

This factsheet explains the criminal justice system and the support you can get as a victim of crime.

Being a victim of crime can be a difficult, stressful and sometimes traumatic experience. Everyone deals with it in their own way. There's support to help you deal with the practical and emotional effects of the crime, at each stage of the criminal justice process, and afterwards.

Also see the end of this factsheet for other key contacts and a guide to some of the words you'll hear in court.

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### Victims' rights

You have the right to be told about services that can help you, to be kept informed of the case's progress, and to know what to expect when you go to court.

You have the right to tell the court about how the crime has affected you. If you're the victim of an offence by a child or young person, you have the right to attend a family group conference and have a say in what you'd like to see happen.

In some cases, you or your representative has the right to have a say on things like name suppression, bail, extended supervision orders or parole.

You can expect courteous, compassionate and respectful service from court officers, the police and anyone else involved in the case. You have the right to privacy.

The Victims Code has more information about your rights and the treatment you can expect. To find out more, go to [victimsinfo.govt.nz](http://victimsinfo.govt.nz)

If you believe your rights haven't been met, or you haven't received the standard of service you expect, you can make a complaint. Go to [victimsinfo.govt.nz](http://victimsinfo.govt.nz) or call the Victims Information Line on 0800 650 654.

### Reporting a crime

In an emergency, call 111 and ask for the police.

If it's not an emergency, you can call or visit your local police station. You can take a support person or you can ask Victim Support to meet you (Victim Support 0800 842 846).

The police officer will write down what you say. Afterwards, they'll send you a letter or a complaint acknowledgement form with a file reference number. Keep the form and number in a safe place – you'll need them so you can be updated on your case, and for other things like insurance claims.

The police will also put you in touch with Victim Support or another specialist agency that can help you.

The police will focus on your safety and the safety of your family and whānau. They have different processes depending on the type of crime being reported – the officer in charge of your case can tell you more. Let them know if you have any worries.

Call the Victims Information Line on 0800 650 654 to find out about more resources and support agencies in your area.

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### The investigation

The police will talk to you and anyone else who knows something about the crime. They may also photograph evidence or take away items as evidence to help with the case. If they have enough evidence, they'll make an arrest and charge the person with a criminal offence.

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## **BAIL**

Once someone has been arrested, they may be released until they have to go to court. This is called bail. Sometimes there are conditions about where the person has to live, whether they can have contact with you, and they may have a curfew. If the police think you or other people in the community are in danger, the person may be held in custody until they come to court, when they can apply for bail again.

## **VICTIM NOTIFICATION REGISTER**

You'll have the opportunity to give your views about the release of the person on parole (also see "You can tell the Parole Board how you feel about the offender's release" late in this factsheet).

You can choose to be part of the Victim Notification Register so you can be kept informed about what happens to the offender after sentencing. You can choose someone to receive this information for you, if you like. Your details will be kept private.

To make sure your contact details are up-to-date on the register, contact the police, Department of Corrections or your support agency. To find out more, go to [victimsinfo.govt.nz](http://victimsinfo.govt.nz)

The judge must look at many things when they sentence the offender, such as what sentences have been given for other similar crimes, reports about the offender, and any victim impact statements.

## **VICTIM IMPACT STATEMENT**

If you're a victim of a crime, you'll be asked if you want to make a victim impact statement. This tells the court how the crime has affected you. The officer in charge of your case, Victim Support or another support agency can help you write this. Also see "The verdict and sentence" in this factsheet.

## **Support**

You can get support while your case is being investigated. To get emotional support or support for practical things (like finding out about insurance), call Victim Support on 0800 842 846. Or call the Victims Information Line on 0800 650 654 to find out about other support agencies in your area.

You may be eligible to get assistance from the Accident Compensation Corporation (ACC) – call the ACC Claims Helpline on 0800 101 996. For claims relating to sexual violence, call the Sensitive Claims Helpline on 0800 735 566.

## **YOUTH CRIME**

If the crime was committed by someone younger than 17 years old, the matter will be dealt with through the youth justice process. Victims are a very important part of this process and you have a right to attend a family group conference.

A family group co-ordinator from Oranga Tamariki - the Ministry for Children will contact you.

## **FINANCIAL SUPPORT**

Financial grants are available for victims of serious crimes (see the key contacts section at the end of this factsheet).

- A grant can help cover some of the costs of dealing with the impacts of the crime. There are eligibility criteria for each grant and maximum limits apply.
- Call Victim Support on 0800 842 846 or go to [victimsinfo.govt.nz](http://victimsinfo.govt.nz) to find out more.

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## **At court**

The defendant (the person accused of the crime) will probably appear at court several times, for example, to plead guilty or not guilty or for the judge to look at the evidence of the case. It's unlikely you'll have to attend all of these hearings, but you can go if you want to. You don't need to be at court for the sentencing hearing.

If the defendant pleads guilty, they'll be sentenced that day, or a date will be set for a sentencing hearing.

If the person pleads not guilty, the case will go to trial. Depending on the type of case and the type of court it's heard in, a police prosecutor or a Crown prosecutor will present the case to the court.

As crime affects the whole community, the prosecutor works for the government and is responsible for prosecuting cases on behalf of the Crown, the police and the public.

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You may need to be a witness for the Crown to help prove the case against the defendant (see “Being a witness” below).

Court cases can be long and complicated. They’re not like on tv. A lot of people are involved, and language can be unfamiliar. You can talk to your court victim advisor, the police officer in charge of your case, or your personal support worker about anything you’re unsure about.

#### **LANGUAGE OR DISABILITY ASSISTANCE**

Tell your court victim advisor, police victim liaison officer or personal support worker if you need help with language translation or disability access.

#### **YOUR SAFETY AT COURT**

Your safety is important. If you’re concerned about your safety at court, talk to a police officer or court security officer, or let your victim advisor know before you come to court.

#### **COURT VICTIM ADVISOR**

Once the defendant has made their first appearance in court, a court victim advisor will get in touch with you. It’s their job to keep you informed about the progress of your case and to help you through the court process. They can also tell you where to get emotional and financial support.

The court victim advisor, police officer in charge of your case, or your support worker are there to explain anything that’s unclear.

Find out more at [victimsinfo.govt.nz](http://victimsinfo.govt.nz). Or contact your court victim advisor directly, or through the Victims Information Line on 0800 650 654.

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### **Being a witness**

During the trial, you and members of your family and whānau may be called as witnesses. Being a witness can be stressful. The prosecutor and your court victim advisor can explain what’s involved and what to expect. You can also get help from the police officer in charge of your case.

#### **BEFORE COURT**

Your police victim liaison officer or court victim advisor will tell you when and where you need to be at court. You’ll also get an official summons delivered to you at home.

The prosecutor will talk with you about what you need to do as a witness. You can also ask to visit the courtroom ahead of time. Speak to your court victim advisor, the police officer in charge of your case, or support worker.

Also, tell your court victim advisor or the police officer in charge if you want to arrange:

- someone to meet you at or outside the court
- a support person to sit with you when you give evidence.

#### **AT COURT**

You’ll be asked questions about what happened or what you know about the crime.

When you give evidence, you’ll usually be able to see the defendant.

In most courts, there are separate waiting areas for witnesses, but it’s possible that you’ll still see the defendant’s family and friends in and around the court.

It’s important to have support when you’re a witness both before and on the day. Talk to your court victim advisor or support worker about getting the support that’s right for you.

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### **The verdict and sentence**

At the end of the court case, the jury (for a jury trial) or the judge (where there isn’t a jury) decides whether the defendant is guilty or not guilty. In some cases, such as when a jury can’t reach a decision, there may be another trial.

If the defendant is found not guilty, they’re free to go. This can be unexpected for you and you may want to talk this over with your court victim advisor or support worker.

If the person is found guilty, they may be sentenced on the day or a date will be set for a sentencing hearing.

#### **RESTORATIVE JUSTICE**

A restorative justice conference is an informal facilitated meeting between the victim, offender, support people, and any other approved people, such as community representatives or interpreters.

Restorative justice enables victims to tell the offender how they’ve been affected, have a say in how the harm can be repaired, and begin to resolve some of the effects of the crime.

For your case to be considered for restorative justice, the offender has to be found guilty or plead guilty to the offence and you both must be willing to take part.

To find out more, ask your court victim advisor or see [victimsinfo.govt.nz](http://victimsinfo.govt.nz)

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## SENTENCING

The judge is required by law to take many factors into account when sentencing the offender, such as what sentences have been given for other similar crimes and reports about the offender.

If the judge agrees, you (or someone you choose) can read out all or part of your victim impact statement in court at the sentencing hearing. Ask your court victim advisor or officer in charge to ask the judge for you. The judge is required to consider your victim impact statement when sentencing the offender.

## REPARATION

Sometimes the judge will order the offender to pay you money, called reparation, if you suffered harm or your property was lost or damaged because of the crime. You can call the court on 0800 909 909 to organise the best way to receive your reparation.

## APPEALS

Both the prosecutor and the offender have the right to appeal the verdict and the sentence. This means a higher court looks at the case again. If this happens, the prosecutor will let you know about the process.

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## After court

If found guilty, the offender will be sentenced. Understanding sentences isn't always easy. The police officer in charge of your case or your court victim advisor can explain what the sentence means.

## RELEASE FROM PRISON

Offenders are released from prison either on parole or when their sentence ends. This may be earlier than you expect, because time they spent in custody before they were convicted and sentenced is counted as part of their sentence.

If an offender's sentence ends, they must be released from prison. They can't be kept in prison after their sentence ends.

An offender can be released from prison before their sentence ends if they're granted parole. The New Zealand Parole Board will look at the case of most offenders and

decide if the offender's early release will pose an undue risk to the safety of the community.

Offenders often have to meet certain conditions after they're released on parole. The conditions are set by the Parole Board or by the judge who sentenced the offender. These conditions may cover where they can live, who they can contact, whether they have a curfew, and other factors that will help protect the community.

## YOU CAN TELL THE PAROLE BOARD HOW YOU FEEL ABOUT THE OFFENDER'S RELEASE

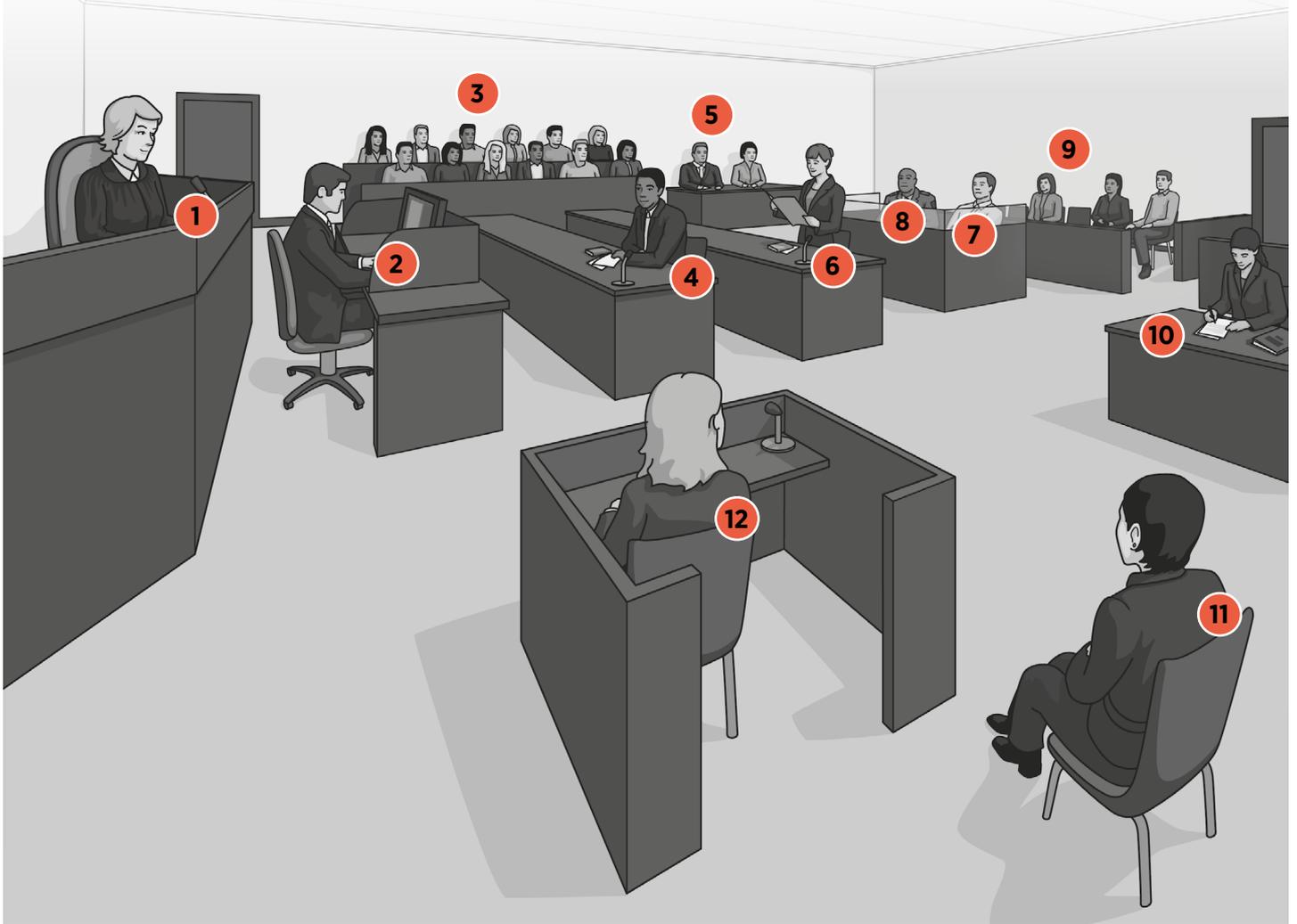
To have your say about an offender's early release from prison, you must be registered on the Victim Notification Register. This is so the Parole Board can contact you whenever the offender is going to have a parole hearing.

You can tell the Parole Board how you feel in writing, by video conference or in person:

- **In writing or by video conference**  
Talk to your Parole Board contact.
- **In person**  
The Parole Board will meet with you. You'll speak to the same people who'll be seeing the offender, but the hearing you attend won't be in a prison and the offender won't be there. You can bring support people with you.

## The courtroom

This diagram shows one example of the layout of a courtroom, and who you might see.



1. **Judge** is in charge of the court. They decide if the defendant is guilty, or if there is a jury, the jury will decide this instead.
2. **Registrar** helps the judge and makes sure that court processes are followed.
3. **Jury** is made up of 12 people who decide if the defendant is guilty. Not all trials are jury trials.
4. **Prosecutor** takes the case on behalf of the Crown and presents the case against the defendant.
5. **Media** are journalists who report on the case.
6. **Defendant's lawyer** represents the defendant.
7. **Defendant** is the person accused of the crime.
8. **Prisoner's escort** accompanies the defendant.
9. **Public gallery** is where members of the public and victims' families and whānau can sit, and where witnesses can sit after they have given evidence. When you give evidence, no-one from the public will be present.
10. **Court victim advisor** helps the witness understand the court process. They may not always be in the courtroom.
11. **Witness' support person** is the person who the judge has agreed can support the witness in court.
12. **Witness** gives evidence on what happened or what they know about the crime.

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## Key contacts

There's support for you at every stage to help you deal with the impacts of the crime.

Here are the contact details for some key services for victims and people affected by crime. You can find more information about services by calling the Victims Information Line on 0800 650 654 (24/7) or by visiting [victimsinfo.govt.nz](http://victimsinfo.govt.nz)

### ACC

0800 101 996 Claims Helpline  
0800 735 566 Sensitive Claims Helpline (for victims of sexual violence)  
[acc.co.nz](http://acc.co.nz)

### Court victim advisors

0800 650 654 Victims Information Line

### Department of Corrections

04 460 3000  
[corrections.govt.nz](http://corrections.govt.nz)

### New Zealand Parole Board

0800 PAROLE (727 653)  
[paroleboard.govt.nz](http://paroleboard.govt.nz)

### Personal support

[victimsinfo.govt.nz](http://victimsinfo.govt.nz)

### Police

[police.govt.nz](http://police.govt.nz)

### Victim Support

0800 VICTIM (842 846) 24/7  
[victimsupport.org.nz](http://victimsupport.org.nz)

### Women's Refuge

0800 REFUGE (733 843) 24/7  
[womensrefuge.org.nz](http://womensrefuge.org.nz)

## Some words you might hear in court

### Bail

When police release someone who's charged with a crime on the condition that they attend future court hearings.

### Court victim advisor

A Ministry of Justice staff member who can explain the court process and keep victims informed on the progress of their case.

### Defendant

The person accused of the crime.

### Homicide

When a person is killed by another person.

### Offender

The person convicted of the crime. (Before being found guilty, the person charged with the offence is called the 'defendant'.)

### Parole

When an offender is allowed out of prison to finish their sentence in the community. They must follow certain conditions.

### Restorative justice

Restorative justice lets victims tell an offender how they have been affected, have a say in how the harm can be repaired, and begin to resolve some of the effects of the crime. A meeting is called a restorative justice conference.

### Serious crime

- A crime of a sexual nature or other serious assault.
- A crime that has resulted in serious injury or death.
- A crime that's led the victim to have ongoing fears for their safety or the safety of one or more of their immediate family.

### Victim Notification Register

A confidential list used by criminal justice agencies to keep victims informed about the offender, such as where the case is in the court process, if there's a temporary release from prison and when the offender is up for parole. Register your details with the police officer in charge of the case.

### Victim impact statement

A record of how the crime has affected a victim. A victim impact statement is usually in writing, but can include photographs, drawings or poems. A judge must consider it when sentencing an offender. The victim can read the statement to the court just before sentencing.