

Unrestricted



NSW Police Force

VICTIMS OF CRIME

**GUIDELINES for the NSW Police Force
response to Victims of Crime
2012**



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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 2021

The NSW Government is committed to keeping people safe through reducing rates of crime and anti-social behaviour including providing more support and protection for victims. In September 2011, the NSW Government released NSW 2021, a ten year plan that sets out the Government's goals and priorities for action.

The NSW Police Force is the lead agency under NSW 2021 responsible for preventing and reducing the level of crime. 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.

The NSW Police Force Corporate Plan 2012-2016

The vision of the NSW Police Force is to achieve a safe and secure NSW. The NSW Police Force Corporate Plan 2012-2016 provides the framework for the NSW Police Force to implement 'NSW 2021' priorities and creates opportunities for the NSW Police Force to work with interagency partners and the community, to further reduce violence, fear of crime and antisocial behaviour.



Governing Principles

Customer Service Program

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

The NSW Police Force identifies our customers as victims, witnesses, the community and internal colleagues. Arrested persons and suspects for crimes are not considered to be customers. These people are dealt with under the *Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)* and other NSW Police Force policies and procedures.

The NSW Police Force Customer Service Charter can be viewed and downloaded from the NSW Police Force website:

http://www.police.nsw.gov.au/__data/assets/pdf_file/0016/150127/NSWPF_Customer_Service_Charter.pdf

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.



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 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 of Victims Rights sets out the way in which victims of crime should be treated. The Charter 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 Attorney General 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 the *Victims Rights and Support Act 2013*.

The Charter outlines 18 rights for victims of crime in NSW. Under the Charter victims have the right to:

1. Courtesy, compassion and respect

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

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.

The Charter of Victims Rights

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.



The Charter of Victims Rights

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 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.

The Charter of Victims Rights

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.

The Charter of Victims Rights can be viewed and downloaded from the Victims Services webpage. A 'plain English' version is available at:

[http:// www.victimsservices.justice.nsw.gov.au/vss/vs_victims.html,c=y](http://www.victimsservices.justice.nsw.gov.au/vss/vs_victims.html,c=y)

For further information please call Victim Services – 1800 633 063 or (02) 8688 5511

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 the 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:

<http://www.police.nsw.gov.au/victims>

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 Corporate Plan 2012-2016 and the Governing Principles.

The NSW Police Force minimum service 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.

NSW Police Force minimum standards of service to Victims of Crime

3. Police will provide you with information about support services. You will be referred to the **Victims Access Line (VAL)** who can provide you with information, referral and support to a range of services for victims of crime. The contact details for VAL appear on the reverse of the **Victims Card**.
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 Victim Impact Statement if you want to tell the court how the crime has affected you. As the court does not accept Victim Impact Statements for all crimes before the court, police will refer you to support services who can tell you if the court will accept a Victim Impact Statement for your matter. 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.



NSW Police Force minimum standards of service to Victims of Crime

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 Customer Service Charter and the NSW Police Force Victims of Crime Guidelines 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 has developed a series of fact sheets designed to provide practical information on the response of police to crime.

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

- Fact Sheet 1 – Reporting Crime
- Fact Sheet 2 – Reporting Crime – People who are Deaf or hard of hearing, or who have a speech impairment
- Fact Sheet 3 – Interpreter Required
- Fact Sheet 4 – Initial Police Response
- Fact Sheet 5 – Victim Support and Referral
- Fact Sheet 6 – The Investigation Process
- Fact Sheet 7 – Attending Court
- Fact Sheet 8 – Victim Impact Statements
- Fact Sheet 9 – Witness Assistance Service
- Fact Sheet 10 – Crime Scene Clean Up
- Fact Sheet 11 – Return of Property
- Fact Sheet 12 – Access to Information
- Fact Sheet 13 – Victims Registers
- Fact Sheet 14 – Making a Complaint – Charter of Victims Rights
- Fact Sheet 15 – Victims Support Scheme



Police Response – Fact Sheets

For further information on how police respond to victims of domestic and family violence, adult sexual assault and crimes against children please visit:

Further information on Domestic and Family Violence can be found at:
http://www.police.nsw.gov.au/community_issues/domestic__and__family_violence

Further information on Sexual Assault can be found at:
http://www.police.nsw.gov.au/community_issues/adult_sexual_assault

Further information on Crimes against Children:
http://www.police.nsw.gov.au/community_issues/children

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: www.police.nsw.gov.au (Contact us – Customer Assistance Unit)

Phone: 1800 622 571

TTY: (02) 9211 3776

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

TTY users phone 133 677 then ask for 1800 622 571.

Speak and Listen (speech-to-speech relay) users phone 1800 555 677 then ask for 1800 622 571

Internet relay users connect to the National Relay service on 1300 555 727 or 1800 555 727 and then ask for 1800 622 571

Post: PO Box 3427, TUGGERAH NSW 2259

Or visit your local police station.

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 of 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: www.police.nsw.gov.au (Contact us – Customer Assistance Unit)

Phone: 1800 622 571

TTY: (02) 9211 3776

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Post: PO Box 3427, TUGGERAH NSW 2259

Or visit your local police station.

3. If you are still not satisfied with the response or do not wish to contact the NSW Police Force you can contact Victim Services. Website: www.lawlink.nsw.gov.au/vs (click on Victims Rights).