



CDPP

Australia's Federal Prosecution Service

VICTIMS OF CRIME POLICY

1. It is important that all Commonwealth Director of Public Prosecutions ('CDPP') staff treat victims with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements.
2. This policy applies to a victim of crime, which includes an identified individual who has suffered harm as a direct result of an offence or offences committed, or apparently committed, against Commonwealth law or prosecuted by Commonwealth authorities. 'Harm' includes physical or mental injury, pregnancy, emotional suffering or economic loss.
3. The CDPP is an independent agency created by the Parliament of the Commonwealth of Australia to prosecute alleged offences against Commonwealth law. The CDPP recognises that in matters where there is a victim, that person has an important role in the prosecution process. The CDPP does not act on behalf of a victim as solicitors act for their clients. In carrying out its functions, the CDPP acts on behalf of the whole community. The role of the victim in the prosecution will depend on the circumstances of the case.
4. Victims should, on request, be kept informed of the progress of the prosecution in a timely manner, including:
 - a. a decision to commence a prosecution (and the charges laid);
 - b. a decision not to commence a prosecution;
 - c. the date and place of hearing of any charges laid;
 - d. the outcome of any bail proceedings;
 - e. plea negotiations; and
 - f. the outcome of proceedings, including appeal proceedings.
5. However, where there are a large number of victims such as, for example, victims who have suffered financial loss as a result of a large-scale fraud, it may not be appropriate or practical to seek the views of the individual victims.
6. Victims should be advised about the prosecution process, that is, the various stages in a matter being heard before a court. Where a victim may be required to give evidence, any inconvenience to the victim should be minimised, as far as possible. Victims should also be advised in relation to their role as a witness.
7. The Prosecution Policy of the Commonwealth requires the views of any victims, where those views are available, and where it is appropriate, to be considered and taken into account when deciding whether it is in the public interest to:
 - a. commence a prosecution;
 - b. discontinue a prosecution;
 - c. agree to a plea negotiation; or
 - d. decline to proceed with a prosecution after a committal.

8. In addition, the National Legal Direction “Right of Review – Prosecutions involving child and certain other complainants”, issued internally by the CDPP, provides guidance to case officers as to decisions which result in no charges against an alleged offender in respect to allegations concerning a complainant or a deceased person in matters with a complainant who is an identifiable victim of the following offences:

- offence involving a child (person under 18 years of age) who is considered a victim of crime (as defined in the CDPP Victims of Crime Policy), including victims of:
 - online child exploitation offences, including grooming, procuring and engaging in sexual activity
 - child sex offences outside Australia.
- slavery, servitude and forced marriage offences
- offence in which a victim suffers really serious physical or psychological harm as a result of alleged offences.

In addition, matters involving the death of a person as a result of any alleged offence.

Such decisions require careful consultation with the victims and in the case of a deceased person their immediate family. Such decisions must be made at the National Practice Leader level. A victim may seek written reasons for such a decision and request a review of such a decision by the Director.

9. A victim’s views regarding a need or perceived need for security as provided by the investigation agency and/or the victim will be put before the court in determining bail where appropriate.
10. Where a victim’s views are sought on an issue, the victim should be given adequate time to formulate their views and be kept informed of relevant decisions in a timely manner.

11. The views of victims specified in paragraph 7 are not required to be sought when the victim has indicated that they do not want to be consulted or when the whereabouts of the victim cannot be ascertained after reasonable inquiry.

12. In prosecutions which involve a large number of victims, it may be appropriate for the CDPP to communicate information and seek views of the victims through electronic means, such as the CDPP’s website or through the relevant investigative agency.

13. All reasonable steps should be taken to endeavour to have continuity of CDPP staff (both legal and from the CDPP Witness Assistance Service), particularly in cases involving vulnerable victims such as children.

14. The CDPP should endeavour to ensure the most appropriate charges are identified and laid as early as possible, including via early engagement with investigators, in order to minimise distress to victims by the downgrading or withdrawal of charges.

15. A victim’s privacy and personal information will be protected as appropriate and as far as possible.

16. Where the CDPP is unable to adequately communicate and consult with a victim due to the victim’s age, lack of capacity or due to the victim being deceased, the CDPP will seek to discharge its obligations under this policy by identifying an appropriate person with whom to deal, which in most instances, will be a member of the victim’s immediate family.

17. The CDPP will comply with this policy in its dealings with victims.