



Queensland Homicide Victims' Support Group

27 July 2018

Victoria Moore
Manager – Policy
QLD Sentencing Advisory Council
GPO Box 2360
Brisbane Qld 4001

Dear Victoria

RE: Submission to QSAC Re Child Homicide Sentencing in Qld.

In the aftermath of the loss of a child to homicide, families and friends of the child victim commonly report a prolonged, convoluted and confusing journey through the criminal justice system. It is the experience of the Family Support Coordinators at the Queensland Homicide Victims' Support Group that this complex journey can impact negatively on the overall wellbeing of these individuals and groups, both in the short and longer term.

In an effort to identify specific feedback related to the post-homicide journey from the perspective of the victim's family or friends, QHVSG has undertaken a general review of cases of child homicide referred to the group for support over the past 6 years. For the purpose of gathering relevant information, the post-homicide experience of the justice process was dissected into a number of stages or phases, and feedback from families relevant to these stages gleaned.

Although QHVSG recognises that this review process is very general, and that there is some difficulty in applying stages or phases to the justice process particularly for child homicide, the exercise has revealed valuable information which if addressed, will benefit victims in the longer term.

Overwhelmingly, families of child homicide victims report limited communication from stakeholders within the criminal justice system. A common denominator in all phases of the journey through the system, this is particularly apparent once the matter reaches the ODPP. Families also report a very limited understanding of the justice system and frustration at perceived exclusion from important decision-making stages.

As the process through the justice system continues, families also expressed frustration at what they see as the system letting them down in terms of lenient sentences, and a limited scope for the victim's voice to be heard and to have respect and meaning.

QHVSG believes that some simple changes can be made within the current criminal justice system to make it more bearable for our members. Of most importance is communication, simple, appropriate and respectful, from all stakeholders from the time of the incident until such time that the accused has served his/her time and is released to the general community. Families need to understand the process more clearly and to be provided with opportunity to have questions answered thoroughly and in a manner in which is understood. Stakeholders in the system need to be approachable and available for this to occur.

P O Box 292 Lutwyche Queensland 4030 Australia
Tel +61 7 3857 4744 • Fax +61 7 3857 4766
Free-call 1800 774 744 • Email admin@qhvs.org.au
FAMILY SUPPORT AFTER MURDER INCORPORATED
Registered Charity No 1253 • ABN 88 536 686 758

QHVSG has a positive, long term and very healthy relationship with the QPS and the ODPP and looks forward to continuing and expanding the work that we do together to assist victims of homicide. QHVSG's participation in the QPS Detective Training programme offers guidelines for first responders in working with the co-victims of homicide. Developing a programme similar to this may benefit other stakeholders who interact with families, such as those in the ODPP and coronial services.

Further to the issue of communication, raising the profile of the victim within the system would make a significant difference to the experience of families. So very often, feedback suggested that the victim - their child, was an insignificant statistic. QHVSG believes that children are our most vulnerable community members and our future, and that every single child should count. For this reason, measures to raise the profile and value of the victim's voice in the criminal justice system must be addressed.

QHVSG recommends that the victim's name is used in court proceedings, rather than the term "victim" or "deceased". Extending the scope of Impact Statements to include Community Impact Statements will give a stronger voice to the value and respect that the child victim should be given in their death. The introduction of a choice of timing for the reading of Impact Statements at sentencing for the victim's family would assist these individuals in feeling that their child was valuable, and not just a statistic.

At present, as is known, the Victim Impact Statement is read following the Crown's address at the beginning of sentencing. Families would like to be given the option of reading their statement as the final part of the sentencing process, just prior to the magistrate delivering the sentence.

A summary of the feedback from the families reviewed for this submission along with specific recommendations based on each phase is included below.

It is hoped that the review of lived experience from the family and friends of child victims of homicide provides valuable information to QSAC and that we can look forward to continuing our work together to create positive change.

Regards



Elaine Henderson
Family Support Coordinator
Queensland Homicide Support Group



Brett Thompson
Chief Executive Officer
Queensland Homicide Support Group

QHVSG Feedback summary

Phases of victim's journey and recommendations

Phase 1 – when the incident occurred.

Where there was an arrest, most families felt supported by the QPS and that communication was adequate. When no arrest was made, family members and friends who were supporting the child were commonly frustrated by the lack of information provided, the secrecy, and the media intrusion.

Recommendation:

1. Where possible, open and available communication from first responders as part of standard operational practice.
2. Ongoing early referral to QHVSG for specialist support services as part of standard operational practice for all homicides across QLD.

Phase 2- Early investigation

Reports suggest ongoing issues with poor communication and secrecy from police where there has been no arrest.

Recommendation:

1. Where possible, even if no information can be provided to family members, regular contact from first responders and QPS liaison officers will assist the family at this stage.
2. QHVSG is currently engaging with the QPS in regards to the referral process for support for families of child homicide where there is no early arrest, or where circumstances may prevent early referral.

Phase 3 – Committal Hearing/ Hand up /Handover to ODPP

Families commonly report a poor understanding of this part of the process. Several families report being frustrated at how long it took to get to this stage, others were excluded. One family did not wish to attend and did not want any information as it was too difficult to hear. Families who connected with QHVSG from phase 1 reported greater understanding, preparation and tolerance of delays and frustration during this phase.

Recommendation:

1. Improvement in communication and delivery of information relevant to the justice process from the ODPP at this phase is essential.
2. QHVSG recommends commencing programmes to deliver education to individuals working in this system specific to working with homicide victim families. This programme would simultaneously serve to educate relevant stakeholders with regard to the assistance of QHVSG specialist support services during this time.

Phase 4 – Management by ODPP

Most families report reduced information available to them once the matter is handed over to ODPP. Limited communication from ODPP occurred in more than half of the cases and there was limited understanding of this part of the process. More often than not QHVSG provided a conduit from family to ODPP to provide information.

Recommendation:

1. Improved communication from ODPP again is essential.
2. Regular and appropriate communication from ODPP Liaison officers, involvement of the family as much as possible.
3. Pre-trial conferencing with family members is invaluable.
4. QHVSG again recommends education for individuals in the ODPP specific to working with homicide victim families, and the value of the QHVSG support team who often have a trusted relationship with families (as in phase 3 above).

Phase 5 – Early Plea to a lesser charge/downgrade of charge

All families when this occurred reported limited involvement or communication from ODPP, or poor understanding of the reasons behind the plea or the downgrade. All families who had this phase as part of their process reported significant re-traumatisation from feeling that the child victim was “worthless” or “a statistic”. Some families reported having no input into decisions made at this time, and no recourse if they disagreed. Media intrusion further traumatised some families.

Recommendation:

1. Regular, open communication with the family from ODPP and clear explanation of the process and reasoning.
2. Perceived ‘involvement’ in decision making or ‘input’ into decision making at this stage is essential to the long-term wellbeing of the victim’s family.
3. For those who are liaising with families during this part of the process, QHVSG recommends education specific to working with the expectations of homicide victim families, and the role that specialist support from QHVSG can provide during this time.
4. QHVSG is currently involved in a PhD study investigating the impact of media on families post homicide with a view to establishing higher ethical practice in respect to media behaviour.

Phase 6 Trial: Families generally felt communication at the time of the trial was sufficient.

Several families felt the trial process was difficult to understand. Several families wanted a higher profile of the victim’s voice in the trial process (mostly older child cases) and were frustrated by the perceived ‘insignificance’ of their child. Families felt the support of QHVSG was invaluable at trial, particularly in terms of understanding the process and for emotional support.

Recommendation:

1. Pre-trial conferencing as routine.
2. Ongoing communication with family during the trial. Use of child’s name in the trial rather than non-personal terminology.
3. Continued use of professionally trained QHVSG support workers in the court setting, and continued use of current MOU between QHVSG and the VSU to ensure families are supported in court during this time.

Phase 8 – Sentencing

In all cases of manslaughter, families did not feel that the sentence fitted the crime. A large number of families expressed frustration in this and the fact that they had no option but to accept what happened. A large number felt re-traumatised at this time.

Recommendation:

1. Communication with the family around expected sentence in a conference pre-sentence would be beneficial.
2. Victim Impact statements to include community impact statements.
3. The option of reading Victim Impact Statement at Crown's summary or following defence's summary at sentencing.
4. A photograph of the child victim to be displayed when the impact statement is read out if requested from the family.
5. Post-trial communication with family in regards to clear explanation of the sentencing outcome.
6. Families would also like a review of head sentences for manslaughter to reflect current-day family and community expectations.

Phase 9 – Appeal

One family in the group reviewed went through appeal process. This family had a positive experience as the appeal was dismissed in a short time period.

Recommendation:

1. Explanation of the appeal process to the family post trial.

Phase 10 – Parole

Families expressed disappointment at early release and feared for other victims. Families would like greater input into parole applications from the accused. Families are often fearful of the perpetrator being released as they are commonly known to them. Families feel their input into parole application is ineffective.

Recommendation:

1. QHVSG is pleased to report that the current QLD Parole Board is actively engaging with QHVSG to improve family education and input in respect to parole applications.
2. The ODPP completing court details and accused details on forms prior to sending these to families may also assist at this time.

QHVSg recognises the outstanding contributions of Elaine Henderson and Kavita Raj in the preparation of this submission.