



For people
affected
by crime

A guide to the Victims Charter

About this Guide

This Guide provides information about the Victims Charter, which sets out the standard of service that people affected by crime can expect from government agencies. This Guide also provides information about the help and services that are available to you through government agencies and in the community.

Getting help

Who should I call?

If a crime has been committed against you or your family/whānau phone your local Police station. Remember, in an emergency, if you or someone else is in immediate danger or is injured dial 111.

Whether or not you have reported the offence to the Police, there are services available to you. If you would like information about your options and the support services that may be able to assist you, call the Victims of Crime Information Line on **0800 650 654**. This line is available 9am – 11pm 7 days a week, or visit **www.victimsinfo.govt.nz**

You can also contact Victim Support on free phone **0800 842 846**. Victim Support provides 24 hour emotional support, personal advocacy and information to victims of crime and trauma throughout New Zealand. Some other key contact numbers for services that may be able to assist you are provided at the end of this Guide.

About the Victims Charter

What is the Victims Charter?

The Victims Charter is a statement about the standard of service victims can expect to receive from government agencies.

In New Zealand, the Victims' Rights Act 2002 sets out the rights and principles of treatment for victims of crime. New Zealand also has a number of other Acts (laws) that set out your rights if you are a victim of crime, including the:

- Bail Act 2000
- Sentencing Act 2002
- Parole Act 2002
- Prisoners and Victims Claims Act 2005

A victim of crime is anyone who, as a result of a crime, has:

- suffered physical injury
- suffered emotional harm
- lost property (or had property damaged)
- suffered the death of a family/whānau member or that person can no longer take care of themselves
- a child who has died or suffered harm or loss to their property

The Victims Charter is set out in the following pages.

What is
meant by
“victim of
crime”?

The Victims Charter

If you are a victim of crime you can expect to:

be treated with respect for your dignity and privacy and with courtesy and compassion

You can expect this standard of treatment from the government agencies you deal with, including court staff, the Police, and other government employees.

get information about services and programmes that may help address your needs and any actions a court can take to help you

A number of government agencies and community organisations can provide you with information on your rights and services that may be available to help you. This includes medical help, legal protection for you and your family/whānau, support programmes and other services. The government agencies include:

- Accident Compensation Corporation (ACC)
- Child, Youth and Family (CYF)
- Ministry of Justice (Courts)
- New Zealand Police
- Legal Services Agency (LSA)
- Ministry of Social Development (MSD)
- District Health Boards (DHBs)

Some key community organisations are also listed at the back of this Guide. Some services, but not all, are provided free of charge.

get information about the investigation of the offence and any action being taken against the accused person

The Police or a Victim Adviser from the court must tell you about the progress of the investigation and the action being taken against the accused person. You can expect to be told about:

- the charges laid against the accused person or the reason for charges not being laid or any changes to charges

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- your role as a witness in the prosecution process
 - how the accused person/offender will be dealt with, for example by the court or by an alternative to court, such as diversion
 - date and place of court appearances, hearings, the trial and any appeals
 - the final outcome of the court process, including whether the accused person is acquitted or convicted and the sentence imposed

Sometimes it may be necessary for the Police not to disclose some information in order to help them prevent, detect and investigate crimes. In some cases information cannot be disclosed to ensure a fair trial.

be given the opportunity to make a written statement about the impact the crime has had on you. This is called a Victim Impact Statement

The Police or Crown Prosecutor will ask how the crime has affected you and will help you prepare a Victim Impact Statement. The Victim Impact Statement is one of the things the Judge must consider when sentencing the offender, and is a way for you to let the Judge know about:

- any physical injury or emotional harm you have suffered because of the crime
- any loss of, or damage to, your property
- any other way the crime has affected you

A Victim Impact Statement is usually made in writing but it can also be recorded on audio or video tape. If the Judge agrees, you, or someone you choose, can also read out your statement to the Judge in court.

Victims of serious crimes

New Zealand law recognises that some crimes have a particularly serious impact on the victim. Because of this, victims of some serious crimes are given special recognition under the law. You are a victim of serious crime if:

- you are a victim of sexual violation or serious assault
- you were seriously injured
- the offence resulted in the death of someone in your family/whānau, or that person being incapable of looking after themselves
- you have ongoing and reasonable fears for your physical safety or for the safety of any of your family/whānau

If you have experienced any of the situations listed above you can also expect to:

have the opportunity to give your views, and get information, about the release of the accused person on bail

If the person accused of the crime (who may be called the defendant or the accused) applies to the court to be released on bail, your views on whether or not bail should be granted will be sought for consideration by the Judge. You will also be notified if the accused person is released on bail.

In making the decision to grant or deny bail, the Judge must consider a number of things, including the victims' views, the risk of the accused person committing an offence (or further offence) if they are not in custody, and their criminal history.

be offered the choice to get information about the offender such as the release of the offender from prison, or their temporary release or escape from prison. This process is called the victim notification system

You may be able to get more detailed information specific to your case. The Police or a Victim Adviser will tell you if you are eligible to receive this information.

How can you apply to receive information?

You will need to complete a Police application form and provide your current address. You can also ask for someone else to receive this information on your behalf. If you are eligible, the Police will refer your details to the Department of Corrections or the Ministry of Health, whichever agency has custody of the offender.

If you move, it is up to you to tell the Police your new address.

You can apply to be part of the victim notification system even if you initially choose not to join. If you believe you are eligible to register, or you would like more information, contact your local Police station.

What information can you expect to receive from the Department of Corrections?

Once the Department of Corrections has confirmed your registration, you can expect to be notified about:

- escape from prison and recapture
- death whilst in custody, on home detention or subject to an extended supervision order
- impending release of offenders serving two years imprisonment or less
- temporary releases, including releases to work
- information to help prepare submissions for Parole Board hearings
- outcomes of applications for recall to prison
- absconding from and completion of home detention
- applications for extended supervision
- convictions for breaching conditions of home detention, release conditions set by the court, parole conditions and extended supervision conditions set by the Parole Board

Where an offender is held in a hospital, you can also expect to be notified by the Ministry of Health if the offender is discharged or escapes or is given leave of absence.

be given the opportunity, if you are part of the victim notification system, to make submissions on any decision to parole the offender if the prison sentence is more than two years.

Where offenders have received a prison sentence of more than two years, you can expect to receive from the Parole Board:

- notification of the offender's pending parole hearing
- information about how to make submissions to the Parole Board
- advice on how you can ask the Department of Corrections for information about the offender to help you make a submission
- notification of the Parole Board's decision

What if the standard of service is not met?

If you are a person affected by crime you can expect to receive the standard of service set out in the Victims Charter. If you feel that this standard has not been met you can first talk to the government agency concerned. If you are not satisfied with the agency's response, you can make a complaint to:

The Office of the Ombudsmen (where the complaint does not involve a Police Officer), PO Box 10 152 Wellington, phone **0800 802 602** or visit **www.ombudsmen.parliament.nz**

The Independent Police Conduct Authority (where the complaint involves a Police Officer), PO Box 5025, Wellington, phone **0800 503 728**

The Privacy Commissioner (if you feel your privacy has not been respected), PO Box 466, Auckland, phone **0800 803 909**

About the criminal justice process

The following is an outline of the criminal justice process: the roles of the Police, the Courts, the Department of Corrections, and the New Zealand Parole Board, and how people affected by crime may be involved. Throughout the criminal justice process you can expect the standard of service set out in the Victims Charter.

When a crime involving you is reported to the Police they will speak with you to decide how to best deal with the matter. This may lead to a criminal investigation. It may also include a statement being taken from you about the crime.

The Police may refer you to Victim Support or other community or government services depending on your needs. Your details and details of the case may also be referred to Court Services for Victims and you will be contacted by a Victim Adviser.

The Police will tell you about the progress of their investigation and of any prosecution against an alleged offender. Police will also advise you if you are eligible to be part of the victim notification system.

Police

The Police Adult Diversion Scheme allows for some offenders who have been charged to be dealt with in an 'out of Court' way if the offender completes agreed conditions.

Depending on the circumstances of the case, and if there is sufficient evidence, the alleged offender may be prosecuted.

The seriousness of the offence will determine if the case takes place in the District or High Court.

The alleged offender may apply for bail at their first court appearance and, if the Judge grants the application, they will be released from custody until their next court appearance, providing they agree to certain conditions.

If you are a victim of certain serious crimes the Judge will consider your views before making a decision to grant bail.

If the alleged offender is prosecuted, you may be called as a witness for the Prosecution. The Prosecution is led by a person called a 'Prosecutor' who takes the case against the alleged offender.

District / High Court

District / High Court

continued

A Victim Adviser will provide you with information about your role as a witness for the Prosecution and what to expect in court. The Victim Adviser and/or the Prosecutor will also tell you how the case is progressing even if you are not called as a witness.

The Police will help you prepare a Victim Impact Statement. If the alleged offender is convicted your Victim Impact Statement will be considered by the Judge when deciding on the sentence.

There is a range of sentences that a Judge can give an offender depending on the seriousness of the crime(s) and all the circumstances of the case. The Judge may also order the offender to pay reparation (money) to the victim in some cases where the victim has suffered loss, emotional harm or damage to their property as a result of the crime.

In some adult courts, where an offender has pleaded guilty and both the victim and offender wish to take part, a meeting can be held between the offender and victim as a way of sorting out some of the issues relating to the offence. This process is called restorative justice and it takes place in a safe environment for the victim and only if it is what they want.

Youth Court

In the Youth Court, young offenders (14 -16 years old) are dealt with through a Family Group Conference. A Family Group Conference is a meeting for members of the family/whānau, the young offender, and the victim to decide how the young offender can be held accountable and encouraged to take responsibility for their behaviour.

If a person who has committed a crime against you is a young offender, you will be given the opportunity to take part in a Family Group Conference.

The Department of Corrections manages offenders on sentences and orders made by the courts and the New Zealand Parole Board. Sentences include community-based sentences, home detention and imprisonment.

With a community-based sentence an offender must adhere to conditions imposed by the court. Depending on the sentence, conditions can include electronic monitoring, curfews, a requirement to attend rehabilitative programmes, and restrictions on where the offender can live and work.

Home detention involves electronic monitoring of an offender within the specified boundaries of an approved residence and workplace, and other conditions.

Notification services are provided to registered victims of offenders sentenced to home detention, after an offender has been released from prison if the offender is subject to release conditions, parole conditions or an extended supervision order.

Department of Corrections

Offenders sentenced to terms of imprisonment for more than two years must be considered for parole after serving one third of their sentence. If declined, the offender must be considered for parole every 12 months thereafter until released on parole or until they reach the end of their sentence. The New Zealand Parole Board makes decisions on the parole of offenders.

If you are a victim who is registered with the Department of Corrections, you will have the opportunity to make a submission (give your views) to the New Zealand Parole Board about any decision on the parole of the offender in your case. You will also be informed of the Board's decision.

New Zealand Parole Board

Assistance for victims of crime

Help is available from a number of government agencies and community organisations. Who you contact and the type of help you receive will depend on your individual needs. This section of the Guide provides information about some of the main services available to people affected by crime. If you require further information about services or would like to discuss your options, please call the Victims of Crime Information Line on **0800 650 654**.

Family Violence Information Line

If you have suffered physical, sexual or psychological abuse, including threats from your partner or family or someone with whom you have a close personal relationship you can get help by phoning the Family Violence Information Line 'It's Not OK' on 0800 456 450.

You can also apply to the Family Court for a Protection Order. The purpose of a Protection Order is to protect you and your children from further violence.

Court Services for Victims

Confidential and professional services are available for victims of crime through the court system.

Victim Advisers are specialist staff employed by the Ministry of Justice to help victims of crime.

If you are the victim of crime, the Police will give your name and contact details to Court Services for Victims and a Victim Adviser will make contact with you.

Overall, their role is to:

- provide information to victims about the case that relates to them
- advise victims about their rights in the court process
- help victims participate in the court system

Assistance to attend court or a Parole Board hearing

If you are attending court or a New Zealand Parole Board hearing and need assistance to get there, help may be available to you. Victim Support currently administers the Court Travel Assistance Scheme, which provides funds, where reasonable, to assist victims of some serious offences and their families with travel, accommodation and childcare costs associated with attending a hearing.

If you suffer an injury

If you have suffered a personal injury as a result of a crime, you may be eligible to receive compensation and/or be assisted with treatment through the Accident Compensation Corporation. In most cases a 'personal injury' means a physical injury. However, ACC also provide funding assistance for counselling if you are a victim of sexual abuse and suffer a mental injury as a result of that abuse, whether or not you have reported this.

If you are the family of a person who died because of a crime

Counselling is available through Victim Support for families of homicide (murder) victims, for witnesses of the homicide and for people first on the scene.

Victim Support is contracted by the Ministry of Justice to administer payment of a discretionary grant of up to \$1,500 to families of homicide victims who are suffering financial hardship.

ACC compensation may be available to the dependents of homicide victims. This can include loss of earnings weekly compensation, survivor grants, and funeral grants.

Key contacts for victims of crime

The following is a list of some key service providers for people affected by crime, including government agencies and community services and useful links. More information about services that may be able to assist you is available by phoning the Victims of Crime Information Line on **0800 650 654** or by visiting www.victiminfo.govt.nz

Victim Support

0800 842 846
www.victimsupport.org.nz

Women's Refuge

www.refuge.org.nz

Court Services for Victims (CSV)

To contact CSV telephone the Victims of Crime Information Line on 0800 650 654

ACC

0800 101 996 for general enquiries or
0800 735 566 for victims of sexual abuse
www.acc.co.nz

New Zealand Parole Board

info@paroleboard.govt.nz
www.paroleboard.govt.nz



www.victimsinfo.govt.nz

0800 650 654



MINISTRY OF
JUSTICE
Tabū o te Ture