

# VICTIMS OF CRIME: The NT Experience

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# 1. INTRODUCTION

In 1977, Agatha Christie, in her Autobiography, wrote:

"It frightens me nobody seems to care about the innocent. When you read about a murder case, nobody seems to be horrified by the picture, say of a fragile old woman in a small cigarette shop, turning away to get a packet of cigarettes for a young thug, and being attacked and battered to death. No one seems to care about her terror and her pain, and the final merciful unconsciousness. Nobody seems to go through the agony of the *victim* ..."

Being a victim is as old as being an offender. The rights of the victim within the criminal justice system however, has been less progressive than those concerning the offender. In fact many current legal, sociological, and criminological articles note that there has been a loss of the victim within the criminal justice system. In England the loss of the victim role has been since 1154-1189 AD with the reign of King Henry II of England, (Poole, 1989) and in the United States of America this loss evolved through the "social contract" theory of government which identified a crime injured *society* instead of an *individual* victim (Hillenbrand, 1989a). The trend towards greater state intervention to the exclusion of the victim has been either politically or financially inspired. Moreover, it is possible to show that there has been an increased authority of the role and power of the state in the treatment of victims. Such a situation results in increased immediate financial costs to society and government by way of: social service costs, policing costs, correctional and rehabilitation costs, legal and court costs. It results in human physical and emotional suffering, stigmatisation, powerlessness, and financial loss. As a result of these rising costs, and possible decreased confidence with the criminal justice system, there can occur a gradual weakening of the legal system.

For many sociologists "crime" is inevitable and functional. It serves a purpose of allowing change within society. In this framework "...punishment



'serves to heal the wounds done to the collective sentiments'" (Haralambos and Holborn, 1991, p. 586). However, there is a fundamental question arising from many of the recent research investigations into the experiences of the victim of crime. The question is whether the victim feels any sense of healing of wounds following their experience with the criminal justice system? The powerlessness experienced by victims within the existing criminal justice system, the victims' responses, and the physical and emotional effects are similar in nature to those of the offenders. However, when committed by the offender, services, support and assistance are typically available, a clear role defined, and a set of procedures enacted (indeed, the offender is specifically protected by law). No such standardised or similar procedure exists within the criminal justice system for the victim (Waller, 1989).

The debate over the goals and effectiveness of the criminal justice system has arisen, historically as a result of the "poor" and ineffective ways of dealing with the offender. That more money and services are spent on the offender than the victim, however, shows the "poor-relation" status of the victim. As Waller reports:

"The services most committed to helping crime victims are the most inadequately financed, rare, restricted to urban areas, least established and with staff, who are rarely professionally trained or paid more than token wages" (Waller, 1989, p. 269).

More recently however, with the resurgence of an interest in the role of the victim, reformation and review of its effectiveness for the "invisible" party has occurred. The suggestion is that the criminal justice system has come out of balance by maintaining criminal law at the expense of the crimes which contain actual or substantive harm to real people, as opposed to the symbolic harm to the social order (Thorvaldson, 1989).

What is emphasised across the international community of victims is that victims' rights are not something new. Unlike other areas where improved humanitarian rights have been established for the first time, victims are advocating that their rights be restored. The need for restoration is not something which has occurred as an immediate consequence of the crime, but as a function of the society in which the crime occurred.

The questions which are now being raised internationally, on an academic and professional level, are the same ones which have concerned victims since the deterioration of their position. These questions concern the victims' legal rights:

“(a) to make a claim (to force the court to consider the matter)? (b) to have the harm or damage entailed in the offence properly assessed by state services? (c) to have legal assistance of the crown prosecutor or a separate council? (d) to compensation itself by the offender in full or in part and this (e) for all types of harm the offence may entail (ie. both pecuniary and non-pecuniary)? and (f) to proper administration and enforcement of the order by the state services?” (Thorvaldson, 1989, p. 293)

Such is the role and indirect power of the state to control victims' experiences, that effective victim services often require support from the police or a legal department. Internationally many successful victims of crime support services receive resources directly from the police or such state funded community services. It is acknowledged that the police act in a “gate-keeper” role in this process and that their involvement, and that of the state, is instrumental in the gaining of acceptance of this type of service and the effectiveness of the service (Walklate, 1988). In addition, the reporting of crime serves various police purposes, and as a result, crime populations tend to be defined in terms of the crimes sustained, rather than the meaning or relevance to the individual. In some of the more progressive countries and regions, the state provision of service for crime victims may extend to compensation. However, even here the organisational priorities can often take precedence over the individual victim's needs or decisions (Ziegenhagen, 1989). In many situations, for those victims who wish to progress on from their immediate experiences of the crime, the administration of a compensation bureaucracy can further disadvantage them.

“Insistence upon crime reporting as a prerequisite for consideration of a victim's claim by Compensation Boards seems to exclude all those behavioural and attitudinal orientations which are not believed to neatly fit within the legal stereotype of the ‘innocent’ or ‘cooperative’ victim” (Ziegenhagen, 1989, p. 281).

The deterioration of the role of victims within the criminal justice system has been recently countered by the “empowerment model” of social services. This model emphasises individual and group rights for such fundamental areas as equal opportunity employment, occupational health, and workplace democracy. It is an extension of the work of the Human Rights Commission and rights for certain levels of education and health. Similar support from a “rational economic” quarter emphasising the



financial advantages is also present. The financial benefits of restructuring the criminal justice system into a more effective and efficient service driven public authority should not be overlooked as a motivating factor for crime victim services. The result of the combination of these forces is that legitimate questioning of the working of the criminal justice system is possible. To quote Elias:

"The study of victims of crime and oppression cannot be separated from understanding political and economic systems. Thus we must consider political and economic solutions and probably not those that merely tinker with institutions and processes, but those that go to the heart of our political economy" (Elias, 1986, p. 242; in Walklate, 1988, p. 153).

An alternative approach towards the criminal justice system is further supported by Mawby, who states that "...although we accept that certain needs exist and warrant concern does not entail any obligation by the State to meet those needs" (Mawby, 1988, p. 133). The principles that flow from this alternative approach is that "...victims have rights irrespective of needs, that such rights should be substantive and, thirdly, that in constructing these rights attention should be paid to public opinion to ensure that regard is being given to what is considered important" (Walklate, 1988, p. 150).

Before any worthwhile and long lasting benefit can come from any possible alteration of the criminal justice system, a more comprehensive study of the experiences of crime victims within the Northern Territory must be undertaken. The purpose of this research is to more closely investigate the forces shaping the victims' experiences of crime within the Northern Territory, to more accurately appreciate the processes of the criminal justice system as they impact on the crime victim, and to investigate the services and their delivery methods.

### **Australia and the Northern Territory**

In Australia, the Victims of Crime Seminar held in 1989, sponsored by the Commissioners of Police of Australia and the South Pacific region, detailed some of the advancement in policies to services to victims in the various states of Australia. This seminar clearly exhibited the concern of most states in Australia with the plight of the victim and the states' attempts to include more comprehensively the victim in the criminal justice system.

In Australia, perhaps the state leading the way for the inclusion of victims' rights is South Australia. South Australia, in 1985, endorsed seventeen

rights of victims of crime that are supported by legislation. South Australia has developed specific services such as the Sexual Assault Referral Centre, specialised units to assist victims of child abuse, a 24-hour intervention service for victims of crime, women's shelters for domestic violence, court companion services, to mention just a few of the services available to victims.

The most controversial piece of legislation passed into law in South Australia was the Sentencing Act (1988) which introduced Victim Impact Statements. There are a number of arguments in favour and against whether or not a court, when passing sentence, should consider the effects of the crime on the victim. The Sentencing Act allows prosecutors in South Australia to provide to the court details of loss, damage or injury to the victim as a result of the crime. However, not all states support the introduction of Victim Impact Statements. The States of Victoria and New South Wales have considered Victim Impact Statements, but both states rejected their introduction at this point in time.

The Northern Territory has also been concerned with the victims of crime and in 1990 the Crime Victims Advisory Committee Act was established. This committee is to identify the needs of victims of crime, identify details of all services to victims of crime and make recommendations for the provision of better services to victims of crime, including the coordination of existing services. In addition, the Northern Territory Attorney-General directed the Committee to recommend whether Victim Impact Statements should be used in the sentencing of offenders.

After identifying existing services for victims of crime and their coordination, the Crime Victims Advisory Committee turned its attention to services available in other states and the evaluation of these services. Although there is considerable research on victims of crime in Australia and other countries, the Committee debated the usefulness of this research in relation to the Northern Territory which is unique in terms of sparse population and the existence of remote Aboriginal and European communities. In addition, although the ideology has been developed for victims of crime, translating this ideology into effective programs and legislation, particularly in the Northern Territory needed to be empirically based by research into Northern Territory victims' needs and victims' attitudes towards Victim Impact Statements. Grabosky (1989) supports the view that more research is needed to test the assumptions underlying the ideology that has centred on victims of crime. Sumner and Sutton (1988) also emphasise a commitment to research in order to develop effective programs and legislation.

The senior author of this report was requested by the Crime Victims Advisory Committee to conduct research into the needs of victims of crime and ascertain the views of victims towards Victim Impact Statements. Four Northern Territory Government Departments (Law, Corrections, Police, Health and Community Services) and the Criminology Research Council provided funds to support the research.

Although most of the research on victims of crime utilise questionnaires, the present research employed in-depth interviews with open-ended questions. The value of qualitative analysis is to collect data to discover what people's lives, experiences and interactions mean to them in their own terms. On the other hand, quantitative measurement utilises instruments such as questionnaires that provide a framework in order to limit data collection to predetermined responses or categories and numerical values attached to these categories. This is not to state that percentages cannot be applied to the qualitative data in order to determine the frequency of a particular "theme" and indeed in the present research theme or content percentage is applied.



## 2. METHODOLOGY

### 2.1 THE SAMPLE

#### **Recruitment of Non-Aboriginal Subjects**

As this study addresses the experiences and attitudes of victims in relation to the criminal justice system (CJS), it was necessary to recruit subjects who had reported a crime. Therefore a letter was sent on behalf of the researchers by the Department of Police, inviting victims who had reported a crime in the Northern Territory between May 1991 and November 1992, to participate in the study.

Consistent with Gardner (1990), this study examines crimes where a victim can be clearly identified. Therefore victims selected were those who reported one or more of the following personal or property crimes.

Personal crimes include attempted murder, assault (domestic violence, sexual assault, indecent assault, common assault, bodily harm, aggravated and attempted assault), harassment.

Property crimes include armed robbery (which could also be classed as a personal violation), unlawful entry and stealing, unlawful use of motor vehicle, criminal damage.

Also in common with Gardner (1990), this study only addresses the experiences of adult victims of crime. Victims who are children may experience the crime and the CJS very differently, and hence not have the same needs as adult victims of crime. The sensitivity of this area of victimisation may also render methods of data collection which are appropriate to use with adult victims, unsuitable to administer with minors. Therefore victims of 16 years and above were recruited in this study.

To enable the study of victims of crime in both urban and rural areas of the Territory, the sample includes Territory residents reporting a crime at either Darwin, Alice Springs, Katherine or Tennant Creek Police Centres.

## Recruitment of Aboriginal Subjects

As the Northern Territory has a substantial Aboriginal population, it is important to consider the needs and experiences of Aboriginal victims of crime. However, due to the cultural differences, it is recognised that "European" research methods are often not suitable for research into the experiences of Aboriginal subjects. Therefore discussions were held with elders, Aboriginal Police Aides and others coming into contact with Aboriginal victims, regarding: the application of this study to Aboriginal victims of crime; and appropriate means of recruiting Aboriginal subjects and collecting information, in terms of acceptability of these methods to the Aboriginal culture, and accuracy of information received.

The major communities and agencies visited and involved in these consultations include:

- Yirrkala Community (East Arnhem Land)
- Bagot Community (Darwin)
- Nguiu Community Council (Bathurst Island)
- Pularumpi Police Centre (Melville Island)
- Darwin Aboriginal Women's Shelter
- Darwin Sobering-Up Shelter (Coconut Grove)
- Department of Correctional Services (Port Keats)
- North Australian Aboriginal Legal Aid Service
- Central Australian Aboriginal Legal Aid Service.

The major recommendations and issues arising from these consultations are summarised as follows:

The recommended method of collecting information from Aboriginal victims of crime is via group discussion or interviews, about the effects of the crime, experience of the CJS and needs for assistance. This enables victims to support each other and feel safer to voice their views. It was suggested that elders of the community could lead these discussions (which demonstrates respect for the elder's position and further encourages the participation of victims) which a researcher could attend and tape record.

Although it was agreed that this was the most appropriate means of collecting data, several factors prevented this from taking place in most locations.

### "Old Business"

In general, Aboriginal victims of crime were not interested in talking about being victimised, as the crime was regarded as "old business" and therefore

no longer relevant. Victims and agencies alike explained how the Aboriginal culture prefers to deal with a crime as quickly as possible in the community, and then get on with life again. This factor also raises the question of how relevant or meaningful Aboriginal victims therefore regard the "European" CJS, which often deals with a crime over a long period of time (eg. if the case involves a long Police investigation and then court attendance involving multiple adjournments).

### The Presence of Two Culturally Different Criminal Justice Systems

In both the Yirrkala and Tiwi Island communities there was a strong presence and regard for the Aboriginal CJS to deal with crimes. Rules for the interaction between the Aboriginal and non-Aboriginal CJS are still unclear.

Questions to be resolved include: 1) For which type of crimes does each CJS become involved? 2) How do both CJS interact with each other? 3) How does this interaction affect Aboriginal victims in terms of reporting a crime, the investigation and sentencing (eg. which CJS determines the sentence?), information, services and support?

An example of an attempt to address some of these issues is the proposed agreement on practises and procedures between the Nguiu Community Council and Pularumpi Police. This proposition suggests that for offences attracting a maximum penalty of three months, and providing that the victim and offender are in agreement, that the Nguiu Community Council decide on the punishment (which is not to involve physical force, incarceration or other prescribed methods of punishment). If the matter is not resolved in this manner, it is then referred to the "European" court system.

In terms of recruiting Aboriginal subjects and obtaining accurate information, the presence of two CJS has meant that many Aboriginal communities (victims, elders and other community members) do not view a study of the "European" CJS as being applicable to their own experiences.

### Alcohol-Related Crimes

Examination of crime reports and discussion with communities and agencies, revealed that a large proportion of crime pertaining to the study of Aboriginal victims is alcohol-related, whereby both the victim and offender have been affected by alcohol consumption. Particularly in cases



of attempted murder and assault, if both the offender and victim have been affected by alcohol, it is difficult to ascertain who the victim is for the purpose of this study. For example, if weapons were accessible to both parties, depending on how events took place, the "offender" could have been classified as the "victim" in the CJS if harmed by the weapon.

It is important to acknowledge however, that this factor applies to victims of alcohol-related crimes in any culture, and therefore must be taken into account when recruiting any sample for the study.

### Difficulty Obtaining Access to Subjects

Due to differences in the concept of time between the Aboriginal and non-Aboriginal cultures, it is often difficult to access subjects unless actually living in the community. Hence access was found to be easier on Bathurst Island, where the researcher was accommodated during consultations and discussion with victims, agencies and staff in the CJS. As the Aboriginal culture tends to live mainly in the present, it is not feasible to set future meeting times with victims. It is instead necessary to ascertain if the present time is convenient. To do this successfully, it is therefore more practical for the researcher and subjects, if the researcher is in close proximity to the hub of the community.

Another difficulty encountered in accessing subjects was frequent mourning in the community. This is particularly true of urban communities which comprise families from many outlying rural communities. Mourning occurred frequently as a response to both serious crimes and deaths in the urban community itself, and in the outlying communities. Obviously it is neither convenient nor sensitive to collect data at these times.

### Gender

As a female researcher was responsible for collecting data on Aboriginal victims of crime, this may have influenced the fact that successful responses were obtained from female victims of crime. As a matter of protocol, care was taken when meeting male members of communities, that the introduction took place by a male, such as a male (non-Aboriginal) Police Officer, Aboriginal Police Aide, or elder. Introduction to female members of communities generally took place via a female with a focal position in the community, such as female medical staff or missionary workers.

Despite these problems encountered in studying Aboriginal victims of crime, some information was obtained in discussions with: four female

victims of domestic violence and one victim of multiple incidents of sexual assault, at Darwin Aboriginal Women's Shelter; and three female victims of sexual assault and domestic violence, and other female community members at Nguiu Community, Bathurst Island. These discussions are summarised in the Results Section.

### Response Rate of Non-Aboriginal Subjects

As shown in Table 2.1, 33% of letters sent resulted in victims indicating their willingness to participate in the study. Nineteen per cent of letters were returned due to the victim changing their address. However, it is possible that an even greater proportion of transient victims did not receive the letter, since 48% of letters were not returned at all.

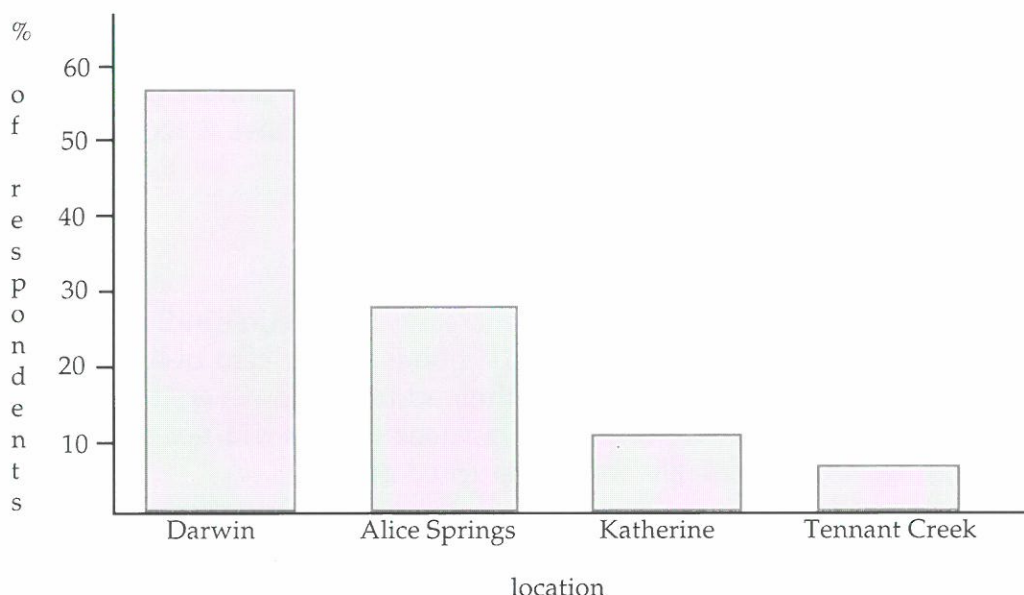
**Table 2.1**

Summary of letters sent to victims, responses received and interviews conducted

STAGE OF RECRUITMENT OF SUBJECTS	NUMBER OF RESPONDENTS
Letters sent	407
Positive (willing to participate) Response	133
Negative Responses	4
No Response	194
Return to Sender	76
Arranged for Interview	133
Actually Interviewed	97

Seventy-two per cent of those who indicated a willingness to be involved were actually interviewed. The remaining 28% of respondents were not interviewed due to the following factors: non-attendance at the pre-arranged interview, and in some cases at a second interview arranged for an alternate time due to the interviewee's work or family commitments; and inability to be contacted (eg. having moved from the Territory since sending their response, and leaving no forwarding address; phone being disconnected and not responding to a second letter inviting their participation).

Participation of interviewees according to their location (Figure 2.1) corresponds with the size of locations and hence the number of crimes reported at the Police Centres.



**Fig. 2.1** Location of interviewees

## Characteristics of Interviewees

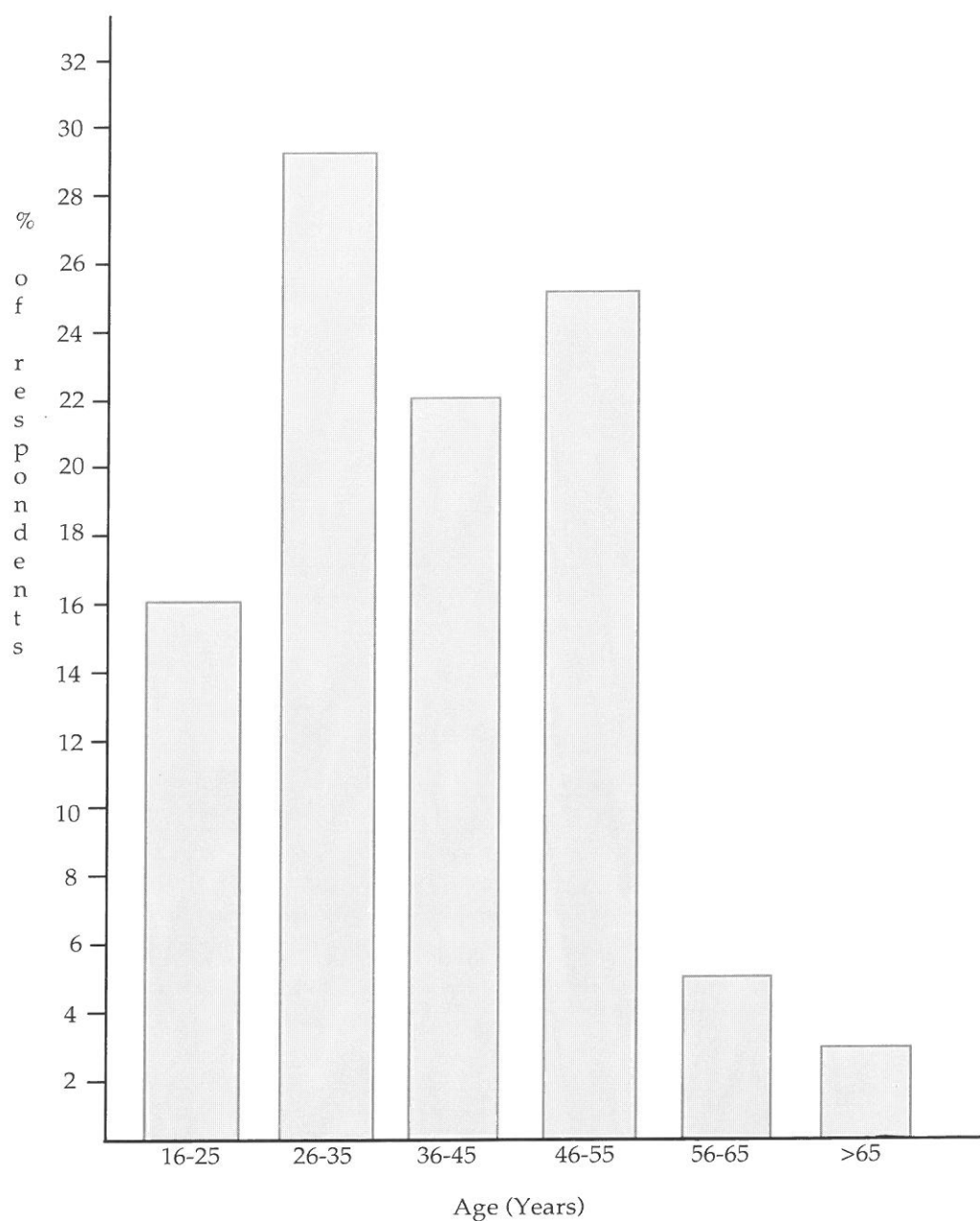
### Personal Characteristics

The sample comprised 58% male and 42% female interviewees.

Ages of interviewees were mostly concentrated in the range of 26 to 55 years (Figure 2.2), with some representation of ages both below and above this range.

Eighty per cent of respondents were in some form of employment outside the home, while 20% were either unemployed, pensioners, students or involved in home duties.

The majority of interviewees were of Australian (78%) and European (14%) ethnicity, with the remaining 8% comprised of New Zealand, Asian, American, African and Papua New Guinea nationalities.



**Fig. 2.2** Age of interviewees

Characteristics Pertaining to the Offence and Previous Victimisation

Most offences occurred between July 1991 and March 1992 (Figure 2.3).

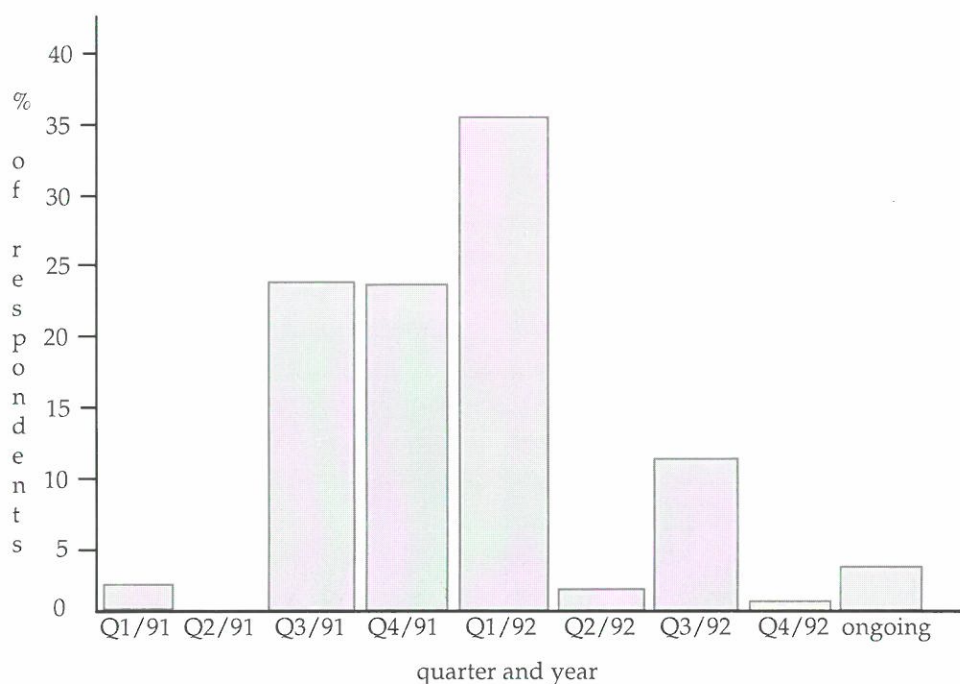


Fig. 2.3 Date of offence

Sixty-five per cent of reported crimes were property related offences, whereas thirty-five per cent were personal crimes (Table 2.2).

Table 2.2 Types of offences reported by interviewees

TYPE OF OFFENCE	% OF RESPONDENTS
Personal Crimes:	
Assault (common assault, domestic violence)	26
Indecent Assault	3
Sexual Assault	2
Attempted Robbery	1
Armed Robbery*	1
Harassment	2
TOTAL PERCENTAGE OF PERSONAL CRIMES	35
Property Crimes	
Unlawful entry and/or Stealing	40
Unlawful Use of Motor Vehicle	19
Criminal Damage	6
TOTAL PERCENTAGE OF PROPERTY CRIMES	65

\* The one respondent who reported the offence of armed robbery is classified, for the purpose of the study, as a victim of a personal crime, since it occurred at his place of work. The crime therefore involved a personal violation and no loss of his own property.



Although 62% of victims did not know the offender, 22% knew the offender as an acquaintance in the community and 18% had either a personal or employment related connection with the offender.

Sixty-four per cent of victims had been victimised at least once before. This often involved the same type of crime as the offence discussed in interviews (Table 2.3).

**Table 2.3** Details of previous victimisation

PREVIOUS VICTIMISATION	% OF RESPONDENTS
No Previous Victimization	36
Once - Same Crime as Current Offence	16
- Different Crime	7
Multiple Crimes - Same as Current Offence	19
- Different Crimes	8
- Same and Different	14

## 2.2 METHODS OF COLLECTING DATA FROM THE NON-ABORIGINAL SAMPLE

### The Survey

The survey consisted of mainly open-ended questions addressing the following areas:

Demographical information, such as gender, age, type of offence, etc.

How the crime has affected the victim, including: physical, emotional, financial, employment, any other effects experienced.

Victim's experiences and opinions of the CJS, including: reporting and Police investigation, attendance at court and sentencing, attitude to Victim Impact Statements, suggestions for improvement to the CJS, feedback on progress of the case.

Services for victims of crime: adequacy of information about services, services utilised by victims, services needed and not received by victims.

### Interviews

Where possible, interviews were conducted face-to-face and tape recorded with the interviewee's permission. However, due to the following factors, it was necessary to conduct 24% of interviews by phone.

When the victim was unable to attend an interview or be visited at work or in the home, because of changing and often unpredictable commitments. This was particularly common among respondents who were sole owners of a business, and hence their availability would depend on fluctuating customer activity. Such respondents requested phone interviews to try and coincide with their availability.

When receiving indications of willingness to be interviewed, from respondents living in the rural centres of the Territory, after interviews had been conducted in those locations.

For those victims who had moved from the Territory, but forwarded a contact phone number to enable a phone interview to take place.

For those victims who are resident in the Territory by completing temporary (and often lengthy) work assignments interstate. Many also forwarded a phone contact to enable an interview.

In Darwin, face-to-face interviews were conducted mainly at the Northern Territory University. The Department of Health and Community Services provided the use of an office in Alice Springs, Tennant Creek and Katherine. Where it was not convenient for interviewees to attend one of these offices, excepting the situations outlined above, they were interviewed either at their work place or home.

The duration of interviews varied between twenty minutes and one-and-three-quarter hours, depending on the severity of the effects of the crime and the amount and nature of contact the victim had experienced with the CJS.

Several aspects of interviewing victims were paid particular attention to, including:

- Ensuring the victim of confidentiality.

- Developing rapport, to maximise the victim's ease in talking about their experiences.

- Being sensitive to the fact that many victims will be discussing experiences which have been traumatic or are associated with negative emotions.

- Viewing the victim as the expert - ie. allowing them to convey their unique experiences and perceptions.

## 2.3 ANALYSIS

### Types of analysis

Qualitative analysis (and hence the use of open-ended questions) has been chosen as the most appropriate method of obtaining information about the experiences and needs of victims, for the following reasons:

Open-ended questions may better elicit information about victims' unique experiences and needs. Highly structured and closed questions associated with quantitative analysis may guide victims' thoughts and responses to correspond with the questions. If only these type of questions were asked, the researchers would not know if there are other experiences, needs and attitudes held by respondents, which lie beyond the scope of the questions. For example, if respondents were only asked if they experienced certain types of employment effects such as lost jobs or income, the researchers may not elicit the diversity of other effects of the crime on victims' employment. Therefore, qualitative analysis may better enable richer and more diverse information, closer to the actual experiences of victims.

Targeting the unique experiences, attitudes and needs of victims in this way, demonstrates the view that they are the experts, and hence teaching us about the nature of victimisation.

### Software Utilised

Content of the interviews was entered in the Microsoft Word word processing package. Analysis of results was conducted via the NUDIST (Non-numerical Unstructured Data Indexing, Searching and Theorising) software package (Version 2.3), in the following manner.

Interview documents were imported from Microsoft Word into Nudist.

Hierarchies of codes were created in Nudist, to categorise the information contained in interviews.

Each interview was coded according to these hierarchies, and new codes were created where necessary.

Frequencies of codes were obtained, and frequency lists were examined for possible trends and relationships in variables.

These trends and relationships were tested by intersecting codes and producing matrices and tables.

Some of this information was also converted to a graphical format, using the Lotus 123 spreadsheet package (Version 2.2).

# 3. RESULTS

## 3.1 EFFECTS OF THE CRIME

Both personal and property crimes have had diverse and far reaching effects on victims. Many parts of victims' lives have been affected, not only at the time and shortly after the crime was committed, but also for some time afterwards. Analysis of interviews has also revealed that, in addition to the primary victim, there are often secondary victims who are affected (either directly, or as a result of their interaction with the primary victim who has been affected) - particularly the family and employers of the victim.

### Physical Effects

The major types of short term physical effects experienced by assault victims were cuts (54% of assault victims), bruising (54%), shock (32%) and swelling (29%). Fewer of these subjects reported medium to long term physical effects - the most common being internal injuries (11% of assault victims). Effects experienced to a lesser extent include continual illness and exhaustion (attributed by victims to long term stress associated with the crime), difficulty walking, affected mental abilities and bone fractures.

As the comments by interviewees below illustrate, those who were severely physically affected by the crime, found that this created further difficulties in their lives which they will have to cope with for some time in the future.

"I got a fractured skull and blood clot in the brain, and was unconscious for three weeks... they had to send me to hospital in Sydney... I still get severe head pains and giddy attacks... if I don't use a walking stick, I stagger around and people think I'm drunk... it's difficult to communicate my thoughts in writing since the assault - especially writing letters" (male assault victim; 46-55 yrs; interviewed 7 months after the crime).

"There was scarring, with three stitches on the inside of the mouth and two on the outside - I had a miscarriage afterwards, but the doctors were not sure if it was related to stress or not" (female assault victim; 26-35 yrs).



## Effects on Relationships

Victims of both personal crimes (57% of that sample) and property crimes (55%) reported effects on their relationships with or attitudes toward, either their partner, family, friends, acquaintances or the general public. The major ways in which relationships were affected include:

- Less trust of strangers (34% of respondents)
- Family strain (12%)
- Less trust of acquaintances (8%).

Other reported changes in relationships were tension between the victim and their partner, affected work relationships and a restricted social life. The diversity of changes in relationships is further illustrated by the following excerpts from interviews:

"I was most concerned about my little daughter... the second time we were burgled was the worst... she started bed-wetting, and although she is usually a very happy and positive person, she wanted us to check the toilet and shower with her to make sure there was no one behind the door... she is starting to get better now" (female victim of break and enter, and stealing; 36-45 yrs).

"My relationship with colleagues was affected as the offender threatened me at work... I am no longer laid back at home like I used to be - visitors are scrutinised and doors are constantly locked... I moved away from home for a while because I thought my family may be at risk" (male victim of continuing assault and harassment; 26-35 yrs).

"Family and other social life has become more limited because we have to always plan for alternate transport or find someone who can provide it... it has reduced the number of out outings" (female victim - stolen motor vehicle; 36-45 yrs).

"My wife and myself are worried about the baby because the offenders stole something from her room during the night... we often argue now about the house not being secure enough" (male victim - break and enter, and stealing; 36-45 yrs).

"I will not go anywhere near where the offender goes any more, and they are places I really used to enjoy going to with friends... I am thinking of leaving to get away from the offender, even though my family and friends are here" (female assault victim; 16-25 yrs).

## Emotional Effects

Victims of all crimes were greatly emotionally affected by the offence, although victims of personal crimes did experience these effects more frequently than those reporting property crimes (83% compared to 71%). As Table 3.1 illustrates, victims most commonly experienced anger, stress and fear.

**Table 3.1** Emotional effects of the crime

TYPE OF EMOTIONAL EFFECT	% OF RESPONDENTS
Anger	34
Stress - due to the crime itself	18
- added to existing stress	12
Fear	21
Vulnerability	13
Frustration	11
Sleeping Difficulties	10
Upset	9

The following comments by interviewees also express the above emotional effects of crime:

"I purchased a six foot fence, two dogs and locks for the house... I want iron bars on all the windows... I can't get enough security... the house scares me... I cannot walk into the house and open the door at night without half expecting someone to be there... and I can't walk past the window that they actually broke into." (female victim - break and enter and stealing; 36-45 yrs).

"I feel like I'm living in a cage... it's my house and I shouldn't have to live like I'm in a jail when I haven't done anything wrong... I never sleep with my windows open now and I never will again... every window and door will be locked and I never used to be like that" (female victim - break and enter, and stealing; 26-35 yrs).

"I still feel really angry because they had taken so many sentimental things... I wish I could take some of their favourite things" (female victim - break and enter, and stealing; 26-35 yrs).

"I am very wary when walking at night... I look behind me all the time... I am taking a break down South soon to get away and be able to relax properly knowing I will not run into the offender" (female victim of assault; 26-35 yrs).

"I've changed a lot since... I'm more miserable and grumpy - sometimes I just don't care" (male victim of assault; 46-55 yrs).

### Financial Effects

Predictably, victims reporting property crimes experienced more than double the financial effects reported by victims of personal crimes (83% compared with 40%). Costs most commonly borne by victims after a crime are the replacement/repair of stolen or damaged items (41% of respondents) and the purchase of security devices (27%). Other costs include loss of employment income (particularly for personal crimes, as outlined in the next section), alternate transport and continued higher insurance premiums in the future due to the loss of the no claims bonus.

Financial effects continue to change the lifestyle of the victim, whether they are a member of the public or owner of a business. As the interview excerpts below illustrate, such costs place a strain on both household income and business profits, hence adding to the already existing frustration and challenge of maintaining financial viability in the current recession.

"I've practically lost my business because I can no longer do the type of work I was doing before (due to physical injuries from the assault)" (male victim of assault; 46-55 yrs).

"I lost a lot of income from overtime because I no longer want to work at night" (female assault victim; 26-35 yrs).

"Insurance only covered the broken glass, and I had to pay a higher premium for insurance on windows after that... we never recovered the stolen goods... I purchased a safe and am considering hiring a store detective from Adelaide to do a blitz, which would cost around \$1000." (male shop owner and victim of break and enter, and stealing; 46-55 yrs).

### Employment Effects

Both victims of personal and property crimes reported experiencing a similar degree of effect on their employment (43% and 48%, respectively). Table 3.2 shows the main ways in which victims' employment has been affected.

Table 3.2 Employment effects of crime

TYPES OF EMPLOYMENT EFFECTS	% OF RESPONDENTS
Loss of time at work	21
Inconvenience affecting work	15
Affected job performance	12
Loss of job	8
Fear job will expose victim to future crime	5



Examples of reasons why victims have lost time from work include: being required to attend lengthy court hearings (often involving waiting for much of the day, as outlined in the latter section describing experiences of the court process), ceasing business operations to enable police investigation procedures (such as finger-printing), cleaning up damage caused by the crime, making insurance claims and replacing stolen goods, and taking leave from work to install security at home or attend medical, legal or counselling services. Employees are also often inconvenienced by trying to arrange for alternate transport to work, in the case of crimes involving stealing of a motor vehicle. Job performance is often affected by stress and other emotional and relationship effects of the crime. Likewise, jobs are often lost due to reduced work performance or an inability to continue the same kind of work as before (because of affected physical or mental abilities, or the persistent fear that the job will expose the victim to the crime again).

"The assault happened at work... I was too afraid to work again in the location where it happened, but one of the managers told me I was over-reacting, which was frustrating... it was also frustrating that management made no attempt to improve safety at work for myself and my colleagues... there is now some tension and division among staff... I have lost some enjoyment in my work" (female victim of assault).

"I spent \$2500 installing a detector system and large gates around the shop, which unfortunately spoil it's appearance... time was spent cleaning up the mess that was left and going through old invoices of stolen goods for insurance purposes" (female shop owner and victim of continued break and enter, and stealing; 46-55 yrs).

### **Other Effects of the Crime**

As many of the excerpts from interviews concerning the broad range of effects have highlighted, victims of both personal and property crimes report that after the crime, they lose some degree of freedom due to their attempts to prevent further victimisation (11% of respondents). Related to this effect, is a greater consciousness of safety by the victim, for themselves (19% of respondents), their property (20%) and their family (7%).

"I don't do cross-country running any more... I am more reluctant to go out now" (female victim of attempted assault and criminal damage; 46-55 yrs).

“sport and other leisure activities are affected by whether the offender may be there... it impinges on everything” (male victim of continued assault and harassment; 26-35 yrs).

### **3.2 THE POLICE INVESTIGATION**

#### **Initial Contact - ie. reporting, preparing a statement, etc.**

Most victims of both personal and property crimes (80% of respondents) reported having satisfactory initial contact. Listed below are the major types of difficulties encountered by the remaining 20% of respondents.

Apathy of Police due to reporting a common crime.

Failure to recognise the value of property stolen, to the victim (ie. sentimental as well as monetary value).

Lack of communication and coordination between Police branches and sections.

Time taken to complete the statement

Re-living the crime due to repeated statements

Attitude of male Police Officer to female victim of domestic violence

Male victims of domestic violence not being acknowledged as victims.

#### Subsequent Contact

Victims of property contact were slightly more satisfied with their subsequent experience of the Police system, than those reporting personal crimes (74% compared with 69%). Difficulties which were experienced by victims include:

Police being unwilling to get involved in domestic violence incidents

Insufficient investigation

Lack of communication between Territory and Federal Police

Insufficient advice about when finger-printing would be done.

The greatest difficulty encountered by victims was lack of information in terms of investigation procedures and progress being made (if any) in the case. This will be addressed in detail in later section.

The following comments by interviewees further highlight both satisfaction and difficulties experienced during the Police investigation:

“The Police made sure I was protected until the offender was caught - they were very helpful” (female victim of sexual assault; 46-55 yrs).

"They had no regard for how important some of the stolen items were to me, which could never be replaced... they were only interested in those which had monetary value" (male victim - break and enter, and stealing; 26-35 yrs).

"It was difficult having to repeat the details of the experience to different Police Officers - and going over it again and again... it would have been better to deal with the one person" (female victim of sexual assault; 16-25 yrs).

"I reported each incident to the Police and take my hat off to them each time... they gave me good advice on how to make the house more secure" (female victim - break and enter, and stealing; 36-45 yrs).

"I don't think the Police see shop lifting as major crime - but it is a major crime to the shop owner who is having their profits stolen" (female victim - break and enter; 46-55 yrs).

"There is often bad morale in the Police force... if Police were given more credit and respect for what they do, it may help morale" (female victim - break and enter, and stealing; 36-45 yrs).

### **Suggested Improvements**

As mentioned previously, the strongest call for improvement concerned the provision of information to victims. However, other suggestions were also made by respondents, including:

- Police Social Worker to help victims deal with the immediate emotional effects and then refer them on if necessary.

- Police PR person (officer or non-Police staff) to provide information to victims.

- Deal with the same Police Officer if possible.

- Training for Police in the effects of crime on victims

- Improved communication between local branches and Head Office, and Territory and Federal Police.

- Female counsellor or Police Officer available for female victims of domestic violence.

- Greater awareness of existence of male victims of domestic violence.

- Better Police protection for continuing offences by the offender.

- Encourage Police community involvement - eg. Community policing, community training in prevention of crime (eg. Neighbourhood Watch).

"It would be helpful to have training for Police staff on how to interact with victims (particularly victims of domestic violence), dealing with victims of crime from different cultures (including Aboriginal)... and what victims go through" (male victim of assault and harassment; 26-35 yrs).

"There needs to be more Police time available for what happens after the event, such as advice given to victims on where they can go for help (eg. counselling)... a Police Social Worker would also be helpful - advice was needed in my case on how to deal with the anger and frustration of not knowing what was going to happen and the feeling that restitution and justice were not happening" (male victim of assault and harassment; 26-35 yrs).

"The Police need better support from the judicial system (especially in terms of the quality of sentencing) to help them do their job... we need to have Police in Administrative positions who have also had a lot of street experience - this is a rare breed unfortunately... the Territory is a unique place and difficult part of the country to administer" (male victim - break and enter, and stealing; 46-55 yrs).

"Victims would benefit from more staffing for Police - they are already over worked" (female victim - break and enter, and stealing; 46-55 yrs).

"Community Policing works well - especially with young offenders... I am also impressed with the recruitment of Aboriginal Police Aides... we need to encourage community involvement by the Police... there also needs to be more training and education about prevention of crime" (female victim of unlawful entry; 46-55 yrs).

### **Adequacy of Information About the Progress of the Case**

Victims of personal and property crimes were equally dissatisfied with the amount of information received on the progress of their case throughout the CJS (54% of each sample). With regard to the Police investigation, the types of information which were required and not received included:

- If the offender(s) was caught (16% of respondents)
- Procedures to expect in the Police investigation (9%)
- Information on recovery of property (7%).

Adequacy of information in relation to the court process will be addressed in the Section concerning Court).



## Preferred Mode of Feedback

As Table 3.3 illustrates, most victims preferred to be informed by phone, and a large proportion had no preference for the method of providing feedback. In contrast however, in the smaller rural centres, personal contact was the more preferred mode, as, due to the size of location, it occurred regularly between Police and many victims anyway (60% preferred personal contact in Tennant Creek and 50% in Katherine, compared to only 11% in Alice Springs and 6% in Darwin).

**Table 3.3** Victims' preferred mode of feedback on progress of the case

TYPES OF FEEDBACK	% OF RESPONDENTS
Letter	13
Phone	43
Personal Contact	15
No Preference	29

## 3.3 THE COURT EXPERIENCE

### Adequacy of Information About Progress of the Case

The most frequently cited needs in relation to feedback concerned the court process. Twenty-one per cent of respondents reported the need to know more about court procedures - eg. what was required of them in court, the time they should arrive, and the overall amount of time required for them to attend the proceedings.

"Other people I knew attending court at the same time get me some information about what was going on (including if the offender was on bail... they (Prosecution) then rang me up and told me to come to the court hearing, but when I got there they said they did not need me after all because it had been adjourned... I did not know when to attend the next hearing until they rang me up half an hour before I was supposed to be in court (female victim of assault; 26-35 yrs).

"I needed advice on the court appearance... the victim needs to know what is required of them, or else they feel like they are in the dark... It is intimidating being in court if you don't understand the procedures (male victim - unlawful use of motor vehicle; 26-35 yrs).

An even greater need (expressed by 34% of respondents) was to be advised of the outcome of the case (sentence or other result). Many respondents found out the result of the court process via unofficial means such as the newspaper or by a friend who worked in the criminal justice system.

"I had to chase up what happened (to the offender)... I rang up to find out the sentence, but was told the hearing (where sentencing was to be passed) had been adjourned again... I eventually ended up reading the sentence in the paper."

This need may have been related to the fact that most victims who participated in the study did not attend court. The reasons for not attending court are shown in Table 3.4.

**Table 3.4** Attendance at court

ATTENDANCE OF VICTIM AT COURT	% OF RESPONDENTS
Attended	12
Do not know if case has proceeded to court	56
Not required - offender pleaded guilty	15
Not required - do not know the reason	10
Court case planned for future date	4
Closed court - juvenile offender	2
Victim withdrew charge	1

### Satisfaction With the Bail Process

As shown in Table 3.5, those victims who had negative experiences of the bail process were largely concerned with a lack of information on the conditions of bail, and a perceived risk to the safety of themselves or their family. Four of the five victims who believe that bail is set too often, also reported that the offender had committed the crime while on bail for a previous offences.

**Table 3.5** Satisfaction with bail

SATISFACTION WITH BAIL PROCESS	% OF RESPONDENTS
No contact with the bail process	65
Satisfied	10
Dissatisfied - lack of information	15
- fear safety of victim	13
- set too often - too many offenders	
re-offend when on bail	5
- fear for safety of family	4

Note: As some respondents provided more than one reason why they were dissatisfied with the bail process, the cells in this table are not mutually exclusive and therefore do not total to 100%.

## Experience of Court Attendance

For the relatively fewer victims who did attend court, some difficulties were encountered in terms of the time required to attend court, the proceedings and the court environment, as listed below:

<u>Time:</u>	Time taken to attend day in court Cumulative time required due to adjournments
<u>Proceedings:</u>	Re-living the crime when giving evidence Recalling the facts after long period of time after the offence Seeing the offender in court Victim's name and address read out in offender's presence
<u>Court Environment:</u>	Waiting facilities same as the offender Waiting facilities were cold.

Some victims felt they were being further victimised by the experience of court attendance, and some reported losing faith in the process and hence not attending any more if they had that option. Repeated adjournments meant not being able to finalise the event and get on with their lives again.

"All I had to do in court was verify that I had signed a statutory declaration... I went in at ten in the morning and was still waiting at one in the afternoon... I could not stand around there all day because I have a business to run... I have already been victimised and I don't have to be victimised further" (female victim - break and enter, and stealing; 36-45 yrs).

"The court process took three months due to three adjournments.. I had to take time off work... I was in court all day for some of the hearings" (male victim - unlawful use of motor vehicle; 16-25 yrs).

"I tried to get on with my life and tried to forget it, but at the same time I had to try and remember it all in case I had to say something in court (court proceedings were held over 6 months)... because I was worried that if I got up there and said something which was different from my statement, they would shoot me down in flames" (female victim of assault; 26-35 yrs).

"I don't waste my time attending court any more, because it doesn't do any good anyway... you have to wait all day in the court house, taking time off work and then the offender gets a light sentence or gets off" (male victim - break and enter, and stealing; 46-55 yrs).

"I wasn't happy when the case was postponed for another three months in court... it should have been dealt with straight away... there is extra pressure on the victim because they cannot get on with their life, with all the waiting around... the court process should be faster for assault cases, especially in a rural town where the victim and offender live near each other" (male victim of assault; 36-45 yrs).

## **Sentencing**

Many victims either did not know what stage their case had progressed to, or knew that their case had gone to court, but had not been advised of the sentence. Those victims who did know the sentence or other outcome of the case (19% of respondents), most commonly reported that the offender was fined or put on a good behaviour bond, with a minority of short term jail sentences. The majority of these victims (11% of respondents) believed that the sentence was too light.

## **Court - Suggested Improvements**

Suggested improvements to the court system can be summarised as follows:

- Minimise time required for victims to attend court by:

  - Organising a specific time for attending the hearing, to reduce waiting time; Reducing the number of adjournments where possible.

- Sentencing more appropriate to the crime, with the aim of:

  - Reducing the chance of re-offending; Making involvement in the court process more worthwhile for the victim; Better reflecting the community's attitude to the crime.

- Less bail, in order to:

  - Discourage re-offending on bail; Reduce the safety risk (or fear from a perceived risk) to victims.

- More timely and adequate information for victims, concerning:

  - Time to attend court; Court procedures; Outcome of the case; Compensation (who it is available for and under what conditions).

- Separate waiting facilities for victim and offender.

- Court companion for victims without adequate support.

- Victim to give evidence by video for sexual assault cases.

- Consider alternatives for sentencing Aboriginal offenders, which are meaningful (and therefore hopefully a greater deterrence against re-offending), place more responsibility on the communities, and acknowledge the presence and merits of traditional laws.



"...Need to apply laws to Aboriginal offenders which they understand - jail is not a deterrence... elders in the communities should be getting them into gear, such as by threatening to outcast them from the community, which would mean something to the offender" (male victim - unlawful use of motor vehicle; 36-45 yrs).

"In the case of Aboriginal offenders, the offender needs punishment which affects them and means something to them.. it is sometimes better not to bring white law into it, but to settle it in a way which affects the community, is fair and they understand" (female victim - unlawful use of motor vehicle; 26-35 yrs).

### 3.4 VICTIMS' ATTITUDES TO VICTIM IMPACT STATEMENTS (VIS) Are Victim Impact Statements Appropriate?

Eighty-five per cent of victims interviewed were in favour of the introduction of VIS. As shown in Table 3.6, the dominant reason for this approval (particularly among victims of personal crimes), was that many victims believed VIS could provide the opportunity to present the crime to the court in a more balanced context (ie. by hearing about the crime from the victim's perspective as well as the offender's evidence, the full story could then be told).

**Table 3.6** Victims in favour of Victim Impact Statements in relation to type of crime reported

REASONS WHY VIS ARE APPROPRIATE	% OF RESPONDENTS REPORTING OFFENCE	
	PERSONAL CRIMES	PROPERTY CRIMES
Effects should influence sentence	29	43
Should hear victim's side	63	35
Educate offender on effects of the crime on victims	9	14
Help assess compensation	3	11

Note: As some respondents provided more than one reason why VIS are appropriate, the cells in this table are not mutually exclusive and therefore do not total 100%.

Another significant advantage raised was the potential of educating both the offender and court about the effects crime has on victims. With respect to the court, it was hoped (particularly by victims of property offences) that this could influence sentencing and result in more appropriate sentences

which take account of the effect of the crime on victims. With reference to the offender, victims believed presentation of the effects of the crime committed may educate the offender on the consequences of their actions of people, and, in some cases, deter them from re-offending. To a lesser extent, the respondents saw VIS as a means to assess compensation for victims, mainly for the financial effects of the crime.

"I think the court should be told the effects (the crime has had) on me... if it may deter future offences (by the offender)... but it is not a good idea for punishment sake alone" (male victim - break and enter, and stealing; 26-35 yrs).

"The court is generally out of touch with what is happening to the victim... it looks at society's perspective and dwells on rehabilitation of the offender... it forgets the victim... effects on the victim should generally influence the sentence of the offender" (male victim of assault and harassment; 26-35 yrs).

"Information on the effects should be presented because the offender is usually only charged for the actual crime and not the effects which the crime has had on the victim... break and enter can have lasting effect on the victim and their family" (male victim - break and enter, and stealing; 46-55 yrs).

Despite the many reasons put forward for the introduction of VIS, 15% of respondents were not in favour of their introduction due to problems they believed may occur. As Table 3.7 illustrates, the greatest concern raised was the potential for inconsistent sentences arising from the variation in how different individuals may react to the same crime. It was also felt that presentation of VIS could be harmful to the victim if it exposed them to further cross-examination and the release of information which violated their privacy.

**Table 3.7** Why some victims believe VIS are not appropriate

REASON WHY VIS ARE INAPPROPRIATE	NUMBER OF RESPONDENTS
Inconsistent sentencing for same crimes	5
Sentencing should be based on crime only	4
Open victims to further cross-examination	3
Not confident that would influence sentence	3
Need to protect victim's privacy	1
Victim had to further re-live crime	1
Victim vulnerable if offender hears effects	1

Note: As some respondents provided more than one reason why they believed VIS were not appropriate, the cells in this table are not mutually exclusive and therefore do not total to 100%.

## The Administration of Victim Impact Statements

### If VIS are appropriate, for which offences should they be presented?

As seen in Table 3.8, the majority of victims in favour of VIS believe they should be presented for all offences in order to achieve consistency, recognise that all crimes have some effect on the victim, and provide the opportunity for all victims to have their side heard. Presenting VIS for crimes involving personal (as opposed to property) violation was also strongly supported by victims.

Table 3.8 Appropriate offences for presentation of Victim Impact Statements

APPROPRIATE OFFENCE AND REASON	% OF RESPONDENTS
All Offences - all have effects	31
- consistency	20
- always have opportunity to hear victim's side	9
Offences involving personal violation	20
Offences involving property violation	10
Other (including: most, except sexual assault; juvenile offences; pre-meditated crimes)	9

Note: As some respondents provided more than one reason why all offences should be eligible for the presentation of VIS, the cells in this table are not mutually exclusive and therefore do not total to 100%.

The comments by interviewees listed below further highlight the types of offences which victims believe are appropriate for the presentation of VIS, and the reasons for these beliefs.

"All crimes (are appropriate)... it is more than the act - there are also consequences of the crime" (female victim of sexual assault; 16-25 yrs).

"All crimes (are appropriate)... victims are affected in some way - even break and enter can make some people feel distressed" (female victim of assault; 36-45 yrs).

"All crimes (are appropriate)... the trauma can keep re-living itself, not only for the victim, but for the family as well" (male victim of assault; 46-55 yrs).

### If VIS are appropriate, who should present them?

As illustrated by Tables 3.9 a) and 3.9 b), the majority of victims of both personal and property crimes believed that the victim is the most appropriate presenter. Many also suggested the involvement of a non-professional representing the victim (eg. a friend or relative).

**Table 3.9 a)** Appropriate presenter of Victim Impact Statements

APPROPRIATE PRESENTER	% OF RESPONDENTS
None - VIS inappropriate	15
Victim	35
Involvement by representative	23
Lawyer	13
Counsellor	6
Do not know	5
Police	3

**Table 3.9 b)** Appropriate presenter of Victim Impact Statements in relation to type of offence reported

APPROPRIATE PRESENTER OF VIS	% OF RESPONDENTS REPORTING OFFENCE	
	PERSONAL CRIMES	PROPERTY CRIMES
None - not in favour of VIS	4	22
Victim	29	37
Involvement by representative	23	23
Lawyer	23	11
Counsellor	17	2
Police	3	3
Don't Know	1	2

Reasons respondents put forward for favouring the victims as the presenter of VIS include:

The victim has experienced the crime and can therefore portray the effects more accurately.

The victim should have the opportunity to tell "their side of the story".

It gives the victim more control over the court process.

However, despite believing that the victim was an appropriate presenter, many respondents also anticipated that this process could be difficult for some victims (eg. due to being too emotional to present to the best of their ability, and hence harming their case; possibly being open to further cross-examination; the difficulty of further re-living the effects and details of the crime) and therefore suggested that a representative nominated by the victim be called to present the statement. Respondents recommended that the victim have sufficient input into preparation of the statement to retain some control over the process.

"The victim (is the most appropriate presenter)... then the jury can see a real person and get a better idea of the other side of the



story... it becomes more real... more human" (female victim of assault; 46-55 yrs).

"If the victim presents, they are open to prosecution and harassment... but the victim may give a more accurate account of the effects... there is no easy answer to this" (male victim of unlawful use of motor vehicle; 16-25 yrs).

If Victim Impact Statements are appropriate, who should decide if they are presented?

Once again, respondents largely preferred involvement by the victim in this component of the administration of VIS. Fifty-nine per cent of respondents favouring VIS, believe the victim should decide if they are presented, in comparison to support by 31% for the court to decide and 10% for a joint decision between the court and victim.

The major reasons put forward for the victim to make this decision, include enhanced control and input of the victim into the court process (23%), and protection of the victim's privacy (15%).

"The victim should decide - too much is taken out of their hands already" (male victim of attempted assault; 46-55 yrs).

"It should be up to the victim to decide if the information is to be made known... it gives them some control - especially when they feel out of control after the crime" (female victim of assault; 36-45 yrs).

"The victim should decide... they have to judge how presenting the information will affect them in their business and personal life... this can be difficult in a small town where everyone knows about your business and personal lives and where you live" (female victim of criminal damage, break and enter, and stealing; 46-55 yrs).

The court was perceived to be an appropriate decision-maker mainly because this was considered to be indicative of it's role as a institution of law (12%), and was more capable of eliminating the preparation of VIS for more "trivial" cases (7%). A joint decision made between the victim and court was said to be advantageous because it would take into account the concerns of both the victim and judicial system, and therefore be more balanced.

### 3.5 SPEED OF THE CRIMINAL JUSTICE SYSTEM

Victim's views regarding the speed of their case through the criminal justice system are consistent with their experiences of the court system outlined in previous sections. As Table 3.10 illustrates, respondents are mostly satisfied with the speed of the Police investigation, but believe that the court process is too slow and many do not know if their case has progressed to that stage.

**Table 3.10** Victims' opinions - speed of progression of their case through the Criminal Justice System

DEGREE OF SATISFACTION	% OF RESPONDENTS
Satisfied Overall	19
Satisfied with Police investigation	
- finalised at investigation	12
- don't know if progressed further	37
- not yet through court	2
- but court process was too slow	18
Dissatisfied Overall	3
Police investigation was too slow	5
Too slow to get to court after Police investigation	4

### 3.6 SERVICES FOR VICTIMS OF CRIME

#### Adequacy of Information on Services for Victims

Most victims reported having adequate information on the types of services available for victims of crimes (66% of victims of personal crimes and 78% of victims reporting property crimes). However, due to the high degree of transience in the Territory (resulting in many victims not having local knowledge on availability of services) and the diversity of needs of victims of crime, many respondents still voiced the need to ensure this information is readily available to victims.

"There needs to be information on where victims can go for help, particularly if they are newcomers to the Territory, which I was when this offence occurred" (female victim - unlawful use of motor vehicle; 36-45 yrs).

"An information booklet on services would be helpful" (female victim of break and enter, and stealing; 36-45 yrs).

"Victims need somewhere that they can go to get information... I needed to know where to get specialist medical help in Darwin... I know there is help interstate but I need to stay here so I don't disrupt my daughter's life" (male victim of assault; 46-55 yrs).

## Services Received by Respondents

The majority of respondents either did not receive any services at all, or chose to utilise non-professional types of assistance such as support from their family, social networks and work (Table 3.11). The types of professional services most frequently received by victims were medical assistance, and, to a much lesser extent, counselling.

**Table 3.11** Major types of assistance received by victims

TYPE OF ASSISTANCE	% OF RESPONDENTS
No service received	52
Medical	19
Social Support - eg. friends, church	13
Family Support	12
Work Support	7
Counselling	5

Note: As some respondents received more than one type of assistance, the cells in this table are not mutually exclusive. Types of assistance received by less than 5% of respondents are also not included. Therefore cells do not total to 100%.

## Types of Assistance Which Victims Believe Need to be Available

The major types of assistance regarded as most important for victims of crime to have access to, are:

Counselling addressing the experiences and needs of victims (both primary and secondary) of crime (24% of respondents).

"It would have been helpful to have counselling and support available - someone to talk to... I had just moved to this town and didn't know many people... it costed me a fortune in phone calls to my family interstate" (female victim of assault; 26-35 yrs).

"I think counselling should be available for victims of crime... it should look at how to deal with anger - the first emotion after the event" (male victim of criminal damage; 26-35 yrs).

"The victim should have someone they can talk with, who is aware of the potential effects of crime on victims" (female victim of indecent assault; 16-25 yrs).

A victims of crime support group, where victims can receive and exchange information on coping with the effects of crime and preventing further victimisation, and gain mutual support from others who have had similar experiences (12% of respondents).

"Support groups for victims of crime could be run by former victims... they understand better what victims go through" (female victim of domestic violence; 26-35 yrs).

"A support group would be beneficial... other victims have been through the same thing and can understand it better... when they talk with someone who has been through a problem such as theirs they will feel they understand and can ask how they felt and what they did afterwards... then you can come up with more ideas" (male victim of assault; 46-55 yrs).

Other types of assistance which victims would like to see readily available (and which they did not receive) include:

- compensation
- advice on minimising re-victimisation
- home visiting scheme (support for those experiencing ongoing effects)
- child care (for sole parents physically affected by the crime)
- financial assistance
- assistance finding alternate employment (to minimise the risk of re-victimisation)

### **3.7 DISCUSSIONS WITH ABORIGINAL VICTIMS OF CRIME**

#### **Darwin Aboriginal Women's Shelter**

Discussions revealed the following experiences and needs among these four victims of domestic violence and one victim of sexual assault (multiple offences):

These victims experienced severe and often long-lasting physical injuries from the crimes, including: cuts requiring stitches, bruising, a dislocated jaw and a permanently damaged ear drum.

Emotionally they were in fear of coming into contact with the offender again as they felt it was likely that the crimes would be repeated. All victims reported that the offender was their partner, and each of them had been threatened in public places by their partner while a restraining order was in effect.

These victims were upset about having to leave their homes in Darwin to either stay at a refuge or at their parents' homes, often outside of Darwin, in order to preserve the safety of themselves and their children. The support and protection they received from the



refuge and their families was very important, but losing their own homes was a great loss to them.

Victims of domestic violence voiced a need for someone to speak on their behalf when applying for a restraining order. They also felt that although Police had been helpful to them, it was difficult to enforce restraining orders, because victims would often come into contact with the offender again and the Police could not always be there.

Other needs for assistance include further medical attention for longer term physical injuries, and counselling (victim of sexual assault).

### **Nguiu Community**

In discussions, the three victims of domestic violence and sexual assault and other female members of the community, revealed the following experiences and needs pertaining to victims of crime.

Most crimes are alcohol-related, often involving both the victim (either male or female) and offender being affected by alcohol consumption during the incident.

Even though offences such as domestic violence and sexual assault are sometimes reported, they may still be resolved in a family meeting as it is regarded as a "family matter". Another method preferred by Aboriginal victims is to hold a community meeting where the victim and offender are both given the chance to have their say, and then a form of punishment is decided. It is then regarded as "finished business".

The Council believes that banishing the offender from the community is regarded as the most serious form of punishment, and more meaningful and effective in deterring offenders than a jail sentence or fine.

There are four main sources of assistance for victims of crime: medical assistance, protection from "European" Police and Aboriginal Police Aides, traditional support of the family, Remote Area Counsellor from Department of Health and Community Services, who is flown in for emergencies.

Family support is the source of assistance utilised most by victims, as they feel most comfortable with it instead of seeing people they don't know. Victims and community members expressed the need to have adequate numbers of both Aboriginal Police Aides and "European" Police. "European" Police were seen as necessary because Aboriginal Police Aides were often reluctant to detain offenders belonging to their own "skin group".

## 4. DISCUSSION

This discussion will attempt to review the results and implications of the research. It will compare and contrast the results with a recent South Australian study, and with the wider literature. It will divide the effects of being a victim into three main parts. The initial component will deal with the immediate effects of a crime for a victim, whilst the second component will consider the subsequent contact between the victim and the criminal justice system. The final section will detail the possible services and methods of delivery for victims of crime

### 4.1 CHARACTERISTICS OF VICTIMS

The response rate of 33% for this study is quite low when compared to American studies of a quantitative nature. The American research reports a range of response rates of between 63.5%, and 43% (Skogan, 1981, p.109). However, when comparing this response with a recent South Australian study which gained a rate of 38% (Gardner, 1990, p.13), the results of the present study are more acceptable. Despite this confirming measure, the generalisability of this data may be more limited than would be hoped.

It is also interesting to note that in the present study 64% of respondents had previously been a victim of a crime. The South Australian study reported however, that 44% of respondents had been the victim of a crime. The increased familiarisation or experience of being a crime victim in the Northern Territory study should also be considered when reviewing the generalisability of these results. Previous victimisation could significantly influence the emotional responses of victims (increased anger or fear), the satisfaction with the criminal justice system (heightened or lowered expectations), and divergent differences in opinions regarding sentencing and restitution. Gardner's South Australian study shows that the previous crime type is a very good predictor of the most recent crime experience (*ibid.*, p.20) This study conformed to this relationship showing 49% of respondents were the victim of the same type of crime at least once before (*Methodology*, p.13).

## 4.2 EFFECTS ON THE VICTIM

### Crime type

The results of this study show significant similarity in relation to the effects of crime on the victims with a diverse range of other studies and articles dealing with this aspect of victimisation. This study clearly shows the differential experience of victimisation across crime-type. The difference across crime-type extends beyond the immediate experience of being assaulted or having property stolen, to the view of the adequacy of information about the case, satisfaction with bail, sentencing, and attitudes towards Victim Impact Statements. There are a number of trends in this area worth examination.

In examining the data of individuals who have experienced personal crimes and property crimes there is little difference in the numbers of each experiencing the effect of being a victim on their relationships, as indicated in Figure 4.1 below.

On the other hand, different emotional rating of the effect of crime on victims of different crime type clearly show that personal crime victims report a higher emotional effect of the crime relative to property crime victims. An American study composed mainly of property victims reports that 75% of victims experienced psychological problems, and even when describing more practical difficulties, victims described the impact in psychological terms (Friedman, Bischoff and Davis, 1982). Such a finding in the American study is supportive of the figures of 83% (personal) and 71% (property) of victims reporting emotional effects in the NT study. It is also beneficial to note that the percentage for the employment and financial effects reported by these victims are far lower (53.5%) than the relationship or emotional effects (66.5%). The results reinforce the idea that it is the emotional and psychological impact of the crime on the victim which is most significant. The importance of the emotional aspect of being a victim is a view which is widely reported by recent studies (Maguire, 1985; Maguire and Pointing, 1987; Shapland, 1984).



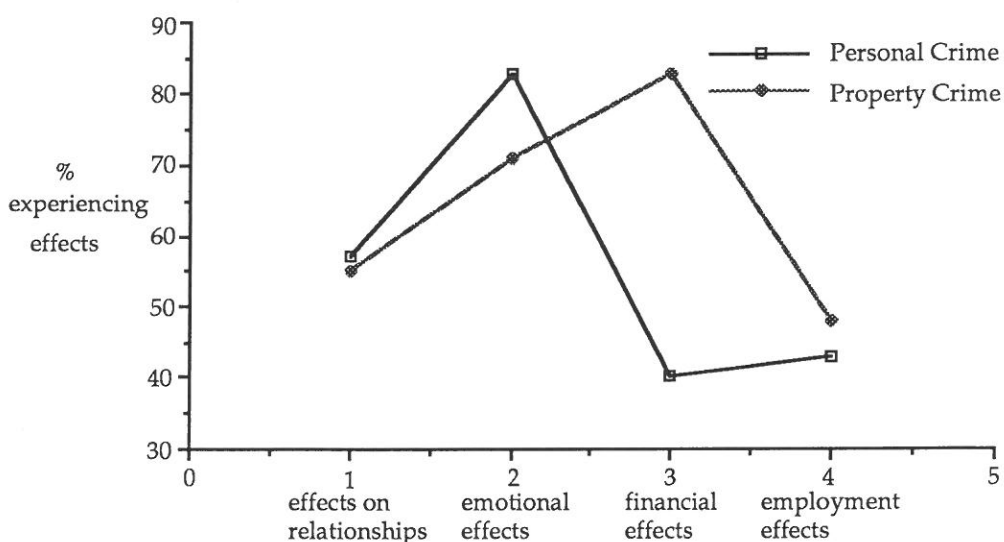


Fig. 4.1 Victimization effects by crime type in NT study

The average number of victims reporting either relationship, emotional, financial or employment effects of the crime in this present study (60%) was not significantly different from that found within Gardner's SA study (62.15%). However the distributions in reporting of these effects in the two samples were different.

### Physical Effects

The present study has not provided a stated percentage of respondents suffering from the physical effects of the crime. However, approximately half of the victims of personal crime reported receiving cuts and bruising (54%). In Gardner's study of SA crime victims, approximately 45.5% reported cuts and abrasions, and 58% bruising and swelling (Gardner, 1990). This result suggests that there is little difference in the physical effects experienced by victims in either study. The chances of being bruised or receiving a cut or abrasion are approximately one in two. As was also found amongst Gardner's respondents, there was a reduction in the physical effects experienced over time. The decrease in physical effects over time differs sharply with the results found by Shapland in her longitudinal study of victims of crime in Great Britain (Shapland, 1984).

### Relationship Effects

The total number of victims reporting relationship problems in this study (56%), is supported by the recent South Australian study (48.5%). That approximately 50% of all crime victims can expect to report a change and

deterioration to their family or other social relations is, although high, understandable. What may not be comprehended by these figures is that some studies show that up to 80% of victims' supporters suffer many of the same psychological problems as victims (Friedman et al., 1982). Thus, the typically normal and stable functioning relationship of a husband and wife may suddenly, and without warning, be changed. This alteration to normal functioning can be demonstrated by the comments of one male victim of break-enter and stealing:

"my wife and myself are worried about the baby because the offenders stole something from her during the night...we often argue now about the house not being secure enough" (Results, p. 17).

The question arising out of this scenario, may well be, who is the victim, the husband, the wife, or the child? Furthermore, for how long should or can they be accorded victim status? The altered lifestyle of the parents, the financial loss, the restricted opportunity, and the increased arguments are quite likely to affect the future development of the child. This "lost" opportunity may be attributable to their role as victims.

### **Emotional Effects**

As with all investigations into the effects of crime on victims, there were high numbers of people suffering emotional effects. The emotional effects of the crime experience are typically "stress caused by feelings of humiliation, violation and fear, isolation and withdrawal as few persons understand the stress, depression and physical ailments from tension (headaches, nausea, and fatigue, and an inability to meet basic responsibilities)" (Waller, 1989, p.263).

The emotional effects of the crime in this study closely resemble those suggested by Waller (Table 3.1, Results, p.18). The benefits of a qualitative study of this type as opposed to the quantitative studies of Waller, Gardner, and the like, are that victims are not merely asked whether they had experienced an effect, such as 'depression', but must openly volunteer such information during the course of the interview. The use of an open question technique is less likely to "lead" the victim into agreement with the interviewer. However, this method frequently results in a lowered number of responses (Maguire, 1985). When comparing this study with that of a SA study, the NT study reported a lower rate of personal and emotional effects (77%, and 91%, respectively) (see below).

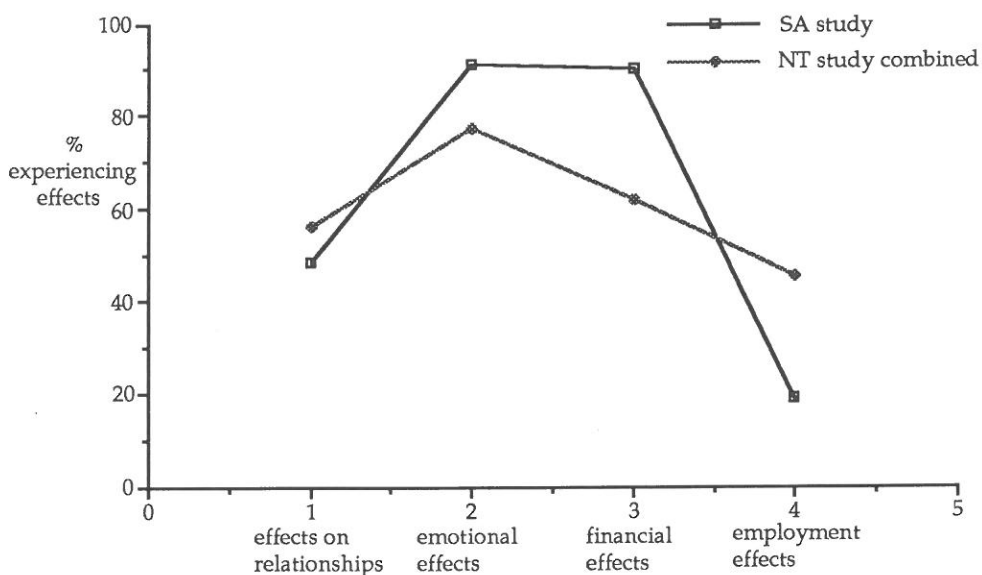


Fig. 4.2 Comparison of SA study with NT crime study

The fact that although 64% of the NT respondents and only 36% of the SA sample had been a previous victim of crime, when combined with the above data indicates that the NT victims may be more likely to have become desensitised to the experience. Such a possibility is further supported by the fact that a greater number of the NT victims of crime reported no emotional effects of the crime (23% in NT, versus 12.4% in SA). Rather than simply suggest that no emotional effects exist, this result may tend to indicate that the repetitive experience of being a crime victim may result in helplessness, powerlessness, lack of control, and emotional numbing. This type of psychological response will be discussed in more detail later. An alternative hypothesis is that the difference in level of emotional effects between the two studies could be explained by measurement differences described in the previous paragraph or by the larger proportion of victims of personal crime in the SA crime study (49%, as opposed to 35% in the NT study).

Increased emotional effects would be anticipated by the personal nature of the crime where there is an act directly against an individual. The suggestion is that the nature of the crime, personal versus property, significantly affects the experience and meaning of the crime at its most immediate level. Although the emotional effects of crime are high for both personal and property victims, the impact is higher for personal crime and indeed exceeds that of the financial effects for personal crime relative to property crime. The Northern Territory results suggest clearly that the emotional



consequences of a crime have greater impact on a victim, but this is mediated by the nature of the crime. The SA study shows that emotional and financial effects are reported with almost equal frequency in a group which is composed of virtually equal numbers of personal and property victims. Thus, for the SA study the nature of the crime does not appear to mediate the type of effect experienced by the victim to the same extent in the NT study.

The long term consequences of emotional effects of crimes have been studied, and are being incorporated into current psychological and psychiatric diagnoses and treatments. A growing acceptance of the use of the term post-traumatic stress disorder and post-trauma syndrome, has occurred (Moran, 1990; Friedman et al, 1982). One study indicates that one in 20 victims of crime (break and enter) will come to experience significant post-traumatic stress disorder (Waller, 1989). Early indicators of the symptoms of Post-traumatic Stress Disorder can be seen in the reports of victims, such as a female victim of break-enter and stealing in the NT study: "...the house scares me...I can't walk past the window that they actually broke into.", or the experience of a male victim of assault: "...the trauma can keep re-living itself, not only for the victim but for the family as well" (Results, p. 29).

As can be seen from Figure 4.3, for respondents in this current study anger was the most frequent emotional response, and was marginally greater than that recorded in the South Australian study. In addition to this, there was minimal difference between the frequency of anger and experience of stress for NT respondents. This graph also clearly shows a possible link between the experience of fear and the resulting level of stress. The SA study shows that a high level of fear responses also results in a high level of stress responses. For the NT respondents, the inverse relationship exists with the low number of fear responses resulting in a lowered number of stress responses.

It is of interest to note that for the SA sample, respondents gave higher numbers of responses across all emotional categories than NT respondents. However, a greater number of the NT victims of crime reported no effects of the crime (23% in NT, versus 12.4% in SA). It is relevant to again add that a greater number of NT victims were previously victims of crime as compared to the SA study. The differences in sampling could also help explain the slightly higher number of anger responses and the significantly lower number of fear responses. After experiencing another act of crime against oneself or ones property the response of many may be one of increased anger that it had occurred, that one was again involved with the



criminal justice system, and that one had not been successful in avoiding the crime. The novelty or initial fear upon being a victim may be replaced as one becomes desensitised to the experience of crime.

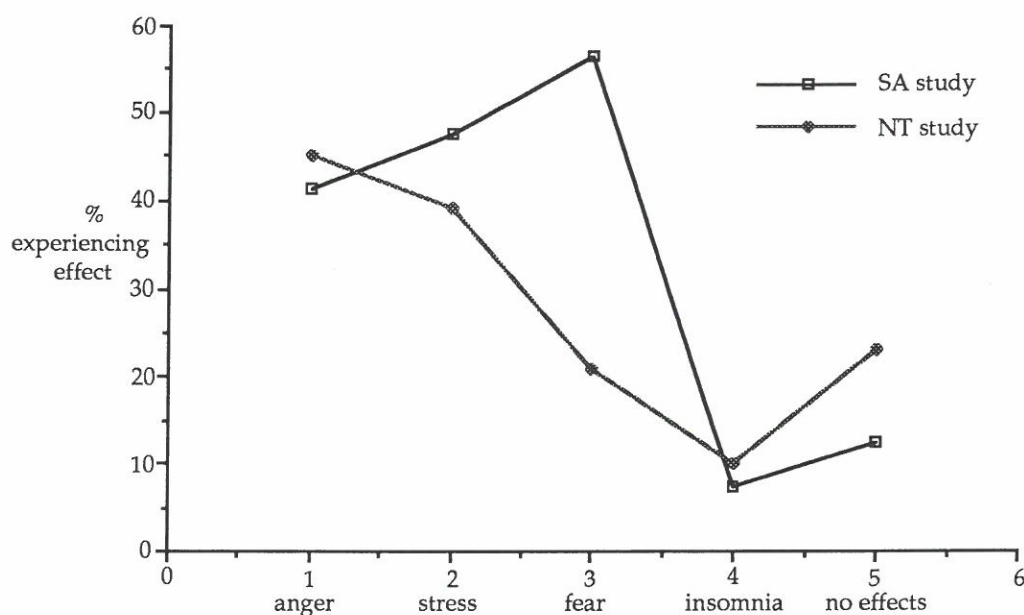


Fig. 4.3 Comparison of the emotional effects of crime in SA and NT studies

### Financial and Employment effects

There is very little difference between property and personal crime groups in their reporting on the effect of the crime on employment. However, there are significant differences in the numbers of each victim group reporting financial effects. As is shown by Figure 4.4 below, more than double the number of property crime victims report financial effects when compared with personal crime victims. Surprisingly, it is property crime victims who report, on average, a greater number of overall effect of the crime (64.25% property, 55.7% personal). As Maguire states, "...it may be that many victims experience monetary loss less as a financial problem than as an integral element of a sense of having been wronged by the offender" (Maguire, 1985, p.542).

Amongst both personal and property crime victims, and in both the present study and the SA study, effects on employment were the least reported. However, this is not to discount the impact of the crime on employment, as in the present study almost 45% of respondents reported employment problems as a consequence of the crime.

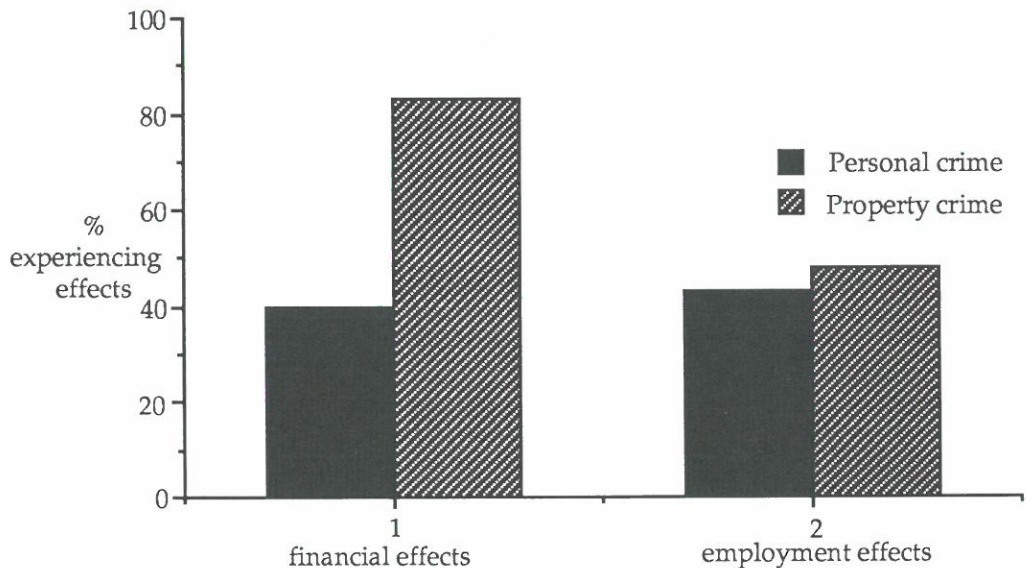


Fig. 4.4 Effects of crime type on employment and finances

### The Total Effects on the Victim

The present study shows that 24% of the respondents sought counselling as a type of assistance required (Results: p.33). This result suggests counselling should be made available to victims, regardless of their experience of different types of crimes. However, research indicates that it is not always possible nor accurate to predict the type of individual who should be referred to a counselling service, and this is again borne out by the relatively high numbers of both personal and property victims of crime reporting subsequent emotional effects. The qualitative analysis of the impact of crime upon a victim is at odds with that of another crime-victim researcher (Mayhew) who is quoted by Maguire as stating that "*crime in its most typical form does not usually have serious consequences at least as judged by the more objective indicators of loss or injury,*" concluding that "routine practical assistance, moral support and reassurance about personal safety" are likely to be sufficient in most cases" (Maguire, 1985, p.551). Whilst this study can not claim to show ongoing loss and injury over long periods of time, statements such as that from a male victim of assault that:

"I've changed a lot since...I'm more miserable and grumpy-sometimes I just don't care" (Results, p. 18).

and that from a female assault victim:

"I lost a lot of income from overtime because I no longer want to work at night" (Results, p. 19)

These comments made by crime victims show that statistics gained from typical crime studies do not adequately reflect the impact of the crime on the individual victim. However, that only 24% of victims felt that formal counselling services should be available, does reinforce the idea that long term, expensive specialist services may not be needed where practical assistance and support can be provided.

For the victim, it is the meaning of a criminal act rather than simply an amount stolen that makes the impact of the crime so significant. As one research states "...it is often the sentimental value of objects stolen that is the most traumatising" (Waller, p.260, 1989). Research shows "...how vandalising a home or theft of sentimental possessions makes breaking and entering an offence focused more on the person and the possessions they feel are part of them" (Waller, 1989, p.264). The importance of personal meaning is clearly demonstrated in the NT study where a male victim of break-enter and stealing states:

"They had no regard for how important some of the stolen items were to me, which could never be replaced...they were only interested in those which had a monetary value" (Results, p.21).

The actual reports of victims of crime in this study concur with overseas experiences, and highlight the role of perception and meaning of an intrusion into the family home. Such is the impact and meaning for the individual that "...breaking and entering in Canada accounts for nearly as many traumatised victims as rape" (Waller, 1989, p.264). The consistent theme of victims of crime research is best expressed by Maguire when he states:

"that victims' needs are not a fixed, objectively discernible and quantifiable entity: they are in some senses negotiated with the person or agency offering assistance, and the closer that relationship, the more likely they are to emerge" (Maguire, 1985, p.555).

There is difficulty in the provision of services to a victim whose experiences can only be reviewed by seeking an understanding of an act's subjective meaning. The incorporation of 'subjective meaning' into an administrative framework is difficult, but not impossible. In Victoria information, court support and social welfare assistance is provided to victims through Court Network's victims programme. Its purpose is to prevent, not foster a "helpless victim mentality" (Benjamin, p.68) In South Australia, there are,



of course, the traditional support services of hospital and medical services, emergency housing and financial assistance. In addition to these generic or non-specific services, there are specific services for victims - the Victims of Crime Service, or the Sexual Assault Referral Centre (Gardner, 1990). The specific needs of victims reported by this study and variety of programmes in use will be explored later in this discussion.

As described previously there were differences in the numbers of personal and property victims reporting financial effects. What each type of victim had in common was that the continuation of these effects in causing change in the adopted lifestyle of the victim. Regardless of the type of crime, significantly less victims receive insurance compensation than those who actually reported crime. These losses of both a sentimental item and a financial object can both cause ongoing emotional hardship and financial strain. In this way, the emotional - financial effects dichotomy is in fact an illusionary one. Financial effects impact upon, and may continue to impact upon a victim, thus depleting them of the necessary strength and resolve to continue the coping process.

In a similar way, the employment effects can also be seen as impacting on the financial and emotional effects. The results show that 61% of the victims reported employment effects of the crime and 41% were likely to have suffered financial loss through this means (Table 3.2, Results: p. 19). It is possible to hypothesise that, such employment effects contribute to both ongoing financial hardship and thus to the emotional impact of the crime. For example, as one male victim of assault reports:

"I've practically lost my business because I can no longer do the type of work I was doing before (due to physical injuries from the assault)" (Results, p. 19).

To view differentially the impact of crime on the victim's financial, employment, and emotional well-being is as arbitrary and artificial as to view the victim of crime in isolation from the criminal justice system. These effects on the victim may be additive, and contribute to the total emotional effects reported by a victim and should be explored by further investigation. The concept of additive effects may account for some, but not all, of the results from Shapland's study, which show that the physical and emotional experiences of being a victim increase rather than diminish over the period of two and a half years (Shapland, 1984). The process of additive stress and 'secondary victimisation' may help to account for this phenomenon .



## Summary of Victim Effects

The immediate effects of the crime upon the victim are significant. They can be seen as entering into the victims' life in almost all imaginable areas. Although by no means do all victims of all crimes report all of these symptoms, this study indicates that many do, for some of the time. The specificity of response to this experience is not able to be predicted by crime-type. The response is due to individual, social and organisational differences. The blame should not be pushed back onto the victim, nor should the onus of need. This study has clearly demonstrated that the victim is in a less powerful situation following the crime, and they may be suffering physical, emotional, social, and financial effects. Thus, the victim may benefit from knowledge concerning both generic and specific services which are presented in an organised and clear manner, as a matter of routine, rather than arising from an expression of need, or by demonstration of inadequate coping.

The many similarities of victims across crime type, however, should not be used as a reason to provide, either, all victims with support, or all victims with one type of support. It has been demonstrated that the historical assumption that the needs of victims as being met by a general "payment" of recompense or act of discipline by society and the state does not meet the needs of those affected. The ongoing process of "victimisation", through the victim's experience of the criminal justice system will now be explored.

### 4.3 SECONDARY VICTIMISATION

The criminal justice system is an attempt by the state to co-ordinate and organise within a legal framework a consistent control of its people, for the good of its people. It is an attempt by the state to control the personal revenge of a victim upon the offender by allowing the state to retaliate. In this way the criminal justice system is an attempt to exercise control over the emotion of anger felt by a victim. As has been previously shown, the present study shows that most victims reported anger as the most frequent emotional response. Waller explores the role of anger within the criminal justice system, and shows that in non-criminal settings there are extensive ranges of coping responses which are socially acceptable. However, through the construction of the criminal justice system to meet state rather than victim needs, it is "...only in the case of crime that we try to channel the anger through the state's prosecution of the offender" (Waller, 1989, p.267). As is expressed by a male victim of criminal damage:

"I think counselling should be available for victims of crime...it should look at how to deal with anger - the first emotion after the event" (Results, p. 33).

The above statement confirms the central role that anger has within the criminal justice system as discussed by Waller, and the need for appropriate mechanisms of expression. The criminal justice systems' blocking of this "normal" means of expression - as distinct from retaliation, can expect to impact on the emotional and physical well-being of the victim, and their opinions and experiences of the system.

It is only in the space of the last 20 years that the role of the victim within the criminal justice system has been more closely explored and analysed (Shapland, 1984). It is possible to see the criminal justice system then, as the set of checks and balances which are introduced by a government to ensure that justice is done, and more importantly that justice is seen to be done. Once again the adequacy of information concerning the progress of the case, based on this maxim, could be thought to impact on the satisfaction of the victim with the criminal justice system. The results of this study show that 21% of respondents reported a deficiency with regard to court procedures and case progress. Whilst this is quite high, over one third (34%) of respondents felt they needed to be advised of the outcome of the case (Results, p.24). Despite this need over half (56%) of the respondents had no knowledge of whether the case had proceeded to court, whilst one in ten were not required to attend court but were not informed of a reason (Results, Table 3.4, p.24).

It is informative to note that in sociological texts which deal with crime and deviancy within a society, and which examine the role of the state and society in censoring the offender, there is no mention of the role of the victim, or of their central role within the criminal justice system (Macionsis, 1991). The role for the victim of "forgotten man" (Shapland et al., 1985, p.176) may tend to indicate that in sociological theory, the interests of the victim and state are indivisible, or one and the same. Further, it could be viewed as suggesting that the victim is nothing more than a witness or tool of the state in the process of defining crime and deviancy. The treatment of the victim by the criminal justice system as evidenced by the lack of information provided to them as a group, reinforces the third class role of the victim, below that of the state and the offender. The provision of information is crucial to the victim and the functioning of the criminal justice system. "Not only may it (*the provision of information*) be important to the peace of mind and psychological recovery of the victim, and to his or

her satisfaction with the police or criminal justice agencies, but it is a prerequisite for access to many other kinds of services" (Maguire, 1985, p.546) (*italics added*). In this study, and based on the results of victims opinions on adequacy of information provided to them, it is possible to suggest that the low level of information provided neither eases the victims peace of mind, nor aids in the psychological recovery.

This present study has made use of qualitative analysis of victims experiences of the crime and of the subsequent process. This subsequent process, has been labelled "secondary victimisation" (Hillenbrand, 1989) and can be seen in this current study in the lowering of the level of victims' overall satisfaction with their experience of the criminal justice system (Table 3.10, Results: p. 32).

Support for the idea of the process of "secondary victimisation" comes from a study by Shapland. Shapland demonstrates the effects of victimisation on individuals across a period of two and a half years. It demonstrates that for physical effects, social/emotional effects, financial effects, and total effects, there is a decrease in the numbers of victims suffering any effects from the time since the offence to 6 months later. However, for all effects except that of financial loss, at a period one year later there is an increase to or above the initial level suffered by victims. Thus, one year later victims suffer to the same or a greater extent (Shapland, 1984). The fact that there is an initial improvement in coping, but that this is then lost possibly demonstrates the criminal justice system process of victimisation.

#### **4.4 VICTIMS EXPERIENCES OF THE CRIMINAL JUSTICE SYSTEM**

As this study progressed to examine the experience of victims of crime in relation to the criminal justice system, it was also likely to capture increased frustration, anger, re-experience of the trauma, and other such symptoms. For victims of crime, as for most individuals, the experiences of a system shapes their subsequent opinions and moulds their behaviour.

##### **Police contact**

The initial experience of the criminal justice system through contact with the police showed a high level of satisfaction (80%), although a significant number (one in five) reported dissatisfaction. Approximately 5% of victims reported their dissatisfaction as being as a result of a slow police response.



Later contact with the criminal justice system, by way of progress through the court system showed that approximately three times this number (18%) were dissatisfied with the speed of conduct, and 4% reporting dissatisfaction with the time taken between completing police investigation and apprehension, and the time to get to court (Table 3.10, Results: p.32). Thus, in relation to speed of progress, there was more than four times the amount of dissatisfaction shown towards the court system than the police investigation.

Subsequent contact with the police showed a significant lowering of this level of satisfaction in both crime groups. The most significant change in satisfaction was in the personal crime victim group which showed a drop from 80% satisfaction to 69%, whilst the property crime group showed a lowering of the level to 74%. This result shows a weighted average level of satisfaction of 72.6% in the subsequent contact with police.

The clear distinguishing factor which tended to determine the level of satisfaction held by crime victims related to straightforward procedural matters. These included basic knowledge of progress of the investigation, inconsistent co-ordination between police branches and between the NT Police and Federal Police, and information concerning the methods and mechanisms involved in police investigation. Gardner makes the same point, that from "...qualitative analysis of victims' responses, it was clear that the main reasons for increasing disillusionment with the system was a lack of involvement with and information about the justice process" (Gardner, 1990, p.27). In Gardner's study the level of satisfaction with information concerning the case in its progress through the criminal justice system was reduced to 54% for both crime-type group victims. A discussion of the implication of the lowered level of satisfaction with crime services information will be presented in the area titled "Service Provision for Victims of Crime ". Figure 4.5, outlining this reducing level of satisfaction for NT victims with the criminal justice system for both these groups, is shown below.

Thus, basic information deficits which would allow victims to set appropriate expectations and to allow greater predictability in what they will come to experience was missing. A review of English crime victims supports the decreasingly favourable view of police actions. In the English study the Police came to be viewed as less efficient, less overworked, more oppressive, less fair, less bureaucratic, more crooked and less helpful (Shapland et al., 1985). Another researcher found that those who had more recently



experienced being a victim, were more likely to think that the police only did a fair or poor job (Sparkes in Shapland et al, 1985). The rather negative view of police services characterised above is not supported by the results of this present study, despite the relatively high rate of previous victims of crime in the sample.

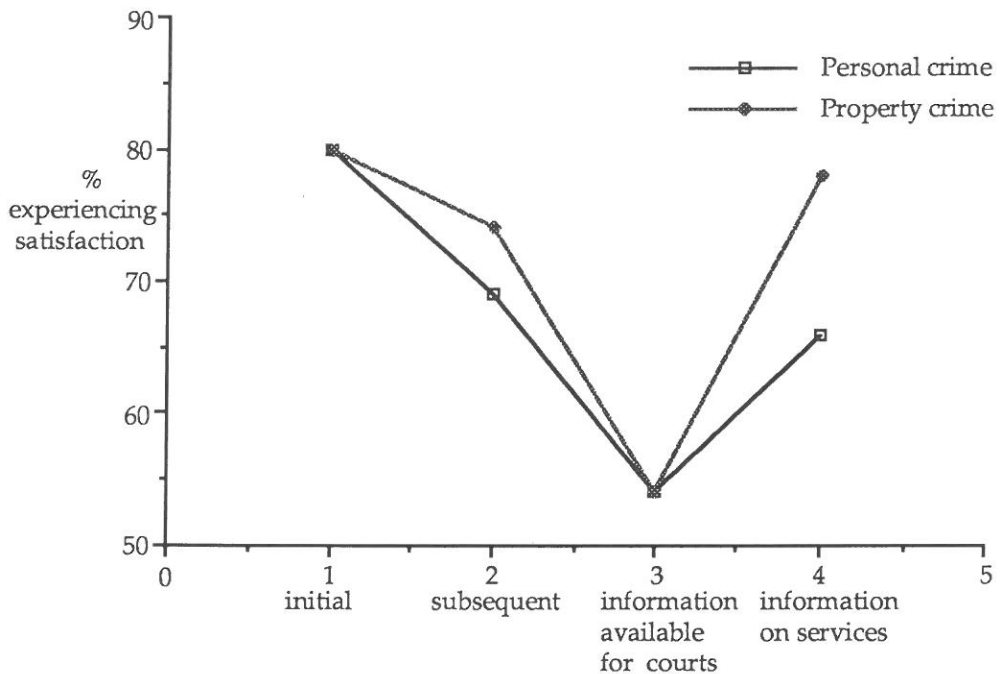


Fig. 4.5 Satisfaction with Police experience over time, by crime type in NT study

The establishment of clear expectations and predictability increases the victims level of and perception of control, which lowers fear, anger, and other maladaptive responses. Eijkman, of the New South Wales Police Academy, makes the point that information is a key for both the victim and the police officer. He bases his comments on the results of Skogan, Shapland, Maguire and the like, and states:

“Many victims have unrealistic expectations about the police and their capacity to solve the case, feel frustrated when not given feedback about the status of their case, know or understand little about police and court procedures and have little knowledge about programs and/or agencies available or who to turn to for practical assistance” (Eijkman, 1990, p.4).

Although informing a victim that there has not yet been success in apprehension of an offender may be a difficult or awkward procedure, it is necessary. The knowledge of the importance of providing information reinforces continued involvement of the victim. In the present study sixteen per cent of all victims had not been advised of whether the offender had been caught, one in ten (9%) was not aware of what to expect in the police investigation, and 7% were not advised of the availability of their property following its successful recovery.

A further difficulty that may be faced by the police is that police actions to crimes are reactive in nature. The reactions are typically initiated by a party other than the police. As a result police effectiveness is diminished, by an absence of direct evidence, and the "success rate" is seen as being quite low. In this present study the success rate of the police was not specifically canvassed. In a study by Waller and Okihiro, only 3 out of 116 cases resulted in an arrest which was known by the victim (Waller and Okihiro, 1978). Given such low success rates and low notification rates, it becomes more possible to identify with the helplessness and lack of control often expressed by the victim.

The provision of a police 'service', rather than merely the response to a 'complaint' can have significant implications for the criminal justice system. As Eijkman points out, "experience demonstrates that victims who have been treated with consideration and understanding are more likely to co-operate with investigation and court processes thereby increasing the chances of a successful prosecution" (Eijkman, 1990, p.5).

As this present study indicates, simple consideration of the nature like the recognition of the sentimental value of stolen property, or the timely distribution of relevant information can help to determine victim satisfaction. The mismatch between the expectations of the victim and the criminal justice systems' assumptions of the victims needs (Shapland et al., 1985) is not able to be rectified without the role of the victim being respected by the provision of information and relevant services. The emphasis in this discussion is clearly not that the police should provide services provided by other organisations - such as Crisis Line, Ruby Gaea house, or the like, but that they should provide victims with information about police investigations and procedures.

The negative reviews of Police should not suggest that victims' experience of the police was always poor. Although positive responses are typically less forthcoming, a number of victims stated that their experiences were

positive. Such positive and supportive comments included those of a female break-enter and stealing victim:

"There is often bad morale in the police force.. if police were given more credit and respect for what they do, it may help morale" (Results, p. 22).

Thus, it would appear that communication is a shared concern, but that for the less powerful victim who may already be suffering emotional and physical effects, the importance cannot be over-emphasised.

## **Court and other criminal justice system experiences**

### Inadequate Preparation

That the victim of a reported crime anticipates police contact and liaison has been established. The nature of this contact is probably more able to be anticipated than the subsequent contact with the court system. The courts, to someone unfamiliar, still retains complex and seemingly pointless rituals and processes, and these problems can be further exacerbated by a lack of warning of the need to appear or deficient distribution of information concerning their workings. It should be remembered that almost 80% of the NT victims responding reported suffering emotional effects merely as a consequence of the crime, and not withstanding other life experiences that may intercede. Thus, what could be predicted is that the victims' involvement in a system which failed to adequately reassure them and provide prior information on what is to be expected from them, could result in decreased satisfaction. An examination of Post-traumatic Stress Disorder (PTSD), will assist in gaining insight into a possible explanation of this result.

### Post-Trauma Responses

Being a victim of crime can be seen as being similar in nature to a victim of another trauma, such as fire, flood, and bombing, and these experiences are outside of the normal experience of an individual. They may be viewed as being markedly distressing to almost anyone, and thus may come to satisfy initial criteria for classification as events leading to PTSD (American Psychiatric Association, 1987). Using a cognitive processing model of trauma as proposed by Horowitz (1976), and Green, Lindy, & Grace (1985) and adapted for use in a victim setting, the experience of the crime must come to be integrated within the victims' cognitive representations of the world. This integration can result in either positive or negative adaptational



processes or functioning. The vacillation of intrusion and avoidance mechanisms may occur until assimilation is complete. Integration is individually determined by the psychological needs of the individual and the level of social support. If the experience is not successfully assimilated into a schema of the event, this representation in the active memory may continue, and PTSD may develop.

Psychological studies into the long term effects of powerlessness indicate decreased motivation, lowered performance, feelings of helplessness, where these come to represent an all pervading sense of external reliance on others (external locus of control orientation); there are increased chronic physical health problems, greater incidences of sickness, lowered social and financial functioning and depression (Rotter, 1966; Kobasa, 1979; Lefcourt, 1981; and Seligman, 1975). The link between the decreased role of the victim within the criminal justice system may not fully account for the rise of described symptoms, however, that the symptoms are similar builds on this heuristic interpretation.

### Re-experiencing the Crime

The re-experience of the situation as a result of having to remember and re-state the events to the first police on the scene, subsequent police enquiries, possible medical treatment personnel and hospitals, the crown or police prosecutor, and then to the court, or finally to an appeal proceedings, can take an enormous physical and psychological toll on the victim. The repetitive process may be beneficial in allowing the expression of anger, and may act therapeutically so as to allow the assimilation of the event and desensitise the individual. Alternatively, it may require the victim to re-live the 'nightmare' of the event. It may require the victim to bring into consciousness the events, meanings, physical and emotional traumas which they are psychologically trying to repress until they are better able to cope with the situation. Such a situation is a requirement of the criminal justice system if the victim wishes to proceed to allow the state to prosecute. There is no allowance or thought paid to allow appropriate timing of questions, examination or cross examination. There is no court sponsored or system supplied de-briefing service which may be used by the victim in order to re-establish their life. The effects can be evidenced by one female victim of sexual assault's experience when she states:

"It was difficult having to repeat the details of the experience to different Police Officers- and going over it again and again..."  
(Results, p. 21).



### Time Delays and Service Delivery

It is improper to suggest that all victims are suffering from Post traumatic Stress Disorder. Many victims have a remarkably similar attitude to most other members of the public who have not been victims with regard to their expectations for the provision of a service. In society generally, there is a strong push for service provision Public bodies. The "service attitude" is expressed by the female victim of break-enter and stealing, who states:

"All I had to do in court was to verify that I had signed a statutory declaration... I went in at ten in the morning and was still waiting at one in the afternoon...I could not stand around there all day because I have a business to run... I have already been victimised and I don't need to be victimised further" (Results, p.25).

For the relatively few victims who did attend court, some practical difficulties were encountered. These were of three primary forms: Time; Proceedings; and Court Environment. Contact between the victim and the offender was frequently forced to occur because there was no alternative room available. Such victim-offender interaction is not found in isolation in the Northern Territory, as both the Victorian and South Australian justice systems have come in for criticism in this regard (Gardner, 1990). For many victims, their personal details were provided to the offender, or the proceedings themselves required them to recall emotionally disturbing facts whilst the offender sat before them. In a study of the English justice system it was found that in relation to actual court room performance 72% of victims were satisfied or very satisfied with the summing up by the judge, and that often the judge did not come in for specific criticism (Shapland et al., 1985, p.65). Criticisms of the judiciary are not specifically explored or commented upon in this study, although the media reports that the "traditional" court practices are often accompanied by archaic attitudes of some judges.

### Inadequacies in Proceedings

The process, bureaucracy, and impersonal orientation of the criminal justice system is experienced by the victims. As has been previously explained 56% of respondents had not been advised of whether the case had proceeded to court, leading to further uncertainty, anxiety, and putting life "on hold". They are forced to balance up the benefits and deficits of proceeding in their relationship with the criminal justice system, sometimes with little support, and whilst vulnerable to their own psychological needs.

This dilemma is more obviously stated by a female assault victim:

"I tried to get on with my life and tried to forget it, but at the same time I had to try and remember it all in case I had to say something in court (court proceedings were held over 6 months)... because I was worried that if I got up there and said something which was different from my statement, they would shoot me down in flames" (Results: p.25-26) .

The criminal justice system is concerned with the needs of the state, the needs of wider society, the offender, and finally the victim. However, this role is typically limited to the role as 'witness'. Occasionally where the performance of the victim in a role for the state is impaired, this may draw attention and support services for the individual victim. Even in the role as 'witness' the victim cannot be arbitrarily split into two separate entities, for the meaning and impact of the crime is felt by the individual as a whole.

That most victims of crime (80%) reported satisfactory initial contact with the criminal justice system and Police investigation may not be surprising. Most victims of crime who actually do report their experience and then agree to participate will be likely to be motivated (Skogan, 1981). The result in this study can be seen as being similar to that achieved in the SA study which shows that initially 85.2% of the sample were satisfied with their experience, but following up 6-20 months later, this number had dropped to 77.2% (Gardner, 1990, p.26). A similar lowering of satisfaction occurred in this study, where the subsequent satisfaction level reached 72.6% of victims.

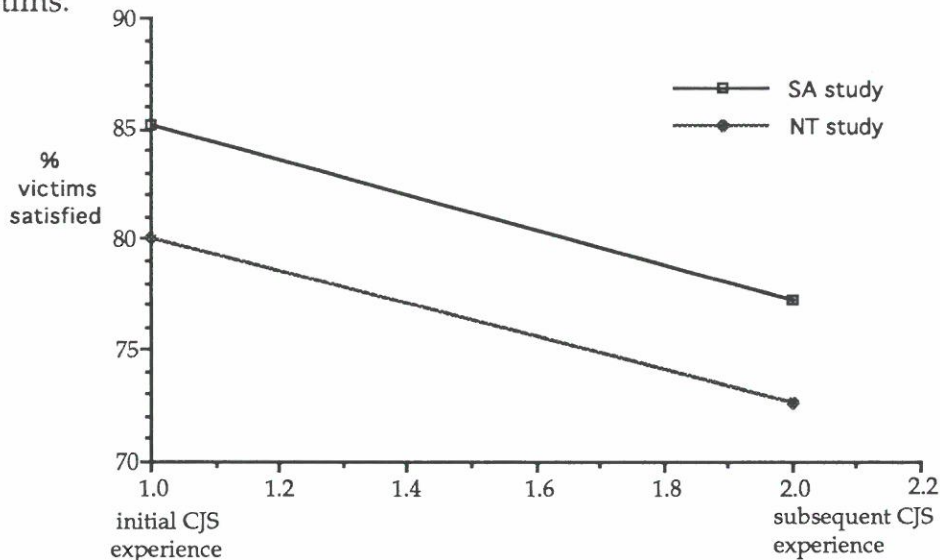


Fig. 4.6 Comparison of SA & NT studies of satisfaction with CJS over time

It should be again noted that this study is not a longitudinal study, and therefore many of the more recent victims may not have had a long period of involvement with the criminal justice system. That there is a significant downward trend is clearly shown by the following figure.

Once again, the significantly greater experience of crime amongst victims in the NT study may account for the slightly lowered level of satisfaction with the criminal justice system at the outset. However, personal crime victims reported less satisfaction with the criminal justice system, and in the NT study there were proportionally less of this group when compared to the SA study. The decline over the course of exposure is reported in many current research papers (Gardner, 1990; NSW Police Task Force on Services for Crime Victims, 1987; Shapland, 1985).

A very small number of victims in the NT study reported being dissatisfied overall with the speed of their case through the criminal justice system. One in five reported being satisfied overall. If this category of "satisfied overall" is able to be compared with the category of "very satisfied" as used by Gardner, then this present study shows a significant improvement on the SA results where only 10% were very satisfied at the time of their subsequent interview (Gardner, 1990, p.27). The initial level of satisfaction that Gardner reported was comparable with that found in the NT study at the beginning of victims experiences of the criminal justice system. What may be happening in the NT study is that although the level of victims reporting satisfaction with the criminal justice system is diminishing over time, there are a core of victims who remain "satisfied overall" with the system.

As has been discussed, the criminal justice system does not have a purpose of ensuring the satisfaction of victims with its functioning. As a result, it is inappropriate to harshly judge this diminishing satisfaction, except where, a) the dissatisfaction is likely to lead to a decreased effectiveness of the functioning of the criminal justice system, or b) where the dissatisfaction is as a result of ineffective "witness" procedures.

The lowering of satisfaction with the criminal justice system can reasonably be expected to result in a lowered reporting rate of crime. "Crime reporting can be viewed as information about the level of crime in society, but also may be a measure of citizen confidence in the criminal justice system or the performance of the system" (Ziegenhagen, 1989, p.277) Despite this obvious trend that the institutions of the criminal justice system were responsible for the 'dark-figure of unreported crime', and that this may become an even greater problem for the criminal justice system and public policy, the "...



behaviour of individual crime victims and bystanders emerged as the focus for intervention rather than the practices of the criminal justice institutions themselves" (ibid, p.288). The questions that arise are, 'does the poor service provided by the criminal justice system impact on crime reporting and legal proceedings?' If this is so, 'does this adequately assist the public and wider society as was its purpose?' As one author notes, "...there is little reason to believe that *persons who are least likely* to report crimes will be induced to change their behaviour by virtue of the opportunities for services offered to victims of crime" (ibid, p.286, italics added) The provision of services to victims of crime may not entice all of these people to report crimes, however, it may continue to reward, reinforce and encourage victims who have reported crime to continue to do so. The incidence of unreported criminal acts was not reviewed in this study, but Gardner reports that 15.2% of the victims who responded had previously been a victim of an unreported criminal act, and in that study 95% of victims either did, or would have reported the crime (Gardner, 1990, p.20-21). Based on Gardner's research, between approximately 5-15% of the population are not likely to report crime. This figure is before victims' experience of the criminal justice system.

### Inadequate Information

The most frequent criticism of the criminal justice system was the lack of information provided to victims. This general lack of information concerned both procedures of investigation and court procedures. Some of the most fundamental steps that could ensure victim satisfaction and future participation, were reported by victims as not being provided to them. These deficient aspects were the knowledge of apprehension of the offender, police investigation protocol, and property recovery.

Whilst there was dissatisfaction amongst NT victims concerning information and proceedings in both the police investigation and the court processes, the most frequently cited needs in this regard concerned the court process. A significant number of victims (21%) reported needing to know more about the court procedures, and that this information should come to be known through a systematic means rather than through an ad hoc mechanism of "other people". This problem and concern is eloquently stated by a victim of assault when she reports:

"Other people I knew attending court at the same time got me some information about what was going on (including if the offender was on bail)..." (Results: p. 24).



As can be seen, included in these concerns regarding court processes was a lack of information on the bail process, and advice on the outcome of the case. What may be being expressed is that, the police do perform a difficult job, are over-worked, under-paid, and under-resourced (Results: p.22), but that the Court setting and other functionaries of the criminal justice system are not seen to be providing an effective service to victims. This lack of efficiency and service can be adequately described by a female victim of assault:

“they (Prosecution) then rang me up and told me to come to the court hearing, but when I got there they said they did not need me after all because it had been adjourned...I didn’t know when to attend the next hearing until they rang me up half an hour before I was supposed to be in court” (Results: p.24).

The results of the present study indicate that only 12% of crime victims attended court, with over one half not being aware of the case progress and whether it had proceeded that far. Shapland et al’s study reported that the most important piece of information relevant to the victim was the outcome of the sentence (Shapland, et al., 1985). That 56% of victims did not know if the case had proceeded to court (Results: p.24) is of even greater concern if the cases had, in fact, been heard. Where a victim can make no link between an action and an effect, then this is likely to result in the extinction of the action. Such a situation heightens the lack of control experienced by crime victims. This need to enhance or restore the control felt by the victim was the most frequent reason used by victims in advocating the use of Victim Impact Statements (Results: p.30).

Following the possible attendance at court, 10% of NT crime victims reported being satisfied with the bail process, although the majority (65%) had reported no exposure. This figure of 10% satisfaction with the bail process appears to be lower than the general level of satisfaction with the criminal justice system itself. The major reasons for dissatisfaction with the bail process was not only concern with safety of the victim or their family, but also a lack of information concerning the process. Only a small number were dissatisfied because of the likelihood of offenders re-offending.

About one fifth (19%) of respondents knew of the outcome and sentencing of “their case”, and 58% of these (11% of all respondents) believed that the sentence was inadequate. This study’s sample is too small to accurately determine the attitude of crime victims towards sentencing, however, it is similar to the figure produced in an English crime survey which reports

only 47% in agreement with the sentence, and 38% not supporting it (Shapland, et al., 1985, p.72)

It is possible to hypothesise about the NT trend in opinion of inadequate sentencing. The concern may be out of fear of the offender re-offending or again having some contact with the victim/family, rather than as a form of punishment of the victim. Weight may be given to this possibility by the fact that 49% of victims had previously been victims, and have had a greater exposure to the fear of being a victim with its associated emotional sequelae. The response of this group is most likely to be one based on both anger and fear, but as Waller (1980) points out, the criminal justice system has historically only allowed the expression of anger through the judgement of a custodial sentence.

In concluding this section on the court and other criminal justice system experiences, the researchers argue that the results indicate there has been a minor role accorded the victim/witness within the criminal justice system. The experiences of the victim in the criminal justice system processes are tending to become less satisfied as their exposure increases. The information provided to victims is often of a deficient nature, or fails to adequately allow victims to set meaningful expectations or retain control of their circumstances. At the same time the criminal justice system indirectly seeks to compensate or placate the victim through the process of sentencing, but frequently fails to inform the victim of this attempt, or even to involve the victim in this process. Sentencing by itself may not lead to the resolution of the effects of being a victim. There is an element of impropriety on the part of the criminal justice system to require the offender to provide restitution for one crime, when the criminal justice system process itself perpetuates many of the same effects felt by the victim.

A central tenet of social psychology and human learning is that experience influences action. The experiences of victims of crime in this study, are in many instances very similar to the experiences of crime victims in South Australia, victims in New South Wales, and around the world. The experiences of these victims will influence their behaviour and subsequent opinions and attitudes towards the criminal justice system. That crime victims have had a generally high level of satisfaction with the criminal justice system indicates that the needs expressed by these victims will not be radical, widespread, or costly. Indeed, they are more likely to be of a basic information nature and reflect an attempt to establish some of those things which were lost as a result of the crime, ie. personal meaning, self control, self-determination.

## 4.5 VICTIMS OPINIONS AND ATTITUDES TOWARDS THE CRIMINAL JUSTICE SYSTEM

### Information and Communication Processes

The most consistent statements coming from all victims of crime interviewed was that there was inadequate information accorded them. Inadequate levels of information are a frequent experience and criticism of victims within the criminal justice system, and is widely reported in crime victim research (Shapland, 1984; Maguire, 1985; Grabosky, 1989). The method of how this information should be relayed back and how to recognise the victims' role within the criminal justice system process, was not confined to one type of crime group victim. Approximately one third of all victims stated that they had no preference on how the information should be fed-back, and over half (56%) preferred either telephone or letter contact. What is significant is that only 15% requested personal contact. Personal contact would be likely to be the most time consuming form of response, but could conceivably be negotiated with the victim at the time of the initial police investigation. This personal form of contact was most typically requested in smaller rural areas where, it is likely, most police contact would normally occur at a personal level. In the larger regional centres of Darwin and Alice Springs, this request decreased as the population size increased. As "information deficits" were one of the most widespread form of dissatisfaction levelled at the police and the criminal justice system procedure, the cost effective solution of formalised 'time' or 'stage' notification (eg, every month or at specific stage of the investigation) could be utilised.

In Gardner's SA study, victims most requested to be informed when police had decided on charges (50.5%), a decision on a sentence had been reached (48.6%), and the interviewing of suspects (45.8%). Victims most reported wanting active involvement at the stages of attending court as a witness (90.2%), identifying the suspects (74.1%), and attending court not as a witness (39.1%) (Gardner, 1990, p.50). Almost half wanted no involvement (not even to be informed) at the stage of interviewing the witness, attending preliminary hearings, and bail decisions. In that study, decisions on modifying charges were seen as being more important than on deciding a sentence or decisions on bail. What is indicated by Gardner's study is that although many victims wanted information on charges and sentencing, they did not want active involvement, and preferred to leave this to the justice process. To quote Gardner's summary, "...victims, to a large extent, like to be kept informed of key developments...(but they) do not see



themselves however, as actively participating or altering the current system" (Gardner, 1990, p.51).

This study does suggest that many victims believe that there could be more information, based on the victims perspective, provided to the justice system. In Great Britain, some states in the US, and in South Australia this is recognised formally by the state, and a special statement of the effects of the crime upon the victim are formally presented to the courts. These are known by the name 'Victim Impact Statements' (VIS). In this study, a clear majority (85%) of crime victims were in favour of the introduction of VIS. In Gardner's study, which took place prior to the introduction of VIS in South Australia, 63.8% of respondents were in favour of their use (Gardner, 1990, p.48). One of the reasons given by those opposing the introduction of VIS in the NT study was that there was a trend for victims to believe that it would be likely to interfere with the impartiality of the sentence. The other main concern expressed by victims opposing the use of VIS was because of the effect of continuing the victimisation process by re-living the crime or being exposed or more vulnerable to the offender. It is beneficial to note that 96% of personal crime victims were in favour of VIS being presented, however, only 78% of property victims agreed (Table 3.9 b, Results: p. 30).

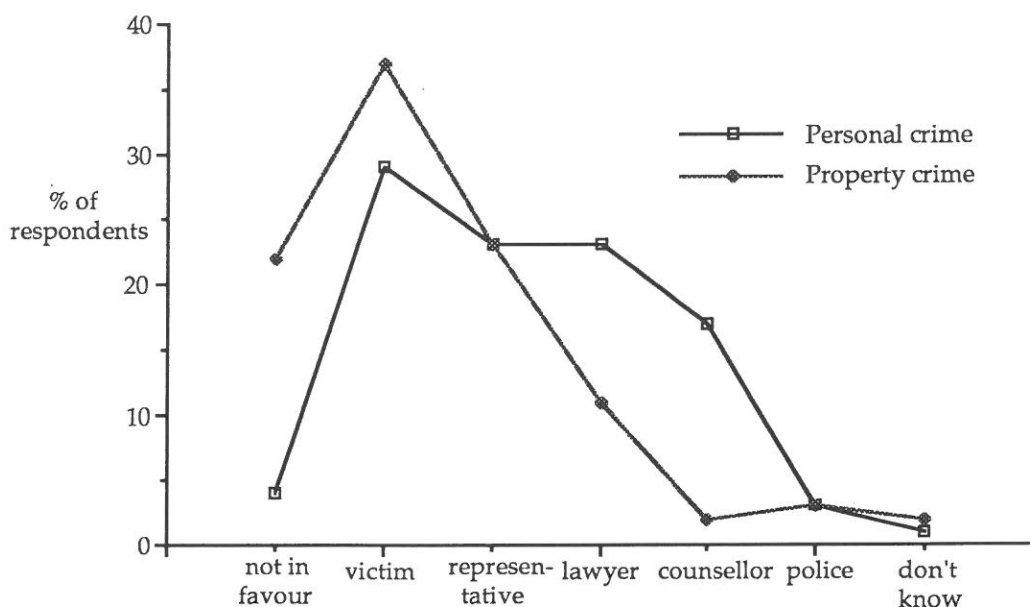
There were some differences between victims of property crime and personal crime victims on why VIS should be used. As would be expected, more personal crime victims experienced emotional effects and thus reported wishing to express their experiences. The property crime victims reported a greater reason of wanting to influence the sentence, and were also more likely to use the VIS as a means of assessing compensation. For the personal crime victim, the most important aspect of the VIS was the expression it allowed, and this was more frequently the reason rather than to influence the sentence. The high level accorded expression of the crime suggests that although there were quite high numbers of victims reporting anger and stress emotions associated with the crime, these were not being "turned into" vindictive emotions. As discussed above, this is supported by Gardner's study. The relevance of the need for expression is made succinctly by a male victim of break-enter and stealing who states :

"I think the court should be told the effects (the crime has had) on me ...if it may deter future offences (by the offender) ...but its not a good idea for punishment sake alone." (Results: p.28)

Given that most crime victims overwhelming favour the use of VIS, are there trends in the circumstances in which they should be used? As has



previously been discussed the effects of a crime are not limited to one particular crime type. Therefore, the highest response was that all crimes should warrant the use of VIS because all crimes have significant effects. However, in ranked order of preference, victims believed that all offences should result in a VIS, then personal crimes, then property.



Note: The percentage scores refer to crime type, not total percentage of respondents.

Fig. 4.7 Appropriate presenter of VIS by crime type

A factor which this study has uncovered about crime victims' experiences is that the personal or subjective meaning of the crime is more important than an action. The importance of personal relevancy means that adequate communication is highly identified as an expectation or goal, and the retention of control is equally as valuable. Therefore it is important to look at the expectations of the victim in relation to who should present the VIS in court. Figure 4.7 displays the opinions of victims to this question.

The results displayed above again indicate a possible difference between the two types of crime victims. It is possible to state that for the property victim who has had an emphasis on the cost of the crime that is to be borne by them, there is a desire to either present the VIS themselves or through a representative (not a lawyer), perhaps to further reduce costs or involvement. However, for a personal crime victim there is very little

difference between the numbers wishing to present themselves and those wishing to have another party present. For the personal crime group, there are perhaps two further types of individuals, those who wish to deal with the crime themselves, and those who feel that they cannot and want somebody else to deal with it. The use of a representative, especially for victims of a crime with a high emotional or physical impact may aid the trauma of the court experience. However, those who wish to present the Victim Impact Statements should be allowed to present the effects; it allows the victim to express their emotions and it allows the victim increased control in the justice system.

The involvement of the victim in VIS again confirmed the trend that victims are seeking greater involvement in a system which seeks to limit or exclude them. The majority of crime victims (59%) favouring VIS also believed that they, rather than the courts should decide if they were to be presented. The opportunity to enhance control was the most frequently cited reason for this opinion. The minority view was that the court only should decide on the appropriateness of the Victim Impact Statements (31%) (Results: p.31). The possibility of a joint decision based on an agreement between the court and the victim may be the best solution, as it would eliminate the use of VIS for trivial cases, and would not take anything away from the position of the court as an institution of law.

### **Service Provision for Victims of Crime**

The results indicate that victims are seeking greater information, control, and involvement with the Police and criminal justice system. The types of improvement that they have indicated, on the whole reflect realistic approaches in an attempt to problem solve the situation in which they have come to find themselves. It is recognised that, following the crime being committed, the only possible solution is to minimise its impact, and the impact of the criminal justice system procedures.

The improvements to service provision that victims suggest reflect their experiences of the system. Thus, they emphasised the practical and the provision of information. These may be detailed as followed:

- i) the provision of a counsellor who is aware of issues of race and gender as they effect the victim, who would provide victims with assistance in coming to understand the immediate emotional impact of the incident, and further information on the functioning of the system.

- ii) The training of police officers on the effects of crime on a victim and the victims' role.
- iii) A system where a central contact officer was responsible for each crime victim. This approach would also allow better police protection from repeated offences by the offender.
- iv) A recognition of the victim/witness role by Head Office and local branches, as well as greater Police community involvement.

A statement by a victim of unlawful entry, summarises many of these points well, when she states:

"Community Policing works well - especially with young offenders... I am also impressed with the recruitment of Aboriginal Police Aides...we need to encourage community involvement by the Police...there also needs to be more training and education about the prevention of crime" (Results: p.23).

These suggested interventions on the part of victims are standard expectations in similar communities of New South Wales with its "Interactional Victim Service Approach (Eijkman, 1990) and Victoria with the Court Networks' court support scheme.

The suggested improvements for the court experience is similarly based on experience. Thus, for the court system the improvements focus on three main areas:

- i) Minimising time delays and numbers of adjournments; more accurate and timely distribution of court procedures information;
- ii) More appropriate (meaningful) sentencing, a formalised bail process which includes procedural notification to the victim of relevant decisions;
- iii) Greater support for emotional/counselling and a protective environment for the victim, which would include more flexible evidentiary proceedings for sexual assault victims.

In addition to improvement in the functioning of the existing criminal justice system structure, victims of crime involved in this study have also made suggestions relating to new services for victims. These are services primarily designed to reduce the impact of the initial experience of the crime. The more intimate experiences of emotional effects of a personal crime have resulted in differences between personal and property crime



victims. Such a difference has been evident in the varied levels of information available on victims services. As indicated by Figure 4.5, some two thirds (66%) of personal crime victims and three quarters (78%) of property victims reported having adequate information on the types of services available. The results of this study show that 52% of victims did not utilise a service as a result of the crime, and this is significantly lower than that found in Gardner's study, where 75.7 % of victims were not given help to cope with the effects of the crime (Gardner, 1990, p.55). The use of non-professional services amongst NT victims was quite high (34%) as compared with SA (0.8%). The reported need for use of professional or agency support amongst the SA victims was also significantly greater than that found amongst NT crime victims.

In relation to specific services, 19.5% of the SA crime victims wanted or received counselling (9.1% received counselling, and 9.4% wanted counselling), as compared with NT figures of 5% receiving counselling and nearly five times this number (24%) wanting this service. These figures tend to indicate that the need for counselling is around two in ten crime victims. Of course it must be kept in mind that expressions of need are to some extent culturally based. Need expressions may rely upon the expectations of victims and the victims' knowledge of what solutions exist (Shapland, Willmore and Duff, 1985). American studies indicate that the "take-up" of services is consistently lower than that expressed, even when an out reach service is provided (Maguire, 1985). Thus, although the expressed level of need is around twenty percent of victims, the actual number receiving services may be even more manageable.

One fairly obvious benefit of receiving counselling assistance is that of talking through the victimisation experiences with an independent party who can assist the victim with information processing, dealing with the emotional and physical after effects, as well as the victims' inability to cope with the future as a fully functioning human being. An additional type of service that crime victims identified was that of a victims support group. In one study of victims of crime, 75% of the respondents reported that simply talking about their experiences made them feel a lot or a little better (Maguire and Corbett, 1987, p.72).

Again, the major focus of the victims of crime service was in relation to the provision of relevant information about the police and courts procedures, as well as support with the more psychological and emotional aspects of being a crime victim from peers. Some 12% of victims were in favour of a victims of crime service being available. Other types of assistance which were identified by victims as needing to be readily available but not having



been received, could be incorporated into the services provided by a Victims' Support Group. These services included minimising re-victimisation advice, home visiting and childcare assistance. The provision of a Victims' of Crime Service has enabled researchers to study the effects of "supported" versus "unsupported" victims. The results of an English study support the use of a victims' support service by showing a significant reduction in the numbers of victims "very much" affected by crime, the reduction of the number of effects of a crime reported by victims, and the number of victims reporting feeling at the lowest point. Such significant results were not found in those crime victims who did not receive a Victims of Crime Service (Maguire and Corbett, 1987, p.169).

As has been previously identified, victims' needs are not fixed and the provision of services is a process to be negotiated with the person and agency involved. It is the quality of the relationship between these two parties which is responsible for the provision of a truly worthwhile victim service. As Maguire states :

"...one of the necessary prerequisites for a fully effective victim assistance program is the existence of an outreach element, whereby victims are individually offered information about the kinds of services available and help in understanding the possible relevance of such services to their own situation " (Maguire, 1985, p.555).

In South Australia, the Victims of Crime Service (VOCS) provides such support via way of individual and group counselling, a court companion for court attendance, a support group for mothers of children of sexual abuse, armed hold-up support group, a victims awareness week, and information for elderly people on crime and its prevention. They assist with the distribution of a booklet entitled 'Information for Victims of Crime' which explains the criminal justice system structure and processes. In addition, the service provides a library and practical information on many aspects of being a victim.

#### **4.6 ABORIGINAL VICTIMS OF CRIME**

The number of aboriginal crime victims was very small, and no valid interpretation of these results can be produced. It is possible to highlight the experiences of this group which is composed of female victims to show similarities and differences in the experience of being a crime victim.

The Aboriginal group of victims were all female and tended to have been exposed to multiple offences. They were either victims of domestic or sexual violence, and the offence typically occurred as a result of alcohol use by the offender. They tend to live with or in near proximity to the offender. As a result it could be inferred that the effects of this type of crime were potentially far more serious. The serious nature of the crime is supported by the extensive physical injuries that were incurred, and which tended to be of a chronic nature. The presence of these physical injuries over time could also be seen as impacting on the emotional state of the victim, as they seek to put behind them ("old business") the crime. The injuries could be a daily or hourly reminder of the crime. The reminder is likely to be reinforced by the experience of multiple offences by their partner. In the context of multiple physical offences involving alcohol, it would appear that the aboriginal practice of "old business" may not be a successful strategy for the victim.

The longer term effects of being a victim in this culture may not necessarily involve secondary victimisation by a criminal justice system, as the offence may come to be handled by the Aboriginal justice system. The Aboriginal justice system appears to be more attuned to the needs and experiences of the victim, although such an impression has not been able to be closely scrutinised in this study. However, for those victims where a choice of involvement with the Aboriginal criminal justice system was not available to them, the relocation resulted in the victim suffering further. It could be argued that the victim is the one who becomes imprisoned in an alien culture, and whilst the support of the Darwin Aboriginal Women's Shelter is considerable it does not exactly replicate the home and support of the victim. Once again the victim appears to be reprimanded for an act against them.

The experience of the "European" criminal justice system did result in some confusion. The need for a representative to advise and explain aspects of this system was identified. The use of Aboriginal Police Aides in the Nguju Community appears to have resulted in considerable improvement. The result is that many of the concerns and needs of being a victim relate to primary medical needs and counselling, or criminal justice system information and assistance. As was evidenced by the relatively high level of family and friend support of non-Aboriginal crime victims, the Aboriginal victims reported receiving considerable support from traditional support areas.

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