

For young witnesses and their parents, carers, family and whānau

MOVING THROUGH THE CRIMINAL JUSTICE SYSTEM WHAT HAPPENS AND HOW TO GET SUPPORT

Witnesses are a very important part of the criminal justice system in New Zealand. They give vital evidence in investigations and court cases and help make sure that the right people are held to account for crimes they commit.

It is important to find the support that is right for you. There are agencies in your area who can offer specialist emotional and practical support. Call the Victims Information Line on 0800 650 654 to find out about agencies near you.

Please see the end of this factsheet for key contacts and a glossary.

Victims' rights

Victims of crime in New Zealand have rights. If the victim is a child or a young person, their parent or legal guardian have the same rights as the victim.

You have the right to be told about services that can help you, to be kept informed of the progress of the case through court and to know what to expect when you go to court.

You have the right to tell the court about how the crime has affected you. If you're the victim of an offence by a child or young person, you have the right to attend a family group conference and have a say in what you'd like to see happen.

In some cases, you or your representative has the right to have a say on things like name suppression, bail, extended supervision orders or parole.

You can expect courteous, compassionate and respectful service from court officers, the police and anyone else involved in the case. You have the right to privacy.

Read the Victims Code for more information about your rights and the treatment you can expect. It's on our website at victimsinfo.govt.nz along with other useful information.

If you think your rights have not been met, or you have not received the standard of service you expect, you can make a complaint. Visit victimsinfo.govt.nz or call the Victims Information Line on 0800 650 654.

The investigation

When a crime is reported, a police officer will be put in charge of the case. The officer in charge will talk to you and your parent or caregiver and tell you who you can talk to for support.

The officer will also talk about any safety matters for you, and how these can be dealt with.

INTERVIEW

As soon as possible after the crime is reported, the police will need to interview you and take your statement. The type of crime will determine how the interview will take place. The officer in charge will explain this to you.

Your statement can be videotaped or it can be a written statement. You will be given a copy of your written statement. Even though you made a statement, you may still need to answer questions in court.

It is important you talk about what happened in your own words, so you should try not to talk to your family and whānau and other people about the crime before the interview.

Interviewers always do their best to make sure you only need to do one interview, but sometimes you might need to do another.

During the investigation, the police will also talk to other witnesses and collect evidence. If they have enough evidence they will arrest someone and charge them with a crime.

BAIL

Once someone has been arrested, they may then be let go until they have to go to court. This is called bail. Sometimes there are conditions about where the person has to live and what time they have to be at home. If the police think you or other people in the community are in danger, the person may be kept in jail until they go to court, when they can ask for bail again.

If you are a victim of a serious crime, you and your parent or caregiver will be asked how you feel about the person getting bail and you'll be told if they get it or not. (The glossary at the end of this factsheet says what a serious crime is.)

Your parent or caregiver will also be asked if they want to be part of the victim notification register so that you can be told about what happens to the offender after they are sentenced. You can register yourself when you are 17. To learn more, see our other booklets and factsheets at victimsinfo.govt.nz

VICTIM IMPACT STATEMENT

If you are a victim of a crime, you and your parent or caregiver will be asked if you want to make a victim impact statement. This tells the court how the crime has affected you. The officer in charge of your case, Victim Support or another support agency can help you write this statement.

Sometimes, no matter how thorough the investigation, there is not enough evidence to make an arrest or take a case to court. This does not mean that you were not believed.

Support

You can get support while your case is being investigated. You or your parent or caregiver can call the Victims Information Line on 0800 650 654 to find out about personal support agencies in your area. Or you can call Victim Support on 0800 842 846 – Victim Support can offer support to all prosecution witnesses and the people supporting them.

OFFICER IN CHARGE

You can call or email the police officer in charge at any time to find out what is happening with the case.

COURT VICTIM ADVISOR

If you are a victim of a crime, a court victim advisor will get in touch with you after the defendant first goes to court.

It is their job to tell you what is happening in your case and what you can do. They can also tell you where to get emotional and financial support. The pamphlet Court services for victims has more information about the service.

You can contact your court victim advisor directly, or through the Victims Information Line on 0800 650 654.

RESOURCES FOR YOUNG WITNESSES

Young witnesses can get resources like diagrams, posters and books to help understand the court process. Ask a court victim advisor in your area for these resources.

GUIDELINES FOR GOVERNMENT AGENCIES

There are guidelines for government agencies who are working with child witnesses and their support people. You can see these guidelines online at victimsinfo.govt.nz

FINANCIAL SUPPORT

Financial grants are available for victims of serious crimes (the glossary at the end of this factsheet says what a serious crime is). These grants can help cover some of the costs of dealing with the impacts of the crime.

To find out if you can get a financial grant and how much you could get, please go to victimsinfo.govt.nz or call Victim Support on 0800 842 846.

Witnesses might be able to claim expenses from the court. Ask your court victim advisor for help.

At court

The defendant (the person accused of the crime) will probably appear at court several times, for example to plead guilty or not guilty or for the judge to look at the evidence of the case.

If the person pleads guilty, they will be sentenced that day, or a date will be set for a sentencing hearing. You will not have to give any more evidence.

If the defendant pleads not guilty, the case will go to trial at court and you will need to give evidence as a witness (see *Being a witness*).

COURT EDUCATION FOR YOUNG WITNESSES

Court cases can be long and complicated. They are not like on tv. If you have to give evidence, you can ask for Court Education for Young Witnesses. This is a programme offered by victim advisors for ALL young witnesses in adult courts (except defendants). Any young witness or their support person can get in touch with the court victim advisor at the court to ask for this service.

If you have asked for Court Education for Young Witnesses, the court victim advisor will contact you about three weeks before the case goes to court. They will take you and your parent or caregiver through what happens in court, who sits where and who does what. They can also take you to visit the courtroom itself.

You can contact a court victim advisor in your area through the Victims Information Line on 0800 650 654.

YOUTH CRIME

If the crime was committed by a child or young person, the whole process of the case is different, because it goes through the youth justice process. This may involve a family group conference. If you are a victim of the crime, you will be invited to the conference. You can also attend the Youth Court hearing. You can take support people with you to the family group conference and to court.

The Youth Justice Coordinator, who works for Child, Youth and Family, will make sure you know what is happening in the case and what you need to do.

Some very serious cases of youth crime go through the adult court system.

Being a witness

Witnesses are a very important part of court cases. They can give vital evidence about what happened.

BEFORE COURT

If you are needed as a witness, the police officer in charge of the case or the court victim advisor will tell you when you need to be at court and where to go. You will also get an official notice delivered to you at home.

Before the case is heard in court, the officer in charge will meet with you and play your videotaped interview to remind you what you said in your interview. They will also talk to you about how you are going to give your evidence.

Tell the officer in charge, your court victim advisor or your personal support worker if you need hearing, mobility or language translation help in court.

GIVING EVIDENCE

The police officer in charge of the case or the court victim advisor can meet you and your family and whānau at court or outside the courthouse. They will take you to a separate waiting area, to avoid meeting the defendant or the people supporting them. But you might still see them in and around the court.

As a witness, you will be asked questions about what happened or what you know about the crime.

Before you give evidence, you will have to promise to tell the truth. You can choose to take an oath (a religious promise) or to make an affirmation (a non-religious promise).

If your first interview was videotaped, it will usually be played to the court. You will then be asked to answer any questions from the prosecutor and the defendant's lawyer. The judge may also ask you some questions.

Media are not allowed to report the name of a young witness, or any details that may identify them.

Your safety is important. If at any time you are worried about your safety at court, talk to a police officer or court security officer.

OPTIONS FOR GIVING EVIDENCE

You can have your parent or carer or other support person sitting near you when you give evidence.

There are three main ways you can give evidence to the court: closed circuit television, behind a screen, or without a screen.

The verdict and sentence

At the end of the trial, the defendant will be found guilty or not guilty. (In some cases – for example, where a jury does not reach a decision – there may be another trial.) Just because a person is found not guilty does not mean you were not believed. Cases are a matter of law and evidence.

If the defendant is found not guilty, they are free to go. This can be unexpected and you and your parent or carer may want to talk this over with your court victim advisor or support worker.

If the person is found guilty, they may be sentenced on the day or a date will be set for a sentencing hearing.

APPEALS

Both the prosecutor and the offender have the right to appeal the verdict and the sentence. This means a higher court looks at the case again. If this happens, the prosecutor will let you know about the process.

SENTENCING

The judge must look at many things when they sentence the offender, such as what sentences have been given for other similar crimes, reports about the offender, and any victim impact statements.

If the judge agrees, you and your parent or carer can read out all or part of your victim impact statement in court at the sentencing hearing. Ask your court victim advisor or the police officer in charge to ask the judge for you.



Closed circuit television. You might be able to give your evidence through a video link from a separate room, so you don't have to be in the courtroom. You will be able to see the judge and each lawyer when they ask questions but you will not be able to see anyone else.



Behind a screen. If you are giving evidence in the courtroom, a screen can be set up so you don't see the defendant. You will be able to see the other people in the courtroom.



Without a screen. You can choose to give evidence from the witness box and be seen by everyone in the courtroom.

After court

Once found guilty, an offender could get a number of sentences, such as prison, a community sentence or a fine.

THE VICTIM NOTIFICATION REGISTER

If you are a victim of a serious crime, your parent or carer can register on the victim notification register to get information about the offender, such as where the case is in the court process, if the offender is temporarily released from prison and if the offender is released on parole. You can register yourself when you are 17.

The police officer in charge of the case will talk to you about the process. Your contact details must be up-to-date to get information from the victim notification register.

Key contacts

There is support for you whatever stage you are at in the criminal justice system, and personal support to help you deal with the impacts of the crime.

Here are the contact details for some key services for victims and people affected by crime. You can find more information about services by calling the Victims Information Line on 0800 650 654 (24 hours a day) or by visiting victimsinfo.govt.nz

ACC

acc.co.nz

0800 101 996 Claims Helpline

0800 735 566 Sensitive Claims Helpline
(for victims of sexual violence)

Court victim advisors

0800 650 654 Victims Information Line

Department of Corrections

04 460 3000

corrections.govt.nz

New Zealand Parole Board

0800 PAROLE (727 653)

paroleboard.govt.nz

Personal support

See victimsinfo.govt.nz or the personal help services section in the phone book.

Police

You can find your local police station at police.govt.nz or in the blue pages at the front of the phone book

Victim Support

0800 VICTIM (842 846) 24 hours a day

victimsupport.org.nz

Women's Refuge

0800 REFUGE (733 843) 24 hours a day

womensrefuge.org.nz

Language line translation services

0800 656 656

9am–6pm Monday–Friday, 9am–2pm Saturday

Glossary

Bail

When police release someone who's charged with a crime on the condition that they go to court.

Court victim advisor

A Ministry of Justice staff member who can explain the court process and keep victims informed on the progress of their case.

Defendant

The person accused of the crime.

Homicide

When a person is killed by another person.

Offender

The person convicted of the crime. (Before being found guilty, the person charged with the offence is called the 'defendant'.)

Parole

When an offender is allowed out of prison to finish their sentence in the community. They must follow certain conditions.

Restorative justice

Restorative justice lets victims tell an offender how they have been affected, have a say in how the harm can be repaired, and begin to resolve some of the effects of the crime. A meeting is called a restorative justice conference.

Serious crime

- A crime of a sexual nature or other serious assault.
- A crime that has resulted in serious injury or death.
- A crime that has led the victim to have ongoing fears for their safety or the safety of one or more of their immediate family.

Victim notification register

A confidential list used by criminal justice agencies to keep victims informed about the offender, such as where the case is in the court process, if there is a temporary release from prison and when the offender is up for parole.

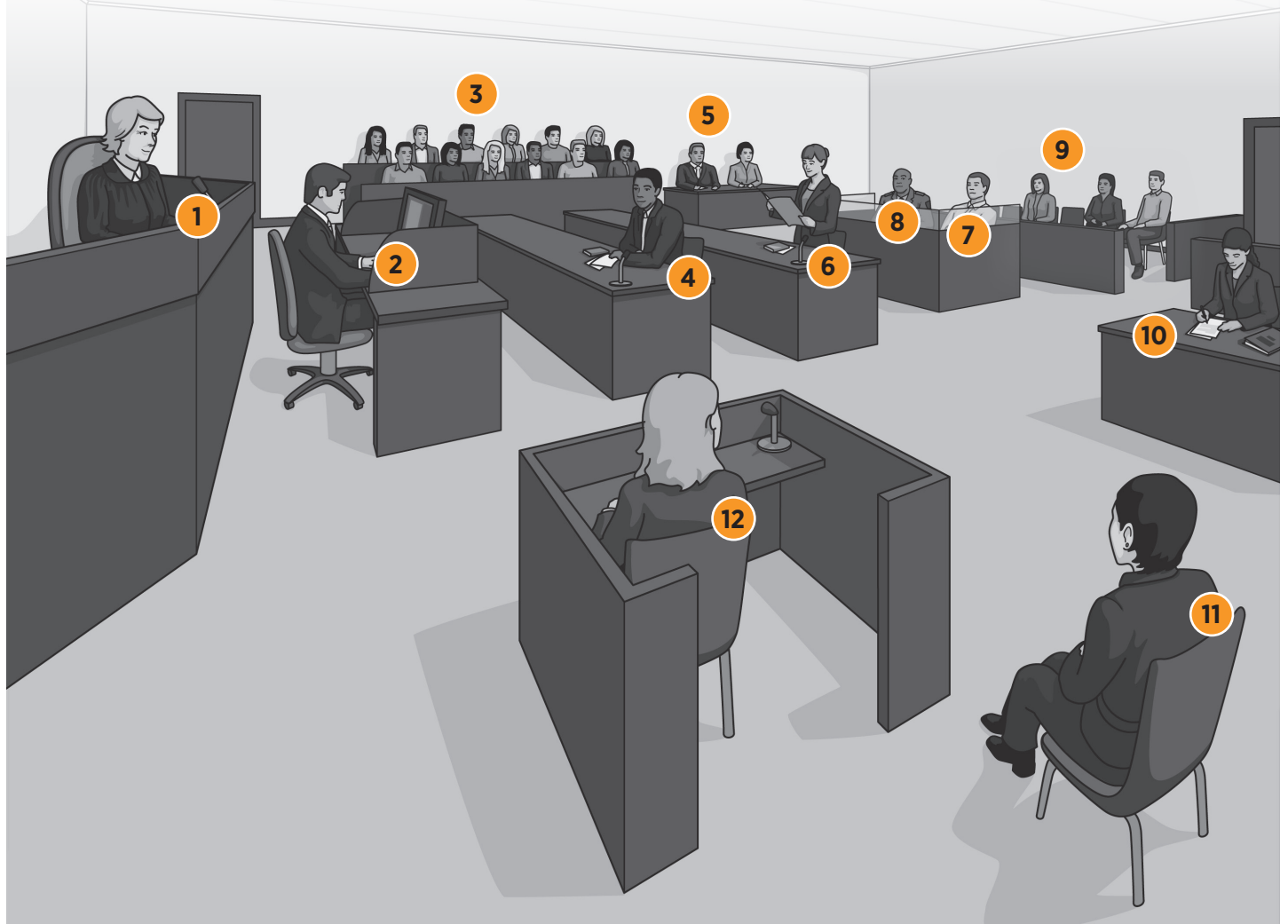
Register your details with the police officer in charge of the case.

Victim impact statement

A record of how the crime has affected a victim. A victim impact statement is usually in writing, but can include photographs, drawings or poems. A judge must consider it when sentencing an offender. The victim can read the statement to the court just before sentencing.

The courtroom

This diagram shows one example of the layout of a courtroom, and who you might see.



1. **Judge** is in charge of the court. They decide if the defendant is guilty, or if there is a jury, the jury will decide this instead.
2. **Registrar** helps the judge and makes sure that court processes are followed.
3. **Jury** is made up of 12 people who decide if the defendant is guilty.
4. **Prosecutor** takes the case on behalf of the Crown and presents the case against the defendant.
5. **Media** are journalists who report on the case.
6. **Defendant's lawyer** represents the defendant.
7. **Defendant** is the person accused of the crime.
8. **Prisoner's escort** accompanies the defendant.
9. **Public gallery** is where members of the public and victims' families and whānau can sit, and where witnesses can sit after they have given evidence.
10. **Court victim advisor** helps the witness understand the court process. They may not always be in the courtroom.
11. **Witness' support person** is the person who the judge has agreed can support the witness in court.
12. **Witness** gives evidence on what happened or what they know about the crime.