

## **Child protection investigation policy and procedures**

## Table of Contents

Table of Contents	2
Executive summary - policy and principles	4
The Police commitment to victims	4
Principles guiding Police practice	4
Summary of child abuse policies guiding Police practice	4
Overview	6
Purpose	6
Related child protection policies and procedures	6
Who do the investigation policy and procedures apply to?	6
Exceptions	7
Background	7
Family violence cases	7
Impact on Māori	8
Non-indigenous cultural considerations	8
Related information	8
Definitions and assessing seriousness of abuse	9
Definitions	9
CPP	9
Determining seriousness of physical abuse	11
Circumstances or factors of the case	12
Key processes in child abuse investigations	13
Case management links	13
Initial actions and safety assessment	15
Introduction	15
Procedure when a report of concern is received	15
Options for removing a child	16
Powers of removal	17
Managing children found in clandestine laboratories	17
Consultation and initial joint investigation planning with Oranga Tamariki	18
Consultation procedures	18
Initial joint investigation plans	19
Updating initial joint investigation plans	19
CPP meeting to discuss cases	19
Cases falling outside of the Child Protection Protocol Joint Operating Procedures	20
Making referrals to Oranga Tamariki	21
Types of cases requiring referral to Oranga Tamariki	21
Referral process varies depending on case type	21
Referral of historic cases to Oranga Tamariki	22
Interviewing victims, witnesses and suspects	23
Interviewing children in child abuse investigations	23
Interviewing adult witnesses	23
Interviewing suspects	23
Medical forensic examinations	24
Primary objective of the examination	24
Timing of examinations	24
Arranging the medical	24
Specialist medical practitioners to conduct examinations	24
Support during the examination	25
Examination venues	25
Examination procedures	25
Photographing injuries	25
Evidence gathering and assessment	26
Police responsibility for criminal investigations	26
Conflict of interest	26
Crime scene examination	26

Consider all investigative opportunities	26
Exhibits	26
Dealing with suspects	27
Identifying and locating suspects	27
Approaching suspects	27
Interviewing suspects	27
Medical examination of suspects	27
DNA samples	27
Ongoing evidence assessment	27
Care and protection concerns arising during investigation	27
Community disclosure of offender's information	28
<b>Hospital admissions for non-accidental injuries or neglect</b>	<b>29</b>
Introduction	29
Medical case conferences	29
DHB immediate management plan	29
Multi agency safety plan	29
Reviewing multi agency safety plans	30
Medical information available to investigators	30
Further information	30
<b>Charging offenders and considering bail</b>	<b>32</b>
Determining appropriate charges	32
Child abuse investigations where the suspect/offender is a young person	32
DNA sampling when intending to charge	32
Relevant offences	32
Determine if the offence falls within s29 Victims' Rights Act	32
Bail for child abuse offending	32
Victims views on bail	33
<b>Prosecution and other case resolutions</b>	<b>34</b>
Options for resolving child abuse investigations	34
Deciding whether to prosecute	34
Related information if case involves family violence	34
Matters to consider during prosecutions	34
Disclosure of video records and transcripts	34
Preparing witness before court appearance	34
Privacy of victims in court	35
Support of witnesses in court	35
Judge may give warning or inform jury about very young children's evidence	35
Preparing victim impact statements	35
<b>Responsibilities for victims</b>	<b>36</b>
Victims may include parents and guardians	36
Rights of victims	36
Support after sexual violence	36
<b>Final actions and case closure</b>	<b>37</b>
Information to be provided to victim	37
Oranga Tamariki notification	37
Sex offender/suspect notification	37
Return of exhibits	37
Return and retention of video records	37
Police video record and transcript to be retained for 10 years	37
File completion	37
<b>Health and safety duties</b>	<b>39</b>
Maximising safety and minimising risk	39

## Executive summary - policy and principles

### The Police commitment to victims

Police will assess all reports of child safety concerns received and:

- take immediate steps to secure the child's safety and well being. This is the first and paramount consideration including identifying and seeking support from family members and others who can help
- intervene to ensure the child's rights and interests are safeguarded
- investigate all reports of child abuse in a [child centred timeframe](#), using a multi-agency approach
- take effective action against offenders so they can be held accountable
- strive to better understand the needs of victims
- keep victims and/or their families fully informed during investigations with timely and accurate information as required by s12 of the Victims Rights Act 2002.

### Principles guiding Police practice

These principles must be applied when responding to reports of child safety concerns.

Description	Principles
Rights of the child	<ul style="list-style-type: none"> <li>- Every child has the right to a safe and nurturing environment.</li> <li>- Every child has the right to live in families free from violence.</li> <li>- Every child has the right to protection from all forms of physical or mental violence, injury or abuse, neglect, or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child (see Article 19(1) of the United Nations Convention on the Rights of the Child 1989)</li> <li>- Every child has the right to protection from all forms of sexual exploitation and sexual abuse, in particular:               <ul style="list-style-type: none"> <li>- the inducement or coercion of a child to engage in any unlawful sexual activity</li> <li>- the exploitative use of children in prostitution or other unlawful sexual practices</li> <li>- the exploitative use of children in pornographic performances and materials (see Article 34 of the United Nations Convention on the Rights of the Child 1989).</li> </ul> </li> </ul>
Accountability	<ul style="list-style-type: none"> <li>- Child abuse, in many of its forms, is a criminal act which will be thoroughly investigated and the offender(s) held to account, wherever possible.</li> </ul>
Working collaboratively	<ul style="list-style-type: none"> <li>- Police will adopt a proactive multi-agency approach to prevent and reduce child abuse through well developed strategic partnerships, collaboration and cooperation between policing jurisdictions, government and non government agencies.</li> <li>- Police will maintain integrated and coordinated information gathering and intelligence sharing methods locally, nationally and internationally.</li> </ul>
Service delivery	<ul style="list-style-type: none"> <li>- Police will make use of new technology and other innovations allowing them to work faster and smarter in response to child abuse.</li> </ul>

### Summary of child abuse policies guiding Police practice

This table summarises specific Police policies relating to reports of child safety concerns and the investigation of child abuse.

Practice relating to...	Policies and/or responsibilities

Child protection investigation policy and procedures

Proactively released by New Zealand Police

Victims	<ul style="list-style-type: none"> <li>- All obligations under the <a href="#">Victims Rights Act 2002</a> must be met and all victim contact must be recorded.</li> <li>- Victims must be given information about the progress of their investigation within 21 days.</li> <li>- Victims must be kept updated and informed of the outcome of the investigation, including no further avenues of enquiry or the reason for charges not being laid.</li> <li>- As soon as the offender is arrested and charged, Police must:             <ul style="list-style-type: none"> <li>- determine whether it is a <a href="#">s29</a> offence, and if so</li> <li>- inform the victim of their right to register on the Victim Notification System (if they wish to do so).</li> </ul> </li> <li>- Victims must be informed of the outcome of the case and the case closure. Any property belonging to the victim must be returned promptly.</li> </ul>
Investigations	<ul style="list-style-type: none"> <li>- All reports of child safety concerns must be thoroughly investigated in accordance with this chapter.</li> <li>- All reports of child abuse made by children must be thoroughly investigated in accordance with this chapter, even if the child recants or parents or care givers are reluctant to continue.</li> <li>- Police must take immediate steps to ensure the safety of any child who is the subject of a report of concern or is present in unsafe environments, including family violence.</li> <li>- All reports of historic child abuse should be investigated in accordance with the <a href="#">Adult sexual assault investigation policy and procedures</a> and may include early consultation with child protection investigators and <a href="#">Oranga Tamariki</a>.</li> <li>- All child abuse investigations must be managed in accordance with the case management business process.</li> <li>- All referrals made under the Child Protection Protocol Joint Operating Procedures (CPP) must comply with the protocol.</li> <li>-</li> </ul> <div style="border: 1px solid black; padding: 2px; margin: 5px 0;"> <input checked="" type="checkbox"/> <a href="#">Child Protection Protocol (2021)</a> 820.86 KB         </div> <ul style="list-style-type: none"> <li>- Oranga Tamariki inquiries do not negate the need for Police to conduct its own investigations into alleged child abuse.</li> <li>- Interviews of a child must be conducted in accordance with the <a href="#">Specialist Child Witness Interview Guide</a>, by a trained specialist child witness interviewer and comply with the <a href="#">Evidence (Video Records and Very Young Children's Evidence) Regulations 2023</a>.</li> </ul>
Investigators	<ul style="list-style-type: none"> <li>- Investigators on child protection teams should be exclusively focused on child abuse investigations. Where circumstances require it, investigators on Child Protection Teams must only work on non-child protection matters for the shortest duration possible.</li> <li>- Investigators must consider the possibility of the suspect continuing to offend against any child during the course of the investigation and take appropriate action to mitigate the risk.</li> <li>- Investigators of child abuse must be trained investigators (see 'Child protection tiered training and accreditation' in the '<a href="#">Child protection - Specialist accreditation, case management and assurance</a>' chapter).</li> <li>- Where investigators are uniform attachments they may only be the <a href="#">O/C</a> (file holder/lead investigator) for physical assault cases where the maximum penalty is no more than 5 years imprisonment. The investigation of such cases must be under the direction/supervision of a level 3 qualified investigator or a level 4 qualified supervisor. They must not hold any sexual offending files.</li> <li>- All child protection investigators must comply with the <a href="#">Wellcheck support policy</a>. Child protection investigators may, from time to time, for personal or organisational reasons, need to be moved out of investigating child abuse and into more general areas of policing.</li> </ul>
File management	<ul style="list-style-type: none"> <li>- All reports of child safety concerns must be recorded in <a href="#">NIA</a> with a 6C incident code in addition to the appropriate offence code when an offence has clearly been identified.</li> <li>- All information must be recorded in accordance with the <a href="#">National Recording Standards (NRS)</a>.</li> <li>- All child abuse cases must be:             <ul style="list-style-type: none"> <li>- managed using the <a href="#">NIA</a> case management functionality</li> <li>- categorised in <a href="#">NIA</a> case management as "2 Critical."</li> </ul> </li> <li>- All reports of concern must only be filed by a level 4 CP trained substantive Detective Senior Sergeant (or substantive Detective Sergeant in relieving capacity) who has also received operational sign off from the District Crime Manager. In most instances filing will be completed by the District Child Protection Co-ordinator following review by the <a href="#">CPT</a> supervisor.</li> </ul>

<p>Oversight and Monitoring</p>	<p>As per <a href="#">Quality Assurance and Improvement Framework (QAIF)</a>:</p> <ul style="list-style-type: none"> <li>- supervisors of child protection investigators must review one file from each child protection investigator every four months with the results reported back to the individuals and District CP Coordinator.</li> <li>- District CP Coordinators and/or District Crime Managers must review cases from a list provided every four months by PNHQ with the results reported back to supervisors and the Manager Sexual Violence and Child Protection Team</li> <li>- the Manager Sexual Violence and Child Protection Team must:                             <ul style="list-style-type: none"> <li>- review a sample of files from every district on a yearly basis with results reported to districts and the Police Executive</li> <li>- ensure that districts comply with the audit and assurance framework and report to districts and the Police Executive on a quarterly basis.</li> </ul> </li> </ul>
<p>Training</p>	<p>The Training Service Centre and the National Sexual Violence and Child Protection Team must provide the means for:</p> <ul style="list-style-type: none"> <li>- all employees to understand child abuse and neglect</li> <li>- investigators to gain the necessary skills and knowledge to conduct child protection investigations</li> <li>- specialist child witness interviewers to gain the necessary skills and knowledge to conduct child interviews.</li> </ul>
<p>Local Level Service Agreements</p>	<ul style="list-style-type: none"> <li>- Local Level Service Agreements must only address local service delivery matters particular to the districts or area that are not already covered by the <a href="#">CPP</a>.</li> </ul>

## Overview

### Purpose

This Police Manual chapter details:

- policy and principles guiding Police response to [child safety concerns](#):
  - **including** child abuse, neglect, online offending against children, and abuse arising from children being present in unsafe environments
  - **excluding** child safety concerns arising from missing persons, truants, or child and youth offenders. See the [Missing persons](#) and [Youth justice](#) chapters for procedures in these areas
- [procedures](#) for responding to and investigating reports to Police about child safety concerns.

These policies and procedures are designed to ensure timely, coordinated and effective action in response to information about child safety concerns so that children are kept safe, offenders are held accountable wherever possible, and child victimisation is reduced.

### Related child protection policies and procedures

These related child protection chapters detail further policies and procedures around specific aspects of Police child protection work:

- [Child Protection Policy](#) (overarching policy) - outlines the various policies that together comprise the Police 'Child Protection Policy' and provides an overview of our obligations under the [Vulnerable Children Act 2014](#)
- [Child protection - Mass allegation investigation](#)
- [Child protection - Investigating online offences against children](#)
- [Child protection - Specialist accreditation, case management and assurance](#)
- Child Protection Protocol: Joint operating procedures (CPP) - between Police and Ministry of Vulnerable Children (Oranga Tamariki)
- [Joint Standard Operating Procedures for Children and Young Persons in Clandestine Laboratories](#)

### Who do the investigation policy and procedures apply to?

These 'Child protection investigation policy and procedures' apply to all cases where the victim is under the age of 18 at the time of making the complaint.

Follow the [Adult sexual assault investigation policy and procedures](#) in cases of sexual abuse where the victim is 18 years of age or older at the time of making the complaint.

## Exceptions

Many cases have individual circumstances warranting different approaches to achieve the most favourable outcomes for victims. There may be situations where adult victims will be dealt with according to these procedures, depending on the nature and circumstances of the victim and the offending - e.g. an adult victim with intellectual disabilities being forensically interviewed as a child.

Investigations into reports of historic child abuse, i.e. reports by an adult victim of child abuse that occurred against them when they were a child:

- should be conducted in accordance with [Adult sexual assault investigation policy and procedures](#)
- should include early consultation with specialist child protection investigators and Oranga Tamariki to consider other children who may be at risk, any relevant history and potential for other related offending by the offender
- may still require referral to Oranga Tamariki (see [Referral of historic cases to Oranga Tamariki](#) for further information).

## Background

Children are one of the most vulnerable members of the community. It is well recognised that child abuse has a devastating effect on the development and growth of a child. Children exposed to child abuse are more likely than other children to grow up to be victims of violence, to perpetrate violence or be involved in other criminal offending.

Child abuse is a crime that often goes unreported with some child victims simply unable to make a complaint against the offender. Child abuse is commonly found within a family setting. Even if a child is capable of making a complaint, the pressures of the family dynamic will often prevent them from doing so in the first instance, or persisting with the complaint if one is made.

Child safety is a critical issue and the investigation of child abuse is given a high priority by Police. Police has adopted a broad approach to child safety to ensure no child falls through the cracks and is committed to a prompt, effective and nationally consistent response to child safety, in conjunction with other agencies and community partners. The use of formal processes ensures all the elements of good child protection practice are applied.

Initial information about child safety concerns may come from a range of sources and only rarely will the initial notification come directly from the child. Most often the report comes through Oranga Tamariki.

When a report of concern is received, the safety and well being of the child is the first and paramount consideration. Police cannot achieve this on its' own or in isolation from other partner agencies. An inter-agency approach is necessary to ensure the child's protection, enhance the accountability of the offender, and to enhance the child's partial or full reintegration into the family where appropriate.

There are subtle differences between investigating reports of child safety concerns and other criminal enquiries. Most notable is the power imbalance between the child and the offender, and the subsequent impact and consequences of abuse on the victim.

## Family violence cases

The effect of exposure to family violence on children has a significant and negative effect, whether they witness it, or are direct victims of it.<sup>1</sup>

For [CPP](#) cases where the abuse has occurred within a family or whānau context<sup>2</sup> it is important to refer cases to the appropriate family violence multi-agency forum<sup>3</sup> for consideration. For Police, the [CP](#) Team must advise their District/Area Family Harm Coordinator or equivalent of any [CPP](#) cases considered to be family violence. Do this by entering a tasking to the District Family Harm Coordinator bringing the [CPP](#) file to their attention.

When working with families who have experienced family violence, staff Oranga Tamariki should consider and assess the cumulative effect of psychological harm, including the current impact of past and/or present violence. (For more information on circumstances in which a child or young person is suffering, or is likely to suffer, serious harm see section 14AA of the Oranga Tamariki Act 1989). This includes assessment of prior reports of concern which did not meet the threshold for further action to be taken. This is important as the physical and psychological consequences are highly individualised and can vary from intense and immediate, to cumulative and long lasting. Research demonstrates that children living with violence in their families are at increased risk of experiencing physical or

sexual abuse.<sup>4</sup>

Calls to Police to intervene in family violence represent a vital opportunity for police to consider and make appropriate referrals to ensure effective child protection.

## Impact on Māori

Māori are significantly overrepresented as victims and perpetrators of child abuse and family violence. Given this over-representation, it is extremely important that Police focus resources and effort effectively for prevention and the investigation of cases. Māori service providers and whānau should be engaged wherever possible to provide additional support through Whangaia Nga Pa Harekeke. In addition, all districts have Iwi Liaison Officers who should be used when dealing with child safety concerns. Each District, and some Areas, also have Māori Advisory Boards who can assist with identifying service providers and engaging whānau for additional support. This will be easier if the iwi/hapu affiliations of children and their families are ascertained.

## Non-indigenous cultural considerations

Nowadays, 1 in 5 New Zealand residents is born overseas. When immigrants settle in New Zealand they bring with them diverse cultural and religious backgrounds that can affect the way violence manifests and create barriers to seeking help. Those backgrounds can include direct and indirect exposure to the ideology and practice of Female Genital Mutilation (FGM) and under-age marriage.

## Related information

This chapter should be read in conjunction with the **Child Protection Protocol: Joint Operating Procedures** (agreed between Police and Oranga Tamariki) (*see PDF below*) and the [Family harm policy and procedures](#).

-

 [Child Protection Protocol \(2021\)](#)

820.86 KB

Other related information includes:

- [Police safety orders](#)
- [Protection and related property related orders](#)
- [Adult sexual assault investigation policy and procedures](#)
- [Police response to bullying of children and young people](#)
- [Forced and under age marriage](#)
- [Multi-agency Statement on a Collaborative Response to Potential and Actual Forced Marriage](#)
- United Nations Convention on the Rights of the Child (UNCROC)
- [Objectionable publications](#) (includes guidance on 'Indecent communication with a young person')
- [Wellcheck Support Policy](#)
- [Prevention and Reduction of Family Violence - An Australasian Policing Strategy](#)
- [Photographing and videoing members of the public](#)

<sup>1</sup>Joint Findings of Coroner C D na Nagara as to Comments and Recommendations - Flaxmere Suicides, 6 May 2016.

<sup>2</sup>The parties involved in the situation are family members. Family members include people such as parents, children, extended family and whānau. They do not need to live at the same address.

<sup>3</sup>Currently this is the Family Violence Interagency Response System (FVIARS).

<sup>4</sup>Farmer, E. & Pollack, S. (1998). Substitute Care for Sexually Abused and Abusing Children. Chichester: Wiley; Edleson, J. (1999). Children witnessing of adult domestic violence. *Journal of Interpersonal Violence*, 14(4)839-70; Cawson, P. (2002) Child Maltreatment in the Family: The Experience of a National Sample of Young People. In C. Humphreys, & N. Stanley (eds) (2006) Domestic Violence and Child Protection: Directions for Good Practice. Jessica Kingsley: London.



## Definitions and assessing seriousness of abuse

### Definitions

This table outlines the meanings of terms used in this chapter.

Term	Meaning
<b>Acute child abuse</b>	Child abuse occurring less than 7 days before it was reported.
<b>Case investigation plan</b>	An investigation plan describes the investigation process. It translates the objectives from the Terms of Reference into a plan that sets out roles, responsibilities, timeframes, principal activities, critical decision points and objectives for any investigation.
	Unless specified, 'child' means any child or young person under the age of 18 years at the time of their referral but does not include any person who is or has been married (or in a civil union).
<b>Child abuse</b>	<p>Child abuse is defined in the Oranga Tamariki Act 1989 as the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person.</p> <p>If the victim is a child and one or more of the following exist, the report of concern should be treated as child abuse:</p> <ul style="list-style-type: none"> <li>- physical, sexual, emotional or psychological abuse</li> <li>- neglect</li> <li>- presence in unsafe environments (e.g. locations for drug manufacturing or supply)</li> <li>- cyber crime exploiting children</li> <li>- child trafficking.</li> </ul>
<b>Child protection portfolio holders</b>	Trained investigators, often in remote or rural locations, responsible for investigating reports of concern about child safety. These investigators are not exclusively focussed on child protection and may be called upon to investigate other serious crime in the location.
	Child safety concerns include offences or suspected offences relating to the physical, sexual, emotional abuse or neglect of a child. These categories overlap and a child in need of protection frequently suffers more than one type of abuse.
<b>CPP (Child Protection Protocol Joint Operating Procedures)</b>	<p>The <u>CPP</u> (see PDF below) exists to ensure timely, coordinated and effective action by Oranga Tamariki and Police so that:</p> <ul style="list-style-type: none"> <li>- children are kept safe</li> <li>- offenders are held to account wherever possible</li> <li>- child victimisation is reduced.</li> </ul> <p>The <u>CPP</u> sets out the process for working collaboratively at the local level, and as a formally agreed national level document, it will be followed by all Oranga Tamariki and Police staff.</p>
-	

Child protection investigation policy and procedures

Proactively released by New Zealand Police

Term	Meaning								
<b>CPP case</b>	An agreed case between Police and Oranga Tamariki of child abuse being investigated in accordance with the <u>CPP</u> (see definition of CPP above).								
<b>CPP case list</b>	A complete list of all <u>CPP</u> cases that are open to either Oranga Tamariki, Police or both. This list is generated by Oranga Tamariki using the Te Pakoro Report 100 <u>CPP</u> Case List. This list is reviewed at least monthly during the <u>CPP</u> meetings.								
<b>CPP contact person(Oranga Tamariki)</b>	The Oranga Tamariki staff member with responsibility for overseeing <u>CPP</u> cases in a site.								
<b>CPT (Child Protection Team)</b>	A Child Protection Team (CPT) is exclusively focussed on responding to reports of child safety concerns. A <u>CPT</u> is made up of trained investigators reporting to a supervisor.								
<b>Oranga Tamariki</b>	Was Child, Youth and Family								
<b>Oranga Tamariki timeframes</b>	These are the categories used by Oranga Tamariki. <table border="1" data-bbox="296 815 1513 1245"> <thead> <tr> <th colspan="2">Category The child or young person is...</th> </tr> </thead> <tbody> <tr> <td>Critical 24hrs</td> <td>No safety of care identified: mokopuna is at risk of serious harm, and requires immediate involvement to establish safety.</td> </tr> <tr> <td>Very urgent 48hrs</td> <td>At risk of serious harm but has some protective factors present for the next 48 hours. However, as the present situation and/or need is likely to change, high priority follow up is required.</td> </tr> <tr> <td>Urgent 7 days</td> <td>At risk of harm or neglect and the circumstances are likely to negatively impact on mokopuna. Options of safety and supports have been explored but remain unmet. Vulnerability and pattern exists which limits the protective factors.</td> </tr> </tbody> </table>	Category The child or young person is...		Critical 24hrs	No safety of care identified: mokopuna is at risk of serious harm, and requires immediate involvement to establish safety.	Very urgent 48hrs	At risk of serious harm but has some protective factors present for the next 48 hours. However, as the present situation and/or need is likely to change, high priority follow up is required.	Urgent 7 days	At risk of harm or neglect and the circumstances are likely to negatively impact on mokopuna. Options of safety and supports have been explored but remain unmet. Vulnerability and pattern exists which limits the protective factors.
Category The child or young person is...									
Critical 24hrs	No safety of care identified: mokopuna is at risk of serious harm, and requires immediate involvement to establish safety.								
Very urgent 48hrs	At risk of serious harm but has some protective factors present for the next 48 hours. However, as the present situation and/or need is likely to change, high priority follow up is required.								
Urgent 7 days	At risk of harm or neglect and the circumstances are likely to negatively impact on mokopuna. Options of safety and supports have been explored but remain unmet. Vulnerability and pattern exists which limits the protective factors.								
<b>Emotional abuse</b>	Emotional abuse is the persistent emotional ill treatment of a child, which causes severe and persistent effects on the child's emotional development.								
<b>Harm</b>	Ill treatment or the impairment of health or development, including impairment suffered from seeing or hearing the ill treatment of another.								
<b>Historic child abuse</b>	Reports by an adult victim of <u>child abuse</u> that occurred against them when they were a child and they are over 18 at time of reporting the abuse. ( <u>Adult Sexual Assault procedures</u> apply)								
<b>Initial joint investigation plan (IJIP)</b>	An initial plan jointly created by Oranga Tamariki and Police: <ul style="list-style-type: none"> <li>- to record agreed actions on the agreed template</li> </ul>								
<b>Iwi, Pacific and Ethnic Liaison Officers</b>	Police employee, usually (but not always) a constable, with indigenous and/or ethnic language and cultural skills, responsible for managing relationships between Police and Māori, Pacific and Ethnic communities.								

Term	Meaning
<b>Neglect</b>	<p>Neglect within the <a href="#">CPP</a> context is when a person intentionally ill-treats or neglects a child or causes or permits the child to be ill-treated in a manner likely to cause the child actual bodily harm, injury to health or any mental disorder or disability. The ill-treatment or neglect must be serious, and avoidable.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- not providing adequate food, shelter or clothing</li> <li>- not protecting a child from physical harm or danger</li> <li>- not accessing appropriate medical treatment or care[1]</li> <li>- allowing a child to be exposed to the illicit drug manufacturing process</li> <li>- allowing a child to be exposed to an environment where volatile, toxic, or flammable chemicals have been used or stored.</li> </ul>
<b>Physical abuse</b>	<p>The actions of an offender that result in or could potentially result in physical harm or injury being inflicted on a child. This can also be known as a non-accidental injury (NAI). The test for seriousness is determined by considering the action, the injury and the circumstances (see <a href="#">Determining seriousness of physical abuse</a> below).</p>
<b>Psychological abuse</b>	<p>A person psychologically abuses a child if they:</p> <ul style="list-style-type: none"> <li>- cause or allow the child to see or hear the physical, sexual, or psychological abuse of a person with whom the child has a domestic relationship, or</li> <li>- puts the child, or allows the child to be put, at real risk of seeing or hearing that abuse occurring. (<a href="#">s3</a> Domestic Violence Act 1995).</li> </ul> <p><b>Note:</b> The person who suffers the abuse is not regarded (for the purposes of <a href="#">s3</a>) as having:</p> <ul style="list-style-type: none"> <li>- caused or allowed the child to see or hear the abuse, or</li> <li>- put the child, or allowed the child to be put, at risk of seeing or hearing the abuse.</li> </ul>
<b>Sexual abuse</b>	<p>Sexual abuse is an act involving circumstances of indecency with, or sexual violation of, a child, or using a child in the making of sexual imaging.</p>
<b>Specialist child witness interview (SCWI)</b>	<p>A recorded interview that can be used as part of an investigation where a child has, or may have been, abused or witnessed a serious crime. It may later be used as evidence in the Court.</p>
<b>Victim</b>	<p>A person against whom an offence is committed by another person. A victim may also include a parent or legal guardian of a child or young person.</p>

## Determining seriousness of physical abuse

There are three areas to consider in determining whether physical abuse meets the threshold for referral as a [CPP](#) case:

- the action (of the abuse)
- the injury inflicted (outcome or result)
- the circumstances (factors in the case).

Any single action and/or injury listed below **will** meet the threshold for referral as a [CPP](#) case.

### Any of these actions (methodology, how it was done):

- blow or kick to head
- shaking of an infant
- strangulation
- use of an object as a weapon (e.g. broom, belt, bat etc)
- attempted drowning.

OR

**Any of these injuries (outcome or result):**

- a bone fracture
- burn
- concussion or loss of consciousness
- any injury that requires medical attention
- any bruising or abrasion when the:
  - child is very young, e.g. infant not yet mobile and/or,
  - the position and patterning make it unlikely to be caused by play or another child or accident.

**Circumstances or factors of the case**

Where the initial action or injury does not meet the threshold outlined above, the following circumstances or factors may warrant referral as a CPP case.

Factor / background	Consider ...
The vulnerability of the child	especially: <ul style="list-style-type: none"> <li>- children under 5 years</li> <li>- age and vulnerability of pre-pubescent children</li> <li>- disabilities in any age</li> </ul>
More than one offender	for example: <ul style="list-style-type: none"> <li>- both parents/caregivers</li> <li>- multiple family members</li> </ul>
History of abuse	<ul style="list-style-type: none"> <li>- other incidents of concern, escalation of abuse</li> <li>- multiple previous similar events</li> <li>- previous non-accidental death of a sibling or child in household</li> <li>- abuse undertaken in public or in front of non-relatives.</li> </ul>
A high degree of violence	<ul style="list-style-type: none"> <li>- a complete loss of control by the offender, such as a frenzied attack</li> <li>- enhanced maliciousness or cruelty in the abuse</li> <li>- the degree in relation to age and vulnerability of the victim</li> </ul>
The offender's history and background	<ul style="list-style-type: none"> <li>- severe and frequent family violence</li> <li>- serious or extended criminal history</li> </ul>
Location of the incident	for example: <ul style="list-style-type: none"> <li>- educational, care, or health facility</li> </ul>
Nature and level of concern from the notifier	<ul style="list-style-type: none"> <li>- notifier witnessed abuse</li> <li>- notifier's source</li> <li>- professional opinion indicates serious concern.</li> </ul>

## Key processes in child abuse investigations

### Case management links

This table aligns the case management process steps that apply to Police investigations generally and provides links to relevant information and requirements in these procedures, specific to child abuse investigations.

Not all steps will apply in every case and the order may vary depending on the individual circumstances.

Process step	Case management action	Related procedures in this or in other Police Manual chapters
Step 1	<p><b>Record incident, event or occurrence</b></p> <p>Details are recorded into the Police computer system and a case created.</p> <p>All reports of child safety concerns must be recorded in <a href="#">NAI</a> with the 6C incident code <b>in addition</b> to the appropriate offence code when an offence has clearly been identified.</p>	
Step 2	<p><b>Initial attendance</b></p> <p>Police respond to the report, enquiries commence, evidence is gathered or other action taken as necessary.</p>	<ul style="list-style-type: none"> <li>- <a href="#">Initial actions and safety assessment</a> <ul style="list-style-type: none"> <li>- immediate actions (e.g. removal) to ensure the child's safety</li> <li>- <a href="#">managing children found in clandestine laboratories</a> (joint operating procedures with Oranga Tamariki)</li> </ul> </li> <li>- <a href="#">Consultation and initial joint investigation planning with Oranga Tamariki</a></li> <li>- <a href="#">Making referrals to Oranga Tamariki</a></li> </ul> <p>After initial assessment, referring cases to Oranga Tamariki to agree future actions and priority.</p>
Step 3	<p>Gather and process forensics</p> <p>Detailed scientific scene examination is conducted. Forensic evidence is gathered and analysed, and its relevance recorded and assessed.</p>	<ul style="list-style-type: none"> <li>- <a href="#">Medical forensic examinations</a></li> <li>- <a href="#">Evidence gathering and assessment</a></li> </ul>
Step 4	<p>Assess and link case</p> <p>Initial assessment and review of all available information. Other related or relevant cases are identified. Cases are closed (filed, or inactivated) or forwarded to appropriate work groups for further investigation.</p>	<p>Consider the application of procedures in the Child protection - '<a href="#">Mass allegation investigation</a>' and '<a href="#">Investigating online offences against children</a>' chapters.</p>
Step 5	<p>Prioritise case</p> <p>Cases identified for further investigation are assigned a case priority rating score based on crime type and the presence of factors affecting the need for urgent investigation.</p> <p>All child abuse cases are recorded as "2. Critical" under <a href="#">NIA</a> Case Management.</p>	<ul style="list-style-type: none"> <li>- <a href="#">Consultation and joint investigation planning with Oranga Tamariki</a></li> <li>- <a href="#">Making referrals to Oranga Tamariki</a></li> </ul> <p>After an initial assessment of the case, cases are referred to Oranga Tamariki for consultation and to agree future actions and priority.</p>

Child protection investigation policy and procedures

Proactively released by New Zealand Police

Process step	Case management action	Related procedures in this or in other Police Manual chapters
Step 6	Investigate case Initial investigation is conducted to bring the case to a point where a suspect can be identified and all preliminary enquiries necessary before interviews are complete.	<ul style="list-style-type: none"> <li>- <a href="#">Interviewing victims and witnesses</a></li> <li>- <a href="#">Medical forensic examinations</a></li> <li>- <a href="#">Evidence gathering and assessment</a></li> <li>- Consider appropriate strategies for <a href="#">mass allegations</a> and <a href="#">online offending investigations</a></li> <li>- <a href="#">Interviewing suspects</a></li> </ul>
Step 7	<b>Resolution decision/action</b> Deciding on formal or informal sanctions, prosecution or other action, confirming the appropriateness of charges and offender handling and custody suite actions.	<ul style="list-style-type: none"> <li>- <a href="#">Charging offenders and considering bail</a></li> <li>- <a href="#">Prosecution and other case resolutions</a></li> </ul>
Step 8	Prepare case Court files are prepared, permission to charge obtained from supervisor and actions such as disclosure completed.	<ul style="list-style-type: none"> <li>- <a href="#">Prosecution file and trial preparation</a></li> <li>- <a href="#">Criminal disclosure</a></li> </ul>
Step 9	Court process Where a not guilty plea is entered, a case management memorandum and case review hearing occurs before trial (judge alone - categories 2 & 3, or trial by jury - categories 3 & 4).	<a href="#">Criminal procedure - Review stage (CMM process)</a>
Step 10	Case disposal and/or filing Occurs when a case will be subject to no further action because all reasonable lines of enquiry have been exhausted without result or the matter has proceeded to a resolution in the court system or by alternative action. As per the tiered training model only Level 4 trained staff can file <a href="#">CP</a> cases.	<ul style="list-style-type: none"> <li>- <a href="#">Final actions and case closure</a></li> <li>- 'Prevention opportunities and responsibilities' in the '<a href="#">Specialist accreditation, case management and assurance</a>' chapter)</li> </ul>
All steps		<a href="#">Responsibilities for victims</a>  Consider Police responsibilities for victims throughout the investigation.

## Initial actions and safety assessment

### Introduction

Police receive reports of child safety concerns through a variety of reporting channels, such as telephone calls to Communications Centres, the watchhouse counter, or police become concerned when attending an incident. In every case, the priority is to ensure the child's immediate safety. You should also ensure that your local [CPP contact](#) is notified as soon as practicable.

### Procedure when a report of concern is received

Follow these steps when initially responding to reports of child safety concerns.

Step	Action
1	<p>Obtain brief details of what the reported concern is about to enable a risk assessment to be completed to determine the appropriate initial response. This should include:</p> <ul style="list-style-type: none"> <li>- personal details of the informant, complainant and/or the child</li> <li>- brief circumstances of concern/complaint</li> <li>- brief details of timings and about the scene</li> <li>- offender's details.</li> </ul> <p><b>Do not question the child in depth at this stage.</b></p> <ul style="list-style-type: none"> <li>- If the child has disclosed sexual or physical assaults to an adult, take this person's details and use what they say to form the basis of information for the notification. <b>DO NOT</b> ask the child again what has happened to them if a clear disclosure has already been made and an adult present can give you the information.</li> <li>- If it is unclear what the child has said <b>and</b>:</li> <li>- there are no urgent safety issues, <b>DO NOT</b> question the child any further. Take details from the informant and forward necessary correspondence for enquiries to be made</li> <li>- it is absolutely necessary to speak to the child to ascertain their safety, ask open ended questions, e.g. "Tell me what happened?" "When did that happen?" <b>DO NOT</b> continue to question the child if it becomes clear while speaking to them that an offence has occurred.</li> </ul>
2	<p>Consider if there are immediate concerns for the child's care or safety requiring immediate intervention. (Family violence information may be relevant to determining the risk). Determine the appropriate action to ensure immediate safety, e.g.:</p> <ul style="list-style-type: none"> <li>- arrest if there is sufficient evidence of an offence and remove the offender from the home</li> <li>- if there is insufficient evidence to arrest and charge the offender, consider issuing a <a href="#">Police safety order</a> which would remove the person</li> <li>- removal of the child (see <a href="#">Options for removing a child</a> below)</li> <li>- <a href="#">manage children found in clandestine laboratories</a>.</li> </ul> <p>If the report is received at a watchhouse, immediately contact a supervisor or child protection investigator to determine what intervention is required.</p>
3	<p>Consider whether Iwi, Pacific or Ethnic Liaison Officers attendance could be beneficial.</p>
4	<p>Record details of the case in <a href="#">NIA</a>. Regardless of any other offence/response code used, <b>Code 6C must be entered in NIA</b> to indicate that the attendance related to a report of concern about a child.</p>
5	<p>If the situation does not require immediate intervention:</p> <ul style="list-style-type: none"> <li>- complete a <a href="#">CPP</a> referral form (POL 350 in Police Forms&gt; Child Protection) and send to <a href="#">this email address</a> and your local <a href="#">Police CPP contact</a> for further investigation (use <a href="#">CPP</a> email address). This referral should be completed by the attending officer before going off duty on the day of the report</li> <li>- follow the <a href="#">Family harm policy and procedures</a> if family violence was involved.</li> </ul>
6	<p>Take necessary initial actions relating to criminal investigations to:</p> <ul style="list-style-type: none"> <li>- preserve crime scene and physical evidence where relevant</li> <li>- secure witnesses</li> <li>- locate and detain suspected offenders.</li> </ul>
7	<p>When circumstances permit, provide parents and caregivers with a copy of the pamphlet '<b>When Police visit about your child's safety</b>'. This provides information about why Police are talking to them, what happens next, what will happen with a case and who they can contact for further information.</p>

## Options for removing a child



Remove a child when:

- it is not safe to leave them there or you believe, on reasonable grounds that if left, they will suffer, or are likely to suffer, ill treatment, neglect, deprivation, abuse or harm, and
- there is no other practical means of ensuring their safety.

## Powers of removal

If you believe that removing the child is necessary, you may enter and search:

Power	Description
Without a warrant  (s42 Oranga Tamariki Act 1989 (OTA))	This is a Police power and can only be invoked when police believe on reasonable grounds it is critically necessary to remove that child to prevent injury or death.  When exercising the power you must: <ul style="list-style-type: none"> <li>- produce evidence of identity, and</li> <li>- disclose that your powers are being exercised under s(s42(2))</li> </ul> and  a written report must be made to Commissioner of Police within three days of power being exercised (s42(3)). Complete notification "Child/Young Person Arrest/removal" in Microsoft Outlook to comply with this requirement.
With a place of safety warrant  (s39 OTA)	OT staff normally obtain place of safety warrants, although police may assist with executing the warrant. (While police may apply for such a warrant it would be highly unusual to do so).  On entry, police (or social worker) may remove the child if they still believe on reasonable grounds that the child has suffered, or is likely to suffer, ill-treatment, serious neglect, abuse, serious deprivation, or serious harm.
With a warrant to remove  (s40 OTA)	When the court is satisfied a child is in need of care and protection, it may issue a warrant for the child's removal from any place and for them to be put in Oranga Tamariki care. These warrants are sought by Oranga Tamariki when there are ongoing care and protection concerns.

## Managing children found in clandestine laboratories

Where children or young persons are located by police in a clandestine laboratory during a planned termination phase of an operation or in the course of regular police duties, Oranga Tamariki must be notified under the **Child Protection Protocol Joint Operating Procedures:**

-

 <a href="#">Child Protection Protocol (2021)</a>	820.86 KB
---	-----------

Neglect as defined in the Protocol, includes situations where a child or young person is found to have been exposed to the illicit drug manufacturing process or an environment where volatile, toxic or flammable chemicals have been used or stored for the purpose of manufacturing illicit drugs.

The **Joint Standard Operating Procedures for Children and Young Persons in Clandestine Laboratories** (see PDF below) outlines full roles and responsibilities for Police and Oranga Tamariki staff. They also outline emergency powers for unplanned situations where children and young persons are located inside clandestine laboratories.


-

 <a href="#">Joint Standard Operating Procedures for Children and Young Persons in Clandestine Laboratories (Jan 2018).pdf</a>	7.72 MB
--	---------

# Consultation and initial joint investigation planning with Oranga Tamariki

## Consultation procedures

This table outlines the steps to be taken by the Police CPP contact person when receiving notice of a child abuse concern.

Step	Action (by Police CPP contact person unless otherwise stated)
1	Review the accuracy and quality of the information provided in the referral and any initial actions already undertaken (e.g. the child's removal and/or the offender's arrest). Arrange any further necessary inquiries.
2	<p>Make an initial assessment of the seriousness of the case (see <a href="#">Determining seriousness of physical abuse</a>).</p> <p>If the case falls within the guidelines of the CPP (physical, sexual, neglect) (see PDF below) complete and email a CPP referral form (Police Forms&gt;Child Protection) to the <a href="#">Oranga Tamariki National Call Centre</a> and cc your local CPP EMAIL address.</p> <p>(See Making referrals to Oranga Tamariki for when and how to make referrals).</p> <p>If there is any doubt as to the degree of seriousness and whether the CPP applies, the case should be referred for further discussion with Oranga Tamariki.</p> <p>-</p> <p> <a href="#">Child Protection Protocol (2021)</a> 820.86 KB</p>
3	<p>The CPP contacts from Police and Oranga Tamariki at a local level consult about the CPP referral. This consultation may occur at the same time as the case was referred. This consultation should be clearly evidenced and recorded on the nationally agreed template in the respective case management systems.</p> <p>The consultation should:</p> <ul style="list-style-type: none"> <li>- share information or intelligence about the particular case</li> <li>- confirm if the referral meets the threshold of the CPP</li> <li>- discuss any immediate action required to secure the immediate safety of the child</li> <li>- consider whether a multi-agency approach is required</li> </ul>
4	<p>The CPP contacts from Oranga Tamariki and Police discuss the case and agree on an Initial Joint Investigation Plan (IJIP). The purpose of the IJIP is to ensure that we work together to secure the child's immediate safety and ensure any evidence is collected.</p> <p>Oranga Tamariki record the IJIP on the nationally agreed template and forward a copy to Police as soon as practicable. This should be done within 24 hours. In some circumstances it may be agreed between the consulting Oranga Tamariki and Police CPP contacts that Police record the IJIP.</p> <p>In all cases, necessary steps must be put in place immediately to secure the child's safety and any other children that may be at risk.</p>
5	<p>After a case is confirmed as a CPP case:</p> <ul style="list-style-type: none"> <li>- update NIA and note it is a CPP case</li> <li>- prioritise and assign the case to the most appropriate investigator, taking into account the recommended maximum case assignments for investigators. Cases awaiting assignment must be reviewed at least once a month and any identified concerns or risks while the case is waiting, appropriately managed. (See the <a href="#">Child Protection - Specialist accreditation, case management and assurance</a> chapter for more information).</li> </ul>
6	<p>CPP case record:</p> <p>Oranga Tamariki create a CPP record in their electronic case management system (CYRAS). Police confirm that the case is recorded as a CPP case.</p>

7	<p>Following the agreement of an initial joint investigation plan (IJIP) the tasks outlined in the <u>IJIP</u> will be reviewed via the <u>CPP</u>:</p> <ul style="list-style-type: none"> <li>- meeting to ensure they have been completed as agreed</li> <li>- the <u>CPP</u> contacts must communicate any significant updates which occur in the intervening period.</li> </ul> <p>Note that only cases closed by <b>both</b> agencies can be removed from the <u>CPP</u> case list at a <u>CPP</u> meeting.</p>
8	<p>If the case is not confirmed as a <u>CPP</u> case:</p> <ul style="list-style-type: none"> <li>- Police will record the case in <u>NIA</u> case management system and record the reason why the referral was not confirmed as a <u>CPP</u> case</li> <li>- Police may continue an investigation role outside of the <u>CPP</u> process to determine if there is any on-going role in terms of prevention.</li> </ul>

## Initial joint investigation plans

### Agreement on the Initial Joint Investigation Plan

The CPP contacts from Oranga Tamariki and Police will discuss the case and agree on an Initial Joint Investigation plan (IJIP). Its purpose is to ensure that we work together to secure the child's immediate safety and ensure any evidence is collected.

Oranga Tamariki will record the IJIP on the nationally agreed template and forward a copy to Police as soon as practicable. This should be done within 24 hours. In some circumstances it may be agreed between the consulting Oranga Tamariki and Police CPP contacts that Police record the IJIP.

The IJIP must consider the following:

- the immediate safety of the child involved and any other children who may be identified as being a risk
- referral to a medical practitioner and authority to do so
- the management of the initial interview with the child
- if a joint visit is required due to the risk of further offending, loss of evidence, the likelihood of the alleged offender being hostile, or any concerns for staff safety
- collection of any physical evidence such as photographs
- any further actions agreed for Police and/or Oranga Tamariki including consideration as to whether a multi-agency approach is required.

The tasks outlined in the IJIP will be reviewed via the CPP meeting to ensure they have been completed as agreed. The CPP contacts must communicate any significant updates which occur in the intervening period.

## Updating initial joint investigation plans

The tasks outlined in the IJIP will be reviewed via the CPP meeting to ensure they have been completed as agreed. The CPP contacts must communicate any significant updates which occur in the intervening period.

As the criminal investigation progresses for CPP cases, case updates and further tasks will be recorded in the respective case management systems and in the on-going case investigation plan. The case investigation plans must be updated as necessary to ensure that appropriate interventions are maintained. Ongoing consultation between Police and Oranga Tamariki is crucial for the effectiveness of the CPP and for the victim and their family to receive the best service from both agencies.

## CPP meeting to discuss cases

CPP meetings will be held at least monthly or more frequently, as required between the Oranga Tamariki and Police CPP contacts.

Oranga Tamariki will make the CPP Case List (Te Pakoro Report 100) available to Police prior to the CPP meeting.

In order to ensure that the CPP meetings are productive and focused, the following standing agenda items have been agreed:

- review the CPP Case List to ensure all cases are recorded
- confirm both agencies have a copy of the agreed IJIP and all of the agreed actions from the IJIPs have been completed

- case update on the progress of the Oranga Tamariki investigations.
- record any further tasks
- advise any case investigations which have been closed and the outcomes
- discussion of any concerns or issues.

One set of agreed formal minutes, using the meeting minute template, must be taken for each meeting held. These minutes will be shared between the two parties, agreed and retained as per the [CPP](#).

-

 [CPP monthly meeting minute template.doc](#)

44 KB

## Cases falling outside of the Child Protection Protocol Joint Operating Procedures

Not all care and protection concerns require a response under the [CPP](#) (see *PDF below*). The CPP sets out the criteria for those that do. If the concerns do not meet the [CPP](#) threshold, this does not mean that the role of Police and Oranga Tamariki is at an end.

-

 [Child Protection Protocol \(2021\)](#)

820.86 KB

Oranga Tamariki will complete an assessment of care and protection concerns. Police will ensure that any family violence cases that do not fall within the [CPP](#) threshold are referred to the District/Area Family Harm Coordinator or equivalent for follow up.

There will be some cases that are initially identified as [CPP](#), but new information means the [CPP](#) threshold is no longer met, or the criminal investigation cannot be progressed. As above, this does not mean that that the role of Police and Oranga Tamariki is at an end, but that the [CPP](#) is no longer the correct process for investigation.

See also [Making referrals to Oranga Tamariki](#) for further information about when and how referrals to Oranga Tamariki or other Police services should be made.

## Making referrals to Oranga Tamariki

### Types of cases requiring referral to Oranga Tamariki

Police are informed of a variety of situations requiring notification to Oranga Tamariki that a child may be at risk. These cases fall into four general categories.

Category	Examples
Child abuse	<ul style="list-style-type: none"> <li>- physical abuse</li> <li>- sexual abuse</li> <li>- neglect</li> <li>- sexual imaging of child</li> </ul>
Family violence	<ul style="list-style-type: none"> <li>- where there is a direct offence against a child or young person</li> <li>- neglect of child or young person (as per <a href="#">CPP definition of neglect</a>), or</li> <li>- anytime where after an investigation has taken place that factors indicate a concern for safety that warrants statutory intervention.</li> </ul> <p>(See 'Child risk information and Reports of Concern' (ROC) to Oranga Tamariki in the <a href="#">Family harm policy and procedures</a>).</p>
Environment / neglect	<ul style="list-style-type: none"> <li>- clan lab</li> <li>- unsafe home</li> <li>- car crash</li> <li>- abandonment</li> <li>- cyber crime exploiting children</li> </ul>
Other criminal activity	child identified as a suspect / offender

Many of these concerns, other than those meeting the [CPP](#), can be dealt with outside of the [CPP](#) processes (see [Consultation and initial joint investigation planning with Oranga Tamariki](#) in these procedures).

### Referral process varies depending on case type

This table outlines how referrals to Oranga Tamariki should be made for different cases.

Category of referral	How should referrals to Oranga Tamariki be made?
Child Protection Protocol cases - criminal offence against a child	<p>CPP (<i>see PDF below</i>) referrals from Police to Oranga Tamariki can be made in four ways:</p> <ul style="list-style-type: none"> <li>- a phone call between local staff, followed by an electronic CPP referral form (POL 350 in Police Forms&gt;Child Protection)</li> <li>- electronically using the CPP referral form</li> <li>- electronically forwarding the CPP referral form between the Oranga Tamariki National Contact Centre and Police Comms Centre's Crime Reporting Line</li> <li>- via the OnDuty Family Harm mobility solution.</li> </ul> <p>The method adopted will depend on the initial point of contact and required urgency of response. E.g., if the situation does not require immediate intervention, email (using the CPP email address) a completed CPP referral form to your CPP contact for further investigation before going off duty on the day of the report.</p> <p><b>Note</b> that if Oranga Tamariki were involved in immediate actions to ensure child safety, there is no requirement for the <a href="#">CPP contact person</a> to forward the CPP referral to the Oranga Tamariki National Contact Centre.</p>
-	<div style="border: 1px solid black; padding: 2px; width: fit-content;"> <a href="#">Child Protection Protocol (2021) 820.86 KB</a> </div>
Family violence referrals	<p>Where there is repeated exposure to family violence or concerns exists which do not meet the CPP threshold, an OT Report of Concern (ROC) can be made. If concerns arises at a Family Harm event, this should be fully outlined in the investigation narrative and discussed at the multi-agency table. A <u>RoC</u> can be initiated off the table via the <u>OT</u> representative.</p> <p><b>Note: If there is evidence of serious child abuse, the CPP referral process, using the Pol 350, applies.</b></p>
Environment / neglect referrals	<p>The Oranga Tamariki National Call Centre (NCC) should be informed of situations where concerns held for the well being of the child due to their environment may require a Oranga Tamariki risk assessment. This can be by:</p> <ul style="list-style-type: none"> <li>- phone call to <b>0508 family</b></li> <li>- email to <a href="#">NCC email address</a></li> </ul>
Other criminal activity	<p>This is managed through Police Youth Services on completion of the investigation case file for an offender identified as a child.</p>
Minor or trivial cases	<p>Minor or trivial cases do not have to be referred to Oranga Tamariki.</p>

## Referral of historic cases to Oranga Tamariki

When a report of historic child abuse is received, a risk assessment must be completed to assess the risk the offender may currently pose to children. The assessment should consider (amongst other factors):

- currency and timeframes of offending
- the suspect's current access to children
- nature of offending, e.g. preferential or opportunist sexual offender
- multiple victims
- occupational, recreational or secondary connection to children, e.g. school teacher, volunteer groups, or sports coaches.

Even though the victim is now an adult it may be appropriate to consult with Oranga Tamariki to resolve any current care and protection concerns of children at risk from the alleged offender.

## Interviewing victims, witnesses and suspects

### Interviewing children in child abuse investigations

All interviews of child abuse victims or of child witnesses to serious crime must be conducted according to the [Specialist Child Witness Interview Guide](#) by specially trained specialist child witness interviewers (SCWI)

The [Specialist Child Witness Interview Guide](#) details policy and guidelines relating to specialist child witness interviews:

- agreed jointly by Oranga Tamariki and Police
- for trained specialist child witness interviewers of Oranga Tamariki and the Police, and their supervisors and managers.

The policy and guidelines detailed in the Guide ensure specialist child witness interviews are conducted and recorded in accordance with the [Evidence Act 2006](#) and the Evidence (Video Records and Very Young Children's Evidence) Regulations 2023 and that best practice is maintained.

### Interviewing adult witnesses

When interviewing adult witnesses in child abuse investigations, follow:

- [Investigative interviewing witness guide](#), and
- additional procedures in [Investigative interviewing - witnesses requiring special consideration](#) (e.g. when the witness has suffered trauma, fears intimidation, or requires an interpreter).

### Interviewing suspects

When interviewing suspects in child abuse investigations, follow the [Investigative interviewing suspect guide](#) including procedures for suspects requiring special consideration (e.g. because of age, disability, disorder or impairment, or where English is a second language).

## Medical forensic examinations

### Primary objective of the examination

The child's well being and safety is paramount. Therefore, the primary objective of a medical forensic examination is the victim's physical, sexual and mental health, and safety. Of secondary importance is the opportunity to collect trace evidence. The medical forensic examination should be promoted to the victim and their family in this way.

### Timing of examinations

The timing for a child's medical examination should be considered when the initial joint investigation plan is agreed between the Police and Oranga Tamariki contact persons.

The urgency of a medical examination will depend on the circumstances in a particular case. Always consult with a [specialist medical practitioner](#) when making decisions about the timing and nature of examinations.

Type of case	Timing
<b>Acute sexual abuse cases</b>	<p>A <a href="#">specialist medical practitioner</a> must be contacted as soon as possible. Capturing forensic evidence that may disappear, using a medical examination kit and/or toxicology kit, is particularly important in the first 7 days after sexual abuse.</p> <p>If three or four days have passed since the abuse, the examination may not be as urgent, but should still be considered, primarily for the victim's wellbeing and for trace evidence capture. This recommended course of action should be discussed with the victim, their family and the specialist medical practitioner.</p> <p>For further information see "Medical forensic examinations" in the <a href="#">Adult sexual assault investigation policy and procedures</a>.</p>
<b>Acute physical abuse</b>	<p>These cases often come to Police attention due to medical intervention already occurring at hospitals or doctors surgeries. In other cases, the examination should be arranged as soon as possible in consultation with the victim, their family and the specialist medical practitioner.</p> <p>Bruises and other injuries may take a number of days to best appear and a further assessment should be made at the follow-up medical appointment. Consult with the specialist medical practitioner as to when this should be arranged.</p>
<b>Non acute / therapeutic</b>	<p>These are non-urgent cases where the medical response can be arranged at a time convenient to the medical practitioner, the child and their family. In non acute sexual abuse cases there is little expectation of locating forensic evidence but the medical examination is necessary for the assurance of the victim and family (e.g. that there is no permanent injury, pregnancy, sexually transmitted infections).</p> <p>In older physical abuse cases a medical examination may be required to verify concerns of past injury that may be detected by examination or X-ray.</p>

### Arranging the medical

Where a medical examination of a child is considered necessary, refer the child to a [specialist medical practitioner](#) for that examination.

The medical practitioner must be consulted as to the time and type of examination required, based on the information received from the child/informant. Except for urgent medical or forensic reasons, arrange the examination at a time and place that is least stressful to the child. Also consider religious or cultural sensitivities when conducting the medical examination.

The medical examination should be completed in a **child centred timeframe** (see [definition](#)) and by an appropriate medical practitioner. This will avoid causing unnecessary trauma by having to re-examine a child previously examined by a practitioner without specialist knowledge and expertise.

### Specialist medical practitioners to conduct examinations



In cases of serious child abuse, doctors who are DSAC (Doctors for Sexual Abuse Care Incorporated) trained are the preferred specialist.

Whether the child victim is medically forensically examined by a specialist paediatric or a general medical examiner varies around New Zealand. When briefing the medical practitioner about the circumstances and timing of the medical examination, canvas with them the question of who is best to conduct the examination. The decision is made by the medical practitioner taking into account the child's age, their physical development and the nature of their injuries.

### **Support during the examination**

A parent or legal guardian who is not the suspect or another competent adult with whom the child is familiar should accompany the child for the examination, unless that is not appropriate in the circumstances.

### **Examination venues**

Medical examinations should be conducted at a Sexual Assault Assessment & Treatment Service's (SAATS's) recognised venue, e.g. paediatric clinics of District Health Boards or doctors' clinics. They must not take place at Police premises unless purpose built facilities exist which are forensically safe environments.

### **Examination procedures**

The police role in a medical examination of child victims of serious physical and sexual abuse are essentially the same as for adult victims. Follow the procedures "Before conducting medical examinations" and "Examination procedures" in the 'Medical forensic examinations' section of the [Adult sexual assault investigation policy and procedures](#) when preparing for and conducting medical forensic examinations of child victims.

### **Photographing injuries**

The recording of physical injuries is important to corroborate an account of abuse.

Medical practitioners will identify during their examination any injuries that should be photographed and may decide to sensitively take these during the examination. Police can also take photographs of the victim's physical injuries with the victim's or parent/guardian's full consent. An appropriately trained Police photographer should be used for this.

Consult with the specialist medical practitioner as to when photographs should be taken. Bruises and other injuries may take a number of days to appear so consider the benefits of taking a series of photographs to record the changes.

A support person should be present to support the victim while photographs are being taken and afterwards.

See '[Photographing and videoing members of the public](#)' chapter for further information about collection, storage, use and deletion practices for photographs/videos of members of the public.

## Evidence gathering and assessment

### Police responsibility for criminal investigations

NZ Police is the agency responsible for the investigation of any criminal offending. They have a statutory obligation to investigate any report they receive alleging that a child has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived (s17 OT Act 1989).

While the investigation process for child abuse complaints has many similarities with other criminal enquiries there are subtle differences such as the power imbalance between the child and the offender as well as the subsequent impact and consequences of the abuse on the victim.

Investigators need understanding and sensitivity in all interactions with the victim and their families. They also need an appreciation of offenders' motivation. For example, does a sexual offender appear opportunistic or preferential in nature? Is the event well planned, ill-conceived or stumbling? Is what appears to be a minor physical assault a pattern of increasing violence?

As for any other criminal investigation, child abuse investigations must be undertaken in a way that evidence gathered is admissible in court proceedings. Correct procedures must be followed to ensure the strongest possible case can be put before the courts to hold an offender accountable. This will increase the likelihood of a successful prosecution and enhance outcomes for the victim, their family and the wider community.

### Conflict of interest

The assigned investigator should consider whether or not they could be perceived to have a conflict of interest in managing the case. If the investigator identifies that an actual, perceived or potential conflict of interest exists, they should notify their supervisor as soon as possible and complete the appropriate form declaring that conflict of interest. See ['Managing conflicts of interest'](#) for more information.

### Crime scene examination

Follow standard investigation procedures detailed in the Police Manual for:

- [crime scene examination](#)
- gathering and securing [physical and forensic evidence](#).

### Consider all investigative opportunities

Also consider other investigative opportunities, such as history of family violence, area canvas, location of further witnesses, propensity (similar fact) evidence, Intelligence office input (e.g. prison releases, known sex offenders, similar crime etc), media releases, contact with the Police [Behavioural Science Unit](#) and other potential case circumstances.

See also:

- [Hospital admissions for non- accidental injuries or neglect](#) in this chapter
- the Child protection - '[Mass allegation investigation](#)' and '[Investigating online offences against children](#)' chapters for information about managing:
  - multiple allegations of serious child abuse committed by the same person or a connected group of people
  - allegations associated with education settings
  - online offences investigations involving children.

### Exhibits

Follow standard investigation procedures for:

- locating, recording and photographing exhibits in situ
- securing, labelling and packaging, handling and retention of exhibits
- analysis, assessment and court presentation
- final action, i.e. appropriate return, disposal or destruction.

Always consider the potential sensitivity of exhibits for scientific assessment, especially those cases of a sexual nature. Sound handling processes must be adhered to, recorded and able to be outlined.

## Dealing with suspects

### Identifying and locating suspects

In most cases the suspect for child abuse can readily be ascertained due to an established connection with the victim or their family/whānau. In other cases identifying and locating a suspect may take extensive and prolonged investigation.

Capturing complete detail in appropriately taken victim complaints, witness statements, thorough scene examinations and other investigative endeavours better enables the identification and location of unknown suspects.

### Approaching suspects

Staff are to fully assess all available information to determine the best approach that fits the situation and circumstances. When planning this initial approach to a suspect, consider:

- the time of day
- the location and situation (alone or in a family or work situation)
- investigator's style, manner and approach
- the possible perceptions of the suspect and what they may interpret is occurring
- follow-up options (e.g. medicals, photographs, further victim involvement etc).

### Interviewing suspects

Follow the [Investigative interviewing suspect guide](#) when interviewing suspects in child abuse investigations.

### Medical examination of suspects

Consider the need for the suspect to undergo a medical examination.

Police Medical Officers (ideally a specialist practitioner who has not examined the victim) undertake a forensic medical examination of suspects at the request of the O/C case or O/C suspects. They should use:

- medical examination kits, and/or
- a toxicology kit if the suspect is a known or suspected drug user.

When making arrangements for the examination, ask the Police Medical Officer to:

- take appropriate samples such as buccal, blood, saliva, head hair, pubic and body hair, foreign hairs, and fingernail scrapings
- note any injuries such as scratches or bruises and how this may have originated
- give their opinion of the suspect's mental condition so that police obtain a further psychiatric opinion where necessary
- record any comments or explanations made by the suspect about the cause of injuries or other relevant comments made.

Consider photographing injuries (see '[photographing injuries](#)' in this chapter) or other aspects.

### DNA samples

If DNA trace evidence is held as a result of forensic evidence and the suspect declines to provide a voluntary DNA sample, a suspect compulsion order should be sought through the Court. (See the [DNA sampling](#) Police Manual chapter).

### Ongoing evidence assessment

Ongoing appraisal of available information and evidence should be undertaken as part of usual practice. There may also need to be a formal assessment which could include seeking the opinion of Legal Section or the Crown Solicitor when determining resolution options for the investigation.

### Care and protection concerns arising during investigation

The O/C case must advise Oranga Tamariki immediately if any further care and protection concerns arise during the criminal investigation. It may be necessary to amend the Oranga Tamariki /Police [initial joint investigation plan](#) to ensure the safety of the

victim, siblings or other children who may be at risk of continuing offending.

## **Community disclosure of offender's information**

In some situations, a form of community disclosure may be required, e.g. where information is received that a person previously known to Police has commenced volunteer work with children.

See '[Community disclosure of offender information](#)' in the Police Manual for:

- the circumstances in which police may proactively release information about an offender's identity to individuals and/or communities other than in response to requests under the Official Information Act 1982
- what information can be released and how
- the necessary authorisation that must be obtained prior to release.

# Hospital admissions for non-accidental injuries or neglect

## Introduction

Non-accidental injuries (NAIs) and serious neglect investigations are not only a criminal investigation but also a multi-agency child protection investigation.

The admission of a child to hospital does not automatically ensure their safety. Police, Oranga Tamariki and health professionals must work closely together from the time the abuse/neglect is first recognised to ensure the victim's safety and achieve the best investigative outcome.

Non-accidental injuries and serious neglect investigations can be difficult to conduct because:

- offenders who inflict serious injuries to young children do not want to be seen as child abusers and admissions are therefore difficult to obtain
- non-offending parties are often bound by feelings of loyalty to perpetrators of violence against children
- there is often no evidence of planning or preparation to be obtained. In the majority of cases, violent acts are spontaneous
- most offenders do not actually intend to inflict the levels of harm suffered
- medical evidence can be imprecise, with injuries being difficult to time or date
- pre-existing medical conditions may exist, or other causes for injury and explanations be given, e.g. resuscitation or shaking to revive or as a response to choking or apnoea
- accident - no intent to harm, e.g. accidental falls
- time frames may expand to include other suspects.

## Medical case conferences

When a child presents at the hospital, an initial clinical assessment will be undertaken by a health practitioner. If the treating health practitioner becomes concerned about possible abuse they will undertake a primary assessment of risk. The practitioner will consult internally with the District Health Board (DHB) child protection team.

## DHB immediate management plan

The District Health Board is responsible for ensuring the safety of the child from the time of admission until the notification to Oranga Tamariki has been accepted. This should never be longer than 24 hours.

The attending clinician, in consultation with others, will establish a plan to address the child's immediate safety needs while the child is in DHB care.

## Multi agency safety plan

As with all child abuse investigations, an important step is the joint investigation plan. When children are in hospital as a result of non accidental injuries and serious neglect, the joint investigation plan should include the convening of a medical case conference between Police, Oranga Tamariki and the DHB.

The conference should ideally be held within 24 hours of a notification being received by Oranga Tamariki. During the conference a multi-agency safety plan (MASP) should be agreed detailing:

- names and contact details of those involved
- names and roles of those who will be responsible for the child's care during their time in hospital and how safety issues will be addressed including:
  - supervision of contact with family during the hospital stay and after discharge
  - place of safety warrant or other legal measures which may be required
  - what and how support will be provided to the child and family
  - how the health needs of the child will be addressed
  - roles and responsibilities of the family and other agencies
  - expected length of stay and planning for discharge
  - health and rehabilitation needs after discharge

- management of risk to siblings and other children living in the home
- how monitoring and review will occur
- engagement with ACC and their involvement in rehabilitation planning.

The parties will maintain at least weekly contact to update each other about the child's progress while they are in hospital. When necessary, the multi agency safety plan must be reviewed.

## Reviewing multi agency safety plans

Each agency must advise the others as soon as possible of:

- key events including clinical deterioration of the child
- episodes of violence or inappropriate behaviour by family
- changes in custody arrangements
- arrest or prosecution of an alleged offender
- acceptance of a claim by ACC
- plans for discharge.

A meeting to review the plan can be initiated by any of the key staff. If possible, any visit by police to key DHB staff should be pre-arranged to ensure appropriate staff are available.

Before the child's discharge from hospital a meeting must be convened by a Oranga Tamariki social worker to review and update the multi agency safety plan. The updated plan must include:

- timing of discharge
- support required and available on discharge
- health and rehabilitation needs following discharge.

## Medical information available to investigators

During the investigation, health practitioners should be able to provide information and/or a report to Police/Oranga Tamariki covering aspects of the assessment/treatment of the child including:

- the child's current condition and initial prognosis
- current treatment
- current medical opinion as to how and when the injuries occurred
- what radiographic imaging has taken place and what further imaging is to be carried out, e.g. CT scans, MRI scans, skeletal X-rays, bone scan
- whether an ophthalmologist examined the child and if retinal images have been taken
- what diagnostic tests have been carried out to rule out other causes of the injuries and their results
- what further tests are planned
- what samples have been obtained from the child e.g. pre-transfusion blood, urine
- details of medical and other staff coming into contact with the child
- if the hospital clinical photography department has obtained photographs of any apparent external injuries to the child
- the child's previous hospital admissions and any known medical history
- who is the child's GP
- carers' initial response to the child becoming ill, any first aid given and how the child was brought to hospital
- any explanations offered by carers to paramedics or medical staff.

## Further information

See the aide-memoir / additional guidance on the **initial response for child/infant homicides and non-accidental injuries** from the Crime Group's intranet page:

-

[initial-response-for-child-homicides.doc](#)

100.5 KB

Child protection investigation policy and procedures

Proactively released by New Zealand Police

## Charging offenders and considering bail

### Determining appropriate charges

When laying charges in child abuse investigations consider the most appropriate charges based on the admissible evidence available. Charging must always reflect the:

- seriousness of the offence
- essential nature of the offending
- admissible evidence.

It is important that you do not minimise child abuse and that charging is aimed at making the offender accountable for their actions. Contact your supervisor, a legal advisor, or Crown Solicitor in your district if you need advice in any case about charging decisions.

For more information see:

- [Prosecution and other case resolutions](#) in this chapter
- the Child protection - '[Mass allegation investigation](#)' and '[Investigating online offences against children](#)' chapters
- the [Charging decisions](#) chapter.

### Child abuse investigations where the suspect/offender is a young person

For cases where the suspect or offender is a young person refer to the [Youth Justice](#) chapter.

### DNA sampling when intending to charge

When intending to charge a suspect aged more than 14 years with a [relevant offence](#), Police can request a DNA sample and detain the person for the period necessary to take the sample. Intention to charge DNA samples can then be matched against the unsolved crime scene database before prosecution case resolution (conviction or acquittal).

Follow the [DNA sampling](#) procedures when taking 'intention to charge' DNA samples.

### Relevant offences

Relevant offences are listed in part 1, 2 and 3 of the schedule to the [Criminal Investigations \(Bodily Samples \) Act 1995](#). They include all sexual offences, serious assault, cruelty to a child, assault with a weapon, male assault female, sexual grooming and offences punishable by a term of 7 years imprisonment or more. Assault on a child is not a relevant offence.

### Determine if the offence falls within s29 Victims' Rights Act

When laying charges, you must determine if the offence comes within section 29 of the Victims' Rights Act 2002 as soon as practicable after coming into contact with a victim.

If it does, the victim must be informed (using the POL1065) of their right to be on the victim notification register and to be notified about the [bail](#), release, escape and death of an offender and accused.

The offence must be:

- one of sexual violation or other serious assault
- one that resulted in serious injury to a person, the death of a person or a person being incapable, or
- one of another kind that has led to the victim having ongoing fears on reasonable grounds:
- for their physical safety or security, or
- for the physical safety or security of one or more members of their immediate family.

Note that victims may also include a parent or legal guardian of a child or young person unless that parent or guardian is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned.

### Bail for child abuse offending

The same bail considerations apply to persons charged in relation to child abuse offending as for any person charged with an offence.

**Note** however, that you must have the authority of a supervisor of or above the position level of Sergeant before releasing a person



charged with an offence against a child or young person on Police bail.

See [Deciding whether to grant or oppose bail](#) in the "[Bail](#)" chapter when deciding whether to grant Police bail and/or to oppose bail when the person appears in court (e.g. when there are concerns that the person may commit further offending or fail to appear). Also consider whether any of the restrictive Bail Act provisions apply. In all cases, the paramount consideration is the safety and protection of the victim.

When granting Police bail, conditions must be set to reflect the victim's safety needs and those of potential victims. If Police do not oppose bail, or it is clear the court is likely to grant bail, seek appropriate bail conditions (e.g. non association with the victim or other children) to help safeguard the victim. (See [Bail conditions](#) in the Bail chapter for more information).

### **Victims views on bail**

If the charges laid fall within section 29 of the Victims' Rights Act 2002, Police must make all reasonable efforts to ensure the victim's views on the offender's release on bail are ascertained and provided to the court.

## Prosecution and other case resolutions

### Options for resolving child abuse investigations

After a full investigation of the case, several options are available for case resolution including (depending on the circumstances of the case):

- prosecution
- issue of a Police [formal warning](#) for a minor assault
- diversion for minor offending (see [Adult diversion scheme policy](#))
- restorative justice
- filing of the case due to insufficient evidence.
- no further action.

### Deciding whether to prosecute

Prosecution action is an important element in holding offenders accountable for their actions. However, the [Solicitor-General's Prosecution Guidelines](#) require that prosecutions are only brought where there is a reasonable prospect of conviction (the 'evidential test') and where a prosecution is in the public interest. Refer also to the [Charging decisions](#) chapter.

Where there is sufficient evidence to establish a prima facie case, prosecution is the preferred resolution for child abuse investigations unless the degree of force used is so inconsequential that the intervention of the criminal law is not in the public interest.

Where criminal investigations are being conducted alongside [joint investigations](#) under the Child Protection Protocol Joint Operating Procedures, it may be appropriate to consult with Oranga Tamariki before laying charges in minor cases.

**The decision to commence prosecution action is ultimately one for Police. Where there is sufficient evidence to commence prosecution, any decision not to do so must be made after consultation with a supervisor.**

### Related information if case involves family violence

Refer to [Prosecuting family violence](#) for more information about prosecuting family violence cases.

### Matters to consider during prosecutions

Follow standard file preparation and prosecution procedures for:

- preparation of documents, depositions and testimony
- criminal disclosure - (see the [Criminal disclosure](#) chapter)
- preparation of appropriately handled, packaged and presented exhibits
- preparation, handling and presentation of video evidence and testimony.

### Disclosure of video records and transcripts

It is the court's expectation that a child victim's evidence will normally be given by way of video record, unless exceptional circumstances apply (see the [Specialist Child Witness Interview Guide](#)).

Section 106 Evidence Act 2006 and regulation 21 [Evidence \(Video Records & Very Young Children's Evidence\) Regulations 2023](#) require defence counsel to be given a copy of any video record being offered as an alternative way of giving evidence, before the hearing of the matter, unless a judge directs otherwise.

For more information on the disclosure of video recorded interviews, see 'Disclosure of video interviews, transcripts and TASER Data' in the [Criminal disclosure](#) chapter.

### Preparing witness before court appearance

The prospect of having to give evidence in court is a daunting prospect for most people, particularly children. The child should if possible, meet the prosecutor or Crown Solicitor before the trial, be shown the courtroom, and given appropriate resource material to assist with preparing for court. Resource material is available through the Court Victim Advisor at your local district court.

See 'Looking after witnesses' in the [Criminal procedure - Trial stage](#) chapter for advice on briefing witnesses.

## Privacy of victims in court

See the [Criminal procedure - Administration stage](#) chapter for information on:

- when names, evidence and submissions are automatically suppressed or may be suppressed on an application
- clearing courts.

## Support of witnesses in court

Section 79 of the Evidence Act 2006 provides that a complainant or witness, while giving evidence in court, may have a person with or near them to give support. The support person's name must be disclosed to all parties as soon as practicable.

See the [Criminal procedure - Trial stage](#) chapter for information on supporting witnesses in court.

## Judge may give warning or inform jury about very young children's evidence

In a criminal proceeding, tried with a jury, and in which a witness is a child under the age of 6 years and if the Judge is of the opinion that the jury may be assisted by a direction about:

- the evidence of very young children, and
- how the jury should assess that evidence,

then, the Judge may give the jury a direction to the following effect:

- even very young children can accurately remember and report things that have happened to them in the past, but, because of developmental differences, children may not report their memories in the same manner or to the same extent as an adult would
- this does not mean that a child witness is any more or less reliable than an adult witness
- one difference is that very young children typically say very little without some help to focus on the events in question
- another difference is that, depending on how they are questioned, very young children can be more open to suggestion than other children or adults
- the reliability of the evidence of very young children depends on the way they are questioned, and it is important, when deciding how much weight to give to their evidence, to distinguish between open questions aimed at obtaining answers from children in their own words from leading questions that may put words into their mouths.

(Regulation 59 of the Evidence (Video Records & Very Young Children's Evidence) Regulations 2023)

## Preparing victim impact statements

See 'Victim impact statements' in the [Victims \(Police service to victims\)](#) chapter.

## Responsibilities for victims

### Victims may include parents and guardians

A victim is a child or young person:

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

Victims may also include a parent or legal guardian of a child or young person who falls within the above criteria unless that parent or guardian is charged with the commission of, or convicted, or found guilty of, or pleads guilty to, the offence concerned.

(s4 Victims Rights Act 2002)

### Rights of victims

See the [Victims \(Police service to victims\)](#) chapter for information about:

- responding to incidents involving victims
- treatment and rights of victims generally
- notification rights for victims of serious offences including the right to be registered in the victim notification system
- obtaining and submitting victim impact statements.

### Support after sexual violence

Up to \$500 is available to help with emergency costs incurred immediately after a sexual violence crime, e.g. replacing clothing, emergency accommodation and repairing or replacing damaged property. Funding is also available for victims/survivors and an unpaid support person to attend the trial. Grants can be applied for where any child has been the subject of a sexual crime that occurred on or after 1st January 2010, whether or not the matter proceeds to a prosecution, so long as the matter has been reported to Police. These grants are not means tested. Further information is available from Victim Support or on their website:

[www.victimsupport.org.nz](http://www.victimsupport.org.nz)

## Final actions and case closure

### Information to be provided to victim

Following prosecution, ensure the victim is advised of the result as soon as possible.

Also ensure that victims of serious offences (defined by [s29 Victims' Rights Act 2002](#)) have been advised of their rights (using POL 1065 in Police Forms) to be registered on the Victim Notification Register and to be advised of bail conditions, and release dates post conviction. See 'Notification rights for victims of serious offences' in the [Victims \(Police service to victims\)](#) chapter for more information.

### Oranga Tamariki notification

If the investigation has been completed as a joint investigation under the CPP, Oranga Tamariki must be advised of the outcome of the prosecution in writing and it must be tabled at the monthly CPP meeting.

### Sex offender/suspect notification

A "Sex Offender/Suspect Notification (\*SOR)" (found in the e-mail 'Notifications' section of the Bulletin Board) must be completed and submitted to the Modus Operandi section at PNHQ for all investigations of sexual offences once suspects or offenders are identified.

### Return of exhibits

After the prosecution, the O/C case must:

- retrieve the exhibits from the court as soon as practicable after any appeal period, and
- return property taken from victims as evidence, as soon as practicable after it is no longer required for that purpose.

([s51 Victims Rights Act 2002](#))

However, sensitivity in the return or disposal of exhibits can be very important to victims. Items of clothing may be damaged during trace evidence examination (e.g. for forensic analysis, segments might be cut from the crutch area of trousers) and this should be discussed with the victim or their parent or guardian before returning. Also consider having clothing or bedding cleaned or appropriately dealt with before returning. Where possible avoid returning items in labelled Police exhibit bags- there are boxes and bags available through the Police procurement system.

### Return and retention of video records

Once the court process is concluded, defence counsel must return their copy of the video record to Police. The O/C case must ensure the lawyer's copy is held by Police before the matter is filed. (See regulation 44 Evidence (Video Records & Very Young Children's Evidence) Regulations 2023).

### Police video record and transcript to be retained for 10 years

A Police video record and a transcript of a Police video record must be retained for 10 years after:

- the date on which a criminal proceeding to which the Police video record relates, or a related proceeding is finally determined, or
- if the Police video record is not offered as evidence in a criminal proceeding or in a related proceeding, the date on which it was made.

If a Police video record or transcript is edited, then the 10-year retention period above applies to both the original version and the edited version.

A Police video record or transcript may be permanently destroyed or erased after the period for which it must be retained.

(Regulation 52 of the Evidence (Video Records & Very Young Children's Evidence) Regulations 2023)

### File completion

Once Police resolution action is concluded, the Police file must be completed and filed as soon as practicable.

The O/C case must ensure all case management processes are correctly recorded and exhibits have been appropriately disposed of.

Child protection files must only be filed by level 4 child protection trained supervisors who have authority from their District Crime Manager to do so. In most cases this designated person will be the District Child Protection Coordinator, who is deemed as having the required clear understanding of the nature and intricacies of this crime-type.

## Health and safety duties

### Maximising safety and minimising risk

Maximising safety and eliminating or minimising risk at work is the responsibility of all Police employees and persons engaged by Police to provide a service including contractors and their employees, trainees, interns and volunteers. It is delivered through meeting the obligations under the [Health and Safety at Work Act 2015](#) and Police safety policies.

A key enabler is the application of the [TENR-Operational threat assessment](#) in the workplace.

The expectation of the Commissioner and the Act is that persons in the workplace will take reasonable care to ensure that their acts or omissions do not adversely affect the health and safety of other persons, comply as far as they are reasonably able to with any reasonable instruction that is given in order to comply with the [Health and Safety at Work Act 2015](#) or regulations under that Act. They will co-operate with any reasonable policy or procedure relating to health or safety at the workplace that has been notified to them and take immediate action to stop any perceived or potential breach of the act or if impractical, immediately report the matter to a supervisor.

Health and safety should be an everyday conversation.

Relevant Police instructions include:

- [Hazard management](#)
- [Health, safety, and wellbeing](#)
- these '[Child protection investigation policy and procedures](#)' in relation to the safe response to and investigation of reports to Police about child safety concerns.