



TRANSFORMING CRIMINAL JUSTICE

CONNECTING THE CRIMINAL JUSTICE SYSTEM THROUGH INFORMATION MANAGEMENT

APRIL 2016



Victim Support Service (VSS) is a statewide, not-for-profit organisation in South Australia that has been supporting victims of crime since 1979. We support more than 40,000 victims and witnesses of crime each year in South Australia.

VSS services include:

Information and Advocacy

- Information about victims' rights and services available in SA through our 1800 VICTIM statewide helpline and network of service centres
- Consultancy, community education and training services
- Advocacy and the promotion of victims' rights

Counselling

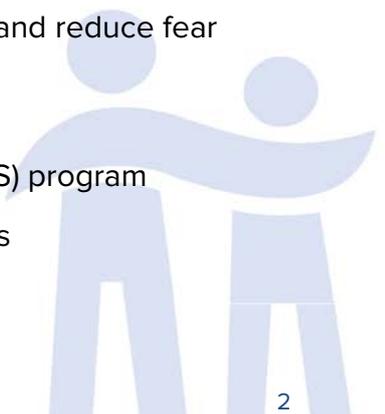
- Professional counselling and support groups
- Specialist support for adult co-victims of homicide
- Support services funded by the Royal Commission into Institutional Responses to Child Sexual Abuse

Practical Assistance

- Assistance with Victims of Crime compensation claims
- Assistance with the preparation of Victim Impact Statements
- Court Companion Program to support victims and their families when attending court or family conferences
- Safety assessments and supports to increase personal safety and reduce fear of crime

Support for victims of family/domestic abuse

- Home security through the 'Staying Home, Staying Safe' (SHSS) program
- Statewide administration of Family Safety Framework meetings
- Women's DV Court Assistance Service.



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INTRODUCTION

The current criminal justice system (CJS) is cumbersome, with too many complex procedures and archaic working practices. The use of technology lags behind modern business practices, and the CJS is plagued by unacceptable delays, and competing objectives and performance measures which lead to blurred accountabilities. This leads to an unacceptable return on investment as measured by case backlogs, court attendance rates, case clearance rates, costs per finalization, and recidivism rates.

Victims become involved with the full range of criminal justice agencies by choice or necessity, seeking information, understanding, recovery and justice. They may come into contact with the police who are investigating the crime; the legal system if there is a prosecution; victim support services for information, advice and therapy; and the media if the case is reported in the press. Such interactions can have substantial implications for the victim's recovery.

Unfortunately, the experience of the CJS for many victims is one of re-victimisation. They tell us of how they were marginalized from the proceedings, denied information, and excluded from decision-making or participation in the justice process. At a practical level this means spending time hanging around courts waiting to give evidence, and too often they are not called, or give up waiting.

The use of technology to increase the efficiency of the CJS and improve outcomes for its users was flagged in South Australia over 25 years ago. At the 17th Annual Conference of the Australian Institute of Judicial Administration in Adelaide, Bill Cossey, the then Chief Executive of the Courts Administration Authority (CAA) said:

Technologies everywhere are converging. This phenomenon will bring with it a pressure to think about the processing of information from the conception of a matter through to its completion. There will be expectations that all information should be collected only once (or as few times as possible) and transmitted through the system using established protocols to initiate such transmissions.ⁱ

Whilst we welcome a commitment to improved information management systems to increase efficiency, the courts also have a sense of public or community accountability for the administration of justice. There is a need for the court process to satisfy "the customer". For victims, this means that 'procedural justice' prevails just as much as 'outcome justice'. That is, victims are fully engaged in the decision-making process as their case proceeds through the system.

It is our contention that, at present, the needs and expectations of victims are not well understood and met by the agencies of the CJS. We are concerned that efficiency considerations will be used as the overarching indicators of a more victim-focused CJS when, in fact, victims' rights enshrined in legislation remain largely overlooked.

Procedures, supported by contemporary information management systems, which can convince victims that they are being given an adequate hearing will go some way

to assuring the community that the CJS is providing an effective and fair system of justice for all.

It has been over a quarter of a century since Bill Cossey made the above observation, and still criminal justice services continue to operate in isolation of one another. This has a profound impact on victims as key users of the CJS. Criminal justice agencies cannot continue to procure incompatible information and communication systems or take decisions about the location of courts, police stations, and support services without thinking about the impact this has on victims of crime.

Shared objectives, shared data, shared performance measures and collaborative working arrangements are all needed if criminal justice services are going to work together to enable them to identify and address poor performance and promote best practice, from a whole system rather than a single agency perspective.

The right for victims to be consulted on conditions of bail, the prosecution process, and sentencing, under the declaration of principles which are embedded in South Australian legislation and govern the treatment of victims, must be strengthened. Failure to do so will only further isolate victims from the justice system.

Victims are often overlooked as key stakeholders in the CJS because they are rarely represented in any meaningful way in the key performance measures of criminal justice agencies. As a result, outcomes and outputs focus on reducing recidivism and the rehabilitation of offenders rather than procedural fairness and any meaningful rehabilitation of victims of crime.

Today, all criminal justice agencies have the opportunity to increase their capacity to respond to crime and the rights and needs of victims thanks to ICT. The widespread uptake of the internet and other information management devices have facilitated the integration of real-time processing, such as instant messaging and telecommunications, with the necessary hardware, software and audio-visual requirements to access, store, transmit and manipulate information.ⁱⁱ

VSS commends the Criminal Justice Sector Reform Council (CJSRC) for taking the first step towards the concept of 'joined up justice' in South Australia. The use of technology means that the criminal justice sector can reduce the number of times each piece of information is handled at each step of the justice process, leading to improved efficiency and better customer service for all users of the CJS.

Deploying the right technology in the right places has the potential to quickly transform the South Australian CJS from a fragmented, paper-based system to a digital service that provides an efficient customer experience which meets the standards the public rightly expect from a modern public service. This submission examines strategies to improve information sharing through better business practices and the use of technology by criminal justice agencies.



LIST OF RECOMMENDATIONS

RECOMMENDATION 1

That in examining best practice options for the South Australian CJS to record and share information, procedural fairness for victims of crime remains a paramount consideration.

RECOMMENDATION 2

In developing a more customer-centric CJS, entry to the network of victim support services needs to be simplified, using modern customer service principles and information management systems

RECOMMENDATION 3

Use technology to enable those responsible for assessing an application for an Intervention Order to access the most relevant, complete and up-to-date information immediately

RECOMMENDATION 4

That the CJSRC consult with the Commissioner for Victims' Rights and VSS to collaborate with victims of crime to identify and/or develop ICT solutions to promote crime prevention and increased reporting of underreported crimes (such as violence against women, domestic and family abuse and sexual assault and abuse).

RECOMMENDATION 5

That funding to support the development of ICT solutions to promote crime prevention and increased reporting of underreported crimes is released from the Victims of Crime fund.

RECOMMENDATION 6

Assist victims to re-engage with support services and initiate restorative justice practices when an offender is released from custody by improving links between victim support services and the DCS Victims Register.



1. USING TECHNOLOGY TO STRENGTHEN VICTIMS' RIGHTS

RECOMMENDATION 1

That in examining best practice options for the South Australian CJS to record and share information, procedural fairness for victims of crime remains a paramount consideration.

VSS supports the current Criminal Justice Information Management project overseen by the Criminal Justice Sector Reform Council (CJSRC). We hope that it will ultimately lead to the development of a single information management system allowing for evidence and case information to be shared across the CJS. This will ensure more efficient working practices for the Office of the Director of Public Prosecutions (ODPP) and the judiciary and provide the single source for criminal justice services' information in the future. The information that criminal justice agencies keep related to cases going through the courts should be kept together in one place, instead of being re-entered and replicated on numerous different systems, and all the relevant parties should be able to access the same data.

Procedural fairness for victims of crime should be a paramount consideration in any reform of the CJS. In particular, consideration should be given to procedural mechanisms that could better integrate victims (or at least victim perspectives) within the existing CJS. This includes not only improving victims' access to information and support, but also includes forms of consultation before important decisions such as altering or dropping of charges.

1.1 APPLICATION OF VICTIMS' RIGHTS

Although victims' rights are proclaimed in the Victims of Crime Act 2001 (SA), there is no cross-CJS function or system which ensures that all criminal justice agencies are complying with the Act when delivering services to victims. The result is that the Victims of Crime Act is relatively toothless in its day-to-day application. Current procedures and technologies that underpin the Act must be strengthened as part of a transformation process.

1.2 ENHANCING VICTIMS' RIGHT TO INFORMATION

The right to information is currently met through outmoded and inefficient methods. The Victim Information Booklet, issued by SAPOL and the Commissioner for Victims' Rights, is a 70-page booklet mainly disseminated in hard-copy format. Support services are listed from page 50 onwards. The Victim Support Service, for example, is listed on page 53. The practical consequence of this is that VSS and SAPOL staff staple contact details of VSS to the front of the booklet before dispatching them to victims. We would recommend a review of the current documents and processes that would lead to more contemporary means of conveying information.

The development of an online crime tracking service, as per the Government's election manifesto of February 2014, should significantly improve information services for victims. The system should seek to continually re-educate victims' of their rights under the Victims of Crime Act as their case progresses through the CJS.

1.3 ENHANCING VICTIMS' RIGHT TO CONSULTATION

The right for victims to be consulted on conditions of bail, the prosecution process and sentencing, under the declaration of principles governing treatment of victims, should be strengthened by improved information management systems. This is likely to become more critical if the early resolution of cases becomes an overriding performance measure for a transformed CJS.

1.4 ENHANCING VICTIMS' RIGHT TO PARTICIPATION

The right to participate in sentencing through a Victim Impact Statement (VIS; Victims of Crime Act s10) is one of the most established mechanisms through which victims are directly engaged by the CJS. Despite this, except during the evaluation of victim impact statements in 1993-94, comprehensive data has not been kept by any agency of the CJS with respect to the number of requests to victims to make VIS, the number of VIS made, and the number of VIS made in courts.

The Criminal Justice Information Management Project should seek to establish a consistent and systemised process by which agencies of the CJS will support victims to complete a compelling and timely VIS.



2. USING TECHNOLOGY TO DELIVER VICTIM SERVICES

RECOMMENDATION 2

In developing a more customer-centric CJS, entry to the network of victim support services needs to be simplified, using modern customer service principles and information management systems

South Australia has developed a comprehensive support system for victims of crime, built around a network of agencies that provide specific support services and functions. This includes:

- Victim Contact Officers and Family Violence Officers employed by Police;
- the Commissioner for Victims' Rights;
- Yarrow Place Rape and Sexual Assault Service;
- the ODPP Witness Assistance Service;
- various legal support services such as the Legal Services Commission, Women's Legal Service and Women's DV Court Assistance service;
- Department for Correctional Services Victim Services Unit;
- various domestic violence service providers;
- Child Protection Services; and
- Victim Support Service.

This extensive but complex network can be confusing and confronting for victims, particularly at a time when a traumatic experience may have left them vulnerable, confused and devoid of confidence.

2.1 VICTIM GATEWAY

In developing a more customer-centric CJS, entry to this network of support services needs to be simplified, using modern customer service principles and information management systems. This should include the implementation of a statewide 'gateway' service - in a similar vein to housing and domestic violence services - that would facilitate one entry point in to the system, followed by onward referral to the most appropriate support agency.



This arrangement exists in other states. In Victoria, for example, a free-call 1800

Case study: VSS 1800 VICTIM Helpline

VSS implemented the 1800 VICTIM Helpline in October 2014, and has already seen a 37 per cent increase in new client referrals.

The development of our free, statewide 1800 VICTIM Helpline that directs victims to a team of on-call Officers and Counsellors on the VSS Helpdesk has proved hugely popular with our clients.

The new Helpdesk Centre in Adelaide uses the latest telecommunications technology to direct callers to the Helpdesk Officer (HDO) who assists the victim with basic information and advice. If a determination is made by the HDO that the enquiry is more complex and requires a therapeutic response, the call is escalated to a team of on-call Counsellors for more specialist support.

After a three month evaluation of the new Helpdesk the proportion of clients who responded that their inquiry had been responded to 'extremely efficiently'

Victims of Crime telephone helpline is available from 8.00am to 11.00pm, seven days a week, and is the first step for victims to get free services to help them manage the effects of crime.

The Victoria Police have also invested in 'SupportLink', an IT framework that enables police to refer via a single referral gateway to local, state and nationally based support agencies.

2.2 DATA SHARING

VSS urges improvements in the promotion of and access to, the Victims of Crime Register at the Department for Correctional Services (DCS) by enabling other agencies to register cases via a shared database. As a registered victim of crime with DCS, people who have experienced crime have greater access to information and input in terms of how DCS and the Parole Board respond to the treatment and placement of offenders.

The State Government should enable a shared database to be established between South Australia Police (SAPOL), ODPP, the CAA (including diversion/mediation services), DCS, Youth Justice (Department for Communities and Social Inclusion) and victim services to improve efficiency, the ability to more effectively assess need and suitability for intervention, and the facility to more pro-actively offer services.



3. WORKING TOGETHER TO SUPPORT VICTIMS OF FAMILY AND DOMESTIC ABUSE

RECOMMENDATION 3

Use technology to enable those responsible for assessing an application for an Intervention Order to access the most relevant, complete and up-to-date information immediately

The response of multiple criminal justice and social service agencies to family and domestic abuse should be swift, coordinated and tailored to meet the needs of victims and their families. We need to improve connections between criminal justice agencies so that the people within the CJS who make decisions, such as Magistrates and Judges responsible for assessing an application for an Intervention Order, can access the most relevant, complete and up-to-date information immediately.

Whilst VSS provides support to all victims of crime, we find that a large proportion of our clients have been or are victims of domestic and family abuse. Last year, VSS recorded a 49 per cent increase in new family and domestic abuse referrals. Many of the clients we supported (and continue to support) have children.

VSS provides a comprehensive response to family and domestic abuse, including:

- ongoing face-to-face or telephone counselling
- advocacy with the police and all court processes
- court support and assistance with intervention orders
- assistance to access vulnerable witness provisions
- information about safety planning and safety audits
- home security packages
- support formulating Victim Impact Statements
- assessments for Victims of Crime Compensation.

The **Women's' Domestic Violence Court Assistance Service (WDVCAS)** provides free independent legal advice on all matters relating to intervention orders and residential tenancies. Since WDVCAS started in July 2015, we've provided over 3000 hours of pro bono legal assistance to women who have experienced family and domestic abuse.ⁱⁱⁱ

Our **Staying Home Staying Safe Program** provides eligible women with a home security audit and security packages.

The **Family Safety Framework (FSF)** exists to provide an integrated, interagency approach to supporting families most at risk of experiencing death or serious injury



due to family and domestic abuse. Support is provided in a structured and systematic way, through agencies sharing information and implementing an action plan with the priority aim of reducing risk. VSS continues to both participate in and provide administrative support to eighteen meetings across the state and is also a member of the statewide Implementation Committee. FSF meetings take place on a fortnightly basis in each SAPOL Local Service Area, typically attended by Family Violence Officers from SAPOL, Community Corrections, Families SA, Housing SA, local DV service providers, Drug and Alcohol Services SA, Mental Health Services, and Health Services. In 2014-15, VSS provided administrative support to nearly 500 FSF meetings across South Australia.

3.1 NATIONAL DV DATABASE

An Intervention Order is issued by either Police or the Courts to protect people, including victims of family and domestic abuse. The *Intervention Orders (Prevention of Abuse) Act 2009* (the IO Act) provides that the Principal Registrar of the Magistrates Court must provide relevant public sector organisations with certain information about Intervention Orders. This includes:

- details of interim Intervention Orders issued by SAPOL officers;
- details of the revocation of police issued interim Intervention Orders by the Commissioner of Police;
- details of interim Intervention Orders issued by the Court or revocation of these; and
- details of final Intervention Orders issued by the Court and any variation or revocation of these.

VSS understands that the process to register Intervention Orders and report breaches differs between Australian States and Territories. This makes it difficult for victims of family and domestic abuse to report breaches in a jurisdiction that is different to where the Intervention Order was granted. The impact of this is two-fold: the safety of the protected persons is put at risk, and there are no ramifications for the perpetrator.

To truly reflect the concept of 'joined-up justice', criminal justice services need access to a national database to record the status of Intervention Orders and any breaches. This would enable multiple criminal justice services, such as the police and the courts, to access the most relevant, complete and up-to-date information immediately.



4. USING TECHNOLOGY TO SUPPORT THE DETECTION AND INVESTIGATION OF CRIME

RECOMMENDATION 4

That the CJSRC consult with the Commissioner for Victims' Rights and VSS to collaborate with victims of crime to identify and/or develop ICT solutions to promote crime prevention and increased reporting of underreported crimes (such as violence against women, domestic and family abuse and sexual assault and abuse).

RECOMMENDATION 5

That funding to support the development of ICT solutions to promote crime prevention and increased reporting of underreported crimes is released from the Victims of Crime fund.

In June 2014, VSS welcomed the South Australian Government's announcement that just over \$13 million of the State Budget would be used to equip police officers with portable data entry devices and body worn video equipment.

VSS understood the purpose of the new devices would be to not only support the important work of the police in keeping the community safe, but to also help capture evidence of crimes against victims which could be used in court.

But VSS is disappointed that, to date, little progress appears to have been made with the development of a Crime Tracking App for victims of crime. \$1 million was allocated from the 2014 State Budget to SAPOL for the new app, designed to enable victims to track the investigation and progress of their reported crimes through the judicial system.

A key issue for many victims who report crime is the lack of procedural justice: feeling left out or ignored during the police investigation and subsequent court process. We hoped that the introduction of this app would make the whole process, from the initial report of a crime right through to sentencing, more transparent for victims wanting information about their case, but so far we have seen little progress.

4.1 USING APPS TO REPORT AND PREVENT CRIME

VSS is aware of several smartphone applications (apps) that have been designed with primary and tertiary crime prevention strategies in mind. Many of these apps enable the user to:

- send emergency text messages, emails or social media status updates to designated contacts (which often contain information about the app user's approximate location based on GPS tracking);
- gain quick access to emergency service contact numbers;



- the ability to make a fake call when faced with an uncomfortable or unsafe situation where sexual violence has occurred or has been threatened;
- access information about local victim support services; or
- general information about crime and its impact.

4.2 THE SARA APP

The Sexual Assault Report Anonymously (SARA) app^{iv} was designed to improve feelings of personal safety for women and as a means to collect anonymous data regarding reporting rates and locations of sexual violence in the Victorian community. Each report of sexual violence sent via the SARA app is recorded by the South Eastern Centre Against Sexual Assault (SECASA) and a summary of this data is sent to Victoria Police. This enables SECASA and Victoria Police to identify trends regarding sexual violence which may otherwise have gone unreported to police.

4.3 PROJECT CALLISTO

In the United States, the Callisto Project has partnered with colleges and universities to provide a campus-specific platform for student survivors of sexual violence to make detailed, high-quality reports and connect to support services.^v Callisto aims to support students and the institutions they attend to:

- increase reporting of sexual violence by lowering the initial barrier to filing a complaint;
- improve the detail and accuracy of reports; and
- protect confidential data via end-to-end encryption, default HTTPS, stringent password requirements, short session expiry times, and conducting periodic security audits with a leading global information assurance firm.

4.4 ALIRA

VSS is focusing on the role that digital solutions play in improving women's safety and how we can use technology to reduce the prevalence of violence against women in our community. VSS and Cartland Law recently won \$15,000 in grant funding to develop ALIRA (Automated Legal Information Research Assistant), a new app designed to support women who have experienced or are at risk of experiencing violence.

ALIRA was announced as one of the winning entries at the 'Keeping Women Safe' D3 Digital Challenge funded by the South Australian Department of Premier and Cabinet, the South Australian Office for Women, and the Australian Government. ALIRA will make a difference in the lives of women impacted by violence in a way that has never been done before in South Australia.

The purpose of ALIRA is to act as an interface between a woman who has experienced violence (or is at risk of violence) and frontline services that could support her. ALIRA will also maximise the time professionals can spend with victims by automating paperwork, such as the completion of risk assessment forms.

5. USING TECHNOLOGY IN COURTS

We provide a free **Court Companion Service**. Our trained and experienced Court Companions provide support to victims, witnesses and their families in every criminal court in South Australia. We keep victims of crime informed and supported in the lead-up to a trial and during the court process. Last year, our Court Companion Service supported nearly 400 people in the run up to a trial and during the court process, helping them to feel informed and supported so that they could give evidence confidently and promote justice.

We asked victims about what they thought of the introduction of new technologies such as video evidence and more online services to the courts. The majority of victims expressed strong support for implementing technology in court processes.^{vi}

In June 2015, VSS welcomed the State Government's allocation of \$20 million to develop the judicial system's electronic case management system and just over \$2 million to develop a new prosecution management system for the ODPP.

It has been nearly a year since the State Government's announcement, and it is unclear what progress has been made to update the judicial system's electronic case management system.



6. USING TECHNOLOGY TO SUPPORT VICTIMS WHEN AN OFFENDER IS RELEASED FROM CUSTODY

RECOMMENDATION 6

Assist victims to re-engage with support services and initiate restorative justice practices when an offender is released from custody by improving links between victim support services and the DCS Victims Register.

Our experience tells us that the point of prisoner release can re-traumatise some victims. More needs to be done to improve links between victim support services and the DCS Victims Register, so that more victims can receive ongoing information about their case and can re-engage with support services if necessary. Improved information-sharing between DCS and victim support services would also support the strengthening of victim-led restorative justice practices prior to the point of release which, in some cases, would reduce secondary victimisation.

VSS provides a range of supports for VOC but these cannot be accessed if criminal justice agencies such as SAPOL and DCS are unaware of how they can more consistently refer into our services.



ENDNOTES

ⁱ Bill Cossey, 'The use of modern technology in making court and operational procedures more effective' (Paper presented at the 17th Annual Conference of the Australian Institute of Judicial Administration – Justice Delivery: Meeting new challenges, Adelaide, August 1999).

ⁱⁱ Irma Becerra-Fernandez and Rajiv Sabherwal, 'The Role of Information and Communication Technologies in Knowledge Management: A Classification of Knowledge Management Systems' in Craig Van Slyke (ed.), *Information Communication Technologies: Concepts, Methodologies, Tools and Applications*, Information Science Reference (North Arizona University, 2008) 35-46.

ⁱⁱⁱ Australian Pro Bono Centre, 'SA's Victim Support Service provides 3,000 hours of pro bono to victims of family violence', *Australian Pro Bono News* (Sydney, NSW), March 2016

<http://probonocentre.org.au/apbn/mar-2016/sas-victim-support-service-provides-3000-hours-pro-bono-victims-family-violence/>.

^{iv} South Eastern Centre Against Sexual Assault, 'S.A.R.A: How does it work?', <http://www.sara.org.au/page/HomePage.aspx>.

^v Sexual Health Innovations, 'CALLISTO: A College Sexual Assault Reporting System', <http://www.projectcallisto.org/>

^{vi} Victim Support Service, 'Consultation on the impact of court closures in South Australia:

Submission' [http://www.victimsa.org/-/victim/lib/uploaded/vsspublications/submissions/Victim%20Support%20Service%20-%20Consultation%20on%20the%20impact%20of%20court%20closures%20\(Dec%2014\).pdf](http://www.victimsa.org/-/victim/lib/uploaded/vsspublications/submissions/Victim%20Support%20Service%20-%20Consultation%20on%20the%20impact%20of%20court%20closures%20(Dec%2014).pdf)

