



Information for people affected by homicide

Unlocking the homicide maze and coping after significant trauma



Government of South Australia
Victims of Crime SA

If you want to be kept advised of what is happening with your case, you need to tell the police.



My report details

Please keep this information. It will help you get information about your case.

Date:

Report number:

Name of police officer:

Signed:

Rank and no:

Contact number:

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This booklet has been put together with the help of those who have lived experience of homicide and members of the Homicide Victims Support Group of South Australia. We are grateful for their contribution and willingness to share their experiences to help others.



Your rights



Keep an eye out for this symbol throughout this booklet - it highlights your rights as a victim and what you're entitled to.

Introduction

Homicide is a crime that has a sudden, shocking and devastating impact on the victim's family and friends, as well as witnesses. It is an incredibly traumatic and complicated life experience.

Nothing can prepare you for this.

You may also be faced with a lot of hard decisions and unfamiliar processes like a police investigation and court proceedings. When you are dealing with intense shock it can be difficult to fully comprehend all the information and decisions you are faced with.

This booklet has information to help you. Some information may be useful now, some may be more important later.

What do you wish you had known about straight away?

We asked members of the Homicide Victim Support Group to share their experiences. Here's what they had to say.

”

“A list of phone numbers for appropriate departments that I may want to speak to over time - I didn't know where to start looking.”

”

“Whether the perpetrator had been apprehended.”

”

“That due to the condition of my daughter's body, I would not be able to see her and say goodbye. At the time this was very upsetting to me. When I received the Coroner's Report ten months later I understood why this was decided.”

”

“I wish I had known that I could contact the Coroner's Office to collect some of my son's hair so I could put it in a locket.”

What happens now?

While it might be unthinkable, there are some important things you need to know and organise after a loved one has been killed. This section explains what to expect and how to get through the next few weeks.

- > What you need to know straight away
- > Next of kin
- > The coronial process
- > Organising a funeral
- > Dealing with the media

What you need to know straight away

Things often move fast after a loved one has been killed, and there are some decisions you will need to make quickly.

The crime scene

The police will need to secure the crime scene and collect evidence. Crime scenes may be held secure for one or two days to make sure all the evidence is collected. You cannot usually access the crime scene during this time.

Police may allow access if you need to collect some personal items.

Crime scenes sometimes require specialist cleaning. The police will usually arrange this before you are given access to the scene.

Visual identification

When a person is killed their body must be formally identified. Usually this happens at Forensic Science SA in Adelaide, or the hospital in a regional area.

The police will arrange for an appropriate person – normally a family member or someone who has known the deceased for a period of time – to make the formal identification. If you have been asked to do this, you can take a support person with you.

Identifying a body can be very confronting. People will often react differently, and you might feel very scared or anxious beforehand. You do not have to do this if you do not want to.

The police officer can support you and will help you prepare for the experience. If you have any questions about this process you should speak with the police officer or your victim contact officer.

In some situations, visual identification is not always possible. If a visual identification is not possible the police will discuss other methods of identification with you or the next of kin.

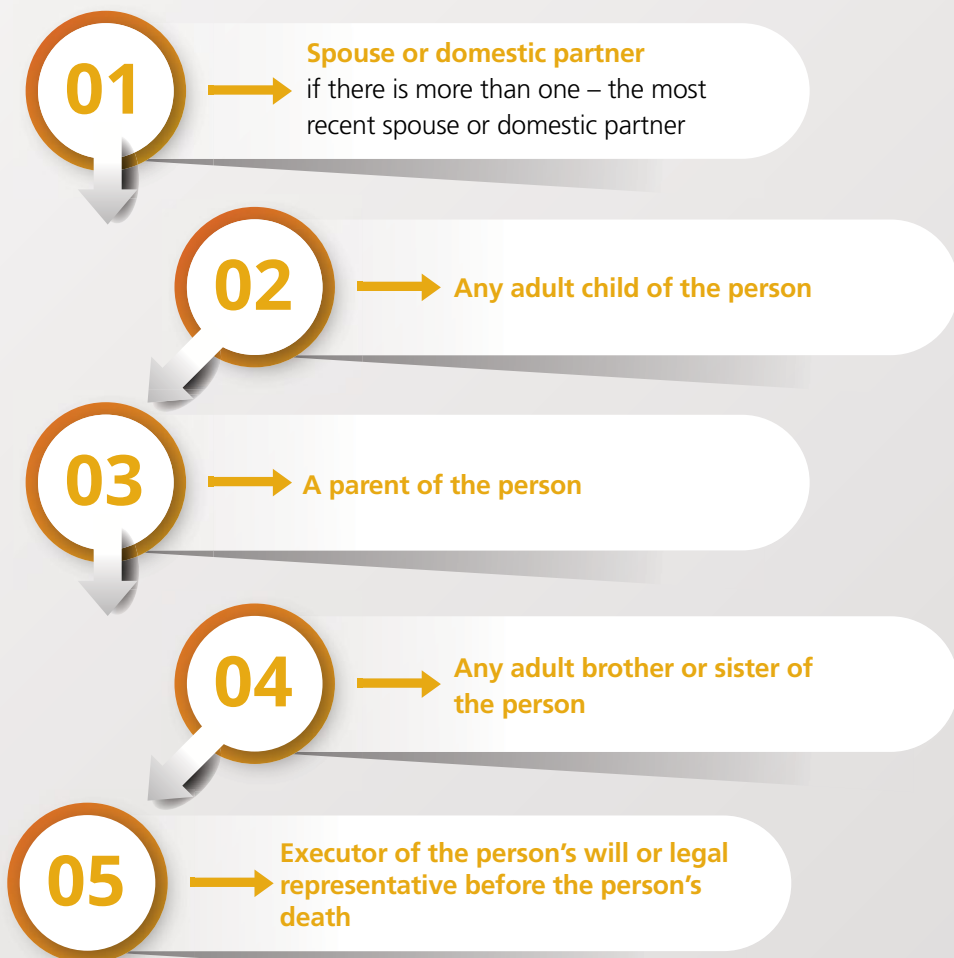
Next of kin

The Coroner will only share information with the next of kin.

The law has a very specific definition of who is considered to be the next of kin.

This is explained in Section 29(3) of the *Coroners Act 2003*, but this flowchart explains it in simple terms.

Who is the next of kin?



What happens to personal property?

When a person is killed, police will usually remove their valuables and store them at a police station. The next of kin, the executor of the estate, or any person authorised by them may collect the valuables. They will need to show identification.

Sometimes police may need to keep a personal possession as evidence in an investigation. These items may not be returned until the legal process is finished. This may be 12 months or more.

Sometimes property such as clothing cannot be returned because it is damaged. In these cases, it will be destroyed.



The coronial process

When a loved one is killed there will be legal and practical processes you will have to be involved in.

Coronial process

The State Coroner reviews all deaths when someone dies violently or dies in unusual or suspicious circumstances. A post-mortem (also known as an autopsy) will be conducted for all homicide matters.

Post-mortems

A post-mortem is a step-by-step examination of the body and internal organs by a specialist doctor, known as a pathologist.

This examination is very thorough and helps determine the cause of death.

Where possible, post-mortems are conducted as soon as possible after finding a victim's body.

If you have concerns or questions about the post-mortem you should talk to the social worker at the Coroner's Court, or the police investigator as soon as possible.

Can a post-mortem be stopped?

If you want to object to a post-mortem you should contact the Coroner's Court as soon as possible by phone during normal business hours or via email at coroner@courts.sa.gov.au after hours.

The Coroner will consider the objections but it is up to the Coroner whether a post mortem is conducted or not.

What happens if organs are retained?

In some cases the Coroner may need to retain organs for more detailed examination.

The organs are retained until all necessary tests have been completed. If an organ is retained the social worker in the Coroner's Court will contact the senior next of kin as soon as possible to discuss the options available to you.

Can I get a copy of the post-mortem report?

Yes, if you are the senior next of kin. When making the request, the senior next of kin is encouraged to nominate a doctor to whom the report will be sent. The post-mortem report is a document that uses medical terms you might not understand. Your doctor will help explain the report.

You can request a copy by writing to the Manager, State Coroner's Court – 302 King William Street, Adelaide SA, 5000 or by email to coroner@courts.sa.gov.au.

Make sure to include the following:

- > your name and address
- > the deceased person's full name and date of death
- > your relationship to the deceased
- > the name and business address of your doctor.

Can other family members view the body?

Some people want to see the body of a loved one after they have died. To help with this the Coroner makes every effort to release the body to the funeral director as soon as possible. A viewing can then be arranged at the funeral home.

The coronial process cannot be concluded until after the criminal proceedings are finished. This means a final death certificate will not be issued until after the criminal proceedings. In these cases, an interim death certificate can be issued.



Organising a funeral

While it might be the last thing you want to think about, you will need to start organising a funeral for your loved one.

Funeral directors

Arranging a funeral can mean making a lot of decisions at a very difficult and emotional time.

Funeral directors are there to help and guide you through this process.

You should contact a funeral director as soon as possible and give them authority to collect your loved one's body.

Make sure you choose a funeral director that is licensed and has a good reputation in the community. The Australian Funeral Directors Association has a list of funeral directors. See their website: www.afda.org.au.

The funeral director will speak with the Coroner's Court about releasing your loved one's body. This is usually 7-10 days but may be longer in some cases.

In some cases there may be delays due to the police investigation. This can include waiting for results from forensic tests. The police should be able to keep you informed of any delays.

You can still make funeral arrangements during this time, but a burial or cremation cannot happen until the Coroner has released the body.

In some cultures, burying a body as soon as possible is very important. Make sure you speak with the Coroner's Court social workers – they will help you through this process.

Making funeral arrangements

When making arrangements:

- > check the will to see if there are any pre-arranged funeral plans or unique requests
- > talk to the funeral director or minister of religion about their role in the service so you understand what you need to arrange
- > be clear about what is and isn't included in the funeral
- > discuss all the available financial options before making a decision
- > check the terms and conditions for payments before you commit to them.

Paying for the funeral

You may be eligible for state-funded victim compensation for the cost of the funeral. If you would like to make an application you should talk to your victim contact officer or Victims of Crime SA.

If you are not eligible for state-funded compensation and you are suffering financial hardship, you may be eligible for Funeral AssistanceSA, which provides financial assistance for a basic funeral.

Contact Funeral AssistanceSA on 1300 762 577 or visit www.sa.gov.au/concessions

Returned service personnel may also be entitled to an official war grave. If you think this may be the case, contact the Commonwealth Department of Veterans' Affairs on 133 254 or visit www.dva.gov.au

Getting a copy of the death certificate

Often, you will need a copy of the death certificate to finalise your loved one's affairs. This could include things like closing bank accounts and administering the person's will. You can get a copy of the death certificate from Births, Deaths and Marriages.

It can often take a long time to have a death certificate issued. You can however, apply for an interim death certificate from Births, Deaths and Marriages.

Before making an application to receive the death certificate from the Births, Deaths and Marriages Office, check with your funeral director to make sure they haven't already made an application on your behalf.

Dealing with the media

This can be a difficult issue. Some victims want to tell their story and welcome the publicity. Others prefer to maintain their privacy.

Your first contact with the media might be while you are feeling confused and disorientated.

If you are thinking about talking to the media, you should always check with the police. You do not want to say anything that will impact on the police investigation or any prosecution.

Whatever your decision, it's important to remember:

- > the media may not report the story the way you expect – this can be quite upsetting
- > you or your family may encounter extra and unwanted attention
- > media publicity might mean you or your family are the subject of gossip.

I want to speak to the media

Sometimes providing the media with correct information is better than journalists speculating or trying to get information from other people.

Always check with police or the prosecutor before talking to the media - if police are still investigating, or the matter is yet to go to court media publicity could affect the case.

If you decide to speak to the media, consider whether you want to:

- > give an interview
- > read out a statement
- > nominate someone you trust to speak on your behalf
- > release a written statement
- > ask the Commissioner for Victims' Rights to speak on your behalf.

Remember – if in doubt, check first before giving any information to the media

I don't want to speak to the media

You do not have to speak to the media – even if they are very persistent.

You can:

- > ask anyone who visits your home uninvited to leave – you can also call the police if they refuse
- > say no to an interview – even if you have granted previous interviews
- > refuse an interview with a specific reporter or channel
- > choose the time and place
- > you can also wait until you are emotionally ready to deal with the media.

Providing photos

A police officer might ask you to provide a photo they can release to the media. This way, it's a photo of your choice.

Don't feel pressured or obligated to provide photos to the media though. Once you have provided a photo you do not have control over how it's used.

Before you provide a photo, think about how you might feel if the photo is used in five or ten years.

Social media

If your loved one has social media accounts, the media can take these images and use them as they are considered public information. You may want to close their social media account or remove their photos.

You should think carefully about what you say or post on social media like Facebook, Twitter, YouTube, Snapchat, blogs etc.

What you say and post may be used in ways you have not thought about. Information you post can stay on the web even if you think you have removed it.

Make sure you check the security and privacy settings on your accounts.

What do you wish you had known about grief?

”

“That there was a free counselling service available.”

”

“To be kind to yourself.”

”

“That I shouldn’t be so hard on myself for ‘not coping’.”

”

“That my husband and I would deal with grief differently. My husband still gets emotional but even after 9 years I am unable to cry and feel emotionally detached.”

”

“I wish I’d known to not listen to everyone’s advice - to just smile and nod. It’s my grief to go through in my own time.”

”

“That after 12 months when people said things like ‘you should be over it’ or ‘you should be moving on by now’ it was because they didn’t understand the impact of homicide.”

”

“I didn’t realise how intense the grief would feel and the lack of sleep. My grief turned into panic attacks a few months later.”

Dealing with grief

Losing a loved one through an act of violence is a traumatic experience. No one can ever be prepared for such a loss. This type of loss is different to other losses and you may experience many unfamiliar reactions that can be hard to deal with.

- > How you might be feeling
- > Children and grief
- > Teenagers and grief
- > Parent and grief
- > Coping with significant days
- > Witnessing a traumatic event
- > Recovery



How you might be feeling

Grief is a natural reaction to loss. You are suddenly forced to face the loss of a loved one without warning. Life may have suddenly lost meaning and it may be difficult to imagine ever being happy again.

Everyone grieves differently and there is no right or wrong way to grieve. The emotions you experience may be powerful. You might feel frightened and overwhelmed.



It can be difficult dealing with so many emotions at the same time as well as trying to understand how and why this crime could have happened.

Grief can also affect other areas of your life. You might experience some of the following.

SOCIAL

- > feeling overly sensitive
- > lack of confidence
- > avoiding situations or places
- > withdrawing



PHYSICAL

- > crying
- > headaches
- > exhaustion
- > restlessness
- > nausea
- > dizziness
- > shortness of breath
- > sleep problems
- > stomach churning
- > trembling



The grief associated with homicide is complicated.

Not only are you left with the grief and loss but you may also feel a sense of powerlessness or guilt that you were not able to protect, rescue or comfort your loved one.

THINKING

- > forgetfulness
- > poor concentration
- > confusion
- > poor memory
- > denial
- > dreaming of the deceased
- > intrusive thoughts



SPIRITUAL

- > loss or questioning of faith or things you believe in
- > angry with god
- > betrayed by god
- > looking for signs
- > trying to stay connected to your loved one



How long will I feel this way?

No one can say how long you will feel this way. It is different for each person. There are no timeframes and no right or wrong way for you to grieve.

Grief is unpredictable and can surface when you least expect it.

It is important to give yourself time to recover and ask for help from people you trust. Some people prefer to talk to a professional for support or counselling.

Some days you might feel okay. Other days you might not feel ok – this is normal.

Eventually you will find ways to remember your loved one without feeling overwhelmed by grief.

How will I cope?

Talking with someone you trust who won't judge you or expect you to "get over it" might be helpful. If you do not have anyone you trust to talk to, speak to a professional who is experienced in dealing with trauma and grief. See page 74 for support services

Here are some other suggestions that might help:

- > cry and know it is okay to express your grief
- > spend time with people who care about you, understand you and will listen to you
- > prioritise daily tasks and only do what is essential
- > stay healthy – try to eat healthy food, exercise and get enough sleep
- > maintain your normal routine as much as possible
- > avoid using alcohol or drugs to numb your feelings
- > find ways to remember and hold onto what the person meant to you
- > ask for help if you need it – this might mean preparing meals, caring for children or housework.

Traumatic grief takes a long time to heal. Don't expect too much or put pressure on yourself just because others seem to be coping better. Remember many people keep their grief private.

It's important to recognise that you have experienced a traumatic event. Be patient with yourself and your grief. Be kind to yourself.

Asking for help is not a sign of weakness. We all need support during such difficult times.

Different grief reactions

There is no single, easy way of dealing with the loss of a loved one. The way you deal with grief might be different to those around you.

Some people tend to express their emotions – they may cry frequently and talk openly about their pain.

Others may try to contain their emotions – they might try to protect others from pain and avoid talking about the deceased.

Many factors can influence the way we experience and express our grief including:

- > our gender
- > age
- > life experiences.

This is why it is important not to compare your grief reactions to others.

Grief reactions also vary from one culture to the next. In some cultures there are very public displays of grief following the loss of a loved one and important community rituals to follow. For others, a quieter and more private response is customary.

You might hear people talk about stages of grief. A counsellor may even talk to you about the different stages of grief, including:

- > denial
- > anger
- > depression
- > bargaining
- > acceptance.

These stages can be helpful when trying to understand your feelings and experiences but **they are not a roadmap for grief**. There is no step-by-step map for moving forward. Your grief is unique and you will move forward in your own way and time.

Stages of Grief

The roadmap you expected:



The road you got:



Things to think about

Grief can affect concentration, memory, and emotion - you may find it difficult to make important decisions.

You might want to choose someone to help with practical matters, such as arranging the funeral and dealing with other issues like finances, contacting friends and family, and liaising with police.

How will my family and friends react?

People can react to an unexpected death in different ways.

Some reactions are helpful, but others are not. Sometimes people want to help but don't know how. It is okay to tell them what you need or do not need.

Some people may tell you that you need to start getting over the death or start moving on. Sometimes this is because they feel uncomfortable with your grief and don't know how to react, or they may be genuinely worried about you.

Most people find this advice unrealistic and unhelpful. It may make you feel guilty for not recovering faster, or it might just make you angry.

Telling you to get over your pain is like telling you to start running with a broken leg.

You have a right to grieve in your own way and in your own time.

Children and grief

Like anyone else, children are affected by traumatic events such as homicides.

Children experience physical and emotional reactions to loss but tend to express their grief differently. This can depend on their age and level of maturity.

Concepts such as death and violence can be hard for adults to understand let alone children.

Children do not always express their grief in words the way adults can. It is not unusual to explain a death to a child and find they do not seem affected by it or want to go out and play. This does not mean they do not feel the pain of the loss.

It is also quite normal for children to move in and out of grief. A child may appear to be fine one day but not managing well the next.

Younger children especially may ask the same questions many times. You may have to tell the story over and over again.

As children get older they may grieve again. The loss will mean different things to them at different stages.

Young children who suffer trauma may:

- > have nightmares or problems sleeping
- > wet the bed
- > behave badly
- > be easily upset
- > ask the same questions many times
- > eat too much or too little
- > cling to adults
- > become withdrawn or fear being alone
- > suffer headaches or stomach aches
- > fight with friends
- > lose concentration
- > start doing badly in school.

What to tell a child

It is natural to want to protect children from the pain of losing a loved one.

However, children should be told as soon as possible that a person they care about has died. They should be told by a parent or guardian or someone close to them before they discover it somewhere else.

If you are too distressed to answer questions, ask another adult that you and the children trust to talk to them.

When talking to children:

- > be open and honest
- > tell the child as soon as possible
- > keep it simple and factual
- > use language the child understands.

It's a good idea to use clear words such as "he died/was killed/is dead". Saying things like "he's gone to sleep" can confuse children. They may think the person will wake up or even fear going to sleep themselves.

Children need to be given opportunities to grieve and may be more hurt, frightened, confused and resentful if they are excluded.

Should a child go to the funeral?

For many people this is a very difficult decision. Some people wonder whether it is a good idea to include children in funerals, perhaps worrying that it will add to their distress.

Ultimately, it is a decision for parents or guardians – but it is often helpful to give children a choice.

You might think about inviting your child to the funeral, without forcing them. Before making a decision, children will need clear explanations about what a funeral is and what is going to happen.

Consider talking about the following:

- > who will be at the funeral or memorial service
- > what is going to happen
- > where the service will take place
- > when the service will happen
- > the reason for having a service.

Children sometimes want to be involved in the funeral itself. They might want to add drawings, letters, poems, toys or a special gift to the coffin or read something during the funeral service.

It is important for children to be given opportunities to say goodbye to the person who died in a way that feels right to them.

Saying goodbye is never easy for children or adults but it is an important part of the grieving process.

Helping a child who is grieving

Consider letting your child's teacher or other significant people know there has been a loss in their life. Teachers and friends at school can help support your child. Let your child know you are doing this.

Maintaining routines and expectations such as homework and bedtime also gives children a sense of consistency and security.

There are a number of other things you can do to help a child who is grieving.

- > Express your feelings in front of your children - children learn about grieving from the adults in their life.

- > Allow them time to talk and ask questions.
- > Let them know they don't "have to be brave" and that it is okay to talk about someone who has died.
- > Acknowledge their feelings but continue to set boundaries. For example "I notice that you seem angry which is okay, but it is not okay to hurt your sister"
- > Avoid inviting children to step into adult roles and responsibilities. For example, interrupt anyone who says things like "now you're the man of the house."
- > Explain that they do not have to feel sad all the time.
- > Encourage your child to play with their friends. Children need opportunities to continue being children.
- > Find an age-appropriate book for your child that talks about death and grief. Ask your local library for recommendations.

Teenagers and grief

Adolescence is a time filled with lots of physical and emotional changes and challenges - these changes can make grief particularly difficult for young people.

Teenagers dealing with grief do not always react the way adults expect.

Some common reactions to grief include:

- > expressing grief through acting out or risk-taking behaviours
- > starting to use drugs and alcohol
- > abrupt shifts or changes in relationships
- > a decline in school performance
- > sleep and eating disturbances
- > engaging in active pursuits such as running, dancing, playing sport
- > seeking comfort in music, writing poetry, or being alone
- > turning to their peers for support rather than seeking support from family (including social networking online).

The most important thing for a young person who is grieving is to know there are people who will care for and support them.

Helping a teenager who is grieving

It is important to continue to enforce normal limits and boundaries, but still provide a caring and supportive environment.

- > Make it clear you are prepared to listen and have time to spend with them.
- > Don't assume peer support is enough.
- > Check in regularly and offer support.

Help them explore their feelings and how they process those feelings. Young people may be confused by the intensity of their emotions.

Watch for unexplained or disproportionate emotional reactions to everyday events. Sometimes feelings of grief can be triggered by events that may appear unconnected to the loss.

When to seek help for a child or young person

In most cases, children and young people will adjust well with support from the adults in their life. Sometimes they may need some extra help.

You should seek professional help if you are concerned about how a child or young person is coping.

Signs they may need some extra support include:

- > grief behaviours that become repetitive or last more than a few months
- > signs of self-harm or talks of not wanting to live or being better off dead
- > behaviour that harms others
- > being unable to concentrate
- > appearing depressed – no longer caring about anything, no energy for any activities, is withdrawn or cries frequently.

See the back of this book for a range of support services for children and young people.



Parents and grief

Grief as a parent can be particularly overwhelming, long-lasting and complex regardless of the age of the child.

Whenever a life has not run its anticipated span there is immense grief and parents often find themselves questioning their own purpose in life. Most bereaved parents also experience guilt for having outlived their child.

When we become parents our lives, priorities and identities change as we focus on keeping our children well, happy and safe.

When parents feel they have been unable to protect their children they may experience a sense of guilt.

For all parents, guilt and 'what-ifs' go hand in hand with grief. You may find yourself recalling every angry word you ever said, questioning every decision you made and replaying events you think you could have changed.

The first few weeks and months will be extremely difficult and you may be in turmoil for a long time. You will never really 'get over' your loss, but eventually you will learn to live with it.

You may find it helpful to speak to other parents who have lost a child.



Coping with significant days

Special occasions can be difficult to face, especially in the first year. They might highlight the absence of your loved one and it can be hard to know what to do on these days.

Some people find the anticipation is often more difficult than the actual date or occasion itself.

You may find it helpful to make plans well in advance and discuss the occasion with family or friends who may also be anticipating the event.

It can also be helpful to explain the significance of the date to those who do not already know, so they can support you at this time.

You may find it helps to develop a ritual or do something special to remember your loved one on these days. In this way you acknowledge their ongoing importance in your life.

You might:

- > visit a place that your loved one enjoyed
- > prepare one of their favourite meals
- > plant a special tree
- > share memories of your loved one with others
- > light a candle.

You may decide to do nothing.

Remember, there is no right or wrong way of doing things. It is your decision, you know what is best for you and your family.

You might feel like changing your mind at the last minute and decide you would like to be alone or vice versa. It is okay to change your mind but you might find it helpful to warn your family and friends this may happen.

In time you will also have to face other significant events or milestones such as birthdays, graduations, weddings, the birth of children, grandchildren and many more. You may wonder how you will handle these life events knowing your loved one is missing. Grief can resurface at these times. It can help to talk to others about how you feeling in the lead up to these events.

Witnessing a traumatic event

Witnessing a traumatic or violent event can have a significant impact on you.

Even if you were not physically hurt or involved - or you do not know the victim - you can still be psychologically affected by what you have seen or heard.

The impact will be even greater if you witnessed the violent death of a loved one.

Some common reactions include:

- > emotional distress
- > fear
- > nightmares and difficulty sleeping
- > anxiety
- > nausea and headaches
- > difficulty concentrating
- > disorientation and confusion
- > hypervigilance
- > intrusive memories – reoccurring distressing memories.

Recovery takes time. If your reactions continue for a long period or you are concerned about your reactions you may benefit from professional support.

Counselling can give you an opportunity to talk about your feelings in a safe and confidential environment. Counsellors can help you to find ways of coping with your feelings.

There are special counselling services available for victims and witnesses of crime - see the back of this book for more.

Recovery

Sometimes during the grieving process you might find yourself thinking it would be wrong to recover from your grief.

Recovery might seem disloyal to the person who has died, as if they were no longer important or were being forgotten. You may feel guilty if you stop thinking about the person for a time or if you start to feel better.

Remember the mind, like the body, does its best to heal from an injury. This is natural.

Healing does not mean you will forget your loved one or no longer miss them. It also does not mean you won't feel pain or loss anymore. It is about learning to cope and continue, despite your loss.



Counselling

Sometimes your friends and family might not be able to help you.

Professional counselling can give you a chance to talk to someone in a confidential and safe environment.

Deciding to see a counsellor does not mean you have a problem. Homicide is a traumatic experience. Getting help is important. Whatever you decide, it

is important to remember there is no miracle cure. Counselling, like all other solutions, takes time.

There are a number of formal and informal services that may support you in dealing with your grief and assist with your recovery – see page 74.



What do you wish you had known about the police investigation?

”

“That police had not forgotten our case and were doing all they could to solve it - even though they couldn't give us all the details.”

”

“That they can't always solve a homicide. I had expectations that the case would be solved in a few days but that never happened.”

The justice journey

Homicide cases are often very complex and can take a long time to be resolved. This section outlines what you can expect in the early stages of a police investigation.

- > The police investigation
- > Unsolved homicides
- > Bail
- > The decision to prosecute

The police investigation

The police will investigate the death of your loved one. This may include police from the local area and police from the Major Crime Investigation Branch.

Police will also assign a **Victim Contact Officer** to your family. This officer will keep you informed throughout the investigation and any court case, and give you information about support services.

During the investigation, police may interview members of your family and other people. They will also gather evidence like photos and results of forensic tests.

When a suspect is identified they are questioned by police. Suspects have a right to silence. The police, prosecutors or judges cannot force a suspect to answer questions or give evidence.

If the police have enough evidence, they will arrest the person responsible for the homicide.

Your rights



You can ask the police for information about the investigation. They should answer your questions. There may be things the police cannot tell you. They cannot tell you things that might stop the crime being solved.

Laying the charge

A 'charge' is when a person is charged with a crime and a formal allegation (a statement not yet proven) of a particular offence is made – e.g. murder or manslaughter.

When the investigation is finished the police will decide whether or not to lay charges. The decisions about what charge to lay are based on the evidence, legal principles and the public interest.

You can be told if police have charged someone, what the charges are, and the name of the alleged offender.

The police may get advice from the Office of the Director of Prosecutions (ODPP).

You should be told if the prosecutor decides:

- > not to proceed with a charge
- > to amend the charge
- > to accept a plea to a lesser charge.

You should also be told the reasons for this decision.

The person accused of committing the crime may be called the 'alleged offender' or the 'accused'. This is because law in South Australia says people are innocent until proven guilty at court.

Your rights



You have the right to be told if a person is charged.

You have the right to be told the name of the person who is charged

You have the right to be told if the charges are changed.

As a victim of crime, you are eligible for certain information about the offender. You will need to be registered on a Victim Register. You can do this as soon as someone has been charged.

See page 61 for more info.

Unsolved homicides

Most homicides are solved, but unfortunately some remain unsolved for many years. Some are never solved.

Homicides that are unsolved for more than 12 months are often called cold case homicides. This means all reasonable lines of inquiry have been exhausted without resolution or the case has gone 'cold'.

Please know that the South Australia Police, like you, have not forgotten about your loved one and do everything possible to solve every homicide.

There is no time limit on when someone can be prosecuted for homicide.

How are cold cases investigated?

The Major Crime Investigation Branch has responsibility for ensuring all homicides are properly investigated. These investigations remain allocated to an experienced investigator until they are solved and are subject to periodic review.

All long-term cold case investigations will have an investigator assigned to them working under a Detective Senior Sergeant along with a Victim Contact Officer.

The investigator will actively seek information to help solve homicides.

The Detective Senior Sergeant has oversight of the investigation and provides direction to ensure every line of inquiry and every possible lead is completely exhausted.

Over time, it is possible that the investigation file will be handed over to another investigator. This is usually when that person transfers out of Major Crime or resigns from SAPOL. Sometimes the case may be allocated to another officer or team at Major Crime to review.

Reallocating the file can be a good thing as it allows 'fresh eyes' to critically examine the case.

Rewards

Sometimes rewards are offered for information where the investigation has remained unsolved for more than 12 months.

Rewards are offered based on the following criteria:

- > \$200,000 – for unsolved homicides
- > \$500,000 – for homicides related to Organised Crime, Outlaw Motorcycle Gang crime where there is/was a risk to the public or if the offence occurred in a public place with multiple offenders or victims
- > \$1 million – for crimes against the State and against children under 18 years of age at the time of the homicide.

Rewards are offered with approval of the government.

Why is nothing happening?

When a matter gets old you might question whether police have done everything they can. You might wonder why other homicides are getting publicity and being solved when the murder of your loved one remains unsolved.

It might seem like they have forgotten about your loved one. **This is not true.**

The police will pursue every opportunity to investigate new evidence or fresh leads as they become available. Information and forensic results can become available to police at any time.

While it can be painful and frustrating, sometimes more time can help solve crimes.

Advances in forensic science such as DNA and fingerprint analysis may provide police with fresh evidence to help their investigations.

Over time the relationships and alliances between suspects, friends and witnesses may also change. Some people may be more inclined to speak to police about what they know.

It is important to remember that every case is different.

How will I feel?

When a homicide remains unsolved for a year or longer, survivors face additional psychological stress and challenges.

Feelings of shock, loss, anger, denial, helplessness and guilt are intensified.

You might worry you'll never know what happened and wonder if your loved one will ever receive justice.

Many survivors have trouble believing in the justice system and trusting that the investigation is ongoing.

This is often worse when a body is not recovered as you are unable to bury your loved one.

Remember that everyone experiences grief in their own way. You may find your grief has resurfaced and that you are revisiting thoughts, feelings and memories multiple times in a renewed attempt to understand your loss.

It doesn't matter when the crime took place or how you are feeling, you can talk to someone.

Do not be afraid to seek help when you need it whether it be from family, friends or a professional counsellor.

Staying informed

You can contact the investigator or the Victim Contact Officer if you have any questions, concerns or simply want to talk.

If you ever have any concerns you can speak with the investigator or the Detective Senior Sergeant.

You are entitled to ask for information about the investigation and police will keep you informed of significant events.

Sometimes police may not tell you everything they know or suspect. While this can be frustrating for you, police cannot give you information that might jeopardise their investigation. They also don't want to raise your expectations or give you false hope, and will often assess the information they have received to decide whether it will be useful.

Bail

A person who is arrested and charged with a crime can apply for bail. This can include home detention. If an 'alleged offender' is given bail it means they are released, but they have to follow certain rules (conditions).

Some common rules are:

- > agreeing to come to court when the case starts
- > not contacting you or other witnesses
- > living at a particular address
- > reporting to police on a regular basis
- > not drinking alcohol
- > not going to certain places
- > surrendering a passport.

If these rules are not followed, bail can be taken away.

An alleged offender can apply for bail at any stage. If they don't get bail the first time, they can apply again.

In deciding whether to grant bail, there are a number of things considered including:

- > seriousness of the crime
- > safety of victims and witnesses
- > safety of the community
- > likelihood of the accused turning up to court.

For murder and manslaughter offences, it is less likely the accused will be granted bail. You should tell the police if you have any concerns about your safety.

Both the accused and the DPP have the right to have a bail decision reviewed in the Supreme Court.

You should talk to the police as soon as possible if you're worried the alleged offender may threaten or harm you or your family if they are released on bail.

You should be told:

- > if the person accused of committing the crime is released on bail
- > any conditions that protect you or your family from the accused person.

You should tell the police that you want this information. If you want to be kept informed you should register with one of the Victim Registers as soon as possible. See page 61 for more info.

Your rights



You have a right to know what is happening to the accused.

You can ask the police or prosecutor if the person will be allowed to go home. This is called bail or home detention bail.

You can tell the police if you are scared the person may hurt you or your family.

The bail authority is the person who decides whether the charged person can go home (bail) or go to jail (remand).

You have a right to know what the bail authority says.

The decision to prosecute

After a person has been charged the case will be handed to the Office of the Director of Public Prosecutions (ODPP). They will decide whether to take the case to court.

The lawyers in the ODPP will look at all the evidence and decide if it is strong enough to prove the accused is guilty of committing the crime.

They must prove beyond reasonable doubt that the accused person committed the crime they are charged with.

They should also consider:

- > your wishes and concerns
- > the public interest.

The prosecutor makes the final decision about going to court.

You do not need your own lawyer.

Murder v manslaughter

In some cases the DPP can change the charge from murder to manslaughter, depending on the circumstances. If this happens, you can ask to meet with the DPP to talk about why this has happened.

The decision not to prosecute

Sometimes there is not enough evidence to prove the offence in court, beyond reasonable doubt.

The DPP will only proceed if it is likely there will be a conviction based on the evidence.

Sometimes the DPP will decide there is no reasonable prospect of conviction, because:

- > evidence gathered by the police is not admissible in court
- > witnesses have changed their evidence during the committal hearing
- > witnesses have been shown to be untruthful or unreliable during the committal hearing
- > further material has been uncovered, which undermines some essential aspect of the prosecution case.

What do you wish you had known about going to court or giving evidence?

”

“That we could have a companion to go to court.”

”

“That the prosecutors could talk to the defence lawyers and come to an agreement for the offender to plead guilty just before the trial started.”

”

“I wish I had known the accused - who was on home detention - would be free to roam around during court breaks and that I might bump into him.”

”

“I wish I had known more about the process when a person is found not guilty because of mental impairment, especially that over time the defendant could apply to be allowed out on limited release.”

The court process

For homicide cases, the court process can be very long and complex. This is an overview of some of the hearings and court appearances that might take place – but it is different for each case.

- > Key people in the court process
- > Court preparation and support
- > Types of hearings
- > Giving evidence
- > The verdict
- > Sentencing
- > Victim impact statements
- > Appeals

Key people in the court process

The Office of the Director of Public Prosecutions (ODPP)

The ODPP is responsible for prosecuting people who have been charged with serious offences in South Australia.

The ODPP acts in the best interests of the State as a whole - not as the legal representative for victims of crime. However, the ODPP recognises the special place victims have in the criminal justice system. When making decisions, they will take into account victims' views.

The ODPP employs both solicitors and prosecutors.

- > A **solicitor** is a lawyer who prepares a matter for trial or for a plea.
- > A **prosecutor** is a lawyer who appears in court for the trial.

There may be several different lawyers involved in your case and you may not always have the same lawyer.

Victims should be kept informed of any changes to the lawyer allocated to their matter.

Defence

Defence refers to person or people responsible for defending the accused person. A defence team might include solicitors and barristers. A barrister is a lawyer who appears in court for the trial.

Witness Assistance Service

The Witness Assistance Service is a service within the ODPP that assists victims of crime. A Witness Assistance Officer offers information, guidance and support as well as making sure that victims and their families understand their rights and responsibilities.

Where possible, the ODPP try to make sure a victim has the same Witness Assistance Officer as their contact person throughout the whole process.

Court preparation and support

If you have a Witness Assistance Officer, ask them about court preparation and support.

At court, a Sheriff's Officer can show you the special waiting rooms for victims and witnesses. If these rooms are not available, they can find a safe place for you while you wait.

Court conduct

There are some rules about how to behave in a courtroom that everyone has to follow.

- > You don't need to wear a suit to court, but you should dress neatly.
- > Turn your phone off before entering the courtroom.
- > When you enter the courtroom, bow to the presiding judge before you walk toward a seat.
- > When you exit the courtroom, turn and face the judge just before leaving and bow.
- > Before the court session starts, the court is asked to rise and you then bow to the judge who will bow in return.
- > Before the session ends, the court is asked to rise and you bow to the judge who will then bow back before leaving the court.

If you are sitting in the public gallery, it's important to remember that the court requires a certain level of behaviour from the public.

- > Do not talk in the public gallery.
- > Do not take notes in the public gallery.
- > You must not eat, smoke or drink in court.
- > You must not call out your objections or call out to the accused.
- > You must not applaud or cheer.
- > You must try to maintain your composure.

The Sheriff's Officer will ask people to leave the court if they do not follow these rules of conduct.

As a member of the family or friend of the victim, it can be hard to keep calm. If you are feeling emotional, you can leave the courtroom and find a private place to cry. There are often witness rooms that are very private - a Sheriff's Officer can help you.

Types of hearings

A prosecution can be a very long process - it can sometimes take 12-18 months from the time the accused is charged until the trial begins. Each criminal matter is different and may involve other hearings or processes.

Magistrates Court

Major indictable matters – like murder and manslaughter – start in the Magistrates Court. This is where the Magistrate decides if there is enough evidence for the matter to be sent to a higher court for trial.

The Magistrates Court is located in Victoria Square.

Your rights



You have a right to go to court but there may be reasons why you shouldn't go.

Always check with the police, prosecutor, Victim Contact Officer or your Witness Assistance Officer.

For mention only (FMO)

This is the first time the accused appears in the Magistrates Court.

Bail may be discussed and a time set for the declarations hearing.

The media often attend these hearings.

Declarations hearing

This is where the prosecutor files all witness statements and other evidence with the court. Sometimes there might be more than one declarations hearing.

Answer Change hearing

This is the first time the accused is read the charges in court and must enter a plea.

- > If the accused pleads **not guilty** the matter will be committed for trial in the Supreme Court.
- > If the accused pleads **guilty** the matter will be committed for sentencing in the Supreme Court.

This is also called a 'committal hearing'.

Guilty pleas and sentencing discounts

When the accused pleads guilty there is no trial.

Often, this means the accused is entitled to a reduction in their sentence because they have saved the State from the burden of a trial.

A sentence can be reduced by up to 25% if they plead guilty early in the court process.

In these cases, you won't be able to give evidence but you can still provide your input through a victim impact statement.

The accused can change their plea from not guilty to guilty at any time during the court process.

No case submissions

These hearings happen when the Defence believes the prosecution does not have enough evidence to go to trial.

This hearing involves lots of legal arguments. You are usually not required to attend these hearings.

If the Defence is successful in this hearing, it is the end of the criminal matter and the accused is released.

Rule 20 hearing

Sometimes the Defence will make a Rule 20 application. This is where a witness for the prosecution is asked to give evidence in person about the statement they gave to police.

Mental impairment / fitness to stand trial proceedings

In South Australia there are laws to protect the rights of people with a mental impairment as well as the safety of victims and the community in general.

If an accused person has a mental illness at the time of committing an offence, or is mentally unwell during the court process, the defence lawyer may raise a mental impairment or fitness to stand trial defence.

They can raise this defence at any time during the court process but normally this happens before entering a plea.

When this defence is raised the court may order psychiatric or psychological reports from experts.

If the experts consider the person is mentally competent or fit to stand trial, the matter will proceed in the 'normal way'.

Not guilty due to mental impairment

If the experts indicate that a person has had a mental impairment or is unfit to stand trial and it is determined that this person committed the crime, the court will officially deliver a finding of **not guilty due to mental incompetence**.

This means the person will not go to jail. Instead, they will be sent to a forensic mental health facility (James Nash House) until they are better.

You will still have an opportunity to make a victim impact statement to the court. Victims and their families will also be invited to express a view about the supervision of the defendant in a Victim Next of Kin Counselling Report (VNOKCR).

Coping with this outcome

A finding of not guilty due to mental incompetence can be a difficult outcome for victims.

You might feel the defendant is 'getting away with the crime'. **This is not the case.**

James Nash House and a other facilities accommodate people who are mentally ill. These are secure facilities where the person can receive treatment and supervision.

Some people never get better and are never released.

Those that do get better are gradually released back into the community, but will be under the care of the Forensic Mental Health Service for the rest of their life.

The process to be released back into the community is very complex and involves the Supreme Court. By being registered with the Forensic Mental Health Victims Register you will always be kept informed of this process. See page 61 for more.

Supreme Court

The Supreme Court is the highest court in South Australia. Most Supreme Court cases are held in the Sir Samuel Way Building in Victoria Square.

Circuit sessions are held in both Mount Gambier and Port Augusta several times a year.

Arraignment

This is the first official appearance in the higher court where the charges are read again.

The accused must formally enter their plea.

Directions hearing

This is a meeting between the judge, defence lawyer, prosecutor and the accused to discuss relevant issues and set a date for the trial.

These hearings are not usually open to the public so you will not be able to attend.

There can be more than one directions hearings before a trial.

This is also where the accused can choose to have the matter heard by a judge alone, or by a judge and jury.

The trial

This is where all relevant and admissible evidence is put before the court.

At trial, witnesses for both the prosecution and defence are called to give evidence. They will be asked questions by both lawyers.

An accused person can choose not to give evidence.

It is then up to a jury (or a judge in a 'judge alone' trial) to decide if the prosecution has proved the accused is guilty 'beyond all reasonable doubt'.

Giving evidence

If you have been asked to give evidence, you will do this during the trial.

The ODPP lawyers will meet with you before you have to give evidence. This is called a 'proofing'.

A Witness Assistance Officer may also be at the meeting.

Proofing meetings

This meeting is so you can:

- > meet the prosecutor
- > discuss your evidence if you are a potential witness
- > clarify concerns you may have about the trial process
- > discuss questions you may have about dealing with the media at trial.

If you would like support when going to court you can contact Victims of Crime SA to discuss your options.

Special provisions

If you are worried about giving evidence in the courtroom, sometimes the prosecutor can ask for special provisions.

This can include:

- > a support person in court while you give evidence
- > a screen in court so you do not have to see the accused while you give evidence
- > closing the court to the public while you give evidence
- > giving your evidence on closed circuit television.

Talk to the investigating officer, your Victim Contact Officer, DPP solicitor or prosecutor or Witness Assistance Officer before the court date.

In the courtroom

The prosecutor will tell you when you need to attend court.

If you are giving evidence, you will not be able to sit in on the trial until after you have finished your testimony.

After you have given your evidence you may be able to sit in the public gallery to watch the rest of the trial. The prosecutor will confirm if you are able to or not.

The verdict

At the end of the trial a verdict will be handed down.

The verdict could be any of the following:

- > a finding of **guilty** to some or all of the charges
- > a finding of **not guilty** to some or all of the charges
- > a **hung jury**. This means the jury could not agree on a verdict.

In a trial by judge alone, only the judge needs to be satisfied that the case has been proven beyond reasonable doubt.

If the accused is found **guilty** they will be sentenced at a later date, not on the day of the guilty verdict.

If the accused is found **not guilty** they will be free to go. The DPP is not able to appeal this decision.

If there is a **hung jury** the DPP has to decide whether the matter should be re-tried. The prosecutor will talk to you about this decision and give you an opportunity to discuss your concerns and views about a re-trial.

Sometimes there is a mistrial. This happens when there is an error in procedure. When this happens the trial is terminated and will start again with a new jury.

How long will a verdict take?

If the trial is by judge alone, a verdict may not be given for several months after the end of the trial.

For jury trials, the verdict will be given at the end of the trial. It can take juries several days to deliberate and agree on a verdict.

Sentencing

Sentencing happens after the accused is either found guilty or pleads guilty.

Sentencing submissions

This is another hearing where both the prosecution and defence provide the court with information. This helps the Judge determine an appropriate sentence.

The sort of information usually includes:

- > information about any prior offences (called 'defendants antecedents')
- > victim impact statements
- > relevant precedents (a precedent is a previous case or legal decision that may be - or must be - followed in similar cases)
- > psychological or psychiatric reports for the defendant
- > character witnesses for the defendant
- > discussion on suitable penalties
- > any other information relevant to the sentencing.

In most cases the offender will actually be sentenced on another day.

A sentence will usually have two parts:

- > a head sentence (total time to be served)
- > a non parole period (period that must be served before a defendant is eligible for parole).

If a person is convicted of murder, the sentence is life. This does not mean the person will never get out of jail - often a non parole period will still be set.

Parole is not automatic and you can make a submission about the offender's release if they apply for parole. See page 64 for more.

Victim impact statements

As a victim, you have the right to make a victim impact statement. A victim impact statement (VIS) can help the judge understand how the crime has affected you.

Your VIS will only be submitted to the court in the event the accused is found - or pleads - guilty.

You can talk about:

- > any physical or psychological injuries
- > how the death of your loved one has affected your life (such as work, sport or leisure activities)
- > any medical treatment required
- > how the crime has affected any relationships (with your partner, family, friends or co-workers)
- > your feelings and reactions to the crime such as hurt, anger, fear, frustration
- > effects on your lifestyle and activities (such as trouble sleeping or eating)
- > loss of earnings if the death of your loved one has affected your ability to work

- > other expenses such as home security or replacing property
- > travel expenses to attend court
- > cost of medical treatment
- > how the crime has affected work or study commitments
- > the impact on family or friends and your social life
- > how safe you feel.

Your rights



You have a right to tell the court how the crime affected you.

You can tell the court how the crime hurt you and how it changed your life. This is called a victim impact statement.

You can ask for help to write your victim impact statement.

You don't have to make a VIS, it's your choice.

Submitting your VIS

Your VIS is submitted to the court before the sentencing submissions date.

The defendant gets to see your VIS before sentencing submissions, but your personal details are not given to them.

At sentencing submissions, you can read your VIS out loud to the court if you want to. You can also ask someone else to read it on your behalf, like a family member or friend, or a Police Officer. The court can also appoint someone to read it aloud.

The media and other members of the public might be in court while your VIS is being read.

You can also submit your VIS to the court and not have it read out. However, the information in it can still be obtained by the media and reported. If you are worried about this, speak with the prosecutor.

Choosing not to read your VIS out loud does not affect how seriously the Judge treats it - but this may be the only time the offender is forced to face the true effects of their crime.

There are certain rules for reading your VIS in court. The prosecutor or Witness Assistance Officer will discuss these with you.

If you would like to make a VIS you should talk with the investigating officer or prosecutor. If you have a Witness Assistance Officer you should talk with them too. You can also contact Victims of Crime SA for assistance.

For more information see the Victim Impact Statement Information and Form available at any police station or www.voc.sa.gov.au

Appeals

A defendant has the right to appeal against their conviction and/or sentence. This is not automatic and there must be reasonable grounds for doing so.

You, your family or friends of the victim do not have the right to appeal against conviction or sentence.

If you are unhappy with an outcome like the sentence you can ask the prosecutor to consider an appeal. You must ask within 10 days of the outcome or sentence. If you would like assistance with this you can contact Victims of Crime SA.

There are a number of steps in the appeal process. To find out more contact the prosecutor, Police Victim Contact Officer or Witness Assistance Officer. You can also find out more at www.dpp.sa.gov.au

Your rights



If you are not happy with the sentence you can ask the prosecutor to consider an appeal.

You must write to the prosecutor within 10 days.

Victims of Crime SA can help you.

What do you wish you had known after the court process?

”

“That this was just the start of our relationship with Correctional Services.”

”

“That grieving that had been ‘set aside’ while waiting for the trial would suddenly intensify and cause feelings of anxiety, anger and frustration.”

”

“That it would be difficult to cope with other people’s reactions to the court outcome while trying to deal with our own reactions.”

After court

The end of the court case doesn't mean the end of your journey through the justice system. You are still entitled to a range of information and possibly compensation.

- > Accessing court documents
- > Victim registers
- > Parole
- > Compensation

Access to court documents

Victims of Crime SA can get free copies of some court documents for you or your immediate family.

These documents include:

- > record of court outcome
- > information/complaint (this is the document laying the charge before the court)
- > remarks on verdict
- > remarks on penalty or sentence.

All documents are provided with copyright. They are for personal use only. Copies can be provided to a lawyer helping a victim with an application for state-funded compensation.

If you would like to ask for copies of court documents contact Victims of Crime SA.



Victims Registers

Your rights



You have the right to be kept informed about what happens to the offender after they are sentenced.

If you want to be kept informed you will need to apply to be on one of the Victim Notification Registers.

As a victim of crime, you are eligible for certain information about the offender. You will need to be registered on a Victim Register. You can do this as soon as someone has been charged.

Department for Correctional Services Victims' Register

The Victim Services Unit within the Department for Correctional Services keeps victims informed when the offender is:

- > in prison
- > under supervision in the community.

This also includes people who have been released on supervised bail before sentencing or are in prison on remand.

Registered victims can find out:

- > the length of the offender's sentence
- > release dates
- > home detention
- > if the offender applies for parole
- > release on parole
- > the conditions of the offender's parole that could improve your safety
- > if the offender's parole is cancelled
- > if the offender is transferred to another state of Australia
- > if the offender escapes from prison
- > if the offender dies during their sentence.

You can apply online to have your name placed on the register at the Department for Correctional Services website – www.corrections.sa.gov.au/victim-services/the-victims-register or by phoning 1800 370 550.

Forensic Mental Health – Victim Register

Forensic Mental Health is a specialist area that provides services to meet the needs of offenders who are considered mentally incompetent to commit the offence or mentally unfit to stand trial.

The coordinator of the Forensic Mental Health Victim Register gives victims key information including your right to make a submission about the possible release or grant of leave to the offender.

You don't have to apply to be on this register. Instead, the DPP will provide your details to Forensic Court Report Writers, who will then get in touch with you to explain their role and invite you to register.

You will have an opportunity at that point to also convey the impact of the offending and any other input you wish to have in the Victim and Next of Kin report.

If you are already registered with the Department for Correctional Services Victims' Register, you will automatically be transferred to the Forensic Mental Health Victim Register if necessary.

Phone: 7425 6282

Email: FMHsvictimnokregister@sa.gov.au

Youth Justice Victims Register

If you are an immediate family of a person unlawfully killed by a young person, the Youth Justice Victims Register can keep you informed. The Youth Justice Victims Register keeps victims informed when a young person is sentenced to home detention, detention or imprisonment.

Victims on the register can find out:

- > about the young person's sentence
- > the place where the young person is in detention
- > if the young person is moved from one Youth Justice Centre to a different one
- > the release date from detention and any conditions
- > if a young person has tried to escape from custody
- > if the young person is sentenced on home detention.

Victims on the register can also give information to the Training Centre Review Board if they are meeting about the young person.

You can apply to be on the Youth Justice Victims Register by:

- > **Phone:** (08) 8463 6488
- > **Web:** <https://dhs.sa.gov.au/how-we-help/youth-justice/youth-justice-victims-register>
- > Printing the registration form and emailing it to:
YouthJusticeVictimRegistration@sa.gov.au
- > Printing the registration form and posting it to:
Youth Justice Victims Officer
Plaza North, Riverside Centre,
North Terrace
Adelaide, SA, 5000

Information on the Victims' Registers is confidential. The person who committed, or is accused of committing, the offence cannot get hold of your details.

Submissions to the Parole Board

Parole is when the offender is released from prison before their sentence ends. They then serve the rest of their sentence in the community.

You can make a written submission to the Parole Board or request a meeting with the Parole Board.

Victims who are on the Department for Correctional Services Victims' Register will be told when a prisoner is eligible for parole.

A submission can include:

- > any safety concerns you might have, for example if you are fearful of the prisoner
- > if you are worried that the prisoner will try to contact you
- > a request that the prisoner is not allowed to visit certain locations or areas
- > any other relevant information.

Submissions to the Parole Board are confidential and prisoners will not have access to them.

Some victims find it too difficult or traumatic to write their own submissions. If this is the case Victims of Crime SA (VOCSA) can help you make a submission.

See the VOCSA website for more information about parole and parole for life-sentenced prisoners.

Compensation

As a victim of crime you may be able to claim compensation for your injuries or losses. There are different ways to claim compensation.

Your rights



You have the right to be told how to get compensation

State-funded victim compensation

Some victims may be able to claim compensation from the government. This includes near relatives of someone who has died as a result of a crime.

Compensation might be paid for:

- > physical and/or psychological injury
- > pain and suffering
- > financial losses – eg loss of earnings
- > dependency claims
- > treatment costs
- > grief (in homicide cases)
- > funeral expenses (in homicide cases).

State-funded compensation is not paid for property loss or damage.

Making a claim

If you would like to make an application for compensation you should speak with a lawyer. A lawyer will give you free advice. If your application is successful the government will pay the lawyer a set fee.

Victims of Crime SA (VOC SA) can give you details of lawyers practising in this area (find their details at the back of this book).

Claims for state-funded compensation should be made within three years of the crime, or one year if the victim of the crime died. For children, the time limit starts when they turn 18.

For more information on victim compensation visit www.voc.sa.gov.au

Finalising a claim

The time taken to process a claim can vary and will depend on many factors.

If the offender is being prosecuted, you will usually have to wait for the criminal proceedings to finish before your claim can be settled.

If you are experiencing financial difficulty, the Crown may approve an interim payment. This will only happen if the Crown has already accepted your claim.

If the victim is under the age of 18, the claim may not be finalised until the victim turns 18. This is to ensure that the full impact of the crime is taken into account.

What do you wish you had known about getting more support?

”

“That talking to others with lived experience really helps.”

”

“I wish I had known what supports were available for child victims - my brother (the victim) had a 16 year old daughter, her mum could get no help for her and she was a mess.”

”

“I wish I had known about the Homicide Victim Support Group and Victims of Crime SA.”

Getting more help and support

There are a lot of places where you can find more help and support as a victim of crime.

- > What are my rights?
- > Where can I get help?
- > Feedback and lodging complaints

What are my rights?

The Declaration in the *Victims of Crime Act 2001* describes the treatment victims can expect from South Australian Government agencies and non-government agencies that provide services to victims of crime.

Victims have the right to make a complaint if they are not treated this way.

If there is something you do not understand you can ask police or VOCSA.

1. Kindness, respect and sympathy

You will be treated with kindness, respect and sympathy taking into account your needs.

2. Information about services

You will be told as soon as possible about the different services that can help you.

3. Information about the investigation of the crime

If you ask, you will be told about how the police investigation is going. Sometimes there may be things the police can't tell you.

4. Information about bail

If you ask, you should be told if an alleged offender applies for bail and the outcome. If you are concerned about your safety you should tell a police officer or prosecutor. They must listen to your concerns. You should be told of any conditions to protect you.

5. Information about the prosecution of accused

If you ask, you should be told of any decision to change or drop the charges. You should be told the reason for the decision. If you are a victim of a serious offence you should be consulted before a decision is made.

6. Choose to attend court

You have a right to go to court in most cases.

7. Told to attend court

You should only be asked to attend court if it is genuinely necessary. You will be told if you must attend.

8. Information about the trial process and role as a witness

If you have to give evidence as a witness in a trial you will be told about how the trial works and what you have to do.

9. Protection from the accused

While your case is in court you should be protected from contact with the accused and defence witnesses.

10. Protection of victims' privacy

You can keep your address and phone numbers private unless the courts says otherwise.

11. Return of property held by the State

If any of your property was taken for evidence you have the right to get it back as soon as possible. This is usually after the court process.

12. Victim impact statement at sentencing

If a person is found guilty you can tell the court how the crime has affected you. This is called a victim impact statement. You can ask for help to do this.

13. Information about compensation or restitution

You should be given information about restitution and compensation for harm suffered as a result of the crime. If you want restitution for property loss or property damage you should tell the investigating officer or prosecutor. The prosecutor can tell the court about your request for restitution.

14. Information about court outcomes

If you ask, you should be told about the court outcome including details of the sentence. You should also be told about any appeal.

15. Request a review

If you are unhappy with an outcome like the sentence you can ask the prosecutor to consider an appeal. You must ask within 10 days of the outcome or sentence.

16. Release of an offender

If you ask, you can be told when an offender is to be released from custody. You can ask to be told when an offender completes community service. You can ask to be told if an offender complied with the conditions of a bond.

17. Submissions to the Parole Board

You can have a say if your offender applies for parole.

18. Outcome of Parole Hearings

If you ask, you should be told the outcome of parole proceedings especially any conditions to protect you. If you ask, you should be told if a mentally incompetent offender applies to vary or revoke a licence.

19. Escape from custody

If you ask, you should be told if an offender escapes from custody. You should also be told when they are back in custody. (See information on Victims' Registers)

20. Right to make a complaint

You can make a complaint if you do not think you have been treated properly. You can ask for information about how to do this.

Where can I get help?

Victims of Crime SA

VOCSA is the office of the Commissioner for Victims' Rights.

VOCSA and the Commissioner can:

- > provide information, advice and support to victims of crime
- > help to deal with the physical, emotional and financial impact of crime
- > arrange court support
- > assist with submissions to the Parole Board
- > help victims in their dealings with prosecution authorities and government agencies.

The Commissioner also monitors and reviews laws and court practices on victims.

Phone: 7322 7007

Email: victimsofcrime@sa.gov.au

Web: www.voc.sa.gov.au

rebuild. Counselling for Victims of Crime

rebuild provides trauma-based counselling and peer support to adult and child victims of crime as they move through the criminal justice process.

Who the service is for:

- > anyone directly harmed by a crime
- > anyone harmed as a result of witnessing a crime
- > parents or caregivers who have been harmed as a result of a crime against their child
- > relatives of a person who has died or suffered harm as a result of a crime.

This is a confidential and free service available state-wide. Counselling and support is available face to face, by telephone or online video appointment. Phone counselling via TTY and TIS is also available.

Hours: 9.00am to 5.00pm | Monday to Friday

Phone: 1800 310 310

Email: rebuild@rasa.org.au

Web: www.rasa.org.au/rebuild

Homicide Victim Support Group of South Australia

The HVSG is a self-help group made up of individuals and families who have been affected by or suffered the loss of a family member or friend through homicide. The group also acts as an advocate for victims of homicide and their families by ensuring victims' rights are acknowledged in the community and advocating for law reform in the area.

Phone: 0423 411 055

Compassionate Friends

The Compassionate Friends (SA) Inc is part of a worldwide organisation offering friendship and understanding to families following the death of a son or daughter, brother or sister.

Compassionate Friends offers support in the grief and trauma which follows the death of a child at any age and from any cause.

Phone: 1300 064 068

or 0456 820 133

Email: tcfsainc@outlook.com

Lifeline

Lifeline is a national charity providing all Australians experiencing a personal crisis with access to 24 hour crisis support and suicide prevention services.

Phone: 13 11 14

Web: www.lifeline.org.au

Lifeline Text – if you find it hard to talk, text 0477 13 11 14. Lifeline Text is available 6.00pm - Midnight (AEST), 7 days a week.

You can also access support via online chat from 7pm to Midnight (Syd time) 7 days.

Other useful contacts

Office of the Director of Public Prosecutions

This includes the Witness Assistance Service (WAS).

Phone: 7322 7055

Email: dpp@sa.gov.au

Web: www.dpp.sa.gov.au

Coroner's Court

Phone: 8204 0600

Email: coroner@courts.sa.gov.au

Address: 302 King William Street,
Adelaide SA 5000

Magistrates Court

Phone: 8204 2444

Email: enquiry@courts.sa.gov.au

There are lots of different magistrate court locations in South Australia.

District Court

Phone: 8204 0289

Email: ccrcs@courts.sa.gov.au

Address: Lower Ground Floor, Sir
Samuel Way Building Victoria Square
SA 5000

Supreme Court of South Australia

Phone: 8204 0289

Email: criminal.registry@courts.sa.gov.au

Address: Lower Ground Floor, Sir
Samuel Way Building Victoria Square
SA 5000

South Australia Police Major Crime Investigation Branch

Phone: (08) 8172 5480

Office of Births, Deaths and Marriages

Phone: 131 882

Address: 91 Grenfell Street,
Adelaide SA 5000

Parole Board of SA

Phone: (08) 8224 2555

Email: DCSParoleBoard@sa.gov.au

Address: 181 Flinders Street,
Adelaide SA 5000

Victims' Registers - Department for Correctional Services

Phone: 1800 370 550

Web: www.corrections.sa.gov.au

Victims' Registers – Forensic Mental Health Service

Phone: 7425 6282

Email: FMHSvictimnokregister@sa.gov.au

Victims' Registers – Youth Justice

Phone: (08) 8463 6488

Email: YouthJusticeVictimRegistration@sa.gov.au

Web: <https://dhs.sa.gov.au/how-we-help/youth-justice/youth-justice-victims-register>

Giving feedback or lodging complaints

As a victim of crime, you have a right to be treated fairly by all South Australian public agencies and officials.

If you feel you have not been treated appropriately or you believe your rights have not been met, you are entitled to complain.

There are a number of things you can do.

Police officers

You should first contact the Victim Contact Officer or a supervising officer at your local police station.

If you are not satisfied with the response you can contact:

- > The Commissioner of Police, GPO Box 1539 Adelaide SA 5001.

You can also contact the Office for Public Integrity which handles all police complaints.

Visit www.publicintegrity.sa.gov.au for more information.

Public prosecutors

You should write to the Director of Public Prosecutions, GPO Box 464 Adelaide SA 5001.

Judges and magistrates

For complaints about the Supreme Court of South Australia you should write to:

- > The Honourable Chief Justice, 301 King William Street Adelaide SA 5000.

For complaints about the District Court of South Australia you should write to:

- > His Honour the Chief Judge, GPO Box 2465 Adelaide SA 5001.

For complaints about the Magistrates Courts in South Australia you should write to:

- > the Chief Magistrate, PO Box 6115 Halifax Street Adelaide SA 5000.

Commissioner for Victims' Rights

The Commissioner can help you if you feel like you haven't been treated properly. They can talk to public agencies on your behalf and ask them to write you an apology if they have not treated you properly.

The Commissioner can't:

- > change a decision made by a judge, magistrate or tribunal member
- > investigate a complaint that is already being investigated by another organisation
- > investigate a complaint that is not covered by the *Victims of Crime Act 2001*.

Phone: 7322 7007

Email: victimsofcrime@sa.gov.au

Web: www.voc.sa.gov.au

You can also write to the Commissioner,
GPO Box 464 Adelaide SA 5001.

