

## **Inquiry into Victoria's criminal justice system**

Mr JOHN HERRON

**Organisation Name:**  
**Your position or role:**

### **SURVEY QUESTIONS**

**What best describes your interest in our inquiry**

A victim of crime, Working in the criminal justice sector, An advocacy body, Working in criminal justice services, Concerned citizen, Experience of the criminal justice system

**Drag the statements below to reorder them. In order of priority, please rank the themes you believe are most important for this inquiry into Victoria's criminal justice system to consider::**

Strategies for reducing reoffending (e.g. addressing risk factors like poor mental health), The experiences of victims of crimes in navigating the justice system, Judicial appointment (e.g. guidelines and selection processes for appointing judges), Alternatives to imprisonment (e.g. treatment programs or supervision orders), Rates of criminal activity, The level of training and expertise of judicial officers (e.g. expertise in sentencing), Number of people on remand (awaiting trial), Rates of imprisonment, Specific prisoner cohorts (e.g. youth or Aboriginal and Torres Strait Islander offenders), Policing

### **YOUR SUBMISSION**

**Submission:**

I have uploaded my submission

### **FILE ATTACHMENTS**

**File1:** [60f41ab7ebab2-justice submission.docx](#)

**File2:**

**File3:**

My name is John Herron, best known as the father of Courtney Herron, who was murdered in Royal Park, Melbourne, in May 2019. My submission and interest in the criminal justice system(s) stems from my experiences as a victim, the failures in the administration of justice and especially the circumstances of how my daughter's killer was allowed to continue a violent crime spree against women until he finally killed one.

The second aspect of my submission is as a practising criminal lawyer, operating a regional law firm and volunteering in a community legal centre [REDACTED]. I have been a VLA s.29 criminal panel lawyer. I view the system from top to bottom, all jurisdictions, and layers of society. I see hard working police and magistrates, volunteers and people making a real difference. I also see a system operating on a band-aid basis, only held together by the tremendous work of those functioning officers who are at the coal face (special mention to the court registrars)<sup>1</sup>.

I also see the apex of family violence, where women (and sometimes men) suffer greatly. I note the chaos of IVOs that allow perpetrators to use the system against women and the inability of the judiciary to deal with it (not through lack of trying). This area needs significant reform, first up:

- Raise the bar of evidence to place an IVO, and
- Stricter enforcement of breaches

The above will immediately save lives and reduce the massive administrative burden of IVOs.

The public and probably most outside the courts/police do not realise the number of resources applied to this area. It deserves innovative solutions which are not difficult.

The above will immediately save lives and reduce the massive administrative burden of IVOs.

I support the CAA's call for the establishment of a judicial conduct commission for performance. I note the politicisation of some appointments of judicial officers and this process requires reform and transparency. It detracts from the work of many excellent judicial officers, especially hard-working magistrates. Some activities I have witnessed (especially referencing my daughter's murder) are a stain on Victoria's justice system and severely undermine the Westminster System in Victoria, not usually seen in a Western/Eastern democracy. This has unfairly caused a collapse in public confidence in the judiciary, such an important pillar in a democracy. That confidence needs to be restored.

On the above point, the same (if not greater) emphasis is the appointment of senior public servants within the justice system. Many have scant experience, limited ability and are obvious political (or worse) appointments. Again, these few detract from the great majority of qualified and solid appointments (eg Coroners Court) but cause great harm.

I support calls for greater attention in dealing with recidivism and providing innovative ways to reduce crime. This includes greater emphasis in dealing with mental health issues, discrimination against aboriginal offenders and especially attention to youth who may enter the justice system. The Justice Health space, where I worked for the department of Justice, has been well meaning but poorly managed. Given 50%<sup>2</sup> of per capita prisoner funding is on health (and rising), some more innovative thought is required.

Perhaps the greatest example of a dysfunctional segment of the justice system is victim/survivor support (or lack thereof). It would not be known publicly that victim support has been outsourced

<sup>1</sup> The common denominator if you work within courts is poverty that transcends all other factors.

<sup>2</sup> Justice Health estimates >60% of offenders in the system have a mental health disorder and/or problem.

and barely exists, despite the spending of ~\$5b since the Royal Commission into Family Violence in 2016. The lauded 1800 crisis lines that are not attended, limited crisis housing for DV victims, massive bureaucracy<sup>3</sup> and a Commissioner who does not have a mandate to act on cases are some examples. Supposedly being coordinated by DJCS is probably the main flag of a failing system. Being highly active in this space, I find myself (and other victims/survivors) being the front line of support. We have a saying, "in Victoria, the best victim support is other victims." Given the significant deployment of resources/funding, this should not be the case.

Domestic violence offences: many women I assist, and counsel (or represent) are appalled at the sentences and ability of repeat offenders to go on and kill women, as was the case with my daughter's killer. While treatment and reduced recidivism is touted, it is nonsensical to think that serious, violence and repeat offenders will be encouraged not to reoffend; rather, it is the opposite and often a green light to attack women. Plea bargaining and 'fifth chances' for these offenders should cease. Practice directions should be made for the judiciary and the OPP (the later requires DV awareness training) not to 'whittle down' serious DV offences. For example, police diversion orders being issued in serious DV incidents, the disdain of (some) authorities to investigate/prosecute child sexual abuse and limited parole monitoring for these offenders needs urgent review as women continue to be unnecessarily killed.

To victims/survivors, the justice system appears to be heavily skewed to the offender once a crime has been committed. From my experience, this is universal amongst our cohort and is the most accurate testament of the current state of play.

Corrections Victoria needs investigation (not review) given the 'activities' within prisons. The proliferation of drugs, lack of mental health services and lack of executive direction require an overhaul. This is not to detract from the extremely hard work of correctional officers, prison operational management, justice service centre staff and parole officers, many who I know personally and have worked with over the past decade. Again, the replacement of senior/experienced correctional executives over the past 3-4 years (as with much of the Justice area and DJCS) has been a catastrophe for the justice system.

My daughter Courtney Herron was, as I remind the authorities, was not just another matter, a legal case nor an event to be swept away. She was a living, breathing 25yo woman that was somebody's daughter, granddaughter, relative, friend and colleague. She had dreams and aspirations, like any young woman. She died an unimaginably brutal death directly due to the failure of the Victorian justice system on many levels. Weak sentencing, charges being slashed, no perpetrator mental health treatment and no correctional monitoring is a deadly cocktail that has led to dozens of women being killed in Victoria, most entirely preventable. This will continue.

The final note is a single word which is required to improve the justice system – accountability.

<sup>3</sup> The bulk of spending is on staff and executive costs, turning victim support into an industry that has no idea of who or what it is servicing.