

INQUIRY INTO SUPPORT PROVIDED TO VICTIMS OF CRIME

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RE: Inquiry into Support for Victims of Crime

My name is Dr Cassandra Cross and I am an Associate Professor in the School of Justice, Faculty of Creative Industries, Education and Social Justice, at the Queensland University of Technology. I am a leading internationally recognised scholar in the field of fraud, financial crime, and cybercrime. I first started researching fraud fifteen years ago in 2008, while working as a civilian with the Queensland Police Service. In 2011, I was awarded a Churchill Fellowship to explore the prevention and support of online fraud victims. This enabled me to travel across the UK, US, and Canada to engage with over 30 agencies working in this space. It was an invaluable experience which was the catalyst to my academic transition.

My appointment to QUT in September 2012 has enabled me to pursue a research agenda focused solely on fraud. I have developed an extensive and authoritative track record in this area, across both national and international fronts. I have published over 90 outputs predominantly relating to fraud and cybercrime. This includes co-authoring the monograph *Cyber Frauds, Scams and their Victims* (published by Routledge in 2017). I have been successful in bidding for, and attracting research funding, having led eight research projects, all in collaboration with government or industry partners, totalling over AUD\$1.8 million.

My research has focused on all aspects of fraud victimisation, across policing, prevention, disruption, and the support of victims. A large amount of my research has involved interviewing fraud victims and gaining their direct narratives of what occurred and the aftermath of the incident. I have spoken with hundreds of victims, as well as a large array of professionals (including law enforcement, consumer protection, government, industry, banking and finance, victim support) on this issue across the globe. In recent years, I have focused heavily on over three thousand romance fraud complaints lodged with Scamwatch (Australian online reporting portal for fraud, hosted by the Australian Competition and Consumer Commission). Fraud is a global issue, and my work has highlighted the complexities, nuances, and ongoing challenges posed by fraud to individuals, governments, corporates, and society as a whole.

I thank the Legal Affairs and Safety Committee for their interest in this topic and the ability to contribute to this inquiry.

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The current submission

The following submission focuses on the second term of reference, being the *operation and effectiveness of the Victims of Crime Assistance Act 2009 for victims of violence*. However, my submission advocates for a rethinking of the current eligibility criteria that mandates an act of violence, using fraud as an example of why consideration should be given to expanding this eligibility criterion. The arguments put forward in this submission draw from my entire body of work examining fraud for the past fifteen years.

Overall, this submission argues that the current eligibility criteria for financial assistance within the *Victims of Crime Assistance Act* (hereafter referred to as VOCA Act) should be expanded to include victims of fraud, based on the following:

- The characteristics of current fraud approaches, including the techniques used by offenders to perpetrate their offences;
- The severity of the impact of fraud on victims;
- The need for victim recognition and support to enable recovery.

A context to fraud in Australia

The Australian Competition and Consumer Commission (ACCC) reported that Australians lost over \$2 billion to fraud in 2021. This was up from \$851 million and more than double the losses reported in 2020. There are suggestions that losses will again double in 2022, with expectations of over \$4 billion lost by Australian consumers. While the COVID-19 pandemic has seen a global shift and increase in reported fraud and other cybercrime offences, the increase has been consistent over the past decade. When the ACCC first started reporting annual fraud statistics in 2009, losses accounted for \$70 million. In just over a decade, this is an increase of 2,757%. Greater awareness and better reporting mechanisms can be attributed in part to this increase. However, the stark reality is that fraud offences have increased exponentially in the past decade (at a global scale), driven largely by technological changes and improved offending techniques, and the losses incurred by victims has increased commensurate to this overall trend.

Fraud is defined by its use of deception to obtain a financial reward or advantage. In many cases, this occurs through direct money transfers between victims and offenders, however offenders can also obtain personal information and identity credentials that enable identity crimes. There are an endless array of approaches or “plotlines” used by offenders to target their victims, however there are several fraud types which are favoured by offenders. Investment fraud (where an offender offers an opportunity to invest in a product or company that does not exist) and romance fraud (where an offender uses the guise of a genuine relationship to obtain financial reward) are two dominant categories of fraud. These two fraud types have been consistently in the top three categories for financial losses in Australia since 2009.

The characteristics of current fraud approaches

The current VOCA legislation has explicit eligibility criteria for those who can apply for, and be granted, financial assistance in the aftermath of a crime. This revolves around the experience of a *violent* offence, as well as the inclusion of domestic violence offences. In this

way, the current legislation is focused on offences against the person (rather than property offences). Fraud is traditionally conceived as a property offence. This is reflected in the current Australian and New Zealand Standard Offence Classification. Therefore, under the current VOCA eligibility criteria, victims of fraud are not eligible to apply for any financial assistance.

This submission advocates for a need to rethink fraud offences as merely property offences and calls for a recognition of the human interaction element that characterises many current fraudulent approaches. Offenders use a wide variety of communication platforms to target and connect with potential victims. It may be through phone, email, text message, the internet, online forums or a social networking platform. In some cases, it can still be through face-to-face methods. Many offenders are deliberate in their tactics to attract the attention of a potential victim and use a range of sophisticated and complex techniques to achieve this. Research indicates the use of social engineering techniques deployed by offenders, (including a range of persuasion tactics used in marketing), grooming techniques (similar to what is known to occur within child exploitation contexts) and psychological abuse techniques (similar to what is known to occur within domestic violence situations). Offenders are deliberate in using these tactics to increase the likelihood of success with their intended targets. Victims are often bombarded with communications from an offender across multiple platforms, at all times of the day, and can become consumed in their interactions with offenders. This can occur over days, weeks, months and in some cases, for several years.

This is relevant across both investment and romance fraud approaches, with a clear focus on the relational aspect that is integral to effective offending. Offenders are able to develop trust and rapport with their victims, and with this as a foundation, they manipulate victims to comply with their financial (and other) requests. The ability to create established relationships with victims is aided by many affordances of online communication, and offenders are able to invent circumstances that have an degree of plausibility about them. Fraud offenders have recognised that all humans have an inherent vulnerability, and they are able to identify any weakness and exploit it for their own financial gain. Importantly, offenders are able to exert power and control over victims despite not having any geographical proximity. This emphasizes the blatant power of the social engineering, grooming and psychological abuse techniques used by offenders.

With this as a context, it is hard to conceive of fraud purely as a property offence. There is a strong interpersonal and relational element to a majority of fraud offences, and this has devastating impacts on individuals, as highlighted in the following section.

[The impact of fraud on victims](#)

There is a clear body of research which documents the impacts of fraud victimisation on individuals. There are obvious financial losses to victims, which lies at the heart of all fraud offending. However, the impact of fraud goes beyond pure monetary losses and can extend to permeate all aspects of a victim's life. This can include a deterioration of physical health and emotional wellbeing, varying levels of depression, relationship dysfunction and breakdown, unemployment, homelessness, and in extreme cases, victims will contemplate

or commit suicide. In this way, the impacts of fraud victimisation can be understood as commensurate to the impacts of experienced by some victims of violent crime. The current VOCA act acknowledges the variety of harms experienced by victims of violent crimes, and does not focus only on physical injuries, but extends its consideration to many of the harms outlined above. In this way, fraud victims experience many of the same impacts of those who are currently eligible for assistance.

Recent research also indicates the debilitating and ongoing fear of crime experienced by a small number of (romance) fraud victims. Given the nature of the fraud offending, and the intimacy shared between victims and offenders, when a victim realises they have been defrauded, some exhibit a fear and anxiety over what could happen, and a perceived threat to their physical safety and security. In my own research, I have had a small number of victims who have sold their house and moved to a new place, believing that it was the only way to claim back a sense of safety in the aftermath of fraud. Regardless of the small likelihood of a victim experiencing physical harm at the hands of their offender, the fear and perceived threat is real. Offenders are known to use a range of threats and psychological abuse techniques in their efforts to gain compliance from victims. If this is unsuccessful, they will escalate their verbal abuse and threats towards the victim and their family. This can have deleterious effects on the victim and their wellbeing.

The impact of fraud on individuals varies according to individual circumstances. The amount of money lost is not a true indicator of the impact on a person's life and wellbeing. For some, small losses can have a severe impact, whereas others lose hundreds of thousands of dollars without consequence. The duration of the impact is also variable, with some victims being able to recover in a short period of time, while others experience ongoing challenges and no foreseeable future.

While the financial losses associated with fraud can be significant, victims often describe the violation of trust and sense of betrayal as being harder to accept and cope with moving forward. This is what is termed the "double hit" of victimisation and is most relevant in the romance fraud context. Victims must grieve the loss of the relationship as well as any monetary losses. For many, the loss of the relationship is the harder part to process and move on from. For the majority of individuals, their fraud victimisation is a turning point in their lives. However, it should not be the event that defines them and their future. This is further explored below.

[Enabling victim recovery](#)

Currently fraud victims face a range of barriers in the aftermath of their victimisation. First, there is a strong stigma and shame associated with fraud victimisation. There is a pervasive negative stereotype which positions fraud victims as greedy, gullible, uneducated, and somewhat deserving of their victimisation. Given that fraud victims are active in their victimisation (through the transfer of money or personal details), they are ascribed a level of culpability in their circumstances. Fraud has one of the lowest rates of reporting, with most research indicating less than one third of offences are reported, and that online fraud offences are even lower. For those who do have the courage to disclose to family, friends, or authorities, they are often humiliated, dismissed or their experience is trivialised. This is

even more pronounced with older victims, who can be disowned by their families, or who have their capacity questioned by family and are subsequently isolated, with their agency removed.

Research is consistent in highlighting that the current system adds additional harm and trauma to victims, rather than seeking to support them. Of further relevance, research indicates that previous victimisation is a strong predictor of future victimisation. Offenders are known to buy and sell “sucker’s lists”, a brutal term used for the trading of victim details. Victims can be targeted for further schemes or can be approached as part of a “recovery fraud scheme”, whereby the offender asserts they are from police (or other authority) and are able to regain the funds lost by victims, for a small fee. There is a small known group of chronic fraud victims, who will be successfully targeted and defrauded continuously.

There are limited avenues of support for victims to access. The main current avenue of support is through iDcare (Australia and New Zealand’s national identity and cyber support service). iDcare is a not-for-profit charity that was formed to assist those affected by identity crime and cyber security concerns and provides a high level of individualised care for fraud victims. However, it has limited funding and cannot realistically support all fraud victims. In my own research, some fraud victims have indicated that they accessed private counselling or support through a medical practitioner, however this was usually in conjunction with an existing plan or issue, rather than in isolation. The ability to access private services and support is restricted for many, obviously having sustained financial losses because of the fraud. In this way, the expectation of victims to finance their own recovery is not practical. There are no current dedicated support services for fraud victims outside of iDcare in Australia.

[Proposed changes to the VOCA Act](#)

The above has provided a summary of existing research and evidence that indicates the nature and extent of fraud offending and victimisation as currently experienced by Australians. It has sought to demonstrate the complexity and sophistication of fraud approaches and techniques used by offenders, and the potentially severe and ongoing consequences of victimisation on individuals in the aftermath of an incident. It has further highlighted the limited availability of support services to assist victims in their recovery.

The current submission asks for the committee’s consideration to extend eligibility of the financial assistance scheme to include fraud victims. In the first instance, this may be through the creation of a specific category of victims (the current VOCA Act uses categories A-D), which restricts financial assistance to counselling and medical costs. It is not proposed that fraud victims would be entitled to compensation or restitution resulting from their losses. Rather, their inclusion in the eligibility criteria seeks to enable a pathway to address the many non-financial harms experienced.

The inclusion of fraud victims would also be a highly significant symbolic act, which acknowledges the legitimate status of victims and the ways they have been victimised. The stigma and negativity of fraud pervades many victim narratives. It is easy to blame the

victim for their circumstances, but this ignores the role of the offender, and the skills of deception used to manipulate and exploit the victim. Victims are persuaded to do things they would not ordinarily do, under many lies and falsehoods. Offenders rely upon the silence and isolation of the victim, and this does nothing but retain power with offenders. There is a societal need to dispel the many myths and misconceptions about fraud and counter the harm this causes to those who experience fraud.

Current legislation requires a victim to report to police or a medical practitioner (in some circumstances). This is relevant to fraud victims, who are already encouraged to lodge a complaint through the ReportCyber platform (an online reporting portal for cybercrime in Australia) referenced by the Queensland Police Service in their submission.

The inclusion of fraud victims within the VOCA Act would undoubtedly increase the number of applications, and the costs associated with delivering financial assistance to victims. Counselling (as noted in the DJAG submission) is one of the highest categories of grants paid out by the scheme, and this is likely to be the category of greatest relevance to fraud victims. However, the consequences of not addressing the impacts of fraud are likely to have greater economic consequences to the community in the future, as the effects of the crime remain unaddressed and exacerbate for those victims who will continue to deteriorate in their distressing situations. A large proportion of this is current hidden within society, and there is a need to enhance visibility and recognition on fraud and its aftermath.

Conclusion

Fraud victimisation is an ongoing challenge. As noted, it is expected that fraud losses will again double to over \$4 billion in 2022. Behind each of these statistics is a person, a story and a loss, sometimes of a significant magnitude.

The current federal government has recognised the need to address fraud and cybercrime through the development of a new cybersecurity strategy, and the proposed establishment of a National Anti-Scams Centre. While prevention and awareness are an important aspect to tackling fraud, there is also a critical need to better respond to those who have experienced it and prevent further harms and victimisation.

Fraud victims are not a homogenous group and experience the effects of fraud in different ways. Offenders have evolved their fraudulent approaches into highly personalised and relationally dependent ruses in order to maximise their chances of success. They have determined that exploiting human relationships (both intimate and non-intimate) is a highly lucrative way to gain financial rewards. Consequently, there are millions of victims who experience the devastations, loss and betrayal of fraud each year. There is a need to better acknowledge and support those in need, to strengthen their resilience and protect them into the future.

This submission implores the committee to consider expanding the eligibility of the VOCA Act to include victims of fraud, for the purposes of accessing financial assistance for counselling and medical support. This has the potential to make concrete positive changes in the lives of many, and to promote recovery and resilience to those who are in significant need.

References

My body of works that forms the basis for this submission are available online at the following:

https://eprints.gut.edu.au/view/person/Cross,_Cassandra.html

In particular, I would draw the Committee's attention to the following publication, which addresses this issue in detail:

Cross, C. (2018) (Mis)Understanding the Impact of Online Fraud: Implications for Victim Assistance Schemes. *Victims and Offenders* 13(6): 757-776. Doi: 10.1080/15564886.2018.1474154.



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(Mis)Understanding the Impact of Online Fraud: Implications for Victim Assistance Schemes

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(Mis)Understanding the Impact of Online Fraud: Implications for Victim Assistance Schemes

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ABSTRACT

Australia provides victims of violent crime access to financial support to assist with recovery, excluding victims of nonviolent offences. The author examines the experiences of online fraud victims, and details how the impacts experienced extend beyond financial losses, to include deterioration in health and well-being, relationship breakdown, homelessness, and unemployment, and in the worst cases, suicidal ideation. Using online fraud as a case study, the author argues eligibility to access victim assistance schemes should consider harms suffered rather than the offence experienced. Consequently, the author advocates a shift in eligibility criteria of victim assistance schemes to facilitate much-needed support to online fraud victims.

KEYWORDS

Fraud; nonviolent crime; online fraud; victims; victim assistance scheme; violent crime

The criminal justice system has increasingly recognized the role of the victim. Historically victims were viewed as forgotten members of the criminal justice system. Yet, a strong victim movement has achieved an acknowledgement of the harm that victims experience at the hands of the offender/s and at the hands of the criminal justice system. In the current criminal justice system, victims play an important role, which is codified through various victim charters and pieces of legislation. This was first evident in the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985, and continues today.

In Australia, the (former) Standing Council of Law and Justice (2013) released the National Framework for Rights and Services for Victims of Crime 2013–2016 (herein the National Framework), which was endorsed by all Australian states and territories. This provides an overview of victim rights in Australia. The stated purpose of the document is to:

- support a coordinated approach to providing services to victims of crime in Australia;
- identify principles underpinning national approaches to supporting the rights of victims and delivering services through a national framework; and
- promote an improved level of collaboration between jurisdictions in addressing the needs of victims of crime including priority areas for future work and identification of gaps (Standing Council of Law and Justice, 2013, p. 2).

It is important to note that while the framework attempts to provide guidance on effective principles for victim services, “it does not seek to prescribe the type of services,

complaints processes or financial assistance models that must be implemented by stakeholders involved in the delivery of services to victims of crime” (Standing Council on Law and Justice, 2013, p. 2). Instead, these are left to the discretion of the individual states and territories, as evidenced in legislation enacted across these national jurisdictions (detailed further in this article). Both the UN Declaration and the National Framework contain a statement advocating for the ability of victims of crime to access financial assistance, which recognizes the impact crime can have and the support many require to recover. While this exists in practice, most victim assistance schemes across Australia limit eligibility to those who have experienced violent crime, thereby excluding many categories of victims, including those of online fraud.

Historically, fraud has been viewed as a property offence. However, the emerging forms of online fraud are arguably crossing the boundaries between property and personal offences and see greater interaction between victim and offender. The impacts of online fraud can be as severe as those who experience violent crime (Marsh, 2004). Despite this, victim assistance schemes continue to reflect this violent or nonviolent dichotomy in defining their criteria for eligibility. To date, there has been no critical reflection on whether the changing nature of fraud and severity of its impact, particularly online, requires current legislatively prescribed victim assistance schemes to revise their sole focus on violent crimes. This article contributes to this through a critical examination of the impact of online fraud on victims and the complex circumstances surrounding many victimization experiences.

Drawing from the narratives of 80 victims who lost at least AU\$10,000 to online fraud, in this article I show how current eligibility requirements of victim assistance schemes exclude many victims who could significantly benefit from such schemes to aid their recovery. By using online fraud as a case study and examining its impact as detailed by those who have experienced it, I show the devastating and ongoing impacts of online fraud and highlight the need to improve avenues of support. In addition, I illustrate how online fraud often affects those with histories of previous victimization. In many cases, online fraud often exacerbates the complexity of their existing circumstances. Thus there is a critical need for access to support to address these multiple victimization experiences. Overall, I argue for current victim assistance schemes within Australia to expand their eligibility criteria. Specifically, such schemes should focus on the harm and impact of crimes experienced by individual victims, rather than mandate the need for violent victimization to occur. Revising the eligibility criteria would subsequently include victims of other crime types, including online fraud, and enable this currently unrecognized group of victims to gain much needed assistance for recovery.

Defining (online) fraud

In 2016, the Australian Competition and Consumer Commission (2017) reported that Australians lost AU\$299 million to fraud. Fraud has one of the lowest reporting rates of all crime types. Scholars estimate less than one third of fraud is reported (Button, Lewis, & Tapley, 2014; Copes, Kerley, Mason, & Van Wyk, 2001; Rebovich & Layne, 2000), and reporting figures for online fraud are even lower (Smith, 2007, 2008). Therefore, it is realistic to assume that the \$299 million loss likely represents a fraction of the actual losses incurred through fraud. In addition, the nonfinancial harms and associated costs of

victimization, such as physical and psychological impacts, unemployment, or homelessness are not considered (Cross, Smith, & Richards, 2014). Globally, fraud statistics are equally devastating, with a report in the UK estimating fraud costs of £193 billion per year (Travis, 2016) and the Internet Crime Complaint Center in the United States recording losses to victims of \$1.33 billion in 2016, with a large proportion of that attributed to a variety of fraud types (Internet Crime Complaint Center, 2017, p. 14).

Fraud is broadly understood as an “invitation, request, notification or offer, designed to obtain someone’s personal information or money or otherwise obtain a financial benefit by deceptive means” (Australian Bureau of Statistics, 2008, p. 5). Fraud can be perpetrated across many mediums of communication including face-to-face, surface mail, telephone, text message, and through the Internet (e.g., over email and other social media platforms). In recent decades, the nature of fraud has changed with the evolution of the internet impacting these offences. While fraud is certainly not new (Grabosky & Smith, 1998), the ability of offenders to use a virtual environment to target and communicate with potential victims has altered the way fraud is perpetrated (Yar, 2013). While the internet has seen the evolution of new crimes (e.g., malware and phishing), many victims are deceived through well-established social engineering techniques that use the internet as a vehicle to target potential victims.

Online fraud can be understood as “the experience of an individual who has responded through the use of the internet to a dishonest invitation, request, notification or offer by providing personal information or money that has led to a financial or nonfinancial loss or impact of some kind” (Cross et al., 2014, p. 1). Offenders can use various approaches to defraud victims (Cross & Kelly, 2016). In seeking to understand and classify the various types of fraud that exist, Beals, DeLiema, and Deevy (2015) put forward a taxonomy of fraud that included seven broad categories outlined in Table 1.

Beals et al. (2015) identified these seven subcategories built on the “expected benefit or expected consequence of the transaction” (p. 11). In addition, Button and Cross (2017, p. 12) included the category of “identity fraud” to this taxonomy. This was done on the basis that a large amount of identity fraud seeks to secure personal information about a person to perpetrate an offence and is therefore can be argued to fit within the ambit of the original classification.

Stemming from this taxonomy, there are several dominant strategies, which are prevalent and particularly relevant to the current article. For example, advance fee fraud

Table 1. Beals et al.’s (2015) Taxonomy of Fraud.

Consumer Investment Fraud: The expected benefit is investment returns and includes fake shares, Ponzi schemes, film frauds.
Consumer Products and Services Fraud: The expected benefit is the product or service and this includes fake tickets, bogus holidays, dietary pills that don’t work, products that don’t arrive.
Employment Frauds: The expected benefit is employment and these include fake opportunities for jobs such as work at home scams, model agency work.
Prize and Grant Fraud: The expected benefit is winning a prize or other windfall and this includes fake lotteries, 419 scams.
Phantom Debt Collection Fraud: The expected benefit is avoiding the consequences of failing to pay debts the victim did not know were previously owed and this includes bogus demands for payment for debts, taxes.
Charity Fraud: The expected benefit is contributing to a charity, but the reality is that the victim is contributing to the fraudsters, not a legitimate cause.
Relationship and Trust Fraud: The expected benefit is a relationship, but the reality is usually a fake identity aimed at securing monies from the victim.

(AFF) occurs when a person is promised a larger sum of money in return for sending smaller amounts (Ross & Smith, 2011). Popular guises for AFF include lottery notifications, investment and business opportunities, inheritance notifications, and employment opportunities. Victims of this fraud type will be continually asked to send (sometimes escalating) amounts of money over a period of time, to ensure the release of their promised funds. This can continue for months or even years, until the victim realizes it is fraud or has no money left to send. While these types of frauds are generally perceived to be simplistic in nature and easily identifiable (Cross, 2013), they are becoming increasingly sophisticated and complex and seek to target and manipulate a person's weakness or vulnerability in various ways (Cross & Kelly, 2016).

A derivative of AFF is romance fraud (also known as dating and relationship fraud). This type of fraud operates through the establishment of a perceived legitimate relationship (Rege, 2009). Throughout the course of the relationship, the victim will be asked by the offender to send money because of illness, criminal justice matters, or travel costs to visit. This fraud type is built around heightened levels of trust and rapport developed between the victim and the offender and uses the guise of love, romance and a legitimate relationship to convince the victim to send large amounts of money. Victims involved in this scheme can also inadvertently become involved in criminality themselves, through money laundering or drug trafficking (see Button & Cross, 2017). Romance fraud can have devastating consequences on the individual, who arguably suffer a double hit of victimization, whereby they lose substantial monetary losses and grieve the loss of what they perceived to be a genuine relationship (Whitty & Buchanan, 2012).

It is important to understand that AFF and romance fraud are only two of many different approaches that an offender can make toward an unsuspecting fraud victim (as illustrated by the variety of frauds outlined in Table 1). Moreover, while AFF and romance frauds have flourished online, they can be equally as devastating through other mediums of communication, such as telephone, text messages, and face-to-face encounters. In many cases, there is a strong fluidity of communication mediums between victims and offenders (Cross & Kelly, 2016). The use of multiple forms of communication increases the perceived legitimacy of the scheme presented to the victim, and reinforces the degree of trust and rapport built up between the victim and the offender(s). It further enables the offender to persuade and manipulate the victim into continued compliance with their requests for money or other actions.

With the diversity of fraudulent approaches that exist, there are challenges in understanding the reasons underpinning victimization (Button et al., 2014). In many cases, offenders will use mass marketing lists or open-source data to contact potential victims or may use open-source data to target a particular person or group (Button & Cross, 2017). Sadly, offenders will also use what are termed suckers lists, where they will trade the details of persons who are known to have been previously victimized (Shover, Coffey, & Hobbs, 2003). Social networking sites are also popular means for communicating with a large range of potential victims (Australian Competition and Consumer Commission, 2016).

To perpetrate their frauds, offenders will use a variety of grooming and social engineering techniques. They will target visceral appeals, use the premise of authority and legitimacy, and apply pressure and coercion where necessary to gain compliance from their victims (for a detailed discussion of fraud perpetration techniques, see Button & Cross, 2017). As part of this, the offender(s) will seek to develop a strong personal

relationship with the victim, and foster a large degree of rapport and trust with the individual.

Many of these techniques are evident in both AFF and romance fraud, which are the focus of the current article. These two types of online fraud demonstrate the emerging characteristics of online fraud as well as the dynamics that exist between the victim and the offender. In many cases, as previously cited, a strong personal relationship is established through high levels of communication across several mediums. Therefore, these complexities transcend the boundaries of online fraud as a property offence to a victimization experience, whereby being defrauded can lead to severe physical, emotional, and relational impacts as well as the obvious financial losses. However, as victim assistance schemes focus their eligibility on crime type rather than the severity and extent of harm experienced by an offence, online fraud victims are currently excluded from accessing financial assistance from these schemes. In the following section I outline the status and eligibility requirements of these schemes in Australia.

Victim assistance schemes in Australia

Within Australia, the need to acknowledge the role of the victim in the criminal justice system has been recognized through victim charters. While not legally binding, all Australian states and territories have implemented a victim charter. These charters provide a set of protocols relating to the interaction among victims, the police, and the criminal justice system more broadly (Booth & Carrington, 2007). Therefore, these charters have more of a symbolic meaning around the victimization experience (Booth & Carrington, 2007), rather than effecting real change for victims or the provision of support to assist in their recovery. Victim recognition within Australia has a relatively short history and emerged in the 1980s (Cook, David, & Grant, 1999). South Australia established the first Victims of Crime service in 1979; followed by other states almost a decade later (Cook et al., 1999).

Following state and territory acknowledgement of victims, a National Charter for Victims' Rights in Australia was endorsed by the Commonwealth Attorney General's Department in 1996. This national charter acknowledged the specific needs of victims during criminal justice proceedings and the necessity to aid their recovery from the physical and psychological effects of victimization (Standing Council on Law and Justice, 2013). The terminology of the national charter highlights the distinction dominating victim policies have between access and recognition of victim status amongst victims of violent and nonviolent crimes. This is further evident in the victim assistance schemes operating across most Australian states and territories.

Victim assistance schemes operate discretely across all Australian jurisdictions, and are given power through state and territory legislation. There is no unifying requirement for these schemes and there is a lack of consistency regarding their operational requirements. However, the definition of eligible victim appears consistent across jurisdictions and revolves around the use of violence. The explicit reference to violent crimes is evident in several legislative frameworks. For example, the Victims of Crime Assistance Act 2009 (Qld) s. 5 defines a victim as "a person (primary, parent, witness, related victims) who has suffered an injury as a result of a violent act." Victoria similarly stated, "a primary victim is a person who suffers injury or death as a direct result of an act of violence" (Victims of

Crime Assistance Act 1996, s. 7). The focus on acts of violence is apparent across legislation in the Australian Capital Territory, Northern Territory, Queensland, and Victoria.¹ In comparison, South Australia defines a victim as “any person who suffers harm as a result of an offence (except the offender)” (Victims of Crime Act 2001, s. 4). Similarly, New South Wales defines a victim of crime as “a person who suffers harm as a direct result of an act committed, or apparently committed, by another person in the course of a criminal offence” (Victims Rights and Support Act 2013, s. 5). These are broader definitions that do not specifically cite the need to experience violence. Similar definitions are offered in Tasmania and Western Australia.² The restriction of violent crime is further reinforced on victim services websites across many jurisdictions, which stipulate the need to experience a violent offence to be eligible for financial assistance or counseling.³ Only Western Australia and South Australia do not explicitly restrict their services to victims of violent crime, instead stating that services are available to all.⁴

Understanding what constitutes a ‘violent’ offence is critical to the current discussion. Within Australia and New Zealand, the Australian and New Zealand Standard Offence Classification 2011 is a system developed for a uniform understanding of crime and justice statistics. It comprises 16 divisions, which use six criteria in their creation: violence (if involved), acquisition (whether the goal is to obtain property and if so, how), nature of the victim (understood as persons, property or community), ancillary offences (whether the offence is a result of another offence), seriousness (taking into consideration the involvement of co-offenders; aggravating factors, vulnerability of victim, and if a weapon was used), and intent (whether the offence was intentional or resulted from an act of recklessness or negligence) (Australian Bureau of Statistics, 2011). Divisions 01–06 involve offences committed against a person, and include “homicide and related offences; acts intended to cause injury; sexual assault and related offences; dangerous or negligent acts endangering persons; abduction, harassment and other offences against the person; and robbery, extortion and related offences” (Australian Bureau of Statistics, 2011). Division 09 is entitled “fraud, deception and related offences” and includes offences relating to property, which do not involve any offence against the person, and arguably involve procuring a benefit (Australian Bureau of Statistics, 2011). In applying this definition to victim assistance schemes across Australia, some jurisdictions explicitly outline offence types understood to be violent. For example, the Australian Capital Territory list 31 violent crimes that include “murder, manslaughter, grievous bodily harm offences, wounding and assault offences” (ACT Victim Support, 2015). Others refer to the legislation in terms of defining what constitutes a violent offence.⁵

While the previous discussion demonstrates an explicit requirement among several jurisdictions for victims to experience a violent offence, this same focus on the physical nature of the offence does not carry through to the recognized injuries arising from violent offences. There is a consistent acknowledgement that injuries resulting from offences (violent or otherwise) can manifest in nonphysical ways. For example, Queensland defines injury as a “bodily injury; or mental illness or disorder; or intellectual impairment; or pregnancy; or disease” (Victims of Crime Assistance Act 2009, s. 27). The inclusion of mental health and psychological injury in addition to bodily injury is evident in all Australian jurisdictions.⁶ This is also recognized in terms of the support offered under victim assistance schemes. While there is a large degree of variation regarding what each state and territory scheme will fund, there is consistency in the provision of medical care

and counseling, which seeks to address physical, emotional and psychological injuries sustained.

Overall, there is a strong focus on restricting eligibility to victim assistance schemes to those who experience violent crime, rather than all crime victims. This is dominant across most jurisdictions in Australia; within relevant legislation and victim support agencies. The notable exceptions are Western Australia and South Australia, who do not explicitly exclude victims of nonviolence in the published guidelines of their respective victim support agencies. The exclusion of online fraud victims from accessing financial support to access services (such as counseling and medical care) is arguably problematic. For example, the severe trauma that online fraud victims can experience because of their victimization is not acknowledged. While their physical experience of victimization is different to those who experience violent crime, the impact of the incident can have severe and long-lasting impacts across both financial and nonfinancial aspects of their lives. Moreover, online fraud victims often have complex histories of previous victimization. Their need to access appropriate support services is critical to improve their well-being and address their potential repeat victimization. In the remainder of the article I canvass these two points to advocate for a shift in eligibility of victim assistance schemes to one that focuses on offence-related harms, rather than the arbitrary classification of the crime experienced. Before providing the analysis, in the following section I detail the method of the current study.

Methodology

In the present article I examine one element of a larger research project examining the reporting experiences and support needs of a group of Australian online fraud victims (Cross, Richards, & Smith, 2016). A qualitative research approach using semistructured interviews with 80 online fraud victims across Australia was employed (for comprehensive details of this study, see Cross et al., 2016). Participants who had suffered a loss of at least AU\$10,000 due to fraud victimization were eligible to participate. While the amount of money lost does not necessarily correlate with the harm and impact of victimization, the study was focused on those who had experienced the higher end of financial losses.

Recruitment was facilitated through the Australian Competition and Consumer Commission (ACCC; Australia's federal consumer protection agency). The ACCC sent an email or letter to all individuals who reported an eligible loss to Scamwatch (www.scamwatch.gov.au) and consented to being contacted by the ACCC in future. Invitations were sent to victims in Sydney, Melbourne, Brisbane, Perth, and Adelaide (Australia's five most populated cities). While acknowledging online fraud victimization is not restricted to urban areas, these areas were chosen for logistical reasons. Invitations to participate were sent to victims who had submitted fraud reports between July 1, 2012, and June 30, 2014, in Brisbane, Sydney, or Melbourne; and between January 1, 2011, and June 30, 2014 in Adelaide or Perth. A 5% response rate was received for participation, which is low but not surprising given the group of victims targeted (for a discussion on the strong victim blaming that exists for online fraud victims, see Cross, 2015). While this sample is not argued to be representative of all victims, it is argued that the insights gained from this group are valuable and also mirror findings from similar work overseas (see Button, Lewis, & Tapley, 2009a, 2009b)

The first two authors (Cross & Richards) of the original study conducted all interviews. Most interviews were face to face, with the researchers travelling to each city. A small number were interviewed via telephone for personal or practical reasons. Upon consent, interviews were digitally recorded; however, in a small number of cases, victims did not give permission for their interview to be recorded. Thus, detailed handwritten notes were made by the interviewers.

Data analysis

Interviews were transcribed verbatim and imported into computer-assisted qualitative data analysis software NVivo 11 (QSR International, Melbourne, Australia) for coding. Coding was undertaken by both researchers, and involved axial and open coding. Axial coding involves categorizing the data according to predetermined themes, while open coding involves undertaking a detailed reading of the data and allowing new (i.e., not predetermined) themes to emerge. In this way, the coding process was both inductive and deductive. The researchers developed a framework for axial coding during and following the fieldwork phase of the research, but also coded the interview transcripts for themes that emerged during the coding phase.

An overview of the participants

The final sample included 80 participants. Participants' average age was 56 years old (age range = 30–77 years) and the majority were men (58%). Australian-born participants represented 68% of the sample, followed by the United Kingdom (11%) and New Zealand (5%). Participants reported being a victim of various online fraud types. The current sample comprised approximately one third romance fraud, one third investment fraud (a type of AFF), and one third a combination of other fraudulent schemes. In many cases, classifying the type of scheme the victim was involved in was difficult, as it constituted several fraud types.

In the remainder of the article I use these victim experiences to demonstrate the complexities of online fraud victimization and outline why current eligibility requirements are detrimental to the provision of support and recovery for these victims.

Impact of online fraud

One of the striking myths that still predominates around fraud victims is that fraud is a victimless crime or that it has less impact than some other crimes. This is wrong. Not only is fraud not a victimless crime, in reality it can and does have a devastating impact on its victims and their families (Gee in Button, Gee, Lewis, & Tapley, 2010, p.1).

Online fraud can have devastating impacts on victims. As alluded to in the previous quote, there is a common misconception that fraud victims do not experience significant impacts in the aftermath of their victimization. While the impact of fraud victimization on individuals is not as extensively studied as other violent crime types (e.g., rape and robbery) or other property offences (e.g., burglary) there is a small body of work that examines the impact of fraud (both offline and online) on its victims (Button et al., 2009a, 2009b; Cross, 2015, 2013; Ganzini, McFarland, & Bloom, 1990; Ross & Smith, 2011;

Spalek, 1999). These studies assert that fraud victims can experience impacts extending beyond expected monetary losses, such as declines in their physical health; a deterioration in their emotional and psychological well-being (generally manifested by varying levels of depression); relationship breakdown; unemployment; and damage to their individual reputation and social standing (see Button & Cross, 2017, chapter four, for a full summary of the impact of online fraud). In worst-case scenarios, there have been documented cases where victims of fraud (both offline and online) have taken their own lives in response to the trauma they suffered (Cross et al., 2014).

Victims of crime are generally not a homogenous group. Regardless of the crime type experienced, there is a disparity in the effects of crime on the individual and their ability to cope and recover. A wide range of factors can influence victim recovery, such as the victim's financial standing, his or her interactions with police and the criminal justice system, and informal support he or she receives from family and friends (Cook et al., 1999). For some victims, there is minimal impact of ongoing effects from their victimization, whereas for others victimization can have devastating and long-lasting consequences across many aspects of their lives. The differential effects that result in the aftermath specifically related to fraud are noted in the following excerpt:

the extent to which victims are impacted by financial crime depends on a variety of factors including the type of crime, the amount or extent of assets stolen, the degree of trust a victim had toward the perpetrator, the victim's ability to remain financially independent and in control of his or her own life after a crime is discovered, the victim's family and support structure and the victim's success in locating and using community resources. (Deem, 2000, p. 36)

Button et al. (2009a) further documented these effects in their UK-based study of online fraud victims and they are also evident in the present study. For example, some victims reported minimal impacts, as exemplified in the following statements:

I can't see that it changed my life a great deal but it was certainly a negative that should never have been there (interview 33).

I'm not destitute over it or anything of that nature (interview 60).

It was a bit costly, but I'm still standing, I'm still OK (interview 48).

There was a whole bunch of belt tightening...there was a lifestyle adjustment that went on. We deferred all our holidays for a couple of years (interview 26).

These comments indicate that while victimization for some fraud victims within the present study was a negative experience, at the time of the interview, it did not have any long-lasting detrimental effects on their lives, apart from some degree of inconvenience and need for budgeting. These victims are unlikely to seek further support from victim assistance schemes to recover from the incident. However, some participants in the present study detailed substantial, ongoing distress and negative impacts resulting from their victimization.

Those who experience fraud (both offline and online) often suffer emotional and psychological trauma associated with their victimization (Button et al., 2009a; Cross et al., 2014). In recognizing the severity of these impacts, Marsh (2004) asserts that fraud victims "share many of the same devastating consequences as their counterparts who have suffered violent crime" (p. 127; see also Deem, 2000). This victim group were evident in the present research.

There are many ways that emotional and psychological trauma can manifest for fraud victims. For some, it was through distress and sadness.

I was so upset. I had never really cried so much [before] (interview 9).

I was really deeply distressed. I didn't want to get up or go anyway or do anything (interview 23).

I was extremely depressed about it (interview 39).

I cried a bit and you get very withdrawn...I went extremely quiet for a few months (interview 42).

For some of these victims, the emotional consequences of the fraud were ongoing and still impacting their lives at the time of the interview (remembering that for some victims, some years had elapsed between the fraud occurring and the interview taking place). In their study of investment fraud, Ganzini et al. (1990) noted "the persistence of symptoms may be the result of a domino effect whereby initial financial losses resulted in subsequent catastrophes such as loss of home or difficulty paying debts and taxes" (p. 60). A similar situation was evident for some victims in the present study. While for many participants, the emotional impacts of fraud were contained to the period immediately following the incident, for others, the emotional effects were long term:

It is a sad existence...and it is hard to know you have to face that over the next few years (interview 25).

It still hurts, it may still hurt 'til the day I die (interview 26).

It just doesn't go away. It may eventually but...[currently]...it's always there for me... hopefully it will go away eventually (interview 39).

Some victims felt unable to move on from the fraud as they were still paying off the financial debt it had created, and were regularly reminded of their financial losses. One participant noted "it is ongoing and it will be until everything is finished, paid, and maybe [then] I can start to put it behind me, but it is something I don't think I can ever forget" (interview 39).

At its extreme, evidence suggests that some victims of fraud (both offline and online) have committed suicide to escape the lasting effects of their victimization (Cross et al., 2014). Several media reports document individuals taking their own lives in response to a variety of fraudulent schemes that have led many to lose large amounts of money, as well as from suffering the humiliation and social isolation arising from this type of victimization (Barwick, 2013; Bernard Madoff fraud, 2009; Brooke, 2010; Porter & Plath, 2013; Suicide of internet, 2004). Victims in the present study spoke of their emotional state following their fraud victimization, and how some considered suicide as the only viable option to end their suffering.

I have come close to ending my life, honestly, I still feel that way (interview 13).

[At the time I reported the fraud] I said, "As far as I'm concerned, I am ready to suicide" (interview 34).

I even tried to kill myself I was so depressed, because [of] not just the money but because of the shame. My family was very upset (interview 43).

I had one final conversation with her [a romance fraud perpetrator] and said, "I am going to commit suicide," which is how I was feeling at the time...There is suicide in the family (interview 45).

I [was] sort of really despairing and about to commit suicide...I was desperate, I mean I was considering suicide. I was that distraught with what I'd actually done... [further in the

interview] I was really despairing. I was, I saw this end for myself through suicide. And then I thought, “this is ridiculous. If I don’t say something to somebody, I’m going to do it [commit suicide]” (interview 49).

During that first night I was definitely feeling suicidal (interview 59).

Sometimes I think I’d be lucky if I didn’t have a gun here, because I’ve been very close [to committing suicide]. Very, very close (interview 58).

These comments from a small number of victims demonstrate the severity of the emotional and psychological trauma experienced by online fraud victims in the present study. This highlights the gravity the impact online fraud can have on individuals and challenges the notion that “financial crime is less serious than other crimes” (Nerenberg, 2000, p. 70).

This section has demonstrated the impacts of online fraud to dispel the myth that victims of online fraud do not experience any serious or long-lasting effects from victimization. For some participants, the impact of online fraud was severe and in some cases, almost life-ending. Many victims in this study have experienced or are continuing to experience declines in their emotional and psychological well-being, which can also impact on their physical health. This group of victims would benefit from accessing counseling and medical care within victim assistance schemes to assist with their well-being and recovery. This point will be returned to in a later discussion. I now turn to the second argument, focusing on the complexity of victimization and how fraud can exacerbate the effects of existing and previous victimization.

Complexity of online fraud victimization

In the previous section I addressed the impact of online fraud victimization on individuals. However, for many people, victimization is not an isolated event. Repeat victimization and chronic victimization affects many individuals, and those who experience online fraud are not exempt. In this section I address the impact of online fraud for participants in relation to their previous victimization to demonstrate the complexity and cumulative effects of fraud, and how online fraud can exacerbate existing trauma associated with other victimization. Two elements of victimization are examined. First, the existence of previous violent victimization, which arguably contributes to a victim’s vulnerability. Second, the existence of abuse and threats during the online fraud victimization, which reinforce the seriousness of this crime type and the impact on victims’ well-being. The presence of these two elements further indicates a need for victims, such as those who experience online fraud, to access financial assistance for professional help to assist with recovery and re-establishing their well-being.

Previous violent victimization

Limited research has examined the various types of online fraud victimization. In one of the few studies published on romance fraud, the authors asserted that many victims (specifically women) in their study “had experienced a highly abusive relationship earlier in their lives” (Whitty & Buchanan, 2012, p. 4). This finding was evident in the present study, with several participants (again, primarily women) disclosing highly abusive relationships and previous rape and sexual assault, which was relevant to their current online fraud victimization. Their previous experience of violent crime (through domestic

violence and sexual assault) could arguably contribute to their vulnerability to online fraud. This was further emphasized by some participants who shared their previous victimization with their offender, which subsequently enabled the offender to manipulate and exploit them by financial and emotional means.

For example, one participant in the study was currently involved in relationship that was particularly violent. The participant stated,

The worst thing is that he [ex husband] is verbally abusive, mentally abusive and sexually abuses me, and the last time he did [it] with me it was physical... [later in the interview] That is why my ex husband, why I reported him to the cops because he put a hammer here [on the kitchen table]. He put a note, he said if you say something to your friends or anyone I will put you in the backyard. I used to be very scared [later in the interview] The floor that you are walking here belongs to him he said. He said I should crawl I should not walk, that is how he talked to me, he said I did not bring anything in this house except my vagina. That is how he talked (interview 43).

Her current situation within such a violent and abusive relationship was the catalyst for her involvement in romance fraud. In this case, the victim shared with the offender her situation and the abuse she was suffering. As a result, the offender offered her a relationship to escape her husband and promised her a new life.

[The offender said] You know why don't you leave your husband and I can make you happy in [country]. . . not even a week he told me that he loves me and he likes me and he wants me to leave my husband. Because I am not happy (interview 43).

In this case, the offender used the promise of a new relationship free from violence to develop trust and rapport with the victim. As a result, the victim invested thousands of dollars in the relationship as requested. However, when the victim finally realized she had been defrauded, not only had she lost a substantial amount of money, but it further aggravated harms she experienced in her relationship with her violent partner.

Further to this, two additional victims disclosed a previously abusive relationship as the starting point for their involvement in romance fraud:

My partner had left which was really quite traumatic as it had been quite an abusive relationship. I had been to women's refuge, and then so, that was the end of that... so I moved to a house... And then I was really lonely (interview 44).

I was married when I was 16... It was the biggest mistake of my life... I stayed in the marriage for 5 years. He was older than me, I divorced at 21 so I had my two boys with him. Because he was an alcoholic and a gambler. So I kept getting punched and he would drink and go to pubs and all of that, and then at 21 I divorced, I left I went back home so really I did not have much of a childhood (interview 41).

In both situations, the existence of previous domestic violence left the victims vulnerable to searching the internet for a new relationship.

Evidence suggests a need to further explore the relationship between previous victimization of domestic violence and sexual assault, and online fraud victimization particularly romance fraud (Whitty & Buchanan, 2012), as well as viewing online fraud (particularly romance fraud) within the scope of domestic violence (Cross, Dragiewicz and Richards, 2018). The current analysis shows some online fraud victims who have been violently victimized previously are likely already experiencing symptoms of stress and trauma, which is further exacerbated by the fraud. The next section continues this analysis,

through an examination of circumstances experienced during the online fraud victimization.

Abuse and threats suffered by victims during their online victimization

In the previous section I highlighted several instances where online fraud victims (namely romance fraud victims) experienced prior violent victimization, which arguably enhanced their vulnerability to online fraud victimization. In several cases, the influence of domestic violence continued into the fraudulent relationship (see also Cross et al., 2018). Several participants within the current research project described regular occasions where they were subjected to aggression and abuse from their offender. This was usually in response to the victim questioning a part of the story that was being presented to him or her, or refusing to send money.

There were times when I would think no that is not right, and I would Google things and I would ask questions, and as soon as you asked the questions back well! I told you! And that's not how this is, and you got attacked for asking those questions. Because obviously I hit a sore point... but whenever I asked questions I was attacked for asking the questions (interview 32).

I will admit I still don't know why I kept doing it, but he [offender] was very pushy and even abused me on the phone a few times, very upsetting, had me terribly upset. He just kept on until I had nothing left to send him (interview 39).

The previous excerpts detail the experiences of those who were directly involved in online fraud (both romance fraud in these circumstances). There were also two additional interviews with family members of those involved in romance fraud who articulated the same cycle of abuse:

So there's definitely a lot of sorrys and everything, which I see as just to keep the communication going. Because they're [offenders] obviously getting so much money out of her [victim] they don't want that to stop. So yeah that might get aggressive but they definitely you know "I'm really sorry about that. Maybe next time, please don't do that [name of victim]" or you know. So they'll say sorry but still try and get her to do what they want her to do (interview 51).

So all the messages they tell him [victim] over the phone and then they [offenders] ask for money and then the little bit of money goes and then they get nasty again, it's just this pattern of be nice and get a bit of money... [later in the interview] And then they [victim and offender] did used to have conversations on the phone and you would hear him [victim] on the phone saying well you know why do you need this money? And she [offender] would say something like I have got to pay someone else back. And he would say well why? And then she would get nasty and then he would send the money and she would be nice (interview 47).

These quotes illustrate the nature of the victim-offender relationship during the online fraud victimization and how in several instances, it is characterized by verbal abuse and aggression directed at the victim because of their noncompliance (in sending money) or questioning of what they are being told.

There was also evidence to suggest that the dynamics of the victim-offender relationship in several instances of romance fraud mirrored characteristics apparent in their domestic violence relationships. For example, one victim spoke of the psychological destabilization they felt throughout the relationship, where the offender was manipulating

them into believing that they were crazy and paranoid about the situation. This led the victim to question their own mental competence.

What am I stupid for? It's like, why am I panicking? He [offender] is telling me the truth, it is me I know getting nervous. When it is really the other way and he is playing with my mind (interview 41).

There was also a degree of manipulation evident in some of the experiences of victims who detailed the levels of guilt they felt in response to their questioning of the relationship. For example,

He [offender] started calling me nice names. He started saying how important I was to him, that he was lonely, how his children needed a mother, how he's been on his own for five years. But I also had lots of trust issues. I kept questioning him ... that's my personality, but I 'spose that's what they play on. The guilt. He made me feel guilty. He made me feel bad. He made me feel that I supposedly didn't love him because I wouldn't help him (interview 67).

In addition to the abuse, aggression, and other techniques of psychological manipulation evident in several of the romance fraud victims' narratives, there were also instances where offenders used blackmail to try and gain compliance from the victim. This is evident in the following:

Well I got this email from this guy... from the African Union who was trying to blackmail me as it was hard for me to get more money as I was trying to cash UK shares. He said he was going to report me (interview 23).

And then I get threatened, if you don't do such and such by this time then you are going to jail for fraud. And I am thinking I have not done anything, I am the victim, I am the one who has given you all my money all my hard earned dollars (interview 32).

When I found all of this out [about the fraud] and stopped helping her [offender], it became very apparent and aggressive from her that I wouldn't help. There was blackmail and so on and so forth (interview 71).

This section has demonstrated the dynamics and complexities of victim-offender relationships, and in some cases, the tension that exists throughout. In several cases, victims of online fraud (particularly romance fraud) provided details of abuse and escalating levels of aggression they experienced throughout the fraud. There was also evidence to suggest that offenders employed other techniques often associated with domestic violence (see Cross et al., 2018, for a more detailed analysis of this). Last, some victims were subjected to blackmail in an attempt by the offender to gain further compliance (i.e., through sending money). In each of the incidents described, victims experienced more than a pure loss of money, as is normally characterized by a fraud offence. Instead, online fraud victims (and in this section particularly romance fraud victims) experience money loss in addition to the traumas suffered by previous victimization, and continuing levels of abuse and aggression throughout their fraudulent incident. These findings highlight the multifaceted nature of some types of fraud victimization and how the circumstances that online fraud victims experience led them to levels of sadness, distress and despair. While victims who have experienced previous violent crime would be eligible for financial aid under the eligibility requirements of current assistance schemes, the additional trauma experienced because of online fraud would not be covered in most Australian jurisdictions.

Using the victim narratives as presented in the previous sections, in the remainder of the article I discuss the relevance of these findings to the current examination of online

fraud and discusses the potential implications for victim policy and eligibility for victim assistance schemes across Australia.

Implications for current victim assistance schemes

As established, fraud has traditionally been understood as a property offence, and therefore also a nonviolent offence. This categorization has influenced the eligibility of those who experience online fraud to access victim assistance schemes across most jurisdictions within Australia. Legislative provisions currently exist which generally define eligible victims as those who experience violent crime. However, in this article I have argued through the use of online fraud as a case study, that it challenges the understanding of this crime type as more than a property crime involving only the loss of money. Rather, I argue that impacts of online fraud and the harm caused to victims can be as devastating to the individual as to those who experience violence.

I have sought to challenge the existing assumption that all victims of nonviolent crimes should be automatically excluded from financial aid available from victim assistance schemes across Australia, simply based on their type of crime (in this case, online fraud). Instead, it is my core argument that many online fraud victims would benefit from accessing financial assistance to enable counseling, medical care, and other services to aid their recovery. It is important to note that this article is not advocating for online fraud victims to receive compensation or restitution for financial losses incurred. Instead the argument centers on their need to access professional support services to regain their physical and emotional well-being. The purpose of challenging the current eligibility of mandating the experience of a violent offence is twofold: to draw attention to the seriousness of online fraud and the devastating consequences it can have on victims; and to dispel the myth that fraud is somehow not as serious as other crime types. Evidence presented throughout this article from online fraud victim narratives strongly counters this misconception.

If the reality of online fraud victimization is acknowledged, and the true level of harm incurred by this crime type is recognized, then this has significant policy implications for the various victim assistance schemes currently operating across Australia. If an acceptance is achieved that cases of online fraud can expose a victim to a similar level of trauma as a violent offence, then this should spur victim assistance schemes to reconsider their current eligibility requirements. Factors associated with this reframing of victim assistance schemes are considered in detail in the final section.

Required changes to victim assistance schemes

Results of this research call for eligibility requirements of many victim assistance schemes across Australia to be reframed to acknowledge the harm and trauma experienced by victims, rather than being based solely on the arbitrary offence classification of violent crime. If eligibility requirements were amended, legislative change across jurisdictions in Australia must also occur to replace references to violent crime with a reference to the harms and trauma experienced by victims. This could continue under the current premise of injury contained within several schemes, which has already been argued to include mental illness and psychological harm in addition to that of bodily injury. The current

definitions of injury already encompass many of the impacts associated with online fraud victimization, it is the eligibility criteria that is argued as currently problematic.

Current victim assistance schemes are designed to provide financial assistance for crime victims to access medical care and counseling. The ability to access funds for medical expenses and psychological and counseling services at minimum, could dramatically improve victims' recovery. These types of support are relevant and appropriate for online fraud victims within the present article and therefore would not need to be revised. This support would offset some of the impacts of the financial losses sustained through the fraud, as victims who have lost substantial amounts of money are often in financial distress and unable to pay for these services. Relationship counseling may also be relevant in these circumstances, where victimization has impacted the victim's family and had detrimental effects on their relationship.

Additional elements of the current legislative schemes may need to be modified to better fit the circumstances of online fraud victims. There are differing eligibility requirements between state and territory schemes about the requirement to report the crime to police to receive financial assistance. This is a requirement in the Australian Capital Territory, New South Wales, and Queensland. While there is no requirement across these states and territories for an arrest or conviction to be present, reporting the crime is necessary. In New South Wales and Queensland, victims may report offences to a medical practitioner in lieu of the police.

The requirement to report online fraud to police may not be the most effective way for victims to access support for their victimization. Current Australian research illustrates the additional trauma and hardship experienced by online fraud victims in attempting to report their incident to authorities, including police (Cross et al., 2016). Therefore, if the requirement to report to police was to exist, there would need to be an onus on police to better respond to this group of victims. The establishment of the Australian Cybercrime Online Reporting Network as the central reporting mechanism for all cybercrime in Australia (including the large majority of online fraud incidents) may assist with fulfilling this requirement. The Australian Cybercrime Online Reporting Network is a web-based, self-report tool, which also eliminates the potential for police to refuse a complaint. However, it may be more appropriate for online fraud victims to report to medical practitioners, given the harm experienced is overwhelmingly physical and psychological. This would likely require an education package delivered to general practitioners to inform them of this crime type, its impact on individual victims, and to inform them of the official process required to enable access to financial aid.

One final point of consideration is the level of participation of victims in their own victimization. All victim assistance schemes specifically stipulate legislative provisions whereby they consider the actions of the victim in contributing to the offense and the resulting injury or harm sustained. For example, the Northern Territory legislation stipulates "victim behaviour, condition, attitude or disposition that directly or indirectly contributed to the injury or financial loss" will be considered (section 41, Victims of Crime Assistance Act). This has potential implications for online fraud victims, who are often held culpable for their own victimization (Cross, 2013, 2015). Fraud is unique as an offense, as the victim is active in his or her victimization by sending money to the offender. Thus, victims are often held accountable for their actions and are frequently told they should have known better. However, this victim blaming discourse completely ignores the role of the offender(s) and their ability to deceive,

manipulate, and exploit the victim into taking actions he or she would not do under other circumstances. Despite this, the existence of a provision that acknowledges victim participation could easily be interpreted as detrimental to online fraud victims, and prohibit their ability to access financial aid. For many victims, they are acutely aware of how they have enabled their fraud to occur, and this can exacerbate the level of trauma experienced through a large degree of self-blame and guilt (Cross et al., 2016). This is often reinforced by family, friends, and law enforcement. Details of how this provision should be interpreted for online fraud victims would need serious consideration to enable this group of victims to access financial aid under victim assistance schemes.

Conclusion

In the present article I challenge the notion that eligibility for victim assistance schemes should be based solely on the experience of violent crime. Instead, I advocate for a shift in eligibility to focus on the severity and type of harm incurred by an offence in the aftermath of victimization. This reduces the influence of an arbitrary violent or nonviolent offence dichotomy. This article has used the case study of online fraud to demonstrate the problems currently faced by those who experience nonviolent offences across Australia. The results of the present research demonstrate the ongoing and debilitating effects that online fraud victimization can have on individual victims across various facets of their life. It has challenged the notion that fraud victims lose only money, instead demonstrating the impacts across their physical, emotional, and psychological well-being. In some cases, victims expressed suicidal thoughts, and sadly, there are cases where victims have taken their own lives because of the trauma and hardship from online fraud. It is on this basis that a call for change is seen to be necessary.

In this article I have also demonstrated the complexity of circumstances for several online fraud victims. There is a strong relational aspect to many instances of online fraud, and this can expose victims to additional levels of trauma and exacerbate the impacts of any previous victimization. Unfortunately, the strongest risk factor for future online fraud victimization is previous victimization, where victims' details are sold and traded by offenders on what are termed "Suckers lists" (Cross et al., 2014). Particularly for romance fraud victims, a history of previous abuse and violence operates as a significant factor in their vulnerability to further romance fraud approaches (Whitty & Buchanan, 2012). The dynamics of the victim-offender relationship further highlight the serious nature of this crime type and provide a strong context for the distress and trauma experienced.

Overall, removing the requirement of experiencing violent crime as a criterion to access financial aid through victim support schemes could assist many individual victims, including those who experience online fraud, their families, and society. It would support better outcomes for this group of victims, who to date have been excluded and ignored by current victim policy and many existing support services (Cross et al., 2014). While I have specifically considered the impacts and experiences of online fraud victims, this arguably does not discriminate against those who experience fraud across other mediums of communication, and would advocate for the inclusion of all fraud victims to be eligible to access assistance schemes if needed.

A shift to understanding harm as the requirement to access victim assistance schemes can also have a powerful symbolic role by acknowledging online fraud victims as legitimate victims and the harm that they experience as real. This could have a flow-on effect to reporting online fraud across Australia and challenging the strong victim-blaming discourse that currently exists toward this victim group. Above all, it would see actions supportive of more effective implementation of victim charters and be an important step in the continued progression of victim policy within Australia.

Notes

1. This is through section 11 of the *Victims of Crime (Financial Assistance) Act 2016 in the ACT*, and section 9 of the *Victims of Crime Assistance Act in the Northern Territory*.
2. This is through section 2 of the *Victims of Crime Assistance Act 1976 in Tasmania* and section 3 of the *Criminal Injuries Compensation Act 2003 in West Australia*.
3. The following jurisdictions explicitly state the need to experience a violent act or offence to be eligible to apply for financial assistance or counseling:
 Queensland: http://www.justice.qld.gov.au/data/assets/pdf_file/0008/18926/Victim_Assist_Queensland_brochure.pdf
 New South Wales: http://www.victimsservices.justice.nsw.gov.au/Pages/vss/vs_financial_support/vs_whocanapply.aspx
 Victoria: <http://www.victimsofcrime.vic.gov.au/home/going+to+court/compensation+and+financial+assistance/>
 Tasmania: <http://www.justice.tas.gov.au/victims/financialassistance>
 Australian Capital Territory http://www.victimsupport.act.gov.au/financial_assistance_scheme/financial_assistance_scheme_1983_31_june_2016/about
 Northern Territory: https://nt.gov.au/law/crime/financial_help_for_victims_of_crime.
4. The following jurisdictions do not explicitly exclude victims of nonviolent crime:
 South Australia: http://www.victimsa.org/get_help#compensation
 Western Australia: http://www.victimsofcrime.wa.gov.au/V/victim_support_services.aspx?uid=6434_5121_4723_5876.
5. For example, section 7 of the *Victims of Crime (Financial Assistance) Act 2016 in the Australian Capital Territory* outlines a legislative definition of what constitutes as act of violence as does section 3 of the *Victims of Crime Assistance Act 1996 in Victoria*.
6. This is evident through section 2 of the *Victims of Crime Assistance Act 1976 in Tasmania*, through section 3 of the *Criminal Injuries Compensation Act 2003 in West Australia*, section 4 of the *Victims of Crime Act 2001 in South Australia*, section 5 of the *Victims Rights and Support Act 2013 in New South Wales*, section 9 of the *Victims of Crime (Financial Assistance) Act 2016 in the ACT*, section 3 of the *Victims of Crime Assistance Act 1996 in Victoria*, and section 6 of the *Victims of Crime Assistance Act in the Northern Territory*.


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