

# For victims of sexual violence

## MOVING THROUGH THE CRIMINAL JUSTICE SYSTEM WHAT HAPPENS AND HOW TO GET SUPPORT

Sexual violence is an extremely serious crime. The effect can be traumatic and long lasting. Everyone reacts differently, and needs different kinds of support.

Being a victim of sexual violence can be a difficult, stressful and traumatic experience. Everyone deals with it in their own way. Whether or not you report the crime, there are agencies in your area that can offer specialist emotional and practical support. Call the Victims Information Line on 0800 650 654 to find out about agencies near you.

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.

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### Reporting the crime

If you've recently been a victim of sexual violence, or are feeling unsafe, call 111 and ask for the police.

If the crime happened some time ago, even years ago, you can still report it. There's no time limit on when you

can report a crime of sexual violence to the police. If you decide to report a crime that happened in the past, call your local police station and ask to speak to a detective. You can take a support person with you when you report a crime.

The first priority for the police is to make sure you're safe. Once you've reported the crime, you'll be assigned a police officer who will be in charge of your case. You can contact them at any time to find out what's happening.

The police will also call a specialist crisis response agency or Victim Support who will talk to you about what happens next. Specialist crisis response agency workers are specially trained to support victims of sexual violence and can work with you throughout the investigation and the court case.

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

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### The investigation

The investigation of a sexual violence crime is intensive and police will try and gather as much evidence as possible. A specially trained interviewer from the police will talk to you, and may ask to speak to you several times to find out everything that happened. You can ask to talk to a female or male police officer.

As part of the investigation, you may be asked to have a medical examination. This is your choice. You'll see a doctor specially trained in working with people who have been victims of sexual violence. This provides important evidence for the case. You can have a support person with you at all times.

During the investigation, the police may interview anyone else who knows something about the crime, as well as gather evidence like photos and forensic tests. If the police have enough evidence, they'll make an arrest and charge the person with a criminal offence.

For more information about going through the court process, visit [sexualviolence.victimsinfo.govt.nz](http://sexualviolence.victimsinfo.govt.nz)

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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 to help you cover some of the costs related to the crime. To check if you can get a grant and how to apply, call Victim Support on 0800 842 846.

- A grant of up to \$500 can be claimed for expenses that result from the sexual violence, such as repairs to locks, replacing clothing, or temporary accommodation.
- A grant of \$100 per day (\$50 per half day) is available for victims of sexual violence and their unpaid support person to attend court proceedings. This grant is also available for the caregiver attending court in place of a child victim, and for their support person.
- Financial support is available for travel, accommodation and related costs for victims of serious crime (which includes all sexual crimes) and their unpaid support person attending court and Parole Board hearings.
- Up to \$2000 is available as a last resort for emergencies for people who qualify for a community services card.

You may also be able to get financial support from ACC. Ask your support agency or call the ACC Sensitive Claims Helpline on 0800 735 566.

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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.

At court, a prosecutor will present the case to the judge and jury. The prosecutor works for the government and is responsible for prosecuting cases on behalf of the Crown, the police and the public. You're likely to be called as a witness for the Crown to help prove the case against the defendant (see "Being a witness" in this factsheet).

The prosecutor will meet with you and tell you what charges will be laid and why, and what's likely to happen at court.

### **MEDIA**

In cases of sexual violence, media are automatically forbidden to report your name or any details that may identify you.

### **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.

### **SEXUAL VIOLENCE VICTIM ADVISOR**

You'll have access to a specialist victim advisor who's trained and experienced in working with sexual violence.

They'll explain the court process to you, help you understand what's happening and when, and tell you when the offender will be in court. They'll also help you find the personal support that's right for you.

To find out more, call the Victims Information Line on 0800 650 654.

## **Being a witness**

You're likely to be called as a witness if the matter goes to court. Being a witness can be a stressful experience. The prosecutor, the police officer in charge, and your sexual violence victim advisor can tell you what's involved and what to expect.

### **BEFORE COURT**

The police officer in charge or your sexual violence 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 ask to visit the courtroom ahead of time. Speak to your sexual violence victim advisor, officer in charge or support worker to arrange this.

Also tell your sexual violence 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
- a screen or closed circuit tv, so you don't have to look at the defendant when giving evidence.

### **AT COURT**

When you give evidence, the court will be a 'closed' court. This means that members of the public aren't allowed to be there. Media will need permission from the judge but, if they stay, they won't be able to make electronic recordings.

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

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 sexual violence victim advisor or support worker about getting the support that's right for you.

For more information about going through the court process, visit [sexualviolence.victiminfo.govt.nz](http://sexualviolence.victiminfo.govt.nz)

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## **The verdict and sentence**

At the end of the trial, the defendant will be found guilty or not guilty. In some cases, such as where a jury doesn't reach a decision, there may be another trial.

If the defendant is found not guilty, it doesn't mean you weren't believed - cases are a matter of law and evidence.

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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 sexual violence victim advisor or support worker.

If the defendant 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 a 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 sexual violence victim advisor or go to [victimsinfo.govt.nz](http://victimsinfo.govt.nz)

### **SENTENCING**

The judge is required by law to take many factors into account, 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 sexual violence victim advisor or the police officer in charge of your case 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**

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

## **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 sexual violence 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.

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## Key contacts

There's support for you at every stage to help you deal with the impacts of the crime. Below 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); visiting [victimsinfo.govt.nz](http://victimsinfo.govt.nz) or [sexualviolence.victimsinfo.govt.nz](http://sexualviolence.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.

### Defendant

The person accused of the crime.

### 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've 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 has led the victim to have ongoing fears for their safety or the safety of one or more of their immediate family.

### Sexual violence victim advisor

A Ministry of Justice staff member who is trained and experienced in working with sexual violence. They can explain the court process and keep victims informed on the progress of their case.

### 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.

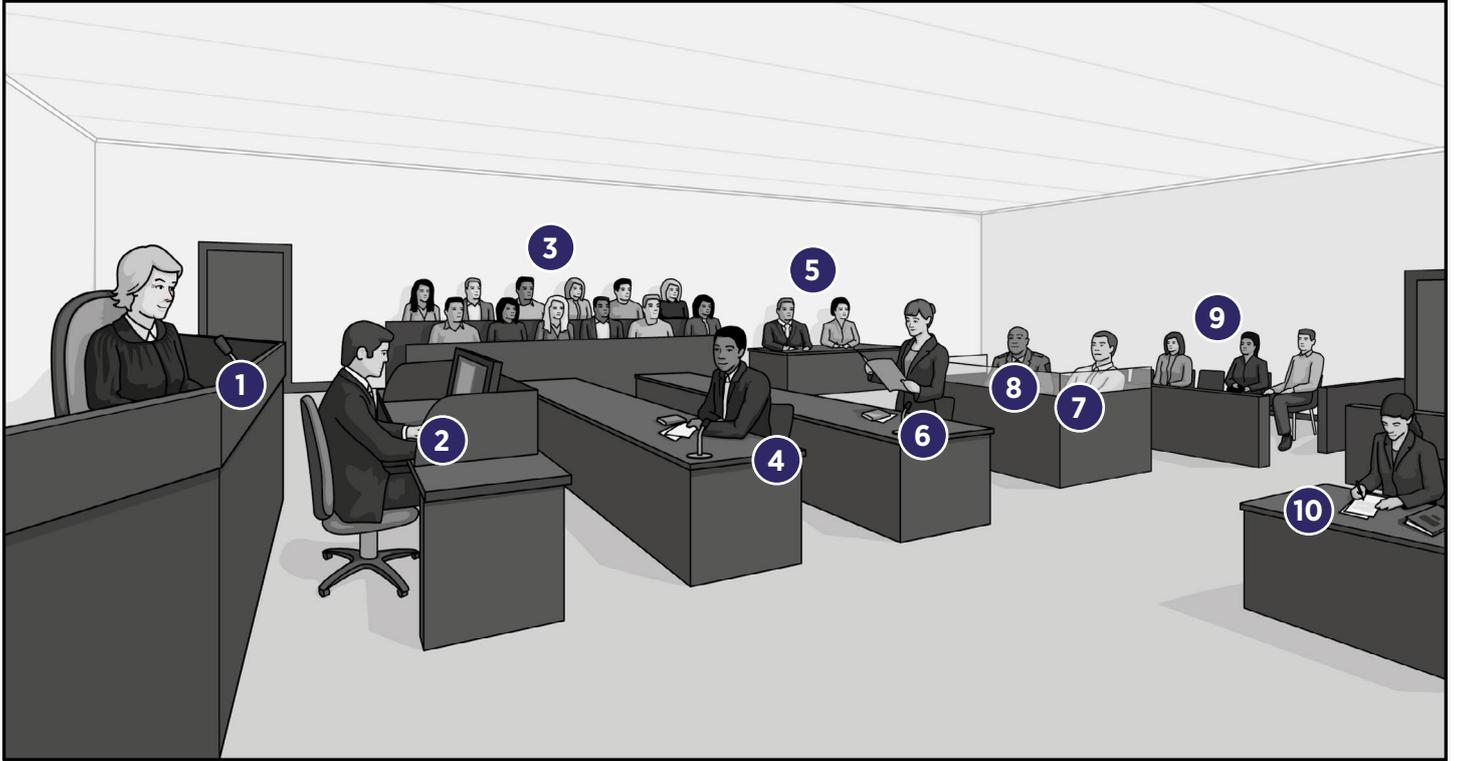
### Victim impact statement

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.

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## 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've 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.