



## AFP Practical Guide on victims of crime (ACT Policing)

Metadata	
<b>Caption</b>	Victims of crime (ACT Policing)
<b>Document Identifier</b>	AG00034
<b>Description</b>	Outlines the policy and procedures AFP members must follow when dealing with victims of crime in the ACT and the supporting role of Victim Liaison Officers.
<b>Governance Function</b>	Community Policing
<b>Owned by</b>	Chief Police Officer ACT Policing
<b>Date First Approved</b>	9/09/2004 12:00 AM
<b>Contact Person</b>	Superintendent Crime Prevention
<b>Date Published</b>	18/02/2007 12:00 AM
<b>Date Modified</b>	12/10/2011
<b>Date Last Reviewed</b>	24/08/2011 12:00 AM
<b>Authorised by</b>	Chief Police Officer ACT Policing
<b>Date of Next Review</b>	24/08/2013 12:00 AM
<b>Review Notification</b>	'ACT-MOS-Governance@afp.gov.au'
<b>Instrument Type</b>	Practical Guide
<b>Replaces</b>	AG00034-003, AG00005
<b>Stakeholders</b>	
<b>Instrument Classification</b>	IN-CONFIDENCE

### 1. Disclosure and compliance

This document is classified **AFP-IN-CONFIDENCE** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

## Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

<b>ACT</b>	Australian Capital Territory
<b>AFP</b>	Australian Federal Police
<b>DPP</b>	Director of Public Prosecutions
<b>PROMIS</b>	Police Real-time Online Management Information System
<b>VIS</b>	Victim impact statement
<b>VLO</b>	Victim Liaison Officer

## 3. Definitions

**Member** - is defined in s. 40B of the [Australian Federal Police Act 1979](#) (Cth) and includes special members (s. 40E).

**SupportLink** - is a referral mechanism between police and social support services that increases the opportunities of individuals and families in need to receive appropriate and proactive support.

**Victim** - is defined in the [Victims of Crime Act 1994](#) (ACT) and includes 'aggrieved persons' as defined in the [Domestic Violence and Protection Orders Act 2008](#) (ACT).

**Victim impact statement** - is a voluntary statement made by or for a victim of an offence that contains details of any harm suffered by the victim because of the offence.

**Victim Liaison Officer** - is an ACT Policing role responsible for supporting

- members in meeting their obligations regarding the appropriate treatment of victims
- victims through the criminal justice system.

**Victim of Crime Commissioner** - means the ministerial-appointed official with powers to oversee and ensure the proper handling of victims within the judicial system as defined in Part 3 of the [Victims of Crime Act 1994](#) (ACT).

## 4. Guideline authority

This guideline was issued by the Chief Police Officer for the ACT using power under section 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

This guideline outlines the policy and procedures AFP members must follow when dealing with victims of crime in the ACT and the supporting role of Victim Liaison Officers.

## 6. Policy

The AFP abides by the governing principles stated in s. 4 of the [Victims of Crime Act 1994](#) (ACT).

## 7. Victim support

During an investigation the case officer, or other nominated officer must adhere to the governing principles of the [Victims of Crime Act 1994](#) (ACT).

The case officer who is managing the incident must:

- give the highest practicable priority to the health and safety of the victim
- ensure the Canberra Rape Crisis Centre is notified in sexual assault incidents in accordance with the Memorandum of Understanding between the AFP and the Canberra Rape Crisis Centre incorporating the Service Assisting Male Survivors of Sexual Assault
- provide the victim with a Victims of Crime booklet, a police contact card providing the member's contact details and a PROMIS/CAD reference number
- make a referral for the victim to SupportLink, where applicable
- ensure sufficient contact details of the victim are entered into PROMIS and any safety issues are included. Contact details should include both primary and alternate telephone numbers and addresses
- add alerts to the person and location entity on PROMIS, if applicable
- notify the Victim Liaison Officer of matters where the victim has special needs or is especially vulnerable
- provide information about the options for financial assistance under the [Victims of Crime \(Financial Assistance\) Act 1983](#) (ACT) or compensation via the courts.

### **Victim protection**

If a victim expresses concern about the potential of violence or harassment from a person under investigation or where the attending member holds such concern, they should inform the victim, of his or her right to seek a court order (i.e. domestic violence order, protection order, or workplace order) under the appropriate legislation if the level of concern satisfies the requirements of the order/s.

In family violence incidents, case officers should consider applying for an emergency order on behalf of the victim, or record their reasons for not applying in the relevant PROMIS job.

The case officer and their team leader should ensure that developments in the investigation, victim contacts and matters relevant to victim safety are recorded on PROMIS and updated as necessary.

### **Bail considerations**

The case officer must ensure that the Director of Public Prosecutions (DPP) and/or the Watch-House Sergeant is properly briefed on any concerns expressed by the victim regarding protection from potential violence or harassment by the accused person or any other matters relevant to victim safety. Any concerns will subsequently be brought to the attention of the court at the bail hearing by the DPP prosecutor.

After the hearing, the case officer must take all reasonable steps to inform the victim, or if the victim is a child, the victims' parent(s), of any decision to grant bail and any conditions on which bail is granted. Where a case officer is not at court the prosecutor will ensure the victim is notified either directly or through ACT Policing.

Where a bail application is made following an initial remand, the DPP will inform the case officer prior to the application being heard. Where victim safety is an issue, the case officer must contact the victim as soon as practicable and alert them of the fact.

## 8. Victim Liaison Officers

Victim Liaison Officers (VLOs) are attached to two portfolios within ACT Policing. VLOs within Crime Prevention are responsible for providing support to patrol members while VLOs within Criminal Investigations are responsible for supporting victims of serious crime.

VLOs should make contact with a victim where it is considered appropriate due to the circumstances of the case and/or the vulnerability of the victim, or where the offence involves allegations of:

- family violence
- assault
- sexual assault
- acts of indecency
- indecent exposure
- robbery
- aggravated robbery
- burglary
- breach of protection order/domestic violence order
- stalking.

VLOs should regularly monitor PROMIS entries regarding victims of crime. They must ensure that information passed on to victims accurately reflects current practices and legislative requirements.

VLOs must ensure that all contact made with a victim is recorded in the references screen and/or as a case note entry of the relevant PROMIS incident, in accordance with the information privacy principles highlighted in the [Privacy Act 1988](#) (Cth).

The role of the VLO does not affect the investigating member's statutory responsibilities relating to victims of crime. Members always retain overall responsibility for adhering to the principles that govern the treatment of victims of crime.

Members should respond as soon as practicable to requests for information from the VLO. When requesting information the VLO should send a PROMIS task to the case officer. If there is no response after two weeks, the VLO should email the member's team leader as a reminder. If after another two weeks no response is received, the VLO should escalate the request to the

relevant district Superintendent or officer in charge for appropriate action.

Members should:

- take appropriate action following a task request in PROMIS from a VLO
- respond promptly to requests for information and assistance from the Director of Public Prosecutions Witness Assistance Service and other relevant criminal justice entities per the [Protocol Between the Chief Police Officer for the ACT and the Director of Public Prosecutions to Provide Direction and Guidance to Members of ACT Policing and the Staff of the Office of the Director of Public Prosecutions With Respect to Victim Support](#).

## 9. Victim impact statements

A victim impact statement (VIS) can be made if the matter relates to an offence holding a punishment of more than one year's imprisonment, or another offence prescribed by regulation. The prosecution will tender a VIS after the defendant has pleaded guilty or has been found guilty.

Where a victim is eligible to submit a VIS, the investigating member must provide the victim with the AFP brochure explaining the VIS as soon as possible after the offence.

The case officer must indicate if a VIS has been completed and included by ticking the relevant box on the Mention Brief and Hearing Brief Adjudication sheets.

## 10. Disclosure of information

Case officers must withhold the victim's residential address from the victim's statement, the statement of facts and, where appropriate, all other documentation unless the court directs otherwise.

s37(2)(a), s37(2)(b)

Members must consider whether any specific legislation affects the disclosure of information in each given case. Further information can be found in the [AFP National Guideline on the disclosure of information](#).

Section 136 of the [Crimes \(Sentencing\) Act 2005](#) (ACT) allows for information exchanges between criminal justice entities. This section applies to any information in relation to an offence or an alleged offence in a record of a criminal justice entity including information about a person charged with the offence, a victim of the offence, or a person convicted or found guilty of the offence.

Section 6 of the [Victims of Crime Act 1994](#) (ACT) relates to the disclosure of information to the Victims of Crime Commissioner. This provision governs the liability of Victim Liaison Officers to release information. Further relevant provisions include s. 11 which refers to a secrecy provision in relation to the Victims of Crime Commissioner and s. 12 which relates to the disclosure of information concerning investigations.

In addition to the legislation above, the following sections and regulations relate to various secrecy and disclosure of information provisions which members should be aware of:

- [Victims of Crime Act 1994](#) (ACT) (s. 11 and 12)
- [Privacy Act 1988](#) (Cth) (s. 14)
- [Australian Federal Police Act 1979](#) (Cth) (s. 60A)
- [Crimes Act 1914](#) (Cth) (s. 70)
- [Australian Federal Police Regulations 1979](#) (Cth) (r. 13B and 13C).

## 11. References

### Legislation

- [Australian Federal Police Act 1979](#) (Cth)
- [Australian Federal Police Regulations 1979](#) (Cth)
- [Crimes Act 1914](#) (Cth)
- [Crimes \(Sentencing\) Act 2005](#) (ACT)
- [Domestic Violence and Protection Orders Act 2008](#)
- [Privacy Act 1988](#) (Cth)
- [Victims of Crime Act 1994](#) (ACT)
- [Victims of Crime \(Financial Assistance\) Act 1983](#) (ACT).

### AFP governance

- [AFP National Guideline on the disclosure of information](#)
- [Memorandum of Understanding between the AFP and Canberra Rape Crisis Centre incorporating the Service Assisting Adult Male Survivors of Sexual Assault](#)
- [Protocol Between the Chief Police Officer for the ACT and the Director of Public Prosecutions to Provide Direction and Guidance to Members of ACT Policing and the Staff of the Office of the Director of Public Prosecutions With Respect to Victim Support.](#)