

# Child protection investigation policy and procedures

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## 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.

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Practice relating to...	Policies and/or responsibilities
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 Oranga Tamariki.</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 (<a href="#">CPP</a>) must comply with the protocol.</li> <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 Regulations 2007</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 <a href="#">Child Protection Teams</a> 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 O/C (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</li> </ul>

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	<p>level 4 qualified supervisor. They must not hold any sexual offending files.</p> <ul style="list-style-type: none"> <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 NIA 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</a> (NRS).</li> <li>• All child abuse cases must be: <ul style="list-style-type: none"> <li>– managed using the NIA case management functionality</li> <li>– categorised in NIA 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 CPT supervisor.</li> </ul>
Oversight and Monitoring	<p>As per <a href="#">Quality Assurance and Improvement Framework</a> (QAIF):</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>
Training	<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>
Local Level Service Agreements	<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 CPP.</li> </ul>

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## 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

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- 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

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<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).

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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 Maori

Maori are significantly over represented 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. Maori 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 Maori 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) and the [Family harm policy and procedures](#).

Other related information includes:

- [Police safety orders](#)
- [Protection and 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

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<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.



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## Definitions and assessing seriousness of abuse

### Definitions

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

Term	Meaning
<b>6C Incident code</b>	Any report of concern received by Police where a child is the victim.
<b>Acute child abuse</b>	Child abuse occurring less than 7 days before it was reported.
<b>Adult</b>	A person aged 18 years or older.
<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.
<b>Child</b>	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>• <a href="#">physical</a>, <a href="#">sexual</a>, <a href="#">emotional</a> or <a href="#">psychological</a> abuse</li> <li>• <a href="#">neglect</a></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 centred timeframes</b>	Child centred timeframes are timeframes that are relevant to the child's age and cognitive development.
<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.
<b>Child safety concerns</b>	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 <a href="#">CPP</a> 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 CPP 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>
<b>CPP case</b>	An agreed case between Police and Oranga Tamariki of child abuse being investigated in accordance with the <a href="#">CPP</a> .

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<b>CPP case list</b>	A complete list of all CPP cases that are open to either Oranga Tamariki, Police or both. This list is generated by Oranga Tamariki using the Te Pakoro Report 100 CPP Case List. This list is reviewed at least monthly during the CPP meetings.	
<b>CPP contact person (Oranga Tamariki)</b>	The Oranga Tamariki staff member with responsibility for overseeing CPP cases in a site.	
<b>CPT (Child Protection Team)</b>	A Child Protection Team (CPT) is exclusively focused on responding to reports of child safety concerns. A CPT 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.	
	<b>Category</b>	<b>The child or young person is...</b>
	Critical 24hrs	No safety or 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 <a href="#">child abuse</a> that occurred against them when they were a child and they are over 18 at time of reporting the abuse. ( <a href="#">Adult Sexual Assault procedures</a> apply)	
<b>Initial joint investigation plan (IJIP)</b>	An initial plan jointly created by Oranga Tamariki and Police to record agreed actions on the agreed template.	
<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 Maori, Pacific and Ethnic communities.	

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<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.</li> </ul> <p>(s3 Domestic Violence Act 1995)</p> <p>Note: The person who suffers the abuse is not regarded (for the purposes of s3(3)) 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:

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

Any single action and/or injury listed below will meet the threshold for referral as a CPP case.

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### 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>

# Child protection investigation policy and procedures, Continued...

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## 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> Details are recorded into the Police computer system and a case created.</p> <p>All reports of child safety concerns must be recorded in NIA with the 6C incident code in <b>addition</b> to the appropriate offence code when an offence has clearly been identified.</p>	
Step 2	<p><b>Initial attendance</b> 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> After initial assessment, referring cases to Oranga Tamariki to agree future actions and priority.</li> </ul>
Step 3	<p><b>Gather and process forensics</b> 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><b>Assess and link case</b> 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>

## Child protection investigation policy and procedures, Continued...

Step 5	<p><b>Prioritise case</b> 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 NIA 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>
Step 6	<p><b>Investigate case</b> 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.</p>	<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	<p><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.</p>	<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	<p><b>Prepare case</b> Court files are prepared, permission to charge obtained from supervisor and actions such as disclosure completed.</p>	<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	<p><b>Court process</b> Where a not guilty plea is entered, a case management memorandum and case review hearing occurs before trial (judge alone - categories 2 &amp; 3, or trial by jury - categories 3 &amp; 4).</p>	<ul style="list-style-type: none"> <li>• <a href="#">Criminal procedure - Review stage (CMM process)</a></li> </ul>
Step 10	<p><b>Case disposal and/or filing</b> 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 CP cases.</p>	<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>
<b>All steps</b>		<ul style="list-style-type: none"> <li>• <a href="#">Responsibilities for victims</a> Consider Police responsibilities for victims throughout the investigation.</li> </ul>

# Child protection investigation policy and procedures, Continued...

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## 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>: <ul style="list-style-type: none"> <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> </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 NIA. 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>

## Child protection investigation policy and procedures, Continued...

5	<p>If the situation does not require immediate intervention:</p> <ul style="list-style-type: none"> <li>complete a CPP referral form (POL 350 in Police Forms&gt; Child Protection) and email to <a href="mailto:contact@mvcot.govt.nz">contact@mvcot.govt.nz</a> and your local <a href="#">Police CPP contact</a> for further investigation (use CPP 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
<p><b>Without a warrant</b></p> <p>(<a href="#">s42</a> Oranga Tamariki Act 1989 (OTA))</p>	<p>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.</p> <p>When exercising the power you must:</p> <ul style="list-style-type: none"> <li>produce evidence of identity, and</li> <li>disclose that your powers are being exercised under <a href="#">s(s42(2))</a></li> </ul> <p><b>and</b></p> <ul style="list-style-type: none"> <li>a written report must be made to Commissioner of Police within 3 days of power being exercised (<a href="#">s42(3)</a>). Complete notification "Child/Young Person Arrest/removal" in Microsoft Outlook to comply with this requirement.</li> </ul>
<p><b>With a place of safety warrant</b></p> <p>(<a href="#">s39</a> OTA)</p>	<p>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).</p> <p>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.</p>
<p><b>With a warrant to remove</b></p> <p>(<a href="#">s40</a> OTA)</p>	<p>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 when there are ongoing care and protection concerns.</p>



## **Child protection investigation policy and procedures, Continued...**

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### **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](#).

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](#) 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.

## Child protection investigation policy and procedures, Continued...

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### 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 <a href="#">CPP</a> (physical, sexual, neglect) complete and email a CPP referral form (Police Forms&gt;Child Protection) to the Oranga Tamariki National Call Centre (Contact@OT.govt.nz) and cc your local CPP EMAIL address. (See <a href="#">Making referrals to Oranga Tamariki</a> for when and how to make referrals).</p> <p>If there is any doubt as to the degree of seriousness and whether the <a href="#">CPP</a> applies, the case should be referred for further discussion with Oranga Tamariki.</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><b>The consultation should:</b></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>

## Child protection investigation policy and procedures, Continued...

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><b>CPP case record:</b></p> <ul style="list-style-type: none"> <li>• Oranga Tamariki create a CPP record in their electronic case management system (CYRAS).</li> <li>• Police confirm that the case is recorded as a CPP case in their electronic case management system (NIA).</li> </ul>
7	<p>Following the agreement of an initial joint investigation plan (IJIP) 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.</p> <p>Note that only cases closed by <b>both</b> agencies can be removed from the CPP case list at a CPP meeting.</p>
8	<p><b>If the case is not confirmed as a CPP case:</b></p> <ul style="list-style-type: none"> <li>• Police will record the case in NIA case management system and record the reason why the referral was not confirmed as a CPP case</li> <li>• Police may continue an investigation role outside of the CPP 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 at 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

## **Child protection investigation policy and procedures, Continued...**

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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
- case update on the progress of the Police 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](#) (word document), must be taken for each meeting held. These minutes will be shared between the two parties, agreed and retained as per the CPP.

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

Not all care and protection concerns require a response under the [CPP](#). 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.

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 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.

# Child protection investigation policy and procedures, Continued...

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## 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	<ul style="list-style-type: none"> <li>• child identified as a suspect / offender</li> </ul>

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?
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## Child protection investigation policy and procedures, Continued...

<p>Child Protection Protocol cases – criminal offence against a child</p>	<p><a href="#">CPP</a> 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' 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>
<p>Family violence referrals</p>	<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 ROC can be initiated off the table via the OT representative.</p> <p><b>Note: If there is evidence of serious child abuse, the CPP referral process, using the Pol 350, applies.</b></p>
<p>Environment / neglect referrals</p>	<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 NCC via email address <a href="mailto:contact@mvcot.govt.nz">contact@mvcot.govt.nz</a></li> </ul>
<p>Other criminal activity</p>	<p>This is managed through Police Youth Services on completion of the investigation case file for an offender identified as a child.</p>
<p>Minor or trivial cases</p>	<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.

# Child protection investigation policy and procedures, Continued...

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## Interviewing victims, witnesses and suspects

### Interviewing children in child abuse investigations

All interviews of child abuse victims or of childwitnesses to serious crime must be conducted carried out 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 Regulations 2007](#) 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).

# Child protection investigation policy and procedures, Continued...

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## 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
Acute sexual abuse cases	<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>
Acute physical abuse	<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>
Non acute / therapeutic	<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.



## **Child protection investigation policy and procedures,** **Continued...**

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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](#) 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.

# Child protection investigation policy and procedures, Continued...

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## 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.

### 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](#)' 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, including indecent communication with a young person under 16

### 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.

# Child protection investigation policy and procedures, Continued...

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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 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).

# **Child protection investigation policy and procedures, Continued...**

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## **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.

# **Child protection investigation policy and procedures, Continued...**

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## **Hospital admissions for non-accidental injuries or neglect**

### **Introduction**

Non-accidental injuries (NAI's) 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

## **Child protection investigation policy and procedures, Continued...**

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- 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

## **Child protection investigation policy and procedures, Continued...**

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- 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 on](#) Crime Group's intranet page.

# Child protection investigation policy and procedures, Continued...

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## 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
- [Charging decisions](#).

### 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



## **Child protection investigation policy and procedures, Continued...**

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- 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.

# Child protection investigation policy and procedures, Continued...

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## 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 [30](#) Evidence Regulations 2007 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.

# Child protection investigation policy and procedures, Continued...

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## **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.

## **Preparing victim impact statements**

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

# Child protection investigation policy and procedures, Continued...

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## 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)

# Child protection investigation policy and procedures, Continued...

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## 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 [31](#)(2) and (3) of the Evidence Regulations 2007)

### Destruction of master copies, working copies and other of video records

[Subpart 4](#) of the Evidence Regulations 2007 list obligations relating to the destruction of video records. Once master copies of video records are presented in court as an exhibit they must be retained by the court and then destroyed 10 years after the date on which the criminal proceeding is finally determined or discontinued.

All other tapes should be destroyed 7 years after the date on which the master copy was made.

## **Child protection investigation policy and procedures, Continued...**

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### **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.

# Child protection investigation policy and procedures, Continued...

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

# Child Protection Policy (overarching policy)

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### Appendix - Child protection investigation policy and procedures



# Child Protection Policy (overarching policy); continued...

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## Summary

This section contains these topics:

- [Background](#)
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## Background

The New Zealand government recognises that there are important social and economic imperatives to improve the life outcomes of children and young people in New Zealand. Approximately 9,000 children a year are born at risk in New Zealand and we have the fifth worst child abuse and neglect rating of the 31 OECD countries.

New Zealand Police (Police) will work collaboratively with other agencies to ensure the best outcomes for children and young people in New Zealand.

The [Children's Act 2014](#) (CA or the 'Act' and the associated agency [Children's Action Plan](#) aims to improve the life outcomes of vulnerable children in our society. The Act tasks children's agencies, of which Police is one, with being responsive to and accountable for Government priorities with respect to children. This includes protecting vulnerable children from abuse and neglect and identifying and helping vulnerable children before the greatest harm happens.

The Act also places significant focus on the workforce that works with children. It aims to ensure that the children's workforce is safe to work with children, is competent for the work they undertake, and is aware of how child abuse and neglect presents and what to do when they recognise it.

New initiatives introduced include guidelines on safer recruitment, new safety checking requirements for people working with children, new core competencies for the children's workforce and a requirement that all children's agencies have a child protection policy.

These obligations and the new government initiatives associated with them are focused on protecting vulnerable children, and in particular protecting them from neglect and abuse. These new obligations apply to Police.

## More information

For more information about the Children's Act, the Children's Action Plan and other associated initiatives, click [here](#).

## Purpose of this Police Child Protection Policy

This Police Child Protection Policy outlines the various policies that together comprise the Police 'Child Protection Policy'. It also provides an overview of the Police obligations under the [Children's Act 2014](#) and outlines:

- the [key principles](#) that must be applied when making and acting on decisions concerning child protection
- how Police [identify and respond to child abuse and neglect](#), whether in response to reports of concern to police or when police otherwise become aware of safety concerns in the course of their duties
- the [expectations of police](#) working with children and how Police will respond to [allegations or concerns about staff](#)

## **Child Protection Policy (overarching policy); continued...**

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- Police responsibilities in relation to the [safety checking of its children's workers](#), and those of the [agencies and NGOs](#) that it works with.

### **Who does this Child Protection Policy apply to?**

The Police Child Protection Policy applies to any Police employee who comes into contact with children or young people as part of their Police role.

### **Related child protection policies**

This Child Protection Policy **is an overarching document and cannot be read in isolation from other related Police child protection policies** and operating procedures, published for employees as chapters in the Police Manual.

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

This chapter details:

- policy and principles guiding Police response to child safety concerns
  - **including** child abuse, neglect, 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 [Missing persons](#) and [Youth justice](#) chapters outlined below)
- procedures for responding to and investigating reports to Police about child safety concerns, including:
  - initial actions and safety assessments
  - consultation and joint investigation planning with Ministry for Children (Oranga Tamariki)
  - making referrals to Oranga Tamariki
  - interviewing victims, witnesses and suspects
  - medical forensic examinations
  - evidence gathering and assessment
  - hospital admissions for non-accidental injuries or neglect
  - charging offenders and considering bail
  - prosecution and other case resolutions
  - responsibilities for victims
  - final actions and case closure.

The [Police Child protection investigation policy and procedures](#) also outlines requirements under the joint Child Protection Protocol agreed between Oranga Tamariki and Police which:

- defines the roles of each organisation and sets out the process for working together when responding to situations of child abuse
- ensures timely, coordinated and effective action by Oranga Tamariki and Police
- sets out the process for working collaboratively at a local level, and as a formally agreed national level document, applies to all Oranga Tamariki and Police employees.

### **Child protection – Investigating online offences against children**

This chapter outlines procedures for investigating and/ or responding to online offences against children including indecent communication with a young person under the age of 16, online grooming, and complaints about sextortion and sexting.

### **Child protection - Mass allegation investigation**

This chapter outlines procedures for:

- mass allegation investigations relating to the serious abuse of four or more children by the same offender or connected group of offenders
- managing allegations of abuse involving an adult working in or associated with an education setting

## **Child Protection Policy (overarching policy); continued...**

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### **Child protection – Specialist accreditation, case management and assurance**

This chapter details:

- the specialist child protection tiered training and accreditation process within Police
- guidelines for case management and maximum case assignment to Child Protection Investigators of cases meeting the Child Protection Protocol: Joint Operating Procedures
- requirements for compliance monitoring of child protection investigations using the Quality Assurance and Improvement Framework
- matters to consider as part of the ongoing case process and case closure, that may lead to child protection-related prevention or education opportunities
- the roles and responsibilities of employees involved in child protection work within Police.

### **Joint Standard Operating Procedures for Children and Young Persons in Clandestine Laboratories**

These are the agreed operating procedures between Oranga Tamariki and Police:

- relating to any child or young person at risk from exposure 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
- setting out safe work practices and investigation techniques for both agencies.

### **Other related / relevant policies**

These other **Police Manual chapters** are also relevant to the Police child protection policies [above](#):

### **Family violence policy and procedures**

This chapter:

- details policy and procedures for responding to and investigating family violence occurrences, including those where serious offending is present
- details requirements for collecting and assessing child risk information for children present at or normally residing at the place where the incident occurred, and for making reports of concern to Oranga Tamariki or for evaluation through the Family Violence Interagency Referral (FVIARs) process.

### **Missing persons**

This chapter details procedures for investigating reports of missing children, including those missing from Oranga Tamariki care.

### **Youth justice**

This chapter outlines youth justice procedures including referrals to Oranga Tamariki for family group conferences which may be for the purpose of care and protection. It also includes guidance for responding to truancy, and other child welfare issues such as drunk or intoxicated children and young persons.

### **Parental control (section 59 Crimes Act)**

This chapter provides guidance on the application of section 59 of the Crimes Act 1961 which prescribes the circumstances in which a parent may be justified in using force against a child.

### **Adult sexual assault investigation (ASAI) policy and procedures**

Applies to all cases where the victim of the alleged offending (male or female) is 18 years of age or older at the time of making the complaint.

### **Police volunteers**

Detailed requirements for the management of and [vetting of persons acting as Police volunteers](#).

## **Child Protection Policy (overarching policy); continued...**

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### **Police response to bullying of children and young people**

Outlines how Police respond to reports of bullying of children and young people.

### **Review requirements for this overarching Child Protection Policy**

This overarching 'Child Protection Policy' must be reviewed every two years or earlier as required to ensure it is kept up to date with changes that may have been made to related policies and procedures.

## **Child Protection Policy (overarching policy); continued...**

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### **Policy principles**

These principles must be applied when making and acting on decisions concerning child protection.

<b>Description</b>	<b>Principle</b>
<b>The rights, welfare and safety of children are our first and paramount consideration.</b>	
Rights of the child	<p>Every child has the right to:</p> <ul style="list-style-type: none"> <li>• a safe and nurturing environment</li> <li>• live in families free from violence</li> <li>• protection from all forms of physical, sexual, emotional or psychological abuse and neglect while in the care of parent(s), legal guardian(s) or any other person who has their care.</li> </ul>
Prevention first	<ul style="list-style-type: none"> <li>• Police are focused on prevention first and are committed to identifying and helping vulnerable children before harm happens.</li> <li>• Police recognise the importance of early intervention and the principle of applying the least intrusive intervention necessary in a timely way to protect vulnerable children.</li> </ul>
Working collaboratively	<ul style="list-style-type: none"> <li>• Police are committed to working with partner agencies and organisations to prevent and reduce child abuse and neglect</li> <li>• We will share information with relevant partner agencies in a timely way and discuss concerns about an individual child.</li> <li>• We will support our partner agencies and community organisations to ensure child protection policies are consistent and of high quality and comply with relevant statutory responsibilities.</li> </ul>
Our employees	<ul style="list-style-type: none"> <li>• All operational employees are expected to consider as a matter of course the wellbeing of every child encountered in the course of their duties and act to protect children when they have concerns — this is not just the responsibility of our specialist employees.</li> <li>• We will ensure our operational employees know their statutory responsibilities to children regardless of the work they are deployed to do.</li> <li>• Police will provide appropriate support for, and supervision of, employees affected by child abuse or neglect.</li> </ul>
Our values	<ul style="list-style-type: none"> <li>• The Police values of professionalism, respect, integrity, commitment to Maori and the treaty, empathy, and valuing diversity will be applied to all our child protection work.</li> </ul>

## **Child Protection Policy (overarching policy); continued...**

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### **Definitions**

These definitions apply in this 'Child Protection Policy' and other [related child protection policies](#).

<b>Term</b>	<b>Meaning</b>
<b>Child</b>	Any child or young person aged under 18 years, and who is not married or in a civil union.
<b>Child abuse</b>	<p>Child abuse is defined in the Children, Young Persons and their Families Act 1989 as the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person.</p> <p>The following 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</b>	Activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or the risk of abuse or neglect.
<b>Child Protection Protocol (CPP)</b>	<p>Joint operating procedures agreed between Police and Oranga Tamariki to clearly define the roles of each organisation and set out the process for working together when responding to situations of child abuse.</p> <p>The requirements of this protocol are reflected in the '<a href="#">Child protection investigation policy and procedures</a>' Police Manual chapter.</p>
<b>Neglect</b>	<p>Neglect within the CPP 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</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>Police volunteer</b>	Police volunteers are unpaid members of the community who are recruited and trained for specific activities supporting the Police and community. Volunteers work under the direction of a constable or other Police employee at or from Police premises.
<b>Priority child risk factors</b>	<p>Child risk information is collected on the Child Risk Factor (CRF) Form at all family violence incidents attended by police where children are present or normally reside. Of the 20 child risk factors on the CRF form, these three are identified as 'priority risk factors':</p> <ul style="list-style-type: none"> <li>• previous or current evidence of child abuse and / or neglect</li> <li>• basic needs of children not being appropriately addressed (e.g. lack of food, nappies, heating, cleanliness)</li> <li>• breach of protection order or family court order or PSO.</li> </ul>

## **Child Protection Policy (overarching policy); continued...**

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<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).</p> <p>See 'Determining seriousness of physical abuse' in the '<a href="#">Child protection investigation policy and procedures</a>' chapter for detailed guidance on how to determine whether physical abuse of a child is "serious" physical abuse.</p>
<b>Sexual abuse</b>	<p>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>Vulnerable children</b>	<p>Vulnerable children means children of the kind or kinds (that may be or, as the case requires, have been and are currently) identified as vulnerable in the setting of Government priorities under <a href="#">section 7</a> of the Children's Act 2014.</p> <p>While this definition remains undetermined, an interim definition from the White Paper is:          "Children who are at significant risk of harm to their wellbeing now and into the future as a consequence of the environment in which they are being raised and, in some cases, due to their own complex needs. Environmental factors that influence child vulnerability include not having their basic emotional, physical, social, developmental and/or cultural needs met at home or in their wider community."</p>

# Child Protection Policy (overarching policy); continued...

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## Identifying and responding to abuse and neglect

This section contains these topics:

- [Responding to and investigating reports of child safety concerns](#)
- [Assessment of child safety at family violence and other incidents](#)
- [Future referral options - Children's Teams, 'The Hub', and ViKI](#)

### Responding to and investigating reports of child safety concerns

The '[Child protection investigation policy and procedures](#)' Police Manual chapter details:

- key definitions of [child abuse](#), [neglect](#), [physical abuse](#), and [sexual abuse](#)
- how to determine seriousness of physical abuse
- procedures for responding to child abuse and neglect and investigating reports to Police of child safety concerns, or when police otherwise become aware of safety concerns in the course of their duties
- referral procedures to Oranga Tamariki in the case of identified or suspected cases of serious child abuse for consultation and joint investigation planning as per the joint Child Protection Protocol.

(See a more detailed summary of the Police '[Child protection investigation policy and procedures](#)' in [Related child protection policies](#)).

The [Child Protection Protocol](#) sets out the way that Oranga Tamariki and Police will work alongside each other in situations of serious child abuse. It is focused on clarifying the roles and responsibilities of each organisation, and the process to be followed, to ensure a prompt and effective response to cases of serious child abuse.

Cases of serious child abuse are primarily dealt with by specialist staff within Police. However, all employees must be aware of child safety concerns and in every case act to ensure a child's immediate safety.

### Assessment of child safety at family violence and other incidents

Police must collect and assess child risk information at all family violence incidents attended when children are present or normally reside there. This child risk information is used to give an indication of the potential harm or lethality for children living where family violence is occurring.

If a child is assessed as being at risk of immediate serious harm, or serious child abuse is identified or suspected, the [Child Protection Protocol \(CPP\)](#) applies and the procedures outlined in the [Child protection investigation policy and procedures](#) chapter for referrals to Oranga Tamariki, using the POL 350 must be followed. See 'Making referrals to Oranga Tamariki' in the chapter).

If the Child Protection Protocol (CPP) does not apply but one or more of the [priority child risk factors](#) listed on the Child Risk Factor Form (POL 1313 – part of the family violence formset) is identified, a report of concern is made to Oranga Tamariki using a POL 351 with a supervisor's approval. In these situations, child risk information and other information related to the family violence incident should also be evaluated by Area Family Violence Coordinators for sharing with other agencies in the FVIARS process (Family Violence Inter - Agency Response). (See also [Future referral options - Children's Teams, 'The Hub', and ViKI](#) below).

A referral to Oranga Tamariki may also be made with a supervisor's approval using a POL 351 **in any situation** (family violence-related or other) when there are no priority child risk factors present but the circumstances indicate potential risk to children.

### More information



## **Child Protection Policy (overarching policy); continued...**

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For more detail about how to report child safety concerns when the Child Protection Protocol (CPP) does not apply, and with what urgency, see 'Child risk information and Reports of Concern (ROC) to CYF' in the '[Family violence policy and procedures](#)'.

### **Future referral options - Children's Teams, 'The Hub', and ViKI**

A number of initiatives targeting vulnerable children that do not currently meet the threshold for direct Police and Oranga Tamariki interventions or access to services are under development. These are outlined below.

#### **Children's Teams**

In response to the identified risk issues that surround some children in New Zealand, the government has undertaken to roll out Children's Teams throughout the country in order to target vulnerable children.

Ten Children's Teams will be operational throughout the country by June 2016. These teams generally align with the District Health Board borders and not necessarily with Police District boundaries.

<b>Police District</b>	<b>Children's Teams (DHB area)</b>
Northland	Whangarei
Counties Manukau	Clendon/Manurewa/Papakura
Waikato	Hamilton
Bay of Plenty	Rotorua, Eastern Bay of Plenty
Eastern	Tairāwhiti
Central	Whanganui, Horowhenua
Tasman	Marlborough
Canterbury	Christchurch

Following the roll-out of the initial Ten Children's Teams, a further 2 teams per year until 2020 are anticipated. Decisions on locations for new Children's Teams are yet to be made.

#### **The 'Hub'**

'The Hub' is a contact centre being designed to support the Children's Teams — it will also act as a triage point for referrals made to it in regard to vulnerable children. It is being created as a 'proof of concept' and will only support the Hamilton Children's Team initially. Following a trial period and evaluation, a decision will be made whether it is expanded to support the other Children's Teams.

#### **Vulnerable Kids Information System (ViKI)**

A separate IT system is being created to support 'The Hub' and the Children's Teams. The system, called the Vulnerable Kids Information System (ViKI), will also be rolled out only to the Hamilton Children's Team until it is proven.

The Children's Teams, HUB and ViKI are designed to operate for vulnerable children (as defined by the Act) below levels requiring statutory intervention by Police and CYF. It is anticipated that when the intervention concepts have been proven, Police referral processes outlined in the '[Child protection investigation policy and procedures](#)' and '[Family violence policy and procedures](#)' may be amended to distinguish between vulnerable children and those that require Oranga Tamariki to act. Until then, our current procedures will remain.

## **Child Protection Policy (overarching policy); continued...**

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### **Safety checking of Police children's workers**

This section contains these topics:

- [Who in Police are children's workers?](#)
- [Who is a core or non-core children's worker?](#)
- [What does a safety check involve?](#)
  - [New children's workers](#)
  - [Existing children's workers](#)
  - [Renewal of safety worker checks](#)
  - [Police vet](#)
  - [Clean Slate Act](#)
- [When do Police employees have to complete a safety check?](#)
- [How is operational flexibility is maintained with different safety checks?](#)
- [What is a workforce restriction and how does this impact on a core children's worker?](#)

[Part 3](#) of the Children's Act requires people employed or engaged in work that involves regular or overnight contact with children (children's workers) to be safety checked. Many Police employees (constabulary and non-constabulary) are children's workers. Safety checking commenced for new core workers alongside other state sector employees from 1 July 2015 and will commence for new non-core workers from 1 July 2016. Existing [core](#) workers must be safety checked by 1 July 2018 and existing non-core workers must be safety checked by 1 July 2019.

The type of safety check required depends on whether the person is a [core](#) or [non-core](#) children's worker, and if it is their first check under the VCA or a renewal.

#### **Who in Police are children's workers?**

Police are children's workers if their work **may or does** involve contact with a child or children, without the child's parent or guardian being present.

<b>That contact is any of the following kinds:</b>	<b>... and that contact is:</b>
<ul style="list-style-type: none"> <li>• physical contact</li> <li>• oral communication, whether by person or telephone</li> <li>• communication through any electronic medium, including by way of writing or visual images</li> </ul>	<ul style="list-style-type: none"> <li>• overnight, or</li> <li>• at least once each week, or</li> <li>• on at least four days each month.</li> </ul>

Police who are children's workers, require a safety check.

#### **Who is a core or non-core children's worker?**

If as a children's worker, a Police employee is present with a child or children without a parent or guardian present:

<b>They are a 'core' children's worker if they:</b>	<b>They are a 'non-core' children's worker if they:</b>
<ul style="list-style-type: none"> <li>• are the only person present, or</li> <li>• are the children's worker who has primary responsibility for, or authority over the child or children.</li> </ul> <p>A <a href="#">core children's worker safety check</a> is required.</p> <p><b>Examples of roles</b> who are core children's workers are Custody Officers, Youth Aid constables, SOCO, and Detectives.</p>	<ul style="list-style-type: none"> <li>• are <b>not</b> the only person present, or</li> <li>• are <b>not</b> the children's worker who has primary responsibility for, or authority over the child or children.</li> </ul> <p>A <a href="#">non-core children's worker safety check</a> is required.</p> <p><b>An example of a role</b> that is a non-core children's worker is a Prosecutor.</p>

## **Child Protection Policy (overarching policy); continued...**

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See the [Are you a Children's Worker flowchart](#) on the Police Intranet as a summary of the above.

The core children's worker definition will be applied widely within Police so all operational Police employees who may be called upon in emergency situations are appropriately safety checked to avoid breaching the requirements of the Act. Therefore operational supervisory roles not usually having regular contact with children – such as a Neighbourhood Policing Team Coordinator or an Area Manager: Response – will be designated as core children's workers. Non-operational positions designated as children's workers will be identified in relevant position descriptions and appropriate checks undertaken.

### **What does a safety check involve?**

There are four components to a safety check under the Act. These safety checks apply to **all children's workers**. Employers must use all the information gathered in a safety check to assess any risk that may be posed to the safety of children if the person is appointed or engaged as a children's worker.

The components to be completed depend on whether the person is a [new](#) children's worker or an [existing](#) children's worker as at 1 July 2015, and then for [renewals](#) once the first safety check is done under the Act.

### **New children's workers**

These are the safety check components for new children's workers.

	<b>Safety check component</b>	<b>Details</b>
1	Interview	Questions asked of an applicant during an interview to assess any risks that may be posed to the safety of children
2	Referee check	At least one referee contacted and asked about an applicant to assess any risks that may be posed to the safety of children
3	ID verification	An original primary document (e.g. passport or a full birth certificate) plus a secondary document (e.g. a driver's licence), one which has a photo, verified in person by a Police employee and recorded to confirm identity
4	<a href="#">Police vet</a> - Non-core	A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> )
	<a href="#">Police vet</a> - Core	A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> but including disclosure of any convictions for CA specified offences ( <a href="#">Schedule 2</a> of the CA)

### **Existing children's workers**

These are the components of the first safety check of a person who was an existing children's worker on 1 July 2015.

	<b>Safety check component</b>	<b>Details</b>
1	ID verification	An original primary document (e.g. passport or a full birth certificate) plus a secondary document (e.g. a driver's licence), one which has a photo, verified in person by a Police employee and recorded to confirm identity
2	Police vet - Non-core	A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate</a>

## Child Protection Policy (overarching policy); continued...

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		<a href="#">scheme</a> )
	Police vet - Core	A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> but including disclosure of any convictions for CA specified offences ( <a href="#">Schedule 2</a> of the CA)

### Renewal of safety worker checks

Safety checks must be renewed every 3 years. These are the components of safety checks done for renewal.

	Safety check component	Details
1	ID verification	<b>Only required</b> if the person has changed their name since their last safety check (identity check details as for <a href="#">existing workers</a> above).
2	Police vet - Non-core	A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> )
	Police vet - Core	A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> but including disclosure of any convictions for CA specified offences (Schedule 2 of the CA)

### Police vet

A standard Police vet comprises conviction history (which will highlight, if any, CA specified offence convictions) and may include other information considered relevant relating to convictions, active charges and warrants to arrest, charge history (where charges may have been withdrawn, discharged, dismissed, the individual acquitted, or otherwise disposed of), any interaction with Police in any context (including family violence) whether or not charges result, and any information received or obtained by Police for any purpose. Internal Police employee records may also be checked for relevant information.

### Clean Slate Act

The [Criminal Records \(Clean Slate\) Act 2004](#) will be applied to a Police vet, subject to section [31\(3\)](#) of the Children's Act 2014 which requires any conviction for an offence specified in the VCA to be disclosed for core children's worker roles. This means that for any employee or applicant who is an eligible individual under the clean slate scheme and is:

- a recruit, rejoin or a new employee (whether as a children's worker or not), then any conviction history will be revealed (because a Police applicant for employment is an exception to clean slate scheme - see [s19\(3\)\(d\)\(iii\)](#) Criminal Records (Clean Slate) Act 2004); or
- an existing Police employee, then only convictions for CA specified offences will be revealed.

### When do Police employees have to complete a safety check?

This table focuses on the implementation of safety checks in Police. The components to be completed depend on why and when the safety check is undertaken (see [What does a safety check involve?](#)). Once an initial safety check is completed, the Act requires safety checks to be [renewed](#) every three years.

When a safety check is required (After 1 July 2015)	Components of a safety check				
	Interview	Referee check	ID confirmed	Police vet	
				Non-core	Core
A recruit or rejoin	0	0	0		0
Employee new to Police appointed to a <a href="#">core</a> worker position	0	0	0		0

## Child Protection Policy (overarching policy); continued...

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Employee new to Police appointed to a <a href="#">non-core</a> worker position <b>From 1 July 2016</b>	0	0	0	0	
An existing Police employee in a <a href="#">core</a> worker position <b>By 30 June 2018</b>			0		0
An existing Police employee in a <a href="#">non-core</a> worker position <b>By 30 June 2019</b>			0	0	
Ongoing three-yearly check for Police employee in a <a href="#">non-core</a> worker position <b>3 years from last check</b>				0	
Ongoing three-yearly check for Police employee in a <a href="#">core</a> worker position <b>3 years from last check</b>					0
An existing Police employee who is not a children's worker as at 30 June 2015, who is subsequently appointed to <a href="#">non-core</a> worker position	0	0	0	0	
An existing Police employee who is not a children's worker as at 30 June 2015 who is subsequently appointed to <a href="#">core</a> worker position	0	0	0		0
An existing Police employee in a <a href="#">non-core</a> worker position as at 30 June 2015, subsequently appointed to core worker position	0	0	0		0

### How is operational flexibility is maintained with different safety checks?

The Act imposes a penalty if someone is performing in a children's worker' role without the appropriate safety check. The penalty doesn't apply if they are working in an emergency situation; however this applies only for a maximum of five days and only in an emergency. After that an appropriate safety check is required.

As the core functions of Police include maintaining public safety and emergency management, the Commissioner must be able to quickly deploy operational staff in the event of emergencies, such as flooding or earthquakes. Therefore the definition of core children's worker will be applied widely to all operational Police employees who may be called upon in emergency situations that may involve them being on their own with children.

### What is a workforce restriction and how does this impact on a core children's worker?

From 1 July 2015 the Act introduces a restriction on people with certain criminal convictions from working as a core children's worker. The restrictions apply to

## **Child Protection Policy (overarching policy); continued...**

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convictions involving children and/or violent behaviour, including child abuse and sexual offending. People with convictions for a CA specified offence ([Schedule 2](#) of the Act) will need to seek an exemption from the workforce restriction if they wish to work as a core children's worker.

The core worker exemption process is administered by the Ministry of Social Development. Details of the exemptions process can be found on the [children's action plan website](#).

## **Child Protection Policy (overarching policy); continued...**

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### **Other agency' safety checking and policy requirements**

This section contains these topics:

- [Agencies contracted by Police](#)
- [Police volunteers and observers](#)

#### **Agencies contracted by Police**

Where Police enter into any agreement, contract or funding arrangement with an agency providing [children's services](#), there must be a clause included in the agreement or contract requiring the agency to have a child protection policy and to complete children's worker safety checks as required by the Act.

Before referring any child to an agency for support or an intervention, and regardless of who is funding the agency, Police must be satisfied that the agency has a child protection policy and that the agency carries out worker safety checks of its children's workers as required by the Act.

#### **Children's services**

Children's services are services provided to one or more children, and/or services provided to adults that live with children and which will impact on the well being of one or more children ([s15](#)).

#### **Police volunteers and observers**

[Police volunteers](#) must have a core or non-core children's safety worker check as part of their vetting if their work is likely to involve contact with children which if they were a Police employee would require them to be safety checked. (See [Safety checking of Police children's workers](#)).

Observers who accompany Police during their duties in Police vehicles must be under Police supervision at all times. As they do not undergo a full security checking process or a children's worker safety check, they must not be left alone with children.

## **Child Protection Policy (overarching policy); continued...**

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### **Allegations or concerns about Police employees**

This section contains these topics:

- [High standards of behaviour are expected](#)
- [Investigation of concerns about employees](#)

#### **High standards of behaviour are expected**

All Police employees have an obligation to:

- act professionally, ethically and with integrity, and adhere to the standards of behaviour set out in the Police Code of Conduct
- challenge inappropriate behaviour at the time, if appropriate to do so
- report instances of what they believe on reasonable grounds to be inappropriate behaviour.

It is particularly important when we work with children that we engage with them appropriately and act as good role models.

#### **Investigation of concerns about employees**

All allegations or concerns about the conduct of employees in relation to a child protection matter or the way an employee has engaged with children must be:

- investigated and responded to in a timely way in accordance with the Disciplinary process
- the safety of children and appropriateness of the employee continuing in that role must be considered.

Where allegations of child abuse or neglect have been made involving employees:

- the allegations must be investigated in accordance with the Child protection investigation policy and procedures chapter and a report of concern made to the Ministry for Children, Oranga Tamariki — these are automatically cases falling under the Child Protection Protocol with Ministry for Children, Oranga Tamariki, and
- action must be taken to ensure that the children involved are safe.

There may be an obligation to report the matter to the Independent Police Conduct Authority in accordance with the Police investigations of complaints and notifiable incidents policy.



## **Child Protection Policy (overarching policy); continued...**

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### **Information sharing and confidentiality**

This section contains these topics:

- [Information sharing](#)
- [Confidentiality](#)

#### **Information sharing**

Police will share relevant information about identified or suspected child abuse or neglect in a timely way with partner agencies, Children's Teams and local providers of services for children in accordance with:

- the [Privacy Act 1993](#) (and particularly in accordance with Information Privacy Principle 11(e)(i))
- the [Official Information Act 1982](#), and/ or
- any Memorandum of Understanding between agencies; Information Sharing Agreement; or Approved Information Sharing Agreement (AISA).

In addition Police will provide, on a consent basis, core worker Police vets to the Children's Act Exemptions Panel (administered by the Ministry of Social Development) for exemption applicants.

#### **Confidentiality**

Police have access to confidential, sensitive and personal information. All employees must comply with the standards outlined in the Code of Conduct and other policies for the appropriate access to and use of confidential information.

Employees who are not sure if disclosure of child risk information is appropriate in a particular situation should consult their manager who will if necessary seek further advice.

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

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## **Table of contents (Appendix)**

This chapter contains these topics:

### [Executive summary - policy and principles](#)

- [The Police commitment to victims](#)
- [Principles guiding Police practice](#)
- [Summary of child abuse policies guiding Police practice](#)

### [Overview](#)

- [Purpose](#)
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### [Definitions and assessing seriousness of abuse](#)

- [Definitions](#)
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### [Consultation and initial joint investigation planning with Oranga Tamariki](#)

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### [Making referrals to ORANGA TAMARIKI](#)

- [Types of cases requiring referral to Oranga Tamariki](#)
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### [Interviewing victims, witnesses and suspects](#)

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- [Examination venues](#)
- [Examination procedures](#)
- [Photographing injuries](#)

### [Evidence gathering and assessment](#)

- [Police responsibility for criminal investigations](#)
- [Crime scene examination](#)
- [Consider all investigative opportunities](#)
- [Exhibits](#)

## **Appendix: Child protection investigation policy and procedures; continued...**

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- [Dealing with suspects](#)
- [Ongoing evidence assessment](#)
  - [Care and protection concerns arising during investigation](#)
- [Community disclosure of offender's information](#)

### [Hospital admissions for non-accidental injuries or neglect](#)

- [Introduction](#)
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### [Charging offenders and considering bail](#)

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- [Bail for child abuse offending](#)
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### [Prosecution and other case resolutions](#)

- [Options for resolving child abuse investigations](#)
- [Deciding whether to prosecute](#)
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### [Responsibilities for victims](#)

- [Victims may include parents and guardians](#)
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### [Final actions and case closure](#)

- [Information to be provided to victim](#)
- [Oranga Tamariki notification](#)
- [Sex offender/suspect notification](#)
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  - [Destruction of master copies, working copies and other of video records](#)
- [File completion](#)

### [Health and safety duties](#)

## Appendix: Child protection investigation policy and procedures; continued...

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### Executive summary – policy and principles

This section contains these topics:

- [The Police commitment to victims](#)
- [Principles guiding Police practice](#)
- [Summary of child abuse policies guiding Police practice](#)

#### 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>

## Appendix: Child protection investigation policy and procedures; continued...

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### 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
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 Oranga Tamariki.</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 (<a href="#">CPP</a>) must comply with the protocol.</li> <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 Regulations 2007</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 <a href="#">Child Protection Teams</a> 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</li> </ul>

## Appendix: Child protection investigation policy and procedures; continued...

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	<p>the O/C (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.</p> <ul style="list-style-type: none"> <li>• All child protection investigators must comply with the <u>Wellcheck support policy</u>. 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 NIA 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 <u>National Recording Standards</u> (NRS).</li> <li>• All child abuse cases must be: <ul style="list-style-type: none"> <li>- managed using the NIA case management functionality</li> <li>- categorised in NIA 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 CPT supervisor.</li> </ul>
Oversight and Monitoring	<p>As per <u>Quality Assurance and Improvement Framework</u> (QAIF):</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>
Training	<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>
Local Level Service Agreements	<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 CPP.</li> </ul>

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Overview**

This section contains these topics:

- [Purpose](#)
- [Who do the investigation policy and procedures apply to?](#)
- [Background](#)
- [Related information](#)

### **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)

### **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](#)

## **Appendix: Child protection investigation policy and procedures; continued...**

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- 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 Violence Coordinator or equivalent of any CPP cases considered to be family violence. Do this by entering a tasking to the District Family Violence Coordinator bringing the CPP file to their attention.

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<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).



## **Appendix: Child protection investigation policy and procedures; continued...**

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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. 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 Maori**

Maori are significantly over represented 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. Maori service providers and whānau should be engaged wherever possible to provide additional support. 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 Maori 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) and the [Family violence policy and procedures](#).

Other related information includes:

- [Police safety orders](#)
- [Protection and 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

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<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.

## Appendix: Child protection investigation policy and procedures; continued...

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### Definitions and assessing seriousness of abuse

This section contains these topics:

- [Definitions](#)
- [Determining seriousness of physical abuse](#)

#### Definitions

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

<b>Term</b>	<b>Meaning</b>
<b>6C Incident code</b>	Any report of concern received by Police where a child is the victim.
<b>Acute child abuse</b>	Child abuse occurring less than 7 days before it was reported.
<b>Adult</b>	A person aged 18 years or older.
<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.
<b>Child</b>	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 Children, Young Persons and their Families 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>• <a href="#">physical</a>, <a href="#">sexual</a>, <a href="#">emotional</a> or <a href="#">psychological</a> abuse</li> <li>• <a href="#">neglect</a></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 centred timeframes</b>	Child centred timeframes are timeframes that are relevant to the child's age and cognitive development.
<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.
<b>Child safety concerns</b>	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.

## Appendix: Child protection investigation policy and procedures; continued...

<b>CPP (Child Protection Protocol Joint Operating Procedures)</b>	<p>The CPP exists to ensure timely, coordinated and effective action by Child, Youth and Family 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 CPP 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 Child, Youth and Family and Police staff.</p>								
<b>CPP case</b>	An agreed case between Police and Oranga Tamariki of child abuse being investigated in accordance with the CPP.								
<b>CPP case list</b>	A complete list of all CPP cases that are open to either Child, Youth and Family, Police or both. This list is generated by Child, Youth and Family using the Te Pakoro Report 100 CPP Case List. This list is reviewed at least monthly during the CPP meetings.								
<b>CPP contact person (Oranga Tamariki)</b>	The Child, Youth and Family staff member with responsibility for overseeing CPP 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 CPT is made up of trained investigators reporting to a supervisor.								
<b>Oranga Tamariki</b>	Child, Youth and Family								
<b>Child, Youth and Family timeframes</b>	<p>These are the categories used by Oranga Tamariki.</p> <table border="1" data-bbox="507 1014 1378 1570"> <thead> <tr> <th data-bbox="507 1014 707 1048"><b>Category</b></th> <th data-bbox="707 1014 1378 1048"><b>The child or young person is...</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="507 1048 707 1178">Critical 24hrs</td> <td data-bbox="707 1048 1378 1178">No safety or care identified; mokopuna is at risk of serious harm, and requires immediate involvement to establish safety.</td> </tr> <tr> <td data-bbox="507 1178 707 1346">Very urgent 48hrs</td> <td data-bbox="707 1178 1378 1346">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 data-bbox="507 1346 707 1570">Urgent 7 days</td> <td data-bbox="707 1346 1378 1570">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>	<b>Category</b>	<b>The child or young person is...</b>	Critical 24hrs	No safety or 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>Category</b>	<b>The child or young person is...</b>								
Critical 24hrs	No safety or 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 <a href="#">child abuse</a> that occurred against them when they were a child and they are over 18 at time of reporting the abuse. ( <a href="#">Adult Sexual Assault procedures</a> apply)								
<b>Initial joint investigation plan (IJIP)</b>	An initial plan jointly created by Child, Youth and Family and Police to record agreed actions on the agreed template.								

## Appendix: Child protection investigation policy and procedures; continued...

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<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 Maori, Pacific and Ethnic communities.
<b>Neglect</b>	<p>Neglect within the <u>CPP</u> 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>	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).
<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.</li> </ul> <p>(s3 Domestic Violence Act 1995)</p> <p>Note: The person who suffers the abuse is not regarded (for the purposes of s3(3)) 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>	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.
<b>Specialist child witness interview (SCWI)</b>	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.
<b>Victim</b>	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.

### 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:

1. the action (of the abuse)
2. the injury inflicted (outcome or result)

## Appendix: Child protection investigation policy and procedures; continued...

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3. 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.

<b>Factor / background</b>	<b>Consider ...</b>
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>

## Appendix: Child protection investigation policy and procedures; continued...

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### 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> Details are recorded into the Police computer system and a case created.</p> <p>All reports of child safety concerns must be recorded in NIA with the 6C incident code in <b>addition</b> to the appropriate offence code when an offence has clearly been identified.</p>	
Step 2	<p><b>Initial attendance</b> 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> After initial assessment, referring cases to Oranga Tamariki to agree future actions and priority.</li> </ul>
Step 3	<p><b>Gather and process forensics</b> 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><b>Assess and link case</b> 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>	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.

## Appendix: Child protection investigation policy and procedures; continued...

Step 5	<p><b>Prioritise case</b> 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 NIA 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>
Step 6	<p><b>Investigate case</b> 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.</p>	<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	<p><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.</p>	<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	<p><b>Prepare case</b> Court files are prepared, permission to charge obtained from supervisor and actions such as disclosure completed.</p>	<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	<p><b>Court process</b> Where a not guilty plea is entered, a case management memorandum and case review hearing occurs before trial (judge alone - categories 2 &amp; 3, or trial by jury - categories 3 &amp; 4).</p>	<ul style="list-style-type: none"> <li>• <a href="#">Criminal procedure - Review stage (CMM process)</a></li> </ul>
Step 10	<p><b>Case disposal and/or filing</b> 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 CP cases.</p>	<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>
<b>All steps</b>		<ul style="list-style-type: none"> <li>• <a href="#">Responsibilities for victims</a> Consider Police responsibilities for victims throughout the investigation.</li> </ul>

## Appendix: Child protection investigation policy and procedures; continued...

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### Initial actions and safety assessment

This section contains these topics:

- [Introduction](#)
- [Procedure when a report of concern is received](#)
- [Options for removing a child](#)
  - [Powers of removal](#)
- [Managing children found in clandestine laboratories](#)

#### 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>: <ul style="list-style-type: none"> <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> </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</p>



## Appendix: Child protection investigation policy and procedures; continued...

	child protection investigator to determine what intervention is required.
3	Consider whether Iwi, Pacific or Ethnic Liaison Officers attendance could be beneficial.
4	Record details of the case in NIA. 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.
5	If the situation does not require immediate intervention: <ul style="list-style-type: none"> <li>complete a CPP referral form (POL 350 in Police Forms&gt; Child Protection) and email to <a href="mailto:contact@mvcot.govt.nz">contact@mvcot.govt.nz</a> and your local <a href="#">Police CPP contact</a> for further investigation (use CPP 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 violence policy and procedures</a> if family violence was involved.</li> </ul>
6	Take necessary initial actions relating to criminal investigations to: <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	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.

### 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
<b>Without a warrant</b>  (s42 Children, Young Persons and their Families Act 1998 (CYPFA))	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> <b>and</b> <ul style="list-style-type: none"> <li>a written report must be made to Commissioner of Police within 3 days of power being exercised (s42(3)). Complete notification "Child/Young Person Arrest/removal" in Microsoft Outlook to comply with this requirement.</li> </ul>
<b>With a place of safety warrant</b>  (s39 CYPFA)	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.
<b>With a warrant</b>	When the court is satisfied a child is in need of care and

## Appendix: Child protection investigation policy and procedures; continued...

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<b>to remove</b>  (s40 CYPFA)	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 when there are ongoing care and protection concerns.
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### **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.

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 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.

## Appendix: Child protection investigation policy and procedures; continued...

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### Consultation and initial joint investigation planning with Oranga Tamariki

This section contains these topics:

- [Consultation procedures](#)
- [Initial joint investigation plans](#)
  - [Updating initial joint investigation plans](#)
- [CPP meeting to discuss cases](#)
- [Cases falling outside of the Child Protection Protocol](#)

#### 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 <u>CPP</u> (physical, sexual, neglect) complete and email a CPP referral form (Police Forms&gt;Child Protection) to the Oranga Tamariki National Call Centre (<a href="mailto:contact@mvcot.govt.nz">contact@mvcot.govt.nz</a>) and cc your local CPP EMAIL address. (See <a href="#">Making referrals to Oranga Tamariki</a> for when and how to make referrals).</p> <p>If there is any doubt as to the degree of seriousness and whether the <u>CPP</u> applies, the case should be referred for further discussion with Oranga Tamariki.</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><b>The consultation should:</b></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>

## Appendix: Child protection investigation policy and procedures; continued...

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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 <u>Child Protection - Specialist accreditation, case management and assurance</u> chapter for more information).</li> </ul>
6	<p><b>CPP case record:</b></p> <ul style="list-style-type: none"> <li>• Oranga Tamariki create a CPP record in their electronic case management system (CYRAS).</li> <li>• Police confirm that the case is recorded as a CPP case in their electronic case management system (NIA).</li> </ul>
7	<p>Following the agreement of an initial joint investigation plan (IJIP) 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.</p> <p>Note that only cases closed by <b>both</b> agencies can be removed from the CPP case list at a CPP meeting.</p>
8	<p><b>If the case is not confirmed as a CPP case:</b></p> <ul style="list-style-type: none"> <li>• Police will record the case in NIA case management system and record the reason why the referral was not confirmed as a CPP case</li> <li>• Police may continue an investigation role outside of the CPP 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 at 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

## **Appendix: Child protection investigation policy and procedures; continued...**

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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
- case update on the progress of the Police 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.

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

Not all care and protection concerns require a response under the CPP. 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.

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 Violence 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 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.

## Appendix: Child protection investigation policy and procedures; continued...

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### Making referrals to Oranga Tamariki

This section contains these topics:

- [Types of cases requiring referral to Oranga Tamariki](#)
- [Referral process varies depending on case type](#)
- [Referral of historic cases 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 violence 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	<ul style="list-style-type: none"> <li>• child identified as a suspect / offender</li> </ul>

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?

## Appendix: Child protection investigation policy and procedures; continued...

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<p>Child Protection Protocol cases – criminal offence against a child</p>	<p>CPP referrals from Police to Oranga Tamariki can be made in three 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' Crime Reporting Line.</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>
<p>Family violence referrals</p>	<p>A Family Violence Child Risk Factors (CRF) form (POL 1313) must be completed at all family violence incidents attended, for all children under 18 years present (including unborn children) and for any others who normally reside with the parties where the family violence occurred.</p> <p>If any of the three priority factors identified on the POL 1313 are present, children must be referred to the Oranga Tamariki National Contact Centre as soon as possible using the <b>Family Violence Oranga Tamariki Report of Concern (ROC) – POL 351</b>. Referral of other family violence cases to the Oranga Tamariki National Contact Centre is determined on a case by case basis in consultation with the FV coordinator and/or supervisor. Any family violence case where children were present that is not reported to the National Contact Centre must be reported to the closest local Oranga Tamariki site by the Family Violence Coordinator.</p> <p>For more information about the referral process in family violence cases, see 'Child risk information and Reports of Concern (ROC) to Oranga Tamariki' in the "<a href="#">Family violence policy and procedures</a>".</p> <p><b>Note: If there is evidence of serious child abuse, the CPP referral process, using the Pol 350, applies.</b></p>
<p>Environment / neglect referrals</p>	<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 NCC via email address <a href="mailto:contact@mvcot.govt.nz">contact@mvcot.govt.nz</a></li> </ul>
<p>Other criminal activity</p>	<p>This is managed through Police Youth Services on completion of the investigation case file for an offender identified as a child.</p>
<p>Minor or trivial cases</p>	<p>Minor or trivial cases do not have to be referred to Oranga Tamariki.</p>

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **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.



## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Interviewing victims, witnesses and suspects**

This section contains these topics:

- [Interviewing children in child abuse investigations](#)
- [Interviewing adult witnesses](#)
- [Interviewing suspects](#)

### **Interviewing children in child abuse investigations**

All interviews of child abuse victims or of childwitnesses to serious crime must be conducted carried out 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 Regulations 2007](#) 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).

## Appendix: Child protection investigation policy and procedures; continued...

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### Medical forensic examinations

This section contains these topics:

- [Primary objective of the examination](#)
- [Timing of examinations](#)
- [Arranging the medical](#)
  - [Specialist medical practitioners to conduct examinations](#)
  - [Support during the examination](#)
- [Examination venues](#)
- [Examination procedures](#)
- [Photographing injuries](#)

#### 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
Acute sexual abuse cases	<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>
Acute physical abuse	<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>

## **Appendix: Child protection investigation policy and procedures; continued...**

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Non acute / therapeutic	<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>
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### **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](#) 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.

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **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.

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Evidence gathering and assessment**

This section contains these topics:

- [Police responsibility for criminal investigations](#)
- [Crime scene examination](#)
- [Consider all investigative opportunities](#)
- [Exhibits](#)
- [Dealing with suspects](#)
- [Ongoing evidence assessment](#)
  - [Care and protection concerns arising during investigation](#)
- [Community disclosure of offender's information](#)

### **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 CYPF 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.

### **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 Criminal Profiling 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' 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

## **Appendix: Child protection investigation policy and procedures; continued...**

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- online offences investigations involving children, including indecent communication with a young person under 16

### **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.

## **Appendix: Child protection investigation policy and procedures; continued...**

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Consider photographing injuries 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.

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Hospital admissions for non-accidental injuries or neglect**

This section contains these topics:

- [Introduction](#)
- [Medical case conferences](#)
  - [DHB immediate management plan](#)
- [Multi agency safety plan](#)
  - [Reviewing multi agency safety plans](#)
- [Medical information available to investigators](#)
- [Further information](#)

#### **Introduction**

Non-accidental injuries (NAI's) 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,



## **Appendix: Child protection investigation policy and procedures; continued...**

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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

## **Appendix: Child protection investigation policy and procedures; continued...**

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- 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 on Crime Group's intranet page.](#)

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Charging offenders and considering bail**

This section contains these topics:

- [Determining appropriate charges](#)
- [DNA sampling when intending to charge](#)
  - [Relevant offences](#)
- [Determine if the offence falls within s29 Victims' Rights Act](#)
- [Bail for child abuse offending](#)
  - [Victims views on 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
- [Charging decisions](#).

#### **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

## **Appendix: Child protection investigation policy and procedures; continued...**

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- 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.

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Prosecution and other case resolutions**

This section contains these topics:

- [Options for resolving child abuse investigations](#)
- [Deciding whether to prosecute](#)
  - [Related information if case involves family violence](#)
- [Matters to consider during prosecutions](#)
- [Disclosure of video records and transcripts](#)
- [Preparing witness before court appearance](#)
- [Privacy of victims in court](#)
- [Support of witnesses in court](#)
- [Preparing victim impact statements](#)

### **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 formal [Police pre-charge 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**

## **Appendix: Child protection investigation policy and procedures; continued...**

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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 [30](#) Evidence Regulations 2007 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.

### **Preparing victim impact statements**

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

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Responsibilities for victims**

This section contains these topics:

- [Victims may include parents and guardians](#)
- [Rights of victims](#)
- [Support after sexual violence](#)

### **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)

## **Appendix: Child protection investigation policy and procedures; continued...**

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### **Final actions and case closure**

This section contains these topics:

- [Information to be provided to victim](#)
- [Oranga Tamariki notification](#)
- [Sex offender/suspect notification](#)
- [Return of exhibits](#)
- [Return and retention of video records](#)
  - [Destruction of master copies, working copies and other of video records](#)
- [File completion](#)

### **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 [31](#)(2) and (3) of the Evidence Regulations 2007)

### **Destruction of master copies, working copies and other of video records**



## **Appendix: Child protection investigation policy and procedures; continued...**

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[Subpart 4](#) of the Evidence Regulations 2007 list obligations relating to the destruction of video records. Once master copies of video records are presented in court as an exhibit they must be retained by the court and then destroyed 10 years after the date on which the criminal proceeding is finally determined or discontinued.

All other tapes should be destroyed 7 years after the date on which the master copy was made.

### **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.

## **Appendix: Child protection investigation policy and procedures; continued...**

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

# Child Protection Protocol: Joint Operating Procedures

Between New Zealand Police and Child, Youth and Family

September 2016



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## **APPENDIX 1 – CPP MEETING MINUTES TEMPLATE**

The 2016 review completed by:  
National Coordinator Child Protection  
National Sexual Violence & Child Protection Team, NZ Police  
Senior Advisor  
Care and Protection Support, Child, Youth and Family

*The cover features artwork by children and young people in care from the Hastings Site with the help of Tony Harrington, Artist.*

# 1. Purpose

It is the role of New Zealand Police (Police) to investigate criminal offending, hold offenders to account, and prevent future offending. It is the role of Child, Youth and Family to investigate care and protection concerns and take action to keep children safe.

In cases of offending against children that may constitute a criminal offence, we will work in partnership in order to achieve the best outcomes for children and their whānau. This document is designed to address the areas of work where Police and Child, Youth and Family will jointly consider a report of concern that meets the definitions as set out in this document (section 4). The Child Protection Protocol: Joint Standard Operating Procedures (CPP) is the process that we follow to accomplish this.

The CPP exists to ensure timely, coordinated and effective action by Child, Youth and Family and Police so that:

- children are kept safe
- offenders are held to account wherever possible
- child victimisation is reduced.

The CPP 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 Child, Youth and Family and Police staff.

Police and Child, Youth and Family have their own individual processes for investigating reports of concern or complaints which are not encompassed within this document.

# 2. Principles

Child, Youth and Family and Police are guided by the following principles:

- the welfare and best interests of children are the first and paramount consideration<sup>1</sup>
- we will work together to keep children safe and free from harm, abuse and neglect
- we promote the wellbeing of children by working together with other agencies, the community and their whānau.

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<sup>1</sup> Section 6 Children, Young Persons, and Their Families Act 1989

### **3. Responsibilities under the CPP**

To achieve an effective working relationship we need to:

- understand each other's roles in care and protection including the CPP process
- have dedicated CPP contacts
- establish effective ways to communicate with each other.

In order to support local relationships and communication, Child, Youth and Family and Police will ensure the CPP is reflected in organisational policy and procedures and each agency will be responsible for the allocation of resources to give effect to it.

Child, Youth and Family are responsible for:

- addressing the immediate safety of children together with Police
- completing an assessment of harm and the severity of this
- taking action to ensure the on-going safety of children
- facilitating and assisting child victims and their whānau to engage with support services.

Police are responsible for:

- addressing the immediate safety of children together with Child, Youth and Family
- investigating whether an offence has occurred
- holding offenders to account wherever possible
- facilitating and assisting child victims and their whānau to engage with support services.

#### **Staffing**

Each Child, Youth and Family site will have an identified Child, Youth and Family CPP contact who is available to consult with the Police on all CPP cases.

Police District Child Protection Teams/Portfolio holders will have an identified Police CPP contact allocated to each Child, Youth and Family site in their area.

Child, Youth and Family and Police will exchange the contact details for their CPP contact. When these staff members are on leave or unavailable, an alternative CPP contact must be identified.

If a case is referred under the CPP outside of normal business hours, the CPP contacts from Child, Youth and Family and Police will ensure that arrangements are in place if urgent consultation is required.

### **Communication**

Police and Child, Youth and Family must consult on all cases referred under the CPP. In addition, Child, Youth and Family and Police will hold a dedicated CPP meeting. This will be held at least monthly, or more frequently as required to discuss all current CPP cases.

In order to ensure that meetings are productive and focused, the following standing agenda items for the CPP meetings have been agreed between Police and Child, Youth and Family:

- update the CPP case list with any new referrals
- discuss updates for each case
- advise on any outcomes or case closures
- discuss any operational issues.

One set of agreed formal minutes, using the meeting minutes template will be taken for each meeting held and circulated to both organisations.

## **4. When to use the CPP**

The CPP is the joint process that is followed when Child, Youth and Family and Police are responding to actions or behaviour that may constitute a criminal offence. These actions or types of behaviour fall into three categories:

- Physical abuse
- Sexual abuse
- Neglect.

The definitions for these types of abuse within the CPP context are listed below. Any case may be referred under the CPP at any time if new information means the case may meet the CPP definitions. It is important to remember that these definitions are specific to the CPP context and are designed to assist staff to decide if the CPP is the correct process to follow.

## CPP Definitions

### Physical abuse

*Physical abuse within the CPP context is when the actions of an offender result in, or could potentially result in, physical harm or injury being inflicted on a child. This is also known as a non-accidental injury.*

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

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

Any single action and/or injury listed below will meet the threshold for referral as a CPP case.

#### **1. 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**

#### **2. 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
  - position and patterning make it unlikely to be caused by play or another child or accident.

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



**3. Any other action (e.g. hitting, kicking, slapping etc) and/or injury (bruising, cuts, welts etc.) in combination with the following circumstances or factors:**

**The vulnerability of the child, more especially:**

- children under 5 years
- age and vulnerability of pre-pubescent children
- disability in any age.

**More than one offender, perhaps:**

- both parents/caregivers
- multiple family members.

**History of abuse, with consideration of:**

- other incidents of concern, escalation of abuse
- multiple previous similar events
- previous non-accidental death of a sibling or child in household
- abuse undertaken in public or in front of non-relatives.

**A high degree of violence, with consideration of:**

- a complete loss of control by the offender, such as a frenzied attack
- enhanced maliciousness or cruelty in the abuse
- the degree in relation to age and vulnerability of victim.

**The offender's history and background, considering:**

- severe and frequent family violence
- serious or extended criminal history.

**Sexual abuse**

*Sexual abuse within the CPP context is an act involving circumstances of indecency with, or sexual violation of a child, or using a child in the making of sexual imaging.*

For example:

- physical contact such as rape, penetration, or oral sex
- non-penetrative acts such as kissing, rubbing, touching or masturbation
- forcing or enticing a child to take part in sexual activities whether or not the child is aware of what is happening

- encouraging a child to look at sexually offensive materials or behave in a sexually inappropriate way
- grooming a child in preparation for sexual abuse (this may be done via the internet).

### Underage sexual conduct

The law states that engaging in sexual conduct with a child under 16 years is a criminal offence.<sup>2</sup> These cases will meet the threshold for referral as a CPP case (see section 6 for guidance).

### **Neglect**

*Neglect within the CPP 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.*

For example:

- not providing adequate food, shelter or clothing
- not protecting a child from physical harm or danger
- not accessing appropriate medical treatment or care<sup>3</sup>
- allowing a child to be exposed to the illicit drug manufacturing process
- allowing a child to be exposed to an environment where volatile, toxic, or flammable chemicals have been used or stored.<sup>4</sup>

### **Cases that do not require or no longer require a CPP response**

Not all care and protection concerns require a response under the CPP. This document 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 Child, Youth and Family is at an end.

Child, Youth and Family 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 Violence 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.

<sup>2</sup> Section 134 Sexual conduct with young person under 16, Crimes Act 1961.

<sup>3</sup> These cases need to be managed in accordance with Schedule 3 to the Memorandum of Understanding between Child, Youth and Family, the Police, and District Health Boards 2011.

<sup>4</sup> Refer to prosecution policy in the joint standard operating procedures for children and young persons in clandestine laboratories.

As above, this does not mean that that the role of Police and Child, Youth and Family is at an end, but that CPP is no longer the correct process for investigation.

## **5. The process**

This section sets out the process to be followed by Child, Youth and Family and Police staff in CPP cases. Each case will consist of the following steps:

- 1) Referral**
- 2) CPP Consultation**
- 3) Agreement on the Initial Joint Investigation Plan**
- 4) Create case record**
- 5) Investigation**
- 6) CPP meeting**
- 7) Closure**

### **Step 1 - Referral**

#### Child, Youth and Family

When Child, Youth and Family receives a report of concern which they believe meets, or may meet the CPP definitions, they will send the national CPP referral form to the Police.

Referrals can be made in the following ways:

- a phone call between local staff, followed by an electronic CPP referral form to the Police Crime Reporting Line (CRL) at roc@police.govt.nz
- an electronic CPP referral form to CRL at roc@police.govt.nz

#### Police

When the Police receive a complaint which they believe meets, or may meet the CPP definitions, they will send the national CPP referral form to Child, Youth and Family.

Referrals can be made in the following ways:

- a phone call between local staff, followed by an electronic CPP referral form to Child, Youth and Family's National Contact Centre (NCC) at cyfcallcentre@cyf.govt.nz
- an electronic CPP referral form to NCC at cyfcallcentre@cyf.govt.nz

### **Step 2 – CPP Consultation**

The CPP contacts from Police and Child, Youth and Family at a local level will 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.

**The consultation should:**

- share information or intelligence about the particular case
- confirm if the referral meets the threshold of the CPP
- discuss any immediate action required to secure the immediate safety of the child
- consider whether a multi-agency approach is required.

**If the case is not confirmed as a CPP case:**

- Child, Youth and Family and Police will record the case in their respective case management systems and record the reason why the referral was not confirmed as a CPP case
- Police may continue an investigation role outside of the CPP process to determine if there is any on-going role in terms of prevention
- Child, Youth and Family will complete an assessment of care and protection concerns.

**If the case is confirmed as a CPP case:**

- Child, Youth and Family and Police will proceed to Step 3.

**Step 3 - Agreement on the Initial Joint Investigation Plan**

The CPP contacts from Child, Youth and Family and Police will 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 immediate safety of the child and ensure any evidence is collected.

Child, Youth and Family 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 Child, Youth and Family 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 at 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 alleged offender is likely to be hostile, any concerns for staff safety
- collection of any physical evidence such as photographs
- any further actions agreed for Police and/or Child, Youth and Family 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. It is expected that the CPP contacts will communicate any significant updates which occur in the intervening period.

#### **Step 4 - Create the CPP case record**

##### CPP case record

Child, Youth and Family will create a CPP record in their electronic case management system (CYRAS).

Police will confirm that the case is recorded as a CPP case in their electronic case management system (NIA).

#### **Step 5 – Investigation**

The CPP contacts from Child, Youth and Family and Police are responsible for ensuring that any agreed actions specified in the IJIP are completed.

The CPP case investigation will then follow normal procedure as per each agency's child protection investigation plans. Child, Youth and Family will identify any risks for the child and the need for safety.

#### **Step 6 - CPP meeting**

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

Child, Youth and Family 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 Child, Youth and Family investigations
- case update on the progress of the Police investigations
- record any further tasks
- advise any case investigations which have been closed and the outcomes
- discussion of any concerns or issues.

Case updates and further tasks will be recorded in the respective case management systems and in the on-going investigation plans as managed by Child, Youth and Family and Police.

### **Step 7 – Closure**

When a CPP investigation is completed by either agency, they will advise their case outcome to the other party during the CPP meeting or earlier as required. This will be recorded in the CPP meeting minutes. Case closures will be recorded in the respective case management systems.

## **6. Further investigation considerations**

Dependent on the circumstances of each case, there may be a need to take the following guidance into account during an investigation.

### **Children in the care of Child, Youth and Family**

Any report of concern about a child who is in the custody<sup>5</sup> of Child, Youth and Family that meets the CPP threshold must be managed in accordance with the CPP process. For Child, Youth and Family this means that the investigation must be completed in its own investigation phase in CYRAS.

Where the abuse is alleged to have been perpetrated by a caregiver approved by Child, Youth and Family, this must be managed in accordance with Child, Youth and Family policy.<sup>6</sup>

Where the abuse is alleged to have been perpetrated by a caregiver engaged by a section 396 provider,<sup>7</sup> this must be managed in accordance with Child, Youth and Family policy.<sup>8</sup>

<sup>5</sup> This is children with a legal status under the Children, Young Persons, and Their Families Act 1989.

<sup>6</sup> Practice Centre guidance - <http://cyf-practice-centre.ssi.govt.nz/policy/allegations-against-caregivers/>

<sup>7</sup> Section 396 Approval of iwi social services, cultural social services, and child and family support workers, Children, Young Persons, and Their Families Act 1989.

<sup>8</sup> Practice Centre guidance - <http://cyf-practice-centre.ssi.govt.nz/policy/allegations-against-caregivers/key-information/complaints-and-allegations-against-caregivers-of-s396-providers.html>

## **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>9</sup>

For CPP cases where the abuse has occurred within a family or whānau context<sup>10</sup> it is important that these cases are referred to the appropriate family violence multi-agency forum<sup>11</sup> for consideration. For Police, the CP Team must advise their District/Area Family Violence Coordinator or equivalent of any CPP cases that are considered to be family violence. This referral process will be actioned by entering a tasking to the District Family Violence Coordinator bringing the CPP file to their attention.

When working with families who have experienced family violence, careful consideration should be given by Child, Youth and Family to assessing the cumulative effect of psychological harm, including the current impact of past and/or present violence. 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. There is research which demonstrates that children living with violence in their families are at increased risk of experiencing physical or sexual abuse.<sup>12</sup>

## **Suicide Risk**

Exposure to high levels of family violence including physical, verbal and/or emotional has been linked to the risk of self-harm and suicide of young people.<sup>13</sup> Police and Child, Youth and Family need to be vigilant and responsive to potential suicide risk when working with CPP cases.

## **Underage sexual conduct**

In these cases, the discretion about whether to charge remains with the Police. Child, Youth and Family will need to consider if there are care and protection concerns.

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<sup>9</sup> Joint Findings of Coroner C D na Nagara as to Comments and Recommendations – Flaxmere Suicides, 6 May 2016.

<sup>10</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>11</sup> Currently this is the Family Violence Interagency Response System (FVIARS).

<sup>12</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.

<sup>13</sup> Joint Findings of Coroner C D na Nagara as to Comments and Recommendations – Flaxmere Suicides, 6 May 2016.

Both agencies will consider each case on its own merits taking all of the circumstances into account. During the CPP consultation, the factors to be considered include:

- Is there predatory, exploitative or coercive conduct by the offender?
- Is the victim vulnerable due to disability, intoxication, or other factors?
- What is the age difference between the victim and offender?
- Are there power and control dynamics in the relationship?
- What is the consequence of the offending on the victim?
- Has there been publicity or bragging of the offending?
- What is the scale of the offending?
- Are there multiple victims?<sup>14</sup>
- Is the offending part of an organised group?

### **Children in hospital with suspected non-accidental injury (NAI)**

Any CPP case where a child has been admitted to hospital with suspected or confirmed abuse or neglect will require collaboration between Child, Youth and Family, Police and the District Health Board.

These cases need to be managed in accordance with Schedule 1 to the Memorandum of Understanding between Child, Youth and Family, the Police, and District Health Boards 2011.<sup>15</sup>

### **Children with disabilities**

Careful planning will be required when the child victim has a disability. It may be useful to refer to Child, Youth and Family practice considerations for engaging and communicating with disabled children.<sup>16</sup>

If further assistance is required, Child, Youth and Family has regional child disability advisors who can be contacted for assistance.<sup>17</sup>

### **Mass Allegation Investigations (MAI)**

A mass allegation investigation (MAI) is an investigation into a CPP case that involves three or more children (excluding sibling groups) by the same offender or by a connected group of offenders.

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<sup>14</sup> Refer to the Joint Operating Procedures for Mass Allegation Investigations.

<sup>15</sup> Schedule One to MoU – re children admitted to hospital with suspected or confirmed abuse or neglect, 5 September 2011.

<sup>16</sup> Practice Centre guidance - <http://cyf-practice-centre.ssi.govt.nz/knowledge-base-practice-frameworks/disability/resources/practice-tips-for-social-workers.html>

<sup>17</sup> Practice Centre guidance - <http://cyf-practice-centre.ssi.govt.nz/knowledge-base-practice-frameworks/disability/resources/practice-tips-for-social-workers.html>



The children involved may be linked through a range of different circumstances including:

- a whānau member
- a group or activity they participate in such as a sports club, church group, hobby club or holiday programme
- a facility they attend such as kindergarten, childcare or a school
- their care arrangements such as residences or group homes.

In the case of a MAI or suspected MAI please refer to the Joint Operating Procedures for Mass Allegation Investigations.

### **Abuse within an educational setting**

Any CPP case where the alleged abuse has occurred within an education setting and the alleged offender is an adult, will require collaboration between Child, Youth and Family, Police, the Education Council of Aotearoa and the Ministry of Education (MoE) on both a local and national level.

These cases need to be managed in accordance with Schedule 1 to the Memorandum of Understanding between Child, Youth and Family, the Police, the Education Council of Aotearoa and the MoE.<sup>18</sup>

Any CPP case where the alleged abuse has occurred within an educational setting and the alleged offender is a child, will require collaboration between Child, Youth and Family, Police and the relevant education facility. It may be that the school or educational facility is invited to be a part of the CPP investigation using a multi-agency approach.

### **Support for child victims and their whānau**

Accident Compensation Corporation (ACC) should be the point of first contact for accessing support services for child victims. There is ACC-funded support for victims and their whānau following sexual abuse or physical assault.

Whānau should be supported to make an ACC claim.

email: [sensitiveclaims@acc.co.nz](mailto:sensitiveclaims@acc.co.nz)

phone: 0800 735 566

web: [findsupport.co.nz](http://findsupport.co.nz)

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<sup>18</sup> Managing abuse allegations involving an adult working in or associated with an education setting, November 2015.

## **7. Information Sharing**

Information shared between the parties will be shared in compliance with any relevant legislation, including the Children, Young Persons, and Their Families Act 1989 and the Privacy Act 1993.

### **Children, Young Persons, and Their Families Act 1989**

Section 15 of the Children, Young Persons, and Their Families Act 1989 permits any person who believes a child has been or is likely to be harmed, ill-treated, abused, neglected or deprived to report it to a social worker or constable. Police and Child, Youth and Family may make a report of concern to each other in these circumstances. Once a report of concern is received, a social worker or constable has powers of investigation under section 17 of the Children, Young Persons, and Their Families Act 1989.

### **Privacy Act 1993**

Where the Children, Young Persons, and Their Families Act 1989 does not apply, personal information may be shared under the Privacy Act 1993 where an exception to principle 11 in section 6 applies. Principle 11(e)(i) permits disclosure where necessary to avoid prejudice to the maintenance of the law, including the prevention, detection, investigation, prosecution, and punishment of offences. For example Child, Youth and Family may disclose information to Police about a suspected child abuse offender for criminal investigation purposes; or Police may disclose information to Child, Youth and Family about an offender's criminal history where relevant to a care and protection investigation.

## **8. Dispute resolution**

It will not always be clear which cases meet the definitions of physical abuse, sexual abuse and neglect within the CPP context. Staff are encouraged to use the CPP consultation process to discuss these cases and attempt to reach a resolution about whether the CPP process should be used.

Child, Youth and Family and Police shall attempt to resolve all disputes and differences in relation to the performance of this protocol at a local level, for instance at the regular CPP meeting.

## **Escalation**

Any issue which is unable to be resolved at the local level will be referred to the Child, Youth and Family and Police escalation pathway set out in the Memorandum of Understanding.

## **9. Training and professional development**

Child, Youth and Family and Police commit to provide annual, joint training for all staff involved in CPP cases.

In addition it is expected that each agency provides an induction for all new staff which covers the CPP and its practical application.

Further professional development may occur between the parties as locally identified and agreed. This may include more advanced training for experienced practitioners.

## **10. Quality Assurance**

In order to provide confidence that the parties are meeting the requirements of the CPP, Child, Youth and Family and Police will each put in place their own monitoring, reporting and assurance systems for CPP activity.

The results of each agency's respective quality assurance processes are shared to inform joint professional development and continuous practice improvement.

Child, Youth and Family and Police will provide joint reporting to the Police/Child, Youth and Family Governance Group as required.

## **11. Review of CPP**

The CPP must be reviewed jointly every two years. A review may also be initiated by either party by giving three months' notice.

## 12. Parties' representatives

Signatories to the Child Protection Protocol: Joint Operating Procedures will be:

### Child, Youth and Family

**Title** Deputy Chief Executive, Child, Youth and Family  
**Address** Ministry of Social Development  
The Aurora Centre  
56 The Terrace  
Wellington  
**Telephone** 04 819 1601


### New Zealand Police

**Title** Deputy Commissioner, New Zealand Police  
**Address** New Zealand Police National Headquarters  
180 Molesworth St  
Wellington  
**Telephone** 04 463 4416

Signed on this day,

*4th October*

**2016**

  
Murray Edridge  
Deputy Chief Executive  
Child, Youth and Family

  
Mike Clement  
Deputy Commissioner  
New Zealand Police

## 13. Glossary

### **Child**

Unless specified, 'child' means any child or young person under the age of 17 years at the time of their referral but does not include any person who is or has been married (or in a civil union).

### **Child, Youth and Family site**

Local Child, Youth and Family office where care and protection social workers are situated.

### **Child, Youth and Family National Contact Centre (NCC)**

The National Contact Centre is the first point of contact for people to connect to services within Child, Youth and Family. Social workers in the National Contact Centre receive, assess and refer child protection concerns to a variety of pathways that includes Child, Youth and Family or community responses. The National Contact Centre operates 24 hours seven days a week.

The number is 0508 FAMILY (0508 326 459) and the email address is [cyfcallcentre@cyf.govt.nz](mailto:cyfcallcentre@cyf.govt.nz).

### **Child, Youth and Family CPP contact**

The Child, Youth and Family staff member with responsibility for overseeing CPP cases in a site.

### **CPP Record**

Individual electronic record that records the details of the CPP case.

### **CPP Case List**

A complete list of all CPP cases that are open to either Child, Youth and Family, Police or both. This list is generated by Child, Youth and Family using the Te Pakoro Report 100 CPP Case List. This list is reviewed at least monthly during the CPP meetings.

### **Crime Reporting Line (CRL)**

The Crime Reporting Line is a centralised call handling centre for Police Service. It initiates action on CPP cases that are received from Child, Youth and Family. Each case

is then placed in the appropriate district CRL drop box to be uplifted by the District Child Protection Team.

### **Family violence cases**

A CPP case is considered to be a family violence case when the offending (whether physical abuse, sexual abuse or neglect) is alleged to have been committed by a family member. This includes parents, step-parents, extended family members and whānau. The offender does not need to be a part of the same household.

### **Initial Joint Investigation Plan (IJIP)**

An initial plan jointly created by Child, Youth and Family and Police to record agreed actions on the agreed template.

### **Medical practitioner**

Paediatricians or general practitioners registered with the Medical Council of New Zealand who have received specialist training and are working regularly in this field of medicine.

### **Neglect**

Neglect 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.

### **Physical abuse**

Physical abuse is when the actions of an offender 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.

### **Police CPP contact**

Police officer designated with responsibility for overseeing CPP cases in that station.

### **Sexual abuse**

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.

**Specialist child interview (SCI)/Specialist child witness interview (SCWI)**

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.

**Social work assessment interview (SWAI)**

This was previously known as a Child Focused Interview (CFI).

## 14. List of acronyms

**ACC**

Accident Compensation Corporation

**CPP**

Child Protection Protocol: Joint Operating Procedures

**CP Team**

Child Protection Team, Police

**CRL**

Crime Reporting Line, Police

**CYF**

Child, Youth and Family

**CYRAS**

Child, Youth and Family's electronic case management system

**FVIARS**

Family Violence Interagency Response System

**IJIP**

Initial Joint Investigation Plan

**MAI**

Mass Allegation Investigations

**MoE**

Ministry of Education

**NAI**

Non-accidental injury

**NCC**

National Contact Centre, Child, Youth and Family

**NIA**

Police electronic case management system

**RoC**

Report of concern

**SCI**

Specialist child interview

**SCWI**

Specialist child witness interview

**SWAI**

Social work assessment interview



# CPP Meeting Minutes Template

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**Date:**

**Venue:**

**Attendees:**

**Apologies:**

**Standing agenda items:**

- review and update the CPP list to ensure all cases are recorded
- confirm that all of the agreed actions from the IJIPs have been completed
- case update on the progress of the Child, Youth and Family investigations
- case update on the progress of the Police investigations
- record any further tasks
- advise any case investigations which have been closed and the outcome
- discussion of any concerns or issues.

<b>CASE NAME</b>	<b>UPDATE</b>

# **Family harm policy and procedures**

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# Policy statement and principles

## What

Family harm encapsulates a holistic view of the issues occurring within families and their ensuing detrimental effects. Family violence is a subset of family harm which includes physical, sexual or psychological abuse within family relationships. There may be behaviour that is coercive or controlling and causes cumulative harm.

Family harm is a high priority for Police and reducing the impact of family harm episodes is a key Police priority.

## Why

There are wide reaching societal consequences of family harm including crime, poor physical and mental health and poverty. The costs of failing to address family harm are extremely high. When attending family harm episodes Police aim to:

- slow and eventually stop the family harm cycle/cumulative harm across generations
- reduce serious harm such as the use of physical violence, sexual abuse and child abuse and neglect
- reduce family harm related deaths (homicides and other related offences and suicides).

## How

The family harm policy and procedures outline the steps Police will take when undertaking a quality family harm investigation.

### Police will provide an effective response to family harm which involves:

- taking an 'eyes wide open' approach to all family harm investigations, recognising that early intervention helps to stop and prevent family harm
- being culturally responsive
- ensuring all parties are kept safe including victims, children and Police
- taking action with predominant aggressors/offenders through a prompt and comprehensive response
- collecting specific risk information to enable effective assessment, planning and risk management for and with victims and children and to guide decisions around appropriate action with an offender
- working collaboratively across Police
- working with partners as part of a multi-agency response.

## Overview

### Purpose

This chapter:

- sets out the key [principles](#) guiding the Police response to family harm episodes and provides information about the [characteristics of family harm](#)
- details procedures and guidance for the [initial response to family harm – family harm investigation](#) including:
  - establishing context and circumstances, identifying the parties involved and their roles and undertaking interviews
  - completing a dynamic assessment to help determine risk and 'total concern for safety'
  - completing a frontline safety plan which is in place for at least first 72 hours post initial attendance
  - recording a quality narrative
  - submitting and approving a family harm investigation
  - providing information to others/agencies
- details additional procedures and guidance at initial response, and later stages, where an offence is suspected including:
  - [investigation and crime scene examination](#)
  - [interviewing victims, witnesses and suspects](#)
  - [child protection protocol \(CPP\) referral/Pol 350 in OnDuty](#)
  - considering [arrest](#), [charging](#), [bail](#) and [prosecution](#) to ensure victims' safety and that family violence offenders

are held accountable for their actions

- includes information on [longer term safety, support and intervention](#), and a model for [active case management](#)
- includes information about [monitoring, evaluation and training](#)
- provides policy on [Police employees and family harm](#).

## Statutory references in this chapter

Unless otherwise stated, all statutory references in this chapter are to the [Family Violence Act 2018](#).

## When do these policies and procedures apply?

These family harm policies and procedures only apply in situations where Police attend a family harm episode **and** the parties involved in that episode:

- are in an [intimate partner relationship](#), or
- are [family members](#).

## When do they not apply?

These policies and procedures **do not** apply to family harm episodes when the parties involved are:

- flatmates, or
- in a [close personal relationship](#) but are not current or former intimate partners or family members.

While these relationships fall within the definition of a '[family relationship](#)' in the Family Violence Act 2018, Police will apply a business as usual response to wider family harm episodes, rather than these family harm policy and procedures. This is because the tools used in a family harm investigation (see below) have been specifically designed for a familial situation.

**Note:** Police safety orders (PSO) apply for all types of family relationships.

## Related information

- [Prosecuting family violence](#)
- [Police safety orders](#)
- [Protection and related property orders](#)
- [Victims \(Police service to victims\)](#)
- [Police Family Violence Death Reviews](#)
- [Family Violence Court Protocol](#) (Ministry of Justice)
- [TENR-Operational threat assessment](#)
- [Arrest and detention](#)
- [Bail](#)
- [Charging decisions](#)
- [Forced and underage marriage](#)
- [Information sharing guidelines – family harm](#)
- [Victim relocations](#)

Your Family Violence Coordinator/Family Harm Specialist can also provide further information.



## Definitions

This table outlines the meanings of family harm related terms and other terms used in this chapter.

Term	Meaning
<b>Active case management</b>	The actions undertaken from initial attendance at a family harm investigation by Police, through inter-agency assessment and the subsequent integrated response by relevant agencies.
<b>Child/young person</b>	A person aged under 18 years at the time of a family harm investigation. ( <a href="#">s8</a> )
<b>Child abuse and neglect</b>	Intentionally ill-treating or neglecting a child or causing or permitting a 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. In the context of the <a href="#">Child Protection Protocol (CPP)</a> , the ill-treatment must be serious and avoidable.
<b>Child or young person exposed to family harm (CYPeFH)</b>	A child or young person present at a family harm episode including children and young persons who normally reside with the participants in the episode. This term also includes where a child or young person is present and no offence has occurred, or where an offence has occurred but they have not witnessed the episode or could not act as a witness due to age.
<b>Child Protection Protocol (CPP)</b>	The joint operating procedures between Police and Oranga Tamariki (OT) in cases of criminal offending against children.
<b>Child Protection Team (CPT)</b>	A specialist Criminal Investigation Branch (CIB) team that investigates allegations of child abuse and neglect.
<b>Close personal relationship</b>	<p>When considering whether a person has a close personal relationship with another person, the court must have regard to the:</p> <ul style="list-style-type: none"> <li>• nature and intensity of the relationship, and in particular: <ul style="list-style-type: none"> <li>◦ amount of time the people spend together</li> <li>◦ place(s) where that time is ordinarily spent</li> <li>◦ manner in which that time is ordinarily spent (it is not necessary for there to be a sexual relationship between the persons), and</li> </ul> </li> <li>• duration of the relationship (<a href="#">s14</a>).</li> </ul> <p>A person is not regarded as having a close personal relationship with another person by reason only of the fact that they have with that other person:</p> <ul style="list-style-type: none"> <li>• an employer-employee relationship, or</li> <li>• an employee-employee relationship (<a href="#">s14</a>).</li> </ul>

<p><b>Coercive and controlling behaviour</b></p>	<p>Coercive behaviour involves the use of force or threats to intimidate or hurt people at risk and instil fear. Control tactics are designed to isolate the <a href="#">person at risk</a> and foster dependence on the <a href="#">person posing risk</a>. Together these abusive tactics inhibit resistance and escape.</p> <p><b>Coercive behaviour:</b></p> <ul style="list-style-type: none"> <li>• violence – assaults, strangulation, sexual violence, etc.</li> <li>• intimidation – threats, jealousy, surveillance, stalking and destruction of property. Includes violence directed at children and pets/animals.</li> </ul> <p><b>Control tactics:</b></p> <ul style="list-style-type: none"> <li>• isolation – restricting the person at risk’s access to family, whānau, friends and support networks and monitoring their movements</li> <li>• deprivation and exploitation of survival resources for everyday life – e.g. limiting access to food, money and cell phones or controlling how the person at risk dresses.</li> </ul>
<p><b>Cumulative harm</b></p>	<p>Refers to the compounding effects of on-going neglect or abuse that diminish safety, stability and wellbeing. Patterns of neglect or abuse may not on their own appear serious, but can have very serious consequences for people at risk over time. Children and young people are particularly vulnerable, especially if they are under five years old.</p>
<p><b>Dynamic assessment</b></p>	<p>Ten questions that are asked in all family harm investigations. The questions are asked of the <a href="#">person at risk</a> (or another person at the scene) about the behaviour of the <a href="#">person posing risk</a>, designed to gauge concerns for safety. There are an additional two questions in cases of intimate partner violence and an additional four questions if children usually reside at the address.</p>
<p><b>Family harm</b></p>	<p>Encapsulates a holistic view of the issues occurring within families and their ensuing detrimental effects. Family harm is the damage caused by adverse circumstances, vulnerabilities and/or negative behaviours that often lead to long-term negative consequences. Family violence is a subset of family harm.</p>
<p><b>Family harm graduated response model (GRM)</b></p>	<p>Is the tool used during a family harm investigation that uses the <a href="#">static assessment for family violence recidivism (SAFVR)</a> measure and <a href="#">dynamic assessment</a> results to produce the ‘<a href="#">total concern for safety</a>’ in bands of high, moderate or low. This calculated band defines a set of actions for officers to consider when creating the frontline safety plan.</p>
<p><b>Family harm investigation</b></p>	<p>The investigation that takes place when Police are dispatched to (or attend) a family harm episode.</p>
<p><b>Family Intervention Teams (FIT) or High and Complex Risk Teams (HCRT)</b></p>	<p>Specialist multi-agency teams led by Police that focus on complex risk cases of family harm. FIT/HCRT responses include engaging with complex risk families, facilitating effective interventions in partnerships with the community and working to preserve the safety of those families. (Only located in some districts and have now become part of Whāngaia Ngā Pā Harakeke).</p>
<p><b>Family member</b></p>	<p>A ‘family member’ means:</p> <ul style="list-style-type: none"> <li>• any person who is or has been related to a person by blood, marriage, civil union, a de facto relationship or adoption</li> <li>• any person who is a member of a person’s whānau or other culturally recognised family group (<a href="#">s8</a>).</li> </ul>

<p><b>Family relationship</b></p>	<p>A person is in a family relationship (<a href="#">s12</a>) with another person if the person:</p> <ul style="list-style-type: none"> <li>• is a partner of the other person</li> <li>• is a <a href="#">family member</a> of the other person</li> <li>• ordinarily shares a household with the other person, or</li> <li>• has a <a href="#">close personal relationship</a> with the other person.</li> </ul> <p>A person is not regarded as ‘sharing a household’ with another person by reason only of the fact that:</p> <ul style="list-style-type: none"> <li>• the person has with that other person: <ul style="list-style-type: none"> <li>◦ a landlord-tenant relationship, or</li> <li>◦ an employer-employee relationship, or</li> <li>◦ an employee-employee relationship, and</li> </ul> </li> <li>• they occupy a common dwelling house (whether or not other people also occupy that dwelling house).</li> </ul> <p>To assist with the interpretation of ‘ordinarily shares a household’ see <i>Henry v Bishop</i> (1999) 18 FRNZ 285. The applicant and the respondent lived in the same boarding house. The courts ruled that they were not in a domestic relationship, as they were neither sharing a household nor did they have a close personal relationship.</p>
<p><b>Family violence</b></p>	<p>Family violence is a subset of family harm. It is violence against a person by any other person with whom that person is, or has been, in a family relationship.</p> <p>Violence means:</p> <ul style="list-style-type: none"> <li>• physical abuse</li> <li>• sexual abuse</li> <li>• <a href="#">psychological abuse</a> (<a href="#">s9</a>).</li> </ul> <p>Violence includes a pattern of behaviour that is made up of a number of acts that can be all of or any of the above kind and may include features of:</p> <ul style="list-style-type: none"> <li>• it is coercive or controlling</li> <li>• it may cause cumulative harm (<a href="#">s9(3)</a>).</li> </ul> <p>The abuse may be either:</p> <ul style="list-style-type: none"> <li>• a single act, or</li> <li>• a number of acts forming part of a pattern of behaviour, even though some or all of those acts, when viewed in isolation, may appear to be minor or trivial (<a href="#">s10</a>)</li> </ul>
<p><b>Family Violence Coordinator/ Family Harm Specialist</b></p>	<p>Every area has a dedicated Family Violence Coordinator/Family Harm Specialist who has an oversight of family harm and violence issues. They review family harm investigations, assist families with longer term safety plans and are actively engaged in <a href="#">multi-agency tables</a> (eg. the <a href="#">FVIARS process</a>).</p> <p>Each district has a lead for family harm – either as a full time district Family Violence Coordinator/Family Harm Specialist, or as part of the District Victim Manager role.</p>
<p><b>Family Violence Interagency Response System (FVIARS)</b></p>	<p>Regular meetings (usually weekly) are held across districts (and some areas) between Police and key crisis agencies such as OT, Corrections and Women's Refuge. Family Violence Coordinators/Family Harm Specialists share information from family harm investigations. At risk cases are identified, longer term safety plans put in place and other actions are agreed and implemented using a case management approach. These meetings are sometimes called ‘multi-agency tables’.</p>

<b>Family violence offence</b>	There are specific offences in the Family Violence Act 2018 (breach of protection orders or related property orders; failing to accompany for issue of a Police safety order; failing to comply with a direction to undertake an assessment and attend a non-violence programme/prescribed service). Other offences are found in a range of statutes and are defined as a family violence offence when the victim and offender have a familial relationship (as defined by the Family Violence Act). (See also <a href="#">Family violence offences and incidents</a> in this chapter).
<b>Family violence reports (Pol 1310)</b>	The family violence form set (Pol 1310) was used to record the outcome of attending family violence episodes from July 2012 to May 2018.
<b>Frontline safety plan</b>	<p>A plan formulated by frontline staff before leaving a family harm investigation to ensure safety actions have taken place or are put in place to keep victims, tamariki and vulnerable people safe (and appropriate action taken with the aggressor) for at least 72 hours. The frontline safety plan should be in place for enough time to enable a <a href="#">multi-agency table</a> response or for a Police team to review the investigation and safety actions to determine next steps for further longer-term safety.</p> <p>Officers will be guided by the total concern for safety and use the safety actions suggested by the <a href="#">family harm GRM</a> (as a minimum) and will also put into place any other safety actions they deem necessary for at least 72 hours.</p> <p>See the <a href="#">Frontline Safety Plan handout</a> for more details.</p>
<b>Integrated Safety Response (ISR)</b>	<p><a href="#">Integrated Safety Response (ISR)</a> is a multi-agency response to family harm that is being piloted in Christchurch and Waikato, in place of FVIARS.</p> <p>Multi-agency partners meet on a daily basis and assess the collective information to ascertain the level of risk whānau are exposed to as the basis of a safety plan. The safety plan includes actions with victims, offenders and children; one agency is assigned as the lead agency.</p>
<b>Intimate partner violence</b>	Intimate partner violence is violence by one person against another person who is or was their partner or spouse or with whom they are in an intimate or consensual sexual relationship.
<b>Intimate partner</b>	Intimate partners can be heterosexual, homosexual, transgender or bisexual.
<b>Multi-agency tables</b>	A term some districts use for multi-agency meetings held to plan for longer term safety.
<b>Mutual participant</b>	<p>Mutual participants can be used to describe the roles in a family harm investigation where:</p> <ul style="list-style-type: none"> <li>• no offence has occurred</li> <li>• there is no history of family harm, and</li> <li>• you cannot establish a pattern of coercive and controlling behaviour.</li> </ul>
<b>Ontario Domestic Assault Risk Assessment (ODARA)</b>	ODARA was the risk assessment tool used to predict recidivism of assault in intimate partner relationships. It was decommissioned in May 2018.
<b>Offender</b>	A person who has been charged with or convicted of a family violence offence.

<b>OnDuty</b>	The mobile application running on a Police mobile device providing the core information and interfaces required for policing activities and tasking systems. A family harm component assists the family harm investigation by allowing completion of much of the investigation, including risk measures and the frontline safety plan, at the scene. It replaced the Pol 1310 family violence report series in May 2018.
<b>OnDuty FMC</b>	A web interface for File Management Centres (FMC), enabling FMC to 'grab' and fix conflicts in family harm investigation reports (before going through to NIA) and return reports to officers if further information is required.
<b>OnDuty Office</b>	A desktop version of OnDuty to be used by front counter staff when family harm is reported at the station, staff completing family harm investigations, Supervisors and Family Violence Coordinators/Family Harm Specialists when compiling reports for multi-agency tables.
<b>Person at risk</b>	This is the person at a family harm episode who, taking into account context and circumstances, is deemed to be most at risk of being harmed once officers have left a scene – regardless of whether they are considered to be the predominant aggressor, primary victim, offender or victim. The person at risk (and any vulnerable people or tamariki) is the person who is asked the dynamic assessment questions and for whom safety actions will be completed prior to officers leaving the scene.
<b>Person posing risk</b>	This is the person at a family harm episode who, taking into account context and circumstances, is most likely to cause harm once officers have left the scene – regardless of whether they are considered to be the predominant aggressor, primary victim, offender or victim. The person posing risk is the person who the dynamic assessment questions are asked about. Officers will take appropriate action with the person posing risk prior to leaving the scene as part of the frontline safety plan if required, regardless of whether an offence has occurred or not.
<b>Pol FVIR</b>	Police family violence investigation report used until 1 July 2012.
<b>Police safety orders (PSO)</b>	Short term (up to 10 days) safety orders issued by Police attending a family harm episode where no family violence charge can be made but concerns remain for the safety of the people involved. (For more information see the <a href="#">Police Safety Orders</a> chapter).
<b>Predominant aggressor</b>	The most significant or principal aggressor who has a pattern of using violence (not necessarily physical) to exercise coercive control in the abuse history of a relationship. This is usually the person posing risk but can also be the primary victim (eg. some intimate partner violence homicides are committed by the primary victim using resistive violence).
<b>Primary victim</b>	The person in the abuse history of a relationship who is experiencing coercive and controlling behaviours from a family member or intimate partner. Where an offence has occurred this person is often referred to as the victim.
<b>Protection orders</b>	Issued by the Family or District Court either on application or on sentence on a family violence charge. Can also be issued as a temporary protection order following breach of a PSO, where the court believes the standard (and other conditions) of the order are necessary for the safety of a victim (including their children).

<p><b>Psychological abuse</b></p>	<p>Psychological abuse includes:</p> <ul style="list-style-type: none"> <li>• intimidation or harassment (eg. watching, loitering near, or preventing access to places; following about, stopping or accosting; trespassing)</li> <li>• damage to property</li> <li>• ill-treatment of household pets or other animals to affect a person’s wellbeing</li> <li>• financial or economic abuse (eg. denying or limiting access to money or preventing/restricting employment opportunities and education)</li> <li>• hindering use of or removing access to devices, medication or other support</li> <li>• threats of physical or sexual abuse or of the kind described above. (<a href="#">s11</a>).</li> </ul> <p><b>Psychological abuse of children</b></p> <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 <a href="#">family relationship</a>, or</li> <li>• put the child, or allow the child to be put, at real risk of seeing or hearing that abuse occurring. (<a href="#">s11(3)</a>)</li> </ul> <p>This does not apply to the person who suffers the abuse.</p>
<p><b>Static assessment for family violence recidivism (SAFVR)</b></p>	<p>A statistical model that calculates a person’s likelihood of committing a crime against a person within the context of a familial relationship within the next two years. It is based on a range of data police have access to (eg. previous history and convictions). The likelihood will be high, moderate or low. This measure can be found in OnDuty and NIA. This measure is used at the family harm investigation to assist in determining the <a href="#">total concern for safety</a>.</p>
<p><b>Sexual assault</b></p>	<p>Sexual assault includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• sexual violation by rape or unlawful sexual connection</li> <li>• indecent assault/sexual conduct</li> <li>• any form of unwanted or coercive touching or actions of a sexual nature or in circumstances of indecency</li> <li>• any sexual abuse or exploitation by way of coercion, deceit, power of authority or mistaken belief</li> <li>• incest.</li> </ul> <p>(See <a href="#">Adult sexual assault investigation (ASAI) policy and procedures</a> and <a href="#">Sexual offences</a> in the Police Manual for further information).</p>
<p><b>Suspect</b></p>	<p>A person who is suspected of committing an offence.</p>
<p><b>Total concern for safety</b></p>	<p>The <a href="#">SAFVR measure</a> and answers to the dynamic assessment questions are combined in OnDuty to determine the ‘total concern for safety’. This can be high, moderate or low. It guides officers towards the <a href="#">family harm GRM</a> to determine what safety actions the officer(s) will take to create the frontline safety plan.</p>
<p><b>Whāngaia Ngā Pā Harakeke</b></p>	<p><a href="#">Whāngaia Ngā Pā Harakeke</a> (WNPH) describes the way Police are deploying Police resources (alongside iwi, community and multi-agency partners) for support to whānau post initial attendance. This model has been piloted in Counties Manukau, Tairāwhiti (Gisborne) and Te Hiku (Kaitaia).</p> <p>Police, Iwi, agency partners and non-government organisations use a collaborative approach to prevent ongoing family harm. WNPH comprises a daily triage, a Kaiāwhina team, FIT and HCRT.</p>

<b>Witness</b>	A person who has witnessed a family harm episode and is capable of making a statement to Police. If the family harm investigation proceeds to a prosecution, a witness means a person who gives evidence and is able to be cross-examined in a proceeding. ( <a href="#">s4</a> Evidence Act 2006)
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## Background

### Family harm is a high priority for Police

Family harm is responsible for approximately 17% of Priority 1 calls for Police service and approximately 40% of Police time. The New Zealand Crime and Safety Survey (2014) identified 76% of family violence is not reported meaning the amount of family harm in New Zealand is significant. (See the '[Impact of family harm video](#)' – called the '**Not our Normal video**' - for more information).

Family harm is a high priority for Police and reducing the number and impact of family harm episodes is a key Police strategy. Police take every opportunity to prevent harm and reduce offending and victimisation. Police is committed to a prompt, effective and nationally consistent approach to family harm episodes in collaboration with other agencies/iwi and with community partners.

When attending family harm episodes Police aim to:

- slow and eventually stop the family harm cycle/cumulative harm across generations
- reduce serious harm such as the use of physical violence, sexual abuse and child abuse and neglect
- reduce family harm related deaths (homicides and other related offences and suicides).

Police support the purpose of the Family Violence Act 2018 (s3(1)) which is to stop and prevent family violence by:

- recognising that family violence, in all forms, is unacceptable
- stopping and preventing offenders from inflicting family violence
- keeping victims, including children, safe from family violence.

### Principles that guide Police practice

An effective Police response to family harm is based on the following principles:

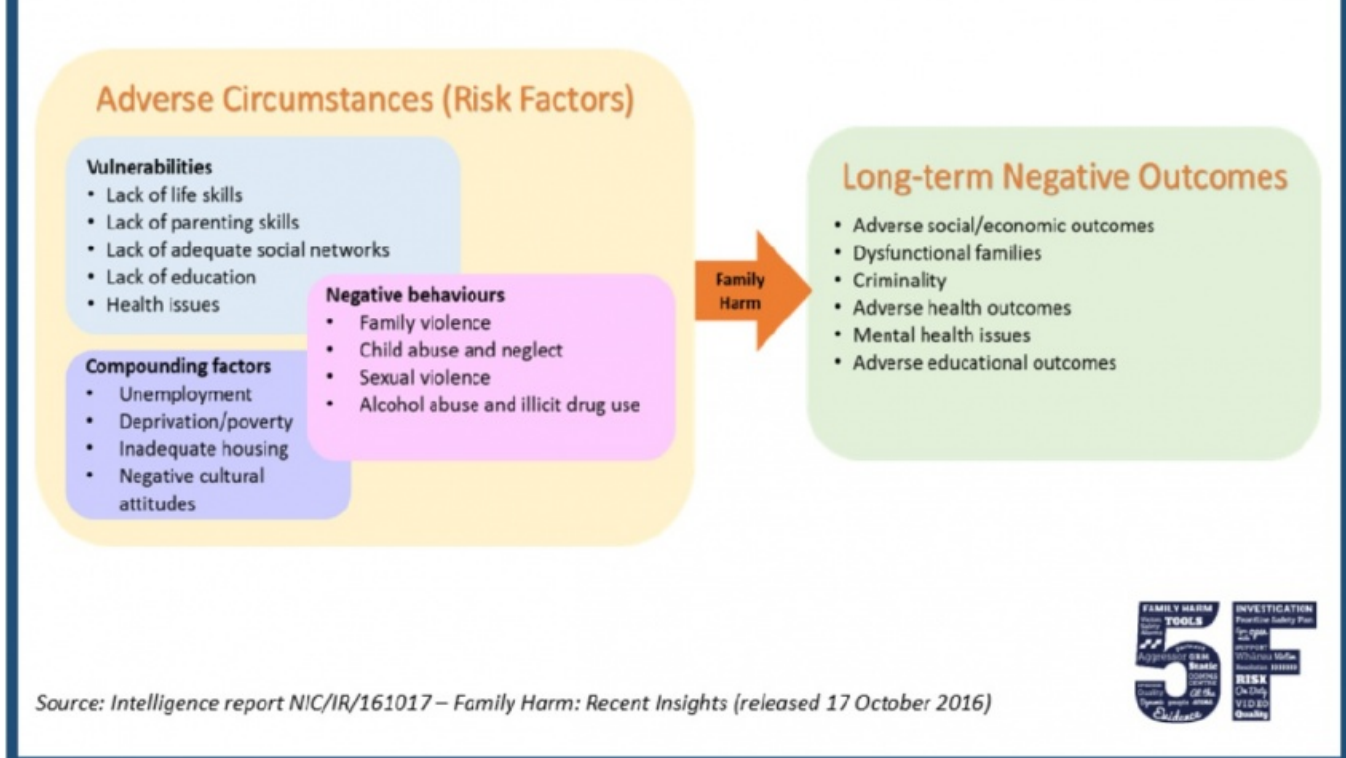


Principle	Police actions
Early intervention	<ul style="list-style-type: none"> <li>Recognising that early intervention helps to stop and prevent family harm. This requires an eyes wide open approach at all family harm investigations. (See the <a href="#">‘Eyes wide open video’</a>)</li> </ul>
Culturally appropriate	<ul style="list-style-type: none"> <li>Responses to family harm should be culturally appropriate and, in particular, responses involving Māori should reflect tikanga. This requires a sensitive approach at all family harm investigations that acknowledges the culture of those involved and provides culturally appropriate solutions, as relevant.</li> </ul>
Safety	<ul style="list-style-type: none"> <li>Ensuring all parties are made safe and kept safe, particularly victims, whose safety is paramount. This may include facilitating access to support services to help secure safety.</li> <li>Children are especially vulnerable (though they may not be the primary victim) and before leaving the premises, attending officers must ensure they have no concerns regarding any child's safety.</li> <li>Officers must also be aware that attending family harm episodes is one of the most dangerous parts of their job and that precautions may be necessary to secure their own safety.</li> </ul>
Collecting risk information	<ul style="list-style-type: none"> <li>Collecting specific risk information to enable effective assessment, planning and risk management to victims and to guide decisions around appropriate actions for offenders. Family harm processes include the <a href="#">SAFVR measure</a> and <a href="#">dynamic risk assessment</a> at the scene which combined determine the <a href="#">total concern for safety</a>. The total concern for safety also contributes to a multi-agency risk score when combined with the risk assessed by other agencies.</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>Holding <a href="#">predominant aggressors</a> and <a href="#">offenders</a> to account for their actions, by activating a prompt and comprehensive response. This includes undertaking a thorough quality family harm investigation and where evidence of criminal offending exists, the decision to charge and filing of a charge will reflect the nature of the offending and be made in accordance with the Solicitor-General's Prosecution Guidelines.</li> <li>Where offenders may benefit from supportive interventions to change their behaviours, directing them into programmes that will stop and prevent harm.</li> </ul>
Working collaboratively	<p>Police must:</p> <ul style="list-style-type: none"> <li>coordinate responses to family harm through Family Violence Coordinators/Family Harm Specialists across relevant internal work groups, including FHTs, CPTs, ASA Teams, Youth Aid and Youth Education Teams, CIB, Iwi/Pacific and Ethnic Liaison Officers and other frontline employees</li> <li>be part of a coordinated collaborative multi-agency table response that aims to enhance information sharing and meet the multiple and varied needs of families</li> <li>provide quality information to multi-agency tables which enables the best support for families in need</li> <li>apply active case management principles and processes.</li> </ul>

## Characteristics of family harm

Family harm encapsulates a holistic view of the issues occurring within families and their ensuing detrimental effects. The harm generated within families is caused by multiple factors that tend to exist against a backdrop of adverse circumstances (vulnerabilities, compounding factors and negative behaviours).

# FAMILY HARM – A NEW APPROACH



There are [wide-reaching societal consequences from family harm](#) including crime, poor physical and mental health and poverty. The costs from failing to address family harm are extremely high. Māori are grossly over-represented in family harm statistics, both offending and victimisation, and across all areas of the vulnerabilities, compounding factors and negative behaviours in the diagram above. This in part stems from the historical trauma Māori suffered (refer to training on the legislative impacts on Māori through [colonisation](#) and the impacts of [urbanisation](#)).

It is important to remember family harm can impact anyone, including occurring in families who are affluent. All family harm investigations require an open mind.

Family violence is a subset of family harm. Family violence includes physical, sexual or [psychological abuse](#) within family relationships that may be [coercive or controlling](#) and cause [cumulative harm](#). It can be a single episode or a number of episodes forming a pattern of behaviour or series of events. An act of violence is often an escalation of an ongoing pattern of coercion and control.

One model used to understand coercion and control in family violence is the Duluth [power and control wheel](#) which highlights the tactics of abuse most universally experienced by battered women. Tactics include intimidation, isolation, emotional and economic abuse and using children to manipulate. An example of intimidation is abusers use of overt threats and actual harm to animals as a tool to control their family. 36.5% of intimate partner violence victims/survivors report a pet or animal had been injured or killed.

Another concept that helps to explain the complexity of family harm dynamics is [entrapment and resistance](#). Victims are trapped by an abusive partner's coercive and controlling behaviours. Victims of family harm commonly suffer from low self-esteem and isolation caused by the violent behaviour. Victims are unable to act or to leave the violent relationship for many reasons, including the fear of further violence. Victims often need external help to extract them and may use violence to wrench themselves free.

The majority of family harm investigations Police record are intimate partner violence and the predominant aggressor is mostly male and the primary victim female. Men's violence is more likely to result in serious injury and intimidation and

fear. Women are more likely to use violence in self-defence (resistive violence).

Children are typically present at half of all family harm episodes. Children can be exposed to family harm (CYPeFH), be witnesses of family harm and/or be victims of child abuse and neglect. Children are particularly vulnerable to family harm, including seeing or hearing harm against others. They are at risk of lasting harm to their current and future wellbeing. Some of the [impacts on tamariki](#) who have been exposed to family harm include difficulty learning, becoming an offender or victim, increased chance of mental illness and suicide, increased chance of alcohol and/or drug abuse and difficulty forming attachment. There is evidence that exposure to significant stress (such as ongoing family harm) whilst pregnant, can impact the development of babies in utero.

There is a high rate of co-occurrence between intimate partner violence and child abuse and neglect but these are not necessarily separate forms of violence. There can be a double level of intentionality where an act directed towards one individual is intended to affect another or others in order to keep and/or increase control over both.

It is important to note a family harm investigation could also identify children and young people in the role of predominant aggressor. For example, children exposed to family harm and who may have experienced a lack of stability through multiple placements as a result of state care may be more at risk of inflicting family violence on parents or caregivers as they get older.

People with disabilities and other people (eg. due to their age or health condition or to any other cause) may also be particularly vulnerable to family harm.

An area of increasing concern is the use of technology in family harm. Use of technology provides aggressors with a pervasive way to control, coerce, stalk and harass their victims. It includes a range of behaviours. These include sending abusive text messages or emails, making continuous threatening phone calls, spying on and monitoring victims through the use of tracking systems, abusing victims on social media sites, and sharing intimate photos of the victim without their consent ('revenge porn').

As well as intimate partner violence and child abuse and neglect, Police attend other types of family harm episodes and must understand the variations in the types of relationships between primary victims/predominant aggressors and their interactions in order to be effective in their responses. Other types of family harm include:

Type	Description
Teen dating/teen harm	This is a growing and recognised area of concern in New Zealand where young people in relationships are engaging in more harmful behaviour. It may include the use of technology to inflict harm. Teen harm also includes increasing cases of young people using family harm against parents and caregivers.
Elder abuse	This is a crime often concealed by the victim's shame or inability to speak out and is most often inflicted by children of the victim. Family harm towards older people usually involves breach of trust and most commonly, psychological and financial abuse. Elder abuse is known to be under-reported and our older population is growing.
Honour based harm/violence	As New Zealand becomes a more multi-cultural society honour based harm/violence is becoming more prevalent. Honour based harm/violence is a crime or episode which has or may have been committed to protect or defend the honour of a family and/or community. Women are predominantly (but not exclusively) the victims of honour based harm/violence, which is used to assert male power in order to control female autonomy and sexuality. It is generally inclusive of coerced marriages (including abduction for this purpose) and may also include bigamy, family violence, dowry, kidnap, forced repatriation, female genital mutilation, acid attacks, blood feuds, honour killings, self-harm (suicide), and sexual attacks. See <a href="#">Coerced and under age marriage/civil union</a> for more information.
LGBTQI (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex) harm	Statistics indicate that there is an increasing number of LGBTQI people involved in family harm episodes. Harm within LGBTQI relationships may include different features more specific to the LGBTQI community eg. making fun of gender or sexual identity and withholding hormones or gender affirming items. Those in LGBTQI relationships may avoid seeking help due to the concerns about the potential phobic assumptions of organisations and individuals.

## **Key process points in a quality family harm investigation and later steps**

This table outlines key process points when responding to and investigating family harm episodes. They work within the overarching case management process which guides Police workflow. Not all steps will apply in every episode and the order may vary depending upon the circumstances. Some steps will be ongoing or apply more than once during the process.

Stage	Description	Actions
All stages	<a href="#">Active case management</a>	Case management commences at initial response through to case closure. For each episode Police must continually assess the resources and interagency assistance that will provide the best response and help prevent further episodes.
1	<a href="#">Initial response – family harm investigation</a>	Undertaking a quality family harm investigation that involves: <ul style="list-style-type: none"> <li>• establishing context and circumstances, identifying the parties involved and their roles and undertaking interviews</li> <li>• completing a dynamic assessment</li> <li>• completing a frontline safety plan</li> <li>• recording a quality narrative</li> <li>• submitting and approving a family harm investigation</li> <li>• providing information to others/agencies</li> <li>• <a href="#">appropriate coding of offences. See National Recording Standard chapter.</a></li> </ul>
2	<a href="#">Investigation and crime scene examination</a>	Procedures in a family harm investigation where there is evidence an offence has been committed.
3	<a href="#">Interviewing witnesses, victims and suspects</a>	Advice on interviewing at a family harm investigation where there is evidence an offence has been committed.
4	<a href="#">Child Protection Protocol referral/Pol 350 in OnDuty</a>	Advice on when the CPP does and doesn't apply and the steps to take.
5	<a href="#">Considering arrest</a>	Where evidence of criminal offending exists, the decision to arrest will reflect the nature of the offending and be made in accordance with the Solicitor-General's Prosecution Guidelines.
9	<a href="#">Charging</a>	Filing charges where there is evidential sufficiency with reference to the <a href="#">Solicitor- General's Prosecution Guidelines</a> to reflect the nature and seriousness of the offending.
10	<a href="#">Bail</a>	Ensuring Police bail is only granted where appropriate and that opposition to bail and bail conditions reflect the needs of the case. Note: 'Primary consideration is the need to protect the victim of the alleged offence, and any particular person or people in a family relationship with the victim'.
11	<a href="#">Prosecution or case disposition</a>	Preparing for prosecution or otherwise disposing of the case.
12	<a href="#">Longer term safety, support and intervention</a>	Sharing relevant information internally and at multi-agency tables for longer term safety planning and action.
13	<a href="#">Monitoring and evaluation</a>	Monitoring and evaluating trends and data.

# Initial response – family harm investigation

## An overview

The focus for Police at initial response is to undertake a quality family harm investigation. This involves:

- looking at and documenting the context and circumstances of the episode (irrespective of whether an offence has occurred)
- considering any adverse circumstances, including vulnerabilities, compounding factors and negative behaviours
- identifying where there is a pattern of coercive and controlling behaviour
- spending time responding to the needs of children/tamariki
- taking appropriate action with the predominant aggressor
- taking safety action at the scene with the victim, tamariki and vulnerable people.

A family harm approach takes a comprehensive view of the issues occurring within families to address the underlying causes of harm. Police need to view the situation as a whole with eyes wide open, be able to recognise family harm dynamics, the context of the harmful behaviour and the circumstances, and get a greater understanding of what is really going on.

Tools that support a quality family harm investigation include [OnDuty](#), risk measures ([SAFVR measure](#) and [dynamic assessment](#) which determine the [total concern for safety](#)) and the [family harm GRM](#) which populates the [frontline safety plan](#).

## Terminology

The terminology used for the roles of people involved in family harm investigations describe the role each person has played in the **wider context of family harm** in that relationship or family. These roles are:

- [primary victim](#)
- [person at risk](#)
- [predominant aggressor](#)
- [person posing risk](#)
- [mutual participant](#)
- [CYPeFH](#).

Where an **offence has occurred** (family violence related or other), people involved in a family harm investigation can also be a witness, offender or suspect, or victim.

**Note: there is an important distinction in these roles, you will need to be conversant with the terminology.**

## Outcomes

A quality family harm investigation enables early intervention by:

- ensuring we have the best quality of evidence to put before the court
- substantiating the evidential sufficiency to make an arrest where required
- understanding the context of the environment for the whānau to take the best safety actions at the scene
- providing high quality information to other police and partners so the right help is given to whānau who need help. The safety action taken at initial attendance will be the basis for any ongoing safety action taken by Family Violence Coordinators/Family Harm Specialists or multi-agency tables (eg. [FVIARS](#), [ISR](#), [WNPH](#)).

It will also lead to better outcomes for the families we are helping. In some cases police can recognise coercive and controlling behaviour and act before violence has occurred thereby preventing harm.

## Process and procedures for a family harm investigation

A family harm episode can come to Police attention via:

- a victim or other person seeking help at the front counter or from the Comms Centre

- an officer coming across an episode while involved in another incident.

See Poster showing the [Family harm environment](#)

## Front counter staff

Where front counter staff provide the initial response they can refer the episode to the Comms Centre for dispatch, involve an officer or capture family harm report details themselves (completing the relevant steps below) using OnDuty Office. Completing as much detail in the report as possible themselves provides better customer service and enables victims to be attended to as early as possible. Each district may apply business rules differently regarding when non-constabulary staff should pass a family harm report to an officer for investigation.

Where the Comms Centre is involved in dispatching a family harm investigation, front counter staff use OnDuty Office to record relevant core details including people and vehicles involved and any known firearms and drugs history.

## All staff attending or involved in family harm episodes

The steps below outline procedures if you are called to attend or become involved in a family harm episode and the different roles of Police staff involved in the investigation.

**Your safety and that of any victims is paramount.**

Step	Action
<b>1 – Review information</b>	<p>The 5F (CARD event) arrives in <a href="#">OnDuty</a> and the officer/s is able to review information and be well prepared when arriving at the scene. Information includes:</p> <ul style="list-style-type: none"> <li>• location, including previous family harm episodes at that location</li> <li>• people involved, including previous family harm investigations involving those people and any <a href="#">SAFVR measures</a></li> <li>• whether there are any PSOs, parenting, protection or related property orders in place.</li> </ul> <p>Ensure you have sufficient resources to deal with the situation and request further assistance if required. If possible, family harm episodes should be attended by a minimum of two staff and single unit responses avoided except in emergencies. Apply <a href="#">TENR</a>.</p>
<b>2 – Create a family harm investigation</b>	<p>Once you have reviewed the CARD event details the first officer can create the family harm investigation in OnDuty. They become the reporting officer responsible for submitting the completed investigation.</p> <p>As soon as the occurrence details and event supervisor is entered, the investigation becomes live in OnDuty and OnDuty Office for your supervisor to monitor and provide guidance as useful. In OnDuty you can collaborate on a family harm investigation with your partner officer or add other officers in (eg. CIB) if required.</p>
<b>3 – Enter premises</b>	<p>When entering the premises, treat the scene as you would any other type of serious offending. See <a href="#">Investigation and crime scene examination</a> for information about entry powers. Anticipate that:</p> <ul style="list-style-type: none"> <li>• drugs, alcohol, firearms or weapons may be involved</li> <li>• harm may be continuing</li> <li>• the parties may be non-compliant and are likely to be in an agitated and highly emotional state which may affect their ability to think rationally</li> <li>• the primary aggressor or other parties may be mentally unstable</li> <li>• children and young people are likely to be traumatised and/or highly agitated.</li> </ul>



<p><b>4a - Undertake a quality family harm investigation to establish if an offence has occurred</b></p>	<p>NRS Core Data Principles and Rules relate to the use of incident and task codes as flags or as holding codes.</p> <ul style="list-style-type: none"> <li>• <b>In family harm situations, if an offence is disclosed, it must be recorded as an offence</b> in preference to using an incident code (5F). The exception is where a PSO is issued, whereby NIA forces entry of a 5F incident.</li> <li>• For child protection issues – if the initial report discloses an offence, record it alongside the 6C – Child Protection code</li> <li>• For sudden deaths – at the point in time where there is an allegation or suspicion that someone might be criminally liable for the death, record the relevant offence being investigated in addition to the 1S – Sudden Death code</li> <li>• <b>When information is received about an offence, it must be recorded as an offence</b>, not as a generic code such as 2I – Information, or 1Z – Other Incident.</li> </ul> <p>NRS Core Data Principles and Rules outline when victims must be recorded. For offences against the person:</p> <ul style="list-style-type: none"> <li>• the primary intent options are likely to be: kill, injure/hurt, threaten, neglect, gain (e.g. robbery and extortion), gratification (sexual assaults)</li> <li>• record the most serious offence against the person even when it is part of an offence against property</li> <li>• with the exception of threats (see below) - it will always be a person being targeted, the victim. In practice this means an offence needs to be recorded for each victim</li> <li>• record every person offended against as a victim. (See <a href="#">NRS Guidance 'offences against a person coding guide'</a>)</li> </ul>
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<p><b>4b – Undertake a quality family harm investigation (establish context and circumstances, identify the parties and their roles and undertake interviews)</b></p>	<p>Take an eyes wide open approach looking beyond the physical evidence for signs of family harm (including power and control and entrapment/resistance) or that an offence has taken place. Think about the <a href="#">characteristics of family harm</a> and <a href="#">different types of family harm</a>.</p> <p>Based on the information to hand and where no offence has occurred, decide who is the <a href="#">predominant aggressor</a> and <a href="#">primary victim</a>. Identify the roles of other parties at the scene. These may include <a href="#">CYPeFH</a> or <a href="#">mutual participants</a>.</p> <p>Investigate with a view to who did what, for example, the behaviour of the predominant aggressor and revealing the primary victim's responses and resistance. Delve into the dynamics of the relationship and the wider context of what is happening in the family situation and environment. Capture the perspective of each party.</p> <p>Understand the difficult and harmful situation a primary victim is in and look for ways to establish their trust. Document the context of harm they are experiencing, remembering they are not to blame. This might be the time the primary victim opens up and feels strong enough to ask for help. Use non-judgemental language – the primary victim should not feel judged for not leaving the situation or treated poorly because you think they should leave.</p> <p>Predominant aggressors are often charismatic and manipulative and will often have excuses for their bad behaviour. Trauma in their past is not an excuse for bad behaviour.</p> <p>In relation to tamariki/children:</p> <ul style="list-style-type: none"> <li>• physically sight them</li> <li>• introduce yourself and describe your role in simple terms</li> <li>• sit or squat so you are physically at their level and able to make eye contact</li> <li>• acknowledge that something upsetting has happened</li> <li>• don't ask them about or focus on details of the episode itself. You can be most helpful by giving them factual information as well as addressing questions and concerns they may have. Communicating directly to children shows you realise how upsetting the events and circumstances might be</li> <li>• explain to them why any use of force by police may have been necessary</li> <li>• describe in clear terms what is going to happen next (eg. what is going to happen to the parents, what is going to happen to them and where they will stay tonight, etc.)</li> <li>• be realistic. Do not say 'everything will be okay' or make promises you cannot keep.</li> </ul> <p>If you need assistance with language and cultural issues, consider using an Iwi, Pacific or Ethnic Liaison Officer to liaise with families.</p> <p>Where there is evidence of an offence having been committed, reassign the 5F to the appropriate offence code/s and refer to and follow procedures/advice outlined in <a href="#">Investigation and crime scene examination</a> and <a href="#">Interviewing victims, witnesses and suspects</a>. If an offence includes children, follow procedures in <a href="#">Child Protection Protocol referral/Pol 350 in OnDuty</a>.</p>
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<p><b>4c – Undertake a family harm investigation (complete dynamic assessment)</b></p>	<p>Regardless of the parties identified above, determine who is most at risk in the current episode and who is creating that risk. These will be the <a href="#">person at risk</a> and <a href="#">person posing risk</a> in the family harm investigation. This will most often be the primary victim and predominant aggressor. Sometimes the primary victim can be the person posing risk at episodes, eg. where they are using resistive violence.</p> <p>Undertake the <a href="#">dynamic questions</a> with the person at risk about the person posing risk. You can ask the person at risk the questions or they can answer these themselves using OnDuty in a guided view (eg. if talking out loud poses a risk). This is also available in Te Reo Māori. If a person at risk is unable to or refuses to answer the dynamic questions, you can:</p> <ul style="list-style-type: none"> <li>• ask other people at the scene if it is safe to do so</li> <li>• derive answers from what has been discovered throughout the investigation</li> <li>• use previous responses (if they exist) and it is appropriate for the circumstances</li> <li>• make a judgement based on the investigation as to the level of concern for safety.</li> </ul> <p>It is preferable that an adult answers the questions, however, a young person may be competent to respond when appropriate to do so. Before questioning the young person, consider whether there is any risk or ongoing safety concerns, should they answer and remain in the home.</p> <p>OnDuty will only present you with questions that need to be asked as part of the dynamic assessment based on the individuals and their relationship that you have already identified. There are 10 standard questions, an additional two questions in cases of intimate partner violence and an additional four questions if children usually reside at the address.</p> <p>Provide a contextual explanation to questions answered YES. (This information will not need to be repeated in the narrative as the dynamic assessment will make up part of the report).</p> <p>Some dynamic questions, when answered YES, will automatically determine there is a high risk as there are lethality factors present. There may still be a determination of high risk, whether or not lethality questions are answered YES.</p> <p>Any child related questions answered YES need to form part of your cumulative understanding regarding harm against the children and your consideration of <a href="#">whether or not a CPP referral/Pol 350 should be made to Oranga Tamariki</a> or OT involved in the investigation. Any concerns for child welfare where the threshold for neglect or intentional ill-treatment is not reached (as per the CPP) should be raised in the investigation report. The CPP referral is available to create from the frontline safety plan (see below).</p>
<p><b>4d – Undertake a family harm investigation (determine total concern for safety)</b></p>	<p>The <a href="#">SAFVR</a> measure and answers to the dynamic assessment will combine in OnDuty to give you your <a href="#">total concern for safety</a>. This can be high, moderate or low. The level calculated will influence which actions are recommended in the <a href="#">family harm GRM</a>. The safety actions you take at the scene from the family harm GRM and any other actions you take forms the frontline safety plan.</p>
<p><b>4e – Undertake a family harm investigation (complete frontline safety plan)</b></p>	<p>Once the total concern for safety is established, the <a href="#">family harm GRM</a> provides a range of safety actions to consider (see also the related <a href="#">Handout</a>).</p> <p>The family harm GRM identifies what can be done to create a window of safety for the primary victim, vulnerable people and tamariki and to take appropriate actions with the predominant aggressor: keeping in mind agency responsibility for safety actions. (Note: the higher our level of concern for a victim’s safety, the more difficult it is for them to take responsibility for their own safety, so the onus is on Police and other agencies to help).</p> <p>Consider green actions in the frontline safety plan, as a minimum, where there is a <b>low level of concern for safety</b> – here we consider that the person at risk is able to take a greater role in the</p>

responsibility for their own safety and that of vulnerable people at their address and tamariki. The majority of actions are to ensure the victim is able and willing to get help when and if they need it (eg. do they have a working phone; [will an arrest be made](#) and if so will bail be opposed and why; will a [PSO](#) be issued; does a [CPP referral/Pol 350](#) need to be completed or OT called if there are immediate safety concerns).

Consider orange actions in addition to green where there is a **moderate level of concern for safety**. Here we consider that the victim can take some responsibility for their own safety. The majority of additional actions are to ensure that whānau or friends not living at the address and neighbours are available to help (eg. have neighbours been spoken to; create an alert for a person, vehicle or location if required).

Consider red actions in addition to green and orange where there is a **high level of concern for safety**. Here we consider that the victim is unable to take much of a role in the responsibility for their own safety and look to physically remove them, vulnerable people and tamariki from the situation or, if the predominant aggressor has been removed, ensure that victims have a way to get immediate help from Police should they need it (eg. victim safety alarms; special situation report; phoning Women's Refuge to arrange placement; safety check within 72 hours).

**TRUST YOUR GUT** – if the family harm GRM options do not seem robust enough for the situation, you may add additional or more comprehensive actions into your safety plan. Multiple safety plans can be developed as required.

**VICTIM'S VIEWS ON BAIL** – when an arrest is made, it is important that victim's views on bail are obtained as part of the frontline safety plan. ([s8](#)).

Note: Primary consideration is victims safety.

Note: Leave the scene believing you have done what you can to keep the primary victim, vulnerable people and tamariki safe for at least 72 hours from the time you leave the scene. 72 hours provides time for a multi-agency table (eg. FVIARS, ISR, WNPH) or review by a Family Violence Coordinator/Family Harm Specialist to ensure sustainable safety for victims and ongoing action with the aggressor.

Safety plans are an essential part of responding to victims' needs and managing ongoing risks. They also can help victims understand their level of risk and take some control over their situation. Advise the people being protected by the safety plan about local and national support services and what happens next (multi-agency safety planning and information sharing with other agencies). Attending police must provide family harm victims with appropriate and timely support and information about services and remedies. (This is an obligation on Police under the Victims' Rights Act 2002).

<p><b>4f – Undertaking a family harm investigation (recording a quality narrative)</b></p>	<p>Once you've uncovered the full picture, record a clear, concise and complete summary of the situation in OnDuty. A good quality narrative can be used in many ways (eg. in court proceedings, in future family harm investigations involving the same people or locations).</p> <p>Note: the family harm report/investigation narrative reaches a wide audience across the sector. Apply the <a href="#">Police organisational values</a> and the <a href="#">SELF test</a>.</p> <p>Include in your narrative/report things that may indicate vulnerabilities or compounding factors, for example:</p> <ul style="list-style-type: none"> <li>• lack of food, bedding or warm clothing</li> <li>• unsafe or unsanitary surroundings or conditions</li> <li>• any signs that may indicate a family is having trouble managing their finances</li> <li>• any health issues</li> <li>• any signs the family is struggling to cope</li> <li>• children presenting with symptoms related to post traumatic stress disorder such as aggressive outbursts, anxiety, self-destructive behaviour etc.</li> </ul> <p>Note down information about the children and what you spoke with them about.</p>
<p><b>5 – Submit family harm investigation</b></p>	<p>Submit the completed family harm investigation/report for approval. Ensure that offences accurately reflect your family harm investigation and comply with <a href="#">National Recording Standard</a>.</p> <p>Where an offence is identified the 5F is automatically replaced by a FV flag alongside the specified offence code.</p> <p>Other material relevant to the family harm investigation that is not able to be captured in OnDuty should be attached to the investigation in NIA. This might include statements, job/exhibit sheets, PSO form, photos etc.</p>
<p><b>6 – Approve family harm investigation and information provided to others/agencies</b></p>	<p>The Supervisor reviews and approves the family harm investigation. As soon as they click approve, the family harm investigation is:</p> <ul style="list-style-type: none"> <li>• sent to NIA or diverted to FMC to manage any conflicts (and then onto NIA)</li> <li>• updated in OnDuty Office as complete – Family Violence Coordinators/Family Harm Specialists and others use the information in OnDuty Office to inform multi-agency assessment and response (note incomplete investigations can also be shared)</li> <li>• sent to the ISR Family Safety System for daily multi-agency safety planning.</li> </ul> <p>If a CPP (Child Protection Protocol) referral has been completed in OnDuty, once approved by a supervisor an email is automatically sent to the Oranga Tamariki National Call Centre and to the Police Child Protection Team responsible for the location where the episode is recorded. The email contains a copy of the referral document and the Family Harm investigation.</p>

Refer to [Police employees and family harm](#) for extra guidance on responding to episodes when Police employees are involved in family harm.

# Investigation and crime scene examination

## Gathering information, examining scenes and calling in assistance

A thorough crime scene investigation and examination may require collection of additional material than what can be recorded in OnDuty. This should be attached to the investigation in NIA. Use this table as a guide when gathering additional information, scene examination and when calling for assistance as part of a family harm investigation where an offence is suspected or has occurred.

Step	Action
1	Follow the normal procedures for investigating serious offending and for crime scene examination. From the outset, investigate the matter with a view to being able to prove the charge without the victim's involvement.
2	Check for firearms or other weapons and secure these. See <a href="#">Attending situations when firearms may be present</a> for additional procedures.
3	<p>Call for medical assistance if required. In particular, check for signs of and symptoms of strangulation in relation to any of the victims.</p> <p>If strangulation or suffocation is suspected:</p> <ul style="list-style-type: none"> <li>• accurately document the signs and symptoms. Look not only for physical signs but ask about symptoms the victim may be experiencing including but not limited to: <ul style="list-style-type: none"> <li>◦ <b>neurological</b> – loss of memory, loss of consciousness, behaviour changes, loss of sensation, extremely weak, difficulty speaking, fainting, urinating, defecation, vomiting (check for change of clothing), dizziness, headaches</li> <li>◦ <b>eyes/eyelids</b> – petechiae, bloody red eye ball, vision changes, droopy eyelids</li> <li>◦ <b>face</b> – petechiae (small red spots) on forehead, scratch marks, facial drooping, swelling</li> <li>◦ <b>chest</b> – chest pain, redness, scratch marks, bruising, abrasions</li> <li>◦ <b>voice/throat changes</b> – raspy voice, unable to speak, trouble swallowing, clearing the throat, coughing, nausea, drooling, sore throat</li> <li>◦ <b>scalp</b> – petechiae, bald spots from hair being pulled, bump to the head from falling to the ground</li> <li>◦ <b>ears</b> – ringing in the ears, petechiae bruising behind ear, bleeding in ear</li> <li>◦ <b>mouth</b> – bruising, swollen tongue, swollen lips, cuts/abrasions, internal petechiae</li> <li>◦ <b>breathing changes</b> – difficulty breathing, respiratory distress, unable to breathe</li> </ul> </li> <li>• look for evidence to corroborate how long force was applied: <ul style="list-style-type: none"> <li>◦ 6 - 8 seconds – unconscious</li> <li>◦ anoxic seizures follow for 2 – 8 seconds (did a child witness the victim spasm?)</li> <li>◦ 15+ seconds - loss of bladder control (clothing/bedding)</li> <li>◦ 30+ seconds - loss of bowel function (clothing/bedding)</li> <li>◦ 1 – 2 minutes - death</li> </ul> </li> <li>• speak to witnesses to provide further detail as to what occurred as the victim may not know due to the nature of the offending</li> <li>• take high-quality photographs at the time and again after a 24-48 hours delay. Strangulation can be used as a repetitive control technique. With a time lag before bruising appears, photographs revealing signs of strangulation can become important evidence. (There is a link between the act of strangulation, further serious violence and homicide).</li> </ul> <p><b>Note:</b> Strangulation victims should seek urgent medical attention as the physical effects (including death in some cases) may not take effect for some hours after the event. (See Strangulation <a href="#">handout</a> and <a href="#">notebook</a> card)</p>

4	<p>If there is any evidence of:</p> <ul style="list-style-type: none"> <li>• a sexual assault, follow the <a href="#">Adult sexual assault investigation policy and procedures</a> and link the CIB to the investigation in OnDuty as soon as possible</li> <li>• sexual or physical abuse of children or neglect, follow the <a href="#">Child protection investigation policy and procedures</a> and link a CPT to the investigation in OnDuty.</li> </ul> <p>Link the CIB to the investigation early in OnDuty in any other case where serious offending is involved.</p>
5	<p>Look for evidence to <a href="#">corroborate</a> allegations and consider whether forensic specialists need to be contacted. Collect all evidence (ie. bedding, clothing) as soon as possible before it is lost, as many victims are reluctant to give evidence or want matters withdrawn from court processes.</p>
6	<p>Where possible, document all visible injuries to each person involved in the investigation. Note cuts, red marks or welts, bruises and other evidence in respective statements.</p> <p>Photographs taken on cell phones when Police cameras/photographers are not available can also provide valuable evidence. Do <b>not</b> photograph the suspect and the victim together. (Follow the <a href="#">Digital imaging guidelines</a> for downloading and securing images ensuring they will be accepted as reliable evidence).</p>
7	<p>If you arrest a suspect complete a Victim Impact Statement for use in court (see <a href="#">Victim impact statements</a> in the 'Victims (Police service to victims)' chapter for further information).</p>
8	<p>If applicable, obtain the victim's written consent for Police to obtain medical details related to the investigation.</p> <p><b>Note:</b> Police do not need the victim's consent to disclose information gathered during the episode, as long as it is disclosed for a related purpose for which it was collected, eg. sharing with a family violence service provider.</p>

## Attending situations when firearms may be present

Step	Action
1	<p>Always consider firearms or other weapons may be involved or that the suspect has access to these. This information will be available in OnDuty.</p>
2	<p>Whether a PSO or a protection order is in place will be available in OnDuty. If a PSO has been issued, any firearms licence held by that person will be suspended for the duration of the order. Where a protection order is in force, any firearms licence held by the respondent will be revoked. Any firearms also need to be surrendered. Check any licence endorsements and if there are any firearms in secure storage.</p>
3	<p>Consider whether there are sufficient safety concerns to warrant the <a href="#">issuing of a Police Safety Order</a> or, where there is sufficient evidence to arrest, making an application for a protection order. In either case all firearms, ammunition, or explosives in the possession or control of the suspect must be surrendered to Police or seized pursuant to section <a href="#">18</a> Search and Surveillance Act 2012.</p>
4	<p>If you exercise the power to seize, report to the Commissioner within three days by submitting a Firearms Search and Seizure form accessed via the Bulletin Board using the 'Create' and 'Notification' feature.</p>
5	<p>Following surrender or seizure of firearms, complete enquiries (including the views of the victim) to determine whether any licensed firearms holder is considered to be a 'fit and proper' person to hold a firearms licence. If appropriate, take revocation action pursuant to <a href="#">s27</a> and <a href="#">s27A</a> Arms Act 1983. This may include informing and/or seeking assistance of the Police Arms Officer.</p>

## Corroboration

Corroboration is important if the victim becomes a reluctant witness. Information that may corroborate a family violence victim's allegations include:

- medical examinations and doctor's reports (of suspect and victim)
- photographs of injuries
- scene examination evidence, including photographs and scene diagrams
- clothing
- witness statements (neighbours, friends, colleagues, emergency medical staff)
- 111 call - obtain a copy from Comms for court
- old POL FVIR ratings, previous family violence reports and ODARA scores
- emails, text messages, phone records, internet browsing history, bank records
- admissions or other corroborating or damaging statements by a suspect.

These should be attached to the investigation in NIA.

## Search and Surveillance Act 2012 powers relevant to family violence offences

### To enter to prevent an offence or respond to risk to life or safety

If you have reasonable grounds to...	you may without a warrant...
<p><b>suspect</b>, in relation to a place or vehicle:</p> <ul style="list-style-type: none"> <li>• an offence is being, or is about to be committed, that would be likely to cause injury to any person, or serious damage to, or serious loss of any property, <b>or</b></li> <li>• there is risk to the life or safety of any person that requires an emergency response</li> </ul>	<ul style="list-style-type: none"> <li>• enter the place or vehicle, <b>and</b></li> <li>• take any action you have reasonable grounds to believe is necessary to:               <ul style="list-style-type: none"> <li>◦ prevent the offending from being committed or continuing, or</li> <li>◦ avert the emergency.</li> </ul> </li> </ul>

**Note:** 'take any action' means any action that is reasonable in the circumstances.

(s14 Search and Surveillance Act 2012)

### To search people in possession of arms

If you have reasonable grounds to...	you may without a warrant...
<p><b>suspect</b> a person is carrying arms, is in possession of them, or has them under their control, <b>and</b>:</p> <ul style="list-style-type: none"> <li>• the person:           <ul style="list-style-type: none"> <li>◦ is in breach of the Arms Act 1983, <b>or</b></li> <li>◦ by reason of their physical or mental condition (however caused) is incapable of having proper control of the arms, <b>or</b> may kill or cause bodily injury to any person, <b>or</b></li> </ul> </li> <li>• that, under the Family Violence Act 2018:           <ul style="list-style-type: none"> <li>◦ a protection order or PSO is in force against that person, <b>or</b></li> <li>◦ there are grounds to apply for a protection order against them</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• search the person</li> <li>• search anything in their possession or under their control (including a vehicle)</li> <li>• enter a place or vehicle to carry out one of the above</li> <li>• seize and detain:           <ul style="list-style-type: none"> <li>◦ any arms found</li> <li>◦ any licence under the Arms Act 1983 that is found.</li> </ul> </li> </ul> <p>(Unless impracticable in the circumstances, obtain approval from a sergeant or above before exercising any of these powers).</p> <p><b>Note:</b> Arms are 'in a person's possession or under their control' if they have access to them.</p>



(s18(1) and (2) Search and Surveillance Act 2012)

## To enter places or vehicles to search for firearms

If you have reasonable grounds to...	you may without a warrant...
<p><b>suspect</b> that there are arms in any place or vehicle:</p> <ul style="list-style-type: none"> <li>in respect of which a category three or four offence or an offence against the Arms Act 1983 has been, is being, or is about to be committed, <b>or</b></li> <li>that may be evidential material in relation to a category three or four offence or an offence against the Arms Act 1983</li> </ul>	<ul style="list-style-type: none"> <li>enter the place or vehicle</li> <li>search it</li> <li>seize and detain any arms or licence under the Arms Act 1983 found there.</li> </ul> <p>(Unless impracticable in the circumstances, obtain approval from a sergeant or above before exercising any of these powers).</p>

(s18(3) Search and Surveillance Act 2012)

## To enter and search for drugs

[Subpart 7](#) of the Search and Surveillance Act 2012 details Police powers in relation to Misuse of Drugs Act 1975 offences. See the Drugs chapter - [Part 4 General searches in respect of drugs](#) for more information.

## Duties when exercising powers under the Search and Surveillance Act 2012

For more information about your powers and duties under the Search and Surveillance Act 2012 see the [Search](#) chapters, particularly Part 3 - [Warrantless powers to search places, vehicles and things](#) and Part 7 - [Searching people](#).

## Powers under the Oranga Tamariki Act 1989

### To enter to enforce warrants in respect of children

You may enter to enforce warrants issued to:

- enforce a court order for:
  - day-to-day care of a child ([s72](#) Care of Children Act 2004)
  - contact with a child ([s73](#) Care of Children Act 2004)
- prevent removal of a child from New Zealand ([s77](#) Care of Children Act 2004 and [s205](#) Oranga Tamariki Act 1989).

### To enter to remove child

If you have reasonable grounds to...	you may without a warrant...
<p><b>believe</b> that it is critically necessary to protect a child or young person from injury or death</p>	<ul style="list-style-type: none"> <li>enter any dwelling house, building, aircraft, ship, carriage, vehicle, premises or place, and</li> <li>remove or detain, by force if necessary, a child or young person and place them into the custody of the Chief Executive of OT.</li> </ul>

([s42](#) of the Oranga Tamariki Act 1989)

### To enter, search and place in safe custody (place of safety warrants)

If you have reasonable grounds to...	you may...
<p><b>suspect</b> that a child or young person has suffered, or is likely to suffer, ill-treatment, neglect, deprivation, abuse, or harm</p>	<p><b>apply</b> to the court for a 'place of safety' warrant, and then -</p> <p><b>with a warrant:</b></p> <ul style="list-style-type: none"> <li>• enter and search, by force if necessary, any dwelling house, building, aircraft, ship, carriage, vehicle, premises or place</li> <li>• if you <b>believe</b> on reasonable grounds, that the child or young person has suffered, or is likely to suffer, ill-treatment, serious neglect, abuse, serious deprivation, or serious harm: <ul style="list-style-type: none"> <li>◦ remove or detain, by force if necessary, the child or young person and place them in the custody of OT's Chief Executive, or</li> <li>◦ where the child or young person is in a hospital, direct the medical superintendent of that hospital to keep that child or young person in that hospital.</li> </ul> </li> </ul>

(s39 of the Oranga Tamariki Act 1989)

## Powers relating to breaches of Police safety orders

See breaches of PSOs and related powers in the [Police safety orders](#) chapter.

## Executing warrants

For details about executing warrants see 'Arresting with a warrant' in the [Arrest and detention](#) Police Manual chapter.

# Interviewing victims, witnesses and suspects

## Interview early

Interview victims and important witnesses early in family violence cases. They can and often become reluctant witnesses during the prosecution process or later minimise the violence. Some victims are pressured to withdraw by the suspect/offender. Obtain a statement at the time or you may lose the opportunity. Think 'how can police prove this case without the victim's participation?'

Under the [Evidence Act 2006](#) and section [82](#) Criminal Procedure Act 2011, Police can get evidence sworn which can later be used. If it is likely that the victim will minimise their allegations, or face pressure and become reluctant, maintain momentum with the victim on the day of the offence/episode. Their evidence can be sworn the same day thus lessening the likelihood that they will change it later. Given the nature of family harm, it is imperative to be in regular contact with victims and witnesses, providing as much support as possible, with the assistance of our partner agencies.

## Statements

All interviews should be recorded in statement format and signed by the witness. (Refer to the '[Investigative interviewing witness guide](#)' for detailed information about taking statements).

Section [106A](#) of the Evidence Act 2006 allows an adult family violence complainant to give evidence in chief by a video recording made before the hearing. The video recording must be made by a police employee, in accordance with the [Evidence Regulations](#), and no later than two weeks after the alleged family violence episode.

## Victims and other witnesses

When formally interviewing family violence victims and other witnesses, follow the [Investigative interviewing witness guide](#) and additional guidance for family violence victims and witnesses fearing intimidation in [Investigative interviewing - witnesses requiring special consideration](#).

All forensic interviews of child abuse victims or of child witnesses of serious crime must be carried out by specially trained child witness interviewers according to the [Specialist child witness interview guide](#). (This is an agreed guide between Police and OT). Note: this does not prevent a preliminary interview with a child occurring during initial attendance as part of identifying their role and the wider safety assessment.

## Suspects

Follow the [Investigative interviewing suspect guide](#) and additional procedures in [Investigative interviewing – suspects requiring special consideration](#) when interviewing suspects in family violence cases.

## Child Protection Protocol referral/Pol 350 in OnDuty

### When to follow the Child Protection Protocol

Ensuring the safety of children present or who normally reside at an address where family harm has occurred is crucial. The [Child Protection Protocol](#) (CPP) comes into play in cases of:

- urgent steps being critically necessary to protect a child from injury or death
- offending against children where there is physical abuse, sexual abuse or neglect.

### Urgent steps to ensure child safety

Where a child is at immediate risk of serious harm and the need for immediate protection may be necessary the officer should call OT National Contact Centre for assistance (phone 0508 family). A child can be removed or detained (by force if necessary) and placed in the custody of the Chief Executive (s42 Oranga Tamariki Act 1989). If removal is pursuant to section 42, no CPP referral is required. Refer to [Powers under the Oranga Tamariki Act](#).

If child is not removed you must complete the CPP referral/Pol 350 in OnDuty. This will be emailed to the OT National Contact Centre and the CPT once the family harm investigation has been approved.

### Offending against children where there is physical or sexual abuse or neglect

Within the CPP context physical abuse, sexual abuse and neglect are defined as:

- physical abuse – when the actions of an offender result in, or could potentially result in, physical harm or injury being inflicted on a child
- sexual abuse – an act involving circumstances of indecency with, or sexual violation of, a child, or using a child in the making of sexual imaging
- neglect - 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. For example:
  - not providing adequate food, shelter or clothing
  - not protecting a child from physical harm or danger
  - not accessing appropriate medical treatment or care
  - allowing a child to be exposed to the illicit drug manufacturing process
  - allowing a child to be exposed to an environment where volatile, toxic, or flammable chemicals have been used or stored.

If any of these has occurred you must complete the CPP referral/Pol 350 in OnDuty. This will be emailed to OT National Contact Centre and the CPT once the family harm investigation has been approved. Refer to [Powers under the Oranga Tamariki Act](#).

### When the Child Protection Protocol does not apply

In situations where the CPP does not apply but an assessment of all the circumstances indicates to you that the children may be at risk, note this in the investigation in OnDuty and link in your Family Violence Coordinator/Family Harm Specialist. They will take this to the multi-agency table for consideration.

In situations where children are present but not considered at risk link in your Family Violence Coordinator/Family Harm Specialist to the investigation in OnDuty.

### Further advice

The [Child protection investigation policy and procedures](#) apply to all cases where there are child safety concerns. See [Making referrals to Oranga Tamariki](#) in the 'Child protection investigation policy and procedures' for further advice.

## Deciding whether to arrest

### Arrest if sufficient evidence of offending

As with all other offending, determine whether:

- there is sufficient evidence of an offence to arrest, and
- the tests for prosecution in the [Solicitor-General's Prosecution Guidelines](#) would be met (See [Prosecution](#) in the 'Prosecution or case disposition' section of this chapter for more information).

If there is sufficient evidence of an offence, suspects responsible for family violence related offences or breaches of protection and related property orders should, except in exceptional circumstances, be arrested. Protection orders continue to be effective until discharged by a court. Where there has been an historical breach, action should still be taken.

Where offending is disclosed and actions other than arrest are contemplated, you must consult your supervisor before proceeding. It is advisable to also consult with the Family Violence Coordinator/Family Harm Specialist who may have relevant information known through multi-agency tables.

Take particular care where prima facie evidence indicates violence by both parties. Understanding the [dynamics of family harm](#) is the key in determining if there is in fact a primary aggressor. Consider the possibility that some violence may be actions taken in self-defence. Seek guidance if necessary.

### Deciding if there is sufficient evidence of an offence

Use the 'How and when you charge makes a difference guide' to identify possible offences and determine whether they constitute family violence offences (note this guide does not provide an exhaustive list). Consult your supervisor or Family Violence Co-ordinator/Family Harm Specialist if you are uncertain about whether there is sufficient evidence to charge.

 [How and when you charge makes a difference \(July 2019\)](#)

24.11 KB

No formal complaint is required from the victim for you to arrest or file charges. However, their response and wishes should be listened to and noted. Explain the reason if Police actions are not consistent with their wishes. Many victims experience further harm and Police should act in a way that will encourage future reporting of episodes.

### Insufficient evidence to charge

Where there is insufficient evidence to charge but you have victim and/or child safety concerns following a dynamic risk assessment, consider if it is appropriate to issue a [Police Safety Order](#) in accordance with the issuing criteria (the 'necessity' test in section [28](#) of the Family Violence Act 2018).

Do not give any warnings where there is insufficient evidence to prosecute.

## Charging offenders

### Family violence offences and incidents

Any offence or incident code can be flagged as family violence in the family harm investigation. Family violence offences may range from homicide as the most serious, through various assault related offences (eg. strangulation or suffocation (s189A Crimes Act 1961), male assaults female, assault with intent to injure (s193), injuring with intent (s189), assault on a person in a family relationship (s194A), coerced marriage or civil union (s207A) to offences under the [Family Violence Act 2018](#), the [Summary Offences Act 1981](#) and the [Harassment Act 1997](#). They can include damage, theft, disorder offences and any incident code. (Refer to the [National Recording Standard](#) for further information).

The 'How and when you charge makes a difference' guide provides information on the range of offences that may, depending on the evidence, constitute a family violence offence.

 [How and when you charge makes a difference \(July 2019\)](#)

24.11 KB

See also 'Breaching a protection order or related property orders' in the [Protection and related property orders](#) chapter and 'Breaches of Police safety orders' in the [Police Safety Orders](#) chapter for offences under the [Family Violence Act 2018](#).

### Choosing the right charge

How and when you charge makes a difference. When considering what charge(s) is appropriate:

- do not minimise violence that has occurred (eg. consider the range of offences under the Crimes Act 1961 and those under the Family Violence Act 2018)
- ensure that an offender is charged and prosecuted in a way that reflects the essential nature of their offending
- ensure that there is evidence which can be adduced in Court that is sufficient to provide a reasonable prospect of conviction (the Evidential Test)
- consider any continuing risk the offender poses to the victim.

(See also [Prosecution](#) in the 'Prosecution or case disposition' section of this chapter).

When choosing appropriate charges and making decisions regarding negotiation of charges it is important to note the some of these offences will be 'serious violent offences' under the Sentencing and Parole Amendment Act 2010 and therefore qualify for a 'strike' under the [three stage warning regime](#).

### Guides for determining charges

The following 'How and when you charge makes a difference guide' (should be available in custody and other relevant work areas) contains descriptions of family harm behaviour that might amount to an offence and may assist you to determine the most appropriate charge:

 [How and when you charge makes a difference \(July 2019\)](#)

24.11 KB

See also 'Charging decisions' in [Prosecuting family violence](#) and the more general [Charging decisions](#) chapter.

Contact your Supervisor, a Legal Advisor, Family Violence Coordinator/Family Harm Specialist or a Prosecutor in your district if you need advice about charging decisions.

### Breaches of protection orders

When a protection order or related property order has been breached **and** there is evidential sufficiency to prove a charge, you must:

- charge the offender with the breach
- not release the offender on Police bail for 24 hours unless there is a court hearing earlier than this where court bail can be determined. The offender is not bailable as of right pursuant to s7(2) of the Bail Act 2000.

When considering Police bail for a defendant charged with a family violence offence, the **primary consideration is the need**

**to protect the victim**, their family members and all protected persons.

## **Dual defendants**

Dual defendants can occur when it is unclear who the actual aggressor or victim is, there are counter-allegations, and both parties are arrested and charged.

For information about charging and prosecuting dual defendants, see 'Charging decisions' in the [Prosecuting family violence](#) Police Manual chapter.

# Bail

## Police bail for family violence offences

The procedures for considering whether to grant Police bail for a person charged with a family violence offence are set out in the [Bail Act 2000](#). Part 1 of the Bail Act 2000 sets out the rules for bail generally and [Part 2](#) of the Act (sections 21 - 26) those relating to Police bail.

When deciding whether to grant Police bail, the primary consideration is the safety of the victim and their family members, linking the victim to appropriate support and services, and the possible need for the defendant to have a cooling off period to ensure the victim's safety. Any condition may be imposed on bail that a Police employee considers necessary to protect the victim and their family members.

## Restrictions on Police bail if a protection order is breached

Note that if the person has been arrested under section [113](#) of the Family Violence Act 2018 and charged with an offence against section [90-102](#) of that Act they must not be granted Police bail during the 24 hours immediately following the arrest unless there is a court hearing earlier than this where court bail can be determined (s7 Bail Act 2000). This also applies when the person is charged with another offence in addition to the breach offence. (s[23](#) Bail Act 2000)

The arrested person must be brought before a court as soon as possible.

At the expiry of the 24 hour period and pending a court appearance, follow standard procedures for determining whether the person should be granted Police bail.

The need to protect the victim of the alleged offence and their family members, and all protected persons, is the paramount consideration for the court when determining whether to grant bail (s[8](#) Bail Act 2000).

## Authorising Police bail

You must have the authority of a supervisor of or above the position level of sergeant before releasing a family violence defendant on Police bail.

## Opposing court bail

In most cases, there is a presumption that a defendant is to be bailed. Any opposition to bail must fit within criteria detailed in section [8](#) of the Bail Act, which includes whether there is a risk to the victim and their family members, and all protected persons.

Section 8(5) of the Bail Act also provides that the need to protect the victim of the alleged offending is the paramount consideration when deciding whether to grant bail for breaching a protection order.

When deciding whether to oppose bail in family violence cases, the prosecutor must consider, in addition to the factors detailed in section 8(1) and (2) of the Bail Act, the need to ensure the victim and their family's safety and any safety plans in place. A wide range of factors will be relevant and the information gathered during the investigation and the collection of risk information is critical.

## Bail conditions

Bail conditions should always be tailored so that they are specific and relevant to the defendant's identified risks and/or alleged offending. In family violence cases, conditions must reflect the need to ensure the victim's safety and that of their family members and all protected persons. This could include non-association with named persons or requiring the defendant to reside at a named address. (Only in exceptional circumstances should a defendant in a family violence-related case be bailed to the victim's address). See the [Bail](#) chapter for more information about bail and bail conditions.

## Electronic monitoring bail and Police safety orders

If a person on electronic monitoring (EM) bail is served with a PSO relating to the address at which they are required to



reside, they will be unable to remain there for the duration of the order and therefore unable to comply with standard condition 5 of their bail bond. In these circumstances, follow the 'EM bailee served with Police Safety Order' procedures in the Bail chapter>EM bail - Breaches and unsuitable addresses.

Note that an incident of family harm at an EM address is likely to bring to attention risks pertaining to continuing EM bail at that address. Consider opposing continuation of EM bail to that address in this situation.

## Breaches of bail

Treat all bail breaches as serious. See information on breach of bail conditions in the [Prosecuting family violence](#) chapter.

## Further information about bail and bail notices to victims

Refer to the Bail section in the [Prosecuting family violence](#) chapter for detailed information about:

- managing the court bail process in family violence cases
- the factors to be considered when deciding whether to oppose bail
- seeking appropriate bail conditions to ensure the victim and their family's safety.

Refer to the [Notification rights for victims of serious offences](#) in the 'Victims (Police service to victims)' Police Manual chapter for more detailed information about the rights of victims to provide their views on bail and be advised about bail when section [29](#) of the Bail Act 2000 applies.

## Prosecution or case disposition

### Prosecution

Although Police should listen to and note the victim's view on whether or not to prosecute, due to the nature and dynamics of the offending, do not be influenced by their view on prosecution. The decision to prosecute is a Police decision, based on facts and evidence and the accumulative nature of ongoing offending.

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.

The guidelines also state that these factors in family violence cases aggravate the nature and seriousness of the offending:

- previous relevant offending, and
- where there are grounds for believing the offence is likely to be repeated/continued (ie. the offending indicates a repeated pattern of conduct).

Refer to the [Prosecuting family violence](#) chapter for more information about prosecuting family violence cases, and the 'evidential' and 'public interest' tests.

### Withdrawals or amendments of charges

Prosecutors should discuss amendments or withdrawals of charges with the Family Violence Coordinator/Family Harm Specialist and District Prosecution Manager before amending or withdrawing any family violence related charges. (Refer to [Police Prosecution Service' statement of policy and practice](#)).

### Information about prosecutions to be given to victims

Victims must be kept informed of the progress of court cases. For further information see [Victims \(Police service to victims\)](#).

### Supporting victims and witnesses to give evidence

Full information about supporting victims and witnesses to give evidence is provided in ['Prosecuting family violence'](#). See also the [Investigative interviewing witness guide](#) and [Investigative interviewing - witnesses requiring special consideration](#).

### Diversion

The [Adult diversion scheme policy](#) details the criteria to be met before diversion can be considered and offered and the conditions to be met.

Previous offending and family harm reports must be taken into account to ensure adequate consideration is given to the dynamics of the relationship when a decision is made.

### Authorising diversion in family violence cases

Diversion can be offered for a 'one off' **low level** family violence offence. Approval must be obtained from the District Prosecution Manager and the Family Violence Coordinator/Family Harm Specialist before offering diversion to ensure that diversion and any diversion conditions are appropriate and safety of the victim and any children is taken into consideration.

Low level family violence offences are those where there has been no serious physical or psychological violence between family members. Diversion should not be offered if the low level occurrence forms part of a continuing pattern or history of family violence occurrences.

**Note:** Diversion must not be offered for a breach of protection order.

## Restorative justice

Restorative justice should be used with caution as power and control issues could put the victim at further risk of abuse by using that process.

The District Prosecution Manager must approve any decision to offer restorative justice in a family violence case as part of diversion, following consultation with the Family Violence Coordinator/Family Harm Specialist.

For further information about restorative justice, see [Restorative justice \(RJ\) in diversion](#) in the Adult diversion scheme policy.

## Case clearance

Family violence offences can only be cleared as K3 (no offence disclosed), K6 (not arrested or cautioned, but proceeded against by some other means) or K9 (arrested). They must not be cleared as K1 (the event requires no further action following event closure. No NIA occurrence will be created).

Refer to the [National Recording Standard](#) for information on recording standards.

## Warnings

Warnings must not be issued without specific authority from a supervisor following full discussion of the particular facts of the case. **Note:** Proper justification for this course of action may be required later if the intervention fails and safety issues or re-offending occurs causing harm.

## Prosecution file

A completed prosecution file must be forwarded to the Family Violence Coordinator/Family Harm Specialist for filing. This is so that a file review can be undertaken and family violence trends identified.

## Longer term safety, support and intervention

### What happens after a frontline safety plan is in place?

The approved family harm investigation provides the basis for further action to be taken for longer term safety planning. Family Violence Coordinators/Family Harm Specialists download investigation information for use in multi-agency tables (eg. [FVIARS](#), [ISR](#), [WNPH](#)) where agencies assess cases and determine what further safety actions might be required. Longer-term safety actions are then agreed and assigned to agencies.

Support for victims is critical to breaking the cycle of family harm and an interagency approach is an essential element of the Police approach to reducing family harm and family violence offences. Victim safety may change as circumstances do and should be reviewed at regular intervals from attendance through case management. Changes to safety plans may occur at any time as part of the multi-agency table process, dependent on protective factors in place and changing circumstances.

Police response will vary depending on resources available in each area and local agreements for multi-agency tables will reflect this. You must be aware of the arrangements in your area and maintain good relationships with providers, community, iwi, other agencies and non-government organisations. Refer to the '[Victim relocation](#)' chapter.

### Local agreements with support services

[Women's Refuge](#) is the primary agency delivering support for victims of family violence. Other services include [Shakti](#), [Shine](#) and a range of kaupapa Māori services and family violence specialist support services. In areas where no Women's Refuge is available, Police and Victim Support will work with specialist agencies to clarify local responses to family violence victims which may include referral to Victim Support. (Note that due to resource constraints, Victim Support will only provide direct support to family violence victims in regions where there is no viable specialist agency available).

Support and services also varies depending on the type of episode involved. For example, where sexual offending has occurred, specialist sexual assault crisis response groups or counsellors may have been engaged.

### Privacy of victim's information on referral

Local protocols with multi-agency tables must take into account the rights of victims to privacy under the Privacy Act 1993 and the Victims' Rights Act 2002.

Support agencies must operate within the framework of 'one victim - one referral' (referral meaning 'actual contact with the victim'). Disclosure of victim information to a second or subsequent support agency is permitted in certain circumstances, eg. the agency giving initial support has reasonable grounds to believe that further disclosure is necessary to ensure the victim receives the highest level of support. Refer to '[Information sharing guidelines – family harm](#)'.

### Rights of victims

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

- 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.

## Monitoring, evaluation and training

### Compliance monitoring

The Quality Assurance and Improvement Framework for family harm investigations (FH QAIF) is used to continuously improve:

- service delivery to people at risk and their families
- the quality of investigations
- the visibility of reports of family harm across all levels of management.

Refer to [Family Harm Quality Assurance and Improvement Framework](#) for further information.

To achieve and maintain an effective and appropriate response to family harm, local services and protocols must be monitored, evaluated and, where necessary, modified. Monitoring of compliance with protocols and policies must include standardised internal police performance measures (which may involve victim surveys).

External monitoring within the framework of the multi-agency table case management approach adds feedback and can lead to improvements in the management of information and of cases.

### Family Violence Coordinators/Family Harm Specialists

District Commanders must ensure people with suitable communication skills and family harm training are appointed to the positions of Family Violence Coordinator/Family Harm Specialist.

Family Violence Coordinators/Family Harm Specialists are responsible for local multi-agency tables and liaison, problem resolution, monitoring staff compliance with local protocols, and family harm-related training.

They are also a valuable resource to contact if you have particular concerns about any individual or family, or if you have any questions about how family harm episodes should be addressed or processed.

Although the position of Family Violence Coordinator/Family Harm Specialist may not be full-time, District Commanders must ensure the Coordinators/Specialists are available to respond promptly to requests from local agencies at appropriate times.

Due to geographical factors, it may be necessary to appoint several employees to take responsibility for coordination or monitoring functions within a district. For administrative purposes, one person should take overall responsibility for family harm issues.

Family Violence Coordinators/Family Harm Specialists must be in close and regular contact with district CIB, CPT, Youth Services, Iwi/Ethnic/Pacific Liaison Officers and other relevant portfolio holders to ensure that all child abuse and neglect within family harm contexts are flagged and dealt with appropriately and that relevant information is shared amongst relevant groups.

Family Violence Coordinators/Family Harm Specialists are also responsible for prosecution liaison and ensuring family violence prosecution files meet the required standard.

### Training

Family harm training is mandatory. All constabulary employees who engage in frontline policing must be trained to respond, assess, investigate and support quality family harm investigations. Supervisors must ensure that actions taken by their team meet the obligations and principles of these family harm policies and procedures.

Supervisors of Specialist Family Harm Teams should attend a Specialist Family Harm Course. These are held annually at RNZPC.

## Active case management of family harm cases

### What is active case management?

'Active case management' is the process of managing a family harm episode from beginning to end. It sits within the wider case management model that guides Police workflow.

Active case management is used by multi-agency tables to reduce or eliminate the recurrence of family harm by actively supporting a change in behaviour from one or both parties using structured interventions. Assessment of cases and possible responses should be undertaken using a clear process. There should be regular reviews of progress across all cases referred, as well as of the process itself.

### Tiered response

Not all family harm cases are the same. Some will be new or present as low level abuse or harm whilst others may be high risk repeats requiring urgent and intensive interventions.

Accordingly, a tiered response where cases can be assessed and categorised for action is required. Cases can be classified and reclassified during the time of referral dependent on changing circumstances including fresh notifications and non-compliance or difficulties with completing actions set in plans.

Download an example of tiered active case management if required.

 [Example of tiered active case management \(July 2019\)](#)

66.5 KB

### Principles

- Active case management is more than information sharing. It requires scanning, analysis, response options and assessment (SARA).
- Cases to be actively managed require coordination, ownership of set actions and regular feedback and assessment.
- Case plans are essential for matters receiving urgent and serious consideration. They should be structured to meet the needs of each subject and if possible, be seen as a collaborative effort.
- Multi-agency tables have the mandate to coordinate and manage family harm cases and are accountable for the results achieved.

### Family Intervention of High and Complex Risk Team involvement

Cases assessed following the multi-agency table process as having complex safety needs will be referred to FIT/HCRTs where they are available. These teams work with appropriate specialist internal groups and community networks to provide safety and support to those complex risk families.

Each district or area should list their top high risk family harm families. They are an essential focus area and should be used to inform active case management processes using other agency and community based support.

### Case plans

Case plans are essential for:

- managing subject referrals. Without plans it is difficult to keep track of intervention activities and check whether they are being effective or not
- high risk/repeat subjects. This is due to their increased special needs and the increased potential for plans not to be followed through.

Case plans should be, where possible, a collaborative process between the case coordinator and subjects. Subjects should always be asked to sign their plans as this leads to greater accountability and empowerment for completion of the plans' objectives.

Case plans are designed to be reviewed and amended as circumstances change. Some subjects will benefit from a very

structured approach, while others, because of their unique circumstances, will need more flexibility to reach desired goals. Plans should be time bound and benchmarks for review should be regularly set. How long a plan lasts depends on the circumstances of each individual case.

## **Structure, coordination and monitoring**

A basic structure surrounding case management is essential to reach positive outcomes for subjects. These key elements should be present for case management to succeed:

- a referral process that brings all relevant information together for assessment and eventual allocation dependent on a tiered response
- a multi-agency table that is timely, meets consistently, and is able to screen and prioritise cases based on risk using a tiered response
- coordination of activities to follow up on the tiered response process
- active management of high risk repeat subjects using case plans, monitoring and review processes
- ownership of support and service provision by organisations that are allocated a case and ensuring they are held accountable for outcomes
- meaningful and informed dialogue with subjects ensuring they become a part of the solution and not one where the solution to their problems is imposed.

## **Evaluation and close off**

All cases referred through multi-agency tables require close monitoring and close off. Multi-agency tables are designed to be active and solution based. Family harm subjects will often revert to past behaviours if left to their own devices and not supported.

Even when cases appear to be resolved, they may manifest again with new dynamics such as different partners or increased or changed levels of violence. Learning from past interventions and applying new ones that will be more successful is part of the case management process.

Where plans have been put in place and interventions have reached their end point, a summary of the intervention journey should be recorded in NIA followed by a detailed account of all actions taken during the case management process. This is done on the basis that many high risk repeat victims reappear, are often highly mobile, and that multi-agency tables may have to manage these subjects again in a different location.

## **Police family violence death reviews**

Where a death has occurred as a result of a family violence episode, the Family Violence Coordinator/Family Harm Specialist and reporting officer must jointly conduct a Police family violence death review. This is intended to highlight areas where Police practices can be improved and ultimately, to assist in the prevention of future family violence deaths. It is not a review of the criminal investigation.

Police must also participate with other agencies engaged with the parties involved in an independent review by the Family Violence Death Review Committee set up under the New Zealand Health and Disability Act 2000.

See [Police Family Violence Death Reviews](#) for more information about these reviews, timeframes and the templates and processes to be followed.

## Police employees and family harm

### Purpose of this section

This section of the family harm policies and procedures:

- details Police policies, principles and procedures for responding to episodes in which Police employees are involved in family harm as a person at risk or person posing risk
- ensures that Police balance its responsibility as an employer to support employees and their families with the need to act consistently and appropriately when responding to alleged family harm episodes
- assures Police employees that all family harm episodes reported involving employees will be thoroughly investigated
- acknowledges Police as an employer are in a unique position of having access to information that other employers do not. Once in possession of this information Police will act appropriately to facilitate support for its employees and their families.

### Policy

New Zealand Police is often judged by the way its employees represent it. It is therefore necessary to maintain a high standard of personal and professional conduct and for employees to behave in a manner consistent with the organisation's view that family violence in all forms, is unacceptable.

Family harm is unacceptable conduct and will not be tolerated or condoned by the Police. Employees who inflict family harm will be subject to the processes detailed in this chapter as well as the code of conduct.

When responding to family harm episodes involving its employees, Police must balance its responsibilities as an employer to support employees and their families and to act consistently and appropriately, with the public interest and the reputation of Police in mind.

There is added complexity for employees involved in a family harm episode due to the fact they work for Police. Two simultaneous actions should occur:

- the normal Police response applies
- welfare considerations are important for both parties and the shift supervisor should, where appropriate, refer the matter to the local Welfare Officer.

Police must also carefully consider:

- the impact of any criminal offending on the ability of an employee to remain a Police employee
- the compatibility of an employee convicted or found guilty of a family violence offence and/or being the respondent of a protection order, to continue in a policing role.

### When do these policies and procedures apply?

The policies and procedures detailed in this section apply when:

- it comes to a Supervisor's attention that an employee may be experiencing or be involved in family harm (as either a person at risk and/or person posing risk). This includes any anecdotal evidence that may suggest this is the case
- Police attend a family harm investigation and although no offending is disclosed a PSO or warning has been issued and/or Police are concerned about the possible continuation or escalation of family harm
- Police attend a family harm investigation and offending is disclosed where an employee is a victim or an offender
- Police become aware that a temporary or final protection order has been issued relating to an employee (as either a protected person or as a respondent). [Refer to 'Protection and property related orders' chapter.](#)

District Commanders and National Managers are responsible for ensuring that these policies and procedures operate within their district or place of work.

Employees involved in family harm are encouraged to seek support by:

- ringing a confidential number (0800 327 669) to contact the [Employee Assistance Programme](#) (EAP), or
- discussing their concerns with their Supervisor and/or Welfare Officer.



Such disclosure remains confidential unless the conduct disclosed is of such a nature that it should be investigated and/or prosecuted.

Wherever possible, Police should support and educate employees to assist them in dealing with issues to prevent and/or reduce the likelihood of family harm escalating and offending occurring.

Employees who suspect or are aware of another employee being either a person posing risk or person at risk of family harm are encouraged to report this confidentially by reporting it to their own Supervisor or a Welfare Officer so that a discrete and confidential approach can be made to that person and support provided.

It is also important that Police recognise and support the family unit to best enable any changes that are needed to resolve the issues. In particular, Police must be aware of and sensitive to victims of family harm or complaints about family harm from spouses or partners of Police employees. These people are in a complex situation and alienating them from Police would isolate them and leave them with limited places to go for assistance. These cases or notifications should be responded to by Family Violence Coordinators/Family Harm Specialists.

## **Leave available for employees affected by family violence**

The [Domestic Violence – Victims’ Protection Act 2018](#) gives employees affected by family violence the right to:

- take up to 10 days a year of paid family violence leave after six months of continuous employment with Police. This is separate from annual leave, sick leave and bereavement leave.
- ask for short-term flexible working arrangements. This can be for up to 2 months.
- not be treated adversely in the workplace because they might have experienced domestic violence. This is discrimination.

See ‘Domestic violence’ in the ‘Definitions of types of leave and requirements’ section of the [Leave Management Policy](#) for more information on how to apply for these entitlements.

Note: It does not matter when the family violence took place. Employees still have these rights if they experienced family violence before they began working for their current employer or before the law changed on 1 April 2019. See Employment New Zealand – ‘[Domestic Violence Leave](#)’.

## **Employees engaged in family harm investigations - no offence**

Where Police attend any family harm investigation but no offence is determined, the risk measures within OnDuty will determine our level of concern for safety, which will then inform the frontline safety plan actions that you take, i.e. as a minimum, checking if someone has a working phone, confirming if we have the phone number, and if they are prepared to call us for help. If a Police employee is identified (as the person posing risk or person at risk) attending officers must also report this confidentially to their supervisor who will contact a Welfare Officer to arrange for appropriate Police contact as soon as possible and oversight of referral to appropriate support groups.

## **Employees charged or convicted of family violence offending**

Employees who commit a family violence offence must be treated as any other member of the public.

The fact of an employee's arrest or charging for family violence offending must be reported immediately by the shift Supervisor to the District Employee Practice Manager and Police Professional Conduct Manager who will advise the relevant District Commander or National Manager. Code of conduct procedures will apply.

Welfare contact and counselling support through the EAP must be offered to the victims of the offending and if appropriate, the alleged offender, along with confidential contact numbers that they may use.

The Employee Practice Manager in consultation with the National Manager: Police Professional Conduct at Police National Headquarters (PNHQ) must consider the employee's suitability to continue working in their current role and if any variation in duties is appropriate.

## **Employees who are respondents of a protection order**

Protection orders may be issued against a Police employee without any prior offending. With or without a prior criminal

history a protection order must be treated as a serious matter. Officers who serve a protection order on a Police employee are required to send a copy of it to the employee's District Commander or National Manager (or the Deputy Chief Executive: People if the respondent is at superintendent level or above).

Employees who become a respondent of a protection order must immediately report the fact in writing, including details of the proceedings to their Supervisor, who must inform the Human Resources Manager and Police Professional Conduct Manager for their district or service centre. Code of conduct processes will apply.

Where employees fail to advise Police of the fact that they are a respondent of a protection order and this subsequently comes to Police attention, the non-reporting may be viewed as an aggravating factor when considering the nature of the conduct disclosed.

An employee who is an applicant or protected person under a protection order is encouraged to report this confidentially to a Police Welfare Officer and/or their Supervisor so that appropriate support and advice can be provided through EAP.

## **Possession or use of weapons and firearms**

Protection orders contain a standard prohibition preventing the possession and use of any weapons including firearms. This means employees with constabulary powers cannot carry their appointments (batons/spray/taser) or be issued with a firearm, without being in breach of the order. These restrictions also apply to authorised officers or Police employees involved in training, Police weaponry or exhibit handling of firearms and weapons. Police must avoid being complicit in any such breach and must be extremely careful not to increase risk to any person protected by the order by allowing such a breach to occur.

## **Applications to vary protection order conditions**

The court hears applications to vary standard conditions of a protection order including those relating to weapons. It is important to note that victim safety is the paramount consideration and the court must have regard to the victim's views in making any such variation.

Police may in rare cases consider assisting an employee with an application to vary the standard condition relating to weapons in a protection order under section [108](#) of the Family Violence Act 2018. Before supporting such an application Police must conduct their own enquiries to determine whether or not such a variation is appropriate. These enquiries must consider the nature, duration and type of family harm disclosed, any offence history, the employee's role and the views of any person protected by the order.

The final decision on whether Police will support an application under section 22 will be made by the DCE People in consultation with the National Manager: Criminal Investigations Group upon receipt of the report from the district.

## **Leave to attend programmes or counselling**

Where any Police employee is directed or wishes to attend programmes or counselling to resolve issues relating to family harm, Supervisors should take all practicable steps to facilitate this.

## **Confidentiality**

Family harm issues are sensitive and highly personal. Care must be taken to ensure that all employees involved (as a person at risk or person posing risk) are treated sensitively with regard to privacy as appropriate in the circumstances.

## **Further assistance**

The National Manager Safer People, DCE People, or Manager National Family Harm Team (all based at PNHQ) may provide further information if required.



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## **Parental control (section 59 Crimes Act)**

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## Policy statement and principles

When investigating cases where force is used against a child Police will consider the amount of force used in the circumstances along with other relevant factors, before deciding whether a prosecution is required in the public interest. For minor cases of assault against children, Police have discretion not to prosecute where the offence is considered to be so inconsequential that there is no public interest in a prosecution.

Whilst parents, or persons in place of parents, are justified in using reasonable force against a child to:

- prevent or minimise harm to the child or another person, or
- prevent the child from engaging or continuing to engage in conduct that amounts to a criminal offence, or
- prevent the child from engaging or continuing to engage in offensive or disruptive behaviour, or
- perform normal daily tasks incidental to good care and parenting...

nothing justifies the use of force for the purpose of correction or punishment.

Police will:

- record events involving force on children that is not permissible under section 59 as part of a quality family harm investigation and process in accordance with the [Family harm policy and procedures](#)
- include a 6C Incident code regardless of any other offence/response code used to indicate the attendance relates to an incident involving a child
- exercise discretion before arresting
- refer physical abuse, sexual abuse or neglect investigations involving children to local Child Protection Teams for investigation with Oranga Tamariki in accordance with the [Child Protection Protocol: Joint Operating Procedures \(CPP\)](#)

## About section 59

### Background

The current section 59 came into force on 22 June 2007. Prior to 2007, the section provided a statutory defence for every parent of a child and every person in place of the child's parent to use force by way of correction towards the child, if the force used was reasonable in the circumstances.

The purpose of the Crimes (Substituted Section 59) Amendment Act 2007 was to "make better provision for children to live in a safe and secure environment free from violence by abolishing the use of parental force for the purpose of 'correction'. The Amendment Act is still commonly referred to as the 'anti-smacking' legislation.

### Section 59 Crimes Act 1961

Section 59 of the Crimes Act 1961 states:

1. Every parent of a child and every person in the place of a parent of the child is justified in using force if the force used is reasonable in the circumstances and is for the purpose of -
  - a. preventing or minimising harm to the child or another person; or
  - b. preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence; or
  - c. preventing the child from engaging or continuing to engage in offensive or disruptive behaviour; or
  - d. performing the normal daily tasks that are incidental to good care and parenting.
2. Nothing in subsection (1) or in any rule of common law justifies the use of force for the purpose of correction.
3. Subsection (2) prevails over subsection (1).
4. To avoid doubt, it is affirmed that the Police have the discretion not to prosecute complaints against a parent of a child or person in the place of a parent of a child in relation to an offence involving the use of force against a child, where the offence is considered to be so inconsequential that there is no public interest in proceeding with a prosecution.

### Analysis of section 59

Use this table as a guide when considering whether section 59 applies.

Term	Meaning and commentary
Child	<p>'Child' is not defined for the purpose of section 59. Staff should apply the Care of Children definition, which is "a person aged under the age of 18 years".</p> <p>As children get older, the use of reasonable force for the purposes listed in section 59 will become less justifiable. Factors that must be considered in determining whether the force used is justified under section 59 include:</p> <ul style="list-style-type: none"> <li>• age and maturity of the child</li> <li>• ability of the child to reason</li> <li>• characteristics of the child, e.g. physical development and state of health, and</li> <li>• the circumstances that led to the use of force.</li> </ul>
Person in the place of a parent	'Person in the place of a parent' is not defined, but includes step parents and foster parents, and other persons who take on parental responsibility in the absence of a parent.
Force used is reasonable in the circumstances	<p>What constitutes reasonable force is not defined. When using force, parents must act in good faith and have a reasonable belief in a state of facts which will justify the use of force. The use of force must be both subjectively and objectively reasonable.</p> <p>Any force used must not be for the purposes of correction or punishment. It may only be for the purposes of restraint (s59(1)(a) to (c)) or, for example, to ensure compliance (s59(1)(d)).</p>



<p>Preventing</p>	<p>To 'prevent' is to hinder or stop something from occurring. From this, it is implicit that reasonable force can only be used at the time the intervention by the parent is required, ie. force cannot be used after the event to punish or discipline the child. This distinction is made clear in subsections (2) and (3) - nothing in section 59(1) will justify the use of force for the purposes of correction.</p>
<p>Preventing or minimising harm to the child or another person  (s59(1)(a))</p>	<p>This subsection allows reasonable force to be used to prevent or minimise harm to the child or another person, e.g. to stop a child from:</p> <ul style="list-style-type: none"> <li>• running across a busy road</li> <li>• touching a hot stove</li> <li>• inserting a metal object into a power point</li> <li>• striking another child or person with an object.</li> </ul>
<p>Preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence  (s59(1)(b))</p>	<p>This subsection authorises the use of reasonable force to prevent children from committing offences. Children of any age can <b>commit</b> an offence, eg. theft, wilful damage or assault. (A child under 10 cannot be convicted of an offence (s21 Crimes Act) and there are only three situations when a child aged 10 to 13 can be charged (s272(1) Oranga Tamariki Act). Therefore, a parent and every person in the place of a parent can use reasonable force to prevent their child from, for example, damaging or stealing property, or assaulting other people or themselves. (Note: the defence of self-defence could equally apply in such cases).</p>
<p>Preventing the child from engaging or continuing to engage in offensive or disruptive behaviour  (s59(1)(c))</p>	<p>Offensive or disruptive behaviour is not defined in the Crimes Act and it is not known where the boundaries lie in the context of this subsection. While current case law can offer some insight, the analysis provided by the courts is more particularly targeted at types of behaviour that warrant the interference of the criminal law and in the context of offences against public order, such as section 4 of the Summary Offences Act 1981.</p> <p>In <i>Ceramalus v Police</i> (1991) 7 CRNZ 678 Tomkins J adopted the following as a helpful description of 'offensive behaviour':</p> <p>'[The behaviour] must be such as is calculated to wound the feelings, arouse anger or resentment or disgust or outrage in the mind of a reasonable person.'</p> <p>The Shorter Oxford English Dictionary defines '<b>offensive</b>' as:</p> <ol style="list-style-type: none"> <li>1. Pertaining or tending to attack; aggressive; ...</li> <li>2. Hurtful, injurious ...</li> <li>3. Giving, or of a nature to give, offence; displeasing; annoying; insulting ...'</li> </ol> <p>The Shorter Oxford English Dictionary defines '<b>disruptive</b>' as:</p> <p>'1. Causing or tending to disruption...'</p> <p>Examples of behaviour that may amount to offensive or disruptive behaviour, depending upon the specific circumstances, could include yelling and screaming or throwing objects or food.</p>

<p>Performing the normal daily tasks that are incidental to good care and parenting (s59(1)(d))</p>	<p>Many everyday tasks require parents to use force when interacting with their children, e.g. when changing nappies, dressing or securing a child in a car seat, or applying sunscreen. The use of reasonable force in performing such tasks is permitted under this subsection.</p> <p>Parents may also send or take their child to their room against the child's will at the time the intervention is required. Force may be required to do this and the use of reasonable force in such circumstances may be justified to prevent the child from continuing to engage in the behaviour (s59(1)(b) or (c)) or to restore calm. However, if the child is detained for a period or in a manner that is unreasonable in the circumstances, this subsection will not provide a defence to such action.</p>
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## Responding to section 59 events

### Application of family harm and child protection policies

The [Family harm policy and procedures](#) outlines the principles, policy and procedures for dealing with family harm in the community. The term 'family harm' encapsulates a holistic view of the issues occurring within families and their ensuing detrimental effects. Family harm is the damage caused by adverse circumstances, vulnerabilities and/or negative behaviours that often lead to long-term negative consequences.

'Family violence' is a subset of family harm and includes physical, sexual, and psychological abuse. It is a pattern of behaviour that can be coercive or controlling and may be a single act or a number of acts.

Force used on children that is not permissible under section 59 is covered by the [Family harm policy and procedures](#).

Physical abuse, sexual abuse or neglect investigations involving children must be referred to your local Child Protection Team and Oranga Tamariki for investigation in accordance with the [Child Protection Protocol: Joint Operating Procedures \(CPP\)](#).

### Exercise discretion before arrest

In *Attorney-General v Hewitt* (2000) NZAR 148 a full bench of the High Court held that adopting a policy to automatically arrest a suspect without allowing for exceptional circumstances was not lawful. The High Court also held that a failure to consider the discretion to arrest was unlawful and arbitrary under section 22 of the New Zealand Bill of Rights Act 1990. Discretion must be used by police.

### Charging decisions and prosecution

As for all assault investigations, when investigating cases where force is used against a child, you must:

- consider the amount of force used in the circumstances along with other relevant factors, before making a decision about whether a prosecution is required in the public interest
- establish whether there is sufficient admissible and reliable evidence that an offence has been committed.

### Serious offences

Refer serious cases to Child Protection Teams so they may be investigated further (see [Child protection investigation policy and procedures](#)).

### Inconsequential offences where there is no public interest in prosecuting

Parliament has expressly affirmed that for minor cases of assault against children, Police have discretion not to prosecute where the offence is considered to be so inconsequential that there is no public interest in a prosecution (s59(4)). The [Solicitor-General's Prosecution Guidelines](#) also states that the factors to be considered when determining whether the public interest requires a prosecution include 'the seriousness or, conversely, the triviality of the alleged offence; that is, whether the conduct really warrants the intervention of the criminal law'.

The Shorter Oxford English Dictionary defines 'inconsequent' as 'of no consequence'. The Concise Oxford Dictionary defines 'inconsequential' as 'unimportant'.

Smacking may, in some circumstances, be considered inconsequential. A prosecution may be warranted if such actions are repetitive or frequent, and other interventions or warnings to the offender have not stopped such actions.

The use of objects/weapons to smack a child, strikes around the head area or kicking would not be inconsequential assaults. While all mitigating and aggravating circumstances must be considered, such assaults will generally require a prosecution in the public interest.

### Appropriate charging

If a parent of a child or a person in the place of a parent of a child uses force that is not justified under section 59, and there are no exceptional circumstances and it is in the public interest to prosecute, the appropriate charge where the

offence is not overly serious, would be assault pursuant to section 9 of the Summary Offences Act 1981. For more serious cases, consider [Crimes Act](#) legislation.

## Referrals and documentation

In cases where the force used is found to be minor, trivial or inconsequential, record the event in a family harm investigation in OnDuty and link the Family Violence Co-ordinator/Family Harm Specialist to the investigation. The expected outcome for such events is one using common sense and of offering guidance and support, depending on the context, following discussion with the Family Violence Co-ordinator/Family Harm Specialist.

## Reporting to Child Protection Teams

When completing the family harm investigation you must also include a **6C** Incident code regardless of any other offence/response code used. This indicates that the attendance relates to any incident involving a child. (See [Child protection investigation policy and procedures](#))

In repeat events (where other interventions or warnings have been unsuccessful) involving the same family or more serious cases, you should record the matter in the family harm investigation and consider whether prosecution may be appropriate. In these cases you should consult with the Family Violence Co-ordinator/Family Harm Specialist and local Child Protection Team to determine whether a CPP referral/Pol 350 in OnDuty should be made to Oranga Tamariki. In all other cases the Family Violence Co-ordinator/Family Harm Specialist should be linked to the family harm investigation in OnDuty.

For clear events of abuse or neglect, the event must be recorded on a CPP referral/POL 350 in the family harm investigation and dealt with in terms of the [Child Protection Protocol: Joint Operating Procedures \(CPP\)](#) as a care and protection issue. A CPP referral/Pol 350 notification is made automatically to Oranga Tamariki via email as soon as the family harm investigation is approved. The Family Violence Co-ordinator/Family Harm Specialist must be linked in to the family harm investigation in OnDuty.

## Further advice

Consult Police Prosecution Service, a Child Protection Team member, a Family Violence Co-ordinator/Family Harm Specialist or Legal Services if you require any advice about the application of section 59 to any particular circumstances.

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