

Student Information Package



VICTIM
SUPPORT
SERVICE
INCORPORATED

Victim Support Service Inc.

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Dear Student

Thank you for your interest in Victim Support Service and issues for crime victims in South Australia.

This package is designed to assist you by providing basic information about our agency and victims' rights. We hope you will then be encouraged to further research the area.

We encourage you to become a member of Victim Support Service at a small cost. As a member you will receive our quarterly newsletter. We also encourage you to become a member of our free Borrowers' Club - this enables you to borrow books, videos and CDs from our Resource Centre.

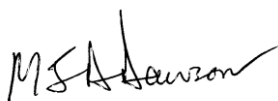
We also maintain a website from which you may find further information for your studies. You can find us at www.victimsa.org

In this information package you will find:

- a profile of Victim Support Service
- Victimology developments in South Australia
- Declaration of Victims' Rights
- a list of references - most of which are in our Resource Centre
- a recent newsletter
- a selection of brochures

We hope this package is helpful to your studies.

Yours sincerely
Victim Support Service Inc.



Michael Dawson
Chief Executive

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Vision

An Australia united in a commitment to safer communities through crime prevention, victim awareness and addressing the impact of crime.

Mission

To champion and promote our vision, and to work in partnership with our clients, communities and service providers to enhance community resilience, improve the well-being of people affected by crime and promote victims' rights.

Values

Victim Support Service is proud of the following values that underpin our work:

Victims' Rights

We are committed to raising awareness and advocating for the rights of victims of crime.

Equity

We aim to make our services and information accessible and appropriate to the needs of all community members.

Respect

We respect our clients, colleagues and community members.

Diversity

We recognise, value and respond to the needs of people from diverse backgrounds.

Confidentiality

We provide a confidential service, within legal requirements.

Customer Focused

We strive to be responsive to the needs of the people who access our services and value their feedback.

Partnership and Collaboration

We believe it is crucial to work collaboratively and in partnership with our clients, communities and service providers.

Strengths-Based Approach

We work from a belief that we are assisting people to build-on to already existing strengths.

Roles within the Organisation

Chief Executive

Responsible for the day-to-day management of the organisation.

Manager, Professional Services

Responsible for the Adelaide-based counselling staff and other organisational matters.

Manager, Regional Services & Strategic Development

Responsible for country regional offices, strategic planning and other organisational matters.

Manager, Human Resources & Administration

Responsible for the day-to-day management of the administration team and other administration duties.

Administration Assistants

Provide administration support and reception duties.

Librarian

Responsible for the management of the Resource Centre.

Supervisor

Responsible for supervision of the Adelaide-based counselling staff and other organisational matters.

Intake, Assessment & Brief Intervention Counsellors

Conduct assessments of clients' needs and respond accordingly with information, external referrals, short-term counselling or allocation to long-term counsellors.

Long-Term Counsellors

Provide counselling, group work and training.

Regional Coordinators

Each country regional office has a Regional Coordinator who provides information, support, referral, advocacy, counselling, training and community education.

Board

The board meets monthly and has nine members from a variety of backgrounds.

Members

Membership fees vary from \$17 for individuals to \$52 for community groups.

Volunteers

Trained volunteers are involved in our Court Companion, public speaking and office administration groups.

A Brief History

Victim Support Service (VSS) is a community based, not-for-profit organisation in South Australia. Qualified professional staff and trained volunteers provide a comprehensive range of services for victims of crime.

VSS started out as the Victims of Crime Service (VOCS). It was established in 1979 after Ray Whitrod (retired Queensland Police Commissioner) met with some of the families of the victims of the “Family” and “Truro” murders. These families had spoken of the isolation, grief, helplessness and confusion they had experienced as a result of the crime and felt that no one fully understood what they were going through. The police and other professionals were unable to provide the information and support the families needed, especially in relation to the criminal justice system.

VOCS was originally formed as a voluntary, self-help group that offered friendship, information, support and advocacy for victims of crime and their families.

In 1984 VOCS was able to employ its first paid professional workers. The volunteers continued to be an important part of the service, and their valued contribution continues to this day.

In 1996 VOCS changed its name to Victim Support Service (VSS).

In July 2001 the former Attorney-General, the Hon K Trevor Griffin, provided VSS with a three year grant from the Victims of Crime Fund to establish services in five regional centres in South Australia: Port Augusta, Port Lincoln, Port Pirie, Riverland and the South East. All subsequent Attorneys-General have actively supported the initiative. In 2004, two new regional offices were launched at Murray Bridge and Whyalla. In 2005, five of the regional offices had an increase of working hours from 0.4 to 0.7 FTE.

For a more in-depth look at the history of VSS, you can purchase or borrow our book *Crime it can happen to you – the story of Victim Support Service*.

Services

- Information about a broad range of areas such as:
 - victims' rights
 - Victims of Crime Compensation
 - support services
 - the impact of crime
 - being a witness in court
 - 'fact sheets' to assist with reactions to trauma and coping strategies
- Enquiry line
- Professional counselling to address the impact of crime
- Advocacy on behalf of crime victims
- Assistance with preparation of Victim Impact Statements
- Court Companion and court preparation service which provides support and information for victims and witnesses for the prosecution
- Services for those affected by homicide
- Therapeutic and support groups for crime victims
- Information about the risks of crime and methods to improve safety
- Consultancy services for employers and service providers
- A broad range of training programs
- Seminars on the criminal justice system
- Victim Awareness Programs with offenders
- Presentations to community groups
- Advocacy for reforms to the criminal justice system
- Resource Centre and free Borrowers' Club
- Representation and participation on a broad range of South Australian and national networks

Services are confidential and free of charge.



Priorities for Service Provision

VSS provides information, assessment and counselling to adults (including adolescents 16 years and older). More intensive services are offered, depending upon need and our ability to respond at the time, to:

- victims whose presenting problem is the trauma/distress resulting from a crime.
- victims of a recent crime rather than one which happened some time ago.
- victims of crime for whom there is no alternative or appropriate service.
- itinerant, interstate and overseas crime victims.

There are sometimes circumstances where VSS is not the most appropriate service. VSS will normally provide a referral to a more suitable service if:

- there is a specialist service or other more appropriate form of assistance for the crime victim.
- other issues are the primary problem (e.g. drug or alcohol dependence, mental illness etc.) and the client will be best served by specialist agencies.
- the request is for emergency/crisis services.
- the victim presents with particular disabilities – they will be assessed regarding the nature of the crime and may require a multi-agency response.
- the victim has had or is currently receiving assistance or therapy elsewhere – they are more likely to be assisted most effectively by retaining one therapist at a time and would be encouraged to maintain that contact.
- the client has no presenting issue resulting from a crime.
- the victim meets our criteria for service provision but requires home visits or after hours appointments and we cannot reach those requirements because of resource limitations.
- the client claims to be a victim but is also subject to investigation as an accused (e.g. neighbourhood disputes) – they are generally not eligible to receive our services.
- it is unclear if a crime has been committed – the client will be assessed for service provision according to their individual circumstances.

Services to Alleged Offenders

Alleged perpetrators/offenders who have recently been charged or convicted of a serious/indictable criminal offence will be assessed with a view to identify appropriate services. This also applies to members of their families who are supporting the alleged offender. Such factors as the impact, nature and time of the offence will be taken into account, as will the potential likelihood for services to be requested by victims affected by the offence. Persons previously convicted of criminal conduct may, subject to assessment, be eligible to receive VSS services. VSS would usually refer offenders to appropriate alternative services.

Referral Process

- Victims are asked to contact our enquiry line direct. Sometimes this is not possible and we ask other agencies or persons, where there is no formal Memorandum of Understanding (MOU), to arrange for a prospective client to provide signed permission to exchange their personal details.
- An Administration Assistant will record the victim's contact details.
- Within three working days, an Intake, Assessment & Brief Intervention Counsellor will contact the victim. The counsellor will:
 - assess the needs;
 - provide support/advocacy;
 - give information; and
 - consider allocation to VSS Long-Term Counsellor OR refer out.
- If appropriate, the client will be allocated to a Long-Term Counsellor at a weekly allocation meeting. The client will be contacted within a few days after allocation.
- There may be a waiting period until an appointment with the Long-Term Counsellor becomes available.

WHEN IN DOUBT... RING!

New Client Referral Numbers 2009

Armed Hold-Up	62
Assault	695
Attempt Murder	47
Child Sexual Abuse	220
Death by Dangerous Driving	13
Family Violence	270
Fraud	13
Harassment	69
Home Invasion	129
House Break	32
Missing Person	2
Murder	78
Property Crime	117
Robbery with Violence	48
Sexual Assault	146
Stalking	17
Vehicular Incident	62
Other	70
TOTAL	2133

Victimology Developments in South Australia

- 1969** Criminal Injuries Compensation scheme (now known as Victims of Crime Compensation or in law 'statutory compensation') introduced.
- 1970's** Women's shelters opened and Sexual Assault Service commenced.
- 1976** Legislation for rape reforms with greater acknowledgment of victims.
- 1979** Victims of Crime Service (VOCS) established (name changed to Victim Support Service in 1996).
- 1981** Report of the Committee of Inquiry on Victims of Crime tabled in Parliament which Whitrod said was "first in the Western World to probe specific needs of victims of crime".
South Australia co-hosts the first National Symposium on Victimology.
- 1984** Repeal of defendant's right to make an unsworn statement.
- 1985** Declaration of Victims Rights introduced by SA Government after being a strong advocate for the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- 1987** Victims of Crime Branch established by SA Police (SAPOL).
Australasian Society of Victimology formed and based in Adelaide.
- 1988** Office of Crime Statistics released first in a series of research reports about crime victims:
 - Victims of Crime: An overview of research and policy, Research Report, Series C, No. 3, 1988
 - Criminal Injuries Compensation in South Australia, Research Bulletin, Series B, No. 5, 1989
Information for Victims of Crime booklet was introduced.
First tertiary based subject on Victimology in Australia introduced at the Institute of Technology (now University of South Australia).
- 1989** Legislation for Victim Impact Statements and provision for offender restitution came into operation, having been enacted in 1988.
National conference on elderly and crime was held in Adelaide.
- 1990** Office of Crime Statistics published a study on victims in the criminal justice system leading to victim/witness facilities and vulnerable witness provisions in courts.
Australasian Society of Victimology held a national conference on organisations as victims.



- 1990** Copies of an *Information for Victims of Crime* booklet were distributed at seminars conducted by Victims of Crime Liaison Committee.
- 1991** Police formed Domestic Violence Unit and 10 officers appointed to investigate child abuse.
Office of the Director of Public Prosecutions (ODPP) was created. The Attorney-General issued the first direction to the ODPP that legislation bound the ODPP to comply with the Declaration of Victims' Rights.
- 1993** Vulnerable witness legislation was introduced to protect witnesses.
The way of calculating Victims of Crime Compensation awards in SA was changed to a 'table of maims' structure.
- 1994** Family Conferences began as a Youth Court alternative for some young offenders. Police were given authority to make formal cautions, but were required to ask the victim if they want to be kept informed before making a caution.
8th International Symposium on Victimology held in Adelaide.
Victims advocate (Victim Support Service) invited to sit on Prisoner Assessment Committee by Department for Correctional Services.
Office of Crime Statistics released the report on the evaluation of Victim Impact Statements.
- 1995** Witness Assistance Service established in ODPP.
- 1996** Correctional Services Act ensured release of offender information to Registered Victims.
VOCS changes name to Victim Support Service (VSS).
Formation of Victim Support Australasia – the national peak body for victims' services.
- 1998** Legislation declared to protect counsellors' notes on therapy with sexual assault victims.
Victims of indictable offences given an absolute right to read Victim Impact Statements out in court, if they choose.
- 1999** Attorney-General formed Ministerial Advisory Committee on Victims of Crime.
Legislation passed to recognise "home invasion" as "Aggravated Criminal Trespass" and increase maximum penalties for convictions.
Report One of the Victims of Crime Review is published with 65 recommendations for public comment.
- 2000** First national victims' conference held by VSS.
Revamped *Information for Victims of Crime* booklet produced by the Attorney-General's Department.



2001 Victims of Crime Act passed both houses to enshrine victims' rights in legislation, provide for the Ministerial Advisory Committee, establish the Victims of Crime Coordinator position and reduce eligibility for Victims of Crime Compensation.

Offenders now required to be present in court throughout the sentencing process – including the presentation of Victim Impact Statements.

Five regional offices established in rural SA by VSS (Berri, Mount Gambier, Port Pirie, Port Augusta, Port Lincoln).

2002 Provision of new Victim Impact Statement forms including a separate one for children.

Information for Victims of Crime from Non-English Speaking Backgrounds booklet, plus Aboriginal English booklet, was produced.

2003 Victim Liaison Officers appointed by SAPOL in two country regions.

Repeal of statute of limitations on prosecuting sexual assault offences.

Review of Child Protection (Robyn Layton report).

2004 Adult Restorative Justice Pilot established in Adelaide Magistrates Court (but later de-funded).

Establishment of Adult Childhood Sexual Abuse Service for survivors of childhood sexual abuse (Respond SA).

VSS establishes specialist services for those affected by homicide after securing additional funding from the Attorney-General.

SAPOL form the Sexual Crimes Investigation Branch to improve handling of sexual assault cases.

Closed circuit television (CCTV) facilities established within the Mount Gambier Courthouse for vulnerable witnesses.

Two further regional offices opened by VSS in Murray Bridge and Whyalla.

Amendment to virtually remove “drunks defence” as a legal excuse for offences.

Amendment to enable householders to defend themselves with genuinely necessary force.

Sentencing Guideline law enabling agencies to appear before the Court of Criminal Appeal. Guideline sentencing introduced to provide greater consistency in sentencing, enabling the Court of Criminal Appeal to set benchmark sentences for public offences.

2005 Neglect of child under 16 years or a vulnerable adult which results in serious injury made a criminal offence.

DNA testing to cover all prisoners, people suspected of serious offences and those suspected of some summary offences.

Victims given right to appear before Parole Board and establishment of a victims' representative position on Parole Board.



2005 Grants to Yarrow Place to increase Forensic Medical Services and Road Trauma Support Team for counselling of victims.

Permanent closed circuit television (CCTV) facilities established within the Mount Gambier Courthouse for vulnerable witnesses.

Increased penalties for causing death by dangerous driving and for leaving the scene of a crash causing death or serious injury.

Child pornography maximum penalties increased five-fold. Now an offence to procure and groom a child to engage in sexual acts, and filming a child for prurient purposes regardless of consent, has been criminalised.

Supreme Court given power to detain child sex offenders who are found by two psychiatrists to be unwilling to control their sexual urges.

Criminals hacking into computer systems to commit crime can now receive up to 10 years gaol.

Legislation allowing conviction of those responsible for serious injury or death of a child under 16 years, or of a vulnerable adult, while in their care.

Security agents subject to drug and alcohol testing, and to close scrutiny if involved in assaults.

Harsher penalties for aggravated assaults against people over 60 years and under 12 years, and against public officials such as police, fire or prison officers, or people who work alone, such as taxi or bus drivers, carrying out their duties.

Made easier for courts to confiscate criminal profits and assets used to commit an offence. Proceeds go to Victims of Crime Fund.

New guidelines governing the release of prisoners back to the community. Safety of community must be paramount in Parole Board decisions.

2006 Proposed change of Victims of Crime Coordinator position to Commissioner for Victims' Rights. Interim Commissioner appointed in October 2006.

2007 Victims of Crime Coordinator position changed to Commissioner for Victims' Rights.

2008 Sexual assault laws reviewed and changed to improve victims' rights and treatment in court.

Functions of the Commissioner have now been clarified and, in addition to monitoring and reporting on public officials' compliance with the Declaration, include:

- advising the Attorney-General on how best to use government resources to help crime victims; and
- assisting victims in their dealings with prosecution authorities and other government agencies.



2008 New functions for the Commissioner for Victims' Rights (the Commissioner):

- if another Act authorises or requires the Commissioner to make submissions in any proceedings – to make such submissions (either personally or through counsel).for the Commissioner to personally, or through counsel, make submissions at the sentencing stage on the impact of crime on victims and victims' families in cases resulting in the death or permanent total incapacity of the victim.
- for the Commissioner to make submissions to the Court of Criminal Appeal on guideline sentences.
- for the Commissioner to consult the Director of Public Prosecutions in the interests of the victims in general and particular cases about matters including Victim Impact Statements and Charge Bargains.
- for the Commissioner to consult with the judiciary about court practices and procedures, and their effect on victims.
- the Commissioner will be able to require a public agency or official to consult with him/her regarding steps that may be taken by the agency/official to further the interests of victims; and after such consultation, may, where he/she believes that the agency or official has failed to comply with the Declaration of Principles, recommend that the agency or official issue a written apology.

The Governor appoints the first Commissioner for Victims' Rights as an independent statutory officer.

Increase in the sum payable for grief in homicide cases (maximum \$10,000) and increase in the sum for funeral expenses (to \$7,000).

Police are required to take reasonable steps to tell victims about any bail condition intended to protect them. In serious cases, rather than merely tell victims if they ask about the decision to drop the case or reduce the charges, victims now have a right to be consulted on major decisions.

Victims who register on the Victims Register with Correctional Services can now be told whether offenders complete Community Service Orders or Bonds.

Victims of mentally incompetent offenders now have the same rights to information as other victims.

Domestic violence laws reviewed.

VSS held national Victims of Crime Conference with over 40 presentations from Australia and overseas.

New laws on sex offences and vulnerable witnesses (with one exception) become operative. The law, amongst other things, seeks to clarify the issue of consent in rape.

2009 Australian/Commonwealth Government announces its intention to introduce a Federal Charter on Victims' Rights, provision for Victim Impact Statements for federal offences and national best practice guidelines for victim assistance. The Attorney-General for SA agrees to partner the Federal Attorney General and Minister for Home Affairs.



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2009 VSS co-locates with the Magistrates Court in Port Augusta.

Parliament debates a Bill to reform the law on Victim Impact Statements and to allow victims to make observations on an appropriate sentence. It also proposes to protect victims who make submissions to the Parole Board from being sued by prisoners.



Rights for Victims of Crime

Victims often report feeling excluded from the criminal justice system. Many feel that the offender has more rights than they do or that they themselves are “on trial”. Our criminal justice system is based upon the premise of an alleged offender being “innocent until proven guilty” and criminal charges must be proven “beyond a reasonable doubt”.

Rights of Offenders	Rights of Victims
Offenders can choose their own legal representative.	Victims do not have their own legal representative.
Offenders can choose whether the case is heard before a judge and jury or judge alone.	Victims have no say in whether the case is heard before a judge and jury or judge alone.
Offenders can appeal against conviction or the length of sentence.	Victims have no right of appeal against a verdict or sentence.
Offenders must be informed of their rights.	No legislative requirement for victims to be informed of their rights.
Submissions can be made to lessen a sentence.	Victims can submit a Victim Impact Statement which explains the physical, emotional and financial impact of the crime on them.
Offender can “plea bargain” – i.e. plead guilty to a lesser charge.	Victims often left out of “plea bargaining” and later informed about the change to the charges.
Offender has the right to remain silent.	Victim can be subpoenaed and required to give evidence.
Offenders have a legal right to know the name of their accuser – i.e. the victim.	Victims often have problems getting information about their case from the police and lawyers.
Offenders can contest a Victims of Crime Compensation claim.	Victim can submit an application for Victims of Crime Compensation.
Offender is “innocent until proven guilty”.	Victim often feels that they are “guilty until proven innocent”.



Crime Victims, Their Rightful Place - An Agenda for Change

1. Introduction

Crime victims have come a long way in the last 20 years in South Australia. The community's expectations have changed and governments have been progressive by introducing legislative improvements to recognise victims' rights, ensuring more victim-aware processes, and vastly improving services for victims. South Australia was the first Australasian jurisdiction to introduce a declaration of victims' rights and the State's non-government victims' service was the first of its kind in the region.

South Australia was a leader in the development of Victimology in the world in the late 70s and arguably remains at the forefront of the recognition of victims' rights today. Victim Support Service (VSS) operates in a criminal jurisdiction which continues to strive for innovation and change. This circumstance provides an ideal environment in which to set out opportunities for continuous improvement to how victims participate in the criminal justice system. Certainly victims are no longer totally forgotten, even dismissed, from the processes of justice, as they were, however, we believe there is a long way to go before crime victims can claim to be in their rightful place.

We take a balanced approach with both principles and practicalities, to working towards change and identify below some of the steps we believe need to be taken to achieve continuous improvement for crime victims over time. Much has already been achieved since we published our first version of this paper and we have updated the paper accordingly.

2. Victims' Rights

The relevance and effectiveness of the “Declaration of Principles Governing Treatment of Victims in the Criminal Justice System” needs to be reviewed taking into account developments in other jurisdictions.

Victim Support Service advocates for:

- Victims to be provided with full rights to be consulted (e.g. in respect of plea negotiations) and to have their views taken into account. The Government has promised to do this.
- Introduction of the right for their dissenting views to be recorded and forwarded to the court as a “Statement of Agreed Facts”.
- Extending victims' rights to cases where defendants are dealt with under mental health provisions. The Government has promised to do this.
- Improving the attitude within the Criminal Justice System and across government towards victims through the Victims of Crime Ministerial Advisory Committee and other forums (e.g. through compulsory training).

- Greater protection of victims and their families against insensitive media reporting.
- Victims to have the right to funded legal representation or advice to assist with all stages of their victimisation in addition to that provided for compensation - plea negotiation, court assistance, VIS preparation and presentation, Parole Board. The Commissioner for Victims' Rights will provide limited representation.
- Vulnerable witnesses to have the automatic right to adequate protection from intimidation whilst attending court. This includes the use of CCTV, improved screens and an increase of the practice of removing the defendant from the court to improve the level of care and protection towards victims, especially vulnerable people and victims of offences against the person in all criminal Courts. The Government has circulated a Bill for consultation pending debate in the Parliament.
- Victims' right to ask the Director of Public Prosecution (DPP) to lodge an appeal against conviction and/or leniency of sentence. Should the DPP determine not to appeal, the victim to have the right to request a judicial officer to examine their grounds for appeal and determine whether, in the public interest, an appeal should be heard. The Commissioner for Victims' Rights powers will include the right to consult on the DPP's decision.

3. National / Federal responsibility for victims.

There is a need for Federal Government to assume responsibility for victims' issues and through central funding and legislation to develop a consistency of services and rights across the Nation.

Victim Support Service advocates for:

- A Federally funded national victims organisation to provide leadership, coordination and integration to deliver consistent and improved services to crime victims across the Australia. This could be co-ordinated by Victim Support Australasia (currently funded and supported by membership) which has strived to provide a central leadership role for its members for nearly 20 years.
- National funding and legislation relating to service provision, victims' rights legislation, compensation, laws/practice relating to confiscation of criminal assets and spent convictions.
- Equality of services to victims of crime occurring anywhere in Australia and for Australian citizens overseas - including federal courts.
- To initiate, contribute to, and learn from experience, knowledge and research undertaken nationally and internationally, especially related to determining effective interventions to reduce victimisation and recidivism.



4. Significantly improve accessibility to services.

Only approximately 1% of crime victims in SA access VSS services and still many crime victims neither know what services exist, nor are aware of their rights.

Victim Support Service advocates for:

- A criminal justice system which better recognises and meets the needs of crime victims and the development of appropriate services for victims who are children, indigenous, have an intellectual disability, or are from a linguistically or culturally diverse background.
- Improved systems to more effectively assess need and more pro-actively offer services to crime victims.
- The development of expertise in effective service provision for emerging areas of victimisation – e.g. terrorism, e-crime, human trafficking, identity theft.

5. Reduce crime and the impact of victimisation

The government, criminal justice agencies and communities need to develop more effective strategies to reduce the level of crime, the impact of victimisation and improve community safety.

Victim Support Service advocates for:

- The causes of crime to be addressed through social policy, early intervention and whole of government strategies
- Effective risk assessment procedures in corrective services to direct resources towards offenders at high risk of recidivism at pre-sentence, during community supervision, pre and post release supervision to improve their chances of rehabilitation.
- Improved opportunities for active community involvement with initiatives designed to prevent crime and enhance community safety.
- Research and exchange of information about the effectiveness of successful programs – i.e. “what works”.
- Victim awareness education for schools and young offenders in order to improve their understanding about the personal consequences of crime on other people – especially bullying and abuse of power.
- Develop a justice system which is more relevant to Indigenous people and effective in its operation – e.g. Circle Sentencing.



6. Ensure victims are adequately compensated.

In addition to the many and varied physical and emotional reactions experienced by crime victims, most suffer financial loss. Perpetrators of crimes should be held responsible for compensating victims and governments, through the criminal justice system, have a responsibility to establish effective systems for the determination, collection, enforcement and payment of compensation either from individual perpetrators or state administered compensation funds.

Victim Support Service advocates for:

- A formal review of the legislation for victims' compensation, as recognition for harm caused. Access has been reduced and restricted by the Victims of Crime Act 2001.
- Effective and realistic assessment of harm by appropriate professionals (including Psychiatrists, Psychologists and treating Counsellors) to be able to be submitted at the initial claim for compensation
- Compensation to be re-established for people who have suffered genuine trauma as a result of non-violent crimes.
- More effective ways to ensure that offenders compensate victims.

7. Systemic improvements

There are many further opportunities to improve how the criminal justice system itself can respond to the needs of victims and continue to improve in areas which are related to, but not directly arising from, the Declaration of Principles Governing Victims Rights.

Victim Support Service advocates for:

- Change to the police caution to prevent the late introduction of defence information (including alibis).
- A jury to be able to be instructed by the Court to interpret a defendant exercising his/her right to refuse to answer questions, as an indication that the person may be attempting to avoid self-incrimination – witnesses/victims have no such 'right to silence'.
- Witness assistance services to become available to victims in Magistrates Courts and Youth Courts.
- Courts to insist on defence providing advance disclosure of their case to the prosecution prior to trial in accordance with recent amendments following the Kapunda Road Royal Commission.
- Courts to be more empathetic to victims' needs – e.g. an appointments system for presenting evidence, separate waiting areas, option for witnesses to provide their evidence using CCTV from anywhere in Australia (which would save cost, inconvenience, travel and delays).
- Dramatic reduction in court delays through significant financial injection and improved processes to reduce re-victimisation and extending the time of suffering for victims.

- Develop more “enquiry-based” processes rather than adversarial ones especially for cases involving victims who are children, people with mental health problems or intellectual disability, and domestic violence or sexual assault.
- Stronger legislation to encourage the disclosure of related information about a defendant’s prior convictions to the court as part of the prosecution evidence when previous similar behaviour has occurred. (as occurred in the “Fenwick” case)
- Protection of case-notes of victims receiving counselling for any criminal victimisation - as is available for victims of sexual assault.
- Sentencing remarks which demonstrate that the impact of the crime has been adequately taken into account, without increasing the risk of appeal.
- Sentencing which better reflects the views of victims and community expectations - especially with regard to punishment versus treatment, deterrence versus prevention. VSS supports sentencing guidelines, and the government’s intention to introduce Community Impact Statements.
- Increased use of Restorative Justice practices as recognised legitimate justice process, which can be integrated into existing practices, or alternatives to traditional Courts.

8. Conclusion

This paper outlines a wide range of proposals to improve the rights of victims, to reduce further system generated victimisation and increase the availability of services. It proposes an ambitious agenda for change which includes the need for:

- Wide community support
- Inter-agency collaboration
- Attitudinal change
- Focus on crime prevention, community safety and tackling the causes of crime
- Greater use of technology and research
- Progressive legislation and procedural change
- Reduction of chronic court delays
- Improved services for crime victims and;
- Greater legal and procedural equality between the rights of crime victims and offenders.

Prepared and approved by the Board of Victim Support Service in December 2005, and updated in July 2007.

Next Review, December 2008

Declaration of Principles Governing Treatment of Victims in the Criminal Justice System (abbreviated summary version)

Crime Victims have a right to:

- be treated with courtesy and respect and with due regard to special needs
- protection from an alleged offender on bail
- be informed about the name of an alleged offender, investigations, case proceedings, prosecutors' decisions, sentence details and parole
- be informed if the alleged offender absconds, escapes or is returned to custody and when the offender is to be released
- be informed about procedures to deal with a grievance the victim may have
- be informed about the trial process and the victim's rights and responsibilities as a witness for the prosecution.
- have injury, loss or damage considered by the sentencing court
- make written submissions to the Parole Board
- be informed about available health and welfare services
- information about how to obtain compensation or restitution
- have property returned to the victim as soon as possible
- privacy
- be protected from unnecessary contact with the alleged offender and defence witnesses
- be asked to attend proceedings only if genuinely necessary

A complete detailed version of this declaration is available from staff at Victim Support Service or the Information for Victims of Crime booklet published by the Attorney-General's Department.



The Ripple-Effect of Crime on Our Community

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I will present a case study that represents an amalgamation of experiences of crime victims as *they* have told their story. I have been careful to disguise names and events to protect the innocent and preserve confidentiality.

What follows is an illustration of the ripple-effect of crime on our community. For some it is a violent shock and occasionally permanently debilitating; for others that are further from the epi-centre it is a gentle buffeting. As a community we are still a very long way from dealing adequately with the aftermath of violent events.

THE FIRST 4 HOURS

It is an autumn morning: sunshine, a breeze and there is a smell of rain in the air. In her post office Terese is unaware of all this as she prepares hurriedly for the days activities. She has arrived at work after farewelling her two young children at their school. Her partner Gerry had left for work an hour ago; he would be there by now she thought. Terese was also unaware of the two-tone green, late model Holden that had just pulled-up outside the office.

The doors of the post office were unlocked and Terese noted the incongruous coloured markings on the door jamb. They had been placed there, she recalled, six months ago by their security section, to be used in the event of a hold-up. The requests for security cameras and pop-up screens had been ignored.

There was a queue of people waiting to come in. With the doors open the regular customers filed in to transact their business. It was going to be a busy day; it was Wednesday, always their busiest day because of Social Security payments. The usual delivery of cash had been made earlier in the morning to top-up the reserves to cover today's expected payout.

Terese was counting out change for a customer when she heard a loud crash as the front door was thrust open violently. "Someone's in a hurry" she mused to herself and glanced up to see a clown mask staring back at her. She smiled and thought "what strange orange hair, what a funny thing to wear". The voice behind the mask was muffled and rasping and Terese had difficulty understanding what the man was saying to her. He had thrust a bag over the counter. And then she saw the sawn-off, double barrel shotgun pointing at her. Her mouth remained in a fixed grin while the blood drained from her face. All she could see now were the two round, black holes of the gun - they seemed to be as big as saucers.

Terese noticed out of the corner of her eye that a second person wearing a blue balaclava and carrying a hand gun, had jumped the counter and was barking



instructions, laced with obscenities at her work mate, Gina. Things were not going well at that end of the counter. Gina had frozen and balaclava was becoming very agitated. He was threatening to “blow her away” if she didn’t get a move on, he had the pistol to her temple.

Terese was brought back to her own plight by an instruction from clown to open the safe. Well surely he knew that this was impossible? The safe had only been closed less than an hour ago and it would be at least half an hour before it could be opened again. The only money available was that which was out in the tills. In explaining this to clown she felt a warmth spread down her legs and realised with horror that she had urinated. She thought of her two children and her husband and mentally said goodbye to them as she was certain that clown was not going to accept that he could not get the rest of the money and he would kill her for being obstructive. She had no protection; if the gun went off she would have a large hole in her body and she would die.

Terese filled the bag with as much money as her quivering hands could grab. Clown held the shot-gun to her head as he moved past her to get to the half-door that opened into the public area. Clown was yelling at balaclava to leave. Terese, leaned on the counter and held back her vomit. She glanced up to see clown and balaclava kick open the front door and leave. Clown was just below the red marker and balaclava was just above the red marker that put them at about 5’10” and 6’; the police could do the conversion.

Terese hit the duress alarm and helped Gina to her feet. There were 12 customers in the office and she knew she had to try and keep them all there. She closed the doors and put up the closed sign. She called her superiors.

The whole robbery lasted about 90 seconds.

THE POLICE

The police arrived and rapidly gained information that enabled them to set up a perimeter watch at a specified distance from the crime scene. They began taking statements. They asked many questions, most of which Terese could not answer. She felt extremely stupid by the end. She had been to the security training courses but she seemed to have forgotten it all... except that she had remembered their heights against the coloured markings on the door jamb.

THE PEOPLE

A four year-old child who had come in with her mum was sitting in the corner near the pamphlet rack rocking back and forth; her mother was being interviewed by the police. Another customer, Bill, who worked evening shift at a service station was alternating between outbursts of crying and fits of rage. An elderly woman was groping in her handbag for some heart tablets. She had only come out today for a breath of fresh air and to say hello to Gina, she was looking very pale and unsteady. Terese noticed Jim from the local super deli who delivers the previous days takings for his boss. He had been in a hold up six months ago at the deli she recalled; she wondered how he was coping this time around. Most of the customers, she noted were weeping quietly or just sitting staring. These were the regulars, people that Terese had grown to know over the years and feel as though she were part of their community.



THE MEDIA

The media arrived and were filming through the window of the office. They attempted to interview people as they left the scene. The news of an armed hold-up was taken up by all media outlets. The thieves had escaped with a large amount of cash, the police had failed to apprehend them and this was news. Friends and relatives began to hear of the event via the media and had seen pictures of loved ones on TV and began frantically to ring the office, nearby shops and the police seeking information. Tempers flared as enquiries were frustrated by engaged lines, inaccurate information and lack of co-ordination.

OTHER AGENCIES

The crisis unit and other trauma counselling services began to receive phone calls from members of the community who had experienced armed hold-ups themselves. Their past trauma had been triggered by the graphic description provided by the mother of the four year-old who spoke about her terror that her child could be shot. She and her daughter had been separated when the robbers entered and the mother could not go to help her daughter who was crying in the corner.

As police finished with individuals they were allowed to leave. The service station attendant crashed on the way home. A number of customers went home to an empty house, with no one to share their pain with, no one to talk to and provide support. A speed camera on Anzac Highway clocked Jim travelling at 87 km/h. There was no offer of counselling or debriefing made to customers. Terese and Gina were offered counselling but Gina refused.

A WEEK LATER

As the numbness of the first shock gradually wore off the local medical clinic noted an increase in appointments from people suffering sleep disturbances, nightmares and vivid flashbacks. The common denominator was the hold-up that happened 200 metres away. One of their patients, an elderly woman with a heart complaint died on the sixth day after the hold-up.

Terese returned to work but was easily startled. She was shocked one day when a customer raised his hand in the shape of a gun and said laughingly: "Stick 'em up - this is a hold-up". She angrily told the very surprised customer to get out.

The local school noticed that two of their students had been arriving late or not turning up at all. When they were in class they seemed distracted and irritable. Their father worked shift work at a service station and an arrangement was made for him to come and talk with the two teachers.

Jim from the super deli was suffering a severe guilt reaction; he felt responsible for the money his boss had entrusted to him and which the thieves had stolen. Initially his boss was OK about the \$900 that was stolen. It was, after all, insured. But Jim was reacting severely to the hold-up and had to take time off work. His boss offered him \$200 not to put in a WorkCover claim. Ultimately Jim was sacked and he became reliant on a reduced wage from WorkCover.

Security companies recorded a slight surge in demand for window screens, security doors, light sensors and alarms.



Local businesses, conversely, showed a drop in patronage as ten local families limited their movements outside their houses to a minimum.

AT TWO MONTHS

During her counselling session Terese related an experience that had scared her; she thought she may be cracking under the strain and that she was going crazy. She had been in a haberdashery shop and had suddenly started feeling panic stricken and began physically shaking for no apparent reason. The counsellor inquired in detail about her experience and was able to help Terese make a connection between the orange hair of the clown mask and a skein of wool of a similar hue in the shop. "How many other customers" mused Terese "would be suffering in silence with similar reactions."

Terese would have been relieved to know that some of the customers were settling back into more normal patterns. Gina however resigned from her job. She was unable to maintain her concentration at work. Her sleep patterns resembled those of a torturers regime. Her nights were filled with terror. Gina moved to Tasmania, it was the middle of winter and snow was thick on the ground in her mountainous retreat. On the day that she called in at the local hardware store she could not have been prepared for the profound shock of being confronted by a man, warding off the cold, clad in a balaclava. Gina ended up in hospital where she remained for three weeks.

AT SIX MONTHS

The evening TV news was full of the dramatic capture of a gang of armed robbers. They had been arrested after a high speed chase and were charged with a number of robberies including the one at Terese's office. Five times Terese was contacted by different media outlets, five times she had to decline their offer to relive her trauma. This did not save her from viewing file footage of herself taken at the time of the hold-up. She remembered the smell of urine: the smell of fear.... she ran to the bathroom and vomited.

Jim was summonsed to appear in the Magistrates court as he had forgotten to pay his speeding fine. On the day of the case he again had forgotten to turn up.

12 MONTHS

Autumn had returned to Adelaide. The District Court was preparing to hear the trial of clown and balaclava. In the week prior to the trial Terese went into the Department of Public Prosecutions and was "proofed"; tested by the Crown lawyers to see if she could stand up to the rigours of court and to see what sort of a witness she would make. Terese had spent a year trying to put the memories behind her. Now she was being asked to remember everything in fine detail. She wept at the recollection of her own near death but the lawyers seemed satisfied with her tears.

Court was set for the 15th, exactly a year to the day since the hold-up. Terese awoke on that day feeling as though she had been run over by a steamroller. She remembered something that her counsellor had mentioned - some people have an anniversary reaction. Other people remember anniversaries as well. Journalists keep a 'death calendar' that reminds them of the anniversary dates of murders over the years. On this day they referred to the calendar and were reminded of a stabbing murder of a woman two years ago. This was topical since there had been four similar stabbings since then. They traced the widower and sent a reporter to interview him. His name was Bill, he worked as a service



station attendant and he had two children at primary school. The reporter tasked to do the 'death knock' did not return with the story she expected. *Dual Tragedy Strikes Lone Father* read the newspaper article.

Terese met Jim at court where she learned that he had been arrested a few weeks ago and had spent the night in jail awaiting his case to be heard the next day. When the robbery trial was finished the jury returned a verdict of "not guilty". There was not enough evidence that linked the men to that armed hold-up. Although the police had a video taped confession it was ruled inadmissible as evidence and was never heard by the jury. The police had found a balaclava at one man's house and his voice was identified as that of one of the robbers and he was about the right size but this was not enough. The money was never recovered.

Jim was furious, he argued that he had spent more time in jail than the people who had threatened death and stolen large amounts of money. Despite being informed that the three accused had been held in custody at the Remand Centre his faith in the criminal justice system was shattered forever.

Terese had a similar reaction but her anger was deeper, almost volcanic. The anger that she and her counsellor had been working on could barely be contained. On her arrival home she unleashed her fury at her husband and children.

A violent event that lasted 90 seconds will, for many people take more than a year to resolve. For some, the damage is permanent.

In 2006 there were 513 armed robberies in South Australia; this represents approximately 3,000 direct victims and countless indirect victims.

VSS Brochures

The following brochures are available from the Adelaide VSS office and can also be downloaded from the website at:

<http://victimsa.org/information-for-victims-of-crime/brochures>

Support Services for Victims of Crime

Support for Victims of Crime Available to Aboriginal People

Support for Those Affected by Homicide

Multilingual Brochure

The Impact of House Break-Ins

Court Companion Services

Resource Centre

Your Rights as a Client

Volunteering Opportunities

Leave a Bequest

Victims of Crime Compensation

Victims of Crime Compensation - Homicide



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