



GOVERNMENT OF
WESTERN AUSTRALIA

Department of **Justice**
Department of **Health**
Mental Health Commission



A Guide to Start Court For Victims

We acknowledge and pay respect to the Traditional Custodians of the lands upon which we operate across Western Australia.

Introduction

Start Court acknowledges that the effects of crime can be distressing for those people affected. The purpose of this publication is to help you in your understanding of the purpose, aims and processes of this Court. It will also outline how you may obtain information about your matter and when you may submit a Victim Impact Statement.

You can also obtain support and information from the Victim Support and Child Witness Service on Freecall 1800 818 988.

What is Start Court?

Start Court is a solution-focused court for people experiencing mental health issues. This means that there is a focus on providing treatment and support, in the hope that this will stabilise the offender's situation, and protect the community while they are on the Program and in the future.

The Court sits from Tuesday to Friday at the Magistrates Court, Central Law Courts, 501 Hay Street in Perth. It has its own dedicated team so that wherever possible, the offender and any family or carers involved will be dealing with the same staff over the course of the Program.



Victim Impact Statements

You can provide a Victim Impact Statement to the court, which will be taken into consideration by the magistrate before sentencing the offender. Information about preparing a Victim Impact Statement is available on www.courts.justice.wa.gov.au > Victim Services > Victim Impact Statements.

You can also watch a video which provides information on preparing a Victim Impact Statement:

www.department.justice.wa.gov.au/C/commissioner_for_victims_of_crime.aspx

Victim Impact Statements can be provided to the court at any time during the Program.

Compensation for victims of crime

You may be eligible to claim compensation under the *Criminal Injuries Compensation Act 2003*.

The criminal injuries compensation scheme is designed to provide compensation if you suffer bodily harm, mental or nervous shock or pregnancy resulting from an offence occurring in Western Australia.

Compensation may cover:

- pain and suffering
- loss of enjoyment of life
- loss of income
- treatment expenses
- other incidental expenses, such as travel for treatment or damage to personal items such as clothing and spectacles.

For more information visit www.courts.justice.wa.gov.au > Victim Services > Compensation, or phone 9425 3250

How to get information

- **You can contact the Start Court Police Prosecutor by email on;**

prosecuting.start.court.SMAIL@police.wa.gov.au

You can ask the Start Court Police Prosecutor to keep you informed about:

- The progress of the matter in court
- Any changes made to the charges, bail conditions including the reasons for variations
- The sentence or any other order imposed on the offender.

The above information will only be provided if you ask for it, so make sure you contact the Start Court Police Prosecutor if you would like to know.

- **You can check the progress of the matter in court online at;**

<https://ecourts.justice.wa.gov.au/eCourtsPortal/>

The Investigating Police Officer can give you the offender's full name to help you with your online search.

Frequently asked questions:

Does the offender have to enter a plea to come into Start Court?

No. An indicated plea of guilty is all that is required at the time of application. This leaves room for any negotiations between the defence lawyer and the prosecution. However if the offender wishes to plead NOT GUILTY to all their charges, then they will not be eligible for Start Court, and will need to be sent to another court for trial.

Can an offender leave the Start Court program without completing it?

Yes. Participation in Start Court is voluntary, and offenders can leave the Program at any stage. The offender simply attends court and indicates to the magistrate that they no longer wish to take part. The magistrate will sentence them at an appropriate time and take into account their participation to that point. They will not receive an additional punishment for choosing to leave the Program early.

Start Court Aims:

We aim to reduce offenders' future contact with the criminal justice system and improve community safety.

We aim to improve offenders' mental health and overall wellbeing.

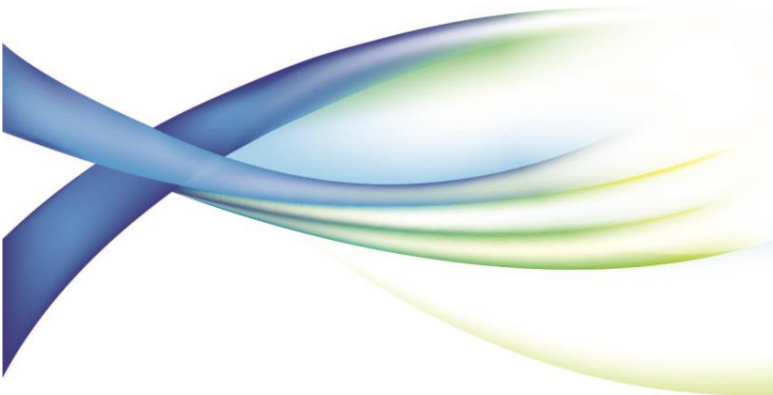
We aim to increase offenders' connection with treatment support services and the community generally by re-engaging or linking them with the most appropriate services and organisations.

We aim to help offenders achieve a legal outcome in respect of their charge/s that is proportionate, fair and appropriate to the circumstances of the offence and their mental health issues.



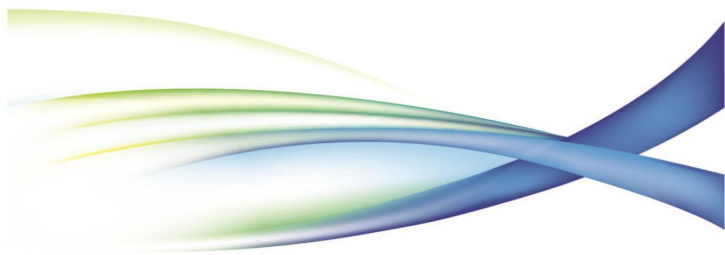
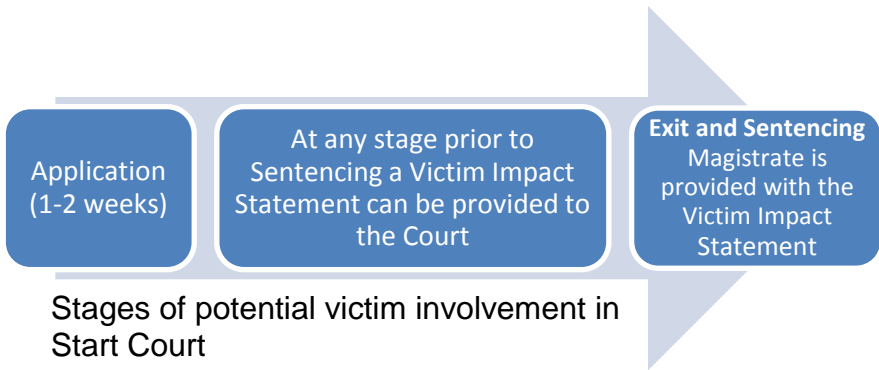
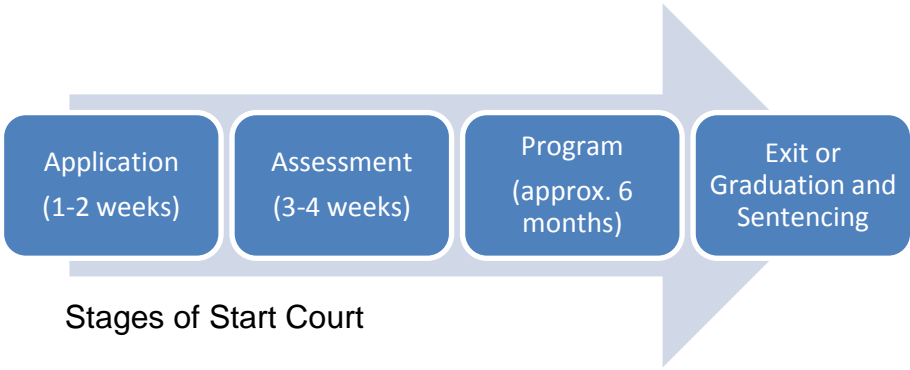
The members of the team can offer support to the offender in four (4) key areas;

1. **Legal Support** (from Legal Aid duty lawyers and Mental Health Law Centre lawyers/paralegals)
2. **Clinical and Corrections Support** (from Clinical Nurses, Psychiatrist, Psychologist, Senior Social Worker and Senior Community Corrections Officers)
3. **Social/Community Support** (from Outcare Coordinators and Peer Support Workers)
4. **Alcohol and Other Drug Support** (from Diversion Officer and Senior Community Corrections Officers)



What will happen in Start Court?

The flowchart below shows the stages in Start Court (a full description of each stage follows). The durations of each stage are approximate, and will vary depending on individual needs and the availability of Start Court resources.



Application stage:

- Start Court is a voluntary court and an offender can make a choice about whether they wish to take part and whether they would like to attend an information session.
- If they decide that they wish to continue, they or their lawyer can ask for the offender be assessed for the Start Court Program.
- The magistrate will also set a date for them to come back to Court to get the results of the assessment. This is normally about 2 weeks after their assessment interview.

Assessment stage:

- The Court will be given a written report about the assessment of the offender.
- The assessment report will outline if they are suitable for the Program, and the specific areas that Start Court can assist in.
- The magistrate will decide if the offender can be accepted on to the Program.



Program stage:

- If the offender is accepted into the Program, they will sign a contract in which they agree to the rules of participating in the Program.
- During the Program stage, the offender regularly attends court, generally on a weekly or fortnightly basis, and engages in treatment for their mental health issues.
- The offender is assigned a key worker who updates the court on their progress on the Program.
- The offender will be on bail for each court appearance and their bail may have conditions such as they provide samples for urinalysis or, if appropriate, that they not contact the victim.
- If an offender is not complying with the rules of the Program, the magistrate may impose stricter bail conditions or increased court appearances. If they are doing well on the Program, the magistrate may impose less strict bail conditions or less frequent court appearances.
- The Program may take approximately six months to finish.

Your input at the Program stage:

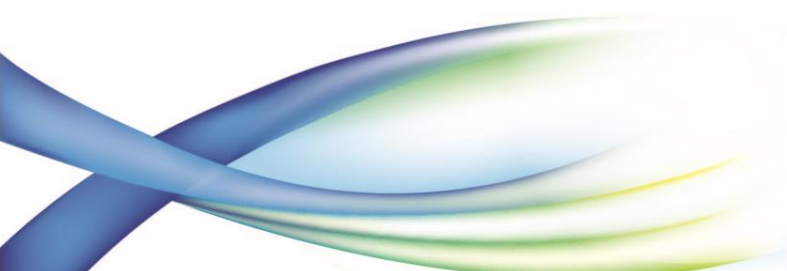
- During the above stage you may prepare and provide a victim impact statement to the prosecutor or the court. This will then be given to the magistrate when the offender is sentenced.
- Where appropriate, you may have input into bail conditions. The prosecutor can keep you informed of any changes to the offender's bail conditions if you tell the prosecutor that you wish to be informed.
- When suitable, the Victim-Offender Mediation Unit may contact you to offer you an opportunity to engage in mediation. It is entirely your choice whether you participate in this.
- Mediation can give you an opportunity to have your rights restored in a way that is meaningful to you as well as give

the offender the opportunity to make amends. As part of the mediation process, the parties may meet face to face if they wish to and there is also scope for the offender to pay compensation for losses incurred by the victim.

- A report will be submitted to the court if the parties decide to participate in mediation, detailing what the outcome of the mediation process was.
- If you wish to be informed of each offender's court appearance, discuss this further with the prosecutor. Alternatively, you can check court appearances online at <https://ecourts.justice.wa.gov.au/eCourtsPortal/>

Exit and Sentencing:

- When the offender successfully completes the Program, the magistrate will sentence the offender.
- The magistrate will consider their participation in the Program and it will be taken into account in sentencing.
- It is at this stage that the magistrate will be provided with your victim impact statement if one has been provided to the prosecutor or the Court. Information in the victim impact statement will also be taken into account in sentencing.
- An offender may be removed from the Program early if they re-offend while on the Program or if they do not comply with the rules of the Program and/or their bail conditions. The magistrate will make this decision.
- If an offender is removed from the Program early, their sentencing will reflect that they did not complete the Program.



Contacts

Start Court Police Prosecutor...

prosecuting.start.court.SMIL@police.wa.gov.au

Victim Support and Child Witness Service..... 1800 818 988
Victim Offender Mediation Unit..... 9425 3200
Start Court Administration (Magistrates Court)..... 9425 3423
9425 3422

perthmagistratescourt@justice.wa.gov.au

Lifeline..... 13 11 14
Samaritans Crisis Line..... 13 52 47
Crisis Care (Family Helpline)..... 9223 1111
Women’s Council for Domestic
and Family Violence Services..... 9420 7264
Victims of Crime..... www.victimsofcrime.wa.gov.au

