

Additional evidence:

If police become aware of additional evidence that needs to be taken from a victim then they will take a written statement to cover that additional evidence.

Will the victim still have to attend court for defended hearings?

Yes. While victims can rely upon the recording to give all or part of their evidence of what happened to the court, they are still required to attend court and be cross-examined.

Services available for Aboriginal victims of domestic and family violence in NSW

NSW Attorney Generals Department
Victims Services

Aboriginal and Torres Strait Islander
Contact Line Phone – 1800 019 123

NSW Rape Crisis Centre
Phone – 1800 424 017
Web – www.rapecrisis.com.au

Wirringa Baiya Aboriginal Women's
Legal Centre Phone – 1800 686 587
Web – www.wirringabaiya.org.au

Indigenous Women's Legal Contact Line
Phone – 1800 639 784
Web – www.womenslegalsw.asn.au

Domestic Violence 24-hour Helpline
Phone – 1800 65 64 63

Kids Helpline
Phone – 1800 551 800
Web – www.kidshelp.com.au

FaCs Helpline
Phone – 132 111

NSW Elder Abuse Helpline
1800 628 221



Domestic Violence Evidence in Chief (DVEC)

**Working Together to Build
a Safer Community**



Domestic Violence Evidence in Chief (DVEC)

("EVIDENCE IN CHIEF" means that the victims/witnesses can tell their story in their own words.)

The NSW Police Force are committed to working in partnership with Aboriginal people to protect victims of domestic and family violence.

Police can video or audio record statements taken from victims of domestic violence. These recordings can be used as all or part of their **evidence in chief** (their story) during a court case for charges and ADVO applications.

There is no need for written statements to be taken from victims if a recorded statement has been taken. The recording is referred to as 'Domestic Violence Evidence in Chief' (DVEC).

DVEC provides many advantages for victims including:

- Reduces trauma for victims when they tell their story in front of offenders.
- Reduces difficulty to remember details of incidents at a later court date as the recording will be played before any additional oral evidence is given by the victim.
- Increases the ability of victims to give an accurate account of what happened at the time of the incident.
- Saves victims time when they are giving a statement.

Who can give evidence by way of DVEC recording?

It is normally a victim (aged 16 and above) who has had a domestic violence offence allegedly committed against them. Sometimes taking a DVEC statement from a victim is not allowed. The police will let you know if a DVEC can be taken.

When must the recording be made?

The recording must be made as soon as possible after the DV offence has been committed.

Do police need the victim's consent?

Yes, police will need the victim's informed consent. This means that victims will be told that they do not have to consent to the recording being made and it will be their choice to have their statement recorded.

Do police have to take DVEC statements for all DV offences?

No, police can still take typed or notebook statements. It is up to the victim as to how they want to give their statement.

Do prosecutors need the victim's consent to play the recording at court?

No, but prosecutors must consult the victim before deciding to play the recording at court. It is the prosecutor's decision to play the recording but they will consider

other factors including any evidence of intimidation by the offender.

Will defendants get a copy of the video?

No.

The legislation is clear that defendants are **not** to be given copies of the video recorded statements. Instead, police are only obliged to give them a copy of the audio recording (sound only) not the video recording.

Solicitors/Barristers:

Police can serve the defendant's solicitor with a copy of the video.

However, the law makes it an offence for a solicitor –or another person – to give a copy of the video to a defendant.

Legally unrepresented defendants:

If the defendant is unrepresented police must, as far as possible, ensure that they provide a defendant with an opportunity to view the DVEC video recording at a police station. The viewing will be supervised by police.

