

Crime in the community:  
Victims, offenders, and fear of crime.

A Submission to the Secretary,  
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## **Author's fieldwork & experience**

**Dr Dorothy Goulding** has a BA (Hons) in Sociology from Murdoch University. Her PhD thesis, which explored issues related to the release of long-term prisoners into the community, has provided an account of the difficulties encountered by such prisoners, and has recommended significant challenges to the treatment and recomunalisation process of these offenders. Dorothy has written several reports pertaining to prison issues; *Issues of Identity Relating to Prison Inmates and Their Support Networks of Family and Friends: An Analysis of Institutional Identity* (Honours Thesis) and *The Punishment of Innocents: A Report on the Social and Emotional Impact of Imprisonment on Prisoners' Families*. Dorothy has provided presentations and workshops on Restorative and Transformational Justice in Melbourne, Sydney, London, Edinburgh and throughout New Zealand. She also has a close personal connection to the prison system. Her ex-partner served six years in Casuarina, Canning Vale, Goulbourn and Long Bay prisons. She supported him emotionally and materially throughout his sentence and upon his release and is acutely aware of the counterproductive nature of imprisonment from the perspective of prisoners' family.

**Brian Steels**, has a BA in Behavioural Studies from Edith Cowan University and an Associate Diploma in Community Studies. Brian is currently conducting research for his PhD into the feelings and experiences of persons who are publicly declared guilty in a court in Western Australia. Brian has provided presentations and workshops on Transformational Justice in Melbourne, Sydney, London, Paris, Edinburgh, New Delhi and throughout New Zealand. He has served time in prison, being sentenced to seven and a half years incarceration in Western Australia and served two and a half years in Casuarina, Canning Vale and Karnet prisons. Whilst in custody he was dismayed by the total lack of a dedicated service towards both reducing crime and challenging offending behaviour. At no time during his sentence did any representative of the prison authorities talk to him about his offending behaviour. He is an experienced interviewer, group facilitator, coordinator and human service planner. Brian has designed programmes, developed and supported the establishment of several NGO's, and has worked extensively among Offenders and their families. His current work includes interviewing and facilitating Victims, Offenders and their supportive networks, community development and working with NGO's in the area of social justice.

Both researchers have been active in areas of prisoner advocacy and prison reform for many years. They are both founding members of the Restorative Justice Network of WA and the Prison Reform Group of WA (Inc). They have worked extensively within the field of criminal and social justice for a number of years, have provided pre-release programs and advocacy to prisoners, as well as worked among families of both offenders and victims. Both are Official Prison Visitors. They are both experienced at interviewing individuals and facilitating families and groups, as well as designing, developing, and evaluating services. They are the major implementers throughout WA of Mutually Agreed Plans©, a transformational and therapeutic approach to strengthening a future lifestyle away from crime.

Their research interests include the question of underlying community values including apology and forgiveness, the spectacle of condemnation and punishment, and the rites of reparation and approval. Current work includes evaluating the impact of participation by victims, the processes of challenging lifestyles of crime, and notions such as community and common good. They promote the need to encourage further community participation in tackling offending behaviour and empowering victims, using supportive networks and families. Both advocate the use of communitarian models of restorative and transformative justice and the promotion of community education as the leader to a more socially just community.

## Restorative Justice and Penal Reform

The Institute supports a call for a more socially just and equitable society, for it recognizes that there can be little gain made towards justice for all citizens in an unjust society. It is therefore important to establish with the committee a rationale for a call to explore this issue of 'Crime in the community' in the context of the community as a functioning whole, with interconnected agents, individuals, and associations.

While fear is a natural and legitimate feeling among any community, it is used at times to exploit the vulnerable, a tool to sell products ensuring home security, and personal safety. The principle of 'user pays' ensures that the most economically vulnerable, quite often the aged, are left at risk with unsecured dwellings and unresolved fear and anxiety.

Crime is seen by the Institute as relational, suggesting that there is always another human being or groups of human beings affected by a criminal action, and that the impact may be seen as economic, social, emotional, physical or a combination of these factors. Crime does not occur in isolation.

Statements are made in the media to the effect that the criminal justice system only targets criminals, and yet it is evident that the kinds of person presenting before the courts are a part of the new *captured class*. This group of people are those who are either marginalized by addiction, mentally ill, or people of colour, poor, under-employed, under-educated, or with a disability. It is this *captured class* who need the most support to break free of their lifestyles of crime, and yet they are most likely to be sent into prison, or at least caught in the criminal justice net of fines, community orders, and programmes that at best are seen as ineffective.

### **Crimes that we often deal with.**

Whilst it is readily accepted that it is wrong to sleep in a building, albeit derelict, and on private property, it could also be said that it is a great crime for our society to have so many homeless people sleeping rough at night, especially throughout the cold and dampness of Winter.

Likewise, as we feel for the victim whose store has been raided for foodstuff and baby clothes, we also feel the need to examine the root of poverty and economic disenfranchisement among so many people in Perth Western Australia.

The impact of 'corporate crime' has been researched (AIC reports ) however we suggest that the victims of such crime are often left to continue without much assistance. The victims here are generally the broader community. Taxation fraud is one area that comes to mind, so too the Boards of management and shareholder activity is another area that needs some further examination to make the avoidance of tax, and the close to criminal nature of many activities of this nature, tightened to reduce the burden of poverty upon the *captured class*.

Surveillance of the *captured class* is a norm, whereas corporate crime may be committed on a daily basis, and only come to light following a share collapse. The operators of such schemes are supported by an array of accountants, consultants and specialists who are often paid to avoid corporations paying their way in the community.

## **Relational crime.**

We view crime as a relational issue, a break with a relationship, be it master/servant, house-owner / home-intruder, drug supplier/ community. Most crime, even that of speeding in a motor vehicle can be described in this way as the road is a common area, one that other people are or have opportunities to use in safety.

We believe that bring a relational dimension into each crime, it enables an offender to have the opportunity to address the needs of others who the crime impacts upon. Drink driving not only is harmful to the driver, and other road users, but to the relationships that the person has.

Drug use most often impacts upon family members, as well as the broader community. Children are quite often the victims (through neglect) of gambling, drug, and alcohol addictions.

Following corporate crime, many people, mostly employees, become Victims without protection. They may well lose all of their entitlements. These people should not have to go through a long drawn out process to recover loses.

Corporate crime must be treated more seriously throughout Australia as relational crime.

## **Serious crime? All crime is serious.**

We treat all crime as serious, as it is relational and therefore affects others through a rippling effect. As we scan the social damage made by one offence and one victim, we soon note the families and the associates of each party, the insurance and liabilities, the community's responsibilities and limited resources, and a further network of intervention, rehabilitation and further prevention.

## **Victims**

### **Hidden victims, unreported crime**

Anecdotal evidence suggests that many primary victims of crime are young males, many of whom do not report the violence. A common place for this to occur outside of the family home is either at hotels, parties, sporting club fixtures or night clubs. From our research to date, alcohol is usually involved among both victim and offender, and at times there is a thin line to distinguish between the parties.

Much of the family violence is also hidden from public view by family members. Our work among families of offenders and victims indicates to us a real concern. We have worked with men who have been identified by the courts and police as first time offenders, while in fact they have admitted committing this kind of behaviour previously, not recognizing the damage, suffering and emotional trauma that they have brought to people they claim to love. To bring this crime into the open will take an across the communities approach, one that is given National Priority. It needs to target the broad issue of family violence, and identify the signs and symptoms of this social disease.

Crime against the aged and other vulnerable persons is another issue that there are few safeguards found to protect victims. The use of the victim's bank account or the use or removal of property without permission are to be frequently found, especially when the person lives alone and is reliant upon a friend or family member. While Nursing Homes follow ethical standards and regulatory safeguards, the family home has no such regulation. This problem is likely to increase over the next few years as the population ages.

Abuse against children is reliant upon statutory reporting and reports made by other family members. Help is available for parents who find themselves becoming violent, and yet many people refuse to take responsibility for this kind of crime which remains mostly hidden from public view. Children's anti bullying, and anti-violence work needs expansion into all school communities.

### **Serious crime against a victim**

The Institute is of the opinion that crime affects different persons in different ways. To categorize one crime as more serious than another is justifiable for the courts dealing with punishment and sanction, and yet for victims of crime this is of little assistance.

For many victims, the confrontation with an unknown offender leaves enormous trauma, while for other victims a physical fight is what they are used to in a pub or club. The loss of the last dollar to a person living on social benefits, is in contrast to a loss of funds to a company.

*We believe that there needs to be an offer of assistance to all victims of crime, made locally through local government welfare offices that currently have the care of the aged and vulnerable.*

### **Gender in crime**

Whilst more men per 100,000 are incarcerated, as against women, the violence perpetrated by men against women is greater than violence by women against men. Where workplace and family violence is systemic, women generally suffer more than men.

Prisons, courts, police and custodial officers have more males than females at the workplaces and in the institutions, even where women are residents. Unsubstantiated reports suggest that power / gender violence by a person in authority is commonplace and unreported.

The treatment during the process leading up to the court is one that appears to place a great deal of pressure upon women, as they are continually confronted by a masculine system with masculine values. This could and needs to be addressed through more training and staffing in a more gender equal fashion.

### **Secondary Victims**

Secondary level victims may be those who witness a crime, or are members of a family of a convicted person, and who are caught up in the stigma of 'crime by association'. This is especially so of young children as family members, who may find a rise in bullying and discriminatory actions taken against them.

Mothers of convicted persons are quite often left not only traumatized by events, but labeled by media and neighbourhood as a part of the problem of crime. This

in turn creates resentment among other family members and adds to an already hostile community.

### **Situational and Institutional victims.**

This group of victims finds its need mostly not catered for. These victims may be working in an unsafe environment, or where they are subjected to harassment and sexual abuse. This kind of victimization occurs in Defense forces, Services such as Police and Emergency, and among Prison Officers and Hospital staff. Workplace crime of this nature often stays hidden due to threats of dismissal, or lack of peer support to tackle the issues.

The second group under this category are those people who are housed in these institutions, and where criminal behaviour such as assault is found to be either discounted or unreported by a majority of staff. A lack of accountability and safeguards saves to protect victims and innocent staff.

### **Community as victim**

The community is often wronged and yet action to prevent this not always seen, except for extra police and local security crews. Higher insurance costs due to false claims, higher levels of security at banks, chemists and shopping centre malls is past down to consumers.

A reluctance of many companies to contribute equitably to the community through taxation, leaves middle class Australians with the bill to cover tax evasion, share market and company collapses, and the social and health costs of gambling, alcohol, smoking and over use of prescription drugs.

The impact of the GST has not been felt positively by the *captured class* in Australia. The poor, mentally ill, sick and disabled, under-employed and unskilled youth remain impoverished in a country where the wealthy are progressing daily. This injustices needs to be seen more as a social crime than a social issue.

White collar crime such as workplace pilfering, misappropriation, illegal share trading, and trading while not entitled to, are some of the problems that we have to face. The collapse of HIH, Ansett, and other smaller companies that leaves workers without their entitlements is dealt with indifference to a person who steals a \$1.20 bar of chocolate.

Companies such as these, together with those in breach of workplace or environmental regulations are not as vigorously prosecuted as some less serious criminal activity. Pollution of air and waterways, land infill, and toxic waste dumping are serious crimes against the broad community, yet often remain unpoliced.

Viewing crime as 'relational' places the previously described activities as crimes against other people as it impacts in a large-scale against the broader community.

### **Corporate Governance**

Over the past year the Australian community has seen and at times felt the effect of poor corporate governance, without public safeguards that protect workers and consumers rights. Beneath the surface of company collapse, there lies a problem

that impacts upon families needs to stay ahead of debt, and remain out of the grip of poverty.

For workers not to be paid their full entitlements this breaking with agreements that had been binding upon workers, and their associated losses needs to be brought towards the court.

Huge payments to senior staff, while their companies go into liquidation makes a mockery of justice in our society, and therefore breaks down the trust that the community has in regulations. We do not feel that crime will be reduced in an unjust society, and the need for a more equitable approach by crime control agents to fight corporate crime as much as they do against other crimes is called for, as the impact spreads across communities.

### **Victim support services**

These organizations need the support but not control by government. Government funding is needed not only for victims in metropolitan locations but for regional and remote offices perhaps attached to existing services. We feel that local NGO's can provide a more flexible and timely intervention, at a local community level to assist victims.

### **Perpetrators and prevention**

The problem of crime within our community is complex and from the outset we wish to state that we have identified no miraculous 'cure-all' solution. However, it is obvious to us that the adversarial court system which is organised under the notion that crimes are perpetrated against the State rather than recognising that crimes are in fact perpetrated, in the main, against a victim or victims is a recipe for offenders to relinquish responsibility for such offences (Downes and Rock 1996) (Lowman and MacLean 1992). Judge Fred McElrea cited in Consedine (1999:56) argues:

...criminal justice has been divorced from the community for far too long. Justice has come to be seen as a contest between the state and the defendant... As a result there is little incentive for anyone to take responsibility for the offending itself or for putting right the wrong. By contrast restorative justice is essentially a community-based model that encourages the acceptance of responsibility by all concerned and draws on the strengths of the community to restore peace.

Recognising the complexity of crime, and its link with social and health issues is the first step to seeking resolution of much of the underlying issues presenting in our communities. Perpetrators of crime frequently don't believe that they will get caught, and that if so they can beat the system.

### **Scared of saying I did it.**

Taking responsibility for criminal activity has not been encouraged by the community when dealing with offenders. Punishment and sanction are frequently thought of, but there has been a failure to challenge the offending behaviour where it occurs. Prison, being distant in time and location from the criminal event, makes it easier for a prisoner to discount or neutralize the harm caused to their victim, and to rationalize their involvement in its commissioning.

To foster and encourage an admission of guilt when the crime has been recognised enables a therapeutic and supportive response towards all participants. This can be done in a voluntary way, enabling early resolution of the aftermath of crime.

A model that enables Restorative and Therapeutic interventions among the offender and their supportive network is one that the research team recommend.

The following diagram shows the benefits of a collaborative Transformational approach to serious crime within a framework of therapeutic jurisprudence.

### **Transformational Justice model in a Therapeutic court**

<b>Mainstream justice system approach</b>	<b>Collaborative Restorative &amp; Therapeutic</b>
Operational style is functional.	Values a blend of all stakeholders
Diminished stakeholder and community participation.	Encourages collaboration with Communities of interest.
Process is rigid and evaluation is centered on legal outcomes.	Shares experiences, resources, expertise.
Statutory driven.	Provides a supportive environment to monitor, encourage, and develop
Legislative structure	Positive lifestyles.
Limits Victim Participation.	Restorative and therapeutic nature
Retributive nature	Informal process
Formalised process	Holistic
Legalistic	Engages voluntary sector, govt and NGO's in a cooperative regime which is mutually beneficial to all Stakeholders.
Offers justice in an unjust society	Seeks to offer justice in a just society in any location

- The collaboration of R&TJ and a therapeutic approach appears to be the most likely to enable, encourage and support a communitarian Transformational and dynamic Therapeutic approach within the criminal justice setting, offering process and outcomes beneficial to Victims as well as Offenders.
- It is a combination of the benefits of both transformational and therapeutic processes with a collaborative approach that places the court in a strong position to use govt, non-govt and voluntary sectors at all levels of service planning and delivery.
- This model enables and supports an holistic brokerage model for use in a collaborative setting.



## Preferred Models developed and used by the Research team

### Transformational Justice model in the criminal justice system

	<b>Alternative justice system</b>	<b>Mainstream justice system</b>
<b>Captured by Bureaucracy</b>	Stakeholders remain in margins Process proceeds only when the system allows such activity.	Operational style is limited in focus. Budget driven. Lacks stakeholder and community participation. Process is rigid and evaluation is centered on financial benefits. Statutory driven. Offers justice in an unjust society.
<b>Collaboration With Bureaucracy</b>	Contains the approach in the margins. Has community interests. Values stakeholders Undervalues the use of process	Values a blend of all stakeholders. Encourages collaboration with Communities of interest. Shares experiences, resources, expertise. Engages voluntary sector, govt and NGO's in a cooperative regime which is mutually beneficial to all Stakeholders. Seeks to offer justice in a just society *

\* This box that is both collaborative and mainstream appears to be the most likely to enable, encourage and support a communitarian approach within criminal, educational and workplace settings. It is also in a strong position to use govt, non-govt and voluntary sectors at all levels of service planning and delivery. Programme evaluation is able to be maintained at a distance from service providers, whilst policy formulation and planning would generally occur within the broad framework that has knowledge of both the financial and social costs and benefits of services.

The above diagram is best suited for use within the context of the criminal justice arena. A similar model could be used for the education department's school bullying programmes, or workplace disputes within govt industrial and workplace sectors.

### Fear in the community

**Fanned.** Fear is providing consumer driven needs for the security industry and insurance companies, whilst ensuring that the media doesn't have to rely upon local issues such as a lack of affordable health clinics, day care centres, educational services, welfare support services, aged care, and environmental concerns about parks, rivers, reserves and wildlife.

**Reducing.** Reducing fear ought to be a major issue of all stakeholders. Street lighting, well planned suburbs, facilities for youth and aged, and community level

police are all required to lower fear. Building trust and providing support enable the most fearful to regain full participatory citizenship. This means resolving as many conflicts as possible at the local level.

**Realistic fear.** Unfortunately most fear comes from among ordinary family homes where women and young children remain the most vulnerable, disenfranchised, and devalued.

### **Gender and fear.**

Whilst activities such as drunkenness, aggression and overtly sexual activity is often seen as ordinary masculine behaviour, the very same behaviours exhibited among women is not only perceived as undesirable, but it sets the scene for intolerance and further violence towards women. A woman arriving home drunk from an evening out among her work friends, is considered by her family as a bad partner, hopeless mother, and poor housekeeper, whilst the male is often provided with support by family and peers, and encouragement to continue the lifestyle the following week.

Women facing suspicion and questioning, arrest and interrogation, bail applications and court appearances do so as 'bad women', and often appear in a situation of unequal power in the relationship.

Young women at hotels pubs and parties face encouragement to consume alcohol that then places them in vulnerable situations.

Women as a daughters, sisters and mothers would not be treated in that way, in fact they are frequently protected outside of the home, whilst suffering at times emotional, financial and sexual abuse in the home.

### **Strategies to support victims and reduce crime**

The current adversarial system negates the importance of the victim within the equation (Strang 1999). It is our argument here that inclusion of the victim, the offender and the community is a more common sense approach which, if implemented in a meaningful and equitable manner, would have a more repairing and restoring outcome for all concerned and would contribute to community sentiments of the common good.

Freiberg(2001) provides an insight to the holistic model when he describes restorative justice joined to problem oriented approaches:

The astonishing expansion of restorative justice programs around the world, even in the absence of solid evidence about their effect on recidivism, indicates that their true appeal is not necessarily utilitarian but symbolic: process is paramount. When this insight is joined with a problem-oriented approach which devotes court and service resources to deal with underlying criminogenic causes, it can provide a powerful alternative to the sterile, costly and ultimately counter-productive punitive approaches which have resulted in dispirited court and correctional officers and bursting gaols.

The authors argue that utilising the principles of restorative justice together with transformative programs for offenders will effectively minimise harm done to victims and community, repair damage, restore balance and effect challenges to offending behaviour through the promotion of crime free lifestyles. In short, we

suggest that within the framework of restorative justice the process of reintegrative shaming is the major psychological element and that forgiveness is the key sociological factor (Braithwaite 1989). In other words, within this process, we expect to see a degree of collective emotional transformation which involves a definitive move from head to heart (Consedine 1999). Within the holistic model, offenders not only prepare for the journey to meet with victims and their supportive others during a community group conference, but they proceed through a thorough personal examination of their lifestyle and activities along with their supportive networks to identify underlying issues, take responsibility, and build upon their collective strengths towards a desired future free of crime.

The authors wish to assert that their preferred model of restorative justice practice adheres to restorative justice principles as described by Howard Zehr in *Changing Lenses*, 1990 (see appendix 1) and as practised by Judge Edward Ryan in Project Turnaround in Timaru, South Island, New Zealand and the Te Oritenga Restorative Justice Group in Auckland (Consedine 1999:21). This model is best described as communitarian based with minimal state involvement and embraces the aforementioned process of Community Group Conferencing (Bowen and Boyack 1999). Within this model the primary actors are the victim(s) and support persons, the offender(s) and support persons, community and independent facilitators.

The authors suggest that Restorative Justice practices are most likely to achieve successful outcomes if utilised in conjunction with other measures which challenge crime compatible lifestyles (Maxwell and Morris 1999).

Within this model, victims have, at all times, been provided with the opportunity to participate in the process at a level that they feel most comfortable with. This varies from individual to individual and most often involves them discussing the level of participation among a supportive network of family and friends.

One of the main findings with this approach clearly indicates a strong desire for all participants to be included throughout the process. Not all victims wish to meet with their offenders face to face but most want some knowledge of what is happening to the offender and how this translates for them into safety and reparative issues. Offering participation in the process is the first step towards empowerment for victims and provides the connection that can be maintained or discarded by choice, rather than by process.

There are strong indications to date which suggest that savings can be made through a holistic and collaborative communitarian model of intervention and conferencing which may decrease the head sentence of offenders, decrease recidivism by degree, and enable their (offenders') supportive others - who are often the unwilling and secondary victims - to participate in a process of resolution and reparation.

Victims often initially perceive that this process is only of benefit to offenders. However, throughout the process of participation, victims are often encouraged by feelings of increased personal safety. They want to be able to say to the offender just how the crime has impacted upon them, hear an apology as well as hear what the offender is doing to turn their lifestyle away from crime. While a reduction in the use of prison is a welcomed outcome of the research it always remains secondary to the level of victim satisfaction gained through participation in both process and outcomes, together with notions of fairness, safety and justice.

Victims often remain captured. Firstly, by those who seek to represent them, then by people who begin to tell the stories in the third person, of how it is for victims. Secondly, and even more damaging to many victims is government action that establish agencies that, at one level, empower victims through support and advocacy, and at another level, that of legislation and process, keep victims at a distance in the court and broader criminal justice process.

The current research shows that many victims do want engagement in process with offenders and the criminal justice system. They want to feel as though someone cares about them, and that they can find out face to face if they wish, some of the things that are important to them (Goulding and Steels 2002).

To date, the model has achieved a victim participation rate of 34% in face-to-face conferencing when the crimes are serious. This may be compared with an overall 6 – 10 percent victim participation rate in restorative processes in the UK (mostly in the areas of juvenile crime) and a 30% victim participation rate in Germany where the process is used mainly for misdemeanours.

The collaborative model has broken the myth that holistic intervention, encouraging lifestyle changes and community group conferencing is a soft option for offenders, and that it only works well in less serious crime.

- More than 50% of victims have invited the researchers to further explain the process, and to take the opportunity to provide information on the impact of the crime. Among this group, most have been keen to enquire about the effect of the process upon the offender, and to what level the offender is challenging their behaviour and lifestyle of crime with support from family or others.
- The model enables the researchers to provide the victim with the information available and discuss the future plan should they wish to continue in the process. They are also provided with information on support groups.
- The holistic model encourages strong support for victims. On average, victims are visited by the restorative justice team twice during the period prior to the court sentence. This has occurred even when victims have declined to participate more fully in the conferencing.

Crime is Primary a Local relational issue in the community. It is an issue of good neighbourhoods, together with corporations and individuals acting as valued citizens.

Victim Support groups need to be funded at arms length from government agencies that capture and silence the scream of frustration and resentment among victims of crime.

### **Recommendations**

That a whole of government approach be found to examine the societal conditions that lead to the beginnings of resentment and anger.

Provide a strategy that views the offender not as an isolated individual who needs to be 'rehabilitated' but rather as a social being, who has strengths, motivation, and ability to be challenged among the supportive network. This is a crucial change in direction that encourages a lifestyle change away from crime, supported by family and friends, and based among community rather than prison.

That the underlying issues of poverty, under-education, and under-employment are dealt with urgently.

That the issues of addiction be addressed by empirical research, including drug trial research.

That the issues of homelessness, domestic violence, and child abuse be seen not only as a criminal issue, but increasingly one of gender.

That community safety programmes are provided that reduce fear and anxiety, rather than use these emotions to promote 'security industry' and media coverage.

That people with a mental illness or intellectual disability not be 'treated' in prisons, but in secure wings of community health centres, where funding needs to be reviewed.

That the issue of gender in justice be seen as a priority, not only to establish evidence of issues of injustice, but to collect and record the systemic neglect and abuse of women as they progress through the criminal justice system, mostly as disenfranchised persons.

That UN Nations agreements, accords, and recommendations regarding the treatment of Victims, Prisoners, Children and Restorative Justice be fully recognized by all states in Australia, and that all locations where people are detained, or incarcerated be available for unannounced inspection by national and international observers.

That a National database of all citizens and residents be produced, including their personal DNA. This will provide for universal coverage, rather than collecting a database around those who have already been found guilty at law, and those persons accused of a crime, or working at a crime scene. This would need to be introduced initially as a voluntary scheme, and to include all service workers within the criminal investigation, prisons, and related areas.

It can be argued and rightly so, that this is indeed an invasion of privacy. Collection of DNA is occurring right now to person 'suspected' of a crime, in WA. Universal collection will place all persons equally as 'capable' of committing crime. A voluntary database would reduce the need for some investigations. DNA will lose its effectiveness when it begins to be abused, such as through re-location to a crime scene. Safeguards do not exist to protect the innocent. Control of DNA data is a powerful tool available and ready for abuse.

The Federal Government must act to safeguard individuals who may become accused following DNA 'finds', although no other evidence is available.

We thank the Committee for encouraging persons such as ourselves to contribute to the debate on crime in our community.

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