

Victims' Needs, Victims' Rights

This volume is dedicated to Ray Whitrod, in recognition of his significant contributions to the study of victimology and his pioneering work in furtherance of services to victims of crime.

Victims' Needs, Victims' Rights

Policies and Programs for Victims of Crime in Australia

Bree Cook, Fiona David and Anna Grant



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Fax: (02) 6260 9201
email: Front.Desk@aic.gov.au
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Foreword

This report breaks new ground in that it brings together what is currently known about crime victimisation in Australia. Victims are often the forgotten component in the analysis of crime. Reporting the impact of victimisation, responses to victims of crime, and the development and description of victims services in Australia, this report lays the basis for policy opportunities.

The Australian Institute of Criminology (AIC) has been in the forefront of work on victims of crime and has conducted pioneering research on victim compensation and restitution. Our focus on violence against women, including sexual assault and intimate partner violence, helped place these issues on the public agenda. The first Australian research on national surveys of crime victims was published by AIC staff.

In 1982, the AIC and the Government of South Australia co-convened the first National Symposium on Victimology held in Australia. Two years later, AIC researchers prepared discussion papers on victims of crime for the Australian Delegation to the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It was at this Congress that Australia's contribution to victimology received international recognition. Later, it helped form the basis for the recognition of crime victims by the UN General Assembly.

Ten years ago, the National Committee on Violence, for which AIC staff provided research support, continued to advance the interests of crime victims in its landmark report *Violence: Directions for Australia*. In 1994, the AIC co-produced the 8th International Symposium on Victimology in Adelaide, and published the symposium's proceedings.

The present publication continues the AIC's long record of contributions to research and services for victims of crime in Australia. It is our most comprehensive national overview to date of knowledge on, and policy for, victims of crime. It is fitting that we dedicate this volume to a person who has made a lasting contribution to Australian victimology—Ray Whitrod.

Adam Graycar
Director, Australian Institute of Criminology
August 1999

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The authors gratefully acknowledge the effort and contributions of the many people who have made the completion of this report possible. In particular, the National Association for Loss and Grief, ACT Inc., in its publication *Survival and Beyond*, provides a special insight into the thoughts and experiences of victims of crime.

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Contents

Foreword	v	
Acknowledgments	vi	
Executive Summary	ix	
Introduction	1	
Methodology	1	
Chapter 1: Crime Victimization in Australia	3	
Crime and Safety Survey, Australia 1993	5	
Recorded Crime	5	
Reported Victims of Crime	6	
Victims' Demographics	7	
Relationship Between the Victim and Offender	8	
Location of Occurrence of Crime	10	
Conclusion	13	
Chapter 2: The Impact of Crime on Victims	14	
Definitions	14	
Physical Impact of Victimization	16	
Psychological Impact of Crime on the Victims	18	
Pre-crime Beliefs and Assumptions About the World	19	
Short-term Trauma and Crisis Reactions	25	
Long-term Crime-related Trauma	30	
Financial Impact of Victimization	35	
Secondary Victims	37	
Conclusion	39	
Chapter 3: Responses to Victims of Crime	40	
Importance of Social Support	41	
Support from Family and Friends	41	
Negative Reactions and Social Isolation	42	
Other Sources of Support	44	
Service Needs of Victims	45	
Emergency Response and Crisis Intervention	45	
Support Services for Victims	46	
Victims' Needs in the Criminal Justice System	49	
Police Response	50	
DPP (Office of the Director of Public Prosecutions) Response	53	
Court (Judicial) Response	56	
Post-sentence Response	62	
The Effects of Attrition on Victims	63	
Criminal Injuries Compensation	64	
Eligibility Criteria	65	
Evaluation of Claims	66	
Compensation or Counselling?	67	
Criticisms of Compensation	69	
Victims' Rights	71	
Media and Privacy	72	
Conclusion	76	
Chapter 4: The Development of Victim Support in Australia	78	
Rediscovery of Victims	79	
Development of Victim Support	81	
The Women's Movement/ Feminism	81	
Efforts to Establish Children's Rights	82	

Growing Crime Problem	82
Victim Compensation	83
Legal and Social Reform	84
Victim Support in Australia	85
Restorative Justice	86
Conclusion	87
Chapter 5: An Overview of Services in Australia	89
Development of Services	89
New South Wales	90
Victoria	90
Queensland	91
Western Australia	91
South Australia	91
Tasmania	92
Australian Capital Territory	92
Northern Territory	92
The Structure of Australian Victim Services	93
New South Wales	94
Victoria	97
Queensland	101
Western Australia	104
South Australia	107
Tasmania	111
Northern Territory	115
Australian Capital Territory	117
Conclusion	120
Responses and Policy Opportunities	122
Conclusion	129
Appendix One: Participants	130
Appendix Two: Legislation Relating to Victims of Crime	133
New South Wales	133
Victoria	135

Queensland	136
Western Australia	138
South Australia	140
Tasmania	141
Australian Capital Territory	143
Northern Territory	145
Appendix Three: Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	148
References	154

List of Tables and Figures

Table 1: Crimes Recorded by Police, Australia 1998, Number and Rate per 100,000 Population	7
Table 2: Maximum Amount of Compensation for Crime Victims by Jurisdiction	65
Figure 1: Victims of Crimes Recorded by Police, Australia 1998, Rate per 100,000 Population	6
Figure 2: Victims of Offences Against the Person by Age and Gender, Australia 1998, Rate per 100,000 Population	8
Figure 3: Crimes Against the Person by Location of Occurrence, Australia 1998	10
Figure 4: Crimes Against Property by Location of Occurrence, Australia 1998	12

Executive Summary

This report provides an overview of the current situation regarding services for victims of crime in Australia. It is based upon an extensive review of literature, and interviews conducted with representatives of service providers, law enforcement agencies, legal establishments and non-government organisations in each capital city of Australia.

The Australian Institute of Criminology has sought to produce a comprehensive outline of the structure of victims services in each Australian State and Territory, in order to give an accurate picture of the nature of the services existing nationally. This is believed to be one of the first such research projects undertaken on a national basis and it is hoped that this report will provide assistance to service providers, policy makers and practitioners throughout Australia. The report deals with its subject under six broad headings.

Crime Victimization in Australia

It is not known exactly how many people in Australia have been victims of crime. According to recorded crime statistics, over one million people in Australia are victimised by crime each year. However, these figures do not include the friends and family of the victim, and the community in general, all of whom also suffer as a result of the crime. And it must be remembered that such statistics only represent the level of reported crime, so will always underestimate the true extent of crime in Australia.

In terms of the demographics of victimisation, males are more commonly victimised by crime than females, with the exception of the offences of sexual assault and abduction/ kidnapping. Victimization rates for offences against the person were generally highest for young people, particularly those aged between 15 and 19 years. Statistics have also shown that most victimisation occurs in the home, and much is among victims and offenders who know each other. Fear of crime is generally much higher than the measured level of crime.

At present, one of the best ways to determine the level of serious crime in a country is through crime victim surveys. In Australia such surveys as the Crime and Safety Surveys and the Women's Safety Survey are an attempt to overcome the

limitations of reported crime statistics. It is clear from these surveys in Australia, and from similar surveys conducted overseas, that victims report only about 40 per cent of crimes to the police (AIC 1998).

The Impact of Crime on Victims

The task of defining who is a victim is a complex one. A distinction is often made between primary victims (those who suffer directly as a result of the crime) and secondary victims (which can include people who were witnesses to the crime, family members, friends, neighbours and whole communities—all of whom may also suffer trauma) (VCCAV 1994, p. 10).

The United Nations *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, 1985, defined victims as:

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 in violation of criminal laws operative within member states, including those laws proscribing criminal abuse of power... The term 'victim' also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation.

This section of the report details the physical, psychological and financial consequences of crime victimisation. Much of the literature has focused upon the impact of victimisation by violent crimes and neglected the impact of crimes against property. Research on the impact of crime, the needs of victims and their patterns of recovery has been dominated by studies of rape, sexual assault and child sexual abuse. According to Newburn (1993), it is only when other more common forms of victimisation (such as burglary and assault) are studied in similar detail, that a broader and more reliable picture will emerge of the impact of crime and the necessity of specific services (Newburn 1993, p. v).

Research findings in this report agreed with current literature that the impact of crime victimisation varies with the individual. It can be short- or long-lasting; some may find the psychological impact hardest; for others it may be the physical injuries. Research continues to prove that each victim will react differently according to their life experience.

Responses to Victims of Crime

The literature on victimisation has given increased attention to the reactions of others as a determinant of coping by victims. Often victims seek help, or are offered help, from various individuals, ranging from friends and family to police and other professionals. This section of the report discusses the importance of the responses from others—including family and friends, victim support services, police and other criminal justice agencies, and the media—in the recovery of victims of crime.

The Development of Victim Support in Australia

The majority of people in modern communities cannot imagine a time when formal criminal justice systems have not existed. However, the development of such systems is a relatively recent part of history.

This section of the report examines the development of the academic study of both victims and the victim support movement. It also examines the influence of concurrent developments such as the Women's Movement (feminism), the formulation of children's rights, victim compensation, legal and social reform and a perceived growth in crime are also examined.

The victim movement only began to emerge fully in Australia in the early 1980s, during a time of systematic and structural change. Many of the initial developments were the result of community action by victims of crime trying to improve the situation for others.

An Overview of Services in Australia

A State-by-State examination of the development of services within Australia was undertaken, in order to frame the current service structure effectively, and each State's current structure is outlined. This examination of services looks at the coverage of services, including availability, access, types of service provided, funding arrangements, contact patterns, staffing levels and staff training. The coordination and integration of services within each jurisdiction is examined and limitations identified. Finally, service providers in each jurisdiction have identified

what they believe to be the main needs and requirements for the progression of successful service provision to victims of crime.

Responses and Policy Opportunities

These responses have been formulated as a result of the findings in the literature and the current research study. It is hoped that the conclusions drawn in the latter part of this report will allow service providers and other stakeholders to address some of the remaining areas of difficulty faced by victims of crime.

Introduction

Victimisation by crime can no longer be seen as a rare event in most urban parts of the world. A majority of all families in urban areas are struck by crime at least once every five years (Van Dijk 1996, p. 121).

In Australia, crime is something that affects us all, whether through actual victimisation or through the fear of crime. A crime may affect victims directly in a number of ways—they may be physically injured, incur expenses or lose time away from work as a result of the crime itself or of their involvement in the criminal justice process. Crime may also have an impact on their psychological state, undermining their feeling of wellbeing and making them unsure, apprehensive and afraid. It may also affect future behaviour, resulting, for example, in fear of going out alone after dark. These less tangible manifestations may also affect those who are not directly victimised, but who see crime as potentially threatening to them and react accordingly (Mawby & Walklate 1994, pp. 33-5).

In this report the Australian Institute of Criminology aims to present a

comprehensive outline of the structure of services existing nationally for victims of crime. It is believed that, whilst numerous reports on victims and their needs have been prepared within the Australian States and Territories, this is one of the first to integrate existing knowledge of the impact of victimisation, national statistics and an examination of each jurisdiction's service structures in this area.

Methodology

A number of stages of research were undertaken during the completion of this report. There was the initial preparation of statistics based on available data, and examination of the limitations of such data and its collection. This was followed by an extensive review of the literature on subjects including the impact of crime on victims, the history of victims services and responses to victims of crime, and a stocktake of legislation was prepared concurrently.

During the field research stage of the project, victims service providers were contacted by the AIC researchers and the nature of the study explained. The

majority of these participants were also given a list of research questions prior to the interview phase. Interviews began in late January 1999 and the majority were completed by the end of February. These interviews ranged in duration from half an hour to two or more hours, and some were conducted by phone. Other participants were surveyed through the use of a brief questionnaire that sought to identify the nature and structure of service provision in Australia. Appendix One provides a full list of the organisations, some of whose staff were either interviewed or surveyed in relation to service provision.

The Australian Institute of Criminology believes that such research, undertaken on a national basis, will assist service providers, policy makers and practitioners throughout Australia. Future planning and development of services for victims of crimes will benefit from the discussions and research findings presented in this report.

Chapter 1

Crime Victimization in Australia

According to recorded crime statistics, over one million people in Australia are victimised by crime each year. In 1998, almost one in every 100 persons was a victim of crime against the person, and just over six in every 100 persons were victims of crimes against property. These figures do not include the friends and family of the victim, and the community in general, who also suffer as a result of the crime.

Fear of crime arises not only from actual experience of crime, but also from a range of factors, including media representation. Generally the community becomes affected by, and fearful of, crime through its depiction in the media. Excessive emphasis on crime in media reporting, combined with irresponsible media involvement in sensational or high profile crimes, can contribute to disproportionate fear of crime in the community. Studies have shown that the fear of crime expressed by residents in a community is greater than the level of actual crime suggested by crime statistics for the area (Attorney-General's Department 1995, p. 163).

It is not known exactly how many people in Australia have been victims

of crime. Police statistics are a major source of information on the incidence of crime, but it is well documented that not all crime comes to the attention of the police. Police and recorded crime statistics, therefore, only represent the level of reporting of crime, and will always underestimate the true extent of crime in Australia.

How people experience and react to crime is related to other important aspects of their lives and to prior experiences of crime and the criminal justice system. Reporting behaviour reflects the complexities of these relationships. According to Young, Morris, Cameron and Haslett (1997), perceptions of how serious a criminal act may be; decisions about whether or not it can or should be handled without involving the police; and concerns about how the police are likely to react and what other beneficial or adverse consequences might flow from reporting the offence, are likely to be strongly influenced by at least four interrelated factors:

- the relationship between the victim and offender—crimes amongst those who know and, perhaps, love one another are less likely to be

brought to the attention of the police;

- where the offence occurred;
- the operation of self-interest—insurance requirements, the recovery of property, and the protection of the victim from future offending; and
- the social and demographic characteristics of the victim—income levels, age, ethnicity and family status (Young et al. 1997, pp. 55-9).

Reporting behaviour also appears to be influenced by the type of crime. Violent crimes of an intimate nature—particularly sexual assault, domestic violence and child abuse—are less likely to be reported to the police than property crimes, due to the stigma attached to these intimate crimes, the shame and embarrassment the victims feel, and the perceived inadequacy of the criminal justice system in dealing with these offences.

The level of crime recorded in police statistics depends not only on how often victims report crimes to police, but also on how often police record as crimes the incidents that are reported to them. Sometimes police find insufficient evidence that a crime has occurred, and alleged crimes can go unrecorded because of poor record keeping. Police may also “weed out” crimes that they do not consider serious (Langan & Farrington 1998, p.

11). Fluctuations in recorded crime from month to month and year to year may also be influenced by changing attitudes to reporting crime, or changes in police procedures or crime reporting systems, rather than changes in the incidence of criminal behaviour (ABS 1999, p. 7).

In Australia, there have been efforts to overcome the limitations of police statistics, principally through the Crime and Safety Surveys and the Women’s Safety Survey (ABS 1994; ABS 1996). At present, one of the best ways to determine the level of serious crime in a country is through crime victim surveys. In these surveys of the general public, samples of people are asked whether they have been victimised by a crime in the recent past. Interviewers ask about all crimes, whether reported to the police or not, providing an estimate of how often victims (and others) report crime to police. Crime victim surveys can provide a more accurate estimate of incidence rates, and confirm that many offences are not in fact reported to the police. It is clear from these surveys undertaken in Australia, and other surveys overseas, that victims report only about 40 per cent of crimes to the police (AIC 1998).

In Australia, the Australian Bureau of Statistics conducts Crime and Safety Surveys at irregular intervals. These provide information on both reported and unreported crimes, as well as socioeconomic characteristics of the

victims. Responses obtained in these surveys are based on the respondent's perception of having been a victim of a crime. The most recent survey was conducted in April 1998, but results will not be made available until late 1999. The latest available results, therefore, are from a survey conducted throughout Australia in 1993, in which approximately 52,300 persons aged 15 years and over participated. Although dated, these figures provide an estimate of the level of crime that is not reported to the police.

Crime and Safety Survey, Australia 1993

At the time of printing, the release of the 1998 ABS Crime and Safety Survey was imminent. An estimated 286,200 males and 203,000 females were victims of a personal crime during the 12 months ending April 1993. The risk of victimisation for personal crime was highest, at 7.9 per cent, in the 15-24 age group, and tended to decrease with increasing age. The victimisation rate was generally greater for males than for females. In the 15-24 age group, 9.3 per cent of males and 6.5 per cent of females were victims (ABS 1994, p. 4).

In the 12 months prior to the 1993 survey, an estimated 425,000 households (6.8%) were victims of a break and enter or attempted break and enter and 109,600 (or 1.7%)

households were victims of motor vehicle theft in Australia.

Generally, the results of crime victim surveys indicate that victims are more willing to report property crimes to police than personal crimes. In the 1993 Crime and Safety Survey, the proportion of victims reporting the last incident to the police ranged from 93.7 per cent for motor vehicle theft to 25 per cent for sexual assault (ABS 1994). Results from the Women's Safety Survey conducted in 1996 indicate that a much lower proportion (only 10-15%) of sexual assaults of women are in fact reported to police (ABS 1996).

With the exception of sexual assault, the main reasons for not telling police about the last incident were, typically, that they felt it was "too trivial/unimportant", or that the "police *could* not do anything", or the "police *would* not do anything" about it. In the case of sexual assault, the two most frequently given reasons were that it was a "private matter", or they were "afraid of reprisal/vengeance" (ABS 1994, p. 9).

Recorded Crime

The main source of information on the level of crime in Australia comes from the Australian Bureau of Statistics publication *Recorded Crime Australia*, which provides national figures on crimes recorded by police in each jurisdiction.

Since 1993, the Australian Bureau of Statistics has produced a series of publications providing nationally comparable statistics on selected crimes recorded by State and Territory police services in Australia. The compilation of these statistics uses national standards and classifications, however it must be recognised that reporting rates, legal systems and reporting procedures differ between each State and Territory.

This report will discuss two major categories of recorded crimes:

- “crimes against the person”—such as homicide and related offences including murder, manslaughter, attempted murder and driving causing death; assault; sexual assault; armed and unarmed robbery; kidnapping/abduction; and

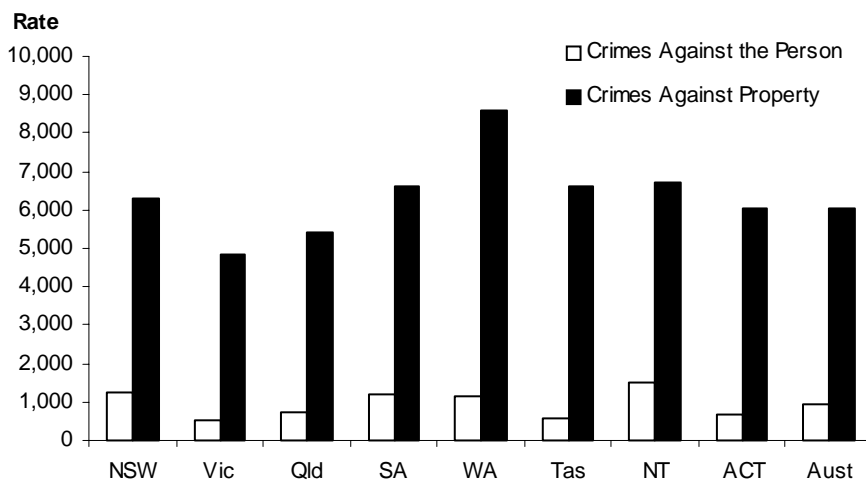
blackmail/extortion; and

- “crimes against property”—including unlawful entry with intent; motor vehicle theft; and other theft.

Reported Victims of Crime

There were over 1.3 million reported victims of crime in Australia in 1998. There were 173,250 reported victims of crimes against the person—a rate of 924 victims per 100,000 population. The highest rate of victimisation by crimes against the person was in the Northern Territory (1498 victims per 100,000 population) and the lowest was in Victoria (512 victims per 100,000 population). There were 1,132,456 victims of crimes against property—a rate of 6039 per 100,000 population. The rate of crimes against property ranged from a low of 4843 per

Figure 1: Victims of Crimes Recorded by Police, Australia 1998, Rate per 100,000 Population



Source: Adapted from ABS *Recorded Crime Australia 1998*

100,000 population in Victoria to a high of 8611 per 100,000 population in Western Australia (see Figure 1).

Table 1 presents the number and rate per 100,000 population of selected crimes recorded by police in Australia in 1998. Approximately 87 per cent of crimes recorded by police in this period were crimes against property, the largest category of crime being “other theft”, accounting for about 43 per cent of offences recorded by police. “Other theft” includes all recorded theft offences except unlawful entry with intent and theft of motor vehicles. Thirteen per cent of crimes recorded were crimes against the person, the largest category being assault, accounting for 10 per cent of all

selected offences recorded by police in 1998. Fortunately, among the least common crimes recorded by police in Australia are homicide and the related offences of attempted murder and driving causing death.

Victims’ Demographics

In Australia in 1998, males aged between 15 and 19 had the highest victimisation rate for offences against the person. Generally, males are more commonly victimised by crime than females, with the exception of the offences of sexual assault and abduction/ kidnapping.

Figure 2 presents victimisation rates for offences against the person by age and gender for Australia in 1998.

Table 1: Crimes Recorded by Police, Australia 1998, Number and Rate per 100,000 Population

	Number	Rate per 100,000 Population
Crimes Against the Person		
Homicide*	333	1.8
Attempted Murder	382	2.0
Driving Causing Death	262	1.4
Assault	132,967	709.2
Sexual Assault	14,568	77.7
Kidnapping/Abduction	662	3.5
Robbery	2,3778	126.8
Blackmail/Extortion	298	1.6
Total	173,250	924.0
Crimes Against Property		
Unlawful Entry With Intent	435,670	2323.9
Motor Vehicle Theft	131,572	701.8
Other Theft	565,214	3014.8
Total	1,132,456	6039.4
Total Selected Crimes	1,305,706	6963.4

*Includes murder and manslaughter

Source: Adapted from ABS *Recorded Crime Australia 1998*

Victimisation rates for offences against the person were generally highest for the 15–19 age group. Males in this age group had a victimisation rate of almost 2100 per 100,000, while females in this age group had a victimisation rate of about 1800 per 100,000. The 15–19 age group had the highest victimisation rates for driving causing death, sexual assault, kidnapping/abduction and robbery. Assault and blackmail/extortion victimisation rates were highest for the 20–24 age group, while both homicide and attempted murder were highest for the 25–34 age group.

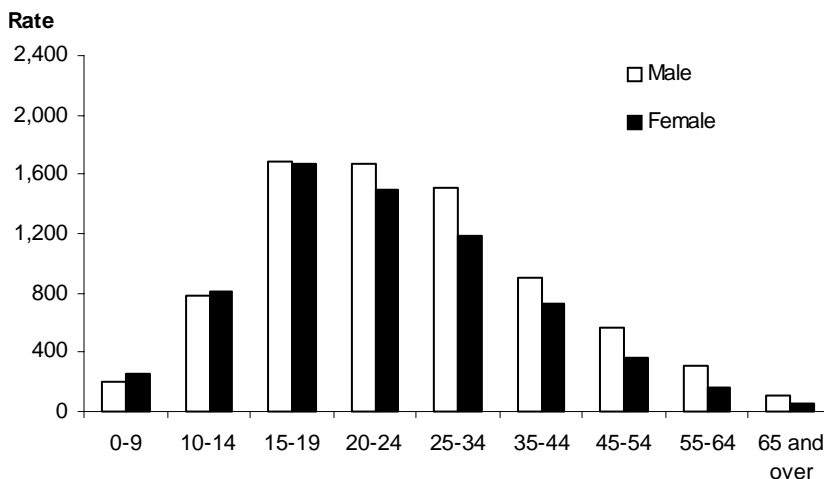
Relationship Between the Victim and Offender

Information on the relationship between the victim and offender was

only available for those offences defined as “crimes against the person”, excluding robbery, (i.e. homicide, attempted murder, driving causing death, assault, sexual assault, kidnapping/abduction and blackmail/extortion). Overall, for these offences, where the victim-offender relationship was known, the offender was most often known to the victim. The victim-offender relationship did, however, differ depending on the type of crime and on the gender of the victim (ABS 1999).

In the majority of homicides and attempted murders, the offender was recorded as known to the victim (64% and 61% respectively). In about 31 per cent of homicides and 23 per cent of attempted murders the offender was a family member. In both homicides and

Figure 2: Victims of Offences Against the Person by Age and Gender, Australia 1998, Rate per 100,000 Population



Source: Adapted from ABS *Recorded Crime Australia 1998*

attempted murders, female victims were more likely to know the offender than male victims—females knew the offender in 72 per cent of homicides and 74 per cent of attempted murders, whereas males knew the offender in only 59 per cent of homicides and 55 per cent of attempted murders. Females were also more likely to be victims of homicide and attempted murder in which the offender was a family member (50% and 38%, respectively), whereas males were more likely to be a victim of a non-family member (39% and 40%, respectively). Homicides and attempted murders by strangers were more likely for males than for females (ABS 1999, pp. 23, 28, 33).

In driving causing death offences, the relationship between victim and offender was similar for both males and females, with the offender most likely to be unknown to the victim (64%). About 28 per cent of males and 29 per cent of females knew the offender, and a greater proportion of females (13%), compared to males (6%), were victims where the offender was a family member (ABS 1999, p. 38). Where the victim-offender relationship was known in assault cases, females were more likely to be assaulted by someone known to them, whereas males were more likely to be assaulted by someone unknown to them (ABS 1999, p. 43).

In about one-third of sexual assault incidents, the relationship between the

victim and offender was not stated or was inadequately described.

Interestingly, the victim-offender relationship was similar for both male and female victims of sexual assault. Over half the victims, males and females, were sexually assaulted by offenders known to them. Where known, the offender was most likely to be a non-family member. However, an offender was more likely to be a member of the victim's own family (22%) than a stranger (14%). Males were in fact the least likely to be sexually assaulted by a stranger (10%) (ABS 1999, p. 51).

In the offence of kidnapping/abduction, victims were more likely to be kidnapped or abducted by a stranger (51%) than someone known to them (28%). Where the offender was known to the victim, it was most likely to be a non-family member (22%). In about 6 per cent of cases the offender was a family member. Male victims of kidnapping/abduction were more likely to know their offender (32%) than female victims (26%) (ABS 1999, p. 58).

The 1993 Crime and Safety Survey also revealed that victims of sexual assault and assault most commonly knew the offender, while robbery victims were less likely to know the offender (ABS 1994, p. 13).

Contrary to popular perceptions, violence is very much a family matter and concerns about unexpected and

random attacks are usually misplaced (Goldney 1998, p. 154). However, most people are still more fearful of strangers than people they know, or are in a relationship with. A study commissioned by the National Campaign Against Violence and Crime (NCAVAC 1998) examined fear of crime among people in cities and in rural areas, using a combination of focus groups and interviews. The study revealed that a primary focus of people’s fear is the “unpredictable stranger” in the uncontrollable environment. A principal factor underlying this fear is uncertainty about how a stranger may behave.

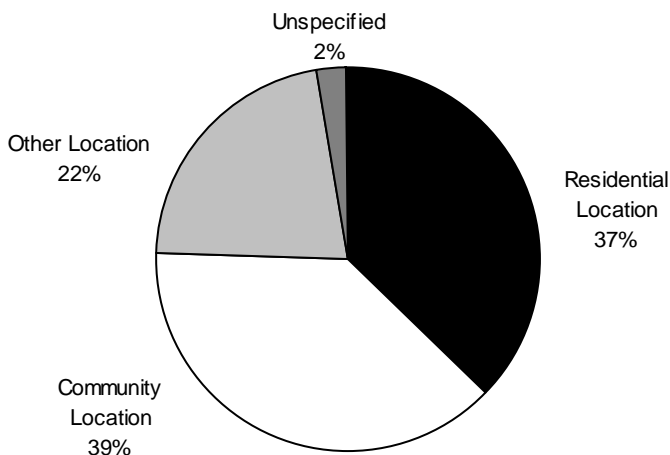
Location of Occurrence of Crime

“Location” refers to the initial site where the crime occurred, classified on the basis of the location’s function:

- *residential locations*—dwellings used for private or commercial residential purposes, for example houses/units/apartments, garages/ carports, motels and hostels;
- *community locations*—any location whose primary function is the provision of services for public use, for example public transport, car parks and streets/footpaths;
- *other locations*—refers to retail or commercial premises, recreational facilities, government offices, and warehousing/storage.

In Australia in 1998, almost 40 per cent of offences recorded by police occurred in a residential location. The crimes most likely to be committed in residential locations were homicide, attempted murder, assault, sexual assault and unlawful entry with intent.

Figure 3: Crimes Against the Person by Location of Occurrence, Australia 1998



Source: Adapted from ABS Recorded Crime Australia 1998

Crimes occurring in community locations accounted for 30 per cent of crimes recorded by police, with kidnapping/abduction, robbery, motor vehicle theft and other theft featuring most prominently in these locations.

Figure 3 shows the relative proportions of crimes against the person according to the locations in which they occurred.

Crimes against the person most commonly occurred in community (39%) and residential (37%) locations. Violent offences such as homicide and attempted murder, assault and sexual assault most commonly occurred in residential locations, particularly in private dwellings. In 1998 a total of 203 (or 61%) homicides and 207 (54%) attempted murders took place in residential locations. Over 50,000 assaults (40%) and 9615 sexual assaults (66%) occurred in homes and other residential locations.

Assaults were also common in community locations, with about 38 per cent of assaults taking place in these locations. Unfortunately, the age and gender of victims involved in crimes in specific locations is not available. We can only speculate as to the type of assault by examining the victim-offender relationship and the location in which the assault occurred. In the jurisdictions in which the relationship between the victim and offender was known, females were more likely to have been assaulted by someone known to them (such as a family

member), whereas males were more likely to have been assaulted by a stranger (ABS 1999, p. 43). Assaults in residential locations may include domestic assaults with partners or ex-partners, arguments between relatives and friends and arguments between neighbours, whereas assaults in community locations may involve heavy drinking followed by arguments. According to Jochelson (1997), a large proportion of "on the street" assaults take place in close proximity to licensed premises, such as hotels, pubs, nightclubs, adult nightspots and licensed restaurants.

The 1993 Crime and Safety Survey revealed that female victims of assault were most commonly assaulted in their own home, while male victims were most commonly assaulted in some other location, or at their place of work or study (ABS 1994, p. 14). Among female victims of assault who reported the last incident as occurring inside the home, over 90 per cent of them reported that the offender was known to them, and 38 per cent of them were victims of assault on three or more occasions in the 12 months prior to the survey (ABS 1994, p. 11).

Robberies and kidnapping/abductions are most common in community locations. In 1998 a total of 11,801 robberies (50%) took place in community locations. However, robberies occurring in community locations were more likely to be unarmed than armed. Armed robberies

most commonly occurred in other locations, such as retail premises. In 1998 a total of 435 kidnapping/abductions (66%) occurred in community locations, particularly from streets and footpaths (49%).

Figure 4 shows the relative proportions of crimes against property according to the locations in which they occurred.

The highest proportion of offences against property occurred in residential locations. Of the over one million (1,132,456) offences against property recorded by police in Australia in 1998, almost 450,000 (40%) occurred in homes and commercial residences.

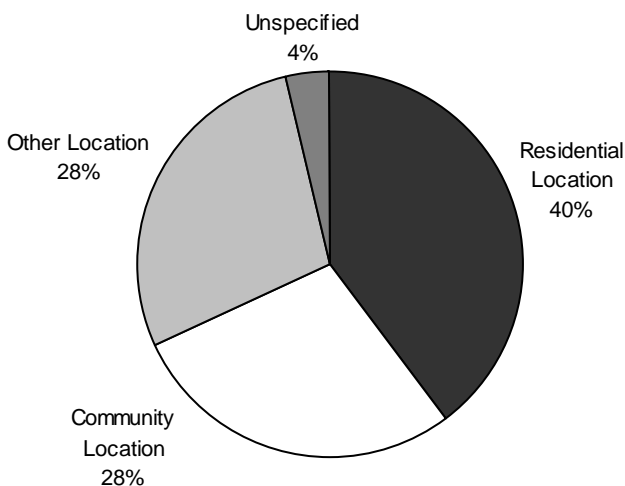
A little over two-thirds of all completed and attempted burglaries each year occur in residential locations. More than 20 per cent of the over half a million thefts each year involve stealing

from homes, and nearly 20 per cent of motor vehicles stolen each year are removed from garages and parking lots attached to homes.

In Australia in 1998, 28 per cent of offences against property took place in community locations and a further 28 per cent occurred in other locations, such as retail premises. The offences against property most commonly occurring in community locations were motor vehicle theft (62%) and other theft (37%), while other theft was also common in other locations (36%), particularly retail premises (24%). A little over 40 per cent of robberies occurred in other locations, such as retail premises (30%). Almost 75 per cent of robberies of retail premises were armed robberies.

While these statistics reveal that homes are primary targets for many

Figure 4: Crimes Against Property by Location of Occurrence, Australia 1998



Source: Adapted from ABS *Recorded Crime Australia 1998*

predatory crimes, crime control policies in Australia appear to be concerned with preventing street crimes. An important objective of police services is to “reassure the public”, so that the community feels safe both in public and in their homes (SCRCSSP 1999, p. 386), and fear of crime is generally a concern for what may happen to us in the street, not in our homes. Most people feel their homes are places of refuge and safety, and are more fearful of crime occurring in the community. Many factors affect this perception, including media reporting, but it is interesting to compare perceptions of crime problems with reported crime statistics, recognising that reported crime understates the actual level of crime (SCRCSSP 1999, p. 386).

A quarterly household survey conducted by the Australian Bureau of Statistics, the *Population Survey Monitor*, has found that, generally, people tend to feel safer in their own homes than out in the community. Nationally, 93 per cent of persons feel “safe” or “very safe” at home alone during the day, and 80 per cent of persons feel “safe” or “very safe” at home alone after dark (SCRCSSP 1999, p. 386).

A lower proportion of people feel safe out in the community, especially after dark. Nationally, 88 per cent of persons aged 18 years and over feel “safe” or “very safe” when walking or jogging locally during the day, and 68 per cent

of persons feel “safe” or “very safe” when travelling on public transport during the day. When walking or jogging after dark, however, only 38 per cent of persons feel “safe” or “very safe”, and only 21 per cent of persons feel “safe” or “very safe” when travelling on public transport after dark (SCRCSSP 1999, pp. 387, 437-8).

Conclusion

It is difficult to gauge the true level of crime in Australia. Crime victims surveys reveal that a large proportion of crimes are not reported to police and therefore are not counted in recorded crime statistics—the source of much of our knowledge on crime. Recorded crime statistics are, however, able to provide us with some measure of the characteristics of victims and the issues surrounding the crime incident, such as the relationship between the victim and offender and where the crime occurred. These statistics indicate that many of the victims of crime are young males or young females. Also, contrary to popular belief, much of the crime occurring in society is in private residences, often perpetrated by offenders known to the victim. These statistics do not concur with results of surveys on fear of crime, which indicate that many people are most afraid of “unpredictable strangers” in the community.

Chapter 2

The Impact of Crime on Victims

Definitions

It is a complex task to identify who is a victim of crime. Recorded crime statistics only take into account primary or direct victims—those who suffer directly as a result of the crime. It is not difficult to describe people who have experienced a house burglary, car theft, assault or murder as “victims of crime”, but this description should also include people who were witnesses to the crime, family members, friends, neighbours and whole communities—secondary or indirect victims—who may suffer trauma as a result of crime (VCCAV 1994, p. 10). We do not have any statistics that provide an estimate of the extent to which crime affects individuals, families, friends and their relationships.

The United Nations *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, which was endorsed by the United Nations General Assembly in 1985, defined victims as:

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 in violation of criminal laws operative within member states, including those laws proscribing criminal abuse of power... The term 'victim' also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation.

While crime is one of the most important problems facing any society, relatively little is known about the impact of crime and the consequences of victimisation. More information needs to be gathered, in particular first-hand accounts from those who have been victimised, as it is the “...extent of victim reporting, as well as the reasons for non reporting, [which] can reveal critical information relating to victims, the police, and the criminal justice system at large” (Laub 1997, p. 19).

However, post-crime trauma, experienced by a significant number of victims, may often impair their ability and willingness to cooperate. At every

key stage of the criminal justice process—from contemplating making a report to police to attending a parole hearing—interaction with the system is stressful for victims and often exacerbates their trauma.

Consequently, many victims do not report crimes to police out of fear of further suffering. This makes it extremely difficult to achieve a full understanding of the consequences of victimisation.

Much research suggests that the impacts of crime victimisation can be long-lasting and diverse. The consequences of crime can involve financial loss, property damage, physical injury and death. Less obvious, but sometimes more devastating, are the psychological and emotional wounds left in the wake of victimisation (Newburn 1993, Skogan, Lurigio & Davis 1990, p. 7).

Few studies have attempted to estimate the prevalence of physical injury, especially serious physical injury, as a result of crime, and the results of those that do exist differ markedly. By contrast, there is a considerable body of literature that explores the psychological and emotional effects of certain crimes, in particular rape, sexual assault and child sexual abuse. According to Newburn (1993), depression, shame and fear are the most commonly identified long-term effects, both amongst *direct* and *indirect* victims (Newburn 1993, p. iv).

Reactions to criminal victimisation often extend beyond thoughts and feelings to affect everyday behaviours. The research evidence suggests that a proportion of victims of rape or childhood sexual abuse suffer significant and long-lasting behavioural consequences, especially in the area of sexuality, as well as a number of behaviours associated with fear, anxiety and depression. The majority of these effects do not appear to diminish quickly after the incident, and some are particularly durable (Newburn 1993, p. iv). Other studies have shown that, in the aftermath of the crime, victims usually engage in various preventative or avoidance measures, such as buying a gun, participating in self-defence courses, putting new locks on doors, installing alarms, changing their phone number or job, moving, restricting their night time activities or reducing their social contacts (Bard & Sangrey 1979; Bard & Johnson 1974; Conklin 1975; Krupnick 1980; Lejeune & Alex 1973; Maguire 1980; Skogan & Maxfield 1981, all cited in Lurigio 1987).

Finally, while financial difficulties are generally not the most prominent of the problems faced by crime victims, research suggests that a significant proportion of victims may experience particular financial problems as a result of the offence. For example, there may be costs associated with leaving home or relocating, and with fitting security systems to feel safe; or expenses

associated with missing work due to attendance at court proceedings (Bard & Sangrey 1986; Newburn 1993; VCCA 1994; United Nations 1998).

Research on the impact of crime, the needs of victims and their patterns of recovery has been dominated by studies of rape, sexual assault and child sexual abuse. According to Newburn (1993), only when other more common forms of victimisation, such as burglary and assault, are studied in similar detail will a broader and more reliable picture emerge of the impact of crime and the necessity for specific services (Newburn 1993, p. v).

Researchers have found that victims of “less serious” offences, such as burglary and robbery, may also suffer adverse reactions as a result of the crime (see Davis, Taylor & Lurigio 1996). The next section of the report will discuss the physical, psychological and financial consequences of crime victimisation.

Physical Impact of Victimisation

At the time of the crime, or upon discovering that a crime has occurred, victims are likely to experience a number of physical reactions to the event. These may include an increase in the adrenalin in the body, increased heart rate, hyperventilation, shaking, tears, numbness, a feeling of being

frozen or experiencing events in slow motion, dryness of the mouth, enhancement of particular senses such as a smell, and a “fight or flight” response. Some of these physical reactions may not occur immediately, but after the danger has passed. They may also recur at a later stage, when memories of the crime return (Burnley et al. 1998b; United Nations 1998, p. 6).

After the crime, victims may suffer a range of physical effects including insomnia, loss of appetite, lethargy and body fatigue, headaches, muscle tension, nausea and vomiting and decreased libido. Such reactions may persist for some time after the crime has occurred (Bard & Sangrey 1986, p. 36; Lurigio 1987, p. 463; United Nations 1998, p. 6).

For years I used to become physically sick, throw up, whenever I heard of a case like mine. Victim of child sexual abuse (Giuliano 1998, p. 60)

My health has suffered badly, my weight has dropped by 10 kilos. Victim of armed robbery (Giuliano 1998, p. 70)

Physical injuries arising from victimisation may not always be immediately apparent. The most frequent injuries experienced in assault cases are facial. Victims may suffer a range of physical damage, including: abrasions and bruises; broken nose, cheekbone and jawbone; and damage to, or loss of, teeth. Other injuries will be associated with assaults involving

knives or firearms (United Nations 1998, p. 6). Assault by arson, in particular, is very physically damaging.

Physical injuries may be a permanent effect of the crime, and there is evidence that this has a negative effect on long-term psychological recovery, since the physical scars serve as a constant reminder of the crime (United Nations 1998, p. 6).

Wherever I go I will always have the face you cannot forget. I still have my fragile moments when I not only wallow, but also roll around in self-pity.
Victim set alight by her partner
(Giuliano 1998, p. 57)

For victims of sexual assault, the immediate physical impact may or may not include physical injury, including the threat of unwanted pregnancy and sexually transmitted diseases. Physical injury, however, is frequently not a result of sexual violence. In a study conducted by doctors working with victims of sexual assault in Perth, data were analysed to ascertain the level of physical and genital injury sustained by the victims of sexual assault seen by hospital staff during a 12-month period. The study found that 83 per cent of these victims had minor or no physical injuries at all (Lincoln 1996). Although many of these cases were seen in the emergency department, only one person had injuries severe enough to require hospital admission. The author notes that the overall incidence of physical and genital injuries in people

who have been sexually assaulted is actually quite low (Lincoln 1996). These findings are consistent with the findings of other studies of victims of sexual assault (Bargen & Fyshwick 1995, p. 31).

The Women's Safety Survey estimated that about 48 per cent of women who were physically assaulted by a man, and 46 per cent of women who were physically assaulted by another woman, sustained physical injuries in the last incident. The most common injuries in both types of assault were bruises, cuts and scratches. Twenty-two per cent of women who were sexually assaulted were also physically injured in the attack, with bruising the most common injury (ABS 1996). The Crime and Safety Survey found that only 29 per cent of male and female victims of assault were physically injured in the last incident (ABS 1994).

Overseas, a survey of victims of domestic violence found that over 96 per cent had sustained black eyes or other forms of bruising, almost two-thirds had been scratched, just under half had suffered cuts and almost one-tenth had bones broken. Permanent disfigurement and persistent poor health as a result of the abuse were also not unusual (cited in Newburn 1993, p. 6).

A study of robbery in New South Wales (New South Wales Bureau of Crime Statistics and Research 1987) found that, of the 90 per cent of personal

robberies where some form of violence was involved, most (65%) involved a punch, a kick, a push or a pull. Only 12 per cent of victims of personal robbery were seriously injured. However, serious injuries were most commonly inflicted in cases where there was no weapon and no physical resistance by the victim.

Research suggests that, in the aftermath of the crime, it is common for victims to demonstrate physiological reactions such as insomnia, loss of appetite, lethargy and headaches, but they do not often suffer serious physical injury. This does not mean, however, that the victim will not suffer other adverse reactions to the crime, such as psychological injury.

Psychological Impact of Crime on the Victims

The experience of being the victim of crime affects different people in different ways. What may seem disastrous to one person is not necessarily so to another. While some people are less resilient than others and, when exposed to traumatic events may develop Post-traumatic Stress Disorder (PTSD), others do not. People vary widely in their ability to cope with becoming a victim, as they do with all crises (Grabosky 1989, p. 9; Goldney 1998, p. 154).

People have widely different personality attributes, social skills and other resources, all of which may bear on their ability to cope in the aftermath of victimisation (Grabosky 1989, p. 23). Some of the factors which may affect a victim's resilience and coping ability are: age, gender, financial and social resources, cognitive and emotional development, perceptions of the world, pre-victimisation adjustment and previous coping experiences. Features of the crime incident, aspects of the physical and social environment and a victim's own interpersonal skills may also influence their ability to recover (Ball 1983; Grabosky 1989, p. 9; Davis et al. 1996).

In the aftermath of traumatic experience, the degree and quality of social support received by the victim is of particular importance to their subsequent adjustment. Family and friends of the traumatised victim can help their loved ones, not by judging their response to what has happened, but by being there for them and with them in their torment (Grabosky 1989, p. 9; Lieutenant Colonel Donald Woodland OAM in Giuliano 1998, p. 184).

Although most victims of serious crime suffer emotional turmoil, some victims have more difficulty coping with the chaos than others. Some victims may take longer to restructure their lives, while others seem unable to resume a functional life. There is a need for research to identify victims in the high-

risk category and to devise early and intensive interventions to lower their risk of long-term debilitation (Young 1988, p. 348).

Research on the effects of criminal victimisation has generally found that younger victims of crime experience fewer adverse effects than older victims; women are generally more traumatised than men; and victims with little formal education and low income are traumatised more than victims from higher socioeconomic and educational groups. Victims who have been injured or whose lives have been threatened during the crime also tend to be significantly more disturbed in the long term than those who have not been injured or threatened (see Davis et al. 1996).

Crime victims' pre-victimisation adjustment is strongly predictive of their post-crime functioning. Some studies have demonstrated that prior life stress has an untoward impact on post-crime adjustment, while others suggest a curvilinear or qualified relationship between life stress and psychological reactions to it. Burgess and Holstrom (1978) reported that rape victims who had persistent economic difficulties, such as limited income and employment, displayed lengthier and more serious reactions to the crime. On the other hand Ruch, Chandler and Harter (1980) found that women who had experienced a moderate number of recent life changes showed fewer

effects of rape than women who had experienced many or none.

Pre-crime Beliefs and Assumptions About the World

According to Janoff-Bulman (1985b), we all function from day to day on the basis of assumptions and personal theories that allow us to set goals, plan activities and order our behaviour. These conceptual systems develop over time and provide us with viable expectations about ourselves and our environment. Individuals' views of reality constitute their "assumptive world", a strongly held set of assumptions about the world and the self which is continually maintained and used as a means of recognising, planning and acting. Assumptions such as these are learned and confirmed by experience.

There appear to be three highly related types of assumptions that are shared by most people:

- the belief in personal invulnerability;
- the perception of the world as meaningful and comprehensible; and
- the view of ourselves in a positive light (positive self-perceptions).

According to Janoff-Bulman, we all seem to recognise that crimes are common. However, we simultaneously believe that "it can't happen to me". In our day-to-day existence we operate

on the basis of an illusion of invulnerability, overestimating the likelihood of experiencing positive outcomes in life and underestimating the likelihood of experiencing negative events. Janoff-Bulman suggests we make sense of our world by regarding what happens as controllable. We believe we can prevent misfortune by engaging in sufficiently cautious behaviours, and that we are protected against misfortune by being good and worthy people. According to Lerner's just world theory, we believe that people deserve what they get and get what they deserve. It is a meaningful world because we know what to expect and why negative events occur. People generally maintain a relatively high level of self-esteem and operate under the assumption that they are worthy, decent people (Janoff-Bulman 1985b, pp. 19-20).

Similarly, Bard and Sangrey (1986) suggest that all people have their own normal state of "equilibrium" or psychological balance, based on trust and autonomy. People tend to carry on their lives as if the world is basically a trustworthy place and to some extent controllable by our own actions. This sense of trust and autonomy fosters the conviction that the world is a reasonably predictable and manageable place, and also a sense of invulnerability in a familiar and essentially harmless environment. When the self is in a state of equilibrium, everything "works".

According to Bard and Sangrey (1986), this normal state of equilibrium is influenced by everyday stressors such as illness, moving, changes in employment and family issues. When any one of these changes occurs, equilibrium will be altered, but should eventually return to normal. Generally, people are able to adjust and change in the needed ways so that they regain their equilibrium (Bard & Sangrey 1986, p. 17).

There are, however, events in our lives that can have a dramatic impact on our equilibrium and force us to recognise, objectify and examine our basic assumptions. Events which include victimisation, such as disasters, serious diseases, criminal acts and accidents, produce tremendous stress and anxiety as the victim's experience cannot be readily assimilated, and the assumptive world developed and confirmed over many years cannot account for these extreme events. The assumptions and theories are shattered, producing psychological upheaval (Janoff-Bulman 1985b, p. 18).

No-one ever expects to become a victim of crime, or that the actions of another person can change their life and the lives of those close to them forever—that they can no longer feel safe or secure in the world. In the few seconds that it takes for a crime to occur, the person's assumptions about the world are shattered (Muir 1998, p. 179).

There are not enough descriptive words in the English language for me to be able to convey the gut-wrenching devastation, disbelief, anger, fear, frustration and all-consuming grief that have become part of my life since the horrific death of my daughter. My whole life has changed, yet I am forced to live in a world which seems 'normal' to others, while my world holds nothing but distress, Father of a murder victim (Giuliano 1998, p. 113).

The emotional responses of victims are generally immediate, intense and often long-lived. There are common psychological experiences shared by a wide variety of victims—emotional reactions that appear to cross a wide range of victimisation—including shock, confusion, helplessness, anxiety, fear and depression. Even relatively “minor” victimisation, such as burglary or robbery, can result in a great deal of suffering and disruption (Janoff-Bulman 1985b, p. 16).

According to Janoff-Bulman, much of the psychological trauma produced by victimisation derives from the shattering of very basic assumptions that victims have held about the operation of the world. Victimisation calls into question these assumptions, and by doing so destroys the stability necessary for normal functioning. Victims experience a “loss of equilibrium”—the world is suddenly not what it used to be (Bard & Sangrey 1986, p. 14). Victims feel deprived of

their personal sense of order and control and feel helpless. Their perceptions are now marked by threat, danger, insecurity and self-questioning (Janoff-Bulman 1985b, p. 18).

Each person has his or her own level of stress tolerance. Something that upsets one person severely may feel quite unimportant to another, but for every person there is a point of stress beyond which the self cannot make the necessary accommodation easily and quickly. When we lose the ability to regain our balance, our lives become seriously disrupted. Being the victim of a crime is extremely stressful, well beyond the tolerance level of most, if not all, people (Bard & Sangrey 1986, p. 17).

Personal crimes—crimes that violate the victim—span a broad continuum from pick-pocketing and burglary at one extreme to rape and murder at the other. Although the injury to the self intensifies as the crime becomes more serious, the degree of violation experienced by an individual victim depends on the meaning of the crime in that person’s life (a minor incident to one victim may be a personal catastrophe for another). But crimes against people can be differentiated according to the degree of violation inherent in the crime. Rape, for example is universally experienced as a more serious violation than burglary (Bard & Sangrey 1986, p. 17).

The assumption of invulnerability

The experience of victimisation shatters the assumption of invulnerability, and one is no longer able to say that: “It can’t happen to me”. Victims may experience a sense of helplessness, and feel apprehensive that anything may now happen to them. Feelings of intense anxiety and helplessness accompany the victim’s lost sense of safety and security. The victim’s new perception of vulnerability frequently manifests itself, in part, in their preoccupation with the fear of recurrence (Janoff-Bulman 1985b, p. 19).

If you think ‘it won’t happen to me’, you need to think again. Father of a murder victim (Giuliano 1998, p. 119).

Victims no longer perceive themselves as safe and secure in a benign environment. In human induced victimisation, such as criminal assaults, this is particularly distressing as the victim is no longer able to feel secure in a world of other people. The criminal act of violation compromises the victim’s sense of trust—it is a clear demonstration that the environment is not predictable and that it can, in fact, be harmful. Because crime is an interpersonal event, the victim’s feeling of security in the world of other people is seriously upset. The crime victim has been deliberately violated by another person. The victim’s injury is

not an accident, it is the direct result of the conscious, malicious intention of another human being (Janoff-Bulman 1985b, p. 20; Bard & Sangrey 1986, p. 15).

The assumption that the world is meaningful

After victimisation, the world does not appear meaningful to victims who feel they have been cautious and good people. The victimisation simply does not make sense. It does not fit with the “social laws” the victim has held about the operation of the world.

In the case of serious crimes, the problem of loss of meaning often seems to focus on the question: “Why did this happen to me?”. It is the selective incidence of the victimisation that appears to warrant explanation. If victims regard themselves as decent people who take good care of themselves and are appropriately cautious, they are apt to find themselves at a loss to explain why they, in particular, were victimised (Janoff-Bulman 1985b, p. 21).

It is very difficult for many people to accept the notion that “bad things happen to good people”. For them, it seems that there must be a cause and effect when unforeseen events occur. Victims will often blame themselves for the crime. They often point to something they did before the crime that made it possible for the offender to succeed, for example “the short skirt

incited the rapist”, or they may associate the crime with some previous and seemingly unrelated bad behaviour. Victims who feel guilty about something they have done may connect the guilt with the crime. Victims often see their own behaviour as the deciding factor because then they feel they are back in control of their lives (Bard & Sangrey 1986, pp. 55-6).

She said I was trying to make sense of the senseless, to allocate blame, and that I was trying to control things that were way beyond my control. Victim of domestic violence (Giuliano 1998, p. 39).

In their need to determine where the “blame” for the offence should be assigned, others may also, consciously or unconsciously, blame the victim. Blaming the victim is one way we can maintain our belief that people get what they deserve. Many victims receive censure instead of sympathy. When a person has been mugged, for example, friends, family and the police frequently interrogate the person relentlessly about why he or she was in such an unfortunate situation. “Why were you walking in that neighbourhood alone?” “Why didn’t you scream?” “Why were you carrying so much money?” Such reactions reflect our pervasive need to find rational explanations for apparently senseless events (Deaux et al. 1993, p. 111).

I did not speak of my secret for 35 years. I’m an adult now, but I still cannot tell my story. The general public can’t handle it. How many people would say ‘Why didn’t you tell someone?’... How many would ask, ‘Why didn’t you stop it?’ Victim of child abuse (Giuliano 1998, p. 59)

Positive self-perceptions

The experience of being victimised leads victims to question their positive perceptions of themselves. The trauma of victimisation activates negative self-images in the victim—they tend to see themselves as weak, helpless, needy, frightened and out of control. In addition to weakness and powerlessness, victims are apt to experience a sense of deviance. They tend to feel different from other people (Janoff-Bulman 1985b, p. 22; Bard & Sangrey 1986, p. 16).

During those first few weeks, I could not understand, nor cope with what was happening to me. I truly believed I was going crazy. It was frightening. I was becoming a completely different person – someone I didn’t know!... This woman [a social worker] explained to me that what I was going through were the normal responses of a normal person to an abnormal event. What a relief to discover I was normal! This reassurance allowed me to begin the recovery process. Victim of armed robbery (Giuliano 1998, pp. 97-8, parentheses added)

As a result of their victimisation, victims' views of the world and of themselves are seriously challenged, and the assumptions that formerly enabled them to function effectively no longer serve as guides for behaviour. The former world, where one expected only good things to happen, no longer exists. The world that they counted on to be fair is gone. Their inherent belief in their personal safety and security has been demolished. Their innocence and trust in the world has been lost—they only know that they and their family are no longer safe. The state of disequilibrium that results is marked by intense stress and anxiety. They are left feeling vulnerable, confused, ashamed, humiliated, anxious and exposed—and fearful that the crime may happen again (Janoff-Bulman 1985b, p. 22; Muir 1998, p. 179).

The extent to which victims' assumptions about the world are shattered determines the extent of their distress. A study by Davis, Taylor and Lurigio (1996) demonstrates the importance of perceptions in explaining reactions to criminal victimisation. Victims' perceptions were strongly related to psychological distress. The degree to which crimes disturb victims' assumptions about the world—especially their views of the world as a safe, controllable and meaningful place—was found to predict both short- and intermediate-term emotional distress. These findings lend support to Janoff-Bulman's model, suggesting

that victimisation can exert a powerful influence on people by challenging their fundamental assumptions about the world. Victims' perceptions of the meaningfulness of the world were, in fact, the best predictor of psychological adjustment.

According to Janoff-Bulman, to a great extent, coping with victimisation involves coming to terms with these shattered assumptions and re-establishing a conceptual system that will allow the victim to once again function effectively. The coping process will involve coming to terms with a world in which bad things can and do happen—and to them—and they learn that they are not invulnerable. The victim also faces the tasks of re-establishing a view of the world as meaningful, in which events once again make sense, and of regaining a positive self-image, including perceptions of worth, strength and autonomy. The coping process following victimisation entails the establishment of an assumptive world that incorporates one's experiences as a victim (Janoff-Bulman 1985b, p. 22).

I now recognise my part in contributing to the civilisation of our society—using the skills from my past to make a difference to someone's life today. If I had not suffered the crime that caused those nightmares, I wouldn't have had the opportunity. Victim of domestic violence (Giuliano 1998, p. 40)

It has, in fact, been argued that crime in its usual form does not have dire emotional consequences for its victims (see Mayhew 1984, cited in Lurigio 1987). However, understandably there have been many objections against such a claim. The large majority of research supports the notion that crime victims do suffer from adverse psychological consequences. For example, Lurigio (1987) has shown that, when compared to non-victims, crime victims reported higher levels of vulnerability and fear as well as varying manifestations of distressing symptomatology (e.g. anxiety, unpleasant thoughts, upset stomach) and a diminished sense of self-worth.

The psychological responses to victimisation are best seen in terms of short- and long-term responses.

Short-term Trauma and Crisis Reactions

“Short-term responses” refers to an immediate sense of shock and of disbelief (thinking “this can’t be happening to me”) and feelings of disorientation, confusion, shame, guilt, grief and anger. Many victims also suffer emotional swings and outbursts of tears and feel estranged and isolated from loved ones. Studies have shown high levels of fear, anxiety and general distress also disrupt the individual’s ability to concentrate on simple mental activities (see Kilpatrick et al. 1979).

Although most individuals have the ability to cope with ordinary stress, their adaptive capacities are likely to be overwhelmed when confronted by a traumatic stressor, such as victimisation by a crime (United Nations 1998, p. 10). Intense feelings are very normal reactions to trauma—they are an attempt to adjust to what has happened. It is unusual for people not to have such reactions for some time after the event (Giuliano 1998, p. 184).

According to Bard and Sangrey, the crime victim’s experience can never be reduced to a formula. Victimisation disrupts the self in as many ways as there are victims. At the same time, most victims experience at least some of the feelings and behaviours associated with a crisis reaction and, generally, people’s reactions to crisis have a pattern (Bard & Sangrey 1986, p. 35). Frequent responses to criminal victimisation include, but are not limited to, shock, numbness, denial, disbelief and anger (NCVC 1997c, p. 1).

I couldn’t think. I was numb... Things still seemed untrue. Brother of a murder victim (Giuliano 1998, p. 73)

Post-crime trauma typically begins with crisis reactions. Crime victims in crisis can be expected to suffer from a wide range of difficulties which can manifest

- *physically*, including a loss of appetite, vomiting, excessive sleeping, body fatigue, crying, abuse of drugs, rapid heart rate and hyperventilation;

- *emotionally*, including mood swings, guilt, loneliness and fear; and
- *socially*, including missing work, withdrawing from social situations and sexual disruption.

Each victim responds in his or her own way, but every victim seems to suffer some disruption (Bard & Sangrey 1986, pp. 33-4).

A crisis reaction develops in three stages—from initial disorganisation of the self, through a period of struggle to the eventual readjustment of the self. Each step is an essential part of the emotional repair process (Berglas 1985; Bard & Sangrey 1986, p. 35).

The three stages of a crisis reaction are:

1. impact,
2. adjustment or recoil, and
3. reorganisation, integration or resolution.

Impact phase

The initial impact phase occurs in the immediate hours or days after a crime and is characterised by a disintegration of normal functioning. The victim's first response is usually a combination of shock, numbness, disbelief and disorientation that can become physically immobilising. The initial response to victimisation may also involve massive disbelief and denial, the sense of "this can't be happening

to me" (Berglas 1985; Bard & Sangrey 1986, pp. 36-7; NCV 1997c, pp. 1-2).

I kept on crying and repeating over and over again that it couldn't be true.

Sister of a murder victim (Giuliano 1998, p. 134).

The impact phase is often marked by feelings of a lack of control, vulnerability and helplessness, and victims sometimes feel that they are alone. In many instances the victim is unable to make rational decisions such as reporting the incident to police or obtaining medical attention. They may become dependent on others for help (Bard & Sangrey 1986, p. 36, NCV 1997c, p. 2).

Adjustment or recoil phase

In the second phase of the crisis reaction, victims begin to struggle to adapt to the violation and to reintegrate their fragmented selves. Victims attempt to recapture their sense of self, memory and behavioural control. The work of recovery requires the victim to deal with a number of distressing emotions including fear, anger, sadness, self-pity and guilt (Berglas 1985, p. 2; Bard & Sangrey 1986, p. 41).

This phase involves two kinds of activity: sometimes the victim will be able to feel and work through the painful emotions aroused by the experience, and at other times he or she will defend him/herself against the

feelings by denying them. Defending against the feelings may take a hyperactive form; some victims throw themselves into their work or some other structured activity. They become very “busy”, bustling with projects and plans that are totally unrelated to the crime. For others, the crime itself may provide activity through which they can distract themselves. Contacting agencies, filling out forms, phoning the police for information about the progress of the investigation, and so on may help victims to protect themselves from the feelings the crime has aroused (Bard & Sangrey 1986, pp. 41-2).

Many victims go through a period of direct denial—they feel emotionally detached and unable to respond with much feeling to anything. Between these periods of denial, victims begin to deal with their feelings about the crime.

The range of emotions is vast: loneliness, helplessness, concern, anger, despair, to name but a few. Father of a victim of driving causing death (Giuliano 1998, p. 169)

The work of facing these emotions includes remembering the events of the crime and permitting oneself to re-experience the feelings that have been aroused by the violation. Some victims “play back” the crime repeatedly in their imaginations. They want to talk about it endlessly, reviewing the events in minute detail, or they will mentally

replay the traumatic event through fantasies, dreams or nightmares. Replaying the event allows the victim to attempt to master the trauma (Berglas 1985; Bard & Sangrey 1986, p. 43).

I began to have flashbacks of the gunman, and nightmares, where I'd break out in cold sweats, and wake up screaming. I even started dreaming of different scenarios, but with the same man. I went through about 7 months of insomnia; I was lucky if I could sleep through a night once a week. Regina, victim of armed robbery (Sydney City Mission Victim Support Service 1999, p. 63)

Fear is one of the most difficult emotions victims must come to terms with. Reliving the experience some time after the crime, the victim may be able to feel the intensity of the terror for the first time. Often the victim can only allow the full force of the emotion after the immediate threat is gone. Victims often experience fears about specific details of the crime, and phobic reactions to particular places or times of day or kinds of people (Bard & Sangrey 1986, pp. 43-4).

I am not a racist person. But now I find it hard to sell tickets to Asian families, even little children (the offenders were Asian). I find it hard walking through Chinatown, which I used to love doing, because I love Market City and all the restaurants. I find myself distancing myself from Asian men and women,

when I know I shouldn't. I hope this effect I have suffered will soon subside. Regina, victim of armed robbery (Sydney City Mission Victim Support Service 1999, p. 64)

The best way to handle fear is to allow the victim to express it. Often crime victims will engage in preventative or avoidance measures, such as buying a gun, participating in self-defence courses, putting new locks on doors, installing alarms, changing their phone number or job, moving, restricting their night time activities, or reducing their social contacts. Given adequate ventilation, however, these feelings of fear will eventually diminish, along with the other intense emotions aroused by the crime (Bard & Sangrey 1986, p. 45).

Another common and sometimes overwhelming feeling after the crime is an intense anger, especially toward the criminal. Feelings of rage can be especially difficult because victims usually have no means to vent their anger on the criminal. The absence of the criminal creates an emotional vacuum; the victim has no way to confront the person who has made them so angry. Often the way victims release these feelings of anger is through fantasy. Fantasies and dreams about revenge are not uncommon; the wish for revenge is natural, and its expression in fantasy can be helpful. When victims allow themselves to imagine vengeance, their fantasies provide an important outlet for their

frustrated anger and help to dispel it (Berglas 1985; Bard & Sangrey 1986, pp. 45-6). Restorative justice and diversionary conferencing, in which the victim can confront the offender and explain the effect the crime has had on their life, may provide another positive way for victims to express their anger.

Some victims express their anger in another way, by turning it on people other than the criminal who they blame for the violation in some way. Victims who find it difficult to express anger may turn the anger inward and blame themselves instead. Crime victims have an almost universal need to construct a reason for their violation, to find an answer to the question: "Why did this happen to me?". A great deal of time and energy will be devoted to this task during the adjustment or recoil stage. It is central to the healing process (Berglas 1985; Bard & Sangrey 1986, p. 46).

I had bought the car for Shannon just over a year ago... I couldn't help but think that in buying it I had purchased her death warrant and I blamed myself for her death. When something like this happens you cannot help treading the 'what ifs' roads – but these lead you to nowhere but despair. Father of a victim of driving causing death (Giuliano 1998, 21)

Berglas (1985) suggests that self-blame may pose a significant threat to a victim's long-term emotional adjustment if they tend to view their

responses to the crime as evidence of their own incompetence or stupidity. This may ultimately undermine or even shatter the victim's self-image.

Among the most distressing aspects of the recoil phase is the great shift in mood that victims often experience as the stage progresses. Victims' moods may fluctuate between feelings of competence and helplessness, apathy and anger, resignation and rage, calmness and anxiety (Berglas 1985). These mood swings are a normal part of the victim's recovery, but they can make the victim feel as though they are never going to really recover from their experience (Bard & Sangrey 1986, pp. 46-7).

Reorganisation, integration or resolution phase

In the normal course of a crisis reaction, the adjustment or recoil phase will eventually give way to the final phase—reorganisation. The violated self becomes reorganised over time as the victim assimilates the painful experience. The best possible outcome is for victims in the aftermath of crime victimisation to put the experience into some kind of perspective, enabling them to commit their mental and physical energies elsewhere (Berglas 1985).

With the help of strong social support and pre-existing lifetime coping skills, the intensity of traumatic reactions is likely to decrease over time. It is not

unusual for reactions to continue until individuals feel that their lives have stabilised and that they have regained a sense of safety and security.

However, the more serious the violation, the longer a full reorganisation will take. It is impossible to give accurate timeframes for various crimes because individuals vary so much, but the full recovery often takes longer than people expect (Bard & Sangrey 1986, p. 48). Crisis reactions can also appear at later times in their lives, when another event triggers their memory of the original trauma.

All crime victims experience uneven progress through the stages of recovery. Crime-related psychological trauma is not limited to a few days or weeks after a crime (Burnley et al. 1998b). Some victims may experience the reverberations of their crisis for a significant period of time. Long-term psychological effects of victimisation may continue for months or even years. If victims have difficulty rebuilding or finding a new equilibrium, they may suffer from the long-term crisis reaction known as Post-traumatic Stress Disorder (PTSD) (Bard & Sangrey 1986, p. 47; NCVC 1995, p. 1; NCVC 1997c, p. 2).

Being in crisis does not mean victims will develop PTSD, but if victims do not have the opportunity to work through their crises and begin to heal, the chances of developing PTSD are increased (NCVC 1995, p. 1). A recent

article in *New Scientist* reports that between 10 and 15 per cent of people experiencing traumatic events experience acute stress disorder, and many of these people go on to develop PTSD (Anderson 1999, p. 15). If victims receive appropriate crisis intervention and counselling the chances of developing PTSD are reduced (NCVC 1995, p. 1). It is suggested that identifying those with acute stress disorder is important because this is the group that needs the most help (Anderson 1999, p. 15).

Long-term Crime-related Trauma

Crime has both an immediate and long-term psychological impact. Considerable scientific evidence is emerging that indicates many victims of crime suffer severe psychological trauma that is long-term in nature, thus placing them at a relatively high risk of developing Post-traumatic Stress Disorder as a result of their victimisation (NCVC 1995).

Post-traumatic Stress Disorder (PTSD)

Post-traumatic Stress Disorder (PTSD) is one of the major types of long-term crime related trauma (Burnley et al. 1998b). PTSD reflects a dynamic process by which the victim attempts to integrate a traumatic event into his or her self-structure. It is not strictly limited to cases of criminal victimisation. The Diagnostic and Statistical Manual of Mental Disorders

(DSM-IV) diagnosis of PTSD refers to a characteristic set of symptoms that develop after exposure to an extreme stressor, such as natural disasters, accidents, war and crime victimisation (APA 1994; APA 1999a; APA 1999b).

In particular, the crimes of sexual assault, physical assault, robbery, mugging, kidnapping and child sexual assault—or observing the serious injury or death of another person due to violent assault or learning about the violent personal assault or death of a family member or close friend—have been identified as the types of stressors that are capable of producing PTSD (APA 1994).

According to the American Psychiatric Association (APA), PTSD usually appears within three months of the trauma, and is characterised by symptoms of intrusion, avoidance and hyperarousal (APA 1999a). For a diagnosis of PTSD *both* of the following conditions must be present:

1. The person directly experienced an event or events that involved actual or threatened death or serious injury, or other threat to one's physical integrity; or the person witnessed an event or events that involved death, injury, or a threat to the physical integrity of another person; or the person learned about unexpected or violent death, serious harm, or threat of death of injury experienced by a family member or other close associate.

2. The person's response to the event or events must involve intense fear, helplessness or horror, or in children, involve disorganised or agitated behaviour.

The symptoms of PTSD fall into the following three categories (APA 1999a):

Intrusion In people with PTSD, the traumatic event tends to be persistently re-experienced through recurrent and intrusive distressing recollections of the event, including: images, thoughts or perceptions; distressing dreams of the event during which the event is replayed; acting or feeling as if the traumatic event were recurring, including a sense of reliving the experience; illusions, hallucinations and dissociative flashback episodes; and/or intense psychological distress or physiological reactivity upon exposure to internal or external cues (triggers) that symbolise or resemble an aspect of the traumatic event, including anniversaries of the trauma (APA 1994).

Avoidance PTSD sufferers also tend to exhibit persistent avoidance of stimuli associated with the trauma, as indicated by efforts to avoid thoughts, feelings or conversations associated with the trauma and activities, places or people that arouse recollections of the trauma. Additionally, the victim may be unable to recall important aspects of the trauma; may feel numb; experience a loss of normal affect and

emotional responsiveness; and exhibit less interest and involvement in work and interpersonal relationships. These avoidance symptoms affect relationships with others, as the victim avoids close emotional ties with family and friends. Depression is also a common symptom (APA 1994; APA 1999a).

The saga continued for almost four years. I had three breakdowns. I could not face the world. I tried to keep going to work, but couldn't handle my normal roster (evenings). I was jumpy, I scared easily and became paranoid about people watching me. I was continually crying and would burst into tears at the least little thing. Victim of armed robbery (Giuliano 1998, p. 93)

Hyperarousal PTSD involves persistent symptoms of increased arousal which were not present before the trauma. Such symptoms include those of difficulty falling or staying asleep due to terrifying nightmares; irritability or outbursts of anger; difficulty concentrating or completing tasks and remembering current information; hypervigilance; and an exaggerated startle response due to the constant feeling that danger is near. PTSD can cause those who have it to act as if they are constantly threatened by the original trauma (APA 1994; APA 1999a).

For a clinical diagnosis of PTSD to be made, symptoms in all three of these areas must be present for at least one

month after the crime, and must cause the individual clinically significant distress or impairment in social, occupational or other important areas of functioning (APA 1994).

Many victims continue to re-experience crisis reactions over long periods of time, and these can be “triggered” by certain events which remind them of their victimisation. Most victims eventually recover from PTSD and their symptoms gradually diminish and disappear. However, certain situations, sights, sounds and/or smells may trigger an unwanted memory of the traumatic event or an actual flashback experience. Birthdays, holidays or the anniversary of the crime can also act as triggers. Triggers may be internal or external and may be different for different people (NCVC 1995, p. 3; NCVC 1997c, pp. 2-3).

Being a victim of crime, however, does not automatically mean one will suffer from PTSD, and just because a victim presents symptoms of PTSD does not necessarily mean they have it, since the symptomatic behaviour, once relieved, may not develop into a confirmed long-term diagnosis of PTSD. All victims will present the symptoms at the time of the crisis incident, but if the psychological trauma is dealt with as soon as possible, then the severity, duration and frequency of the victim’s emotional reactions may be ameliorated and the long-term risk of developing a diagnosis of PTSD diminished

(Williams 1987). Similarly Zilberg, Weiss and Horowitz (1982) have argued that the process of the stress response itself is a natural one, which can only be labelled pathological when it is prolonged, blocked or exceeds a tolerable quality. Whether or not a victim of crime will suffer PTSD must be attributed to the level of personal violation experienced by the victim, as well as their state of personal equilibrium at the time of the trauma (Bard & Sangrey 1986).

The individual’s subjective interpretation of the stress is very important. In fact, the predisposing features of the victim (i.e. individual psychopathology, including a prior history of depression or anxiety, or prior trauma) have been recognised as one of the main factors that contribute to the severity of the trauma response, and thus the development of PTSD. According to the American Psychiatric Association, the individual’s prior history of psychiatric problems is the strongest predictor of whether problems will develop after trauma. It has similarly been found that those victims of crimes that threatened to, or actually did result in, physical injuries are more likely to suffer from PTSD than victims whose crimes did not involve life threat (Davis et al. 1996, p. 32).

A 1987 National Institute of Justice study about lifetime criminal victimisation experience, crime reporting and the psychological impact

of crime victimisation found that 28 per cent of all crime victims subsequently developed crime-related PTSD and 7.5 per cent still suffered from PTSD at the time of assessment (Kilpatrick et al. 1987). This was particularly noteworthy given that, for the victims involved in this study, the mean length of time post-victimisation for all crimes was 15 years and these victims were not actively seeking treatment.

Davis and Friedman (1985) studied the effects of crime on 274 victims of burglary, robbery and assault. After interviewing victims twice—once several weeks after the crime and again four months after the crime—they found that, while victims did show substantial improvement, four months after the crime some evidence of trauma still appeared. These included aspects of PTSD, such as recurrent recollections of the incident, feelings of alienation from others, sleep disturbances, affective changes and avoidance of situations and places.

Rape victims are the group on which most research has been conducted. Findings concur that rape causes severe emotional trauma. Sutherland and Scherl (1970) noted anxiety and fear immediately after the assault; Burgess and Holstrom (1974) reported disorganisation and disruption followed by nightmares, phobias and constriction in life patterns; Frank, Turner and Duffy (1979) mention depression; and Kilpatrick, Veronen and Resick (1979) found that victims were

significantly more anxious, fearful, suspicious and confused than non-victims for at least a year after the assault. The national women's study *Rape in America* (National Centre for Victims of Crime & Crime Victims Research & Treatment Centre 1992), found that nearly 31 per cent of women who had been victims of forcible rape had developed rape-related PTSD.

Studies of families of homicide victims suggest that they may be particularly at risk for developing Post-traumatic Stress Disorder (Amick-McMullan et al. 1991). When a family member is murdered, the survivors often react with intense feelings of helplessness, fear and horror. Symptoms including disturbed sleeping patterns, headaches, chest pains and gastrointestinal problems. It has been suggested that almost one in four people develop homicide-related PTSD after the death of their loved one (Riggs & Kilpatrick 1990), and they may present symptomatic behaviours characteristic of PTSD for up to five years following the death.

Studies also demonstrate that rates of PTSD appear to be higher among victims who report crimes to the criminal justice system than among non-reporting victims (Freedy et al. 1994). Kilpatrick and Tidwell found that PTSD levels were much higher among victims and families who had high exposure to the criminal justice system: 51 per cent of all crime victims assessed had developed crime-related

PTSD and 24 per cent still suffered from PTSD at the time of assessment. Results of this study also indicated that, of all the victims surveyed, victims of sexual assault and aggravated assault and family members of homicide victims were the most likely to develop crime-related PTSD (cited in NCVC 1995).

Thus, a considerable amount of evidence has accumulated from researchers and practitioners suggesting that serious violent crimes produce a major, and sometimes lasting, psychological impact on victims. The common thread running across all victimisations is the psychological loss following the experience (Janoff-Bulman 1985a, p. 499). This loss, due to the shattering of assumptions and theories we generally hold about ourselves and our world, accounts for the victim's emotional upheaval following victimisation. In the case of criminal victimisation generally, compared to other types of victimisation, chance is not as likely to be invoked as a causal attribution. As a result of the human induced nature of the trauma, it is the crime victim who is more likely to experience a greater decrease in self-esteem and self-respect than victims of accidents, disease and natural disasters. It is also this which causes the increased stress and psychological dysfunctions, such as PTSD.

Other long-term effects of crime

Long-term, crime-related psychological trauma is not limited to PTSD (Burnley et al. 1998b).

According to the American Psychiatric Association, Post-traumatic Stress Disorder and Acute Stress Disorder are the best known psychiatric disorders following a traumatic event. However, PTSD often occurs with—or leads to—other psychiatric illnesses (APA 1999a). Survivors of trauma have reported a wide range of other psychiatric problems including depression, alcohol and drug abuse, lingering symptoms of fear and anxiety that make it hard to go to work or school, family stress and marital conflicts. A person with PTSD may show poor control over his or her impulses and may be at risk of suicide.

Many people with PTSD attempt to rid themselves of their painful re-experiences, loneliness, and panic attacks by abusing alcohol or other drugs as a “self medication” that helps them to blunt their pain and forget the trauma temporarily. This substance abuse can develop into an addiction (APA 1999a).

Compared to people without a history of criminal victimisation, people who have been victimised by crime have been found to have significantly higher rates of major depression, thoughts of suicide, suicide attempts, alcohol or

other drug abuse problems and anxiety disorders such as panic disorder and obsessive compulsive disorder (Burnley et al. 1998b).

Victims will never entirely forget the crime. The suffering lessens, but other effects of the experience remain as part of the self. Their view of themselves and the world will be permanently altered in some way, depending on the severity of the crime and the degree of its impact. The violation of the self can hardly be called a positive experience, but it does present an opportunity for change. Bard and Sangrey suggest that one of two things will happen: either victims become stronger than they were before the crime, or their experiences during the crisis will promote further disorder with long-term negative consequences (Bard & Sangrey 1986, p. 48).

I have found that although things are bad, something good can come even from the most distressing and painful happening. My own experience of tragedy has made me a stronger, more sensitive person, which has enabled me to help and comfort many people. Wife and mother of driving causing death victims (Giuliano 1998, p. 131)

Although your life will never be the same, nor will you ever forget, it is possible to recover, not to live daily with the trauma. It is also possible to discover latent courage, strengths and abilities that you didn't know existed. Mother of a murder victim (Giuliano 1998, p. 174).

A great deal depends on the kind of help the victim receives in the aftermath of the crime. Appropriate support for victims of crime will be discussed in the next chapter.

Gradually life got back to as normal as it could be, but it took four years to achieve this. I was given lots of understanding, and of course, it helped to realise I was not alone in the way I felt. Victim of armed robbery (Giuliano 1998, p. 66).

Financial Impact of Victimisation

Victims may suffer both direct and indirect financial costs from the crime. For example, although an assault may also involve a robbery, the indirect costs associated with the investigation, court proceedings and any medical or hospital care that may be necessary, may also place substantial financial burdens on the victim (Newburn 1993, p. 17).

Many victims need money to help them repair the damages done by the crime. Compensation for stolen or damaged property is usually only available if the property was insured. Burglary victims and people whose keys were stolen often need to replace locks. The victim may also want to purchase other hardware such as window locks or burglar alarms for crime prevention (Bard & Sangrey 1986, 148). These

items may also provide a sense of security for the victim and help them feel safer. In relation to rape and sexual assault, for example, many victims may move house subsequent to victimisation, and this and other changes in lifestyle are usually costly and generally borne entirely by the victim (Newburn 1993, p. 18).

Victims who have been physically injured need money to pay their medical expenses. If a victim requires psychological counselling, he or she will also need the money to pay for it. When the physical or emotional injury is serious and the victim loses time from work, he or she may need extra money to recover lost wages. Some victims may need long-term financial assistance if they are permanently disabled as a result of the crime (Bard & Sangrey 1986, p. 148). Where there is a death resulting from the crime there are also funeral expenses to be considered.

Longer-term employment prospects are often adversely affected. It may be impossible for the victim to return to work, or their work performance may be adversely affected, resulting in demotion, loss of pay and possibly dismissal. This is particularly likely where the crime occurred at work, as it may be difficult for the victim to avoid people or situations that led to their initial victimisation (United Nations 1998, p. 7).

The worst blow of all came from the club when they fired me. On top of everything else, that was the last straw! My work was keeping me in touch with the public and with normality. But most importantly, the club was not just a 'job' to me, I loved it there – the people, the activity, the atmosphere. Suddenly all of that was gone. Victim of armed robbery at work (Giuliano 1998, p. 96).

Cooperating with the criminal justice system can also cost the victim money. He or she may lose time from work during court appearances and incur childcare and transportation expenses.

Expenses incurred by being victimised may place an extra burden on people who may already be in a position of financial hardship. The effects of victimisation fall particularly hard on the poor, the powerless and the socially isolated. Those people who are socially disadvantaged are more likely to be victimised by crime and also more likely to be unable to meet the resulting expenses. Research shows that those already touched by victimisation are particularly susceptible to subsequent victimisation by the same and other forms of crime. These repeat victims often reside in high-crime communities (Bard & Sangrey 1986, p. 148; United Nations 1998, p. 7).

According to Newburn, it is quite possible that those victims who are relatively well-off financially, and who

consequently can afford to make their homes feel more safe, alter their lifestyle, and perhaps even move house, have a greater chance of coming to terms comparatively quickly with what has happened to them. Those with few resources, who are effectively trapped in an area or lifestyle that they feel to be unsafe, are more likely to remain feeling insecure and to be more lastingly affected (Newburn 1993, p. 18). In fact, a study by Friedman et al. (1982) found that victims who occupy higher income brackets recover relatively quickly following crime victimisation, whereas those who are less affluent continue to experience distress even months after the episode (cited in Davis et al. 1996, p. 24). Other studies have also demonstrated that socioeconomic factors play a role in recovery from victimisation. Davis, Taylor and Lurigio (1996) found that victims from lower socioeconomic groups were more traumatised by crime.

A survey of crime victims, conducted in Victoria in 1993–94 by the Victorian Community Council Against Violence (VCCAV), revealed that almost 50 per cent of respondents reported financial loss as a consequence of their victimisation. The loss was experienced mainly by victims of attempted murder and burglary. For assault, robbery and other assault victims, financial loss was experienced by about half of the victims, while rape victims did not report that they

experienced financial loss (VCCAV 1994, p. 53).

According to the survey, the most frequently reported financial loss was from lost income and this was experienced by nearly half (49.7%) the victims. Other losses experienced included travelling expenses, needing to move house, changing jobs to a lower salary, replacement of clothing, and selling their business (VCCAV 1994, p. 53).

Secondary Victims

It is not only those who have been directly victimised who may suffer both in the short- and long-term, but also those who have been indirectly affected by crime—people such as partners of assault victims, children who witness an attack on a parent, or the families and others close to murder victims (Newburn 1993, p. 10). Little empirical data are available to assess the impact of crime upon “secondary victims”. However, it is suggested that those close to the victims may suffer some of the same distress that victims experience (Davis et al. 1995, pp. 73–4).

Reactions among romantic partners of rape victims may range from guilt to shame to anger. Romantic partners are often very upset about the rape, but channel guilt and anger in inappropriate ways, by turning their anger against the victim, blaming the victim,

or becoming overly protective (Holstrom & Burgess 1979; Silverman 1978; White & Rollins 1981, cited in Davis et al. 1995). Partners of victims may themselves require counselling and support. Partners go through an initial phase of anger, followed by a protective phase in which avoidance activity occurs, and is usually accompanied by anxiety. This is followed by a depressive phase that is associated with guilt and sexual problems (Bateman 1986). Partners feel that they have failed to protect their partners, and guilt over this failure appears to lead to withdrawal from the victimised partner (Stone 1980, cited in Riggs & Kilpatrick 1990, p. 125).

Other studies have shown psychological effects of crimes other than rape on the significant others of victims. A study of 152 persons who lent support to victims of robbery, assault and burglary found that four in five supporters experienced some symptoms of heightened fear of crime, including feeling more nervous or frightened than usual; feeling less safe in their home or neighbourhood; and harbouring a greater suspicion of people. Two in 10 supporters installed new locks or took other measures to protect their residences from break-in, and one in ten reported venturing out less often at night. Fear and precautionary behaviour increased as much as twofold when victims and supporters lived in the same neighbourhood or were family

members. Moreover, these associations were even more pronounced when supporters had been previous victims themselves (Friedman et al. 1982).

Children who are “indirectly” victimised by crime also report substantial and continuing distress. The speed of a parent’s recovery appears to be crucial in determining the child’s ability to put the experience behind them. In cases in which it was particularly hard for parents to conceal their distress (such as in cases in which the mother had been sexually assaulted), this was communicated to the children, who were often themselves upset for many months after the event (see Morgan & Zedner 1992).

A more recent study by Davis, Taylor and Bench (1995) found that female family and friends of victims of sexual and non-sexual assault experienced greater distress than either male romantic partners or male family and friends. Distress tended to be experienced as a greater fear of crime following the victimisation. Although high levels of distress in family and friends did not interfere with their ability to lend supportive actions, it was associated with higher levels of unsupportive behaviour, including egocentric behaviour, emotional withdrawal and blaming the victim. Higher levels of unsupportive behaviour were more likely among friends and family of sexual assault

victims than victims of non-sexual assault, and among romantic partners of victims than among other family members or friends (Davis et al 1995, p. 81).

People close to victims can, indeed, suffer distress or “secondary victimisation”, especially fear of crime. Davis, Taylor and Bench suggest that clinicians working with rape victims ought to be aware that there is a strong probability that a victims’ female family and friends especially may be experiencing elevated fear of crime and may benefit from counselling and/or crime prevention education. This empirical data also shows that some categories of significant others act in ways that appear to be detrimental to the recovery of crime victims, without being aware that their behaviour is potentially harmful to those they care most about (Davis et al. 1995, p. 81).

Conclusion

Much research suggests that the impact of crime victimisation can be long lasting and diverse. The consequences of crime can in some cases include physical injuries or death; many involve financial loss or property damage; and, less obvious but sometimes more devastating, psychological and emotional wounds. These consequences may be felt not only by the primary victims—those who

have directly suffered the crime—but also by people close to the victim, such as family members and friends.

Chapter 3

Responses to Victims of Crime

The literature on victimisation has given increased attention to the reactions of others as a determinant of coping by victims. Often victims seek help or are offered help from various individuals ranging from friends and family to police and other professionals. These formal and informal helping networks may facilitate or inhibit victims' coping and readjustment in the aftermath of crime victimisation (Rosenbaum 1987, p. 503). The manner in which criminal justice personnel and also the media approach and treat crime victims can either aid in recovery or can add to the trauma of victims (Resick 1987, p. 474). This section of the report will discuss the importance of the responses from others—including family and friends, victim support services, police and other criminal justice agencies and the media—in the recovery of victims of crime.

Discussions with service providers has revealed that support from family and friends, as well as support received from victim support agencies and other support groups, is one of the most important needs that victims of crime have to aid in their recovery. Service providers identified other needs of

victims of crime that would make their recovery and the criminal justice process less traumatic. They include:

- Information and knowledge—on services available; on the progress of the police investigation; the role of the DPP and likely timeframes of prosecution; information on court process and explanations of legal requirements such as reasonable doubt; information regarding the role the victim plays in court; possible outcomes and sentences; and much more. The more information that victims have, the better.
- Choices—accurate information allows victims to make their own choices. Service providers noted the importance of victims being able to regain some control over their lives. Being able to make their own decisions empowers the victim.
- To have their say—it is important for victims to be able to have their say, to tell their story (completely) and to be heard. Victim impact statements go some way to addressing this, but certainly not far enough.

- Immediate help and advice—the sooner victims receive positive support and advice the easier their recovery will be.
- Follow-up by police and through the criminal justice system—victims need to be kept informed at all stages of the police investigation and prosecution; to be told decisions affecting them as they happen and not to find out by accident or in court.
- A coordinated, streamlined system of services that is easy to access—the system needs to be more automatic, with victims having knowledge of how it works and what services are available to them. Service providers suggest that the system needs a more restorative focus, with all agencies working together to restore the victim as closely as possible to the way they were before the crime.
- Sensitivity and understanding—by family and friends, police, medical practitioners, service providers, DPP, judiciary and particularly the media.

These needs will be discussed in more detail in the following sections. A stocktake of legislation relating to the rights of victims, and reforms such as victim impact statements and criminal injuries compensation, is attached in Appendix Two.

Importance of Social Support

Support from Family and Friends

The importance of social support following crime victimisation is well recognised. Service providers we spoke to noted that social support is one of the most important needs of victims to aid in their recovery in the aftermath of victimisation. A common response to victimisation is to turn to others for emotional and other support. A major factor influencing a victim's recovery from the effects of crime is the quality of assistance and support provided in its aftermath. Social support is one of the most important facets of the recovery environment, both in terms of the victim's primary (family) relationships and those of the broader social network. Positive social support and interpersonal relationships following victimisation help the victim re-establish psychological wellbeing, largely by enhancing self-esteem, and can influence one's ability to adjust to other stressful life circumstances (Janoff-Bulman 1985b, p. 27; Grabosky 1989, p. 24; Raphael 1991, p. 258; Wilkie et al. 1992, pp. 4–5).

Victims rely greatly on family members and friends for support. Such support is recognised as central to overcoming the feelings of isolation very commonly reported as an immediate response to

victimisation (Grabosky 1989, p. 24; Wilkie, et al. 1992, pp. 4–5). Through their love, support, commitment and understanding, family and friends of the traumatised person can facilitate the healing process, enabling their loved ones to live life to the full (Lieutenant Colonel Donald Woodland, OAM in Giuliano 1998, p. 184). Service providers suggest that understanding by those around them is very important for victims.

The more supporters victims have, the sooner they will recover from the post-traumatic stress of victimisation. Support from family, friends, the helping and legal professions, and the community at large, is vital to the recovery and adjustment of crime victims. Supportive others not only provide the victim with the opportunity to talk about the event and vent his or her emotions, but also assist the victim in problem-solving (Janoff-Bulman 1985b, p. 27).

Family members and those in primary relationships—spouse, parents, siblings and children—if not themselves directly involved, will experience their own intense distress about what has happened. The traumatised person is likely to be comforted by them if they are physically and emotionally available, and if they are not overwhelmed by their own experience of trauma and can bear to empathise with him or her. It is often very difficult for the victim to tell, and for those who love the person

to hear, of what has happened. Nevertheless, it is likely to be most helpful if the victim can share the experience—at least to some degree—so that it is not an avoided segment or focus in life that cannot be embraced (Raphael 1991, p. 258).

Emotional support, recognition of suffering, reinforcement of strengths, practical assistance, gentle encouragement to set aside numbing and withdrawal, and comforting through periods of intrusion and re-experiencing, can be provided by supportive close relatives. Most importantly, they offer hope, trust and a belief in the possibilities of a positive future where the trauma, although it will not vanish, will take its place as only one part of life's experience, and a part of the past (Raphael 1991, p. 258).

Negative Reactions and Social Isolation

For some victims, however, such support may be unavailable, unreliable or unhelpful. Victims of crime have to deal not only with their difficulties in coming to terms with their trauma, but also with the reactions of other people, which are not always helpful. Family and friends can hinder the recovery process by “blaming” the victim or querying his or her actions in the course of the offence; by expecting recovery earlier than is possible; by withdrawing from the person or from the subject; or by imposing their own

grief or fears on the victim, thus requiring the victim to support them and suppress his or her own feelings. Often victims are simply ignored or avoided. As a consequence, victims may be socially isolated at a time when social supports are especially important (Janoff-Bulman 1985b, p. 27; Bray 1987, p. 76; Rosenbaum 1987, p. 503; Wilkie et al. 1992, pp. 4–5; Goldney 1998, p. 154).

Many victims of crime hide their thoughts and feelings from others because they are made to feel ashamed of them. Often they are silenced by those around them—their family and friends—even professionals, who are supposedly there to assist them. Others find it difficult, and at times impossible, to comprehend and accept the appallingly horrific experiences that some victims endure. It is too terrifying, too disturbing or too difficult to comprehend their stories because they remind us of our own vulnerability (Goldney 1998, pp. 154–55; Muir 1998, p. 180).

When victims of crime are denied the opportunity to tell their stories, they are in a sense disempowered, and are denied an essential aid in their recovery. It is in the telling and the retelling of the story that people hear for themselves the account of their experience—they hear their pain, their fears, what they have lost, and they hear of the new and uncertain world which they are now trying to understand (Muir 1998, p. 180).

Insensitivity, avoidance and denial of the reality of the victim's suffering, may all militate against recovery. Misunderstanding or rejection may reinforce their trauma and prevent their recovery (Raphael 1991, p. 259).

Victimisation can also have a dramatic impact on relationships. Stress on the family is very high following victimisation, and divorce is a frequent occurrence (Resick 1987, p. 475). Often it is very difficult for partners of crime victims to come to terms with the intense emotions they feel in the aftermath of victimisation, and they find it difficult to provide the support and help the victim needs. Often victims are very angry and feel that their partner cannot possibly understand what they are going through. These are some examples of the family and relationship problems experienced by victims of crime.

Unfortunately, the relationship between my husband and myself steadily deteriorated. We communicated less and less, which of course had a disastrous effect upon both of us, personally and business-wise. We separated last year and are now divorced. Victim of armed robbery (Giuliano 1998, p. 100)

Our family was stretched to its emotional limits. My marriage was strained. Mother of a ten year old rape victim (Giuliano 1998, p. 78)

My relationship with my family suffered considerably because of the anger that

built up after Rebecca's death. Each of us expressed our grief in different ways, such as: complete withdrawal; alcohol abuse; extended periods of silence; hysterical and irrational out-pourings. All of this placed enormous stress on the emotional stability and unity of the family as a whole. Father of a murder victim (Giuliano 1998, p. 113)

Other Sources of Support

In many cases, the support needs of victims can be met solely by family and friends. In others, further counselling or therapy may be required (Grabosky 1989, p. 24).

When social supports from family and friends are inadequate, a victim may seek therapeutic help, including peer support groups comprised of individuals who have experienced a similar life crisis or problem. Support groups are therapeutic in that they reduce the victim's self-perception of deviance. They therefore serve to enhance a victim's positive self-image, which generally needs to be rebuilt following victimisation (Janoff-Bulman 1985b, pp. 27-8). Service providers indicated that an important need of victims was to have their feelings validated and their reactions normalised—to see that they are not alone and that others have gone through similar experiences and survived. According to the service providers, victims need to be told that it is okay to feel the way that they do and

that they are not to blame for what happened.

Special support provided by those who have gone through that same experience; and mutual discussion, review and sharing of feelings may be of great value to victims of crime. Those who have been through particular experiences in the past may form mutual support associations and offer crisis support to those recently victimised. These support groups are able to share pathways to recovery, as well as offer empathy to other victims (Bray 1987, p. 80; Raphael 1991, p. 259). Service providers indicated that support groups are very helpful because victims are able to share their feelings, offer helpful suggestions etc.

It was comforting to find out that I was not alone. These people, who've suffered trauma themselves, understood what I was going through... They were the ones that cared the most, and it was so easy to relate to them knowing that they would listen and console, no matter how they were feeling in themselves. Sister of a murder victim (Giuliano 1998, p. 160)

Voluntary or professional support services for crime victims may substitute for family support as well as providing additional assistance. Such services must confront not only the effects of the principal victimisation but also those of what often amounts to "secondary victimisation" by the criminal justice system (Wilkie et al. 1992, p. 5).

Although the primary value of social support may be to enable victims to re-establish basic assumptions about their own esteem and worth, it is likely that such support also helps victims to re-establish a more benevolent view of the world. Victims need to know that social supports are unconditionally available; if they are unavailable, or are negative, the victim may find this more distressing than the initial victimisation experience. However, to the extent that others are concerned, available, positive and caring, the victim is confronted with an immediate social world that is safe and secure. This experience will help the victim re-establish a sense of relative invulnerability by directly challenging his or her new found perception of the world as malevolent and threatening (Janoff-Bulman 1985b, p. 28).

Service Needs of Victims

Some services will be important if the victim reports the crime to police, while others will only be important if the victim becomes involved in a criminal prosecution. As discussed earlier, about 40 per cent of victims do not report the crime to police, and surely others do not contact victim support services, so the support they receive from their family and friends is especially important.

Emergency Response and Crisis Intervention

Emergency response and crisis intervention services should be available to victims as soon as they contact someone—the police, a crisis hotline, a neighbour, or friends and family—for help. The primary concern at this stage should be the physical safety of victims. The shock and disorientation that a criminal intrusion or attack can create in victims should not be ignored or minimised (see Berglas 1985; Janoff-Bulman 1985b; Young 1988, p. 331; NCVV 1997b).

The victim should be made to feel as safe and secure as possible. The helper should assess any evidence of physical harm and provide necessary first aid. After taking care of physical needs, it is important to try to help victims to calm down while they await further care (Young 1988, pp. 333–4; Burnley et al. 1998a).

Some form of psychological first aid is important. That is, three simple messages should be conveyed to the victim at this moment of high stress—messages that an increasing number of police officers and other emergency responders should be using routinely. The three messages say: “I’m sorry the crime happened”, “I’m glad you are alright”, “It wasn’t your fault”. Victims also need to be told that there is assistance available to them if they need it. According to Young (1988),

victims will feel highly reassured by these sentiments. This exercise also has an important function for the police officer. By trying to bring back a sense of security to the victim or witness, the police officer may enable the victim to retrieve important details of the crime and, most importantly, of the criminal (Young 1988, p. 334).

The effects of crime may be long lasting, but evidence indicates that, for most victims, the initial impact is the greatest. How different agencies and their representatives react to the immediate crime situation is of crucial importance in underpinning victims' experiences (Mawby & Walklate 1994, p. 95). There is evidence to suggest that the quality of the emergency response will significantly influence the victim's later recovery and receptivity to receive help and to give help to the criminal justice authorities (Young 1988, p. 334). Adequate help in the beginning can encourage functional reconstruction of the defences so that later psychological intervention is less likely to be necessary. If another person—a friend or relative, police officer or medical officer—is able to move in and provide support quickly, he or she can do a great deal to reduce the effects of the crisis. According to Bard and Sangrey, minutes of skilful support by any sensitive person immediately after the crime can be worth more than hours of professional counselling later (Bard & Sangrey 1986, p. 41).

Victims are often hurt by the doctors, nurses and police officers, who are supposed to be the first to provide comfort and support to them. Victims often expect more warmth and assurance from these professionals, but the professionals frequently assume an aloof or business-like attitude to protect themselves emotionally and to function effectively in crisis (Berglas 1985, p. 3). For police, crime is routine, and so they often fail to recognise the impact of crime on its victims (Mawby & Walklate 1994, p. 97).

Discussions with service providers revealed the importance of an immediate (crisis) response. Service providers revealed that it is important for victims to be believed, and receive a positive response from the first people they tell. It is also important for the victim to be made to feel as safe and secure as possible. When the victim is ready, service providers suggest that they should receive help in assessing their individual needs and be offered advice and assistance in meeting those needs. According to the service providers we spoke to, such a response is important, not only to support the victim's recovery, but also to minimise their recovery time.

Support Services for Victims

Support services may become immediately involved with victims—at the crisis response stage—if a victim contacts a service for crisis

intervention. They may continue into the long term with ongoing emotional support and counselling, among other things. However, contact with support services is contingent on victims knowing of the availability of these services, or on adequate referral from the police or other agencies.

A constant theme identified by victims participating in a survey conducted by the Victorian Community Council Against Violence (VCCAV) in Victoria in 1993–94 was the need for a more coordinated approach to the provision of information about support services. Many victims were not aware of the range of services available for them at the time of the crime. Victims also indicated that some service providers were unaware of services offered by other agencies and therefore could not refer victims to them. According to the VCCAV, some victims of crime have suffered over long periods without knowing about, or accessing, suitable services because they did not have such information (VCCAV 1994, p. x).

Support services may be involved in meeting the victim's practical needs in the aftermath of a crime—for example replacing locks when the victim's keys were stolen, or repairing damaged property; case advocacy with agencies that may not be wholly responsive to the victim; and counselling or other forms of support. Victim service providers noted the importance of financial help to meet practical needs such as medical or funeral expenses,

and an important requirement by some victims, particularly families of homicide victims, in crime scene clean-ups. Counselling services may involve crisis counselling, discussions with a victim support service counsellor, or participation in self-help groups composed of people who have gone through a similar kind of victimisation (Young 1988, pp. 336–7). Victim support services can also be a major source of information on the criminal justice system.

According to Young (1988), those seeking to help the victim will often find that circumstances beyond their, or the victim's, control govern the course of the victim's recovery. Too often, these circumstances are hostile to the victim's interest and collectively add up to a second injury. Families, friends, co-workers and neighbours may attribute some kind of foolishness, bad judgment, character flaw or worse to the victim, or a sensational case will often provoke the news media to abuse the victim's privacy in their search for a good story (Young 1988, p. 337). The role of the media in victims' distress will be discussed later.

Counselling efforts may last longer than originally projected if the victim experiences further stress and uncertainty. An arrest and prosecution may put the victim in an emotional holding pattern pending the resolution of the criminal charges. This could mean that little more than supportive counselling can be offered during that

waiting period (Young 1988, pp. 337–8).

A study by Davis, Taylor and Lurigio revealed that the best predictor of intermediate-term residual distress was the victim's level of distress one month after the crime. Therefore, it is suggested that counsellors should consider high levels of distress immediately after a crime as a risk marker for future recovery problems. In a time of limited resources for social services, more attention may need to be focused on victims who are experiencing high levels of distress shortly after the crime (Davis et al. 1996, p. 32). Others have also reported the necessity to target those victims who are most at risk of developing PTSD—those who demonstrate more severe reactions after the crime (see Anderson 1999, p. 15).

Victim Support Australasia, the peak body representing victims' groups and policy makers across Australasia, exists to advance the interests of people victimised by crime and to encourage development of support services throughout Australasia (Australasian Society of Victimology 1999, p. 2). Victim Support Australasia (1998b) suggest that victim support services should seek to address the physical, emotional, psychological, financial and other material needs of both direct and indirect victims of crime. No one agency is necessarily expected to address all of these

needs. Instead, a mix of agencies may be able to deliver the range of services required by victims in an integrated and cooperative manner. According to Victim Support Australasia, the core components of an integrated victims support service such as this are:

- crisis intervention and debriefing;
- emotional support and counselling;
- advocacy, practical support and outreach;
- information giving;
- effective and appropriate referral;
- assistance with the procedures and processes of criminal justice investigation, prosecution and disposition;
- support for crime victims in providing input into the criminal justice process at an individual and policy level;
- crime and violence prevention activities; and
- professional training and community education.

As discussed previously, the experience of criminal victimisation is as diverse as the differences between people and between offences. However, in general, crime victims need emotional support and understanding, information, practical assistance, advocacy and counselling. The emphasis on any one of these

components will vary over time and will depend on the individual. Counselling is only one part of the continuum of support needed by victims, and it should never be considered the sole or even the primary response of victim support services (Victim Support Australasia 1998b).

In fact, studies from overseas have shown that there may be a mismatch between the services offered and the needs of victims (Brown & Yatzi 1980; Friedman et al. 1982; Skogan, Davis & Lurigio 1990). As discussed previously, some victims may just want practical help and financial assistance, while others require professional counselling. This is likely to depend on the type of crime a victim was subjected to. Whilst this points to the importance of the evaluation of services and their ability to meet the needs of victims, there have been few evaluative studies conducted in Australia, and findings from evaluation studies undertaken internationally remain inconclusive and are often contradictory. Although generally victims make positive comments about victim support services, studies have been unable to demonstrate objectively whether these services make a difference to recovery (see Strang, forthcoming). Differing methods of evaluation may, however, be responsible for the inconclusive findings.

Discussions with victim service providers indicated that victims need to

be involved in setting the agenda in what happens to them; and to have access to services that are committed to their healing, and will act as advocates for them and listen to what they want. It must be recognised that each person is unique and that different things help different people. Therefore, the approach by services needs to be flexible, creative and innovative, and ultimately to provide the victim with choice. Service providers identified that services that don't provide the victim with choices and that try to control or own the victim are unhelpful and this will ultimately influence the victim's recovery.

Victims' Needs in the Criminal Justice System

Considerable attention has been given to the impact of the criminal justice system on victims of crime. This system incorporates police, the courts, including judges and other court staff, and members of the legal profession, such as barristers and solicitors. It has also been noted that the victim's experience within the criminal justice system may be so traumatic as to constitute re-victimisation at the hands of the state (see, for example, Law Reform Commission of Victoria 1991, pp. 125–32).

Police Response

Police officers are usually among the first to have contact with the victim when they arrive at the scene, and for most victims who actually report the crime, this will be their only contact with the criminal justice system. Therefore, the responding officers are in a position not only to influence the victim's feelings, perceptions and assessments regarding the victimisation experience, but whether the victim will assist in the prosecution of the case (Rosenbaum 1987, p. 504; Mawby & Walklate 1994, p. 95). Crime victims require a positive response from police. The intervention by police will come at a time when the victim is most likely to be suffering from the immediate shock of the offence. Their attitude will considerably influence not only what the victim decides to do but also what impression they receive of the administration of justice and of how the community as a whole regards the offence (Jousten 1987, p. 212).

While the police officer is trying to take a report of the crime, the victim is wrestling with feelings of being out of control. The victim's feeling of security is promoted when they are given opportunities to regain control of events. Victims need to be able to regain the control over their own life that the criminal took away. They are not able to undo the crime or the death of loved ones, but there are many opportunities for them to take charge

of things that will happen in the immediate aftermath of the crime. Options for victims should be framed so that they can practise decision making again. For example: "Are you feeling up to talking to me?" or "Is there someone you would like to be with you now?" (Young 1988, p. 336; Burnley et al. 1998a).

Service providers concurred with the importance of giving the victim choices and opportunities to make their own decisions. This enables the victim to regain a sense of control and empowerment over their life. However, to be able to make informed decisions it is important that the victim is provided with as much information as is necessary.

What the responding patrol officer can do in a brief time to restore a sense of order and security to the victim, a detective or investigator can do at a slower pace, and a crisis counsellor can do over as much time as is needed. Young (1988) suggests that all police officers should be trained in the techniques of crisis management, however there should be a specialist crisis intervention team that is able to go to the scene of a crime and start working with the victim as soon as the responding officer has done their initial job (Young 1988, pp. 335–6).

While providing services for victims is usually seen as a police responsibility in only a limited and restricted sense, being a source of information for

victims has increasingly come to be seen as a crucial police task. Many victims want feedback from police on the progress made on their case. In fact, the Victorian Community Council Against Violence (VCCAV) survey of victims revealed that the greatest need for victims of crime was for information about the progress of the police investigation (VCCAV 1994, p. 60). There have been criticisms, however, that the police fail to keep victims fully informed. Victims are often not kept up to date on developments in their case, and this is a source of resentment for many victims (Mawby & Walklate 1994, pp. 97–9).

I had to ask all the questions; the police told me nothing. The case was put off for another month. The police said they didn't know why – nothing had been written down. Mother of a child sexual abuse victim (Giuliano 1998, p. 123)

A survey of crime victims, conducted by the Crime Research Centre in Western Australia in 1991–92, revealed that respondents' satisfaction with police correlated with their perceptions of the extent to which they were kept informed. Those who perceived that they had been kept fully informed by police were more likely to be very satisfied with the police handling of the case. Respondents indicated, however, that they desired more information at all stages of the police investigation (Wilkie et al. 1992, pp. 38–40).

The police can also be a key provider of information on, and referral to, other support services available for victims. The VCCAV survey found that many victims reported that they were not aware of the services that were available to them, including specific victims services and local support services. Most respondents (65%) indicated that they did not receive any information from police about support services (VCCAV 1994, pp. 61–2).

Police services in some jurisdictions in Australia have developed specialised units for dealing with victims, and other specific units for particular offences such as sexual assault, child abuse and domestic violence. These units aim to keep victims informed of the progress of the investigation and to provide referral to victim support services. This is a positive step in service provision towards victims, however the success of these specialised units needs to be evaluated.

Whilst most police view victim support very positively and have adopted various measures to inform victims of their rights, Mawby & Walklate (1994) suggest that this commitment is less evident among lower ranks, where most initial contact with victims occurs. In recent years, emphasis has been placed on ensuring that information is passed on from police to victims through more focused police training, the availability of leaflets in police stations, or making it a duty for police

to pass on specified information (Mawby & Walklate 1994, p. 100). Police need to inform the victim about the possibilities of obtaining assistance, practical legal advice and compensation, and ensure that the victim is able to obtain information on the outcome of the police investigation. Information on available trauma and support services is best provided in a number of different forms, including written handouts and leaflets (Salmon 1996). In the period immediately after the crime, victims are likely to be in a state of shock and may not fully comprehend information given to them by police. In spite of this initial shock, according to the survey conducted by the VCCAV, victims considered it important to have information which could be used later (VCCAV 1994, p. 61). Information in written form allows victims to come back to it at a later time when they are ready to deal with the information. Victim service providers agreed with the need to provide victims with written information at the time of taking a report, because the victim may not remember what they are told by police immediately after the crime.

Where someone has been the victim of a serious offence, knowing what is happening in the case can be an important reassurance and an aid to recovery, while conversely, a lack of information can exacerbate the victim's feelings of anxiety and distress. Victims often feel a sense of loss, bewilderment and insecurity during the

period of investigation (VCCAV 1994, p. x). There are therefore benefits to be gained, both for the welfare of the victim and for the police–public relationship, from making a purposeful effort to provide victims with information about progress, especially if the offence is a serious one or if, for any reason, the effects of the offence seem likely to remain with the victim (Home Office 1988, cited in Mawby & Walklate 1994, p. 102). Victim service providers noted the importance of victims' need to receive information from police on the progress of the investigation and follow-up on developments in their case. Many services noted the lack of consistency in follow-up (if any) resulting from shift changes, heavy workloads and job rotations. Service providers indicated that it is important for victims to be in contact with one person, such as a victim liaison officer, who is involved in their case and can provide them with the information and follow-up they need.

It is acknowledged that, as demands on police services grow, it will become increasingly difficult for them to meet the needs of all victims of crime. It is vitally important, therefore, to harness the support of the community in responding to the needs of victims. The reluctance of police officers to spend much time with victims of crime often results from their heavy workloads, not from any lack of sympathy or understanding.

According to Victim Support Australasia (1998a), the primary police response should encompass:

- empathetic, supportive and non-judgmental action with due regard to the person's rights, dignity and individual circumstances;
- action to inform the crime victim of his/her rights and the services available with due regard to that person's individual circumstances and the offence against him/her;
- action to ensure the crime victim is safe and protected from intimidation, threat, harassment, fear or violence by utilising available protection orders and bail;
- mechanisms to ensure that the crime victim is informed of the process and outcomes of investigation, charge and prosecution of the offender;
- measures to minimise disruption, and trauma, to the crime victim during investigation and prosecution procedures;
- mechanisms that support an effective referral network to services;
- specialist training for new recruits and probationary police, and in-service that informs officers of their responsibilities;
- an inter-agency framework for both strategic planning and case management; and

- information to hand out to crime victims.

DPP (Office of the Director of Public Prosecutions) Response

The majority of victims never see their cases result in an arrest and prosecution of an offender. The emotional problems of victims whose suspected assailant is arrested are often compounded. All too often they will receive little information about the arrest, no consideration of bail hearings, no notification about a plea bargain, little information about trial proceedings, and no information or consideration at sentencing (Young 1988, p. 339).

Most people's images of the criminal justice system come from media representations. These television or movie depictions frequently distort the criminal justice process—from the detective who works relentlessly on only one case, to the speed with which cases come to trial without preliminary hearings, indictments, depositions or continuances. Service providers noted that, generally, victims do not have any understanding of how long the process takes, and court delays can be very distressing for them. Victims should be fully informed of the likely length of time the prosecution will take before proceeding. These processes can be quite confusing and discouraging for victims, who may also be very sensitive to behaviour they perceive as callous or uncaring and may take the

perceived unresponsiveness of the system very personally (Resick 1987, p. 475). Service providers noted that the criminal justice system is very cold and confrontational to victims, who often do not know what to expect, and it often exacerbates a victim's feeling of lack of control. It is important, therefore, that victims receive information and support through this process.

Each inaction by the criminal justice system can exacerbate a victim's feelings of helplessness and confusion. Victims will always believe it is "their" case that is being prosecuted, yet they have no power to compel prosecutions, nor "standing" to contest decisions to dismiss or reduce charges, to plea bargain or to challenge the sentence imposed on the offender (Erez 1991, p. 2). When they are told they have no standing in the case, or no right to be involved or even to be informed, it makes no sense to them (Young 1988, p. 339).

'Why didn't you get up and defend me?'... The explanation I got was , 'Why, Donna, my job is not to defend you nor even to represent you. My role is to represent the crime against society'... We, the ones who are forced to be victims in the first place, are thrown into the big legal fiasco without anyone to plead our cause... someone forgot to tell me that the DPP were not here to represent me, the victim'. Victim set alight by her partner, on her dealings with the DPP (Giuliano 1998, pp. 52–3)

Much of the problem in relation to prosecution is due to the fact that, in the Australian criminal justice system, victims do not have their own legal representatives. In criminal matters, victims of crime are witnesses for the prosecution, not parties to the proceedings. Unlike civil proceedings, where the plaintiff has their own lawyer(s), victims do not have legal representation of their own—the prosecutor is not the victim's representative but the representative of the state, and his or her responsibility is first and foremost to the state and not to the victim. It has been noted that the victim is "simply one of a number of people or bits of evidence" called upon to present information before the court (Standing Committee on Social Issues 1996, p. 124).

Victims of crime need accurate information regarding procedures and the likely timetable for steps in the prosecution of cases. They should be informed of the likelihood of continuances or other potentially traumatic procedures, and should be allowed to participate in the prosecution of cases as much as possible (Resick 1987, p. 475). The thirst for information about their case is, for most victims, virtually unquenchable. However, if the information can be provided—even if it is negative—there is in most cases a positive effect on the victim's sense of self (Young 1988, p. 340). According to the service providers we spoke to,

victims need a place in the decision making process and to play a larger role in the criminal justice process overall. The system needs a more restorative focus in which victims are listened to. Recent reforms such as victim impact statements and criminal injuries compensation have attempted to address some of these needs, however much more should be done. Victims need to be kept informed regarding decisions that affect them.

A positive development in most jurisdictions in Australia has been the development of prosecutor based victim or witness assistance services. Witness Assistance Services within the DPP have been developed in New South Wales, Victoria, Queensland, South Australia and the Northern Territory. Although Western Australia does not have such a service within the DPP, there is a Child Witness Service (CWS), based in the courts, funded by the Ministry of Justice and the Courts Administration Authority.

These services not only provide some support to witnesses during court proceedings, they also prepare witnesses and provide information about the criminal justice system, including information on the procedures and legal terminology used in court; explain charges; and act as a liaison between the witness and the DPP staff. According to the New South Wales DPP Witness Assistance Service, it is important that witnesses and victims understand their role in the

court and the legal process. Such knowledge and preparation helps reduce the stress associated with testifying. Service providers suggested that there need to be better explanations of the legal system, the criminal justice process and the role of the DPP; and greater understanding of judicial practices and constraints, such as the requirement of reasonable doubt.

The need for information continues through all stages following an arrest. Victims in most cases are involved as prosecution witnesses, and as such must often appear at pre-trial hearings or at the trial itself. This experience can be overwhelming—ordinary people are not familiar with the court, legal terminology or the court process, but they are aware that what they do may affect the outcome of the trial. In most cases they have a deep interest in seeing that justice is done, so they worry about how they will behave and how their actions will affect the outcome (Young 1988, p. 340).

The court room was so big and eerie. I was shaking so much and was so nervous because I desperately wanted to do it right. I was the only family member to be 'represented' before the judge and jury. It was so important that I did the very best I could—all of this was for Greg. Sister of a murder victim (Giuliano 1998, p. 141)

Though most start out eager to help the prosecutors, their eagerness is

often not rewarded. Common circumstances which may make victims poor witnesses or ensure they do not show up for a hearing or trial include: postponements of cases without notification to victims; lack of information about what is expected of the victim; harassment in examination and cross-examination in pre-trial interviews and preliminary hearings as well as in trials; being fired or losing pay because of court participation; and the simple expenses of transportation, parking and childcare in order to participate in court proceedings (Young 1988, p. 340).

Thirty minutes before it [the trial] was due to commence, we were informed that the DPP had accepted B.'s plea of guilty to lesser charges. We were shocked, dumbfounded. There was a brief court appearance in which the indictments were read out, the offender pleaded guilty and the sentencing date was set—all over in fifteen minutes. Our hopes and expectations of justice were shattered. Stunned, and becoming increasingly angry, we went home wondering just what the hell the last thirteen months in court appearances had been for. Father of a victim of driving causing death (Giuliano 1998, p. 32), parenthesis added

If victims withdraw from the case because of such pressures, they may become depressed and upset because they feel they did not help as much as possible. If they remain in the system,

they may find they are living in constant anxiety because of the uncertainties in the court system. Such problems may often be mitigated by victim service providers who can not only provide information on the case, and assist in scheduling problems, but also serve as counsellors to victims as they confront each additional trauma (Young 1988, p. 341).

Public prosecutors perform a function that is very important and meaningful to those crime victims whose matter is brought into the criminal justice system. According to Victim Support Australasia (1997), they should:

- establish and maintain mechanisms for witness assistance, including vulnerable witnesses such as children, sexual assault victims and persons with a disability;
- conduct case conferencing with victim witnesses;
- provide information on court procedures;
- ensure that mechanisms exist to facilitate full victim impact information reaching court; and
- ensure victims are given information on case outcomes.

Court (Judicial) Response

Criminal justice practitioners should be sensitive to the trauma victims' experience when appearing and testifying in court (Resick 1987, p. 475).

There have been various legislative amendments over the past three decades aimed at improving the situation of witnesses to the prosecution. Examples of some of these reforms include:

- limitations on the cross-examination of the complainant and the admission of evidence relating to the complainant's prior sexual history, in sexual assault matters;
- abolition of the unsworn statement for the accused;
- the introduction of closed circuit television or video/audio-taped evidence (VATE), either in the case of child witnesses or where the court considers the witness to be particularly vulnerable;
- allowing the closing of court rooms in certain limited circumstances;
- allowing a screen that obscures the witness's view of the accused person;
- allowing a witness to be accompanied by a court companion, friend or family member for the purpose of providing emotional support; and
- victim impact statements.

These reforms are important. However, there is evidence to suggest that some innovations are being under-utilised by courts, circumvented by defence counsel, or misused to the disadvantage of victims of crime.

There have also been suggestions that certain legislative reforms have not had the anticipated effect. As noted by Bronitt, counter-productive regulation is not an uncommon phenomenon. The effectiveness of legal regulation can be resisted and subverted by individuals in many ways (Bronitt 1998, p. 42; Grabosky 1995, pp. 347–69). Henning and Bronitt have noted that the vagueness of certain key concepts, such as the “substantial relevance” of sexual reputation evidence, and leaving decisions about court closure to the court's judgement, subject legislative schemes to judicial interpretation (Henning & Bronitt 1998, p. 86; see also Scutt 1990, pp. 475–8).

During court appearances victims have to relive the facts of the criminal incident itself. The very recounting of the trauma, especially in that setting, often triggers a re-experiencing of the crisis and all its manifestations. Many victims find it difficult to confront their assailant. The person's face and presence is a reminder of what happened. If the accused threatened the victim during an assault, for example, the victim may be terrified at the prospect of testifying against someone who may try to retaliate at the next opportunity—which may come soon if the defendant is acquitted or is given a light sentence (Young 1988, p. 342).

The prosecution can request the court for special arrangements for vulnerable witnesses, including remote witness

facilities, screens and court closure. However, any request can be made, revoked, varied or denied at the decision maker's discretion. The decision maker may decide that the witness, who at least in the initial stages may not be displaying overt signs of trauma, simply does not need such protection.

Furthermore, the prosecutor might fail to understand the needs of the victim, and not inform the witness of the availability of facilities. According to the South Australia Victim Support Service (VSS), many of their clients have had requests to use remote-witness facilities refused by the prosecutor or withdrawn, or they are not informed about the facilities in the first place. Professionals do not seem to understand the victim's need for "protection" (emotionally and physically) from the defendant and the formality of the courtroom. Prosecutors seem reluctant to advise witnesses of the availability of facilities, or to advocate strongly for their use. Judges and/or prosecutors seem reluctant to tolerate the minor disruption the facilities may cause in their courtroom. However, a better analysis of the reasons for refusals and withdrawals of requests is required before being able to draw legitimate conclusions.

Fears about what will take place on the witness stand are generally well founded. Often victims and their families must sit quietly by and listen while their credibility is questioned.

They may have to endure a cross-examination designed to put their honesty into doubt or belittle the seriousness of the crime (Young 1988, p. 342). Victims and family members of homicide victims are often disheartened when the defence is able to demonstrate the "good" character of the offender, but the victim does not have any such opportunity.

We heard a litany of references that painted him [the offender] as being of good character. What else would you expect? I've never seen a reference which details the person's failings. That this list should be accepted as a true picture was galling. How many people of good character do you know who act in the manner he did? Shannon was of good character, so to is Ryan, but we were never given the opportunity to show this to the court. Father of a victim of driving causing death (Giuliano 1998, pp. 33–4), parenthesis added

According to service providers, victims feel strongly that they need to have more recognition in court matters; to have opportunities equal to those of the offender, such as equal disclosure of evidence; and to be able to tell their story or give character references for their loved ones who may have been victims of homicide.

The courts continue to make little allowance for victims of crime who have particular needs when giving evidence. In particular, there are

considerable difficulties with using child witnesses in any legal proceedings, with the result that prosecutions of offences against children rarely proceed, and are frequently unsuccessful. This prevents children from freely accessing the criminal justice system, and limits their ability to claim compensation for injuries sustained as a result.

The Human Rights and Equal Opportunity Commission and the Australian Law Reform Commission have recommended a number of significant changes to make the entire court process more sensitive to the needs of children. These include:

- the introduction of a presumption that children are competent witnesses;
- the use of appropriate language, and the provision of age appropriate literature and waiting rooms for children;
- giving courts the power to use a “child interpreter” to facilitate the giving of evidence by a child where the court is satisfied that the child is unable to understand the questions, or where it is difficult to understand the child’s speech; and
- the development of guidelines to prevent harassment or intimidation of child witnesses by counsel (HREOC & ALRC 1997, pp. 38–43.)

Many of these recommendations have been successfully implemented in

Western Australia in relation to criminal matters, including criminal injuries compensation. The Child Witness Service in Western Australia has been held up as an example of best practice in this area (Victim Support Working Party, 1998, p. 43). These recommendations are yet to be adopted by other Australian jurisdictions.

It has also been suggested that Indigenous witnesses have particular requirements that need to be considered if they are to be able to participate effectively in the criminal justice system. A recent report noted that many Indigenous people:

- are extremely intimidated by the court process, to the extent that they freeze in the witness box and are unable to give evidence;
- have difficulty fully understanding the questions put to them in court and in expressing themselves clearly in a language that the court can understand;
- give apparently contradictory evidence in answers, suggesting in some cases that the witness has agreed with whatever the questioner put to them;
- avoid eye contact, giving the impression that they are lying or devious;
- give specific information such as numbers, dates and times in qualitative and relational terms

rather than mathematical terms (Criminal Justice Commission 1996, p. 11).

It is imperative in some cases to prepare the victim well for the upcoming experience and to provide them with special support on the day of the court appearance. Many people are afraid of public speaking, and testifying in court is likely to be perceived as even more frightful because of cross-examination. The special needs of different types of crime victims must be recognised, and facilities for victims/witnesses, particularly vulnerable witnesses, should be provided (Resick 1987, p. 476). Often victims are forced to wait in the same waiting area in the court as offenders, which can exacerbate their fear of testifying. Service providers recognise the need for better designs of courts with the provision of separate waiting areas.

In preparation for court, victim support services or witness assistance services should make sure that the victim observes one or more trials so that they gain some understanding of the people, the process and the rules that govern the court proceedings. Victims may need to be brought into the actual courtroom (when not in use) where their case will be heard, to sit in the witness chair and become more comfortable with their surroundings (Resick 1987, p. 476; Young 1988, p. 343). On the day of the hearing or trial, victim support services may also need

to provide the victim with a court companion who is trained to help victims understand the court process and endure it. Most court companions are also trained victim counsellors who can help victims debrief after each appearance (Young 1988, p. 343). Service providers recognise that debriefing after the court process and helping victims understand what happened is very important.

The survey conducted by the VCCAV in 1993–94 revealed that a substantial number of victims who attended the court hearing found it a negative experience because they did not know what to expect, did not understand the procedures, felt their input was inadequate and felt unsafe and tense in having to confront the offender in court (VCCAV 1994, p. x). Service providers we spoke to noted the importance of providing victims with accurate information on court processes and the likely outcomes. Many victims have an unrealistic view of what will happen and what can actually be achieved, so it is important they are made aware before entering the court.

According to Victim Support Australasia (1997), courts and tribunals should:

- ensure the provision of court preparation and orientation, and of court support for victims;
- provide early pre- and post-trial information to victims; and

- provide supportive facilities for crime victims for waiting and giving evidence.

Sentencing

For victims, the period following the verdict or guilty plea may be emotionally draining. Victims who have watched the accused plead guilty to a lesser charge or be found not guilty are often embittered about the system and may need support as they attempt to find some rational explanation for the result.

I had stupidly placed my faith in the system, believing that justice would prevail – that good would triumph over evil. Apparently my ideas of justice do not coincide with those of the judiciary.

Father of a victim of driving causing death (Giuliano 1998, pp. 34–5)

When the accused is found or pleads guilty, the victim must prepare for the next stage in the criminal justice process, the sentencing. Victims may need help in preparing a victim impact statement (VIS)—a written statement made by, or on behalf of, the victim and addressed to the judge for consideration in sentencing (Young 1988, pp.343–4). It usually includes information on the personal characteristics of the victim and a description of the harm in terms of financial, social, psychological and physical consequences of the crime, and may also provide the opinion of the victim about the offence

committed, the offender and the sentence to be imposed (Erez 1991, p. 3; Sumner 1999, p. 40). As noted previously, the impact of crime may extend far beyond the incident itself. The expense of medical care or a funeral may have profound effects on other parts of a victim's life. It is not unusual for a victim to lose his or her job because of repeated court appearances due to continuances, or because crime-related anxiety or depression results in absences from the job. Stress on the family following victimisation is very high, and divorce is a frequent occurrence. Although these secondary effects do not play a role in the prosecution of a case, they should play a role in sentencing (Resick 1987, p. 475).

Often victims are willing to provide vital information for sentencing, even at the expense of reliving the crime (Erez 1991, p. 6). Even though not every victim impact statement is accepted by the court, the writing of the statement can be beneficial. It gives victims a reason to set down their feelings, and gives them a sense of being involved in the process (Giuliano 1998, p. 194). If a victim impact statement is used by the court, the victim feels that finally they have been heard. According to Erez (1990), victim impact statements are a way of providing victims with the right to contribute to the criminal justice process. They satisfy the victim's need to be a part of this process without jeopardising the basic principles of the

adversarial system or compromising the rights of the accused. A recent study by Erez and Rogers (1999), however, has found that, despite the high hopes of victims' rights advocates, and the misgivings of the opponents of victim participation, the inclusion of victim input has had little or no effect on the processing or outcomes of criminal cases. These "victim friendly" reforms have failed to transform court practices in the ways prophesied by both their critics and supporters (Erez & Rogers 1999, p. 216). The introduction of victim impact statements may in fact have been merely tokenistic or "window dressing".

The preparation of victims for sentencing also includes predicting, for their benefit, the range of sentences possible; explaining the considerations judges apply to sentencing decisions; and making a realistic assessment of a likely sentence (Young 1988, p. 344; Erez 1991, p. 6). The prediction should include not only the sentence itself, but what it may mean in terms of the actual length of time in prison. Victims are often stunned to learn that a 10-year prison sentence may only mean three years when the parole practices and "good time" allowances are factored in (Young 1988, p. 344).

Most victims are interested in understanding the considerations used by the courts in sentencing, and better understanding of the criminal justice system often contributes to victims' satisfaction with justice (as cited in

Erez 1991, p. 6). Service providers agreed with the need to provide victims with explanations of the likely sentence an offender will receive.

Post-sentence Response

After the sentence, mental health services may become even more important. Many victims essentially put themselves and their needs aside while they pursue justice through prosecution and conviction. Their sense of seeking the restoration of fairness in their lives overwhelms other aspects of their emotional life.

According to Young (1988), it is common for victims to return from a sentencing hearing, even when the sentence is exactly what the victims wanted, feeling depressed and isolated from the world. They suddenly feel alone and detached from other things. The flurry and frustration of the trial are over. There is nothing more to be done. They may or may not have received the outcome they were hoping for. And the activity that kept their grief from surfacing has ceased (Young 1988, pp. 344–5).

After nearly two years, it was Day One of life [after sentencing] without constant anxiety, stress and daily reminders of Greg's death and the pending trial. Day One meant, too, that finally there was time – time to stop, time at last to grieve the loss of my special brother. Sister of a murder victim (Giuliano 1998, p. 145), parentheses added

For those who have convinced themselves that a “just” sentence will be catharsis, they are disillusioned when the euphoria vanishes soon after the desired sentence is imposed. Victims need to be reassured that it is normal and a natural reaction at this time (Young 1988, p. 345).

In addition to the counselling needs of victims in the post-sentence phase, there are still information and notification needs. The victim may want to be kept informed as to the offender’s prison, probation or parole status (Young 1988, p. 345).

I waited months to be listed on the Victims’ Register (which informs victims of the day of a prisoners release or escape). He was released in June 1997, on parole – a parole that did not state that he was not to come near me. Why can’t it be mandatory for such a clause to be a condition of every parole. I was told to contact the police if ‘something happens’... I took out an Apprehended Violence Order (AVO). I wanted protection for life. Again I was ‘bargained down’ by the offender’s solicitor to two years. Victim set alight by her partner (Giuliano 1998, p. 53)

Corrective Services have a role in protecting the community and making people feel safe. According to Victim Support Australasia (1997), Corrective Services should:

- provide or facilitate restorative justice programs;

- create a Victims Register so that crime victims are kept informed of developments in the management and release of “their” offender;
- provide victims awareness programs for prisoners and staff; and
- ensure the effective rehabilitation of offenders with the aim of preventing re-offending.

The Effects of Attrition on Victims

Victims of crime may become disillusioned with the criminal justice system when offenders are not prosecuted, allowed to plead guilty to a lesser charge (plea bargaining) or not prosecuted at all. It is well known that many cases are lost or dropped within the criminal justice system, and this phenomenon is generally described as the process of attrition (Gregory & Lees 1996, p. 1).

The prompt resolution of offences which are reported to the police is one of the core functions of government. Failure to do so undermines the State’s capacity to maintain a stable, peaceful and equitable society. In fulfilling this duty on behalf of citizens the role of the victim of crime is crucial. Victims’ perceptions of adverse treatment by government agencies, or that ‘natural justice’ is not accorded to them, does not encourage the reporting of crimes and undermines the capacity of the state to fulfil its duties to its citizens. (Sumner 1999, p. 35)

Factors influencing rates of attrition can include the nature of the crime, the relationship between the victim and offender, police recording practices and the strength of evidence. Domestic assaults and sexual offences are less likely to be reported to police by the victim and more likely to be recorded by police as “no-crimes” than other crimes. The relationship between the victim and the offender is also often an influencing factor in the reporting, recording and prosecution of cases. Studies from the United Kingdom suggest that the attrition rate is substantially higher for cases in which the suspect and the complainant had some prior acquaintance or intimacy, than in cases involving strangers (see Gregory & Lees 1996).

Many prosecutors will only proceed if there is a “reasonable prospect of conviction” or if it is in the public interest (Gregory & Lees 1996; Rofe 1997, p. 68). Having assessed the strength of the evidence, the prosecutor also has to weigh the likely penalty with the estimated length and cost of the proceedings, in order to determine whether a prosecution is in the public interest. One possible method of cutting costs is to use “plea-bargaining”. This is the process whereby the accused pleads guilty to a lesser charge, and this is accepted in order to make a trial by jury unnecessary and so expedite the proceedings.

Failure of the system to secure the offender's conviction can also lead the victim to fear repeat victimisation, or the victimisation of others, and feel that they are not believed or taken seriously. They may also feel “cheated” when offenders are given the option of pleading guilty to a lesser charge, and feel excluded from the decision making process.

Criminal Injuries Compensation

The past three decades have seen the introduction of systems of compensation for victims of crime. While the payments under these schemes are generally lower than the amount that a victim would receive if they were to pursue a common law action in criminal damages, the statutory schemes are generally more user-friendly and quicker to process claims than the courts.

Victims of crime may apply for compensation to reimburse their out-of-pocket expenses, such as medical or funeral costs, and/or for a lump sum payment that can be used for any purpose. However, financial assistance from crime victim compensation, where it is available, is typically limited to victims of violent crime, and sometimes also to cases where financial hardship can be shown (Bard & Sangrey 1986, p. 148).

In Australia there is considerable variation between the jurisdiction as to the amount of compensation that a victim of crime might receive. The maximum entitlement ranges from \$10,000 in Tasmania to \$75,000 in Queensland (see Table 2), with the result that victims of comparable crimes might receive significantly different amounts of compensation, depending on where the compensation application is considered.

Eligibility Criteria

The differing maximum amounts of compensation must be considered alongside the different eligibility criteria. In Victoria, for example, to be eligible for compensation, the applicant must have been a victim of an “act of violence”, meaning a criminal act or series of related criminal acts that has occurred in Victoria, with the direct result of injury or death to one or more persons, irrespective of where the injury or death occurs. An “injury” is defined as including: actual physical

bodily harm; mental illness or disorder, whether or not flowing from nervous shock; pregnancy; or any combination of the above. This definition limits eligibility to those who have suffered a medically defined “injury”, and excludes those who have suffered expense as a result of property damage or other causes, such as the need to upgrade security or move home as a result of the crime.

In Queensland, the eligibility criteria are much broader. The applicant must have suffered injury, death or expense as a result of an indictable offence (Victims Act s19). “Injury” includes bodily injury, mental or nervous shock, and pregnancy. In relation to victims of sexual offences, their “injury” can also include the totality of “adverse impacts” suffered by a person, including: a sense of violation; reduced self-worth or trauma; post-traumatic stress disorder; disease; lost or reduced physical immunity; lost or reduced physical capacity, whether temporary or permanent; increased fear or

Table 2: Maximum Amount of Compensation for Crime Victims by Jurisdiction (current at January 1999)

Jurisdiction	Compensation Amount*
Queensland	\$75 000
Victoria	\$60 000
New South Wales	\$50 000
South Australia	\$50 000
Australian Capital Territory	\$50 000
Northern Territory	\$25 000
Western Australia	\$15 000 (or an amount prescribed by the regulations)
Tasmania	\$10 000 (or the prescribed maximum amount)

* For further details of maximum amounts of compensation, see Appendix Two

feelings of insecurity; adverse effect of the reaction of others; adverse impact on lawful sexual relations; adverse impact on feelings; or anything else the court considers is an adverse impact of a sexual offence (Victims Regulations s1A(1) and (2)).

The Victorian model also removes the pain and suffering criteria—in general this refers to emotional or psychological trauma. This may be particularly relevant to families of victims of homicide. These secondary or family victims will not be entitled to compensation unless they have suffered a medically recognised psychological or psychiatric injury—pain and suffering, the clear results of the crime, will not be compensated.

If compensation is awarded, payment is generally not immediate. As a consequence, any immediate financial burdens that the victim faces will have to be met out of their own pocket (Newburn 1993, p. 18). Although financial problems are generally not the most prominent of all the problems that crime victims face, the extra burden placed on them may make coping with the impact of victimisation even harder. Many service providers we spoke to suggested the need for a scheme to provide emergency financial assistance during the initial stages after the crime.

The process of gathering information, presenting at the Tribunal and receiving counselling provides a victim

and their family with a framework, within which they can work through their pain and attempt to rebuild their lives (Field 1992, p. 122).

No victim claims Criminal Injuries Compensation for the money! There is a principle involved here. A victim is entitled to some form of compensation. No amount of money can ever blot out the memories. Nothing can wipe away the after effects of the happening. Compensation only gives the victim a small sense of satisfaction. It's just some reparation for all the trauma and stress that victims have to go through. Victim of armed robbery (Giuliano 1998, p. 99)

Evaluation of Claims

All jurisdictions presently define an injury to include concepts such as nervous shock or mental illness. (However several jurisdictions are in the process of amending the definition of “injury” in their criminal injuries compensation legislation.) As discussed previously, the long-term emotional impact of victimisation can be experienced in a wide range of forms such as disturbed sleep, frequent nightmares, flashbacks to the incident, embarrassment, shame, eroded self-esteem, depression, anxiety, hostility, anger, loss of confidence, feelings of isolation and perhaps guilt or self-blame (Giuliano 1998, pp. 197–201; CASA 1990).

While some reactions to crime victimisation may fall within an understand-

ing of nervous shock or mental illness, most of them will not. Ann MacDonald, Supervising Magistrate of the Victorian Crimes Compensation Tribunal, notes that there is an incentive to frame victim's injuries in terms of mental illness because otherwise, they will not be entitled to compensation (MacDonald 1995). Aside from wasting resources in an effort to prove that a victim's injuries are compensable, the incentive to frame a victim's injuries in terms of mental illness could have a counter-therapeutic effect. Victims might begin to see their natural reactions as pathological disorders, a perspective that might have long-term consequences for their self-esteem and ability to participate in society.

In the event that a victim does not suffer a mental illness, he or she might be left with the feeling that their injuries are not real or serious, despite the ongoing impact that these injuries have on their lives. For example, a system that proceeds from a medical concept of injury, as opposed to a more holistic approach, is unlikely to consider the ongoing significance of the existence of a relationship between the offender and the victim. This system is also unlikely to compensate victims who have managed to "get on" with their life, in spite of the memories and the continuing effects that the crime has on them. To deny a victim formal recognition of the seriousness of their injuries is likely to produce feelings of frustration, anger, loss of control and a sense of being disregarded. While to

compensate only those victims of crime who do not recover from their trauma is to discourage healing.

Compensation or Counselling?

Criminal injuries compensation must not be regarded as an end in itself, only existing to further the restoration of the victim. As discussed previously, for many victims a simple cash payment often fails to mitigate their psychological injury or social isolation. Given the limited resources of governments to respond to the needs of victims of crime, debate has ensued as to the most effective response to criminal victimisation—compensation, counselling or a combination of the two? Grabosky suggests that a mix of compensation and other rehabilitation strategies, including counselling, support services and additional therapeutic methods, would seem to be the most appropriate way in which to spend limited public funds (Grabosky 1989, p. 30).

There appears to have been no empirical research undertaken, however, to examine the benefits of compensation against the benefits of counselling for victims of crime. The Victim Support Working Party in the Australian Capital Territory recently noted that, although they had contacted colleagues in the United Kingdom, United States, New Zealand and interstate, they were unable to find any research into the rehabilitative effect, or otherwise, of victims of crime

receiving/not receiving financial compensation for their injuries. The working party cited a report of an independent working party convened by Victim Support (UK) that asserted that: “for some victims, personal support and practical help may be far more important and appropriate than financial compensation” (Victim Support Working Party 1998, p. 18).

In the absence of empirical evidence, it has nonetheless been argued that the compensation system is counter-therapeutic. For example, the length of time involved in applying for compensation may prolong the victim’s symptoms, as the victim waits for the compensation issue to be resolved.

It is clear, however, that in some situations, compensation is vital to victims of crime. There are instances where a crime has made remaining in the home unpleasant—for example, where a family member has been a victim of homicide in the home. In matters involving domestic violence or sexual assault, it may even be unsafe for the victim of crime to remain in the home. In these cases, victims may need financial assistance to relocate. For many victims of crime, there may be a strong desire to improve the security around the home, for example by installing window locks or security screens.

It has also been noted that the families of homicide victims generally see criminal injuries compensation as a

recognition of their status as people who were important to the victim and whose lives will never be the same.

After all the difficulty of not having a place in the criminal justice system, crimes compensation can be a welcome form of acknowledgment of the effects of crime. (Tremellen 1992, p. 60)

There is the argument that victims of crime need counselling, not compensation. Again, there are instances where counselling is appropriate and useful. There are, however, situations where counselling may be inappropriate because the victim is either not ready for it, or may not gain from it. For example, victims of crime who have a mental impairment may not gain from counselling, as it generally relies on the client’s ability to understand and learn from the process. This may not be possible for a person who has limited cognitive ability. These victims of crime may have different needs to those that can be met by a clinical psychologist or counsellor.

Members of the ACT Victim Support Working Party suggest that the most effective and useful early intervention for crime victims is “sympathetic ear” and debriefing, rather than counselling per se.

Members also were of the opinion that ‘counselling’ for crime victims is most effective if it is a holistic response that incorporates action to address the

client's material, physical and financial affairs as well as their emotional and psychological state. (Victim Support Working Party 1998, p. 16)

Members also noted that an early supportive response from police and support agencies does impact positively on the crime victim's recovery, satisfaction and preparedness to cooperate fully with criminal justice agencies (Victim Support Working Party 1998, p. 16).

Criticisms of Compensation

There have been criticisms of criminal injuries compensation. One criticism of existing compensation programs arises from the delay in determination and payment of awards. According to Grabosky (1989), delay in the payment of criminal injuries compensation may have a counter-therapeutic effect on the claimant. When a claim for compensation is pending, the claimant's self-identity as victim is reinforced. The victim may tend to focus on, or amplify, their state of misfortune, pending resolution of the claim. The process of evaluating a claim may actually invite the victim to do so, whether implicitly or explicitly.

As already stated, the schemes often differ considerably between the jurisdictions and victims of comparable crimes receive significantly different amounts of compensation, depending on where the compensation application is considered. Some service providers

we spoke to suggested that Australia needs a federal system of criminal injuries compensation, as people move across State boundaries and victims should receive the same response, no matter where they live.

There are also issues of the accessibility of criminal injuries compensation to certain populations, such as victims of crime who are Indigenous, from a non-English-speaking background, female or who have a mental or physical impairment; and of the accessibility of criminal injuries compensation to victims of certain offences, such as sexual assault.

Privacy is frequently a matter of the utmost concern for victims of crime, and particularly victims of sexual or domestic abuse. It is concerning, therefore, that many compensation proceedings continue to be open to the public. Decision makers in all jurisdictions, with the exception of South Australia, may close proceedings to the public. In Victoria and Tasmania, closure of the proceedings is guaranteed as a right to victims of sexual assault. In other jurisdictions, it is often left to the discretion of the decision maker. In the Northern Territory, for example, the court may be closed *as the court thinks fit* (emphasis added).

Low levels of prosecution and conviction also have implications for access to criminal injuries compen-

sation. If the matter is never prosecuted, it is likely that the victim will never become aware of their right to criminal injuries compensation. Most victims of crime become aware of criminal injuries compensation only after they have been in contact with a victim support service or other service provider. The fact that a victim has not reported an offence may prejudice an application for criminal injuries compensation. In some jurisdictions, the decision maker may, when considering the significance of non-reporting or delay in reporting, have regard to mitigating factors such as the victim's age, intellectual or psychiatric disability, fear of retaliation and the nature of the injury. In these jurisdictions, failure to report and to assist the police does not automatically disqualify a victim from compensation. In other jurisdictions, however, decision makers are given little guidance on the factors they should consider in deciding whether or not to deny compensation on the basis of failure to report the offence or to assist the police.

When the crime has been reported but the prosecution has been unsuccessful, the applicant must satisfy the decision maker on the balance of probabilities that the offence occurred and the injuries were sustained as a result of the offence. Given the potential to defraud the system, it is reasonable to require applicants to prove that there was in fact an offence. The manner in which

this is proved could, however, be considerably improved. Most jurisdictions encourage decision makers to adopt an informal approach to compensation proceedings. Few jurisdictions, however, have formal requirements that decision makers be sensitive to the needs of victims in the compensation process, nor do they provide them with guidance as to how they could do this.

Victims report that compensation proceedings often have the appearance of a trial, with the victim standing in the position of the accused, until he or she can prove the commission of the offence. Victims report that little protection is given to applicants in terms of the questions they may be asked and the nature of the cross-examination. The adversarial nature of the proceedings can re-traumatise a victim who has been through the whole process once already. This may be particularly difficult for children or people with a mental impairment, who may find the process of giving evidence alienating, confusing and traumatic. In this situation, a care-giver would need to consider whether it was worth putting the victim through the trauma for an unknown amount of compensation.

All jurisdictions, with the exception of Queensland, require the decision maker to consider whether the victim's behaviour contributed to, or caused, the offence and/or subsequent injury to occur. In New South Wales and

Victoria, this consideration must include consideration of past criminal behaviour, and can include the number and nature of any findings of guilt or convictions, or attitude of the applicant at any time, whether before, during or after the commission of the act of violence. A finding of contribution will reduce the amount of the award of compensation in a manner proportionate to that contribution. The requirement that decision makers consider the issue of contribution can result in decision makers asking victims inappropriate questions, such as: "Did you scream?" (Cripps 1996).

Dispensing with the rules of evidence in compensation proceedings is intended to allow the proceedings to proceed expeditiously and with minimum formality. It can, however, have the effect that witnesses in compensation proceedings are asked questions that would not be allowed if the matter was a criminal trial. The Australian Capital Territory has addressed this problem by stipulating that persons attending an inquiry into compensation have the same protection afforded to witnesses in proceedings in the Supreme Court.

Grabosky suggests that the primary task of any governmental response to crime victims should be to foster and expedite the victim's recovery; to reduce the duration and intensity of the victim's self perception as victim; and to restore the victim, at the very least, to his or her psychological and/or

social circumstances before the injury occurred (Grabosky 1989, p. 29).

Many victims believe that no amount of money will compensate them for what they have been through. However, it is the legal acknowledgment and the closure that makes this process so valid and so therapeutic for the victims and their families. After this ritual is completed they can begin to mourn their losses and rebuild their lives (Field 1992, p. 117).

Victims' Rights

Five jurisdictions have enacted a charter of rights for victims of crime (see Appendix Two) which establishes a set of guidelines for the treatment of victims of crime by public officers within the criminal justice system. For example, this charter of rights requires that public officers treat victims of crime with courtesy and compassion, and with respect for their dignity and their need for privacy. Significantly, these documents do not create legally enforceable rights for victims of crime. Breach of these guidelines by a public officer can render that person liable to disciplinary proceedings within his or her own department. There is, however, no assurance that the victim of crime will be informed about the outcome of their complaint, or will receive any apology from the relevant department for their mistreatment. It is also apparent that these standards have been largely ignored by defence

counsel and public prosecutors, who have quite naturally given precedence to their legally binding duty to represent their client to the best of their ability.

The various charters of rights have had an effect in certain areas. The police in several jurisdictions take the charters very seriously and have introduced reforms accordingly.

Sumner has argued that the charters of rights would be improved by the specific recognition that victims have a right to have their views taken into account when consideration is being given to whether it is in the public interest to prosecute. Sumner has suggested the inclusion of a paragraph to the effect that the victim of crime has the right to make submissions, and to have their views taken into account by the prosecution, when consideration is being given to whether charges are to be laid, withdrawn or modified; or to whether a plea of guilty to a lesser charge will be accepted (Sumner 1999, p. 39).

Media and Privacy

Selective crime reporting in the media ensures that there are marked differences between the probability of criminal victimisation and the reality of it. As a consequence, the media does not place the risks of criminal victimisation in perspective. The media contributes to the perceived climate of fear by uncritically promoting the view

that stranger violence is on the increase, and in reporting this type of violence almost to the exclusion of the normal pattern of personal violence experienced within the community (VCCA 1994, pp. 121–2).

Of particular concern is the resultant fear of crime, which may be as debilitating as actual victimisation. People's perceptions of the danger of being victimised, and their subsequent behaviours, are shaped, not by the "real" level of crime but by a perceived level of such dangers (VCCA 1994, p. 122).

Generally, the media presents a false picture of the general distribution of crime, with violent offences over-represented and property offences understated. The most common types of crime according to official statistics—crimes against property—receive relatively little media attention. By contrast, crimes of violence, which are very uncommon in actual terms, are accorded much greater coverage (Grabosky & Wilson 1989, p. 11; VCCA 1994, p. 122).

Journalism has made some real contributions to criminal justice in Australia. One may cite numerous examples of constructive media coverage which has led to the identification and apprehension of offenders; to important law reforms; and to the disclosure of abuses within the criminal justice system (Grabosky & Wilson 1989, p. 129). There is,

however, another side of crime reporting which is arguably destructive, both for the journalists and for the community. The news media does not provide the public with all the information necessary for them to adequately appraise the state of crime and criminal justice policy in Australia. Events that emphasise extreme violence have a good chance of being reported. So too do stories which show harm inflicted on “respectable” citizens rather than more marginal members of our community. A “good” victim is seen as a particularly vulnerable person who is subjected to horrific injuries by a savage stranger. Crime news also tends to reinforce racial and other stereotypes. For example, sexual attacks by strangers are far more likely to attract publicity than assaults by family and friends, or the role of “new” Australians in current crime problems may be exaggerated (Grabosky & Wilson 1989, p. 130; VCCAV 1994, p. 122).

Most crime victims have never before dealt with the news media. They can be thrust, often unwillingly, into the limelight solely because of the crimes committed against them (United Nations 1998, p. 98). The media can often inflict a “second victimisation” upon crime victims or survivors by enhancing their feelings of violation, disorientation and loss of control. Common concerns victims express about the media include: interviewing survivors at inappropriate times; filming

and photographing scenes with bodies and body bags; searching for the “negative” about the victim; printing a victim’s name or address; and inappropriately delving into the victim’s past. It is important for journalists to understand the intense emotions felt by victims and survivors (NCVC 1997a).

Journalists often decide to pursue a story at the risk of embarrassing or further upsetting a crime victim. Stories about victims sell newspapers or increase television ratings.

Commercial concerns or simply “getting a story” are often far more important to journalists than consideration of the victim. When a disaster or crime becomes defined by media organisations as a “big story” then the “public’s right to know” will predominate over the private grief of the victims. The press sometimes thrive on the discomfort and pain experienced by victims and their relatives. On many occasions, the media have not baulked at initiating aggressive “death knocks” (interviewing the relatives of deceased persons), or at using deception in order to obtain a story. Techniques include appealing to the victim’s sense of civic responsibility (including telling them their story might be helpful to other people or may prevent the crime from happening to someone else), or suggesting that something good may come out of what has happened to them. People are often taken

advantage of when they are at their most vulnerable (Grabosky & Wilson 1989, pp. 112–20, 133).

The media behaved like vultures, circling their prey! We were all constantly harassed by TV cameramen... adding to our anguish. I felt that our private grief had been violated and I was extremely distressed to learn that our personal ordeal had been displayed across the television screen. Mother of a homicide victim (Giuliano 1998, p. 157)

Once caught up in the news process, victims can be stripped of autonomy and rights and be treated as mere objects. Victims can find themselves transformed into public property, and be required to cope with this burden on top of the sudden trauma they feel as a result of victimisation. All victims can feel exploited and have their privacy invaded by the media. Media pressures can amount not merely to harassment, but to blaming the victim. Stories may insinuate unsavoury or improper conduct by the victim (Sumner & Sutton 1992, pp. 2–3). Simply having one's misfortune displayed publicly, and perhaps sensationally is bad enough. But victims can be subject to further harassment from members of the community (Grabosky & Wilson 1989, p. 113).

An impression could be given [by a photograph published in a news paper] that our son was implicated in the

murder. The false report in the newspaper caused a lot of people unnecessary worry and confusion. We were not asked if we were willing to be photographed or filmed. Certainly we would never have given permission. Mother of a homicide victim (Giuliano 1998, p. 157), parentheses added

The effect of such treatment on victims of crime and their families can be devastating. It can exacerbate and prolong their trauma and permanently damage their attempts to re-establish their lives. Persistent unsolicited requests by journalists for interviews or photographs may actually compound the psychological injury suffered by victims of crime (VCCA 1994, p. 124).

When people are experiencing extreme grief, their emotional response is going to be very intense and should not be intruded upon. Any invasion of privacy at such times can be harmful. News items which are “primarily titillating”, can complicate the recovery from trauma and prolong the grieving (cited in Giuliano 1998, p. 158).

The deplorable media coverage caused our whole family untold distress. The media were on our doorstep before the police had positively confirmed identification! Reporters hid behind bushes to take photos of us as we went to view my sister's body. We will never forget their insensitivity. Sister of a homicide victim (Giuliano 1998, p. 126)

A camera's intrusion into a family's reaction to death can only be extremely harmful to all concerned. Mother of a homicide victim (Giuliano 1998, p. 157)

Not all coverage of victims' issues, however, is necessarily exploitative. The media can be of enormous value in highlighting both the plight of victims of crime and measures aimed at improving the system, such as the need for more adequate compensation or for other services. Through media reporting victims may be informed or put in touch with organisations that can provide them with counselling or support. According to Sumner and Sutton, publicity on crime and its effects on victims often is of benefit to the community (Sumner & Sutton 1992, p. 2).

It is important to develop relationships between those working within the criminal justice system, victims support agencies and the media so that a general understanding and sensitivity to victims' issues can be fostered. Service and support groups and criminal justice agencies should endeavour to work with the media to develop some protocols, for example with respect to privacy and respect for grief (VCCAV 1994, p. 127). Victims of crime need to see a change in the attitude of the media (Giuliano 1998, p. 157). One of the major recommendations from a conference involving victims of crime held in Sydney in 1998 was that the Victims Advisory Board

should make representations to the major media outlets to curtail the sensational and intrusive portrayal of crime (Sydney City Mission Victim Support Service 1999, p. 84).

Journalists should notify and ask permission from victims and their families before using pictures or photographs. A victim should have the right at all times to be treated with dignity and respect by the media. Victims' rights to privacy could be better.

The story was broadcast by the media even before all our family had been told! ... My sister's face and the story of the atrocity were splashed across every newspaper and television in the country. Sister of a homicide victim (Giuliano 1998, p. 126)

A victim advocate can play an effective role as a "go between" for the reporter and the victim, establishing an environment conducive for the victim to speak to the press. This minimises the invasion of privacy felt by the victim, allows advocates to advise victims about their rights in the media, and gives the media access to the story (NCVC 1997a).

According to the United Nations, information and guidelines for dealing with victims of crime should be incorporated into the curriculum of every college, or into university classes in communications or journalism. Information should include the trauma of victimisation, the privacy rights of

victims, services available to victims, and how to develop a cooperative relationship with law enforcement and criminal justice officials relative to coverage of crime and victimisation (United Nations 1998, p. 98).

Discussions with victim service providers revealed that victims need better cooperation, consideration and understanding from the media. It is believed that development of an effective code of practice for media reporting of crime is necessary to prevent revictimisation of victims who have already been through a very traumatic experience.

Conclusion

Despite substantial improvements in the treatment of victims in many jurisdictions, the majority of communities still do not have services, and the majority of victims still face isolation, blame, and injustices through the stigmatising effects of crime (Young 1988, p. 346).

Victims' need for information cannot be overemphasised. At all stages of the criminal justice system victims need and want to know what to expect, and to be provided with information about the progress of their case. Providing victims with as much information as possible enables them to make choices and attempt to regain some of the control that was taken from them as a result of victimisation.

According to the survey of victims conducted by the VCCAV, it was very important for victims to receive information about their case, including: the progress of the investigation; when charges were laid and court hearings scheduled; the outcome of the case; when the offender will be released from prison; and their eligibility for crimes compensation. Victims also indicated they would like the police to provide more information about processes and services. Victims felt that it was crucial that they be provided with information about their rights and obligations, what they should do in response to the crime, where they could go for help and the options for assistance available to them.

Where information was lacking, victims reported additional trauma and had difficulties responding to the effects of crime (VCCAV 1994, p. x). Information therefore, along with positive social support is one of the most important needs of victims mentioned by most service providers we spoke to. Grabosky states that perhaps the most important criticism of current law and practice is that victims are poorly informed about the process of criminal justice (Wilkie et al. 1992, p. 7).

Victims also need and want to be heard, to feel they have a "voice". According to Erez (1991), one of the most important grievances mentioned by victims is their lack of "standing" and voice in criminal justice proceedings.

Important information is missed because victims are not included or involved in all procedures. Victims of crime are major players in the legal 'game', but the importance of their role is rarely recognised. This is why so many victims of crime feel they are invisible, voiceless and kept in the dark. They are without legal representation to boot... The exclusion of the major player means less chance of justice for the one most affected—the one who suffers the grief and devastation—the one whose life is changed forever—the victim. Victim set alight by her partner (Giuliano 1998, p. 54)

A criminal justice system that provides no opportunity for victims to participate in proceedings tends to foster feelings of helplessness and a lack of control. Victim involvement and the opportunity to voice concerns is necessary for satisfaction with justice, psychological healing and restoration (Erez 1990). It must be understood that it is possible to respect the rights and needs of the victim without endangering the rights of the accused (Resick 1987, p. 477). There is also growing recognition, both nationally and internationally, of victims' rights with regards to the media. Victims have a right to privacy and to be treated with respect. The challenge now is for the victim movement to find ways to ensure that this recognition can be translated into effective conventions and provisions (Sumner & Sutton 1992, p. 4). Victims

have a more general wish than the punishment of the offender, or compensation—that of respect and appreciation, and recognition (Erez 1991, p. 2).

Chapter 4

The Development of Victim Support in Australia

There is a great deal of significance for Australians in the study of victims of crime and victimology. From the establishment of penal colonies, through 200 years of dispossession and injustice for Indigenous Australians, into the current Australian public concern for the victims of crime, Australian history reflects this significance (Clifford 1983, p. 35). This section of the report will examine the development of the “victim movement”, from the advent of theoretical victimology in the 1940s through to the beginning of the social justice, welfare and civil rights movements of the 1960s and 1970s, the consolidation of the victim movement in the 1980s and the ideas of victim support, compensation, counselling and restorative justice prevalent in the 1990s.

Originally the term “victim” referred to any person or animal sacrificed (killed) to appease supernatural powers. Since this ancient origin, the term has acquired additional meaning, and a “victim” is defined as any individual who suffers loss or injury through human or natural causes (Whitrod 1986).

The majority of people in modern communities cannot imagine a time when formal criminal justice systems did not exist, although the development of such systems is actually part of our recent history. Before the existence of formal justice systems, victims had to take matters into their own hands—they could not turn to judges for assistance or to gaols for punishment as these institutions did not exist (Doerner & Lab 1995, p. 2). In most cases, written laws did not exist. Society recognised a basic system of retribution and restitution for victims, who had responsibility for locating and apprehending the offender(s), passing judgement concerning guilt and delivering punishment. This basic system of dealing with offensive or criminal behaviour found its way into early codified laws. The Law of Moses, the Code of Hammurabi (dating from 2200BC) and Roman laws all have strong elements of individual responsibility regarding the commission of harmful behaviour against others (Doerner & Lab 1995, p. 3).

This system of dealing with offenders remained fairly similar throughout the Middle Ages. The two factors which

signalled the end of this informal system were:

1. the control of compensation; and
2. the Industrial Revolution.

The first change was prompted by greed; the Crown wanted to gain control of the compensation offenders paid their victims and saw this as an opportunity to increase its wealth. This was accomplished by redefining criminal acts as violations against the state, instead of against a particular victim—a strategy that recast the state as the “victim”. This was the beginning of the formalised criminal justice system with judges, prosecutions by the Crown and witnesses for the state. The original victims were relegated to the status of witnesses, and the state stepped in both to control the process and reap the benefits of restitution (Doerner & Lab 1995, p. 3).

The second factor that diminished the victim’s position in the formal criminal justice system was the enormous upheaval that transformed society, now known as the Industrial Revolution. Whilst up until this time society was predominantly rural, the Industrial Revolution created much larger urbanised communities. As these communities grew larger, relationships between their members grew more depersonalised and the ties that had once bound people together with a common purpose vanished. As this occurred, concern shifted away from restoring the victim to dealing with the

criminal. Gradually the “victim” justice system disappeared and the “criminal” justice system became its replacement (Doerner & Lab 1995, p. 3).

This preoccupation with crime and criminals shaped the development of the adversarial system of justice in Britain and, as a consequence, British colonies such as America and Australia. The development of protection for offenders within the court process, and the idea of correctional institutions and police services all stem from a preoccupation with crime and the offender. It was also during this time that the objectives of punishment changed from restoring the victim through restitution to the ideas of deterrence and retribution. This was mainly due to an important distinction that was beginning to be made between offences against the social order (defined as criminal acts) and offences between individuals (civil actions) (OCS 1988, p. 7).

Rediscovery of Victims

It was not until the 1940s that victims once again began to receive attention. Initially, however, even this attention was just part of an effort to gain a better understanding of the causes of crime and criminal behaviour (Sarre 1994, p. 196). The early research on victimisation tended not to look at the damage offenders inflicted upon their

victims, and ignored recuperation or rehabilitation of victims. In an attempt to understand the causes of crime, the research concentrated on how victims might have contributed to their own victimisation (Doerner & Lab 1995, p. 8), which is analogous to the concept of contributory negligence in civil law.

Early academic work upon victims focused upon creating victim typologies. Doerner and Lab (1995) define a typology as “an effort to categorise observations into logical groupings to reach a better understanding of our social world”.

Much of the literature from this early period focuses upon the work of Benjamin Mendelsohn, a practising attorney, known as the “father of victimology”. Mendelsohn discovered through his experiences in court and as an attorney, that often there was a strong interpersonal relationship between victim and offender. Using individual case data from his work, Mendelsohn outlined five typologies into which victims could be classified based the degree of the victim’s involvement in the offence (Doerner & Lab 1995, p. 6).

According to Mendelsohn, (in Doerner & Lab 1995) these included:

- **the victim of a criminal**

This is the traditional subject matter that victimologists have grown accustomed to studying and which the “victim movement” is based upon.

- **the victim of one’s self**

Self-victimisation would include suicide as well as any other suffering induced by victims themselves.

- **the victim of the social environment**

The term “victims of the social environment” refers to individual, class or group oppression. Some common examples of such victimisation would include racial discrimination, caste relations, genocide and war atrocities.

- **the victim of technology**

Technological victims are those who fall prey to society’s reliance upon scientific innovations. Nuclear accidents, improperly tested medicines, industrial pollution and transportation mishaps are included in this category.

- **the victim of the natural environment**

Finally, victims of the natural environment would include those affected by such events as floods, earthquakes, famine and the like.

Mendelsohn’s victimology seems to have emerged from the post-Second World War environment, that is, the general sympathy for the war’s untold victims and the new hopes symbolised by the development of the United Nations and its International Declaration of Human Rights. However, there are further arguments within the literature that it was actually the American psychiatrist Fredrick Wertham who first coined the term

“victimology” in the late 1940s in his book *Show of Violence*. Wertham's victimology focused specifically on crime victims and was much narrower in focus than Mendelsohn.

Hans Von Hentig also adopted Wertham's focus on the victim and the offender, but contributed a dynamic rather than merely static explanation of victimisation and the victim-offender relationship. The first systematic treatment of victims of crime appeared in Hans von Hentig's book *The Criminal and His Victim*. This was further developed in the 1950s by studies such as Marvin Wolfgang's 1958 examination of victims (Elias 1994, p. 1).

So, while some argued that victimology should be confined to the study of persons harmed by criminal activity, as in Wertham's research, others urged that it should be extended to cover victims of accidents, illnesses and harmful social policies (Whitrod 1986), such as those in Mendelsohn's typologies. Wertham's victimology has since proved to be the stronger. Victimology was, by early 1950, well focused on criminal victimisation, something that was not significantly challenged until the 1980s.

Development of Victim Support

While the debate regarding the victim-offender relationship continued into the

1950s, the victim has been singled out as a person who deserved assistance from society and the criminal justice system. It appears that this grassroots concern for the victim's wellbeing was often a direct reaction to the ideas of victim complicity in the criminal incident. As the 1950s progressed, theoretical victimology was increasingly attacked and criticised on this point. A new focus began to take shape: assisting crime victims, alleviating their plight and affirming their rights. A political/social model of assistance developed and victimology increasingly became defined and recognised by this applied component (Fattah 1997, p. 186). It was in the early 1960s that several different movements, occurring simultaneously, consolidated both the renewed interest in victim issues and also the “victim movement.”

The Women's Movement/ Feminism

The Women's Movement and feminism, especially in the mid- to late-1960s, dealt with significant issues relating to victims. Victim-blaming arguments that appeared as a result of the theoretical work on victim-offender relationships were targeted by the feminist movement in relation to crimes such as rape, child abuse and domestic violence.

Feminists concerned themselves with the oppression of women by men by examining the experience of violence

and victimisation of women. Feminist ideas and academic work challenged the “blaming the victim” syndrome (Mawby & Walklate 1994, p. 79). They also raised awareness, both academically and within general society, of the extent of victimisation, much of which was previously discounted, unmeasured and hidden.

The Women’s Movement also initiated significant reforms in the areas of procedure and evidence relating to the conduct of criminal trials (e.g. the imposition of time limits for prosecutions and limiting cross-examination of rape victims). By focusing upon certain aspects of the criminal justice system and certain types of victimisation amongst a particular group (i.e. women), feminism drew attention to a broad range of general victimisation issues (Corn 1987, p. 23).

Efforts to Establish Children’s Rights

A growing concern over the needs and rights of youth occurred during the 1960s. Much of the literature points to this period as the time when child abuse began to be defined as criminal behaviour. A focus on the child as “victim” began to emerge. Much of the focus resulted from increased statistical collection on these issues.

Children were also acknowledged to be particularly vulnerable to victimisation. This idea framed responses addressing child victimisation in terms

of general social responsibility. All members of the community were seen as having a role in the protection of children from harm. Such ideas of social responsibility again raised the general community awareness of victimisation.

Growing Crime Problem

The first criminal victimisation survey was conducted in 1966 in the United States (Walklate 1989, p. xiii). Until the advent of victim surveys the true nature and extent of victimisation through crime was unreported and grossly underestimated. These crime victim surveys, subsequently conducted throughout the world, showed the high level of hidden victimisation.

These surveys also gave researchers (and consequently the community) an insight into the difficulties and distrust of the justice system felt by many crime victims. Many turned out to be reluctant to report even serious crimes, and extremely unwilling to act as prosecution witnesses (Strang, forthcoming).

The first Australian surveys of crime victims were conducted by Wilson and Brown (1973) and Congalton and Najman (1974) (in Clifford 1983, p. 40) and the first nationwide Australian study was conducted in 1975 by the Australian Bureau of Statistics. With this study Australia became one of the first federal administrations across the

world to conduct a truly nationwide victimisation survey (Clifford 1983, p. 35). From this survey, it was found that approximately 60 per cent of all incidents in the survey had not been reported to police. The survey also investigated types of offences, types of victims, relationships between victims and offenders and non-reporting rates and reasons. This and subsequent surveys have significantly changed the research agenda for those studying crime victims. Such surveys have also begun to contribute valuable knowledge to crime prevention programs that aim to reduce and prevent victimisation.

Victim Compensation

The advent of welfare systems in the United Kingdom and the United States also affected victim issues. It was the inception of the welfare state which prompted Margery Fry, an English magistrate, to introduce her ideas on victim compensation (Mawby & Walklate 1994, p. 71).

In 1951, Margery Fry proposed the idea that offenders should make financial restitution to victims. She argued that compensation could address the effect of the crime (at this time formulated mainly in terms of physical injuries) and help to re-educate offenders. She refined her ideas during the late 1950s to provide for state compensation for victims, as it was found most offenders could not pay. Although that early attempt failed,

victim compensation fast became a major issue around the world (Doerner & Lab 1995, p. 16).

New Zealand passed the first victim compensation legislation in 1963, closely followed by England in 1964. In the United States, California established victim compensation in 1965, followed by New York in 1966. The United States Federal Government instituted compensation for federal crimes in 1984 (Doerner & Lab 1995, p. 16).

New South Wales enacted the first Australian compensation scheme in 1967 (*Criminal Injuries Compensation Act 1967*), followed by Queensland in 1968 (Queensland Criminal Code Chapter LXVA), South Australia in 1969 (*Criminal Injuries Compensation Act 1969*), Western Australia in 1970 (*Criminal Injuries Compensation Act 1970*), Victoria in 1972 (*Criminal Injuries Compensation Act 1972*) and Tasmania in 1976 (*Criminal Injuries Compensation Act 1976*) (OCS 1988, p. 3).

The two Territories also enacted compensation legislation. The Northern Territory enacted a Criminal Injuries Compensation Ordinance in 1976 and then made provision for compensation in the *Crimes (Victim Assistance) Act 1996*, whilst the Australian Capital Territory was the final State or Territory to enact such legislation in 1983 (*Criminal Injuries Compensation Act 1983*).

An outline of current Australian legislation relating to victims of crime is available in Appendix Two.

Legal and Social Reform

In addition to the establishment of compensation legislation, a variety of legal reforms aimed at protecting and helping crime victims have appeared since the 1960s. The late 1970s and early 1980s can be seen as the beginning of a time in which State structures and agencies, including the criminal justice system, were critically examined. This examination had the effect, in terms of the criminal justice system, of not only forcing governments to revise sentencing practices but also of highlighting the relative position of the victim. The system appeared to be weighted in favour of the accused and against the victim (Corn 1987, p. 23). Strang (forthcoming) states that:

Throughout the Anglo-American adversarial system and the inquisitorial system of continental Europe as well, victims are consistently reported to be angry and bewildered, expecting to be able to turn to the police, the prosecutors and the courts for assistance and advice and invariably finding that they are regarded by each of these agencies as being outside their areas of responsibility.

Among the changes which such examination and reform made possible were legislation protecting the rape victim's background and character in

court proceedings; apprehended violence orders designed to protect victims of domestic violence and their children; legislation mandating certain professionals such as doctors and teachers to report suspected cases of child abuse; and the legal provisions allowing victim impact statements in sentencing and parole decisions. In some instances, States such as South Australia have passed what is known as a "Victim's Bill of Rights" (Doerner & Lab 1995, p. 17). The first occurred in 1985 when the then South Australian Attorney-General, Chris Sumner MLC, in his second reading speech for the Statutes Amendment (Victims of Crime) Bill, listed 17 rights of victims of crime (Sarre 1994, p. 198).

Other factors have played a role in emphasising victim issues. One such source of influence has been the mass media. As discussed previously, media reporting of crime often focuses upon the victims and has generally raised awareness of victims issues in society. However, the media has also been criticised for their exploitation and harassment of victims in certain circumstances. This appears mainly to be due to a transformation in the nature of media news—from simply relating what happened to becoming a form of entertainment.

Due to these legal reforms and changes in society, the victims' movement was clearly identifiable in the United States and England by the early 1970s (NSWLRC 1996, p. 411).

In 1973 the first Institute for Victimology was established in Tokyo and the first international symposium on victimology was held in Jerusalem. In 1979 the World Society of Victimology was established (Elias 1994, p. 3). The first British Crime Survey was conducted in 1982 and the European Convention on the Victims of Violent Crime was adopted by the Council of Europe in 1983.

In 1986 the General Assembly of the United Nations adopted and published the Basic Principles of Justice for Victims of Crime and Abuse of Power, following its Congress in 1985 on the Prevention of Crime and Treatment of Offenders. The principles in this document are an attempt to define the basic rights or entitlements of victims (of crime) in relation to criminal investigation, court proceedings and the provision of information. These principles have commonly been called the Charter of Victims Rights and this has been either adopted or recognised, with some modifications, by most governments of the Australian States and Territories (Sarre 1994).

As these developments in the victim movement progressed during the 1980s, one theme in particular became very influential throughout society and the criminal justice system—the idea of consumerism. Agencies were, for the first time, being directed to care about the lay people using their “services” (Mawby & Walklate 1994, p. 81).

Until the early 1980s all services to victims were provided within the existing framework of social welfare and accident compensation. These services provided degrees of compensation for physical injury, including medical services and income maintenance or cash benefits. In general, the provision of services related to mental or emotional harm were much more limited (Webster 1994, p. 1). Initiatives in terms of “consumers” and “service delivery” targets began to address both the structural and systematic problems encountered by victims when involved in the criminal justice system. Victim advocacy groups began to achieve recognition for the specific needs of victims of crime in terms of consideration, control, knowledge, special services and, less extensively, procedural rights in the criminal justice system, including rights at the point of sentencing (NSWLRC 1996, p. 413).

Victim Support in Australia

The victim movement only began to emerge fully in Australia in the early 1980s during this time of systematic and structural change. Much of the initial impetus was provided by a former police commissioner, Ray Whitrod, who set up a Victims of Crime Service (VOCS) in Adelaide in 1979. This service became an active and

effective non-government force for counselling and victim advocacy (Sumner & Sutton 1988, p. 6). This was followed by the establishment of similar services for crime victims (although not until about a decade later) in Melbourne, Sydney and throughout Australia.

Since then, official inquiries have specifically considered the role of victims in the criminal justice system in many jurisdictions. Following the path of South Australia, New South Wales, Victoria, Western Australia and the Australian Capital Territory have all considered the role of the victim in the criminal justice system in various official inquiries such as those conducted by the Australian Law Reform Commission (Webster 1994, p. 412).

In Australia, the movement was particularly fuelled by the attention given to domestic violence and child abuse by both State Governments and the Federal Government during this period. In Australia in recent years, the overwhelming feelings of injustice felt, and expressed, by victims may also be attributed to the increasing concern with human rights and the evolution of victims lobbying and pressure groups. The increase in higher education during the 1960s had ensured that many more people were aware of their rights and entitlements, and of the mechanisms available for securing them (Clifford 1983, p. 39).

The emphasis in the Australian victim movement in the 1990s has, however, begun to move away from the idea of victims' rights and towards the idea of victim support. Organisations have developed objectives which aim primarily to alleviate the suffering of victims and their families and which only secondarily lobby for structural and systematic change to the criminal justice system, particularly police and courts (Strang, forthcoming).

Restorative Justice

One of the most important ideas that has developed during the 1990s is the concept of Restorative Justice. The ideas and principles of Restorative Justice are focused primarily on addressing victims' needs, based on a number of primary assumptions. Marshall (1999, p. 6) outlined these as follows:

- Crime has its origins in social conditions and relationships in the community.
- Crime prevention is dependent on communities taking some responsibility (along with local and central governments' responsibility for general social policy) for remedying those conditions that cause crime.
- The aftermath of crime cannot be fully resolved for the parties themselves without facilitating their personal involvement.

- Justice measures must be flexible enough to respond to the particular agencies, personal needs and potential for action in each case.
- Partnership and common objectives among justice agencies, and between them and the community, are essential to optimal effectiveness and efficiency.
- Justice consists of a balanced approach in which a single objective is not allowed to dominate the others.

Much of the original ideas of Restorative Justice are based upon community justice processes in Indigenous communities world wide. For example, the Native American “Sentencing Circles”, New Zealand Maori justice and the role of apology in the Japanese culture (Marshall 1999, p. 7).

Restorative Justice principles, where integrated into mediation or conferencing projects, have been found to substantially increase the satisfaction of a victim with criminal justice processes. The use of Restorative Justice principles allows victims to regain control from the offender, express their emotions and tell the offender of the effects of their behaviour. In many cases, victims have transformed their negative experience into something positive through influencing offenders to consider their actions and not to re-offend (Marshall 1999, p. 11).

There have been occasions where victims’ issues have been used for political, ideological or bureaucratic purposes. Justice for victims through services, knowledge and control ought to be an end in itself, and not to be seen as reliant upon the persecution of those who have caused the victimisation. It is a fallacy to believe that the interests of the victim are only enhanced by a curtailment of the rights of offenders (Sarre 1994, pp. 203–4).

Whilst the current criminal justice procedures focus almost entirely on the offender and filter out all other aspects of the crime (Van Ness & Strong 1997, p. 4), Restorative Justice is most innovative in that it allows for personal control and involvement of victim and offender, and the community, in what are “generally impersonal, highly regularised, often bureaucratic procedures” (Marshall 1999, p. 23). Restorative Justice, therefore can also provide the process which respects both the victim and offender (Van Ness & Strong 1997, p. 25).

Conclusion

Victimology, and, more importantly, the “victim movement”, has achieved significant successes over the decades since 1940. These successes include legislative reform; changes in practice and in the training of those dealing with victims and victimisation;

changes in victims services; and, most importantly, a new awareness of the difficulties that victims face. At a social level, there appears to have been a decrease in the social stigma traditionally attached to criminal victimisation. Victims are now more prepared to publicly express their anger, their frustration and their sense of injustice (Corn 1987, p. 23). A central message of the victim movement worldwide has become that criminal justice can no longer be defined purely as a matter between the offender and the state (Strang, forthcoming).

Chapter 5

An Overview of Services in Australia

This chapter presents the findings of a research study by the Australian Institute of Criminology (AIC) into services for victims of crime in Australia. The first section examines the development of such services, and the second analyses the current structure of victims services in Australia.

Development of Services

The structure of victims services in Australia has developed primarily as a State response, rather than in a coordinated national manner. Much of this is due to the fact that crime and its control are considered to be matters for State Governments rather than the Federal Government. Much of the provision of victims services, particularly in terms of victim support services, is still evolving. What can be said is that it is a diverse field.

In order to understand the current service structures in the Australian States and Territories, and to give a comprehensive overview of the situation nationally, it is important to

examine the ways in which services for victims of crime have developed historically.

As discussed in the previous chapter, which examined the history of the victims movement internationally and within Australia, the original impetus to raise community awareness of victims developed from a combination of social changes and reform movements during the 1960s and early 1970s. These movements raised the general awareness of the community to victims' issues, and the idea of victim support and assistance developed from the introduction of criminal injuries compensation schemes throughout this period.

However, much of the research on victims, conducted under the auspices of various government task forces and non-government support agencies, has begun to show that the needs of victims extend significantly beyond monetary compensation. These needs are usually addressed through victim support agencies. These types of support services have historically developed from a specific event and subsequent community action.

Previous victims of crime, who themselves had suffered adverse experiences with the criminal justice system, began to establish organisations and formal networks for victims, and began also to advocate and lobby on behalf of victims.

New South Wales

In New South Wales the development of victims services has occurred through two distinct and mostly separate events. The Women's Movement in Australia raised awareness of women's and children's issues, resulting in the establishment of services for women and children who were victims of domestic violence and sexual assault. These organisations were the first response to victimisation and formed the basis for the development of many types of government and non-government specialist victim services existing today.

The more generic victim referral agencies and advocacy groups were formed following the establishment, in June 1993, of the Homicide Victims' Support Group—formed by parents of homicide victims.

These dual networks facilitated the development of a strong “voice” for victims in New South Wales, which subsequently lobbied effectively for many of the general government services existing today by raising community and political awareness of the needs and experiences of victims of crime.

Victoria

Victoria was the site of the original Victims Of Crime Assistance League (VOCAL) group in Australia. VOCAL was established in August 1980 at the initiative of the then Police Commissioner, and initially consisted of senior representatives of police and the Department of Welfare Services (NSWTF 1987, p. 181).

The Victorian Court Information and Welfare Network was also established early on as a result of a proposal prepared by a member of the Government's Prison Advisory Council, who had become aware of the difficulties confronting persons in contact with the criminal justice system (NSWTF 1987, pp. 183–4). It was originally intended to assist offenders and their families, but quickly became a wider and more general court support service.

From these beginnings, services for victims of crime developed in a somewhat ad hoc manner, with a general lack of coordination between services (VCCAV 1994, p. 9). The issue was addressed in an inquiry into services for victims of crime conducted by the Victorian Community Council Against Violence (VCCAV) in 1994. From that inquiry, it was recommended that an integrated victim assistance strategy be adopted by the Victorian Government, which led to the establishment of the Victim Referral and Assistance Service (VRAS) in July 1997.

Queensland

The development of victims services in Queensland has been much more community based than in most of the other States—and has remained so. The Victims of Crime Association of Queensland was formed at a public meeting held in Brisbane on 1 June 1988. As in many of the other States, the reason for its development was the victimisation of one person, in this case Shari Davies in 1986. Shari, and in particular her father, Ian Davies, were the driving force behind the development of services for victims of crime in Queensland.

Until the formation of this particular organisation, very little assistance was available to victims in Queensland. Many of the victims of crime at the time of the association's formation felt that there was very little understanding of the effects of criminal victimisation, and that victims themselves could not relate to people who had not been through a similar experience.

Western Australia

In Western Australia there has been a unique development of victims services. The majority of victim assistance services in Western Australia have been the initiative of government. Originally, in the early 1980s, Crisis Care Units were established, modelled on the Adelaide units of a similar name and administered and funded by the State's

Community Welfare Department (NSWTF 1987, p. 177).

However, by the early 1990s, it was recognised that the physical and emotional trauma following a crime incident required a coordinated longer-term response. The Victims of Crime Unit in the Western Australia Police began operating in 1991 and the Victim Support Service (VSS) was introduced on 1 July 1992. VSS originally began as part of the police service, but transferred to the Ministry of Justice in 1993.

The developments in victim assistance in Western Australia have therefore been much more fully focused upon victims' welfare and needs, as funding has been both stable and adequate over a long period of time.

South Australia

Crisis Care Units, established in 1976, were the first response to victimisation in South Australia. The South Australian Victims of Crime Service (VOCS) was established in Adelaide in 1979 as a voluntary self-help group with an "anti-professional" bias in the early years (Wilkie et al. 1992, p. 11). It was formed out of a public meeting held at the time of the discovery of the remains of the Truro murder victims. The families of these victims and of other murder victims found themselves facing similar problems at the same time. Public concern was high and a number of influential people such as

Ray Whitrod (a retired police commissioner) were available to help these families and coordinate community action to develop a service to assist victims of crime in general (NSWTF 1987, p. 179).

VOCS became an active and effective non-government service for counselling and victim advocacy (Sumner & Sutton 1988, p. 6). It is still an independent, non-government, non-profit organisation although renamed the Victim Support Service (VSS) to more accurately reflect the primary role of the service. The service receives funding from the South Australian Attorney-General's Department and through grants, membership and donations.

Tasmania

A small group, Victims of Crime Service, functioned in Hobart for a short time in the early part of 1980. This was a voluntary group that grew out of community action, again inspired by the family of a victim. However, the group received little assistance or support from the government or the wider community and was disbanded (NSWTF 1987, p. 188).

It was not until 1994 that action was again taken on the development of an infrastructure for victim assistance in Tasmania. In 1994 the Department of Justice provided funding for the Victims of Crime Services (VOCS) to be set up in each of the three police

districts (North, North-west and South). These services are tendered out to community organisations and are funded through the government, providing a mixed model of community and government resourcing.

Australian Capital Territory

In late 1988, the victim movement came to the Australian Capital Territory when the Victims of Crime Assistance League (VOCAL) was formed by 26 people who had suffered criminal victimisation (Strang, forthcoming, p. 1). This group formed for victim support and assistance was again largely comprised of people who had experienced victimisation, both through crime and through the adverse experience of victims within the criminal justice system. In the Australian Capital Territory this organisation has particularly focused upon providing practical support to victims and their families and friends.

More recently, the development of the *Victims of Crime Act 1994*, which incorporated General Principles for the Treatment of Crime Victims, and the establishment of the Victims of Crime Coordinator were both important in shaping the development of service provision in the ACT.

Northern Territory

In the Northern Territory victims services do not appear to have developed directly from a community organisation. It appears to have been

an act of government—the Crime Victims Advisory Committee Act, established in 1990—which first responded to the identified needs of victims. This committee was tasked with examining the existing service structure and recommending improvements to the provision of services to victims of crime, including the coordination of existing services. Much of this was a reaction to the debate in other States and Territories of Australia concerning the introduction of Victim Impact Statements in the sentencing of offenders (Penny et al. 1993, p. 5).

The Structure of Australian Victim Services

As can be seen from this discussion, the development of services within Australian jurisdictions has varied considerably and has affected the types of services offered and the ways in which services are structured and provided. However, as these developments continue there has been a noticeable intra-service and inter-jurisdictional influence amongst service provision to victims within Australia: “It could be said that they are all moving in a similar broad direction” (VSWP 1998, p. 23).

Given the previously mentioned influence of the Women’s Movement

and feminism on the victim movement it is perhaps not surprising that, in most Australian States and Territories, services for victims of sexual assault and domestic violence are significantly more advanced than those for generic victim support.

However, there have been developments in the last five years, particularly in Western Australia, New South Wales and Victoria, towards implementing a State-wide strategy to respond to the needs of victims. While most of the activity in the last few years has been by governments and formal organisations such as the police, these developments would never have occurred without the tireless work and advocacy of community groups such as VOCS and VOCAL. It is obvious that the current structure owes its formation to many of the victims of crime who worked to make things better for others, so that other victims would not have to endure the problems and difficulties that they faced.

The United Nations Commission on Crime Prevention and Criminal Justice has drafted an International Victim Assistance Handbook on the Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (see Appendix Three). This handbook outlines some of the basic areas in which the United Nations believed that there was a particular need by victims for support and

assistance. The Australian Institute of Criminology's research has found that most Australian services for victims fall into each of the UN-outlined categories in some manner, and in some ways many overlap categories.

The current structures for service provision to victims of crime, and the level of integration in most States, is facilitating the achievement of the UN Principles nationally. However, in many States there remain political, social and geographical obstacles which work against the achievement of the United Nations Principles in practice. The following pages provide a State-by-State breakdown of service provision to victims.

New South Wales

Service structure

The structure of victim services in New South Wales has changed significantly since the introduction of the Victims of Crime Bureau, created by the Victims Rights Act in 1996. This large agency has been set up, in conjunction with the New South Wales Police Service, to be the first point of contact for victims of crime in this State. The main functions of the bureau are documentation and integration of, and referral to, the variety of victim services.

There is generally quite good coverage in terms of the types of services that are available for victims of crime in

New South Wales. The major emphasis is on counselling and crisis services. There is also significant orientation towards offence-specific services such as sexual assault, domestic violence and homicide. However, this offence orientation appears to be narrowly focused upon violent offences and there do not appear to be services addressing the needs of robbery and burglary/theft victims to a similar extent. It is not clear if there are individual workers within other non-specific services that address the special needs of these groups.

There also appears to be a lack of specific services for vulnerable populations such as Indigenous people or those from non-English-speaking backgrounds (NESB), men, people with intellectual and physical disabilities or the elderly. However, the extent to which the needs of these groups are addressed through the allocation of workers with specific skills in generic victims services is again unclear.

The research also found that the services in New South Wales are generally contacted through referral, either from agencies such as the Victims of Crime Bureau or through victims' self-referral. The structured and coordinated strategy imposed through the bureau may be responsible for an increase in referral, both inter-agency and self-referral by victims.

The research also found that the coverage provided by services for victims in New South Wales is generally very good in terms of availability of services. Whilst the majority operate during standard business hours Monday to Friday, arrangements are often made for a monitored phone number over weekends and holidays. A few of the larger, generic services offer 24-hour availability every day of the year through toll free numbers.

Access to services appears to remain somewhat limited by geography. Services to regional and rural areas of New South Wales are mainly through toll free State-wide numbers, outreach and limited office services in the main regional centres. The provision of services to such areas remains one of the most difficult challenges of any type of service provision, victim or otherwise. The high costs of providing services, and the large travelling distances, often contribute to the isolation of people in small, remote communities.

Most services in New South Wales remain free to their consumers and there do not appear to be excessive waiting times for services. Good quality resource materials are available from services, although multilingual resources appear to remain limited and are dependent upon funding.

Funding arrangements in New South Wales generally appear to compare

favourably with those in other Australian States and Territories. Government funding appears to be quite good, but issues such as continuation of service provision and renewal of funding remain contentious amongst victim service agencies.

Finally there is the issue of staffing of services. Many services continue to be reliant upon volunteers, however many commented that there was a substantial increase in the number of paid staff working in areas such as management and administration. Many of these staff have tertiary qualifications in the areas of social work, counselling and psychology. This appears to have flowed from the increased coordination of services available in New South Wales. Training is still largely left to the discretion of the service. Volunteers usually receive counselling and crisis care training, particularly in terms of the telephone counselling. Some services provide ongoing training for staff, as needed, in an attempt to maintain their skills. This also often acts as a debriefing session. There are signs that some of the larger organisations are beginning to put in place accredited training for their volunteers and paid staff.

Coordination and integration of services

As mentioned previously, the introduction of the Victims of Crime Bureau in New South Wales appears

to have had a significant effect upon the integration and coordination of services within this State. Many of the main agencies are involved with the bureau in formulating guidelines and facilitating inter-agency communication through the Victims of Crime Bureau Inter-agency Committee. The government funding of the Victims of Crime Bureau in particular has allowed the implementation and functioning of a coordinated strategy for the provision of victim services in New South Wales.

Within the judicial system a perception remains that they are separate and that there is no need for inter-agency coordination between the courts and other agencies. This constitutes a significant problem in terms of victims' issues. The other significant view expressed by those consulted for this study was the fact that many service providers believed that services dealing with "high tariff" crimes, such as sexual assault and homicide, continue to have excessive influence over agencies dealing with victims of other types of crime. Many service providers felt that these services often did not recognise that what was appropriate for victims of such crimes may not be in the best interests of victims of other types of crimes.

Limitations of services

One of the limitations identified during the research was the mis-allocation of resources. Many of the service

providers argued that there remains a problem with a lack of funding. However, it appears to be more likely that it is either wrongly allocated funds or uncertainty of funding that is the real problem in New South Wales.

Many of the organisations believe that there is a lack of understanding by the government regarding the types of services required by victims. They believe this leads to the allocation of funding to services that are not really crucial to victims and a lack of funding to services that are used most. This may be due to a number of factors.

Firstly, the lack of evaluation of services remains a significant problem. There is very little requirement for evaluation to occur and in most cases it is difficult, as the funds which might be earmarked for evaluation are required for the day-to-day running of the service. However it is important to evaluate services in order to know whether the assistance being provided is both effective and what is required. Secondly, there is the problem of politics. There appears to be a conception amongst some services that funding is influenced by high tariff crimes such as homicide. Whilst there is little argument that victims of such crimes are in dire need of assistance, there is a feeling that these types of victimisation have a disproportionate influence, in terms of the numbers of people affected, on the types and direction of funding. Thirdly, we found that a considerable amount of

“infighting” remains amongst victim services and this is unfortunately affecting the victims they purport to assist. This infighting may be exacerbated by the problem of uncertainty of funding, where services must compete for clients in order to justify continuation of their funding.

Another limitation was the growing demand for services, which may be a function of the increased publicity; the higher profile of organisations such as the Victims of Crime Bureau, and the generally stronger “voice” of victims through advocacy groups such as the Homicide Victims Support Group and Enough is Enough. Many of the services felt that their staffing was inadequate, which directly affected their capacity to handle all the victims who were contacting them.

Other difficulties for service organisations were linked to systemic problems such as court delays. It was felt by many of the service providers that the long court delays militated against effective treatment for victims of crime as they could not resolve the matter quickly. Many felt that the system was itself re-victimising these vulnerable people through its processes.

Identified needs and requirements

Many representatives of the services believed that there should be greater use of the principles of Restorative

Justice in the treatment of victims. In particular, many emphasised the potential benefit (applicable to certain crimes only) of victim-offender mediation. The need for greater accessibility to legal aid and other legal advice was also a frequent comment. Many of the services believe that education about the processes of court and an honest explanation of what courts can actually achieve may be beneficial to many victims. The comment was made that many victims were unrealistic in their expectations of what the courts would be able to achieve and what would actually happen, and also uncertain of their role in the process.

Victoria

Service structure

The structure of victims services in Victoria has changed significantly since the introduction of the Victims Referral and Assistance Service (VRAS) in 1997. VRAS was established to provide referral and assistance for victims of crime, and has a database of all services in Victoria that are able to provide support, counselling or any other service requirements for victims. Victoria’s victim support system is integrated in that there is one telephone number victims can call from anywhere in the State to receive support and assistance. All police reports taken in Victoria include a “notice to victim” form which should be

given to the victim after the report is taken. This is a unique model in Australia in that the notice informs the victim about VRAS and their eligibility for counselling, and can link the victim with whatever services will meet their needs.

There is generally quite good coverage in terms of the types of services that are available in Victoria. Referral and information provision are the major components of service provision in this State. However, there is also a strong emphasis upon crisis intervention, and telephone information and counselling, as well as ongoing counselling and support. There are also services, such as Court Network, to provide support for victims attending court.

Generally in Victoria there are specialised services in relation to sexual assault, child abuse and child sexual abuse, as well as domestic violence services. These services tend to focus mainly on females, so there is a lack of services for male victims of these offences. VRAS is not offence-specific and so is generally available for victims of any crime. There appears to be a lack of specific services for vulnerable populations such as Indigenous or NESB persons, people with intellectual and physical disabilities or the elderly. The extent to which the needs of these groups are addressed through the allocation of workers with specific skills in generic victim services is unclear.

The research also found that the services in Victoria are generally contacted through referral from other agencies, or through the victim's self-referral. Self-referral, of course, depends on the victim's knowledge of the availability of services, and to a great extent depends on information provided by police. It has been noted that referral from police in Victoria could be improved. Notice to victim claims should go out to all victims, but VRAS is only getting about 15 per cent referral from police.

The coverage provided by services for victims in Victoria is generally very good in terms of the availability of services. Whilst the majority generally operate during business hours Monday to Friday arrangements are often made for a monitored phone number or pager service after hours. A few services are able to offer a crisis response, available 24 hours a day throughout the year.

VRAS has a telephone referral service accessible from anywhere in the State which provides victims with information and referral to service providers in their own community, so generally regional areas are quite well serviced. Many other services have offices based in the city/metropolitan area offering face-to-face counselling and home visits, as well as telephone information, counselling etc., while their services to regional/rural areas are generally limited to toll free telephone numbers, posting of resource material and

information, and some outreach/home visits. Some services have offices in regional areas, while others mentioned that they have insufficient funding to provide a State-wide service.

Other findings in Victoria include the fact that most victim services remain free to their consumers and there does not appear to be excessive waiting times for services. Generally they are also able to provide follow-up services for victims if they feel they are necessary. There appears to be a good quality of resource material available from services, including multilingual resource material. Service providers also tend to use interpreting services available in the community, such as the Telephone & Interpreting Service (TIS), for dealing with victims from different ethnic backgrounds.

Funding in Victoria generally appears to compare favourably with the funding arrangements in some other Australian States and Territories. There appears to be quite good government funding. The Victims Referral and Assistance Service is fully funded by the Victorian Government, and this funding in particular has allowed the implementation and functioning of a more coordinated strategy for the provision of victim services in Victoria

Finally, there is the issue of staffing of such services. Services generally use a mix of volunteers and paid staff, many with tertiary qualifications in law, social work, counselling, psychology

and other welfare areas. Importantly, some services also employ multilingual staff, who are able to provide a service catering to victims of different ethnic backgrounds. Training of staff is left largely to the discretion of the service and much training is on an as-needed basis or depends on the availability of specialised courses/seminars.

Generally, services offer training in relation to issues relevant to their organisation. Volunteers and new staff are generally given an orientation or basic training course and receive continuing training, while other staff receive ongoing training and in some organisations have access to professional development.

Coordination and integration of services

Although the introduction of VRAS has improved the coordination and integration of services in Victoria, service providers report that there is still a fair way to go. It was reported that police coordination with VRAS is generally lacking, but it is improving constantly and this has been assisted by the introduction of victim contact officers within the police service. Police at the scene need to provide victims with information about VRAS and its functions, and this may happen more readily in the future when police officers are trained on victims issues and services available from VRAS. It was reported that a more “automatic” referral system by police to the main

victim support service, as in South Australia and Western Australia, is desired. Introduction of the Police Code of Practice for Sexual Assault has improved the relationship and referral between police and the Centres Against Sexual Assault (CASA), and formal protocols such as these may be beneficial to other services in the future. Generally, service providers indicated that coordination with other victim services, court services and DPP Witness Assistance Services was quite good.

Limitations of services

As mentioned previously, some of the limitations identified during the research related to the lack of police referral of victims to victims services, and the lack of knowledge in the community of victims' rights and of the services available to help them.

Comments made by services were that police were not providing victims with information on the availability of services, or referring victims directly to the services. Where there was a Police Code of Conduct in place, for example in the case of sexual assault, referral to services was much better. This perhaps demonstrates the need for formal protocols in relation to referrals and coordination between services.

Many organisations believe that many victims are still falling through the gaps. There is a lack of knowledge about the rights and entitlements of

victims, and of the availability of services to help them. It was suggested that the system needs to be more automatic, and that there should be more community education about available services. Service providers suggested that advertising on the availability of services would reach the wider community, and would lead to a greater uptake of services. However, other services indicated that the demand for their service already exceeded their capacity to cope. Therefore, if increased awareness of services leads to greater uptake by victims, there should also be a corresponding increase in funding and resources in order to meet increased demand.

Another limitation we identified related to "infighting" amongst victim services. This may be the result of uncertainty of funding, as services must compete for clients in order to justify continued funding. However, infighting among services often leads to a lack of coordination and cooperation between them, which ultimately affects the victims they aim to assist.

There also appeared to be uncertainty among some service providers about moving away from a system of criminal injuries compensation to a system of counselling vouchers, and whether this was necessarily the best thing for victims. It was suggested that counselling is not necessarily what every victim needs. It was believed that, by removing compensation for

pain and suffering, not only is the victim's choice taken away from them, but there is no longer acknowledgment by the State that they have been victimised, especially where the State may have failed to obtain acknowledgment, by way of a guilty verdict, through the criminal justice system. Service providers do, however, recognise that money is not the cure-all and that compensation payouts, when awarded, are often insignificant. It was also suggested that there should be a system whereby victims can have bills associated with the crime paid straight away, especially in the case of homicide where there are costs associated with cleaning crime scenes and arranging funerals.

Although some service providers expressed concern over the abolition of the previous criminal injuries compensation system, regarding this as taking away a victim's choice, we found that, overall, the Victorian service philosophy was very much based on the recognition that services need to be flexible and innovative. There is recognition that each victim is unique, that different things help different people, and that counselling does not help everyone. Victims need choices that will aid in their empowerment and feeling of control. Services were often prepared and willing to provide victims with whatever they needed to aid in their recovery, including buying a puppy for one very lonely victim.

Identified needs and requirements

Some of the identified needs and requirements in Victoria related to specific services, while others related to the criminal justice system. There is an apparent lack of services for male victims of sexual assault, as well as multicultural services and specialised services for people with intellectual or mental impairment. It was suggested that the criminal justice system needs to be more flexible, especially when dealing with vulnerable witnesses, such as people with an intellectually disability or victims of sexual assault. Some service providers suggested that a move away from an adversarial system to a more inquisitorial system, where victims have a chance to say what they need to say rather than being asked specific questions and being interrupted or unable to answer them, may be more beneficial. Others suggested that there needs to be more specialised training for legal professionals relating to protocols for more sensitive questioning, and better communication skills. It is envisaged that such training might be introduced in tertiary institutions.

Queensland

Service structure

As with New South Wales and Victoria, much of the service structure in Queensland operates around referring

victims to relevant agencies. However, the system of referral appears considerably more fragmented and uncoordinated than in New South Wales or Victoria. There is a noticeable lack of direction and support from the government in terms of a commitment to a coordinated strategy for the provision of victims services.

Many of the current services are funded in an ad hoc manner and there appears to be an over-reliance on volunteer and community organisations to oversee this function as well as the provision of crucial victim assistance and support.

In terms of the types of services available in Queensland there is a strong emphasis upon crisis intervention and a lack of medium to long-term support and assistance. That is, there appears to be a heavy intervention in the initial stages following victimisation, with a quick drop-off in available longer-term services. For instance, if the crime is not a particularly recent one, victims are often required to make appointments and wait for extended periods for assistance or support.

Similar to New South Wales and Victoria there appear to be very few services which cater for the specific needs of groups such as Indigenous and NESB persons, people with an intellectual or physical disability, men and the elderly. Unfortunately, unlike these States, there do not appear to be

adequate numbers of staff with such skills in the generic services either. Many felt there was a real lack of suitably trained staff in these services.

Also, similar to New South Wales, there is an emphasis on offence-specific organisations. These again tended to focus upon violent offences, leaving victims of property type offences to the generic services.

The most common method by which victims contact the services was through referral, the majority of which was from other agencies. However, the view was expressed by many of the service providers that victims were still very unsure of the availability of victims services in Queensland. There did not appear to be a common initial point of contact, such as that facilitated by police in New South Wales and Victoria, and successful contact was felt to happen more by accident than design.

There appears to be adequate coverage of services in terms of availability. Whilst there is a good level of 24-hour support, there appears to be a lack of publicity and public education regarding the availability of such services. Access, in terms of regional/rural areas, seems much better than in some of the other Australian States and Territories. There were examples of Internet sites, e-mail, video links and a number of regional offices and outreach workers providing good coverage of what is, in area, a very large State.

Similar to other States, Queensland appears to charge no fees for services in most cases. Although there was limited government funded counselling, private counsellors were often consulted (for which there is a cost) as an alternative. Most services appear to have resource materials available and there seems to be adequate provision of multilingual resource material. There was also access to the Translating and Interpreting Service (TIS).

Whilst some of the funding is provided by the State Government and some through Commonwealth funding, the majority appears to be from fundraising by the organisations themselves. Much of the government funding appears to be dependent upon the numbers of people that the service assists. It was felt that, not only did this lead to uncertainty regarding the existence of the service, but that many of the services became territorial about their clients. There was a feeling that this type of funding would also affect how services treated victims, i.e. services are more interested in “ownership” of victims than in their empowerment. The researchers were advised of a number of instances in which victims were advised not to access another service or were “talked out of” a course of action in which they were interested, and they later regretted this.

Finally, Queensland appears to have a balance of paid staff and volunteers similar to other States. There appears

to be a good proportion of services that are encouraging in-service training and upgrading of existing skills. However, there was also a handful of services which we were advised did not provide any training for their staff. This is considered to be less than desirable in terms of these services’ duty of care to their clients. Victims are often particularly vulnerable and are entitled to be dealt with by staff who are trained in the effects of victimisation and equipped with the skills to assist.

Coordination and integration of services

Most services in Queensland rated the integration of services as poor. This was seen to be due to resource limitations and lack of funding and government direction. There was an issue of ownership of victims, as mentioned previously, and this hampered inter-agency work. There was the perception that the lack of coordination was also a result of the large geographical size of the jurisdiction. There appears to be an urgent need for a State-wide strategy regarding the provision of services to victims of crime through a large well-funded body with both the infrastructure and expertise to carry out such a role.

Limitations of services

Service providers identified the main limitation as a lack of available

resources and funding for their services. Many services claimed that demand is far exceeding the services available. Many services stated that they were suffering from severe staffing shortages; many expressed the opinion that there was an expectation that the services should be expanding and helping more people at the same time as funding was reduced. Many of the services stated that there was very little support from the government and a significant lack of understanding of both the needs and requirements of victims and the nature of successful service provision.

Identified needs and requirements

The majority of the services identified the issue of funding and resourcing as a major concern. This was a concern not only because of the threat to the survival of existing services but it was also felt that very little can be done regarding the development and expansion of these services. Service providers expressed the opinion that Queensland appeared to be lagging behind other States in this sense.

There was a high level of support for a “one stop shop” accessible by a State-wide 1800 number, where victims could ring and receive referral, advice and support (both legal and emotional). This appears to be a similar model to the one currently operating in Victoria—the Victorian Referral and Assistance Service (VRAS).

Many of the services stated that there was a need for fully funded counselling for victims, such as that available in New South Wales, and court support organisations across a range of different types of crimes. There was also some expression of the need for the incorporation of Restorative Justice principles within victims services.

It was also stated by the services contacted that there was an urgent need for a coordinated strategy and integrated response for victims’ needs in Queensland. It was believed that such integration would be beneficial to both victims and victims services.

Western Australia

Service structure

The relationship between the main victim support agency in Western Australia, the Victim Support Service (VSS), and the police is quite unique in Australia, allowing this State to maintain a relatively coordinated and stable service structure for victims. As the Police Victims of Crime Unit and VSS both come under the Ministry of Justice banner they work in close partnership, with referrals to VSS coming directly from the police. The police provide VSS with electronically automated names, details and contacts of victims of serious crimes which enables VSS to contact the victim within 24 to 72 hours of the incident. The Western Australia VSS is also unique because it is fully funded

by government, and therefore can have a full-time focus on the victim's welfare, because professional counsellors are employed full time, as well as volunteers.

There is generally quite good coverage in terms of services available for victims of serious crimes in Western Australia, but less so for what are perceived to be more minor crimes, such as burglary/theft or minor robberies and assaults. Information provision and short-term counselling are the major components of service provision in this State. In Western Australia VSS provides services to victims of serious crimes such as homicide, armed robbery and serious assaults, while there are other specialised services in relation to sexual assault, child abuse and child sexual abuse. The main focus of these services is provision of crisis intervention, telephone information and counselling and some court support. It is recognised that there is a need for a mainstream specialised domestic violence service. There also appears to be a lack of services that are able to offer ongoing counselling and support groups. Some services are, however, able to offer a follow-up service that varies according to the needs of the victim, and Western Australia now has a Homicide Victims Support Group, which is based in Perth and sponsored by VSS.

There also appear to be very few services catering for the specific needs

of groups such as Indigenous and NESB persons, or people with an intellectual or physical disability. The extent to which the needs of these groups are addressed by workers with specific skills in other victim support services is unclear. Most services offer multilingual resource material and use available translating services to meet the needs of some of these victims.

As in most other States, the services in Western Australia are generally contacted through referral from other agencies, or through the victim's self-referral. As mentioned above, the referral system from police to VSS is unique, and therefore the police are a major source of referral.

The availability of services for victims in Western Australia is generally very good. Whilst the majority of services generally operate during business hours Monday to Friday, some have after hours services or telephone services for urgent cases. A few services operate 24 hours, 7 days a week to offer a crisis response. Many organisations have offices based in the city/metropolitan area which are able to offer face-to-face counselling and home visits, as well as telephone information, counselling etc., while regional/rural areas have access through toll free telephone numbers. Some organisations also have offices in regional locations, for example VSS has 13 regional contractors to offer services to the whole of Western Australia.

In Western Australia most victims services remain free to their consumers and do not require appointments or have excessive waiting times. This may stem from the fact that there appears to be quite good government funding for victims services—the majority receive funding from the State Government. Other funding for services comes from their own fundraising.

Services generally use a mix of volunteers and paid staff, many of whom have tertiary qualifications in the areas of law, medicine, social work, counselling and psychology. Importantly, some services also employ a mix of NESB and multilingual staff, who are able to provide a service to victims of different ethnic backgrounds. Generally, services offer various forms of training in relation to issues relevant to their organisation. Many services provide orientation and induction programs and ongoing training for volunteers and paid staff as needed.

Coordination and integration of services

Service providers indicated that there needs to be a greater degree of coordination between services for victims in Western Australia. Some service providers indicated that, where services have to compete for resources due to funding constraints, they tend not to cooperate with other service providers. Others said there is

some duplication of services due to a lack of understanding of the services that are already available and those that are actually needed. In order to rectify this overlap of services and lack of coordination, the Victims Implementation and Advisory Committee of Western Australia has commissioned an audit of all government and non-government agencies that provide services to victims of crime. This should facilitate a more coordinated approach to victims services in Western Australia in the future. The unique referral system between the police and VSS contributes to coordination between these services, however service providers reported that referral by police to other services is not as efficient. Generally, the coordination between the services which come under the banner of the Ministry of Justice (VSS, Police VOC Unit, Child Witness Service, Victim Offender Mediation Unit and Criminal Injuries Compensation Unit) is good because all departments are aware of what the others do and there is no unnecessary duplication.

Limitations of services

The main limitation identified by service providers related to the inability to provide services for victims of lower threshold crimes such as break and enter, motor vehicle theft, common assault, and some domestic violence cases. It was identified that the level of

support available to the broader range of victims is lacking. However, it is recognised that relying on the police to refer all victims to VSS is unrealistic, and that if this were to happen VSS would be unable to cope with the resources currently available. The expansion of services would mean increased costs and expansion of an already limited volunteer base.

Identified needs and requirements

Most of the identified needs and requirements in Western Australia related to specific services. Service providers expressed the need for more specialist services and greater accessibility to the criminal justice system for victims of domestic violence, NESB victims, Indigenous victims, intellectually disabled victims, psychiatric patients and children. It is recognised that these groups have difficulty accessing currently available services, and find it difficult using the criminal justice system in its current form. Other service requirements mentioned included the need for services to address traumatised victims of less serious crimes, and victims of less serious crimes generally, and more long-term counselling services. Another comment related to the provision of criminal injuries compensation. It was suggested that there is a need for emergency funding, or a method of interim payment for medical and other

expenses, to complement the lump sum payment made in the long term, generally after injuries have stabilised, as provided by current legislation.

There was still concern over services to regional areas, with an identified need for services in the north-west of Western Australia, and specialist Indigenous workers in regional areas. There was acknowledgment that Indigenous people are not accessing these regional services, and that people in regional offices need awareness and experience in working in Indigenous communities. It has been found that, in offices where there are Indigenous workers, there is increased use of the service.

Similar to comments made in Victoria and South Australia, there was an expressed need for better education and preventative work in the community, and more victim awareness and sensitivity training for everyone involved in the criminal justice system. It was also suggested that there is a need for specialised training on victims' issues for police recruits and medical students.

South Australia

Service structure

As South Australia has been at the forefront of victims' issues in Australia for many years, the service structure in that State is relatively well advanced, especially in relation to services

offered by the police service. Coordination between services is generally perceived to be very good, but there is still a commitment to continual improvement. Some service providers would like to see a more system-wide, multilateral and integrated response.

There is generally quite good coverage in terms of the types of services that are available in South Australia. Like Victoria, referral and information provision are the major components of service provision in this State. The South Australia Police Service has a 50-plus staff devoted to victims of crime, whose role is to provide victims with information, referral and follow-up on the progress of their case. In South Australia there is a Victim Support Service (VSS) which provides services to all victims of crime, as well as other specialised services in relation to sexual assault, child abuse and child sexual abuse, domestic violence and homicide. These services place a strong emphasis upon crisis intervention, telephone information and counselling, as well as ongoing counselling and support. There are also services available which provide support for victims attending court—such as the VSS Court Companions—and support groups for victims of specific crimes, such as the Homicide Victims Support Group, or armed robbery support groups run by VSS.

There do, however, appear to be very few services which cater for the

specific needs of groups such as Indigenous and NESB persons, or people with an intellectual or physical disability. It is unclear how well the needs of these groups are addressed through the allocation of workers with specific skills in other victim support services.

Services in South Australia are generally contacted following referral from other agencies, or through the victim's self-referral. A major source of referral for many agencies is that provided by the police victim contact officers, who are aware of the availability of services and are able to refer victims directly to them.

About 80 per cent of the population in South Australia is situated in the city/metropolitan areas of Adelaide and outer Adelaide, so there are not really any large regional centres that could sustain victim services. The coverage provided by services for victims in Adelaide is generally very good in terms of the availability of services. Whilst the majority generally operate during business hours, Monday to Friday, some services also offer extended business hours or after hours and weekend services. A few organisations offer 24-hour phone services, including counselling, while others are on call for a crisis response. Many organisations tend to have offices based in the city/metropolitan area, able to offer face-to-face counselling and home visits, as well as telephone information, counselling etc.

Services to regional/rural areas are generally limited to toll free telephone numbers, posting of resource material and information including newsletters, and some outreach/home visits. Some organisations are able to provide 24-hour support for service providers in regional areas.

In South Australia most victim services remain free to their consumers and there do not appear to be excessive waiting times for services. Some organisations are also able to provide follow-up services, which vary depending on the needs of the victim. There appears to be a good quality of resource material available for victims, although multilingual resources appear to remain limited. Service providers do, however, tend to use interpreting services, such as TIS, or migrant resource services, to meet the needs of victims from different ethnic backgrounds.

There appears to be quite good government funding for victims services in South Australia. The majority of services receive funding from the State Government, with some services also receiving funding from the Commonwealth Government. Other funding for services comes from a mix of sources, including private/non-government organisations and from the services' own fundraising. Many services enjoy the security of funding they receive from the government, but do not want to lose their neutrality or independence and ability to act as an

advocate for the needs and rights of victims. By receiving a mix of government and non-government funding some services are still able to remain independent.

Services generally use a mix of volunteers and paid staff, many of whom have tertiary qualifications in the areas of law, medicine, social work, counselling and psychology. Importantly, some services also employ multilingual staff, who are able to provide a service catering to victims of different ethnic backgrounds. Generally, services offer various forms of training on issues relevant to their organisation, with staff of some organisations having access to professional development and specialist courses in their particular field. Many services provide regular or ongoing training for staff and volunteers, while some organisations do not provide any training for staff in relation to dealing with victims.

Coordination and integration of services

Service providers reported that coordination between agencies has been improving over the years, but still needs continuing commitment to benefit victims. Generally, services indicated that there were good bilateral relationships between agencies, but no system-wide, multilateral, integrated and coordinated response among all service providers and criminal justice

agencies. It was reported that South Australia has had a Victims of Crime Liaison (networking) Committee since 1987, which is made up of CEOs of various government and non-government organisations dealing with victims. The committee holds bimonthly meetings to learn about each organisation's roles and projects, arrange joint training sessions and workshops and encourage social activities, so service providers get to know people they are dealing with. Service providers reported that the communication and liaison between agencies involved in this committee is very good.

Other service providers reported good coordination between support agencies such as VSS, Yarrow Place Sexual Assault Service and domestic violence services, however there does seem to be some duplication in relation to court companions which are provided by VSS, the DPP witness assistance officers and police victim contact officers.

As in New South Wales, service providers commented that the judicial system perceives itself to be separate from other services and that there is no need for coordination between the courts and other agencies. This constitutes a significant problem for coordination of services and for victims issues in general.

Service providers indicated that written protocols or memoranda of

understanding for coordination and referral may be more appropriate than the informal and sporadic agreements in place at present. Other suggestions included regular meetings between agencies and more victim awareness training, particularly within the justice system.

Limitations of services

Service providers identified the main limitation of service provision as a lack of available resources and funding for services. Due to a lack of funding, services find they are limited in their ability to hire more staff, to provide further training for existing staff or to expand their service to reach regional areas. Many organisations find that the demand for their service exceeds the level of service they can supply.

Identified needs and requirements

Some of the identified needs and requirements in South Australia related to specific services, some related to the criminal justice system, and others related to the need for better education and prevention work. Service providers expressed the need for more specialist services and for greater accessibility to the criminal justice system for victims from disadvantaged backgrounds, victims from non-English-speaking backgrounds, Indigenous victims, intellectually disabled victims, children and adolescents, and male victims of

sexual assault. It is recognised that these groups have difficulty accessing current services and find it difficult using the criminal justice system in its current form. Other service requirements mentioned were the need for a service to conduct crime scene clean-ups, particularly after a homicide; long-term counselling services; and greater use of court support services. It was suggested it may be beneficial to have a resident coordinator in all courts, with an information desk on arrival, a more secure and relaxed environment, and separate waiting rooms for victims and offenders.

Suggestions relating to the criminal justice system called for greater equality in the treatment of victims and offenders within the criminal justice system, and ways to meet the need of victims to be perceived as a legitimate part of the criminal justice process. It was believed that the court's concept of a fair trial does not take into account what is fair to the victim; and that victims don't get much say in the process, and no say in decisions, during trial. It was noted that victims' ability to participate in the criminal justice system continues to be minimal, with "victim friendly" reforms such as victim impact statements and criminal injuries compensation continuing to be a tokenistic effort on behalf of the judiciary. Other comments relating to the criminal justice system were that there should be a greater use of vulnerable witness facilities, especially

for victims of sexual assault; and that video evidence should be admissible for children testifying in court, so they only have to tell their story once. It was suggested that the nature of the adversarial system in Australia has to change in order for victims to be treated better and to have a fair chance to have their say. As in Victoria, a more inquisitorial system was suggested.

Many service providers noted the need for better education and preventative work in the community, and more victim awareness training for everyone involved in the criminal justice system, such as police, DPP, court personnel etc. It was suggested in particular that the legal profession may benefit from sensitivity training on victims' issues and that this could be introduced in tertiary institutions. It was also suggested that there should be increased awareness in the community of services that are available to help victims, and more community-based advocacy groups who can raise awareness on the needs of victims.

Tasmania

Service structure

The Tasmanian structure of victims services appears to be much smaller than that of the larger States, both in terms of the numbers and types of services available. Services are often staffed by only one or a few people,

and generally provide victims with information about the criminal justice system; referral to other agencies; some telephone information and counselling; and ongoing support. There is some court support available and some services also monitor the progress of the victim's case and provide legal advocacy as needed. There is also a particularly noteworthy service catering for the cleaning of crime scenes—an experience which is often difficult for victims to cope with, particularly family members of homicide victims.

Tasmania has three Victims of Crime Services (one full-time worker each), funded by government but run through community organisations such as Lifeline and the Launceston Community Legal Centre. Generally, the focus of each service differs. The southern service has an emphasis on counselling and personal support, and offers a one-to-one service, as well as a 24-hour phone counselling service offered through Lifeline. The northern service has an emphasis on providing information and legal advice. These services are not offence-specific and therefore are available for all victims of crime who access them. Similar to many of the other States, there are sexual assault and domestic violence services aimed particularly at women, with services for men and children lacking. Long-term counselling and support groups for victims are also lacking.

The most common method of contact between victims and services in Tasmania is similar to the other States, with referral from other agencies being most common, followed by victims' self-referral. Generally, services operate standard business hours, Monday to Friday, with limited after hours support. A few services offer a 24-hour crisis service and phone line for telephone counselling and support. Resource materials are available for victims, with limited resources for NESB victims. Services do, however, use translating services if the need arises. There is generally no cost for the services, although appointments are required for non-crisis cases, with waiting times for ongoing counselling support of up to three months in some services. Most services indicated that requests for services generally outweigh the actual number of services that can be provided with available funding and staffing levels.

Services in Tasmania generally follow the three police districts in the North, North-west and South, with services based in the major metropolitan areas of these districts—Launceston, Burnie/Devonport and Hobart. Services are generally triplicated, offering the best possible access to victims in Tasmania. Generally, services have offices based in these city/metropolitan areas that are able to offer face-to-face services as well as telephone information, counselling etc. Services to more regional/rural areas are

generally limited to phone (toll free telephone numbers), posting of resource material and information, e-mail or website information and some outreach work.

Much of the funding of the victims services in Tasmania is from government, both Commonwealth and State, with other funding coming from the services' own fundraising. However, as in other States, most of the services expressed the view that demand for such services is increasing, outweighing the actual services that can be provided with current funding and resources.

Finally, there is the issue of staffing within these services. Many of the paid staff have tertiary qualifications with backgrounds in social work, counselling, welfare and legal studies. Most services offer a mixture of ongoing and initial training for paid staff and volunteers. Many services have quite specific training programs in relation to their particular work and organisation.

Coordination and integration of services

Integration and communication among services appears quite good in Tasmania (particularly in southern Tasmania) in comparison to some of the other States. Many of the services were of the opinion that the small size of Tasmania, both geographically and in terms of its population, facilitated

integration, communication and coordination amongst the different services. It was noted that coordination between agencies in southern Tasmania works well most of the time, because there are only a small number of agencies and therefore they can quickly access the referral needed to support victims. Because of Tasmania's small size, it is easy to liaise with courts and the DPP, and everyone tends to know each other and to provide the information needed. Coordination is generally informal and works on an as-needed basis.

Many services were of the opinion that more responsibility should be taken for coordination, and that an inter-agency approach was needed. It was suggested that more formal protocols with police and court/judiciary personnel regarding referrals, liaison, and implementation and monitoring of the Charter of Rights for Victims of Crime may produce a more coordinated system and ultimately benefit the services provided to victims in Tasmania. Service providers suggested other ways to improve coordination, including a formally recognised police victim liaison officer, who would be a consistent source of contact for victims and service providers; as well as a victim or witness assistance officer located in the DPP (such as those appointed in other States), who could provide up-to-date information on investigation and court processes. Service providers also felt that regular

meetings between victim support agencies, medical practitioners, police and others involved in the criminal justice system would be beneficial in order to have knowledge of, and familiarity with, the people they are dealing with on a day-to-day basis.

Limitations of services

As with most of the other States, services identified a lack of adequate funding, resources and staff as one of the major difficulties in service provision to victims of crime. Inadequate resources have meant lengthy waiting times to meet victims' non-crisis needs, such as counselling and ongoing support, particularly for sexual assault matters. Many services could not cope with the increased demand for services with the current funding and resources available to them, and were unable to offer services to more regional areas. Many service providers expressed the need to provide better access to services and lower the waiting times for current services.

Identified needs and requirements

Similar to South Australia, many of the identified needs and requirements in Tasmania related to specific services. Some related to the criminal justice system, while others related to the need for training of professionals dealing with victims of crime, and to

prevention work. Service providers expressed the need for longer-term counselling services, as well as services for children and men, particularly victims of sexual assault. Current sexual assault services mainly see women over the age of thirteen. Other service requirements mentioned were the need for specialised court support services, and better design of courts, with separate waiting rooms for victims and offenders. At present, courts have general waiting rooms that can make it difficult for the victim, who has to see the offender and feel a lack of safety.

In regard to the criminal justice system, the need for a faster passage of cases through the system was highlighted. Service providers note that it is difficult for the victim to get on with their life when they have to revisit every detail of the crime—sometimes up to three years after it occurred. The need for quicker processing of criminal injuries compensation claims was also noted.

Many service providers noted the need for better education and preventative work in the community and in schools, particularly in relation to sexual and domestic violence; and more victim awareness training for everyone involved in the criminal justice system and service delivery to victims (such as police, DPP, court personnel and medical practitioners), so they can avoid inflicting secondary victimisation on already traumatised victims.

Service providers suggested the need for a more proactive rather than reactive approach to crime, and the need for research to determine the service requirements of victims. A common theme identified by service providers was the need for a more restorative approach to justice and service provision. It was suggested that all agencies need to work together in a coordinated and consistent way to allow the victim to return, as closely as possible, to where they were before the crime occurred. Victims need to feel supported through all stages of their recovery. This involves the initial emotional support, debriefing and counselling, assistance with obtaining information, providing referrals to other agencies and arranging longer-term counselling if required.

Northern Territory

Service structure

Again, the Northern Territory structure for victims services appears to be much smaller than those in the larger States, both in terms of the numbers and types of services available.

Generally, services provide information about the criminal justice system, telephone information and counselling, and some referral.

There is some court support available and limited assistance to those attending police stations or hospitals for forensic examinations. There appears to be a lack of crisis

intervention services, although many services felt that this was handled through assistance and support in contacting government agencies such as Social Security or public housing.

There was very good information assistance available in the Northern Territory. As discussed previously, surveys of victims have found that information, particularly regarding the progress of the case through the criminal justice system, is the number one requirement or need nominated by victims. In the Northern Territory the DPP appears to have a good program operating to provide such information, and also appears to have the support of other victims services for their efforts in this regard.

The Northern Territory service structure is quite clear and well organised, and service integration and communication appears quite good in comparison to some of the other States. However many of the services expressed the opinion that this may be due to the fact that Northern Territory (notwithstanding its geographical size) is quite a small jurisdiction in terms of population. Many of the services felt that this small size facilitated integration, communication and coordination amongst the different services.

Similar to many of the other States, there was a strong orientation towards offence specific (violent offences) services aimed particularly at women

and children. There are, however, many innovative services, particularly outreach type programs that target Indigenous victims of crime.

The most common method of contact between victims and services in the Northern Territory—referral, both from other agencies and self-referral—mirrors that in the other States. There is also adequate availability of services Monday to Friday during standard business hours, and limited out-of-hours support, and resource materials are limited. There is generally no cost for the services and only limited waiting times. There are good community interpreting services available.

The Northern Territory has two main metropolitan services, unlike most other States. There are usually two locations for services—one in Darwin and the other in Alice Springs. Due to the unique geographical challenges presented by a very small population spread over a large area, the Northern Territory has had to address the provision of services to regional/rural areas more rigorously than other States. It has some of the best examples of innovative service provision for these circumstances and may be regarded as a good model for other States in their provision of regional/rural services.

Much of the funding of the victims services in the Northern Territory is from government, both Commonwealth and Territory. However, as in other

States, most of the service providers expressed the view that demand for such services is increasing and that this demand far outweighs the actual services that can be provided. Finally, there is the issue of staffing within these services. Services stated that there was a good mix of NESB, Indigenous and multilingual staff within the organisations. Many of the paid staff have tertiary qualifications with backgrounds of social work, psychology and legal studies. In terms of staff training there is a mixture of in-service, ongoing and initial training provided in the majority of services. Many services have quite specific training programs in relation to their particular work and organisation.

Unusually, there does not seem to be as much reliance upon volunteers in these services. This may be a function of the initial development of victims services in the Territory, which were not as community based as within other States, and this may have affected the initial involvement of volunteers in greater numbers.

Coordination and integration of services

Nearly all service providers participating in the research believed that the Northern Territory had very good inter-agency coordination. This was linked to the size of the jurisdiction which, whilst geographically large, has only a small population. Most of the

service providers are located either in Darwin or Alice Springs and the number of victims remains small and manageable. Evidence was received by the researchers that there is close networking by most of the larger victims service providers, with inter-agency meetings occurring once a month in Darwin.

The only problem raised was that it was much easier for some organisations to be involved in inter-agency coordination than others. It was believed that this was related to funding issues and the long-term existence of some of the smaller, community based services.

Limitations of services

Similarly to their counterparts in most of the States, service providers identified the lack of adequate funding, resources and staff as the major difficulties in service provision to victims of crime. There also appear to be quite strict funding guidelines in place which service providers believe do not allow for new program development or different initiatives. It remains somewhat unclear as to how these funding guidelines impact upon victims themselves.

The Northern Territory service providers were also critical of the lack of support for increased outreach services. Whilst what currently exists is somewhat better than what is provided nationally, service providers still believe

that this is inadequate and does not address the current demand.

Identified needs and requirements

Many service providers mentioned the special need for both Indigenous workers and specific Indigenous translator services in the Northern Territory. There was also support for a more generic court support service. Whilst the Witness Assistance section of the DPP was well supported by other agencies, it was felt there was a need for a more general service to provide support to family and friends of the victim. Many thought that education in relation to the legal system was also an urgent requirement.

Finally there was good support for a central victim information line, similar to some of the toll free numbers in other States, to provide not only information but also advice and telephone counselling. It was expressed that such a service might raise the awareness of victims of crime and help to create a stronger victim “voice” in advocacy.

Australian Capital Territory

Service structure

In the Australian Capital Territory, a booklet entitled *Victims of Crime: An Information Booklet for the ACT and Region* lists over 50 community and government organisations, excluding

criminal justice agencies, which can provide information, advice and support to victims of crime. Ten years ago most of these organisations did not exist, and of those that did, none was focused on victim support (Strang, forthcoming, p. 7).

The service structure in the Australian Capital Territory generally provides referrals to other agencies; information; court support; and telephone information and counselling. There have also been attempts by police and a few other agencies to implement a case monitoring system through the use of police victim liaison officers.

Similar to the other States, there appears to be a gap in services relating to NESB or Indigenous persons and people with disabilities. However, as the Australian Capital Territory is geographically small and also has a small population many of these persons are catered for by generic community services such as VOCAL ACT. Also, most services tend to provide resource material relevant to victims, with some specifically for people from non-English-speaking backgrounds. Generally, services do not have their own interpreting service, but use those already available, such as TIS, or have the advantage of bilingual staff.

Many of the services have a mix of NESB, Indigenous and multilingual staff, often on a volunteer basis. In terms of staff training, the Australian

Capital Territory is similar to other States and Territories, where training is generally conducted on an as-needed basis, at the discretion of service providers. Some services provide ongoing training for staff. In terms of backgrounds and qualifications, much of the service staff originate from counselling, social work, legal and psychology backgrounds.

The most common method of contact between services and victims remains referral. Most of the services have offices based within the city centre and many also offer home visits and other support methods such as crisis lines, telephone information and counselling. There appear to be only a handful of services which have 24-hour availability. Most of the services in the Australian Capital Territory are limited to standard business hours, Monday to Friday. However, as the ACT is geographically so small, accessing services either within the office or otherwise is generally not problematic. Generally there is no cost/fee for services, and people need an appointment except in the event of emergency.

There is a mixture of funding for crime victims services from both the Commonwealth Government and Territory Government, similar to the Northern Territory. However, many of the services continue to rely heavily upon their own additional fundraising efforts.

Coordination and integration of services

The coordination and integration of services within the Australian Capital Territory is perceived by the majority of its service providers as good. The main reason for this appears to be the small size of the jurisdiction, which facilitates communication.

Problems that were identified were mainly regarding the nature of client service and professionalism of service providers. Many of the service providers felt that there remained competition regarding the “ownership” of the clients. Many felt that this was unprofessional and ultimately damaging to the victim. Service providers should be attempting to empower victims, not to “own” them. This problem also appears to be linked to the issue of funding and the measurement of funding in terms of the number of clients a service sees.

Limitations of services

Most of the services surveyed found that the issues of funding, and inadequate resources for the numbers of clients, were the main problems affecting their service provision. Many commented that there were not enough staff to meet demand, due to the lack of funding. Many felt that this was extremely important and that there was an urgent need in the Australian Capital Territory for more counsellors,

and in particular community education programs regarding the services available and other general criminal victimisation issues.

Identified needs and requirements

The service providers identified the need for better flow of information through to victims. Many felt that the development of good services for crime victims was progressing in the Australian Capital Territory. Victims nevertheless appear to remain unaware of the existence of such services. Public education campaigns and promotion of the services is required. Another general need identified by service providers was the provision of more free or low cost long-term counselling options for victims in the ACT. Counselling continues to be seen by service providers as a very important component in assisting the recovery of crime victims.

The other comments of service providers related to two specific areas of victim support. There was a perceived need for a witness assistance program, specifically one based within the DPP, such as those in New South Wales, Victoria, Queensland, South Australia and the Northern Territory. Also, it was felt by service providers that a specialist police unit for the investigation and handling of domestic violence cases, similar to the AFP’s Sexual Assault Unit, would be extremely beneficial.

Conclusion

A number of common factors were identified through our survey, the most obvious being the influence of integration and coordination upon the success of service provision to victims.

In the recently published *Victim Support Australasia Position Paper No. 1* there was a section entitled “Recommended Levels of Service for Jurisdictions—Inter-agency”, which states: “Each jurisdiction should establish and maintain mechanisms for inter-agency communication, co-ordination and strategic planning” (VSWP 1998, p. 59). This is a significant part of the success of services provided to victims of crime nationally.

Much of the current research has shown that a lack of coordination in the provision of services and the mis-allocation of resources are two of the major problems with service provision to victims of crime. It is important that victims are able to access, quickly and effectively, the type of services which will be best suited to their particular needs. Many services believe that identification and listing of the range of services available in each State is required and that this would allow the development of an overall network of services for victims. Such cataloguing of services could potentially identify what is available, what services are duplicated and where there are gaps in

existing services (ACTCLR 1993, p. 122).

One of the main criticisms voiced was the isolation of the judicial system from other services. Many participants expressed the feeling that much of the difficulties for victims in relation to courts stemmed from this lack of openness by court systems regarding their processes. Many of the service providers felt that this isolation protected courts from the reality of victimisation. The need for public education regarding courts, as well as the need for courts and judicial staff (including the DPP) to become more available and accountable to victims of crime, was felt to be very important to the ultimate success of service provision to victims.

Other findings include the good levels of availability of services in most States. However, rural access continues to be a challenge, particularly for some of the geographically larger States with populations which are spread out over these large areas. There were signs that there have been serious attempts made to address such difficulties, with a number of innovative types of service provision now being trialed.

There also appeared to be a lack of services for certain vulnerable populations such as NESB and Indigenous persons, people with disabilities and the elderly. However, there was some difficulty in

determining from the current research how such populations are actually serviced and it may be that, whilst there appears to be a lack of specific services for such victims, there is adequate service provision by the generic victim support services through other methods. This is an area in which more specific research is required in order to provide an accurate picture.

Other commonalities included the apparent lack of suitable training for staff in many of the organisations. Whilst this does not infer that the service provision by these staff members is in any way less effective than that of others, it is important to recognise the extreme vulnerability of many of the clients of the services, and that such training of staff is very important. This is another area which requires further in-depth research in order to ascertain the actual nature of the training provided and to evaluate it thoroughly.

Finally, the overwhelming factor that was uncovered by this research study was the perceived lack of funding. Funding issues dominated most of the discussions and responses from service providers. Many of the participants believed that the demand for services far outweighs what can currently be supplied to victims. Many also cited the lack of resources as a reason for the lack of evaluation of services. Also, the way in which many of the services were funded often

produced uncertainty because it did not allow them to engage in long-term planning. Many felt that much of the infighting between services related to the nature of funding, particularly funding which is measured by the number of clients serviced. It is clear that a review of the methods of funding services for victims of crime is required.

Australia has progressed rapidly in the last few decades in providing support and services for victims of crime. As mentioned previously, it is clear that much of this development is the result of the hard work and commitment of victims themselves in establishing the services. However, our research has shown that governments can play a still greater role in meeting victims' needs.

Responses and Policy Opportunities

One of the first conclusions of the research was that there remain considerable difficulties in the collection of data and the formulation of statistics regarding victimisation. How victims report crime and the processes of the police and courts have an impact upon the picture presented in crime statistics. Often the routine ways in which the institutions of criminal justice function serve to induce stress, and may be responsible for a large proportion of non-reported criminal victimisation. As reported, a clearer picture of the extent of victimisation is often presented by victim surveys such as the Australian Bureau of Statistics Crime and Safety Survey. These remain infrequent, however, and often do not focus upon the impact of victimisation, but rather on its demographics. The Australian Institute of Criminology believes that there are a number of initiatives that could address these difficulties.

- **Research findings on reporting practices of victims should be used in public education campaigns and by police with the aim of increasing the willingness of victims to report crimes,**

particularly intimate crimes such as sexual assault.

- **Recognition should be given to the systemic factors which may be responsible for non-reporting, for example police practices and court processes, and action taken to improve these.**
- **There needs to be greater recognition of the value of crime victim surveys, support for their continuation, and an increase in their frequency.**
- **The scope of information collected through crime victim surveys should be broadened. More information on the impact and consequences of victimisation is required so that victims' needs can be addressed adequately.**
- **Research on the impact of victimisation by different types of offences such as property offences would give a wider picture of the true impact of victimisation.**
- **More research is required on the impact of victimisation on**

different groups of people in order to address the effectiveness of service provision to victims in general.

Chapter 1 of this report examined the types of groups that were known to be at high risk of victimisation, in particular young men and women aged between 15 and 19 years. The location and types of crime and the existence of relationships between victims and offenders was also reviewed. From such research a picture of victimisation emerged that is vastly different to the picture much of the community holds. Previous research on the fear of crime has shown that many people who are at low risk are actually the most afraid of victimisation. The media appear to hold some responsibility for the development of such fears amongst the community. This report proposes that:

- **There is a need to address the fear of crime in the community. Public education of the true incidence of victimisation and its location would provide the community with information to enable them to assess the risks more objectively.**
- **Public education and prevention programs should be aimed at high risk groups, namely, young people. Suggestions were made for prevention and education programs on crime and victimisation to be taught in**

schools and through electronic media.

Our findings show that victims and their reactions remain varied and individualistic. Research on the physical, psychological and financial impacts of victimisation appears to be increasing. However one of the identified areas in which little empirical research has been completed is in the area of secondary victims. As we have shown, secondary victims may suffer impacts from victimisation similar to those suffered by the primary victim.

- **More research is required on the impact of crime on secondary victims, such as children, partners, friends and relatives of the primary victim.**
- **Current statistical data collections should be adapted to include collection of information on the impacts and consequences of crime.**

Responses to victims of crime have been shown to play an important role both in individual recovery and in satisfaction with the criminal justice system and its processes. There were a number of different victims' needs identified, both within the literature and by the participants, one of the main ones being support. This currently appears to be well met by existing social supports and services for the majority of victims. A series of other needs were identified which relate to service provision.

- **Crisis responses to criminal victimisation should include an assessment of the individual needs of the victim. Early identification, particularly regarding the psychological impacts of crime, is important to prevent the development of more serious problems in the long term (for example, PTSD).**
- **Education and training for professionals likely to be involved with victims during the initial stages following victimisation must emphasise the potential impact on a victim of their responses and actions.**
- **Crisis responses should include a mechanism for the dissemination of information concerning the range of services available.**
- **Service delivery must be flexible and allow victims as much choice as possible to meet their individual requirements.**

A large section of this report has dealt with the impact of the criminal justice system upon victims and their recovery from victimisation. As previously defined, the criminal justice system includes the police, DPP, courts, members of the legal profession such as barristers and solicitors, and corrections. Much of the literature confirms that often the process of dealing with “the system” can be just as traumatic as, in some cases worse than, the initial victimisation. The main

findings concerning the criminal justice system relate to the accessibility of information by victims.

Much of the response from the participants has shown that, in general, police services in Australia have responded quite well to the needs of victims. However, there remain some concerns:

- **Police involvement often occurs shortly after the victimisation incident and therefore all police must be sensitive to the needs of victims at this critical stage, regardless of the nature of the crime (violent or property) or its perceived seriousness.**
- **The transient nature of their contact with police remains a difficult problem for victims. Victims need consistency and continuity, particularly in regard to information provision and follow-up. Often shift work, work loads and job rotation can work against such responses.**
- **New initiatives, such as police–victim liaison officers and specialised victim response units, should be evaluated.**

The DPP (Office of the Director of Public Prosecutions) in most jurisdictions has also made substantial advances in addressing the needs of victims, namely through witness assistance services. However, many people were critical of the lack of

information that the DPP provided to victims regarding their case. In all cases offenders are notified of the time and date of the court appearances, but victims are often not advised. Some suggestions for improving the DPP's service provision to victims are provided below.

- **The DPP should play a significant role in the education of victims regarding the processes of the court, the role of the DPP and the victim in the process, and the likely delays and timeframe involved in prosecution.**
- **The DPP should keep the victim informed of developments in the case and the scheduling of court appearances.**
- **Evaluation of the effectiveness of DPP witness assistance schemes is also required.**

The judicial system appears to have been the least responsive of all sections of the criminal justice system to the needs of victims. Although there have been various legislative initiatives concerning the position of the victim in court, many have not had the desired effect. The courts appear to remain isolated from the growing movement to include victims in criminal justice processes. Considerations for change are presented below.

- **Facilities for the protection of vulnerable witnesses are**

required in all jurisdictions. Where such facilities exist, evaluation of their impact and usefulness is also required.

- **Similarly, court-provided assistance such as screens and the use of remote witness facilities should be implemented and, where implemented, evaluated.**
- **There should be greater education about court processes to enable victims to understand both the processes and the decisions of the court.**
- **Preparation for, and support during, the process of giving evidence (particularly for those witnesses who are also the victim of the crime) should also be provided. This is especially important in the case of vulnerable witnesses such as children and NESB and Indigenous victims.**
- **Debriefing of victims/witnesses concerning what has occurred in court is recognised as a valuable tool and should be routinely employed.**
- **Victims should be entitled to submit a Victim Impact Statement, or to have one submitted on their behalf.**
- **Information for the victim concerning the likely outcome of**

a hearing and the considerations used in sentencing may give victims a greater understanding of the eventual result.

Correctional services have recently started to develop initiatives to assist victims. The use of Victims' Registers has alleviated much of the potential anxiety of victims by allowing them to know the status of the offender during their involvement with corrective services, either in custody or on a community correctional order.

- **Victims' Registers are considered to be extremely valuable information tools and serious consideration should be given to their implementation in all jurisdictions.**

Criminal injuries compensation schemes exist in all Australian jurisdictions. There has been considerable development of these schemes since their inception in the late 1960s. Some of the identified requirements and difficulties related to criminal injuries compensation schemes are presented below.

- **There needs to be an assessment of the applicability of those criminal injuries compensation schemes that provide a delayed lump sum payment. Suggestions were made for the introduction of a system of interim payment to assist victims in the immediate aftermath of victimisation.**

- **The ability of certain groups to gain access to compensation, in particular NESB and Indigenous persons and persons with a disability, should be assessed.**
- **Privacy remains problematic where compensation hearings are open to the public and details of the case which are distressing or embarrassing to the victim may be discussed. A review of these privacy issues is required.**

The final area of response examines the media and their role regarding the reporting of crime and victimisation. Changes to news reporting methods over the past few decades have moved such reporting from a cataloguing of events to a form of entertainment. Competition between media organisations has also affected the way in which crime and victims are portrayed. Areas to be addressed are discussed below.

- **There is a need for the development of protocols or a code of practice regarding the reporting of crime and victimisation. These protocols or codes should be developed jointly by the media, criminal justice agencies and victim support agencies.**
- **Respect for the privacy and consideration of the needs of victims should be foremost in the treatment of victims by the media.**

- **All media personnel should have some training in the effects of victimisation and in privacy rights, and should have an understanding of the impact that their actions may have.**

Within and across the States and Territories of Australia there was some variation in both the method and ideology of service delivery for victims of crime. A number of factors were identified as requiring attention.

- **Integration and coordination of services is one of the crucial factors for the successful provision of services to victims in any jurisdiction. The findings of this report support the statement by Victim Support Australasia that: “Each jurisdiction should establish and maintain mechanisms for inter-agency communication, coordination and strategic planning”.**
- **Comprehensive identification and listing of the full range of services available in each jurisdiction would also be of great assistance. Such research would identify what services are currently available, and help overcome any unnecessary duplication or gaps in service provision.**
- **Research is urgently needed on the nature of services to**

vulnerable groups—particularly NESB and Indigenous victims, victims with a disability and the elderly—and on the individual requirements of these groups. This research was unable to pinpoint how such victims are provided for in the current service delivery methods.

- **There is need for further research to evaluate the nature and structure of current training for staff providing services for victims of crime.**
- **The methods of funding for victims services need periodic review to ensure that these methods do not affect the ability of services to plan for the long term, or promote competition for clients.**

Restorative Justice programs have proliferated rapidly throughout the 1990s. Much of these ideas are based on traditional Indigenous (Australian, American and New Zealand Indigenous communities) ideas of community-based justice and dispute resolution. The popularity of the principles of Restorative Justice has developed in conjunction with the victim movement and its involvement in the criminal justice system. These principles focus upon restoring the victim, the offender and the community by giving victims a place in the process. Research has demonstrated that there is an important role for

Restorative Justice principles in the provision of services to victims.

- **There should be greater recognition of the effectiveness of Restorative Justice principles and their role in providing victims with a process through which they can be heard.**
- **There needs to be recognition that the use of Restorative Justice principles allows for some personal control and involvement by the victim in a process from which they are usually excluded.**
- **It should also be recognised that justice for victims does not have to be gained at the expense of the rights of the accused.**

As can be seen from the large range of issues covered in this report, the issues of victims' needs and rights are complex and cannot be addressed through a single response. Also, as has been identified, the resources in this area remain limited and the problem must therefore be addressed in a systematic manner to produce both effective and efficient solutions.

Conclusion

There have been many positive developments in addressing the needs of victims in Australia. Service provision has developed rapidly and in many cases victims themselves have been at the forefront of this development.

However, the research undertaken for this report also demonstrates that there remain many areas in which the needs of victims have been overlooked. Nationally, the victim movement in Australia is increasingly moving towards victim support and to addressing the needs of victims rather than focusing on their rights.

In addressing the needs of victims there has also been increasing incorporation of the principles of Restorative Justice and a realisation that assisting victims does not necessarily mean curtailing the rights and needs of offenders. Australia has come a long way towards meeting the needs of crime victims in the past 25 years, but there is still much to be done. There is growing support for a system in which victims and offenders interact and each has an important role in the process and outcome.

Appendix One

Participants

The following list provides details of organisations, some of whose staff were either interviewed or surveyed in relation to service provision to victims of crime.

New South Wales

Advocates for Survivors of Child Abuse (ASCA), Parramatta

Anti-violence Project, Lismore

Department of Corrective Services
Victims Register, Sydney

Enough is Enough, Jannali

Fairfield Migrant Resource Centre,
Domestic Violence Project,
Cabramatta

Homicide Victims Support Group,
Darlinghurst

Kempsey Family Support Service Inc.,
Kempsey

Manly Warringah Women's Resource
Centre, Dee Why

New South Wales Institute of Forensic
Medicine, Glebe

Office of the Director of Public
Prosecutions Witness Assistance
Service, Sydney

Sexual Assault Centre, Royal Prince
Albert Hospital, Sydney

Sydney City Mission Victims Support
Service, Sydney

Victims of Crime Bureau/Victims
Compensation Tribunal, Sydney

The Wayside Chapel, Potts Point

Wirringa Baiya Aboriginal Women's
Legal Centre, Stanmore

Women's Information and Referral
Service, Woolloomooloo

Victoria

Australians Against Child Abuse/Birrell
Centre for Children, Ringwood

Centres Against Sexual Assault
(CASA), Carlton

Office of the Public Advocate, Carlton

The Salvation Army Victorian Courts &
Prisons Chaplain Services, North
Melbourne

Victim Advisory Unit, Victoria Police
Service, Melbourne

Victims Referral and Assistance
Service, Melbourne

Victorian Court Network, Melbourne

Queensland

Abused Child Trust Inc, Albion

Alternative Dispute Resolution Branch,
Department of Justice (Victim/
Offender Mediation), Brisbane

Brisbane Rape and Incest Survivors
Support Centre, Brisbane

Department of Families, Youth and
Community Care, Sexual Abuse
Counselling Service, Woolloongabba

Department of Justice Concerned
Persons Register, Brisbane

Gold Coast Sexual Assault Support
Service, Southport

Immigrant Women's Support Service,
West End

Lifeline, Brisbane

Office of the Director of Public
Prosecutions Victim Support Service,
Brisbane

Protect All Children Today (PACT),
Logan Central

Queensland Children's Commission

Queensland Homicide Victims' Support
Group, Albion

Sexual Assault Unit, Queensland
Police Service, Brisbane

Sunshine Coast and Gympie Sexual
Assault Support Service

Victims of Crime Association, Fortitude
Valley

Women's Legal Service Inc., Annerley

Zig Zag Young Women's Resource
Centre, Camp Hill

Western Australia

Criminal Injuries Compensation Unit,
Ministry of Justice, Perth

Sexual Assault Resource Centre,
Subiaco

Victim Liaison Officer and Domestic
Violence Liaison Officer, Community
Support Branch, Western Australia
Police Service, Cannington

Victim-Offender Mediation Unit,
Ministry of Justice, Perth

Victim Support Service, East Perth

Women's Policy Development Office,
Domestic Violence Prevention Unit,
Perth

South Australia

Adelaide Central Mission, Willunga

Aged Rights Advocacy Service, Abuse
Prevention Program, Adelaide

Department of Family and Youth
Services Crisis Care Unit, Adelaide

Domestic Violence Crisis Service,
Adelaide

Domestic Violence Unit, South
Australia Police Service, Adelaide

EMPOWA Criminal Justice Services
(Andrew Patterson), Happy Valley

Homicide Victims Contact Officers,
South Australia Police Service,
Adelaide

Homicide Victims Support Group of SA
Inc, Adelaide

National Association for Loss and Grief
(SA) Inc., Unley

Office of the Director of Public
Prosecutions Witness Assistance
Service, Adelaide

Sexual Assault Unit, South Australia
Police Service, Adelaide

Victims of Crime Branch, South
Australia Police Service, Adelaide

Victim Support Service, Adelaide

Women's and Children's Hospital Child
Protection Unit, North Adelaide

Yarrow Place Rape and Sexual Assault
Service, North Adelaide

Tasmania

Community Corrections, Department of Justice, Hobart

Hobart Community Legal Service, Hobart

Northern Sexual Assault Group Inc, Launceston

Sexual Assault Support Service, North Hobart

Trauma Cleaning Service/Mortuary Ambulance Service, Hobart

Victim Contact Officer, Tasmania Police Service, Hobart

Victims of Crime Service, New Town

Victims of Crime Service, Launceston

Northern Territory

Darwin Aboriginal and Islander Women's Shelter, Sanderson

Darwin Community Legal Service, Domestic Violence Legal Help, Darwin

Domestic Violence Unit, Northern Territory Police Service, Berrima

Northern Territory Legal Aid Commission, Darwin

Office of the Director of Public Prosecutions Victim Support Unit, Darwin

Ruby Gaea Darwin Centre Against Rape

Sexual Assault Unit, Northern Territory Police Service, Berrima

VOCAL Northern Territory, Darwin

Australian Capital Territory

Canberra Rape Crisis Centre, Dickson

Diversionary Conferencing Team, Australian Federal Police, Canberra

Domestic Violence Coordinator, ACT Magistrates Court, Canberra

Domestic Violence Crisis Service, Canberra

Victims of Crime Coordinator, Canberra

Victims of Crime Liaison Officer, Australian Federal Police, Tuggeranong

VOCAL ACT, Narrabundah

Women's Legal Centre (ACT & Region) Inc, Canberra

Appendix Two

Legislation Relating to Victims of Crime

NEW SOUTH WALES

Relevant Legislation

Victims Compensation Act 1996
(NSW)

Victims Rights Act 1996 (NSW)

1. Victim Impact Statements

According to the Victims Rights Act, a victim impact statement is a statement containing particulars of, in the case of a primary victim, any personal harm suffered by the victim as a direct result of the offence, or in the case of a family victim, the impact of the death of the primary victim on the members of the immediate family of the primary victim (Victims Rights Act, s23B).

A primary victim is a person against whom the offence was committed, or who was a witness to the act of actual or threatened violence, and who has suffered personal harm as a direct result of the offence (Victims Rights Act, s23A).

A family victim is a person who is, at the time the offence was committed, a member of the immediate family of a primary victim of the offence who dies as a direct result of that offence (whether or not the person suffered personal harm as a result of the offence). Immediate family includes the victim's spouse, de facto, same sex partner, child or step-child, parent, guardian or step-parent of the victim, brother, sister, step-brother or step-sister of the victim (Victims Rights Act, s23A).

2. Criminal Injuries Compensation

Relevant decision maker

Assessor from the Victims Compensation Tribunal (Victims Compensation Act, ss59-65 establishes the Victims Compensation Tribunal).

Right of appeal

The decision of an Assessor can be reviewed by the Tribunal (Victims Compensation Act, s36). Appeals on matters of law can be referred to the District Court (s39).

Procedure

In the exercise of its jurisdiction, the Tribunal must do all such things as are necessary to ensure that proceedings before it are disposed of within as

short a period as is reasonably practicable (Victims Compensation Act, s60(2)). The Tribunal may issue guidelines to Assessors with respect to the determination of applications for compensation (s65).

Eligibility requirements

Applicants must be either a primary, secondary or a family victim of an “act of violence” (Victims Compensation Act, s6).

An “act of violence” includes an act or series of acts:

- a) that apparently occurred in the commission of an offence, and
- b) that has involved violent conduct against one or more persons; and
- c) that has resulted in injury.

For the purposes of this definition, “violent conduct” extends to sexual assault and apprehended domestic violence (Victims Compensation Act, s5).

Compensable injuries include those listed in Schedule 1 to the Act, and include physical injuries and shock. Victims of sexual assault fall into one of three categories, category 1, 2 or 3, each of which attracts a range of monetary compensation, depending on the severity of the crime and regardless of the particular “injuries” sustained.

Maximum amount of compensation

\$50,000 (see further, Victims Compensation Act Schedule 1, which sets out the list of compensable injuries).

Time limit for application

Two years from the date of the offence (Victims Compensation Act, s26).

Exceptions to time limit

Leave should not be granted unless there is a “good reason to do so” (Victims Compensation Act, s26(3)). Leave should be given in cases of sexual assault, domestic violence or child abuse, unless the Director is satisfied there is no good reason to do so. In other cases, the victim’s lack of knowledge of entitlement to compensation is not a good reason. The Tribunal should also consider delay in reporting the incident to the police.

Requirements if offender is not known or is acquitted

There is no requirement that the offender be charged or prosecuted.

Costs

An applicant may be awarded costs even if the application is dismissed (Victims Compensation Act, s35).

3. Statutory Guidelines for Treatment of Victims

The Charter of Rights is contained in the Victims Rights Act. This document does not create legally enforceable rights but establishes a set of guidelines for the treatment of victims by public officers in the criminal justice system. Breach of these guidelines can render an officer liable to discipline proceedings within her/his department, or can be the subject of a complaint to the Victims of Crime Bureau.

VICTORIA

Relevant Legislation

Victims of Crime Assistance Act 1996 (Vic.)

Sentencing (Victims Impact Statement) Act 1994 (Vic.)

1. Victim Impact Statements

If a person has been found guilty of an offence a victim of the offence may make a victim impact statement to the court for the purpose of assisting the court in determining sentence (Sentencing (Victims Impact Statement) Act, s95A). A victim impact statement may contain information about the injury, loss or damage resulting from the offence (s95B).

2. Criminal Injuries Compensation

Relevant decision maker

Victims of Crime Assistance Tribunal (established by Part 3 of the Act).

Right of appeal

Victorian Civil and Administrative Tribunal (s59).

Procedure

No requirement of formality, not bound by rules of evidence (s38).

Eligibility requirements

The applicant must have been a primary, secondary or related victim of an “act of violence”, meaning a criminal act or series of related criminal acts, whether committed by one or more persons, that has:

- (a) occurred in Victoria; and
- (b) directly resulted in injury or death to one or more persons, irrespective of where the injury or death occurs (s3).

An “injury” is defined to include:

- (a) actual physical bodily harm; or
- (b) mental illness or disorder, whether or not flowing from nervous shock; or
- (c) pregnancy; or
- (d) any combination of the above.

Note: on the death of a primary victim of an act of violence, any right of that victim to receive assistance of any kind under this Act does not survive for the benefit of his or her estate (s5).

Maximum amount of compensation

\$60,000 for primary victims, \$50,000 for secondary and related victims (ss8, 10 & 11). The maximum that can be awarded to the total of all related victims is \$100,000, less any amount awarded to the primary victim for funeral expenses.

Provision of counselling

There is no legislative provision of counselling however through the government funded Victims Referral and Assistance Service (VRAS) there is a provision for ten (10) sessions of counselling free of charge.

Time limit for application

2 years after the occurrence of the crime (s29).

Exceptions to time limit

In deciding whether there are “circumstances that warrant hearing the matter” out of time, the decision maker must consider the age of the applicant at the time of the crime; whether the applicant is intellectually disabled or mentally ill; whether the

offender exercised a relationship of power, influence or trust over the victim; whether the victim was a child at the time of the offence; all other circumstances that it considers relevant (s29(3)).

Requirements if offender is not known or is acquitted

Tribunal may make an award even though no person has been charged with, or found guilty of or convicted of, an offence arising out of the commission of that act of violence (s50(4)).

Costs

Tribunal has full power to determine who bears the costs of proceedings (s48).

3. Charter of Rights for Victims

There is no charter of rights or other guidelines for the treatment of victims in Victoria.

QUEENSLAND

Relevant Legislation

Criminal Offence Victims Act 1995 (Qld) (“Victims Act”)

Criminal Offence Victims Regulation 1995 (Qld) (“Victims Regulation”)

Penalties and Sentences Act 1992 (Qld)

1. Victim Impact Statements

During sentencing, the prosecutor should inform the sentencing court of appropriate details of the harm caused to a victim by the crime. In deciding what details are appropriate, the prosecutor may have regard to the victim's wishes. The prosecutor should ensure the sentencing court has regard to the nature of the offence, how serious the offence was, including any physical or emotional harm done to the victim, if this would benefit the victim (Criminal Offence Victims Act, s14; see also *Penalties and Sentences Act 1992*, s9(2)(c)).

2. Criminal Injuries Compensation

Relevant decision maker

If the offender is convicted, the applicant can apply to the same court for a compensation order, an order which stipulates an amount to be paid by the convicted person to the applicant because of the injury (Victims Act, s24). An applicant can apply to have all or part of the compensation order paid by the State (s32).

Where the offender is never apprehended or is acquitted due to unsoundness of mind or being under the age of criminal responsibility, the State may pay an amount that could have been ordered to be paid under a compensation order if the person who committed the act or offence were

convicted on indictment of the act or offence (Victims Act, s33).

Right of appeal

Payment made by the State are *ex gratia* and as such not subject to appeal (Victims Act, s23).

Procedure

A procedure for a compensation order is a civil matter and the strict rules of evidence need not apply (Victims Act, s30).

Eligibility requirements

The Applicant must have suffered injury, death or expense as a result of an indictable offence (Victims Act, s19). "Injury" includes bodily injury, mental or nervous shock, and pregnancy.

In relation to victims of sexual offences, their "injury" can also include the totality of "adverse impacts" suffered by a person, including a sense of violation, reduced self-worth or trauma, post-traumatic stress disorder, disease, lost or reduced physical immunity, lost or reduced physical capacity, whether temporary or permanent, increased fear or feelings of insecurity, adverse effect of the reaction of others, adverse impact on lawful sexual relations, adverse impact on feelings, anything else the court considers is an adverse impact

of a sexual offence (Victims Regulations, s1A(1) and (2)).

Maximum amount of compensation

\$75,000 (Victims Regulation, s2).

Time limit for application

Applications must be made within 3 years after the end of the convicted offender's trial; or if the applicant is a child at the time of the offence, within 3 years of becoming an adult; or with the court's order for an extension of time, at any time (Victims Act, ss40-41).

Exceptions to time limit

The court may order the extension of time under s41 of the Victims Act.

Requirements if offender is not known or is acquitted

If the offender is not known or is never apprehended, the applicant must show that the act was reported as soon as possible having regard to all the circumstances, to a police officer, or in the case of a sexual offence, to a police officer, doctor or appropriate agency, such as a crisis centre.

Costs

A court is unable to make an order for the payment of costs of an application for a compensation or repayment order (Victims Act, s31).

3. Charter of Rights for Victims

The Victims Act establishes "fundamental principles of justice for victims of crime" (see further Part 2 of the Act). These principles do not create legally enforceable rights but establish a set of guidelines for the treatment of victims by public officers in the criminal justice system. Breach of these guidelines can render an officer liable to discipline proceedings within his or her own department.

WESTERN AUSTRALIA

Relevant Legislation

Criminal Injuries Compensation Act 1985 (WA)

Victims of Crime Act 1994 (WA)

Sentencing Act 1995 (WA)

1. Victim Impact Statements

A victim may give a victim impact statement (written or oral) to a court to assist the court in determining the proper sentence for the offender (Sentencing Act, ss24&25). The victim impact statement can give particulars of any injury, loss or damage suffered by the victim as a direct result of the offence, or describe the effects on the victim of the commission of the offence. The court can make a victim impact statement available to the prosecutor and to the offender (s26).

2. Criminal Injuries Compensation

Relevant decision maker

Chief Assessor (Criminal Injuries Compensation Act, s5).

Right of appeal

District Court (Criminal Injuries Compensation Act, s41).

Procedure

The Chief Assessor is to act expeditiously and informally, and he/she shall be free to act without regard to legal rules relating to evidence or procedure (Criminal Injuries Compensation Act, s28).

Eligibility requirements

The Applicant must have suffered economic loss or an “injury”, which includes bodily harm, mental and nervous shock, and pregnancy, in consequence of the commission of an offence, which includes a crime, misdemeanour or simple offence for which a person has been convicted (Criminal Injuries Compensation Act, ss3 & 7).

Maximum amount of compensation

\$15,000 or an amount prescribed by the regulations (Criminal Injuries Compensation Act, s20).

Time limit for application

3 years after the commission of the offence (Criminal Injuries Compensation Act, s17).

Exceptions to time limit

Chief Assessor may grant leave to make an application out of time if he/she thinks it just to do so but subject to such conditions as he/she thinks it is just to impose (Criminal Injuries Compensation Act, s17(2)).

Requirements if offender is not known or is acquitted

Criminal Injuries Compensation Act, ss8-14: victims of crime can apply for compensation where the offender is acquitted because of unsoundness of mind, dies before the verdict, a complaint/indictment is withdrawn or no person is charged with the offence. In these cases the Chief Assessor must be satisfied on the balance of probabilities that the claimed injury or loss has occurred as a consequence of the alleged offence.

Costs

Neither the Chief Assessor or the District Court has the power to award costs in these applications.

3. Charter of Rights for Victims

The Victims of Crime Act contains guidelines about the treatment of victims of crime but does not create legally enforceable rights or entitlements.

SOUTH AUSTRALIA

Relevant Legislation

Criminal Injuries Compensation Act 1978 (SA)

Criminal Law (Sentencing) Act 1988 (SA)

1. Victim Impact Statements

A person who has suffered injury, loss or damage resulting from an indictable offence may furnish the trial court with a written personal statement about the impact of that injury, loss or damage on the person and his or her family (Criminal Law (Sentencing) Act, s7A).

The statement is to be read out in court either by the victim, if so requested, or by a person chosen by the court.

2. Criminal Injuries Compensation

Relevant decision maker

District Court (s4).

Right of appeal

Full Court of the Supreme Court (s9A).

Procedure

The court may receive in evidence any transcript of evidence in proceedings in any other court and may draw any conclusions of fact that it considers proper (Criminal Injuries Compensation Act, s8(2)).

Eligibility requirements

An Applicant must have suffered injury arising from an offence (Criminal Injuries Compensation Act, s7). Where a person is killed by homicide, the spouse, putative spouse, or parent (where the victim was, at the time of death, less than 18 years of age) may apply for compensation. A person who pays, or is responsible for funeral expenses may apply for compensation in respect of these expenses.

“Victim”, in relation to an offence, means a person who suffers injury in consequence of the commission of the offence (s6).

“Injury” means physical or mental injury, and includes pregnancy, mental shock and nervous shock (s6).

“Offence” means an offence, whether indictable or not, committed by one or more persons and includes conduct on the part of a person that would constitute an offence if it were not for

that person's age, or the existence of a defence of insanity (s6).

Maximum amount of compensation

\$50,000 (Criminal Injuries Compensation Act, s8(a)(iii)).

Time limit for application

Within 3 years of the day on which the offence was committed (s7).

Exceptions to time limit

The court may dispense with the time limit for any reason it considers sufficient (s7(4)).

Requirements if offender is not known or is acquitted

Where no person is brought to trial for the offence, the evidence of the claimant, unless supported by corroborative evidence, is not sufficient to establish the commission of the offence (s8).

The Attorney-General has absolute discretion to make an ex gratia payment if: the alleged offender is acquitted; and the acquittal appears to have arisen, in the case of rape, from a lack of *mens rea*; in any other case, from lack of *mens rea* by reason of duress, drunkenness or automatism; or if it appears that because of lack of evidence, absence of capacity to incur criminal responsibility, or other matters

personal to the perpetrator, or any other reason that does not reflect adversely on the victim, an offence has not been, or cannot be established (s11(3)).

Costs

Costs can be awarded but not in excess of the prescribed scale (s7(12) and s10).

3. Charter of Rights for Victims

The Declaration of Victim's Rights is an administrative direction, made by Cabinet in 1985. It applies to the Director of Public Prosecutions by virtue of a direction from the Attorney-General. Because it is a formal administrative direction, citizens have resort to the Ombudsman or Police Complaints Authority in case of non-compliance by agencies (Sumner 1999, p. 38).

TASMANIA

Relevant Legislation

Victims of Crime Compensation Act 1994 (Tas.)

Criminal Injuries Compensation Act 1976 (Tas.)

Sentencing Act 1997 (Tas.)

1. Victim Impact Statements

Before passing sentence on an offender, the prosecutor may address the court in relation to that sentence,

including: information about any aggravating circumstances or the presence or absence of any extenuating circumstances in relation to that offence; if the court has a choice with regard to the type of sentence, comment on the appropriateness of those kinds of sentences, and recommend which should be imposed (Sentencing Act, s80(1))

The court may also receive such information, in oral or documentary form, as it thinks fit and in so doing is not bound by the rules of evidence (Sentencing Act, s81(1)).

2. Criminal Injuries Compensation

Relevant decision maker

Registrar or Master of the Supreme Court (Criminal Injuries Compensation Act, ss3 & 5).

Right of appeal

A decision of the Master is final and there is no avenue of appeal (Criminal Injuries Compensation Act, s10).

Procedure

Awards of compensation are within the discretion of the Master and in exercising his/her discretion, he/she may have regard to any circumstances that he/she considers relevant

(Criminal Injuries Compensation Act, s5). In consideration of an application, the Master can inform him/herself as he/she sees fit (s7(2)).

Eligibility requirements

Awards can be made where a person is killed or suffers injury as the result of an offence, or in the course of assisting a police officer to arrest a person or to take action to prevent the commission of a crime (Criminal Injuries Compensation Act, s4).

“Injury” includes any impairment of bodily or mental health, and pregnancy (Criminal Injuries Compensation Act, s2(2)).

Applicants can apply for expenses actually incurred, pecuniary loss to the victim as a result of total or partial incapacity to work, pecuniary loss to the victim's dependents as a result of the death, the pain and suffering of the victim arising from the injury (Criminal Injuries Compensation Act, s4(3)).

Maximum amount of compensation

\$10,000 or the prescribed maximum amount (Criminal Injuries Compensation Act, s6).

Time limit for application

Not specified in legislation.

Exceptions to time limit

Not specified in legislation.

Requirements if offender is not known or is acquitted

The Master shall not make an award unless he/she is satisfied on the balance of probabilities that the death or injury was the result of criminal conduct (Criminal Injuries Compensation Act, s5(2)). Proof of conviction is taken as conclusive of the fact that the offence has been committed, unless an appeal is pending or a new trial has been directed (s7(3)).

Where a person suffers injury as a result of an act/omission that constitutes an offence or would have but for the fact that not yet an adult, or was insane, or had other grounds of excuse or justification at law, the victim may nonetheless be entitled to compensation (Criminal Injuries Compensation Act, s4).

Costs

Where an applicant has incurred costs in making the application, the Master may if he considers it proper in the circumstances to do so, add to the amount awarded an amount to meet, in whole or in part, the expense so incurred (Criminal Injuries Compensation Act, s5(8)).

3. Charter of Rights for Victims

There are no statutory guidelines for the treatment of victims in Tasmania.

AUSTRALIAN CAPITAL TERRITORY

Relevant Legislation

Criminal Injuries Compensation Act 1983 (ACT)

Victims of Crime Act 1994 (ACT)

Crimes Act 1900 (ACT)

1. Victim Impact Statements

A court determining the sentence to be imposed in respect of an offence shall have regard to any victim impact statement tendered in respect of the offence, and shall not draw any inference about the harm suffered by a victim from the fact that a victim impact statement is not tendered in respect of the offence (Crimes Act, s429AB).

2. Criminal Injuries Compensation

Relevant decision maker

Registrar of the Magistrates Court or the Supreme Court, depending on the court in which the principal offence was tried (Criminal Injuries Compensation Act, s7). If no offender has been tried, the application must be heard in the Supreme Court (s20).

Right of appeal

Supreme Court (Criminal Injuries Compensation Act, s28).

Procedure

A person attending an inquiry into compensation has the same protections afforded to witnesses in proceedings in the Supreme Court (Criminal Injuries Compensation Act, s25).

A Registrar of the Supreme Court may summon witnesses, examine witnesses on oath and administer oaths (ss21-22).

For proceedings in the Magistrates Court, the provisions of *the Magistrates Court (Civil Jurisdiction) Act 1982* apply.

Eligibility requirements

The court may award compensation where a person sustains a prescribed injury, or dies as the result of having sustained a prescribed injury (Criminal Injuries Compensation Act, s5).

“Injury” means any physical or mental injury, and includes: mental shock and nervous shock; pregnancy; the aggravation, acceleration or recurrence of any physical or mental injury; the contraction, aggravation, acceleration or recurrence of a disease; and damage to spectacles, contact lenses, a hearing aid, artificial

teeth, an artificial limb or other artificial substitute, or a medical, surgical or other similar aid or appliance (Criminal Injuries Compensation Act, s2).

“Prescribed injury” means an injury sustained as a result of the criminal conduct of another person, or in the course of assisting a police officer in the exercise of the officer’s powers to arrest a person or to take action to prevent the commission of an offence (Criminal Injuries Compensation Act, s2).

“Criminal conduct” means an act or omission that constitutes, or is an element of, an offence (Criminal Injuries Compensation Act, s3).

Maximum amount of compensation

\$50,000 (Criminal Injuries Compensation Act, s7).

Time limit for application

Within 12 months of which the injury was sustained (Criminal Injuries Compensation Act, s10(2)).

Exceptions to time limit

The court may, on an application made at any time, extend the time for lodging an application if it considers it just to do so (Criminal Injuries Compensation Act, s10(3)).

Requirements if offender is not known or is acquitted

The Criminal Injuries Compensation Act, s4 deems persons to have had the necessary intention if the conduct would have constituted criminal conduct, but for the offender's age, mental condition or otherwise.

Furthermore, the Supreme Court has jurisdiction to hear matters where an indictment has not been presented and no information has been laid but may in their discretion, refuse the application if satisfied that the criminal conduct as a result of which the injury was sustained was not reported to a police officer (Criminal Injuries Compensation Act, s20).

Costs

In the *Criminal Injuries Compensation Act 1983*, Section 5 Part 4 makes the provision that where expenses (other than legal fees) are incurred, the court may, in addition to any compensation awarded, order the payment of costs provided they do not exceed the amount of the original expense.

3. Charter of Rights for Victims

The Victims of Crime Act establishes a set of guidelines for the treatment of victims by public officers in the criminal justice system. Breach of these guidelines can render an officer liable to discipline proceedings within his or her own department.

NORTHERN TERRITORY

Relevant Legislation

Crimes (Victims Assistance) Act 1996 (NT)

Sentencing Act 1995 (NT)

1. Victim Impact Statements

A victim impact statement includes an oral or written statement prepared by the victim, containing details of the harm suffered by a victim, arising from the offence. A similar report, prepared by the prosecutor, is termed a victim report (Sentencing Act, s106B). Harm includes physical injury, psychological or emotional suffering, pregnancy and economic loss (O'Connell 1999, p. 90).

With the victim's consent, the prosecutor shall present the victim impact statement to the sentencing court. If the victim does not consent to a victim impact statement, the prosecutor shall, providing the victim does not object, present a victim report. The prosecutor shall also present a victim report if the victim cannot be located (s106B).

2. Criminal Injuries Compensation

Relevant decision maker

Local Court.

Right of appeal

Not specified in the Act.

Procedure

Hearings shall be conducted with as little formality and technicality, and with as much expedition, as the requirements of this Act and a proper consideration of the application permit. The Court is not bound by the rules of evidence but may inform itself as it sees fit (Crimes (Victims Assistance) Act, s15).

Eligibility requirements

A victim may apply to the court for an assistance certificate in respect of the injury suffered by him as a result of an offence (Crimes (Victims Assistance) Act, s5).

“Victim” means a person who is injured or dies as the result of the commission of an offence by another person (Crimes (Victims Assistance) Act, s2).

“Injury” means bodily harm, mental injury, pregnancy, mental shock or nervous shock but does not include any injury arising from the loss of or damage to property (Crimes (Victims Assistance) Act, s2).

“Offence” means an offence, whether indictable or not, committed by one or more persons which results in injury to another person (Crimes (Victims Assistance) Act, s2).

Maximum amount of compensation

\$25,000 (Crimes (Victims Assistance) Act, s13).

Time limit for application

Within 12 months after the date of the offence (Crimes (Victims Assistance) Act, s5).

Exceptions to time limit

The court may, as it thinks fit, extend the period within which an application under this section may be made (Crimes (Victims Assistance) Act, s5(3)).

Requirements if offender not known or is acquitted

Compensation is not to be awarded where the court is not satisfied on the balance of probabilities that the person whom the applicant claims was injured or killed was a victim within the meaning of the Act (Crimes (Victims Assistance) Act, s12). A victim is a person who is injured or dies as a result of the commission of an offence by another person (s4).

Costs

Not specified in the Act (other than s24, which prohibits solicitors taxing costs from the compensation payment).

3. Charter of Rights for Victims

The Northern Territory Charter for Victims of Crime establishes guidelines and principles for the treatment of victims and governs the type and availability of information to which victims are entitled. This Charter has no legislative basis and is not an administrative direction, it does not appear to have any enforceable provisions if the guidelines are not met.

Appendix Three

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

A/RES/40/34, 29 November 1985, 96th plenary meeting

The General Assembly,

Recalling that the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders recommended that the United Nations should continue its present work on the development of guidelines and standards regarding abuse of economic and political power,

Cognizant that millions of people throughout the world suffer harm as a result of crime and the abuse of power and that the rights of these victims have not been adequately recognized,

Recognizing that the victims of crime and the victims of abuse of power, and also frequently their families, witnesses and others who aid them, are unjustly subjected to loss, damage or injury and that they may, in addition, suffer hardship when assisting in the prosecution of offenders,

1. Affirms the necessity of adopting national and international measures in order to secure the universal and effective recognition of, and respect for, the rights of victims of crime and of abuse of power;
2. Stresses the need to promote progress by all States in their efforts to that end, without prejudice to the rights of suspects or offenders;
3. Adopts the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, annexed to the present resolution, which is designed to assist Governments and the international community in their efforts to secure justice and assistance for victims of crime and victims of abuse of power;
4. Calls upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration and, in order to curtail victimization as referred to hereinafter, endeavour:
 - (a) To implement social, health, including mental health, educational, economic and specific crime prevention policies to reduce victimization and encourage assistance to victims in distress;
 - (b) To promote community efforts and public participation in crime prevention;
 - (c) To review periodically their existing legislation and practices in order to ensure responsiveness to

changing circumstances, and to enact and enforce legislation proscribing acts that violate internationally recognized norms relating to human rights, corporate conduct, and other abuses of power;

(d) To establish and strengthen the means of detecting, prosecuting and sentencing those guilty of crimes;

(e) To promote disclosure of relevant information to expose official and corporate conduct to public scrutiny, and other ways of increasing responsiveness to public concerns;

(f) To promote the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, medical, social service and military personnel, as well as the staff of economic enterprises;

(g) To prohibit practices and procedures conducive to abuse, such as secret places of detention and incommunicado detention;

(h) To co-operate with other States, through mutual judicial and administrative assistance, in such matters as the detection and pursuit of offenders, their extradition and the seizure of their assets, to be used for restitution to the victims;

5. Recommends that, at the international and regional levels, all appropriate measures should be taken:

(a) To promote training activities designed to foster adherence to United Nations standards and norms and to curtail possible abuses;

(b) To sponsor collaborative action-research on ways in which victimization can be reduced and victims aided, and to promote information exchanges on the most effective means of so doing;

(c) To render direct aid to requesting Governments designed to help them curtail victimization and alleviate the plight of victims;

(d) To develop ways and means of providing recourse for victims where national channels may be insufficient;

6. Requests the Secretary-General to invite Member States to report periodically to the General Assembly on the implementation of the Declaration, as well as on measures taken by them to this effect;

7. Also requests the Secretary-General to make use of the opportunities, which all relevant bodies and organizations within the United Nations system offer, to assist Member States, whenever necessary, in improving ways and means of protecting victims both at the national level and through international co-operation;

8. Further requests the Secretary-General to promote the objectives of the Declaration, in particular by ensuring its widest possible dissemination;

9. Urges the specialized agencies and other entities and bodies of the United Nations system, other relevant intergovernmental and non-governmental organizations and the public to co-operate in the implementation of the provisions of the Declaration.

ANNEX

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

A. Victims of Crime

1. "Victims" means 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 in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

2. A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term

"victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

3. The provisions contained herein shall be applicable to all, without distinction of any kind, such as race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability.

Access to justice and fair treatment

4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

6. The responsiveness of judicial and administrative processes to the needs of victims should be facilitated by:

- (a) Informing victims of their role and the scope, timing and progress of the proceedings and of the

disposition of their cases, especially where serious crimes are involved and where they have requested such information;

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

(c) Providing proper assistance to victims throughout the legal process;

(d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims.

Restitution

8. Offenders or third parties responsible for their behaviour should,

where appropriate, make fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, the provision of services and the restoration of rights.

9. Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases, in addition to other criminal sanctions.

10. In cases of substantial harm to the environment, restitution, if ordered, should include, as far as possible, restoration of the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of a community.

11. Where public officials or other agents acting in an official or quasi-official capacity have violated national criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government successor in title should provide restitution to the victims.

Compensation

12. When compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

- (a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
- (b) The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

13. The establishment, strengthening and expansion of national funds for compensation to victims should be encouraged. Where appropriate, other funds may also be established for this purpose, including those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

Assistance

14. Victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.

15. Victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them.

16. Police, justice, health, social service and other personnel concerned should receive training to sensitize them to the needs of victims, and guidelines to ensure proper and prompt aid.

17. In providing services and assistance to victims, attention should be given to those who have special needs because of the nature of the harm inflicted or because of factors such as those mentioned in paragraph 3 above.

B. Victims of Abuse of Power

18. "Victims" means 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 do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights.

19. States should consider incorporating into the national law norms proscribing abuses of power and providing remedies to victims of such abuses. In particular, such remedies should include restitution and/or compensation, and necessary material, medical, psychological and social assistance and support.

20. States should consider negotiating multilateral international treaties

relating to victims, as defined in paragraph 18.

21. States should periodically review existing legislation and practices to ensure their responsiveness to changing circumstances; should enact and enforce, if necessary, legislation proscribing acts that constitute serious abuses of political or economic power, as well as promoting policies and mechanisms for the prevention of such acts; and should develop and make readily available appropriate rights and remedies for victims of such acts.

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