IMPROVING WELLBEING FOR VICTIMS OF CRIME

Kaldor, Lucy Joanna; Watson, Rodger
University of Technology Sydney, Australia

Abstract

Being the victim of a crime constitutes a profound and lasting trauma for individuals and their communities. Depending on the circumstances of their victimisation, crime victims have little choice but to live with painful feelings, memories and ongoing physical and emotional experiences that can make wellbeing difficult to achieve. Additionally, victims of crime continue to report that their experiences of, and interactions with criminal justice systems in the pursuit of justice and recovery has not restored agency or dignity, and instead add to their feelings of powerlessness, anonymity and trauma.
For governments, the policy challenge is how the criminal justice system can play an active role in helping victims regain wellbeing, and particularly of agency and control in their lives. This paper offers a case study of a project undertaken by the criminal justice system in (anonymised), using a human centred design approach to create design directions that will better meet victims' needs.
The paper will present the workshop methodology and outline the policy directions that resulted.

Keywords: Design methodology, Design methods, Collaborative design

Contact:
Lucy Joanna Kaldor
University of Technology Sydney
Designing Out Crime
Australia
lucy.kaldor@uts.edu.au

Please cite this paper as:
Surnames, Initials: *Title of paper*. In: Proceedings of the 20th International Conference on Engineering Design (ICED15), Vol. nn: Title of Volume, Milan, Italy, 27.-30.07.2015

1. INTRODUCTION

Being the victim of a crime constitutes a profound and lasting trauma for individuals and their communities. Depending on the circumstances of their victimisation, crime victims have little choice but to live with painful feelings, memories and ongoing physical and emotional experiences that can make wellbeing difficult to achieve.

Dictionary definitions of 'victim' include someone who has *suffered* (a crime or other misfortune), but also someone who is *passive*, *helpless* or *powerless* to prevent their misfortune or suffering. The study of victimology has identified that the powerlessness victims feel is very damaging (citation), and that regaining a sense of agency, control and dignity is a vital in the journey of recovery. However, victims of crime continue to report that their experiences of, and interactions with criminal justice systems in the pursuit of justice and recovery has not restored agency or dignity, but rather adds to their feelings of powerlessness, anonymity and trauma. For governments, the policy challenge is how the criminal justice system can play an active role in helping victims regain wellbeing, and particularly of agency and control in their lives.

This paper offers a case study of part of a large project currently being undertaken by the state Department of Justice in NSW, Australia, using a human-centred design approach to create policy directions that (it is hoped) will better meet victims' needs. Specifically this paper will focus on a human-centred design workshop conducted by the Designing Out Crime (DOC) research centre at UTS, which employed Dorst's (2015) frame creation model to re-present and re-imagine the victim experience of the criminal justice system.

The paper will outline the workshop methodology and the policy directions that resulted.

2. THE CHALLENGE OF DESIGNING FOR VICTIMS

What does it mean to be a victim of crime, and why should governments aim to improve their experiences? As the quote below suggests, identifying as a victim is important, but can also have negative consequences for individuals:

"The word and concept of victim bear a heavy weight. To represent oneself or to be represented as a victim is often a first and vital step toward having one's suffering and one's claims to rights socially and legally recognized. Yet to name oneself or be called a victim is a risky claim, and social scientists must struggle to avoid erasing either survivors' experience of suffering or their agency and resourcefulness." (Danneskiold-Samsøe, 2014).

Many decades of advocacy by and for victims of crime have established this group as the 'forgotten people' of the justice system. In response, governments have sought to redress this sense of injustice by playing an increasingly active role helping victims of crime to recover from their trauma. This gradual trend toward a more victim-centred criminal justice system is reflected in the establishment of dedicated government services to help victims of crime, such as the NSW Victim Services unit and initiatives of NSW Police, which assert a more compassionate and empathetic approach.

Governments recognise that punishing criminals through the criminal justice system – which, arguably, is the core and original purpose of the system – does not equal wellbeing for victims, and indeed may do little to ease victim suffering. Nonetheless, aspects of the legislation, policies, processes and procedures that comprise criminal justice systems today prioritise the interests of bureaucracy and the status quo over the interests of the victim. Worse still, the manner in which victims are required to participate in the criminal justice system in the course of bringing offenders to justice (such as the requirement to give evidence in court) can compound victim suffering and actively retraumatise victims (Brayford & Deering 2014). Professionals within the justice sector who work with victims and victims' advocates know that victims feel that offenders receive better treatment than they do in the court process. This perception alone is a barrier to wellbeing since it compounds the feeling of powerlessness and victimization.

Additionally, the very word and concept of 'victim' as an official designation in policy and legislation is a confounding factor. Deriving originally from the Latin 'victima', meaning 'a

sacrificial creature' (Oxford English Dictionary), the word 'victim' is semantically and etymologically unable to accommodate the idea of agency, nor plurality of experience. The way in which victims of crime are labeled may be part of the reason that bureaucratic systems focused on serving them struggle to move beyond treating the victim as an anonymous and unqualified person who is passively engaged in a court matter. These systems cannot easily respond either to the multitude of individual experiences, nor to the notion of victims as agents who are active in their lives and their path to recovery.

Recent attempts by governments to better serve victim interests through legislation and policy have seen efforts to de-anonymise victims, with "a move from 'generic crime victim' responses to provisions targeted at specific victim and/or offence categories." (Brayford & Deering 2014). However, there are problems with creating categories - namely, that people may not fit into them – as well as the problem that "what governments consider to be in the best interests of victims may not be seen in quite the same way by victims themselves" (Brayford & Deering 2014).

In the early stages of the workshop described in this paper, a plenary discussion was held, in which a new and important insight – and a design challenge - was identified: 'how can the individual agency and ability of victims become a resource, rather than being sidelined as it is at present?' The criminal justice system has no way to respond to, or harness the increasing 'expertise' that victims develop as a result of having been a victim and navigating a path to recovery. Depending on the nature of victimisation and the extent to which an individual chooses (or is obliged or required by law) to engage with official systems and services, victims may have many years of contact with government systems and services as well as not-for-profit/third sector organisations, gaining a unique knowledge of the service landscape as they progress.

This knowledge, which may develop over the course of many years, is unique to their situation and constitutes a kind of expertise; in this sense, victims can be considered experts in their own personal situation – with skills and experience – and proficient practitioners of the justice system. Reframing the victim as an agent or practitioner was an unexpected revelation that underpinned the workshop. Owing to time constraints, the design possibilities of victim-as-agent/practitioner were not realised to the fullest extent in the workshop, having been insufficiently expressed in the frames; but the re-imagining of the victim as an agent was an aspiration held by all participants, and was one of the core reflections of the summary report that followed the workshop.

3. THE WORKSHOP

3.1 Origins and objectives

In 2014 the NSW Department of Justice established a Transformation Office to lead the formulation of a strategic transformation of the criminal justice system in NSW, which included the improvement of victim experience. A clearly stated goal of the transformation strategy was to put people first: the client brief included a directive to "*develop clear ideas for improving the justice system for victims of crime, by putting the victim at the centre of the justice system."* (client brief).

With a growing discourse in design about how design can be used to create new ways of looking at complex problems (see for example Brown 2009), DOC was asked to develop a workshop that would take a human-centred approach to the creation of new policy and processes with the client and their stakeholders. In this project, we sought to position ourselves as 'collaborator' (see Paton & Dorst 2011), involved in the framing of both problem and solution spaces.

The objective of the workshop, from the DOC perspective, was to find frames that would a) address the individuality and plurality of experience of victims of crime; and b) help guide policy direction and the government's role in creating a system that better meets victim needs within a highly complex justice system.

3.2 The Participants

With the starting question of 'how can the justice system better serve the plurality of victim needs and experience?' we facilitated a workshop with some 30 participants from various government agencies and victim support groups. The workshop participants were drawn from various departments and agencies within what is called the 'justice cluster' of the NSW government, in

addition to representatives from non-government victim advocacy groups. Government bodies represented included the NSW Department of Justice; as well as the Witness Assistance Service from the NSW Office of the Director of Public Prosecutions; Ministry for Police and Emergency Services; NSW Corrective Services, including the Restorative Justice unit; and the NSW Police Force. Other government agencies from outside the justice cluster included NSW Department of Premier and Cabinet, and NSW Health. Non-government victim support groups represented included Enough is Enough; the Victims of Crime Assistance League; and the Homicide Victims' Support Group. Some participants were professionally acquainted but many others met for the first time on the workshop day.

In addition to the victims' advocacy representatives, who were direct or secondary victims of crime, many of the justice sector professionals had had considerable experience working closely with victims of crime. As a whole, the participant group was highly knowledgeable, experienced, focused and sensitive to the variety and individuality of victims' experiences, and was strongly in favour of developing systems that would recognise and respond to this diversity. The participants were also unusually positive and 'on board' with the workshop methodology overall, as well as the discrete activities in which they participated – in spite of having (by their respective admission) never participated in anything quite like it. In a debrief session, the DOC facilitators surmised that this enthusiasm perhaps evidenced 'readiness' for a human-centred innovation approach, which may itself have derived from many years of immersion in the stories of victims, and professional careers dedicated to working on individual cases and helping named, known individuals.

3.3 Workshop design

The professional practice at Designing Out Crime derives from the Frame Innovation model (Dorst, 2015) developed by the centre director, Professor Kees Dorst. The Frame Innovation (also called Frame Creation) model consists of nine steps, or stages: Archeology, Paradox, Context, Field, Themes, Frames, Futures, Transformation and Integration. Over the several years of DOC's operation, staff have developed tools, methods and techniques around this model. The workshop described here was based on the first seven steps of the model. Each discrete activity is outlined below; the approximate duration of each stage is shown in parentheses after the heading.

3.3.1 Plenary discussion

The workshop was 8 hours (across one day) in duration, with refreshment breaks. At 9am the Designing Out Crime facilitators presented an outline of the day's activities to familiarize participants with the process. Following this, the facilitators guided an open discussion about the difficulties faced by victims and by the justice system in helping wellbeing. The participants were keen to contribute, having a wealth of experience and personal reflection to share, and were passionate and vociferous in this discussion.

3.3.2 Workshop groups

The 30 participants were split into four groups of seven or eight people each, with two facilitators from DOC. None of the participants in each group had ever worked together closely, though many were professionally acquainted.

In order to focus the workshop on victims of offences that are frequently in occurrence or otherwise have a high impact on victims, the participants were allocated to themed groups and asked to think about the likely needs of a hypothetical victim from the crime categories of: Home burglary; Child Sexual Assault; Cybercrime (in particular bullying); and Domestic Violence.

Each group was seated around a papered whiteboard or wall; the outputs of each exercise were notated on the paper and photographed by facilitators. With the exception of persona creation, all workshop exercises were undertaken collaboratively (not individually). In a subsequent debrief session, facilitators remarked that in each of their groups, all or most participants appeared to be very comfortable in sharing their views; there was little inhibition and fairly even contribution from all participants.

3.3.3 Exercise 1. Exploration of Victim Needs (0.5 hours)

Each victim's experience is different, as is each crime and its context. The participants, in the four separate groups, used their knowledge and experience working with victims of crime to create a list of the typical needs of victims of the crime categories mentioned. The guiding question for this exercise was 'What do victims need and want?' The results of this exercise are shown in Figure 1. The responses were grouped into three categories: practical help; getting information (and feeling part of the process); and emotional support and reassurance.

3.3.4 Exercise 2: Persona Creation (0.5 hours)

As discussed, the word 'victim', while necessary in the context of the justice system, has the effect of anonymising and/ or homogenising the experiences of the individuals who are victimised by crime. To overcome this, each of the four groups created a fictitious but realistic persona of a victim of their crime type that would remind them of the human needs of victims. For each persona, participants invented a name, occupation, hobbies and interests, and a life story. This was an effective device in focusing on individual needs, and throughout the workshop, participants tended to refer to their made-up victim by name. e.g. 'What does Kate need during the court process? Would Bruce like the option of restorative justice?'

3.3.5 Exercise 3: Stakeholder Analysis (0.5 hours)

Thinking about who is currently involved in supporting victims of crime provides a landscape overview of which groups and individuals could be involved in any future solution. (Refer to Figure 2.)

This exercise sought to identify all the stakeholders involved in the context of each crime type. Stakeholders with a high degree of connection, agency and ability to impact upon victim experience were identified, as well as those people or organisations with less direct connection.

Figure 1 – What are victims' needs? (Results of workshop Exercise 1)

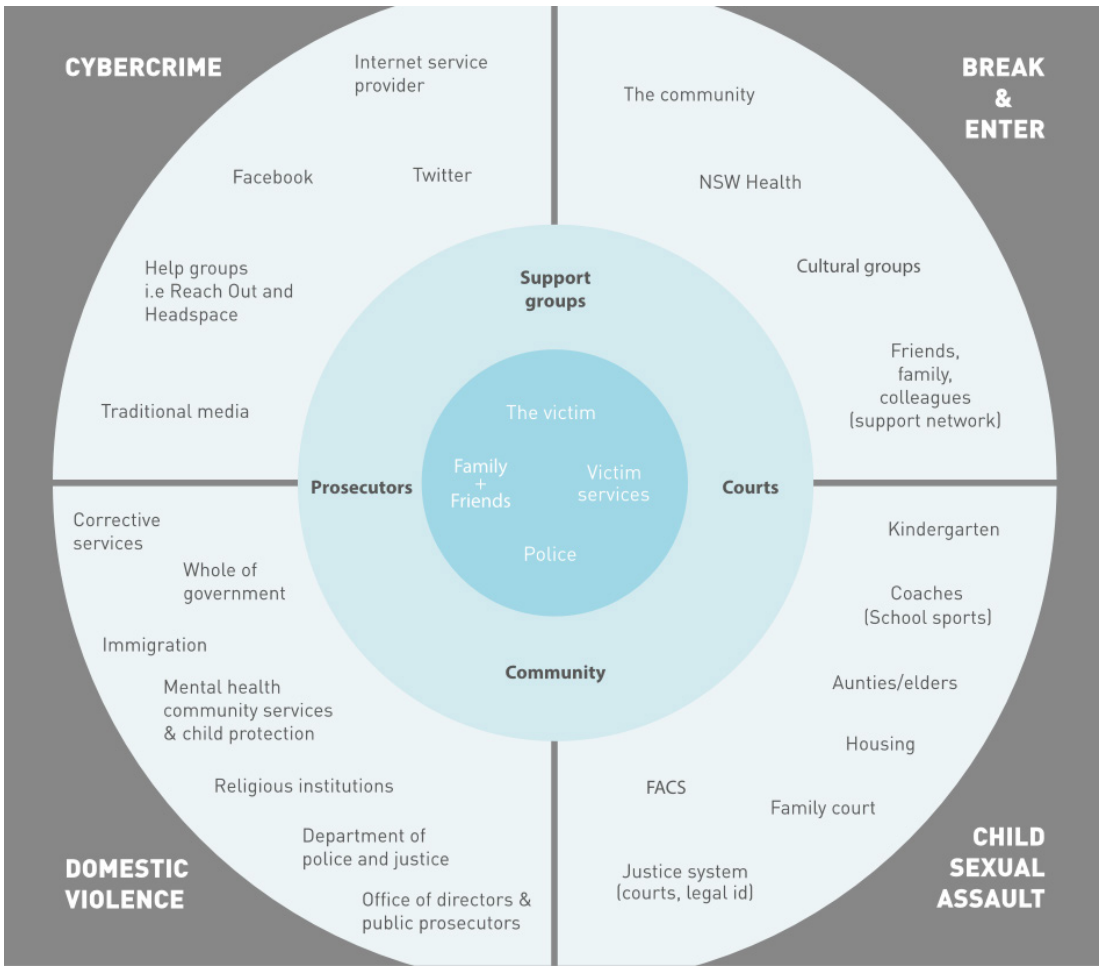

Figure 2 – Stakeholder map (Results of Exercise 3)

3.3.6 Exercise 4: Theme Analysis (1 hour)

The purpose of theme analysis is to identify and define the values that are commonly held among the stakeholders involved in victim support. Developing a deep, shared understanding of these positive values is crucial in designing interventions that will create the conditions for such values to flourish (van der Bijl-Brouwer and Dorst, 2014).

In the first stage of this workshop exercise, the groups sought to identify the values motivating the stakeholders involved in providing victim support. The initial guiding question was 'What is important to each stakeholder?' In the second stage, human-centred values common to all stakeholders were distilled from the initial responses. Examples included 'belonging', 'freedom from fear', 'happiness', etc. Participants were then asked to explore each theme in greater detail. Participants were guided to use analogies, anecdotes, similes and antonyms to deepen their individual understanding of a theme, and to communicate and agree on a shared conceptual understanding of the theme. For example, facilitators asked: 'What is the opposite of belonging – how does that feel and when do we feel it?', or 'Can you think of a personal experience that encapsulated, for you, a sense of freedom from fear? Where and when did you experience it, and what were the preconditions for that feeling?' It was observed by facilitators that the participants, as a whole group, were highly adept at understanding and identifying themes, and were very engaged in this exercise.

3.3.7 Exercise 5: Frame Creation (1.5 hours)

The creation of frames is a creative leap that draws inspiration from an exploration of the themes and can be quite a complex exercise in practice, involving many stages and activities. The value of a frame, and the types of insights it can offer, depends on how and where it is overlaid onto the

problem context. A frame could be used to look at the structure of a system (to provide, for example, ideas about how co-operating organisations within the justice cluster should be governed), or to define the ideal pathway for a key stakeholder (such as a victim encountering the criminal justice system).

In this exercise, participants created frames from the themes they had identified in the previous section. The frames (briefly represented in Table 1) were diverse and could be extrapolated to a range of functions, such as the design of policy, the design of a face-to-face customer experience, the design of departmental roles, &c. For example, the group working with a victim profile of Child Sexual Assault originated the frames of Clarity, Fairness, Responsiveness, Safety and Wellbeing, and the group settled on the frame of the Ambulance Service, which is a customer-centred emergency response system designed to give patients immediate and appropriate help. This frame looked at the characteristics of the ambulance service – such as reliability, a 'known' experience, door-to-door care and support, and so on – and then reinterpreted these characteristics in the context of the court experience of victims of child sexual assault. Since the court experience has historically been infamous for traumatizing this group of victims (Goodman, 1992), the workshop group was easily able to imagine a suite of improvements that would mimic the experience of care that ambulance patients receive and very likely help to ease victim anxiety and trauma; some initial solution ideas included a chaperone in court, transport to and from court, options to testify remotely by video, &c.

The creation of 'fruitful' frames in a relatively short time frame is a challenge that is rarely fully overcome in a one-day workshop; while all the participants enjoyed the experience of framing, some frames 'made less sense' than others, and therefore contributed less to the overall results (although all were thought-provoking). On the whole, however, the frames were relatively coherent, and were fairly readily able to be mined for solution directions.

3.3.8 Exercise 6: Concept Development (1 hour)

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

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

Table 1. Summary of frames and potential solution direction for each of four groups

Crime Category	Themes	Frames	Solution Directions
Domestic violence	Clarity, Empowerment, Satisfaction, Safety, Confidence, Support, Access	The host co-ordinates and makes people comfortable Canon in D on guitar – learning a difficult to play piece in a simplified way, building mastery	A case management approach. Services that match needs On-going support to develop resilience
Child Sexual Assault	Clarity, Fairness, Responsiveness, Safety, Wellbeing	The Ambulance Service – A service that is designed to respond urgently and give the appropriate treatment	Report advisory service Support through criminal investigation Victim centred court process
Internet Bullying	Safety, Belonging	Mardi gras – a place for people to celebrate diversity Mentor – a person with a guiding relationship	A trained person who meets young people and mentors in learning about unsafe online behaviours
Home Burglary	Self worth, doing one's best, choice, wellbeing, belonging, empowerment	Positive Parenting Program – accredited program Girl Scouts – Membership based organization that develops skills	Counselling and information. Volunteer support for victims to avoid revictimisation.

3.3.9 Postscript: Wrap-up discussion

At the conclusion of the group-work aspect of the workshop, each group shared their outputs with the other three groups. Feedback about the process was overwhelmingly positive and enthusiastic.

After the bulk of participants had been thanked for their time and given leave, a small group comprising staff from the aforementioned Transformation Office, other senior staff from within the NSW justice system, and workshop facilitators gathered around a whiteboard to compare notes and distill, from the collective outputs, the major solution directions to be recommended to the executive board.

This data was then compiled into a report which will, by the time of publication, be publicly available. Figure 3 is an excerpt from this report.

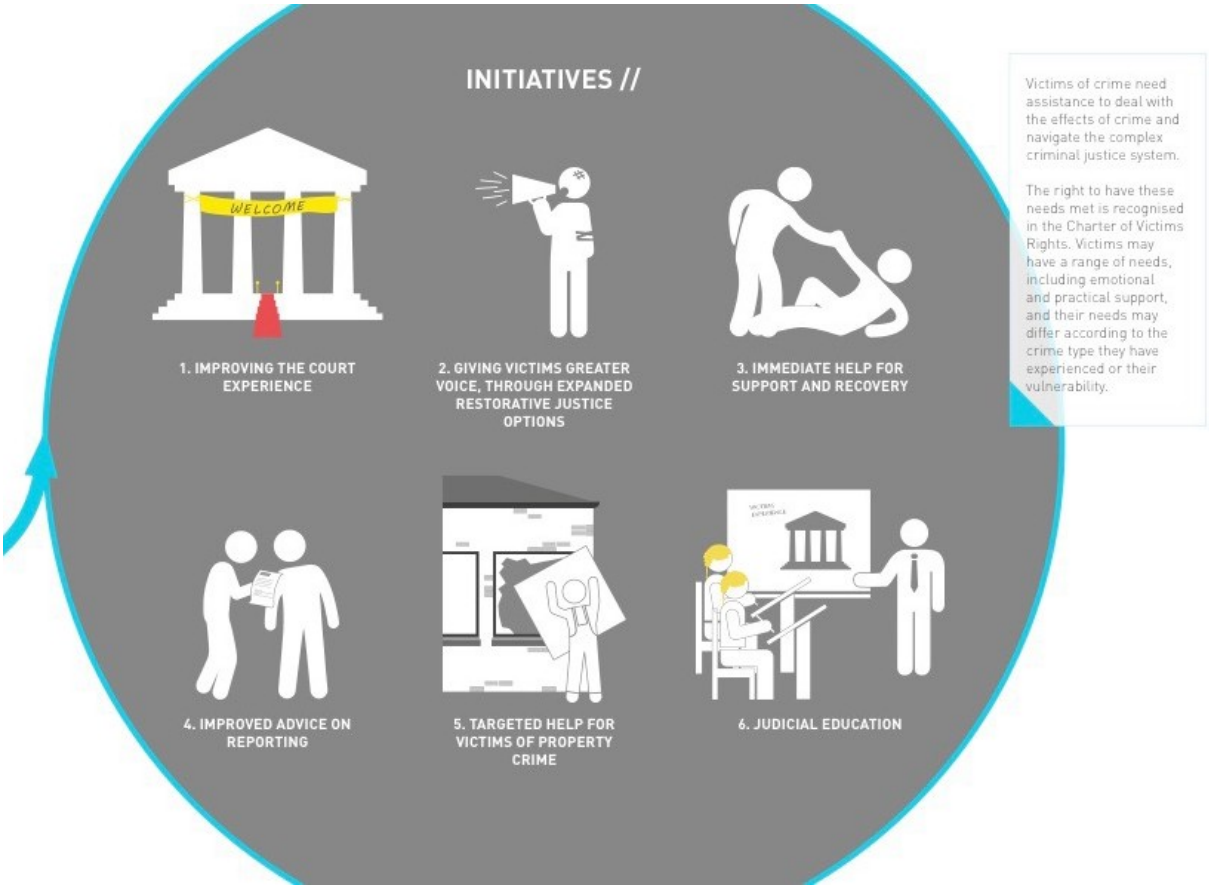

Figure 3 – Core solution directions – Excerpt from report to Department

4. SUMMARY AND DISCUSSION

The NSW Criminal Justice System has made numerous incremental changes and amendments in the two centuries since its establishment, but until relatively recently has never explicitly placed victim wellbeing and recovery at the heart of policy. In a large bureaucracy where systems and services are divided into smaller parts for manageability, individual and incremental improvements to the parts may not add up to improvements to the 'whole', and as such victims may never 'feel' those improvements. The strategy of which this workshop formed a part aimed to achieve transformation that would reduce negative encounters with the justice system and pave the way for victim wellbeing:

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

The workshop facilitated by DOC aimed to rapidly identify gaps in care and opportunities for improving services available to victims by exploring the salient themes in victim experience. The themes identified by the participant group were: Belonging, Choice, Clarity, Confidence, Compassion, Empowerment, Fairness, Responsiveness, Safety, and Wellbeing. Using these values as aspirations for design, each group then designed an ideal, end-to-end experience for their victim personas. These ideal experiences were then mapped back to the criminal justice system.

Conceptually, the solution directions presented in the table above have the potential to improve experiences for victims and to contribute to their recovery and wellbeing. The larger and more exciting challenge – which was articulated as an aspiration but not fully realized in the workshop – is to frame a system where victims are, in the fullest possible sense, agents in their own recovery; where both victims and the system can benefit from the knowledge and expertise that victims acquire as a result of their experience. Whether the solution directions above encapsulate this aim sufficiently is yet to be seen; however it is an aspiration that has been articulated and hopefully will guide future changes to the system.

A period of reflection and refinement of concepts followed the workshop, with concepts being taken for government approval. At the time of writing the final results of the workshop are Cabinet in Confidence. The forthcoming NSW election may see elements of the workshop become part of government policy. The key solution directions (see Figure 3.) will be released in a report in 2015.

The design team that undertook this project hope that in helping the Department of Justice to explore a design approach that draws on deep human insights, that we have helped to illustrate how a better and more responsive justice system could look. In sharing this case study we also hope to encourage other designers, engineers, academics and practitioners to consider the broader applicability of their skills and knowledge.

5. REFERENCES

Brayford, J, Deering, J 2014 ‘Legislation and policy: In victims’ best interests?’ in Crime Prevention and Community Safety, Special issue ‘Specific Victim Groups., Vol 16 No 4

Brown, T. (2009) Change by design, New York: HarperCollins Publishers.

Danneskiold-Samsøe, S 2014, 'Victims in the moral economy of suffering: Humiliation, retaliation and sacrifice'. in H Rønsbo & S Jensen (eds), Histories of Victimhood: Assemblages, transactions and figures. University of Pennsylvania Press. Ethnography of Political Violence

Dorst, K. (2015) Frame Innovation; create new thinking by design, Design Thinking, Design Theory, Cambridge, Massachusetts: The MIT Press.

Goodman, G. S., Taub, E. P., Jones, D. P., England, P., Port, L. K., Rudy, L., ... & Melton, G. B. (1992). Testifying in criminal court: Emotional effects on child sexual assault victims. Monographs of the Society for Research in Child Development, i-159.

Kaldor, L, Wong, J & Watson, R. 2014. Victim Services report (summary of workshop outputs)

Paton, B., Dorst, K. 2011 Briefing and reframing: A situated practice *Design Studies*, 32 (6), pp. 573-587 Spalek 2006 “Victim status can be disempowering… there are negative associations attached to the label of ‘victim’. (Spalek 2006, Crime Victims book)

Rock, p. (2007) Theoretical perspectives on victimisation. In S Walklate (ed) *Handbook of Victims and Victimology.*

van der Bijl - Brouwer, M. and K. Dorst (2014). How deep is deep? A four-layer model of insights into human needs for design innovation. Proceedings of the Colors of Care: The 9th International Conference on Design & Emotion. J. Salamanca et al. Bogotá, Ediciones Uniandes: 280-287.

6. ACKNOWLEDGMENTS

We thank the practitioners who took part in the workshop for their time, expertise and enthusiasm, and look forward to working further with Victim Services in the implementation of concepts. We also thank the DOC designers who assisted in facilitating the workshop with the authors, Dr Lindsay Asquith, Dr Olga Camacho Duarte, Dr Mieke van der Bijl-Brouwer, Dr Rohan Lulham, Kim Wan, Jessica Wong and Matthew Devine from the NSW Government Architect’s office, who also facilitated.