

# DOMESTIC VIOLENCE INFORMATION SHEET



NSW Police Force

## DV Charges – Victim Information:

### Before Court:

You will be told by the police officer in charge if the person who committed the offences against you has been charged. They are referred to as the defendant. Before the defendant goes to court they will be served with the audio (not the video) of the DVEC (recorded evidence) or written statement that you gave police.

Note: Charges and AVOs will be listed on the same day.

### What will happen at Court?

If there is an AVO with the charge you will be contacted by the Domestic Violence Officer (DVO). You may need to attend court. The defendant is required to attend court on the first mention date and the Magistrate will ask them if they plead 'guilty' or 'not guilty' to the offence/s they have been charged with. They may or may not have a solicitor representing them.

#### Plea of Guilty

- The Magistrate may sentence the defendant
- The charge may adjourned for further documents
- You will not be required to attend

#### Plea of Not Guilty

- A hearing date will be set
- Police are required to serve all admissible evidence 14 days before the hearing
- Police will contact you and serve a subpoena on you to attend court
- Police or WDVCS may contact you and give you an opportunity to attend a DV Clinic
- On the hearing date you can bring a support person

### What happens at the hearing?

The reason you have to give evidence is the defendant chose to plead not guilty the offences(s).

- You will meet the police officer in charge and the police prosecutor at court.
- You may have to give evidence in court.
- If you give evidence will be sworn in as a witness. You have to tell the court what happened to you
- If a DVEC was taken by police it will be played in court as most of your evidence.
- You will be asked questions by the defendant's legal representative. This is called cross examination
- It is important to tell the court the truth about what happened to you.
- After all witnesses have given evidence the prosecutor and defence will make submissions the court and the Magistrate will then make a decision.

Note: Police have to prove the offences they have charged the defendant with 'beyond a reasonable doubt'

**Not guilty** = charges are dismissed

**Guilty** = the defendant will be sentenced. This means they may get a criminal record

### Will a final AVO be made to protect me?

If the defendant is found guilty (including if they plead guilty) – the court must make a final AVO. If the defendant is found not guilty of the charge the court may still make an AVO for your protection.

### Where can I get further information?

**Women:** [Women's Domestic Violence Court Advocacy Program](#)

Ph: 1800938277

**Men:** [Men's Telephone Counselling Referral Service](#)

Ph: 1300766491