

2010 PRE- ELECTION ISSUES PAPER



This brief paper presents Victim Support Service's key messages leading to the State election in 2010.

We agree with Lowitja O'Donoghue AC, CBE who said at the National Victims of Crime Conference in Adelaide in 2008, that we must "stop the political chest beating about getting tough on law and order" and "work (together) with integrity and courage in a united front to find resolution" to our criminal justice system which is in need of serious repair.

Dr Irvin Waller said at the same event that we need to have "leadership at the top level of Government that brings agencies together so you don't have a social exclusion unit doing one thing and the police doing another (for example). That you actually have people talking about a whole Government (approach) - real concrete operations guided by information and data".

Victim Support Service certainly wants to punish those who commit serious crime, and address its causes, to reduce crime. However we believe that there must be a more balanced, integrated and pro-active approach to law and order.

We need:

- Crime prevention through early intervention/social inclusion and a holistic, cross-portfolio approach
- Crime prevention through addressing environmental design to minimise opportunity for crime
- Effective rehabilitation for those offenders we can "turn around" through the justice system, in conjunction with health and other treatment services
- Fitting and appropriate consequences/sanctions to ensure accountability for criminal and anti-social behaviour,
- Protection for the community and victims from serious and/or repeat offenders, and
- Reduction of the impact of crime on its victims and the wider community through effective services and a respectful justice system which encourages participation and does not re-victimise the participants.

We must invest funds in all these strategies, within a comprehensive crime prevention plan, if we are to improve our community safety and encourage the development of individuals who are self-fulfilled and live in harmony with each other. Victim Support Service believes that less public emphasis in the media and political circles should be placed on heavier penalties as the solution to crime and violence. Punishment is important to show that the community will not tolerate certain behaviour – but it will not, on its own, reduce crime. The literature tells us that punishment, on its own, does not act as an effective deterrent nor does it change or teach alternative behaviour – especially in traditional criminal justice and correctional settings which cannot apply sanctions with the necessary rigour.

The average person, including most victims, want far more than prison for perpetrators – they understand the causes of crime and want Governments to intervene both for the intrinsic benefit of the community but also because investment in early intervention is far less expensive than responding in the criminal justice and health systems to address crime and its impact once it has occurred. We know from Dr Irvin Waller that spending more and more on police and putting people in gaol reaches a saturation point and becomes economically and socially wasteful. "One dollar for prevention equals seven dollars for mass incarceration", he affirms.

Waller said that "people are realising that waiting until the crime occurs, trying to catch the person, trying to convict them, is not a sufficient solution. You need to do that for the more dangerous, the more persistent (offenders), but with the idea that some investment in (other) programs" for youth and young people is a necessity. "There's a huge amount of evidence to show that it works".

We need to reduce the risk factors, including:

- Reduce poverty and inadequate housing
- Provide consistent and caring parenting and reduce the opportunity for young people to witness intra-familial violence
- Increase social and cognitive abilities in 'at risk' young people
- Reduce behavioural problems at primary school
- Improve school relevance and retention
- Reduce frequent unemployment and resulting limited income
- Reduce the culture of violence on television and in the community.

We also must have a progressive, effective justice system which builds confidence and trust – so that people will participate more in the system, and report more crime to authorities. It is currently estimated that only about 50% of crime generally (and about 15% of sexual assaults) are reported. Also in 2008 in Adelaide, Dr Jo-Anne Wemmers concluded that:

“Over thirty years after the birth of the victims’ movement and the discovery of the plight of the victim, victims are still essentially witnesses to a crime against the state with few rights” and “we need to begin to recognise that crime affects victims as well as society and that victims have a legitimate interest in the criminal justice process. We need to open up the criminal justice process to include victims.”

In addition to the approaches described above, Victim Support Service would like to see the following specific initiatives:

- Introduction of the right for victims’ dissenting views to be recorded and the areas of agreement between prosecution and defence forwarded to the court as a “Statement of Agreed Facts” to reduce time and distress for victims.
- Greater protection of victims and their families against insensitive media.
- Victims to have the right to funded legal representation or advice to assist with all stages of their victimization – compensation, plea negotiation, court assistance, VIS preparation and presentation, Parole Board.
- Vulnerable witnesses to have the automatic right to adequate protection from intimidation whilst attending court - including the use of CCTV in courts, an increase of the practice of removing the defendant from the court to improve the level of care and protection towards victims, especially vulnerable people and victims of offences against the person.
- Witness assistance services to become available to victims in Magistrates courts.
- A justice system which is more relevant to Indigenous people and effective in its operation.
- More “inquisitorial” processes in the justice system especially for cases involving victims who are children, people with mental health problems or intellectual disability, and domestic violence or sexual assault.
- Increased use of Restorative Justice practices as a recognised legitimate justice process.
- Legislation to facilitate the disclosure of information about a defendant’s prior convictions to the court as part of the prosecution evidence when previous similar behaviour has occurred and is highly cogent to the matter before the court.
- More use of sentencing guidelines and the creation of a Sentencing Advisory Council (similar to the Victorian model) which would be tasked to develop sentencing practices that better reflect the views of victims and community expectations.
- Reduction in court delays through significant financial injection into court administration and improved processes.
- Vastly improved accessibility to victims’ services – a system which better recognises and meets the needs of crime victims and the development of appropriate services, at the local community level, for all victims and especially those who are young, indigenous, elderly, have an intellectual disability, or are from a culturally or linguistically diverse background.
- A formal review and survey of the effectiveness of Victims of Crime legislation – especially for victims’ compensation.
- Victims’ compensation to be re-established for people who have suffered trauma as a result of non-violent crimes.
- Effective risk assessment procedures in corrective services and direction of resources towards offenders at high risk of recidivism at pre-sentence, during community supervision, and pre and post release supervision to improve their chances of rehabilitation.
- Victim awareness education for schools and young offenders to improve their understanding about the personal consequences of crime on other people – especially bullying and abuse of power.