

The Victims Code sets out how you can expect to be treated when you are a victim of crime.

WHAT IS THE VICTIMS CODE?

The Victims Code sets out how you can expect to be treated when you are a victim of crime. The Victims Code has three parts:

- Part 1 lists the key principles that are expected to be followed by a person, organisations or government agency that provides services to victims (a provider).
- Part 2 sets out your rights in the criminal justice system and the youth justice system.
- Part 3 explains how you can make a complaint if you believe your rights are not being met.

As far as possible, the Code governs the way providers should treat victims of crime. However, the Code is not legally enforceable and there are no sanctions for failure to comply with it.

WHO IS A VICTIM OF CRIME?

Under the Victims' Rights Act 2002, a victim of crime is anyone who has:

- had a crime committed against them, or
- suffered physical harm because of a crime committed by someone, or
- had property taken or damaged because of a crime committed by someone.

A victim of crime is also:

- a parent or legal guardian of a victim who is a child or young person, as long as the parent or legal guardian has not been charged with the crime, or
- the immediate family members of someone who dies, or can no longer take care of themselves, because of a crime committed by someone.

WHAT SERVICES ARE AVAILABLE TO VICTIMS?

There is a range of services to help you at each stage in the criminal justice system and youth justice system. You can also get personal support to help you deal with the effects of the crime.

Find out about these services by calling the Victims Information Line on 0800 650 654. The Information Line staff will tell you what services are available and can help you get in contact with the agency or service that is right for you. Please tell the Information Line staff if you need an interpreter and they will get one for you.

You can also find information about the services at victimsinfo.govt.nz under 'Support and Services'. The information is on the website in a range of languages.

WHERE CAN I GET MORE INFORMATION?

For more information on how the criminal and youth justice systems work, the Victims Code (including the meaning of legal terms and related Acts) or how to make a complaint:

- visit victimsinfo.govt.nz, or
- call the Victims Information Line 0800 650 654.

Part 1: How providers are expected to treat victims

Eight principles guide the way that providers should treat you, your family and whānau when you have been affected by a crime.

A provider is a person, organisation or government agency that works to promote your wellbeing and rights, helps reduce your psychological, physical or financial suffering, and/or supports you in the justice system.

The principles apply to all victims of crime, including victims who have suffered only emotional harm because of a crime committed by someone. You do not need to have reported the crime to Police.

Providers should follow these principles. They must also comply with legal, professional and ethical standards and codes of conduct, and the Human Rights Act 1993.

The principles aim to ensure better outcomes for you when you've been affected by a crime. Although they are not legal rights, the principles guide providers about what victims can expect.

PRINCIPLE 1: SAFETY

Services should be provided in a way that minimises any potential harm to you and your family/whānau, and puts your safety first.

PRINCIPLE 2: RESPECT

Providers should treat you with courtesy and compassion. They should respect your cultural, religious, ethnic and social needs, values and beliefs.

PRINCIPLE 3: DIGNITY AND PRIVACY

Providers should treat you with dignity and protect your privacy.

PRINCIPLE 4: FAIR TREATMENT

Providers should respond appropriately to your needs, and should provide their services in a timely and straightforward way.

PRINCIPLE 5: INFORMED CHOICE

Providers should properly understand your situation and tell you the different ways you can get help. They should honestly and accurately answer your questions about their services. This includes how long you can receive them.

PRINCIPLE 6: QUALITY SERVICES

Providers should make sure you, your whānau or family, receive quality services. Quality services include services that meet your particular needs, such as culturally appropriate services. If you are dealing with more than one provider, they should work together.

PRINCIPLE 7: COMMUNICATION

Providers should give you information in a way that is easy to understand. You and your provider should communicate with each other openly, honestly and effectively.

PRINCIPLE 8: FEEDBACK

Providers should let you know how you can give feedback or make a complaint. It should be easy for you to do this.

Part 2: Victims' rights in the criminal justice and youth justice systems

While the principles apply to all victims, the rights only apply to victims of a crime that has been reported to Police or is before the courts.

The rights are part of the Victims' Rights Act 2002. Victims also have rights under other laws, such as the Privacy Act 1993, the Bill of Rights Act 1990, the Sentencing Act 2002, the Bail Act 2002 and the Children, Young Persons, and their Families Act 1989.

WHO DO THE RIGHTS APPLY TO?

Rights 1-6 apply to all victims of a crime that has been reported to Police or is before the courts. Rights 7-10 apply only to victims of certain serious crimes. Police will tell you if you have these rights. Right 11 applies only to victims of a crime committed by a child or young person.

WHO IS RESPONSIBLE FOR MEETING THE RIGHTS?

Depending on the right, different government agencies, investigators, prosecutors and other public bodies are responsible for making sure that your rights as a victim are being met.

Not all agencies are responsible for each of the rights in the Code.

To find out which agencies have responsibilities for each of the rights visit victimsinfo.govt.nz or call the Victims Information Line on 0800 650 654.

RIGHT 1: TO BE GIVEN INFORMATION ABOUT PROGRAMMES, REMEDIES AND SERVICES

You have the right to be told about programmes, remedies or services for victims. This might include services where you can meet with the offender (this could be at a restorative justice conference or family group conference).

RIGHT 2: TO BE GIVEN INFORMATION ABOUT INVESTIGATION AND CRIMINAL PROCEEDINGS

You have the right to be told within a reasonable time what is happening with the case, unless the information could harm the investigation or the criminal proceedings. This might include information from investigating authorities, court staff or the prosecutor that covers:

- charges filed against the defendant or young person
- reasons for not laying charges
- your role as a witness
- when and where the hearings will take place
- the outcome of any criminal proceedings, including any proceedings on appeal
- a young person's progress on a plan agreed at a family group conference. You can also ask for this information to be given to someone else who will then explain it to you.

RIGHT 3: TO MAKE A VICTIM IMPACT STATEMENT

You have the right to make a victim impact statement that tells the court how the crime has affected you. You can get help to write your victim impact statement.

The judge will consider your victim impact statement only when sentencing the offender.

In the Youth Court, the family group conference is the main way that victims take part in the youth justice system, which operates differently to the criminal justice system. The main way that your views are considered by a judge is through a family group conference plan (see Right 11). Some victims of offending by a child or young person may also have the right to read a victim impact statement in court. A court victim advisor can give you more information.

RIGHT 4: TO EXPRESS YOUR VIEWS ON NAME SUPPRESSION

If the offender applies to the court for permanent name suppression, you have the right to say what you think about the application.

In the Youth Court, children and young people who offend and victims automatically get name suppression. Other information that could be used to identify offenders or victims is also suppressed. For example, information about your family or the school an offender goes to.

RIGHT 5: TO SPEAK OFFICIAL LANGUAGES IN COURT

If you're a witness in court, you have the right to speak Māori or use New Zealand Sign Language in any legal proceedings. An interpreter will be provided.

If you're not a witness, you may speak Māori or use New Zealand Sign Language if the judge says you can.

RIGHT 6: TO GET BACK PROPERTY HELD BY THE STATE

If a law enforcement agency (like the Police) took any of your property as evidence you have the right to get it back as soon as possible.

VICTIMS OF SERIOUS CRIMES

In addition to rights 1–6, victims of certain serious crimes also have the following rights (rights 7–10).

Serious crimes include crimes of a sexual nature or serious assault, including where a person is killed or becomes unable to look after themselves. The Police will tell you if you have these rights.

RIGHT 7: TO BE INFORMED ABOUT BAIL AND EXPRESS YOUR VIEWS

You have the right to tell the prosecutor your views if the person who has committed an offence against you is being released on bail. The prosecutor must give your views to the court.

If you ask for information about a defendant or young person's bail, the Police or the Ministry of Justice must give it to you if that bail impacts you or your family. They must also tell you if the offender is released on bail and of any conditions relating to your safety.

RIGHT 8: TO RECEIVE INFORMATION AND NOTIFICATIONS AFTER SENTENCING

You have the right to receive information about the sentenced offender. To receive this information, you must register to receive victim notifications. Several agencies can give you a copy of the application form and help you fill it in, including the Police, Victim Support, the Department of Corrections and court victim advisors.

Victims of youth or child offending can sometimes apply to Police to receive certain notifications. Police, court victim advisors, or Child, Youth and Family staff can tell you if you are eligible and give you an application form.

Registered victims will be told when significant events happen for the offender, such as Parole Board hearings or if they reoffend during their sentence, are released from prison or home detention, leave hospital, are granted temporary unescorted releases from prison, escape from prison or die.

You can ask to stop being notified at any time.

RIGHT 9: TO HAVE A REPRESENTATIVE RECEIVE NOTIFICATIONS

You have the right to name a person to be your representative. Your representative will receive information about the offender or young person on your behalf and help you understand it.

RIGHT 10: TO MAKE A SUBMISSION RELATING TO PAROLE OR EXTENDED SUPERVISION ORDERS

This right applies only when the offender is serving more than two years in prison.

If you are registered to receive victim notifications (see Right 8), you will automatically be told when the offender is having a parole hearing or a hearing to impose special conditions on an Extended Supervision Order. You have the right to make a written or verbal submission, or both, to the Parole Board. The Parole Board must

consider your submission before making a decision. The Parole Board may show your submission to the offender, but will remove your contact details.

You have the right to ask for certain information from Corrections to help you make your submission. You need to ask only once – the information will be automatically sent to you for future parole hearings.

If an offender has been convicted of a serious sexual or violent crime, Corrections may apply for an order to monitor them after they are released from prison (Extended Supervision Order). If Corrections applies for this order, you can make a submission to the court. To do this, you need to be a registered victim (see Right 8).

VICTIMS OF YOUTH OFFENDING

The youth justice system operates differently from the criminal justice system. Rights 1-10 also apply in the youth justice system, unless specified.

Right 11 is only for the youth justice system. It gives victims of offending by a child or young person the right to attend a family group conference.

RIGHT 11: FAMILY GROUP CONFERENCES

If you're the victim of offending by a child (10-13 years old) or young person (14-16 years old), and the Police charge or intend to charge the child or young person, you have the right to go to a family group conference. You can take people with you for support.

Child, Youth and Family must make all reasonable efforts to give you this opportunity. They must talk to you about where and when the family group conference will be held. They must also consider the wishes of the family of the child or young person who has offended and of Police.

The family group conference is the main way that victims take part in the youth justice system. At the conference you'll meet with the child or young person, their family, and others such as Police or a social worker. You will be able to say how the offending has affected you and your family and say what you'd like to see happen.

The purpose of the family group conference is to set up a plan that holds the child or young person to account and addresses the underlying causes of the offending. You have the right to disagree with this plan. If you do, the Youth Court will decide what happens next.

You don't have to take part in the conference. If you want to take part, but you don't want to be there in person, you can join in by telephone, give a written or verbal statement, or ask someone else to stand in for you.

Part 3: What can I do if I think my rights are not being met?

If you believe a government agency hasn't carried out its legal responsibilities in providing the rights explained in this Code, or that you have under any other law, you can make a complaint.

You can make a complaint by:

- contacting the agency – issues are often resolved by speaking directly with the person or going through the agency's complaints process
- calling the Victims Information Line on 0800 650 654 – the Information Line staff will give you information about your rights and tell you how to make a complaint and who to send it to.

More information is on our website at victimsinfo.govt.nz

An agency that receives a complaint must respond promptly and fairly.

If you are still not satisfied after the agency has looked at the complaint, or it is taking too long to get back to you, you can complain to:

- Office of the Ombudsman
0800 802 602
ombudsman.parliament.nz
- Independent Police Conduct Authority
(if the complaint involves the Police)
0800 503 728
ipca.govt.nz
- Privacy Commissioner
(if you think someone has breached your privacy)
0800 803 909
privacy.org.nz/your-privacy/how-to-complain/

JUDICIARY AND THE PAROLE BOARD

Courts and judges and the New Zealand Parole Board work with victims in the legal system but must remain independent and free to operate without interference from executive government, such as the Police or Ministry of Justice. These bodies have a role to play in upholding the principles and rights contained in the Code, but are not subject to the Code.

If you want to make a complaint about a judge's conduct, contact the Judicial Conduct Commissioner on 0800 800 323 or complete a complaint form, available at www.jcc.govt.nz.

If you want to make a complaint about any service or information provided by the New Zealand Parole Board, contact the Manager, New Zealand Parole Board, on 0800 727 653 or email info@paroleboard.govt.nz