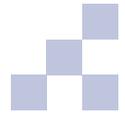


Victims of Crime

Guidelines for the
NSW Police Force
response to victims
of crime

Crime Prevention Command



Document Control Sheet

Document Properties

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Victims of Crime



Introduction

The NSW Police Force plays a vital role in responding to and providing support for victims of crime. This document provides the framework for the police response to victims of crime, including practical advice for individuals and communities impacted by crime.

NSW Government

The NSW Government is committed to keeping people safe. The NSW Police Force is the lead agency responsible for the prevention, disruption and response to crime in NSW. In recognising the importance of victims rights, police play a crucial role in the effective delivery of services to victims, together with other government and non-government agencies.

NSW Police Force Our Focus Our Future

The NSW Police Force Our Focus Our Future describes our organisational priorities under the key themes of prevention, disruption, response and capability. It outlines how we intend to achieve our vision of 'A safer NSW'. The delivery of professional policing services to victims of crime is critical to maintain trust and confidence in policing.

These guidelines provide direction to all members of the NSW Police Force on how to respond to victims of crime and describe what victims of crime, be they individuals, businesses or communities should expect from the police response.



Governing Principles

Customer Service

The NSW Police Force is committed to providing responsive and meaningful customer service as part of the NSW Government Customer Service Commitments.

The NSW Police Force identifies our customers as individuals and businesses – including victims of crime, witnesses and the community of NSW seeking assistance and advice, stakeholders, business partners, suppliers & vendors and internal colleagues.

Our customers have reasonable expectations of the NSW Police Force, *Care, Communicate and Connect* – that is for police:

- to be easy to engage
- to act with empathy
- to communicate; and
- to be efficient

Arrested persons and suspects for crime are not considered to be customers. These people are dealt with under the *Law Enforcement (Powers and Responsibilities) Act 2002* and the NSW Police Force policies and procedures.

The diverse state of NSW

The diversity of the NSW community across culture, ethnicity, gender, sexuality, language, religious belief and practice, physical and intellectual ability and age and vulnerability is recognised by the NSW Police Force to address the individual needs of victims and to focus on their wellbeing. The NSW Police Force recognises the need for a stronger emphasis on the differing approaches required to meet the needs of victims from diverse and vulnerable communities.

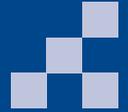
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Working with other Agencies

The NSW Police Force acknowledges that the response to victims of crime involves the participation of other government and non-government agencies and cannot be achieved by police on their own.

The NSW Police Force is committed to actively engaging with all relevant agencies to improve the outcomes for victims of crime.



The Charter of Victims Rights

The Charter of Victims Rights (the Charter) is a part of the *Victims Rights and Support Act 2013*. The *Victims Rights and Support Act 2013* recognises and promotes the rights of victims of crime. The Charter sets out the way in which victims of crime should be treated and applies to all NSW government agencies, non-government agencies and private contractors funded by the State. It is overseen and implemented by Victims Services – Department of Communities and Justice.

The NSW Police Force is committed to upholding the Charter which defines a victim as a person who suffers harm as a direct result of an act committed, or apparently committed by another person in the course of a criminal offence, suffers physical or emotional harm or loss of property, or damage to property. If a person dies as a result of the act concerned, a member of the person's immediate family is also a victim of crime for the purposes of *Victims Rights and Support Act 2013*.

The Charter outlines 18 rights for victims of crime in NSW. If you are a victim of crime, you have the following rights under the Charter.

1. Courtesy, compassion and respect

A victim will be treated with courtesy, compassion, cultural sensitivity and respect for the victim's rights and dignity.

For victims of forensic patients: A victim will be treated with respect and compassion, having regard to the fact that proceedings may touch on painful or tragic events in the victim's life and cause the victim to experience further grief and distress

A victim making a submission before the Mental Health Review Tribunal should be listened to respectfully and in a way that is cognisant of the effects of the victim's experience and the benefit of expressing views about its impact.

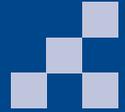
2. Information about services and remedies

A victim will be informed at the earliest practical opportunity, by relevant agencies and officials, of the services and remedies available to the victim.

3. Access to services

A victim will have access where necessary to available welfare, health, counselling and legal assistance responsive to the victim's needs.

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4. Information about investigation of the crime

A victim will, on request, be informed of the progress of the investigation of the crime, unless the disclosure might jeopardise the investigation. In that case, the victim will be informed accordingly.

5. Information about prosecution of accused

- (1) *A victim will be informed in a timely manner of the following:*
 - a) the charges laid against the accused or the reasons for not laying charges
 - b) any decision of the prosecution to modify or not to proceed with charges laid against the accused, including any decision to accept a plea of guilty by the accused to a less serious charge in return for a full discharge with respect to the other charges
 - c) the date and place of hearing of any charge laid against the accused
 - d) the outcome of the criminal proceedings against the accused (including proceedings on appeal) and the sentence (if any) imposed.
- (2) *A victim will be consulted before a decision referred to in paragraph (b) above is taken if the accused has been charged with a serious crime that involves sexual violence or that results in actual bodily harm or psychological or psychiatric harm to the victim, unless:*
 - a) *the victim has indicated that he or she does not wish to be so consulted, or*
 - b) *the whereabouts of the victim cannot be ascertained after reasonable inquiry.*

6. Information about trial process and role as witness

A victim who is a witness in the trial for the crime will be informed about the trial process and the role of the victim as a witness in the prosecution of the accused.

7. Protection from contact with accused

A victim will be protected from unnecessary contact with the accused and defence witnesses during the course of court proceedings.

8. Protection of identity of victim

A victim's residential address and telephone number will not be disclosed unless a court otherwise directs.

9. Attendance at preliminary hearings

A victim will be relieved from appearing at preliminary hearings or committal hearings unless the Court otherwise directs.

10. Return of property of victim held by State

If any property of a victim is held by the State for the purpose of investigation or evidence, the inconvenience to the victim will be minimised and the property returned promptly.

11. Protection from the accused

A victim's need or perceived need for protection will be put before a bail authority by the prosecutor in any bail application by the accused.



12. Information about special bail conditions

A victim will be informed about any special bail conditions imposed on the accused that are designed to protect the victim or the victim's family.

13. Information about the outcome of bail application

A victim will be informed of the outcome of a bail application if the accused has been charged with sexual assault or other serious personal violence.

14. Victim impact statement

A relevant victim will have access to information and assistance for the preparation of any victim impact statement authorised by law to ensure that the full effect of the crime on the victim is placed before the court.

15. Information about impending release, escape or eligibility for absence from custody

A victim will, on request, be kept informed of the offender's impending release or escape from custody or of any change in security classification that result in the offender being eligible for unescorted absence from custody.

16. Submissions on parole and eligibility for absence from custody of serious offenders

A victim will, on request, be provided with the opportunity to make submissions concerning the granting of parole to a serious offender or any change in security classification that would result in a serious offender being eligible for unescorted absence from custody.

17. Financial assistance

A victim of a crime involving sexual or other serious personal violence is entitled to make a claim under the Victims Support Scheme.

18. Information about complaint procedure where Charter is breached

A victim may make a complaint about a breach of the Charter and will, on request, be provided with information on the procedure for making such a complaint.

For victims of forensic patients: Information about reviews of and other proceedings relating to forensic patients. A victim will be informed in a timely manner of any matter before the Mental Health Review Tribunal, or the release of or granting of leave to a forensic patient or any other matter, that the victim is required to be informed of under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

The Charter of Victims Rights can be viewed and downloaded from the Victims Services webpage:

<https://victimsservices.justice.nsw.gov.au/victims-services/victims-rights/charter-of-victims-rights.html>

For more information please call Victims Services on 1800 633 063



NSW Police Force minimum standards of service to victims of crime

Police are often the first to arrive at the scene of an accident, disaster or reported incident and are usually one of the first people to converse with a victim of crime. Police interaction with the victim can have a major bearing on the impact of crime and effectiveness of the victim's recovery.

The minimum service standards relate to the police response to victims of crime. We recognise that the impact of crime varies from person to person. In some circumstances an increased level of response and support may be required.

Victims require a positive police response. Jobs which are routine to police can be a once in a lifetime traumatic event for victims. Empathetic communication with victims allows police to respond professionally to victims, treating them with courtesy, respect, cultural sensitivity, dignity and compassion.

Exemptions: Victims of domestic and family violence, adult sexual assault and crimes against children have their own unique service standards that inform the response to these victims. Information on how police respond to these victims can be found at:

https://www.police.nsw.gov.au/safety_and_prevention/victims_of_crime

The NSW Police Force minimum service standards provide direction to police on how they should respond to victims of crime and guides our response based upon the Charter of Victims Rights, the NSW Police Force Statement of Strategic Intent and the Governing Principles.

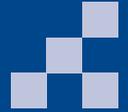
The NSW Police Force minimum standards are:

1. Police will explain to the victim how they will deal with their matter
2. Police will provide you with a **Victims Card** when an incident or crime has been reported to police face-to-face. The card will show the name of the police officer in charge of your matter, contact details for this officer, the time/date of the report and the COPS event reference number

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3. Police will provide you with information about support services. Support options for victims:
 - Support services for victims of violent crime may include counselling, financial assistance and a recognition payment. More information is available from Victims Services - Victims Access Line: 1800 633 063 & Aboriginal Contact Line : 1800 019 123
 - Support for family members of homicide victims is also available at:
victimsservices.justice.nsw.gov.au
 - Support services for families and friends of missing persons
missingpersons.justice.nsw.gov.au
 - Support for people injured in a motor vehicle accident. For more information contact CTP Assist 1300 656 919 or ctpassist@sira.nsw.gov.au or visit www.sira.nsw.gov.au
4. Police will encourage you to make contact with them if you need or have any further information. If the officer in charge of your matter is not available, you can ask to speak to the supervising Sergeant
5. Police will keep you informed throughout the investigation unless information puts the investigation in jeopardy, in which case, police will tell you that this is the reason why they cannot release some information
6. Police will consider any concerns about your safety and protection in any applications for bail. Police will tell you if the offender is given any special bail conditions. If you are a victim of sexual or other serious assault, police will tell you if the offender gets bail or not
7. Police will give you information about being a witness, how the court works and what you have to do. They will tell you the date, time and place of the court hearing, what the charges are and any changes to the charges or the withdrawal of the charges. If you ask, police will tell you the final court result and explain any appeal or gaol sentence
8. Police will tell you of your right to make a Victims Impact Statement if you want to tell the court how the crime has affected you. A police officer may provide you with information on how to ensure your Victim Impact Statement complies with legislation, but they may not suggest the content of your statement. Police will also tell you about the existence of Victims Registers
9. Police will look after any of your property that is needed as evidence and keep it safe and secure. In many cases police can photograph, fingerprint or analyse property without seizing it. When police are able to return your property, they will give it back to you as soon as practicable.



Police Response – Fact Sheets

The Charter of Victims Rights, the NSW Police Force commitments to victims and customers and the NSW Police Force Guidelines for the NSW Police Force response to victims of crime set out the minimum standards of response to victims of crime.

Anyone that knows about a crime, is the victim of a crime or is a witness to a crime can report the crime to police.

The NSW Police Force fact sheets provide practical information on the response of police to victims of crime.

The fact sheets can be found at the NSW Police Force website <http://www.police.nsw.gov.au/victims> and include:

- Fact Sheet – Call Triple Zero (000) to report emergencies
- Fact Sheet – Reporting Crime to the Police Assistance Line
- Fact Sheet – Reporting Crime to Crime Stoppers
- Fact Sheet – Reporting Crime to Local Police
- Fact Sheet – Reporting Crime through the Community Portal
- Fact Sheet – Reporting Missing Persons
- Fact Sheet – Interpreter required
- Fact Sheet – Call Triple Zero (000) to report emergencies – People who are Deaf of hard of hearing, or have a speech impairment
- Fact Sheet – Reporting Crime to the Police Assistance Line – People who are Deaf of hard of hearing, or have a speech impairment
- Fact Sheet – Reporting Crime to Crime Stoppers – People who are Deaf of hard of hearing, or have a speech impairment
- Fact Sheet - Reporting Crime to Local Police – People who are Deaf of hard of hearing, or have a speech impairment
- Fact Sheet – Reporting Missing Persons - People who are Deaf of hard of hearing, or have a speech impairment

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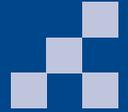


- Fact Sheet – Initial Police Response
- Fact Sheet – Victim Support and Referral
- Fact Sheet – Investigation Process
- Fact Sheet – Attending Court
- Fact Sheet – Victim Impact Statement
- Fact Sheet – Witness Assistance Service
- Fact Sheet – Crime Scene Clean-up
- Fact Sheet – Return of Property
- Fact Sheet – Access to Information
- Fact Sheet – Victims Registers
- Fact Sheet – Making a Complaint
- Fact Sheet – Victim Support Scheme

Further information on Domestic and Family Violence can be found at:
https://www.police.nsw.gov.au/crime/domestic_and_family_violence

Further information on Sexual Assault can be found at:
https://www.police.nsw.gov.au/crime/sex_crimes/adult_sexual_assault

Further information on crimes against Children:
https://www.police.nsw.gov.au/crime/sex_crimes/child_abuse



Feedback on the Police Response

The NSW Police Force welcomes constructive feedback from victims of crime on our police response.

Victims of crime can make compliments and complaints to police about our response under the Charter of Victims Rights (Victims Rights and Support Act 2013) in the following ways:

1. You can provide us with positive feedback and compliments via:

Web: Customer Assistance Unit

https://www.police.nsw.gov.au/online_services/providing_feedback/feedback_compliments_complaints_and_suggestions

Phone: 1800 622 571 – Monday to Friday between 8am and 4pm

Email: customerassistance@police.nsw.gov.au

The Customer Assistance Unit can be contacted through the **National Relay Service for those with hearing or speech impairments.

TTY users phone 1800 555 677 then ask for 1800 622 571

Voice Relay (speech-to-speech relay) users phone 1800 555 727 then ask for 1800 622 571

SMS relay send an SMS to 0423 677 767, Instructions on how to use SMS relay can be found at:

<https://www.infrastructure.gov.au/departments/media/publications/nrs-instruction-sheet-21-sms-relay-making-call>

Post: PO Box 3427, TUGGERAH NSW 2259

Or visit your local police station.

** From 20 April 2021, users will need to register to be able to use the National Relay Service. For details on how to register, please visit:

<https://www.infrastructure.gov.au/departments/media/publications/sign-register-use-national-relay-service>



Feedback on the Police Response

2. If you think that your rights under the Charter are not being met you can tell the officer in charge of your matter about your concerns. If they are unable to fix the problem you can ask to speak to the supervising Sergeant, Duty Officer, Crime Manager, Investigations Manager or Commander. Once all these avenues have been exhausted and if you are still not satisfied, you have the right to make a complaint to the NSW Police Force via:

Web: Customer Assistance Unit

https://www.police.nsw.gov.au/online_services/providing_feedback/feedback_compliments_complaints_and_suggestions

To lodge a formal complaint with the Commissioner of Police you must do so in writing. You can lodge your [complaint online](#) or complete the [Complaint Form](#) and:

- lodge it or mail the complaint form to your local police station, or
- mail the completed complaint for to the Customer Assistance Unit at PO Box 3427, TUGGERAH NSW 2259, or
- email your complaint form to customerassistance@police.nsw.gov.au

If you need help you can contact the Customer Assistance Unit on 1800 622 571 to obtain assistance on how to lodge a complaint.

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<https://www.infrastructure.gov.au/departments/media/publications/sign-register-use-national-relay-service>

3. If you are still not satisfied with the response or do not wish to contact the NSW Police Force, you can contact Victims Services at:

<https://www.victimsservices.justice.nsw.gov.au/victims-services/victims-rights/charter-of-victims-rights/charter-complaints.html>