

Victoria Police Manual – Procedures and Guidelines

Victim support

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- *Victims' Charter Act 2006*
- VPMP Victim support

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Definition of victim

As stated by s.3, *Victims' Charter Act*, 'victim' is defined as:

- (a) a natural person who has suffered injury as a direct result of a criminal offence, whether or not that injury was reasonably foreseeable by the offender; or
- (b) if a person has died as a direct result of a criminal offence committed against that person, a family member of that person; or
- (c) if the person referred to in paragraph (a) is under 18 years of age or is incapable of managing his or her own affairs because of mental impairment, a family member of that person.

2. Providing information to the victim

2.1 *Support services and entitlements*

- As required by **VPMP Victim support**, investigating members must provide victims with information about support services and entitlements. To meet this requirement:
 - provide the victim with a copy of the Victim's Guide, regardless of whether the victim will proceed with reporting the crime
 - record on the Incident Report [Form L1] that the Victim's Guide has been provided.
- The Victim's Guide contains information about the court process and contact details of victim support services. If the Victim's Guide is not available, provide a copy of the Notice to Victim [Form L1]. Copies of the Victim's Guide can be ordered through Oracle without cost.
- Other witnesses, family members of victims or members of the community may also be adversely affected by crime, and it is up to the discretion of the member to provide a copy of the Victim's Guide in these circumstances.
- For victims from culturally and linguistically diverse backgrounds, or with a disability that impacts on their ability to obtain and receive information, refer them to the Victims of Crime Helpline on 1800 819 817.

2.2 *Notification of the investigation process*

As required by the **VPMP Victim support**, investigating members must inform the victim that they can be notified of the obligatory information of the key events in the investigation process if they wish. Where the victim wishes to be kept informed:

- make a record of this on the Form L1
- note whether it is safe to send correspondence to the victim's address, if not, record the best method of contact.

2.3 *Notification during the investigation process*

- Initially, the investigative process should be explained to the victim so that their expectations are managed.
- If the victim requested to be notified of progress, do so at the key events of the investigation and prosecution, and include the following obligatory information:
 - when offender identified (brief not authorised)
 - when charges are filed against the offender
 - substantially modify charges
 - not to proceed with all charges
 - to accept a guilty plea to a lesser charge
 - when offender is charged or summonsed

- if no charges are filed, any decision to substantially modify charges, not to proceed with all charges, to accept a guilty plea to a lesser charge
 - if offender applies for bail
 - if bail application is granted and relevant conditions imposed
 - outcome of the criminal proceedings
 - when an appeal is lodged and the grounds for an appeal
 - notification at three months if offender has not been identified or charged
- Notification may be by email, phone, letter or in person or as otherwise agreed with the victim. Consider using the set of pro forma letters available via VP Forms; see Form 1290.

2.4 Information to be recorded on LEAP

- As required by **VPMP Victim support**, each time the investigative member must record on the Victim Notification Record on LEAP:
 - whether the victim was provided with the Victims Guide booklet or the Notice to Victim on the L1
 - whether they asked to be notified of key events in the progress
 - if they did, record all the obligatory information provided, as per above.

2.5 When the accused is charged

- Once charges are laid, the informant should confirm that the victim has received a Victim's Guide or copy of the Form L1
- Police may give the victim the name of the accused once charges have been laid. At no time can additional details of the accused be released to the victim, unless ordered by the court. Protective aspects of bail conditions might be undermined in some circumstances if the victim is unaware of the identity of the accused
- Members should exercise discretion with regards to releasing information to the victim. Members should not release the accused's name to the victim where the member believes the victim may:
 - use their knowledge of the accused to seek revenge
 - publish or cause to be published (release to the public) the name of the accused (see s.534, *Children, Youth and Families Act 2005*)
- Members should inform the victim of their entitlement to attend the hearing and how to find out details about the hearing. When directing victims to details about their hearing, informants may refer to the court website
- If the victim requires further information about court process, the role of witnesses or needs further support, direct them to the:
 - Victims of Crime Helpline
 - Victim's Guide
 - Court Network
 - Witness Assistance Service (for cases handling by the OPP)

- Where the victim is concerned for their safety in court, consider **VPMP Court processes** and refer them to the Victims of Crime Helpline, their local Victim's Assistance Counselling Program Service or Witness Assistance Service. These services will work with the victim.

2.6 **Bail applications**

- Take into consideration if a victim has expressed concerns for their safety and welfare when making applications for bail
- Where they have requested to be informed and as soon as reasonably practical, notify the victim of any applications for bail and relevant conditions imposed.

3. **Victim impact statements**

- A Victim Impact Statement (VIS) is compiled by the victim to provide assistance to the court in determining sentence after a finding of guilt (Part 6, Division 1A, *Sentencing Act 1991*).
- Once a suspect has been charged or if the victim has requested assistance, inform the victim of their right to complete a VIS and offer a Victim Impact Statement Booklet.
- Police should not assist victims to write their VIS, although they may advise the victim in relation to the procedure involved. Victims requesting assistance should be referred to the Victim of Crime Helpline.
- Three copies of the VIS are required. The victim may either retain the VIS for production in court or hand the copies to the informant for attaching to the brief and distribution on their behalf.
- After a finding of guilt the prosecutor should:
 - provide a copy of the VIS to the defendant
 - file a copy with the court.

4. **Identity Crime Certificates**

An Identity Crime Certificate (ICC) provides proof that another person used the victim's identity to commit an identity crime. Refer sections 89E, F, G & H of *Sentencing Act 1991*.

- Where a suspect has been charged with an identity crime offence, the informant should inform the victim that they may apply for an ICC after a finding of guilt.
- The court may also issue a certificate on its own motion or an application by the prosecutor, the victim or another person on the victim's behalf.

5. Victim support contacts

5.1 *Victims Advisory Unit (VAU)*

The VAU can provide support, advice and information to assist operational police members in meeting their obligations under the Victims' Charter Act 2006. The VAU can be contacted Monday to Friday between 8:00am and 4:00pm on 9247 6555. The VAU no longer provides direct service delivery to victims of crime.

5.2 *E-Referral system*

Members are now encouraged to utilise E- Referral as the primary referral tool to link victims of crime to case management and support services. [Click here](#) to access the E-Referral intranet page which details relevant contacts and other information.

6. Victims of Crime Assistance Tribunal (VOCAT)

- Victims of violent crime committed in Victoria may be eligible for financial assistance through VOCAT. Application forms for financial assistance can be downloaded from the VOCAT website (<http://www.vocat.vic.gov.au/>)
- Victims requiring assistance or further information can:
 - visit the VOCAT website;
 - email help@vocat.vic.gov.au;
 - contact their local VOCAT (locations and contact numbers are detailed on VOCAT website); or
 - contact the VSA.
- Members may provide general assistance in relation to VOCAT processes (eg. how to fill out application forms), however, in accordance with **VPMP Managing conflict of interest**, are not to endorse or recommend the services of private legal practitioners or legal firms to assist victims with VOCAT applications (unless authorised by the Chief Commissioner).

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact the Victims' Advisory Unit, Strategy and Policy Division, Corporate Strategy and Operational Improvement Department.

Update history

Date of first issue	22/2/10	
Date updated	Summary of change	Force File number
06/12/10	Inclusion of Identity Crime Certificates in Section 4	050169/07
29/08/11	Section 2 – Amendments have been made to clarify police members’ responsibility to victims who request notification of progress, including detailed list of obligatory information. Bail application information moved to reflect its place in the investigative progress. Several dot points which were duplicated elsewhere have been deleted or subsumed into more appropriate sections.	058906/09
01/07/14	Amendments clarifying role of the Victims Advisory Unit and members’ obligations when assisting victims of crime.	067648/11 & D13/009143