community continue to be detained or supervised under a legislative scheme.

A recent review of the relevant scheme in Victoria followed the tragic death of Masa Vukotic, who was murdered by an offender while he was subject to a post-sentence supervision order in relation to sexual offences, but whose violent offending did not fall under the relevant provisions of the scheme. The report on this review, *Advice on the Legislative and Governance Models under the Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic)*, (referred to as 'the Harper Review') was released in April 2016. The Victorian Government has accepted all recommendations in principle,³ some of which included:

- Creation of a new post-sentence scheme to deal with sex offenders and serious violent offenders and a new body to oversee offenders in this scheme;
- Restriction of this scheme to a 'critical few' through rigorous eligibility and selection criteria;
- Multi-disciplinary panels to oversee 'Intervention and Management Plans' for each offender;
- Increased options for management of offenders who are subject to these orders.

Pointing to the tension (and confusion) created by this civil yet Corrections-based response, the Harper Review noted that the residential facility in which some serious sexual offenders had resided post release did not have all the powers of a prison, but is perceived by service providers as if it is.

² Ian Callinan AC, Review of the Parole System in Victoria, July 2013. At <http://assets.justice.vic.gov.au/corrections/resources/11ee85a1-67c5-4493-9d81-1ce-49941cce5/reviewadulthoodparoleboardv1.pdf>

³ Victorian Government, (Media Release, 24 April 2016) < <http://www.vic.gov.au/news/harper-review.html>>.

■ ■ [Corella Place] is **in** the community but is not, and cannot be, **of** the community... It is distant from many destinations to which its residents wish, **and are entitled**, to go and from services upon which these residents properly rely. It requires residents with particular vulnerabilities to live with others who are pleased to take advantage of them. But there is nowhere to which some of the easily managed but vulnerable residents can go...⁴

Staff at this facility who were consulted by the Harper Review estimated that around a fifth of residents would manage successfully in the community but for

- a lack of suitable housing;
- perceived reluctance of some regions to make properties available; and
- the risk of vigilantism against known sex offenders.⁵

Certainly, studies have shown that the punitive response and fear and anxiety in the community makes offenders feel additionally alienated, potentially *increasing* their risk of recidivism instead.⁶

Rather than alienating offenders, the Harper Review concluded that post-sentence supervision should:

- Be part of our collective duty to *rehabilitate* offenders;
- Be based on the principle that we should punish criminal *conduct*, rather than criminal *types*; and
- Be limited to what is necessary to achieve the stated purposes.⁷

Accordingly, the Harper Review cautioned that, if individuals are placed in environments which only cement their view of themselves as offenders, we fail in the task of rehabilitation.

*It is imperative, if the prevalence of offending is to be reduced, that governments invest in inter-agency solutions to ameliorate the conditions by which offending is cultivated...those who are not responsible for being placed in circumstances which cultivate criminality should be supported in their own efforts to escape.*⁸

Crucially, the Harper Review noted that restrictions on engaging in activities in the community, *the very thing which can support offenders' rehabilitation*, can stop them from demonstrating to others that this rehabilitation is *achievable*.⁹ In other words, if offenders are not given the opportunity to participate, they will not be able to prove – to others *and to themselves* – that they are capable of doing so.

Similarly, the Review insisted that 'the criminal justice system, while important, can at best only make a small contribution to reducing the number of victims'.¹⁰ Consequently, it urged that fundamental elements of rehabilitation and integration also include:

- education;
- work and job stability;
- social supports; and the severing of *anti*-social networks.

In particular, the Harper Review pointed to '*the need [for offenders] to be embedded in a social network and to be viewed as a reformed or new person by members of the community*'.¹¹

In other words, while the implementation of its recommendations will go a long way to improving the supervision and management of serious offenders, the Harper Review made clear that *the community also has a role to play in the rehabilitation of serious offenders*. The questions which this paper consequently asks are: how can this role be realised; and what are some of the barriers holding us back?

4 Complex Adult Victim Sex Offender Management Review Panel (Harper Review), Advice on the Legislative and Governance Models under the Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic), November 2015, p 181. At http://assets.justice.vic.gov.au/corrections/resources/c06dc61f-9c4b-434c-a161-118ecef68433/cavsom_harper_report+%281%29.pdf

5 Ibid p 182

6 For example, the Review's consultations suggested that, for some offenders, being on a scheme can sometimes make offenders 'angrier and nastier' because they 'have nothing more to lose'. Ibid, p 75

7 Ibid, pp 13-14

8 Ibid, p 48

9 Ibid, p 175

10 Ibid, p 8.

11 Ibid, p 175

Acknowledging community anxiety

Given that a comprehensive review into the detention and supervision of serious offenders identified that the community also has a role to play in the rehabilitation of offenders, this Paper calls for us to step up to this responsibility – involving ourselves in the task of reintegrating (or simply integrating) offenders and allowing them to feel viewed ‘as a reformed or new person by members of the community’.

In highlighting the community’s role, however, the Harper Review was not suggesting that the community ‘go soft’ on offenders, nor that the community put itself at risk. Certainly, there are some individuals who – whether because of being previously harmed themselves or for other complex reasons – are too dangerous to live in the community. This in itself may be an indictment on our broader capacity to prevent crime or other forms of dysfunction.

Rather, the Review was drawing on compelling evidence which shows that, for the most part, responses which take a purely punitive approach *do not work*, and therefore do not keep the *community any safer*.

This is an important reality to acknowledge. It is also an important lens through which to see criminal justice policy. This is because, while incarceration is expensive, and while punitive approaches may skate on fairly thin ice in terms of human rights and civil liberty considerations, by and large, the community does not seem to be persuaded by these concerns. In fact, research from the UK indicates a significant gap between the views of ordinary people on the one hand, and policy makers on the other, when it comes to the imperatives of criminal justice reform.¹²

This is partly due to the understandable fear that members of the public feel in response to seemingly random acts of violence. When ordinary and relatable people are killed in ordinary and relatable places doing ordinary and relatable things, the invisible wall separating ‘us’ and ‘them’ starts to crumble.

That said, this gap in views is also a consequence of misconceptions about criminal justice approaches more broadly. These myths and misconceptions go some way to explaining why criminal justice is often the least evidence-based area of government policy. Too often, in fact, criminal justice policy:

- ignores much of the evidence about what *does* work;
- clings to approaches which evidence tells us do not; *and*
- functions as if evidence is settled in areas where this is not the case.

In other words, there are things we don’t know yet we proceed as if we do; and there are things we *do* know, yet we don’t act on them. With public pressure on government perpetuating these misconceptions, the weight of community anxiety *and* the lack of community responsibility-taking can prevent us from delivering a more effective response.

¹² Frameworks Institute, *New Narratives: Changing the frame on crime and justice*, July 2016. At <http://www.frameworksinstitute.org/the-reframing-crime-and-justice-project.html>

Misconceptions

As suggested above, public perceptions of criminal justice policy often labour under a range of misconceptions. Though this Paper will not address these in any detail, they include:

- That longer sentences and harsher penalties function as a deterrent for those contemplating crime;
- That offenders do, indeed, ‘contemplate’ crime and make rational decisions to break the law;
- That sexual and violent offenders are beyond redemption and cannot be ‘cured’;
- That there are ‘victims’ and ‘offenders’ and a vast gap in between.

As the CIJ has explained in other work, however, the reality is not that simple. Though those involved in organised or white-collar crime may well ‘contemplate’ wrongdoing, the vast majority of offenders in our prisons are people from profoundly disadvantaged or vulnerable backgrounds and are propelled into offending by a range of complex factors, including (but not limited to):

- Low educational attainment and intergenerational unemployment;
- Mental illness, Acquired Brain Injury or other forms of cognitive impairment;
- Prior experience of family violence, childhood sexual abuse or other forms of trauma;
- The consequences of a lifetime of institutionalisation in state care or in detention as a result;
- Experience of violence as adults, with the risk increasing if they are homeless or have a disability; and
- The impacts of structural discrimination, racism and intergenerational grief.

In other words, many offenders are victims as well, or are vulnerable in other ways. Though we are yet to grapple with the full extent of this acknowledgment, any effort to encourage the community to play a more active role in integrating violent offenders must therefore start to address some of this misunderstanding.

As also noted above, however, social marketing research suggests that, while reformers often point to the exorbitant costs of incarceration, as well as considerations of ‘fairness’, the community is not persuaded by these concerns.¹³ Rather, ordinary citizens are more likely to be persuaded by arguments about ‘problem solving’ – about whether approaches actually work to meet the objective of ‘no more victims’ and to keep the community safe.

To get to the stage of effective problem-solving, of course, Corrections environments also need to unpack certain assumptions. In relation to serious violent offenders, these assumptions have included:

- That people consistently commit one kind or ‘typology’ of offence;
- That ‘typology’, as opposed to individual traits of an offender, will tell us about the risk they pose;
- That the ‘typology’ of offence will indicate the rehabilitation program they require;
- That the risk of reoffending in any way equates with their level of dangerousness.

Some of these assumptions have arguably seen a greater amount of investment and research into rehabilitation programs delivered to sex offenders than to those who commit other forms of violence. As the Harper Review noted, however:

■ ■ *Research has consistently indicated that most sexual and violent offenders are generalists, not specialists, in their offending. A minority of sex offenders confine their antisocial behaviour largely to their sexual crimes...By contrast, the majority of those who offend sexually have histories of committing property and/or violent offences not infrequently together with drug and alcohol related infringements....¹⁴*

Should the recommendations of the Harper Review be implemented in full, this distinction will no longer exist in terms of whether or not a serious offender is subject to a supervision order. This does not mean, however, that the supervision, treatment and rehabilitation provided to offenders should therefore become indiscriminate. Rather, it means that the offences for which someone has been convicted should not disguise or dictate the future risk they pose or the services which they receive.

13

Ibid.

14 Harper Review, above note 4, p 61. The Review’s reference to the minority of sexual offenders is to offenders who confine their offending to offences against children.

More broadly, a report by Victoria's Sentencing Advisory Council indicated that many individuals classified as sex offenders had histories of general and violent offending, including intimate partner violence, which tended to go ignored.¹⁵ Conversely, many violent offences involve sexual assault or intimate partner violence which are not the subject of initial charges or are negotiated out as part of a plea.¹⁶ Meanwhile, some offending which currently falls within the definition of 'serious violent offence' – such as aggravated burglary – does not necessarily involve physical violence but is classified as such. By contrast, other behaviour which is widely understood to signal increased risk of lethality in the context of family violence, such as the killing of a family pet, does not always fall within relevant definitions. Beyond unhelpful distinctions between types of offending (or, more accurately, the offence for which an individual has been convicted), an ongoing debate within Corrections and criminological circles about risk assessment tools can also distract from practical management and rehabilitation. As the Review noted:

■ ■ *The façade of science and objectivity provided by lengthy reports and multiple test results may provide comfort to decision makers. It, however, provides little of substance with regard to predicting the risk of the **particular individual standing before them.***¹⁷

Studies concerning high risk perpetrators confirm the importance of assessing not only dynamic risk (factors which are changeable over time, such as drug and alcohol use) but *acute* dynamic risk, being a spike in risk which may occur over hours or days as a result of a change in an offender's life or emotional state.¹⁸

Along similar lines, the Review acknowledged that 'those with the direct management of offenders have the opportunity to observe behaviours which indicate variance in risk potential'¹⁹ and recommended that those be trained in 'threat assessments' which can respond to concerns that 'something bad' will happen soon.²⁰

Meanwhile, the CIJ has noted elsewhere that some perpetrators of family violence may appear as low risk because they are otherwise law abiding but are nevertheless potentially lethal to members of their family.²¹ Certainly, commentators in this field note that focusing purely on risk assessments can disguise other risks, or the range of other personal or social factors which must be addressed if lasting changed is to be addressed.²²

Equally, they may also preclude an offender from accessing relevant treatment where their offence history disqualifies them from doing so. Meanwhile, risk assessment tools can misinterpret *need* as risk, particularly in the case of female or Indigenous offenders – with the response being to increase supervision, when it should be to increase *treatment and support*.

15 Sentencing Advisory Council, High Risk Offenders: Post Sentence Supervision and Detention, Final Report, May 2007. At <https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/High%20Risk%20Offenders%20Post%20Sentence%20Supervision%20and%20Detention%20Final%20Report.pdf>

16 Centre for Innovative Justice, Opportunities for early intervention: bringing perpetrators of family violence into view, March 2015, RMIT University, Melbourne. At <http://mams.rmit.edu.au/r3qx75qh2913.pdf>; and M Salter, 'Managing Recidivism Amongst High Risk Violent Offenders', January 2012, Issues Paper 23, Australian Domestic & Family Violence Clearinghouse.

17 Harper Review, above note 4, p 153.

18 Salter, above note 16.

19 Harper Review, above note 4, p 16

20 Harper Review, Recommendation 8

21 Centre for Innovative Justice, above note 16

22 Salter, above note 16.

What the evidence does tell us:

What *do* we know, then, about what this treatment and support should look like? Despite some of these public and policy misconceptions, an increasing body of evidence points to what is effective in terms rehabilitating and integrating serious offenders. Themes consistently arising throughout the CIJ's research indicate that effective rehabilitation and treatment responses:

- Intervene early in a client's relationship with the criminal justice system;
- Assess and respond to dynamic risk, including acute or 'spikes' in risk;
- Are tailored to individual needs;
- Focus on treatment 'readiness' and capacity to engage;
- Involve multi-agency collaborations;
- Build a therapeutic alliance between case worker, client and the broader criminal justice system;
- Harness the value of peer role models and mentoring;
- Foster the development of a pro-social community and replace anti-social associates;
- Provide a stable, ongoing contact in a client's life.

These last four elements point to the role of the broader community in this task of re-integration, the community - whether through social services or faith-based or philanthropic organisations or individuals - working with the criminal justice system to solve problems; integrate offenders and make itself safer.

Certainly, researchers have pointed to the value of a therapeutic 'alliance' between offender and those with whom they are working.²³

To this end, academic and forensic psychologist Dr Astrid Birgden highlights the role of the entire criminal justice system in this therapeutic alliance.²⁴ This role has conventionally been understood through the capacity of a judicial officer to leverage her or his position of authority to encourage the offender to see the value of reform.²⁵ Birgden rightly argues, however, that this therapeutic role should extend to other criminal justice personnel who, when modelling respectful and pro-social behaviour, and when using motivational interviewing techniques, can help the offender to see the benefits of working towards a life beyond crime.²⁶

With a similar emphasis on therapeutic interventions, Dr Michael Salter suggests that what has been shown to be most effective is the use of problem solving courts; full treatment completion; and building of 'social capital,' being the trust and mutual recognition from social networks that facilitate the attainment of collective goals.²⁷

Promoting an approach of 'inhibiting violence while addressing complex needs', Salter argues that this can be facilitated by multi-agency partnerships with a strong focus on case management and oversight, producing a web of reciprocal accountability between courts; offenders and service providers.

In this way, the offender's accountability is grounded in relationships with identifiable people who have the capacity to draw upon a range of services to address the problem of his violence.²⁸ In other words, the offender's accountability is grounded in the investment that the community is making in his reform and in the potential of being seen as someone other than 'offender'.

23 K Howells & A Day, 'Readiness for Treatment in High Risk Offenders with Personality Disorders', (2007) 13(1) *Psychology, Crime & Law*, 47; WL Marshall and GA Serran, 'The Role of the Therapist in Offender Treatment', (2006) 10(3) *Psychology, Crime & Law*, 309; B Blasko and E Jeglic, 'Sexual Offenders' Perceptions of the Client-Therapist Relationship: The Role of Risk', 28(4) *Sexual Abuse: A Journal of Research and Treatment* 2016, p 271.

24 A Birgden, 'Therapeutic Jurisprudence and Responsibility: Finding the Will and the Way in Offender Rehabilitation', (2004), 10(3) *Psychology, Crime & Law*, 283.

25 P Spencer, 'From Alternative to the New Normal: Therapeutic Jurisprudence in the Mainstream', *Alternative Law Journal*, Vol 39:4 (2014); P Spencer, 'Strengthening the web of accountability: Criminal Courts and Family Violence Offenders', (forthcoming, provided to the CIJ);

26 Ibid. See also A Birgden & H Cucolo, 'The Treatment of Sex Offenders: Evidence, Ethics and Human Rights', (2011) 23(3) *Sexual Abuse: A Journal of Research and Treatment*, 295. To this end, it is worth noting that Corrections Victoria's Offender Management Framework indicates that CV specialist case managers follow the Good Lives Model and CV reported to the Review that these SCMs had received training in motivational interviewing. The Review noted, however, that this training had been ad hoc to date, and that a broader range of services may be relevant to offenders' reintegration.

27 Salter, above note 16.

28 Ibid

Ways to give life to this therapeutic alliance

So what can the community's role in this therapeutic alliance look like? In answering this question, we do not need to look far in terms of ways in which the community can support an offender's rehabilitation even while he is in prison.

Many will be familiar with the idea of offenders performing 'community service' while on a community based order. However, studies also confirm the benefits of incarcerated offenders working for the betterment of the community around them.²⁹ Importantly, this is distinct from work to keep offenders busy; work as punishment, or even work which makes a profit for the particular facility. Programs in Australia and internationally indicate the gains that can be made when prisoners are given the opportunity to:

- Focus on a long-term task;
- Gain new skills;
- Act as teachers themselves;
- Act as decision makers;
- Give back to the community;
- Reconstruct their identity as something other than 'offender' or 'prisoner'.

As one example, Correctional environments are now involving inmates in 'greening justice' projects – ones connected with conservation practices, or with food production for disadvantaged communities. This includes a program which has operated at Tasmania's Risdon Prison, in which inmates undertake horticulture qualifications through TasTAFE and operate a community garden, the produce of which is then distributed to families living in poverty.³⁰ Participants reported benefits including the opportunity to 'give back' to those perceived by some prisoners to be even more disadvantaged than themselves, as well as to see themselves as 'teacher', rather than 'offender' when they showed new participants how it ran.³¹

Greening justice initiatives also operate in the US, such as the Sustainability in Prisons Project in which academics, industry scientists and correctional facilities partner to involve inmates in the development of conversation projects. Inmates are engaged as nursery technicians and work with biologists, horticulturalists and ecologists to transfer the benefits to the community.³²

Similarly, initiatives which involve offenders in the rehabilitation of abandoned or retired animals have also been shown to be effective. For example, the Prison Pet Partnership established by Corrections Victoria in partnership with Greyhound Racing Victoria assigns minimum security prisoners to retrain greyhounds who have been retired from racing.³³ Assessments of similar programs overseas have shown that the highest risk offenders can be successful with the most unmanageable animals – a prisoner relating to the dog who has been rejected and developing a desire to help the animal be accepted instead. Similarly, the relationship with the dog can be the first time that an offender has been observed to respond positively to any event in that environment.³⁴

Beyond this, however, other programs have been demonstrated the value of offenders feeling part of the community while still in custody. These include but are not limited to:

- programs in which they produce craft or products which they are able to sell at market prices to benefit others;
- opportunities to learn media skills and produce their own radio shows;
- opportunities to act as umpires in community sporting matches;
- opportunities to develop literacy skills to improve their relationships with their children post release.³⁵

29 K Fox, 'Restoring the social: offender reintegration in a risky world', *International Journal of Comparative and Applied Criminal Justice*, 38:3, 235-256, p 246.

30 H Graham & R White, *Innovative Justice*, (2015), Routledge, p 54.

31 *Ibid*, p 59.

32 *Ibid*, p 60 – 67. See also S Clarke, (2011) *Assessing the Rehabilitative Potential of Science and Sustainability Education in Prisons: A Study of the Sustainable Prisons Project*, Master of Environmental study thesis, Evergreen State College, WA.

33 <https://www.grv.org.au/wp-content/uploads/2015/02/GRV-Media-Release-Prison-Pet-Partnership.pdf>

34 Graham & White, above note 31.

35 *Ibid*. See also <https://chattermatters.com.au/>



Of particular interest to the CIJ, in recent years RMIT University has delivered the Inside-Out Prison Exchange Program at two Victorian Prisons. Through these programs, RMIT University students and incarcerated offenders complete an undergraduate subject while studying side by side. The program has been evaluated via a pre-test and a post-test survey as well as through focus groups. Feedback from the students (both from RMIT University and prisoners) as well as management (both from the University and Corrections Victoria) has been very positive, with Corrections Victoria staff indicating that they have never seen prisoners so attentive and committed. At the time of the evaluation, over a dozen prisoners who completed the program indicated that they were now considering enrolling in further education.³⁶

Accordingly, the CIJ hopes to continue to explore opportunities to expand the relationship between RMIT University and Corrections Victoria, including linking offenders to supports and accommodation in the community post-release so that they can continue and complete their studies.

³⁶ See <https://www.rmit.edu.au/news/all-news/2015/july/jail-no-bar-to-equal-justice-for-rmit-students/>

Community-based support post release

These are just some examples of the role that the community can play in an offender's rehabilitation – a member of a therapeutic alliance which accepts responsibility for the task of integration. It must be acknowledged, of course, that the majority of offenders who participate in these opportunities are those assessed as low risk.

Once incarcerated offenders are released into the community, however, the value of connecting offenders with a link to the community becomes even more urgent. This imperative is recognised to a limited extent through provision of funding to community-based agencies which provide aftercare assistance and support to recently released offenders and help to re-integrate – *or simply integrate* – them into society.

In the context of a particular and targeted project for the Victorian Association for the Care and Resettlement of Offenders (VACRO), the CIJ examined a small sample of these programs from Victoria and interstate. These programs vary significantly according to the funding that they receive and therefore the service that they are able to deliver. This includes significant variation between programs delivered by the same agency, all because they are auspiced by different funding streams.

Variation therefore includes the extent of the service which agencies provide – such as when the service commences or how long it lasts - as well as to whom this service is provided. For example, some programs are funded to provide support to female offenders; some to Aboriginal offenders; some only to offenders of drug or alcohol related crimes; some only to sexual offenders and some to serious offenders across the board. Of concern in terms of government funding, the CIJ did not hear of any programs funded to support young offenders.

Regardless of the funding stream, however, all programs attempt to provide an extraordinary amount of support to offenders with very minimal resources. Examples of this support are described in a generalised way below so as not to identify any particular agency.

These include programs which connect with offenders some time prior to release and then on an ongoing basis afterwards. In this context, case workers will visit offenders in custody to help them plan for release and then support them upon release and on a daily to weekly basis for up to a few years' afterwards. The CIJ heard that contact with offenders often varied between several times a day through to once a week and then less frequently once an offender's life has begun to stabilise. This support can include accompanying the offender to appointments or to activities in the community.

Programs also include those which work with offenders only from the point of release. In these contexts, the task of the case worker as described to the CIJ was to:

- Identify possible housing (from a stock of Corrections funded housing in the case of some offenders; but with none available for others), often with only 24 hours' notice;
- Collect the offender at the gate of the prison;
- Take him 'for coffee and a smoke' at a local café during which the worker would model pro-social behaviour;
- Drive him to the region in which he was supposed to live;
- Shop for 'jocks and socks' along the way;
- Link him into Centrelink and banking programs;
- Shop for basic groceries in what was likely to be his local neighbourhood (during which a discussion about basic nutrition might occur) and then
- Deposit the offender in his new accommodation (often a room in a pub) for his first night in the community.

Again, case workers will then remain connected with the offender on a daily basis for anywhere between six weeks to six months.

Most programs with whom the CIJ consulted were usually funded to provide one case worker per offender, and the CIJ heard how practice had evolved in different contexts to avoid burnout but also to maintain a stable contact in an offender's life.

However, the CIJ also heard that one program allocated two case workers to serious sexual or violent offenders, in part for the safety of the workers, but also to model respectful behaviour between the workers in front of the offender. The CIJ heard that this particular program also had access to an additional government funding stream which allowed contact to increase in intensity where offenders were identified as particularly high risk and therefore in need of additional scrutiny and support.

Those described above are just some (general) examples of community based support provided to offenders post release. Programs span a range of different approaches, with some funded by Corrections or government funding streams, while others include schemes run by the private sector or delivered through philanthropic grants.

Internationally, a meta-evaluation in the US of over 80 different community based support programs for offenders found these programs to include:

- Pre-release curriculum-based programs to prepare offenders for re-entry (what to expect when released; how to handle particular situations; dealing with daily living tasks; and how to reintegrate with community);
- In prison video-conferencing to communicate with family members and community organisations/mentors/re-entry teams;
- Programs involving the family in re-entry (assisting transition back into the family, services provided to the offender and also the family group to ease stress and challenge);
- Police collaboration with parole officers, treatment providers and faith communities to deliver a unified message of support and surveillance);
- Faith/community based organisations (that may provide emergency aid, mentoring, employment, transport etc);
- Using former prisoners as ‘community advocates’ or peer mentors in networks of support;³⁷
- Collaboration with victim advocates (having a voice in reintegration matters);
- Creating community service provider networks focused on re-entry (bringing agencies together to work on common goal).³⁸

Other examples include programs which provide daily contact, such as through daily automated telephone calls so that offenders can answer assessment questions and receive immediate feedback and recommendations for intervention;³⁹ or which offer a point of daily contact in person, such as a Day Reporting Center which includes educational services, vocational and life-skills training.⁴⁰

37 Glenn Martin, JustLeadershipUSA, at <https://www.justleadershipusa.org/about-us> See also Claire Seppings, Churchill Fellowship Report to Study the Rehabilitative Role of Ex-Prisoners/ Offenders as Peer Mentors in Reintegration Models – in the UK, Republic of Ireland, Sweden and the USA. January 2016.

38 See A Cowell, P Lattimore & J Roman, ‘An Economic Evaluation of the Serious and Violent Offender Reentry Initiative’, Report, RTI, 2009; P Lattimore et al, ‘National Portrait of SVORI – Serious and Violent Offender Reentry Initiatives’, (Report, RTI International and Urban Institute, 2004). See also P Lattimore, D Steffey and C Visher, ‘Prisoner Reentry Experiences of Adult Males: Characteristics, Service Receipt and Outcomes of Participants in the SVORI Multi-Site Evaluation’, (Report, RTI International and Urban Institute, 2009), p 122. P Lattimore, ‘Prisoner Reentry Services: What Worked for SVORI Evaluation Participants’, (Report, RTI International, 2012).

39 Andersson et al, ‘Daily Automated Telephone Assessment and Intervention Improved 1-Month Outcome in Paroled Offenders’ (2014) *International Journal of Offender Therapy and Comparative Criminology* 1

40 M Ostermann, ‘An Analysis of New Jersey’s Day Reporting Center and Halfway Back Programs: Embracing the Rehabilitative Ideal Through Evidence Based Practices’ (2009) 48(2) *Journal of Offender Rehabilitation* 139.

Circles of Support and Accountability

A particular example of re-entry programs for serious offenders which has a distinctively solid evidence base are Circles of Support and Accountability (COSA). COSA started as a supplement to sex offender treatment programs and apply a therapeutic, community based approach to the reintegration of offenders through harnessing local community supports, and providing post-release offenders, or 'core members', with a 'circle' of trained volunteers who 'scaffold'⁴¹ pro-social behaviour and help core members to remain accountable for their behaviour.⁴²

COSA were first established in Canada in 1994 after two high profile, high risk and high needs offenders were forced out of their local community and then supported by a faith-based organisation with assistance from the Correctional Service of Canada. They have since expanded significantly and been shown to be effective in reducing reoffending in Canada (where they are mostly run by faith organisations and have developed organically); and the UK (where they are established under a consistent regulatory regime).

Examples of similar approaches also exist in the US, including programs known as Citizens Circles, although these are managed by a probation officer, rather than a faith-based or not-for-profit NGO and take a risk management approach.⁴³ An increasing number of examples also exist in Australia, some of which, it should be noted, operate COSA for mainstream offenders, rather than sex offenders.⁴⁴

While specific approaches vary, overall the premise of COSA is that core members participate on a voluntary basis and must have demonstrated an understanding of the harm caused by their offending, as well as a desire to prevent its recurrence. The circle meets regularly during the initial post-release period before the needs of the core member are re-assessed. Volunteers are expected to report any increased risk of offending behaviour to the relevant authorities.⁴⁵

Originating in Canada, the COSA model now operates across a number of Canadian, NZ, US, UK and European jurisdictions, where studies suggest they have significant community support.⁴⁶ Evaluations of the original Canadian project found a significant reduction in recidivism, as well as improvements in the reintegration of offenders and public perceptions of safety.⁴⁷ Reviews of COSA pilots operating in the UK also found that they supported risk management and compliance as well as reducing an offender's isolation.⁴⁸

Feedback from core members in a number of studies indicate that the fact that inner circle members were volunteers was crucial to their sense of accountability, and that many could not believe that strangers would support them without pay – the first time in the offender's life that they had experienced unconditional support.⁴⁹ Circle members and probation officers also help the core member to identify where risks might spike at a particular outing, such as an outing to a football game when accompanied.

Though a number of Australian community-based organisations have initiated a form of COSA in their support programs for offenders, the CIJ spoke with one, Offenders' Aid and Rehabilitation Services (OARS) which has established a number of COSA for clients convicted of sex offences. Through OARS Community Transitions programs, volunteers from the community receive appropriate training and operate as the inner circle for the core member, meeting once a week and focusing on their offending behaviour.

An outer circle of service providers, including Corrections, can be drawn upon where concerns arise, while the OARS case worker oversees the core member's broader support to transition to an established life in the community. This work intersects with and draws on the work of the inner circle – for example, a client may be put on a bus to meet with a circle member for an outing, with the OARS case worker helping to prepare them for using public transport – something with which they have not previously been familiar.⁵⁰

41 Ibid, p 249

42 S Hannem and M Petunik, 'Canada's circles of support and accountability: A community justice initiative for high-risk sex offenders' (2004) 66(7) Corrections Today, 98-101.

43 At <http://www.drc.ohio.gov/citizen-circles>

44 See for example, Prisoner Aftercare and Support Services, Five8 Program. At <http://www.five8australia.com.au/>

45 K Richards, 'The Australian Capital Territory (ACT) Government Office for Women Audrey Fagan Churchill Fellowship to study Circles of Support and Accountability' (2011) 10-11. At <http://www.churchilltrust.com.au/media/fellows/Richards.Kelly2010.pdf>

46 M Höing, R Petrina, L Duke, B Völm and B Vogelvang, 'Community Support for Sex Offender Rehabilitation in Europe' (2016) 13(4) European Journal of Criminology 491

47 Ibid 17-24

48 K McCartan, H Kemshall, S Westwood, J Solle, G MacKenzie, J Cattell and A Pollard, 'Circles of Support and Accountability (COSA): A Case File Review of Two Pilots', (2014) Ministry of Justice, 1. At https://www.gov.uk/government/uploads/system/uploads/attachements_data/file/289300/cosa-research-summary.pdf; A Bates, R Saunders and C Wilson, 'Doing something about it: A follow up study of sex offenders participating in Thames Valley circles of support and accountability' (2007) 5(1) British Journal of Community Justice, 19-42.

49 KJ Fox, 'Contextualising the Policy and Pragmatics of Reintegrating Sex Offenders' (2017) 29(1) Sexual Abuse: A Journal of Research and Treatment 28.

50 Consultation with OARS Community Transition, September 2016.



While the OARS program is currently confined to offenders convicted of sex offences, a study by Professor Kathleen Fox in Vermont, USA, applied the COSA model to sexual offenders, serious violent offenders (which includes domestic violence offenders) and ‘general’ offenders (who have generally committed drug related offences). This study found that serious violent offenders were just as responsive to the COSA model as sex offenders.⁵¹

Professor Fox explained to the CIJ that this may be because, in the cohort of offenders with whom she was working, like sex offenders, serious violent offenders had almost no history of belonging to a functional community structure of any kind and therefore respond to an even greater extent than other offenders who may have more pro-social tendencies and lower recidivism rates generally. This echoes the Harper Review’s reminder that efforts should be directed towards those with whom the greatest reduction in risk can be achieved. The CIJ heard, however, that drug or alcohol issues, or mental illness, must be addressed before offenders of any kind are able and willing to engage.⁵²

As referred to above, the CIJ is aware that a number of offender based support programs are now working towards the implementation of a COSA model in their practice and the CIJ awaits the results from these programs with great interest.

51 Fox, above note 49.

52 Emails to Elena Campbell, CIJ, from Professor Kathryn Fox, University of Vermont, dated 10 August 2016; 12 August 2016 and 5 September 2016.

Challenges for Community Based Support Programs

The sections above describe a wide range of programs which attempt to provide support and accountability for offenders leaving custody. While the programs themselves are often robust and incredibly well organised, with the possible exception of COSA they are largely offered in a piecemeal or ad hoc fashion, emerging from the good will or dedication of a particular agency, philanthropic grant or even specific jurisdiction.

What is striking, therefore, is that they do not seem to be developed or delivered on a systemic level or in a truly integrated way as a commitment from government, at least in Australia. Rather, they remain vulnerable to Budget rounds or the capacity of a program to be 'hooked' to a particular funding initiative.

Certainly, in the CIJ's sample of programs across Australia, most were under-resourced and under-supported. In particular, the CIJ noted the extraordinary amount of time and input by a very small workforce - many of whom had a variety of social work or related qualifications but who came to the work on the basis of a particular commitment to the task of integrating offenders into the community. To this end, the CIJ heard that workers needed to be 'wired in a particular way' to maintain optimism and resilience in the face of incredibly difficult work and often insurmountable odds.

For example, the CIJ heard that the turnover common across Corrections environments meant that engagement and working relationships were inconsistent, with the community-based case worker often the only stable point of contact in an offender's life. The CIJ also heard that a compliance-based focus - with offenders breached because of administrative failures (such as to meet curfew, for example) meant that clients were unable to see a time when they would not be under supervision. This was particularly the case with the many clients who had an Acquired Brain Injury or other cognitive impairment.⁵³

Further, the CIJ heard that lack of housing was a significant challenge, with different jurisdictions having different criteria for making housing available. Meanwhile, the presence of family violence backgrounds in the cohort of clients with whom these programs worked was significant - yet there was little or no formal recognition of this in terms of the work which the services were funded to do or training they received.

In other words, many of these programs are trying to achieve an almost impossible task of re-integrating - or simply integrating - an offender into the community when so many other factors are stacked against their success. Together with their rather piecemeal development, therefore, it is unsurprising that few substantive evaluations of offender re-entry support programs exist, with no consensus as to their relative effectiveness.

That said, more is known about factors affecting program retention and/or completion, including education level, marital status, race, age, living circumstances and employment. Certainly, evaluations show that linking offenders to employment, housing and education can improve rehabilitation program retention and have a positive impact on the successful social reintegration of offenders.⁵⁴

⁵³ See also Centre for Innovative Justice and Jesuit Social Services, *Recognition, Respect and Support: Enabling justice for users of the criminal justice system with an Acquired Brain Injury* (2017), RMIT Melbourne.

⁵⁴ United Nations Office on Drugs and Crime, 'Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders' (United Nations, 2012), pp 68-69
http://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Introductory_Handbook_on_the_Prevention_of_Recidivism_and_the_Social_Reintegration_of_Offenders.pdf

To attempt to address the lack of evidence in this area, the National Institute of Justice in the US funded a multiyear, multisite evaluation (referred to above) of programs assisting re-entry of serious and violent offenders (including sex offenders) who pose the greatest risk to the community upon release. Labelled the Serious Violent Offender Re-entry Initiative (SVORI), these programs included male and female and adult and juvenile offenders, with an upper age limit of 35. Despite the SVORI initiative's intention, overall the assessments had inconclusive findings in terms of recidivism.⁵⁵ The studies did find, however, that:

- Prisoners returning to their communities are a population with extremely high needs and that [these] needs diminished somewhat, but remained high, up to 15 months after release⁵⁶;
- Participation in programs was associated with fewer arrests and longer times between arrests;⁵⁷
- Participation in education had the most consistent beneficial effect;⁵⁸ and that
- A greater number of services were not necessarily better, but that the order in which these services were received (ie building readiness) may be a factor.⁵⁹

Other nation-wide studies have also attempted to identify common threads in effective approaches. For example, Canadian researchers note that it is possible to identify several key features of interventions which appear to be effective in helping offenders to reintegrate and reduce recidivism.⁶⁰ In particular, successful interventions are those which:

- Focus on a specific target group of offenders and their specific challenges;
- Begin while the offender is in confinement in the correctional institution and continue throughout the offender's transition to, and stabilisation in, the community;
- Strike a balance between surveillance versus control and support and assistance;
- Address the many inter-related challenges faced by offenders;
- Are offered as a coordinated effort of all the agencies involved;
- Reflect the public safety priorities of the community in which they are developed;
- Have a robust evaluation component that allows the program to evolve, self-improve, and remain accountable to the community for crime reduction results;
- Engage the community in both the planning and the delivery of the intervention and fosters strong community ownership.⁶¹

A therapeutic alliance with a person in authority; harnessing motivation and readiness; individualised case management, disengagement from anti-social associates, moving towards a pro-social identity – these are all common elements identified throughout the literature.

As Victoria implements the recommendations of the Harper Review, then, are there opportunities for all these ingredients to be brought together in a broader therapeutic alliance between the offender; the criminal justice system and the community?

55 A Cowell, P Lattimore & J Roman, 'An Economic Evaluation of the Serious and Violent Offender Reentry Initiative', Report, RTI, 2009; P Lattimore et al, 'National Portrait of SVORI – Serious and Violent Offender Reentry Initiatives', (Report, RTI International and Urban Institute, 2004).

56 Ibid. See also K Lattimore, D Steffey and C Visher, 'Prisoner Reentry Experiences of Adult Males: Characteristics, Service Receipt and Outcomes of Participants in the SVORI Multi-Site Evaluation', (Report, RTI International and Urban Institute, 2009), p 122.

57 Ibid, p 10

58 Ibid

59 Ibid

60 C Griffiths, Y Dandurand and D Murdoch, 'The Social Reintegration of Offenders and Crime Prevention' (Report, National Crime Prevention Centre, Public Safety Canada, 2007)

61 Ibid, p 41-42

Boston Re-entry Initiative (BRI)

Though developed primarily to address gang-related recidivism, the Boston Re-Entry Initiative (BRI) highlights the positive change which can occur when the leverage of the state and the support of the community *combine* to act as a positive intervention in an offender's life.⁶²

Winning accolades and several awards for its impact on recidivism, the BRI is provided to violent male offenders at high risk of offending (aged between 18 – 32). The program takes a holistic approach to recidivism and, within 45 days of *entering* prison, program participants attend a BRI panel session where they are informed about institutional programs and community resources available to help their reintegration, as well as being informed that they will be held accountable for staying away from crime.

Representatives on these panels include members from criminal justice agencies, social service providers and faith-based organisations, all of whom sit in a semicircle across from the inmates. Social service and faith-based organisations talk about the resources and support which they can provide to help offenders transition back into the community, both in prison and post-release. Meanwhile, prosecution, probation and parole representatives discuss the consequences of recommitting crime.

The collective message in this panel meeting is that the inmates have the power to choose their own destiny and are not doing their time anonymously – in other words, that a coordinated network of agencies is watching.

Following the panel meeting, offenders are provided with a prison-staff caseworker and community mentor who work together and begin meeting and working with the offender immediately. A 'transition accountability plan' is developed, including the involvement of a wide range of 'wrap-around' services to address individual needs which begins in prison and continues after release.

Mentors meet with the offender in prison to build rapport with them and stay involved with participants typically 12-18 months after release. On the day of release, the institution arranges for a family member or mentor to meet the offender at the door. Participants continue to meet with mentors after release and receive a variety of community-based services (eg substance abuse treatment, housing and employment services).

An evaluation of the BRI indicated that faith based organisations were seen to bring credibility to the program for offenders, especially as some staff members in these organisations had served prison sentences themselves. These organisations were also located within the neighbourhoods to which offenders would return. The evaluation showed that BRI participants had 30 percent lower rates of recidivism than the comparison group, suggesting that individualised treatment plans which are facilitated by mentors and supported by a network of criminal justice, social service, and community-based organizations, can have positive effects for offenders returning to high-risk communities.⁶³

62 A Braga, A Piehl, & D Hureau, 'Controlling Violent Offenders Released to the Community: An Evaluation of the Boston Reentry Initiative', *Journal of Research in Crime and Delinquency*, 46(4) 411-436

63 Ibid.

Seizing opportunities

So what does all this mean for the current context in Victoria? As the Post-Sentencing Authority which was recommended by the Harper Review is established, an opportunity exists not only to draw upon the Harper Review's observations about the role of the community and community-based organisations, but the broader evidence base as well. As outlined earlier, what this evidence base tells us is that effective programs:

- Intervene early in a client's relationship with the criminal justice system;
- Assess and respond to dynamic risk, including acute or 'spikes' in risk;
- Are tailored to individual needs;
- Identify and focus upon an offender's readiness and capacity to respond to treatment;
- Involve multi-agency collaborations;
- Builds a therapeutic alliance between case worker, client and the broader criminal justice system;
- Harness the value of peer role models and mentoring;
- Foster the development of a pro-social community and replaces anti-social associates;
- Provide a stable, ongoing contact in a client's life.

As the Harper Review rightly noted, there is only so much that the criminal justice system can achieve on its own. An exciting opportunity therefore exists to incorporate these lessons into the implementation of the Review's recommendations so that the reforms can function as a genuine partnership with the community.

This may mean, as the Harper Review recommended, commencing planning for an offender's reintegration into the community soon after (his) arrival into custody. As it also flagged, it may mean including a community based support provider as a member of the relevant multidisciplinary panel.

Using the Boston Re-entry Initiative as an example, it may mean including relevant providers of community based support more prominently as equal partners in an offender's planning process from soon after the offender's entry into custody. This would signal to the offender, as the BRI description indicated, that a network of agencies would be following and supporting his progress both in custody and following release.

For this to occur effectively, of course, agencies providing the community based support must be sufficiently resourced to provide this support on an ongoing and comprehensive basis. They must also be provided with adequate training and links to sufficient housing stock to which offenders can be referred.

Working more collaboratively in this way, here is where opportunities lie to foster therapeutic alliances between representatives of the community; criminal justice agencies and the offender – leveraging the authority of the state and the support of the community. Here is also where opportunities lie to help the offender work towards pro-social networks in the community.

These could include the involvement of peer mentors – people with lived experience of the system – in the process of reintegration or management, as is the case in the Boston Re-entry Initiative and as recommended by other studies.

64

These could also include a genuine commitment to and resourcing of a COSA network which can be associated with the Post-Sentencing Authority process and which can provide support and accountability to an offender as a clear and observable part of his release plan.

64 Glenn Martin, JustLeadershipUSA, at <https://www.justleadershipusa.org/about-us> See also Claire Seppings, Churchill Fellowship Report to Study the Rehabilitative Role of Ex-Prisoners/Offenders as Peer Mentors in Reintegration Models – in the UK, Republic of Ireland, Sweden and the USA. January 2016.

Conclusion

The Harper Review – and the government's subsequent reforms – will go a long way to developing a more integrated approach to managing and supervising some of the state's most serious offenders. As the Review itself noted, however, the broader community has an equally important role – challenging and encouraging governments to support a more considered and *effective* response based on what the evidence reveals.

After all, justice policy development is infamous for ignoring the evidence. With the establishment of a new post-sentence regime we have an opportunity to embrace this evidence and to do so transparently in our approach to the most serious of Victoria's offenders.

While we still have much to learn about reforming violent offenders, one thing we do know is that wholesale community buy-in is a significant – but missing – piece of the equation. What's more, as we learn more and more about the impacts of family violence, sexual abuse and other forms of trauma on children; about the links between poverty, vulnerability and offending; about the damage experienced by others who go on to cause damage themselves, this is also an opportunity to accept a collective responsibility for the failures which may well have propelled offenders into crime in the first place.

The question is, however, are we up to the task? The CIJ invites a conversation about whether we are ready to start problem solving together, whether we can start integrating the indefensible, whether we can take shared responsibility for reforming seriously damaged people who have caused damage themselves – if only to prevent them from causing it again.



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CIJ researches, translates, advocates and applies innovative/alternative ways to improve the justice system, locally, nationally and internationally with a particular focus on appropriate/non-adversarial dispute resolution, therapeutic jurisprudence and restorative justice.

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