



Our reference: 030567/02

**Committee Secretary
Commonwealth House of Representatives
Standing Committee on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600**

Dear Sir/Madam,

Inquiry into crime in the community: victims, offenders, and fear of crime.

I would like to thank you for the opportunity to make a submission to the Inquiry into crime in the community: victims, offenders, and fear of crime. Whilst it is acknowledged that the inquiry will be focused on developing effective Commonwealth measures to deal with the community's experiences of crime and fear of crime in the community, Victoria Police supports any endeavours to improve services to victims of crime and establish effective strategies to deal with fear of crime within the community.

A submission from Victoria Police is attached for your information. The submission contains information relating to our own strategies and experiences in dealing with victims, offenders and fear of crime within the community. Whilst not all areas of the inquiry have been addressed in the attached submission, Victoria Police hopes the information which has been provided will be of assistance.

If you require any further information about this submission, the contact officer is Ms Jacqueline Durand ☎(03) 9247 6716 or Inspector Stephen Leane ☎(03) 9247 6723.

Yours sincerely,

Christine Nixon, APM
CHIEF COMMISSIONER

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Submission to the Commonwealth House of Representatives Inquiry into Crime in the Community: Victims, Offenders and Fear of Crime

Introduction

Victoria Police welcomes the opportunity to make a submission to the Commonwealth House of Representatives Standing Committee on Legal and Constitutional Affairs' Inquiry into Crime in the Community: Victims, Offenders and Fear of Crime.

Victoria Police supports any endeavours to address issues relating to victims of crime, including services to victims and the fear of crime in the community. As such it is pleased to provide the following information in relation to the following terms of reference of the inquiry:

(b) Perpetrators of crime and motives

In July 2001, Victoria Police established a Crime Causal Factors Project which allows Victoria Police to record information that classifies existing crimes by causal and associated factors. Victoria Police uses the crime information to measure the amount of recorded 'crimes against a person' which are motivated by factors such as prejudice, including sexual/gender identity, physical/mental illness, political beliefs or status, race/ethnicity, religious beliefs & road user violence. It is recorded for both crimes against the person and property crimes.

The data collected is 'subjective' data, based on the perceptions of the victim and the evidence available to the member attending the scene. It is not designed to represent 'cold, hard facts' but rather possible indications of where prejudice or other factors have been involved in relation to crime. For example, a victim may believe the crime was committed because they were homosexual, or Muslim or intellectually disabled, but this may not have been the motivation for the offender. The information recorded in our Law Enforcement Enhancement Program (LEAP) in relation to prejudice motivated crime is reviewed by our LEAP Management Team who determine if the assessment made by the member is justified. Whilst it is recognised that there may be some limitations to this data (being reliant on perceptions of the victim and the interpretations of the members themselves), Victoria Police aims to then utilise this information to assist with crime prevention strategies and programs.

From the data already collected (July 2001 – Jan 2002), it can be seen that the incidents of religious motivated crime increased significantly after the September 11 events (in July and August 2001 there were only 2 and 1 sub-incidents recorded; in September 2001 there were 19).

(c) Fear of crime in the community

Most of the programs developed within the Community Consultation and Crime Prevention Office of Victoria Police are done so with the knowledge that the perception and fear of crime is as great as the actualisation of crime. As such, the

underpinning philosophy is that projects must not only be aimed at crime prevention, but also at reducing fear. This is particularly the case with groups identified as being more vulnerable, ie. older Victorians and women. It is also recognised that for different reasons (mostly communication deficiencies and lack of understanding of Westernised practices), many within the multicultural community have an enhanced fear of becoming victims of crime.

(d) The impact of being a victim of crime and fear of crime

The impact on quality of life for fearful individuals is significant and there are flow on effects to the whole community. For example, when people are fearful, they stay at home, rarely going out and therefore are not spending money in the community. In addition, the perception of a community being unsafe can impact on tourism. By doing nothing there is a risk of loss in community confidence in police, and social and economic harm to the community. Police working with the community at a local level can help to identify and resolve fear of crime issues (such as through Victoria Police's Local Priority Policing (LPP) – see information under 'Community Safety and Policing').

It is recognised that the elderly, in particular, tend to restrict their activities because of the fear of becoming a victim. This leads to an altered lifestyle, which has an impact on their well being. Programs such as Neighbourhood Watch are utilised to keep the ageing population involved in community activities and communication networks.

Repeat victimisation is also a concern, especially with house burglaries, violence and thefts. There appears to be a particular demographic group, which seems to become victims more than once. This (although unsupported by accurate research) may be linked to socio-economic reasons, including unemployment and perhaps drug use. Another impact is felt by victims when motor vehicles are stolen, or in the case of tradespeople, their tools of trade. This then has an impact on their work capabilities.

One of the less recognised areas of victimisation is when Australian citizens are injured or murdered overseas, particularly in countries that have no compensation entitlements to assist victims. Issues such as costs of rehabilitation, travel and, in cases of murder, costs of repatriating bodies to Australia and funeral expenses are of vital importance. Victims or their families may face extreme financial difficulties arising from such expenses. It seems that because the crime occurred in a location that is not able to provide such important assistance, victims may be left to cope solely via their own resources.

This particular issue is worthy of further exploration and the Committee may consider recommending the implementation of research in this important area (possibly via the Australian Institute of Criminology). Such research could identify the extent of needs arising in such circumstances and make recommendations to the Federal government to consider various support and assistance options.

(e) Strategies to support victims and reduce crime

Victoria Police has a Victim Advisory Unit, which has been in existence since 1988. Three 'unsworn' employees of Victoria Police staff the unit. The Unit's mandate underlines the Mission Statement of Victoria Police to "provide a safe, secure and

orderly society by serving the community and the law”. The Unit’s work also reflects important objectives of Victoria Police to “help those in need of assistance” and “to treat all victims in a sympathetic and reassuring manner”.

The Unit has three primary functions:

- the design, development and conduct of training programs for Victoria Police in relation to victims of crime;
- the provision of authoritative advice to senior police regarding policy and service issues impacting on the role of police and victims of crime; and
- providing direct assistance to victims of crime upon referral from operational police.

The Unit works in close co-operation with specialist squads within the Force to ensure that victims are afforded timely access to services as required. The unit operates on a 24 hour, 7-days a week response capability. The Unit also provides a specialist response following homicide incidents to facilitate crisis assistance and access to crime scene cleaning services, financial assistance for funeral arrangements and other pressing practical issues arising at the time.

In addition to this specialist unit, Victoria Police also participates in (or manages) numerous other programs aimed at reducing crime, reducing the fear of crime and assisting victims in preventing crime or recovering their lifestyle after being a victim of crime. Such programs include:

- Neighbourhood Watch
- Operation Deadlock (for elderly)
- Confident Living Program
- Party Safe Register
- Policy Recruit Training
- Security Audits
- State Bicycle Patrol Training
- Crime Prevention Through Environmental Design Course
- Look, Lock & Leave Program
- Virtual House
- Virtual Car.

The existence of compensation schemes throughout Australia also provides an essential and important role in the recognition of the needs of victims of crime. This recognition is twofold, providing financial help to cover expenses incurred by victims in recovering from their ordeal via counselling, medical etc and to recognise the harm done by the award of lump sum payments.

Problems arise, however, because of the differences in legislation adopted by each of the States and Territories. Each compensation scheme differs in the amounts available to victims, the timing of making assistance available and the types of expenses covered. It is unfortunate that the quality and breadth of assistance available to victims can be affected by the jurisdiction applicable to the victim’s location in Australia. For example, in Victoria the Victims of Crime Assistance Tribunal can be accessed to provide immediate financial assistance to families bereaved by homicide via the process of Interim Awards. These awards can be sought to pay funeral

directors for reasonable funeral costs (no ceiling is specified) and cleaning companies involved in crime scene cleans. Yet in Western Australia, no consideration can be given to making an application for compensation for any assistance until an offender is brought to trial and found to be guilty of the murder.

It would seem that any compensation available to victims of crime should be uniform throughout Australia. Apart from providing a consistent response to all victims, it would eliminate disadvantages that now confront victims based solely on the location of where the crime occurred.

In addition, existing support measures and compensation arrangements employed throughout Australia are primarily designed to assist those people who are injured or affected by criminal acts against the person. Clearly, the violence associated with such crime demands the allocation of such resources.

However, it is also readily acknowledged that victims of certain property crimes may be dramatically affected. The impact associated with discovering a home has been burgled can be significant. Concerns for security and the ensuing emotional upheaval arising from the violation of personal environment sometimes mean that the victims of such offences have great difficulty in coping. Children can display significant emotional problems following such crimes particularly so when homes are subject to repeat offences.

In this regard it would seem fair that the victims of burglary offences should be afforded the same access to counselling services to obtain short-term support. While compensation to cover property losses is not envisaged, consideration could be given to initiating specific short term counselling arrangements to support burglary victims if required. Such support activities could include security and crime prevention advice and strategies to assist coping and recovery.

On a broader level, victims of financial fraud are in a similar position to burglary victims in that they are liable to extreme emotional distress. Large sums of money may have been defrauded in such circumstances with no hope of recovery. Victims of these offences are left to cope with a magnitude of emotional issues, none being more important than a complete loss of trust and feelings of shame, guilt and despair that a secure financial future has been lost. As a property crime they find themselves ineligible to approach traditional victim support avenues. It would seem worthy of further exploration to identify the emotional needs of such victims and to consider strategies to make available counselling support options.

(f) Apprehension rates

The Inquiry has already identified many reasons why victims may be reluctant to report crime to police. Other reasons why apprehension rates may be low is where victims withdraw their complaint. This is quite common in cases involving sexual abuse or family violence. The reasons why victims may withdraw their complaint is the complex legal process, fear of embarrassment, fear of the offender, unwillingness to undergo the investigation or the prevailing attitude of the investigating police.

Other reasons for apprehension rates being low depend upon the type of crime committed. For example, where the offender is known to the victim, such as assault, family violence offences or some sexual assault cases, the clearance rate is quite high (70-80%). However, for burglary, where the offender is generally not known to the victim, clearance rates are lower (10%)

In terms of under-estimation of crime within the community and the discrepancy between official crime statistics, media reports and public opinion, Victoria Police commissioned a comprehensive review of its crime statistics by the Australian Institute of Criminology in 2001. The review, amongst other aims, examined the reliability and veracity of the compilation of Victoria Police crime statistics. The findings of the review have lent support to the accuracy of the Victoria Police crime statistics.

(h) Community safety and policing

In line with the global trend to link crime prevention with community safety (a consequence of the evolving community partnership and shared responsibility philosophy), Victoria Police is represented on a broad range of community based committees, working groups and the like. Through our Local Priority Policing, the police role in community safety is increasing through collaborative approaches to strategic issues as well as specified events. The programs listed in paragraph (e) are an example of some of the community based programs Victoria Police manage, or are involved in to promote community safety.

Victoria Police's mission is "to provide a safe, secure and orderly society by serving the community and the law". In line with this mission, our Local Priority Policing (LPP) initiative is Victoria Police's commitment to a whole-of-government approach to community safety and crime prevention. LPP provides the framework for Victoria Police to deliver effective policing services that satisfy community needs and expectations.

In 2000/2001, Victoria introduced a Community Consultation Model as part of its LPP program. This model focused on establishing strategic partnerships with other government agencies and community-based service providers. The primary mechanism through which these partnerships have been forged is the statewide network of multi-agency forums, known as Local Safety Committee's (LSC's). During 2000/2001, 63 LSC's were established to identify and address local community safety issues in areas including public space, licensed premises and roads. Each LSC compiled a detailed community profile to inform the development of an Interim Community Safety Plan. Policing strategies identified as part of the Community Safety Plan will influence the delivery of policing services at district level. The Community Consultation Model has now been fully implemented and Community Safety Plans have been integrated in our corporate planning processes.