

5

RESEARCH REPORT

VICTIMS  
AND  
CRIMINAL  
JUSTICE

BUREAU OF CRIME STATISTICS

127504

Attorney-General's Department

127504

Series C  
No. 5  
APRIL 1990

# VICTIMS AND CRIMINAL JUSTICE

**Julie Gardner**

**OFFICE OF CRIME STATISTICS  
SOUTH AUSTRALIAN ATTORNEY-GENERAL'S  
DEPARTMENT  
1990**

BY AUTHORITY: A. B. CAUDELL, Director and Government Printer, South Australia  
1990

127504

**U.S. Department of Justice  
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by  
Office of Crime Statistics/South  
Australian ATTORNEY General's Dept.

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

First published 1990 by

Office of Crime Statistics  
South Australian Attorney-General's Department  
211 Victoria Square  
ADELAIDE SA 5000

© 1990 South Australian Attorney-General's Department

All rights reserved

ISSN: 0729-8455

Typeset, printed and bound by State Print, South Australia

03986

# CONTENTS

	Page
FOREWORD .....	v
PREFACE .....	vii
1. INTRODUCTION .....	1
History of victimology .....	1
Who are the victims? .....	3
Impact of the crime .....	5
Victims' needs and victims' rights .....	6
Victim reform in South Australia .....	7
The controversy .....	8
Asking the victims .....	11
2. METHODOLOGY .....	12
The sample .....	13
Sample size .....	13
Structure of the interviews .....	15
The court study .....	16
3. RESULTS .....	18
3.1 THE VICTIMS .....	18
Prior victimisation experience .....	19
3.2 THE POLICE .....	20
Reporting the events .....	21
Police investigation .....	22
What happens next? .....	23
Information needs .....	24
Summary .....	25
3.3 SIX TO TWENTY MONTHS LATER .....	26
Level of satisfaction with the criminal justice system .....	26
Summary .....	30
3.4 EFFECTS OF THE CRIME .....	30
Physical effects .....	31
Emotional effects .....	32
Other effects .....	38
Major change to life .....	39
Stolen or damaged property .....	39
Cost of the offence .....	40

	Page
3.5 VICTIMS IN COURT .....	40
Attending court .....	41
Giving evidence .....	42
Prosecution .....	42
Changes to court procedure .....	43
3.6 SENTENCING PRACTICES .....	44
Restitution and compensation .....	44
Alternatives to restitution .....	45
Mediation .....	46
Summary .....	47
3.7 VICTIM IMPACT STATEMENTS .....	47
3.8 VICTIM INVOLVEMENT AND VICTIM SERVICES .....	48
Degree of involvement .....	49
Summary .....	51
Services .....	51
Assistance needed but not received .....	53
4. SUMMARY AND RECOMMENDATIONS .....	56
Rights of victims .....	57
Needs of victims .....	58
Recommendations .....	59
5. CONCLUSION .....	61
ENDNOTES .....	64
Appendix A: Declaration of victims' rights .....	66
Appendix B: Offences included in the sample .....	68
Appendix C: Letter inviting victim participation .....	69
Appendix D: Victim characteristics: court study and main study .....	70
BIBLIOGRAPHY .....	73

## FOREWORD

South Australia was the first Australian jurisdiction to formally recognise the rights of victims of crime. After participating in the 1985 United Nations Congress on the Prevention of Crime and Treatment of Offenders, the South Australian government formulated seventeen principles for victims. These principles ensure that victims have a right to be treated with respect and sympathy, have access to information about their case, and that their needs are considered at various stages of the justice process.

Other reforms introduced by the government have included the implementation of victim impact statements. These allow the full effects of the crime upon the victim to be known to the sentencing court, while revision of the *Bail Act* (1985) has meant that a victim's need, or perceived need, for protection is taken into account when determining bail. Changes to criminal injuries compensation have resulted in the creation of a compensation fund. Sources of revenue for the fund include proceeds from the confiscation of assets obtained from crime, and the imposition of a victims of crime levy on all persons convicted of a criminal offence.

Although much progress has been made in recognising the needs of victims of crime, until now there has been a lack of empirical knowledge about victims' experiences and contact with the criminal justice system.

This report, the result of a two-year project conducted by the Office of Crime Statistics, should fill the gaps in our existing knowledge on victims, and assist with the development of future victim reform in South Australia.

CJ Sumner  
*Attorney-General  
South Australia*

## PREFACE

This report was prepared by Julie Gardner, who had responsibility for completion of the project. Other staff involved in the study's two year life span included Gloria Rossini, Christine McMahon, Kate McIlwain, Irene Wells and Marilyn Thomas, all of whom contributed in a significant way to the final product.

The initiative and determination behind this project originated with Adam Sutton, who designed and supervised the project. Frank Morgan and Adam Sutton patiently provided valuable suggestions on the various drafts of the report and guided it enthusiastically towards its completion. The steering committee members, Ray Whitrod, Helen Paige, John Peach, Mark Pathe and John Hayes oversaw the early development of the research and gave constructive comments on the text.

The co-operation of the South Australian Police Department was essential to the project's smooth operation. Sergeant Mike Nelligan, and Theo Sarantaugas of the Crime Statistics Unit were invaluable in co-ordinating the necessary records and information.

Adrian Barnett was always willing to assist with any statistical or methodological queries, and Maria Tassone typed the numerous drafts with patience, speed and accuracy.

However, it is to the victims of crime who participated in this study that most thanks must go. Their willingness to answer questions on their thoughts and feelings about the offence, and their contact with the justice system, has greatly enhanced our knowledge of what it means to be a victim of crime.

Frank Morgan  
Acting Director  
Office of Crime Statistics

April 1990

# 1. INTRODUCTION

Interest in and concern about victims of crime has been steadily growing over the past few decades. The 1980s has seen a plethora of reports, discussion papers, support services, legislative and administrative changes, both in Australia and internationally. In fact, as we move into the 1990s it is difficult to imagine that the victim of crime was often cited as the 'forgotten party' in the system.<sup>1</sup> In the past, victims of crime have been shamefully neglected by the criminal justice system, and the long due initiatives and reforms are to be applauded. Systematic research in the area of victims' needs and experiences however has not kept pace with these changes. The time has now come for building a solid, factual base on which new policies can be formulated and existing reforms evaluated.

This report is the culmination of a major two year survey of victims of crime in South Australia. It examines the attitudes and experiences of a large number of victims as their cases progress through the criminal justice system—from reporting the offence to police through to the final outcome of their case. This empirical study of what victims feel and think about their treatment and role in the justice process is so far unique in Australian research. The detailed data resulting from nearly 850 interviews with victims of crime is of general relevance to justice agencies and other interested groups wishing to improve the effectiveness of the justice system and support services. The following pages trace the development of the victims movement and provide an overview of recent policy initiatives and issues in relation to victims of crime.<sup>2</sup>

## **History of victimology**

The victim has only recently emerged as a social and legal issue, although there has never been a shortage of victims of crime. What factors caused victims to be forgotten, and what factors led to their rediscovery? The first part of this problem requires an examination of the role played by victims in the past; while the second part, 'what factors led to their rediscovery', is answered by tracing

the emergence of victimology from its roots in criminology, through various political forces, to our current level of understanding.

Before the development of formal legal systems a person who became a victim of a criminal action would use his or her own means or the help of kin to get 'justice' from the offender or the offenders' kin (Henderson 1985). Gradually these 'blood feuds' gave way to formalised methods of dealing with conflict. The Hammurabi code of ancient Babylonia dealt with the issue of restitution to the victim. Other societies with similar rules included those of the early Hebrews, and the Roman and Turkish empires (Elias 1986).

In early common law, offences were generally seen as crimes against the individual. As European society became more organised however, the individual victim's interest was gradually superseded by the state or public interest (Davis, Kunreuther and Connick 1984). On the continent criminal justice evolved from an inquisitional method, instituted by the Catholic Church and gradually taken over by secular interests. Under such a system victims were accorded various rights such as those of bringing private prosecutions and addressing witnesses. Control of the proceedings remained with the official activist judge (Damaska 1985). The Anglo-Saxon development of criminal law resulted in an adversarial rather than inquisitional system. Theoretically victims could still bring about 'private' prosecutions, but in practice few could afford to avail themselves of this opportunity (Henderson 1985). The crime came to be seen as an offence against society rather than the individual victim. Correspondingly the victim's role became only to notify the crime to the authorities, or to be a witness in the state's prosecution case.

The re-emergence of victims from their effective exclusion began with the academic study of criminology. Criminologists who traditionally focussed on the offender began noticing the victim in the 1960s (Mendelsohn 1963; Nagel 1963). In determining the causes of crime, not only was the behaviour and motivation of the offender studied, but all the circumstances and participants of the event were examined (this of course involved the victim). Some early studies were interested in the victim-offender relationship, and victim precipitation of the crime, a focus which could easily be interpreted as blaming the victim.<sup>3</sup> It was with the introduction of state-funded compensation schemes however, along with the development of political and interest groups, that the direction of victimology altered. Victims as an identifiable group emerged to influence law and policy.

In 1951 an English magistrate, Margery Fry, proposed offenders pay compensation to the victims. As most offenders could not afford adequate compensation the proposal was later altered to recommend the state pay compensation. New Zealand was the first country to introduce a state-funded compensation scheme in 1963, but the idea quickly spread, with most western countries having a compensation scheme in operation by the 1970s.

It is generally acknowledged that the debate led by the women's movement on issues such as rape and domestic violence drew attention to the position which victims occupied in the criminal justice system: an unenviable and essentially

powerless position (Sallman and Chappell 1982; Naffin 1984; Wilson 1978; Scutt 1980; 1982). The efforts of this movement resulted in several reforms being introduced into South Australia in the 1970s. A special police unit was established in 1975 to deal sensitively with the victims of sexual assault. These victims were also assisted by the establishment of volunteer and government counselling and support centres. Reforms to the legal process were also passed to lessen the trauma of a trial on a sexual assault victim. The victim's prior sexual history was only introduced when deemed relevant and justified by the judge, and the victim was no longer required to attend preliminary hearings, and was thereby saved from having to give evidence twice.

Self-help and lobby groups for victims have also been established. One of the first groups was formed in 1979 when Mr Ray Whitrod, a former police commissioner, together with relatives of murder victims, set up the Victims of Crime Service (VOCS) in South Australia. Shortly afterwards a similar group, Victims of Crime Assistance League (VOCAL), was created by the Victorian police commissioner. These organisations raised the community's awareness about victims and the criminal justice system as well as providing counselling and information, and lobbying for changes to the system.

### **Who are the victims?**

For lobby or counselling groups what is meant by the term 'victim' is self-evident. Sexual assault groups deal with victims of that particular crime, women's shelters help victims of domestic violence, and Victims of Crime Service assists predominantly victims of personal crimes. For the purpose of policy or research however, closer examination of the definition of a victim of crime reveals some wide ranging definitions. Just as different cultures perceive and define different actions as criminal, so too is a definition of victim culture-bound (Johnson and Wasielewski 1982; Barbour 1985; United Nations Secretariat 1985). Perhaps the most comprehensive definition of a victim of crime was provided in a background paper to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan 1985) and subsequently endorsed by the General Assembly.

... 'Victims' means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within member states, including those laws proscribing criminal abuse of power.

A person may be considered a victim ... regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term 'victim' also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. (p 45)

It is evident from the definition that some victims are easily identified (for example those actually suffering an injury or having their goods stolen) while others are less clearly noticed. The victim of welfare fraud can be the general tax-paying public, the victim of shop theft the consumer who has to pay increased prices to cover the loss, and the victim of environmental offences the citizens of tomorrow. People who alter their lifestyles as a result of fear of crime can also be identified as victims. While this wider perspective must be acknowledged, the focus of this study is on victims' experiences with the criminal justice system. The study will concentrate on the primary victim, that is the one who is directly injured or suffers property loss as a result of the criminal actions of others, and who has contact with justice authorities.

Information about the numbers and demographic profiles of victims arise from two main sources, police statistics and crime surveys. Both sources have limitations.

**Police statistics:** Most states record the number of offences reported or becoming known to police. These figures show the number of offences but not individuals victimised, as a person may be a victim of more than one offence. In addition these figures include only incidents actually brought to the attention of the authorities, omitting crimes which are not detected or reported, the so called 'dark figure'. As well as the above problems, legislative differences in definition of crime occur from state to state, making comparisons tenuous. Very little descriptive data about victims is contained in these police figures.

**Crime surveys:** Crime surveys ask the general public about their victimisation experiences, including those which were not reported to police. Greater details about victims, such as their age, gender, employment status, victim/offender relationship and the reasons why victims chose to report or not report the crime are collected. A major problem with these surveys is that they rely on people's memory or willingness to tell the interviewer of a victimisation experience. Some offences such as child abuse, family violence, or sexual assault may not be readily admitted. In fact few surveys actually include children in their sample. Advantages in conducting crime surveys are that a more accurate reflection of the level of crime occurring can be obtained than is otherwise available from official sources. The information can be used by researchers to examine crime in different areas or monitor the effectiveness of measures to reduce crime. Risk factors associated with victimisation can also be explored.

The 1970s saw the first Australian victim surveys conducted (Wilson and Brown 1973; Conglaton and Najman 1974; Australian Bureau of Statistics 1979). These initial exploratory surveys showed the extent to which crime was not reported to police, and that reporting patterns differed between areas (Wilson and Brown 1973). Characteristics of victims and non victims were also shown to differ (Conglaton and Najman 1974). The Australian Bureau of Statistics conducted an Australia-wide survey which examined the above factors and also victim/offender relationship.

The most recent large scale survey of victims in Australia was conducted by the Australian Bureau of Statistics in 1983. The results of this survey confirm that males rather than females are more likely to be victimised, and younger people

(particularly those aged between 20-24) show the highest rates. This risk of victimisation decreases with age. The Australian figures are consistent with those obtained from surveys in England, Wales, Scotland, Canada and the United States. All show that it is the younger, single, unemployed male who is at most risk of being a victim of a violent crime. Victimisation from various offences occurs at differing rates. While 59 out of every thousand population became a victim of theft (excluding motor vehicle theft), only 6 per thousand were a victim of robbery.<sup>4</sup> For people reporting being a victim of a theft 90% said that the offender was a stranger. This is different from the relationship between victim and offender in crimes of attack, where nearly half the victims said they had seen the offender before. Overall one in eleven victims of threatened or actual attack were related to the offender (Australian Bureau of Statistics 1986).

### **Impact of the crime**

Large scale victim surveys are useful in providing descriptive details about victims, and in assessing the 'dark figure' of crime. More specific and detailed studies however, are needed to provide data on the long and short term effects of the crime on victims. The impact of a crime on a victim can range from the immediate effects of physical injury and shock, or loss and damage of property, to wider consequences such as emotional trauma, inability to work, strained family relationships and drastically altered lifestyles. Such information is of interest to those wishing to design effective victim support services.

Much research on the impact of crime has looked at the emotional effects of crime on the victim. Some commonly identified problems include anger, frustration, confusion, shame, self-blame and insecurity (Maguire 1980; Harrison 1983; Smale 1984; Friedman et al. 1982).

Research in this area however, is not without controversy. As Maguire & Corbett (1987) point out, different studies often appear to have produced conflicting results.

For example, how would [one] reconcile on the one hand, statements such as:

'A large proportion of victims reported neither practical nor emotional problems (Hough and Mayhew, 1985): 32) ... with those of, for example, Friedman et al. (1982), that:

'... the most common problems, affecting three-quarters of the sample ... were psychological problems including fear, anxiety, nervousness, self-blame, anger, shame and difficulty sleeping ... We were stunned at the general impact of a crime on the victim's psychological state, and at the alterations to daily life which were so often a part of the victimisation experience.'

These discrepancies result mainly from differences in types of victims sampled (such as victims of sexual assault or victims of burglary), differing definitions of 'effects' and 'problems', and differences in methods of asking questions. Most

researchers tend to agree however, that victims of sexual assault consistently experience the most devastating and persistent problems. These can include fear, anger, guilt, changes in sleeping and eating patterns, sense of helplessness and withdrawal from many social contacts—all of which can last for a considerable time after the offence (Shapland et al. 1985; Maguire & Corbett 1987).

As Grabosky (1989) and others also point out, the individual's response to being a victim will naturally vary both according to the specific circumstances of the offence, and the resources and personality of the individual. However most studies agree that whatever the crime there are impacts and stresses associated with victimisation that need to be better recognised and addressed.

### **Victims' needs and victims' rights**

As mentioned earlier, victims have largely been ignored by the criminal justice system but now are emerging as a significant force. The suffering that results from victimisation is also beginning to be documented. Discussion currently centres on how best to deal with these issues and improve the position of victims. The choice is essentially between two approaches (Van Dijk 1988b): either assist victims by taking account of their 'needs' in relation to the effect the crime has had on their lives; or provide victims with procedural 'rights' which enable them to participate more actively in the justice system. This dichotomy of victims' needs or victims' rights can at times become indistinct, but does at least provide a starting point from which to discuss the myriad options currently being proposed on behalf of victims.

Focussing on victims' needs takes into consideration the humanitarian, rather than the criminal aspects of the crime. Victims are seen as being in need of care, just like any other disadvantaged group in society, for example the aged or the unemployed. The primary concern therefore, of those operating from a welfare or 'care ideology' (Van Dijk 1988a) is how to provide the most appropriate services for victims. What do victims need in order that the effects of the crime are minimised?

Examples of services geared towards victims' needs include victim support schemes operating in Britain, crisis care counselling services, women's shelters, and rape crisis centres. State funded compensation schemes, which recognise victims as needing financial assistance in recovery from the effects of the crime, can also be included in this category.

Some commentators argue that in addition to victims' 'needs', victims should be accorded certain 'rights': rights not only for access to the help and support mentioned above, but rights to participate in the criminal justice system.

... these [rights] essentially include the provision of relevant information to victims and a pertinent input from them into the criminal justice proceedings. Concerns for victims' privacy and feelings, decent treatment by the criminal justice system, appropriate reparation and adequate assistance and support (United Nations A/conf.121.6 August 1985 p 46).

Clearer recognition of this 'rights' concept occurred in the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Milan in 1985. A declared charter of rights was proposed, the 'Declaration of Basic Principles of Justice for the Victims of Crime and Abuse of Power' (DOC.A.conf 121.22 1986). This document was subsequently endorsed by the General Assembly. The Council of Europe (1985) has also officially announced a set of recommendations on the position of the victim in the framework of criminal law and procedure. Given recent world developments in victim initiatives, what reforms have occurred locally?

### **Victim reform in South Australia**

Both internationally and locally much reform has proceeded without knowledge of what victims need, or what victims perceive as their rights. This study, by asking victims for their opinion and their experiences, should help in determining which of either model 'needs' or 'rights' (or a combination) is the most appropriate.

Early reform in South Australia was largely based on a 'needs' or welfare approach. The introduction of Criminal Injuries Compensation was seen as an 'act of grace' by the state.

It is essentially humanitarian in motive; it recognises that many criminal offenders are without means and accordingly imposes the primary burden of compensation upon the State, but because the State has no liability in law to the victim, apart from the statute, compensation is in the nature of an *ex gratia* payment. (*Kingston-Lee v Hunt and others and the State* 42 SASR 136)

Reforms in the area of sexual assault arose out of a recognition of the need for sexual assault victims to be treated with sensitivity, compassion and consideration.

Specific services have been established in South Australia to assist victims. The South Australian Health Commission provides a Sexual Assault Referral Centre at the Queen Elizabeth Hospital as well as operating specialised units to assist victims of child abuse. The Department of Community Welfare has a Crisis Care Unit operating a 24 hour intervention service, and can also provide emergency financial assistance. Women's shelters are available to meet the short term accommodation needs of victims of domestic violence. Court companion services exist to accompany and help victims attending court.

In addition to the above services any victim who reports the crime to police is provided with an information pamphlet (available in five languages) describing the criminal justice process and providing contacts for assistance or information. As well as government measures and services there are voluntary agencies in existence working to aid victims of crime—most notably the Victims of Crime Service.

The concept of victim rights has also been explored in the South Australian context. South Australia was among the first governments in the world to respond to the United Nations declaration, and in 1985 cabinet endorsed seventeen rights for victims of crime (Appendix A). All relevant government departments have been instructed to ensure that their dealings with victims are based on these principles. Agencies have appointed liaison officers, established new units and prepared policy documents to ensure that the principles are fully met, that victims are treated fairly and sympathetically and kept informed of developments. The Police Department has a Victims of Crime Branch which coordinates police victim initiatives, conducts talks with police at various levels to raise awareness of victims, and has trialled a victim contact officer scheme at a local station.

To reinforce these administrative directives, two of the seventeen principles have been backed by legislation. Principle 12 (a victim's need for protection to be considered at bail applications) is covered in the *Bail Act* (1985) and principle 14 (the impact of the crime on the victim to be made known to the sentencing court) by the *Criminal Law (Sentencing) Act* (1988).

Even before the United Nations declaration however, South Australia had been introducing legislation in response to the perceived rights of victims. A major objective of the 1976 *Evidence Act, Amendment Act* was to protect victims of sexual assault cases from being cross-examined about prior sexual experience. In addition, sexual assault victims were no longer required to give evidence in preliminary (committal) hearings in Courts of Summary Jurisdiction.<sup>5</sup> Restraint orders, introduced in 1982, provide an 'intermediate' legal remedy and a deterrent to domestic violence situations. The *Sentencing Act* (1988) as well as allowing for victim impact statements, emphasises the importance of direct restitution by the offender to the victim as a sentencing option.

It has been acknowledged that South Australia leads the way in recent victim reform.

South Australia has taken the lead ..., having formulated principles which confer rights to victims at various points in the criminal process (Grabosky 1989, p 27).

A stocktake of current achievements is now required to determine if reforms are heading in the right direction. Is the approach taken for sexual assault victims, for example, successful? Would such a model be appropriate for other victims? Do the declared rights meet victims' expectations, and are these rights being applied?

### **The controversy**

Current moves to improve the position of victims have not taken place without controversy. Not only have local reforms come under attack, but debates on wider ideological issues exist in the academic and criminal justice community.

Locally the introduction of victim impact statements has been the subject of debate. The debate centres around whether or not a court when passing sentence

should consider the effects of the crime on the victim. If such information is to be taken into account, should the victim be able to participate directly in the process, as is the case in some other countries, or should it be at the discretion of a third party, for example, prosecutors. The following highlights these issues.

On the particular point of victim participation in court proceedings, however, there is disappointment that the proposals fall short of what is required. (Whitrod 1986, p 82)

To regress to a situation where a criminal trial becomes a one-on-one conflict between a victim and an offender would result in a down-grading of other important principles forming part of the criminal justice system ... (Victorian Sentencing Committee 1988, p 543)

In South Australia, provisions outlined in the *Sentencing Act* allow prosecutors to supply the court with details of injury, loss or damage to the victim resulting from the crime. This material may not have otherwise come to the notice of the sentencing authority, especially if the accused pleads guilty. Arguments against impact statements were put forward by the Legal and Constitutional Committee of the Victorian Parliament *Report upon support services for victims of crime*.

(the committee) acknowledges that the effects of a crime upon the victim are relevant to the determination of an appropriate sentence, and that sufficient information as to these effects is not always available to the sentencing court. However, it believes that the introduction of victim impact statements into the existing sentencing process would create insuperable difficulties (Legal and Constitutional Committee 1987, p 101).

Difficulties cited include the possibility of a 'second trial' with the victim being cross examined on the impact statement, and disparity in sentencing.

The New South Wales Task Force on Services for Victims of Crime was hesitant in recommending the introduction of victim impact statements until the scheme operating in South Australia has been evaluated (New South Wales Task Force 1987, p 105).

The Australian Law Reform Commission in a 1987 discussion paper on sentencing, however, did not reject outright the idea of victim impact statements and 'tentatively proposes that the victim's interest should be represented by the prosecution' (ALRC 1987, p 45).

The final report from the National Committee on Violence (1990) recommended that:

Subject to the inclusion of appropriate safeguards against abuse by either the Crown or the defence, victim impact statements should be introduced in all jurisdictions. (National Committee on Violence 1990, p xxxviii).

Arguments against the use of victim impact statements have been countered by pointing out that the effect of the crime on the victim has long been a consideration in traditional sentencing practices (Sumner 1987; Sumner & Sutton 1988).

Against the charge of disparity in sentencing, it is argued that only when the full details relevant to a case (including the impact of the crime) become known in a reliable and non random manner can consistent and appropriate sentences be achieved. While the possibility (in theory) does exist for cross-examination of the victim on their statement, in practice this is minimised by the collected information being made available to the defence through normal deposition procedure.

Wider discussions on victims' needs or rights and the best way to achieve these have highlighted ideologically different approaches to reform. Some victim advocates (Shapland 1988; Clarke 1986) stress that current reforms (such as the United Nations declaration on victims' rights) or existing services and practices do not go far enough to help victims of crime. The rights are generally not legally enforceable leaving the victim with no effective remedy if rights are not met. Victims are still denied any active impact in sentencing or prosecution, and justice personnel are seen to be unwilling to change practices to accommodate the wishes of victims.

An opposing view is that victims' rights go against traditional legal systems and set back reform and humane treatment for offenders (Victorian Sentencing Committee 1988; Walker 1985). There is a concern that the victims movement may turn into 'offender bashing', with hard won reforms thrown away for 'politically safer' victims (Elias 1983; 1986). An 'abolitionist ideology' (Van Dijk 1988a) proposes that no real justice for victims can be obtained in the current criminal justice system and any reforms should be based 'outside' traditional models (Christie 1977; Anttila 1986). Such approaches could include more informal victim/offender conflict resolution methods such as neighbourhood mediation schemes. Still other reformers feel that only by recognising the trauma that victims have gone through, and providing extensive social, health and welfare services can the needs of victims be truly met (Grabosky 1989).

The debate as to what victims need and what they perceive as their right is characterised by strongly held views, often reinforced by anecdote—seldom by systematic research. In discussions, for example, on victim participation in court, each side claims to be expressing the concerns of 'victims'.

Many victims would simply like to get the whole matter over and done with and out of their life ... (Victorian Sentencing Committee 1988, p 544)

Having their views and requirements submitted to the court at third hand is far from satisfying the need for victims to believe they are being treated much better than in their present role as witnesses. (Whitrod 1986, p 82)

The above points highlight the problems and confusion faced by those genuinely concerned with aiding victims.

## Asking the victims

Although there has been much discussion and more is known about victims through crime surveys than previously, there is still a danger in basing reforms on stereotypes of 'ideal victims' (Christie 1986) or crimes of a 'celebrated' nature (Walker 1985).

As Viano (1987) states:

While we assume many things about crime victims, our beliefs, convictions, and conclusions may not reflect the reality of what it means to be a victim ... assuming we know what the victim wants, robs the victim of the dignity and the control over his or her life that victim assistance is supposedly attempting to provide (Viano 1987, p 450).

A pitfall exists also in transporting research findings from other jurisdictions into the local context without regard to the differences in legislative and procedural practices. This point was highlighted in a study recently conducted by the Office of Crime Statistics into criminal injuries compensation (Office of Crime Statistics 1989). Much prior research into victims' experiences with compensation was conducted in the United States, and showed victims to be extremely dissatisfied with most aspects of the compensation process (Elias 1983; Doerner 1980). A similar finding however, was not evident among South Australian claimants. One possible explanation for this disparity rests with the fact that fewer than 3% of South Australian claims for compensation were contested, compared to the majority being denied in the United States (for example, Elias (1983) found only 38% of applications for compensation were granted).

When reviewing existing research, or examining those assisted by victims groups, it is tempting to imagine all victims being victimised by serious crimes of violence. The reality of course is that people are more likely to become a victim of property theft than of a violent crime. In 1988/89 there were 38,602 break and enters reported to police, while over the same period there was a total 64 murders/attempted murders, 582 rapes/attempted rapes, and 1,366 serious assaults. In order for research to have any relevance, the experiences of those victimised by property crime need also to be examined.

The current study examines victims of both property crimes and violent offences, and focuses attention on their progression through the criminal justice system. This enables us to investigate the treatment victims currently receive, services that they may want or need, and the amount of involvement they would like to have in the justice process. By asking the victims what *they* think about police, courts, the effects of the crime, their satisfaction with the system, changes they feel are needed, and what information or assistance they require, we are in a much better position to deliver a service that is both responsive and appropriate. It will ensure that victims are spared further distress at the hands of the justice process.

## 2. METHODOLOGY

The main aim of this study has been to examine in a systematic way victims' experiences with and attitudes towards the criminal justice system. The impact of the crime on victims' lives was also of primary interest. Although valuable insights can be gained from qualitative interviews, submissions, 'phone-ins' etcetera, this anecdotal evidence is of limited application and is sometimes mistakenly applied to a wider range of victims than is reasonable.

In adopting a quantitative, empirical approach and interviewing large numbers of randomly selected victims this study provides reliable and widely applicable information about victims of crime and the criminal justice system.

Systematic research into victims' needs in Australia is not plentiful. Some initial surveys were undertaken by Wilson and Brown (1973) and Congalton and Najman (1974); the Australian Bureau of Statistics has contributed much information on the incidence of crime and broad details on victim characteristics through its two victim surveys (1979; 1986). The New South Wales Bureau of Crime Statistics and Research analysed homicide files over a fourteen year period and provided interesting information about victims of this specific offence (Wallace 1986). In South Australia victims in general were the subject of an inquiry into their needs, with members of the public asked to make submissions (Committee of Inquiry on Victims of Crime 1981). Specific task forces were also established in South Australia to examine the issues of domestic violence (South Australian Domestic Violence Council 1987) and child abuse (South Australian Government Task Force 1986). These bodies identified problems and recommended strategies to prevent the occurrence of the offences under investigation. They did not however, conduct any empirical research. Thus the following study represents a major source of information about victims of property and violent crime and their relationship with the criminal justice system.

## The sample

The first challenge in designing the study was to decide which victims to include. As the main purpose of our study was to examine victims' relationship with the criminal justice system, our sample was selected from only those victims who reported the crime to police. It is acknowledged however, that a substantial proportion (56.3%) of crime goes unreported (Australian Bureau of Statistics 1986). Having regard to the sensitive nature of child victimisation, researchers thought it would have been inadvisable to interview victims under the age of 18, and so excluded this group from the sample. Victims with interstate or overseas addresses were also excluded. The metropolitan area of Adelaide, and three large country centres (Port Pirie, Port Augusta and Whyalla) were surveyed. A selection of offences was chosen for inclusion in the study (Appendix B). These were attempted murder, major assault, common assault, robbery, sexual assault, break and enter, and unlawful use of a motor vehicle. Manager/owners of small businesses were included in the study, and individuals from large organisations were also interviewed, for example, a bank teller in an armed robbery.

Although the offences selected above are only a sample of possible crimes from which to choose, it was felt that they represented offences with identifiable victims. Examples of offences not included in the sample are driving offences, drug offences, environmental offences, fraud, damage to property, larceny and taxation offences. Such crimes were excluded due to the difficulty of identifying a victim, their infrequent occurrence or the necessary constraint on the size of the study.

There were two periods of sampling in the study. For victims of attempted murder, major assault, sexual assault and robbery, all crimes reported to police over a six month period were included.<sup>6</sup> For victims of more frequent offences, common assault, break and enter and unlawful use of motor vehicles, crimes reported over a seven week period were sampled, with a different day being taken for successive weeks.<sup>7</sup> Thus the sampling ratio of the less common to the more numerous offences was 1:26.

As well as decisions about the types of victims to include and the sampling period, the method of initial contact was of importance. The research team, in conjunction with the South Australian Police Department, devised a strategy which would ensure victims' privacy. When a crime was reported during the above time periods, the victim was sent a letter by police inviting the victim to participate in the study (Appendix C). If the victim agreed, they returned the attached form to the Office of Crime Statistics and a researcher would then contact them for an interview. The majority of interviews were done in person, generally at the victim's home or business address (99.4%) and within two months of the offence (80.3%).

## Sample size

Table 2.1 shows the number of letters sent to victims and the responses received.

Overall 38% of victims agreed to participate in the study.

**TABLE 2.1** Number of letters sent to victims and responses received (1 May to 31 November 1987)

Response	Number	Percentage
Yes	494	37.5
Yes—but not interviewed*	91	6.9
No	198	15.0
Dead letter	20	1.5
Request more information, no reply	30	2.3
No response	486	36.8
<b>TOTAL</b>	<b>1 319</b>	<b>100.0</b>

\* reasons include: victim did not keep appointments, cancelled appointments, not able to contact victim, replied to request too late, incorrect offence or inappropriate because victim was too young.

In order to test whether any systematic bias had occurred, victims agreeing to participate in the study were compared with those who chose not to. For the variables of offence type and sex no significant difference was found. A difference was discovered however, on victims' age. Victims aged 50 and over were more willing to participate than those from younger age groups. Considering that older citizens have a higher regard for police (Swanton et al. 1988) and that older victims report crime more than their younger counterparts (Australian Bureau of Statistics 1986) it is not surprising that older victims in our sample were more willing to respond to our request, which was forwarded to them initially by the police.

**TABLE 2.2** Letters sent to victims and victims interviewed by type of offence (1 May to 31 November 1987)

Offence type	Letters sent	Interviewed	% Response
Attempted murder	14	73	(21.4)
Major assault	304	100	(32.9)
Common assault*	70	17	(24.3)
Sexual assault	78	23	(29.5)
Robbery	246	99	(40.2)
Break & enter*	455	198	(43.5)
Unlawful use of motor vehicle*	149	54	(36.2)
Unknown or incorrect offence	3	—	
<b>TOTAL</b>	<b>1 319</b>	<b>494</b>	<b>(37.5%)</b>

\* Only sampled for 7 days in the time period

The next major challenge in designing the study was to decide at which stage after the offence victims should be interviewed. Benefits of interviewing victims as soon as possible after the crime include a greater recall of the details of the crime and police contact, and the possibility of a higher participation rate. It would have been both insensitive and premature however, to interview victims about the emotional and physical effects of the crime at this early stage.

## Structure of the interviews

It was decided to base the study on a longitudinal approach, with each victim interviewed at different stages as he or she progressed through the criminal justice system. This approach allows a more complete picture of the victim's experiences to be formed than would be possible from interviewing different individuals at different stages. The method also has the benefit of detecting any changes in attitude that may occur over time as a result of experiences with the various justice agencies.

There were three types of interviews in the survey. All victims received an *initial interview*, which occurred as soon as possible after the offence was reported to police. Victims were later given one of two possible follow up interviews. The first of these—the *six month interview*—was scheduled for six months after the initial interview, but only for cases where an offender had not yet been apprehended. If an offender had been apprehended, the victim was not interviewed until the case was finalised—the *outcome interview*. There were a few victims whose cases were not finalised 22 months after the initial interview, these were given as much as possible of the outcome interview.

The *initial interview* was the most comprehensive interview. It collected details related to the offence, noted how involved victims felt they should be in different areas of the justice system, and gauged their satisfaction with the way police handled their case and information needs.

The *six month interview* covered details of any further contact they may have had with justice agencies and details about the longer term effects of the offence. The victim's views on compensation, restitution and on whether they should have been better informed of the availability of any support services were also noted.

The other follow up interview—the *outcome interview*—covered information similar to that outlined in the six month interview plus additional information concerning the court experience. Victims given the outcome interview were asked their opinions on the prosecution, factors considered relevant in sentencing as well as opinions on the actual sentence.

Interviews with victims were conducted by a total of six project staff. Every attempt was made to reduce interview bias. Staff were trained in administering the questionnaire and were instructed not to depart from the specified wording on the forms. Due to the number and length of the questionnaires (approximately 400 pages) it is not feasible to append the documents to this report. Anyone interested in the questionnaires however, can contact the Office of Crime Statistics and copies will be provided.

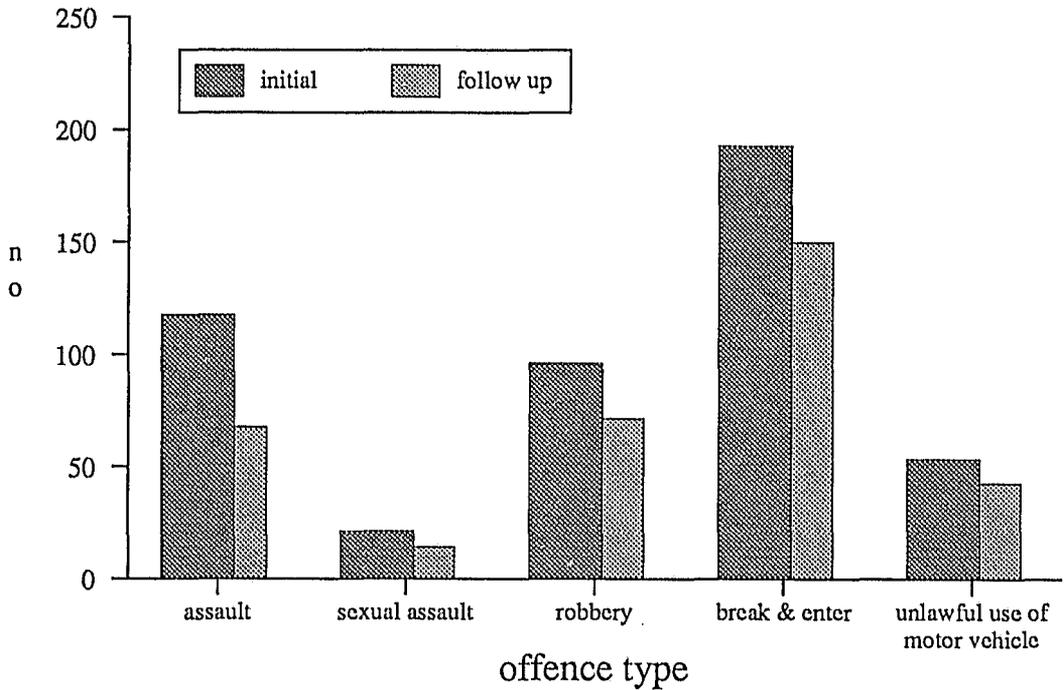


Figure 2.1 Number of victims given each interview type

TABLE 2.3 Number of victims receiving each interview type by offence type (1 May 1987 to 5 April 1989)

Offence type	Interview type		
	Initial*	Six month**	Outcome***
Major assault (including attempted murder)	103	22	39
Common assault	17	3	5
Sexual assault	23	11	4
Robbery	99	38	36
Break and enter	198	147	7
Unlawful use of motor vehicle	54	37	6
TOTAL	494	258	97

\* 45 cases were not willing to be re-contacted

\*\* There were 75 cases not able to be re-interviewed (22.5% dropout)

\*\*\* There were 19 cases not able to be re-interviewed (16.4% dropout)

NB Reasons for not re-interviewing victims include: victim was unable to be contacted; had moved; had dropped the charges; had changed his or her mind; had died.

### The court study

When designing the survey it was realised that the number of victims who would be required to appear in court as witnesses would be a small proportion of the initial sample.<sup>8</sup> In order to represent the opinions and attitudes of this sub-group of victims (who have the most contact with the system) a separate sample of victims was taken and a separate questionnaire designed.

Cases with the same offence types as the main study, which went to trial, and were finalised in the Supreme and District Criminal Courts during 1 January to 31 December 1987, were in the sample. Of these cases, any known adult victims called as witnesses (where a contact address was known) were mailed a questionnaire with a request to complete and return it in the pre-paid envelope provided. Table 2.4 shows the number of court questionnaires sent and received by offence type. There was a 39.7% response rate to the questionnaire.

Topics covered in the questionnaire were the same as those in the outcome interview relating to court experience and sentencing considerations.

**TABLE 2.4** Number of letters sent to victims appearing as witnesses in Supreme and District Criminal Court and positive replies (7 July 1988 to 6 December 1988)

Offence group	Letters and questionnaires sent	Positive replies
Attempted murder	2	1
Major assault	37	16
Common assault	29	15
Sexual assault	17	7
Break & enter/burglary	32	7
Robbery	7	1
Unlawful use of motor vehicle	7	5
<b>TOTAL</b>	<b>131</b>	<b>52</b>

### 3. RESULTS

The following section traces in chronological order victims' encounters with the justice system. After a brief examination of the demographic details of the sample, initial police/victim contact is discussed. The chapter then proceeds to report on the experiences of victims six to twenty months after the initial investigative stage. Overall satisfaction and the long term effects of the crime are then covered. The process of attending court and giving evidence is discussed, along with broader issues in sentencing. Victims' views on victim impact statements, their degree of involvement in the justice system and the type of services they need ends the section.

#### 3.1 THE VICTIMS

As mentioned previously the study examined victims not just of 'personal' serious crime, but also those victimised by common 'property' offences. Table 3.1 shows that the sample includes an even proportion of victims from these two broad categories (49% 'personal', 51% 'property').

TABLE 3.1 Number of victims given initial interview by offence type (1 May to 31 November 1987)

Offence type	Initial interview	
	Number	Percentage
Assaults (including attempted murder)	120	24.3
Sexual offences	23	4.7
Robbery	99	20.0
Break and enter	198	40.1
Unlawful use of motor vehicle	54	10.9
TOTAL	494	

Of the 494 victims interviewed 60% were male and 40% were female. The majority were aged over 30 years (65.7%) mean age 40 years, employed (62%) and born in Australia (69.4%), nearly half were married or in a defacto relationship (49%). These findings correspond to the 1983 Australian Bureau of Statistics victims of crime survey on most variables except age, as victims in our study were older than those surveyed by the Australian Bureau of Statistics. This difference can be accounted for by the fact that younger victims tend not to report crimes to the police as often as people from older age groups (Australian Bureau of Statistics 1986, Table 6.5). Older victims were also more willing to participate in our study.

Table 3.2 shows how some of the above demographic variables vary with offence type. Sexual assault victims were all female, nearly half (47.8%) aged 25 years or less. Major assault victims were predominantly male (80.4%), aged 30 years or less (53.9%) and never married (47.1%).

There was a more even distribution of male and female among break and enter victims (61% male, 39% female). The majority (64.8%) were married and were also older, half (51.6%) aged over 40 years.

TABLE 3.2 Age and gender of victims by offence type (1 May 1987 to November 1987)

	OFFENCE TYPE													
	Major Assault		Common Assault		Sexual assault		Rob bank		Rob other		Break and enter		Unlawful use of vehicle	
Age	M	F	M	F	M	F	M	F	M	F	M	F	M	F
18-20	11	1	—	1	—	3	1	1	5	1	2	3	3	1
21-25	23	6	—	2	—	8	1	2	5	6	7	7	4	3
26-30	11	3	—	1	—	3	—	2	4	4	12	10	11	—
31-40	22	3	3	1	—	4	1	1	14	3	28	26	7	5
41-50	11	4	—	1	—	2	1	2	4	6	30	15	5	4
51-60	2	1	2	1	—	1	—	1	3	5	24	3	5	3
61+	2	2	4	1	—	2	1	—	7	18	16	11	3	—
TOTAL	82	20	9	8	0	23	5	9	42	43	119	74	38	16

### Prior victimisation experience

Although crime victim surveys provide a wealth of information about the characteristics of crime, the common practice of reporting this information based on the most recent offence can obscure the issue of multiple victimisation. It has been argued that this trend, which focusses on crime as 'discrete events' can mask the reality that for some people victimisation is more a 'process' and part of day to day existence, for example domestic violence victims (Genn 1988). The 1983 Australian Bureau of Statistics survey reported the number of offences that had occurred in a previous 12 month period. This showed that, in general, population characteristics of those most at risk of being victimised (that is, young, male, separated) also were more at risk of being multiple victims.

In the Office of Crime Statistics study we recorded the total number of reported and unreported offences which had occurred prior to the offence under investigation. There was no time limit placed on when the incidents occurred. Just over half (53.8%) of the victims had been a victim of at least one reported crime prior to the current offence. Seven out of ten of these victims were victims of only one or two previous offences, though twelve victims (4.5%) had reported over five previous crimes.

Interestingly, the most recent previous crime was often of a similar type to the current offence (at least eight out of ten victims of break and enter who had a prior victimisation experience had been previously broken into (Table 3.3). This pattern is similar (although not as strong) for victims of an offence against the person (53.8% victims of a similar offence), unlawful use of motor vehicle (69.2%) and robbery (38.5%). This relationship between current and most recent previous offence is statistically significant (Chi = 163.201, df = 9, p < .001). That is, the type of prior offence is not just randomly associated with the current offence. Sexual offences were excluded from this analysis as there were too few cases.

There were fewer people in our study (75, or 15.2%) who had been a victim of one or more unreported offences, the majority of these (56%) not reporting one prior offence. The most commonly unreported crimes were offences against the person (58.9%) and larceny (42.5%). Main reasons given for not reporting a previous crime to police were similar to those found in the Australian Bureau of Statistics survey, that is, 'the police could, or would do nothing about it' (27.0%) or the offence was 'too minor or trivial' (24.3%).

TABLE 3.3 Current offence by most recent prior offence—excluding sexual offences (1 May 1987 to 31 November 1987)

Prior offence	CURRENT OFFENCE			
	Assault	Robbery	Break & enter	Unlawful use of motor vehicle
Assault (general)	<u>21</u>	7	7	1
Robbery	1	<u>10</u>	3	—
Break & enter	12	5	<u>99</u>	7
Unlawful use of motor vehicle	5	4	10	<u>18</u>
TOTAL	39	26	119	26

NB Underlined figures represent the highest figure in both current offence and prior offence category

### 3.2 THE POLICE

A major theme of this study is the relationship between victims and the criminal justice system. For the majority of victims this means their experiences with police. Some victims may attend court, deal with solicitors or prosecutors, but the majority of cases will progress no further than the first contact with police. The Australian public (the South Australia public in particular) has a favourable, positive attitude towards its police forces (Swanton et al. 1988). Police are seen as being both polite and helpful and the public are more satisfied than not with

the way the police deal with street crime and burglary (Swanton et al. 1988). The experiences and attitudes of our sample of victims in relation to police are examined below. Were victims happy with the services rendered, or did they encounter problems with police and find areas in need of improvement?

### Reporting the events

As crime surveys have shown, a significant proportion of crime is not reported to police. What then were the reasons motivating victims in our study to report the offence?

Two thirds (66.2%) of victims had themselves reported the crime. For a further 18.3% of victims, relatives, neighbours and friends notified police. Police discovered the crime or were on the scene in just 2.4% of cases. For the third of victims who did not report the events themselves, the vast majority (87.3%) said they would have done so. Reasons given by the 19 victims who did not want the crime brought to police attention were: 'police would not do anything' (5 victims); 'it was a private matter' (4 victims); 'it was too trivial' (3 victims).

TABLE 3.4 Reasons victims considered important in reporting the crime to police (1 May 1987 to 31 November 1987)

Reason	IMPORTANCE				Total
	Not important		Important/ very important		
	N	%	N	%	
Because it is the law to report it	227	(62.9)	134	(37.1)	361
Try to get property back*	77	(26.5)	214	(73.5)	291
Because of insurance*	134	(46.4)	155	(53.6)	289
Because of compensation*	154	(81.1)	36	(18.9)	190
One of a number of incidents					
I was trying to stop it happening again	138	(43.8)	177	(56.2)	315
Offender caught and made accountable for his/her actions	77	(16.6)	386	(83.4)	463
Moral obligation	137	(30.3)	315	(69.7)	452
Protect myself and/or family	144	(31.6)	311	(68.4)	455
Protect others	126	(27.4)	344	(72.6)	460
For revenge	379	(84.4)	70	(15.6)	449

\* Only offences which were applicable i.e. property stolen or resulted in injury.

Table 3.4 shows which reasons victims considered important in reporting the offence. Wanting the offender caught was considered an important/very important reason by the majority of victims (83.4%). A similar proportion (84.4%) however did not think revenge was an important motivation. Of victims who had property stolen, three quarters (73.5%) said return of the property was an important/very important reason for reporting, but insurance concerns did not rate as highly (53.6%). Protecting others from the offence was also a popular reason, slightly more so than for self or family protection. Thus it appears that victims' primary motivations for reporting crimes to police are to catch the offender, have property returned or for self-protection—they do not see themselves however as being vengeful.

Crimes were generally reported within ten minutes of the offence or its discovery (60.6%) and most notification was by telephone (77.6%). Victims were more satisfied than not with the time police took to attend the scene (82.7% satisfied). The most usual action taken by police after being informed of the offence was to make a crime report (68.3%). Since first reporting the crime nearly half the victims were asked by police for assistance (47%). This included fingerprint testing (9.5%) additional information or further statements (43.3%), photographs of injuries, medical examination (10.8%), and looking at identification photos or identification parades (10.0%). This caused difficulty for a fifth of victims called upon to co-operate, mainly in that it was disruptive or inconvenient (12 victims), or victims found the investigation stressful or worrying (14 victims).

### Police investigation

Victims were generally satisfied with most aspects of police performance at this initial stage. As Table 3.5 shows, no major dissatisfaction was recorded with time taken by police to respond, details taken, attitude towards the victim or offence, or advice given on avoiding further victimisation.

TABLE 3.5 Satisfaction with response of the police (1 May 1987 to 31 November 1987)

	SATISFIED		
	Number	Percentage	Total*
Time to attend	296	82.7	358
Details taken	429	88.1	487
Further action	305	64.2	475
Attitude towards the offence	397	81.5	487
Attitude towards the victim	424	87.8	483
Decide whether to proceed	121	78.1	155
Advise on preventing revictimisation	327	82.8	395
Information on available assistance	176	67.4	261

\* Total answering the question

Although the majority (64.2%) were satisfied with further action taken by police, a quarter (24.4%) of victims were not satisfied. The main complaints were either: 'nothing being done' (44.8%), or 'no feedback' (30.2%). Comments illustrating the later view are as follows:

'Police said would follow it up and haven't, would like to know what happened' (assault victim)

'Don't know what's going on, not enough contact. Expected them to get back' (assault victim)

'Want to know what's gone on since then'  
(break and enter victim)

The police attitude to the victim was seen as satisfactory (87.8%). Nearly nine out of ten victims found police to be 'sympathetic', 'polite', 'good' and 'friendly'. The few victims who were not satisfied with police attitude thought the police 'did not care', 'made the victim feel responsible for the crime' or 'a nuisance'. Although the majority of victims (67.4%) was satisfied with the police in regard

to information on support services, many of these (38.6%) saying that they did not need any information, a quarter of all victims were not satisfied. Most of the victims (66.7%) who were not satisfied felt some information on possible avenues of help or assistance should have been given to them by police.

'Not mentioned. It would be helpful if I had that information' (robbery victim)

'Feel police should have informed me about compensation' (assault victim)

'Offender came into room, I am nervous and have not slept for weeks. I wanted assistance' (break and enter victim)

'People go through these situations and then you are left high and dry. They should say something, advise' (attempted robbery victim)

'Could have offered it to me even if I didn't take it up' (break and enter victim)

### What happens next?

Only 40% of victims reported that police had told them what to expect in terms of investigating the offence. Information that was provided included the likelihood of catching the offender (16.3%), whether the victim would be required in court (19.5%), that the victim would be contacted if anything happened (18.9%), or that police would be generally investigating the case (26.3%). A fifth of the victims (21.1%) were also informed that it was unlikely anything would eventuate. Overall, victims provided with the above information found it adequate and what they expected based on previous contacts with police. They accepted that there was not much else the police could do.

TABLE 3.6(a) 'Have police told you what to expect from here?'

	Number	Percentage
Yes	193	39.5
No	292	60.2
TOTAL	485*	100.0

\* Nine cases missing

TABLE 3.6(b) 'If not told what to expect—should you have been given any details?'

	Number	Percentage
Yes	135	50.9
No	130	49.1
TOTAL	265*	100.0

\* 27 cases missing

Over half of all victims (60.2%) stated that they had not been told what to expect with regard to their case. It should be noted however, that many of these (49.1%) did not think any details were necessary. For the remainder who were interested, the details they would have liked police to provide included: being told if their case was active (23.4%), that the police would notify them if the offender was caught (9.4%), or what they (the victim) should do from now on, for example, will there be court appearances? how to collect property? what to do if see offender again? (10.6%).

### **Information needs**

One of the themes explored in this study is the right of victims to be kept informed about developments with their case. To find out how best this right could be applied, victims were asked whether they felt they should be kept informed, and if they could foresee any problems with such an approach. Before victims' responses are discussed an examination of two programs, one from the United States and one from Britain, illustrates the need for caution when designing any programs which might automatically contact victims.

The program run by the Houston Police Department has been recently evaluated with some surprising results (Skogan & Wycoff 1987). In this program police re-contacted victims by telephone to reassure them, find out if they needed any assistance and answer questions about the progress of the case. Researchers found that victims from Hispanic and Asian backgrounds reacted negatively to the program. They were more fearful, less satisfied and perceived their neighbourhood as having more problems than victims from similar backgrounds who had not been contacted. The researchers mentioned 'the importance of sensitivity to cultural differences' in designing programs. The Police Department in Houston now employs Spanish-speaking officers to help with this program.

An approach adopted in Britain is for police to automatically pass victims' names to a service agency which then sends a volunteer to visit and assist the victim. Although assessment of the British scheme (Maguire & Corbett 1987) has been positive, there were 22% of victims who reacted negatively to the initial contact (they were embarrassed, suspicious, irritated and/or annoyed). It is essential to take into account these negative reactions when discussing such schemes and assessing the feasibility of introducing similar programs in Australia.

The majority of victims (71.4%) in our study wanted to be regularly informed. They wanted to know what was happening and what action was being taken. A few (10%) wanted to know in order to be reassured and a similar proportion (10%) wanted to know when the offender was caught. Interestingly, 14 victims (4.1%) said that it was their right to be kept regularly informed about what was happening. Among the minority (28.6%) of victims who did not want to be kept informed most felt that it was 'a waste of police time'. Other reasons for not being informed included 'the case was not serious enough', 'there was nothing to be informed of' or the victim was 'not interested'.

As shown above, being contacted about the offence may have a negative effect on some victims. Victims in our study were asked to weigh up the benefits of

being informed with possible problems in being reminded of the crime. Most felt that it would not be a problem, or that the need to know what was happening outweighed the negative aspects (81.7%). A few said that it was a minor offence and unlikely to cause them distress if told of any developments. Victims of robbery or sexual assault were less enthusiastic about being contacted regularly about the offence. The majority of victims in these categories however, still felt it was preferable to know what was happening (69.3% robbery, 75% sexual assault victims). Some victims (14.4%) however did feel it was a matter of concern, that they would 'get annoyed', 'not want any contact' and would prefer to 'forget the offence'. The above point, coupled with the fact that a significant minority (28.6%) of victims did not wish to be kept regularly informed illustrates the need for sensitivity, caution, and flexibility in designing any programs for victims.

### **Summary**

Examination of victims' contact with police reveals that although victims are satisfied with most aspects of police performance, improvements are called for. Over eight out of ten victims reported being satisfied with that first 'on the scene' police contact. Police responded promptly, behaved considerately and took down relevant details in a professional manner. Victims however begin to voice their concerns in the stages after this first contact. Feedback on the progress of the case was not forthcoming, and victims were left ignorant of what, if anything, was likely to happen next.

The 1985 Declaration of Victims' Rights states that victims of crime shall 'have the right to be informed about the progress of investigations being conducted by police (except where such disclosure might jeopardise the investigation)'. In 1987 at least, police did not appear to encourage or facilitate this right. Although it has always been the intention of the South Australian Police Department that the onus of the right to information be on the victim, victims in our study were either not being told of this right or told how to exercise it.

Since the study was conducted a pamphlet 'Information for Victims of Crime' is given to victims. The pamphlet lists the seventeen rights of victims, explains the general process of criminal justice, and lists services which victims might use. Providing a police contact number on the back of the pamphlet means that victims, if they so desire, can find out about the progress of their case. While this is an improvement, the onus is still largely on the victim. Over five eighths of victims interviewed (65.3%) said they wanted the police to contact them after significant events.

Even though victims are beginning to feel concerned about issues such as information and feedback, the overwhelming majority (96.3%) would report a similar offence to police again. Of the fourteen victims who would not, reasons included: that there was 'no point' and 'no action had taken place', they 'did not trust police' or 'police would not help them'. Overall, victims' experiences at this stage did not seriously alter their expectations about reporting offences in the future. Only 13.8% of victims would expect something different another time. For half of these expectations were lowered but for the other half expectations were raised.

### 3.3 SIX TO TWENTY MONTHS LATER

Six to twenty months after their initial interview victims were given one of two possible follow-up questionnaires. Primary focus at this stage was on victims' satisfaction with the criminal justice system, and on assessing the impact of the offence on victims' lives. Before these issues are explored however, it is useful to record what had actually occurred to victims between interviews.

At the time of the first interview 68.8% of victims wanted to be kept informed of developments. Among the victims interviewed the second time, the proportion wanting to be regularly kept informed increased to 82.1%. Initially victims' reasons for being kept informed were to know generally what was happening and what action was being taken, only 13.8% being specifically interested in the offender. The emphasis had later shifted to reasons associated with the offender, that is, had he or she been caught and punished (37.8%). What had occurred in the intervening months between interviews to alter some victims' point of view and increase their desire for information?

Not surprisingly, among the victims given the six monthly interview (where researchers knew no arrests had been made in connection with the case) hardly any victims had been informed of any further developments (7%). Nor had many victims been in contact with a justice agency (15.1%). The few victims (17) who did know of developments were generally told either that the police were not proceeding, or that they were still investigating. Five out of the seventeen victims were given this information by family, friends or solicitors rather than the police themselves.

While very few six monthly victims had any further contact, the majority (75.8%) of outcome victims (those whose cases had been finalised) had contact with some justice agency, mainly police or solicitors. Most of this contact was involved with court appearances or with enquiries into criminal injuries compensation. Half (53.7%) of the outcome victims felt the need for additional contact, generally feedback from the police about the final results of the case.

#### Level of satisfaction with the criminal justice system

In the first interview victims were asked to rate their satisfaction with the criminal justice system. The majority (61.6%) reported being quite or very satisfied. The same question was posed at the second interview, and although most victims were still satisfied (50.2%), the proportion which was only somewhat or not satisfied increased from 38.3% to 49.9%.

TABLE 3.7 Satisfaction with the criminal justice system by interview type

Rating	INTERVIEW TYPE			
	Number	Initial Percentage	Number	Second Percentage
Not satisfied	52	14.8	80	22.8
Somewhat satisfied	70	19.9	95	27.1
Quite satisfied	151	43.0	140	39.9
Very satisfied	78	22.2	36	10.3
TOTAL	351*		351*	

\* 4 cases missing

For the 355 victims given both the initial and follow up interviews, the score they obtained on the second interview was directly compared with the score on the first. This revealed that a statistically significant decline in satisfaction had occurred between interviews (using a T-Test for paired samples,  $t = 6.75$ ,  $df = 346$ ,  $p < .001$ ). Why then, the growing dissatisfaction with the criminal justice system?

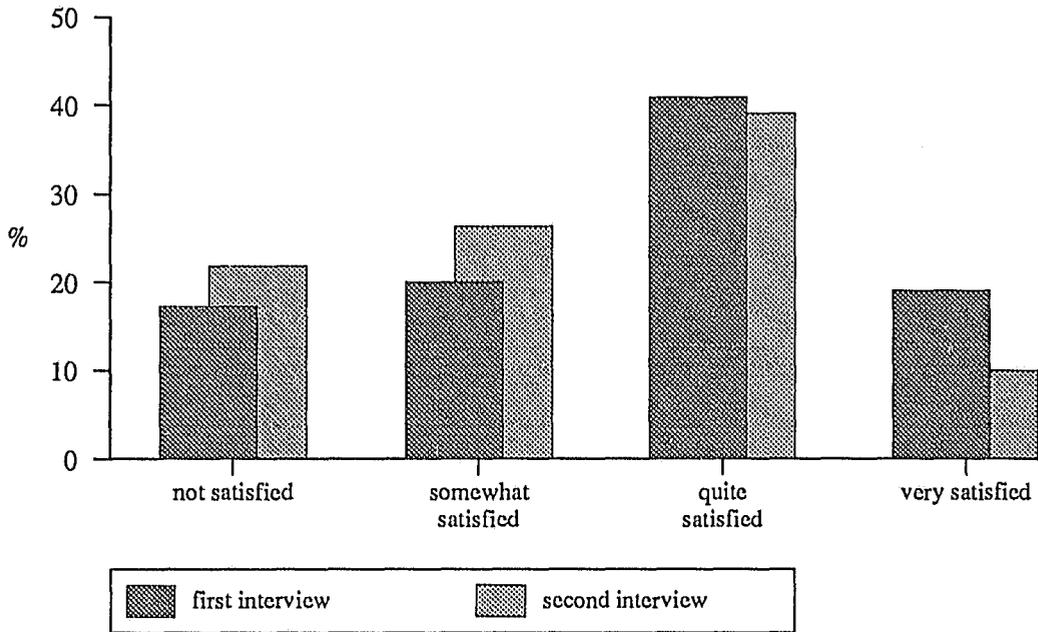


Figure 3.1 Victim satisfaction at first and second interview

Findings on victims' satisfaction with the justice system has not been positive. While the public in general have a high regard for police (Schneider et al. 1976; Swanton et al. 1988) victims' satisfaction with police and the criminal justice system has been shown to be less than favourable. Elias (1983) concluded that United States victims were largely dissatisfied by their exposure to the criminal justice system. Shapland et al. (1985) found that although victims began with a positive attitude towards police there was a statistically significant decline in satisfaction over time. 'This disillusionment was sufficiently great to make them say that they would not report a similar offence again' (p 93). Shapland and Cohen (1987) cite studies which have also found the phenomenon of victim dissatisfaction, and a recent survey conducted by the New South Wales Task Force on Services for Victims of Crime (1987) found 45.2% of respondents 'dissatisfied with the police handling of the incident' (p 69).

From qualitative analysis of victims' responses, it was clear that the main reasons for increasing disillusionment with the system was a lack of involvement with and information about the justice process. The victim, rightly, does not wish to be undervalued and ignored. Dissatisfaction arises 'largely because of lack of

information about the progress of the case and lack of consideration in implementing police procedures' (Shapland and Cohen 1987, p 28). Victims from our study echo these sentiments.

'someone should have informed me about what happened in the court case' (armed robbery victim)

'police did not inform me of the date and time of the hearing, therefore I could not attend, no evidence tendered, and the case was dismissed' (assault victim)

'should have been informed if restraint order had been served and when that happened. Thought it was the police's responsibility to inform me what the offender was charged with, insufficient feedback from detective' (assault victim)

'not enough contact or interest from police they only visited once stayed ten minutes and didn't seem to care' (break and enter victim)

'don't know what's happening' (break and enter victim)

These qualitative impressions were confirmed by quantitative analysis. Cross-tabulations of the data were performed on factors such as amount of contact received, information about the case and type of offence. The following factors emerged as being associated with satisfaction level at the second interview.

- **Age:** Victims aged 51 and over were more satisfied than younger age groups.
- **Type of offence:** Most satisfied with the criminal justice system were sexual assault victims. Of the fifteen given the follow up interview, 80% were quite or very satisfied. Assault victims were the least satisfied, 71.6% (n = 48) reported being only somewhat or not satisfied.
- **Information on support services:** Victims who reported receiving adequate information on support services also reported being quite to very satisfied (63.5%). Three quarters of those who said that they had not received information on services available were somewhat or not at all satisfied.
- **Wanting more contact from justice authorities:** Victims who said they would have liked more contact from a justice agency were four times more likely to report being unsatisfied than those victims who were satisfied with the amount of contact they had received (40.3% not satisfied and 10.3% not satisfied respectively).
- **Wanting to be kept informed about case developments:** Victims who said they wanted to be kept informed about their case were less likely to be satisfied (28.3% not satisfied) than those who did not desire information (9.3% not satisfied). Presumably unmet expectations have led to dissatisfaction.
- **Knowing an outcome:** No statistical difference was found between those victims who knew of an outcome to their case (n = 51) and those who did

not (n = 297). A difference was found however, among victims knowing whether the case resulted in a conviction or acquittal. The majority of victims who knew that the offender had been acquitted or dismissed were not satisfied (53.8%) while only 10.8% of victims who knew their offender had been convicted felt so negatively.

TABLE 3.8 Known outcome of case by satisfaction level

Satisfaction	OUTCOME			
	Dismissed/Acquitted		Convicted	
	N	%	N	%
Not satisfied	7	(53.8)	4	(10.8)
Somewhat satisfied	4	(30.8)	15	(40.5)
Quite satisfied	1	(7.7)	15	(40.5)
Very satisfied	1	(7.7)	3	(8.1)
TOTAL	13		37	

For cases resulting in the acquittal or dismissal of an offender the old adage 'no news is good news' appears to have an element of truth. Obviously, if a victim wishes to know the outcome of his or her case every effort should be made to provide the information. Automatically informing all victims of the case outcome, however, may not be desirable, especially in cases not resulting in conviction.

- **Emotional effects and assistance received:** The number of emotional effects victims reported was not associated with level of satisfaction. Neither was whether they received any assistance in order to help them cope with effects of the offence.

Although the above analysis provides information on how each factor might affect victims' overall satisfaction, it is more likely a combination of such factors that contributes to a victim's level of satisfaction with the criminal justice system. For example, not providing a victim with information about developments in his or her case might be associated with dissatisfaction overall, but this might be so only for victims of assaults and not be a consideration for motor vehicle theft. To determine if certain variables were related to satisfaction level, while taking into account the other variables, an analysis of variance was performed.

Variables included in the equation were: type of offence, number of emotional effects, adequate information on support services, the victim's need for more contact with justice agencies, and the desire to be kept informed on case developments. Three factors emerged as significant for victims:

- the need for adequate information on support services;
- the need for more contact;
- the desire to be kept informed on case developments.

There were no interactions between variables.

The above result further supports the notion that victims who do not receive the information or contact they would like, or feel entitled to, are the ones

dissatisfied with the criminal justice system. While type of offence by itself was significantly associated with satisfaction, when the other factors were taken into account it ceased to be a major influence. This suggests that victims from different offence categories either have different expectations, and/or are treated differently by justice agencies. Given the high level of support available for and shown to sexual assault victims in South Australia, coupled with the high level of satisfaction shown by sexual assault victims in our study the latter explanation tends to be supported. Quotes from sexual assault victims reaffirm this view.

'Police were very concerned and helpful but haven't caught him to my knowledge'

'Rape Enquiry Unit excellent—good that police checked that I was okay the next day'

'(assisted by) sexual assault clinic at QEH (Queen Elizabeth Hospital), felt supported ... they understood what I had gone through'

'kept informed by police and Crown, everybody helpful and supportive'

### Summary

In common with surveys on the Australian public's attitude towards police our sample of victims was satisfied with police performance. This satisfaction did decrease however as the case progressed. A contributing factor appeared to be the lack of further contact or feedback to the victim after the initial investigation. What victims would like from the criminal justice system is covered in a later chapter, but information about their case and information on support services is a consideration in any future recommendations about victims' rights.

### 3.4 EFFECTS OF THE CRIME

The impact of any offence on a victim can be physical, emotional and financial; in addition other members of the victim's family may be upset and practical problems may arise. Victims were asked several questions designed to assess the type and extent of these effects, and to ascertain whether offence type played a significant role in determining the impact of the crime on the victim's life.

TABLE 3.9 Types of effects reported by victims (30 November 1987 to 5 April 1989)

Effects	Number	Percentage of cases*
Injury	112	31.5
Emotional effects	323	91.0
Family difficulty	172	48.5
Employment difficulty	68	19.2
Major change to life	137	38.6
Financial cost	319	89.9

\* 355 cases

As Table 3.9 illustrates, nine out of ten victims experienced some emotional effects as a result of the crime, and nearly all victims had some financial cost to bear. Family difficulties were mentioned by half the victims, while four out of ten victims said the crime had caused a major change to their life. The following section examines such effects in greater detail.

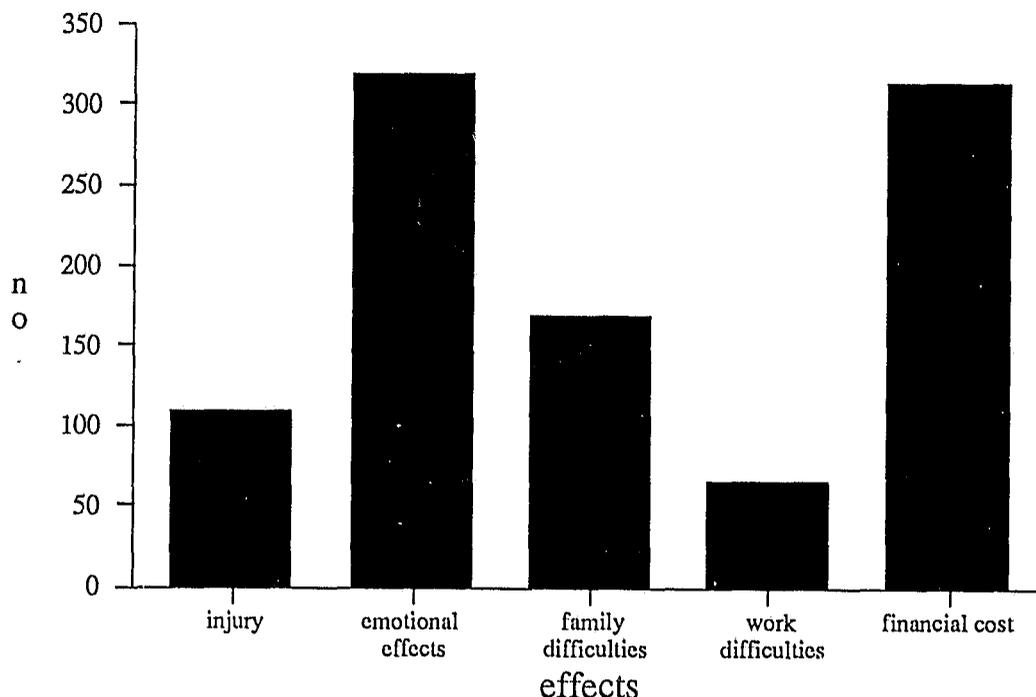


Figure 3.2 Number of victims reporting effects as a result of the crime

### Physical effects

Over a third of all victims (36.8%) at the initial interview reported being injured as a result of the offence, 64.3% of these being admitted to hospital.

TABLE 3.10 Degree of injury sustained, initial interview (1 May to 31 November 1987)

Injury	Number	Percentage
None	312	63.2
Minor—no medical attention	33	6.7
Medical attention	32	6.5
Admitted to hospital	117	23.7
TOTAL	494	100.0

Victims were not asked specific details about their injuries or other effects arising from the offence at the time of the initial interview as it was felt to be too close to the occurrence of the crime. This information was however, obtained in both the six monthly and outcome interviews. Six to twenty months after the offence 44.6% of injured victims were still experiencing problems with their

physical health. Table 3.11 lists injuries sustained and the relative degree of severity felt by the victim. Broken bones, cuts and abrasions, bruising and swelling were the main types of injury. The most prolonged chronic injuries related to broken bones, headaches, dizziness or concussion.

TABLE 3.11 Injury type by degree of seriousness (30 November 1987 to 5 April 1989)

Injury	SERIOUSNESS			TOTAL*
	Minor	Serious	Chronic	
Broken bones	7	8	24	39
Wounding	3	11	2	16
Damage to sight	2	1	2	5
Head/brain injury	1	6	7	14
Hearing damage	—	1	3	4
Loss of consciousness	6	8	—	14
Headaches, dizziness concussion	7	7	12	26
Damage to teeth	2	1	8	11
Internal damage	1	1	1	3
Back pain/injury	2	1	3	6
Damage to nerves	—	2	6	8
Muscle damage/strain	6	1	3	10
Cuts & abrasions	24	20	7	51
Bruising & swelling	25	34	6	65
Aggravation of existing problem	2	1	3	6
Aches, pains in general	3	2	4	9

\* 112 cases with a reported injury

### Emotional effects

As mentioned in the introduction, literature on the emotional impact of the crime is often varied and contradictory. Past research has shown 'the majority of victims' to both:

... [report] neither practical nor emotional problems (Hough and Mayhew 1985, p 32).

and to

... suffer some kind of emotional effect, which often led to changes in their behaviour and social lives (Shapland et al. 1985, p 106).

As Maguire and Corbett (1987) point out, to a large extent this confusion arises because various studies have been based on victims of different types of offences and make assumptions about 'the majority' of victims. For example, the first reference above related mainly to victims of burglary and theft, whereas the second reference concentrated on victims of violent crimes. However, as Maguire & Corbett illustrate, even among studies of similar offences, results vary according to the questioning and survey techniques used. However, some consistent findings in the area of the emotional effects of crime have emerged despite these differences.

The most notable of these are the well documented traumatic and persistent effects felt by victims of sexual assault.

The group suffering the most major psychological and social effects, however, was sexual assault victims. They were also the most likely to suffer from multiple and persistent effects (Shapland et al. 1985, p107).

... ample evidence from our own study and elsewhere that rape leads, in a high proportion of cases, to serious and lasting trauma (Maguire and Corbett 1987, p 173).

Research in the area of impact of the crime has also found that certain demographic characteristics of the victim, and the relationship between victim and offender influence the degree of emotional effect. Generally, females report more effects than males, although this is thought to be a result of a greater willingness by females to report such effects (Maguire and Corbett 1987). Other factors influencing emotional impact include knowing the offender prior to the crime, being from a low income category, elderly or living alone.

In our sample, victims were asked at the second interview if they had experienced any emotional effects as a result of the offence. Victims were not prompted by interviewers for any effects and up to four different effects were coded. Victims were asked to clarify if the effects they mentioned were felt for 'the first few days only', 'a month or so', or if 'they were still experiencing them'.

Table 3.12 shows the number and percentage of victims who reported the range from none to four effects. Over nine out of ten victims reported some emotional effect. The majority of these mentioned one or two (58.6%). One out of every eight victims mentioned the maximum number of effects (12.5%).

TABLE 3.12 Number of emotional effects (30 November 1987 to 5 April 1989)

Number of emotional effects	Number	Percentage
None	30	8.5
1	100	28.3
2	107	30.3
3	72	20.4
4	44	12.5
TOTAL	353	100.0

Table 3.13 lists the types of emotional effects reported. The majority of victims (65.4%) felt worried about the crime happening again, fear of returning to the same place, and fear of going out.

As can be seen in Table 3.14, fear was also a persistent effect, 80.7% of victims mentioning that they were still afraid and worried at the time of the interview—six to twenty months after the offence had occurred. A similar emotion, distrust, was also reported and persistent among victims.

**TABLE 3.13 Emotional effects of the crime: all offences (30 November 1987 to 5 April 1989)**

Effects	Number (N = 353*)	Percentage of cases
Fearful, worried	231	65.4
Stress, anxiety	186	52.7
Anger, frustration	131	37.1
Headaches, insomnia	67	19.0
Distrustful of others	60	17.0
Depression	31	8.8
No emotional effect	30	8.5

\* 2 cases missing

NB Total does not add up of 100% as more than 1 response was allowed.

**TABLE 3.14 Emotional effects of the crime by length of time effect was experienced: all offences (30 November 1987 to 5 April 1989)**

Effects	First few days	Month or so	Still experiencing	TOTAL
Stress, anxiety	71 (38.4)	39 (21.1)	75 (40.5)	185
Depression	9 (29.0)	10 (32.3)	12 (38.7)	31
Anger, frustration	75 (57.7)	17 (13.1)	38 (29.2)	130
Headaches, insomnia	11 (16.7)	21 (31.8)	34 (51.5)	66
Fear, worry	13 (5.7)	31 (13.6)	184 (80.7)	228
Distrustful	0 (0.0)	5 (8.5)	54 (91.5)	59

NB Numbers in brackets refer to row percentages.

Fear and worry was more pronounced in robbery and sexual assault victims. All sexual assault victims reported feeling afraid and worried as did eight out of ten robbery victims. Victims in these two categories also reported feeling more distrustful than other offence groups.

'Don't feel free any more, always looking over my shoulder, suspicious of others' (male, over 60, robbery with assault)

'lived in fear, changed me emotionally' (female, 31-40, rape)

'Very shaken and frightened. Still very wary. Worried when I go out, am scared of other people' (female, over 60, robbery with assault)

'No longer use car parks, don't go out alone anymore' (female, 21-25, indecent assault)

**TABLE 3.15 Emotional effects by offence group (30 November to 5 April 1989)**

Effects	Assault		Sexual Assault		Robbery		Break & enter		Unlawful use of motor vehicle	
	N	%	N	%	N	%	N	%	N	%
Fearful, worried	46	(67.7)	15	(100.0)	60	(82.2)	94	(61.0)	16	(37.2)
Stress, anxiety	43	(63.2)	9	(60.0)	41	(56.2)	74	(48.1)	19	(44.2)
Anger, frustration	26	(38.2)	6	(40.0)	17	(23.3)	61	(39.6)	21	(48.8)
Headaches, insomnia	23	(33.8)	6	(40.0)	25	(34.3)	12	(7.8)	1	(2.3)
Distrustful	9	(13.2)	5	(33.3)	24	(32.9)	17	(11.0)	5	(11.6)
Depression	9	(13.2)	4	(26.7)	9	(12.3)	5	(3.3)	4	(9.3)
No emotional effects	1	(1.5)	0	(0.0)	4	(5.5)	19	(12.3)	6	(14.0)
	(n = 68)		(n = 15)		(n = 73)		(n = 154)		(n = 43)	

NB Numbers in brackets refer to the percentage of victims in an offence group that felt an emotional effect.

General stress and anxiety were felt by over half the victims of personal crime and just under half of those involved in break and enter and theft of vehicle. This emotional effect was not as persistent as fear or distrust though, with only four out of ten victims claiming to still be experiencing stress or anxiety at their second interview.

The main effects felt by victims of unlawful use of a motor vehicle were anger and frustration (48.8%). This finding is similar to that found by the British Crime Survey (1985) where theft of a vehicle produced inconvenience, anger, frustration and annoyance (Hough & Mayhew 1985, p 29). It should be noted that four out of ten sexual assault and break and enter victims also reported feeling angry as a result of the crime. Unlike other effects, anger is felt mostly in the first few days after the offence (55.2%) with less than one third of victims who felt angry still doing so at the time of the second interview.

Victims of personal crime were the main ones to experience some physical symptoms of emotional stress such as headaches, insomnia, nightmares, memory loss and aggravation of existing medical conditions. Only 6.6% of property crime victims reported this type of effect.

**TABLE 3.16 Offence type and number of emotional effects (30 November 1987 to 5 April 1989)**

Number of emotional effects	Assault		Sexual Assault		Robbery		Break & enter		Unlawful use of motor vehicle	
	N	%	N	%	N	%	N	%	N	%
None	1	(1.5)	—	(0.0)	4	(5.5)	19	(12.3)	6	(14.0)
1	19	(27.9)	3	(20.0)	13	(17.8)	47	(30.5)	18	(41.9)
2	20	(29.4)	1	(6.7)	22	(30.1)	53	(34.4)	11	(25.6)
3	15	(22.1)	4	(26.7)	17	(23.3)	30	(19.5)	6	(14.0)
4	13	(19.1)	7	(46.7)	17	(23.3)	5	(3.2)	2	(4.7)
	(n = 68)		(n = 15)		(n = 73)		(n = 154)		(n = 43)	

NB Number in brackets refers to the percentage of victims in each of offence groups.

The type of offence is a significant factor also in the number of emotional reactions (chi square = 57.98, df = 16,  $p < .001$ ). Nearly half of the sexual assault victims (46.7%) had the maximum number of effects, whereas over half of the unlawful use of motor vehicle victims had one or no effects (55.9%).

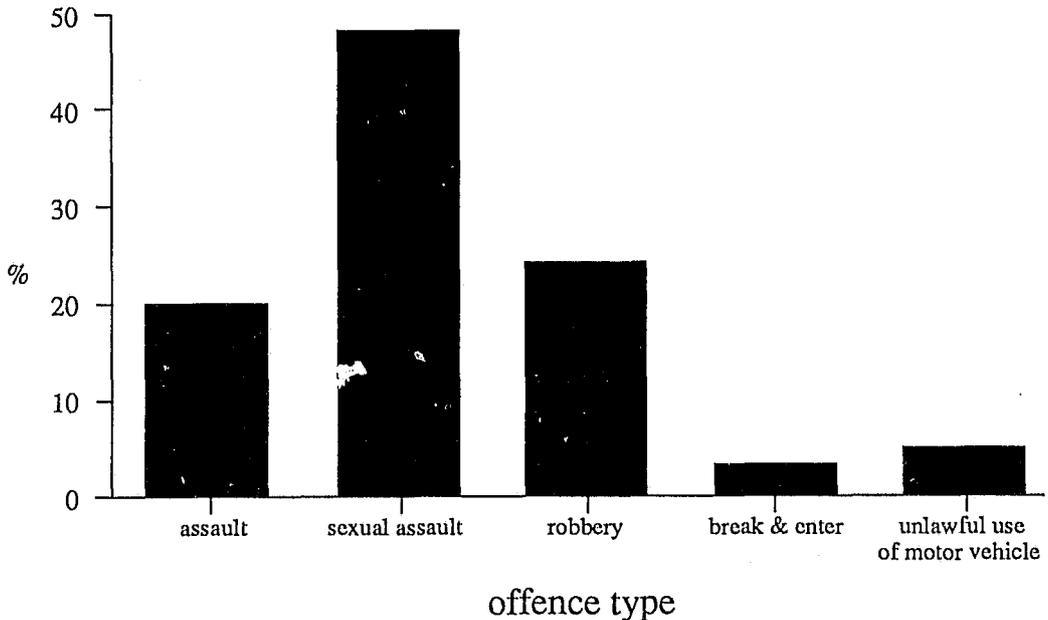


Figure 3.3 Percentage of victims with the maximum number of emotional effects

It is generally assumed that older people suffer from the effects of crime more than younger people. They have been assumed to lack psychological resilience (Duncan 1981), and to grow timid, insecure and nervous even within the home (Grabosky 1989). This view of elderly victims is reinforced by crime surveys which show that the elderly express the greatest fear of crime even though they are the least likely to become victims. In order to test the notion that elderly victims suffer the most trauma, an analysis of variance was performed in order to determine whether there was a significant relationship between the number of emotional effects reported and type of offence, age and sex of the victim.

Sex and type of offence were both found to have an influence on the number of emotional effects a victim reported, but age was not significant. Unfortunately due to empty cells (for example, no male sexual assault victims) an analysis for all *interactions* between type of offence, age and sex could not be made.

Type of offence was then divided into property and personal crimes (a one-way analysis of variance confirmed that there was a significant difference between these two groups ( $F(1,5)=11.744$ ,  $p < .001$ ). Type of offence had an effect on number of emotional reactions, as did sex of the victim. An interaction effect occurred between age and sex, but type of offence did not interact with either age or sex. Females aged 40 years and under reported more emotional effects than both age groups of men, but did not differ from older females. Older females were not noticeably more affected than males.

The result of younger females reporting more trauma could be a result of this group containing a large number of sexual assault victims. As sexual assault victims suffered the most emotionally (as found both in our and other studies), the data was re-analysed without sexual assault victims as this group could have masked results arising from other categories of victims. When this was done the age and sex interaction disappeared.

The factor of 'living alone' (as determined as accurately as possible by marital status) was entered into the equation. No effects were found for older females, living alone.

What this analysis shows is not that older females in our study do not become emotionally distressed by crime, but rather that other sub groups of victims were just as upset. Females in general report more effects but being older and 'living alone' does not indicate a significantly higher level of emotional stress than might be felt by a younger or married person.

Another characteristic mentioned in research on the emotional impact of the crime on victims is whether the victim knew the offender prior to the offence. Mawby and Gill (1987) found that if the offender was well known 53% of victims were 'very much' or 'quite a lot' affected by the crime compared to only 29% if the offender was a stranger. Among our sample, 30.8% of victims who knew the offender well (for example, spouse, other relative or friend) reported the maximum number of emotional effects compared to only 10.9% of victims who did not know the offender at all. Table 3.17 shows the type of effects reported in each of three categories 'stranger', 'well known' and 'acquaintance'.

TABLE 3.17 Emotional effects by victim's relationship to offender (30 November 1987 to 5 April 1989)

Effect	RELATIONSHIP TO OFFENDER					
	Stranger		Well known		Acquaintance	
Stress/anxiety	164	(52.6)	10	(76.9)	12	(48.0)
Depression	27	(8.7)	1	(7.7)	3	(12.0)
Anger	113	(36.2)	5	(38.5)	11	(44.0)
Headaches	51	(16.3)	6	(46.2)	9	(36.0)
Fear/worry	206	(66.0)	8	(61.5)	15	(60.0)
Distrust	51	(16.3)	2	(15.4)	5	(20.0)
No effects	28	(9.0)	—	(0.0)	2	(8.0)
	(n = 312)		(n = 13)		(n = 25)	

NB Numbers in brackets refer to percentage in relationship category who felt that effect.

All the victims in the 'well known' category suffered some emotional effect from the crime. This group was also more likely to report stress/anxiety and some physical reaction to emotional impact such as insomnia or headaches. For example, 46.2% suffered headaches etcetera compared to only 16.3% of victims where the offender was a stranger. People who were victimised by an acquaintance (includes customers and neighbours) were slightly more likely to report feeling angry, frustrated, and distrustful. Victims who did not know the offender

prior to the crime were just slightly more likely to report feeling afraid and worried. These results did not reach statistical significance, due probably to the small number of cases in the 'well known' and 'acquaintance' categories.

Although nearly all victims reported some emotional effect (91.5%), our sample was biased in favour of the more violent crimes. The sampling time frame for the more common property offences was shorter than for the less frequent violent crimes. As shown, offence group is significantly associated with emotional effects. Would the type of effects experienced by victims alter if all the offence groups had been sampled equally? In order to test this the data was weighted by offence type.

As Table 3.18 shows, even after weighting, the majority of victims experience some emotional effect (87.6%). Fear and worry are still the main concerns, with stress and anxiety also being prominent effects. The level of headaches, insomnia and other physical reactions to the emotional impact of the crime decreases however in the weighted population (19% survey, 7.4% weighted). The level of anger and frustration has increased slightly.

TABLE 3.18 Emotional effects of the crime: all offences and weighted data (30 November 1987 to 5 April 1989)

Effects	Percentage of Cases*	Weighted Percentage**
Fearful, worried	65.4	56.5
Stress, anxiety	52.7	47.6
Anger, frustration	37.1	41.3
Headaches, insomnia	19.0	7.4
Distrust of others	17.0	10.9
Depression	8.4	8.9
No emotional effect	8.5	12.4

\* 353 cases

\*\* Based on a weighting of data by offence group

NB Total does not add up to 100% as more than one response was allowed.

### Other effects

Apart from the emotional and psychological impact of the crime, victims were asked if they experienced any housing or employment difficulties as a result of the offence. There were 43% of victims whose family members were upset or worried, and nine victims reported arguments were now taking place due to the offence. Just under 6% of victims (21 or 5.9%) had moved house with a further four victims thinking of moving, and fifteen victims were worried about the offender knowing their address. This last concern arose from robbery offences where an offender had the victim's purse or wallet containing identifying information.

**TABLE 3.19 Time off work due to the offence by offence type**

Offence type	TIME OFF WORK			TOTAL
	1 day - 1 week	1 week - 1 month	More than 1 month	
Assault	10	9	7	26
Sexual assault	—	2	1	3
Robbery	3	6	—	9
Break and enter	3	—	—	3
Unlawful use of motor vehicle	2	1	—	3
TOTAL	18	18	8	44

One in five (19.7%) victims who were employed had some time off work due to the offence. The majority (78.3%) of these were absent from the workplace for up to one month. When the number of days lost to the workforce due to victimisation is calculated for our sample of victims—a total estimated range of between 1324 and 1985 days is arrived at. The average (median) number of days per victim is 11 days. The loss of employment resources is an example of the cost to the community of victimisation. Such a cost should be borne in mind when debating the benefits of services for victims (as better services may have reduced the number of days absent from the workforce) or costs of crime prevention programs.

### Major change to life

When victims were asked if the crime had caused a major change to their lives in the first weeks after the offence, offence type emerged as a statistically significant factor. Table 3.20 shows offence type and whether the crime had a major impact. The majority of victims of assault (57.4%) and sexual assault (66.7%) reported their life altering in a major way in the first few weeks.

**TABLE 3.20 Did the offence cause a major change to victim's life in the first few weeks after the offence by type of offence?**

Offence type	Yes a major change		No major change	
	N	%	N	%
Assault	39	(57.4)	29	(42.6)
Sexual assault	10	(66.7)	5	(33.3)
Robbery	37	(50.7)	36	(49.3)
Break & enter	58	(37.7)	96	(62.3)
Unlawful use of motor vehicle	20	(46.5)	23	(53.5)
TOTAL	164		189	

### Stolen or damaged property

Three quarters of victims had property stolen or damaged. Goods stolen were mainly general household or personal items (48.3%). The most common items in this category were: cash, wallets and handbags containing credit cards, bank books, keys etcetera. Other general household items stolen were: clothing, tools and camping gear. A quarter of victims with stolen property lost electrical goods such as televisions, stereos and videos. As would be expected doors and windows

sustained the most damage (67.7%), although property and clothing on the person was damaged for 24 victims, mostly (83.3%) as a result of personal offences (assault).

### Cost of the offence

Nearly all victims (89.9%) reported some financial cost associated with the offence. Table 3.21 lists the estimated total cost to victims by offence type. Repair costs of up to \$2500 had to be met by 86 victims although the majority of these (70.9%) needed to pay less than \$250. Unrecovered stolen items were listed as a cost by 183 victims. \$1000 or less was the estimated amount stolen for half of these victims, over a quarter (29.5%) estimated between \$1000 and \$5000.

TABLE 3.21 Total estimated financial cost of offence by offence type

Costs	OFFENCE TYPE				
	Assault	Sexual assault	Robbery	Break & enter	Unlawful use of motor vehicle
<\$50	—	—	6	8	3
\$50-\$100	1	—	6	11	3
\$100-\$500	9	—	22	31	7
\$500-\$1000	2	1	4	22	4
Over \$1000	5	—	8	54	13
Can't estimate	47	5	17	22	8
TOTAL	64	6	63	148	38

Over a third (39.4%) of victims with stolen property had their property fully or partially recovered. Stolen motor vehicle were generally recovered (50% fully, 38.9% partially) whereas break and enter victims were less likely to see their property again (88.8% not recovered). Most property was returned within three days of the offence (68.8%). The chances of having property returned greatly diminished after this time. Only six victims had their property returned between the first and second interview.

### 3.5 VICTIMS IN COURT

In addition to interviewing victims from our study whose cases had progressed through to a court appearance about their experiences in court a separate sample was taken of victims known to have appeared as crown witnesses in trials heard at the Supreme and District Criminal Courts. The methodology chapter of this report details the rationale and sampling method used for the 'court' sample. To determine if the court sample was representative with victims of the main study, the two were compared on offence type, age, sex and employment status (Appendix D). Differences did emerge—most notably in relation to offence type. A greater proportion of robbery victims appeared in court in the main study than in the 'court' sample and there were no victims of sexual assault appearing as witnesses in the main study. There was also a higher representation of elderly victims and pensioners in the main study.

**TABLE 3.22 Victims in the court sample by offence type**

Offence type	Number	Percentage
Assault	32	16.5
Sexual assault	7	13.5
Robbery	1	1.9
Break and enter	7	13.5
Unlawful use of motor vehicle	5	9.6
TOTAL	52	100.0

The differences between the two samples can be explained as a result of the stage in the justice process where the samples were taken. A significant proportion of trial cases in Supreme and District Criminal Courts are sexual cases, due to the seriousness of the offence and number of not guilty pleas. Only a small proportion of *all* cases reported to police progress to higher court trial, many cases being finalised in Courts of Summary Jurisdiction, Children's Court, or (in all courts) by defendants pleading guilty.

Given the differences between the two samples it is proposed to examine the court sample (52 cases) in isolation from the main sample. Both samples are representative of the population from which they were drawn. Victims in the court sample who did not return a questionnaire were compared with those who did for the known variables of sex and offence type. No statistically significant differences were found, suggesting there was no systematic response bias in the court sample.

### **Attending court**

Victims in the court study did not have a problem in either being notified to attend court or finding the court room. Only two out of the 52 victims had trouble locating the court room. Dissatisfaction was expressed however, with the waiting facilities and the amount of time spent waiting in court. Criticisms included having to face the offender, and crowded, uncomfortable and spartan facilities. The South Australian Committee of Inquiry on Victims of Crime (1981) also reported problems with the waiting facilities for victims and witnesses, and made recommendations for their improvement (Recommendations 44-47).

Victims also complained about delays in being called for evidence—a problem exacerbated by lack of facilities or refreshments, and nervousness. Most comments about facilities related to committal hearings at Courts of Summary Jurisdiction, but victims also had concerns about potential for contact with the offender in the environs of the Supreme Court. Eight out of ten victims encountered the offender and/or their family/friends outside the courtroom. The waiting area was the most commonly specified place, but victims mentioned seeing the offender outside the building, at the court entrance, or in corridors. Reactions to encountering the offender varied from 'no reaction' to 'anger and hatred', 'fear', 'harassment' and 'feeling uncomfortable'.

More than two thirds of victims had someone accompany them to court, mainly family and friends. Work colleagues, other witnesses and detectives also went to

court with the victims. For the sixteen victims who went to court alone four would have liked a companion. The reason given was to have someone explain what the victim should expect.

### Giving evidence

The majority of victims felt that their rights had been protected in court, both by the prosecution and by the judge. Victims generally felt that they had been adequately prepared (78.4%), and that they were given the chance to get their story straight (80.0%). More than half however, had experienced some confusion in remembering the events (56.0%). Harassment by the defence solicitors (70.6%), being embarrassed or nervous (76.9%) and fear of retaliation (58.8%) were other problems cited in giving evidence.

### Prosecution

As mentioned earlier victims generally felt prosecutors had protected their rights, but it is of interest to ask how satisfied they were with the case as presented by the police prosecution in magistrates' courts and Crown prosecution in the Supreme and District Criminal Courts. Whereas nearly nine out of ten victims (88.9%) were satisfied with police prosecutors fewer felt the same way about the Crown prosecutors (59.5%). Victims who supplied reasons for this dissatisfaction with the Crown felt the prosecutors did not give enough consultation or notice (n=3), did not 'get to the truth', accepted 'guilty lesser' verdicts (n=5), 'were poorly prepared and not interested' (n=5).

All victims from the main study were asked if they would have liked to have their own representation in court, either by themselves or their own lawyer. This concept of the victim having a more active role in the proceedings is in existence in a number of European countries having the *partie civile* model. The overwhelming majority of victims in our study however (90.9%), did not want to represent themselves in court. Victims trusted the prosecution, thought they lacked legal knowledge and expertise, and that it was the Crown's job to represent them.

TABLE 3.23 'Would you like independent representation in court by a lawyer of your own choosing?'

	Number	Percentage
Yes	83	24.6
No	255	75.4
TOTAL	338	100.0

The idea of their own lawyer representing their interest in court had more support, although the majority (75.4%) of victims were against the idea. Victims felt that their own solicitor would handle the case better, that they would be personally represented, and would get better results. Victims of assault and of unlawful use of motor vehicle desired their own lawyer more than other groups of victims (42.9% and 35.7% respectively). Among the few victims from the

main sample who had actually been to court a greater proportion would have liked independent representation (n=11, 33.3%). This suggests that victims seeing the current court system in action prefer alternatives more than those who had not attended court. Over half (55.2%) the victims said they would not be able to meet the costs of having a solicitor represent them, and (20.3%) said they could manage only with some difficulty.

### Changes to court procedure

More than half the victims in the court sample (58.5%) said there should be some change to court procedure. Changes included: consideration and rights for victims, for example, not be asked to reveal occupation in court, be able to hear all evidence, receive better treatment as a witness (11 victims), better facilities (4 victims), shorten the length of the process (4 victims), and provide information and explanations on the outcome of the case (6 victims). Examples of victims' suggestions follow.

'Prior consultation with prosecutor' (larceny of a motor vehicle victim)

'No charges were laid on me, so why should a witness be harassed, the defence should treat all witnesses equally' (assault victim)

'We were not allowed in when the offenders gave evidence. But the offenders were in court the whole time...' (assault victim)

'It would have been easier to remember events if case had been heard sooner, far too many deferments'. (break and enter victim)

'Better waiting accommodation. Proper briefing on court procedure and being kept in touch on the progress of the case.' (break and enter victim)

One possible reform to court procedure suggested for victims also would be of benefit to the offender, that is, the quicker disposition of cases in the court system. Among the dissatisfied victims in the court sample, nine (18.0%) cited the time it took for their cases to be finalised as the cause of their dissatisfaction.

Walker (1985) also raised this issue:

The irony here, of course, is that speedy trial has traditionally been seen as a defendant's rights issue ... In this instance the rights of the victim and the defendant are identical (Walker 1985, p 141).

### 3.6 SENTENCING PRACTICES

Most people have opinions about sentencing practices, and for victims this interest is naturally greater due to their personal involvement with the crime. Regardless of whether they had attended court or not, victims had ideas about factors they considered should be taken into account when determining their offender's punishment. Victims also have opinions on actual sentences given and sentencing options such as restitution. The study asked all victims for their views on the above topics. For victims who had more knowledge regarding the sentencing of their offender, additional questions were asked on victims' satisfaction with the sentence and what factors magistrates or judges took into account when passing sentence.

#### **Restitution and compensation**

The terms restitution and compensation can be confusing as they are sometimes used interchangeably and definitions vary between places and reports. In this study compensation refers to the payment made by the state to recompense the victim for injury resulting from a crime. In most cases the state then attempts to recover these costs from the offender.<sup>9</sup>

The term restitution is commonly understood to refer to:

... a process whereby the offender makes good to his victim by restoring in full his property, or makes up in some way for any injury which he caused the victim to suffer (Duckworth 1980, p 228).

The most common form in which this occurs is for the offender to pay the victim a sum of money. The concept of restitution is an ancient one (Jacob 1974) but one which is recently becoming more prominent (*Criminal Law (Sentencing) Act, 1988* Sections 52, 53). The principal advantages of restitution can be summarised as:

... repaying the crime victim for damages or harm along with the advantage of potential offender rehabilitation. Restitution compensates the victim, relieves the state of some burden of responsibility and permits the offender to pay his debt to society and the victim (Newton 1976, p 369).

Three quarters of victims felt they would like or should receive restitution from the offender (Table 3.24). Most thought this would hold the offender responsible for his or her actions (56.9%). This notion of accountability and subsequent rehabilitative effect on the offender is often mentioned in the literature as a rationale for restitution (Schafer 1960; Jacob 1974; Newton 1976; Forer 1980). Other reasons for receiving restitution suggested by victims included: it would be a deterrent, it could replace property and compensate for loss, and it would compensate for physical injury.

**TABLE 3.24(a) 'Should you receive restitution from the offender?'**

	Number*	Percentage
Yes	263	75.1
No	87	24.9
TOTAL	350	100.0

\* 5 cases missing

**TABLE 3.24(b) Reasons for receiving restitution**

Reason	Number	Percentage of cases*
Hold offender responsible for their action	144	56.9
Act as a deterrent	53	20.9
Recover property, costs, damage	37	14.6
For medical costs, pain and suffering	35	13.8
Victim deserves restitution	28	11.1
Keep insurance costs down	5	2.0
Better than prison	3	1.2
Quicker than criminal injuries compensation	1	0.4
Better than state paying costs	1	0.4

\* Number of cases = 253

NB More than 1 reason given, total does not add to 100

That the offender was unlikely to pay was the main reason given for not wanting restitution. Other reasons against restitution were: that the crime was not serious enough, the offender had already been punished, or the victim did not want anything to do with the offender. There were three victims in the study who actually received restitution plus another two awarded it but awaiting payment. The main reasons for victims not receiving restitution were that they didn't know how to go about requesting it, and did not know if the case had been heard.

### **Alternatives to restitution**

Victims were asked their opinions on non monetary alternatives to restitution such as community service, or the offender working for the victim. The majority of victims (69.4%) approved of the offender working in the community without payment as an alternative to restitution. Victims felt community service would benefit both the community and the offender. Some victims felt that it would act as a deterrent against further crimes, and if hard physical labour was involved, would also act as a punishment. Those who felt uncomfortable with the idea of community service felt the system would be open to abuse, their offender was not a suitable candidate due to the violent nature of the offence, or that it was a soft option.

Victims of different offence groups were found to favour community service differently (chi square = 41.084, df = 4, p < .001). As would be expected victims of property crime (break and enter, unlawful use of motor vehicle) were more in favour of community service than victims of crimes which involved personal violence (assaults, sexual assault, robbery). See Table 3.25.

TABLE 3.25 Approval of offender working in the community by type of offence

Offence	WORK IN COMMUNITY		Total
	Yes	No	
Assault	30 (46.9)	34 (53.1)	64
Sexual assault	7 (46.7)	8 (53.3)	15
Robbery	39 (57.4)	29 (42.6)	68
Break & enter	125 (84.5)	23 (15.5)	148
Unlawful use of motor vehicle	33 (78.6)	9 (21.4)	42
TOTAL	234 (69.4)	103 (30.6)	337*

\* (18 Cases missing)

NB Numbers in brackets refer to row percentages

In contrast to the generally favourable reception to the offender working in the community very few victims agreed with the idea of the offender doing work directly for them (15.5%). Reasons why eight out of ten victims were against this idea were: distrust of offender; fear of reprisal or further crimes; the fact that they did not want to see the offender; and being afraid of entering into conflict with the offender. The 53 victims who felt it would be good having the offender work for them were divided in their motivations. Some saw it as giving the offender a second chance and making them responsible for their actions. A minority (7, 13.2%) saw it as a chance for revenge. Once again offence group was a statistically significant factor; victims of property crime were more in favour of the offender working for them than were victims of personal crime (chi square = 23.262, df = 4, p < .001).

### Mediation

Although the vast majority (84.5%) of victims were against the idea of the offender working for them, the idea of meeting the offender in a mediation setting, with a third party present, received more approval. Just under half (45.1%) the victims were in favour of this notion.

Offence type played a significant role in victims' feelings towards mediation (chi square = 35.025, df = 4, p < .001). Nearly six out of ten property offence victims were in favour of a mediation approach, whereas only a minority of victims of violent offences were willing to consider the idea. Positive replies to the suggestion included: interest in seeing the offender; it would save court time; the offender would discover the effects of the crime. Negative views on mediation included: concerns about the possibility of conflict; victims being scared of the offender; it is the authority's responsibility, not the victim's, to deal with the offender.

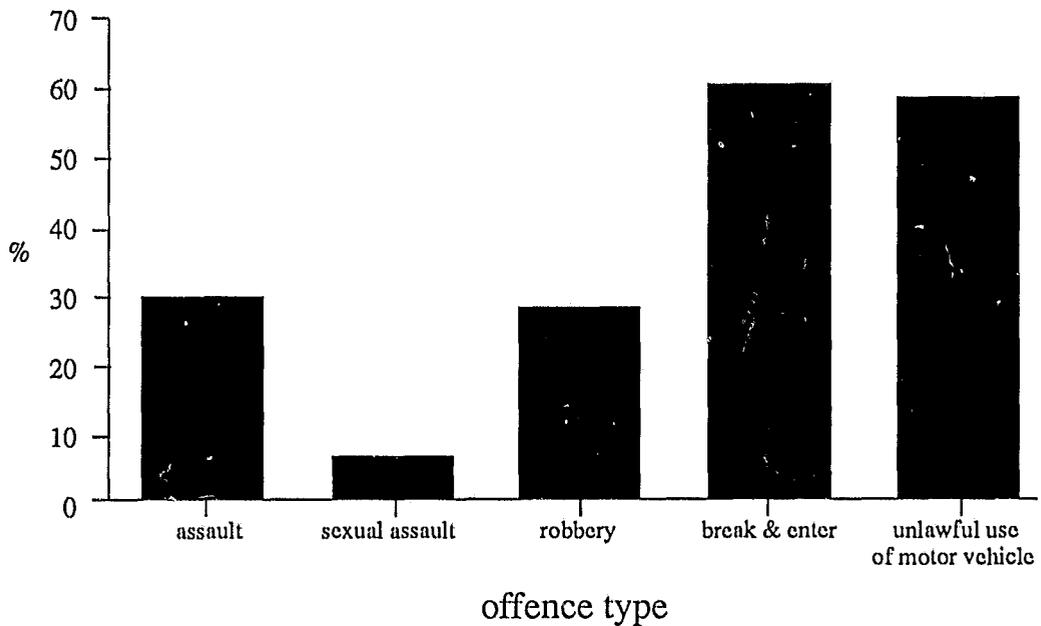


Figure 3.4 Percentage of victims approving of mediation

### Summary

The form of restitution most favoured by victims was for a monetary payment from the offender direct to the victim. The new *Sentencing Act* (1988) now echoes this sentiment by emphasising restitution as a sentencing option, to be used rather than a fine if an offender has insufficient means to pay both. In future more victims should receive the benefit of this new legislative initiative.

### 3.7 VICTIM IMPACT STATEMENTS

The victim's role in the sentencing process still is a matter of contention among legal theorists in Australia. South Australia was the first state to initiate victim impact statements. Such statements are designed to present to court at the time of sentencing relevant information about effects of the crime on victims. As mentioned in the introduction however, this idea has not been universally accepted. In this study we asked victims what they thought of victim impact statements and what information such statements should contain. The formal introduction of victim impact statements however, did not take place in South Australia until January 1989, after this study was completed.

All victims were asked if there was information about the injury or effects of the offence which should be presented to the court at the time of sentencing. The majority of victims approved of the idea of victim impact statements in their case being presented in court at the time of sentencing. The items which victims considered important to raise in such statements are listed below:

- emotional effects from the crime (55.9%);
- injuries or other medical conditions (31.5%);
- financial loss (19.4%);
- concern for safety (17.1%);
- effects of the offence on the victim's family (16.7%);
- effects on the victim's lifestyle (14.9%).

Victims in favour of the idea of victim impact statements felt that it was important for the court to have the complete picture. The 36.2% of victims who were not interested in victim impact statements felt that their cases was too minor, or that there were no effects to be presented.

Most victims were not aware of the factors the judge or magistrate took into account when sentencing the offender (73.9%). Factors which were known to be taken into account were: the offender's background (8 victims, 27.6%); previous record (9 victims, 31%); evidential matters such as guilty pleas; or insufficient evidence (6 victims, 20.7%). None of the victims interviewed thought the sentencing court had taken the effect of the crime on them into consideration.

Responses received from victims from the separate 'court' sample confirmed this. Only two out of fifty-two people felt that the effect of the crime on them had been a factor in determining the sentence imposed. Of the eighteen victims in the main sample who considered that they knew what factors had been taken into account the majority (10 victims) felt that this had diminished their belief that 'justice had been done'. Two victims however, considered that knowing the sentencing factors helped them both to understand the offender and to think justice had been done.

The majority (76.2%) of victims who were unaware of sentencing factors would have liked to have been informed. Reasons included: to see if justice was done (16 victims, 33.3%); for information (15 victims, 31.3%); and to see if courts took any account of the effect of the crime on the victim (10 victims 20.8%). As we saw with the victims mentioned above, it is doubtful if victims would be satisfied knowing the sentencing factors. There were some victims who did not think they should know what factors were considered (23.8%) either because they were not interested (6 victims), felt it was not their business to know (5 victims), or the case was too minor (1 victim).

### 3.8 VICTIM INVOLVEMENT AND VICTIM SERVICES

While the discussion has so far focussed on victims' encounters (or lack of) with the criminal justice system, the next section examines how the situation may be improved. Throughout this study one of the main themes has been a consideration of different philosophical approaches to victim reform.

One approach, based on a procedural rights model, sees victims having a more active and participatory role in the criminal justice system. The other arises from a 'care ideology' or services model and concentrates on victims' access to and use of various services. The other major theme explored has been the relationship between reforms pursued on behalf of victims and victims' own views on these reforms. Much reform has been proposed and implemented on behalf of victims, but this study has given victims the opportunity to express their wishes or concerns in relation to such initiatives. The following chapter discusses what rights and services victims would like.

### **Degree of involvement**

As well as recording victims' experiences with the criminal justice system, victims' attitudes were sought on the degree of involvement that they personally would like to have. These findings indicate how victims perceive their role, and illustrate how a victim-orientated justice system might operate. Amount of involvement victims could choose were no involvement, being informed of an action that had already taken place, being consulted and having opinions taken into account, and actively participating in the events (attending meetings and negotiations). Victims being kept informed of developments can be seen as consistent with both a services model and a rights approach. A services or 'needs' approach would view the provision of information as effectively an 'act of charity' or 'being nice to the victims' (Shapland 1988, p 401). A rights-motivated approach however, would see the victim being kept informed as a duty to be consistently performed and delivered. In South Australia, under the 1985 declaration, it is the right of victims to be kept informed. Having the victim consulted or actively participate is more obviously viewed from a procedural rights model, as it is possible for the victim to influence proceedings.

Stages of the justice process in which victims were asked to consider their involvement included: interviewing witnesses, identifying suspects, deciding on charges, bail and sentencing decisions, attending court as a witness, and deciding on release from custody. Table 3.26 lists the stages and victims' desired level of involvement.

Generally most victims wanted either no involvement, or to be kept informed of developments. There were two areas where victims thought they should be actively involved: identifying suspects (74.1%), and attending court as a witness (90.2%). These events are ones where victims traditionally are called upon, or expect to participate. Reasons given by victims for participating in these two stages were: 'to assist police'; 'it's my duty'; 'had to go if asked'; 'to see justice done' (court witness); 'to catch them' (identify suspects).

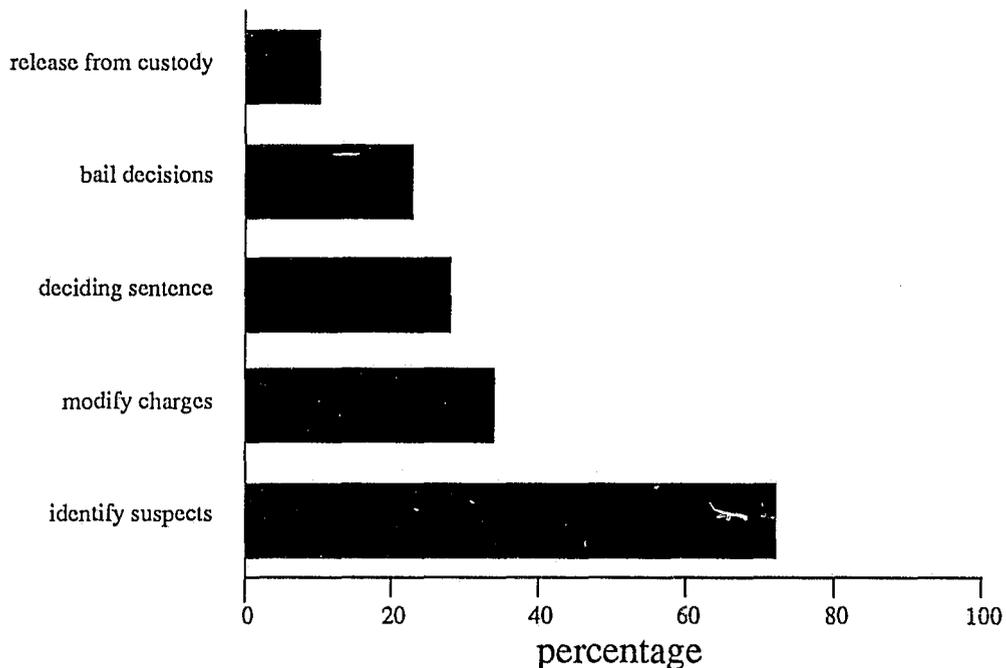
There were some other less traditional areas where victims expressed a desire to be consulted or to be actively involved, for example, deciding on charges (23.5% consulted), modification of charges (30% consulted), and sentencing of the offender (21.5% consulted). Reasons for wanting to be consulted at these stages included: 'to negotiate'; 'put forward their point of view and opinions'; 'to make sure the charge was not lessened'; 'to know why a particular charge was laid or changed'; 'to determine if a sentence is appropriate'. The declaration gives victims these rights, but as seen from earlier discussions such information or consultation was not forthcoming in the vast majority of cases.

**TABLE 3.26 Victims desire for involvement by various stages of the justice process**

Process	No involvement		Informed		Consulted		Actively involved		Total
Interview witnesses	208	(45.3)	167	(36.4)	19	(4.1)	65	(14.2)	459
Identify suspects	95	(20.8)	22	(4.8)	1	(0.2)	338	(74.1)	456
Interview suspects	170	(36.6)	213	(45.8)	22	(4.7)	60	(12.9)	465
Collecting evidence	172	(41.4)	112	(26.9)	10	(2.4)	122	(29.3)	416
Decide on charges	102	(21.7)	237	(50.5)	110	(23.5)	20	(4.3)	469
Modification of charges	128	(27.4)	179	(38.3)	140	(30.0)	20	(4.3)	467
Attend preliminary hearings	196	(42.0)	115	(24.6)	1	(0.2)	155	(33.2)	467
Bail decisions	192	(41.3)	162	(34.8)	82	(17.6)	29	(6.2)	465
Attend court as a witness	35	(7.5)	9	(1.9)	2	(0.4)	422	(90.2)	468
Attend court not as a witness	180	(38.5)	102	(21.8)	3	(0.6)	183	(39.1)	468
Deciding on sentence	104	(22.2)	228	(48.6)	101	(21.5)	36	(7.7)	469
Parole decisions	247	(53.2)	129	(30.0)	52	(11.2)	26	(5.6)	464
Release from custody	254	(54.7)	161	(34.7)	36	(7.8)	13	(2.8)	464

Areas where majority of victims felt less desire to be involved, informed, or consulted were in parole decisions (53.2%), and deciding on the offender's release from custody (54.7%). At this stage, victims felt they were: 'no longer interested'; 'they wanted to forget the offence'; 'the matter was finished with'; and 'it was the authorities' decision on these matters'.

Reasons given for non involvement at other stages of the process included: 'it's up to the police/courts/authorities'; 'no point'; 'too busy'; 'a minor offence'. Main reasons victims gave as to why they should be informed were: 'to know developments'; 'it's the police/authorities' job and not the victim's to be actively involved'.



**Figure 3.5 Percentage of victims wishing to be consulted or involved at stages of justice process**

### Summary

Just as there has been a growing recognition of victims' rights in the criminal justice system, sections of the victim movement have been campaigning to allow victims more of a role in the justice process. There have been opponents to this push, saying it is against the natural system of justice established in common law countries.

In examining victims' attitudes to the rights-based approach above it is revealed that victims, to a large extent, like to be kept informed of key developments. They do not see themselves however, as actively participating or altering the current system. Such views could be based on an acceptance of their current role. Although this may be true to a certain extent it must be remembered that these victims were not kept informed of significant events, yet the majority felt they should have been. In addition, between a quarter and a third of victims felt the need to be more than informed about decisions concerning modification of charges and sentences.

### Services

Just as South Australia was one of the first states to introduce victim 'rights' it also led the way in establishing services for victim 'needs'. The reforms implemented for the treatment of sexual assault victims arose out of a desire to treat these victims with sensitivity and compassion.

Today victims of crime can avail themselves of many services which exist in the community. Although some of these services, such as hospital and medical care, counselling, emergency housing and financial assistance, are available to any member of the public, there exist also services which target victims—such as Victims of Crime Service, or the Sexual Assault Referral Centre. Victims are also able to receive financial compensation for effects of the crime from the government, and may receive restitution from the offender. Before discussing further services which could be provided to assist victims of crime in recovery from the offence, it is useful to document which services victims currently use and how satisfied they are with these.

The majority of victims (68.1%) received support from relatives and friends and nearly three out of ten victims mentioned actively seeking out family and friends for assistance because of the crime. This source of help was the most used of any of the services, and as all victims found it helpful the possibility that this alone is the major avenue for the majority of victims should not be discounted or dismissed. Davis (1987) in his study on an American crisis intervention program for victims concluded that:

For most victims crime does not produce such serious psychosocial disruptions that victims cannot cope themselves and readjust over a period of days or weeks. The vast majority of robbery, assault and burglary victims do not seek assistance, and even when they do, they do not seem to feel the need for extended counselling (Davis 1987, p 528).

He did point out however that a different situation existed for rape victims, and possibly victims of domestic violence and major assaults, and relatives of homicide victims (p 529). These victims often do benefit from extensive and formal counselling, and such programs should be more available, with victims encouraged to make use of them.

Apart from the victim's friends and family, other people contacted for assistance included general practitioners, hospital services, insurance companies, solicitors, community welfare, counselling services, landlords and employers. A quarter of victims however, did not contact anyone for assistance. As would be expected victims who contacted the insurers were all victims of property crime or robbery. Victims who contacted a general practitioner or sought other medical attention were victims of assault, sexual assault or robbery.

Over eight of every ten victims felt the people they contacted were able to assist them. When examining the people and reasons for the fifty-four victims not helped, it was found nearly half the complaints related to insurance companies. Problems with solicitors and legal aid bodies were the subject of a further quarter of complaints.

## Assistance needed but not received

Victims were asked at the initial interview to review several types of assistance which they could have used. These included counselling, medical care, financial assistance, practical advice on preventing further victimisation, child care etcetera. The majority (60.9%) reported either receiving all the help they needed or not needing any type of assistance. Nonetheless a significant minority (39.1%) had required some service yet did not receive it. Main services identified were: practical advice on avoiding becoming a victim again (15.7%); home visits (11.0%); protection by police (11.0%); financial assistance (10.0%) and counselling (9.1%). Reasons why victims did not receive this assistance included: they didn't know it was available or it was unavailable; the police were too busy; the police didn't tell them or didn't know; they hadn't looked for help yet; or they didn't know why they weren't assisted.

TABLE 3.27 Victims reporting needing a particular service yet did not receive it

Service type	Number	Percentage of victims
Practical advice on preventing crime	76	15.7
Home visiting scheme	53	11.0
Protection by police	53	11.0
Financial assistance	48	10.0
Counselling	44	9.1
Advice or support regarding attending court	36	7.6
Support from other victims of crime	28	5.8
Travel assistance	24	5.0
24 hour crisis intervention	18	3.7
Help changing accommodation	15	3.1
Alternative employment	8	1.7
Child care assistance	6	1.2
Support from family/friends	4	0.8
Emergency medical care	3	0.6
Long term physical rehabilitation	1	0.2

Different categories of victims needed, but did not receive, the types of assistance summarised in Table 3.27. Twice as many divorced victims (16.7%) as victims generally (8.9%) wanted professional counselling, and more victims of 'personal' crime than 'property' crime reported a need for some type of counselling (16.5% and 1.6% respectively). Home visiting schemes, mentioned by 10.8% of all victims, were seen as a need by 22.2% of separated and 20.0% of divorced victims. Victims of personal crime, in particular robbery offences (20.2%), stated needing home visiting than victims of 'property' crime (3.2%). Financial assistance was requested by a quarter of young victims (18 to 20 years), and by a third of all victims who were unemployed.

**TABLE 3.28 Victims reporting needing counselling, home visiting, or practical advice on preventing victimisation by offence type.**

Service	OFFENCE TYPE				
	Assault	Sexual assault	Robbery	Break and enter	Unlawful use of motor vehicle
Professional counselling	21 (17.5)	3 (13.0)	16 (16.2)	4 (2.0)	— (0.0)
Home visiting scheme	22 (18.3)	3 (13.0)	20 (20.2)	7 (3.5)	1 (1.9)
Practical advice on preventing victimisation	17 (14.2)	3 (13.0)	14 (14.1)	31 (15.7)	11 (20.4)

NB Number in brackets refers to the percentage of that offence expressing a need

Practical advice on not becoming a victim again was not only the concern of property victims, as a similar proportion of those involved in personal offences also needed yet did not receive this type of assistance (16.7% and 14.1% respectively). It has been suggested that crime prevention training would be as valuable (if not more so) for a number of victims as current counselling programs (Davis 1987). Practical advice on revictimisation was the service most needed by victims in our study at the time of the first interview.

Overall, elderly victims (61 years and over) were the least likely to state they needed but had not received assistance. Elderly victims in our sample requested only one service—protection by police—more than the average (10.8% all victims, 11.8% victims aged over 60). Although even in this category they were not the most 'needy', as 17.6% of younger victims (18 to 25 years) reported wanting and not receiving police protection. Victims of crimes against the person (assault, sexual assault and robbery) felt the most need for protection by police.

One hundred and twenty-eight victims (28.0%) did not think they had adequate information on places to go for help. Most victims thought that the police should provide this information. Victims who did have enough information received it from the police, they knew it already, or friends, relatives or solicitors provided that information.

Victims were asked again about support services at the second interview to determine if they had contacted or received any assistance in the preceding six to twenty months. Of the 67 victims who had received help most felt that talking to someone about the crime was useful (37, 60.7%). Medical help (13, 19.7%) and companionship/moral support (13, 21.3%) were also mentioned. Victims received this support from relatives and friends, counsellors (including Victims of Crime Services, Sexual Assault Referral Centre) and general practitioners.

**TABLE 3.29(a) Assistance given to help cope with effects of the crime**

	Number	Percentage
Yes	67	18.9
No	268	75.7
Not applicable	19	5.4
Total	354*	100.0

\* 1 case unknown

**TABLE 3.29(b) If no assistance given, type of assistance victim would have liked**

Type of assistance	Number	Percentage of cases*
None	216	81.5
Counselling	25	9.4
Police reassurance, advise	7	2.6
Financial help	6	2.3
Security	5	1.9
Information on where to go for help	3	1.1
Other	3	1.1

\* Based on 265 cases (3 cases unknown)

About one in five (49, 18.5%) of those who had not received any assistance to help them cope said they would like to have had some help. Half of these (n=25, 51.0%) wanted counselling. Financial support, police reassurance and general information on support services were the other types of assistance which victims would have liked. A significant minority (40.7%) of victims felt they should have been better informed about support services at the time they reported the crime. As discussed earlier the police were seen by victims to be the main source of this information.

## 4. SUMMARY AND RECOMMENDATIONS

One of the pitfalls in developing social policy is the temptation to direct programs at a minority of the most difficult cases and to neglect the needs of the majority. This is a particular concern for research on victims of crime. As might be expected, discussions with some of the 494 victims contacted in the course of this study left a deep impression. Despite the advances made in South Australian policy over recent years, a few had been subjected to an inexcusable lack of consideration by authorities. Equally distressing was the major physical and emotional trauma caused by the crime on the lives of some victims. There were those however, whose treatment by the authorities was characterised by consideration and understanding, and others emerged from the experience relatively unscathed.

This study not only relates victims' good and bad experiences with the current criminal justice system, it also presents their opinions on possible changes. It should be borne in mind that wants and needs are often shaped by what is currently known and expected. However, as the results show, thoughts of victims in this study are not necessarily tied to the status quo.

I should also be pointed out that changes have occurred in South Australia since the time victims were interviewed in the study. Most notably there has been the formal introduction of victim impact statements and the distribution of a pamphlet—'Information for Victims of Crime'—to all victims reporting a crime to police. In many instances these changes go part of the way towards addressing concerns raised in the course of this study.

Overall, results from the study do not indicate a need to radically alter the current structure of the system. On balance victims seemed reasonably satisfied with current approaches, although they could nominate a number of areas where improvements could be made.

What form these improvements should take has been a primary question in this study. Improvements can occur by providing victims with procedural rights and ensuring these are met, or by focussing on victim's need to be assisted in recovery from the crime.

### **Rights of victims**

While the introduction of rights is commendable, ensuring these are met is essential. In 1985, South Australia became one of the first governments in the world to introduce a Declaration of Victims' Rights. At the time of this research (1987 and 1988) however, still too few victims were able to take advantage of the new principles. This applied particularly to the right to be informed on such issues as the progress of the case, the trial process, and the outcome of proceedings.

While eight out of ten victims had been satisfied with initial police contact, far fewer victims were happy with the extent of follow-up after this first encounter, or with the fact that police had not told them what to expect. The majority of victims (71.4%) wanted to be kept regularly informed when we first spoke to them. When we spoke to them again, six to twenty months later, even more victims (81.6%) wanted to know what was happening. For the great majority of victims (81.7%) the potential trauma associated with being reminded of the offence was far less important than the perceived benefits of being kept informed.

How to keep victims better informed is however, far from simple. International research<sup>10</sup> and a significant number of interviews in the present study, indicate that procedures which involve automatically providing victims with information about their case may not be advisable. Nearly three out of ten victims did not want to be regularly informed of key developments and 14.4% said that being kept informed would be a matter of concern, and they would prefer to forget the offence.

The approach currently taken by justice agencies in South Australia is to provide a pamphlet listing relevant agencies victims can contact for information. If victims wish to know about the progress of investigations or details of prosecution, they can enquire. Possible problems with this approach are that victims might feel overawed by justice bureaucracies, and requests for information might not always be dealt with promptly. These concerns could be overcome if victims were actively encouraged and instructed on how to take the initiative. Furthermore, the employment within the Police Department of a 'victim contact officer', who had ready access to information and dealt specifically with victims' requests, would help in guaranteeing a prompt, courteous service.

Victims grew dissatisfied with the criminal justice system as time progressed. The number of victims very satisfied dropped by half from 22.2% to 10.3% between interviews. Reasons associated with dissatisfaction were lack of information on support services, wanting more contact from the authorities and wanting to be kept informed on case developments. Although knowledge or lack of knowledge on the outcome of the case was not significantly associated with overall satisfaction, among the victims who were aware of the final results, whether the offender was convicted was a significant factor. This point highlights

the importance of principle 6 of the declaration which states in part 'Decisions which might prove discomfoting to victim should be explained with sensitivity and tact'. Although information itself goes a long way towards alleviating dissatisfaction, it is not a panacea.

Another subject which needs to be addressed is the plight of victims requiring to appear in court. Although few victims face the prospect of giving evidence, those who do find it a stressful time. More than half felt nervous (76%), felt harassed by defence lawyers (70%), experienced confusion in remembering events (56%) and feared retaliation (58.8%). Waiting facilities were found to be lacking, and problems cited in encountering the offender outside the court room. Most victims felt though, that they had the chance to get their story straight (80%) and that their rights were protected by the judge (89.6%). The suggestion, made by some reformers, that victims have their own representative in court was favoured by only a quarter of victims (24.6%). Even fewer victims wanted the chance to present their own case (9.1%). The right to separate representation is not a concern to the majority of victims.

Of concern to victims however, was the issue of restitution. Receiving monetary restitution from the offender was a popular sentencing option for three quarters of victims. Nevertheless, victims were aware that many offenders were unable to pay. Community service orders were seen as a viable alternative to monetary restitution, seven out of ten victims approving of the idea. It was victims of break and enter, and unlawful use of motor vehicle offences however, that were most in favour of the idea. Victims of more violent crimes felt their offender was an unlikely candidate for community service. Victims of violent offences also viewed the concept of mediation with more caution than victims of property crime. Interestingly, nearly six out of ten victims of property crime would consider trying a mediation approach. They felt it would be of benefit to both the offender and themselves.

### **Needs of victims**

One of the most striking findings to emerge from this study was the extent to which nearly all victims—regardless of the type of offence—experienced some trauma in the aftermath of crime. Nine out of ten had some emotional problems associated with the offence, and a similar proportion experienced a financial cost. The consequences of victimisation were wide-ranging and not limited to direct physical, emotional or financial effects. Problems with work, family members becoming upset and major upheavals such as moving house were other effects experienced by victims. Problems were not only widespread but could be long-lasting, particularly physical and emotional trauma. Six to twenty months after the offence nearly half the physically injured victims were still experiencing problems with their health. Between 80 and 90% of victims who experienced distrust, fear and worry were still feeling that way six to twenty months after the offence.

The extent to which a victim is distressed by crime is influenced, in part, by the individual's own resources or coping abilities. Results from the study however, indicate that factors such as type of offence have a primary role in the degree of emotional trauma suffered by a victim. The most emotionally upset

victims were sexual assault victims. Such victims, along with other victims of violence were also likely to experience some physical symptoms of stress such as headaches, insomnia, nightmares, memory loss etcetera. While type of offence was significantly associated with emotional trauma, age was not a factor. Elderly victims did not suffer more than younger victims, in fact this group of victims impressed interviewers with their resilience. The myth that it is the elderly female victim living alone who becomes more distressed than other groups of victims is not substantiated by research.

The extent of suffering experienced by victims is not matched by available assistance in recovery from the effects of crime. The majority of victims were helped by family and friends, and a quarter were assisted by a general practitioner or other medical service, 7.6% had some counselling. Although satisfied with the assistance provided, victims could identify additional services which were needed. Most importantly victims felt that police should provide more information on support services. Lack of such information was associated with dissatisfaction with the justice system. A substantial number of victims (15.7%) felt they needed, yet did not receive, advice on how to avoid becoming a victim again. Such practical advice should be considered as valuable as any counselling programs. Victims also stated they needed services such as a home visiting scheme, protection by police, financial assistance, and counselling.

### **Recommendations**

The following lists some recommendations which could improve the rights and needs of victims.

- I South Australian police should actively encourage and assist victims to become informed about key developments of the victim's case. In particular:
  - (a) After giving victims the pamphlet 'Information for Victims of Crime', police officers should explain the pamphlet, especially the section on victims' rights. Police should encourage victims to call the contact number provided.
  - (b) A 'victim contact officer' should be employed at major police stations to answer queries from victims.
  - (c) The Office of Crime Statistics and other justice agencies should ensure that the justice information system can easily access information concerning aspects of a victim's case (as per the Declaration of Rights). The information should be provided to the 'victim contact officer'.
- II Police and Crown prosecutors should meet with victims required to appear in court as witnesses in good time before the court appearance to explain what is expected. A book similar to that produced for child witnesses should be made available for adult witnesses.
- III Victims should have plenty of opportunity to reread their original statement to refresh their memory before the court appearance. If possible, police should give victims a copy of their statement at the time it is prepared.
- IV Courtroom waiting facilities are in need of upgrading.

- V The feasibility of mediation should be explored in more depth.
- VI Although victim impact statements were favoured by victims in this study, they were not yet formally in operation. An evaluation of victim impact statements should be conducted.
- VII Investigating police officers should be aware of support available for victims of crime. They should at least be aware of the Victims of Crime Service. Although the new pamphlet handed to victims lists some services, police should offer to contact the services on behalf of the victim.
- VIII Investigating police officers should be aware of the victims' need for advice on crime prevention and security. Police should let victims know of the police Crime Prevention Branch. The pamphlet 'Information for Victims of Crime', should include details on how to contact the Crime Prevention Branch.
- IX Young adult victims felt the need for assistance more than other age groups. Police should be conscientious in offering referral to such agencies as Victims of Crime Service to all age groups (see recommendation VII).
- X Funding for Victims of Crime Service should be secured long term. It should also allow for gradual expansion of the service.
- XI Victims of Crime Service should assist in developing victim support in country areas of the state.
- XII Services available to victims of crime should be known in the medical community, especially among general practitioners and in casualty sections of hospitals.
- XIII Knowledge of the emotional trauma suffered by victims should be part of general practitioner training.

## 5. CONCLUSION

There is increasing recognition of the fact that victims have their own rights and needs, and a role to play in the justice system. Support for victims is widespread throughout most western jurisdictions, and from both sides of the political spectrum. This acknowledgement and support however, has rarely been matched by research into victims' needs and wishes. Such knowledge is underdeveloped compared to the pace of reform. Dangers inherent in such a situation are that reforms may address the perceived rather than the actual needs of victims. They may even help undermine victims' control over their own lives (Viano 1987, p 450), or create procedures which may actually disadvantage victims.

There is a great risk that rights or provisions will be created for the victim which prove in practice to have few if any advantages or may even have disadvantages (Van Dijk 1988b, p 351).

By speaking with nearly 500 victims of both property and violent crime about their contact with and attitudes to the criminal justice system this 'consumer survey' goes some way towards ensuring that the energy and commitment to victim reform is well directed. The results of this sample of South Australian victims provide a sound basis for future discussions and debates on victim policy. The concerns and desires of victims are now better known and able to be taken into consideration.

Findings in this report are consistent with those found in the Shapland, Willmore and Duff study (1985). A major concern for South Australian victims was for information about 'their' case—to know of developments' was a statement interviewers often heard when talking to victims. Very few victims wanted to actively participate in or take over the criminal justice system having neither the time, money or motivation to do so.

A more favoured approach is one which recognises, and acts upon victims' basic rights to information and consideration. The emphasis is on:

... official standards for the treatment of victims by the police, guidelines for the notification of victims by the police and/or prosecutor, of decisions on their cases, compensation orders as penal sanctions (restitutive fines collected by the prosecutions or courts) and victim impact statements in pre-sentencing reports (Van Dijk 1988, p 353).

In addition to such rights there is the need for access to help and support in recovering from any trauma arising from the crime. Appropriate and responsive services should be available to those who require it.

It is worthwhile to note that many of the recent South Australian reforms are in line with the above sentiments of victims of crime. The declaration of seventeen rights of victims with the corresponding instructions to all relevant government bodies to have regard to those rights is the foundation of victim policy in this state.

A pamphlet is now provided to all victims who report a crime to police, containing information about support services, compensation, the stages in an investigation, and the seventeen rights of victims. Unfortunately, at the time of our study this pamphlet had not been prepared or distributed to victims. Other developments since the study was conducted have been an increased emphasis on restitution as a sentencing option and the introduction on 1 January 1989 of victim impact statements. Interview results show that these developments would have met the approval of the majority of victims.

A combination of victims' rights and victims' needs is not alien in the South Australian context. Such a multi-faceted approach is currently operating for victims of sexual assault. Legislative initiatives and a dedicated police unit have been introduced in combination with specialised counselling services. This approach seems to have achieved a reasonable impact, since sexual assault victims are among those most satisfied with the criminal justice system, even though they have suffered the greatest emotional trauma as a result of the crime.

It is not feasible nor desirable however, for such an intensive approach to be proposed for all victims. Type of offence is a significant factor in the victim's response to a variety of situations, for example, how emotionally affected a victim is by the crime, and his or her attitude to mediation or restitution. In addition, a substantial number of victims expressed no specific need for either special services or being kept informed of developments in their case. Such findings should serve as a reminder to ensure any programs are kept as flexible as possible, and tailored to the needs of the individual victim. Although victims of crime share many of the same needs and wishes they are far from being a congruent mass with identical concerns.

Generally, findings from this study confirm that the program of victim reform maintained by South Australia over the past ten years has been soundly directed. Initiatives such as the declaration of victims' rights, the implementation of victim impact statements, distribution of the information pamphlet, creation of the sexual assault and the victim unit in the Police Department are consistent with victims' primary needs for recognition, understanding and consideration. Agencies such as the South Australian police are to be commended for their willingness to respond to the needs of victims, but this willingness has not always been transformed into action. The challenge is to ensure that the ideals underlying reforms are mirrored in the day to day administrative reality.

## ENDNOTES

### 1. INTRODUCTION

1. Shapland et al. 1985, Victims in the criminal justice system *Cambridge Studies in Criminology LIII*. England: Gower Publishing, Company Limited; Clifford, W. 1980, Foreword. In *Victims of crime*, Sydney Institute of Criminal Proceedings No. 45 Sydney: NSW Government Printer.
2. The following section is a summary from an earlier report of this project, Office of Crime Statistics 1988, *Victims of crime: an overview of research and policy*, Series C, No. 3, Adelaide: Attorney-General's Department.
3. See for example Chockalingam, K. 1985, *Victimological research—problems and perspectives*. Papers presented at the Fifth International Symposium on Victimology, Zagreb, Yugoslavia; Cohen, A.K. 1985, *An offense-centred approach to criminological theory*. Paper presented at the Fifth International Symposium on Victimology, Zagreb, Yugoslavia; Whitrod, R. 1986, *A short introduction to the study of crime victims*. Lecture given to the Associate Diploma in Business, Justice Administration option, SAIT Adelaide; Elias, R. 1986, *The politics of victimization: victims, victimology and human rights*. New York: Oxford University Press; Wolfgang, M. 1985, *Victim precipitation in victimology and in law*. Paper presented at the Fifth International Symposium on Victimology, Zagreb, Yugoslavia; Denna, D. 1985, *Victim, offender and situational characteristics of repeat offense behaviour*. Paper presented at the Fifth International Symposium on Victimology, Zagreb, Yugoslavia.
4. Rates per thousand are based on the population aged over 15 years, except for sexual assaults which are based on females aged 18 years and over.
5. For a detailed discussion of early sexual assault reform see Office of Crime Statistics 1983, *Sexual assault in South Australia*, Research report No. 1. Adelaide: Attorney-General's Department.

### 2. METHODOLOGY

6. 1 May to 31 October 1987.
7. Friday 1 May, Saturday 9 May, Sunday 17 May, Monday 25 May, Tuesday 2 June, Wednesday 10 June, Thursday 18 June.

8. Clear-up rates for property offences for example are 16.6%, and for violent offences 60.3% (*South Australian Police Department Annual Report 1987/88*). Only 22.5% of cases result in a trial in the Supreme or District Criminal Court (Office of Crime Statistics 1989, *Crime and justice in South Australia: 1987*). Adelaide: Attorney-General's Department.

### 3. RESULTS

9. Readers interested in a review of compensation are referred to an earlier publication: Office of Crime Statistics 1989, *Criminal injuries compensation in South Australia*, Series B, No. 5. Adelaide: Attorney-General's Department.

### 4. SUMMARY AND RECOMMENDATIONS

10. Skogan, W. & Wycoff, M. 1987, Some unexpected effects of a police service for victims, *Crime & Delinquency*, Vol. 33 No. 4, pp 490-501; Maguire, M. & Corbett, C. 1987, *The effect of crime and the work of victims support schemes*. Cambridge studies in Criminology, Vol. LVI. England: Gower Publishing Company Limited.

## APPENDIX A: Declaration of Victims' Rights: *Statutes Amendment (Victims of Crime) Bill,* 1986

The victim of crime shall have the right to:

1. be dealt with at all times in a sympathetic, constructive and reassuring manner and with due regard to the victim's personal situation, rights and dignity;
2. be informed about the process of investigations being conducted by police (except where such disclosure might jeopardise the investigation);
3. be advised of the charges laid against the accused and of any modifications to the charges in question;
4. have a comprehensive statement taken at the time of the initial investigation which shall include information regarding the harm done and losses incurred in consequence of the commission of the offence. The information in this statement shall be updated before the accused is sentenced;
5. be advised of justifications for accepting a plea of guilty to a lesser charge or for accepting a guilty plea in return for recommended leniency in sentencing;
6. be advised of justification for entering a *nolle prosequi* (that is, to withdraw charges) when the decision is taken not to proceed with charges. (Decisions which might prove discomfoting to victims should be explained with sensitivity and tact);
7. have property held by the Crown for the purposes of investigation or evidence returned as promptly as possible. Inconveniences to victims should be minimised wherever possible;
8. be informed about the trial process and of the rights and responsibilities of witnesses;
9. be protected from unnecessary contact with the accused and defence witnesses during the course of the trial;
10. not have his or her residential address disclosed unless deemed material to the defence or prosecution;
11. not be required to appear at preliminary hearings or committal proceedings unless deemed material to the defence or prosecution;
12. have his or her need or perceived need for physical protection put before a bail authority which is determining an application for bail by the accused person, by the prosecutor;

13. be advised of the outcome of all bail applications and be informed of any conditions of bail which are designed to protect the victim from the accused;
14. have the full effects of the crime upon him or her made known to the sentencing court either by the prosecutor or by information contained in a pre-sentence report; including any financial, social, psychological and physical harm done to or suffered by the victim. Any other information that may aid the court in sentencing including the restitution and compensation needs of the victim should also be put before the court by the prosecutor;
15. be advised of the outcome of criminal proceedings and be fully appraised of the sentence, when imposed, and its implications;
16. be advised of the outcome of parole proceedings;
17. be notified of an offender's impending release from custody.

## APPENDIX B: Offences included in the sample

Offence	Act*	Section
Attempted murder	CL	018
Assault occasioning grievous bodily harm	CL	032 023
Assault occasioning actual bodily harm	CL	040
Wounding occasioning grievous bodily harm	CL	021
Robbery/with violence/with firearm	CL	158 155
Armed robbery/with violence/with firearm	CL	158 155
Rape	CL	048
Attempted rape	CL	048
Indecent assault	CL	058 056
Common assault	CL	039
Attempted common assault	CL	039
Break and enter	CL	170
Attempted break and enter	CL	170
Break and enter with intent	CL	171
Attempted break and enter with intent	CL	171
Unlawful use of motor vehicle	RT	044

\* CL=*Criminal Law Consolidation Act (1935)*

RT=*Road Traffic Act (1981)*

## APPENDIX C: Letter sent to victims requesting they participate in the study

The Attorney-General's Department is carrying out a study into the problems which victims of criminal offences may experience with the criminal justice process, and their attitudes toward the system. It will cover the period from when an offence is reported to the police to when a victim may appear in court as a witness.

Our study will be identifying ways in which the criminal justice system can be improved to benefit people who become victims of crime in the future, and we would appreciate the opportunity to meet with you to discuss your experiences. I assure you that what you tell us will be treated in the strictest confidence and our findings will not identify you as an individual.

We are hoping to interview as many people as possible over the next few months as soon as is practicable after an offence against them has been reported to the police. Our study is entirely independent of the police, but we have asked them to forward this letter to you to protect your privacy. I wish to assure you that your name has not been given to us by the police. They have addressed this letter to you on our behalf. If you have any queries regarding this please contact Senior Sergeant Geoff Menzel or Mr Theo Sarantaugas in the Police Department on (08) 218 1274.

To assist us, could you please return the enclosed sheet in the reply paid envelope indicating whether or not you would be happy to be interviewed by a member of the Research Team. If you wish to discuss this with me further, please ring me at the Attorney-General's Department on (08) 237 0163. As we would ideally like to see you as soon as possible after the offence was reported to the police, your early reply would be appreciated.

Yours sincerely,

(Gloria Rossini)  
Senior Project Officer  
*VICTIMS RESEARCH UNIT*

## APPENDIX D: Characteristics of victims: court study and main study victims who attended court

### D1 OFFENCE TYPE

	Main study attending court		Court study	
	No.	Percentage	No.	Percentage
Assault	4	56.0	32	61.5
Sexual assault	—	0.0	7	13.5
Robbery	10	40.0	1	1.9
Break and enter	—	0.0	7	13.5
Unlawful use of motor vehicle	1	4.0	5	9.6
Total	25	100.0	52	100.0

### D2 AGE

	Main study attending court		Court study	
	No.	Percentage	No.	Percentage
18-25	6	24.0	21	40.4
26-30	3	12.0	4	7.7
31-40	4	16.0	12	23.1
41-60	7	28.0	14	27.0
61+	5	20.0	1	1.9
Total	25	100.0	52	100.0

### D3 SEX

	Main study attending court		Court study	
	No.	Percentage	No.	Percentage
Male	16	64.0	40	76.9
Female	9	36.0	12	23.1
Total	25	100.0	52	100.0

D4 EMPLOYMENT STATUS

	Main study attending court		Court study	
	No.	Percentage	No.	Percentage
Employed	14	56.0	37	71.2
Unemployed	2	8.0	4	7.7
Home duties	—	0.0	4	7.7
Pensioner	8	32.0	3	5.8
Other	1	4.0	4	7.7
Total	25	100.0	52	100.0

## BIBLIOGRAPHY

- Anttila, I. 1986, From crime policy to victim policy. In E. Fattah (Ed) *From crime policy to victim policy*, London: MacMillian Press.
- Australian Bureau of Statistics 1979, *General social survey: crime victims May 1975*, Catalogue No. 4105.0, Canberra: ABS.
- Australian Bureau of Statistics 1986, *Victims of crime: Australia 1983*, Catalogue No. 4506.0, Canberra: ABS.
- Australian Law Reform Commission 1987, *Sentencing: procedure*, Discussion Paper No. 29. Sydney: ALRC.
- Australian Law Reform Commission 1988, *Sentencing*, Report No. 44. Canberra: AGPS.
- Barbour, P.J. 1985, *Towards a victim policy: the role of the community*, Paper presented at the Fifth International Symposium on Victimology, Zagreb, Yugoslavia.
- Chambers, G. & Tombs, J. (Eds) 1984, *The British crime study, Scotland*, Scottish Office of Social Research Study, Edinburgh: HMSO.
- Christie, N. January 1977, Conflicts as property. In *The British Journal of Criminology*, Vol. 17, No. 1, pp 1-15.
- Christie, N. 1986, The ideal victim. In E. Fattah (Ed) *From crime policy to victim policy*, London: MacMillian Press.
- Clarke, P. 1986, Is there a place for the victim in the prosecution process?, *Canadian Criminology Forum*, Vol. 18, pp 1-14.
- Clifford, W. 1980, Foreword. In *Victims of crime*, Sydney Institute Criminal Proceedings No. 45, Sydney: NSW Government Printer.
- Committee of Inquiry on Victims of Crime 1981, *Report of the committee*, Adelaide: Attorney-General's Department.
- Congalton, A. & Najman, J. 1974, *Who are the Victims?*, NSW Bureau of Crime Statistics and Research, Statistical Report 13. Sydney: NSW Attorney-General's Department.
- Corns, C. 1988. Victims and the sentencing process, *The Law Institute Journal*, Vol. 62 (6), pp 528-532.

- Council of Europe 1985, *The position of the victim in the framework of criminal law and procedure*. Strasbourg: European Committee on Crime Problems.
- Damaska, M. 1985, *Some remarks on the status of the victim in continental and Anglo-American administration of justice*, Paper presented at the Fifth International Symposium on Victimology, Zagreb, Yugoslavia.
- Davis, R. October 1987, Studying the effects of services for victims in crisis, *Crime & Delinquency*, Vol. 33, No. 4, pp 520-531.
- Davis, R; Kunreuther, F.; & Connick, E. 1984, Expanding the victim's role in the criminal court dispositional process: the results of an experiment, *The Journal of Criminal Law and Criminology*, Vol. 75 (2), pp 491-505.
- Doerner, W. 1980, Impact of crime compensation upon victim attitudes toward the criminal justice system. *Victimology*, Vol. 5, No. 61.
- Duckworth, A. 1980, Restitution, an analysis of the victim—offender relationship: towards a working model in Australia, *Australian and New Zealand Journal of Criminology*, Vol. 13, pp 227-240.
- Duncan, S. 1981, Elderly persons: vulnerability and involvement in crime, *The old as offenders and victims of crime*, Sydney Institute of Criminal Proceedings No. 46, Sydney: NSW Government Printer.
- Elias, R. 1983, *Victims of the system: crime victims and compensation in American politics and criminal justice*, New Brunswick, NJ: Transaction Books.
- Elias, R. 1986 *The politics of victimization: victims, victimology and human rights*, New York: Oxford University Press.
- Forer, L. 1980, *Criminals and victims, a trial judge reflects on crime and punishment*, New York: W.W. Norton & Company.
- Friedman, K.; Bischoff, H.; Davis, R.; and Person, A. 1982, *Victims and helpers: reactions to crime*, New York: Victims Services Agency.
- Genn, H. 1988, Multiple victimisation. In M. Maguire & J. Pointing (Eds) *Victims of crime: a new deal?*, Milton Keynes: Open University Press.
- Grabosky, P. 1987, Victims. In G. Zdenkowski (et al.) (Eds) *The criminal injustice system: volume two*, Sydney: Pluto Press.
- Grabosky, P. 1989, *Victims of violence*, Monograph No. 2. Canberra: Australian Institute of Criminology for the National Committee on Violence.
- Harrison, P. 1983, The underside of Hackney: 2: the victims of crime, *New Society*, pp 280-282.
- Henderson, L. 1985, The wrongs of victim's rights, *Stanford Law Review*, Vol. 37 (4), pp 937-1021.
- Hough, M. & Mayhew, P. 1985, *Taking account of crime: key findings from the second British crime survey*. Home Office Research Study No. 85. London: HMSO.
- Jacob, B. 1974, Reparation or restitution by the criminal offender to his victim: applicability of an ancient concept in the modern correctional process. In C. Drapkin & E. Viano (Eds), *Victimology*, Lexington Books, London.
- Johnson, K. & Wasielewski, P. 1982, A commentary on victimization research and the importance of meaning structures, *Criminology*, Vol. 20 (2), pp 205-222.
- Jorgensen, L. & Sandry, J. (Eds) 1985, *Seventh United Nations congress on the prevention of crime and treatment of offenders, Milan, Italy 1985: Australian discussion papers*, Canberra: Australian Institute of Criminology.
- Legal & Constitutional Committee 1987, *Report to parliament upon support services for victims of crime*, Parliament of Victoria. Melbourne: Government Printer.

- Maguire, M. 1980, The impact of burglary upon victims, *The British Journal of Criminology*, Vol. 20 (3), pp 261-275.
- Maguire, M. & Corbett, C. 1987, *The effect of crime and the work of victims support schemes*, Cambridge Studies in Criminology, Vol. LVI. England: Gower Publishing Company Limited.
- Mawby, R. & Gill, M. 1987, *Crime victims: needs, services, and the voluntary sector*, London: Tavistock Publications.
- McGrath, G. July 1989, *Horror revisited: towards effective victim assistance by policy in major crimes; a case study*. Paper presented at Victims of Crime Seminar, Commissioners of Police of Australasia and Southwest Pacific Region, Melbourne.
- Mendelsohn, B. 1963, The origin of the doctrine of victimology, *Excerpta criminologica*, Vol. 3, pp 239-244.
- Naffin, N. 1984, *An inquiry into the substantive law of rape*, Women's Adviser's Officer. Adelaide: Department of the Premier and Cabinet.
- Nagel, W.H. 1963, The notion of victim in community, *Excerpta criminologica*, Vol. 3, pp 245-247.
- National Committee on Violence, 1990, *Violence: directions for Australia*, Canberra: Australian Institute of Criminology.
- New South Wales Task Force on Services to Victims of Crime 1987, *Report and recommendations*. Sydney: Attorney-General's Department.
- Newton, A. September 1976, Aid to the victim: compensation and restitution, *Crime & Delinquency Literature*, pp 368-390.
- Office of Crime Statistics 1988, *Victims of crime: an overview of research & policy*, Series C, No. 3. Adelaide: Attorney-General's Department.
- Office of Crime Statistics 1989, *Criminal injuries compensation in South Australia*, Series B, No. 5. Adelaide: Attorney-General's Department.
- Sallman, P. & Chappell, D. 1982, *Rape law reform in South Australia*, Adelaide Law Review Research Paper No. 3. Adelaide: Faculty of Law, University of Adelaide.
- Schafer, S. 1960, *Restitution to victims of crime*, London: Stevens & Sons Ltd.
- Schneider, A.; Burceirt, J. & Wilson II, L.A. 1976, The role of attitudes in the decision to report crimes to the police. In W.F. McDonald (Ed) *Criminal justice and the victim*, Beverley Hills: SAGE.
- Scutt, J. 1980, *Rape law reform*, Canberra: Australian Institute of Criminology.
- Scutt, J. 1982, An invasion of privacy? Questioning victims of sexual harassment and domestic violence. In T. Beed & P. Grabosky (Eds), *Search conference on victim surveys in Australia*, Sample Survey Centre, University of Sydney. Occ. Paper No. 3, Sydney.
- Shapland, J. 1988, Victims and justice: needs, rights and services. In Van Dijk et al. (Eds), *Criminal law in action*. Netherlands: Kluwer Law and Taxation Publishers.
- Shapland, J.; Willmore, J. & Duff, P. 1985, *Victims in the criminal justice system*, Cambridge Studies in Criminology LIII. England: Gower Publishing Company Limited.
- Shapland, J. & Cohen, D. January 1987, Facilities for victims: the role of the police and the courts, *Criminal Law Review*, pp 28-38.
- Skogan, W. & Wycoff, M. October 1987, Some unexpected effects of a police service for victims, *Crime and Delinquency*, Vol. 33 No. 4, pp 490-501.
- Smale, G. 1984, Psychological effects and behavioural changes in the case of victims of serious crimes. In R. Block (Ed), *Victimization and fear of crime: world perspectives*, NCJ 93872. Washington, DC: Bureau of Justice Statistics, US Department of Justice.

South Australian Domestic Violence Council 1987, *Domestic violence: final report*, Adelaide: Department of the Premier and Cabinet.

South Australian Government 'Task Force 1986, *Child sexual abuse: final report*, Adelaide: South Australian Health Commission.

Sumner, C.J. 1987, Victim participation in the criminal justice system, J. Barry Memorial Lecture, *Australian and New Zealand Journal of Criminology*, Vol. 20, pp 195-217.

Sumner, C.J. & Sutton, A.C. 1988, *Implementing victims' rights—an Australian perspective*, paper delivered to the 6th International Symposium on Victimology, 20 August-1 September, Jerusalem, Israel.

Swanton, B.; Wilson, P.; Walker, J. & Mukherjee, S. 1988, How the public see the police: an Australian survey—1, *Trends & issues in crime and criminal justice* No. 11. Canberra: Australian Institute of Criminology.

Sydney Institute of Criminology 1987, *Victims: evaluating the new initiatives*, Sydney Institute of Criminal Proceedings No. 73. Sydney: NSW Government Printer.

United Nations Congress 1986, *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, Document A/CONF. 121/22, report prepared by the secretariat, 26 August-6 September, 1985, Milan.

United Nations Secretariat 1985, *Victims of Crime*, Document A/CONF. 121/6, Paper prepared for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 26 August-6 September 1985, Milan.

Van Dijk, J. 1988a, Ideological trends within the victims movement: An international perspective. In M. Maguire & J. Pointing (Eds) *Victims of crime: a new deal?*. Milton Keynes: Open University Press.

Van Dijk, J. 1988b, Victims rights: a right to better services or a right to active participation. In J. Van Dijk et al. (Eds) *Criminal law in action*. Netherlands: Kluwer Law and Taxation Publishers.

Viano, E. 1987, Victims' rights and the constitution: reflections on a bicentennial, *Crime & Delinquency*, Vol. 33, No. 4, pp 438-451.

Victorian Sentencing Committee 1988, *Sentencing: report of the Victorian sentencing committee*. Melbourne: Attorney-General's Department.

Walker, S. 1985, *Sense and nonsense about crime*. California: Brooks Cole.

Wallace, A. 1986, *Homicide: the social reality*. Sydney: NSW Bureau of Crime Statistics and Research.

Whitrod, R. 1986, Victim participation in criminal proceedings—a progress report, *Criminal Law Review*, Vol. 10, pp 76-83.

Wilson, P. & Brown, J. 1973, *Crime and the Community*. St. Lucia, Queensland: University of Queensland Press.

Wilson, P. 1978, *The other side of rape*. St. Lucia, Queensland: University of Queensland Press.