

Information for victims of crime

What to expect and how to access the justice system



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 attending officer:

Signed:

Rank and no:

Station:

Contact number:

Do you want to be kept informed about the progress of your case:

Yes

No

Introduction

Being a victim of crime can be scary, and many people will often feel overwhelmed and lost.

This booklet answers some of the most common questions about being a victim of crime and will help you navigate the criminal justice system. This includes topics like:

- > what to expect after a crime
- > things to think about if you need to go to court
- > what compensation you might be entitled to
- > where you can go for help.

Anyone can be a victim of crime.

Victims of crime have an important part to play in our community. Your willingness to report crime, cooperate with investigators and prosecutors and testify in court, underpins our criminal justice system.

As a victim of crime, you have rights that protect you and make sure you're treated fairly by the criminal justice system.

What do these words mean?

Accused
A person charged with a crime, also called the defendant.
Offender
A person who has harmed/hurt someone else.
Victim
A person who has been hurt by someone else.
Restitution
A request to the court for the offender to pay for the damage to the victim or their property.
Compensation
When a violent crime affects a victim either physically or psychologically, the victim can submit a claim when the offender is found guilty.

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.

Need more information?



Visit our website to find more about:

- > what to expect after a crime
- > things to think about if you need to go to court
- > what compensation you might be entitled to
- > where you can go for help

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.

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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.

A victim is any person who suffers harm as a result of a criminal offence. The person responsible for the crime is not considered a victim.

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 the Commissioner for Victims' Rights.

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 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.

Obligations for victims

When interacting with the criminal justice system, victims and witnesses also have a duty to:

- > tell the truth
- > help police with their investigations
- > meet with prosecution staff when required
- > update contact information with SAPOL and other agencies when there is a change
- > contact police or prosecution staff if there are concerns.

Impact of crime

Crime affects people in different ways. The way a person feels can change from day to day. Some days you may cope better than others.



Common reactions

- > exhaustion and tiredness
- > changes in sleeping patterns – eg nightmares or insomnia
- > pain – eg headaches or stomach aches
- > heart palpitations
- > changes in appetite
- > hypervigilance – constantly feeling on alert
- > easily startled – outbursts of anger
- > difficulty concentrating or remembering
- > avoiding people or places to do with what happened
- > flashbacks about the crime
- > wanting to be alone.

It is important to remember that all these feelings and reactions are common and a natural part of dealing with crime. They are usually temporary and with time and support, the impact of crime should get easier to manage.

Everyone has their own way of coping. Here are some ideas that might help you:

- > structure your life as much as possible
- > defer major life decisions
- > accept that you may have good days and bad days
- > eat regularly and nutritiously
- > make sure you get physical exercise
- > limit your alcohol and drug use
- > keep a journal of how you feel each day
- > be kind and gentle with yourself
- > talk about how you feel with someone you trust.

Your rights



You should be told about services that can help you and how to contact them.

The police or hospital staff should tell you about special services that help victims of crime. You can talk with staff at these special services. Talking can help you feel better.

It is important to look after yourself, and get any support and treatment you need.

There are also support services that can help you manage the effects of crime. If you would like information or support contact Victims of Crime SA or one of the support services in the back of the book.

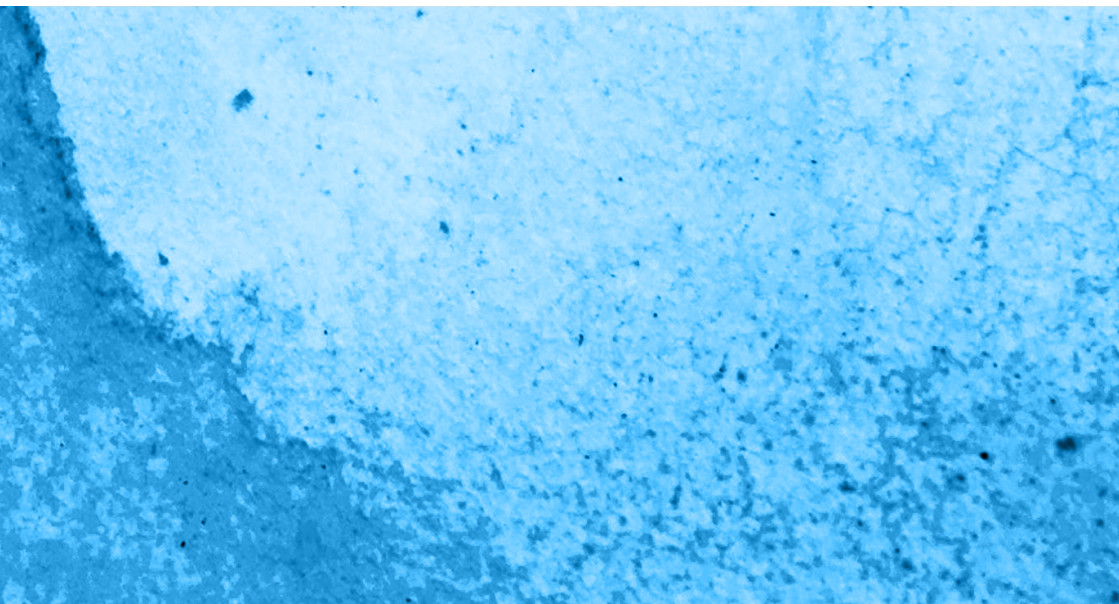
Children as victims of crime

When children are victims of crime, their reactions may be different to adults. They may not have the words to communicate what they are feeling. They may feel overwhelmed with guilt or fear. Some children may be too scared to tell anyone what they have seen or know.

Some children act out physically while others become withdrawn. They might carry the hurt for a long time, and it might impact on other relationships.

Children who suffer trauma may:

- > wet the bed
- > behave badly
- > eat too much or too little
- > cling to adults
- > become withdrawn or fear being alone
- > have headaches
- > fight with friends
- > lose concentration.



Sometimes it is hard for family and friends to understand, respond to and provide support to children after a crime.

Professional help is recommended for children to support their recovery.

There are a number of different support services aimed at children.

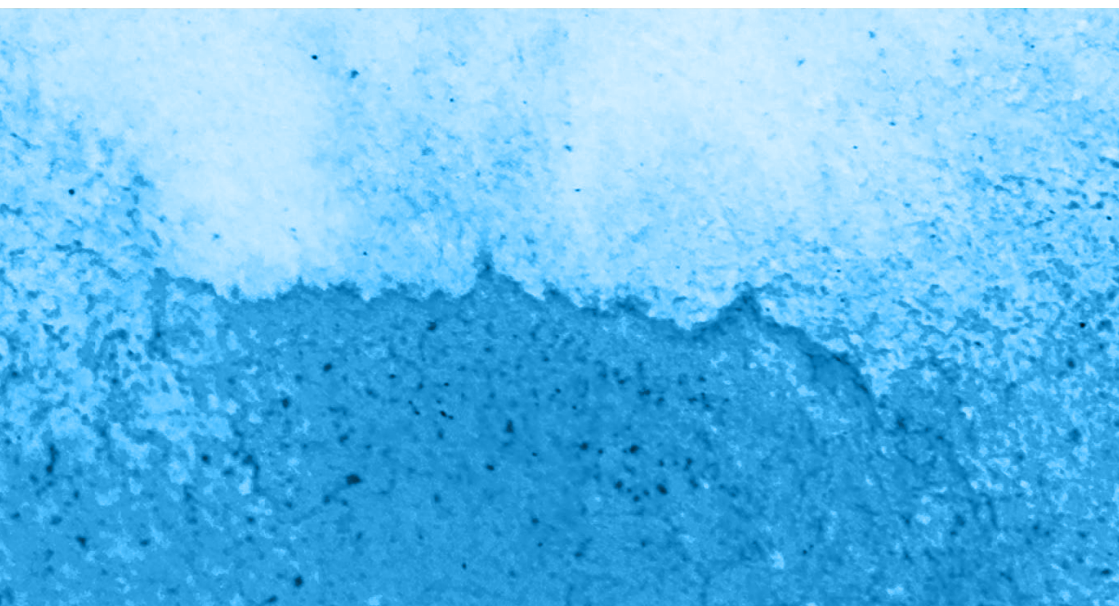
Victims of crime with disabilities

If you are caring for someone with a disability who is a victim of crime, it's important to know there is extra help available. There are special protections outlined in legislation for victims or witnesses with disabilities (including intellectual disabilities or acquired brain injuries) of sexual crimes.

The *Summary Offences Act 1953* requires that certain persons must be interviewed by a prescribed interviewer (someone with additional skills to properly conduct the interview).

It may also be useful to let your local carer support service know that you may need some extra help during this time, including respite.

More information is available through Carers SA (find their details in the back of this book).





DO

Believe the victim

Spend time with them

Listen attentively

Tell them you're sorry to hear about the event

Help them feel safe

Help with everyday tasks like cleaning, cooking, caring for family and childcare

Encourage them but don't pressure them to talk about what has happened

Be patient – people recover in their own time



DON'T

Blame the victim or yourself

Be afraid to ask questions and to explore the issues

Take angry outbursts personally

Say things that downplay the situation like "Lucky it wasn't worse" or "Just get on with your life"

Say things that unintentionally put blame on the victim like "What were you doing there at that time anyway?" or "You'll know not to do that again!"

How you can provide support

Sometimes it's hard to know how to act, or what to say during such a traumatic time. You may also be feeling upset, knowing what has happened to someone you care about.

Types of crime

There are many different types of crime. The information in this book is for anyone who is a victim of a criminal offence. This could be something like property damage, fraud, burglary or theft, serious criminal trespass (housebreak), assault, sexual assault, domestic and family violence, or homicide (murder or manslaughter).

For certain crimes, there is specialised information and support, such as:

- > domestic and family violence
- > sexual assault
- > homicide
- > road trauma
- > scams and cybercrime
- > crime in the workplace.

Domestic and family violence

Domestic violence is a pattern of abusive behaviour by one person against another within a marriage or dating couple, or within a family.

It occurs in all social, age and cultural groups.

All domestic and family violence is unacceptable.

Domestic violence is damaging to victims, children, family and friends.

The South Australia Police support victims of family and domestic violence and give the highest priority to the protection and ongoing safety of victims and their children. Where possible police will try to hold the person responsible for the violence accountable for their actions.

If you would like information about your options you can contact the police Family Violence Investigation Section in your local service area (find these details in the back of this book).

For information, counselling or emergency accommodation contact:

- > Domestic Violence Crisis Line
1800 800 098
- > National Sexual Assault Family and Domestic Violence Counselling Service on 1800RESPECT
(1800 737 732)



If you are a female victim of domestic violence and concerned about your safety at home you can contact the Safe at Home program about a home

security audit, security upgrade and information about safety planning (find these details in the back of this book).

Sexual assault

Sexual assault is a very serious crime. The effects can be traumatic and long lasting.

If you are a victim of sexual assault remember it is not your fault.

If you believe you are unsafe right now you should call the police on 000.

After being sexually assaulted you may be faced with some decisions. You may need to think about the following:

- > Do I need to see a doctor?
- > Should I tell the police?
- > Will I need counselling?

There are people that can help you understand your choices.

You can talk to someone from Yarrow Place, which is the Rape and Sexual Assault Service (find their details in the back of this book).

You may need to make some decisions sooner than others.

For more information, see our 'Information for victims of sexual assault' booklet on our website:
www.voc.sa.gov.au



Homicide

Losing a loved one to homicide (murder or manslaughter) is an extremely traumatic 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.

For more information, see our 'Information for people affected by homicide' booklet on our website: www.voc.sa.gov.au.



Road trauma

If someone you love or care about has been killed in a road crash, you may be experiencing intense grief. You might feel overwhelmed or helpless.

You may also be faced with a lot of decisions and have practical things to think about.

For more information, see our 'Information for people affected by road trauma' booklet on our website: www.voc.sa.gov.au



Scams and cybercrime

Even the most careful people can become victims of fraud.

Scams and cybercrime can have lasting impacts that can leave victims feeling emotionally violated as well as financially crippled.

For more information, see our 'Fraud, scams and cybercrime' brochure on our website: www.voc.sa.gov.au



Crime in the workplace

If a crime has happened in your workplace and you are injured Return to Work SA may be able to help. Return to Work SA can help you recover from a work injury and get you back to work as soon as it is safe to do so.

You should let your employer know that you have been injured as soon as possible. If you are physically unable to do this yourself, a family member or friend can do this for you.

You should see a doctor so they can assess your injury and determine treatment for your recovery. If you've lost time from work you may need a doctor to provide you with a Work Capacity Certificate.

For more information contact Return to Work SA (find their details in the back of this book).

The justice journey

The journey for victims depends on what crime is being investigated, and what court the offender has to go to.

Reporting the crime

It is your decision to report the crime, but police always encourage victims of crime to report their matter.

Some reasons you might want to report include:

- > ensuring your safety
- > helping to stop the offender from harming others
- > believe the offender should be held accountable
- > seeking compensation.

It's a good idea to report the crime as soon as possible after it has happened to prevent any loss of evidence.

How do I report a crime?

There are a number of ways to report a crime.

- > In an emergency, if you or someone else is in danger call Triple Zero 000.
- > If you are not in danger call the Police Assistance Line on 131 444.
- > You may prefer to telephone or go to your local police station and speak to a police officer there. You can find the

phone number, location and opening times of your local police station using the South Australia Police website www.police.sa.gov.au

- > If you want to report crime anonymously call Crime Stoppers on 1800 333 000.

There are specially trained officers able to assist child victims, victims of family violence and victims of sexual assault. You can ask for one of these officers.

Your rights



A victim should be treated with courtesy, respect and sympathy and with consideration for any special needs.

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

You should also let the police know if you, or a loved one, have any specific needs (such as communication difficulties) or require the support of an interpreter.

Make sure police have your correct contact details as they may need to contact you.

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.

If the police find the person who hurt you or your property, you can ask them what the person's name is and what they are in trouble for (this is called the charge).

There will be no court hearing if the police cannot find the person who hurt you or your property. You can still get help from the special services who help victims of crime.

What happens during the police investigation?

After a crime is reported the police will assess and may start an investigation. A police officer will be assigned to the case. You can ask for this police officer's name and contact number.

The police will collect evidence. This might include:

- > taking a statement from you (if later, you remember something you did not tell the police you should contact the investigating officer as soon as possible)
- > taking statements from any witnesses collecting physical evidence, such as clothing, property, medical evidence or electronic evidence – ie CCTV footage.

The police must take into consideration if you have additional needs (like being under 14 or have a disability) so it's important to let police know if you need or would like extra support during an interview.

Collecting evidence

Medical evidence

If you have been assaulted or injured, the police may ask you to see a doctor who will examine you and document your injuries. This is your choice, but it can provide important evidence for the case.

Sometimes your injuries will be photographed to use as evidence in court. You can have a support person with you throughout this process.

Sometimes you may be asked to provide a DNA sample as a victim, or as someone who has been at a crime scene.

For more information, see our 'Forensic procedures' brochure on our website:
www.voc.sa.gov.au



Crime scene

Police may need to take photographs of the crime scene or check for fingerprints or DNA. They may ask you to leave certain things untouched until this is done. This might be inconvenient, but they may find important evidence by doing this.

If your property is needed as evidence

Some of your property may be related to the crime. Police may need to take these items for use as evidence in court. If this happens, ask police for a receipt for your items.

If you have any questions about your property you can ask the investigating officer.

Your rights



If any of your property was taken for evidence you have the right to get it back as soon as possible.

Identifying the offender

Police may ask you to look at photographs or attend an identification parade to try to identify the offender.

Recording the effects of the crime

It is important that you record the effects of the crime including any injuries and losses. This information may be useful if you want to make a victim impact statement and an application for compensation.

Coronial process

If a friend or family member has died suddenly you may also have to cope with a coronial investigation. The police will collect information to give to the State Coroner. The coroner must then determine the cause and circumstances of death.

There is help available from the coroner's office. Social workers at the coroner's office provide free counselling, information and support including:

- > initial grief and crisis counselling immediately following the death of a loved one
- > counselling at key points, for example when a finding is made
- > in appropriate circumstances, assistance to view the body of the deceased
- > providing specific information about the coronial processes as it relates to your loved one
- > help in preparing for inquests
- > information about bereavement support groups
- > information on helping children to understand death
- > referrals to longer term counselling and other resources.

For more information contact the Coroner's Court or Victims of Crime SA (find these details in the back of the book).



Finding out the progress of the investigation

You can ask the police investigator for an update on the case.

If the investigator is not available you can speak with a victim contact officer (find these details in the back of this book).

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 – eg 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 person accused of committing the crime is often called the 'alleged offender' or the 'accused'. This is because the law in South Australia says people are innocent until proven guilty in court. It isn't because you are not believed.

If it is a serious offence like assault or domestic violence, the police can decide to lay charges even if you don't want them to. They will speak to you about this decision.

Your rights



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.

Staying informed

As soon as an accused is taken into custody you can register to be kept informed. There are three different victim registers you can apply to, depending on the type of crime committed and the offender. For more information see page 26.

Bail

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

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

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.

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

The police investigator should tell you:

- > if the person accused of committing the crime against you 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.

Your rights



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.

The decision to prosecute

After a person has been charged the case will be handed to a prosecutor – this might be a police officer or a lawyer who works for South Australia Police or the Office of the Director of Public Prosecutions (ODPP).

This depends on whether the case is going to the Magistrates Court or the District or Supreme Court. The prosecutor will decide whether to take the case to court or if the accused is a youth, consider diversion to a Family Conference.

The prosecutor works for the government and is responsible for prosecuting the case. You may need to be a witness for the prosecution to help prove the case against the accused. You do not need a lawyer as the prosecutor is a lawyer.

The prosecutor will look at all the evidence and decide if it is strong enough to prove that the accused is guilty. They must prove beyond reasonable doubt that the accused committed the crime they are charged with.

The prosecutor makes the final decision about going to court.

It's important to remember that investigations and court matters can take a long time – sometimes it can be many years before there is a resolution.

Going to court

Once the police investigation is finished, the charges determine what court the case is heard in.

The court the case will go to depends on the type of crime and the age of the accused person.

Types of courts

Criminal matters are dealt with in the Magistrates Court, District Court or Supreme Court.

If the accused person is under 18 years old, or was under 18 at the time of the offending, the matter may be dealt with in the Youth Court or diverted to a Family Conference.

If you are unsure which court your matter will be heard in you can ask the investigating officer.

The court process

You will receive a letter with details about of the first court date.

You do not need to go to court unless you have been asked to attend, or you've received a subpoena.

There are some situations where you are not allowed to sit in court. This includes:

- > if you are going to give evidence later in the case
- > if the judge or magistrate has made an order closing the court.

The Victims of Crime SA website has lots of helpful information about the court process and what to expect. Visit www.voc.sa.gov.au/going-to-court

There are often several court hearings before a matter is finalised. Court dates can change suddenly.

At one of these hearings the defendant will plead guilty or not guilty.

- > If the defendant pleads guilty, a date will be set for a sentencing hearing.
- > If the person pleads not guilty, the case will go to trial.

Your rights



You have the right to be told about the charge, the name of the alleged offender and the court hearing.

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

Always check with the police, prosecutor or the sheriff's officer.

Family Conferences

Where a young person admits to the offence, the Police or Youth Court may decide to divert them away from court to a Family Conference.

This diversion is based on Restorative Justice and focuses on addressing the harm caused by the crime while holding the young person responsible for their actions.

A Family Conference will provide you with an opportunity to meet with the young person - and sometimes their community - to decide how to repair the harm the crime caused. You will be invited to explain how the young person's behaviour has affected you and contribute to the meetings outcome.

As a victim, you will be asked if you wish to participate, be represented or informed of the outcome.

Victims and witnesses in court

The thought of going to court might make you feel nervous. Planning your day can help. You might like to:

- > think about what you will wear – it is best to wear conservative but comfortable clothes. It is also good to take a jumper as it can be cold in some courtrooms

- > plan how you will get to court – eg public transport
- > take something to do while you are waiting – it can be unpredictable how long your case might take
- > take something to eat and drink
- > think about whether you would like a support person with you
- > plan to arrive 30 minutes before the case starts.

You must go to court if the police tell you to go.

Your rights



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

You have the right to ask for support if you have to go to court.

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

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

Giving evidence

Most people feel anxious about having to give evidence. This is normal and there are lots of supports available to help you.

The Victim Support Service trains volunteers to support people who are giving evidence at trials in the District and Supreme Courts.

You can learn more about the Court Companion program at www.victimsa.org/gethelp/courtcompanions

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

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

Sometimes the prosecutor can ask for special provisions to protect you as well.

Your rights



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

Victim impact statements

As a victim, you have the right to make a victim impact statement (VIS). A VIS can help the judge or magistrate understand how the crime has affected you. It's one of the things they think about when deciding what penalty to give the offender.

In your VIS you can talk about how the crime has affected you. This might include:

- > medical treatment, injuries and how they have affected your life
- > how the crime has affected your relationships
- > your feelings and reactions to the crime
- > the effects on your lifestyle.

Your rights



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

Different ways of presenting a VIS

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

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.

Victims of Crime SA can also help. Visit our website for more information: www.voc.sa.gov.au/vis

Getting updates on the case

You will not receive automatic updates about the case.

You can get information about your case by contacting the prosecution authority dealing with your matter. If a Witness Assistance Officer has been assigned you can speak with them too.

Your rights



You have the right to be told about the court outcome including details of the sentence.

You should also be told about any appeal.

The Courts Administration Authority can provide information about court proceedings including the progress of a case and the result. You can find their details in the back of this book.



After court

Access to court documents

If you are a victim of crime and the offender went to court you can ask for copies of certain court documents.

The Commissioner for Victims' Rights can get free copies of some court documents for you or your immediate family. These documents include:

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

Remarks on verdict and remarks on penalty or sentence are not always available in the Magistrates Court.

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 the Victims of Crime SA.

Appeals

Both the prosecutor and the offender can lodge an appeal. This means a higher court will look at the case again.

The offender can appeal against being found guilty or against the sentence.

The prosecutor can appeal against the sentence if they think it was not adequate or legally correct.

You can write to the prosecutor asking that an appeal be considered. You must do this within 10 days of the court's decision. You can speak to the Commissioner for Victims' Rights if you need help to do this.

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.

The Commissioner for Victims' Rights can help you.

Victim Registers

As a victim of crime, you can find out information about the offender. To get this information you will need to be registered on a Victim Register.

Victim registers are confidential. They will not provide information about victims to offenders.

In order to register the offender must have been identified and legal proceedings started in court.

Victim Register – Department for Correctional Services

The Department for Correctional Services Victim Services Unit is a service that keeps victims informed when the offender is either:

- > 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.

If you would like more information contact the Victims Register (Find their details in the back of this book).

Your rights



If you ask, you can be told when an offender is 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.

Victim Register – Forensic Mental Health

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 in these matters key information affecting them.

To register or make an enquiry contact the Forensic Mental Health Victim (Find their details in the back of this book).

Your rights



If you ask, you should be told if a mentally incompetent offender applies to vary or revoke a licence.

Victims Register – Youth Justice

The Department of Human Services (DHS) maintains the Youth Justice Victim Register,

The Youth Justice Victims Register holds the contact details of victims and the details of any crimes committed against them by a young person between the ages of 10 and 18.

Victims of a crime can apply to be on the register if they are a victim of a crime for which a young person is sentenced to home detention, detention, or imprisonment.

If the victim is not alive or available, a family member of the victim can apply.

Victims on the Youth Justice Victims Register can find out:

- > information about the young person's sentence
- > where the young person is in detention
- > if the young person moves from one Youth Justice Centre to a different one
- > the date of release from detention and any conditions of release
- > if the 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 about the young person.

To register or make an enquiry contact the DHS Victims Officer (Contact details provided in the back of this book)

Your rights



If you ask, you should be told if an offender escapes from custody.

You should also be told when they are back in custody.

Submissions to the Parole Board

Parole is when the offender is released from prison before their sentence ends and serves the rest of their sentence in the community.

You can make a submission to the Parole Board. Registered victims 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.

Your rights



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

You can tell the Parole Board how you feel about the person leaving jail, and what would make you feel safe.

If you ask, you should be told the outcome of parole proceedings, especially any conditions to protect you.

The Commissioner for Victims' Rights makes a submission to the Parole Board whenever a murderer or life-sentenced prisoner applies for release on parole. The Commissioner will take all reasonable steps to contact any victims whether they are registered or not.

If you want to make a submission you should write to the Secretary, Parole Board of South Australia (Find these details in the back of this book).

If you would like help to make a submission, contact Victims of Crime SA.

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.

Personal insurance

If you are a victim of a break-in, theft or property damage you should contact your insurance company as soon as possible.

The insurance company may need details of where and when you reported the crime to police.

Offender-paid compensation

If the accused person is found guilty of the crime, you may be able to claim compensation from them.

When the offender is sentenced the court can order the offender to:

- > compensate you for the injuries, pain and suffering that the crime has caused
- > return your stolen possessions
- > compensate you for any lost, damaged or sold property.

If you want to claim offender-paid compensation you should tell the police officer looking after the case or the prosecutor.

You might have to provide:

- > any medical receipts or doctors' reports that relate to injuries
- > quotes for the cost to repair or replace any property
- > proof of the value of any items.

The judge or magistrate decides whether to make the offender pay you. If the offender does not have enough money, the judge or magistrate is unlikely to order the offender to pay you.

The only way to claim compensation for property loss or damage is by offender-paid compensation.

Your rights



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.

Suing the offender – civil court action

Civil court action is another option to try to get compensation from the offender. This process is separate to the criminal court case.

It is only worthwhile if the offender is able to pay compensation.

You should get legal advice if you are thinking about a civil court action.

Legal Aid is not available for these cases, but free advice is available from the Legal Services Commission (find their details at the back of this book).

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
- > treatment costs
- > grief (in homicide cases)
- > funeral expenses (in homicide cases).

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

The amount you receive will depend on:

- > when the crime happened
- > your injuries
- > whether you co-operated with the police investigation and prosecution
- > whether you contributed to the crime or your injury
- > whether you have taken reasonable steps to keep your loss to a minimum.

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.

The Law Society of South Australia or the Commissioner for Victims' Rights 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 3 years of the crime, or 1 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

Compensation through the Prisoner Compensation Quarantine Fund

The Prisoner Compensation Quarantine Fund can give you another chance to get compensation for the pain and suffering they caused you.

If an offender is injured while they are in prison they can sue the prison, and may be paid compensation if they are successful.

If the prisoner is paid \$10,000 or more, the money will be held in the fund for at least 12 months. The prisoner cannot access the money during this time.

Compensation is not automatically paid to victims of crime. You have to make a compensation claim against the prisoner. The best way to find out if a payment has been made to a prisoner is by registering with the Victims' Register.

Large compensation payments to prisoners are rare. In SA, there were only two payments to prisoners of \$10,000 or more that met the criteria for the Prisoner Compensation Quarantine Fund since the legislation was enacted in 2012.

Motor vehicle crash

Whenever an injury or death results from a motor vehicle crash, the third party and comprehensive insurers must be notified as soon as possible.

If you would like information about notifying the third party and comprehensive insurers you can contact the CTP Insurance Regulator (find their details in the back of this book).

If you wish to discuss the process for making a claim for an injury or fatality resulting from a motor vehicle you can contact the CTP Insurance Regulator.

You may also seek advice from a lawyer (see Law Society of SA Legal Referral Service in the back of this book).

Talking publicly about the crime

Media

Some crimes attract media attention. While some victims want to tell their story others prefer to maintain their privacy.

Remember you do not have to speak to the media, even if they are very persistent. It is your choice whether you speak to the media but here are some things to consider.

Things to consider:

- > you are entitled to say “no” to an interview
- > you should check with police before speaking to the media as it could affect the investigation or legal proceedings
- > the media report may be different to what you expect and this can be upsetting
- > be aware that the media report may impact on other family members such as your children
- > remember any photos or videos you allow the media to use can be used in the future
- > you can ask anyone who visits your home uninvited to leave
- > your social media accounts may be accessed if not set to ‘private’.

If you do decide to speak to the media the following tips can help:

- > consider if you wish to give an interview, read out a prepared statement or release a written statement
- > nominate someone you trust to speak on your behalf
- > choose the time and place for interviews
- > exclude children from interviews
- > speak with one reporter at a time
- > ask the reporter for any questions in advance
- > ask if you are being recorded
- > you can ask for an inaccurate report to be corrected
- > ask that offensive photographs or visuals not be used
- > you can set conditions to protect your privacy and safety. You could ask for your face to be obscured, for your name not to be used or your voice altered. You could also set a condition that no photographs are used.

You may also want to ask police to tell you of any statements they are making before they release them to the media.

Media reporting

A defendant's identity is not automatically suppressed. This means the media can report details about a defendant.

The media cannot report any details that might reveal your identity as a victim of a sexual assault.

The police must make all reasonable efforts to inform you that a defendant's name can be published after the first court appearance.

If you have any concerns about this you should talk to the investigating officer.

Preparing for media reports

The police do not release the name of a deceased person without the consent of the next of kin. However, the media may find other ways of identifying someone, for example, speaking to people who were at the scene or viewing a death notice.

Most courts and court cases are open to the media and the public.

The media sometimes access court documents through the courts and report on what is in them. Court documents include such things as the summary of charges, parties' names and transcripts of what is said in court.

The media are prevented from identifying child victims or victims of sexual assaults. In some other cases, the prosecutor may ask the court to prevent identification of other vulnerable victims or witnesses. However, the media can still report on the nature and details of the case.

Complaints or concerns about the media

If you are not happy with the way a person from the media treats you or any of your family, you can complain to:

- > the media organisation concerned – ie the newspaper or television station
- > the Australian Press Council (for print media) www.presscouncil.org.au
- > the Australian Communications and Media Authority (for broadcasting-related inquiries) www.acma.gov.au

Social media

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

- > What you say and post may be used in ways you have not thought about. For example, journalists often look for personal information on social media and might use this in their stories. The person who committed the crime might look through your posts, including photographs.
- > You may be asked questions in court about things you post on social media. For example, if you say the crime caused you to give up playing sport but posts show you playing soccer, the Defence Lawyer might ask the court to doubt your evidence.
- > If you post anything that is threatening or abusive to a person, it may be bullying. It may also be a criminal offence.
- > People may not respond in the way you expect.
- > They may post hurtful comments.
- > Information you post may remain on the web even if you think you have removed it.
- > Make sure you check your security and privacy settings on your accounts.

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 impact 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

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.

Their 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 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: 9am to 5pm, Monday to Friday

Phone: 1800 310 310 during business hours (or leave a voicemail)

Email: rebuild@rasa.org.au

Web: www.rasa.org.au/rebuild

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

Victim contact officers

Metro	
Eastern District	7322 4917
Northern District	8207 9471
Southern District	8392 9013
Western District	8207 6421
Regional	
Barossa	0411 659 751
Eyre & Western (Pt Lincoln)	8688 3020 (General Police Station)
Eyre & Western (Whyalla)	8648 8020 (General Police Station)
Far North (Pt Augusta)	8648 5020 (General Police Station)
Hills Fleurieu (Mt Barker)	8398 1700
Limestone Coast (Mt Gambier)	8735 1041
Murray Mallee (Murray Bridge)	8535 6023
Yorke Mid North (Pt Pirie)	8638 4014

Specialist branches

Major Crash Investigation (Fatal and serious road crashes)	8207 6071
Major Crime (Homicide)	8172 5439

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

Family violence investigation sections

Metro	
Eastern	7322 4890
Northern	8207 9381
Western	8207 6413
Southern	8392 9172
Regional	
Berri	8595 2017
Barossa	8522 0422
Ceduna	8626 2015
Eyre & Western (Port Lincoln)	8688 3015
Eyre & Western (Whyalla)	8648 8003
Far North (APY Lands)	8954 8250
Far North (Port Augusta)	8648 5024
Hills Fleurieu (Mount Barker)	8398 1749
Limestone Coast (Mount Gambier)	8735 1051
Murray Mallee (Murray Bridge)	8535 6013
Yorke Mid North (Kadina)	8828 1100
Yorke Mid North (Port Pirie)	8638 8250

Child Protection Services

The Child Protection Service provides specialist assessment and therapeutic services to infants, children and young people from birth to 18 years and their families where there are concerns about child abuse, psychological maltreatment and/or neglect.

If you want to make a notification about a child's safety, call the Child Abuse Report Line (Department for Child Protection) on 131 478.

The CPS provides a telephone consultation service, which can be accessed by telephoning 8204 5485 during business hours and asking to speak to the duty worker.

CPS – Flinders Medical Centre

Address: Flinders Drive,
Bedford Park SA
Phone: 8204 5485

CPS – Lyell McEwin Hospital

Address: Haydown Road,
Elizabeth
Phone: 8282 2566

CPS – Women's & Children's Hospital

Address: 72 King William Road,
North Adelaide
Phone: 8161 7346

Legal Services

Courts Administration Authority

The Courts Administration Authority administers justice on behalf of the people of South Australia.

Phone: 1800 571 191

Web: www.courts.sa.gov.au

Magistrates Court

Phone: 8204 2444

Email: enquiry@courts.sa.gov.au

District Court

Civil enquiries:

Phone: 8204 0289

Email: district.civil@courts.sa.gov.au

Criminal enquiries:

Phone: 8204 0289

Email: ccrcs@courts.sa.gov.au

Address: Lower ground floor
Sir Samuel Way Building
241- 259 Victoria Square
Adelaide, South Australia, 5000

Supreme Court

Civil Enquiries:

Phone: 8204 0289

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

Criminal enquiries:

Phone: 8204 0289

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

Address: Lower Ground Floor
Sir Samuel Way Building
241- 259 Victoria Square
Adelaide, South Australia, 5000

Coroner's Court

Phone: 8204 0600

Email: coroner@courts.sa.gov.au

Address: 302 King William Street
Adelaide SA 5000

Youth Court Family Conferencing Unit

Phone: 8204 0594

Email: familyconference@courts.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 Witness Assistance Team 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 (ODPP).

Phone: 7322 7055

Web: www.dpp.sa.gov.au

Domestic Violence Crisis Line

A statewide service providing support to anyone affected by violence and abuse in personal relationships. Services include phone counselling, information and access to safe accommodation, support to remain safely at home

Phone: 1800 800 098 (Available 24 hours, 7 days a week)

Web: www.womenssafetyservices.com.au

Legal Services Commission

The Legal Services Commission provides advice and access to legal services for those people who cannot afford to pay for private legal representation.

Phone: 1300 366 424

Web: www.lsc.sa.gov.au

Law Society – legal referral service

The Law Society of South Australia can connect you with a range of South Australian lawyers and law firms able to provide legal advice and assistance.

Phone: 8229 0200

Email: email@lawsocietysa.asn.au

Web: www.lawsocietysa.asn.au

Parole Board of South Australia

The Parole Board is an independent statutory body. The role of the board is to assess risk and determine whether to grant, deny, breach or cancel parole, and to set appropriate conditions for parole release. The board reviews the progress and performance of parolees.

Phone: 8224 2555

Email: DCSParoleBoard@sa.gov.au

Address: 181 Flinders Street,
Adelaide SA 5000

Victim Registers

Victim Register – Department for Correctional services

Staff of this unit are able to help you make sure you are receiving the support and services you need.

They can help you if the person who committed the crime against you is in prison or under supervision in the community. This also includes people who have been released on supervised bail before sentencing or are in prison on remand.

Phone: 1800 370 550

Email: DCSVictimServices@sa.gov.au

Web: www.corrections.sa.gov.au

Victim Register – Forensic Mental Health service

The coordinator will provide information to victims of offenders who are considered mentally incompetent to commit the offence or mentally unfit to stand trial.

Phone: 7425 6282

Email: FMHSvictimnokregister@sa.gov.au

Victim Register – Youth Justice

The DHS Victims Officer will provide information to the registered victim, for which a young person has been sentenced to home detention, detention or imprisonment

Phone: (08) 8463 6488

Email: YouthJusticeVictimRegistration@sa.gov.au

Web: www.dhs.sa.gov.au/youth-justice-victims-register

Domestic violence support

Domestic Violence Crisis Line

A statewide service providing support to anyone affected by violence and abuse in personal relationships. Services include phone counselling, information and access to safe accommodation, support to remain safely at home

Phone: 1800 800 098 (Available 24 hours, 7 days a week)

Web: www.womenssafetyservices.com.au

National Sexual Assault Family and Domestic Violence counselling service

A confidential information, counselling and support service.

Phone: 1800RESPECT (1800 737 732) open 24 hours

NRS: 1800 555 677 (13 14 50

Web: www.1800respect.org.au

Cedar Health Service - domestic and family violence health care

The Cedar Health Service is an inclusive domestic and family violence healthcare provider. They provide holistic care and support to people 16 years and older who have been subjected to abusive and unsafe behaviour from a partner or ex-partner.

Phone: 8444 0700 (during office hours)

Web: www.wchn.sa.gov.au/our-network/cedar-health-service

Safe at Home (SaH) Program

Helps women and their children who are at risk of homelessness because of family and domestic abuse.

SaH provides free home safety audits and tailored home security packages, including the installation of locks, sensor lights and security screens.

SaH also provide women and their children with safety planning assistance.

Phone: 1800 800 098

Web: www.womenssafetyervices.com.au

Other support groups

Victim Support Service - Safer Spaces

Safer Spaces provides confidential telephone support to victims of crime navigating the criminal justice system between the hours of 9am to 5pm, Monday to Friday.

Safer Spaces can help with:

- > systems navigation
- > information about support services
- > warm referrals to counselling and other supports
- > Information so victims are aware of their potential rights to compensation
- > referral to Victims of Crime SA as appropriate

The service also provides victims with information about how to write victim impact statements and avenues to access more support. Working with partner services, our volunteers may be able to meet clients in person to assist with some services.

Phone: 1800 842 846

Email: enquiries@victimsa.org

Web: www.victimsa.org

Road Trauma Support Team

The Road Trauma Support Team of SA (RTST) offers free counselling with a qualified trauma counsellor to anyone affected by road trauma. RTST also holds adult support group meetings facilitated by a trauma counsellor

Phone: 0400 705 066

Email: info@roadtraumasupportsa.com.au

Web: www.roadtraumasupportsa.com.au

Carers SA

Carers SA provides advice, support, respite and counselling to family carers across South Australia.

Phone: 1800 422 737

Email: info@carerssa.com.au

Web: www.carerssa.com.au

Yarrow Place – Rape and Sexual Assault Service

Services for women and men who have experienced a rape or sexual assault at the age of 16 years and above.

Phone: 1800 817 421

Email: info@yarrowplace.sa.gov.au

Web: www.yarrowplace.sa.gov.au

Address: 64 Pennington Place
North Adelaide SA 5006

To track the status of your crime report online:

- > Download South Australia Police's portal app from Google Play Store or Apple App Store by searching for SAPOL. Once installed, select the Track My Crime icon, or
- > Go to SAPOL's website www.police.sa.gov.au and search for Track My Crime.
- > Enter your police report number and report date to see the status of your crime.

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

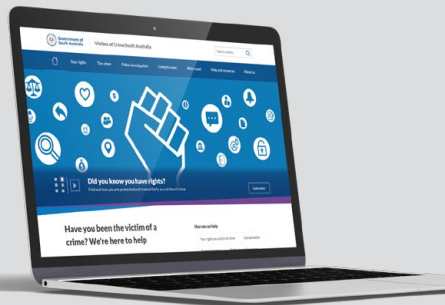


You can make a complaint if you do not think you have been treated properly. You can ask for information about how to do this.

Have you been the victim of a crime?

Our website has lots more helpful information about the court process, making a victim impact statement and accessing support.

www.voc.sa.gov.au



Our office embraces diversity and welcomes all people, irrespective of culture, faith, sexual orientation and gender identity





Government of South Australia
Victims of Crime SA