

Victims (Police service to victims)

Table of Contents

Table of Contents	3
Policy statement and principles	7
What	7
Why	7
How	7
Purpose of this chapter	7
Statutory references	7
Related information	7
Victims and other key terms defined	9
Who is a victim?	9
Support persons	10
Accused people and offenders	11
Other definitions	11
Understanding victim reactions	13
Introduction	13
Short-term reactions	13
Signs and symptoms of reactions	13
Long-term reactions	13
Responding to victim reactions	14
Victim Focus	15
What is Victim Focus?	15
Victim Focus Framework	15
Graduated Response Model (GRM)	16
Victim contact	17
Recording victim contacts	17
Interventions	18
Inter-agency response for high risk victims	18
Victimisation History Scorecard 'Traffic light' Flags in NIA	18
Key steps for all Police employees	19
Treatment and rights of victims generally	20
Introduction	20
Principles guiding service to victims	20
Information to be given to victims	20
Privacy of victims - restrictions on address	21
Victim impact statement (VIS)	21
Victim's views on name suppression	22
Right to be notified about bail decisions	22
Return of property	23
Notification rights for victims of serious offences	24
Victim Notifications	24
Only victims of section 29 offences can register for notifications	24
Duty to advise victims about the Victim Notification Register	24

Victim notification rights	24
After a victim is registered	25
Summary of O/C responsibilities regarding s.29 notification	25
Informing eligible victims about the right to s.29 victim notification	26
Notices may be given to a representative	28
Bail applications when section 29 applies	28
Procedure to ensure notice about bail is given	28
Orders restricting disclosure of information about bail	29
Release on bail	29
Querying the Victim Notification Register	29
Responding to incidents involving victims	31
Key requirements for all victim contacts	31
Receiving the call	31
Initial actions on arrival	31
Interviewing the victim initially	33
During the investigation	35
Victims and crime scene examination	35
Procedures after an arrest	35
If there is no arrest or suspect identified	36
Victim Impact Statements (VIS)	37
Introduction	37
Purpose of a Victim Impact Statement	37
When a VIS is required	37
Taking and maintaining a VIS	37
Statements by others disadvantaged by offence s20(1)	38
Who prepares a VIS	38
Initial interview for a VIS	38
Informing the victim of the VIS process	40
Taking a VIS	40
Updating the Victim Impact Statement	42
Submitting a victim impact statement (VIS)	43
Key rules for submitting statements	43
Offender access to the VIS	43
How is the statement submitted	43
When is the statement distributed	43
Court orders relating to statements	44
Orders	44
Statements to be returned at end of proceedings	44
Further information about distributing or disclosing statements	45
Monitoring prosecution files for compliance	45
Weight given to a VIS	45
Court and privacy entitlements for victims	46
Restrictions on disclosure of addresses	46
Witness address not to be given in evidence	46
Protecting victim's identity in criminal proceedings	46

Protecting victim's privacy in sexual cases	47
Prohibition against publishing names in specified sexual cases	47
Automatic identity protection for child victims and witnesses	47
Privacy of victim impact statement	47
Power to clear court and forbid reporting	47
Victim's view on accused/offender permanent name suppression	48
Entitlement to support person at court	48
Assistance with communication	48
Victims may be entitled to give evidence in alternative ways	49
Victims and restorative justice	49
Making victim's details available	49
Ways of giving evidence	50
Giving evidence in alternative ways	50
Child complainant (victim under 18)	50
Making applications for directions	50
Video record evidence	51
Further information	52
Returning victims property	53
Procedure for returning victims property	53
Requirement to refer victims via the s.29 Inform App	54
Checklist for prosecutor (Hearings involving victims)	54
Victims' claims trust account	56
Victim services available from the Ministry of Justice	57
Victim Advisor, Court Services for Victims	57
Services provided by the Court Victims Advisors	57
Arranging support from a Court Victims Advisor	57
Website for people affected by crime	58
Victims of crime information line	58
Ministry of Justice publications	58
Victim Support (NZ Council of Victim Support Groups)	59
NZ Council of Victim Support Groups	59
Role of Victim Support workers	59
Victim Support Memorandum of Understanding	59
Police referrals to Victim Support	60
Timing of referrals	60
Making the referral	60
Family or sexual violence	60
Sharing information	61
Other agencies supporting victims	61
Victim assistance scheme	61
Victim Support website	62
Victim Support Contact Centre	63
What is the Victim Support Contact Centre	63
Contacting the Victim Support Contact Centre	63
Telephone systems failure	64

Policy statement and principles

What

Victim Focus is recognised as a key aspect of how our people will deliver 'Our Business'. Police are bound by the Victims' Rights Act 2002 to treat victims of offences in a particular way and provides them with information about their rights and services available to them.

Victim Focus is about reducing repeat victimisation by improving our service to victims of crime and ensuring our response meets their needs. This will range from providing crime prevention advice to a first-time victim, right through to a more formalised plan when assisting high-risk repeat victims.

Why

Victim Focus supports 'Our Vision' to have the trust and confidence of all and 'Our Goals' of preventing crime and victimisation, and to deliver a more responsive Police service.

How

Police will:

- ensure victims are dealt with in accordance to the Victims' Rights Act 2002
- work with victim support agencies to support victims of offences.

Purpose of this chapter

This chapter:

- details Police's responsibilities to victims
- states the requirements under the [Victims' Rights Act 2002](#) and the [Evidence Act 2006](#)
- explains the procedures to be followed when supporting a victim of an offence
- describes the role and relationship of Police with other victim supporting agencies
- details the process for contacting the [Victim Support Contact Centre](#).

Statutory references

All section references in this chapter are to the Victims' Rights Act 2002 unless otherwise stated.

Related information

This chapter should be read in conjunction with the following Police Manual chapters:

- [Adult sexual assault investigation \(ASAI\) policy and procedures](#)
- [Criminal disclosure](#)
- [Family harm policy and procedures](#)
- [Police safety orders](#)
- [Youth justice](#)
- [Investigative interviewing witness guide](#)

- Investigative interviewing - witnesses requiring special consideration

Victims and other key terms defined

Who is a victim?

A victim is defined under s4 of the [Victims' Rights Act 2002](#).

Term	Meaning
A victim is...	<ul style="list-style-type: none"> - a person against whom an offence is committed - a person who suffers physical injury, or loss of or damage to property caused by someone else committing an offence - a parent or legal guardian of a person under 18 who falls within the two bullet points above, unless that parent or guardian is charged with, convicted of, or pleads guilty to, the offence - a member of the immediate family of a person who as a result of an offence committed by another, dies or is incapable, unless that family member is charged with, convicted of, or pleads guilty to, the offence.
A victim is not...	<ul style="list-style-type: none"> - a person charged with, convicted of, or who pleads guilty to the offence or an offence relating to the same incident, when the offence was committed by someone else - a person who pleads guilty to an offence, or when the offence was committed by someone else - a person convicted of the offence. <p>This applies whether the person was a principal, party or accessory after the fact or otherwise.</p>
Only for the purposes of sections 7 & 8 of the Act, a victim is...	<ul style="list-style-type: none"> - a person who suffers any form of emotional harm because of an offence committed by another person - a parent or legal guardian of a person under 18, who suffers emotional harm, except if they are: <ul style="list-style-type: none"> - charged with the commission of the offence concerned, or - convicted, found guilty or plead guilty to the offence concerned - a person who has experienced family violence (as defined in section 8 of the Family Violence Act 2018) - a person under 18 residing with a person who has experienced family violence. <p>They include for example:</p> <ul style="list-style-type: none"> - members of the victim's immediate family if the victim dies or is incapable - witnesses (e.g. bank tellers witnessing an armed robbery at their workplace) - people living in fear because of local serious crime. <p>A victim must be treated with courtesy and compassion. Respect their dignity and privacy. Tell a victim about the programmes, remedies or services they can access if they have welfare, health, counselling, medical or legal needs because of an offence. (If appropriate tell a member of the victim's family).</p>

Support persons

Victims are entitled to a support person.

A support person in relation to a victim is: (defined in [s4](#))

- a spouse, civil union partner, de facto partner of the victim
- a parent or another close relative or a legal guardian of the victim
- a person whom the victim nominates by written notice (not being a person accused of the offence or the offender)
- a social worker (as defined in s2(1) of the Oranga Tamariki Act 1989) if -
 - the victim is a person under 18 and who is in the custody, care or guardianship of the Chief Executive of Oranga Tamariki (or another person under that Act), or
 - the victim is under 18 (not married, nor in a civil union) who is placed under the court's guardianship by an order. [Sections [31\(1\)\(a\)](#), [31\(1\)\(b\)](#) and [33\(1\)\(c\)\(ii\)](#) of the Care of Children Act 2004 refers]
- a welfare guardian of the victim, or manager of the property of the victim, appointed under the [Protection of Personal Property Rights Act 1988](#)
- an attorney appointed by the victim under a power of attorney described in the Protection of Personal and Property Rights Act 1988 if:
 - the matter relates to the personal care and welfare of the victim in relation to which the attorney is authorised to act, and
 - the occasion for the attorney to act has arisen under section 98(3) of that Act.

Accused people and offenders

An offender and an accused person in relation to a victim are defined in section [4](#).

Term	Meaning
Accused person	A person charged (whether as a principal or party or accessory after the fact or otherwise) with the commission of the offence that affected the victim.
Offender	<ul style="list-style-type: none"> - a person convicted of the crime or offence that affected the victim, and - in section 9 (which relates to restorative justice) and sections 17AA-27 in relation to victim impact statements, includes a person found guilty of, or who pleads guilty to, that crime or offence.

Other definitions

This table sets out the definitions of other terms used in these guidelines (provided in [s4](#) Victims' Rights Act 2002 unless otherwise stated).

Term	Meaning
Child	A child is a person under the age of 14 years (s4 Victims' Rights Act 2002)

Child	<p>A person under the age of 18 years.</p> <p>(s4 Evidence Act 2006 - relating to witnesses giving evidence in a court proceeding; and s8 Care of Children Act 2004).</p>
Child complainant	<p>In relation to any proceeding, a complainant who is a child when the proceeding commences.</p> <p>(s4 Evidence Act 2006)</p>
Immediate family	<p>Immediate family in relation to a victim means a member of the victim's family, whanau, or other culturally recognised family group who is in a close relationship with the victim at the time of the offence.</p> <p>To avoid doubt this includes a spouse, civil union partner, de facto partner, child or step-child, brother or step-brother, sister or step-sister, parent or step-parent, and grandparent.</p> <p>When an offence results in a person's death or them being incapable, a person who is not a member of that person's immediate family may apply to be treated as if they were.</p> <p>(s5 Victims' Rights Act 2002)</p>
Incapable	<p>'Incapable' means that the person:</p> <ul style="list-style-type: none"> - lacks, wholly or partly, the capacity to understand the nature, and to foresee the consequences of decisions in respect of matters relating to their personal care and welfare, or - has the capacity to do the above but wholly lacks the capacity to communicate decisions in respect of matters of that kind. <p>It includes a person in a state of continuing unconsciousness.</p>
Judicial officer	<p>A judge or other person who holds a judicial office (e.g. a Justice of the Peace or community magistrate) exercising jurisdiction in criminal cases and, in relation to proceedings in court, means the judicial officer presiding over the proceedings.</p> <p>Judicial officer does not include a registrar.</p>

Offence	<p>'Offence' in relation to a victim means an offence against an enactment:</p> <ul style="list-style-type: none">- committed against the victim (or against a child or young person of whom the victim is a parent or legal guardian) or- through which, or by means of which, the victim (or a child or young person of whom the victim is a parent or legal guardian) suffered physical injury or emotional harm, or loss of or damage to property, or- that resulted in the death of a member of the victim's immediate family, or in a member of the victim's immediate family being incapable. <p>It includes an alleged offence (whether or not a person is convicted of the offence) committed against the victim or that has affected the victim (or a child or young person of whom the victim is a parent or legal guardian) in any of the ways referred to above.</p>
Witness	A person who gives evidence and is able to be cross-examined in a proceeding. (s4 Evidence Act 2006)
Young person	A young person is a person of or over the age of 14 years but under 18 years.

Understanding victim reactions

Introduction

Each victim reacts differently to crisis. Some show no obvious signs of trauma, others do. Many victims experience fear, confusion and terror, which are not always displayed. These experiences may last for some time after the incident.

Short-term reactions

Victims seen immediately after the crime are likely to be in acute first-stage reaction. The victim may initially be angry at or blame the Police - "Why didn't you get here sooner? Where were you?" Respond to this reaction with understanding and sensitivity.

Typical short-term emotional responses are shock, disbelief and denial.

Signs and symptoms of reactions

The short-term physical reactions are instinctive, and may be ...

Reaction	Signs and symptoms
Frozen fright	The victim exhibits signs and symptoms similar to those of shock, including numbness, inactivity, fainting, nausea/vomiting, staring into space, dull eyes, low blood pressure, rapid pulse, sweating, cold clammy skin, pale appearance and aimless wandering.
Fight or Flight	Common signs and symptoms are hysteria, agitation, wringing of the hands, loud screaming or crying, hyperactivity, nausea/vomiting, rapid speech, rapid breathing, flushed face and loss of emotional control.

Long-term reactions

Shock, disbelief and denial may last for months. Families of homicide victims talk about walking around in a daze for years.

Exhaustion is the usual long-term physical reaction to a crisis.

This table describes some of the emotions victims experience over the long term.

Emotion	Comment
Anger	Many people feel anger, which may be directed at God, human error, the assailant(s), family members, the criminal justice system, or even the victim themselves.
Fear	This is a normal reaction in the aftermath of a life-threatening crisis. The physical panic response can leave a residual feeling of terror, which can become the foundation for future panic attacks.
Frustration	A by-product of feelings of helplessness and powerlessness during the actual event, frustration can continue in the aftermath if victims do not receive the help they need.
Confusion	This stems from the “Why me?” question that most victims ask.
Guilt or self-blame	There are two reasons for this common reaction. Victims may try to identify what it was about their behaviour or attitudes that caused the event. They can also be plagued by 'survivor guilt', in which they feel guilty because they lived when someone else died.
Grief or sorrow	The victim will often experience intense feelings of sadness.

Responding to victim reactions

Encourage victims to express their feelings, and assure them that the way they feel, whatever it may be, is normal and natural.

Do's and Don'ts in response:

Do	Don't
Listen while victims tell their own stories in their own way.	Do not use threatening attitudes, words or actions.
Be non-judgemental.	Don't sit too close, talk too loudly or frown at their answers
Demonstrate a warm and caring manner.	Don't discuss victims (with doctors or other people) as if they were not there.
Where possible, empower victims by letting them make their own choices.	Don't make decisions for the victim's without open and honest consultation with them.

Victim Focus

What is Victim Focus?

Prevention First is the national operating model for New Zealand Police. It puts people-victims, offenders, our staff-at the centre of the model. It is a key strategy of 'Our Business'. Police is committed to building on the successes of Prevention First. We will continue to place victims at the centre of what we do. We will focus on victims needs and respond quickly and considerately.

Victim Focus reduces repeat victimisation by improving our service to victims of crime. This will range from giving crime prevention advice, to a more formalised Victim Intervention Plan for high-risk and/or repeat victims.

If we improve the way we engage with victims and reduce the likelihood of repeat victimisation, we will reduce future demands on Police. We will also meet our purpose where people are safe and feel safe.

Victim Focus Framework

Our Victim Focus Framework focuses on victims from the first point of contact. We provide staff with:

- a [Victim History Score](#) (VHS) to highlight previous victimisation
- a [Graduated Response Model](#) (GRM) for proactive intervention with the victim, and an interagency response for high risk victims.

It starts with gathering accurate and complete information. Use the victim detail sheet (located in Police Forms> Victims) or [prompt card](#) (PDF, 697 KB) which includes:

- a VHS, this provides attending officers with information about previous victimisations. It may include a 'traffic light' flag that indicates the degree of victimisation in the previous 12 months
- a GRM for proactive intervention with the victim
- an emphasis on maintaining [victim contact](#) throughout the [case management](#) life cycle, and
- a process through tasking and coordination for an [inter-agency response](#) for high risk victims. (See the framework).

Download a copy of the [Victim focus framework](#) (Powerpoint, 186 KB).

Each offence against a victim generates a seriousness score in NIA. This is a calculated score based on factors and measures such as:

- seriousness of offences
- number of offences
- offender recidivism
- repeat crime types.

A green, amber or red flag indicates the level of victimisation over the previous 12 months.

The score is recalculated in NIA each time a new offence is entered into a case that has a victim. The

victimisation score is also re-calculated when:

- adding an offender or suspect
- adding or removing the victim link.

The initial score decreases over 12 months from the time of the victimisation occurrence to 0.

NIA keeps victimisation history for five years which can be viewed and reported on using Business Objects.

Graduated Response Model (GRM)

The Graduated Response Model (GRM) defines the minimum standards for Police responses to victims. All victims receive at least a bronze response.

Response Level	Victim	Offender (if known)
Bronze	<ul style="list-style-type: none"> - Follow Police policy for crime type (e.g. Family harm policy and procedures) - Gather information - Ask the victim if they have any undisclosed offences - Discuss crime prevention - Make Victim Support referral if appropriate - Refer to other relevant agencies if appropriate - Depending on circumstances, ask if they would like a support person - Consider area enquiries in 'cocoon' area and provide crime prevention advice to neighbours - Send information letter with prevention advice if appropriate - In an ongoing case, ask how they would like to receive communication (e.g. email, phone call, letter) and how often. 	<ul style="list-style-type: none"> - Ensure Police policy for the crime type is followed - Consider bail conditions/opposition to bail - Consider Intelligence - Consider prevention opportunities.

Silver	<p>Bronze response and:</p> <ul style="list-style-type: none"> - Referral to relevant partner agency if appropriate, e.g. Strengthening Families, Neighbourhood Support etc - Face to face crime prevention visit with victim - Follow-up phone call subsequent to crime prevention visit - Referral to Tasking and Co-ordination if required. 	<p>Bronze response and:</p> <ul style="list-style-type: none"> - Prevention visit by officer to discuss consequences of actions - If offender and victim know each other, advise of support services that best address needs of both parties - Follow-up phone calls over 2 week period
Gold	<p>Silver response and:</p> <ul style="list-style-type: none"> - Visit by officer to: <ul style="list-style-type: none"> - engage victim in crime prevention - update action taken regarding case - obtain consent to engage and contact neighbours/friends to keep watchful eye/'cocoon' approach - assess victim needs - Consider obtaining privacy waiver consent - Increase directed patrols in victim's neighbourhood - Target hardening (consider personal alarms and additional security) - Victim Intervention Plan developed and implemented as appropriate - Referral to Tasking and Co-ordination. 	<p>Silver response and:</p> <ul style="list-style-type: none"> - Intel-led targeting of offender.
Emergency Intervention (override)	Emergency operational response overrides GRM. However, consider GRM as follow-up to emergency situation.	Emergency operational response overrides GRM. However consider GRM as follow-up to emergency situation.

Victim contact

Contact the victim, as per the Victims Rights Act 2002, at every significant change in the case. As a guide, you should:

- contact a victim at each step in the ten step [case management](#) cycle
- discuss with a victim, in an ongoing enquiry, the best method and frequency of contact.

Recording victim contacts

Add all victim contacts to the Case 'Contacts/Correspondence' node in the NIA doc loc case that has triggered the interaction with the victim.

Interventions

Short term interventions: record in NIA Case Contact/Correspondence node as a victim contact.

Longer term interventions:

- create a Victim Intervention Plan (available in Police Forms> Victims)
- attach the plan or 7V file to the NIA doc loc case and record a Victim Contact Type when actions and activities take place with a victim.

Add an Information Alert to the victim when a Victim Intervention Plan is in place. Anyone dealing with that person then knows there is a plan in place. Consider associating files into one case when there are multiple files under consideration. Add the victim contacts to the main file.

Inter-agency response for high risk victims

Some high risk victims may need an inter-agency response. This is where partner agencies work alongside Police in the Victim Intervention Plan.

Use the Multi Agency Privacy Waiver as part of the victim engagement and referral to any inter-agency group.

(The plan template and privacy waiver are available in Police Forms> Victims).

Victimisation History Scorecard 'Traffic light' Flags in NIA

These NIA flags provide an overview of whether a person has been a victim of crime in the previous 12 months.

Flag	Represents...
Green	<ul style="list-style-type: none"> - lower level victimisation(s), or - victimisation(s) that are toward the end of the 12 month victim history.
Amber	<ul style="list-style-type: none"> - repeat victimisations, or - a single serious victimisation. A single burglary will initially show an amber flag. <p>Consider a victim intervention plan at this stage, if appropriate, to prevent the victim becoming 'red'.</p>
Red	<ul style="list-style-type: none"> - high risk repeat victimisation, and/or - serious victimisations.

Note: A green, amber, or red flag only appears if a person has been victimised in the previous 12 months. A

person's victimisation history is however kept for five years.

Key steps for all Police employees

These steps must be followed in cases involving victims.

Step	Action
1	Find out if a victim has been a victim before. (Use the VHS in NIA).
2	Apply the GRM . Be aware of previous victimisation and give prevention advice to all victims.
3	Capture accurate victim details. (Use your notebook card/the victim detail sheet/winscribe). These are essential for referrals to support agencies.
4	Enter all victim details into NIA before charge entry as the details will populate into the file document.
5	Follow case management principles . Contact victims at every significant change in the case (at least at each step of the ten step case management process). Record all victim contacts in the Victim Contact node in NIA Case - Contacts/Correspondence. This is a requirement of the VRA.
6	Comply with the Victims' Rights Act 2002 . See s29.
7	Use the tasking process to assign prevention tasks for victims and oversee high risk victims through Area and District Tasking and Coordination meetings. Use an interagency forum for high risk victims where appropriate.
8	Create and manage case plans for victims (Victim Intervention Plans). Plan template is available in Police Forms> Victims), or 7V file.

Treatment and rights of victims generally

Introduction

This section outlines the:

- principles laid down in the [Victims' Rights Act 2002](#) guiding the treatment of **all** victims
- rights of **all** victims.

These principles and rights are reflected in Police procedures for supporting victims from the time the offence is committed through to court appearances. The principles and rights apply to victims in the adult and youth justice processes.

Note: See [Notification rights for victims of serious offences](#) in this chapter for additional rights and Police obligations for victims of specified offences (s29).

Principles guiding service to victims

The purpose of the Victims' Rights Act 2002 is to improve provisions for the treatment and rights of victims of offences.

These key principles (s7-9) apply to all victims under the Act. They set the level of service Police will provide.

Principle	
Treatment of victims	Treat victims with courtesy and compassion, and respect their dignity and privacy. (s7)
Access to services	<p>A victim or a member of a victim's family should have access to welfare, health, counselling, medical or legal services for needs arising from the offence. This includes actions a court can take to help them. (s8)</p> <p>Note: Subject to local agreements with support agencies for rape, sexual assault and family violence cases, most victims should be assisted through the local Victim Support group.</p>
Restorative justice meetings to resolve issues relating to offence	<ul style="list-style-type: none"> - A victim may ask to meet with the offender to resolve issues relating to the offence - A member of court staff, a Police employee, or a probation officer, if satisfied that the necessary resources are available, must refer the request to a suitable person who is available to arrange and facilitate a meeting.

Information to be given to victims

This information must be provided to all victims under the Act.

Type of information	Rights of victims
Information about programmes, remedies and services	<p>Give the victim information about programmes, remedies, or services through Police (s11) as soon as is appropriate. Services include participation in restorative justice.</p> <p>Discuss and complete a VS referral if the victim is agreeable. Information provided to VS should be agreed by the victim.</p> <p>Information may be given to a support person</p> <p>Information required to be given to victims about programmes, remedies and services (s11) and information about proceedings (s12) may be given to the victim's support person if one is nominated in writing by the victim or if the victim cannot receive it or is not, or may not be, capable alone of understanding it (s14).</p> <p>This information may also be given to other people, such as someone who is disadvantaged by the offence.</p>
Information about proceedings	<p>A victim and others disadvantaged by an offence must receive information about the investigation of the offence and specific actions being taken against the accused person and specific information about the proceedings (s12).</p> <p>Note: Information may be withheld if there is a good reason for withholding it under the Official Information Act 1982, e.g. if giving it would prejudice the maintenance of the law, including the prevention, investigation and detection of offences and the right to a fair trial (s13).</p>

Privacy of victims - restrictions on address

Only give victim contact information in evidence or in information provided to a court with the leave of the judicial officer ([s16](#)). Some conditions apply ([s16A](#)).

Contact information includes:

- residential, postal, or email addresses,
- home, business, mobile or fax numbers

For further information see [Protecting victims' privacy](#) in this chapter.

Victim impact statement (VIS)

Victims should be given the opportunity to make a written statement about the impact the crime has had on them, through a victim impact statement (ss[17AA-27](#)).

Note: The statement is required, if possible, at first appearance and must be on file for second appearance.

Prosecution guidelines require the VIS to be completed ASAP and at the latest by second appearance. This enables the court to accept and process a guilty plea at the earliest opportunity while ensuring the victim's views are considered. Failure to place a VIS on file may lead to unnecessary adjournments or the victim not being heard. The VIS should be updated before key stages and must be updated, signed and provided to the prosecutor in time for sentencing.

See [Victim impact statements](#) for information on how these are written and managed through the courts. The VIS should concentrate on the effect of the offending on the victim and should not repeat the facts of the case.

Victim's views on name suppression

If an offender or accused applies for name suppression or the suppression of other identifying particulars under s200 Criminal Procedure Act 2011, the victim is entitled to provide their views about the application. The court must be informed of the victim's views (s28).

See [Court entitlements for victims](#) for more information including name suppression of victims.

Right to be notified about bail decisions

It is the responsibility of the OC case to ascertain views on bail and provide them to the prosecutor prior to a bail hearing. These should outline the reasons the victim agrees/disagrees with bail being granted.

If Police are opposing bail and it involves a victim(s) of a s29 specified offence, then it is mandatory to notify the victim(s), or their representative, of the outcome of the bail application hearing as soon as practicable. For family violence offences see the Police [Family Harm Policy and Procedures](#) for the procedures for responding to and investigating family harm episodes.

In cases which are prosecuted by the Police Prosecution Service (as opposed to those prosecuted by the Crown), it is the prosecutors responsibility to refer the bail application hearing outcome to the PPS Victims Advisors, on the day of the defendant's bail application appearance, if this occurs during business hours (1000-1730). The s.29 Inform App is to be used to notify the Victim Advisors team. The s.29 Inform App is available for download on Police issued mobile phones. [S.29 Inform App - Process Document download and operate instructions](#).

In certain circumstances (i.e. on weekends, statutory holidays, after business hours, or due to an inability to access the s.29 Inform App) it is the responsibility of the prosecutor to contact the victim directly and as soon as practicable. (It is expected that this will be done at the first available opportunity but no later than the end of the day). This includes qualifying s.29 specified offence(s) resulting in an appearance at Saturday court. Under these circumstances, Prosecutors must also update the Victim Contact node within NIA.

If a prosecutor is unable to contact the victim as soon as practicable then the prosecutor must task NCCC (via an email) to complete this requirement. NCCC will delegate the job to the relevant DCC to enable local police to be dispatched to the victim's address to enable bail outcome notification to occur.

For further information about Police responsibilities to victims in respect of bail applications, see [Bail](#)

[applications when section 29 applies](#) in this chapter.

Return of property

Victims' property held as evidence must, as far as possible, be [returned](#) as soon as practicable after it is no longer needed ([s51](#)), unless the person advises Police that they do not want it returned.

Victims have the right to complain to the IPCA, the Privacy Commissioner, the Ombudsman or any other relevant person under [s49](#) if they feel that they have not been afforded the rights they are entitled to under the Victims' Rights Act 2002.

Police are to ensure victims are aware and have access to the [Victims Code](#). The Victims Code provides information on victim' rights, their treatment expectations and how to lodge a complaint.

Issues may also be raised directly with an O/C case, their supervisor or another senior manager.

Police must deal with complaints promptly and fairly.

See the [Police investigations of complaints and notifiable incidents](#) Police Manual chapter.

Notification rights for victims of serious offences

Victim Notifications

The Victim Notification Register is the process set up by agencies to notify registered victims of specified [serious offences](#) who wish to be notified about the bail, release, escape, and death of a defendant or offender. It is sometimes referred to as the Victim Notification Register (VNR).

The Victim Notification Coordinators at the relevant agency will manage registrations for victim notification. VN includes victims going through the adult and youth justice processes and starts when an offender is remanded in custody or to a secure health facility.

Only victims of section 29 offences can register for notifications

Only victims of offences specified in section [29](#) of the Act can go on the Victim Notification Register. Family members may also be victims in certain circumstances. The offence must be:

- a sexual assault 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, and 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.
- the victim is a child
- the victim dies or is rendered incapable.

Duty to advise victims about the Victim Notification Register

Police **must** determine whether the offence is one that comes under [s29](#) as soon as practicable after they come into contact with a victim. If it does, the victim **must** be informed of their right to be on the Victim Notification Register and to be notified about the bail, release, escape and death of the offender and accused.

Victim notification rights

People on the Victim Notification Register will be notified:

- when the offender is released on bail (including terms and conditions of bail (s34(1)) and have their views about the offender being released on bail made known to the court (s30)
- when the offender comes up for a hearing by the NZ Parole Board and be able to participate in the process to decide whether to grant the offender parole and make submissions to the NZ Parole Board
- of the offender's:
 - impending release from prison
 - temporary release from prison or part time release to work
- when a prison sentence is substituted by a sentence of home detention
- when the NZ Parole Board makes a decision:
 - whether to grant the offender parole

- concerning an interim or final recall order
- when the offender is being considered for a deportation order or has appealed against such an order (s39)
- about opportunities to make claims under the [Prisoners' & Victims' Claims Act 2005](#).

The victim will also be notified if the offender:

- escapes from prison or absconds from home detention
- dies in prison, while subject to release conditions, or while on home detention
- is given compassionate release from custody
- breaches parole, release, or home detention conditions and any convictions and sentences for breaches
- is discharged or given unescorted leave of absence, or has escaped, or died, when liable to be detained in a hospital or facility (s37).

After a victim is registered

After a victim is registered, PNHQ must inform the agency where the offender is being held (either Health or Corrections) and that they must keep the victim informed about the release, escape, or death of the defendant or offender.

That agency must then inform the victim or their representative of any changes to the offender's custody status by telephone, post, fax or email, or some other means, using the contact details supplied by the victim.

A victim, or their representative, can update their address by writing (including email) to any of the agencies (Police, Health or Corrections). Any agency that receives notice must:

- confirm receipt to the victim or representative
- forward the notice to any agency previously provided the name and address
- inform the victim or representative that this has been done and to what agency the notice was sent.

A victim may also withdraw from future notifications. The same procedure of notice is followed.

Summary of O/C responsibilities regarding s.29 notification

When a s.29 (specified offence) applies to the victim

It is the O/C's responsibility to identify this on the Prosecution File cover sheet [see check box s.29 VRA Offence]

The O/C must check that the qualifying offence is correctly populated

In some situations the charge input screen will trigger the qualifying offence victim notification – but this is not automatic in all situations

The O/C must inform the victim

Inform the victim at the time of the offender's arrest that they have the right to apply to be on the Victim Notification Register (VNR) and be notified about bail, release, escape and death of an offender and accused.

Explain the rights that registration on the VNR gives them and provide (or help the victim fill out) the Victim Notification form (POL 1065). For more information go to [Informing eligible victims about the right to victim notifications.](#)

After the victim is registered on the VNR

The Victim Notification Coordinators at PNHQ will manage registrations.

Informing eligible victims about the right to s.29 victim notification

Follow these steps when section [29](#) applies. When the offence falls under s29 (a) (b) (c) a task in NIA will be allocated to the O/C at the time the charge was filed.

S29 (d) is now considered by staff dealing with the victim on a case by case basis because this can be applied to any offence where appropriate.

Step	Action (O/C)
1	<p>Inform the victim at the time of the offender's arrest that they have the right to apply to be on the Victim Notification Register (VNR) and be notified (or have their nominated representative notified) about bail, release, escape and death of an offender and accused.</p> <p>Note: Always inform a support person if you believe the victim is not or may not be capable of understanding the notices or information, or of nominating a representative on their behalf.</p>

2	<p>Explain the rights that registration on the VNR gives them. These are listed on the reverse of the POL 1065 form.</p> <p>Advise the victim that they will only be notified:</p> <ul style="list-style-type: none"> - if they ask to be registered on the VNR, and - provide their current address.
3	<p>Update a Victim Contact node in NIA in the Case - Contacts/Correspondence node. You must note the victim's response as to whether they want to be notified of matters relating to the offender/accused person's location.</p> <p>This is to avoid any conflict if the victim later claims they were not given their rights.</p>
4	<p>Give the victim a Victim Notification form (POL 1065) to fill out and explain the form to them. Remind them to provide a current address, email address, and phone number where applicable.</p> <p>It is important to have as many forms of contact as possible in order to contact the victim urgently if required.</p>
5	<p>The victim signs the form and posts it to:</p> <p>Freepost 175083 Victim Notification NZ Police P.O. Box 3017 Wellington, or Fax 04 499 1065</p> <p>Or the form can be emailed to victim.notification@police.govt.nz</p> <p>Note: You may help victims complete the form and can post it for them, but do not sign it on their behalf unless:</p> <ul style="list-style-type: none"> - the victim is unable to sign the form themselves - you have obtained the victim's consent to sign on their behalf via email (preferred) or phone. <p>NOTE: If you are acting on behalf of the victim you must continue this process and role until the conclusion of the offenders' sentence, including parole.</p> <p>If you have obtained the victim's consent by phone or email, please state this clearly when sending through the POL1065 to victim.notification@police.govt.nz</p>
6	<p>Retain a copy of the completed POL 1065 on file.</p>

7	Stress to the victim that they are responsible for keeping Police informed of changes to their contact details. Ensure they have the freepost number or victim.notification@police.govt.nz email address to send changes of address to. As O/C case, ask them to also advise you if their details change. Leave the information page of the form with the victim for their future reference.
8	When received, the application form is then verified at PNHQ and the victim will be informed once their application has been processed.

Notices may be given to a representative

If a victim nominates a representative, this person can receive any notifications and other relevant information on the victim's behalf.

Police must make all reasonable efforts to inform a support person that a representative may be appointed (s31) if there is any chance that the victim does not understand the notices or information being provided.

Bail applications when section 29 applies

Whether or not a victim of an offence specified under section 29 has applied to go on the Victim Notification Register, Police must make all reasonable efforts to ensure that:

- **the victim's views** about the accused's or offender's release on bail are ascertained
- **the court** is informed of these views
- **the victim** is advised of the outcome of the bail application hearing, when Police are opposing bail.

(S30 and 34 of the Victims' Rights Act and s8(4) Bail Act 2000)

Procedure to ensure notice about bail is given

Follow these steps to ensure Police responsibilities relating to bail are met.

Step	Action
1	It is the O/C's responsibility to include the victim's views on the Grounds for Opposing Bail Form POL 128, or if Police are not opposing bail, in a covering report to Prosecutions.
2	When these actions have been completed, note them in the NIA Victim Contact node as a victim contact or in the relevant NIA task.
3	<p>If police are opposing bail, and the Crown is prosecuting for Police, it is the Crown's responsibility to advise all s.29 victims, as soon as practicable, of the outcome of any bail application including any terms and conditions of the release on bail relating to:</p> <ul style="list-style-type: none"> - the safety and security of the victim or a member of their immediate family - the accused or offender not associating with, or contacting the victim or a member of their immediate family. <p>s34(1B)</p> <p>Note: Do not disclose information if it would be contrary to an order under the Bail Act 2000 prohibiting the publication of matters related to a bail hearing.</p>
4	In s.29 cases, where the Police Prosecution Service (PPS) is advocating the case PPS Victim Advisors complete all notifications unless a bail hearing occurs outside Victim Advisor business hours [1000-1730]. In these situations, it is the responsibility of the prosecutor (or their nominated representative) to notify the victims(s), as soon as practicable, and update the Victim Contact node on NIA in all instances.

Orders restricting disclosure of information about bail

See information on suppression in the [Criminal procedure - Administration stage](#) chapter for when a court may make an order under s19 Bail Act 2000 prohibiting the publication of reports or accounts of any matters dealt with at a bail hearing.

Release on bail

This includes a release on bail:

- until the hearing of proceeding
 - during an adjournment
 - until sentencing, and
 - until determination of an appeal against conviction or sentence.
- (s34(2))

Querying the Victim Notification Register

Police employees can query the electronic Victim Notification Register using the Notifications Node on the Police intranet. Queries can be run on criteria relating to victims and their representatives or relating to

offenders.

Follow these steps to query.

Step	Action
1	Access the intranet home page
2	Open ' Applications and databases '
3	Select ' Notifications '
4	Select 'Victim Notification Register Query'

Contact the PNHQ Victim Notification Register Coordinator on victim.notification@police.govt.nz if you have any general questions about the Victim Notification System.

Responding to incidents involving victims

Key requirements for all victim contacts

In all contacts with victims:

- treat them with courtesy and compassion
- respect their dignity and privacy
- ascertain their needs and provide appropriate advice.

Receiving the call

The initial contact with Police is usually at a Police station, with Crime Reporting Line, a telephonist or Communication Centre dispatcher. Follow standard procedures for initial responses noting the following actions.

Step	Action
1	Ensure top priority is given to securing the victim's safety and call health professionals if necessary.
2	Avoid inconveniencing the victim, especially in serious cases and where the victim is likely to be traumatised. If the victim is not at the Police station, arrange for a patrol to be dispatched promptly where appropriate, rather than asking the victim to call at a Police station.
3	Ensure the victim is: <ul style="list-style-type: none"> - kept informed of when police will arrive, especially if a delay is likely - given appropriate reassurance - given advice about preserving evidential materials.

Initial actions on arrival

Step	Action
1	Keep yourself and others safe. Ensure the victim's safety. If necessary or when appropriate, explain the circumstances to a family member or friend of the victim. Be aware of breaching privacy. If a victim is told to report to a station first ensure the victim has the means/ability to do so.
2	Determine whether there are any medical needs, even if there are no obvious injuries. Traumatized victims often do not recognise their own injuries (especially those who have experienced strangulation). Check that any medical conditions, such as a weak heart or asthma, have not been aggravated by the situation. If necessary provide first aid and engage health professionals.

3	<p>Establish whether an offence has been committed. If necessary:</p> <ul style="list-style-type: none"> - secure the scene and protect evidence - arrange for the victim for be removed from the scene to a less threatening, more secure environment when appropriate.
4	<p>Establish who is a victim and ascertain their needs. Provide relevant advice and focus on any concerns they may have (e.g. child care).</p> <p>Think broadly - the Victims Rights Act covers more people than just the person who experienced the trauma in specified circumstances.</p> <p>Explain what Police are doing, and what they can expect to happen during any investigation.</p>
5	<p>Provide support. This could be through Victim Support, a relative or friend.</p> <p>Contact the Victim Support contact centre immediately using 0800 842 846 (0800 VICTIM) from a non-Police phone, or direct dial (04) 470 4879 from a Police iPhone, or ext 41179 from stations, if the incident is one where the victim is significantly affected and an immediate callout is required. (See Police referrals to Victim Support in this chapter).</p> <p>If there are safety concerns at the scene:</p> <ul style="list-style-type: none"> - advise the Victim Support worker to delay arrival at the scene - wait for the worker's arrival at the scene - wait at the scene for the duration of the Victim Support worker's visit.
6	<p>If the person is a victim of sexual assault:</p> <ul style="list-style-type: none"> - follow the Adult sexual assault investigation (ASAI) policy and procedures or the Child protection investigation policy and procedures, and - refer the matter to your Criminal Investigation Branch (CIB) as soon as possible for investigation. <p>In other cases of serious offending, consider referral to the CIB according to your local procedures for escalation.</p>
7	<p>Offer assurance of protection if victims fear reprisals for calling or talking to the Police. Tell the victim about protection they are entitled to against unlawful intimidation, such as s21 Summary Offences Act 1981.</p> <p>Note: There are legal obligations relating to victims who have ongoing fears, when an offender has been charged (s29). (See Notification rights for victims of specified offences section). However, do not create fear where it does not already exist.</p>

8	<p>If you are at the victim's premises:</p> <ul style="list-style-type: none">- advise how to arrange the necessary repairs to the property and make an insurance and/or ACC claim where relevant.- offer crime-prevention advice and assistance. Instigate the GRM. Initiate silver or gold response if appropriate.- if the victim has internet access, refer them to the Police safety tips for safety information and the MoJ Victims Centre information.
---	---

Interviewing the victim initially

Follow the [Investigative interviewing witness guide](#) for conducting any interview with victims. Use this table as a reminder of actions to be taken during initial interviews.

Step	Action
1	Always keep the suspect and the victim separate. Remove the suspect if they are at the scene or interview the victim elsewhere.
2	When interviewing the victim (or witness) keep people away who are unnecessary to the interview. Ensure the victim knows that other people cannot hear what is going on. Do not allow other witnesses/victims to be present as support unless they have already provided their statement.
3	Use approved translation services if the victim cannot speak English. When English is the second language, consider using an approved translator accessed through the Language Line .
4	<p>As soon as practicable ascertain whether the person is a victim of any of the s29 serious offences. If so, and the offender has been arrested, you must:</p> <ul style="list-style-type: none"> - inform the victim of their rights to register on the Victim Notification Register and what that will provide - provide a POL 1065 form enabling them to register and assist with its completion and submission as appropriate. (For further information see Notification rights of victims of serious offences).
5	If there has been or is likely to be an arrest, take a victim impact statement (POL 392).
6	Ask the victim what their needs are and provide the relevant advice.
7	Arrange appropriate Victim Support assistance. Victim Support must be considered and discussed with the victim and be called out if the incident meets the referral criteria agreed between Police and Victim Support.
8	Give the victim your contact details.
9	Be honest when advising a victim of the status of a complaint in which there are no further lines of enquiry or nominated suspects. Do not give the impression that an investigation will be carried out if the circumstances make this unlikely. Make no promises that cannot be kept.
10	<p>Advise the victim about the possibility of reparation under:</p> <ul style="list-style-type: none"> - s32 Sentencing Act 2002, or - s283 Oranga Tamariki Act 1989 if the offender is a young person.

During the investigation

Victims and crime scene examination

Consider the needs of victims when examining crime scenes.

Step	Action
1	Crime scene examiners and photographers should avoid lengthy delays in attending the scene. Delays can cause serious inconvenience to business and impact on their productivity.
2	Handle items carefully.
3	Put newspaper down when using fingerprint powder. Clean up any mess you create during your examination.
4	Where a death has occurred, screen any bodies and remove them as soon as possible after consulting with the O/C case.

Procedures after an arrest

The O/C case must follow these steps to ensure legal requirements relating to victims are met during investigations and file preparation.

Step	Action
1	Where an arrest has occurred the O/C case must complete the case contact node in NIA. The Victim Contact node must be completed detailing information supplied to the victim.
2	<p>The O/C case must, as soon as practicable, inform the victim about the:</p> <ul style="list-style-type: none"> - progress of the investigation of the offence - charges filed or reasons why charges were not filed, and all changes to the charges filed - victim's role as a witness in the prosecution of the offence - the date and place of the first appearance in court of the person accused of the offence. <p>Update the NIA case contact node in the doc loc case each time the above is done. This contact should not be recorded on a job sheet.</p>

3	<p>Where there is a victim and the matter is referred to court, complete a Court Services for Victims form (CSV1) and email it to the Court Victim Advisor (Court Services for Victims), before the first court appearance. Send using secure email [SEEMail] -refer to in the Operation Security chapter.</p> <p>The emails addresses are available at the CSV 1 email address list.</p> <p>Update the NIA case contact node to demonstrate this action has been undertaken.</p>
4	<p>If the victim is a victim of a section 29 offence, explain victim notifications and assist them to complete a POL 1065 so they can be registered on the Victim Notification Register.</p>
5	<p>Where serious offences covered in section 29 are involved, the victim's views on bail must be ascertained by the O/C and communicated to the judge by the prosecutor (s30). See Bail applications when section 29 applies.</p>
6	<p>Inform the victim about court proceedings, including the date and place of:</p> <ul style="list-style-type: none"> - the first appearance in court of the person accused of the offence - any other hearings relating to the offence, even when the victim is not required to attend - any judge-alone or jury trial relating to the offence - any hearings set down for a sentence indication or sentencing for the offence - any appeal hearings against conviction, or the sentence imposed or to be imposed for the offence, or both. <p>Update the NIA case Contacts/Correspondence node.</p>
Notes	<ul style="list-style-type: none"> - Information may be given to the victim's support person if the victim nominates a support person, or cannot receive information or is not, or may not be, capable alone of understanding it. - Keeping victims informed about the progress of the investigation is a legal requirement under s12. - See Information to be given to victims for details of when information may be withheld.

If there is no arrest or suspect identified

Where no suspect has been identified or arrested, advise the victim:

- whether Police will be making an active inquiry into the matter
- the reason for your decision
- how enquiries will be carried out.

If Police cannot locate a suspect or decide not to arrest or prosecute the suspect, advise the victim of this and give the reasons. However, if these reasons relate to the victims ability to withstand a trial or similar, this should be decided after consulting with the victim.

Victim Impact Statements (VIS)

Introduction

This section outlines:

- the purpose of Victim Impact Statements and when they are required
- procedures for gathering information and taking a VIS.

Purpose of a Victim Impact Statement

The purpose of a VIS is to:

- enable the victim to provide information to the court about how the offending has impacted them, physically, emotionally, and financially
- assist the court in understanding the victim's views about the offending
- inform the offender about the impact of the offending from the victim's perspective.

Sentencing judges **must** be informed under [s21](#) of the Act about any:

- physical injury or emotional harm suffered by the victim through, or by means of, the offence
- loss of, or damage to property suffered by the victim through, or by means of, the offence
- other effects of the offence on the victim (e.g. financial costs, emotional harm)
- any other matter consistent with the purpose of a VIS, as noted above.

A VIS can be written, or recorded in another way (e.g. audio or video), and may include any photographs, drawings, or other visual representations provided by the victim.

The VIS must be updated before major court hearings so the sentencing judge has the victim's current views. This must be signed by the victim.

The O/C (or person on behalf) must contact the victim to check whether there is further information available from the victim on the physical, emotional or financial impact from the offending and update the VIS (or note that no update is required). Best practice, as per legislation, states that the VIS must be signed by the victim - or his or her representative (e.g. Victim Support) or the O/C case - otherwise the VIS may not be used.

When a VIS is required

The O/C case is required to give a victim an opportunity to complete a VIS:

- in every case involving an identifiable victim (a person who has been offended against by another person)
- for others [disadvantaged](#) by the offence, if the prosecutor considers the circumstances of the case warrant it (the prosecutor must obtain the court's leave to submit such a statement)
- in the case of corporate victims, when the O/C case believes this is justified.

Taking and maintaining a VIS

You must ensure the VIS's are scanned and the original(s) is placed on the prosecution file. This includes any prosecution file where the defendant may seek a sentence indication or is likely to plead guilty and be sentenced.

Good practice is to take a VIS from the victim before the offender's first court appearance (i.e. at the time of the arrest or submission of the prosecution file). Some defendants plead guilty at the first appearance and, in those cases, sentencing may occur almost immediately. Therefore, a VIS MUST be provided and attached to the prosecution file by second appearance.

If the victim declines to provide a VIS, a VIS form with words to the effect "victim does not wish to provide a VIS" must be added to the file to inform the prosecutor the victim has declined to submit a VIS.

Statements by others disadvantaged by offence s20(1)

In appropriate cases, Police may treat a person as a victim (for the purposes of sections [17 - 19](#) and [21 - 27](#) relating to VIS):

- who was disadvantaged by an offence, and
- from whom information on the effects of the offence has been, or could be, ascertained by or on behalf of the prosecutor, and
- who is not a victim of the offence, a person accused of the offence, or the offender.

This provision might apply to a witness to an offence, who does not meet the definition of a victim but is treated as such by virtue of [s20](#).

Who prepares a VIS

The O/C is responsible for gathering information and working with the victim to prepare a VIS. A prosecutor (Police or Crown Prosecutor) submits the VIS to the judicial officer providing a sentence indication or sentencing an offender (or in the Youth Court, a judge making an order under [s283](#) of the Oranga Tamariki Act 1989).

A VIS should be prepared by the O/C case or a fully briefed person using the POL 392 form. Where a formal agreement exists between Victim Support and the Police district, Victim Support may be able to complete and update the Victim Impact Statement, but the ultimate responsibility lies with the O/C Case.

If a victim prepares their own statement, the O/C case, fully briefed person, or Victim Support should work with the victim to ensure adherence to the guidelines on the POL 392 and the [Victim Impact Statement Guidelines](#) on victimsinfo.govt.nz.

If the statement is prepared by a person other than the victim, the statement must be read to the victim (or their representative) and agreed as true and information they wish to provide before it is signed and submitted.

Initial interview for a VIS

The O/C case must conduct an initial interview with the victim to inform them of the VIS process before

gathering information from them to include in the VIS.

Informing the victim of the VIS process

The following steps should be taken to inform the victim about the VIS process.

Step	Action
1	<p>Interview the victim face to face. Spend sufficient time to put them at ease. If possible, have a member of a victim support group present.</p> <p>Prepare statements for child victims in association with a parent or guardian or specialist.</p>
2	<p>Explain to the victim they are not legally required to give any information for the purposes of a Victim Impact Statement. Note on the POL 392 if they object to a statement being submitted or do not wish to provide information. Attach the POL 392 to the file, as this ensures clarity about the VIS in all prosecution cases.</p>
3	<p>Explain the statement's purpose including that the information:</p> <ul style="list-style-type: none"> - is being collected for sentencing purposes if the accused is found guilty or pleads guilty, and may be used for the purpose of giving the accused a sentence indication if they request one - must be true - must be in writing or recorded in some other way (e.g. by audio or videotape) and signed or otherwise approved - should concentrate on the impact on them rather than the facts of the case (which is content for the Statement of Facts).
4	<p>Explain that the defence, offender and judge will see the statement and who can keep and make copies of it. It should not include any information they wish to keep confidential.</p>
5	<p>Inform the victim about orders, directions and conditions that may be imposed regarding disclosure or distribution of the statement. Ask the victim for their views on whether the prosecutor should apply for any orders (e.g. a protection order) directions or conditions in relation to the handling and use of information.</p>

Taking a VIS

The steps below should be followed to take a Victim Impact Statement.

Step	Action
1	<p>Use POL 392 to record the victim's details and their detailed statement. Use the first person ("I") and the narrative form. Adopt this same approach if the statement is being audio or videotaped.</p>

2	<p>Follow the prompts listed on the POL 392 and ask the victim:</p> <ul style="list-style-type: none"> - for their personal details (e.g. age, relationship to offender, but NOT their address) - to explain how they have been affected by the offence including: <ul style="list-style-type: none"> - any physical injuries (e.g. type and extent, long/short term effects, whether hospitalised, had absences from work) - financial costs (e.g. treatment costs, replacement or repair costs, loss of wages, incidental costs) - emotional harm (e.g. changes in behaviour, lifestyle, personal reaction, need for counselling) - any other matters consistent with the purpose of a victim impact statement. <p>Police must make all reasonable efforts to collect this information (s17).</p>
3	<p>Obtain:</p> <ul style="list-style-type: none"> - supporting evidence, e.g. medical reports, quotes or bills for the cost of damages - any extra expert opinions such as reports from doctors, dentists, counsellors or psychologists, and copies of quotes or accounts from professional trades people - any photographs/drawings/other representations provided by the victim(s). <p>These reports may be submitted in addition to a Victim Impact Statement.</p>
4	<p>Check the VIS does not:</p> <ul style="list-style-type: none"> - contain information that is false, irrelevant, or confidential - contain comment that is abusive or makes threats - refer to other unlawful acts by the offender that have not been the subject of charges, unless they are admitted and referred to in the original summary of facts - refer to other incidents in which the victim was a victim of an offence. <p>All information in the statement must relate to the charges before the court.</p>
5	<p>Ask the victim to:</p> <ul style="list-style-type: none"> - check the statement and confirm it is correct - endorse the statement (bottom left hand box) acknowledging they gave the information knowing it: <ul style="list-style-type: none"> - was for submission to the judge for sentencing or a sentence indication - must be and is true to the best of their knowledge and belief.

6	<p>Have the victim sign the statement.</p> <p>If the victim is unable to sign (e.g. if it has been read out over the telephone) the O/C case (or person acting on their behalf) must:</p> <ul style="list-style-type: none"> - endorse the statement (bottom right hand box) with a signature acknowledging the statement was read, replayed or otherwise submitted to the victim and they are satisfied the victim approves of it.
7	<p>Place the statement on file ready for the prosecution to produce in court. Include a print out of the record of Victim Contacts from NIA on the file so that the prosecutor can record updates to the VIS.</p>

Updating the Victim Impact Statement

The O/C case is responsible for ensuring the VIS is current, and, if required, updating the VIS prior to any hearing (where sentencing may take place almost immediately after a guilty plea or verdict).

The O/C case must check with the victim whether:

- they have further information to complete the VIS if details were incomplete in an earlier version (e.g. where they had received a quote from a professional tradesperson and now had received an invoice)
- they wish to change any of their views in the initial statement or add to the statement.

New information from the victim should be added to the bottom of the previous statement. **Do NOT** start a new document. If no new information is to be added, the O/C case must still note on the VIS form that contact was made with the victim, and that there was no change to their initial statement (including the date).

When interviewing the victim again, the same steps should be followed as in the initial interview.

A prosecutor will also check the currency of the VIS and may task the O/C case with updating it if it hasn't been adequately updated.

Submitting a victim impact statement (VIS)

Key rules for submitting statements

Information gathered by Police under section [17](#) (see [Taking the statement and gathering information](#)) must be submitted by the prosecutor to the judicial officer sentencing the offender.

Victim Impact Statements:

- can **only** be distributed by prosecutors
- must **not** be disclosed in disclosure packs.

Note also that no offender can be given a VIS by requesting it under the Privacy Act 2020 without the victim's consent.

Offender access to the VIS

The prosecutor or the defence must **show** a copy of the statement to the offender if they ask for it unless the prosecutor or defence:

- intends to apply for an order under [s25](#) to withhold part of the statement from the offender, or
- knows that an application is to be made, or has been made but has not yet been determined.

Note: No one other than the victim or a person acting on their authority may give an offender a VIS to keep.

How is the statement submitted

Submit the statement to the court in the form in which it was recorded unless the judicial officer directs otherwise.

A victim may request a judicial officer to have all or any part of the statement read to the court by the victim, the prosecutor, or a person nominated by the victim (who is not the offender or an accused).

A judicial officer:

- **must** agree to a request from a [s29](#) victim unless the judicial officer considers it inappropriate to do so because of:
 - the number of requests
 - the age and maturity of the offender
 - the content of the statement is inconsistent with the purpose of a Victim Impact Statement
 - concern about the risk of serious disruption to court proceedings or a risk to the safety of any person
- **may** agree to a request from a victim who is not a victim of a [s29](#) offence.

When is the statement distributed

The following table outlines when victim impact statements should be distributed.

Prosecutors distribute copies to...	When
Defence counsel	Before the sentencing hearing, subject to any orders or restrictions .
Court	<p>In the case of a guilty plea, present the statement at the same time as the Summary of Facts.</p> <p>If the statement is from someone treated as a victim because they were disadvantaged by the offence, it may only be submitted to the court with leave of the sentencing judge.</p>
Judge	<p>When a suspect has been convicted after a “not guilty” hearing and the case involved:</p> <ul style="list-style-type: none"> - an identifiable individual victim(s) - a corporate victim - a death, or a person being made incapable (in this situation, the members of the immediate family are victims).

Court orders relating to statements

Prosecutors can apply under [s25](#) for an order to have the VIS or part of the VIS withheld from the offender for the victim’s physical safety or security. A judge can also decide to withhold this. Any part withheld cannot be taken into consideration by the judge during sentencing.

Prosecutors can also apply under [s27](#) to have conditions on disclosure or distribution of the victim’s statement imposed to protect the victim’s physical safety or security, emotional welfare and privacy.

Orders

The judge can:

- give directions or impose conditions:
 - about the copying of the statement, including the number of copies that may be made
 - on the people to whom the statement may be disclosed or distributed
 - about any other matters to do with the disclosure and distribution of the statement
- direct that all or any part of the statement not be:
 - disclosed or distributed, either generally or to a specified person
 - published, either generally or by a specified person
- impose conditions on the:
 - disclosure or distribution of all or any part of the statement
 - publication of all or any part of the statement

Statements to be returned at end of proceedings

People who receive copies or make copies of a VIS during proceedings (including the offender's lawyer) must return them to court staff at the end of proceedings (this would be at the end of the appeal process if the right of appeal exists) unless the judge has issued an order on an application allowing them to keep a copy.

This requirement does not apply to court staff, Police employees, probation officers, prosecutors or the victim concerned.

Further information about distributing or disclosing statements

See 'Victim's information and victim impact statements' in the [Further restrictions on disclosure](#) section of the [Criminal disclosure](#) Police Manual chapter.

Monitoring prosecution files for compliance

This table outlines responsibilities for monitoring and ensuring Police meet their statutory obligations relating to VIS.

Role	Responsibility
District Commanders	Instituting systems (e.g. portfolio attached to District Victims' Manager role) in the district to monitor prosecution files to ensure that in all appropriate cases, VIS of sufficient standard are on file, ready for submission to the court.
O/C Prosecutions	<ul style="list-style-type: none"> - Ensure that up-to-date, adequate VIS are attached to the file. - Liaison occurs with the O/C case to ensure that updated statements are made available to the court. - Receive monthly VIS audit sheets from prosecutors, recording the compliance rates for VIS to be placed on the file.
OC File	Ensure the VIS: <ul style="list-style-type: none"> - is on the file by 2nd court appearance - is accurate and the victim has agreed the content - is updated before key court appearances.

Weight given to a VIS

When determining the weight to give to a VIS, a judge will consider whether the statement is verified, how old it is, and any other relevant matters. An unsigned VIS may not be used.

Court and privacy entitlements for victims

Restrictions on disclosure of addresses

Information that identifies or which may lead to the identification of the victim's contact details (residential, postal, or email addresses, or home, business, mobile or fax numbers) may only be given in evidence or information provided to a court (e.g. in an information or summary of facts) with leave of a judicial officer.

The judicial officer must not grant leave unless satisfied:

- the information is directly relevant to the facts in issue, and
- the evidential value of the information outweighs any prejudice to the victim's interests, or any harm to the victim, that is likely to be caused by giving the information.

s16(1),(2) & (3)

This does not apply in a criminal proceeding if it is necessary to disclose the victim's address to ensure the defendant is fully and fairly informed of the charge, e.g. it is necessary in a burglary charge to disclose the victim's address (s16A).

Witness address not to be given in evidence

In any proceeding, the precise particulars of a witness' address (e.g. details of the street and number) may not, without the judge's permission, be:

- the subject of any question to a witness or included in any evidence given, or
- included in any statement or remark made by a witness, lawyer, officer of the court, or any other person.

s87(1) Evidence Act 2006

A judge can only permit mentioning, questioning or giving evidence about the witness's address if it is of sufficient direct relevance to the facts in issue and to exclude it, would be contrary to the interests of justice.

Protecting victim's identity in criminal proceedings

Section 202 Criminal Procedure Act 2011 allows the court make an order prohibiting the publication of the name, address, or occupation of a victim, of or over 18 years of age, if the court is satisfied that publication would be likely to:

- cause undue hardship to the witness, victim, or connected person
- create a real risk of prejudice to a fair trial
- endanger the safety of any person
- lead to the identification of another person whose name is suppressed by order or by law
- prejudice the maintenance of the law, including the prevention, investigation, and detection of offences
- prejudice the security or defence of New Zealand.

Police **must** inform the victim about the possibility of the court making an order prohibiting the publication of identifying information about the victim and the steps that the victim can take in relation to the making

of that order ([s 12](#)).

See also 'Suppression of names and information before the court' in [Criminal procedure - Administration stage](#) for further information on the suppression of details of other witnesses and connected persons.

Protecting victim's privacy in sexual cases

In sexual cases:

- no question may be put to the victim or any other witness about the victim's occupation
- no statement or remark may be made in court by any person involved in the proceeding about the victim's occupation, unless the judge grants permission.

([s 88](#)(1) Evidence Act 2006).

Prohibition against publishing names in specified sexual cases

Section [139](#) Criminal Justice Act 1985 and section [203](#) Criminal Procedure Act 2011 prohibits the publication of the name or particulars leading to the identification of any person upon or with whom a specified sexual offence has been or is alleged to have been committed unless:

- that person is of or over the age of 16 years for proceedings commenced before 5 March 2012 or 18 years and
- the court, by order, permits such publication.

A victim of a sexual offence may apply to the court for an order permitting the publication of their name or identifying particulars or the name or identifying particulars of the offender.

Automatic identity protection for child victims and witnesses

Section [139A](#) Criminal Justice Act 1985 prohibits publication of the name of any person under the age of 17 years who is called as a witness in criminal proceedings or any particulars likely to lead to the person's identification, for proceedings commenced before 5 March 2012. Section [204](#) Criminal Procedure Act 2011 prohibits the publication of the name, address, or occupation of any person under the age of 18 years who is a victim or witness in criminal proceedings commenced from 5 March 2012.

Despite the general prohibition on publication for child victims, the details of a child who died as a result of the offence may be published.

A victim or witness in a proceeding may apply to the court for an order permitting the publication of their details once they have reached the age of 18 years and the court is satisfied that they understand the nature and effect of their decision.

Privacy of victim impact statement

See [Submitting victim impact statements](#) for information about the law protecting the privacy of VIS.

Power to clear court and forbid reporting

Where a court is of the opinion that it is in the interests of justice or of public morality or the reputation of any victim of any alleged sexual offence, it may make an order:

- forbidding publication of any report or account of the whole or any part of the evidence adduced or submissions made
- forbidding the publication of the name of any witness(s) or any name or particulars likely to lead to their identification
- excluding all or any persons other than the informant, any Police employee, the defendant, any counsel engaged in the proceedings, and any officer of the court from the whole or any part of the proceedings. Automatic restrictions on who can be present in court in cases of a sexual nature apply and the court may make an order to exclude persons in other circumstances ([Part 5, Subpart 3](#) of the Criminal Procedure Act 2011). Refer to information on suppression in the 'Criminal procedure - Administration stage' chapter for detailed information about the power to clear court from 5 March 2012 and the transitional provisions that apply.

Note: This does not automatically exclude accredited news media except where the court is of the opinion that it is necessary in the interests of security or defence of New Zealand. The court may still forbid publication of evidence or submissions.

(s [197](#) Criminal Procedure Act 2011)

Victim's view on accused/offender permanent name suppression

If the accused or the offender applies under section [200](#) Criminal Procedure Act 2011, for an order permanently prohibiting the publication of their name, address or occupation or of any particulars likely to lead to their identification, prosecutors **must** make all reasonable efforts to ensure any views the victim has on the application are ascertained and **must** inform the court of those views.

s [28](#) Victims' Rights Act

Entitlement to support person at court

When giving evidence in a criminal proceeding, a complainant is entitled to have one support person (or more with the judge's permission) near them to give support.

Other witnesses giving evidence in the proceeding may have one or more support people with the judge's permission.

The complainant or witness must disclose the names of their support people to all parties as soon as practicable, unless the judge orders otherwise.

The judge can:

- refuse to allow a person to provide support, if it is in the interests of justice
- regulate the conduct of a support person or the person receiving support.

(s [79](#) Evidence Act 2006)

Assistance with communication

A witness is entitled to communication assistance to assist them in understanding proceedings and giving

evidence, unless the judge considers that they can sufficiently understand the questions put orally and can adequately respond to them.

(ss80(3) & 81(2) Evidence Act 2006)

There are further protections for victims in the Evidence Act including restrictions on cross-examination by parties in person (s95) and limitations on unacceptable questioning (s85).

Victims may be entitled to give evidence in alternative ways

See [Giving evidence in alternative ways](#) in this chapter.

Victims and restorative justice

The Victims' Rights Act 2002 promotes the use of restorative justice processes (s9). However not every court provides this service.

Police are not responsible for making arrangements with restorative justice providers and do not meet the costs associated with referrals. Where a matter is referred, restorative justice providers, contracted by the Ministry of Justice, must provide the court with a report on the outcome of the process or advise if the process did not proceed.

A victim may request to meet with the offender to resolve issues relating to the offence. A member of court staff, a Police employee, or a probation officer, if satisfied that the necessary resources are available, must refer the request to a suitable person who is available to arrange and facilitate a meeting.

Making victim's details available

Police must complete the CSV1 form so that the victim's details are available to the Court Victim Advisor. This will enable the restorative justice provider to contact and consult with the victim as to whether or not restorative justice is a likely option.

Ways of giving evidence

Giving evidence in alternative ways

Victims may be entitled to give their evidence in these alternative ways:

- in the courtroom but where the witness is unable to see the defendant (or some other specified person)
- from outside the courtroom in New Zealand or elsewhere, or
- by video record made before the hearing.

The grounds on which a direction to give evidence in an alternative way may be made include age, psychiatric impairment and fear of intimidation (s103 Evidence Act 2006). A judge's direction may be made on an application or on the judge's own initiative.

Child complainant (victim under 18)

In criminal proceedings involving a child complainant (under 18 years when the charge is laid) the prosecution **must** apply to the court for directions about the way in which the complainant is to give evidence.

Making applications for directions

Applications for directions about the way of giving evidence must be made as early as practicable before the case is tried, or at any later time permitted by the court. Follow these procedures.

Step	Action
1	<p>The O/C case provides the information (relevant grounds) relied on to make the application by way of a report to the prosecutor (POL 258 report). Include the views of the witness or victim on alternative ways of giving evidence.</p> <p>Also include the victim's current address and accurate contact details (phone/email) on the POL 258, to help guide decisions about bail and speed up contact for the s.29 Inform Process.</p>
2	<p>Prosecutors:</p> <ul style="list-style-type: none"> - ask the victim for their views on giving evidence in court in the ordinary way or in an alternative way - complete applications for alternative ways of giving evidence based on the grounds provided by the O/C case. <p>Note: The judge decides which way evidence is to be given. Do not give the victim the impression that they can choose the way their evidence is given or that the judge will definitely allow evidence to be given in the victim's preferred manner.</p>
3	<p>If the complainant is a child (i.e. under 18 years) when the hearing commences:</p> <ul style="list-style-type: none"> - Submit the 'Informant's memorandum in support of application for directions on way for a child complainant to give evidence' (POL 2020 'Application to give evidence in an alternative way').
4	<p>For adults, if there are adequate grounds to support an application, complete an 'Application to give evidence in an alternative way' (POL 2020)</p>
5	<p>Before giving any directions about the way the complainant is to give evidence, the judge:</p> <ul style="list-style-type: none"> - must give each party an opportunity to be heard in chambers - may call for a report on the effect on the complainant of giving evidence in the ordinary way or any alternative way. <p>(ss 104 & 107 Evidence Act 2006)</p> <p>Note: If a video record of witness evidence is to be shown, the judge must give directions about the manner in which cross-examination and re-examination of the witness will be made.</p> <p>(s 105 Evidence Act 2006)</p>

Video record evidence

Refer to the:

- [Investigative interviewing witness guide](#) for procedures for visually recording interviews with adults and information about the storage, transcription and court processes after visually recording evidence.

- [Specialist child witness interview guide](#) for information about recording the evidence of children.
- FWVS for victim video on scene.

Further information

For further information about supporting witnesses/victims in court, see 'Looking after witnesses' in the [Criminal procedure - Trial stage](#) Police Manual chapter.

Returning victims property

Procedure for returning victims property

A victim's property or that of another person (other than the offender) held as evidence must, to the extent possible, be returned to the person as soon as practicable after it is no longer needed ([s51](#)) unless the victim does not want it.

Follow these procedures when returning property.

Step	Action
1	<p>Return all property belonging to victims as soon as possible after it is no longer needed. This is a legal requirement.</p> <p>Sensitivity in the return of property 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 crotch area of trousers) and this should be discussed with the victim before returning the property.</p>
2	Do not keep property belonging to a victim that has no evidential value or where photographing will retain the evidential value (e.g. property bearing an offender's fingerprints may be photographed and returned to the owner).
3	<p>If property is held to be produced as an exhibit, hold it until after the conclusion of the case and until any appeal time limit (generally one month) has expired.</p> <p>Advise victims of the need to have an insurance assessor view the property early, and cooperate to make this possible.</p>
4	If ownership of property is in dispute, retain the property until the court determines the rightful ownership or possession. This may be at the conclusion of the prosecution, or pursuant to section 154 Search and Surveillance Act 2012.
5	Do not assume victims or their families will not want damaged or bloodstained property returned. Ask them.
6	Where possible, avoid returning items in labelled Police exhibit bags. Other bags or boxes might be more appropriate. Give special consideration to how property of a deceased victim is returned.

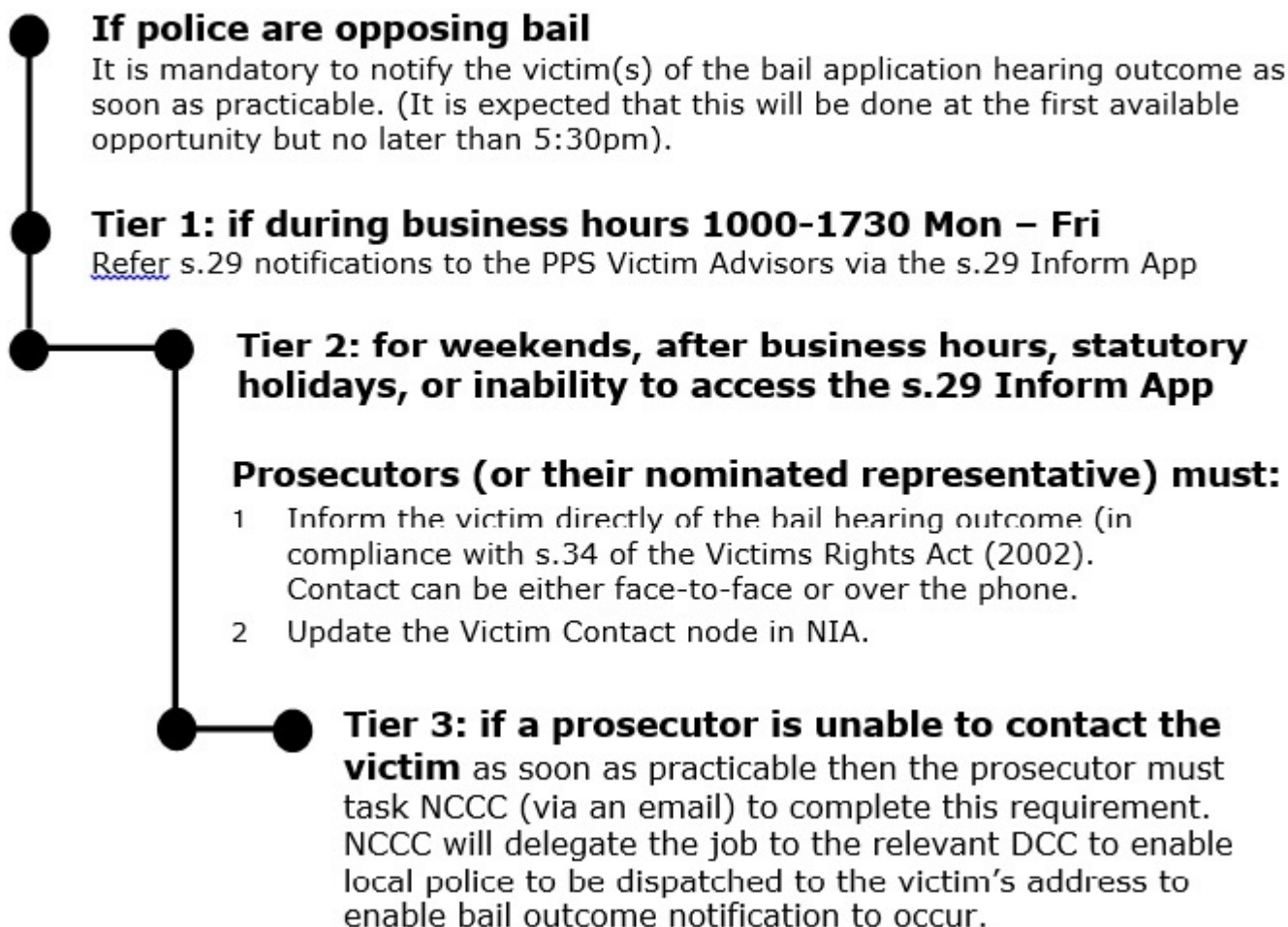
Requirement to refer victims via the s.29 Inform App

Prosecutors or any officer acting in a prosecutorial role are required to notify victims when the following three conditions apply:

- there is a bail application hearing outcome; and
- Section 29 of the Victims' Rights Act applies; and
- Police have opposed bail.

As shown below, during business hours (1000-1730) notification to victims should be undertaken by the PPS Victim Advisors team. The s.29 Inform App is to be used to notify the Victim Advisors team. When outside of business hours, prosecutors must inform the victim(s) directly of bail application hearing outcome.

Tiered responsibilities regarding s.29 notification of bail decisions



Checklist for prosecutor (Hearings involving victims)

Check these actions are completed in relation to hearings involving victims.

Step	Action
1a	IF there is no VIS on file, the prosecutor is to task the O/C with obtaining one. Be sure to inform them of the date of the next court appearance - when it is needed for.
1b	
1c	Notify the supervisor by email to highlight the important nature of the task and the impact on sentencing if it is not there.
	When several cases appear where no VIS has been placed on file, the DPM is to collate this information and bring it to attention of the Area Commander.
2	Task the O/C to check if the VIS needs updating before each of the key stages in the court process. Ensure the VIS is signed.
3	<p>Ascertain the victim's views on:</p> <ul style="list-style-type: none"> - whether part of the VIS should be withheld from the offender to protect the victim's physical safety or security - any other direction or condition the court should place on the disclosure and distribution of the statement.
4	Submit copies of the VIS to the judge, defence counsel and court. See When is the statement distributed? and Offender access to victim impact statements sections in this chapter.
5	If necessary, seek the victim's agreement to release a copy of the VIS to the offender to keep.
6	If video recorded evidence was used during the proceedings, ensure that the lawyers who were given copies of the video return it to Police as soon as practicable after the case has finished.
7	Advise the OC of the final outcome of the case. It is the role of the OC to contact the victim.
8	If the offending falls under s29 and results in imprisonment/home detention/the defendant being sent to a secure health facility or where the defendant is a foreign national, tell victim about the victims notification register if not already done.

Victims' claims trust account

The [Prisoners' and Victims' Claims Act 2005](#) outlines how victims can make claims against any compensation that has been awarded to offenders while in custody. The money awarded to the offender will be held in trust for six months for any victims of that offender (who have been a victim in the six year period leading up to the offender's compensation payout) to make a claim against.

The Ministry of Justice manages the victims' claims trust account and applications from victims for claims. A [Victims Special Claims Tribunal](#) considers the information on the application. The victim's claims might relate to injury, loss, damage or harm and compensation sought.

More information is available on the [Ministry of Justice](#) website including the details of those offenders who have been awarded compensation, or contact a Court Victim Advisor, Court Services for Victims, for more information about the claims trust.

Victim services available from the Ministry of Justice

Victim Advisor, Court Services for Victims

The Victim Advisor, Court Services for Victims is better known by Police as the 'Court Victim Advisor'.

There are about 50 Court Victim Advisors working in District and Youth Courts throughout New Zealand. (See the [CSV 1 email address list](#) to contact your local Victim Advisor). Victim Advisors also support victims going through the Higher Courts.

Currently the Victim Advisor role does not extend to the Family Court or to the Coroner's Court.

Services provided by the Court Victims Advisors

Court Victim Advisors explain to the victim:

- how the court system works
- their rights and where they can get support.

For defended cases, the Court Victim Advisor can:

- meet with the victim and show them through the court
- consider the safety and comfort of the victim
- provide them with a room to sit in, so they are not intimidated by people in the foyer and court room.

For family violence matters, the Court Victim Advisor can:

- fast-track the case as the victim often gets pressured by their partner to drop the case
- immediately access information from the court and advise the victim what has happened, such as whether the defendant has been remanded in custody or what the bail conditions are.

The Court Victim Advisor can provide the victim with these resources:

- a booklet about the Victims' Rights Act
- a brochure on court services
- for a child witness, colouring books and video resources about the court system.

Arranging support from a Court Victims Advisor

To ensure victims receive support from the Court Victim Advisor, Police **must** complete the Court Services for Victims Referral form (CSV1 - in Word>Police Forms> Victims). Police must ensure the CSV1 form and a Summary of Facts is provided to the Court Victim Advisor on, or before, the day of the defendant's first court appearance. (Follow the procedures in [Procedures after an arrest](#) (step 3) in this chapter).

It is vital to ensure the information provided in the CSV1 is accurate. This is because the judge may request information from the Court Victim Advisor about the victim/s, or direct the Court Victim Advisor to contact the victims for specific information. The form provides the Court Victim Advisor with the information they need to contact the victim and discuss the situation with them.

Website for people affected by crime

The Ministry of Justice has worked with a range of government and community agencies to develop a [website](#) which provides information and resources for people affected by crime including:

- Victims Code
- Support for victims
- Protection for victims
- Legal information
- Compensation and reparation information.

Police should access this site to be familiar with its content and should inform victims of crime about it.

Victims of crime information line

The 'victims of crime' information line is a central contact point for information for victims and people affected by crime.

The freephone service (**0800 650 654**) provides victims with information about their rights and services to help them. It does not provide counselling or support services but will connect callers with other services where appropriate. The line operates 7 days a week from 9:00 am to 11:00 pm.

Ministry of Justice publications

A number of publications containing helpful information for victims are available on the Ministry of Justice [Victims Information](#) website and are suitable for display in the public areas of Police stations. The website details how these publications can be ordered.

Victim Support (NZ Council of Victim Support Groups)

NZ Council of Victim Support Groups

The New Zealand Council of Victim Support Groups (Victim Support) was established as an incorporated society in 1990.

Victims Support's vision is that "Victims of crime and trauma are in control of restoring their lives" and their two primary objectives are to:

- provide information, support and assistance to individual victims, witnesses, their families and friends
- raise public awareness and recognition of the effects of crime and promote victim's rights.

Victim Support provides 24-hour emotional support, personal advocacy and information to all people affected by crime and trauma throughout New Zealand. By striving to meet these objectives Victim Support aims to provide a comprehensive, flexible service to reduce the effects of crime and trauma.

Victim Support has a workforce of about 645 volunteers and 131 paid staff based in 62 locations around New Zealand. All Victim Support front-line workers are based in police stations and are supported by Victim Support district managers and a National Office based at Police National Headquarters in Wellington.

Role of Victim Support workers

Victim Support workers provide:

- emotional and practical support as the victim deals with, and makes decisions during the aftermath of a crime or sudden death, especially during the crisis that immediately follows such incidents
- emotional and practical support and advocacy for victims during a criminal investigation and during all parts of criminal proceedings, including support with completing VIS and support before, during and after court, parole, restorative justice, family group conference and Coronial hearings
- information about criminal proceedings, what to expect, specific information about an investigation if appropriate, and information about, and referral to, other support services and agencies in the community
- financial assistance to families of homicide victims, victims of sexual violence, and other victims affected by serious crime (see [Victim assistance scheme](#))
- liaison with other agencies and organisations involved with the victim and advocacy for the victim's rights and entitlements under the Victims' Rights Act 2002
- specialist support in the case of homicides.

Victim Support Memorandum of Understanding

The New Zealand Police has a [Memorandum of Understanding with the New Zealand Council of Victim Support Groups](#) outlining:

- the relationship, roles and responsibilities between the parties
- safety requirements for Victim Support personnel

- the [referral criteria](#) for Victim Support
- training
- sharing information and confidentiality requirements
- communication and media strategies
- performance reporting
- issue or dispute resolution
- costs.

Police referrals to Victim Support

Police must consider and discuss a Victim Support referral with all victims or co-victims of crime, trauma, crash or sudden death who need crisis, emotional or practical support, regardless of the nature of the incident or offence type.

Police must always consider a referral to Victim Support when:

- the incident is serious (a serious crime, fatal or serious injury crash, completed suicide or other sudden traumatic event) including violence offences with a seriousness greater than common assault, and dishonesty offences of a serious magnitude, **or**
- the victim(s) are significantly affected by the incident, **or**
- the victim(s) are likely to be involved with the justice system (Police/court etc) for an extended period.

Police must not call Victim Support workers to incidents involving attempted suicide.

All referrals should be completed in line with the provisions of the Privacy Act 2020.

Timing of referrals

Police must make any referral immediately when the victim is significantly affected by the incident.

Police must ensure that referrals to Victim Support are made at the earliest possible opportunity, even when a non-urgent response is appropriate. This will ensure that Victim Support can make an appropriate response to victims without any unnecessary delay that would further compound victim distress or needs.

Making the referral

Police must use Victim Support's [24/7 contact service phone number](#) to make referrals for immediate response. For victims who need a non-urgent response, use either the contact service phone number or email an electronic referral to the local Victim Support office.

Police must ensure that at the time of referral appropriate information is provided about the victim(s) and their needs to allow Victim Support to make an appropriate, safe and timely response.

Family or sexual violence

In cases of family or sexual violence the normal referral must be to a specialist agency to provide crisis or ongoing support for victims. However, where no specialist agency is available, Police must make referrals to

Victim Support. Police and Victim Support will work with specialist agencies to clarify local responses and triage/referral processes for victims of sexual or family violence. See the Police [Family Harm Policy and Procedures](#) for the procedures for responding to and investigating family harm episodes.

Sharing information

Information disclosed to Victim Support must be disclosed in compliance with any relevant legislation and the Privacy Act 2020 (including any codes issued under that Act) as applicable.

Only sufficient information to achieve the respective agency's purpose should be requested or disclosed by one party to the other.

Other agencies supporting victims

Victim Support is the preferred agency of choice for Police to contact.

However, there are other agencies that victims can access. It is essential Police refer victims to the most appropriate agency. These include:

- Women's Refuge
- Shine
- Alcoholics Anonymous
- Relationship Services
- Samaritans
- Salvation Army.

Only one support agency should be provided information on victims of crime. (Victim Advisors for Court Services to Victims have an exemption under the Privacy Act 2020).

Subsequent disclosures should be made only with the victim's consent.

Victim assistance scheme

The victim assistance scheme is a Government scheme, funded by the offender levy which is applied to every sentence. Applications are made through Victim Support.

The scheme provides:

- victims of serious crimes with financial help to cover some of the expenses to attend court, such as costs of travel, accommodation and childcare. Victims are eligible for assistance if they are travelling outside their immediate home area, even if they are not participating directly in the trial (such as giving evidence) but wish to observe proceedings
- trauma counselling for families of homicide victims
- help with emergency needs to support healing and/or increase the safety of victims of serious crime who are economically disadvantaged
- assistance to meet costs associated with a serious crime scene, including professional cleaning of a house or vehicle, or emergency accommodation.

Victim Support website

<http://www.victimsupport.org.nz/> provides information on victim services, how victims can access funding and other helpful resource information for victims.

Victim Support Contact Centre

What is the Victim Support Contact Centre

The Victim Support Contact Centre (contact centre) provides a single point of contact for all requests of Victim Support. It is based on Level 5 at the Police National Headquarters (PNHQ).

This contact centre aims at:

- handling all incoming telephone requests (24 hours, everyday) from Police for Victim Support attendance at an incident from:
 - an incident from the field
 - a station or Police Comms
- improving communications with Police and Victim Support
- improving the despatch of a support worker(s) with an effective safety plan in place.

Contacting the Victim Support Contact Centre

Police should contact the contact centre for all immediate referrals for a call out response to support victims. You can do this by phone from the field, Police Communication centre (Police Comms), the station and also directly to a Service Coordinator on site.

Note: The toll free 0800 VICTIM or 0800 842 846 number should only be used by employees when calling from a non-Police phone.

The contact centre should also be used to make referrals for a non-urgent response by telephone or sending a non-urgent referral form (VIC 101) found in Police forms under "Victim".

If...	then...
telephoning from a non-Police phone	dial 0800 VICTIM or 0800 842 846
telephoning from a Police iPhone	dial (04) 470 4879
telephoning from Police Comms	dial extension 41179.
telephoning from the station	dial extension 41179 or direct dial (04) 470 4879.
speaking directly to the service coordinator on site	the service coordinator will organise a support worker to contact or attend to the victim.

The callout telephone number (in the table above) will put you in direct contact with a Victim Support service worker (service worker) who will:

- ask a series of questions to take down as much information as possible about the incident and the victim(s), then

- allocate an appropriate support worker(s).

Telephone systems failure

If the callout telephone system fails, you must follow **either one** of these options:

- send an **urgent** email to this contact service email address: contactservice@victimsupport.org.nz or
- telephone the contact centre on mobile phone 027 227 5424, or
- contact the nearest station. If the Victim Support office is staffed at the time of the call, the call taker must pass the information directly to them.

During any of the above options you must give as much detail as necessary and reasonable about the incident to enable Victim Support to respond and provide the officer in charge (O/Cs) mobile number to the call receiver. A support worker will be in touch as soon as possible.

Printed on : 04/05/2022