
REPORTS OF THE COURSE

GROUP 1

VICTIM ASSISTANCE: PUBLIC PARTICIPATION FOR MORE EFFECTIVE CRIME PREVENTION AND LAW ENFORCEMENT

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I. INTRODUCTION

The importance of public participation in the effective functioning of the criminal justice system and in preventing crimes is an acknowledged fact. The necessity to encourage and mobilize citizen participation can not be overemphasized, because the criminal justice system can not work in a vacuum. Likewise, past experiences have proven that public participation is indispensable for the success of any crime prevention program.

As reforms to maximize citizen involvement in the criminal justice system gradually take root in the individual pillars, this paper will focus on public involvement at the police level. The paper will cover three (3) main topics, this includes: 1) participation of the public in police investigation; 2) community policing and 3) victims assistance at the investigation stage. It should be noted however, that this paper is prepared from this perspective of criminal justice practitioners, most of whom are law enforcers (public officers, prosecutors).

II. PARTICIPATION OF THE PUBLIC AND VICTIMS IN POLICE INVESTIGATION

A. Situational Analysis

The basic objective of police work is the maintenance of law and order, the preservation of peace, the prevention and detection of crime, the apprehension of offenders and the promotion of public safety. This concept of police work is universal, even if there are slight differences in the procedures of each country, largely dependent upon existing laws.

As regards police methods and procedures of investigation, the detection of criminals, collection of evidence and manner of crime reporting, the present situations in the countries represented are very similar. In all countries, reporting can be done in three ways: 1) personal reporting to police stations (police stations, koban, police counters, etc.); 2) written report through letters of complaint; 3) telephone hotlines. However, in the Philippines, certain offenses should be reported to the *Barangay*¹; this includes offenses punishable by imprisonment exceeding one

(1) year or a fine exceeding 5,000 pesos. Examples of these offenses include slight physical injuries, slander, threats, theft, eviction, family or marital relations, collection of debts, damage to property and other petty quarrels amongst neighbors. Malaysia has “paperless investigation”, wherein reporting is only inputted in a computer file.

Unlike other countries, whereby victims and witnesses are not legally bound to report crimes, in Pakistan every person is legally bound to report the commission of certain offences like murder, robbery, dacoity and bribery.

The police should make an effort towards ensuring that the public understands their role in the investigation process, so as to encourage maximum participation. The public must assume some sort of a shared responsibility in the maintenance of peace and order in the community, even if the primary responsibility of enforcing law and order still rests with the police.

The police expect the public to cooperate with them specifically at the three stages of the investigation process. As regards crime reporting, which is considered to be the first stage, the police expect the public to willingly report crimes and unusual incidences. The second stage, which involves collection of evidence, the police expect the public to provide information, be willing to be a witness (by giving police statements), identifying suspects, recognizing weapons, etc, and by not tampering with evidence. During the apprehension or arrest stage, the police expect the public to assist in locating suspects, giving information (hideouts etc), providing logistical assistance like transportation and communication, if necessary.

At this point, it should be noted that the group had a lengthy discussion on whether to expect the public to conduct citizen arrests or not. According to some participants, the police expect the public to exercise their right of citizen arrest because the police can not be everywhere, everytime. The representatives from Gambia, India, Pakistan and the Seychelles declared that this expectation is appropriate since the laws of their country provide for this. Any private person may arrest or cause to be arrested any person who in their presence commits a non-bailable and cognizable offense, and without unnecessary delay, shall take any person so arrested to a police officer or police station. According to the laws of these countries, every person is bound to assist in the prevention or suppression of a breach of the peace, or in the prevention of any injury. However, Japanese representatives noted that the police should not expect the citizens to make an arrest. They also noted reservations especially in relation to the issue of “mob justice” and “arrest without warrant”.

B. Hindrances that Impede Public Participation and Cooperation

The best performance index for the police service is the quality of the relationship established between the police and the community they serve. The perception of the community by the police, and vice-versa, accounts for the kind of police-community relations that prevail. Favorable public perception suggests acceptable police behavior and ready public support. An unfavorable image spells trouble. It should be noted that public perception is rather negative in some countries.

Police effectiveness is derived from external focus on how the community perceive their activities, and their willingness to help in enforcing the law. It

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is therefore important that good police-community relations be nurtured, as this will increase community involvement in crime prevention and control processes. The public has valid input for a better police service.

1. Police Factors (Negative Police Image)

(a) *Unsatisfactory Police Performance*

When the police do not detect and investigate criminal cases sufficiently and effectively, this prevents the public and victims from counting on and cooperating with the police. At present, a number of deficiencies affect police performance

(i) Police human resources:

- Insufficiency of investigative skill, manpower and legal knowledge.
- Inflexibility of police officers.
- Insufficiency of coordination amongst law enforcement agencies and with other government offices.

(ii) Logistics:

- Insufficiency of not only modern but basic equipment and supplies.

(b) *Lack of Awareness Regarding Issues of Victims (Secondary Victimization, Victims' Rights, Sensitivity to the Plight of Victims etc.)*

Some police officers are not even aware that they commit secondary victimization in the course of their investigation. The routine of police work sometimes causes them to be indifferent and callous to the plight of victims. Secondary victimization can be committed in the course of police questioning. Such victimization occurs when the police cause unnecessary delay; ask unnecessary questions; make unnecessary remarks, allow the

media to access investigation; create an atmosphere of fear for the victim; prejudge the situation; discriminate because of race, colour or religion; or work for possible reconciliation without permission from the victim. Some specific examples of secondary victimization are: showing photographs of the family members killed, investigating a victim immediately after undergoing severe medical treatment, arbitrary scheduling of questioning, or having the victim relate the story too many times.

(c) *Low Police Morale*

The morale of police officers affects their performance. If they have low morale and do not have the right attitude towards their work, the kind of service rendered to the public is shortchanged.

(d) *Political Influence*

Police fear reprisals as they can be transferred or reassigned to a remote area or a less important position if they refuse to cooperate with influential politicians.

2. Public and Victim Factors (Uncooperative Attitude)

A basic condition for an effective and efficient criminal justice system is the genuine trust and confidence of the general public. It is this trust and confidence that spells the difference between an actively supportive public and an apathetic community. Encouraging citizens to get involved is no easy task. Currently, the following conditions of the uncooperative attitude of the public are observed in some of the participating countries:

(a) *Uncooperative Attitude due to Fear of Political Interference in the Police Process*

Public and victims in some countries fear that nothing will come of the investigation, in spite of their efforts, because someone more “influential” has a hand in things (incidences of whitewash; political vendetta; complaint not being entertained because of the political leaning of the victim or witness, etc.)

(b) *Uncooperative Attitude due to Pressure from the Community (Traditional Values)*

In some countries, the concept of justice is heavily culturally laden. Victims and witnesses are often reluctant to report crimes for fear that it will affect their stature in society. They are likewise concerned about less confidentiality in a communal society, wherein people tend to talk about and make fun of the misfortunes of others. This situation may bring shame for the victim and their family if the event occurred because of their own negligence or if the offense is delicate (eg, those involving sexual offenses). Since most communal communities are quite small and people know each other, victims and witnesses often fear reprisal from offenders or from the offenders family and friends. There are even instances wherein the community would view their reporting or cooperation with the police as a “breach of brotherhood”. In the Philippines, this breach of brotherhood is a violation of the value of “*pakikisama*”². In Gambia, this is called “*badia*”³.

(c) *Uncooperative Attitude Due to Materialism and Individualism*

Another observation is that people are uncooperative because they are too busy earning a living and do not like to be bothered. They do not care

much about the good of society and think only of themselves.

(d) *Lack of Incentives for the Public*

The public do not have enough incentive to assist in the investigation process. They are expected to dole out money for transportation to and from the police station, and to sacrifice possible earnings because of spending time for the investigation. Often times, their efforts go unrecognized.

(e) *Lack of Awareness of Criminal Procedures*

Most people are uninformed about the proper way of reporting crimes or filing a complaint. They are often also not aware of distinguishing the various types of offences and such situations may discourage them.

3. Unfavorable Environment Created by Mass Media

The Media has to play a positive and constructive role as a channel of information and as a line of communication from the government to the people, and from the people to the government. Media must make the public more aware and conscious of the problems of criminality, the sociology of crime, the machinery of the criminal justice system, the imperfections and problems besetting the criminal justice system, and the arduous process of prosecution.

However, untoward events are sometimes caused by the media. Media sensationalism, unfortunately, creates a negative impact on public trust and cooperation. Media sensationalism is identified as a common problem in all countries. Some media practitioners give particular “colour” to issues to add to the commerciability of the medium. Sometimes they go to the extent of

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glorifying crimes and criminals, and practice irresponsible reporting.

C. Recommendations

1. Police

(a) *Enhancing Police Education*

Improve the treatment of crime victims by enhancing police education in the fields of human psychology, victim sensitivity, and crisis intervention, especially in handling domestic violence cases and sex offences. Such training programs are currently being locally conducted in Japan, Pakistan, the Philippines, and the Seychelles. Police officers in Gambia and the Philippines are also trained overseas for this purpose. In Malaysia, training for senior police officers is held every year and an international police training course is sponsored by the government which is participated in by neighboring countries like Brunei. In the USA, all police officers are given training on victim's rights, how to treat people in distress, crisis intervention and other victim issues. Proper police education should be continuously conducted to meet victims with respect and sympathy, and to make diligent efforts towards not hurting their feelings, and avoiding secondary victimization.

(b) *Improved Police Performance*

The best image-building program is good police performance. Efforts should be made toward achieving higher crime solution rates, promoting better police accountability and preventing corruption. Such effort can be maintained by means of the proper monitoring of police services. An internal system of inspection and monitoring in the police force is currently being practiced in all

countries. However, an independent performance evaluation scheme, like that practiced by the Public Safety Commission of Japan and the National Peace and Order Council of the Philippines, seems more appropriate to truly effect an unbiased evaluation.

(c) *Promote Better Relationships with the Public*

The police must make a conscious effort towards creating a conducive atmosphere for the public to report crimes. One strategy is community policing.

(d) *Equipment and Supplies*

Provide basic equipment and supplies, and procure modern equipment by tapping available resources from the government and private sector. However, conditions for donations from the private sector should be properly laid out by each country.

(e) *Provide a More Comfortable Environment for Victims and Witnesses*

Providing a conducive atmosphere for crime victims and witnesses means establishing specific windows/counters for victims, providing receiving rooms, deploying courteous police officers to man the counters, and providing women investigators for victims of sexual crimes or domestic violence.

Japan has provided victims with a receiving room. Malaysia has installed 'Victim's Counters' in police stations and has a Mobile Police Complaints Center (bus) which can be deployed to the scene of the crime. The Philippines has established 'Women and Children Concerns

Desks' nationwide. Policewomen to investigate crimes of domestic violence and sexual offenses are common in Gambia, Japan, Malaysia, Pakistan, the Philippines, and the Seychelles.

(f) *Provide Information to Victims and Witnesses*

The police should provide sufficient information to victims and witnesses, including explanation of criminal justice procedures, available services, status of the case investigation, and situation of the offender.

A victims notification system is currently being practiced in Japan and the Seychelles. In the Seychelles, a Complainant's Acknowledgement Form is issued to victims upon reporting a crime. The form consists of the complainant's name, address, date and time the report was made, particulars of the complaint, name of the officer receiving the complaint, the case number, relevant telephone numbers, date on which the victim may check back for the outcome of the case.

The notification program to victims in Japan is based on the Code of Criminal Procedure, wherein a public prosecutor should promptly notify the complainant, accuser or claimant of the result of the disposition (CCP article 260, CJLJ p. 129). Therefore, the notification program to victims was launched on 1 April 1999. When the victims, a bereaved family member or witnesses desire notification, a public prosecutor shall inform orally or in writing as follows; (1) the disposition of the case (e.g. prosecution for the formal trial, prosecution for the summary proceedings, non-prosecution or

referral to the family court); (2) in prosecuted cases, the name of the court and the date of the trial; (3) the result of the judgement, sentencing, whether to appeal to a higher court; (4) the summary of the prosecuted offences, the heading and summary of the non-prosecution, whether to detain, bail etc.

(g) *Strengthen Coordinative Mechanisms with other Government Agencies*

The police should maintain coordinative mechanisms with other government agencies. One of the measures recommended is the deployment of police personnel in hospitals. A police counter is recommended at least at the district hospitals. This is currently being practiced in Gambia and Malaysia. In these countries, police counters are set up in district hospitals so as to assist and/or monitor unusual occurrences which necessitate medical attention. By setting up police counters in the hospital, victims or witnesses are provided with easier access to police services and therefore encourages reporting. Likewise, the police can also look after or monitor suspicious occurrences (i.e patients with gunshot wounds, etc).

(i) *Provide a System for Reimbursing Transportation and Allowances for Victims and Witnesses*

In Japan, victims and witnesses are provided with actual transportation reimbursement, accommodation expenses, and allowances ranging from 5,000-7,000 yen.

(j) *Victims Complaint Sections or Grievance Procedures*

Establish a victims complaints section or a grievance procedure

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within the police station and an independent body for complaints against the police (disciplinary body). The independent body being proposed can be similar to the Peoples Law Enforcement Board of the Philippines or the Public Complaints Bureau in Malaysia. People empowerment, as a strategy in the administration of police, finds actualization in the organization of the People Law Enforcement Board (PLEBs) in the Philippines. Under R.A. 6975, the PLEBS are vested with the jurisdiction to hear and decide citizen's complaints against the police. PLEB members are appointed by the local executive on the recommendation of the local Peace and Order Council. PLEB members are acknowledged and respected individuals from the community.

The Public Complaints Bureau of Malaysia is under the Public Services Commission and is responsible to the Prime Minister's Department. Its task is to receive all complaints against public servants. The complaints will be referred to the proper department concerned and that department will investigate and take the necessary action. The said department is also asked to report its actions to the Complaints Bureau. The report of the complaint will be furnished to the complainant.

- (i) *Establish an Independent Institution or Committee to Monitor Police Services*

Monitoring of police services should be done by a separate independent agency. This is being practiced in Gambia (Police Commission), Japan (Public Safety Commission), Hong Kong (Independent Police Complaints Council), Malaysia

(Police Commission), and the Philippines (National Police commission). These commissions involve representatives from the public. The purpose of these commissions is to supervise and administer the police force, and to draw out policies for the police.

The Public Safety Commission of Japan consists of a chairman who is the Minister of State, and five members. The members of the Commission are appointed by the Prime Minister, subject to the approval of both houses of the Diet. The National Public Safety Commission was founded 1954, and it has since played a significant role in securing democratic administration and the political neutrality of the police. The major tasks of the National Public Safety Commission are administrative supervision over police activities relating to national public security, and coordination of the police administration, by the formulation of standards for activities by police personnel.

The Malaysian Police Commission was formed under the Police Act 1967. The Commission is chaired by the Minister of Home Affairs and the members are appointed by the Minister from amongst representatives of the judiciary and former senior government officers. Its role and function includes matters of discipline and career improvement (promotion).

2. Public and Victims

- (a) *Initiate or Intensify Public Information and Education Programs (with Particular Emphasis on the Procedural Stages of the*

Criminal Justice System; the Role of the Public in the Criminal Justice Process, etc)

- Police to conduct public education programs by community seminars or dialogues, and/or by target groups (students, office workers, housewives, etc).
- Exhaust the use of radio, TV and print for criminal justice information and education (print and broadcast).
- Work for the inclusion of such subjects in school curriculums - formal education.

(b) *Public Information*

Initiate moves to institutionalize the police duty to provide necessary information to the public, especially victims and witnesses, on the case progress; information on available services like witness protection, providing information on hotline numbers in case of emergencies, etc.

(c) *Adopt a Reward System for the Public*

The police should always appreciate the efforts made by the public. This recognition can be made by awarding certificates of appreciation to individuals who have rendered exemplary assistance, specifically during police anniversaries or ceremonies. The reward may also be a monetary token. Such appreciation may encourage more people to become involved.

3. Media Management

The police must initiate diligent efforts toward giving the public the right information. This can be done by coordinating with the media and by issuing official police press releases, regular conduct of media dialogue, and by establishing an office in the police service which is responsible for public relations or

public information, to enhance accessibility of information to the media.

The criminal justice system can engage the forces of the mass media, along with vigilant citizen action at the local level, in the effective fight against crime. Thus, a radio, TV and print communication plan on the criminal justice system should be launched to inform the public of its critical role in the prevention and control of crime. Public appearances on radio and television programs by law enforcement officials and other criminal justice personalities serve to assure the people of the government's sincerity in cracking down on organized crime groups and other criminal elements.

III. COMMUNITY POLICING

A. Community Policing Concepts

1. Common Understanding

Community policing is an activity to attain the police objectives of maintaining peace and order, preventing crimes and promoting public safety. Community policing works on the assumption that crimes cannot be adequately met by law enforcement and coercion.

Community policing is both a goal and an organizational strategy that allows the police and community residents to work closer together in new ways to solve problems of crime, fear of crime, physical and social disorder. Community policing envisions the police will actively engage in larger social issues.

Community policing emphasizes a cooperative relationship between the police and the community. It is a system of policing mobilizing the community to solve the problem of crime and for ensuring public safety. The objective of community policing is to establish a closer relationship with the community to attain better public participation for more effective police work.

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Community policing is geared towards crime prevention and crime control by promoting awareness, disseminating information, education and mobilization. It should be noted that the flow of information is a very vital factor in community policing. Information can be channeled from the police to the public; from the public to the police. Community policing is pro-active rather than reactive.

2. The Purposes of Community Policing

There are four identified purposes of community policing:

- (a) To encourage police/citizen partnerships for crime prevention.
- (b) To foster and improve communication and mutual understanding between the police and the community.
- (c) To promote interprofessional solutions to community problems, and the principle that the response to crime is ultimately a total community responsibility.
- (d) To enhance participation and cooperation of the public at all levels of the criminal justice system (police, prosecutors, courts, corrections and rehabilitation).

3. Essential Elements of Community Policing

There are three (3) essential elements of community policing:

- (a) *Police Must Understand the Needs and Expectations of the Community*
Community policing is the goal that guides the attitudes of officers when interacting with the community. The police assume a much bigger role. Community-policing is problem oriented policy; officers are encouraged to make decisions about how to analyze problems, develop appropriate responses, and interact responsibly with the community in a

partnership aimed at solving community problems.

(b) *The Community Must Actively Participate in Crime Prevention*

Community policing puts a greater degree of accountability and responsibility on the community. Community policing should indicate a sense of ownership from the community - "this our police".

There are three (3) basic types of crime prevention:

- Social/community crime prevention - social development programs.
- Crime prevention through environmental planning and design.
- Situational crime prevention - target hardening, reducing opportunities and temptations to commit crimes.

There are four levels of involvement in community policing:

- 1st level - No objection
- 2nd level - Agreement/consent
- 3rd level - Support
- 4th level - Involvement

(c) *Community and Police Jointly Responsible for Community Safety and Solving Community Problems*

Community policing adopts a simple problem solving model to facilitate the exchange of information between public and private agencies, community groups, and all those who become part of the problem solving process. In community policing, the police and the community assume more dynamic roles. Crime prevention is seen as the shared responsibility of the police and the community. Fostering effective partnerships to solve problems is

crucial because of the scarcity of resources.

type police outposts called *Chuzaiشو*, and by those who patrol in squad cars.

B. Community Policing Practices in Participating Countries

1. Situational Analysis (Practical Implementation)

The overall mission of community policing is to carry out community safety activities to ensure the safety and peace of community residents, and to perform initial-stage police action in immediate response to any event related to the police. To better accomplish this mission, the community police seek to take into account the opinions, suggestions and requests of community residents, and to tailor police operations to the specific needs of each community.

Community policing is carried out by the conduct of a wide range of activities including crime prevention activities and crime solving/exposing activities; maintaining constant alert day and night; patrolling neighborhoods; exercising street vigilance; visiting families and businesses to give advice on the prevention of crimes and accidents, and listening to their troubles and requests; holding traffic safety classes and crackdowns on traffic violators; giving counsel to juveniles; protecting the drunk; protecting lost children; offering counselling on troubles and problems.

Community policing is considered as a major project in Canada, Colombia, Japan, Kenya, Malaysia, Papua New Guinea, Pakistan, the Philippines, Singapore, Thailand and the USA. Some elements of community policing are being done in Gambia and the Seychelles. Community policing will be introduced in Egypt soon.

In Japan, community policing is mainly performed by community police officers posted at street corner police outposts called *Koban*⁴ police boxes and at resident-

Neighborhood watch, conducted by citizen patrol groups, is also a significant activity of community policing. In the Philippines, this community patrol (*Ronda*) is conducted by the *Barangay Tanod* or village watchmen. In Washington, DC, USA, this program is called the Orange Hat Program, wherein residents patrol the streets using orange hats. The same scheme is practiced in Kenya, in which residents of an estate organize themselves into vigilante groups to perform patrol duties at night on a shift basis. The City Rangers in Papua New Guinea conduct the same type of citizen patrolling. In Pakistan, community policing includes a village watch and patrol system, organization of Citizen Police Liaison Committees, *Khuli Kacheris*⁶, *Khidmat Committees*⁷, *Jirga System*⁸, and Union and Municipal Councils.

2. Problems

Consequently, the identified problems encountered in implementing community policing are the following:

- (a) Resistance of police officers to change.
- (b) Lack of manpower - the group realized that effective community policing is manpower intensive.
- (c) Lack of logistics - the group pointed out the problem of resource maintenance and "sustenance".
- (d) Lack of leadership and commitment on the part of police officers and community leaders.
- (e) Lack of participation from the public.
- (f) Strong traditional customs and beliefs.

It should be noted that according to the participant from Gambia, community policing is unlikely to succeed in some areas in West Africa because of strong traditional

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customs and beliefs which make activities of community policing impossible to implement. However, other participants opined that the principle of "Rule of Law" should prevail.

3. Countermeasures

Recommendations for improving community policing are the following:

(a) *Police Organizational re-structuring*

This can be done by:

- (i) Re-orientation/re-training: changing the mindset of the police on their role.
- (ii) Institutionalization of community policing as a fundamental aspect of basic policing.
- (iii) Providing greater job challenge.

(b) *Adopting a More Innovative Deployment Strategy*

This can be realized by:

- (i) Internal reorganization: re-examining the prevailing situation and pertinent issues such as decentralization, development of career generalists rather than specialists, providing more flexibility and discretion to frontline officers (after proper training), and evaluating recruitment programs.
- (ii) Utilize technology to free up manpower resources.
- (iii) Tapping community volunteer groups.

(c) *Tapping Available Resources in the Community*

Liaison with business groups, NGOs, Homeowner Associations etc, and maintain a good level of coordination and networking. Some programs recommended include "Adopt a Precinct" which is practiced in the Philippines, wherein a certain civic organization looks after the needs of

a certain police precinct and gives the necessary support like logistics and training, and even provides some police benefits like scholarships for the children of model cops. In Malaysia, the "*Wakaf*"⁸ system is widely practiced. This can be exemplified by assistance to government by private corporations. For example, a private construction firm who has built a residential subdivision may donate a police station, including a housing area for police personnel.

(d) *Continuous Public Education*

Exhaust all possible areas of communication (TV, radio and print media) and intensify community contact activities (seminars, dialogues, home visits, business visits, etc).

(e) *Public Education on the "Rule of Law"*

In countries where the public are not receptive to any kind of policing, public education should be initiated regarding the 'Rule of Law'.

(f) *Improving Public Participation in Community Policing*

- (i) Initiate good public relations programs - give sufficient, and proper information to increase the public's knowledge of police work.
- (ii) Initiate measures to have more contact with the public (home visits, office visits, community dialogues, school visits, etc).
- (iii) Initiate an integrated crime prevention strategy:
 - (a) Identifying community sectors (core group or catalysts).
 - Identifying sectors vulnerable to crime.
 - Identifying sectors who have influence.

- Identifying sectors who are instrumental in bringing about change.
- (b) Identifying target groups:
 - Juveniles
 - Retirees
 - Parents/Teachers
 - Businessmen
- (c) Identifying crimes of major concern and work for their solution.
- (d) Deployment of more police officers on the beat.
- (iv) Initiate measures of making the police service more accessible and more friendly (installing structures like the *Koban* or *Chusaissso*, neighborhood police posts).
- (v) Adopt a comprehensive and good communications plan (public information program, information and education campaign).
- (vi) Being more sensitive to community feedback - regular conduct of needs assessment surveys, and police performance and evaluation surveys.

A lot of ground has been covered by the combined efforts of the government and the community as far as crime prevention and control are concerned. On a macro-level, several measures, like systematic and organizational changes, and new policies have been introduced to enhance government capabilities to address problems of peace and order. On a micro-level, the police have shifted from the traditional reactive, incident-triggered type of policing to a proactive, problem-solving, community-orientated policing system.

The adoption of community policing has resulted in a quantum improvement in the relationship between the police and the community. This has resulted in a new partnership and increased awareness that

criminality is not solely a police problem but a shared responsibility. The precipitating or major causes of crime have been brought to the consciousness of not only the victims, offenders and the police, but also to a wider spectrum of society that includes the media, religious sector/church, legislature and the whole community.

IV. VICTIM ASSISTANCE

A. Definition of Terms

Based on the UN Declaration of Basic Principles of Justice for Victims of Crimes and Abuse of Power.

1. Victim

Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are violations of national criminal laws or internationally recognized norms relating to human rights.

2. Secondary Victimization

Victimization which occurs, neither as a direct result of the criminal act nor a further victimization, but through the response of institutions (hospitals, media), criminal justice agencies (police, prosecution, courts, corrections) and individuals to the victim.

B. Effects of Victimization

1. Physical Effects

Physical injuries, physical effects including insomnia, appetite disturbance, lethargy, headaches, muscle tension, nausea and decreased libido, physical damage - abrasions and bruises, etc.

2. Financial Effects

- Repairing property or replacing possessions
- Installing security measures
- Accessing health services

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- Participating in the criminal justice system, i.e attending trial
- Obtaining professional counselling
- Taking time off to work or from other income generating activities
- Funeral or burial expenses
- Relocation
- Loss of employment

3. Emotional or Psychological Effects

The extent which people may be affected by crime will vary from one individual to another. At one extreme, people may shrug off very serious incidences with no noticeable effects, while at the other extreme, people become “stuck” in a particular stage and never move on. People who suffer from such emotional effects are diagnosed of having Post-Traumatic Stress Disorders.

C. Victim’s Needs

Individual victims have individual needs. There are 5 recognized needs of victims. However, some victims may have only one or two needs, depending on the impact of the crime on them:

- (i) Emotional need - recognition of “own” harm from the Criminal Justice System (CJS):
 - Recognition that there is violation inflicted.
 - CJS should initiate efforts so that the community and the offender can recognize the harm.
- (ii) Emotional need: support from the community (e.g specific sectors of society like religious groups, victims groups, etc) as well as from family and friends.
- (iii) Financial need: reparation for the harm.
- (iv) Protection and security needs: effective protection from re-victimization or retaliation.
- (v) Need of being informed: information about the offender, the offense and

information about the CJS.

D. Types of Services Provided to Victims

1. Crisis Intervention

Crisis intervention should seek to ensure the safety and security of victims. At the same time, it should provide an opportunity for the victims to tell their stories, their reactions to the incident, to be assured of the validity of their reactions and prepare themselves for dealing with the aftermath of the incident.

Emotional support during crisis intervention counselling may include notification of death and occasions for the identification of the body, and notification of the offense to the immediate family. Direct assistance can be done by emergency referrals or direct assistance with medical care, shelter, food, dependent care, property repair and substance abuse treatment. Meeting the immediate need for clothing, emergency/protective shelter, money and transportation, clean-up of the crime scene and emergency repairs, protection through restraining orders, etc. Information should likewise be provided to meet the immediate needs, and victims rights and concerns, like information about emergency financial assistance.

2. Counseling

The incident may trigger stress reactions during the processes of the criminal justice system, and after the trial. Victims may again be traumatized by the verdict, sentence, etc. Some victims simply take longer to begin to cope with their victimization and to reconstruct a new life.

Emotional support can be in the form of supportive individual and group counselling. Direct assistance may involve referrals to or direct assistance with protective shelters. Information should also be given as to how to prevent further

victimization and substance abuse, information and referrals for social, physical health or mental health services.

3. Advocacy

General advocacy services, in order to provide assistance with applications for victim compensation or private insurance, intervention to ensure the continuity of the victims credit, housing or employment, assistance with protection through protection orders, relocation or shelters for victims when needed, in order to ensure access to the trial.

4. Examples of Police Support During Investigation

(i) *Emotional Support*

Accompaniment to occasions for the identification of the accused and to other criminal justice interviews; accompaniment to evidentiary examinations; accompaniment of victims for the identification of bodies, the crime scene and evidence.

(ii) *Direct Assistance*

Assistance with the prompt return of property, victim compensation, restitution, protection orders, shelters or safe places available to victims.

(iii) *Information*

At first contact with the criminal justice system, provide information on the progress of the investigation; information on the criminal justice process; information on the rights of the victims at the scene of the crime and later in the criminal justice process; provide information on the detention of the suspect, bail, bond, measures to assure reparation, the protection of evidence for forensic examination; information on medical assistance at the forensic examination; and information on the

prevention on further victimization.

E. Situational Analysis

Please refer to Annexure 1, programs/ activities on assisting victims currently being practiced in the participating countries.

F. Victims Assistance Programs

As understanding and awareness of the effects of crime has grown, so to the responses to crime have become more complex. Research has brought issues such as re-victimization and harassment to the forefront, and victimization surveys have highlighted different levels of risk and the problem of witness intimidation. All these developments have illustrated the need for a community response to crime.

Victim assistance is committed to providing people affected by crime with appropriate and sufficient recognition, support and information to help them deal with their experience, and to ensuring that their rights are acknowledged and advanced in all aspects of criminal justice and social policy.

1. The Goals of Victims Assistance Programs

The goal of a victim service program is to assist victims in dealing with emotional trauma from participating in the criminal justice process, obtaining reparation and coping with associated problems caused by the impact of victimization.

2. The Objectives

The objectives of the program is to do the following:

- (a) Increase the commitment of governments and organizations to do all that is possible to assist victims.
- (b) Increase the range and availability of services for victim from the time of the victimization, and throughout the aftermath.

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- (c) Expand the victim's opportunities to participate at all critical stages of the criminal justice process, and to ensure consideration of the impact of victimization upon the victim in all criminal justice systems.
- (d) Increase coordination and networking of all appropriate agencies, organizations, groups, and families, kinship and community support systems providing services to victims or affecting the treatment of victims, in order to develop an integrated system of victim assistance.
- (e) Improve the quality of outreach to and treatment of victims in need.
- (f) Be aware of the unique needs of under-served and new victim populations.

3. Special Victims Groups

The group members agreed to identify special categories of victims' groups which need professional and specialized assistance:

- (a) Domestic violence victims
- (b) Juvenile victims
- (c) Victims of organized crime
- (d) Victims of sex offences
- (e) Victims of crimes involving police or

military or high ranking government officials

4. Police Role in Victim Assistance

- (a) Onsite-crisis intervention
- (b) Securing medial assistance
- (c) Information regarding their rights
- (d) Referrals to services and resources

5. Evaluation

Evaluating the strengths and weaknesses of a victims support program initiated by the police against those Initiated by volunteer groups.

G. Recommendations

1. Strategies

- (a) Work for the establishment of an integrated victim's support system or establish a network of agencies to provide comprehensive services.

- (b) Establish a victim's support unit within the police organization (every police officer has to have a chance to work in the Unit - job rotation after proper training). Special counters for women, or women and children's concern desks are established in Japan, Malaysia, Pakistan, Papua New Guinea, the Philippines and the

Police	Volunteer Groups
<p>Strengths</p> <ul style="list-style-type: none"> • More control and more manageable. • More specialized personnel trained. • More impartial. • More accessible for general types of victims. 	<p>Strengths</p> <ul style="list-style-type: none"> • Maximize public involvement. • Reducing costs for CJS. • More accessible to specific types of victims (violence against women, violence against children, etc).
<p>Weaknesses</p> <ul style="list-style-type: none"> • Limited police budget - scarcity of funds. 	<p>Weaknesses</p> <ul style="list-style-type: none"> • No guarantee of confidentiality of information. • May lack the needed training . • May have a particular agenda.

Seychelles.

- (c) Encourage the establishment of victim's support groups initiated by private and non-governmental organizations similar to the Shizuoka Victim Support Center and Mito Victim Support Center of Japan (please refer to a more detailed explanation in Annexure 3- victim support programs).
- (4) Provide specialized programs for victims of special categories of crime:
 - (a) Domestic violence victims (e.g. Malaysia, Philippines);
 - (b) Juvenile victims (e.g. Philippines);
 - (c) Victims of organized crime (e.g. Japan);
 - (d) Victims of sexual crimes (e.g. Malaysia, Philippines);
 - (e) Crimes involving police or military or high ranking government officials (e.g. Philippines - provided by the Commission on Human Rights, or the National Police Commission).
- (5) Provide victims with information on the available services by employing suitable measures, depending on the conditions in the country. Examples: set up a referral system, employing victim's advocates (USA).
- (6) Encourage citizens to get involved in victims support programs. The community can get involved in victim support programs by:
 - (a) Being a sponsor: victim support produces and supplies a growing range of information leaflets for people affected by crime. The cost of production, translation, and distribution of the material is sometimes very costly. Victims support offers many opportunities to sponsor information leaflets

and other publications for companies who see the merit of being associated with such a worthy cause.

- (b) By investing in services like training, research and information campaigns.
- (c) By becoming a volunteer - volunteers contribute in a variety of ways, from offering administrative services, assisting in publicity and fundraising, helping victims cope with the effects of crime, and as witnesses in court, etc.
- (d) Becoming a friend - annual donations.

The issue of victims' assistance is a relatively new phenomenon. A lot of issues should still be addressed to improve the participation of victims and the public in the criminal justice process. Efforts to improve the plight of victims, however meager, prove that governments recognize the importance of the role they play in the justice machinery.

V. CONCLUSION

The effective, efficient and fair administration of justice lies in the smooth and expeditious functioning of the criminal justice system at different stages and levels. The flow of cases at these levels comprise the workload of the machinery, given the interlocking relationships amongst the components of the criminal justice system- law enforcement, prosecution, courts, corrections and the mobilized community. Each component must strive to be a coherent, efficient and effective unit for the whole system to fit neatly together. Of the five components, the law enforcement pillar constitutes the most critical stage, as it defines the workload of the entire criminal justice system.

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Public cooperation is vital for the system to work effectively. Public trust and confidence is built upon a firm knowledge of a criminal justice machinery that is able to deliver justice speedily, accurately, fairly and accessibly. Encouraging the community to get involved is no easy task. Certain preconceptions in the minds of the public have to be reshaped for them to better appreciate their role in effective crime prevention and the functioning of the criminal justice system.

As regards crime prevention, strategies should include the seven elements identified by UNICRI (presentation of Dr, Uljesa Zvekic), to include:

- (i) The promotion of active crime prevention policies to accompany law enforcement and criminal justice, based on international experience obtained through effective projects developed by the United Nations and other relevant international organizations.
- (ii) The development of long-term plans, even though public opinion might ask for short-term responses to crime.
- (iii) Improved coordination between crime prevention activities at the national, regional and local levels.
- (iv) Encouragement of the public to be involved in crime prevention, by strengthening the community's confidence in the police.
- (v) The promotion by law enforcement and criminal justice agencies of the safety and security of persons and property.
- (vi) Treatment of victims with respect and understanding of their needs, and the provision of prompt assistance and information about their rights.
- (vii) The regular monitoring of crime prevention programmes, based on reliable information, analysis and

public discussion with all parties involved.

Sustained efforts towards providing proper avenues for public participation is a good step towards maximizing citizen involvement. Public participation can be achieved in the investigation process, community policing programs and victim's assistance programs. Governments have to ensure that these opportunities are present and that the public is properly informed about them.

ENDNOTES

- 1 Community or village organization; the smallest political unit in the Philippines.
- 2 Filipino values pertaining to communal relationships; expectations on the issue of brotherhood.
- 3 Gambian value of brotherhood.
- 4 Japanese police boxes.
- 5 Japanese residential police boxes.
- 6 Open public gatherings which are held at various places of a district and division, chaired by the deputy commissioner and commissioner, respectively.
- 7 Volunteer committee to assist police in crime prevention.
- 8 Arabic term meaning 'generous gift'.
- 9 Council of Elders of a tribe or a tribe or a number of tribes which settle all issues within the region.

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		<ul style="list-style-type: none"> • Protection is given depending upon the merits of the case. The witnesses are given protection when there is a threat on life or property. This must be followed with an official police report. If not, security will be given on an <i>ad hoc</i> basis. • Victim protection and support is given in cases such as rape, domestic violence and child abuse, by the Social Welfare Department with the assistance NGO's. • Less than 10% of domestic violence cases are being prosecuted because of: <ul style="list-style-type: none"> (a) Withdrawal of complaint (b) Reconciliation (c) Referred to religious department (for muslim families) • Women police officers have been assigned to such care roles. • There are no major crimes involving big numbers of victims and the record shows that the probability of future violence is less. • Most cases of causing hurt in domestic violence are classified under Sec. 323 pc. This is a non-arrestable case, and an order to investigate must be given by the deputy public prosecutor. <p>Should Police Organizations Have Victim Units?</p> <p><u>Strengths</u></p> <ul style="list-style-type: none"> • Control of the situation. • Information on who the victims are. • Ability of services; referral. • Emotional support. • Assurance of safety for victims and witnesses. • Assurance that the actions of the victim or witness is normal. • Strengthen the police awareness of avoiding secondary victimization. <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> • Cannot depend on volunteers only. There must be professionals. • Security is not guaranteed. • Specific job creates boredom and no job satisfaction. • Extra job/ manpower. • No specific budget. <p>Victim Support Unit Must be Under the Deputy Public Prosecutor Office, Why?</p> <ol style="list-style-type: none"> 1. Legal Implications: <ul style="list-style-type: none"> • Amendment of laws • Budget • Personnel 2. Order to investigate can be given by e-mail, it is not necessary that the investigating officer submit the investigation paper. Not every district is provided with a public prosecutor.
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	<p><u>PRACTICES</u> Establishment of "Women's and Children's Concern Desk" in Police Stations</p>	<p>For the victims of unjust imprisonment, compensation shall be based on the number of months of imprisonment and every fraction thereof shall be considered one month, but in no case shall such compensation exceed P1,000.00 per month. In all other cases, the maximum for which the Board may approve a claim shall not exceed P10,000.00 or the amount necessary to reimburse the claimant's expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, whichever is determined by the Board.</p> <p>The establishment of Women's and Children's Concerns Desks in police stations is expected to further streamline and strengthen the efforts of the police in responding to problems of violence against women and children. As a management strategy, policewomen are assigned to man the desks, or if no female personnel are available, a trained male police officer is assigned. To date, a total of 1,632 WCCDs with 1,763 personnel (1,468 policewomen and 294 policemen) have been established nationwide. In highly urbanized cities, the WCCD handles the investigation of women and children's cases. A total of 3,463 cases of abused women and children have been reported to WCCD and acted upon appropriately. WCCP officers have been effective tools in providing services to women and children in close coordination with the Department of Social Welfare and Development (DSWD) and concerned women-based NGOs.</p>
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OUTLINE OF CRIME VICTIMS SUPPORT CENTER**Networking of Related Agencies and Groups (Japan)**

- October 1996, first establishment of crime victim assistance liaison conference at the prefectural level.
- May 1998, national network of victim support, consisting of 10 volunteer groups.
- February 1999, last establishment of crime victim assistance liaison conference at the prefectural level (established in all prefectures).

Crime Victim Assistance Liaison Conference*(1) Members*

Police, public prosecutors offices, local government and related agencies (e.g legal circle, medical institution, psychological institution, Counseling Institution for Women and Children, social welfare institutions, Board of Education, business world, public-service corporations, mass media, and so on) and volunteer groups.

(2) Location

The Office of Crime Victims Assistance liaison conference is at the prefectural police headquarters and the police cooperate with related agencies and volunteer groups.

(3) Activities

Opening meetings, exchange information, training course on counselling, introduction of the proper organizations mutual to crime victims according to victims needs, various activities in order to open counseling centers.

(4) Purpose

One of the aims of establishing crime victim assistance liaison conferences at the prefectural level is to build volunteer

groups such as support centers at the prefectural level; through the activities of crime victim assistance liaison conferences, such as the meetings and examination of the members of crime victim assistance liaison conferences and the volunteers to prepare for the establishment the volunteer groups.

Volunteer Groups

12 groups have been established at the prefectural level, such as the Mito Support Center (SC) in Ibaragi Prefecture and the Shizuoka Support Center (SC) in Shizuoka Prefecture.

(1) Mito Support Center

Established referring to the program of NOVA in 1995 July. There are 5 Programs (5 activities):

- (a) Information: explain the rights of victims and giving the information which victims need.
- (b) Referral to related organizations: e.g. hospitals, police, lawyers associations, clinical psychologist and so on.
- (c) Crisis response; crisis intervention. Two volunteers accept training to visit victims and give the support which victims need.
- (d) Counselling: by telephone or by interview.
- (e) Support groups: support to make the association (or meeting) of victims or their bereaved family.
- (f) Others: there are more than one hundred volunteers. Characteristic activities of the Mito SC is to escort victims to the courts.

(2) Shizuoka Support Center

Established in May, 1999. The activities of Shizuoka SC is similar to those of the Mito SC.

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ANNEXURE 3

COMPARATIVE EVALUATION OF STATE COMPENSATION

	JAPAN	THE UNITED STATES
Eligibility Requirements	<ul style="list-style-type: none"> • Report to police; no time limit. • Filing period: Within 2 years from the day the applicant recognizes the crime, and within 7 years from the day the crime was committed. 	<ul style="list-style-type: none"> • Report to police: usually within 72 hours; exceptions are made for good cause. • Filing period: One year is typical; time limits vary from State to State.
Victims of Terrorist Acts	N/A	Compensation is payable for residents and non-residents who are injured by crimes involving terrorism occurring within the States or, on the case of US citizens, outside of the US.
Claimants	<ul style="list-style-type: none"> • Victims of crime who suffer serious injuries. • Dependents of deceased victims if they legally reside in Japan. • Foreign citizens if the victim was a legal resident of Japan when the crime occurred. 	<ul style="list-style-type: none"> • Victims of crime. • Dependents of homicide victims. • Relatives of victims of crime. • Foreign citizens; eligible in most States.
Procedures	<p>The victim must report the crime to the police, and the police must recognize the victimization. A claimant can obtain an application from any police station or prefectural police department. The claimant should send the application to the prefectural public safety commission through the police station or the prefectural police department that has jurisdiction over the address of the claimant. It takes approximately 5 months for the applicant to be notified of the decision, and it takes approximately 2 more weeks for the applicant to receive the benefit.</p>	<p>The claimant must file an application with the compensation agency in the State in which the crime occurred. Based on information submitted by the victim, the agency determines whether the claimant is eligible and has suffered a financial loss. In most States, the victim can appeal the agency's decision to deny or reduce the award of compensation.</p>
Benefits and Award Limits	<p>The maximum award in yen: Bereaved Family Benefit: 10,790,000: Incapacity Benefit: 12,730,000</p>	<p>Most States can pay a maximum of between \$15,000 and \$25,000. A few states have higher or lower maximums.</p>

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<p>Compensable Costs</p>	<p>None. The program provides the above lump sum awards.</p>	<p>All States will cover the following:</p> <ul style="list-style-type: none"> • Medical expenses. • Mental health counselling. • Lost wages for disabled victims. • Lost support for dependents of homicide victims. • Funeral. • Travel for medical treatment. • Services to replace work previously performed by the victim. • Cleaning of homicide scene if a residence. • Essential personal property. • Rehabilitation.
<p>Emergency Awards</p>	<p>If the program cannot quickly render judgement because the offender is unknown or the degree of disability is unclear, the program offers provisional benefits to the applicant.</p>	<p>Some States provide emergency awards or expedite processing for victims faced with an extraordinary financial or health crisis.</p>
<p>Funding Sources</p>	<p>The program is funded by the National Expenditure. For bereaved children, scholarships are available through the Crime Victim's Relief Fund.</p>	<p>Most States obtain their funding from fees or charges assessed against offenders. Some States receive appropriations from general revenue. OVC provides supplemental funds from Federal criminal fines.</p>