

MAIN STEPS IN THE PROSECUTION PROCESS

Information for victims and other witnesses of serious crime

Investigation and arrest

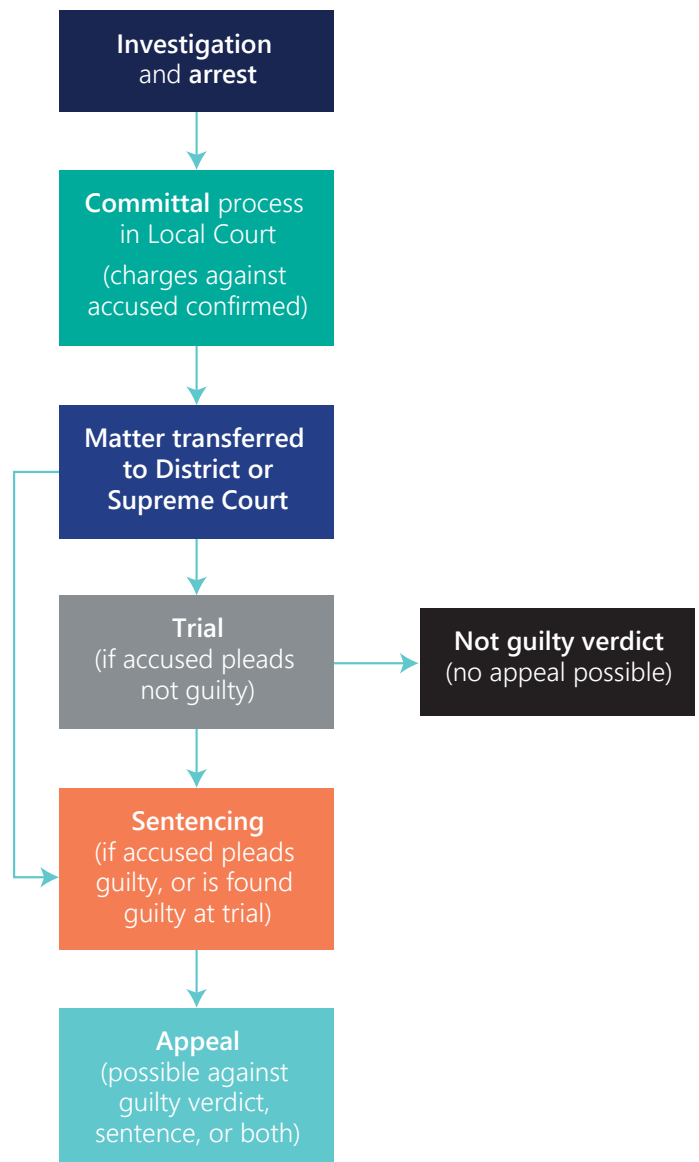
- Police investigate a crime.
- Police arrest and charge the person/s they believe responsible ('the accused'). Police usually refuse bail when the charges are serious.
- The accused appears before a magistrate in the Local Court, and can apply for bail. If bail is refused, the accused can apply again to the Supreme Court.

The committal process

- The Office of the Director of Public Prosecutions (ODPP) takes over the prosecution of serious crimes from the police. We prosecute some matters in the Local Court but most will go to the District or Supreme Court, after what is called the 'committal' process in the Local Court.
- During the committal process, the police send us the evidence they gathered during their investigation, called a brief. We examine the evidence to make sure it supports the charges the police have laid.
- Once the ODPP 'certifies' (confirms) which charges we will continue with, the prosecution and defence lawyers meet to discuss how the accused will plead.
- If the accused pleads 'guilty', the magistrate will 'commit' (transfer) them to the District or Supreme Court for sentencing. If the accused pleads 'not guilty', the magistrate will commit them to the District or Supreme Court to go on trial.
- Victims of violent crimes are rarely called to give evidence during the committal process, and other witnesses are not usually called.

Matter goes to the District or Supreme Court

- The first time the accused appears in the District or Supreme Court, they will again be asked to plead. If the plea is 'not guilty', a trial date will be set. If the plea is 'guilty', a date will be set for a sentence hearing.



Steps in the prosecution of a serious crime

- Once a trial date has been set, victims and other witnesses will receive a notice called a 'subpoena' in the mail, requiring them to attend court to give evidence.
- The ODPP prosecutor will want to meet victims and other key witnesses before the trial to discuss their witness statements and what will happen in court on the day.

The trial

- A criminal trial is held before a judge and usually a jury.
- The victim/s and other witnesses for the prosecution give their evidence, and are cross-examined by the defence.
- Witnesses for the defence then give their evidence, and are cross-examined by the prosecution.
- The jury leaves the courtroom to decide on the verdict.
- If the verdict is 'not guilty', the accused is free to go.

Sentencing

- If the verdict is 'guilty', the judge will sentence the offender — usually on another day.
- If the accused pleaded guilty to a serious offence while the matter was still in the committal stage in the Local Court, they will be entitled to the maximum discount on their sentence, which is 25 per cent.
- If you suffered harm in a serious crime or you are a family member of a victim who died as a result of a crime, you will usually have the opportunity to make a victim impact statement before the judge sentences the offender.

Appeals

- The offender can appeal against being found 'guilty' and / or against their sentence. The prosecution can appeal against a sentence if we believe it is too light but cannot appeal a 'not guilty' verdict.

Other outcomes

- Not all criminal cases will end with a verdict of 'guilty' or 'not guilty'; there are a number of other possible outcomes.

ABOUT THE ODPP

The Office of the Director of Public Prosecutions (ODPP) prosecutes serious crimes in NSW on behalf of the community. We take over cases from police, who send us their evidence after they have finished their investigation and laid charges.

Our solicitors and barristers work very closely with victims and witnesses but we don't represent clients in the same way other lawyers do. We have to make decisions in the interest of the community, not an individual or a group.

We have a Witness Assistance Service (WAS) to provide support and information to victims of serious crime, their families and vulnerable witnesses in matters we prosecute. Our WAS officers understand both the impact of crime and how the legal process works.

WAS officers are based in Sydney and throughout regional NSW.



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