

PARTICIPATION OF THE PUBLIC AND VICTIMS IN CRIMINAL JUSTICE ADMINISTRATION

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I. COMMUNITY SAFETY AND CRIME PREVENTION - EVERYONE'S RESPONSIBILITY

Developing and maintaining a safe community is vital to improving the living conditions of all citizens. It makes our communities a better place in which to live, raise a family, to invest and do business. Achieving a safe community is more than solving and reducing crime, it is reducing the public's fear of crime. It is about encouraging all sections of the community that they can participate in a diverse range of business and recreational activities at all times of the day and night, and be safe.

In the past, crime prevention strategies, throughout the world, have tended to be:

- Narrowly focused
- Fragmented
- Program driven
- Funding dependent; and
- Short term

Economically and socially, new crime prevention strategies are required which:

- Are innovative
- Are outcome orientated
- Provide a more coordinated government and community approach
- Build on local and international experiences
- Involve the wider community and private sector

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In order to place Australia's crime prevention and community safety approaches into context, it is useful to examine the broader international environment.

II. UNITED KINGDOM

A. Crime and Disorder Act: Placing Crime Prevention Within a Statutory Framework

In 1998 the United Kingdom introduced the *Crime and Disorder Act*. This Act places a legal obligation upon the police and local authorities (eg, housing, health, and educational authorities), to work together to develop and implement a strategy for reducing crime and disorder in their communities.

The overall aim of the *Crime and Disorder Act* is to empower local communities to address crime problems. In formulating and implementing a strategy, police and local authorities have to:

- (i) Conduct and publish an audit of local crime and disorder problems;
- (ii) Consult locally in conducting a crime audit, seeking the views of community groups;
- (iii) Set and publish objectives and targets of their strategy arising from the auditing process (short and long-term performance targets have to be formulated).
- (iv) Identify and stipulate the various responsibilities of the agencies that will be involved in implementing the strategy.
- (v) Monitor outcomes and outputs.

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The *Crime and Disorder Act* aims to ensure that a partnership, multi-agency approach is adopted in addressing local crime and disorder problems. The Act does not prescribe what the agenda for local partnerships should be, nor the structures that will be needed to deliver that agenda. Rather these have to be tailored to local community contexts.

B. Safer Cities Program: The Need to Combine Situational and Social Approaches

Also in the United Kingdom is the Safer Cities program, which aims to reduce crime and fear of crime. It forms part of the Government's Regeneration Program, that aims to address the social, physical and economic problems of disadvantaged urban areas - particularly council housing estates.

The program provides funding for individual projects, with the UK Home Office and Audit Commission responsible for monitoring and evaluating Safer Cities. The program takes a partnership or multi-agency approach. Elements include:

- Voluntary bodies and the private sector have been important in the design and delivery of Safer Cities initiatives.
- Projects have tackled a range of crime problems (eg, domestic and commercial burglary, domestic violence, vehicle crime, shop theft, crime against small business) and disorder issues (eg, graffiti and vandalism).
- Decreased fear of crime has been regarded as a consequence of successfully reducing crime *per se*.
- The dominant focus of Safer Cities has been upon the reduction of burglary, both in domestic and

commercial settings. Hence situational approaches like physical security measures have dominated.

- A number of successful "demonstration projects" have shown that while situational measures may work independently, a comprehensive approach involving socially orientated initiatives (eg, educational and publicity campaigns, support for "at risk" families and young people) ensures that all possible predictors of crime and disorder are addressed.

C. Repeat Victimization: Focusing Crime Prevention where it is Most Needed

The United Kingdom Home Office Research and the Safer Cities program illustrated there are some places and people that are prone to multiple criminal victimisations, by the same or different crime over time. This is termed 'repeat victimisation'.

Research shows that places and people, who are revictimised, account for a large percentage of criminal victimisations. Repeat victimisation has become a key focus of UK crime prevention initiatives. Programs to prevent repeat victimisation have addressed residential and commercial burglary, car theft, domestic violence and racial attacks.

Reducing repeat victimisation is increasingly used by UK police as a key performance indicator. Experts argue that focusing on repeat victimisation as a crime prevention strategy ensures:

- (i) Crime prevention is focused upon those people and places in highest need of intervention.
- (ii) Scarce crime prevention resources are more strategically focused.

D. Social Exclusion: The Interdependency of Crime, Social and Economic Issues

In 1998, the Blair government made a commitment to address the problem of social exclusion by establishing the Social Exclusion Unit. The United Kingdom government regards social exclusion as a combination of linked problems that individuals or areas can suffer. These include unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown.

A variety of strategies have emerged under the banner of addressing social exclusion. These include work and training programs, reform to welfare benefits and entitlements, family tax credits, income support, improving numeracy and literacy skills of the young, capital support for housing improvement, a national drugs strategy and local crime reduction partnerships, economic regeneration of poor neighbourhoods, and initiatives to address physical and mental health.

Due to the multi-faceted and interdependent nature of the problem, one of the central roles of the Social Exclusion Unit is to promote cooperation between government departments, local authorities and community agencies, and to improve mechanisms to integrate their work in addressing social exclusion.

III. UNITED STATES OF AMERICA

A. The US Crime Control Model: A Dual Track System

The US approach to crime control is working, because crime rates overall have been decreasing. Despite this, its juvenile crime rate has not followed a similar trend.

America adopts two contrasting approaches - a dual track system:

- (i) "Get tough" retributive measures, exemplified by "three strikes" legislation, boot camps, and zero tolerance policing.
- (ii) Measures concerned with early childhood development, opportunities for young people, improving residential neighbourhoods and proactive problem orientated policing.

B. Developmental Prevention: Addressing Risk and Protective Factors

A key concern of US initiatives has been with reducing risk factors associated with juvenile delinquency (eg, availability of drugs and firearms, economic deprivation, family dysfunction and conflict, poor school performance, early problem behaviour, and gang membership) and strengthening protective factors (eg, family attachment and stability, consistent parenting, economic opportunity, high academic achievement and pro-social role models).

The US Congress has recently legislated for the development and funding of delinquency prevention programs (eg, juvenile mentoring). A "Comunities That Cares" model has guided US initiatives that address risk and protective factors at the local level. This model involves:

- (i) Mobilisation of key authorities (eg, educational officials, political and business leaders and police) to agree to a program and pledge their commitment.
- (ii) Establishment of a Community Board consisting of various agencies (eg, schools, police, health, probation, parents, youth groups, business, churches and the media), who conduct a community assessment, with technical assistance, to identify the main local risk factors that need to be addressed.

- (iii) A number of high priority risk factors arising from the community assessment are identified (ie, factors that are typically above the national average).
- (iv) Empirical evidence about effective methods that tackle these priority risk factors is collected.
- (v) The Community Board develops a preventative plan based upon addressing identified risk and protective factors, and stipulating how the plan will be implemented.

C. Place Specific Crime Prevention: Neighbourhood Environments and Crime

Place specific crime prevention focuses upon changing the physical environment and improving property management. This approach addresses the connection between the physical features of neighbourhoods (eg, signs of crime like vandalism or poorly designed housing), crime and fear of crime. It entails five approaches:

- (i) Improved housing design to address security features.
- (ii) Changing land use and circulation patterns to reduce exposure to potential crime targets.
- (iii) Develop “territoriality” so residents become more vigilant against crime and disorder.
- (iv) Address physical deterioration to reduce signs of crime and improve residential perceptions.
- (v) Improve formal and informal management practices within neighbourhoods to ensure changes are sustained over the long term.

This approach has been mainly implemented in highly disadvantaged and deprived US neighbourhoods.

D. Problem Orientated Policing: Improving Police Crime Prevention Efforts

The New York approach of zero tolerance policing is not indicative of reforms to police practices in the rest of the US. The most significant national reform has been the adoption of Problem Orientated Policing (POP).

The idea of Problem Orientated Policing (POP) is that police should be solving the underlying problems that come to their attention in the communities they serve, rather than simply reacting to them. Problem Orientated Policing (POP) involves police attempting to understand local crime patterns, and address their proximate causes through pro-active measures.

One method by which crime patterns have been understood is through crime mapping and analysis, identifying where crime and disorder is clustered in time and space. Addressing crime “hot spots” (ie, locations that continue to demand police attention) has shown to maximise the effect of a problem orientated approach.

Problem Orientated Policing (POP) has been used to address illicit drug markets, gang and handgun violence. Establishing partnerships with community groups and local agencies is a key focus of Problem Orientated Policing (POP). In order for Problem Orientated Policing (POP) to work, US police departments have devolved increasing authority to beat officers, empowering them with the autonomy to address local crime problems.

E. Civil Remedies: The Legal Enforcement of Crime Prevention

Civil remedies involve legal action to prevent behaviours or situations from becoming a problem, or to reduce or

eliminate problems that already exist.

Community groups and police in the US, utilise civil remedies to address local crime and disorder problems. Civil remedy approaches to crime prevention include such measures as enforced clean-up and up-keep of deteriorated housing, eviction of problem tenants, youth curfews, injunctions against gangs and the carrying of weapons, enforcement of health and safety violations, and restrictions on the selling of alcohol, cigarettes or spray paint to youths.

IV. CANADA

A. The Canadian National Strategy: Strengthening Community Institutions

The Canadian National Strategy comprises of two phases.

- (i) Phase One: the establishment of the Canadian Crime Prevention Council, whose role is to provide the federal framework for national crime prevention initiatives.
- (ii) Phase Two: launched in 1998, provides a \$32 million investment to develop community-based responses to crime.

The Canadian National Strategy adopts a social developmental framework, addressing crime and safety issues involving children, youth, women, aboriginal people, and families. Canada's national strategy incorporates the following key initiatives:

- (i) Safer Communities Initiative: assists local communities in developing and sustaining programs, funds demonstration projects, and provides support to non-government and voluntary organisations.
- (ii) Promotion and Public Education

Program: aims to increase awareness of, and provide information on, community crime prevention.

- (iii) Partnerships with the Private Sector: facilitates and encourages the private sector to support and implement crime prevention activities.

Programs have involved the following measures:

- (i) Providing stress management, parenting skills, and support to young parents.
- (ii) Supporting "at risk" youth eg, those of single parents, or children living in poverty.
- (iii) Improving the literacy skills of disadvantaged youth.
- (iv) Addressing child maltreatment.
- (v) Providing knowledge about aspects of the law to aboriginal youth.
- (vi) Assisting in the integration of refugees and migrants into Canadian neighbourhoods.

B. Problem Orientated Analysis: A Systematic Approach to Preventing Crime

The Canadian strategy stipulates communities should utilise a problem-orientated approach in addressing crime and safety problems. This involves the following steps:

1. Identifying and analysing local community problems using appropriate data sources.
2. Identifying from this auditing process key priority problems.
3. Investigating these key priority problems in greater detail (eg, identifying victim or offender characteristics, patterns and trends, methods of offending, location of the problem, involvement of alcohol or drugs).
4. Develop an action plan and

determine the level of intervention (eg, at the neighbourhood or individual level).

5. Identify those who need to be involved in planning and implementation.
6. Identify avenues for resources, particularly in poor areas or communities.
7. Identify and select appropriate strategies.
8. Set goals and objectives to be met.
9. Prepare an action plan stipulating the duties and tasks of agencies and groups to be involved.
10. Design an implementation timetable.
11. Obtain community and agency support for the action plan.
12. Implement and monitor the strategy to ensure it is sustained over time.
13. Evaluate the impact of the interventions by referring to the data sources used in step one to three.

V. AUSTRALIA

A. The National Anti-Crime Strategy

The National Anti-Crime Strategy was established by the Premiers and Chief Ministers from all Australian States and Territories in November, 1994. The Strategy recognised the value of cross-jurisdictional cooperation and a multi-disciplinary approach to crime prevention.

Crime prevention in Australia is primarily the responsibility of the six States and two Territories. On 28 June 1995, the Commonwealth, State and Territory Ministers endorsed a National Anti-Crime Strategy paper containing the agreed principles of crime prevention and community safety within jurisdictions, principles and a structure for cooperation between jurisdictions.

B. Crime Prevention Initiatives across the Commonwealth Government

The Government has recognised a whole government approach to preventing crime is needed. An indication of some of the initiatives and programs is set out below.

C. Attorney- General's Department

- (i) Firearms Control-coordinating the national implementation of the firearms control and firearms buy-back program.
- (ii) Fraud Control - work is currently being undertaken to revise the Government's Fraud Control Policy, which will form the basis of fraud management programs across all Commonwealth agencies and organisations.
- (iii) National Crime Authority - has received additional money for initiatives which target complex money laundering and tax evasion schemes.
- (iv) National Register of Convicted Paedophiles - Police Ministers from all Australian States and Territories have agreed to the establishment of a national register which can be used by education and community service agencies to carry out checks for prospective employees.
- (v) Aboriginal Deaths in Custody - in conjunction with the Aboriginal and Torres Strait Islander Commission (ATSIC), the Attorney General's Department has organised a Ministerial summit.
- (vi) Classification Guidelines for Films and Video Tapes - were reviewed and amended to restrict films containing excessive high level violence from public release or sale in Australia.
- (vii) Family Violence and Intervention Projects - being conducted by Legal Aid and Family Services, examining

- models for effective intervention in family domestic violence situations.
- (viii) **Marriage and Relationship Education Programs** - to develop best practice approaches and early identification of risks and prevention of violence in relationships involving young women.
 - (ix) **Domestic Violence Database** - agreement has been obtained between States and Territories to develop a database to better facilitate the sharing of data from family law, firearms registry and domestic violence protection order sources.
 - (x) **Model of Domestic Violence Legislation** - the Standing Committee of Attorney-Generals has agreed to a model of domestic violence legislation to ensure a uniform approach across all States and Territories.
 - (xi) **Changes to the Family Law Act** - in 1996, to ensure family violence is taken into account by the Court when considering arrangements for children following parental separation.

D. Department of Communication and the Arts

- (i) **Report of the Committee of Ministers on the Portrayal of Violence in the Electronic Media.**
- (ii) **Government response to the report on the Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies - Portrayal of Violence.**

E. Office of the Status of Women

- (i) **National Forum on Domestic Violence (1996).**
- (ii) **A National Women's Safety Survey** was undertaken by the Bureau of

- Statistics - providing confirmation that violence against women is still a significant crime and social issue.
- (iii) **National Ministerial Summit on Domestic Violence.**

F. Department of Health and Family Services

- (i) **Strengthening Families Strategy** - incorporating a range of family support programs including parenting education, child abuse prevention and emergency relief programs.
- (ii) **"Good Beginnings" National Parenting Project** - home visiting projects focusing on child abuse prevention and parenting education.
- (iii) **National Youth Suicide Prevention Strategy** - supporting research, education and training for professionals, and increased access to counselling and telephone support services.
- (iv) **Youth Homelessness Pilot Program** - piloting a program to test innovative early intervention strategies to assist young people at risk of homelessness to re-engage in family, work, education and training and life in the community.
- (v) **Supported Accommodation and Assistance Program** - providing better monitoring of transitional supported accommodation and associated services provided to youth, homeless persons, domestic violence victims and children.
- (vi) **Rural and Remote Domestic Violence Initiative** - trialing a number of different information and referral models, including services for Aboriginal women and women from non-English speaking backgrounds in remote and rural areas of Australia.

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G. Department of Employment, Education, Training and Youth Affairs

- (i) Research Initiatives - together with the States and Territories research has been completed on Transitional Arrangements for Post Release Young Offenders; Early School Leaving; and Youth Homelessness.

H. Department of Immigration and Multicultural Affairs

- (i) Work is being undertaken, in cooperation with the law enforcement agencies, to improve the systems for ensuring that there is effective exchange of information on undesirable persons entering Australia.

I. Primary Industries and Energy

- (i) Firearms Safety - training materials to primary users (farmers, graziers and rural workers) on how to use firearms safely.
- (ii) Integrated Rural Strategy - general support for rural communities.
- (iii) First National Rural Public Health Forum - to address particular concerns in relation to domestic violence, firearms, and men's health issues (particularly in relation to road and work accidents and alcohol abuse) in the rural sector.

J. Sport, Territories and Local Government - Australian Sports Commission

- (i) Young Persons Sport and Recreation Development Program - provides funding to States and Territories to facilitate the involvement of indigenous young people in sport as a means of providing structured recreational activities to relieve boredom.
- (ii) Aussie Sport - a program to promote the involvement of children in junior

sport which, among other things, constantly promotes the importance on non-violence in sport.

- (iii) Give Racism the Boot - an initiative which is being developed to combat racist behaviour and attitudes at all levels of sport involvement.

K. Aboriginal and Torres Strait Islander Commissioner (ATSIC)

- (i) Aboriginal Legal Services Program - includes a component of counselling, assistance and referral of young indigenous people who are at risk of coming into contact with the criminal justice system.
- (ii) ATSIC is piloting a program for young offenders, initiated by the Prime Minister, called the Improved Integration of Young Offenders into Employment, Education, Training and Community Life.
- (iii) Funding for Night Patrols - where members of the local indigenous communities provide transport home to young people in an attempt to divert them from anti-social activity when they congregate in groups.

VI. THE STATE OF VICTORIA

A. Crime Prevention Initiatives Across The State of Victoria - VicSafe - Partnerships Against Crime

Promotes highly focused community consultation on community safety and crime prevention concerns and proposals. The Safer Cities and Shires program will help develop and maintain a safer community. Creating a safer community includes:

- (i) Addressing the safety and crime issues of most concern to the local community.
- (ii) Focussing on cost-effective outcomes.

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- (iii) Improving social and physical environments.
 - (iv) Minimising the public's fear of crime and violence.
 - (v) Achieving a high level of public order that enables all people to go safely about their lawful pursuits, and to participate fully in community and public life, anywhere, anytime.
- (iii) Setting realistic, achievable targets to gain significant and sustainable reductions in particular forms of crime and violence.
 - (iv) Using performance indicators and measures to accurately and objectively assess the outputs and outcomes of this work.
 - (v) Developing and implementing innovative, best practice strategies to tackle safety and crime issues in local communities.
 - (vi) Creating partnerships and project teams at the local level to implement these strategies.

Many, if not most, community safety and crime prevention problems call for local community solutions:

- (i) These solutions need the support and participation of the whole community working in partnership with police, corrections and other agencies.
- (ii) A safer community is thus a community responsibility and not the sole responsibility of police, corrections nor any other criminal justice agency.
- (iii) Local community safety work brings police closer to the community they serve, and includes greater accountability to local communities.

Local Governments are being asked to take the lead in coordinating initiatives to address the safety and crime issues of most concern to their local communities. The State Government, through the Department of Justice, is offering seeding funding to cities and shires over the next three years to put strategies in place that will address these concerns.

Safer Cities and Shires will emphasise:

- (i) Addressing community safety and crime prevention issues through a strategic, planned whole of government approach.
- (ii) Preventing problems before they emerge.

1. Strategies

Innovative and outcome oriented strategies are required to provide a more coordinated and integrated government and community approach to safety and crime issues. New approaches need to build on local and international experience, and involve the wider community and private sector.

Safety and crime issues are complex, interdependent, and embrace the activities of all government agencies at national, state and local levels, and the private sector. These activities are most likely to be effective if they are focussed on outcomes rather than inputs, guided by best practice benchmarks, and have the capacity to be mainstreamed into core government, business and community responsibilities.

2. Why Local Government?

Local councils are well placed to engage government and non-government agencies, the private sector, educational institutions, and community groups in partnerships to improve community safety.

Local government is best placed to audit the vast input of resources. It can bring a blend of services to meet local communities safety needs. Resources can be aligned with

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those practical initiatives that produce the best outcomes for the least costs. Local governments provide the setting, infrastructure, and policy framework to develop, implement and sustain community-based programs that address community safety and crime issues. It is best placed to develop a real sense of community ownership of strategies to improve community safety and involvement in determining which safety and crime issues have priority.

The role of local government now encompasses social and community planning, urban design, the provision of human services, environmental management, education and training, and economic development. These changes, which have taken local government beyond its historical and traditional role of providing physical infrastructure and services to property, have significant implications for community safety and crime prevention.

3. Community Safety and Crime Prevention Board

The Victorian State Government established the Community Safety and Crime Prevention Board with the Heads of Government Departments (Premiers, Education, Health, Justice and Local Government) together with significant community leaders and representatives of Local Government to coordinate the implementation of the VicSafe Strategy. The functions of the Board are to:

- (i) Actively promote and champion the concept of crime prevention as a community initiative, and provide advice to the Minister for Police and Emergency Services on community safety and crime prevention policy, strategies and issues of concern to the community.
- (ii) Provide strategic leadership in the

planning and delivery of major components of the statewide, community safety and crime prevention framework.

- (iii) Oversee the multi-agency collaboration necessary to ensure that State and Local Government agencies effectively incorporate and achieve appropriate community safety and crime prevention outcomes within their business planning processes.
- (iv) Ensure ongoing evaluation of the community safety and crime prevention framework, and ensure that it achieves visible and tangible outputs and outcomes of direct benefit to the Victorian community.
- (v) Establish, foster and maintain strategic links with private, not for profit agencies, religious and academic sectors in identifying, promoting integrating and resourcing community safety and crime prevention best practice throughout the Victorian community.

B. Safer Cities and Shires - Strategic Directions:

Implementing Safer Cities and Shires involves Local Government performing a strategic leadership role in developing comprehensive local community safety and crime prevention policies and actions. Safer Cities and Shires identifies five strategic directions:

- (i) Direction 1: Build on Local Government's strength as a catalyst in creating comprehensive, local community safety plans conducive to the sustainable, long term development of safer cities and shires.
- (ii) Direction 2: Build on the local government's strength as a facilitator to bring about a blend of

services to meet a local community's safety needs and to ensure the cost-effective and coordinated use of resources to produce the best outcomes for the least costs.

- (iii) Direction 3: Develop a whole of government and whole of council approach to community safety and enable local Government to obtain added value from existing programs and expenditure by building community safety and crime prevention strategies into their mainstream operations.
- (iv) Direction 4: Develop comprehensive needs analyses to create sophisticated, integrated and objective safety, crime and health profiles in local communities.
- (v) Direction 5: Create a Safer Cities and Shires performance measurement framework, consisting of precise performance measures and indicators and State benchmarks for best practice that can be publicised and emulated in other areas.

C. Three Principal Outputs of Safer Cities and Shires are:

1. A comprehensive local community safety plan in each municipality that can:
 - (i) Identify clear, short and long-term outcomes within specified key results areas that are formulated around agreed local priorities.
 - (ii) Detailed strategies to achieve these outcomes based on sustainable resource input available to and within the local community through the government and private sectors.
 - (iii) Complement and support municipal public health plans, municipal emergency management plans, environment improvement plans, and other business plans that

- impact on community wellbeing.
- (iv) Identify and detail locally based community safety and crime prevention initiatives that address the needs of the local community.
- (v) Be based upon shared information between agencies, interagency protocols and compatible data systems.
- (vi) Use integrated safety, crime, health, and quality of life profiles in the local communities.
- (vii) Develop baseline information and performance indicators against which future progress can be measured.
- (viii) Be revised annually to ensure its relevance.

2. A senior management team in each municipality that can:
 - (i) Guide and coordinate the development and implementation of the community safety plan and its regular review.
 - (ii) Include high level representatives from the community, Local Government, police, corrections, private sector, non-government agencies and Commonwealth and State Government Departments.
3. A process of community consultation and involvement through, for example, customer surveys, needs analysis of local community safety and crime issues, and the circulation of the draft community safety and crime prevention plan to the community for comment to encourage community ownership of the issues and the solutions.
4. A whole of government approach involving the Department of Premier and Cabinet, Victoria Police, and the Government Responsibilities for

Education, Health and Human Services, Justice, Corrections, Infrastructure, Local Government, Treasury, State Development, and Natural Resources and Environment:

- (i) Core business approach.
- (ii) Strategic partnerships with the community.
- (iii) A clear focus on outcomes.
- (iv) Development of quality data.
- (v) Identifying and mainstreaming best practice.
- (vi) Achieving cost effectiveness.

VII. WHO IS A VICTIM OF CRIME?

A victim of crime is a person who has suffered harm because of a criminal act. That harm can be physical injury, emotional trauma or financial loss. For example, a person who is injured in a violent attack, or someone who has experience a sexual assault or robbery is a victim of crime. Family members of a person killed or injured because of a crime may also be victims. It is common for people to witness a crime to suffer emotional trauma. These are victims even though they may not have been physically harmed.

Being a victim of crime effects people in different ways. It is not unusual for people who have experienced serious crime, such as robbery or assault, to feel immediately shocked, fearful or angry. Later it is quite normal for some victims to experience depression or even to feel guilty. These reactions are natural and part of the process of dealing with a traumatic event. In the majority of cases they are also temporary. With support from family, friends, and colleagues, most people recover from the effects of the incident within a few months. For other people the recovery process is more difficult. The harm may have occurred over a long period of time, or a crime may have been especially traumatic.

VIII. GROUPS WITH SPECIAL NEEDS

A. Women - Sexual Assault and Domestic Violence

Many women in our society suffer violence; both from strangers and from people they know, including family members, friends or workmates. This violence includes sexual assault such as rape, physical abuse (including hitting or beating), verbal abuse and threats. Because this violence occurs often within the home, many women suffer in silence because they feel isolated and ashamed.

B. Child Abuse

Child abuse is not usually a single incident, but takes place over time, often at the hands of parents, their friends or other members of the family, rather than at the hands of a stranger. Child abuse can take many forms. It includes physical abuse such as hitting or shoving, sexual abuse including unwanted fondling or incest; emotional abuse such as regularly threatening or frightening a child; and neglect, which is failing to properly provide such basic needs as food and shelter.

C. Men - Violent Crime

Crime statistics show that men aged 17-25 years form the largest victim group in the community. Men also need support and assistance in coping with the effects of crime.

D. Aboriginal Victims

It is important for Aboriginal Australians to recognise that there are support services available to help Aboriginal people affected by violent crime.

E. Elderly Victims

The likelihood of an elderly person becoming a victim of a crime in Australia is extremely low. However, when a crime does occur it usually has a greater effect on an older person. An elderly person is

physically less able to fight back or flee, and can find it harder to recover physically or emotionally if injured. The elderly are often alone and may not have the support to help them through the personal suffering caused by violence. Programs funded recognise these issues and can help elderly victims to recover their independence and confidence.

F. People with Disability

People with disability, whether it be an intellectual disability, psychiatric illness or physical disability, may find communication difficult. This can be a disadvantage when seeking help. If someone suspects that a person with a disability is being harmed in any way they should contact the police or the Office of the Public Advocate.

G. Ethnic Communities

People from different cultural or ethnic backgrounds who become victims of crime may need to contact someone they know and trust for support. However, they may be afraid of contacting anyone in their own community because of fear of embarrassment or gossip. They may also be isolated from their community and need to find out how to make the first contact. Many migrants and refugees may not understand or trust the Australian legal system or the police.

H. Families of Homicide Victims

The death of a loved one at the hands of another person is not easily overcome. It is especially hard if families are faced with lengthy trials or unwelcome publicity. Special services, including the Victorian Police Victims Advisory Unit and the Homicide Victims Support Group of Victoria, offer support to the families of victims of homicide.

IX. RIGHTS OF VICTIMS OF CRIME

Victims of crime have rights and responsibilities in the criminal justice system. Victims have the right to be treated with courtesy, compassion and with respect for their dignity and privacy. They have the right to receive information about their case, the progress of the investigation and details of any court proceedings. Victims also have a right to welfare, counseling and medical assistance. They have a responsibility to assist police in their investigations and to participate in any court case that may follow.

The main steps in the criminal justice system are when:

- (i) A victim reports a crime to the police;
- (ii) The police investigate the crime;
- (iii) The police charge a person with a crime;
- (iv) A court decides whether the person is innocent or guilty;
- (v) The Court sentences a person who is found guilty, which may include a goal sentence.

A. Background

The establishment of the Victims Referral Assistance Scheme (VRAS) was announced by the Attorney General in November 1996 following an inquiry undertaken in 1994/95 by the Victims Task Force of the Victorian Community Council Against Violence into services available for victims of crime.

The terms of reference for the inquiry were wide, and the VCCAV reported on the current circumstances of assistance for victims of crime. The VCCAV found that Victorian services for victims of crime had developed in an *ad hoc* manner. There was a lack of co-ordination between services and the absence of a co-ordinated strategy to respond to the needs of victims.

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The inquiry identified the needs of victims of crime, services, currently available, gaps in services provided, funding criteria, and presented a model for a co-ordinated and integrated strategy to restore victims of crime.

The inquiry found that although some victims were able to access a variety of important services, gaps and overlaps existed in service delivery. There was a lack of knowledge amongst professionals and victim support agencies about services available and needed. A lack of co-ordination existed between central and local services throughout Victoria. The overwhelming view expressed by the VCCAV was that there was a real need for victim assistance to be grounded within the context of a strategic approach and based on a number of guiding principles, which would provide a framework within which practical, comprehensive and efficient reform could be undertaken.

An integrated victim assistance regime was needed with professional and community interfaces developed between the wide variety of people who can impact upon victims of crime. Such an integrated strategy would focus upon:

- (i) A central referral service;
- (ii) The information needs and rights of victims, service providers and policy makers;
- (iii) A responsiveness and sensitivity of the criminal justice system;
- (iv) Real service and rehabilitation needs and rights of victims of crime; and
- (v) The accountability of services funded by Government to provide these Services.

The guiding principles in an integrated victim support strategy would include:

- (i) Victims rights;
- (ii) Complete rehabilitation; and
- (iii) Community responsibility.

B. Victims Referral and Assistance Service

The Victim Referral and Assistance Service is the primary focus of the Government's new Victim Assistance Strategy introduced in July, 1997. The service focus is upon an integrated and co-ordinated system, which is restorative in its approach and assists victims of crime in a holistic, responsive and caring manner.

A victim of crime is a person who has suffered harm because of a criminal act. Harm can mean physical injury, emotional trauma or financial loss. The crime may be reported to the police or not. The mission of the VRAS is to "assist victims of crime to overcome the negative effects of their experiences resulting from crime." Its functions are to:

- (i) Refer victims to appropriate support agencies in an attempt to restore them, in so far as it is possible, to their former state;
- (ii) Administer the Victim's Counseling Scheme which will enable victims to access immediate short term counselling;
- (iii) Manage researching of funding of additional assistance to victims through the Victims Assistance Program working with community agencies.

Where required, VRAS will assist eligible victims access the Victims of Crime Assistance Tribunal.

These functions are delivered through the central referral and advice systems, which enables the most appropriate and relevant assistance to be provided immediately upon contact with the VRAS.

Local community assistance is provided throughout Victoria by a funded community network, which can meet needs locally and in a specialised way. Special research and other projects assist the VRAS to develop policies and practices which continue to meet needs as they are identified.

The establishment of these new services within the Department of Justice is providing for the first time a systematic and integrated approach to meeting the needs of victims of crime. It provides an acknowledgment of victim needs and rights, a pathway to rehabilitation and an involvement of Government and community in responsibility for assisting victims of crime. In this way, victims are treated with respect and dignity, so important for their well being and restoration.

C. The Help Line

VRAS operates a centralised referral service to provide victims of crime with referral to appropriate counsellors and/or government and community based networks and agencies.

VRAS operates a Helpline staffed by trained professional advisers who can inform callers about the steps they can take to manage the effects of a crime. The crime may be reported or unreported, and may have occurred in the past or very recently. The crime may range from a burglary to "bag snatching", sexual assault or homicide. It may be regarded by some as a minor incident but may have a significant impact upon an individual caller. Callers sometimes ring on behalf of others.

The VRAS Helpline is available for all those who wish to call and seek assistance. The Helpline can refer victims to community organisations for help, explain how to access counselling and provide

information about a wide range of other assistance which is available. Sometimes a caller simply needs to talk through an issue and needs no further referral. Each case is individual and is given individual attention.

The needs of each particular caller are assessed and a large and extensive data base provides access to suitable referrals including Government agencies, service providers and community agencies. The database contains over 11,000 entries describing services which may be relevant to a particular circumstance. More than 33,000 people have called the hotline since it opened in July 1997. Around 11 percent of those are victims of homicide; families of the dead or witnesses to the killing.

In addition to the psychologists who provide counselling through the Victims Counselling Scheme, VRAS staff can assess and refer a caller to agencies which provide information and assistance about housing, financial, legal, community health and support services and groups. VRAS staff speak a number of community languages and an interpreter service is available. A comprehensive and detailed listing of support services and counsellors from non-English speaking backgrounds is readily available. Assistance for those with a disability can be arranged through carers or facilitators, as requested.

D. Administering the Victims Counseling Scheme

VRAS administers a Victims Counseling Scheme which provides immediate access to short term counselling. Counselling can help victims of crime manage the effects of crime on their lives. Counselling is provided by trained professionals and involves assisting or guiding a person to resolve some of the personal, social or psychological effects of a crime.

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Those eligible for five free counselling sessions with a registered psychologist or an approved counsellor include:

- (i) Primary and secondary victims of a violent crime which occurred in Victoria and has been reported to the police;
- (ii) Families of homicide victims; and
- (iii) Victims of domestic violence, stalking or assault who have applied for an intervention order.

About 20 percent of the 33,000 callers take up the offer of five free counselling sessions with psychologists of their choice, to the cost of \$110 per session. An additional 5 sessions are granted if the victims say that they need it. The scheme has paid out \$3,630,000 to psychologists. Claim forms for the scheme are available at the time the crime is reported to police, or from Registrars of Courts when an intervention order is applied for.

1. How the Scheme Works

- 1. The police officer attending the scene of a crime (at the crime scene or at the police station when a report is made) gives a Notice to Victim Form to the victim.
- 2. The police officer will indicate (by ticking a 'yes or no box') whether or not the person named in the form has reported a crime against the person. The reverse side contains the Counselling Claim Form.
- 3. Some victims who do not receive a claim form may obtain one from the VRAS.
- 4. A victim who applies for an intervention order will receive the form from the Registrar of the Court, who will validate it.
- 5. The victim seeking counselling from a registered psychologist in private practice of his or her choice (either

directly or with the assistance of a referral from the VRAS), a doctor or community agency or other person.

Where counselling is required beyond the tenth session, the victim may be eligible for financial assistance from the Victims of Crime Assistance Tribunal.

E. Regional Agencies Funded by the VRAS

To meet the needs of victims throughout Victoria, VRAS provides funding to a network of services to operate in country regions and the metropolitan area. This is called the Victims Assistance Program. Qualified professional staff in these agencies have the knowledge and skills to deliver services and to recruit, train and co-ordinate a network of volunteers able to provide an immediate response to victims of crime in their particular regions.

These agencies provide the following range of services to victims:

- (i) Immediate crisis response to victims of crime, both by telephone counselling and outreach services;
- (ii) Where appropriate, refer victims to other services which may be best able to meet their specific needs;
- (iii) Practical support of victims of crime (eg shopping, arranging improved security, contacting relatives, friends or an employer, writing letters or assisting to complete forms).
- (iv) Establishment and conduct of specialist support groups for victims of crime and/or people suffering through a crime committed against a close relative or friend.
- (v) Where no such service is available, provide support to victims or witnesses to a crime who are required to attend court;
- (vi) Develop the mechanisms through

which the views of clients are elicited and considered in the planning and delivery of future services, including the development of a grievance or complaints procedure.

The agencies undertake community education activities to promote community awareness of issues facing victims of crime and the availability of the funded service. They also have networks with other agencies and professionals providing services to victims of crime including police, lawyers, court staff, medical and human service providers to enhance the effectiveness of the service and ensure that it complements, rather than duplicates, those services.

F. Victims of Crime Assistance Tribunal

A major avenue for victims is through the Victims of Crime Tribunal, whose function is to consider applications for financial assistance by victims of violent crime. A primary, secondary or related victim of crime can make a claim for financial assistance. In summary, people who are injured or die as a direct result of a crime are regarded as primary victims. People who witness a crime but are not directly involved are secondary victims. Related victims may be a dependent, close family member or a person who had a close personal relationship with a primary victim who has died.

People may not be paid financial assistance if they are assisted from other sources. These could include a successful civil suit against the offender, insurance policies or other schemes such as workcover or TAC.

The crimes where assistance can be sought from the Tribunal include:

- (i) Armed robbery
- (ii) Aggravated burglary;
- (iii) Sexual assault;
- (iv) Homicides;
- (v) Assaults;
- (vi) Threat to kill;
- (vii) Culpable driving;
- (viii) Assault and robbery.

For the Tribunal to consider a victim's application, the crime must have been committed in Victoria. Claim forms may be obtained from the Victims of Crime Assistance Tribunal, through the Magistrates' Courts, a police station or through a solicitor. The claim form has a Statutory Declaration and should be carefully completed. If unsure, the applicants are encouraged to see a solicitor for assistance.

The amount of financial assistance depends on the circumstances of each case. The maximum total financial assistance awarded by the Tribunal is \$60,000 for a primary victim; \$50,000 for a secondary victim or related victim. These totals may include medical, counselling or funeral expenses and in exceptional circumstances, some other expenses, or a combination of each. It is important to note that the maximum cumulative amount available to all related victims of any one primary victim is \$100,000, less any amount awarded for funeral expenses.

The Tribunal will give priority to requests for payment for counselling. It can grant these requests without a hearing. However an application should be made as quickly as possible. The Tribunal may still assist an applicant even if no person is found guilty, or if the offender is not found. All payments of financial assistance are made by the Victorian Government.

In most cases the Tribunal will require an applicant to provide evidence from their

treating doctor or hospital to prove that they had been injured. The applicant is also expected to provide proof of loss of earnings and any expenses incurred as a result of the crime. The Tribunal will collect the evidence, including evidence from the police, to make a decision about the victim's application.

Hearings usually take about half an hour, before specially appointed Magistrates who hear applications throughout Victoria. Applicants can attend alone or with a lawyer or a friend. In some cases, decisions can be made about compensation without a hearing. After the hearing the Tribunal may decide any of the following:

- (i) To give assistance;
- (ii) Not to give assistance;
- (iii) To put off the hearing until another date (this could happen if the Tribunal needs more evidence, or if its decision depends on the outcome of another court case).

If a victim believes that the award is too small, or if their claim is refused, they can appeal the Tribunal's decision to the Administrative Appeals Tribunal.

G. Restitution

By law, people can seek damages for any harm another person or organisation has caused them. This means a victim of crime can hire a lawyer and sue an offender. In Victoria, the State Government can sue offenders for damages on behalf of the victim. If the Government agrees to do so, victims will usually receive any money recovered additional to the assistance the Government has already provided. This could include compensation for pain and suffering.

The Victorian Government will only sue on a victim's behalf if the victim or another

person can provide details to the Government indicating that the offender has assets or income which he or she can pay to the court, and that it is likely that the amount the offender may have to pay is more than the legal costs of taking the action.

A criminal court may make a compensation order for pain and suffering and for damage to property where an offender is found guilty and the court has appropriate evidence before it to make an order if the victim requests that this be done.

H. Support Program for the Families of Persons Charged with a Major Crime and VACRO Support Program for the Families of Persons Charged with Sex Offences

These programs offer counselling and support to family members of persons charged with major crimes including homicide, and to those persons charged with sex offences. Contact can be short or long term, with face to face and telephone counselling and home visits. The major crime program assists families to work through trauma, grief and coming to terms with the enforced changes to their lives.

The program assisting families of persons charged with sex offences has a similar emphasis, with an educative component reinforcing the principles of the specific programs offered to sex offenders in prisons. It offers support to sex offenders' families without colluding with either the offenders' behaviour or their denial of it. The social worker is involved in co-facilitating with CORE, one of the management and intervention programs, which is a twenty-six week, offence-specific program for sex offenders in the community.

X. CONCLUSION

From this review of crime prevention practices in the United Kingdom, America, Canada and Australia, and particular reference to the State of Victoria, a number of general trends can be identified:

- (i) Communities and agencies need to be empowered in their efforts to address crime and safety problems.
- (ii) Strategies to reduce crime and improve community safety should be based upon researched evidence of what works.
- (iii) Strategies to reduce crime and improve community safety must be tailored to local conditions and problems.
- (iv) A problem-orientated approach to crime prevention ensures that key crime problems are addressed, and appropriate strategies implemented.
- (v) Communities, families, schools, labour markets, welfare groups, voluntary organisations, businesses, government departments, police and agencies of the criminal justice system all have a role to play in crime prevention and community safety.
- (vi) Crime prevention strategies must be comprehensive and multi-faceted, addressing social, developmental, and situational issues.
- (vii) No single agency can reduce or is expected to reduce crime, or improve community safety.
- (viii) For crime prevention to work, governments must show political commitment, eg, giving it a statutory footing.
- (ix) Strategies to reduce crime and improve community safety should be based upon research of what works;

- (x) Programs need to have in-built evaluation measures that monitor outputs and outcomes.

I strongly believe that people who live and work in communities are best placed to solve local crime and safety issues. As a consequence, all criminal justice agencies must work in partnership with each other and their local communities, in their efforts to reduce crime and improve community safety.

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