

---

# **Improving support for victims of crime: Key practice insights**

**Authors:** Riley Ellard and Elena Campbell | **Research team:** Jasmine Ali; Catherine Caruana; Michael Haralambous; Nicholas Hill; Katie Lamb; Nareeda Lewers; and Kat Ogilvie | **Design:** Heidi Phillips.

**Suggested citation:** Ellard, R. & Campbell E., (2020), *Improving support for victims of crime: Key practice insights*, Centre for Innovative Justice, RMIT University.

## Acknowledgements

The Centre for Innovative Justice (CIJ) wishes to thank the Victim Services, Support and Reform branch of Victoria's Department of Justice and Community Safety for commissioning the review that has formed the basis of this resource. In particular, the CIJ appreciates the opportunity to ensure that victims' voices were central to the research and informed its findings to such an extent.

We would also like to thank the many practitioners and professionals who contributed their time and practice experience to give voice to the experiences of victims of crime with whom they work on a day-to-day basis – including those who are most vulnerable and are often failed by the system.

Above all, the CIJ wishes to thank the victims of crime who participated in the review and who generously shared their time and experiences, even as many of them continued to manage the profound impacts of crime victimisation.

## Terminology

This report aims to use the term 'victim of crime' throughout to recognise that the experience of crime victimisation does not define a person as a victim beyond that context. Where the term 'victim' is used alone, it is because it is otherwise evident from the text that the authors are referring specifically to crime victimisation.

The authors further recognise that many individuals who have experienced crime, including specific crime types such as family violence and sexual assault, prefer the term 'victim survivor' or 'survivor'.

In using the terms 'victim of crime' or 'victim', the authors are in no way intending to diminish the strength, identity or diversity of people who experience crime or other forms of harm.

## Introduction

When someone experiences a crime, the community expects that they will be supported and that their needs will be met. In the past, we may have assumed that these needs related only to the outcome of a prosecution process, with policy and public focus directed largely at sentencing as a result. More recently, however, we have come to understand that victims' needs are varied and their experiences diverse.

The rights of victims of crime have been recognised in international law since 1985, when the United Nations' General Assembly adopted its *Basic Principles of Justice for Victims of Crime and Abuse of Power*. The resolution requires that victims be treated with compassion, respect and dignity; and that they have access to mechanisms of justice and redress for the harm they have suffered. It also considers the role of restitution, compensation and assistance - including material, medical, psychological and social assistance – in responding to victims of crime.

Since the adoption of the resolution, a number of member states have enshrined the principles in domestic legislation. In Victoria, for example, the rights of victims of crime are set out in the *Victims' Charter Act 2006* (Vic), which establishes a set of principles for how Victoria's criminal justice system and victim support agencies should respond to victims of crime. Similar legislation exists in other Australian and international jurisdictions, including the UK, Canada and the United States.

As the rights of victims of crime have continued to be recognised – along with the vital role which victims of crime play in a healthy and well-functioning justice system - victim support services have become an increasingly important element of public policy and service responses. Across Australia, each jurisdiction has established a state-funded financial assistance scheme for victims of crime, as well as providing a range of supports such as information, tailored advice and case management. Specialist responses to certain crime types, such as sexual assault and family violence, have also received significant recent investment, evolving to meet our understanding of these types of harm.

When victim support services are effective, they assist victims to manage the impact of the crime they have experienced. This includes understanding and participating in relevant criminal justice processes, as well as a range of other material, psychological, physical and legal recovery needs that may arise as a result of a person's experience of victimisation. For some victims of crime, a lack of effective support can mean that they do not have the opportunity to participate meaningfully in the criminal justice process. Other needs, when not addressed, are also likely to escalate or become protracted. This makes it more difficult for the person to recover and, where possible, return to living the lives in the way they did before their experience of victimisation.

### The Centre for Innovative Justice's work

In 2019, the Victims Services, Support and Reform (VSSR) branch of Victoria's Department of Justice and Community Safety commissioned the Centre for Innovative Justice (CIJ) to undertake a comprehensive review of services for victims of crime in Victoria, with a particular focus on its core responses to victims of crime. These include the Victims of Crime Helpline, which provides front-end information, advice and referrals to victims of crime, and the Victims Assistance Program, which provides community-based case coordination and support to victims of violent crime against the person.

In commissioning the review, VSSR aimed to address the limited attention that 'generalist' victim services have received since their establishment in Victoria over a decade ago. VSSR also aimed to respond to the increasing recognition across all service systems and sectors that, to be effective, services should be designed and delivered in a way that is responsive to the breadth of needs and experiences with which people present.

Given this focus, the voices of victims of crime were central to the review, with the research team conducting in-depth interviews with 37 adult victims of crime across different regions of Victoria, as well as consulting with victim representatives from Victoria's Victims of Crime Consultative Committee.<sup>1</sup>

All but one of the victims of crime interviewed had been the victim of a violent crime against the person, although their circumstances and experiences varied widely. Further, while all participants were recruited through the Victims Assistance Program to ensure that they were adequately supported and able to receive debriefing from a trusted caseworker, their interviews revealed interactions with a broad range of services and agencies. All of these interactions played a role in the extent to which any individual or family felt heard, validated and supported by the system.

### **Purpose of this resource**

The interviews conducted highlighted the diversity and complexity of victims' needs and experiences, as well as the ways in which one-size-fits-all approaches could fail to account for this diversity and therefore mean that the needs of individuals and families went unmet.

In giving voice to their experiences and goals, victims of crime up-ended certain assumptions about 'what victims of crime want' from the service system. This pointed to a need to reconsider the nature of support that is offered; how it is provided; and what it means to deliver support that is genuinely 'victim-led'. The following resource is therefore designed to:

- promote knowledge and awareness of victims' needs and experiences, particularly across services and agencies which do not consider themselves to be 'victim support services' but which, as the research highlighted, actually play an important role in responding to experiences of victimisation;
- offer practitioners who work with victims of crime an opportunity to reflect on the beliefs and assumptions that have historically underpinned the design and delivery of services for victims of crime; and
- highlight some of the key considerations for policy makers when designing service responses for victims of crime, both in Australia and in other international jurisdictions.

---

<sup>1</sup> These interviews were complemented by consultations with over 100 practitioners, professionals and system experts from across the service system, as well as a scan of the evidence on leading practice approaches to responding to victims of crime.

## Limitations

In engaging with victims of crime for the purposes of research, it was important to the CIJ's research team that recruitment occur through a support service with knowledge of each victim's circumstances and risk. This approach aimed to increase safety for participants but also meant that victims of crime who were not linked in with support - many of whom are likely to be the most vulnerable members of our community - were not captured by the research recruitment process.

This includes victims of crime experiencing homelessness, significant mental health issues or those living with complex disability, as well as victims of crime in institutional settings, including residential care and custodial environments – all groups which existing evidence indicates are particularly vulnerable to crime victimisation, yet are less likely to receive a 'victim support response'.

The sample size (n=37) also meant that, while the victims of crime who participated in the research had diverse backgrounds and experiences, the sample was not representative of Victoria's population, or of victims of crime as a group. For example, although the Victims Assistance Program does provide a specialist response to Aboriginal and Torres Strait Islander people who have experienced a crime, none of the research participants identified as Aboriginal or Torres Strait Islander. Young people (aged under 18 years) were also deliberately excluded from the sample.<sup>2</sup> While this resource provides a general overview of victims' needs and experiences, therefore, it also highlights the continuing need to undertake dedicated research with populations that are likely to face unique barriers to reporting and service engagement. This is to ensure that victim support services are designed and delivered in a way that can meet the needs of *all* victims of crime.

---

<sup>2</sup> The CIJ recognises the importance of capturing the voices and experiences of young people and has previously designed research projects that include this cohort. In the current project, however, the project timeframes were not sufficient to allow for the design and delivery of a research approach that could address the specific ethical considerations which arise when conducting research with young people.

## Towards a better understanding of victims' needs and experiences

The CIJ's research with victims of crime identified a breadth of needs and circumstances. Some victims of crime had experienced a single incident, while others had experienced longer-term patterns of harm and violence. For some victims of crime, existing support networks mitigated the impacts of crime while, for others, social isolation compounded those impacts. Overwhelmingly, experiences of harm extended beyond an individual victim and impacted on families, including children, in various ways.

Despite this diversity across victims' needs and experiences, however, the research team encountered a victim support system that was largely one-size-fits-all and, for most victims of crime, was falling short. Examples of the system functioning effectively to support a person were often attributed to an individual practitioner or service going 'above and beyond'. Further, the research team also encountered a combination of services which were operating to the best of their ability, but which were limited by a lack of recent policy attention in terms of functioning as a fully integrated and specialist 'system'. Yet, across the board, victims of crime told us that they wanted to know that a system was looking out for them – a single point of contact as their needs changed over time, and one which kept an eye on their wellbeing.

Crucially, the research also identified a number of assumptions about victims' needs that underpinned the design and delivery of victim support services, and that were complicated or upturned by the accounts shared by victims of crime. The findings outlined here, therefore, aim to illustrate the diverse needs and circumstances with which victims of crime often present, as well as to consider the implications for practitioners, service providers and policymakers if they are to provide more effective support to help victims of crime recover from the harm they have experienced.

### Victims' needs are not directly correlated with the type of crime that they experienced

Victims of crime are not a homogenous group and the impact of crime is a highly individualised experience. The ways in which an individual may be impacted by their experience of crime is influenced by a range of factors, including personal factors (such as age, gender, abilities, health, ethnicity, culture, socioeconomic status, social networks and previous experiences and interaction with the justice system); the type and seriousness of the crime; and the nature of the victim's relationship with the offender.<sup>3</sup>

Our research with victims highlighted the importance of existing social networks and supports in facilitating recovery. For victims of crime who had strong social supports through their intimate partner, parents, siblings or other close friends and family members, this was a crucial aspect of their capacity to manage the impacts of the crime they experienced, including as their needs changed over time. By contrast, victims of crime who were socially isolated described struggling to recover from their experience and were often only minimally engaged with services.

<sup>3</sup> Bree Cook, Fiona David and Anna Grant, *Victims' Needs, Victims' Rights: Policies and Programs for Victims of Crime in Australia* (Research and Public Policy Series No 19, Australian Institute of Criminology, 1999); Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996*, Report No 38 (2018).

Another factor that emerged in the research – and could impact victims of crime in different ways – was where the crime occurred. Recovery was often complicated in circumstances where the offence occurred in or in close proximity to the victim’s home, with victims experiencing general feelings of being unsafe in the home, as well as specific concerns in some cases if the offender was still in the community. Similarly, victims of crime residing in rural or regional areas experienced perceived or actual ongoing risks to safety, including where the offender was known to them and where the offender’s friends or family remained in the community.



*“You don’t realise how much that affects you, like, someone entering your domain and taking away your ability to stay safe in your own home. And ongoing sleepless nights, hearing noises, waking up, not being able to sleep... So it was that inability to be able to function on an everyday basis like you were previously.”*

Our research with victims of crime also highlighted how the response that victims of crime receive from the justice system and broader service system can impact their experience and capacity to recover from crime – sometimes in direct ways, such as where required supports are not forthcoming, but also indirectly. This includes, for example, where a victim of crime does not feel that their experience has been recognised and validated by the system.



*“You just don’t get a voice and you still feel like, I hate that word, victim, but you still feel like you’re being victimised. Because you don’t have that [voice] and you feel powerless and demoralised [...] And all of it flows through and it just, I think that must absolutely affect so many people. Because you just go, ‘Where’s my voice?’”*

Many of the practitioners we interviewed were highly attuned to the multiple and sometimes intersecting factors that shaped a person’s experience of crime and their capacity to manage its effects. We identified various examples where practitioners had utilised more flexible eligibility criteria to provide support to individuals who did not strictly meet program eligibility, but who had clearly experienced, and continued to experience, significant harm. This included, in one instance, the partner and child of an offender who witnessed the crime and had sought to render assistance to the victim.<sup>4</sup>

<sup>4</sup> The issue of supporting offenders’ families was similarly raised in stakeholder consultations, where several participants indicated that the lack of support for the families of offenders is a gap in the system, including in relation to specific crime types, such as child sex offences or violent crimes that are the focus of significant media attention.



The research highlighted that using crime type as the sole determinant of the level of support to be made available to victims of crime can result in people who have experienced significant harm, and who continue to be profoundly impacted and impaired by their experience, failing to have their needs recognised and addressed by the system. Flexible eligibility criteria that has some capacity to account for *impact*, rather than crime type, was crucial to affording support to those who needed it. Comprehensive and ongoing risk and needs assessments were also a feature of best practice so that service responses could be informed by the actual harm experienced, including the ways in which a person's experience of crime interacts with broader needs and protective factors over time.



*“Yes, our law is black and white, but our world is grey. And unless they understand the grey part, it’s not going to work.”*

### **Victims of crime do not always present to victim services or report to police**

The design of victim support services and systems should not assume that all victims of crime will report their experience to police. For example, Australian Bureau of Statistics (ABS) data estimates that just over half (53 per cent) of people who experienced physical assault in the period 2018-19 had their most recent incident reported to police; 35 per cent of people who experienced face-to-face threatened assault had the incident reported to police; and for those who experienced sexual assault, as few as 28 per cent were estimated to have had this reported.<sup>5</sup> In relation to family violence, it is estimated that between 14 per cent and 52 per cent of people who are victim survivors of family violence report their experiences to police.<sup>6</sup>

As acknowledged, a limitation of our research is that all participants were recruited through dedicated support services for victims of crime. This meant that victims of crime who had not reported or disclosed their experience at all - and therefore were not receiving support through victim services - were not included in the research. Despite this, some victims of crime who participated had been linked in with services through mechanisms other than police referral; had experienced individual incidents or longer-term patterns of victimisation that had not been reported to police; or did not report their experience until sometime later.

Consultations with practitioners further confirmed that many victims of crime will not report to police and identified specific cohorts and victims of specific crime types for whom alternative entry points to the system are crucial. This includes victims of sexual offences and family violence, for whom there is considerable evidence of under-reporting. Under-reporting of sexual violence is attributed to a range of factors, including stigma and shame; fear of not being believed; and fear of the perpetrator, with offences committed by current or former intimate partners less likely to be reported than those committed by strangers.<sup>7</sup>

<sup>5</sup> Australian Bureau of Statistics, *Crime Victimisation, Australia, 2018-19*.

<sup>6</sup> Christine Coumarelos, 'Quantifying the legal and broader life impacts of domestic and family violence' (Law and Justice Foundation Justice Issues Paper 32, June 2019) 5.

<sup>7</sup> Australian Law Reform Commission, *Family Violence – A National Legal Response: Final Report: Volume II* (2010) 1101.

Deficiencies in the justice system can also discourage reporting or stigmatise and traumatise victims of sexual assault.<sup>8</sup> For family violence, similar factors contribute to under-reporting, alongside a lack of capacity among multiple systems and services to identify family violence,<sup>9</sup> as well as reluctance on the part of victim survivors to push the person using violence into criminal justice system contact, particularly where the person using violence is their child.<sup>10</sup> For both sexual offences and family violence, under-reporting may also be a result of victims not identifying what they have experienced as an act of violence or a criminal offence.<sup>11</sup>



*“I initially didn’t report and it was a few years later that I was studying and [in my class] they were talking about [sexual assault] and it kind of triggered a bunch of stuff to come back from being pretty badly sexually assaulted and, in the end, ongoing over a period of time kind of situation...”*

Consultations with practitioners indicated that this last factor was true more generally for those for whom experiences of violence and victimisation have been normalised, which in turn meant that they were far less likely to identify themselves as victims of crime and to report their experience or seek support as a result. In addition to victims of sexual offences and family violence, this tended to include individuals, families and communities experiencing multiple and intersecting forms of disadvantage, as well as people who themselves had histories of offending.<sup>12</sup> The capacity to provide proactive outreach and community education were seen as important strategies to support victims of crime, and particularly those from disadvantaged or marginalised communities, to identify their experience(s) as crime victimisation, as well as to access the various supports and entitlements that were available to assist their recovery.

Aboriginal and Torres Strait Islander victims of crime and victims of crime from culturally and linguistically diverse (CALD) communities were also identified as facing specific barriers to reporting. For victims of crime from CALD communities, barriers to reporting identified by practitioners and in the literature include language barriers; mistrust of authorities; social stigma and shame relating to certain crime types, such as family violence; lack of knowledge and familiarity with available support services; and lack of awareness about rights and legal protections.<sup>13</sup>

<sup>8</sup> See, e.g. Victorian Law Reform Commission, *Sexual Offences: Interim Report* (2003) Chapter 5.

<sup>9</sup> State of Victoria, *Royal Commission into Family Violence: Report and recommendations, Vol I, Parl Paper No 132* (2014-16) p 48 (‘Report of Royal Commission into Family Violence Vol I’).

<sup>10</sup> Child in this context refers to the nature of the relationship between the victim survivor and the person using violence. In the current research, this included adolescent and adult children.

<sup>11</sup> See, e.g. Victorian Law Reform Commission above n 8 and Report of Royal Commission into Family Violence Vol I 48.

<sup>12</sup> This was identified by practitioners and is borne out in the literature, with the link between victimisation and offending being one of the strongest empirical associations in criminological literature (see, e.g. Wesley G Jennings, Anthony R. Piqero and Jennifer M Reingle, ‘On the overlap between victimisation and offending: A review of the literature’ (2012) *Aggression and Violent Behaviour* 17).

<sup>13</sup> See, e.g. Maria Segrave, *Temporary migration and family violence: An analysis of victimisation, vulnerability and support*. (Monash University, School of Social Sciences, 2017). See also, Segrave M and Pfitzner N, *Family Violence and Temporary Visa Holders During COVID-19* (2020), Monash Gender and Family Violence Prevention Centre, Monash University.



*“There have been a lot of situations, I have reported only two. There was another incident when I was distributing fliers in front of the Sikh Temple and three racists saw I was Muslim. They held me by my neck and dragged me into a corner and said, ‘You Muslims are terrorists!’ and stuff and said they would beat me. They abused me and I stood silent and then went away from them. I did not report it because I didn’t think police would help because they didn’t respond in the first incident so I wouldn’t get help for this.”*

While none of the participants in this research project identified as Aboriginal or Torres Strait Islander, consultations with practitioners, including representatives from Aboriginal Community Controlled Organisations (ACCOs) and practitioners in culturally-specific service delivery roles within mainstream organisations, highlighted the significant barriers to reporting experienced by Aboriginal victims of crime.<sup>14</sup> Koori Engagement Workers, who provide dedicated support to Aboriginal victims of crime in Victoria, indicated that the vast majority of their referrals come directly from community, and that most Aboriginal clients have not reported to police and do not want to do so due to historical mistrust and fear of the police. In this context, the availability of dedicated practitioners who can spend time engaging with community; building trusted relationships; and establishing referral pathways through local ACCOs are crucial to enabling Aboriginal victims of crime to access the supports to which they are entitled.

Other groups identified by practitioners as facing specific barriers to reporting include elderly victims of crime (particularly those experiencing elder abuse); children and young people, including those in out-of-home care; people with disability; people experiencing mental illness; people experiencing homelessness; and people from LGBTIQ communities. For all of these groups, the capacity to self-refer, as well as greater awareness of victim support services across the breadth of services with whom these cohorts are likely to interact, were seen as critical to facilitating equitable access to victim services.

Importantly, the CIJ’s research also identified that, even where victims of crime do report to police, they may not be in a position to identify their needs and to take up the offer of a referral in the immediate aftermath of the crime. The majority of victims of crime interviewed could not recall how they had been linked in with victim services and described feeling overwhelmed in the days following their experience of crime. For police, this may mean that offering referrals at multiple points in time, rather than just during their first interaction with a victim of crime, can increase the uptake of referrals. This in turn means that victims of crime are likely to be better supported and will be able to participate more meaningfully in the criminal justice process.

<sup>14</sup> For example, some studies indicate that as many as 90 per cent of Aboriginal women do not disclose experiences of violence. See Matthew Willis, ‘Non-disclosure of violence in Australian Indigenous communities’ (*Trends and Issues in Criminal Justice* No 405, Australian Institute of Criminology, January 2011).

## ‘Justice needs’ are about more than just the criminal justice process

As described above, some victims of crime will never report to the police and, therefore, never have a criminal justice process initiated. Even where victims of crime do report to police, it may not result in a criminal prosecution. The offender may never be apprehended or there may be insufficient evidence to charge. For some victims of crime, the offender may die during the commission of the crime or before they can be prosecuted while, for others, their offender may be deemed unfit to plead due to cognitive impairment or mental ill-health. Many matters will resolve in a plea.

Victim support services in Victoria provide a range of supports to assist with the criminal justice process. This can include information about the process; brokerage to assist with costs related to attending court; providing emotional support at court; liaising with police on behalf of the victim; and debriefing after proceedings conclude. The Office of Public Prosecutions also has a dedicated service in which in-house social workers provide integrated support to victims and witnesses during the criminal justice process. For victims of crime who received these supports, they were highly valued and worked to minimise the stress and anxiety associated with attending court and managing the criminal justice process more broadly.

The absence of a criminal justice process does not, however, mean that these victims do not require support. In fact, the research indicated that the absence of a criminal justice process can complicate and prolong a person’s recovery when they do not feel that they have been provided with an opportunity to be heard or to have their experience validated.



*“This has been very hard because I did not get justice and the wounds are still fresh to me, to be honest.”*

Some victims of crime described feeling that they had questions about what happened that would never be answered, while others were left feeling that the system was oriented towards the offender and that their experience did not matter. Others described feeling invisible to the system, feeling that support services were focused on supporting people through the criminal justice process and that, in the absence of such a process, they had been forgotten.



*“[From police we would have liked] a much more open dialogue about what happened from their perspective. We wanted to know every minute detail. I mean some of it, they couldn’t, they didn’t know, and that’s fine [...] But it wasn’t a priority to them because there wasn’t anyone to catch or there wasn’t a prosecution to pursue.”*

In the absence of a criminal justice process, the broader service response became even more important but, in practitioner consultations, discussion of victims' 'justice needs' tended to focus solely on their support needs in relation to the criminal justice process. This is despite the broader understanding of justice needs as referring to elements such as participation, voice, validation and vindication, as well as offender accountability and prevention. These needs can be met through alternative processes, such as those offered by restorative justice engagement, but some of these needs may also be met through an overall system response that makes a victim of crime feel recognised, heard and that the harm they experienced matters.

For one victim of crime who did not experience a criminal justice process, this validation of their experience came through a police informant who supported him in a range of ways, not only making an initial referral to victim support services, but also making follow-up referrals and providing additional information along the way to ensure that the victim of crime knew to access entitlements, including through Victoria's financial assistance scheme for victims of crime. Another victim of crime, for whom the relevant offender had been found unfit to plead, described the police informant dropping by to keep her updated on the matter and taking the time to explain why the criminal matter was not proceeding. These small examples of an informant taking the time to ensure that a victim was supported and understood what was happening made a difference in terms of the extent to which these victims felt seen and cared for by the system.

Other victims of crime spoke about individual case workers who made them feel heard and supported. This could include regular phone check-ins to remind the victim that support was there when needed and that the system was keeping an eye on their wellbeing. It could also include actively smoothing the victim's path to recovery by ensuring that their evolving needs - including practical needs - were identified and met, and that they were not left to manage the ongoing impacts of their experience alone.



*"You definitely want someone just touching base with you. What you want to hear that somebody just... is I guess... someone, somewhere has an eye to your wellbeing."*

These examples highlighted how the broader system response - including interactions with police and victim support services - can go some way to addressing victims' justice needs, ensuring that they feel heard, supported and are understood as a genuine participant in the process, regardless of whether it resolves in a trial or conviction. By contrast, each point along the way in which a victim received an inadequate response from a particular service or agency could compound their sense of being invisible.

### **Sentencing outcomes are not always the priority**

A common misconception about victims of crime is that their goals in relation to the criminal justice process are punitive. The reality, however, is far more complicated. Several of the victims of crime interviewed demonstrated empathy for the person who had harmed them, particularly where their offending occurred in the context of significant disadvantage, substance misuse or mental health needs. Victims of crime also described not wanting others to have the experience they had, framing their aims in terms of harm prevention, rather than retribution.



*“You know, it’s no good just locking these people up in jail because of their crimes because it’s never going to fix it.”*

What emerged as more important than the sentencing outcome for many victims, was the extent to which they felt that their experience had been recognised - either through the court process or by the broader system - and whether they had been supported to understand *why* a particular outcome had occurred. This finding is consistent with procedural justice theory, which suggests that people are more likely to see an outcome as valid if they perceive the process that led to it as being fair, even where the outcome does not reflect what they wanted.

A recent review by the Victorian Law Reform Commission found that victims are often ‘marginalised and offended by the attitude conveyed by prosecution and defence lawyers, and by their treatment in the courtroom generally, including by some judicial officers.’<sup>15</sup> This was an experience shared by several of the participants in the CIJ’s research, who described having limited or no opportunities to participate in the criminal process. These participants felt that their experience did not matter; and felt that they were not kept informed throughout, or were not supported to understand, the process.

The research identified multiple opportunities to improve the overall experience of victims of crime as they moved through the criminal justice process. First and foremost, this involved proactively providing victims of crime with information about what was happening in relation to their case, rather than placing the burden on victims to try constantly to obtain information.



*[I would have benefitted from] more communication and where it’s at. Rather than someone that, I hate the word victim, but the person that’s not the perpetrator has to make those phone calls to see what stages things are at so that you know you’re safe. [I wanted to know] whether he’d been served, whether he’d been put in prison, whether he was secure away from my location. Everything really.”*

Where police informants were proactive about keeping victims informed, this was greatly appreciated. By contrast, for the significant proportion of victims who reported that police did not keep them informed of what was happening in their case, this was sometimes perceived as the deliberate withholding of information or made the victim feel that the way in which they were impacted by the crime did not matter. Depending on the nature of the crime they experienced, this lack of information also meant that victims of crime were fearful and did not know whether their offender had been apprehended, and if they were at ongoing risk.

<sup>15</sup> Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process: Report* (2016) at para 4.3.





*“It makes me wonder, well, my case mustn’t be important enough. I mustn’t be important enough. You know, my disorders run rife with it [...] and I mustn’t be important enough to even contact and let me know what’s going on.”*

In some instances, victim support practitioners sometimes took on the role of liaising with police on behalf of the victim. This did not always mean that information became available more quickly, but it removed the burden from victims of crime themselves and reassured them that their practitioner would advise them of any information as it became available. Strong relationships between police and victim support services - including clear expectations and processes for keeping victims informed, either directly or via their practitioner (with the victim’s consent) - can improve victim’s overall experience of the justice system.



*“[My victim support practitioner]... was the backbone, getting that information from police. I would call them and try to obtain some information; they wouldn’t tell me anything...”*

Similarly, a critical gap for victims of crime was support to understand the court process and outcome. For some complex matters, victims of crime may have benefitted from dedicated legal advice, although for many, tailored legal information from a victim support practitioner, combined with improved communication with the prosecuting agency, would have been sufficient.



*“I had no time frame. I didn’t have any idea what the plea was for, what the charges were actually for... [The police informant] just said, ‘Oh, there’s a few charges there, we’re going to get him with two random things.’ And then I was like, ‘Well, what about all the other stuff?’. And there was nothing really said about that and then, going to court and what happens in court wasn’t really explained that great [...] So that was the hardest thing, I had no idea what was going on.”*

In particular, the research indicated that victims of crime would benefit from being supported to understand the rationale behind prosecution decisions relating to charges and plea resolutions; the factors influencing sentencing outcomes and general information about sentencing options; the reasons behind inclusion or exclusion of certain types of evidence; as well as common legal terms, so that they can follow what is happening during the court event.



*“I’m not a court person, I’m an average everyday person. If you’re going to use court jargon with me, I’m going to be like, ‘Talk English’. I was sitting there in court half the time on Google trying to find out what things mean.”*

More generally, the research indicated that supporting victims of crime to understand the limitations of the adversarial system, and their role within that system, may help victims to manage expectations in relation to the criminal justice process.



*"I don't understand why it has to be the way it is, and I feel that the system is completely wrong, and I feel that it's more there for the perpetrator. Okay, I know that he's got a right to fight and falsely proclaim his innocence, but I also feel it should be there for a right for us to proclaim that, well, they are guilty as we said and we should have a right to know more about what's going on..."*

This was true not only for criminal justice processes, but also in relation to coronial processes, which were often overlooked in terms of providing victims of crime with support to understand and manage the process. This was despite coronial processes giving rise to similar issues in terms of significant delays, during which time victims had restricted access to information about the matter. Similarly, victims had little support to understand the complexity of the process, including what evidence is relevant and why; and felt that their views had not been represented or genuinely considered.

Emotional support while at court was also highly valued by some victims of crime, who described their practitioner helping them to feel safe and calm, as well as ensuring that victims understood what was happening.



*"[Being supported at court] makes it a lot easier to deal with. I mean, you're talking to someone who understands what you're going through rather than just someone at the police [station] who deals with victims of crime but doesn't go to the courtroom and sit with you and talk with you while you're waiting for your case to be heard... [It makes you feel] safe and comfortable"*

Although the victim support system does not have the capacity to shape legal outcomes, the research found that it can significantly impact a victim of crime's experience of the justice system. This includes ensuring that victims of crime are linked in with services that are actively assessing and responding to their needs. Just as importantly it includes ensuring that they are kept informed of the process and are supported to understand why particular decisions are made; and that they are also supported to take up opportunities to be heard and share their experience (whether through a Victim Impact Statement, a restorative justice process, a peer support group, or other available mechanisms). Where these steps occur each of them can contribute to a victim's sense of fairness and satisfaction with justice system processes.



## Victims needs are interrelated and need to be addressed holistically

The research found that provision of support in relation to the criminal justice process was sometimes a focus, to the detriment of broader recovery needs and despite these wider needs often being equally as important to a victim's capacity to manage the effects of the crime they experienced.

Just as victims of crime who did not experience a criminal justice process sometimes felt that they were invisible to the system because of its absence, the privileging of needs relating to the criminal justice process over other needs often meant that therapeutic, practical and legal needs not related to the criminal trial were completely overlooked.



*“The things we struggled with in those initial periods were just simply, like most people that go through those sorts of things, just getting up and getting food on the table and making sure there was food for the lunchboxes, and just keeping the house going, looking after the kids. That was a massive struggle.”*

Importantly, different victims of crime who participated in the research described a varying range of needs being the most critical for them in their recovery process. For example, some felt that practical needs were the most important, while for others, what was missing from the service response they received was emotional support. Rather than indicating one type of support need that took priority over the others, the research highlighted the unique nature of each victim's needs, goals and service preferences, as well as how much they were influenced by each victim's individual circumstances and protective factors.



*“I don't know, it felt a bit like, not what I needed... I can see why they would be the things you would offer somebody. Maybe some people would feel safer with those things under their belt. For me, I actually probably just needed some emotional support, like that was, more than anything else, I didn't want to be... They were talking about burglar security screens for my windows, whatever, whatever. Actually, I probably just wanted someone to talk to.”*

Practitioners also observed how victims' needs are *interrelated* and *interdependent*. For example, a key challenge raised by some practitioners was their limited capacity to respond to a victim's lack of safe housing, which subsequently undermined the capacity of that victim to engage in any meaningful way with therapeutic and other supports.<sup>16</sup> This was also true of victims of crime whose experience impacted their capacity to participate in paid employment – including victims who experienced a crime in the workplace – or incurred other financial losses.

<sup>16</sup> Multiple victims of crime who participated in the research were residing in public or social housing and had experienced crime victimisation in that environment, either perpetrated by a neighbour or a fellow resident. For these victims of crime, the lack of alternative housing options – or simply their desire to remain in a place that they had made their home – meant that they remained in an unsafe environment, complicating their recovery and highlighting the interrelatedness of victims' needs.

For these victims, support to manage their financial needs was crucial to the recovery process, as unaddressed financial needs were often liable to spiral, impacting victims' housing, physical and mental health, and capacity to manage more broadly. Victims also described the importance of addressing practical needs so that they could focus on processing and recovering from their experience. Assistance with household management and childcare were raised as specific examples which afforded victims of crime the space to reflect and manage their other needs, as well as helping them to feel less overwhelmed.



*"I sent them the paperwork one day, two days later they rang me and the following week I think I had someone starting. It was just amazing. And that enabled me to actually just think and, she did everything. I mean, I was still there, it's not like I went out anywhere much but it enabled me to not have to worry about all the washing and kids, she helped me with the baby and it meant that I could actually go out and attend to [primary victim's] affairs. Which, in a diabolical state, it was just unbelievable how much there was to do."*

One area in which the breadth of victims' needs was most overlooked was in relation to legal needs. In particular, the CIJ's research confirmed that the legal needs of victims of crime go well beyond the need for advice and assistance regarding rights relating to the criminal justice process or access to state-funded financial assistance schemes. While these are clearly needs in their own right, the CIJ's research identified a broad range of other unmet legal needs, some of which were articulated by the participants themselves, and some which, with the benefit of their legal expertise, became apparent to the researchers conducting interviews. These unmet legal needs included legal advice in relation to a range of issues such as family violence, family law and child protection, employment, migration status and wider options for compensation and restitution. The research process revealed that victims of crime are not always able to identify and articulate their legal needs, making issue-spotting by skilled legal practitioners crucial.



*"Straight after a crime you [could say], 'Yeah, oh you're family violence, you know, you've got property settlement, you've got all that sort of stuff, which is family law, intervention orders is civil law, and then you've got criminal if they breach. [The] law is so blurred and all the rest of it and most people don't understand it. We really need someone to explain that stuff to us and I think having a legal person would make you feel more empowered and more in control because you're not in control at all with any of it."*

A key finding of the research, therefore, was that victims of crime require *holistic* support which responds to the various life domains that may be impacted by their experience of crime. This means that supports should be tailored and responsive to the needs of each individual victim of crime, including legal needs, with practitioners being afforded the autonomy to work flexibly in order to assess and address the needs of their clients.

## 'Victim-led' does not equate to 'victim-initiated'

The CIJ's research found that the service system often assumes that victims of crime will proactively advocate for themselves, seeking help when they need it and articulating their support needs. In part, the research found that this assumption is built into the design of key victim services, with most practitioners carrying prohibitive caseloads that meant that there were simply not enough hours in the day for them to reach out proactively to their clients.

The research also suggested, however, that an understanding of 'victim-led' service delivery and practice had developed which equated 'victim-led' with 'victim-initiated'. A common theme across the research – including for victims of crime from a wide range of backgrounds and with varying levels of capacity – was that victims felt that the onus was on them to ask for help and describe what they needed, rather than being supported to understand what was available and how it might fit their needs and circumstances.



*"I can understand how people who are victims have things happen and it can just destroy their life. Because to actually get through it and get the help you need and all of that, the onus is really on you to seek that help and find ways of getting it for the most part, rather than it coming to you. You've really got to put your hand up and jump up and down a bit to get what you need."*

It was apparent across the research that victims of crime were very rarely able to ask proactively for what they needed. In part this was due to the impacts of recent and often significant trauma, with victims of crime who participated in the research describing feeling "at breakdown point", "drowning" and that "everything's spinning". The limited capacity of victims to articulate their needs also stemmed largely from the fact that many participants in this research appeared to have had very limited involvement with the service system, either because they had not experienced crime victimisation before, or because they had not reported prior experiences or been connected with services when they did. In this context, victims of crime simply did not know what services and supports were available to them, both as a victim of crime and more broadly.



*"You were just on your own [...] It took us probably three or four months before we realised that there were special childcare subsidies. There were things that actually could be done to help us. But that took months and that was through our own searching around."*

Another key finding was that victims' needs changed over time and that a focus on front-end service delivery, with limited follow-up, often meant that services were not able to identify when victims' needs escalated.



*“At the very beginning they explained how when it goes to court they can arrange someone there on the day. It was very informative upfront, but the wheels came off over time. The way the last conversation went was, ‘Okay, you don’t need us?’... ‘Okay, I guess I don’t.’”*

Multiple victims of crime who participated in the research described periods in which they felt unable to cope, with some experiencing periods of significant mental ill health. Despite remaining an open client of a service, these victims were not actively engaged with supports and none of them recalled proactively reaching out to request additional support during periods of crisis or escalating need. It is important, therefore, for services to provide victims of crime with windows of opportunity to reconnect with supports, including by proactively checking in to see how they are doing and to adjust or put new supports in place as required.



*“People expect you to feel better and move on and get on with things. Someone touching base, understanding that that isn’t the case, would have been nice.”*

The CIJ’s research also indicated that service delivery needs to identify and address barriers to engagement that individual victims of crime may encounter. Given that victims of crime were often already feeling vulnerable and struggling to cope, many may be unable to engage with services simply as a result of logistical or practical considerations. For example, one participant had never received support because, at the time he was contacted, his physical injuries prevented him from attending the service premises. This victim of crime declined service as a result and did not receive any support until he was contacted by the service as part of the recruitment process for the CIJ’s research. This provided him with a window to re-engage and ultimately resulted in him seeking a counselling referral. Other victims of crime also described being unwilling to leave the home in the immediate aftermath of the crime, either because of physical injuries impacting their ability; fear of encountering the offender; or general fear and anxiety around being in public spaces.



*“Because the time when the lady offered me some [support] I was... I didn’t even want to go out of the home. I just didn’t want to face people.”*

The CIJ’s research also indicated that recent migrants were particularly vulnerable to service disengagement. Limited knowledge of local service and justice systems combined with social isolation to, function as a barrier and undermine the capacity of this cohort to advocate proactively to have their needs met. Several recent migrants who were interviewed felt let down by the criminal justice process and had also received minimal support in relation to their broader needs. In the case of two participants, this was to the extent that the CIJ research team felt it necessary to seek the participants’ consent to contact the relevant service and request that they re-engage due to welfare concerns.



*"I really wish I had [received support sooner]. I am seeing the psychologist and the situation is worse now. I am addicted to bad things now and my habits have changed, I don't look after myself anymore. I wish I'd had support, especially when I was very depressed in the beginning. No one referred me or reached me."*

Rather than reflecting on the individual services or workers, this appeared to be the result of the overarching assumption across the service system that victims of crime will proactively seek help when they need it. The capacity of practitioners to check-in regularly with clients, including those who were particularly vulnerable to disengagement and social isolation, was further limited by unsustainable caseloads.

These findings highlighted the need to shift from conceptions of 'victim-led' that place the onus on the victim, and instead ensure that the system is underpinned by the interrelated concepts of 'victim-led' and 'trauma-informed'. This means understanding that it is the role of the service system, and not the individual victim, to ensure that a victims' needs are assessed and understood; to identify appropriate supports; and, where required, to scaffold victims' engagement with those supports through warm referrals, advocacy and effective case coordination.

### Quality information provision is crucial

The CIJ's research identified that a key element of 'victim-led' service delivery is quality, tailored information provision which empowers victims of crime to make informed decisions and to understand what is happening, as well as their rights, entitlements and the nature of supports available.

The research suggested that individual victims of crime will have different preferences in terms of how they receive information. For example, some wanted as much information upfront as possible, while others wanted information to be staggered so that they would not be overwhelmed. The research also indicated that the provision of generic information was usually ineffective, as this placed the onus on the victim to trawl through information to identify which supports and services might be relevant to them, rather than being actively supported and guided to the supports that they needed at that particular time.



*[My] head was still a little bit unclear; it took me a while to get right. It was too much stuff; I wasn't really getting any of it really. So, then she sent me a package of information which she promised to do on the phone, you know, 'Don't worry, you don't have to remember all of this, I'll send you a package...' And again, the package just looked like a lot of stuff. It just all felt like somebody referring me to somebody referring me to somebody referring me..."*

A range of strategies were identified through the research as improving the effectiveness of information provision and building the capacity of victims to self-manage their needs over time. These included:

- following up the verbal provision of information with relevant written materials;
- signposting where victims of crime can seek additional information in a self-guided way;
- ensuring that victims of crime know who to contact if they have further questions, or proactively checking in to ensure that information was understood; and
- asking victims of crime whether they prefer written or verbal information, or a combination of both.

For some victims of crime, the CIJ's research also suggested that more time may need to be taken to explain the nature and value of supports, as well as understanding why victims declined particular supports. The research identified situations in which victims of crime had declined, disengaged from, or otherwise been reluctant to take up particular supports due to a misunderstanding about the implications of accessing those supports. This included, for example, because they did not understand that counselling records are confidential or were concerned that attending counselling would make their employer believe that they were not ready to return to work. These examples represented missed opportunities to engage victims of crime in meaningful supports which may have made a real difference to their recovery.



*"I was trying to avoid [going to counselling], you know? Because if I go there and my boss knows, he says, 'Oh, oh, you are not ready enough so I'm not going to give you shifts', you know?"*

Overall, the research found that victims greatly valued when their victim support worker knew the system well and could provide them with specialist information, advice and guidance - not only upfront, but as their needs changed over time. This made victims of crime feel that they were not alone in navigating the system and alleviated much of the stress and anxiety associated with identifying and managing their needs, as well as relevant justice system processes.



*"I've got an awesome worker at the moment, she's just awesome [...] They'll explain the system to you in a way that you'll understand, but they also follow things up for you like questions and what-not..."*

By contrast, generic information often overwhelmed victims of crime; came across as 'impersonal' or 'scripted'; and could prompt victims of crime to disengage.

## Different modes of service provision need to be available

While it was important for victims of crime to have a single point of contact, many victims of crime interviewed – across a range of crime types - were comfortable with receiving phone-based support where that support was proactive and trauma-informed. This finding is consistent with the increasing use of technology in the delivery of health and human services more generally, including for service users who may struggle to attend services in person due to distance, mobility issues, lack of access to transport or practical considerations such as work and childcare.<sup>17</sup>

Where victims of crime did have a caseworker who proactively checked in with them by phone, this made a big difference to their perception of the service system. Participants described feeling supported and that the harm they had suffered was being recognised and validated by the service system. It also reminded them that they could reach out to their caseworker if they needed to talk or identified a change in their support needs. Victims of crime who did not receive this type of proactive support volunteered that a regular ‘check-in’ would have reminded them that someone had an eye on their welfare and that additional help was available when they were not coping.



*“As weird as it is, you just felt like you were cared for. That someone actually cared. And it was that feeling more than anything and that’s a good feeling. The people care and, you know, you’ve just been a victim but someone’s there to look after you or worry about your mental health or anything like that. That was good.”*

Regular, phone-based check-ins also provided caseworkers with an opportunity to support clients to identify and work towards new recovery goals. For example, a victim of a significant assault described how, during a phone-based check-in by his caseworker, she prompted him to reflect on whether he was ready to return to work. The caseworker then supported him to secure a volunteer position to rebuild his confidence and job readiness after a long period out of the workforce.



*“The first twelve months, once a month she was ringing me, just out of the blue. Just ringing me and said, ‘How are you going? How’s everything going? Are you feeling good?’ She was on top of it [...]”*

The CIJ’s research indicated that, for phone-based support to be effective, it needed to involve regular follow-up, including after making referrals to ‘close the loop’ and ensure that any referral had been followed through and was meeting the victim’s needs. Where a referral did not result in a timely, quality service delivered by an appropriately skilled practitioner, victims of crime felt let-down. This could in turn trigger disengagement where the service did not follow-up with the victim. Some participants also needed prompting to make and attend their appointment, particularly if they were struggling to cope or were socially isolated. Where ineffective referrals were made and not followed up, the needs of participants often went unmet.

<sup>17</sup> Morneau Shepell, *The effectiveness of video counselling for EFAP support* (2013). Accessed [online](#).



The research also indicated the importance of discussing the frequency and timing of phone-based support with victims of crime upfront, as victims generally did not find it useful if calls were at times when they were likely to be distracted, such as during work hours. Multiple victims also indicated that they may have missed contacts from a relevant service because the service used a blocked or private number. For this reason, it was sometimes difficult to discern from the interviews the extent to which services had actually sought to engage with their clients, but certainly the end result was that the client ultimately had minimal engagement or disengaged completely.

Phone-based support will clearly not be suitable for all victims of crime, with some victims of crime describing how important it was for them to receive support face-to-face, including through outreach. In particular, older victims of crime indicated a preference for face-to-face support, whereas younger victims of crime had a higher level of comfort with phone-based support.



*“At the moment, I’m quite well. I’ve only got monthly appointments but, when things turn to shit, it really does turn to shit. Ringing Lifeline and SuicideLine and 1800RESPECT is great, but it’s not the same as face-to-face, one-on-one.”*

Since the CIJ’s research with victims of crime was conducted, the shift towards remote service delivery has been accelerated across a range of sectors – including victim services – in response to COVID-19 and associated lockdown measures. This shift has highlighted how virtual platforms for delivering services can facilitate access for some individuals and families but may act as a barrier to service engagement for others.

An evidence-based approach therefore needs to be taken to determine the most appropriate method of service delivery informed by the needs and preferences of individual victims. The use of phone-based support can nonetheless facilitate service engagement and act as a demand management strategy for practitioners, including those who provide outreach across large catchment areas. Decisions as to the appropriateness of phone-based support should consider victims’ communication needs, as well as ensuring that they have a safe, secure environment from which to engage with support, particularly when working with victim survivors of family violence.

### **Victims of crime do not always have existing support networks**

In much the same way that the CIJ’s research found that victim support services often assumed that victims of crime will proactively identify and advocate for their needs, it also identified a presumption that all victims of crime have a support network which can stop them from falling through the cracks.

Victims of crime who suffered significant and ongoing impacts as a result of the crime they experienced often described being heavily reliant on family members to address their needs. This included for critical supports such as accommodation, either short-term (for example, where the crime occurred in the victim’s home) or longer-term, including where the victim of crime was unable to work and support themselves financially as a result of the crime.





*“At the moment, I’m quite well. I’ve only got monthly appointments but, when things turn to shit, it really does turn to shit. Ringing Lifeline and SuicideLine and 1800RESPECT is great, but it’s not the same as face-to-face, one-on-one.”*

Victims of crime also described relying on family members for a range of practical support needs - such as childcare, household management, and attending appointments - as well as emotional support and, in some cases, financial support. Several victims of crime observed that, in the absence of the support that they received from family, their needs would have gone unmet and may have escalated significantly.



*“Asking to borrow money all the time. ‘Mum, can I have fifty dollars to get medication, da da da.. She didn’t care about giving me that because it was medication, but the problem is asking her every fortnight. So, that, and I didn’t have to pay food or rent or board or anything at mum’s because she doesn’t do that. But if someone had to do that, good luck to them [...] I really say good luck because you’d literally almost be on the street.”*

In one example, a victim of crime who was not able to safely remain at her usual residence had no option other than to stay with her parents in the immediate aftermath of the crime, despite a history of family violence that included violence directed towards her by her father. The impacts of her experience of victimisation also meant that she was unable to work following the crime, with the victim residing permanently in her parents’ home as a result.



*“On the night it happened the copper said, ‘Go to your mum and dad’s house, you’ll be safe there.’ And I’ve been there since. I haven’t got no support from nothing and no-one.”*

For some victims of crime, particularly those who had significant physical and psychological support needs as a result of the crime they experienced, their partner often took on considerable carer duties. These could be the result of a single incident of crime, although one participant had experienced protracted family violence, resulting in profound impacts on her physical and mental health which continued almost a decade after the violence had ceased, affecting her daily life and capacity to work, as well as her trust in the service system.

As mentioned previously, victims of crime who did not have strong, local support networks often felt isolated and alone. These victims sometimes struggled to manage their day-to-day needs, as well as needs arising from their experience of crime victimisation. Cohorts that appeared to be particularly vulnerable included recently arrived migrants (including international students) and single parents.



*“There was so much pressure on me. I was just by myself. I didn’t have any male adult to help me and was under deep stress...”*

Social isolation appeared to be self-reinforcing. For victims of crime who were socially isolated prior to their experience of crime victimisation, the lack of a supportive social network meant that their needs could escalate. This in turn tended to make them more isolated. The research also suggested that, in addition to emotional and material support, a critical function of social networks is to have a clear line-of-sight on a victim’s wellbeing, including by encouraging help-seeking where it becomes apparent that victims are struggling to cope and self-manage.



*“I’m trying to work on it by myself. I have been trying to do that. But you’ve got to understand that I’m in a town where I’ve got no family, I’ve got no friends around me, so I’m pretty isolated. The only support I’ve got is my counsellor and that’s phone counselling. Apart from that I’m pretty much going through this blindfolded by myself hoping that I’m doing the right thing.”*

Overall, the research suggested that, while the service response can leverage existing support networks, service responses should not be predicated or reliant on the availability of these supports. Further, it is crucial that services identify where a victim of crime may be particularly socially isolated or may have critical support needs – such as accommodation – that cannot be provided through family, so that an appropriate service response can be put in place and needs can be prevented from escalating.

### **Crime victimisation can impact a victim’s whole family**

The CIJ’s research also identified the myriad ways in which crime victimisation could impact on families. Multiple participants described how they felt that their experience of victimisation was impacting their capacity to parent effectively. Parents also described feeling uncertain about how to talk to their children about what had occurred in an age-appropriate way, including where the children were present when the crime occurred, or knew the victim.



*“Probably how it’s mostly affected me was actually my family. I had my children with me on the day of the event [...] They struggled on the day in particular because they had never seen anything like that [...] The youngest did have nightmares [afterwards], so she woke up with nightmares and she’d never had nightmare before. [And my oldest child] did definitely struggle. It was like a blockage...”*

Support to manage the impacts of crime victimisation on children was limited or completely absent for most parents and guardians who participated in the research, despite being something that many participants volunteered as an area of need. Even where children were present when a crime occurred, their individual needs were rarely assessed, and none received individualised support. In addition, very few parents described being supported to parent effectively and minimise the impacts of their own experience on their capacity to support their children.



*"[I have] three children. And since that incident happened, most of the time we just locked ourselves inside the house and so my little daughter, because of the stress, almost lost all of her hair [...] I was hoping and expecting that someone can help her with counselling and other assistance and support."*

In one example, in which multiple family members were victims in the same incident, the research participant described two of the adolescent children experiencing nightmares and significant behavioural issues, including using violence at school. Another child relocated to live with his father due to the ways in which his mother continued to be impacted by her experience of victimisation.



*"And it got that bad, in the end, he moved out. He's moved in with his father. He just said, 'I can't cope with Mum being... Mum's never been like this. I can't cope with it.'"*

Another victim of crime described becoming heavily reliant on her children for support due to the ongoing impacts of her experience of victimisation, eventually leading to conflict with her children. One of her adolescent children then started to use violence towards her.



*"I have a diagnosed post-traumatic stress disorder as a result of the crime that happened to me. And [my] children aren't supported through the system at all either, so my daughter was acting out and she assaulted me [...] My children have become my carers as a result of the crime and that's not fair on their development."*

This complex example highlights how, where the impacts of crime victimisation are not addressed and where supports do not reflect the needs of the whole family, there is potential for families to be pushed into an ongoing cycle of violence, trauma and justice system involvement.

Interviews with victims of crime, as well as consultations with stakeholders, also highlighted the challenges faced by victims of crime and practitioners alike where a crime is perpetrated by one family member against another. This was especially true where adult children experiencing mental issues or drug and alcohol dependency had perpetrated a violent offence against a parent.

As these parent-child relationships do not confirm to the gendered-orientation of most family violence services, this meant that they were less likely to receive specialist support through the family violence sector. For both victims of crime and practitioners in these circumstances, it was a significant limitation of victim support services that they could not work with the whole family to assess and address ongoing safety concerns and reduce the risk of further victimisation. This could include by facilitating the adult child's access to relevant services to address the underlying drivers of their offending.



*"[We needed] support for our daughter as well as us [...] Didn't happen. Still hasn't happened."*

Experiences of victimisation could also place significant pressure on intimate partner relationships. In some instances, this was because one partner had to assume more responsibility or take on a substantial caring role, while in others it stemmed from the victim struggling to make sense of and manage their experience of victimisation.



*"I've got no independence at all. Everywhere I go, [my partner] needs to come with me [...] Before I could go shopping on my own. I had a really independent life; I didn't depend on [my partner] and now I depend on him."*

Where an experience of victimisation interacts with drivers of gendered violence, this may also escalate the risk of further harm being perpetrated by a victim against family members.



*"After the incident there was depression and anxiety [...] If [my wife] said a word, I'd snap. I'd either yell or just snap. I had to walk away, cool down, and once it started it just went worse and worse. It got to the stage where she'd say a word and we'd end up in a fight and I thought, 'Well, that's not me.'"*

Overall, the research revealed substantial complexity across family circumstances and indicated a clear need to build the capacity of victim support services to work with the whole family or, at minimum, to conduct preliminary whole-of-family needs assessments and then refer into appropriate specialist services.



*"The whole family is [affected]. The children are, I am, everyone around me is impacted by the crime. It has that ripple effect."*

In particular, it identified a need to maintain a lens on the needs of children and young people, whose needs were frequently invisible to the system and went unmet. This included where they experienced victimisation or were present when the crime occurred, but also when a parent was the victim of a crime. Maintaining a lens on children and young people could involve delivering supports directly to the child but could also involve working with the adult to identify their needs as a parent and ensure that appropriate supports, such as respite, are put in place. Ideally it would involve a combination of the two. Baseline family violence risk assessment capacity was also identified as a crucial feature of victim support services, not only where victims are referred for family violence-related crime, but also where family violence emerges or co-occurs in the context of crime victimisation impacting on family relationships.

### Victim support can be a positive intervention in a person's life

A key finding of the CIJ's research was that the victim support system is designed primarily to respond to an isolated incident of crime. The aim of victim support, in this context, is to assist the victim to manage the impacts of the crime and to return to the position they were in before it occurred. Interviews with victims of crime, however, revealed a range of complex circumstances and often co-occurring needs that were present prior to the person's experience of crime and which made them particularly vulnerable to future victimisation, harm and other forms of contact with the justice system.

For multiple families, family violence, child protection involvement and intergenerational disadvantage were features of their lives, while several families had one or more children with disability. A number of victims of crime who participated in the research had one or more family members who had engaged in offending or risk-taking behaviours, or who were associating with people engaged in offending or risk-taking behaviours. This included alcohol and substance misuse.

In some families, multiple family members had been the victim of a crime, including across unrelated incidents. Repeat victimisation of individual victims of crime was also identified. In some cases, this occurred in the context of long-term patterns of family violence although, for some, incidents of victimisation were unrelated.



*"I'd say [it's] greatly affected by mental health and my ability to hold down work, to manage my anxiety and emotions and, yeah, it just exacerbated a lot of things that were already present I think. From the [prior experience of family member's victimisation], I would probably attribute the bulk of my trauma, and then the second incident kind of exacerbated all of the issues I guess and made them worse and harder to deal with."*

For individuals and families who had experienced multiple incidents of victimisation, a limitation of the service system was that it was frequently not able to respond to the totality of their experience. This was true where individuals or families had needs that cut across sectors and programmatic lines, such as family violence, sexual assault and 'generalist' victim support services. It was also, however, a result of the limitations within program design and resourcing which meant that victim services tended to focus on an individual incident rather than on broader patterns of harm and victimisation.



*“They can do specific things and have specific roles. They can’t do holistic type stuff. They can only help with one particular matter at a time [but] if yours is complex and complicated, they’re sort of restricted by boundaries in what they can and can’t do.”*

The complex needs and circumstances encountered in the CIJ’s research highlighted that a service response which aims to return a victim to their situation prior to the crime can be insufficient. A response with this narrower objective is likely to have limited capacity to address the factors and circumstances that may have made a person particularly vulnerable to victimisation, as well as vulnerable to contact with the justice system in other contexts. By contrast, where victim support practitioners have the flexibility to deliver intensive and holistic support – including, crucially, addressing needs that have not arisen from victims’ experiences of crime, but which make them vulnerable to future experiences of harm – the victim support system can function as a window to engage with hard-to-reach cohorts; address wider needs, including those which have not yet been identified by other services; and work to reduce future harm.<sup>18</sup>

This view was shared by some practitioners, who described clients repeatedly cycling through the justice system as a victim, offender or witness of crime. Where practitioners were prevented by caseloads and limited resourcing from responding to the factors they perceived as driving these interactions, this was considered a missed opportunity. In particular, family violence (intimate partner violence and intra-familial violence); homelessness and housing instability; and substance abuse and other risk-taking behaviours, were cited as issues that, if left unaddressed, could contribute to trajectories of repeat victimisation and offending.

Accordingly, the research suggested that contact with the victim support system should aim to function as a positive intervention in a person’s life and to address those factors that can push individuals and families into ongoing cycles of harm and justice system contact. If it is to do so in meaningful ways, it must be resourced appropriately, with incentives for providers and practitioners to conduct this more intensive and longer-term engagement.

Caseloads that reflect the complexity of clients’ needs and circumstances, as well as program scope that affords practitioners the flexibility to respond to the breadth of these needs, were both identified as key elements of a victim support system with a lens on harm prevention, rather than on ‘recovery’ in the narrower sense described above. Practitioners also indicated a need for professional development and education focused on building the capability of the victim support workforce to work with complexity, including supporting clients engaging in risk-taking behaviours.

<sup>18</sup> Work being undertaken by DJCS and the Department of Health and Human Services to understand the service trajectories of common clients indicates that for many of these individuals and families, their first formal contact with the service system will be with crisis-end services such as child protection, hospital emergency departments or Victoria Police (including as a victim of crime). Few of these initial presentations resulted in referral to other support and common clients then tended to have minimal service interactions until they entered the system at the ‘pointy-end’ through either child protection or criminal justice involvement. This again highlights the critical role that a robust and holistic victim support response can play in early intervention.

Finally, the research found that it is crucial for victim support practitioners to be supported to work safely with victims of crime who may also have engaged in offending behaviours. This is because excluding these clients on the basis of their offending may mean that the harm they have experienced goes unaddressed; that a trajectory of further harm is compounded; and that an opportunity for positive intervention is missed.

### Mainstream services have a role to play in supporting victims of crime

It is now well-understood that the criminal justice process can be re-traumatising for victims of crime and may impede their recovery from the crime, in part because emotional responses to the criminal justice process (such as loss of control, powerlessness and fear) can mirror a victim's response to the original crime.<sup>19</sup>

The CIJ's research also illustrated, however, that other interactions with the service system can be re-traumatising for victims of crime as well. In particular, victims of crime struggled to access entitlements (such as those available through Centrelink) where they were expected to navigate processes that did not reflect their needs as a victim of crime, and which also involved interaction with staff who had little or no understanding of those needs.



*“To front up to the agencies and to the hospitals and to the doctors and to jump through all those hoops is just far too complicated. And a lot of the time it's extremely emotional as well and people just don't seem to understand, or they just don't care...”*

Negative interactions with services that do not specialise in working with victims of crime had the potential to make victims of crime feel unsupported and that their experience did not matter. It also increased the likelihood that victims of crime would disengage from the service system entirely.



*“I was just blown off and I was so disappointed [...] And then of course, my lawyer that I got in touch with and [service provider] said, ‘Who did you talk to down there? You need to talk to this person’. They knew who to talk to. I couldn't have done it without those two. That really stopped me then and there and nothing would have come of anything because that was the beginning.”*

<sup>19</sup> See, e.g. J Wemmers, ‘Victims’ experiences in the criminal justice system and their recovery from crime’ (2013) *International Review of Victimology* 221; J L Herman, ‘The Mental Health of Crime Victims: Impact of Legal Intervention’ (2003) *Journal of Traumatic Stress* 159; and Centre for Innovative Justice, *Communicating with Victims about Resolution Decisions: A Study of Victims’ Experiences and Communication Needs* (2019).



Crucially, victims of crime often did not know which services or agencies they were interacting with at any given time. Often participants would describe support they had received without being able to identify who had provided it, or how that service knew that they needed support.<sup>20</sup> Others would use the name of an individual worker who they felt well-supported by without necessarily knowing which service or organisation the worker was affiliated with. This ‘blending together’ of services meant that, where victims of crime had a negative interaction with one part of the system, it often impacted their perception of the system response as a whole, and the extent to which they felt recognised, validated and supported by it.

By contrast, where mainstream services had an improved understanding and awareness of crime victimisation, they could not only validate a victim’s experience, but could function as an access point. In one example encountered through the CIJ’s research, a victim of crime who was receiving minimal support attended hospital for an unrelated issue. This interaction provided an opportunity for hospital social workers to identify that the victim had significant unmet needs arising from her recent experience of crime, and appropriate supports were put in place before those needs escalated. In another example, a victim of crime who was not linked in with services received her initial referral from a Centrelink staff member who identified her experience of victimisation and encouraged her to seek support.



*“Anyway, when I went down to see the lady at Centrelink, she got my Centrelink stuff sorted and she said, ‘Right now, on a personal note, you need to go see these ladies down at [family violence service]. And that’s where my recommendation came from. I am so grateful that lady spoke up, because otherwise I never would have heard of them.’”*

Police and legal services emerged in the research as particularly important to the overall quality of victims’ experiences with the service system. Although many victims of crime had very positive interactions with police, negative interactions were also common. As noted previously, this was generally due to a lack of follow-up, with multiple victims of crime reporting that they did not receive information about the outcome of their case. Delays in receiving information from police, or the absence of information altogether, could impede victims’ recovery by preventing them from working through and moving past their experience. More frequently, and as mentioned above, it made victims feel that their experience and the harm they suffered was not recognised by the system; and that they were not viewed as having a stake or inherent interest in the outcome of their case.

<sup>20</sup> In some cases, this lack of differentiation between services was the consequence of participants feeling overwhelmed by their experience and multiple interactions with the service system, although in others it was the result of effective case coordination taking place behind-the-scenes and working to smooth the victim’s path through the system.





*“They told me they would call me within twenty-four to forty-eight hours. But they never did [...] Then, when I spoke to the lady from [victim support service], she actually spoke to the policeman on behalf of me to [find out] what was going on with the case. And then I got an email, sent by [the victim support service] saying that they weren’t able to find the persons and everything. But the policemen were supposed to call me. They never did. Instead, they took my jacket [as evidence]. It was brand new. I never got it back...”*

Similarly, some victims of crime reported negative experiences with legal services. This was particularly true of lawyers who were engaged to assist with state-funded financial assistance and who tended to be private practitioners with variable levels of experience working with people who have experienced trauma.<sup>21</sup> While some victims of crime reported very positive experiences with private practitioners, others would have benefitted from more communication about where their claim was at, as well as information about how financial assistance decisions are made and the types of awards that are available. Where important contextual and process information was not provided, this could leave a victim feeling that their experience of harm had been minimised. Further, while some victims of crime appreciated how streamlined the process was, at least one victim of crime indicated that he would have appreciated more meaningful engagement with his lawyer and a chance to tell his story.



*“I guess [it would have helped] for people to just stop for a second and listen to the person and what they’ve gone through [...] That’s a conversation that has never happened with me and my solicitor. We’ve never sat down and had a conversation like this where she’s asked me what actually happened. Not once.”*

These examples highlighted the importance of ensuring that victims of crime are referred to legal services that have, at minimum, baseline competencies to work with victims of crime. Ideally, specialist legal support should be made available to victims of crime, to be provided by lawyers with a deep understanding of victims’ needs, and who are skilled in trauma-informed practice.

Throughout the CIJ’s research, examples were identified that highlighted the breadth of services and agencies with which victims of crime are often required to interact, and the capacity of any one of these interactions to re-traumatise and make victims feel that the harm they experienced does not matter. The research suggested that case coordination and advocacy can play an important role by actively navigating victims through the broader service system and reducing the need for victims of crime to re-tell their story to multiple services – including by utilising warm referrals wherever possible, providing information in advance (with the victim’s consent) and scaffolding victims’ engagement with other services where required.

<sup>21</sup> More recently, significant issues have been identified in relation to legal support for victims of institutional child sexual abuse as part of the National Redress Scheme. See, e.g. Jeremy Story Carter, ‘Money for trauma’, ABC Investigations (accessed [online](#), 25 September 2020).



*“[You want someone] supporting you with making those phone calls and accessing those services because you feel ashamed that you can’t support yourself and look after yourself. So, your self-esteem and confidence isn’t the greatest to start with and you feel horrible having to ask for help.”*

Strong leadership from agencies responsible for victims of crime, including the provision of training and resources for non-victim specific agencies and services, is also key to building the capability of the broader service system to interact with victims of crime in a way that is respectful, validating and cognisant of victims’ long term needs and experiences of harm.

## Conclusion

Most victims of crime who participated in the CIJ's research wanted a single point of contact where they could go for information, and which could actively navigate them through the system. People who were supported by a practitioner who knew the system well; smoothed their journey through the system via effective case coordination and advocacy; and followed-up with them proactively, tended to feel well-supported and have a better experience of the system overall. Where this was absent, victims of crime often struggled to manage their needs, and felt let down by the system.



*"It's like a rollercoaster ride. You need someone to get on it and stay on it with you."*

Beyond this core support, however, the research revealed a breadth of needs and circumstances – some of which arose as a result of the crime and some which were present prior to the person's experience of crime and had the potential to compound their experience of victimisation. Overwhelmingly, the research indicated that support for victims of crime needs to be highly individualised. This includes having options for how and when support is provided and at what level, as well as embedding risk and needs assessment across service delivery. It also means ensuring that the victim support workforce is sufficiently resourced and empowered to work flexibly, recognising both the highly specialist nature of their work, as well as the breadth of needs and circumstances to which they are required to respond.



*"[You need] a 'project manager' in a way. That's my job, I'm a project manager... So why can't there be a project manager, like a social worker...? You've got different people needing different things, but it's just a matter of, if someone needs counselling then you've got someone on hand, or you can [send them] to this place for counselling. Or if you need free food, then this is where the food vans are. Or if you need accommodation..."*

This breadth of needs also means that victims of crime will inevitably be required to interact with a range of services and agencies, some of which have a deep understanding of the needs of victims of crime, and others which do not. Scaffolding victims' interactions with the broader service system as much as possible is, therefore, a crucial element of victim support, thereby reducing the likelihood that victims of crime will be re-traumatised or will disengage from the system entirely. Supporting non-specialist services to identify and respond to experiences of victimisation is also a crucial part of the equation.



*“My current [victim support worker], she advocated quite a lot for me while I was in hospital because I couldn’t do it for myself and I’m single and on my own and I have no family support either because the whole family, it just fell apart big time. So, if you get a really awesome worker who is prepared to step up and do more than what she’s supposed to be doing, you’re really, really lucky.”*

Overall, the CIJ’s research found that, where assumptions existed about what victims of crime want or need, these often meant that victims of crime disengaged; did not have their needs met; or never came into contact with the victim support system in the first place. It is crucial, therefore, to continue to provide victims of crime with opportunities to contribute to the design and delivery of service responses - at the practice-level, program-level and system-level.

The commissioning of the current research project by the Department of Justice and Community Safety’s VSSR branch is one such example, providing critical insight into victims’ experiences and informing an enhanced service response. The CIJ’s research involved contributions from 37 victims of crime who generously gave their time, and many of whom expressed that they just wanted the system to work better for others. Some victims of crime were also highly cognisant of the protective factors which had meant that their trajectory – and the capacity to manage the impacts of the crime they experienced - may differ markedly from the trajectory of other victims of crime in slightly different circumstances.



*“[T]here’s a lot of people that are out there who don’t have my experiences or personality or whatever you want to say, and they must really, really, struggle. If they’ve been through what I’ve been through, I cannot imagine how they can get out of this in a positive way, with a minimal amount of damage... So, it’s alright to interview resilient people like myself but those other people, they might be the people that don’t do the interviews because they just don’t have the capacity to do it emotionally.”*

Despite their breadth and complexity, these participants’ stories were a small sample of the varied experiences of victims of crime across the state. We know that many victims of crime do not report to authorities; do not identify the harm as crime victimisation; or have not received the support of any services. This means that future research and service improvement must aim to ensure that the full spectrum of crime victimisation is understood, and that the way the service system responds to people who have experienced crime is integrated, flexible and genuinely ‘victim-led’.



*“I’m sorry I’m upset. You’re the first person who’s asked for my side of the story.”*

## Appendix A: Victoria's victim support arrangements

### 1. Victoria's Victims' Charter and broader legislative framework

In Victoria, victims' rights are underpinned by the *Victims' Charter Act 2006 (Vic)* (the Charter), which commenced on 1 November 2006 and establishes a set of principles for how Victoria's criminal justice system and victim support agencies should respond to victims of crime.<sup>1</sup> The Charter draws on the definitions, rights and entitlements outlined in the United Nations' *Basic Principles of Justice for Victims of Crime and Abuse of Power*, which was adopted in 1985 and has influenced legislation relating to victims of crime in a number of common law jurisdictions, including Australia, the UK, Canada and the United States.<sup>2</sup>

The Charter provides coverage across a range of rights for victims of crime, including to be treated with courtesy, respect and dignity; to be informed about rights and entitlements; to be informed about the police investigation, prosecution process, bail applications and court process; to be informed of financial compensation options; and to be assisted to prepare a Victim Impact Statement. More broadly, it requires that victims' services agencies, 'be responsive to the particular needs of persons adversely affected by crime, particularly needs relating to race or indigenous background, sex or gender identity, cultural or linguistic diversity, sexual orientation, disability, religion, and age.'<sup>3</sup>

The Charter reflects an understanding of the inherent connection between victims' rights, victim services, and the attainment of justice in the criminal justice system, with victims more likely to be willing and able to participate in criminal justice system processes when they feel properly supported. It also recognises the potential for victims of crime to be re-traumatised by a justice system that does not view them as active participants in the process, and that can be perceived by victims of crime as being shaped around the offender.

Notably, the Charter does not create any legal rights or give rise to any civil cause of action. However, it does enable victims of crime to make a complaint when they believe that an investigatory, prosecuting or victims' services agency has not upheld the principles of the Charter and requires those agencies to advise victims of the availability of formal complaints processes.

While the Charter remains the centrepiece for victims' rights in Victoria, it operates in tandem with other relevant legislation, including the following:

- *Victims of Crime Assistance Act 1996* – which currently provides for financial assistance to victims of violent crime via the Victims of Crime Assistance Tribunal.
- *Sentencing Act 1991* – which enables victims of crime to make a Victim Impact Statement at sentencing.
- *Corrections Act 1986* – which enables victims to apply for inclusion on the Victims Register and to make submissions to the Adult Parole Board.
- *Serious Offenders Act 2018* – which enables victims to make a submission to the Post Sentence Authority.

<sup>1</sup> Victorian Law Reform Commission, *Review of the Victims of Crime Assistance Act 1996*, Report No 38 (2018) 35.

<sup>2</sup> Victorian Law Reform Commission, *The Role of Victims of Crime in the Criminal Trial Process: Report* (2016).

<sup>3</sup> *Victims' Charter Act 2006 (Vic)* Part 2.

- *Victims of Crime Commissioner Act 2015* – which establishes the Victims of Crime Commissioner and the Victims of Crime Consultative Committee to represent the concerns of victims of crime in government decision making and policy development.
- *Charter of Human Rights and Responsibilities Act 2006* – which sets out the basic rights, freedoms and responsibilities of all people in Victoria and requires public authorities to consider, and act compatibly with, the rights enumerated in the Charter.

## 2. Victim Services, Support and Reform

While legislation and oversight to recognise victims' rights is important, without a range of effective services to support victims of crime and give effect to those rights, the Victims' Charter will have limited practical impact on how victims of crime experience the criminal justice and service systems.

In Victoria, primary responsibility for services to support victims of crime sits with Victim Services, Support and Reform (VSSR) – a business unit within the Department of Justice and Community Safety (DJCS) that directly delivers and commissions a range of services for victims of crime and, more broadly, coordinates the Victorian Government's policy response to victims of crime, including system reform. Since its establishment, VSSR has grown rapidly, with its budget increasing from \$8.2 million in 2004-05 to \$30 million in 2017-18. Over this period, VSSR's suite of services has expanded significantly to provide a range of core and pilot programs to victims and witnesses. At the time of the review by the Centre for Innovative Justice (CIJ), these services included the following:

- The first service to be established for victims of crime in Victoria, the Victims of Crime Helpline (the Helpline) is a state-wide, phone-based service delivered by VSSR. It operates between 8:00am and 11:00pm, seven days a week, 365 days a year and is intended to provide an opportunity for victims of crime to feel heard and supported, as well as acting as a 'gateway' to relevant local services that can address their needs.
- Alongside the Helpline, the Victims Assistance Program (VAP) is a core part of VSSR's response to victims of crime. The VAP is a case management model that aims to mitigate the impacts of crime and aid the recovery of victims by providing practical and therapeutic support, as well as information and support in relation to the criminal justice system. It is delivered by six community-based providers across nine regions, with an approximate total contract value of \$14 million per year. It is intended to leverage the existing service networks of providers in each region so that victims of crime can be referred into a range of services in their local area.
- The Victims Register is a state-wide service established in 2004 to provide eligible victims of crime with certain information relating to an offender's imprisonment and release, and to assist with making submissions to courts, the Adult Parole Board, and the newly established Post Sentence Authority. Its eligibility and scope are governed largely by the *Corrections Regulations Act 2004* (Vic) and the more recent *Serious Offenders Act 2018* (Vic).
- The Child Witness Service (CWS) is a specialist, case management service that aims to reduce the trauma and stress experienced by child witnesses by preparing them for their role as a witness and supporting them and their family through the criminal proceedings. The CWS provides both practical and emotional support but is not a generalist or ongoing service.

- The Intermediaries Pilot Program (IPP) was introduced on 1 July 2018, with the initial pilot intended to operate until 30 June 2020. It aims to improve the quality of evidence provided by vulnerable witnesses and reduce trauma associated with participating in criminal justice processes by providing eligible witnesses with a professional intermediary who can assess and make recommendations in relation to their communication needs. The IPP was developed in response to the Victorian Law Reform Commission's (VLRC) *Role of Victims of Crime in the Criminal Trial Process* (Recommendation 30) and the RCIRSA (Recommendation 59).
- Youth justice group conferencing (YJGC) is a program that diverts young offenders from more intensive supervisory or custodial outcomes by using restorative engagement to support the young person to understand the impact of their offending on the victim and wider community. In the context of this program, which is primarily focused on the rehabilitation of the offender, VSSR's Victim Support for YJGC service provides dedicated support to victims who wish to participate in a restorative justice conference.
- The Family Violence Restorative Justice (FVRJ) Service was established as a response to Recommendation 122 of Victoria's RCFV, which noted that adversarial approaches to justice in family violence were not always fully meeting the needs of some victim survivors and endorsed the development of a framework and pilot program for the delivery of restorative justice options for victim survivors of family violence. The FVRJ Service provides restorative justice conferencing to victim survivors, with conference convenors supported by dedicated Specialist Support Workers who work with victim survivors throughout the process.
- Trauma Clean is a service which assists with clean up after a violent crime against the person has taken place. It is provided twenty-four hours a day, seven days a week, with cleaning provided by specialist trauma cleaning services contracted by VSSR. Alongside Trauma Clean, VSSR is contracted by DHHS to administer their Suicide Clean program.
- In addition to its formal services, VSSR has played a lead role in Victoria's critical incident response, such as the Bourke Street incident in January 2017 (Bourke Street 1), the Flinders Street incident in December 2017, and a second Bourke Street Incident in November 2018 (Bourke Street 2). This includes providing immediate support and referrals to victims of critical incidents, as well as ensuring that ongoing support is available through VSSR's existing services.

While the review focused specifically on direct services provided by VSSR to victims of crime, the unit's remit also includes policy development and strategy in relation to victims of crime; secretariat support for the Victims of Crime Consultative Committee; and the administration of a range of justice-related schemes and grants, including Asset Confiscation Operations, the Prisoner Compensation Quarantine Fund and certain perpetrator intervention grants. VSSR's National Redress Scheme Team also coordinates the Victorian Government's responsibilities under the National Redress Scheme, including responding to redress applications where the Victorian Government has been named as an institution. These functions were not considered as part of the CIJ's review.



### 3. Other key agencies and bodies

In addition to the VSSR business unit, Victoria established the role of Victims of Crime Commissioner in 2014. The aim of this role is to improve services and systems for victims of crime across government, non-government service providers and the justice system, with the powers of the Commissioner expanded through legislation in 2018. In December 2018, Victoria also appointed its first Minister for Victim Support, whose broader justice portfolio includes Crime Prevention, Corrections and Youth Justice, ensuring that the views and experiences of victims are central to the development of policy within Victoria's justice system.

While VSSR and the Victims of Crime Commissioner are the primary agency and body through which the Victorian Government responds to and supports victims of crime, a number of other government agencies and statutory bodies also play a key role in this response, as summarised in Table 1.

Table 1: Summary of key agencies and bodies involved in responding to victims of crime.

Agency / office	Role in responding to victims of crime
Victims of Crime Commissioner	<p>The Victims of Crime Commissioner is an independent and central point of contact for victims of violent crime who have experienced dealings in their difficulties with the justice system and government agencies. The first Victims of Crime Commissioner was established in 2014, and the role was formally established in legislation in 2015 through the <i>Victims of Crime Commissioner Act 2015</i>.</p> <p>The Victims of Crime Commissioner advocates for the recognition, inclusion and participation of victims of crime by government departments and agencies, as well as inquiring and reporting into issues that victims' experience. As of 2018, the Victims of Crime Commissioner is also responsible for managing complaints by victims of crime in relation to the Victims' Charter.</p>
Victoria Police	<p>Victoria Police provides policing services to the Victorian community, including responding to calls for assistance, preventing crime through proactive community safety programs, detecting and investigating offences, supporting the judicial process, and ensuring fair and equitable treatment of victims and offenders. Victoria</p> <p>Within Victoria Police, the Victims Advisory Unit has primary responsibility for driving the way in which Victoria Police responds to victims of crime. Victoria Police are often victims' first point of contact with the system and perform a vital function referring victims of crime to the Helpline and other VSSR services through the Victoria Police eReferral (VPeR) system. Considerable work has occurred since the VPeR system was first established to improve understanding of victims' needs and referral pathways. Within Victoria Police, specialist units such as the Sexual Offences and Child Abuse Investigation Teams (SOCITs) and Family Violence Investigation Units (FVIUs) tend to have increased capacity to respond to victims of crime due to the nature of the crimes these teams respond to.</p>

Office of Public Prosecutions	<p>The Office of Public Prosecutions (OPP) is Victoria's public prosecutions service and is responsible for prosecuting serious offences in Victoria's County and Supreme Courts as well as conducting criminal appeals in the County Court, the Court of Appeal and the High Court of Australia. The OPP represents the interests of the Director of Public Prosecutions (DPP), and not the government, the police, the victim, or any other person - although there is an expectation that OPP lawyers take into account and respond to victims' needs, including in relation to resolution decisions.</p> <p>To support its primary function as a prosecutor, the OPP also delivers the Victims and Witness Assistance Service (VWAS). A multidisciplinary model delivered by the OPP's Victims Strategy and Services directorate. VWAS practitioners work closely with OPP lawyers throughout the prosecution process to ensure that victims of crime understand the prosecution process and what to expect at court; are informed about the progress of their case; and are supported through the process, including when attending court. The location of the service within the OPP is critical to the model, with practitioners describing strong integration between legal and social work teams.</p>
Victims of Crime Assistance Tribunal (VOCAT)	<p>VOCAT is a division of the Magistrates' Court and is currently the mechanism through which eligible victims of crime in Victoria may access financial assistance. Awards include special financial assistance payments, which aim to demonstrate the community's recognition of the impacts of the crime; awards for the provision of counselling; and awards for the provision of relevant medical treatment.</p> <p>In response to a review of VOCAT by the VLRC, VSSR is currently developing a new administrative Financial Assistance Scheme (FAS) to replace VOCAT, streamline the application process, improve access and provide a more victim-centred service.</p>
Other Courts and court-based services	<p>In addition to VOCAT, Victoria's judicial system is comprised of several other courts and tribunals, including the Supreme Court; County Court; Magistrates' Court; Children's Court; Coroner's Court; and the Victorian Civil and Administrative Tribunal. Each Court has individual responsibility for managing the judicial business of the court in accordance with law, and victims of crime may interact with any one of Victoria's courts, including where their experience gives rise to criminal, civil or coronial processes.</p> <p>Several services are now available at court, with functions including information provision; assessment and referrals; emotional support; and help to navigate the court environment and process. This includes Family Liaison Officers based at the Coroners Court; Family Violence Applicant Practitioners at the Magistrates' Court and Children's Court; and Court Network, a non-government organisation that trains and supports volunteer Court Networkers to provide wayfinding, non-legal information and emotional support at a range of court locations.</p> <p>There is also an increasing understanding across the Courts of the need to consider court design and court processes through the lens of therapeutic jurisprudence and procedural justice. This has resulted in a range of innovations that aim to improve user experience – the new Specialist Family Violence Courts, for example, aim to reduce wait times; improve safety and security for victim survivors; and ensure that court staff at every level, from judicial officers to registry staff to security personnel, have an understanding of the nature and dynamics of family violence.</p>

Adult Parole Board	<p>The Adult Parole Board (APB) is an independent statutory body established under the <i>Corrections Act 1986</i> to make independent and appropriate decisions in relation to the release of prisoners on supervised conditional release, cancellation of orders and return of offenders to prison custody, and legislative reporting requirements relating to parole. The APB has established processes for victims of crime to make submissions relating to the release of a prisoner on parole, and VSSR's Victims Register can support victims of crime through these processes.</p>
Post Sentence Authority	<p>The Post Sentence Authority (PSA) is an independent statutory authority established in 2018, replacing the Detention and Supervision Order Division of the Adult Parole Board. It is responsible for the independent and rigorous monitoring of serious sex offenders and serious violent offenders on post sentence orders, and oversight of the post sentence scheme. The PSA is also responsible for reviewing coordinated service plans for serious sex offenders and serious violent offenders which are developed by a Multi-Agency Panel (MAP) comprising DJCS, DHHS and Victoria Police. The PSA has established processes for victims of crime to make submissions relating to post sentence supervision of offenders, and VSSR's Victims Register can support victims of crime through these processes.</p>
Corrections Victoria	<p>Corrections Victoria is a business unit of DJCS that is responsible for implementing court judgments and orders of the APB, including managing the state's system of correctional facilities and developing programs for the management and rehabilitation of prisoners, as well as the community-based supervision of offenders.</p>
Victims of Crime Consultative Committee	<p>The Victims of Crime Consultative Committee (VoCCC) was established in 2012 and was given legislative recognition in 2015 through the <i>Victims of Crime Commissioner Act 2015</i>. The VoCCC includes people with lived experience, the Victims of Crime Commissioner, representatives of Victoria Police, the OPP, the judiciary, the APB and victims' service agencies.</p> <p>The VoCCC provides a forum for victims of crime, justice agencies and victims of crime services to discuss improvements to policies, practices and service delivery relating to victims of crime, and to promote the interests of victims of crime in the administration of the criminal justice system</p>
Youth Justice	<p>Youth Justice is a business unit of DJCS that is responsible for the statutory supervision of young people in the criminal justice system, including providing programs and resources to assist young offenders to manage their lives without further offending. It is responsible for the delivery of Youth Justice Group Conferencing, which provides an opportunity for dialogue between young individuals who have offended and their victims. VSSR's YJGC Victim Support program assists and supports victims of crime who wish to participate in the restorative justice process.</p>

Commission for  
Children and  
Young People

The Commission for Children and Young People (CCYP) is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people, with a particular focus on vulnerable children and young people, including those who may have experienced crime.

CCYP provides independent scrutiny and oversight of services for children and young people, particularly those in the out-of-home care, child protection and youth justice systems. CCYP also advocates for best practice service responses to meet the needs of children and young people.

Department of  
Health and  
Human Services

The Department of Health and Human Services (DHHS) is responsible for the delivery of policies, programs and services that support and enhance the health and wellbeing of all Victorians. DHHS' policy portfolio includes ageing, disability, mental health, housing and homelessness, alcohol and other drugs, child and family services (including Child Protection), ambulance services, public health, and health and wellbeing services.

In particular, DHHS is responsible for oversight and funding of specialist sexual assault services, including the Centres Against Sexual Assault (CASAs) and Sexual Assault Crisis Line, which provide a crucial response to victims of sex offences. CASAs are run through a collective structure, headed by the CASA Forum, and provide therapeutic case management and counselling to victims of sexual assault. Some CASAs are co-located at hospitals, some at Multidisciplinary Centres with specialist Victoria Police teams, some with specialist family violence services and some are stand-alone.

Family Safety  
Victoria

Family Safety Victoria (FSV) is an independent agency established in 2017 to deliver family violence reform and to lead a coordinated, whole-of-government approach to preventing and responding to family violence.

This includes the funding and delivery of some specialist services for victim survivors of family violence, specifically The Orange Door, which is the primary access point for specialist family violence services in Victoria. FSV is also responsible for the funding and administration of Flexible Support Packages for victim survivors of family violence, as well as implementation of the Family Violence Information Sharing Scheme; Child Information Sharing Scheme; and the Multiagency Risk Assessment and Management (MARAM) framework and supporting assessment tools.

Office of the  
Public Advocate

The Office of the Public Advocate (OPA) is an independent statutory body established to promote and safeguard the rights and interests of people with disability, including in relation to the justice system. OPA provides advice and advocacy services to people with disability and administers the Independent Third Person Program to assist people with cognitive impairment or mental illness in interviews with Victoria Police.

Source: Centre for Innovative Justice desktop research and analysis.

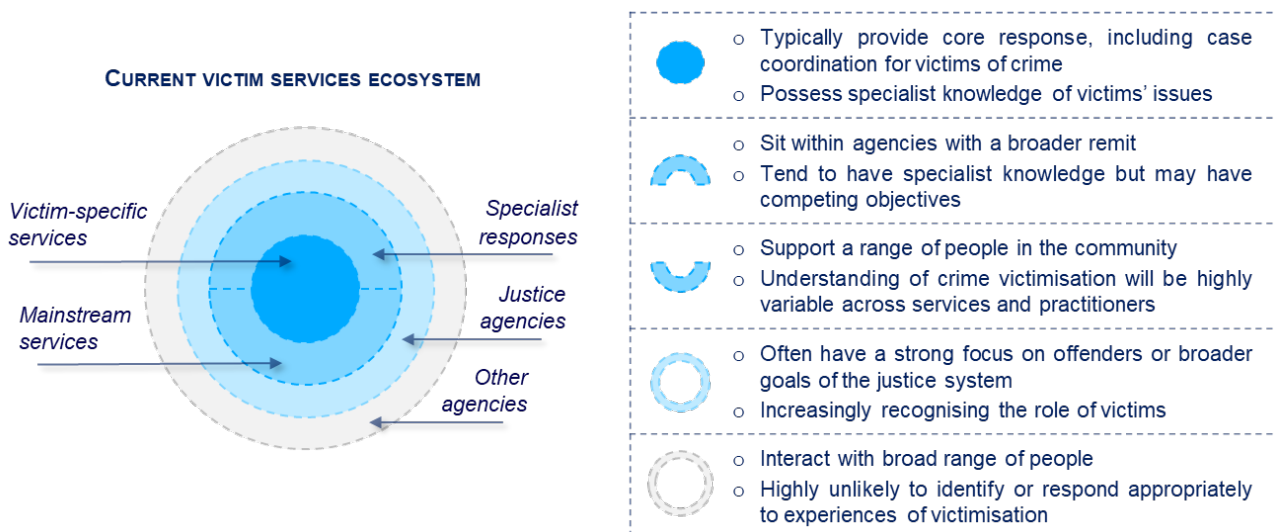
#### 4. Understanding Victoria’s victim support ‘ecosystem’

As outlined above, a broad range of agencies, bodies and service providers – including VSSR, the Victims of Crime Commissioner, Victoria Police, the Courts, DHHS and the OPP – play a role in responding to victims of crime. With this in mind, the CIJ’s review conceptualised the victim services ‘ecosystem’ broadly, identifying the following five broad categories of services:

- Services specifically designed for victims and witnesses of crime – for example, VSSR’s suite of services, Centres Against Sexual Assault (CASAs) and specialist family violence services.
- Specialised responses for victims of crime provided by agencies or services with a broader remit – such as specialist teams within Victoria Police, VWAS (delivered by OPP) and VOCAT (a division of the Magistrates’ Court of Victoria).
- Mainstream services accessed by victims of crime – including legal services, mental health services, youth support, migration support and health services.
- Justice system agencies – including the Courts, Victoria Police, the Adult Parole Board and Post Sentence Authority.
- Agencies that interact with, but whose primary service focus is not, victims of crime – such as the National Disability Insurance Agency, State Trustees, Office of Housing and Centrelink.

These five categories can be represented as concentric circles (see Figure 1), with the inner circle including services for whom victims of crime are core business and that tend to provide a highly specialised and trauma-informed response. The review suggested that the level of specialisation and understanding of victims’ needs decreases as the rings move outward, with the outermost services having limited capacity to recognise and respond to victims of crime, increasing the likelihood of re-traumatisation where victims of crime are required to interact with these services.

Figure 1: Conceptualising the victim support ecosystem



Source: Centre for Innovative Justice.

For victims of crime, this blend of services and agencies can result in a system that is complex and fragmented. Victims of crime may struggle to find and access the supports they need; be forced to tell their story repeatedly to different services; or may disengage from services completely. Being 'let down' by the system – including having expectations raised which are then not met - can compound trauma for victims and their families and lead to poorer outcomes. The CIJ's review also found, crucially, that victims of crime often could not identify or differentiate between the various services and agencies – instead perceiving them as one generic service or construing all the services with which they interacted as making up the *system response* to their experience of victimisation.

Although the ecosystem mapping undertaken through the CIJ's review was specific to Victoria, it is likely that similar arrangements and challenges are present across other jurisdictions. Crucially, the review highlighted that the diversity of victims' needs, experiences and trajectories often mean that they will be required to interact and engage with a broad range of services and agencies. Efforts to improve responses to victims of crime in Victoria and other jurisdictions should therefore reflect this service breadth, including by ensuring that all services and agencies across the system have baseline capabilities to identify and respond appropriately to experiences of victimisation, as well as referring victims of crime to specialist services.