

Understanding mental impairment

Information for victims of crime, legal processes and beyond



Government of South Australia
Victims of Crime SA

Victims of Crime SA acknowledges and respects Aboriginal peoples as the state's First Peoples and nations, and recognises Aboriginal peoples as Traditional Owners and occupants of lands and waters in South Australia.

This booklet has been put together with the help of those who work in a range of areas within the criminal justice system, including the Forensic Mental Health Service, the Office of the Director of Public Prosecutions and South Australia Police. We are grateful for their contribution.



Introduction

Becoming a victim of crime can be frightening, and many people will feel overwhelmed. Most victims expect that the person who committed the crime will face a trial and go to prison.

When issues of mental illness or mental incompetence are raised victims are often confused about what this might mean for them.

This booklet has information about the court process, the mental health system and what might happen to the person who committed the crime.

This booklet should be read alongside our **Information for victims of crime** booklet that outlines the general criminal justice process.

Need more information?

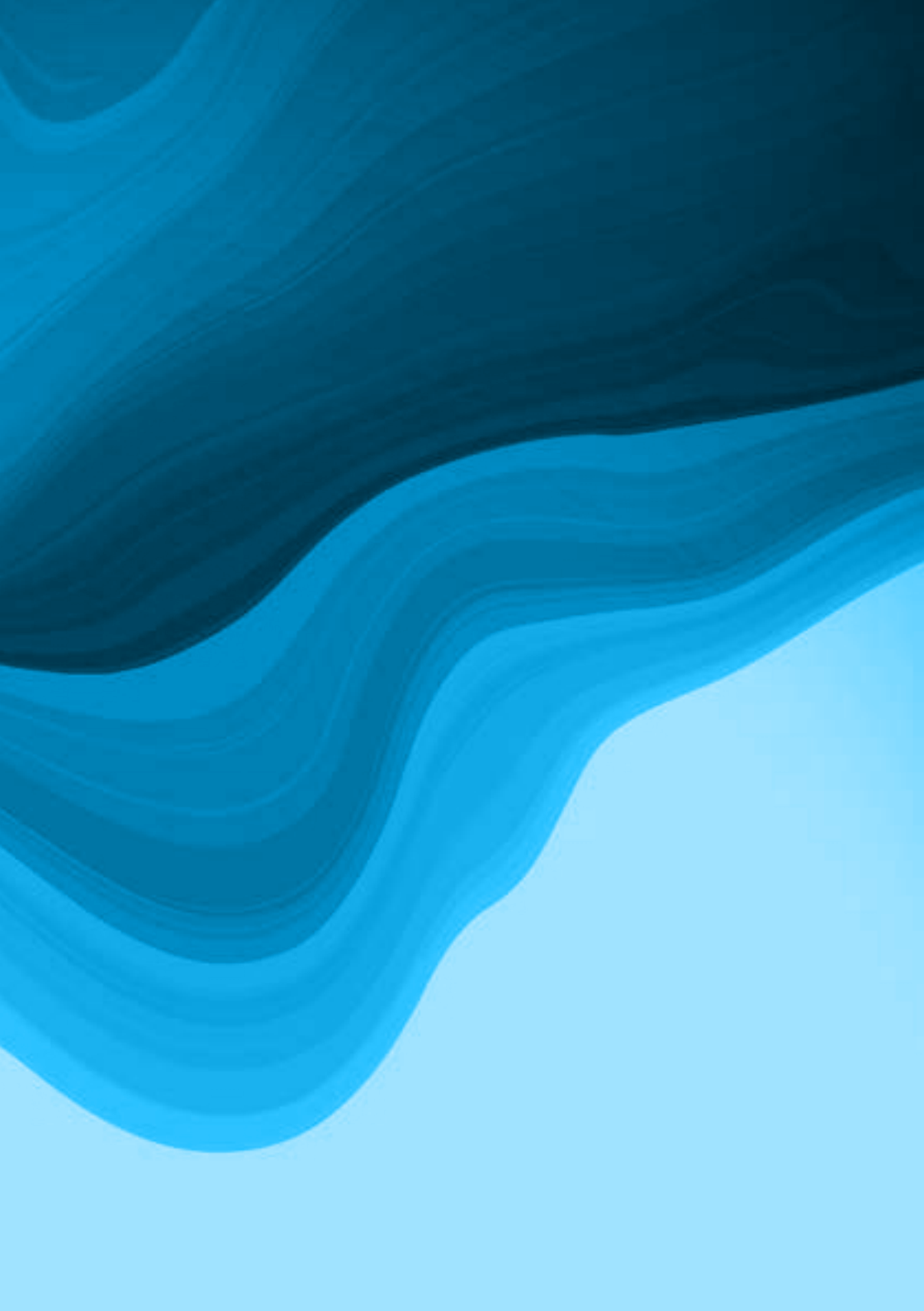
Visit our website to find more about:

- > what to expect after a crime
- > what compensation you might be entitled to
- > where you can go for help.



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What is mental illness?

Mental illness is the term for a wide range of conditions or disorders that can affect mood, thinking and behaviour. These illnesses can cause distress and difficulty in functioning.

There are three main groups of mental illness:

- > anxiety disorders
- > mood disorders
- > psychotic disorders.

Some people will experience a combination of these.

A mental illness may be permanent, episodic or temporary. Some people may experience a rapid onset of symptoms while others have a more gradual deterioration of their mental health.

The causes of mental illness are thought to be genetic, the result of a chemical imbalance, due to environmental factors or a combination of these.

Certain factors may increase the likelihood of developing a mental illness including:

- > a history of mental illness in the family
- > stressful life situations, like financial problems, a loved one's death or a divorce
- > an ongoing (chronic) medical condition
- > a traumatic brain injury
- > traumatic experiences, such as military combat or assault
- > use of alcohol or recreational drugs
- > a childhood history of abuse or neglect
- > social isolation
- > a previous mental illness.

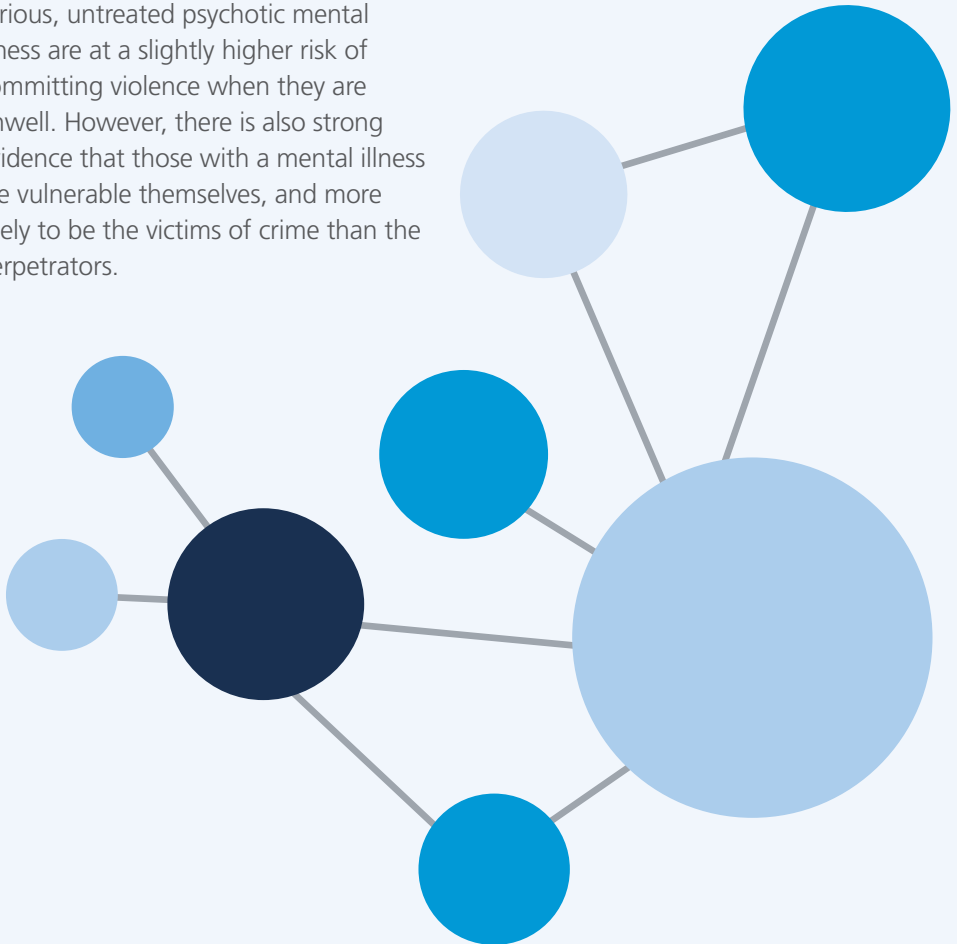
Mental illnesses can usually be treated with a combination of medication, therapy and support.

What are the links between mental illness and violent crime?

There has been a lot of research in Australia and overseas that looks at the relationship between violent crimes and those with mental illness.

These studies show that people with serious, untreated psychotic mental illness are at a slightly higher risk of committing violence when they are unwell. However, there is also strong evidence that those with a mental illness are vulnerable themselves, and more likely to be the victims of crime than the perpetrators.

When people with a mental illness are undergoing treatment, there is often very little difference in the amount of violence compared to others in the community. Once the appropriate treatment starts, most people respond well and the risk of re-offending is greatly reduced.



Mental illness and the law

If an accused person had a mental illness at the time of committing an offence, or is mentally unwell during the court process, this can be raised as part of their legal defence.

You might be concerned that the offender will get away with the crime or that they will be able to 'fake' an illness.

There are many processes in place to ensure the system cannot be manipulated by offenders trying to escape the criminal justice system.

Someone with a diagnosed mental illness does not automatically get a mental impairment defence.

What does the law say?

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

The law relating to people who have a mental illness and who commit criminal offences is covered under Part 8A (Sections 269A - 269ZB) of the *Criminal Law Consolidation Act 1935*.

The legislation specifically deals with criminal offenders who are:

- > mentally incompetent at the time of committing the alleged offence (or offences)
- > currently unfit to stand trial for the alleged offences.



Why are offenders with mental illness dealt with differently by the justice system?

When a person commits a crime, two key elements must be established in the court process:

- > that the person actually committed the crime (actus reus or 'guilty act')
- > that they had a particular intention to commit the crime (mens rea or 'guilty mind').

The court is interested in both what the person did and what the person's state of mind was at the time of the offending.

For people who are mentally ill, their mental illness can remove their ability to understand what they are doing or what they have done.

A person's mental state can also remove their ability to properly understand the court process. In these cases, the court can find the person unfit to stand trial.



Mental impairment and the court process

The court process for prosecuting offenders with a mental impairment is very different to the typical criminal justice process.

This is a general guide to explain the stages involved in mental impairment or unfit to stand trial processes.

Every case is different. Specific information is best explained by the legal staff prosecuting the case involving you and your family.

Raising a defence

When going to court, the accused person's legal team can raise a mental impairment defence or suggest the accused is unfit to stand trial.

This can happen at any time during the court process but usually happens before entering a plea for the first time.

Mental Impairment defence

When the accused raises a mental impairment defence, the court needs to determine whether the person meets the definition of mental impairment or mental incompetence outlined in the law.

Unfit to stand trial

If it is suggested that the accused is unfit to stand trial the court needs to determine whether the person's mental processes are so disordered or impaired that they are unable to:

- > understand the charge or the allegation
- > exercise their rights (for example, the right to challenge jurors)
- > provide instruction to their legal counsel
- > understand the nature of the proceedings, follow the evidence or the course of the proceedings.

A person's fitness to stand trial relates to their mental state at the **time of the trial**, not at the time of the offence.

What's the difference between mental impairment and mental incompetence?

The law has very specific definitions of mental impairment and mental incompetence. These words are **not** interchangeable and mean very different things.

This is outlined in Part 8A of the *Criminal Law Consolidation Act 1935*, but this page explains the difference in simple terms.

Mental impairment is defined as:

- > a mental illness*
- > an intellectual disability
- > a disability or impairment of the mind resulting from senility.

***Mental Illness** is defined as "a pathological infirmity of the mind (including a temporary one of short duration)".

A person is considered **mentally incompetent** if they were suffering from a mental impairment and therefore -

- > did not know the nature and quality of the conduct
- > did not know the conduct is wrong
- > was totally unable to control the conduct.

Much like someone is innocent until proven guilty, the law says a person is mentally competent until proven otherwise. The defence must prove these things for the defendant to be considered 'mentally incompetent'.

MENTAL IMPAIRMENT	MENTAL INCOMPETENCE
> a mental illness*	> did not know the nature and quality of the conduct
> an intellectual disability	> did not know the conduct is wrong
> a disability or impairment of the mind resulting from senility.	> was totally unable to control the conduct.



Ordering expert reports

Where it is suggested that an accused is unfit to stand trial or a mental impairment defence is raised, the court will usually ask for expert psychiatric or psychological reports.

These help the court to better understand the person's mental state.

What are the experts looking for?

In order to write these sorts of reports, psychiatrists or psychologists will hold an interview with the defendant. These interviews often last for an hour or so.

The defendant must sit, concentrate and cooperate with the psychiatrist or psychologist.

The experts will be looking to see whether the defendant is able to follow the questions being asked and if they can recall important autobiographical information.

The experts will need to explain their reasoning and opinion – but ultimately it's up to the court to decide if they agree.

In some cases, the experts might deem the person will be fit to stand trial within the next 12 months. The court can then adjourn to allow the person to have the right treatment.

A person can also be found fit to stand trial with additional support – this could include being allowed extra time or slowed proceedings, more breaks, extra explanations or an interpreter.

Who writes the reports?

The court can order reports from the Forensic Mental Health Service – a specialist area of SA Health. There is a small group of forensic trained psychiatrists who write these expert reports.

The defence can also order a privately funded report from a psychiatrist of their choice, but the court can decide whether they accept the opinion and whether the psychiatrist is able to apply the tests properly.

Can I get access to the reports?

A copy of the report cannot be provided to you as it is court property. But as part of the interview process with victims, the Forensic Court Report Writer will be able to discuss the contents with you. See 'Having your say' on page 22.

Contested reports

Sometimes there is a difference of professional opinion between the relevant experts.

Where this is the case, a court hearing may be held so the experts can explain their report findings before the judge in an open court.

What happens next?

After the reports are submitted to the court and the experts believe the person is mentally competent or fit to stand trial, the case will proceed in the 'normal way'.

If the experts indicate that a person has a mental impairment or is unfit to stand trial, the person will not be found guilty of the mental element (mens rea or 'guilty mind') of the offence.

The court must then still determine if the person committed the physical act (actus rea or 'guilty act') that they were charged with.

These are known as the **Objective Elements** of an offence.

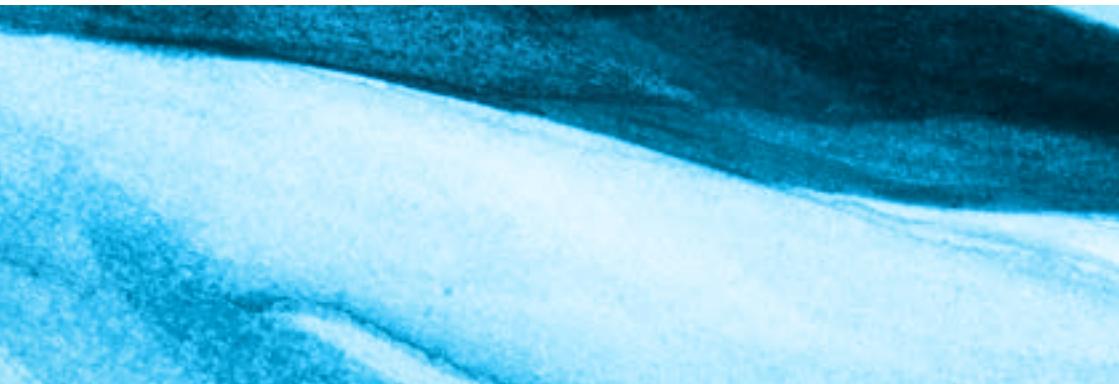
In order to establish the Objective Elements of an offence, the case will proceed to a trial, unless the defence admits the person committed the acts they have been charged with.

During the trial the Objective Elements of the offence must be 'proven' beyond reasonable doubt.

Outcomes from the trial

There are two outcomes after the trial:

- > **The Objective Elements are not proven** - the accused is free to go and will be cleared of all charges
- > **The Objective Elements are proven beyond reasonable doubt** - the finding will be conduct proved, but not criminally responsible due to mental incompetence.



A finding of conduct proved, but not criminally responsible

If the experts have found the person has a mental impairment, is unfit to stand trial and the objective elements are proven beyond reasonable doubt, the court will deliver a finding of **conduct proved, but not criminally responsible due to mental incompetence.**

This language is often difficult for victims and families, who can see this as the defendant 'getting away with the crime'.

This finding doesn't mean the person hasn't committed the crime – it simply means the person could not be found guilty of the 'guilty mind' element of the offence.

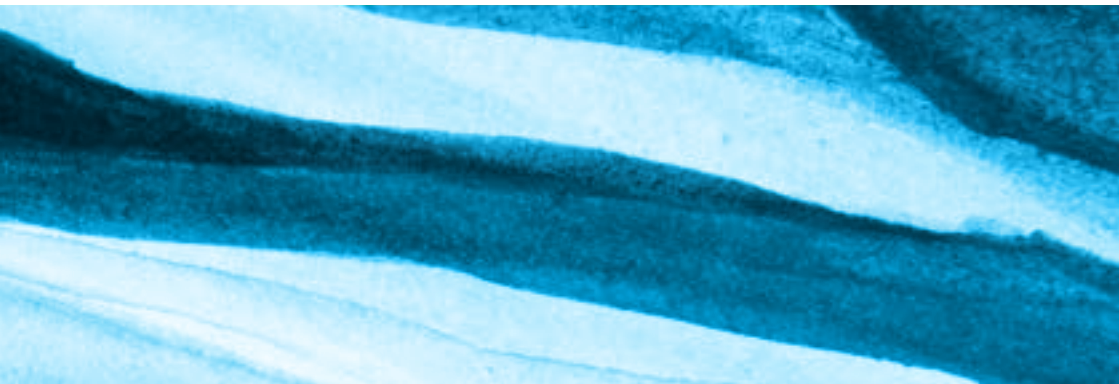
Who will keep me updated?

If you want to be kept up to date with the proceedings, make sure you speak to the relevant people and tell them.

For matters prosecuted in the Magistrates Court, the police prosecutor will keep you informed.

For matters prosecuted in the District or Supreme Court, the Director of Public Prosecutions or your Witness Assistance Officer will keep you informed.

Speak with these groups if you have questions about the process.



Supervision

At this stage the court has found the person to be mentally incompetent or unfit to stand trial and has found they committed the crimes they were charged with.

Being declared Liable to Supervision is similar to being sentenced in a regular court process.

To make this decision, the court will consider a number of different reports. These will include:

- > a report from the Minister of Health that covers things like diagnosis, prognosis and a suggested treatment plan (also known as a S269Q report)
- > one or more reports from psychiatrists or other experts
- > a Victim Next of Kin Counselling Report (also known as a s269R report).

Based on the reports the court can either:

- > commit the defendant to detention
- > release the defendant on licence
- > release the defendant unconditionally.

Decisions about supervision

When deciding on the appropriate supervision, the judge will consider:

- > the nature of the defendant's mental illness or impairment
- > whether the defendant is likely to endanger other people
- > whether there are adequate resources available to treat and support the defendant in the community
- > whether the defendant is likely to comply with conditions of a licence
- > any other matter the court thinks is relevant.

Magistrates Court

In the Magistrates Court, not all cases are declared liable to supervision and the magistrate can choose how the process will proceed.

The lower court can also decide how many reports are ordered and whether a Victim Next of Kin Counselling report is one of them.

Limiting terms

Once a person is declared Liable to Supervision, the court will also impose a limiting term.

A limiting term is the amount of time the person will be supervised, treated or detained. It usually reflects the length of the sentence the person would have received if they had not been declared mentally incompetent or unfit to stand trial.

Once the limiting term ends, the offender is no longer required to abide by any licence order - unless there is an application for a continuing Supervision Order.

If the offender is in James Nash House at the end of the limiting term, they must be released from hospital as there is no longer any authority to hold them in custody or a secure setting.

Committed to detention (James Nash House)

When a person is declared liable to supervision and committed to detention, they will be detained in a Forensic Mental Health Facility (James Nash House), or other appropriate secure facility.

If a person is detained in James Nash House they will be placed in a high, medium or low security ward as appropriate. All wards are supervised and detained 'patients' cannot leave the unit unless approved by the court (or for emergency medical reasons).

As forensic patients stabilise or recover, they may move from a high security ward to a medium or low security ward as their mental illness is treated.

James Nash House also has a number of specific 'rehabilitation' wards for patients who are preparing to enter back into the community at some stage in the future.

How long will they stay in a facility?

The process of treatment and rehabilitation for mentally ill offenders, particularly those charged with serious crimes, can be long and release into the community is not guaranteed.

The amount of time someone stays at James Nash House depends on:

- > the nature of their illness
- > how well they are responding to treatment
- > the severity of the crime.

Forensic mental health staff carefully manage and monitor their progress.

Patients will only undertake limited community treatment (or be discharged) if staff are certain they do not present a risk to their own safety, their victims or the public.

If they get better will they go to jail afterwards?

No.

A person who has been found conduct proved, but not criminally responsible due to mental incompetence will not go to jail when the matter is finalised and will not have a life sentence or a 20- year non-parole period set.

Depending on their clinical issues, they may be sent to James Nash House for ongoing treatment and rehabilitation.

If their mental state is settled and James Nash House believes they can receive treatment in prison, the offender may spend some time in prison until either the court releases them on a licence to the community or they are transferred to James Nash House when there is a bed available.

This is a clinical decision made by the Clinical Director of Forensic Mental Health Service.

It is important to know that some people's mental health never improves to the point where they can be released.

Released on licence (Supervision Orders)

When a person is declared liable to supervision and released on licence, they will not be detained in a secure setting. Instead, they will serve their sentence in the community.

The court will impose conditions that the defendant must abide by. The legal document spelling out the conditions is known as a Supervision Order.

Common conditions in a Supervision Order

These can include:

- > not contacting victims or their families
- > following all directions about treatment or medication
- > complying with agreed treatment plans
- > seeing their psychiatrist on an agreed basis
- > being under the supervision of a Community Corrections Officer
- > not consuming alcohol or other illicit substances
- > not entering licensed premises
- > submitting to random urine drug testing
- > not leaving South Australia without permission
- > living only at an approved facility or residence
- > not committing further offences
- > being prohibited from owning a firearm.

Breaching supervision conditions

If the person does not abide by the conditions in their Supervision Order, the matter may return to court.

In these cases the prosecutor, Community Corrections Officer and Forensic Mental Health Service will discuss the matter in detail to determine the next steps.

In some cases, an urgent application may be made to the court by the DPP. This is usually when:

- > the defendant does not report for agreed appointments
- > they cannot be located (absconds)
- > their mental state starts to deteriorate
- > they again become mentally unwell.

The matter can then come back before the court and appropriate action may be taken.

A Supervision Order can be revoked and the defendant detained, or stricter conditions may be imposed to increase the level of supervision.

Varying a Supervision Order

Throughout the supervision period, the defendant may apply to vary their Supervision Order for a number of reasons.

They can apply to be allowed to do certain things, for example:

- > attend relevant programs
- > attend local facilities on a supervised or restricted basis
- > be allowed overnight stays at an approved residence
- > travel interstate for specified reasons.

They can also apply to change their accommodation arrangements:

- > from a closed detention ward to an open detention ward
- > to be released into appropriate community accommodation
- > to live with appropriate family or friends
- > to another appropriate or agreed arrangement.

Where the supervision conditions are changed for a specific reason (i.e. interstate travel) arrangements are put in place to make sure the person is adequately supervised or monitored.

Where they apply to vary their Supervision Order, the court will again order relevant reports including an updated Victim Next of Kin Counselling Report. This is where you will have another opportunity to express your views about the proposed changes to the supervision conditions

What does this mean for victims?

It can be very distressing for some victims and families when a defendant applies to change their Supervision Order.

You have a right to be informed of any developments or changes, but you might also be attempting to 'move on' from what has happened. It can be especially difficult when a defendant is applying for greater freedoms or a 'relaxing' of their supervision conditions.

It is important that you inform the prosecutor, Witness Assistance Officer or staff at the Forensic Mental Health Victims Register if you feel you need a temporary or permanent break from being contacted about outcomes and developments.

Forensic Mental Health Service Victim Register

Once a defendant is declared liable to supervision and a limiting term is set, staff from the Forensic Victim Register will be your main contact point.

They will continue to update you about future matters or court proceedings if you choose to be registered for this service.

The Forensic Court Report Writers at interview will ask whether you would like to be added to the Register and receive updates and support. You can choose not to have continued involvement or receive updates if you prefer.

Some families prefer to nominate a 'family spokesperson' who can advise on matters as they occur, make decisions for the family or provide their views on behalf of the family.

If you need information about the accommodation, supervision and treatment of a person who has been declared liable to supervision, the Forensic Court Report Writer and Forensic Victim Register will be able to help you.

Having your say

As a victim of crime, you have a right to tell the court how the crime has affected you or your family.

In cases where the crime was committed by someone with a mental impairment and they are being placed under supervision, you will be invited to express your view.

Victim Next of Kin Counselling Reports

If you are a victim, or the next of kin of a deceased victim, you will be invited to have your say about the defendant's supervision via the Victim Next of Kin Counselling Report (VNOKCR).

The prosecutor will determine who the victims and next of kin are for interview for the VNOKCR. The defendant's next of kin will also be provided with an opportunity to put forward their views.

When a VNOKCR is ordered by the court, you will be contacted by the Forensic Court Report Writer who is a social worker from the Forensic Mental Health Service. They will talk with you and collate your views into a formal report for the court.

The Forensic Court Report Writer will also advocate for you at court and liaise with the DPP or police prosecutor to alert them of any concerns you may raise during your interview.

They can also refer you to additional support services if required, including the Forensic Victim Register.

What goes into a VNOKCR?

As part of the VNOKCR interview process, you will be asked to explain what happened in your own words. This is often included in the report.

You may also be asked to talk about:

- > the impact of the offence on you (and members of your family)
- > your view about treatment plans or proposed arrangements
- > any safety or security concerns you have
- > any supervision conditions you feel might be helpful to you
- > any other information you think is relevant or important for the court to know.

Expressing your views in a VNOKCR is voluntary. Sometimes victims decide they do not want to participate in the preparation of a VNOKCR.

It is your right to say that you no longer wish to have your views communicated to the court or to be advised of any applications made by the person.

Victim impact statements

A victim impact statement (VIS) can help the judge or magistrate understand how the crime has affected you.

A VIS is separate to and different from a VNOKCR report.

As a victim, you have the right to make a victim impact statement. You don't have to make a VIS though - it's your choice.

Your VIS is one of the things the judge or magistrate thinks about when they sentence the offender.

What to include in a VIS

In your VIS you can talk about how the crime has affected you.

This might include:

- > how injuries have affected your life (such as work, sport or leisure activities)
- > cost of 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
- > effects on your lifestyle and activities (such as trouble sleeping or eating)
- > how safe you feel.

If you would like to make a VIS, you should speak with your Witness Assistance Officer if you have one assigned.

You can also contact Victims of Crime SA for assistance.

Our website has more information about writing a VIS and what to include. See www.voc.sa.gov.au/vis

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 happen while you are feeling confused and disoriented.

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

Things to remember

If you are thinking of speaking to the media about what has happened, you should consider the following:

- > You should not speak to the media if someone has been arrested or if there are any legal proceedings in progress. It could affect the case.

- > Don't feel pressured or obligated to provide photos to the media. Once you have provided a photo you do not have control over its use. Before providing a photo, think about how you might feel if the photo is used in 10-years' time.
- > Your case may be presented in a way you do not agree with, and this can be upsetting.
- > If police are still investigating, media publicity could affect their enquiries.

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

More information about dealing with the media is available on our website, www.voc.sa.gov.au/dealing-with-media

What are my rights?

Your 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 Victims of Crime SA.

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.

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 then 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

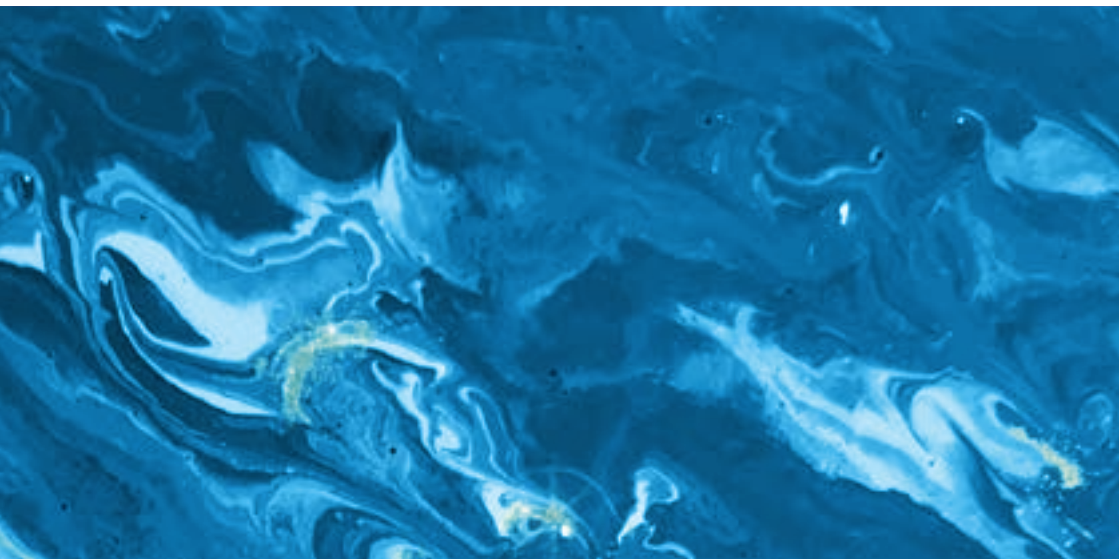
If you ask, you should be told the outcome of parole proceedings especially any conditions to protect you. If you ask, you should be told if a mentally incompetent offender applies to vary or revoke a licence.

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.

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

Victims of Crime SA is led by the Commissioner for Victims' Rights and supports South Australian victims of crime. Our office can:

- > provide information, advice and support
- > help to deal with the physical, emotional and financial impacts of crime
- > help victims in their dealings with prosecution authorities and government agencies.

The Commissioner for Victims' Rights is an independent statutory officer appointed to help victims of crime, advocate on their behalf and ensure their rights are upheld. 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

Director of Public Prosecutions (ODPP) including Witness Assistance Service (WAS)

The DPP is responsible for prosecuting people who have been charged under South Australian laws with serious criminal offences.

The WAS provides a statewide information, education, support and referral service to victims of crime, witnesses for the prosecution, and their immediate families in matters dealt with by the Office of the Director of Public Prosecutions.

Phone: 7322 7055

Web: www.dpp.sa.gov.au

Victim Register - Forensic Mental Health Service

The coordinator of the Forensic Mental Health Victim Register gives victims key information including:

- > court decisions relating to forensic offenders
- > prospective release dates
- > escapes from detention and re-admissions
- > when the offender's term in detention or under supervision ends.

The coordinator of the Victim Register can also refer victims to appropriate counselling or other supports and provide advocacy and regular updates.

Victims can request contact when there are any significant changes with the defendant (e.g. breaches of Supervision Orders, court dates, variations).

If you were previously registered with the Department for Correctional Services Victims' Register your registration will be automatically transferred to the Forensic Victim Register when applicable.

Phone: 7425 6282

Email:

healthfmhsvictimnokregister@sa.gov.au

South Australia Police

000 Police, Fire, Ambulance in an emergency

131 444 Police Assistance Line for non-urgent police assistance

1800 333 000 Crime Stoppers report crime anonymously

Web: www.police.sa.gov.au

Police Prosecution units

Adelaide	7322 3904
Barossa	8568 6612
Berri	8595 2004
Christies Beach	8392 9116
Ceduna	8626 2020
Elizabeth	8207 9416
Kadina	8828 1116
Mount Barker	8398 1787
Mount Gambier	8735 1043
Murray Bridge	8535 6026
Port Adelaide	7322 4590
Port Augusta	8648 5051
Port Lincoln	8688 3033
Port Pirie	8638 4032
Whyalla	8648 8012

Additional support

Being a victim of crime can be overwhelming. It is important to look after yourself and get support if you need it.

There are a range of support services that can help you in South Australia.

Visit our website to learn where you can go for help.



www.voc.sa.gov.au

Feedback or lodging complaints

As a victim of a crime, you can make a complaint if you believe you have not been treated properly. You can:

- > Speak to the person you are dealing with about the problem – most complaints can be sorted out easily
- > If that doesn't work, follow the agency's complaint process
- > If you are still not satisfied, you can make a complaint to the Commissioner for Victims' Rights.

Police officers

You should first contact the Victim Contact Officer at your local police station. If this doesn't help, you can write to:

Commissioner of Police
GPO Box 1539
Adelaide SA 5001

You can also make a complaint to the Office for Public Integrity.

You can fill out an online form at www.publicintegrity.sa.gov.au

Email: admin@opi.sa.gov.au

Phone: 8463 5173

Complaints: 1300 782 489

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

Your rights



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.



Government of South Australia
Victims of Crime SA