

INQUIRY INTO SUPPORT PROVIDED TO VICTIMS OF CRIME

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Introduction

As a future legal practitioner, an advocate for male victims and perpetrators of domestic and family violence, volunteer co-ordinator and President of Domestic Violence Anonymous and an individual with lived experience as a victim of crime, I have both a professional and personal responsibility to protect the rule of law, the integrity of the legal system, the rights of others and victims of crime within our community.

The objective of the Inquiry is to identify and discuss the co-ordination of state-wide services to ensure there is a trauma informed, timely and victim centric support available for Queenslanders who have experienced crime. The Inquiry has asked to investigate how the criminal justice system works, how the police, Court services and the DPP work together to provide support and how those processes can be done better.

The Inquiry is also tasked with reporting on the Victims of Crime Assistance Act 2009, its operations and effectiveness, as well as the benefits and disadvantages of resourcing impacts of any recommendations made to the Inquiry.

Working Together and Collaboration: Streamlining the Processes

It is my submission that there should be, a third party or, intergovernmental agency established that is able to better co-ordinate between the Police, Prosecutions, victims' services and the victims themselves. The communication between these organisations currently, is not great. Police have a long list of victims in need of updates and support and find it difficult on occasion to make contact on top of filing evidence, writing reports, organising briefs of evidence and doing their duties as a Police Officer in the community.

It makes sense for a victim's support organisation to engage with the Police at the earliest stages, perhaps the raising of a flag on the organisations system as soon as it is identified that an individual has become or is, a victim of crime and for that organisation to reach out at the earliest opportunity and provide support.

In my experience, the Police Prosecution picks up the victim's case the night before the Court date and speaks with you, via phone about the upcoming proceedings. You never meet them face to face prior to trial and it's up to the Police Officer in charge to walk you through the Court proceedings. Police Officers do have some knowledge and experience with the Court proceedings process however, they are not as experienced as the Police Prosecutors and/or the DPP are.

The knowledge of Police is limited and often, as a victim, you have questions regarding the trial that the Officers are unable to answer. Quite often, a victim will only meet their prosecutor the day of trial. The DPP in my experience, is a little better resourced and I have been contacted via phone, by the DPP some weeks out from upcoming trials, but this has still been done via the phone and without any additional supports.

Removing Stigma / Bias, Shame and Guilt Associated with Being a Victim of Crime

It has also been my experience that both Police Officers and Detectives hold unfair and unhelpful bias against victims of crime. When I was a victim of crime within the prison system, I was treated the worst. I was treated as though I was wasting the officers time and energy and that I shouldn't even be making a statement or allegation against another perpetrator in prison.

This treatment, by specialist Officers of the CSIU (Corrective Services Investigation Unit), who routinely deal with prisoners and prison staff. I had been placed into a cell with an indigenous man, a violent offender who was on remand, charged with the manslaughter of his child, having previously served time for rape. I was abused verbally and physically abused daily and each night by this man. It started as 'I'm just toughening you up' because he considered me weak.

Other inmates and officers were aware but did nothing and I felt so low and vulnerable that I did not speak up. I had tried on many occasions to avoid this by threatening self-harm, calling prison intel and outright refusing to move, that I figured there was no point in trying to protect myself, I became extremely depressed.

Eventually this offender would rape me with a 'shiv' or 'prison knife' ([REDACTED]). That night I screamed and cried out in pain, but the other inmates just kept telling me to shut up.

I was actually threatened by an inmate the next day who told me if I ever acted like that again, waking people up he would [REDACTED]. I remember telling him what was happening and although he looked sympathetic, he said that sounds like a me problem and I would need to stand up to this guy and because I couldn't fight, I would have to stab him to death or at least to a point where he could do me no more harm. I am not a violent person; I was not in prison for any violent offences, and I was terrified. I did nothing.

One day, about a week or so after this incident I was asked to speak with an officer at the officer's station who informed me I would be taken to the hospital for another x-ray. I returned to the table and when I told my cell mate, I was going to hospital he told me that I wasn't and demanded I go back and tell the officer that I could not go. I followed his direction, and the officer told me that I had no choice, I had a broken leg, and it was time to go to hospital. My cell mate then assaulted me while the officer was watching.

The officer then pulled me out and asked what was going on and I told him nothing was going on, 'in any event' he said, 'you're going to the hospital'. Before leaving for hospital, I was required to undergo a strip search. It was during this search that officers noticed that my entire body was covered in bruises and that I had been assaulted on more than one occasion. I broke down.

I had spent weeks, trying to be 'tough' and not say a word. I could not hold it in anymore and I broke down. Officers then began taking photographs with one officer telling me that my cell mate was going to rape me and had been abusing me more and more incrementally each day in order to condition me into being his [REDACTED]. I have been through a lot in my life, but this was

one of those moments I will never forget, the fear and absolute helplessness I felt in that moment cannot easily be explained.

I was taken to hospital and once returning, I was taken out of that unit and that cell and placed onto a safety order for the remainder of my time in custody (a week or so). Upon leaving prison on this occasion, I contacted the Corrective Services Investigation Unit and also the Crime and Misconduct Commission. The Investigators told me there was no point pursuing charges against the cell mate because he was already going down on manslaughter and any sentence for the rape and torture would run concurrently meaning, he would not serve any additional time.

I understood the Officers point, but I thought, if I did not go ahead, perhaps he would rape someone else, at least now it was on his file and may eventually prevent another young vulnerable person being placed in a cell with him. It also meant that when he is eventually released, probation and parole are aware and will consider that history, when referring him to programs and identify any risks to future partners etc.

I still believe it was the right thing to do even though I was treated as just another criminal, less of a human being and that's not right. Consider also, that I served six months on remand for charges not proceeded with by police prosecutions and the DPP offered 'no evidence' and a '*Nolle prosequi*'. I spent six months in prison where I endured some of the most horrific treatment by prison officers and staff, verbal, physical and sexual abuse. Charges dropped and that is that. No support, no programs and expected to rehabilitate.

My story is not an isolated one. Most do not report abuse and I admit it does place you at greater risk in prison. I maintained my innocence, somewhat supported by the dropping of all charges against me, due to insufficient evidence and did not intend on heading back to prison so the risk to my future safety, I wasn't worried about.

I spent 4 days in a protection unit with other prisoners before I was violently assaulted in a laundry. An officer (the same officer who used the phone to notify the unit manager I was coming down and who had, spoken about how long I was going to last and suggested he would win a bet) asked me to see him at the officer's station where he told me that I was required to go to the laundry to get some clothes. I went into the laundry where I was assaulted by at least three other prisoners.

When they were finished assaulting me the leader of the group pulled me up off the ground and told me the guards wanted me raped however, they felt bad because I had a broken leg and was on crutches mentioning that I should consider myself lucky and that I would need to start paying this prisoner \$50 a week in order to prevent ongoing assaults.

Others are vulnerable, afraid to speak up.

After I was seriously assaulted, I was sent to medical unit with a young, 18-year-old kid to help me as I could no longer walk with the aid of crutches as I had been assaulted so bad. He told me that he was also regularly assaulted and would need to pay the offenders \$50 a week to avoid more regular assaults. He was paying these blokes rent.

I don't know what his crimes were, but he was a little kid, first time in prison, in protection where he should have been protected and here, he was, paying rent to these bullies and nasty predators. He was later, one of two young individuals that made a statutory declaration to say this bloke never went into the laundry that day so that, he could again walk free, the DPP again, on this occasion, advised me to drop the case as it had little chances of success, because of how the Courts and jury would see me as a prisoner and that no one would care.

This, after one of the assailants pleaded guilty and in doing so, confessed to the whole thing, pointed fingers at the others and the corrective officers involved, telling the investigators that the request for the assault had come from the prison officers, in return for special privileges but I was told it would 'look like' he was just doing that, to get himself out of trouble. After the assault I was taken back to Hospital for x-rays and additional medical treatment. I could no longer use my crutches due to my injuries and was placed into a wheelchair.

The operation and effectiveness of the *Victims of Crime Assistance Act 2009* (the Act) for victims of violence

The Inquiry has been tasked with reporting on the Victims of Crime Assistance Act 2009, its operations and effectiveness, as well as the benefits and disadvantages of resourcing impacts of any recommendations made to the Inquiry. Specifically, the Inquiry has been asked to consider the following.

- expanding the eligible victim's category to include home invasion; and enhancements to provide better, trauma informed and timely assistance and support to victims.
- mapping victims' experiences through the financial assistance application process to identify the ways to reduce the burden on applicants.
- reviewing the Charter of Victims' Rights to identify common complaint themes from victims to inform future sector training needs.
- revising the existing government initiatives in relation to the Act's operation and effectiveness.

In regard to the above, I never knew any of this support existed. I moved to Queensland in 2015, six years after the implementation of this legislation and I have been a victim in Queensland in custody, as a prisoner and as a member of the community. Although the attitudes of officers dealing with me in each situation was different, in neither case was I offered any support at all really.

As a victim of an assault in Mackay, I was offered flights and accommodation to attend Court to testify sometime later at no expense. This was arranged by the Police officer in charge of the case however, I was not offered any additional support, mental health, counselling and/or compensation. I did attend hospital where I made a statement to the Police after wards, but I was never contacted or provided with any information regarding my rights, responsibilities and/or options concerning financial and medical assistance. I was not made aware that additional support was available.

3. The benefits, disadvantages and resourcing impacts of any recommendations.

I can't provide comments in this space, as am not part of either organisation such as, Police, Courts and the DPP. I do not know how these organisations deliver these services, what they cost and what they would cost, should changes be implemented.

Conclusion

It is my overall submission to this Inquiry that, there would be advantages in overhauling the system, improving communications between Government Departments such as the DPP and Police and that, There would be even greater benefit in the establishment of a third party or separate organisation that would deal directly with Victims of crime and support them through the many processes associated with being a victim, dealing with the police, the DPP, preparing for Court and seeking financial and medical assistance etc. Victims would benefit greatly from having someone 'hold their hand' through the process.

Victims would also benefit from the removal of the bias and stigma associated with being a victim of crime and ensuring those in positions that deal directly with the victim, such as the Police and DPP are trauma informed.

Regards,

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