

Government services for victims: working paper

Rights and services that victims of offences can expect from government agencies

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Table of Contents

| | | |
|------|--|----|
| 1. | Introduction | 5 |
| 2. | Who are the services for? | 6 |
| 3. | Who provides services for victims?..... | 6 |
| 4. | Victims' rights in the law | 7 |
| 4.1 | The Victims' Rights Act – principles | 7 |
| 4.2 | The Victims' Rights Act – rights | 7 |
| 4.3 | The Victims' Rights Act – serious offences..... | 8 |
| 4.4 | The Children, Young Persons, and Their Families Act 1989 | 8 |
| | Government services for victims | 10 |
| 5. | New Zealand Police | 10 |
| 5.1 | Overview of responsibilities | 10 |
| 5.2 | When the crime is reported | 10 |
| 5.3 | During the investigation | 11 |
| 5.4 | Where the offender is under 17 years of age | 13 |
| 5.5 | For victims of family violence..... | 14 |
| 5.6 | For victims of homicide | 15 |
| 5.7 | For victims of sexual assault..... | 16 |
| 5.8 | Information on reparation | 17 |
| 6. | Ministry of Social Development (Youth Justice) | 18 |
| 6.1 | Overview of responsibilities | 18 |
| 6.2 | Family group conferences | 18 |
| 7. | Police Prosecution Service | 20 |
| 7.1 | Overview of responsibilities | 20 |
| 7.2 | Reviewing files..... | 20 |
| 7.3 | Keeping victims informed..... | 20 |
| 7.4 | Bail..... | 20 |
| 7.5 | Name suppression..... | 21 |
| 7.6 | Giving evidence | 21 |
| 7.7 | Victim impact statements at sentencing..... | 22 |
| 7.8 | Family violence..... | 22 |
| 7.9 | Sexual assault | 22 |
| 7.10 | Where the offender is a child or young person | 23 |
| 7.11 | Appeals..... | 23 |
| 7.12 | Restorative justice..... | 23 |
| 8. | The Crown Law Office and Crown Solicitors | 25 |
| 8.1 | Overview of responsibilities | 25 |
| 8.2 | Before and during the trial..... | 25 |
| 8.3 | The verdict and sentencing | 26 |
| 8.4 | Sexual assault | 26 |
| 8.5 | Victims of cases involving a death | 27 |
| 8.6 | Restorative justice..... | 27 |
| 8.7 | Appeals..... | 27 |

| | | |
|------|--|----|
| 9. | Ministry of Justice | 28 |
| 9.1 | Overview of responsibilities | 28 |
| 9.2 | District Court | 28 |
| 9.3 | High Court | 28 |
| 9.4 | Youth Court | 31 |
| 9.5 | Family Court | 31 |
| 9.6 | Coronial Services | 32 |
| 9.7 | Collecting reparation on behalf of a victim | 33 |
| 9.8 | Claims against compensation (Victims' Special Claims Tribunal) | 33 |
| 9.9 | Criminal Justice Assistance Reimbursement Scheme | 34 |
| 9.10 | Where an offender is liable for deportation (Immigration and Protection Tribunal)..... | 34 |
| 10. | Department of Corrections | 36 |
| 10.1 | Overview of responsibilities | 36 |
| 10.2 | Victim Notification Register | 36 |
| 11. | The Parole Board | 38 |
| 11.1 | Overview of responsibilities | 38 |
| 11.2 | Registered victims | 38 |
| 11.3 | Non-registered victims | 38 |
| 12. | Department of Labour..... | 40 |
| 12.1 | Overview of responsibilities | 40 |
| 12.2 | Immigration..... | 40 |
| 12.3 | Health and Safety in Employment..... | 40 |
| 12.4 | Complaints | 42 |
| 13. | Ministry of Health/District Health Boards..... | 43 |
| 13.1 | Overview of responsibilities | 43 |
| 13.2 | Services for all victims | 43 |
| 13.3 | Victims registered on the VNR | 43 |
| 14. | Accident Compensation Corporation (ACC)..... | 44 |
| 14.1 | Overview of responsibilities | 44 |
| 14.2 | Where an offence has resulted in death..... | 44 |
| 14.3 | Victims of a sexual assault (sensitive claims for sexual violence) | 45 |
| 14.4 | Physical injury from a criminal act | 45 |
| 15. | Complaints and feedback..... | 46 |

1. Introduction

In March 2011, Cabinet approved a package of reforms that will enhance victims' rights and role in the criminal justice system and ensure that government agencies are more responsive and accountable to victims. The Victims of Crime Reform Bill (the Bill), which will amend the Victims' Rights Act 2002 (the Act) and related legislation, was introduced on 16 August 2011. The Bill will make a number of amendments that expand victims' rights and require new processes to be established by agencies.

The Bill will require the Ministry of Justice to prepare a Victims Code (the Code) as soon as practicable after the Bill is in force. The preparation of the Code will be a statutory requirement under the Bill, which is unlikely to be enacted until the latter half of 2012.

The Victims Code will outline:

- victims' rights under the Victims' Rights Act 2002 and related legislation
- the services available to victims by government agencies and other organisations
- the duties and responsibilities of government agencies when dealing with victims.

Government agencies contributing to the Code have been meeting to discuss how the reforms in the Bill could be implemented. To support future planning, government agencies have taken stock of what is known about victims' rights and the services they currently provide to victims at a point in time (June–Sept 2011).

This working paper is the outcome of this stocktake and provides parties involved in the development of New Zealand's Victims Code with information on:

- legislation relating to victims' rights and treatment
- the services provided to victims and their family and whānau by key government agencies
- the complaints processes currently in place for victims.

This working paper is available electronically until the Victims of Crime Bill commences (approximately the latter part of 2012) and it will then be withdrawn as the information will be out of date. The information is indicative and is not necessarily a comprehensive list of all the services offered by the agencies represented to victims. **It is strongly suggested that contact is made directly with the agency to ensure information is up to date.**

2. Who are the services for?

Under the Victims' Rights Act, a victim is:

- a person against whom an offence is committed by another person
- a person who, through, or by means of, an offence committed by another person, suffers physical injury, or loss of, or damage to, property.

A victim is also:

- a parent or legal guardian of a child, or of a young person who is a victim, unless that parent or guardian is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned
- a member of the immediate family of a person who, as a result of an offence committed by another person, dies or is incapable, unless that member is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned.

3. Who provides services for victims?

Government agencies that provide services to victims and their family and whānau and contributed to this working paper are:

- New Zealand Police
- Ministry of Social Development (Child, Youth and Family)
- Crown Law
- Ministry of Justice
- Department of Corrections
- The Parole Board
- Department of Labour
- Ministry of Health
- Accident Compensation Corporation (ACC)

4. Victims' rights in the law

Two Acts give guidance on the treatment of victims and establish specific rights for victims:

- The Victims' Rights Act 2002 contains principles and rights for the treatment of victims, some of which are specific to victims of crime by an adult.
- The Children, Young Persons, and Their Families Act 1989 establishes some specific rights for victims of crime by a child (10–13 years old) or young person (14–16 years old).

The differences in the rights established by the two Acts reflect the different criminal justice processes dealing with either adult or child/youth offenders.

4.1 The Victims' Rights Act – principles

The Act sets out principles guiding the treatment of victims:

Treatment of victims

A victim should be treated with courtesy and compassion and have their privacy and dignity respected by any person who deals with them.

Access to services for victims and their families

A victim or member of a victim's family and whānau who has welfare, health, counselling, medical, or legal needs arising from an offence should have access to services that are responsive to those needs.

Meetings to resolve issues relating to an offence

A judge (or community magistrate), lawyer for an offender, court staff, probation officer, or prosecutor should encourage victims and offenders to participate in a restorative justice process where:

- the victim and offender agree to the holding of a meeting
- the resources for holding a meeting are available
- holding the meeting is practicable and appropriate.

This principle applies to offences committed by adults. See section 4.4 for the principle and process for victims of offences by a child/young person.

4.2 The Victims' Rights Act – rights

The Act also sets out specific rights for victims:

Right to information

Services

After coming into contact with an agency a victim has the right to be given information about the programmes, remedies or services available through the agency.

Progress of case

A victim has the right to information from investigating authorities, court staff and prosecutors about the progress and results of investigations and court proceedings.

Right to privacy

Information must not be provided to the court that may lead to identifying the victim's address, unless that information is necessary so that the accused is fully informed of the charges (for example, the physical address in the case of burglary).

Right to make a victim impact statement

A victim must be given the opportunity to explain the impact that the offence has had on them. This is done through a victim impact statement that is provided by the prosecutor to the court sentencing the offender.

This right applies to victims of offences heard in the District or High Court. See section 4.4 for the process where the offender is a child or young person.

4.3 The Victims' Rights Act – serious offences

The Victims' Rights Act establishes specific rights for victims of certain serious offences. Under the Act these offences are:

- sexual violation or other serious assault
- an offence resulting in a serious injury, death, or a person being made incapable
- an offence that has led to the victim having ongoing fears on reasonable grounds for the physical safety or security of themselves or their immediate family.

Victims of these offences have the right to provide their views on whether:

- the accused or offender is bailed
- the offender is paroled
- an offender's liability to be deported should be suspended or cancelled.

Victims of these offences also have the right to be told when:

- the accused or offender is bailed, and any temporary release, escape or death in custody of an accused or offender
- an accused or offender is discharged, granted unescorted leave, escapes, dies or ceases to be detained in a hospital or secure facility
- an offender is convicted for breaching parole conditions, and when the Parole Board makes decisions on whether to recall an offender to prison.

4.4 The Children, Young Persons, and Their Families Act 1989

The Children, Young Persons, and Their Families Act 1989 (CYPF Act) gives guidance to officials dealing with victims of crime by a child or young person, and establishes the right of victims to participate in a family group conference (FGC).

Treatment of victims

The CYPF Act gives guidance to people dealing with victims of child or youth offending (including the Police, Ministry of Social Development, and Youth Court judges and staff) requiring that they:

- consider the interests and views of any victims of the offending (for example, by encouraging the victims to participate in the FGC processes for dealing with offending)
- make sure any measures have proper regard for the interests of any victims of the offending and the impact of the offending on them.

Right to attend a family group conference

Victims of an offence committed by a child or young person have the right to attend an FGC.

Attending the conference provides the victim with an opportunity to tell the young person how their behaviour affected the victim, and to participate in formulating recommendations on how the child or young offender should be dealt with. Victims can also have their views heard if they choose not to attend. Victims also have the right to be informed of the progress of implemented decisions, recommendations and plans made at the FGC.

See section 6.2 for details on FGCs.

Government services for victims

This section of the working paper provides an overview of the services provided to victims by each government agency. The information is indicative and is not necessarily a comprehensive list of all the services offered by the agencies represented to victims. This working paper is available electronically until the Victims of Crime Bill commences (approximately the latter part of 2012) and it will then be withdrawn as the information will be out of date. **It is strongly suggested that contact is made directly with the agency to ensure information is up to date.**

5. New Zealand Police

5.1 Overview of responsibilities

New Zealand Police (Police) is the lead agency responsible for reducing crime and enhancing community safety. It provides policing services 24 hours a day and operates from more than 371 stations, including community policing centres and community bases around the country.

Police are guided by the principles set out in the Victims' Rights Act 2002 in all dealings with victims – from the time an offence is reported, through court appearances and until the case is closed.

This section covers services provided by New Zealand Police:

- 5.2 When the crime is reported
- 5.3 During the investigation
- 5.4 For victims of crime by a child or young person
- 5.5 For victims of family violence
- 5.6 For victims of homicide
- 5.7 For victims of sexual assault
- 5.8 For information on reparation

5.2 When the crime is reported

The first priority for police when a crime is reported is the safety of the victim(s). Police will provide first aid and call health professionals if necessary.

A police officer will record the victim's complaint and give them a complaints acknowledgement form with a unique number.

Providing support

Police attending incidents will advise victims about the services provided by Victim Support (or other specialist support agencies when appropriate, such as Women's Refuge, Auckland Sexual Abuse HELP or Māori service providers) and how to contact them.

In serious cases (such as when someone has died or suffered serious harm, when a victim is very distressed, or in sexual assault cases), police will directly notify an appropriate specialist crisis support agency such as Women's Refuge, Auckland Sexual Abuse HELP or Rape Crisis where they are available, or Victim Support. This will enable the agency to provide timely support to the victim. Where there are child victims of abuse and the offender is within the family, police will contact Child, Youth and Family as that agency will ensure care and protection issues are addressed in accordance with the joint Child Protection Protocol.

Information about the case

The police officer in charge of the case will:

- keep the victim informed about the progress of the investigation, any court hearings and their rights as a victim
- give his/her contact details to the victim so the victim can contact them if they have any questions about their case.

Referral to Court Services for Victims

When an offender has been arrested and is appearing in court, the police officer in charge will provide the victim's details to Court Services for Victims (CSV). This service provides victim advisors, who are specialist staff employed by the court to provide information to victims. See section 9.2 for details on CSV.

Police recognise that victims of particularly serious crimes such as homicide and sexual offending have special requirements. In these cases, the police officer in charge of their case will make arrangements for victims to meet with specialist support workers at an early opportunity, sometime before the hearing or trial. The victim advisor may be involved at the time of court proceedings, working alongside the specialist support worker, depending on the case circumstances.

5.3 During the investigation

Interviewing victims

When interviewing victims as witnesses, police interviewers will treat them with empathy and sensitivity.

Police interviewers will take special care to avoid further trauma particularly when victims are vulnerable because of age or trauma, they fear intimidation, or are the victims of a serious crime. This may include ensuring a referral is made to a specialist support agency so the victim is supported throughout the interview and investigation process.

Victims who are children or young people, or adults with an intellectual disability will be interviewed by a specially trained forensic interviewer. This interview will be electronically recorded. Support people are not usually in the interview room while the victim is being interviewed but may wait outside. The parent or legal guardian will be briefed following the interview and will be part of discussions about any further action required.

Privacy of victims' information

All protocols and agreements for working with agencies at a local level must take into account the rights of victims to privacy under the Privacy Act 1993 and the Victims' Rights Act 2002.

Full disclosure of information about the victim will only be made to the agency to which the victim is referred. Some victim information, however, will be disclosed at multi-agency meetings to determine risk and the most appropriate response. There may also be circumstances where disclosure of victim information to a second or subsequent support agency is permitted, such as to ensure the victim receives the highest level of support.

Police will not disclose the victim's precise address in evidence or information provided to a court unless disclosure is necessary to ensure the defendant is fully and fairly informed of the nature of the charge.

See section 7.7 for when victim impact statements may be disclosed.

Information about progress and investigation outcomes

Police will give all victims information about the progress of their investigation within 21 days of the offence being reported and will regularly update progress as soon as practicable including:

- when an offender has been arrested
- any charges laid or reasons for not laying charges (for example, insufficient evidence to charge or the offender is given a pre-charge warning) and all changes to charges laid
- the dates and places of an offender's first appearance in court; any preliminary or defended hearings, or trial relating to the offence; and hearings set down for sentencing or appeals.

Police will advise victims about the outcome of the investigation including:

- where there are no further avenues for enquiry, the case is inactive pending location of an offender or further information, or is closed
- when offenders are given a formal warning (with or without conditions) without being charged
- when offenders are granted diversion through the Police Adult Diversion Policy to avoid full prosecution and the possibility of a conviction, and when diversion conditions are met
- in family violence cases, the outcome of any proceedings brought relating to breaches of Protection Orders or Police Safety Orders.

Information for the victim can be given to the victim's support person if the victim cannot receive it or is not, or may not be, capable of understanding it alone.

Victim impact statements

Police will make all reasonable efforts to ensure victims have a victim impact statement on the prosecution file at the time of an offender's sentencing.

Police will explain the purpose of victim impact statements to the victim and help them to prepare or to update their statements for consideration by the court. Victim advisors can also assist victims to complete and update their statements – see section 9.2. The victim impact statement will cover any injury or emotional harm suffered by the victim, loss or damage to property, or other effects, such as financial costs, related to the offence.

Police will ensure that the victim's requests about their statement, such as reading their statement in court, are conveyed to the prosecutor (see section 7.7 for more on victim impact statements in court) and will also explain any orders, directions and conditions that may be imposed by the court relating to the disclosure of the statement.

See the following sections for further information on victim impact statements:

- Section 7.7 for Police Prosecution Service
- Section 8.3 for Crown Law and Crown Solicitors
- Section 9.2 for Court Services for Victims.

Victims of defined serious offences

Police have additional obligations in regard to victims of defined serious offences under section 29 of the Victims' Rights Act. For the definition of serious offence, see the earlier section 4.3.

Victim Notification Register

Police will inform victims of serious offences of their right to be registered on the Victim Notification Register (VNR), and if registered, to be notified about the bail, release, escape and death of the offender or opportunities to claim under the Prisoners' and Victims' Claims Act 2005.

If victims wish to apply for registration on the VNR, Police will provide them with the appropriate form and assist them to complete it.

When victims of serious offences have registered on the VNR, Police will advise them as soon as practicable:

- every time the offender is released on bail
- of any safety, security, non-association or no contact conditions that exist in relation to the victim and/or a member or members of their immediate family and whānau.

Regardless of whether a victim of a serious offence has applied for registration on the VNR, police must make all reasonable efforts to ascertain the victim's views about the offender's application for release on bail and inform the court of those views.

See the following sections for further information on the VNR:

- Section 4.2 on Victims' Rights
- Section 10.2 for Department of Corrections
- Section 11.2 for Parole Board
- Section 13.3 for Ministry of Health.

5.4 Where the offender is under 17 years of age

Police should keep victims of offending by children and young people informed of the progress of the investigation, and its outcome.

When dealing with any child or young person alleged to have committed an offence, police must be guided by the objects and general principles of the CYPF Act. In relation to youth justice, the object is to promote the wellbeing of children and young people by holding them accountable for any offences they commit and dealing with them in a way that acknowledges their needs and enables them to develop in responsible, beneficial and socially acceptable ways. Police are required to find alternatives to criminal proceedings unless the public interest requires prosecution, such as because of the seriousness of the offence. As noted in section 4.4, the CYPF Act also requires consideration of the views of victims and regard for their interests.

Warnings and alternative actions

Warnings or alternative action plans may be appropriate responses to offending by children and young people when, for example, the victim has suffered only minor harm, or the offence involves

minor property damage that is easily repaired or for which reparation is made to the victim. Alternative actions may include the following:

- apologising to the victim
- paying reparation
- performing a task for the victim or the community, or one appropriate to the offence.

Before issuing a warning or initiating any alternative action, police should where practicable:

- seek and consider the victim's views on the matter (if the victim is a child or young person, the parent or guardian will be consulted)
- give the victim accurate information on the police options for dealing with the offender.

Police will advise the victim if the offender is not to be prosecuted and the reasons why.

Youth justice family group conferences

A family group conference (FGC) for youth justice purposes will be held when prosecution is being considered by police, or a young person has been arrested and has appeared in the Youth Court. Police or the youth justice coordinator will explain to victims their role in FGCs.

Victims are entitled to attend FGCs, contribute to plans and recommendations made, and to have support people with them. Police will be represented at FGCs by youth aid officers.

If victims are present, police will support them if necessary when presenting their views. If victims choose not to attend the FGC, police or the youth justice coordinator will ensure victims' views are accurately represented.

For more detailed information about youth justice FGCs, see the Ministry of Social Development section 6.2.

See the following sections for further information on FGCs:

- Section 4.4 for the CYPF Act
- Section 6 for Ministry of Social Development
- Section 7.10 for Police Prosecution Service

5.5 For victims of family violence

Police work to three core principles when responding to family violence:

- **Safety:** Ensuring all parties are safe, particularly victims, whose safety is paramount.
- **Accountability:** Holding offenders to account for their actions.
- **Working collaboratively:** Working across relevant internal work groups and as part of a coordinated inter-agency response to minimise the risk of further family violence.

The police officer in charge of the case must complete a comprehensive Family Violence Investigation Report in every family violence case. This records information relevant to the investigation (including previous violence or abuse in the relationship) and includes a risk assessment to determine the appropriate response to address safety concerns. The report notes all children present or living at the address, and includes a child safety risk assessment.

Police will arrest an offender responsible for family violence offences or breaches of protection orders if there is sufficient evidence of an offence, except in exceptional circumstances.

Where no family violence offending leading to arrest is identified but concerns remain for the safety of the people involved, Police may issue a short-term (up to five days) Police Safety Order. This

requires the perpetrator to leave the place or building (regardless of whether they have a legal or equitable interest in it) and to surrender any weapons or firearms licence held to Police. It also has the same standard protective provisions as a Protection Order. Police Safety Orders give the person at risk time and space to seek support, including applying for a temporary Protection Order if desired.

Where victims have received medical treatment relating to the offence, police must seek the victim's written consent before obtaining medical information related to the investigation.

In cases where a family violence incident involves serious violence, adult sexual assault, child abuse and neglect, or homicide, police first responding to the incident will engage relevant specialist criminal investigators as appropriate.

In some parts of New Zealand, Police have Family Safety Teams who work with families at high or extreme risk of serious family violence who are currently not receiving support services, to engage with these families and transition them to appropriate agencies to assist them to be safe and violence free.

Support and safety

Police must ensure victims are safe before they leave the scene. In all cases involving high risk repeat victims, a safety plan must be prepared in conjunction with any support service called to the scene. Police who attend the incident must provide family violence victims with appropriate and timely support and information about services and remedies.

Women's Refuge is the primary agency delivering support for victims of family violence. Where no Women's Refuge is available, police and Victim Support work with available specialist agencies to clarify local responses to family violence victims. Police will notify the appropriate support service when a family violence incident occurs and provide the victim's contact details, information about who was present at the incident and the action taken, and any information relevant to the victim's safety. This enables an agency worker to give the victim information and early assistance.

Police family violence specialists review the police first response to incidents and take all relevant information collected about the case to an interagency meeting (called the Family Violence Interagency System). This allows information to be shared among the relevant government and non-government agencies and ongoing assessment of risk and safety planning. Collective decisions are made to actively manage each case.

5.6 For victims of homicide

Families and whānau bereaved by homicide

The Police Criminal Investigation Branch (CIB) will appoint a Family Liaison Officer to provide information and updates to the family and whānau of a homicide victim. Note that under the Victims' Rights Act, immediate family are considered victims of the offence – see section 2.

Police must consider cultural issues when a homicide occurs. They will carefully consider the wishes of relatives (where they can be established) and treat the body with respect and dignity at all times.

To the greatest extent possible that is compatible with their lawful duties, police will facilitate the cultural practices of the deceased and their relatives in dealing with the body. Where this is not possible, or must be delayed, police will make all reasonable efforts to explain the situation to family and whānau and secure consent. Police, iwi, Pacific or Ethnic Liaison Officers or other relevant local organisations such as churches will be contacted as required to participate in these circumstances.

If a post-mortem is to be held, police will notify the on-call funeral director, and cover the cost of transporting the deceased to the hospital or to where the post-mortem will be held.

Police or medical personnel may return personal items to the family and whānau at the time of death. Alternatively, police or the funeral director may return these items to the family and whānau in the following days. In a criminal case, some items may be retained for a forensic investigation, and will be returned at a later date.

The family and whānau will be advised by police to contact a funeral director of their choice as soon as possible after the death. The funeral director will guide the family through the coroner's process and seek the release of the deceased as soon as possible.

See the following sections for further information on services for victims involving a death:

- Section 8.5 for Crown Law Office and Crown Solicitors
- Section 9.6 for Coronial Services
- Section 14.2 for the ACC homicide grant.

5.7 For victims of sexual assault

Adult victims

All adult sexual assault (ASA) cases must be referred to the Criminal Investigation Branch (CIB) for investigation by an ASA investigator.

ASA victims must be referred for specialist support and be encouraged to have this support available to them throughout the investigation until the case is resolved, and where necessary, beyond. Victims may also be supported during the investigation by other people such as a friend or member of their family or whānau, iwi or hapū. These people do not replace the need for specialist support.

The victim should be interviewed by a specialist adult witness interviewer using procedures for witnesses requiring special consideration.

Medical practitioners who undertake medical examinations of ASA victims have the victim's physical, sexual, and mental health and safety as the primary consideration. The opportunity to collect forensic evidence is of secondary importance. Medical practitioners undertaking examinations of a victim of ASA will be specially trained and/or accredited by the Doctors for Sexual Abuse Care Incorporated. This includes medical forensic training and support, appropriate facilities, equipment and follow-up capabilities to undertake standard and forensic medical examinations of ASA victims when required.

Interview rooms and examination rooms must be comfortable, non-threatening for the victim, secure, private and safe. They should not be where the offender is likely to be interviewed, examined or treated. If this is unavoidable, investigators must ensure appropriate measures are taken to ensure safety for the victim and to preserve the integrity of any evidence.

Victims and their support people must be given:

- realistic expectations at the start of an investigation about when key milestones are likely to be met
- the opportunity to comment on the choice of investigator (police will endeavour to cater for the victim's preference as resources allow)
- regular updates on progress, and advance notice if the investigation is likely to be delayed for any reason
- assistance in understanding the reasons for any decision not to prosecute.

Child victims (aged under 17 years)

Police will refer all cases of child abuse requiring investigation to Child, Youth and Family (CYF). These cases are jointly investigated by CYF and Police according to the Child Protection Protocol.

Cases of serious child abuse are investigated by Police Child Protection Teams where they are available, or by trained investigators. Trained forensic interviewers will carry out all forensic interviews of child abuse victims or of child witnesses of serious offences. These interviews must be recorded by way of video record unless there are exceptional circumstances.

Victims include a parent or legal guardian of a child or a young person who is the victim of an offence although there are some exceptions to this – see section 2 for the definition of a victim. They will be given information about the progress of the investigation and of the court case relating to their child and can submit a victim impact statement.

If the offence was a serious offence under the Victims' Rights Act, the parent or guardian will be given the opportunity to be registered on the VNR. See the following sections for further information on services for victims of sexual assault:

- Section 7.9 for Police Prosecution Service
- Section 8.4 for Crown Law
- Section 9.2 for Ministry of Justice
- Section 14.3 for ACC.

5.8 Information on reparation

Police will advise victims about the possibility of reparation where appropriate. This relates to reparation provided under Sentencing Act 2002 or the CYPF Act.

6. Ministry of Social Development (Youth Justice)

6.1 Overview of responsibilities

Child, Youth and Family (CYF) works with Police and the Youth Court to deal with young offenders under the youth justice system. Youth justice coordinators from CYF are responsible for convening and holding family group conferences (FGCs) and assisting offenders and victims through the FGC process.

FGCs are the main way of making decisions about how to deal with a child or young person and her or his offending. FGCs offer the victim the opportunity to explain the impact of the offending by the young person, and to put forward his or her views on the accountability and reparation process. CYF has a strong focus on victims' interests and on supporting victims through the FGC process.

There are two routes through to an FGC: one, by direct Police referral and two, by Police referring the offence to a Youth Court and the Youth Court then referring the case to an FGC – see also the information on FGCs in section 5.4.

This section covers CYF services for victims in relation to FGCs.

6.2 Family group conferences

Victims' rights

Victims have specific and important rights in FGCs. Victims:

- are entitled to attend the FGC
- may bring support people with them or send a representative
- can have their say at the FGC
- can contribute to decision making at the FGC
- have the right to agree, or not, to the outcome of an FGC (if the victim does not agree to the outcome, the matter will go to the Youth Court)
- may not wish to attend but may take part in another way (such as a support person representing them, a written or verbal statement, or participation by teleconference or video-conference).

Before the FGC

A youth justice coordinator will contact the victim by letter and telephone and will follow up with a visit if this is requested by the victim. The youth justice coordinator will offer the victim the choice to take part in an FGC and ensure that the victim understands the process and the support available.

The youth justice coordinator must consult the victim about the time, date and place of the FGC, and to take the victim's views into account at all stages in the process.

If the victim's property has been lost or damaged, or other costs have been incurred as a result of the offending, this will also be discussed before the FGC and if possible processes put in place at the FGC to recover those costs from the offending child or young person.

FGC plans

The FGC process adopts a restorative approach to dealing with offending by children and young people to make decisions, recommendations and plans in relation to the child or young person. FGC plans may include such actions as an apology, reparation to the victim, work for the victim or community, a donation to charity, curfews, counselling or training programmes.

Plans are agreed at the FGC. Victims or their representatives who attend will be part of this process and victims' written submissions will be taken into account.

Agreements at the FGC are documented. CYF must give effect to the plan unless the plan is impracticable or inconsistent with the principles of the CYPF Act. Financial assistance may be provided to give effect to the plan.

Follow up information for the victim

Victims have the right to be notified of outcomes after the FGC. The CYPF Act specifies that reasonable steps must be taken:

- to ascertain whether the victim of the offence wishes to be notified of the child's or young person's progress in taking that action or completing those steps
- if so, to ensure that the victim of the offence is notified from time to time of that progress.

The youth justice coordinator must ascertain if the victim wishes to be kept informed. If so, victim details may be recorded on the FGC plan if the victim agrees, or on a case note under the FGC record. The FGC plan can also require an agency or persons other than CYF to keep the victim updated.

See the following sections for further information on FGCs:

- Section 4.4 for the CYPF Act
- Section 5.4 for Police
- Section 7.10 for Police Prosecution Service

7. Police Prosecution Service

7.1 Overview of responsibilities

The Police Prosecution Service (PPS) is an autonomous, national prosecution service within the New Zealand Police. It is the main prosecuting body within the criminal jurisdiction of the District Court, including advocacy in the Youth Court. PPS responsibilities also include managing the Police Adult Diversion Scheme and Electronically Monitored bail (EM bail).

PPS is administratively separate from the criminal investigation and uniform branches of Police and has responsibility for managing all prosecution processes after a charge has been laid. However, the police officer in charge of the case still has an important role to play in supporting the prosecutor and victim during court proceedings and ensuring the victim continues to receive information and support through to the closure of the case.

See also section 8 for the Crown Law role in prosecuting cases.

This section covers:

- 7.2 Reviewing files
- 7.3 Information for victims
- 7.4 Bail
- 7.5 Name suppression
- 7.6 Giving evidence
- 7.7 Victim impact statements
- 7.8 Cases of family violence
- 7.9 Cases of sexual assault
- 7.10 Where the offender is a child or young person
- 7.11 Appeals
- 7.12 Restorative justice

7.2 Reviewing files

When police prosecutors receive an arrest file, they will review the file and the charges laid, and note any specific issues relating to the victim(s).

7.3 Keeping victims informed

Police prosecutors will keep the officer in charge of the case updated about the progress of a prosecution. It is the responsibility of the officer in charge or a victim advisor (see section 9.2 for more on the role of victim advisors) to explain the court processes and procedures to a victim and keep them informed about what is happening. This includes:

- information about the outcome of all proceedings (pre-trial, trial hearings and appeals) and case closure
- explaining the meaning and effect of any sentence given to the offender and answering any questions the victim may have.

7.4 Bail

Police prosecutors will ensure that oppositions to bail are completed for high risk offenders.

For victims of serious offences (see section 4.3 for the definition) police prosecutors will ensure that when the victim's views on bail have been ascertained, they are conveyed to the judge.

Where victims of serious offences have registered on the Victim Notification Register, the police officer in charge of the case or the police prosecutor will advise the victim as soon as practicable:

- every time the offender is released on bail
- of any safety, security, non-association or non-contact conditions of bail that exist in relation to the victim and/or a member or members of their immediate family and whānau.

7.5 Name suppression

If an offender applies for permanent name suppression, the police officer in charge of the case will make all reasonable efforts to ensure the victim's views on the application are obtained. The police prosecutor will inform the court of those views.

The victim's name in cases involving sexual offending cannot be published.

Victims have the right to apply for an order allowing the publication of details that could identify persons convicted of certain sexual offences. Police prosecutors will make such applications to the court when appropriate.

7.6 Giving evidence

The police officer in charge of the case will:

- give victims information about their role as a witness in the prosecution of an offence when relevant
- ensure victims are aware of their rights to have a support person near them in court when giving evidence.

If the victim is the complainant, they are entitled to one support person near them (or more with the judge's permission). Other witnesses may have one or more support people with the judge's permission.

Where practicable, police prosecutors or the officer in charge of the case should meet with victims before the trial or defended hearing to discuss giving evidence and any issues that are likely to arise. They should also ensure the victim is aware of court procedures and what will be expected of them.

Police prosecutors may offer to meet the family members of victims who have died as a result of an offence, and victims of sexual offences.

Some victims (for instance because of their age or the trauma suffered or because of the nature of the proceeding) may be entitled to give their evidence in alternative ways:

- in the courtroom but where the offender or another specified person is unable to see them
- from outside the courtroom
- by video record made before the hearing.

In appropriate situations, the police officer in charge of the case will discuss alternative ways of giving evidence with victims. The prosecutor will make an application to the court accordingly.

If a victim is under 18 years old at the time the charge is laid, prosecutors must apply to the court for directions about how their evidence will be given.

Police prosecutors will apply for a court order prohibiting the publication of the victim's name when they give evidence when it is appropriate to do so.

7.7 Victim impact statements at sentencing

If a victim wishes to read their statement at sentencing, police prosecutors will convey this to the judge.

Police prosecutors will:

- apply to the court to withhold part of the statement from the defendant where it is necessary to protect the victim's safety or security
- apply for orders, directions or conditions relating to the disclosure and distribution of the statement when appropriate
- disclose the victim impact statement in court only after a guilty plea is determined and before sentencing
- ensure the offender is not given a copy of the statement to keep unless authorised by the victim
- ensure all copies provided to lawyers are recorded and retrieve these copies at the end of proceedings.

See the following sections for further information on victim impact statements:

- Section 5.3 for Police
- Section 8.3 for Crown Law and Crown Solicitors
- Section 9.2 for Court Services for Victims.

7.8 Family violence

The decision to prosecute for family violence offending is a police prosecution decision, based on facts and evidence and also the accumulated nature of ongoing offending. Although police should listen to and note the victim's view on whether or not to prosecute, they should not be influenced by the victim's view on prosecution.

7.9 Sexual assault

Adult victims

Most prosecutions involving adult sexual assault (ASA) victims will be dealt with by Crown prosecutors due to the complexity and sensitivity of the case – see section 8.4.

ASA victims will receive specialist support in court. The names of ASA victims cannot be published unless the court makes an order at the victim's request. ASA victims may apply to give evidence about the sexual assault in alternative ways – see section 7.6. Whatever the outcome of the investigation and/or prosecution action, the police officer in charge of the investigation or the district ASA coordinator must clearly, carefully and fully explain the outcome or court finding to the victim so that they understand what has occurred. When appropriate, the police officer in charge will arrange ongoing support for the victim through the local crisis support agency.

Child victims (for court purposes a child is aged under 18 years)

The child should, if possible, meet the police prosecutor (summary jurisdiction) or Crown prosecutor prior to the trial, be shown the courtroom, and given appropriate resource material to assist with their preparation for court.

Child victims will be supported through any court proceedings by Police and/or appropriate specialist support agencies.

A child victim's evidence will normally be given by way of video record, unless exceptional circumstances apply. The child will still be required to be available to attend court to answer questions about the evidence if necessary.

See the following sections for further information on services for victims of sexual assault:

- Section 5.7 for Police
- Section 8.4 for Crown Law
- Section 9.2 for Ministry of Justice
- Section 14.3 for ACC.

7.10 Where the offender is a child or young person

Offenders who are children or young people appear in the Youth Court:

- when they are arrested and immediately charged with an offence, or
- after a family group conference (FGC) has recommended prosecution, or where the FGC has not reached agreement, if Police have decided to lay charges.

Following a defended hearing when a charge is proved, matters are referred to an FGC to consider the appropriate outcome for the case.

Youth Aid officers or police prosecutors represent Police in Youth Court proceedings. In serious cases, a Crown prosecutor may represent the prosecution.

The judge makes a decision on the case after considering the FGC's recommendations and on the completion of any conditions associated with the FGC's plan. See section 6.2 for more on FGC plans.

Victims are not entitled to be present at any proceedings in the Youth Court. However, a judge may give victims permission to attend.

Victims are entitled to have their victim impact statement provided to the court if the offender is sentenced in the District or High Court.

See the following sections for further information on FGCs:

- Section 4.4 for the CYPF Act
- Section 5.4 for Police
- Section 6 for Ministry of Social Development

7.11 Appeals

The police officer in charge of the case will ensure that victims receive notification of any appeals including the hearing date, and later, the outcome of the appeal.

Police must return a victim's property which has been held as evidence as soon as practicable if the victim wants their property back. If the property is produced in court as an exhibit, it will be held until after the conclusion of the case and until the end of any appeal period.

7.12 Restorative justice

The police officer in charge of the case or the police prosecutor will explain and promote restorative justice processes to the victim where this is appropriate. Victims considering participation will be referred to the restorative justice provider in the local area to further discuss this option. The police prosecutor must also inform the judicial officer of the victim's interest in restorative justice at the next hearing.

See the following sections for further information on restorative justice:

- Section 8.6 for Crown Law
- Section 9.2 for Ministry of Justice
- Section 10.2 for Department of Corrections.

8. The Crown Law Office and Crown Solicitors

8.1 Overview of responsibilities

Charges are usually prosecuted by either the Police Prosecution Service or the Crown Solicitors and their staff. Police prosecute most summary offences and deal with the serious or indictable offences in the first steps of the prosecution process – see section 7 on the Police Prosecution Service.

Crown Solicitors are lawyers in private practice, appointed by the Governor General, and are entirely independent of the Police. The responsibility for prosecuting serious (indictable) crime rests with the Solicitor-General and is carried out by Crown Solicitors in various districts of New Zealand. The local Crown Solicitor will take over the prosecution once it is determined that the matter will proceed to a trial (or sentencing if a guilty plea is entered). Crown Solicitors represent the Crown which means they act in the interests of the community rather than acting for Police or victims.

Once it is determined that a matter is to proceed to trial, the Crown prosecutor is assisted by the police officer in charge of the case who will continue to play an important role as the liaison between the victim and the Crown prosecutor.

Crown prosecutors review the file once they receive it and may add, withdraw or amend the charges as they see fit.

This section covers services provided:

- 8.2 Before and during the trial
- 8.3 At the verdict and sentencing
- 8.4 In cases of sexual assault
- 8.5 In cases involving a death
- 8.6 For restorative justice
- 8.7 For appeals

8.2 Before and during the trial

The Crown prosecutor (whether directly or with the assistance of the police officer in charge of the case) should ensure that the victim has a clear understanding of the role of the prosecutor and of court processes.

The Crown prosecutor should ensure the victim has been referred to Court Services for Victims – see section 9.2 for more on the role of Court Services for Victims.

When there are delays to criminal proceedings, the Crown prosecutor must ensure that the police officer in charge, wherever possible, explains the reason for the delay and, wherever possible, tells the victim how long the wait is likely to be.

Name Suppression

Where name suppression of an offender is sought the Crown prosecutor should ensure that the views of the victim are put before the Court and taken into account.

Alternative ways of giving evidence

In certain cases and circumstances, Crown prosecutors can also apply to the Judge for directions that victims give their evidence in an alternative way, such as by video or behind a screen, so they do not have to see, or be seen by, the offender when giving evidence.

8.3 The verdict and sentencing

Victim impact statements

At the Crown prosecutor's direction, the police officer in charge of the case should obtain a full, detailed and up to date victim impact statement from the victim and where appropriate, the victim's immediate family and whānau members. The prosecutor should make all reasonable efforts to ensure this information is available for submission to the judge sentencing the offender.

The Crown prosecutor should ensure that the victim is properly informed of the purpose of the victim impact statement. The prosecutor should ensure that the statement is a true reflection of the effects of the offending on the victim. Prosecutors may have to exercise their judgement in reviewing victim impact statements which contain irrelevant material. Prosecutors should liaise with the police officer in charge of the case to explain to the victim why such passages may need to be removed.

Sentencing

The Crown prosecutor should ensure that the police officer in charge of the case:

- advises the victim about the sentencing process and principles, including how a sentencing hearing works
- advises the victim about the outcome of sentencing, including the different types of sentences, and fully explains the reasons for the judge's decision.

See the following sections for further information on victim impact statements:

- Section 5.3 for Police
- Section 7.7 for Police Prosecution Service
- Section 9.2 for Court Services for Victims.

8.4 Sexual assault

In cases involving sexual offending, the Crown prosecutor should ensure that arrangements have been made for the victim to meet with a victim advisor or a specialist support worker where available. This meeting should take place before the hearing or trial to explain the court processes and show the victim the courtroom. Any alternative means of giving evidence, such as behind a screen, should also be shown to the victim and explained.

The Crown prosecutor should meet with the victim before the trial to discuss giving evidence and any issues which are likely to arise.

In conjunction with the victim advisor, the Crown prosecutor may ensure special arrangements for the trial are made, including a separate room for the victim to wait in before giving evidence.

See the following sections for further information on services for victims of sexual assault:

- Section 5.7 for Police
- Section 7.9 for Police Prosecution Service

- Section 9.2 for Ministry of Justice
- Section 14.3 for ACC.

8.5 Victims of cases involving a death

The Crown prosecutor will meet the family of someone killed as a result of a crime and explain a decision on prosecution, if the family requests this meeting. Crown prosecutors are aware of the need to minimise the additional distress criminal proceedings are likely to cause to a victim's family and friends. They are mindful of the need to provide information about major decisions taken in the case, such as changes to charges.

See the following sections for further information on services for victims involving a death:

- Section 5.6 for Police
- Section 9.6 for Coronial Services
- Section 14.2 for the ACC homicide grant.

8.6 Restorative justice

Where the situation is appropriate and a victim agrees to the holding of a restorative justice conference, the Crown prosecutor should encourage the holding of the restorative justice meeting. See section 9.2 for more on the restorative justice process.

See the following sections for further information on restorative justice:

- Section 7.12 for Police Prosecution Service
- Section 9.2 for Ministry of Justice
- Section 10.2 for Department of Corrections.

8.7 Appeals

If a person who has been convicted appeals against their conviction or sentence to the Court of Appeal, Crown Law will ensure that the victim receives notification of the appeal including the hearing date, location and, in due course, the outcome of the appeal.

9. Ministry of Justice

9.1 Overview of responsibilities

The Ministry of Justice (the Ministry) administers 166 Acts of Parliament solely or jointly with other agencies. This includes administering the Victims' Rights Act 2002.

The Ministry provides administrative, case management and support services to the Supreme Court, Court of Appeal, High Court, and District Court; specialist jurisdictions which includes the Environment Court, Employment Court, Coroner's Court, and Māori Land Court; and the Waitangi Tribunal as well as 28 individual tribunals and authorities in 103 locations around New Zealand.

The Ministry collects the offender levy from a person who is sentenced in the District or High Court. These funds supplement base funding from the disestablished Sentencing Council and are used to provide financial assistance and services to victims of serious offences – see section 4 for the definition of serious offences. Information on financial grants funded by the Ministry of Justice and administered by Victims Support and ACC can be found on www.victiminfo.govt. The Ministry of Justice also works directly with and provides funding for a range of non-governmental services, such as Victim Support and restorative justice providers.

This section covers services for victims in the following courts and situations:

- 9.2 District Court
- 9.3 High Court
- 9.4 Youth Court
- 9.5 Family Court
- 9.6 Coronial Services
- 9.7 Collecting reparation
- 9.8 Claims against compensation
- 9.9 Compensation for loss and damage
- 9.10 Where an offender is liable for deportation

9.2 District Court

Court Services for Victims

Court Services for Victims (CSV) is a free, confidential and professional service available to victims from the time of the first court hearing in the District Court. This service is provided by victim advisors. For cases of sexual assault¹, advisors that specialise in supporting victims of sexual assault are being implemented nationally (2011/12). Victims can choose to engage with these services at any time during their contact with the District Court or the High Court.

A victim advisor will offer victims an opportunity to receive a service from CSV, either in person when the victim attends an initial court appearance in a District Court, or by telephone. This contact will be followed by a letter. The victim can seek information about the case from the police officer in charge of the case or the police prosecutor whether they are receiving CSV or not.

¹ Note that the Ministry of Justice uses the term 'sexual violence', rather than 'sexual assault'. The term 'sexual assault' is used in this paper to be consistent with terminology used by other agencies.

For victims who agree to receive CSV, the victim advisor will:

- take steps to best ensure that victims feel safe at the court
- let the victim know what is happening as their case progresses
- explain how the court system works
- organise mobility assistance for victims with a physical disability
- make sure the police officer in charge and others connected with the case know of any concerns the victim has about it
- explain any bail conditions
- liaise with the police to help to make sure that the victim's property is returned
- help the victim let the court know their views on the case.

For victims who are witnesses, victim advisors will:

- familiarise the victim with what happens if they are to be a witness prior to the court case
- educate young witnesses about the court system and the witness' role in it.

For victims who choose to make a victim impact statement, victim advisors will:

- describe how the victim (or the person that the victim chooses) can present a written statement about the impact of the crime on the victim to the court.

See the following sections for further information on victim impact statements:

- Section 5.3 for Police
- Section 7.7 for Police Prosecution Service
- Section 8.3 for Crown Law and Crown Solicitors.

For victims of sexual assault, victim advisors will:

- advise victims of sexual assault about the special conditions available to them for giving evidence in court
- take steps to best ensure that victims feel safe at the court
- inform victims of sexual assault of services available from specialist sexual assault support services, such as Rape Crisis and Auckland Sexual Abuse HELP, or where this is not available, Victim Support
- where possible, provide a space where victims can wait for the court hearing to start or to hear the outcome of the court hearing.

See the following sections for further information on services for victims of sexual assault:

- Section 5.7 for Police
- Section 7.9 for Police Prosecution Service
- Section 8.4 for Crown Law and Crown Solicitors
- Section 14.3 for ACC.

For victims of family violence (including sexual assault within families), victim advisors will:

- let victims know that they can apply for a protection order, or that the judge may issue a protection order, if their own (or their family and whānau) safety is at risk from the accused person
- where possible, provide a space where victims can wait for the court hearing to start or to hear the outcome of the court hearing.

For the family and whānau of a homicide victims, victim advisors will:

- take steps to best ensure that victims feel safe at the court
- inform victims of the Homicide Support Service, which is provided by Victim Support
- where possible, provide a space where victims can wait for the court hearing to start or to hear the outcome of the court hearing.

See the following sections for further information on services for victims of a homicide:

- Section 8.5 for Crown Law Office and Crown Solicitors
- Section 9.6 for Coronial Services
- Section 14.2 for the ACC homicide grant.

For victims of a serious offence, victim advisors will:

- explain to victims how they can be registered on the Victim Notification Register (VNR) – see section 10.2 for more on the VNR
- provide information on the other services and entitlements available.

Restorative justice services when an adult offender pleads guilty

Restorative justice is available in the District Court, and as part of the Police Diversion process. The judge may adjourn sentencing until an assessment can be made if a restorative justice conference may be positive for both the offender and the victim.

Victims can choose whether they want to participate at all stages of the restorative justice process and are encouraged to involve support people or family and whānau. The restorative justice service provider will:

- contact the offender who has pleaded guilty to an offence, to see if they are suitable for and willing to attend a restorative justice process
- request that the victim advisors contact the victim (the purpose of this call is to ask the victim for consent to pass on their details to a restorative justice provider)
- contact the victim to explain the restorative justice service and seek informed consent from the victim to participate
- meet with the victim and their support people to determine whether a conference should proceed and would be helpful to the victim
- at the conference, provide an opportunity for the victim to explain to the offender about the offence and how it affected them
- provide a report about what happened at the conference and any agreements reached. The judge chooses whether or not to make all or some of any restorative justice agreements part of the sentence, but they must (Sentencing Act 2002) take the views of the victim into account. Copies of the report are given to the victim, the offender and any others involved in the case, such as police prosecutors, victim advisors, probation officers and lawyers.

See the following sections for further information on restorative justice:

- Section 7.12 for Police Prosecution Service
- Section 8.6 for Crown Law and Crown Solicitors
- Section 10.2 for Department of Corrections.

9.3 High Court

CSV is available for any victim who requests assistance in the High Court. In addition, victim advisors will:

- inform victims of homicide of the Homicide Support Service, which is provided by Victim Support
- inform victims of sexual assault of services available from specialist sexual assault support services, such as Rape Crisis and Auckland Sexual Abuse HELP, or where this is not available, Victim Support.

9.4 Youth Court

Which Court deals with a child or young person depends on the seriousness of the charges being laid.

- Court proceedings for a child or young person start in the Youth Court
- A young person charged with a serious offence (other than murder or manslaughter) may be tried and sentenced in either the District Court or the High Court as if he or she were an adult.
- A child or a young person alleged to have committed murder or manslaughter is tried and sentenced in the High Court as if he or she were an adult.

In the Youth Court, children and young people accused of committing a crime must participate in a family group conference (FGC). Victims are invited to participate in the FGC – see section 6.2 for more on FGCs.

The Youth Court is closed to the public and any details that could identify the victim, a young person, their family or school cannot be reported in the media. Victims can request to attend Youth Court hearings and may be allowed to speak. The victim must inform the court registry officer at the court prior to the hearing date, so that the Youth Court Judge can consider the request, and if granted, victims will be provided with an opportunity for the victim to speak. Victims can also bring support people.

In sentencing, the Youth Court will consider the outcomes of the FGC including:

- any measures taken or proposed by the young person, or by his or her family or whānau to make reparation or apologise to any victim
- the effect of the offence on any victim, and the need for reparation to be made to that person.

9.5 Family Court

The Family Court deals with a range of family issues, including separation and divorce, relationship property, domestic violence, and child care and protection. Any person receiving Family Court services is treated with the rights and services provided for victims under the Victims' Rights Act. This includes people who either apply to the Family Court for assistance (applicants) or respond to an application by another person (respondents).

The Domestic Violence Act 1995 empowers the Family Court to make protection orders in cases of domestic violence. To be granted a protection order the applicant must be in a domestic relationship with the person being violent. It is important to note that both parties to a relationship may apply for protection.

Applications for protection orders

Protection order applicants can have a support person with them. They must inform court staff if they want a friend, family or whānau member or other person (such as a support person from Women's Refuge) to come to the hearing to provide the victim with support. Court staff will then inform the applicant if the judge agrees to this request.

All Family Court staff will assist protection order applicants and respondents in the Family Court process by:

- answering any questions about the Family Court process
- providing a place of safety (such as a separate room to wait in) if the applicant or the respondent feels unsafe when they arrive at the Family Court.

Following the issue of a temporary protection order or a protection order, Family Court staff will take appropriate steps to ensure applicants and respondents are aware of the domestic violence programmes available to them and their children. Where a Family Court coordinator is present this will be their responsibility.

Children who have committed a serious offence, in need of care and protection

A child alleged to have committed a serious offence (other than murder or manslaughter) and who is below the age of 12, is dealt with in the Family Court, following a declaration that the child is in need of care and protection.

Cases are usually adjourned until an FGC is held. The FGC must ascertain whether the child admits the alleged offence. Victims are invited to participate in the FGC. For information on services for victims during the FGC process, see section 6.2.

9.6 Coronial Services

The Coronial Services of New Zealand serves the community through investigating circumstances and causes of death in a respectful and professional manner. The findings of these investigations will be used to make recommendations for the improvement of public safety and to prevent deaths in similar circumstances. When there is a death related to an offence there will be a coroner's investigation and there may be a hearing in the Coroner's Court.

The Coronial Services Unit will ensure that family and whānau are:

- informed within 24 hours if the coroner decides to open an inquiry into the death and/or if medical information is required
- informed that they can choose to elect a family or whānau representative to act on their behalf and to be the immediate contact person
- given an opportunity to provide information on how their spiritual and cultural needs could be respected throughout the investigation
- able to remain with, or within a reasonable distance of, the deceased while they are in the care of the coroner, where circumstances and the coroner allow
- kept informed on the progress of the inquiry (post-mortem, inquiry, inquest, findings) and their rights, including:
 - their right to request that a doctor, nurse, funeral director, or any other person attends the post-mortem as a representative of the family and whānau

- how to request a death certificate, once the deceased has been released and the coroner has sent the notification of the death to Births, Deaths and Marriages
- any request from the pathologist to retain any organs or body samples for further analysis and of their right to request that any body parts be returned to them, where safe to do so, once the pathologist has finished any further analysis
- the coroner's decision to hold an inquest, and when and where it will be held
- their right to personally, or through legal counsel, question witnesses at the inquest
- their right to the findings from an inquiry. The coroner will inform the family and whānau when the report on the findings will be released, including informing if the coroner intends to make any criticism of the deceased or any other person.

The family and whānau will also be provided with:

- a copy of the post-mortem report (provided free of charge)
- a copy of the coroner's findings and any recommendations once the inquiry is closed. Family and whānau can access the summary recommendations from the Coronial Services of New Zealand website at www.justice.govt.nz/coroners after the coroner has completed the inquiry and released their findings.

See the following sections for further information on services for victims involving a death:

- Section 5.6 for Police
- Section 8.5 for Crown Law and Crown Solicitors
- Section 12.3 for Department of Labour
- Section 14.2 for the ACC homicide grant.

9.7 Collecting reparation on behalf of a victim

When a judge or community magistrate orders a defendant to pay money to the victim or victims for suffering harm, loss, or damage arising from an offence, the Ministry of Justice will receive the payment on the victim's behalf and once the payments have cleared, forward the payment to the victim by direct credit or by cheque.

Collections staff at the Ministry of Justice will contact victims who are entitled to reparation to ask for their bank account details and current address information. Victims will also be informed about how long it may take before they receive the reparation in full. Victims must inform Collections staff if they move address or change their bank account details.

Victims will be given the opportunity to use the reparation payments to offset any fines that the victim owes to the Ministry of Justice.

Defendants and victims are discouraged from setting up private arrangements for reparation. If any victim receives a reparation payment directly from the defendant, the person must notify Collections in writing. Collections will then take no further action to collect the reparation.

9.8 Claims against compensation (Victims' Special Claims Tribunal)

When a prisoner or offender is awarded compensation for wrongs that occur in the corrections or criminal justice systems, their victims have the opportunity to make a claim.

The Secretary of the Victims' Special Claims Tribunal (the Tribunal) will publish a notice in the New Zealand Gazette, on the website of the Ministry of Justice, and in the daily newspapers in Auckland,

Hamilton, Wellington, Christchurch, and Dunedin. The notice will include the offender's name, the amount available in the trust account, and the due date by which victims must file their claim.

The Secretary of the Tribunal will attempt to locate the offender's victims through the District Courts, Ministry of Health, Police, Department of Corrections, Ministry of Social Development and the Inland Revenue Department.

A copy of a victim's claim must be given to the offender. However, the victim's address and other contact details are removed.

When all claims have been filed, the offender has 60 days to make written submissions in response to the claim. In exceptional circumstances, the Tribunal can extend that 60-day period.

Victims may request to make an oral submission. The Tribunal will notify the parties (offender, victim and any other claimants) whether it will hear oral submissions, and of the time and place of any hearing.

The Tribunal will issue its decision to the parties in writing, including any order for damages. Victims may appeal against the decision, but only on a question of law.

When the claims have been determined and any appeals finalised, the money held in trust will be paid out as stated in the decision.

9.9 Criminal Justice Assistance Reimbursement Scheme

The scheme provides compensation for people who have suffered loss or destruction of property or loss of earnings as a result of assisting the administration of justice as a witness or being in a close relationship with a witness. The witness/victim does not have to have appeared in Court, nor is it necessary that an offender was convicted.

Victims can be compensated for material loss, property damage, expenses incurred, and loss of earnings. They must have exhausted all other avenues for compensation, including insurance and ACC.

Victims will normally be informed of the scheme by a police officer. A police officer may endorse the claim by stating that the claim is valid. The eligibility criteria and how to apply can be accessed from a local police station or from: <http://www.justice.govt.nz/tribunals/criminal-justice-assistance-reimbursement-scheme/how-to-apply>

Victims must provide evidence to support their claim; for example, supporting statements from the police, proof of the existence of the property being claimed for, its current value and the circumstances of how it was lost or damaged.

When a claim is filed, an independent assessor appointed from outside the Ministry of Justice makes non-binding recommendations to the Secretary of Justice regarding whether compensation should be granted. This usually takes three weeks, unless the assessor asks for more information.

Victims will be advised in writing of the outcome of their claim. If the claim is successful, victims will receive compensation by cheque soon after the decision is issued.

9.10 Where an offender is liable for deportation (Immigration and Protection Tribunal)

The Immigration and Protection Tribunal (the Tribunal) considers all immigration, deportation, refugee and protection appeals in New Zealand. Where an offender is liable for deportation, a victim can make a written submission and/or request to make an oral submission at the hearing regarding their deportation. A victim may also give evidence as a witness at the hearing.

Any victim wishing to lodge a written submission must forward two copies to the Tribunal 14 days prior to the hearing date.

The Tribunal will notify the person making the appeal that a written submission from a victim has been received. The appellant's lawyer can request a copy of the written submission from the Tribunal. The appellant is entitled to see a copy of the submission but is not entitled to keep a copy. The Tribunal may withhold part or all of the submission, if in its opinion, it is necessary to do so to protect the physical safety or security of the victim.

Any victim wishing to appear in person to make an oral submission at the hearing should notify the Tribunal 14 days prior to the hearing date, advising:

- the reason why he or she wishes to appear in person and make a submission orally, whether he or she intends to give evidence and the nature of that evidence
- an estimate of how much time will be needed in order to make the oral submission (including giving any evidence)
- whether the oral and any written submissions and evidence should be received in private.

The Tribunal will advise promptly whether or not they will allow the victim to make an oral submission on the impact that the offence has had on them.

No victim making any submission, whether written or oral, is subject to cross-examination by any party.

Any victim who gives evidence as a witness may be questioned by the Tribunal and, with approval by the Tribunal, be cross-examined by any party.

See also section 12.2 for notification of registered victims when deportation is under consideration.

10. Department of Corrections

10.1 Overview of responsibilities

The Department of Corrections (the Department) manages the Victim Notification Register (VNR) and keeps registered victims of a serious offence under the Victims' Rights Act (see section 4.3 for the definition) informed about events relating to the offender as they serve their sentence or order. Police decide whether a victim of an offence is eligible to be registered on the Victim Notification Register – see section 5.3.

A victim and/or their representative may apply to the Police for a decision as to their eligibility to be registered on the VNR at any stage during an offender's sentence. Unless the registered victim withdraws their request to be informed, the registration will remain active for the duration of the sentence including during the period after the offender is released from prison on conditions or on parole, or is subject to an extended supervision order.

This section covers services for victims who are registered with the Victim Notification Register (registered victims).

10.2 Victim Notification Register

Once the Police advise the Department that a victim is eligible to be a registered victim and the victim applies for registration, the Department confirms their registration on the Victim Notification Register.

If an offender has been sentenced to imprisonment, the Department notifies the registered victim or their representative (in writing unless otherwise specified), when an offender:

- is to be released from prison
- escapes from prison
- dies while in prison
- is released to work or has a temporary release. (Registered victims are not notified of a temporary release where an offender will be escorted for the duration of the temporary release.)

A registered victim may, for each parole hearing, request the following offender information from the Department to assist them in preparing a submission to the Parole Board:

- the offender's security classification
- programmes started and completed by the offender
- any convictions for offences committed by the offender since sentencing

Once an offender is released from prison and while they remain subject to release conditions or parole conditions, the Department notifies a registered victim or their representative (in writing unless otherwise specified):

- if the offender is convicted of breaching the conditions of their release or parole
- if a paroled offender is recalled to prison
- if an interim recall order for a paroled offender is not made final and the offender is released
- if a recall order for a paroled offender is quashed and the offender is released.

If an offender is sentenced to home detention the Department notifies a registered victim or their representative (in writing unless otherwise specified), when an offender:

- is absent from their home detention residence without approval (immediately by telephone, followed by written notification)
- dies while on home detention (by telephone as soon as the offender's next of kin have been informed, followed by written confirmation)
- is released from home detention
- is convicted for breaching home detention conditions imposed by a court or the Parole Board.

If an offender is being considered for or is subject to an extended supervision order, the Department notifies a registered victim or their representative (in writing unless otherwise specified), of:

- any application for an extended supervision order
- the hearing date or any adjourned hearing date of an application for an extended supervision order
- any extended supervision order made
- the date of any hearing of an application for cancellation or extension of an extended supervision order
- the death of the offender while subject to an extended supervision order (by telephone as soon as the offender's next of kin have been informed, followed by written confirmation)
- the expiry of an extended supervision order
- any conviction of an offender for breaching an extended supervision order.

If an offender is transferred to a hospital or facility under the Mental Health (Compulsory Assessment and Treatment) Act 1992 (MHCAT), the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (IDCCR), or the Criminal Procedure (Mentally Impaired Person) Act 2003 (CPMIP), the Department advises the Ministry of Health of the name and address of a registered victim. The Ministry of Health is then responsible for notifying a registered victim of the transferred offender – see section 13.3.

If an offender is admitted to a hospital other than under the MHCAT, IDCCR or CPMIP, the Department remains responsible for notifications to registered victims.

If a request is received from a sentenced offender for a restorative justice conference, the Department contacts the victim to ascertain their willingness to participate. If the victim wishes to participate in or learn more about the process, the Department engages a restorative justice provider to undertake the conference.

See the following sections for further information on the VNR:

- Section 4.2 on Victims' Rights
- Section 5.3 for Police
- Section 11.2 for Parole Board
- Section 13.3 for Ministry of Health.

See the following sections for further information on restorative justice:

- Section 7.12 for Police Prosecution Service
- Section 8.6 for Crown Law and Crown Solicitors
- Section 9.2 for Ministry of Justice.

11. The Parole Board

11.1 Overview of responsibilities

The New Zealand Parole Board (the Board) is an independent statutory body responsible for deciding whether offenders sentenced to more than two years' imprisonment can be safely released before the end of their sentence. The Board also sets conditions of release for offenders so that their reintegration back into the community can be effectively managed. Once the conditions are set it becomes the responsibility of the Community Probation Service to manage the offender and ensure that they comply with the conditions.

This section covers services provided to:

- 11.2 Registered victims on the Victim Notification Register
- 11.3 Victims who are not registered

11.2 Registered victims

Victims registered on the Victim Notification Register (VNR):

- are automatically notified of all upcoming hearings for the offender involved, including hearings to impose special conditions on an Extended Supervision Order
- can request specified information from the Department of Corrections about the offender to assist the victim in making a submission to the Board
- can make oral submissions to the Board without having to request permission to do so. If a victim chooses to make an oral submission, this takes place at a venue other than the prison. With the Board's permission, the victim can involve support people and may be represented by counsel.
- are notified of the Board's decision about an offender regardless of whether a submission was made about that offender.

The offender is able to read any written submission made; however, the contact details of the victim are removed. The offender is not permitted to keep a copy of any victim submission.

Victim Support is able to assist victims in preparing and presenting victim submissions to the Board.

If a victim wishes to make an oral submission to the Board and travel is required, Victim Support can assist with the travel costs.

See the following sections for further information on the VNR:

- Section 4.2 on Victims' Rights
- Section 5.3 for Police
- Section 10.2 for Department of Corrections
- Section 13.3 for Ministry of Health.

11.3 Non-registered victims

Victims who are not registered on the VNR can:

- make submissions in writing to the New Zealand Parole Board about an offender's case
- apply to the Board to make an oral submission.

If a victim makes a written submission, or (with the Board's permission) an oral submission, they can be notified of the Board's decision. If the offender is to be released they are advised of the conditions imposed; however, the Board may withhold a condition if disclosing it would unduly interfere with the privacy of any other person (other than the offender).

12. Department of Labour

12.1 Overview of responsibilities

The Department of Labour's (the Department's) vision is New Zealand thriving through people and work. The Department's activities are directed towards developing New Zealand's labour market, providing a range of immigration, workplace health and safety, and employment relations services. The areas of the Department's work relevant to victims of crime include:

- notifying registered victims if the Minister of Immigration is considering an individual's liability for deportation under the Immigration Act 2009
- investigating possible workplace incidents under the Health and Safety in Employment Act 1992 and enforcing this Act where necessary.

This section covers:

- 12.2 Immigration
- 12.3 Health and Safety in Employment
- 12.4 Complaints process

12.2 Immigration

Notification of registered victims if an individual's liability for deportation is under consideration

The Department notifies the registered victim(s) or nominated representative if the Minister of Immigration is considering an individual's liability for deportation under the Immigration Act 2009. The victim is given the opportunity to make a written submission to the Minister if they wish. When the Minister has made a decision on an individual's liability for deportation, the Department then notifies the victim of the outcome of the decision. If the individual liable for deportation appeals on humanitarian grounds to the Immigration and Protection Tribunal (the Tribunal), the Department forwards the address of the registered victim (and any submission received) to the Tribunal.

See also section 9.10 on the Immigration and Protection Tribunal.

12.3 Health and Safety in Employment

The Department investigates workplace incidents. Engagement with victims takes place at an early stage of the investigation and continues throughout the investigation process. Contact with the victim will continue, until the matter is closed, including completion of any prosecution or until the completion of the coroner's inquest (in the case of a workplace fatality).

A workplace accident investigation

During a workplace incident investigation a health and safety inspector takes all reasonable steps to:

- ensure victims feel safe and secure and provide assistance at the accident scene
- treat victims with courtesy and compassion, ensuring their dignity and privacy are respected
- answer victims' questions and explain the Department's role including that of interviewing the victim

- provide information about programmes, remedies and services available, the Victims' Rights Act, and assistance and referral to the local Victim Support group or other support agencies
- identify a support person if necessary to assist the victim to understand information the inspector is giving.

The health and safety inspector will provide victims with advice and information about the investigation including:

- why the Department is investigating, or provide reasons why the Department is not investigating
- how the investigation will be carried out
- progress updates and the outcome of the investigation
- what action is to be taken at the conclusion of an investigation such as enforcement or the decision to prosecute or not to prosecute.

Prosecution

If the investigation leads to prosecution, the Department provides information to the victim on:

- what charges have been laid, as well as any changes to the charges laid
- how the court system works, and what to expect at court (along with referral to other agencies and information to support the victim through the court processes)
- what will be involved if the victim is called as a witness
- the date and place of appearances in court, defended hearings, sentencing hearings and appeal hearings
- the outcome of all proceedings.

The Department's in-house Legal Services team provides legal advice and assistance to the Department including prosecuting health and safety offences. The solicitors of the Department's Legal Services team follow the Crown Law Prosecution Guidelines and the Crown Law 'Victims of Crime – Guidance for Prosecutors'.

The prosecutor will:

- on request, meet the family members of a victim who has died as a result of an offence
- encourage the holding of a restorative justice meeting where the situation is appropriate and the victim agrees – see section 9.2 for more on restorative justice.
- make all reasonable efforts to ensure that information is ascertained from the victim about the impact of the offending for submission to the court (a full, detailed and up to date victim impact statement should be obtained from the victim, and the prosecutor should ensure that the statement is a true reflection of the effects of the offending on the victim)
- with the inspector, ensure that the victim is advised about the outcome of sentencing, including the different types of sentences and the reasons for the judge's decision
- ensure that the victim receives notification of any appeal including hearing date and outcome.

Coroner's inquest

A workplace death will be referred to the coroner. The Department's health and safety inspector will:

- advise the victim when a report has been prepared for the coroner (the report for the coroner is not released to the victim by the Department but the inspector will provide information to the

victim about the investigation outcome and conclusions, go through the report with the victim or assist the victim to access the report through the coroner's office)

- provide the victim with support and information during the coronial process including how the coroner's inquiry proceeds and what to expect
- acknowledge the closure of the Department's relationship with the victim following receipt of the coroner's findings and recommendations.

See also section 9.6 for information on Coronial Services and section 14.2 for ACC information when an offence has resulted in death.

12.4 Complaints

The Department respects the right of victims and those supporting victims to complain about the services provided. The Department is committed to thoroughly investigating any complaints received.

13. Ministry of Health/District Health Boards

13.1 Overview of responsibilities

As well as general services to victims of offences as consumers of health services, the District Health Board Director of Area Mental Health Services (DAMHS) is responsible for administration of notification to victims registered on the Victim Notification Register (VNR) relating to an offender's detention in a hospital or care facility. Victim Notification Coordinators (coordinators) are responsible for notification on behalf of the DAMHS.

This section covers services provided to:

13.2 All victims

13.3 Victims registered on the VNR

13.2 Services for all victims

The DAMHS or coordinators, or both, must provide victims of offences or any other affected person with information about any programmes or services available to them through the District Health Board, and how to make a complaint about those services.

13.3 Victims registered on the VNR

Registered victims must be notified as soon as practicable (by telephone and followed up in writing) of the escape, first unescorted leave of absence, death, change of legal status or impending discharge for the following patients or care recipients:

- special patients as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992
- special care recipients as defined in section 6(2) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003
- persons subject to court orders made under sections 25(1)(a), 25(1)(b) or 34(1)(b) of the Criminal Procedure (Mentally Impaired Persons) Act 2003.

A victim should be informed as soon as practicable when a patient is again detained after escaping or being absent from the hospital grounds without approved leave. The DAMHS or coordinator should do this by rescinding the notice of escape they had previously given.

A victim must be informed of a patient or care recipient's death, irrespective of whether the death occurred within or outside a facility. Victims will not be informed about the circumstances of the patient's death, as this is confidential to the patient or care recipient.

A victim must also be notified when a special patient or care recipient ceases to be detained for the sentence imposed for an offence.

See the following sections for further information on the VNR:

- Section 4.2 on Victims' Rights
- Section 5.3 for Police
- Section 10.2 for Department of Corrections
- Section 11.2 for Parole Board.

14. Accident Compensation Corporation (ACC)

14.1 Overview of responsibilities

ACC provides entitlements to everyone that has suffered a personal injury caused by accident in New Zealand. ACC is bound by the Accident Compensation Act 2001 (the AC Act). Entitlements are provided under the AC Act for people who suffer a personal injury regardless of whether the injury resulted from a criminal act for which someone has been charged.

This section covers services:

- 14.2 Where an offence has resulted in death
- 14.3 In cases of sexual assault (sensitive claims for sexual violence)
- 14.4 Where a victim suffers physical injury as the result of a crime

14.2 Where an offence has resulted in death

Homicide grant

Families of homicide victims are able to claim a top-up to the existing ACC funeral grant. A maximum of \$10,000 may be claimed (including the maximum ACC funeral grant), or the actual cost of the funeral, whichever is the lesser amount. For the purposes of this grant, homicide is defined as murder, manslaughter or infanticide. Vehicular manslaughter is not included.

ACC administers the additional funeral grant on behalf of the Government and the top-up is only payable where the death is confirmed as a result of homicide and the maximum ACC funeral grant has already been claimed.

Once ACC has accepted the claim, the estate or funeral director must send a detailed invoice to ACC showing the costs of the funeral and related expenses. If the account has been paid, ACC also needs a receipt of payment, showing who paid the account and how much was paid. Once ACC receives the invoice for the cost of the funeral (and confirmation of payment, if applicable) payment is made directly to the funeral director, reimbursed to the estate, or to the person who paid the account.

See the following sections for further information on services for victims involving a death:

- Section 5.6 for Police
- Section 8.5 for Crown Law and Crown Solicitors
- Section 9.6 for Coronial Services.

Criminal act causing fatality

In addition to the 'top-up' entitlement available for families of homicide victims (see above), ACC provides entitlements to the families of victims of fatal criminal acts where a charge of murder, manslaughter or infanticide has not been laid.

14.3 Victims of a sexual assault (sensitive claims for sexual violence)

Immediate and early recovery needs

ACC can provide 24-hour assessment and treatment services for victims of sexual assault and abuse. Services include an initial assessment and medical follow up. The service is provided by medical professionals trained by Doctors for Sexual Abuse Care and is delivered on behalf of Police, ACC and the Ministry of Health. A person does not need to lodge an ACC claim to access this service.

For people who go on to lodge a claim, ACC provides up to 16 hours of early recovery support sessions with an ACC registered sexual abuse counsellor. The claim does not need to be accepted to access this service and a person may choose to withdraw their claim at the end of the support sessions.

People can lodge a sensitive claim for mental injury by visiting their doctor or a registered ACC counsellor.

Claims for mental injury caused by sexual abuse or assault

A client must have their claim for mental injury accepted by ACC to access further ACC services and entitlements (such as depression or post-traumatic stress disorder that is caused by sexual abuse or sexual assault and that requires treatment).

To help establish if a mental injury is present, clients will need to be assessed by a clinical psychologist or psychiatrist. The client may choose to take a support person with them and/or their support sessions counsellor.

Longer-term recovery

Once a client has their claim for a mental injury caused by sexual assault or abuse accepted, ACC will look at what further treatment may be required. This may include further counselling, psychological services, and/or psychiatric services and will always be based on the person's individual needs.

Where eligible, clients can receive assistance including for treatment costs, transport to treatment, pharmaceuticals, and earnings-related compensation.

See the following sections for further information on services for victims of sexual assault:

- Section 5.7 for Police
- Section 7.9 for Police Prosecution Service
- Section 8.4 for Crown Law and Crown Solicitors
- Section 9.2 for Ministry of Justice.

14.4 Physical injury from a criminal act

ACC provides entitlements to all victims who are physically injured by a criminal act.

These entitlements include treatment, transport to treatment, pharmaceutical reimbursement, home help and weekly compensation.

15. Complaints and feedback

This section provides a summary of the complaints process for victims in regard to each agency. Please note that this working paper is available electronically until the Victims of Crime Bill commences (approximately the latter part of 2012) and it will then be withdrawn as the information will be out of date. **It is strongly suggested that contact is made directly with the agency to ensure that the following information on complaints processes is up to date.**

| Agency providing the service | Complaints process |
|--|--|
| <p>NZ Police (including Police Prosecution Service)</p> | <p>Victims can make one of two types of complaint if they believe Police have not met their obligations under the Victims' Rights Act 2002:</p> <p>1. Expression of dissatisfaction</p> <p>This is for less serious cases where a victim is unhappy about the service received from Police and wants an explanation. Expressions of dissatisfaction are dealt with by local police who will work with the victim to address their concerns.</p> <p>To make an expression of dissatisfaction:</p> <p>The victim can contact any police station by mail or phone or in person, or write or speak to the officer in charge of the station, or contact Police through the website: www.police.govt.nz</p> <p>2. Formal complaint</p> <p>This is an independent process to address serious concerns about:</p> <ul style="list-style-type: none"> • the misconduct or neglect of duty by an employee • a policy, procedure or practice of NZ Police • the standard of service received. <p>To make a formal complaint, victims may:</p> <ul style="list-style-type: none"> • go to any police station and tell them they want to make a complaint against Police. (If victims are unable or reluctant to make a complaint at a police station, they can be interviewed elsewhere. They can bring a solicitor, friend or relative when making a complaint.) • make a complaint through the Police website: www.police.govt.nz • write to the local District Commander (details are in the white pages of the phone book or on the Police website) or the Commissioner of Police, PO Box 3017, Wellington 6140 • contact the Independent Police Conduct Authority (IPCA) by: <ul style="list-style-type: none"> ○ making a complaint online at www.ipca.govt.nz, or ○ phoning toll-free 0800 503 728, or ○ writing to IPCA, PO Box 5025, Wellington 6145, or ○ emailing the complaint to enquiries@ipca.govt.nz • talk or write to their Member of Parliament. |
| <p>Ministry of Social Development (Child, Youth and Family)</p> | <p>Victims of a crime by a child or young person can give feedback about the FGC process. Feedback forms on the FGC process are available at the following website, which enables victims to give direct feedback on their engagement, and satisfaction with the process:</p> <p>http://www.cyf.govt.nz/youth-justice/role-of-victims.html</p> <p>If a victim has a complaint about the service received from Child, Youth and Family,</p> |

they should contact the local Child, Youth and Family office. The victim can either talk to the person they have been dealing with or ask for the manager.

If dissatisfied, a formal complaint can be made by:

- free call on 0508 FAMILY (0508 346 459)
- filling in a complaint form, available from a local Child, Youth and Family office, or by downloading one from the website:
<http://www.cyf.govt.nz/documents/about-us/publications/feedback-form.pdf>
- email: complaints@cyf.govt.nz
- fax: (04) 916 0222.

Child, Youth and Family will contact the victim within one week of receiving the complaint to talk with the victim about how it will be managed. Child, Youth and Family will try to resolve any formal complaint within four weeks of receiving it – if it will take longer, the victim will be informed.

There are some issues that Child, Youth and Family may not be able to help with, such as decisions made by the court. Victims will be informed if this is the case.

If not satisfied with the outcome of the formal complaint, a victim can ask for a review by the Chief Executive of the Ministry of Social Development's Advisory Panel. To apply for a review, victims can write to:

National Manager
Review Secretariat
Ministry of Social Development
PO Box 1556
Wellington 6140

More information about the Chief Executive's Advisory Panel can be found on the Ministry of Social Development's website:

<https://www.msd.govt.nz/about-msd-and-our-work/contact-us/complaints/ce-review-cyf-complaints.html>

If a victim is not satisfied with the outcome of the Chief Executive's review, other organisations outside of the Ministry of Social Development can be contacted, such as:

Social Workers Registration Board

Ph: (04) 931 2650

www.swrb.org.nz

Office of the Children's Commissioner

Ph: (04) 471 1410

www.occ.org.nz

Office of the Ombudsmen

Call: 0800 802 602

www.ombudsmen.govt.nz

The Crown Law Office and Crown Solicitors

If a victim feels that any of the service providers has not delivered their obligations, they should discuss their complaint with the person they have been dealing with at that organisation. Following this, they should make a complaint through the complaints procedure outlined below.

If a victim feels their rights have not been respected by any Crown Prosecutor, the victim should write to the Crown Solicitors' office which dealt with their case.

A list of Crown Solicitors is set out on the Crown Law website:

<http://www.crownlaw.govt.nz/pagepub/docs/whatwedo/contacts.asp>

Ministry of Justice

If a victim has a complaint about the way in which their case has been managed by the court or someone the victim has dealt with in the court, they should speak to the manager of the service they have been dealing with. Victims can make a complaint in person, over the telephone, or in writing.

If a victim feels dissatisfied with this response, a complaint can be made in writing to the Office of the Ombudsmen, PO Box 10 152, Wellington.

If a victim feels their privacy has not been respected, a complaint can be made in writing to the Privacy Commission, PO Box 466, Auckland.

Department of Corrections

Members of the public wanting to make a complaint about the Department of Corrections should email complaints@corrections.govt.nz or write to Private Box 1206, Wellington 6140.

Where registered victims (those recorded on the Victim Notification Register) enquire about Corrections' complaints procedures, they are advised to write to the Chief Executive of Corrections outlining any complaint.

Complaints directed to the Chief Executive or received elsewhere in Corrections are recorded and acknowledged. Complaints are investigated and the victim is advised of the outcome.

If a victim is not satisfied with the response to their complaint they can complain in writing to the Office of the Ombudsman, PO Box 10 152, Wellington, or if they feel their privacy has been breached, to the Privacy Commissioner, PO Box 466, Wellington.

The Parole Board

Victims wanting to make a complaint about how they have been dealt with by the Board or to complain about any decision of the Board, can address their complaint in writing to the Chairman at PO Box 939, Wellington, or by email to: complaints@paroleboard.govt.nz

If a victim is not satisfied with the response to their complaint they can complain in writing to the Office of the Ombudsman, PO Box 10 152, Wellington, or if they feel their privacy has been breached, to the Privacy Commissioner, PO Box 466, Wellington.

Department of Labour**Health and safety services**

If a victim has a complaint relating to the health and safety service that has been provided by the Department of Labour and they require a formal response, then it is advisable to make this complaint in writing. Complaints can be submitted via the Department's website www.dol.govt.nz, by email to complaints.labourgroupp@dol.govt.nz or by writing to Labour Group complaints coordinator, Department of Labour, PO Box 3705, Wellington 6140.

All complaints will be acknowledged and a response to a complaint will be sent within 20 working days of the date it was received.

If a victim feels the standards set out have not been met, they can make a complaint in writing to the Office of the Ombudsmen, PO Box 10 152, Wellington.

Immigration

A victim can complain in the first instance to the manager of the branch where the matter was handled for the manager to address the complaint directly.

If the victim is not satisfied with the branch manager's response to their complaint, then they can take it further by writing to the Deputy Chief Executive – Immigration

by post, fax or by email:

Deputy Chief Executive – Immigration
Department of Labour
PO Box 3705
Wellington 6140
Fax: 04 915 6278
Email: depseccomplaints@dol.govt.nz

When the Department receives a complaint about an immigration service, it will usually send an acknowledgment within two working days. Responses are expected to be within 15 working days of receipt of the complaint by the branch or within 20 working days of receipt of the complaint at the Deputy Chief Executive – Immigration level.

The manager of the branch or the Deputy Chief Executive may need to extend this timeframe in complex cases and victims will be kept informed of this process.

Ministry of Health

If victims have concerns that the obligation to notify certain events relating to special patients and special care recipients under the Victims' Rights Act 2002 is not being met, the first step is to raise these concerns with the Office of the Director of Mental Health. This Office can be contacted by calling the Ministry of Health on (04) 496 2000.

If victims have concerns about the service that they received at hospitals, rest homes and residential disability services, the first step is to raise these concerns directly with the provider.

The Health and Disability Service Standards require that providers have an accessible and responsive complaints process that complies with the Code of Health and Disability Services Consumers' Rights 1996.

Where a complaint remains unresolved, victims can request assistance from the Health and Disability Advocacy Service or make a complaint to the Health and Disability Commissioner, who is empowered to investigate complaints about health services provided.

Further information about how to do this can be obtained by contacting the Office of the Health and Disability Commissioner on 0800 11 22 33.

Accident Compensation Corporation (ACC)

A client who is unhappy with the management of their claim, or feels their rights under the ACC Code of Claimants' Rights have been breached, can make a complaint to ACC's Customer Support Service on 0800 650 222.

If a client is not happy with a decision ACC has made, they can ask for it to be independently reviewed. Applications for review need to be submitted, in writing, to ACC within three months of the date of the decision.

A review hearing will be carried out by a specially trained person from outside ACC. At the hearing, the reviewer will consider the information presented by both parties and will make a ruling on the outcome of the review.

Further information on the review process can be found at:

<http://www.acc.co.nz/making-a-claim/what-if-i-have-problems-with-a-claim/>

If a client is unhappy with the outcome of their review, they have 28 days to appeal it at the District Court.



MINISTRY OF
JUSTICE
Tāhū o te Tīare

newzealand.govt.nz