



IMPROVING THE JUSTICE SYSTEM: Victims of Crime *Workshop*

NSW Department of Justice
Transformation Office

July 2014



Justice
Victims Services

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Designing Out Crime research centre is a partnership between the NSW Department of Justice and the University of Technology, Sydney.

CHANGE

THE WAY YOU SEE PROBLEMS

BE THE CHANGE

THIS REPORT showcases the outcomes of the Improving the Justice System: Victims of Crime workshop in June 2014. This one-day workshop brought together Government and non-Government organisations who work with, and represent victims of crime in NSW to create a clear program of reform for the system to better serve victims of crime.

THE WORKSHOP was facilitated by the Designing Out Crime research centre (DOC) at the University of Technology, Sydney. DOC's methods are drawn from research into how designers solve complex problems, and are deeply human-centred. The workshop asked participants to place themselves in the position of a victim, and to redesign the Justice System from that perspective.

THE CLIENT for this was the Transformation Office of the NSW Department of Justice and Victims Services NSW.

THE OUTCOMES of the workshop are a suite of reform recommendations ranging from an anonymous report-advice line, to radical changes in how victims will experience the court process, including expanded restorative justice options.

THE FUTURE of the Justice System in NSW is to better meet the needs of Victims of Crime. The recommendations in this report are being considered by the NSW Government for adoption.

**IMPROVING THE
JUSTICE SYSTEM:
Victims of Crime
*Workshop***

NSW Department of Justice
Transformation Office
July 2014

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THE JUSTICE SYSTEM FOR VICTIMS OF CRIME //

Being a victim of crime can be a deeply traumatic and life-altering experience. Unfortunately, we also know that negative encounters with the justice system can further traumatise, victimise and inconvenience victims. The last thing victims need is a Justice System which is seemingly focused more on the needs of bureaucracy rather than justice for the people it serves.

As with many large organisations that have been around for a long time, the NSW Criminal Justice System has made many incremental changes and amendments to how it works. The Improving the Justice System: Victims of Crime strategy puts the victims at the centre of a radical redesign process.

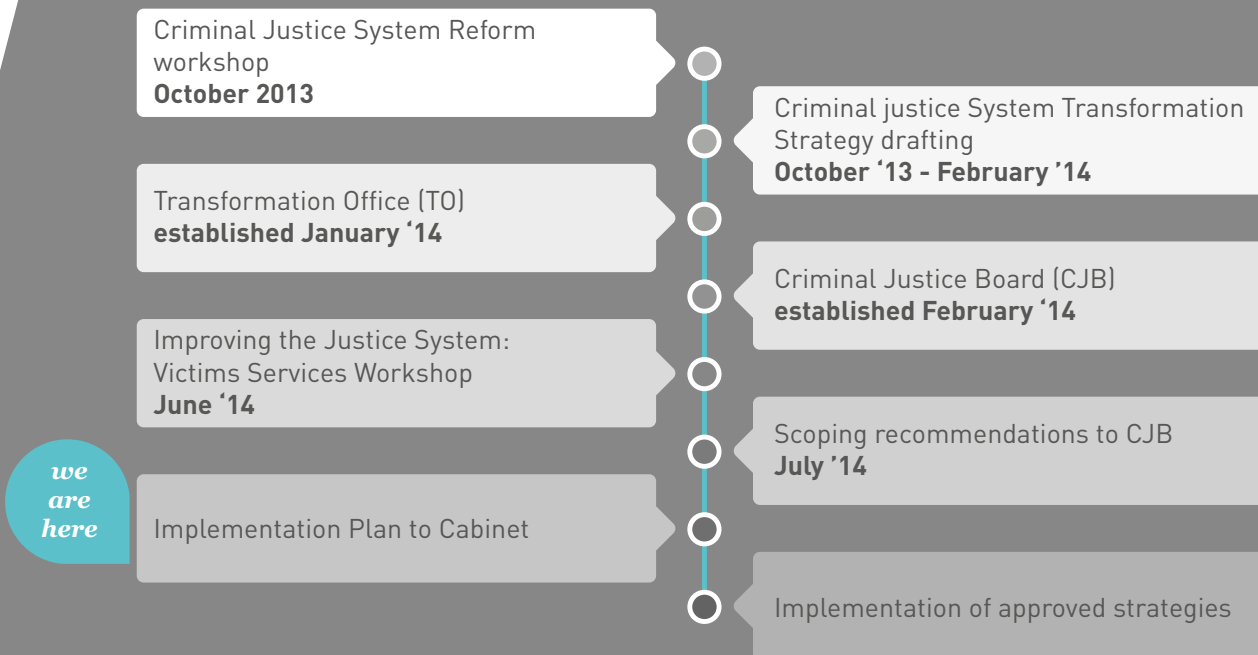
We need a justice system that prioritises the needs of victims of crime, so that victims receive the help and support they need to get on with their lives.



01. BACKGROUND

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PATHWAY TO TRANSFORMATION



The NSW Criminal Justice System Strategy is a plan to reform the justice system over the next five years and beyond. At the heart of the transformation are the following aims:

- Put people at the centre of everything we do
- Make sure we target the allocation of our resources to those crimes that cause the greatest harm to the community
- Take a system-wide approach to all reforms
- Deliver justice that is fair, swift and certain

The Victims Services workshop, and its outputs, represent one step towards the achievement of these aims.



WORKSHOP DETAILS

Improving the Justice System: Victims of Crime Workshop
Thursday 26 June, 2014, 9am-5pm

Participants and Facilitators

The Transformation Office drew together a wide representation of participants from across the Justice Cluster, as well as other state government agencies to develop a scope of works that will be put to the Criminal Justice Board. Facilitators included Kim Wan, Lindsay Asquith, Mieke van der Bijl-Brouwer, Lucy Kaldor, Matthew Devine, Olga Camacho Duarte, Rodger Watson and Rohan Lulham.

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Corrective Services

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Corrective Services NSW**

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WORKSHOP METHODS //

With the aim of prioritising victim needs within a highly complex Justice system, the Victims Workshop used a design innovation method called Frame Creation, which has been developed by the Designing Out Crime research centre specifically to deal with complex problems.

The workshop method used both analytical and creative exercises and tools designed to focus attention on the needs of victims.

In order to make the workshop manageable, the participants were asked to think about the likely needs of a hypothetical victim from the crime categories of:

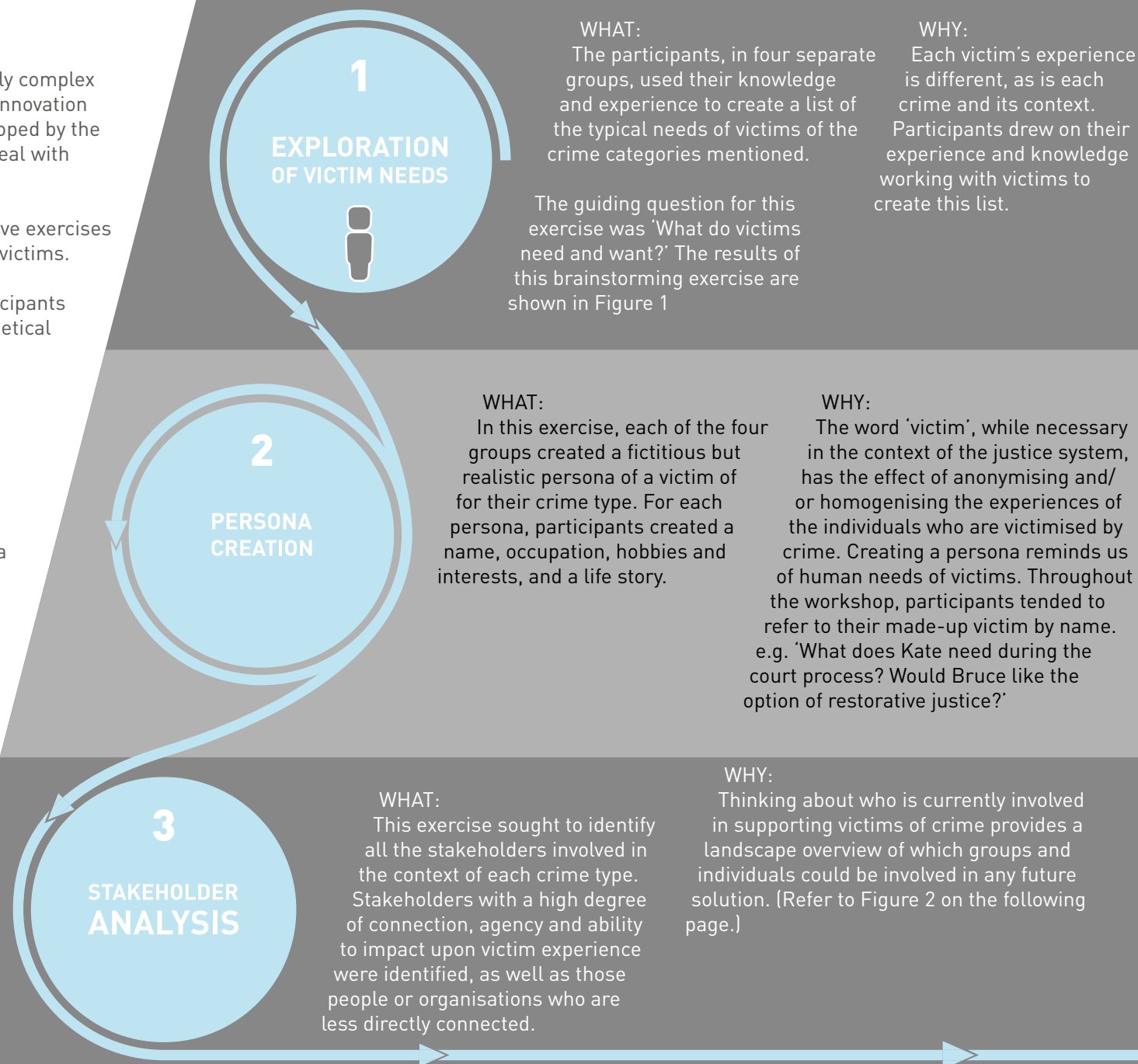
- Break and Enter
- Child Sexual Assault
- Cybercrime
- Domestic Violence

These crime categories were chosen either because they occur very frequently, and/or because they have a particularly high emotional impact on victims and the community.

The following provides a description of the methods and objectives of each exercise undertaken by the workshop participants.

03. METHODS

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WHAT:

In the first stage of this workshop exercise, the groups sought to identify the values motivating the stakeholders involved in providing victim support. The question workshop participants asked was 'What is important to each stakeholder?'

In the second stage, human-centred values were distilled from the responses to that question. Examples included 'belonging', 'freedom from fear', 'happiness', etc. Participants then explored each theme in greater detail, using analogies, anecdotes, similes and antonyms to agree on a shared conceptual understanding of the theme.

WHY: The purpose of theme analysis is to identify and define the values that are commonly held among the stakeholders involved in victim support. Developing a deep, shared understanding of these positive values is crucial in designing interventions that will create the conditions for such values to flourish.

WHAT:

A frame is an imaginative device that serves both a critical and creative purpose. It plays a role similar to the metaphorical lens: it allows new observations to be made, old problems to be interpreted differently, and new solutions to come to light. The way in which a problem or issue is framed is critically important to the manner in which that problem is interpreted or felt by those affected, as well as how it is managed by problem-solvers.

The creation of frames is a creative leap that draws inspiration from an exploration of the themes (step 4), and can be quite a complex exercise in practice, involving many stages and activities. Explained simply using the theme of 'belonging' as an example, a guiding question in frame creation might be: 'what is an example of a situation in which a person (or group) feels a strong sense of belonging? How is the feeling of belonging created, and how can we create or replicate that feeling in a new context?'

WHY:

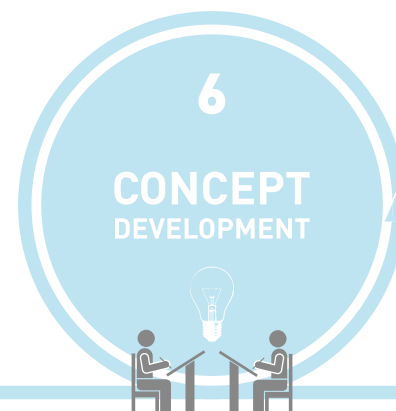
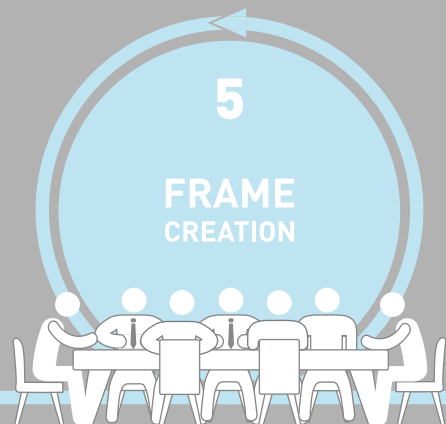
The value of a frame, and the types of insights it can offer, depends on how and where it is overlaid onto the problem context. For example, a frame could be used to look at the structure of a system (to provide, for example, ideas about how co-operating organisations within the justice cluster should be governed), or to define the ideal pathway for a key stakeholder (such as a victim encountering the criminal justice system).

WHAT:

Using the insights and ideas generated by the frames created in Step 5, each group rapidly mapped an 'ideal journey' for a persona in their offence category. Each victim journey map sought to identify the touchpoints between victim and support system, and how these might be remodelled or optimised to give victims a positive and even a healing experience. This exercise was completed in 40 minutes; however a thorough mapping exercise of this sort could be an invaluable tool in comprehending the challenges that face victims, and identifying solutions to these challenges.

WHY:

In a design process, the design concepts provide new ideas about how to approach the problem; they indicate how a solution is likely to look. A phase of prototyping, testing and improving follows the concept development stage and precedes the implementation of 'final' concepts.

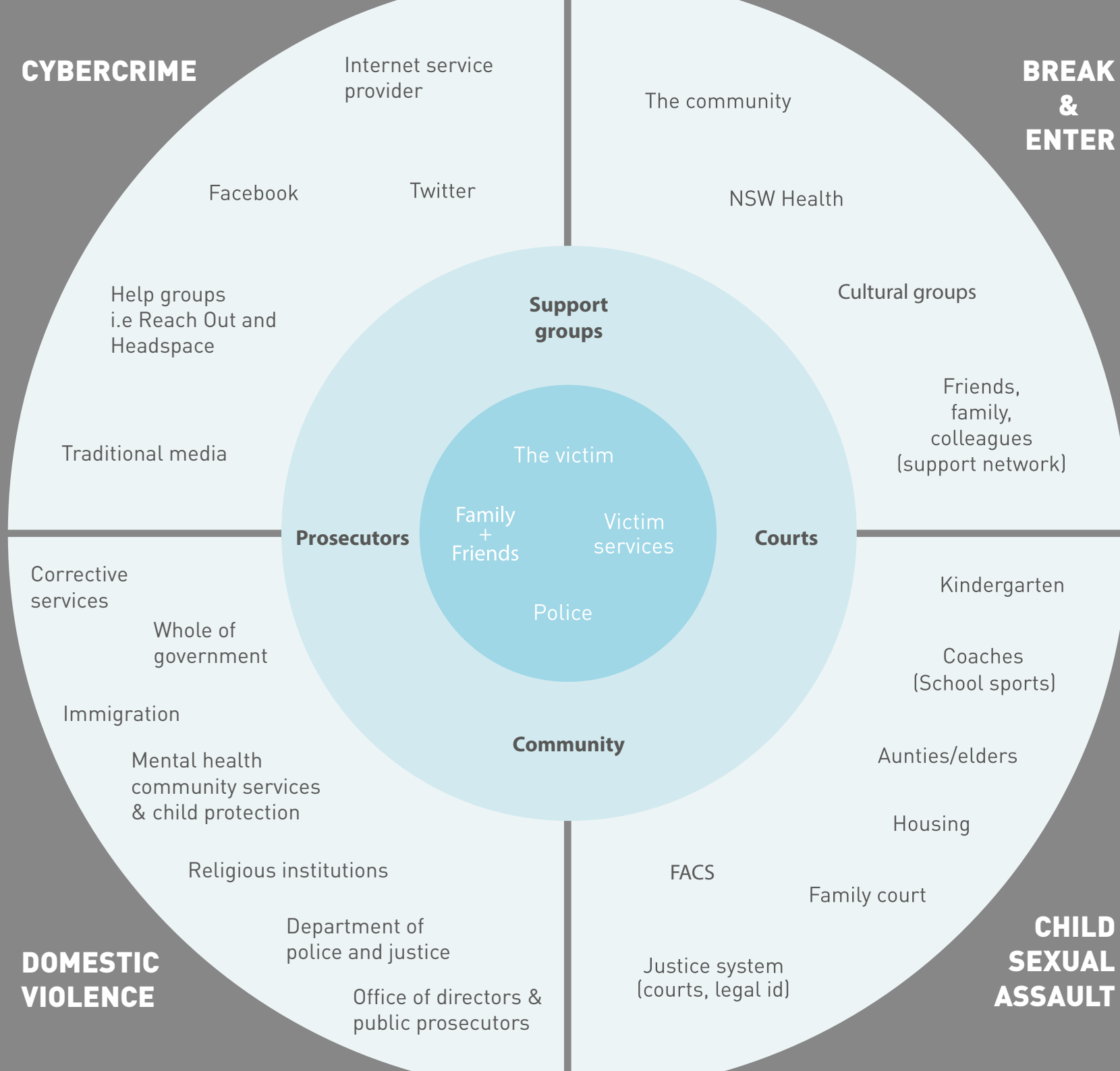


REPORTING ON RESULTS //

In Exercise 1 of the workshop, participants brainstormed the needs of victims. The responses were grouped into three categories (shown at right): practical help; getting information (and feeling part of the process); and emotional support and reassurance.



FIGURE 1



This diagram shows the stakeholders that were identified in the stakeholder analysis (Exercise 3) and shows that there are multiple stakeholders who are, or could be involved in a co-ordinated response to victim support; and also that in each victim context the stakeholders can be very different, although certain core stakeholders are common to most.

This list resulted from a rapid brainstorming session and is not exhaustive. Researching stakeholders in depth would provide a fuller understanding of the problem context and its players, and would represent a substantial body of work.

FIGURE 2



BE THE CHANGE



The design concepts on the pages following were the result of a creative session during the Victims of Crime workshop.

The concepts suggest ways and means for improving areas of the Justice System that are particularly ill-functioning.

These ideas represent the earnest desire of the people working within the Justice System to improve the experiences of victims of crime, and the community they serve.

They are not 'finished products', but rather represent a solid starting point for further exploration of how the system can be remodelled.

INTRODUCTION //

This section outlines the main recommendations from the workshop. The ideas are still conceptual and require further development, but give a clear sense of the priority areas and issues identified.

These changes will considerably improve the experience of victims as they progress through the justice system, from the point of victimisation until the point when they no longer require services.

LIFTING SERVICE STANDARDS TO MEET VICTIMS EXPECTATIONS AND NEEDS //

These recommendations propose reforms to a range of areas that will significantly improve victims' experiences in the justice system.

As a minimum, the agencies of the justice system aim to make the following changes to lift standards of service across the system:

- Create feedback loops at all stages of a victim's journey through the system so they are informed and updated on their case
- Ensure all service providers in the justice system have consistent standards for dealing with victims of crime (referring to the Code of Practice for the NSW Charter of Rights and the Police Customer Service Charter)
- Provide victims with information about the outcome of their matter
- Develop plain English documents
- Meet with victims early to set realistic expectations on the process and possible outcomes

In addition, the justice system (Transformation Office) will undertake to further develop and implement the initiatives shown in the following section.



EMPOWER VICTIMS OF CRIME AND DELIVER

THE BEST POSSIBLE SERVICES AT ALL

STAGES IN THE JUSTICE PROCESS



INITIATIVES //



1. IMPROVING THE COURT EXPERIENCE



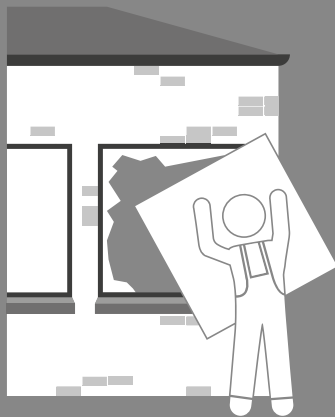
2. GIVING VICTIMS GREATER VOICE, THROUGH EXPANDED RESTORATIVE JUSTICE OPTIONS



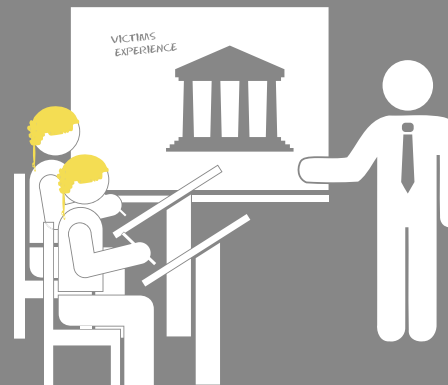
3. IMMEDIATE HELP FOR SUPPORT AND RECOVERY



4. IMPROVED ADVICE ON REPORTING



5. TARGETED HELP FOR VICTIMS OF PROPERTY CRIME



6. JUDICIAL EDUCATION

Victims of crime need assistance to deal with the effects of crime and navigate the complex criminal justice system.

The right to have these needs met is recognised in the Charter of Victims Rights. Victims may have a range of needs, including emotional and practical support, and their needs may differ according to the crime type they have experienced or their vulnerability.

IMPROVING THE COURT EXPERIENCE //

We know from working with victims and talking with them and their advocates that they feel that offenders receive better treatment than they do in the court process. Clearly this is not an acceptable situation. We also know that it is important for victims to feel safe at court and throughout the court case, to feel recognized as part of the court process, and to receive practical support to make their experience at court less traumatic. A more positive experience helps victims in their journey of recovery.

We want to create a court experience for victims that is not only effective at delivering justice, but is also sensitive to the broader needs of victims. Meeting these needs will improve the victim experience, increase victim satisfaction with the criminal justice system, and most importantly lead to better outcomes for victims.

VICTIM NEEDS //

- Recognition as part of the court process
- Provide practical and emotional support
- Address any safety concerns

We are developing a portfolio of approaches which together will provide victims with a better court experience. Firstly we will challenge the assumption that victims must attend court in every instance. We will explore other options for victims to provide evidence remotely via technology.

In circumstances when a victim does attend court they will have an experience that is designed not only to deliver justice, but is as free as possible from undue stress. This court experience strategy includes meeting needs such as:

- Transport and other assistance to be able to attend court
- Orientation at court, so that they know where to go
- Safety in the courthouse and throughout the court process
- A physical space within the court room
- Acknowledgement in the courtroom of the victim of the crime and the opportunity to make a victim impact statement.
- Support in the court room to understand proceedings

“ WE SHOULD TREAT VICTIMS WITH AT
LEAST AS MUCH COURTESY AS WE GIVE
OFFENDERS AND DEFENDANTS ”



1 // ASSISTANCE IN ATTENDING COURT

Including assistance in transport, childcare, leave from work

2 // ORIENTATION AT COURT

A concierge service that will meet victims as they arrive and provide directions appropriate to their matter

3 // SAFETY AT COURT AND IN THE COURT PROCESS

A safe physical space where victims are able to wait and gain access to information and support to improve their safety outside of the courthouse.

4 // AN ALLOCATED SPACE IN THE COURTROOM

A designated space where victims may sit during the court session.

5 // ACKNOWLEDGEMENT AND INVOLVEMENT

The victim's presence will be acknowledged and they will have the opportunity to deliver a victim impact statement.

6 // CLARITY AND CERTAINTY IN THE COURTROOM

Assistance from an accredited support person who will explain what is happening in the court case



GIVING VICTIMS GREATER VOICE, THROUGH EXPANDED RESTORATIVE JUSTICE OPTIONS //

We know that being a victim of crime can seriously impact on wellbeing. For victims, the way their case is handled has the potential to help repair the harm caused by the offender. We should consider how to improve the wellbeing of victims through the justice system.

Accordingly, we want to give victims more choice in how their matter is dealt with. One such option is restorative justice, which has been found to improve outcomes for victims, leading to greater satisfaction with the criminal justice system and repairing well-being. Providing the choice of restorative justice will better cater for the needs of victims.

VICTIM NEEDS

- Have a say in how their matter is dealt with
- The option of taking up Restorative Justice at various stages across the court process
- Be involved in the process and be able to ask questions of the offender

We want to give victims a say in how their matter is dealt with, and provide them the opportunity to have a more active role in the process, such as asking the offender questions. We will explore the possibility of restorative justice options being made available at various stages of the criminal justice process, and being offered either in tandem with conventional approaches, or as an alternative.

“ BEING A PART OF THE PROCESS LEADS
TO BETTER OUTCOMES FOR THE VICTIM ”



1 // RESTORATIVE JUSTICE IN PARALLEL OR AS AN ALTERNATIVE

Victims will be given a say in how their matter is dealt with.

2 // CHOICES FOR VICTIMS

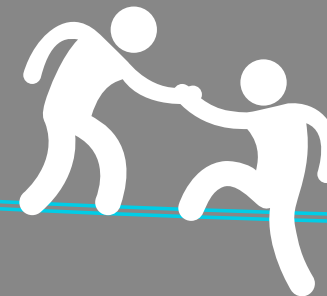
Victims will be able to choose the Restorative Justice program that best suits them

3 // EXPAND TO ALL CRIME TYPES

Victims of all crime types will have access to Restorative Justice

4 // RESTORATIVE JUSTICE AS A DIVERSIONARY APPROACH

Restorative Justice will be used to divert offenders from future offending



IMMEDIATE HELP FOR SUPPORT & RECOVERY //

For victims, the criminal justice system can be a daunting jigsaw puzzle of processes and services. Victims who have suffered trauma as a result of crime are then faced with a bewildering system that can cause further stress. Victims have various needs that can be met by services, from immediate needs such as safety and shelter, emotional support, financial assistance or advice, as well as assistance in navigating the criminal justice system.

We want victims to know what support is available and how to access it. We aim to create an end-to-end case management service which will bring together the services that are available to victims from the time of the crime, during their journey through the criminal justice system, and beyond.

VICTIM NEEDS

- Support that is not siloed
- A system that acts as a system and provides end-to-end support

“ HOW CAN I HELP? ”



1 // EXPAND THE WAY VICTIMS SERVICES PROVIDE SUPPORT

Provide case management to victims supporting them through their experience as a victim

2 // INTEGRATED DATA

Make sure victims don't have to repeat their story every time they speak with a new part of the criminal justice system

3 // KEEP VICTIMS UP-TO-DATE

Victims will be informed of the process, and will be given specific updates on their matter. For example information on an offender's sentence, or release.

4 // PROACTIVE ENGAGEMENT

Support Services will be proactive in engaging with victims, and will work with victims to devise a 'going forward' plan.



IMPROVED ADVICE ON REPORTING //

We know that people sometimes feel uncertain about whether to report a crime. This uncertainty can come from not knowing what will happen after they report the crime and being unsure of the best course of action. We can reduce uncertainty by providing victims and others who might report a crime with advice on what happens when a crime is reported.

We want to remove the barriers that people experience when they consider reporting a crime by providing people with advice specific to their situation. This service will be anonymous to ensure that people feel completely at ease in accessing the service.

VICTIM NEEDS

- Anonymity in seeking information
- A sense of control
- Time to reflect and consider the best course of action
- Justice, healing and to get on with their lives

We will explore the possibility of developing an anonymous call centre which would provide information on what happens when a crime is reported and what to expect through the process. The call centre would be modelled on the Royal Commission into Child Sexual Assault and would second specialists from the sector with knowledge and experience.

“ THE CALL CENTRE WOULD PROVIDE
VICTIMS WITH INFORMATION
WITHOUT REQUIRING THAT THEY
REPORT A CRIME ”



1 // ANONYMOUS CALL CENTRE

To provide victims with advice on
process and options

2 // INCREASE PUBLIC AWARENESS

Through a communications campaign
(misinformation may be preventing
victims from reporting.)

3 // EXPAND

Information available on Victims
Services website to explain clearly
to victims what might happen to a
perpetrator if a crime is reported



TARGETED HELP WITH PROPERTY CRIME //

Being a victim of property crime can be disruptive and distressing. It can cause victims to feel unsafe in their homes and can cause anxiety and a general lack of wellbeing. In order to feel safer and more secure victims need emotional support and reassurance, practical advice as well as physical and security needs. Victims of property crime account for a large proportion of all victims of crime and the impact on them has a cumulatively large effect on the community.

We recognise that victims of property crime could benefit from access to similar options for support and information as is available to victims of violent crime. We want to provide victims of property crime with advice and assistance in how to access services that will better help them to address their needs.

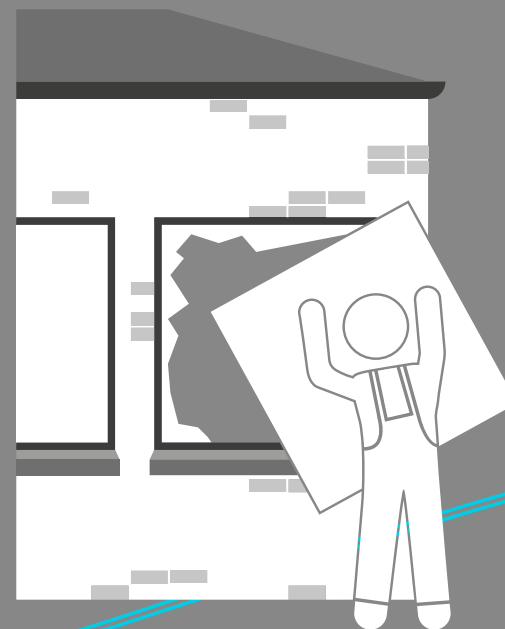
VICTIM NEEDS

- Repair and replacement of property
- To feel safe and secure in their home

We aim to provide more thorough and immediate support to victims of property crime by:

- Expanding the counselling options to all victims of crime
- Providing more information and support when the crime is committed. Investigate expanding role of police or providing other volunteer support.
- Providing practical assistance to victims of burglary, like information about reducing repeat burglary and discounted security options.

“ VICTIMS OF PROPERTY CRIME CAN
REQUIRE SIMILAR HELP TO VICTIMS OF
VIOLENT CRIME ”



1 // COUNSELLING SCHEME

Expand the Approved Counselling service to all victims of crime, as defined in the Charter of Victims Rights

2 // MORE INFORMATION

Provide more information and support when the crime is committed. Investigate expanding the role of police to achieve this.

3 // ADDITIONAL SUPPORT

Provide additional support and referrals through Victims Services or the anonymous call centre (aforementioned).

4 // VOLUNTEER SUPPORT

Provide other volunteer support, such as providing practical assistance to victims of burglary, like information about reducing repeat burglary and discounted security options.



JUDICIAL & LEGAL EDUCATION //

We know that victims' experience with people working in the criminal justice system is sometimes less than ideal. People working in any organisation can sometimes lose sight of the customer and their needs.

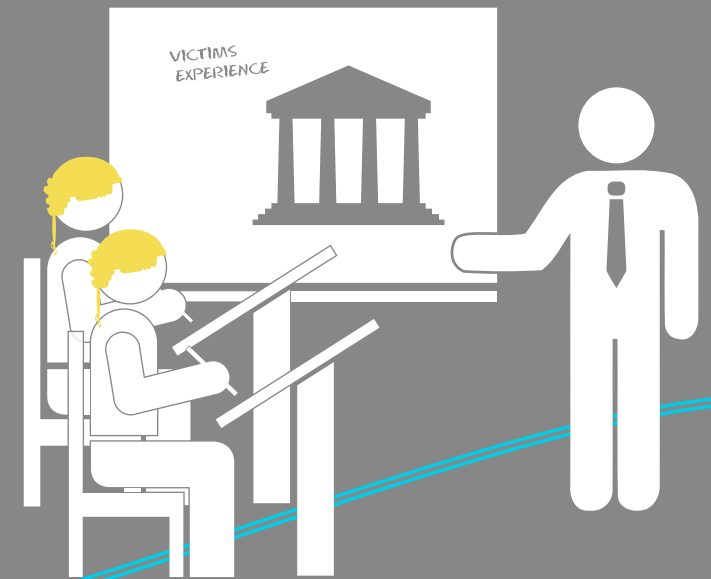
We want to create a criminal justice system that understands victims and their needs. Through providing education to key players in the criminal justice system, we will build a better understanding of victims needs.

VICTIM NEEDS

- To be understood and seen as a stakeholder in the criminal justice system
- To be listened to and valued

Service providers, the judiciary, legal professionals and other key participants will have access to victims' needs training as part of their continuing education. Service providers will have access to training that leads to accreditation and would be integrated into continuing education, as well as targeting undergraduate students entering the sector.

“ BY BETTER UNDERSTANDING THE
EXPERIENCE OF VICTIMS WE CAN
CREATE A CRIMINAL JUSTICE
SYSTEM THAT HELPS VICTIMS
RECOVER AND REGAIN A SENSE
OF WELLBEING ”



1 // AWARENESS TRAINING

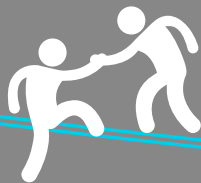
Increase awareness of the needs and rights of victims by training current and future justice sector professionals

2 // ACCREDITATION

Professionals who deal with victims will have access to training and accreditation

3 // ONGOING PROFESSIONAL DEVELOPMENT

A learning pathway that continually improves the level of service provided to victims



NEXT STEPS //

Initially, project groups focusing on each major area of reform will be established. Justice cluster agencies will be requested to allow staff to participate on those project teams, to bring both a cluster-wide focus to the reform and to bring valuable operational expertise.

Following approval, a detailed implementation plan will be prepared which will be submitted to the Board for approval in August 2014.



- ☒ Put people at the centre of everything we do
- ☒ Make sure we target the allocation of our resources to those crimes that cause the greatest harm to the community
- ☒ Take a system wide approach to all reforms
- ☒ Deliver justice that is fair, swift and certain



1. IMPROVING THE COURT
EXPERIENCE



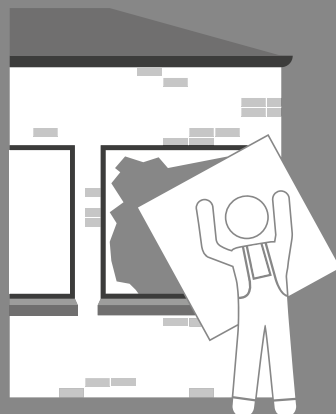
2. GIVING VICTIMS GREATER
VOICE, THROUGH EXPANDED
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OPTIONS



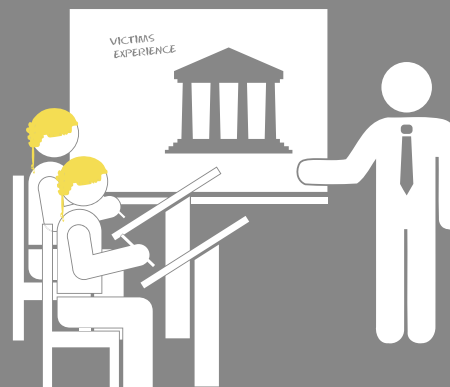
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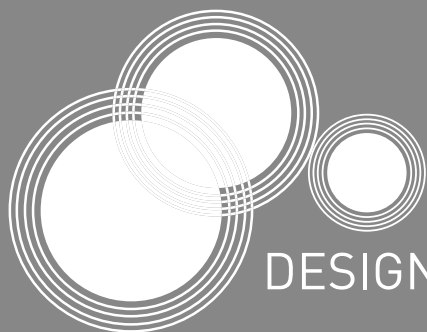
4. IMPROVED ADVICE ON
REPORTING



5. TARGETED HELP FOR
VICTIMS OF PROPERTY
CRIME



6. JUDICIAL EDUCATION



DESIGNING OUT CRIME
