



## Video Transcript:

# Victims of Crime in the Queensland Forensic Mental Health System

### Introduction

*Hi, my name is Michael Power. I work as the Director of Queensland Health Victim Support Service. Our service specialises in helping people who've been victims of serious violence and their families, in cases that go through Queensland's forensic mental health system. By that I mean the Mental Health Court and the Mental Health Review Tribunal.*

*Our service is state-wide and we work together with the Office of the Director of Public Prosecutions, Victim Assist Queensland and other specialist services. As part of that, we also acknowledge that the word 'victim' may not always suit for some people.*

*Our service also acknowledges as part of Queensland Health, the traditional custodians of the land on which this video was made and we acknowledge the elders, past, present and future.*

*The following is a short video that outlines information for victims in relation to the forensic mental health system and how you can contact our service. Thank you.*

### The Impact of Violence and Expectations of Justice

Being a victim of serious violent crime can have profound physical and psychological impacts.

Common experiences can include the development of posttraumatic stress and complex grief and loss issues.

Many people struggle to regain a sense of safety and security. Others may experience significant changes to their sense of self identity and their position within their family, social group and community.

It is normal for people to feel overwhelmed by the often devastating impact of the offence committed against them or their family.

Victims may have an initial expectation that the person who committed the offence against them will face a Trial in the Criminal Justice system. There may be a further expectation that this person will then be sentenced to prison.

When issues of possible mental illness or intellectual disability are raised, the person who committed the offence may instead be diverted away from the criminal justice system, to face a hearing in the Mental Health Court.

The Mental Health Court then examines the person's mental health and mental capacity now and at the time of the offence. The aim of this process is to determine what role, if any, the person's mental illness, or mental capacity may have played in the commission of the offence.

The Judge at the Mental Health Court ultimately determines whether or not the person who committed the offence should receive a mental health defence for the crime, or should instead return to the criminal justice system to face trial.



Whilst victims may still be dealing with the personal impact of the crime on themselves and their family, at Mental Health Court they have to contemplate the role the accused person's mental health, or intellectual disability, may have had in the commission of the offence.

For many victims, there is an immediate concern that the person who committed the offence will 'get away' with the crime by potentially avoiding a trial and avoiding prison. Faced with this situation, many victims want to better understand how the court decides if the person is fit for trial, and how it determines if they should receive a mental health defence.

### **Patients in the Forensic Mental Health System**

If an accused person does receive a mental health defence for a serious crime, they can be placed on a legal order known as a Forensic Order. This requires them to comply with treatment of their mental illness and means they must adhere to strict monitoring conditions.

In some instances this will involve a period of extended treatment in a secure psychiatric rehabilitation centre. In some cases they may be assessed as being able to live in the community, but must comply with their mental health treatment and have regular monitoring by authorised mental health professionals.

### **Receiving and Providing Information**

In cases where a mental health defence is granted and a Forensic Order is made, many victims seek information about the ongoing management of the person who has now become a Forensic patient. In these instances, victims can apply for an *Information Notice*.

Victims may also seek to have input when the Mental Health Review Tribunal conducts a review of the patient's Forensic Order, to alert the Tribunal to concerns about their safety and other relevant information. This can include requesting a non-contact provision, or providing details about the impact of the offence.

### **Queensland Health Victim Support Service**

At Queensland Health Victim Support Service we support a wide range of individuals and families, most of whom have experienced a serious violent offence, such as the loss of a loved one to homicide, an attempted murder, a serious violent assault or stalking or sexual offences.

We specialise in supporting all victims, regardless of their relationship to the forensic patient. Whilst a large number of victims we support may have had no prior relationship with the forensic patient, we support many victims who have had some prior relationship, such as family members, friends and acquaintances.

We also frequently assist workers who have experienced occupational violence, such as health employees, police and ambulance officers, support agency staff and carers.

Health and legal systems are complex to deal with, especially if you are coping with the effects of violent crime. Victims can often be exposed to misinformation about the forensic mental health system through friends, media or even from well-meaning professionals. Our team of experienced social workers and psychologists aim to assist victims in their recovery.



Queensland Health

## Victim Support Service

*We also provide counselling to help people with the impact of the violence and the impact on their family, their work and their lives in an ongoing way. We also provide support for people who may wish to go to Mental Health Court, as well as help people understand their rights. They can put forward a statement to the Mental Health Court, a statement to the Mental Health Review Tribunal and we help them understand what sort of information is useful for the Court and the Tribunal to put forward.*

*In the longer term, we can also help people apply for what's called an Information Notice and as part of that they can be provided with information about the person who's committed the offence if they're placed on a Forensic Order.*

*They can be provided with that information in an ongoing way and they receive that information through our service.*

We recognise that victims need accurate and up to date information and want to understand and participate in the justice system.

We assist victims to access their rights and provide information about the Queensland Forensic Mental Health and Forensic Disability Systems.

We help victims to understand the assessment and management of people who have committed a violent offence, who are then referred to the Mental Health Court.

Support is free, and confidential and tailored to the individual needs of victims and their families.

If you or someone you know has experienced an act of violence committed by an individual experiencing serious mental illness or intellectual disability, please contact Queensland Health Victim Support Service.

**State wide free call: 1800 208 005**

- Townsville direct 0429 621 764
- Cairns direct 0437 149 925

**Email:**

- [victim.support@health.qld.gov.au](mailto:victim.support@health.qld.gov.au)

**Website:**

- [www.health.qld.gov.au/qhvss](http://www.health.qld.gov.au/qhvss)