

# Developing a Victims Code: Advice from the coal-face

## Inter-agency workshop

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MINISTRY OF  
**JUSTICE**  
*Tāhū o te Ture*

# What we want to achieve today

- 1. What is the system of support available for victims?**
  - the outcomes we want to see for victims
  - how we work with victims
- 2. How we can address victims' concerns?**
- 3. What needs to be included in a Victims Code?**
- 4. Anything else?**

# Victim defined




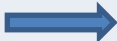
**The Victims' Rights Act defines a victim as:**

***'a person who has suffered harm from an offence committed by another person'.***

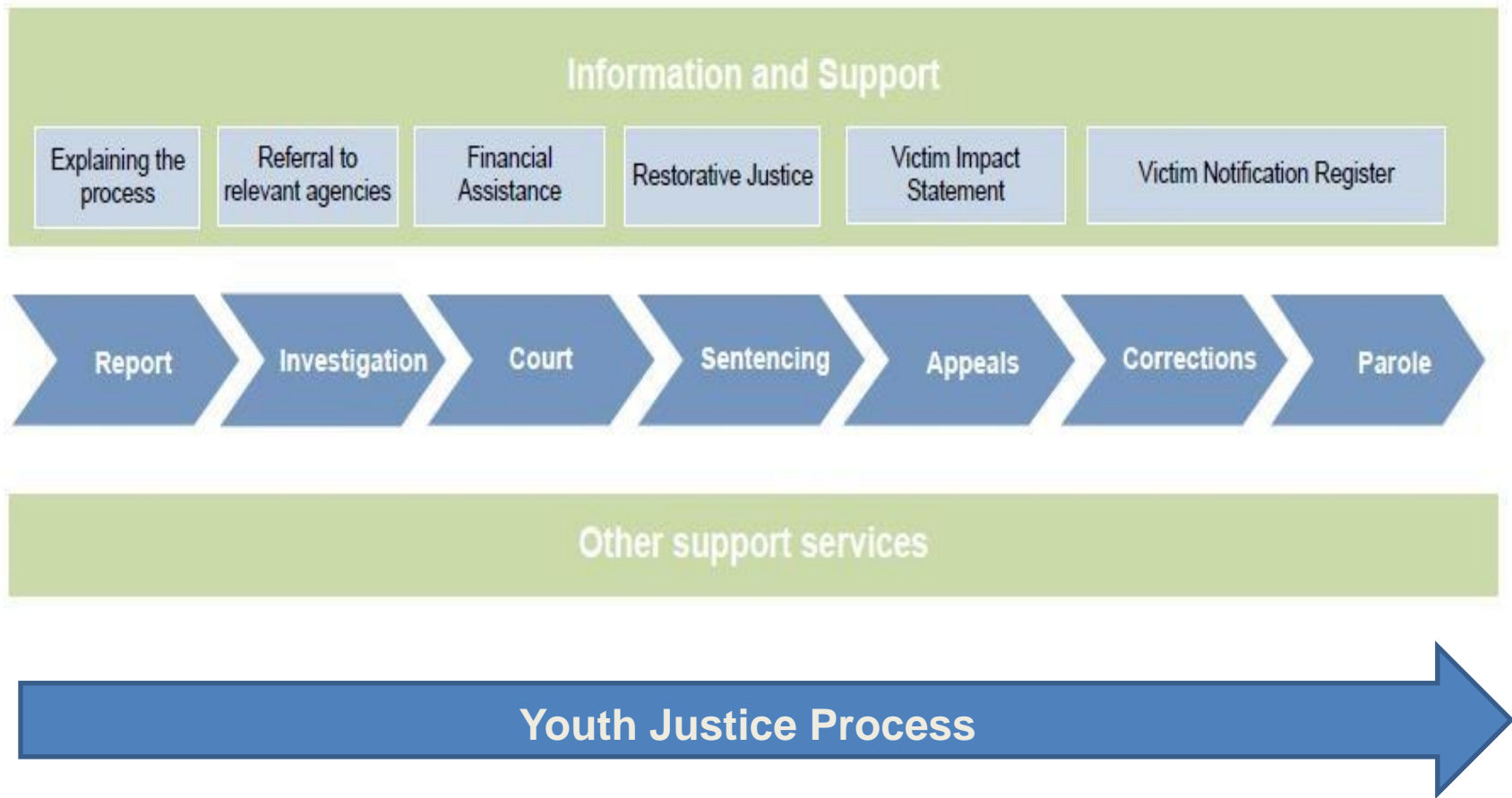
And includes parents of child victims (0-17 years) and close family members of a person who is murdered or made incapable – unless that parent, guardian or family member is charged with the commission of the offence.

Includes offences in the home, the workplace and in the public

# What are victims' concerns with CJS?

<b>Victims' concerns</b>	<b>Request for</b>
<b>Services seem to cease with conviction of the offender</b> 	<b>An accessible, appropriate, comprehensive and sustained system of support</b>
<b>Victims' interests take second place to the State during the investigation, trial and parole</b> 	<b>Improved Police, Court and VNR procedures providing victims with greater input and support</b>
<b>Criminal justice system lacks sensitivity towards victims</b> 	<b>Improved attitudes and actions of police, court staff and lawyers</b>
<b>Government services are not transparent</b> 	<b>Better information and communication between victims and agencies</b>

# Exercise 1: When do you have contact with victims



# Introduction – what's happening?

**2009 - 2011**

- **Offender levy – entitlements, services, information**
- **Enhancing Victims Rights Review**

**New phase began this year**

- **Victims of Crime Reform Bill**
- **Victims Centre**
- **Victims Code**

# Most of the public is at low risk of being a victim

## Experience of crime



Source: The New Zealand Crime and Safety Survey: 2009 Main Findings Report (2010)

# Victims' Rights Act

## Principles

- Courtesy and compassion, privacy and dignity
- Access services responsive to their needs arising from the offence
- Opportunity to participate in restorative justice meetings

## Rights for all victims

- Information on services and progress of the case
- To privacy
- Make a Victim Impact Statement

## Rights for victims of serious crimes

- Views on bail, parole, deportation
- Notifications, e.g bail, temporary release, breaches

# Youth justice system (CYF Act)

- **Victim participation in Family Group Conference**
  - Discuss the effect of the crime with offender
  - Have a say in how the offender will be dealt with
  - Input into developing a plan for the offender
  - Provided with updates on progress of plan
- **At Youth Court**
  - Opportunity to attend court hearing
  - Judge may seek victim's views

# Improving accountability

## **Victims of Crime Reform Bill will require:**

- **Ministry of Justice to develop a Victims Code**
- **Require certain agencies to have formal complaints processes (included in the Code)**
- **Include in their Annual Report to Parliament a summary of services provided and complaints received.**
- NZ Police, Ministry of Justice, Department of Corrections, Crown Law, Ministry of Social Development (CYF), Department of Labour
- ACC, Ministry of Health, Te Puni Kōkiri

# Purpose of a Victims Code

## **To make available to victims information about:**

- victims' rights,
- services provided to victims by government agencies and other organisations, and
- the duties and responsibilities of government agencies.

## **Tool for improving the quality of service delivery**

# Different models for a Code

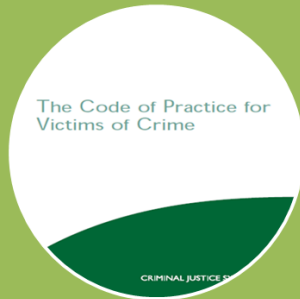


## Code of Rights

e.g. Code of Health and Disability Services Consumer' Rights

Legally enforceable rights and obligations on providers to provide a service

**Audience:** Victims and Service Providers



## Code of Practice

e.g. UK Code of Practice for Victims of Crime

Standards of behaviour, codifying longstanding and approved practices or restoring standards that had lapsed

**Audience:** Service Providers

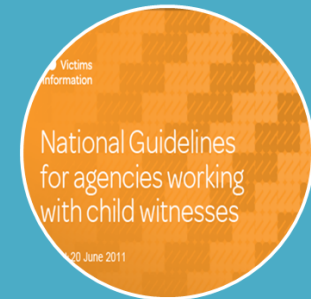


## Code of Ethics

e.g. Police Code of Conduct

Identify the moral commitments of a profession, values, elevated basis for professional reflection and association

**Audience:** Professional groups, practitioners



## Guidelines, protocols, recommendations

e.g. Child Witness Guidelines and the Alberta Victims Protocol

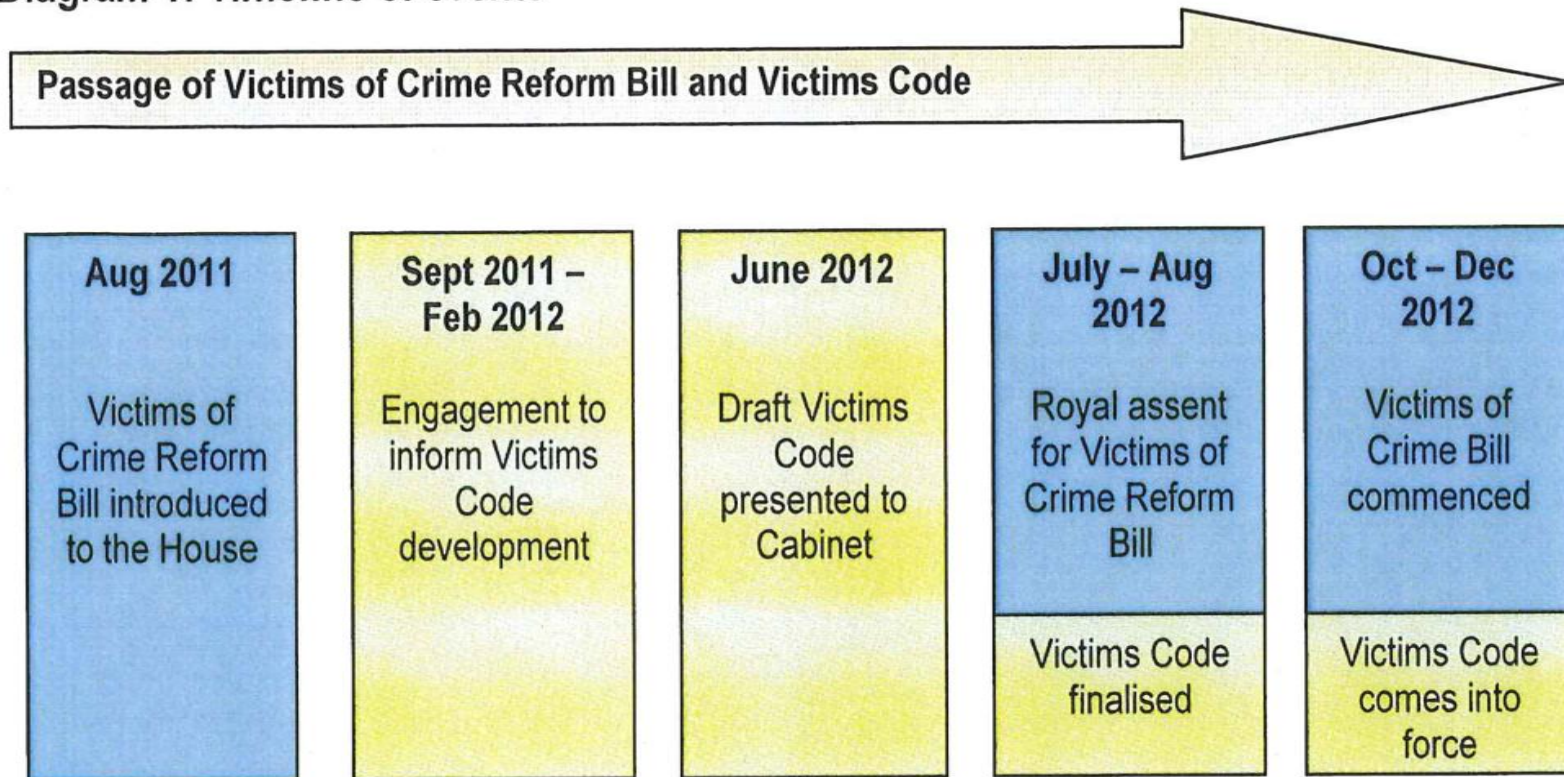
Guidance rather than strictly governing practice. When not legally enforceable, intended to influence conduct.

**Audience:** Service Providers and practitioners

Common minimum standards

# Developing the Victims Code

Diagram 1: Timeline of events



Engaging victims and the wider community

Public consultation

# What needs to be in the Code?

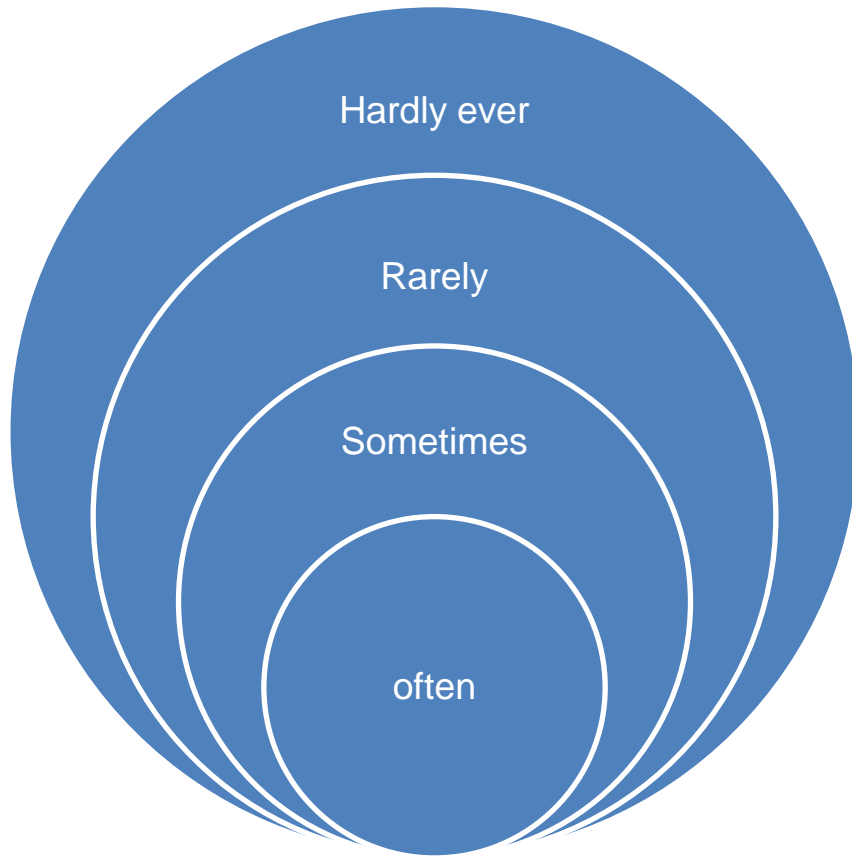
**Discuss in cross-agency groups:**

- 1. What outcomes do we want to see for victims of crime?**
- 2. What principles of practice need to be in a Victims Code?**

# Service level protocols

- **Are there any service level protocols in place to help you work with other agencies and share information?**
- **What works well?**
- **What other protocols or agreements could be developed?**

# Who do you work with to deliver your services?



Court victim advisors  
Health and Safety  
Immigration staff  
Prosecution  
Victim Support  
Women's Refuge  
Sexual violence  
Family violence  
Mental health  
Doctors/medical

Police  
CYP  
Counsellors  
Restorative justice  
Kaupapa Māori  
Corrections staff  
Parole Board  
Disability services  
Culture specific services  
Who else ?....

# Summary and next steps

- **Summary of today's take home points**
- **Complete the online evaluation form for the workshop on <http://www.victimsinfo.govt.nz/workshop-and-hui-information/>**
- **We want 'your input' on: [www.victimsinfo.govt.nz](http://www.victimsinfo.govt.nz)**
  - Interest in a network
  - Victims Information Questionnaire
  - Email us with comments on the background papers to [victimscentre@justice.govt.nz](mailto:victimscentre@justice.govt.nz)

