



Executive Briefing

Addressee ACT Policing Superintendent Judicial and Family Violence Operations

Title Charter of Rights for Victims of Crime - Options Paper

Action required: Approve ACT policing

1. Approve the contents of this brief; and
2. Note the attached Charter of Rights for Victims of Crime Options Paper (**Attachment A**); and
3. Approve additional comments (**Attachment B**).

Deadline: 15 August 2018

Reasons for proposed actions:

The ACT Government is introducing a Charter of Rights for Victims of Crime (The Charter). The Charter is likely to replace the governing principles for the treatment of victims in the administration of justice (Victims of Crime Act 1994 s4). The options paper (Attachment A) has identified three key issues for victims of crime and justice agencies in the development of the charter:

1. The availability and provision of information to victims of crime on justice processes generally as well as specific updates about their case;
2. Opportunities for victims of crime to participate in justice processes by consulted on key decisions and having their voice heard; and
3. Complaint processes and accountability mechanisms to help implement the Charter and victims to access rights.

Feedback is sought on what legislative barriers and challenges exist to delivering victims' rights; and what system-wide initiatives could support victims to access their rights and ensure justice agencies support them.

Key points:

- ACT Policing supports the ACT Government's commitment to introducing a Charter of Rights for Victims in the ACT. The centrality of victims in justice processes and ensuring victims receive reliable and consistent treatment is well recognised and respected.
- A data and information support system such as Support Link could be an effective centralised database for communicating and automatically notifying victims. Agencies are able to log in and instantly send a link to victims with referral information, application forms and support information.
- Multi-agency information systems and the use of applications on mobile devices such as smartphones and tablets that use specific applications that immediately notify court outcome are also being explored by the Office of Family Safety. The use of these systems could essentially lead the way for adaption across all crime types and provide support to victims as they interact with justice processes.

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- ACT Policing supports a centralised court based interpreter system to reduce duplication between agencies and improve accessibility for victims from diverse groups.

Further comments for consideration:

Please refer to Attachment B

Consultation: Judicial and Family Violence Operations

ACT Policing Co-ordinator for Intelligence, Community Safety and Family Violence was the representative on the Victims Charter Working Group during 2017 and provided input to the consultation report.

Author: Acting Station Sergeant Sue Smith

Date: August 2018

Noted / Agreed / Not Agreed

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Attachment B	
Page Reference	Comment for consideration/inclusion
Page 14 - Family Violence and Sexual Assault reform - 2 nd dot point	The FVIP coordinated by the VOCC, including case tracking between agencies with the aim of providing a coordinated interagency response to Criminal and Civil Justice - primary focus is criminal, the only link in with civil is when FVOs are in place or being sought.
Page 14 - Family Violence and Sexual Assault reform - 5 th dot point	Consider including a reference to the Family Violence Order Liaison Officers in the dot point that talks to the establishment of the FVCU?
Page 20 - 1 st dot point	ACT Policing supports the concept of opt out, rather than opt in for provision of information.
Page 33 - Considerations	Considerations to Specialist Support officers – not entirely clear and with link referenced to ACT Policing would need to be explored / discussed further before any kind of commitment was made. Not sure about them being centralised.
Page 34 - Section .3.2 Interpreter Scheme	ACT Policing supports a centralised court based interpreter system to reduce duplication between agencies.
Page 35 - Table 3 - Levels of victim participation in justice processes	Medium type of participation supported. A balanced approach and victims expectations can be managed through appropriate engagement and rapport / respect being built by support agencies including police, but still ensuring a realistic approach to the judicial process which is not compromised and weighted too heavily upon victims demands (ref 'participating witness' on following page).
Page 38 – section 4.2.1 - When the crime is being reported to ACT Policing	Clarification of definition of serious crime - VLO's don't work to legislated definitions of serious crime Reference to 'written acknowledgement' – this would become an onerous administrative process. The card with reference number from case officer should suffice in the first instance. If the alternative was enforced, would suggest automation of generating letters through a technology enabled enhancement sent electronically (no hard copy letters / stamps etc).
Page 38 – section 4.2.2 – bail considerations	Where bail is granted suggest a process whereby victim is immediately notified, prior to the defendant being released from the Court. There have been a number of incidents where they are released and before notification is made to police to notify the victim, defendant is out and in one case, sitting beside the vulnerable FV victim and it was too late to put safety plans in place. We also had a case in recent weeks where bail application made, but defendant was in for mention prior (same day). Offender pled guilty and when it came before Chief Magistrate a few hours later to hear the bail app, victim decided to go straight to sentence to get it resolved. The victim had no opportunity for VIS and the offender was released before victim could be told. This is not appropriate. If the intention is to improve victim safety, the Court needs to take a role in making a phone call at the very least to the VLOs who can then make contact with victim / or put a plan in place to ensure they are notified as a matter of urgency. E-mail notifications are not timely enough. Also reference to NZ App that enables timely notifications (FVCU looking into it from FV perspective but could be applied across the board).
Page 39 – section 4.2.3 –The right to information	Supported, however practicalities of resources required to provide written explanations needs to be balanced with resources of police. Would suggest DPP better placed to provide a formal written advice to ensure consistency in approach and from legislative perspective. Time frames can be difficult to prescribe given timeliness (or not) of notifications.
Page 39 – section 4.2.3 – The right to consultation and participation	Agree, however needs to be respected that DPP have final decision based upon police advice. It's not always appropriate for a victim to be that involved due to their lack of understanding of rules of evidence, balance of probability, judicial processes – they are not expected to have that same level of understanding and it is far too onerous to expect police to given them lessons in evidence which would be sufficient to inform decisions, also in removing the emotive aspect from a victim.
Page 44 – section 4.2.6 -Counselling notes	Undecided - There could be situations in FV where it is a positive for the victim and negative to the defendant, sometimes different dynamics for victims of Sexual Assault and FV, depending in relationship to offender and history.
Page 46 – section 4.2.9 – Victim Impact Statement(VIS)	Should be extended to all F V offences (no matter the severity). Practice needs to be changed to allow FV victims at least the opportunity to provide a VIS when matters quickly go to sentence upon a guilty plea. The right of the victim must be placed higher here than the Courts need to get matters resolved.

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Page 47	Include a section on what is done on providing information to a victim regarding Victims Impact Statements.
Page 47 –VIS consultation	Would only consider if protections in place so VIS cannot be sought by defence. ‘Time’ can be important for a victim to gauge and reflect the impact of a crime.
Page 48 – section 4.2.10 – right to information sentencing	All parties should receive info regarding sentence.
Page 50 – top paragraph	There should be clear processes around options for victims to be on non-contact list with corrections facility. (note – doing some work on this at the moment from an FV perspective)
Page 54-55 - Section 6.1 Expand the VOCC role to investigate complaints Section 6.2 Role of the ACT Ombudsman in Charter of Rights for Victims of Crime oversight	The AFP has existing robust internal and external integrity mechanisms, including the AFPs Professional Standards Framework, independent oversight from ACLEI and the Commonwealth Ombudsman. Additionally, ACT Policing has extensive reporting obligations to the ACT Government, and their mandate to provide assurance to the community. Whilst ACT Policing supports the concept of a channel where victims can lodge complaints, additional oversight by ACT Policing members by the VOCC would present legislative and practical challenges and duplicate existing oversight/complaint management processes over AFP members.

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