

For young witnesses and their parents, carers, family and whānau

MOVING THROUGH THE CRIMINAL JUSTICE SYSTEM – WHAT HAPPENS AND WHERE TO GET SUPPORT

Witnesses are a very important part of the criminal justice system in Aotearoa New Zealand. They give vital evidence in investigations and court cases and help make sure that the right people are held to account for crimes they commit.

As a child or young person who has witnessed a crime, it's important that you get the right support. There are agencies in your area who can help you. To find out more:

- see the information in this factsheet under “Support”
- see the last page of this factsheet for the contact details of agencies that can help you. There's also a guide to some of the words you'll hear in court.

All victims of crime in Aotearoa New Zealand have rights. You can read more about these rights on page 4 of this factsheet.

The investigation

When a crime is reported, a police officer is put in charge of the case. They'll talk to you and your parent or guardian about where you can get support and, if you're worried about your safety, how this can be dealt with. You or your parent and guardian can also contact them to ask how the case is going or what's happening with it.

POLICE INTERVIEW AND STATEMENT

The Police will interview you and take your statement as soon as possible after the crime is reported. The type of crime will determine how the interview will take place. The police officer will explain this to you.

Your statement might be filmed by the Police or you might be asked to write it down. And even though you've made a statement, you may still need to answer questions in court.

It's important you talk about what happened in your own words, so you should try not to talk to your family, whānau and other people about the crime before the interview.

Interviewers do their best to make sure you only need to do one interview, but sometimes you might need to do another.

During the investigation, the Police will also talk to other witnesses and collect evidence. If they have enough evidence, they'll arrest someone and charge them with the crime.

BAIL

Once someone has been arrested, they may then be let go 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 might have a curfew. If the Police think you or other people are in danger, the person may be kept in jail until they have to go to court, when they can ask for bail again.

PAROLE AND THE VICTIM NOTIFICATION REGISTER

If you're a victim of a serious crime, you and your parent or guardian will be asked how you feel about the person getting let out of jail before they've finished their sentence – this is called parole, and you'll be told if they get it or not.

Your parent or guardian will also be asked if they want to be on the Victim Notification Register so they can be told what happens to the offender after they're sentenced. The police officer will talk to you about the process.

You can't go on the register yourself until you're 17. Your parent or guardian must make sure they keep your contact details on the register up-to-date so the Police can contact you. You can find out more at victimsinfo.govt.nz

VICTIM IMPACT STATEMENT

You and your parent or guardian will be asked if you want to make a victim impact statement. This tells the court how the crime has affected you. The victim impact statement is one of the things the judge looks at when they sentence the person who did the crime. The police officer in charge of your case or another support agency can help you write this. The defendant will see the statement.

Support

You can get support while your case is being investigated. Call the Victims Information Line on 0800 650 654 to find out about support agencies in your area.

SUPPORT FROM THE POLICE OFFICER IN CHARGE OF THE CASE

You can call or email the police officer in charge of your case at any time to find out what's happening with it.

SUPPORT FROM A COURT VICTIM ADVISOR

When the person accused of the crime (they're called the "defendant") has made their first appearance in court, a court victim advisor will contact you. It's their job to tell you what's happening with your case and to help you when you're at court. They can also tell you where to get emotional and financial support.

Find out more at victimsinfo.govt.nz. Or phone your court victim advisor directly or through the Victims Information Line on 0800 650 654.

The victim impact statement is one of the things the judge looks at when they sentence the person who did the crime.

INFORMATION PACK

You can get an information pack that can help you understand the court process. Ask your court victim advisor about this.

COURT EDUCATION FOR YOUNG WITNESSES

Court cases can be long and complicated – they're not like on TV. Ask your court victim advisor if you can do the "Court Education for Young Witnesses" programme. It can make a positive difference to how you react in court and how you cope afterwards.

Your court victim advisor will work with you before the hearing to help you learn what to expect from the court process. They'll also show you around the courtroom so you're familiar with it before the hearing. Participation in the programme is voluntary. To find out more, contact a court victim advisor at your local court.

SUPPORT WITH LANGUAGE OR DISABILITY ACCESS

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

FINANCIAL SUPPORT

There's money available (called a "grant") for victims of serious crimes.

- A grant can help you pay for some of the costs of dealing with the impacts of the crime.
- To check if you can get a grant, call Manaaki Tāngata – Victim Support on 0800 842 846 or go to victimsinfo.govt.nz to find out more.

At court

Usually, the defendant will appear at court several times. For example, to tell the court they're guilty or not guilty, or for the judge to look at the evidence.

If the person says they're guilty, the judge will tell them their sentence either on that day or on another day. You won't have to give more evidence and you won't have to be in court for the sentencing.

If the person says they're not guilty, the case will go to trial. As a witness, you'll need to give evidence. There's more information about this in this factsheet, under "Being a witness".

YOUTH CRIME

If the crime was committed by someone younger than 17 years old, it'll be dealt with through the youth justice system.

You'll be invited to a family group conference if one is held. You can also attend the hearing at Youth Court. You can take support people, like your parent or guardian, with you to both of these.

The youth justice coordinator for Oranga Tamariki – Ministry for Children will make sure you know what's happening and what you need to do.

Being a witness

BEFORE THE CASE IS HEARD IN COURT

The police officer or the court victim advisor will tell you when you need to be at court and where to go. You'll also get an official notice delivered to you at home.

Before the case is heard in court, the police officer will meet with you and play your recorded interview, or show you your written statement, to remind you of what you said. They'll also talk to you about how you're going to give your evidence.

YOUR SAFETY AT COURT

Your safety is important. If you're worried 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.

GIVING EVIDENCE

The police officer in charge of the case or the court victim advisor can meet you, your family and whānau, at court or outside the courthouse. They'll take you to a separate waiting area so you won't have to see the defendant or the people supporting them. You might still see them in and around the court.

- Before you give evidence, you'll have to promise to tell the truth. You can take an oath (a religious promise) or make an affirmation (a non-religious promise).
- If you were recorded giving your statement, this will usually be played to the court.
- You'll then be asked to answer some questions from the prosecutor (the lawyer trying to prove the defendant is guilty) and the defendant's lawyer. The judge may also ask you some questions.
- The media will usually be in court too, but they aren't allowed to report your name or any details that can identify you.

OPTIONS FOR GIVING EVIDENCE

You can have someone sit next to you while you give your evidence. If you're giving evidence in a CCTV room, you'll be able to see the judge and the lawyers, but not the defendant. You won't be alone – someone from the court will be with you in the room and someone you know can sit with you so you feel safe.



Closed circuit television (CCTV). You might be able to give your evidence through a video link from a separate room, so you don't have to be in the courtroom.

SENTENCING

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

If the judge agrees, you and your parent or guardian can read out all or part of your victim impact statement in court. If you want to do this, ask the police officer or your court victim advisor to ask the judge for you.

APPEALS

The prosecutor and the defendant have the right to appeal the verdict and the sentence. This means a higher court will look at the case again. The prosecutor will tell you if this is going to happen.

AFTER THE COURT CASE IS HEARD

If they're found guilty, a defendant could get sent to prison, told to do community sentence, or they may need to pay a fine.

The verdict and sentence

The defendant will be found guilty or not guilty. (In some cases, for example, if a decision can't be reached, there may be another trial.) If they're found not guilty, this doesn't mean you weren't believed – cases are a matter of law and evidence.

If the defendant is found not guilty, they're free to go. This can be unexpected and you and your parent or guardian 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 same day or at a date in the future.

Victims' rights

You've witnessed a crime, but you may also be a victim of that crime. Victims of crime in Aotearoa New Zealand have rights – when the victim is a child or young person, their parent or guardian has the same rights as them.

You and your parent or guardian can read about victims' rights here:

- You have the right to be told about services that can help you, to be kept informed of the progress of the case, and to know what to expect when you go to court.
- You have the right to tell the court about how the crime 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 say what you'd like to see happen.
- In some cases, you or your parent or guardian 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 read the Code and for other useful information, go to 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 or call the Victims Information Line on 0800 650 654.

Some words you might hear in court

Bail

When the Police release someone who's charged with a crime on the condition that they go to court.

Court victim advisor

A person who works for Te Tāhū o te Ture – Ministry of Justice who can explain the court process and keep victims informed about the progress of their case.

Defendant

The person accused of the crime.

Parole

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

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.

Victim Notification Register

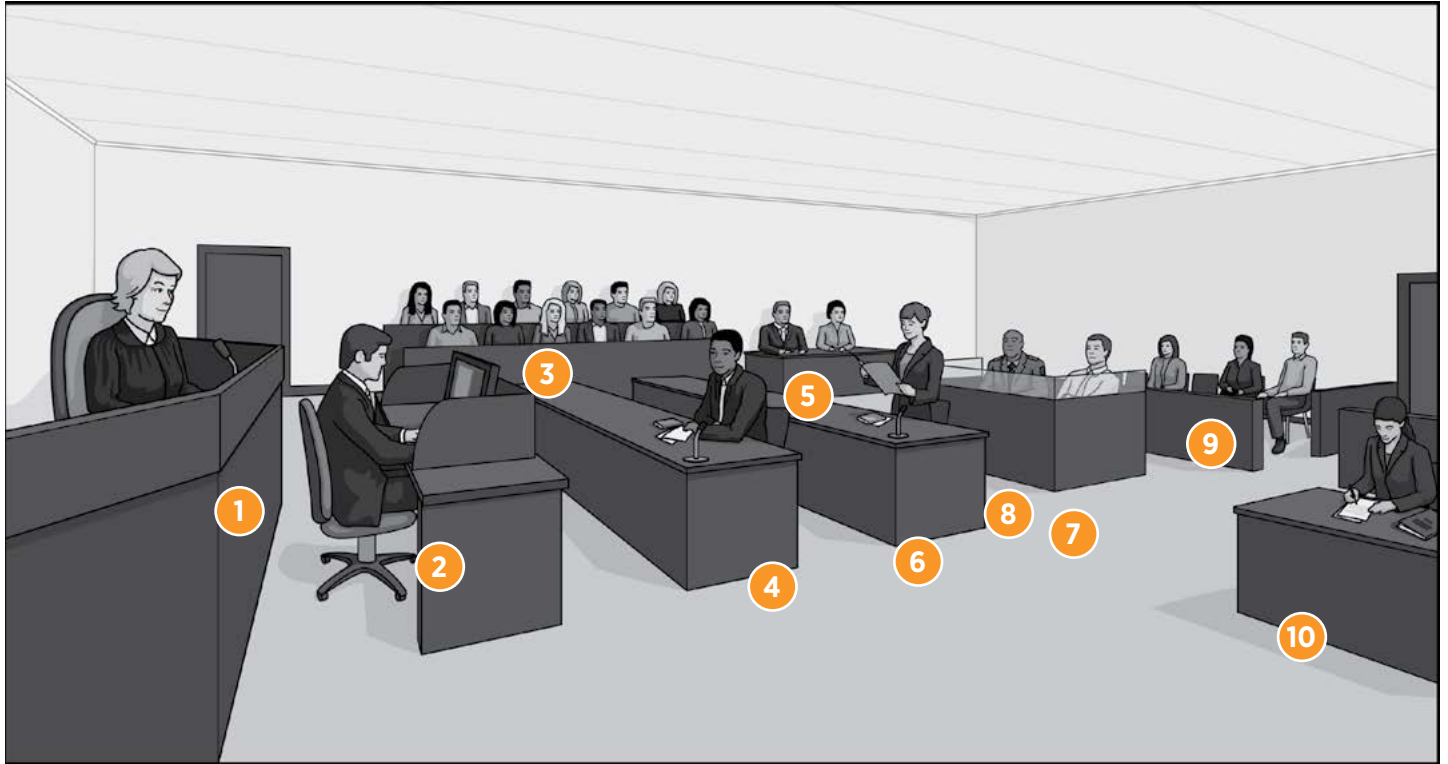
A confidential list used by criminal justice agencies to keep victims informed about the person convicted of the crime, like where the case is in the court process, if they'll be temporarily released from prison, or when they'll be up for parole. It's a good idea for victims to register their details with the police officer in charge of their case.

Victim impact statement

A record of how the crime has affected a victim. It's usually in writing, but can include photographs, drawings or poems. A judge must consider it when sentencing. The victim can read their statement to the court just before sentencing, if the judge agrees.

The courtroom

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



1. The **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. The **registrar** helps the judge and makes sure that court processes are followed.
3. The **jury** is made up of 12 people who decide if the defendant is guilty. Not all trials are jury trials.
4. The **prosecutor** takes the case on behalf of the Crown and presents the case against the defendant.
5. The **media** are journalists who report on the case.
6. The **defendant's lawyer** represents the defendant.
7. The **defendant** is the person accused of the crime.
8. The **prisoner's escort** accompanies the defendant.
9. The **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. The **court victim advisor** helps the witness understand the court process. They may not always be in the courtroom.

Going to court as a witness is a big deal for anyone but especially for tamariki and taitamariki (children and young people). They can feel nervous or anxious about going to court; sometimes this can make a difference to what they can remember and say.

A young witness will only have to go to court if the judge or jury needs to hear from them about what happened. If the person accused of breaking the law (the defendant) says they're not guilty, there will be a trial so a judge or jury can decide if evidence shows the defendant broke the law.

Role of the young witness

The young witness either saw something or knows something that could help the court decide if the defendant broke the law. They may also be the victim or complainant – the person who told the Police what happened to them.

The judge or jury needs to hear them say what happened in their own words. If a video interview was made and is shown to the court, they may not have to repeat their evidence but they'll still need to be in court to answer questions in their own words. The prosecutor (police officer or Crown lawyer) and the defendant's lawyer can ask the young witness questions when they give their evidence.

Court Education for young witnesses

For information about court education for young witnesses and options for giving evidence, see page 2 of this factsheet.

Supporting your young witness

If your child wants someone to be with them in court, ask the police officer in charge of the case to ask the judge's permission. The judge will also decide where you, as the support person, will sit in court.

As a support person, you can help your young witness stay calm but you must not talk to them or touch them while they're giving evidence. You also can't be another witness in the case.

Some court matters you should know about

As a support person, it's important that you know about:

Name suppression. Usually newspapers, radio and TV can't reveal the names of witnesses under the age of 17. The defendant's name would also be suppressed if releasing it would identify the young witness. The Police can tell you if your particular case has name suppression.

Bail. Once someone has been arrested, they may then be let go until they have to go to court. This is called bail. If the Police think your young witness or other people are in danger, the person may be kept in jail until they have to go to court, when they can ask for bail again. You can also tell the Police or your court victim advisor if you're worried about the person being on bail.

Changing charges. Before the hearing, the Police may decide to change the charges against the defendant. The charges say which laws the police think have been broken. They may ask you what you think before making the change.

Victim impact statement. If your young witness is also a victim, you may be asked to help prepare a victim impact statement. This tells the court how the crime has affected the young witness. The victim impact statement is one of the things the judge looks at when they sentence the person who did the crime. The police officer in charge of your case, Manaaki Tāngata – Victim Support or another support agency can help you write this. The defendant will see the statement.

PAROLE AND THE VICTIM NOTIFICATION REGISTER

If your young witness is a victim of a serious crime, you'll be asked how you feel about the person getting let out of jail before they've finished their sentence – this is called parole – and you'll be told if they get it or not.

As the parent or guardian, you'll be asked if you want to be on the Victim Notification Register so you can be told what happens to the offender after they're sentenced. The police officer will talk to you about the process.

Children or young people can't go on the register themselves until you're 17. You must make sure to keep your contact details on the register up-to-date so the Police can contact you.

You can find out more at victimsinfo.govt.nz

Talking things over with your young witness

It's OK for your young witness to tell you what they saw. However, it's very important no one tells them what to say in court. The court wants to hear what the young witness saw in their own words.

Watching over your young witness

Many young witnesses cope very well with the court process and want to take part. Others may feel anxious, guilty or angry. They may feel even more confused if the defendant is from their family or whānau, or is someone else they know. As the hearing gets closer, your young witness may be:

- anxious
- withdrawn, quiet, thoughtful
- not sleeping well at night
- having lots of headaches, stomach aches, etc
- really angry
- fighting with brothers and sisters more than usual
- having up and down moods.

Sometimes a child or young person thinks they might shock their parent or guardian by talking about their feelings. You need to take the lead and talk to them, especially if they show any of the above signs.

However your young witness is feeling, it'll help them if they can talk about it. You can then reassure them it's going to be OK and there will be people helping them on the day. And don't forget to give them extra hugs.

You may need to take them to see a counsellor, especially if your child saw or experienced serious violence; they may need extra help to deal with their feelings. In some cases, ACC may pay for counselling. Talk to your court victim advisor about this – they can also help you find a counsellor.

Respecting your young witness

While talking about what's happening is good, try not to talk about it to all your friends, family and whānau, especially in front of your young witness. This could embarrass them, or cause them to worry or to feel hurt. If you need to talk to other adults about them, ask your young witness if that's OK. This will help them feel they have some control over what's happening.

Siblings

Siblings could feel left out, angry or jealous when the attention of family and whānau is focused on the young witness. They may misbehave to get your attention. Some children will be especially good or helpful, again to get your attention.

It's important you look after the needs of your young witness, but the needs of your other tamariki or children are also important. It might help to hold a family or whānau meeting to talk about what's happening and how you each feel.

If the defendant pleads guilty

At any time, the defendant may decide to plead guilty and say, yes, they did break the law. This means there won't be a court case and your young witness won't have to give evidence.

Your child or young person may feel happy and relieved. However, they may have wanted to tell what happened. If they're a victim, they will still get to tell the judge, in their victim impact statement, how the crime affected them.

The judge may also need other reports from, for example, a probation officer that suggests how the defendant should be dealt with. The defendant will see all reports.

When the court case has ended

Your child or young person may need to talk to someone after the court process ends, whether or not the defendant was found guilty. They may be upset, or feel down or angry. They may have very different feelings to everyone else and may need to talk to someone about them. Your court victim advisor will give you a list of specially trained people in your community who can help. The victim advisor and the Police can also help you find someone.

Ask for help if you need it

As a parent or guardian of a young witness, you'll likely feel all sorts of emotions from worry and guilt to hurt and anger. It's not unusual for each parent or guardian to feel differently. As the main support person for the young witness, it's important that you take care of yourself – your young witness is depending on you.

You especially need to take care of yourself if you're also a witness. Get help if you're not managing as well as you'd like. Having people around you who care about you and can support you, like friends, family and whānau, is important. Organisations like Lifeline Aotearoa, Manaaki Tāngata – Victim Support and Women's Refuge can help. Your court victim advisor can also help you find support.

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 that can help you. Or call the Victims Information Line on 0800 650 654 or go to victimsinfo.govt.nz

ACC

0800 101 996 Claims Helpline
0800 735 566 Sensitive Claims Helpline (for victims of sexual violence)
acc.co.nz

Court victim advisors

0800 650 654 Victims Information Line

Te Ara Poutama Aotearoa – Department of Corrections

04 460 3000
corrections.govt.nz

Kidsline

0800 543 754 available 24/7
kidsline.org.nz

Lifeline Aotearoa

0800 543 354 available 24/7
lifeline.org.nz

New Zealand Parole Board

0800 PAROLE (727 653)
paroleboard.govt.nz

Personal support

victimsinfo.govt.nz

Ngā Pirihimana o Aotearoa – New Zealand Police

police.govt.nz

Manaaki Tāngata – Victim Support

0800 VICTIM (842 846) 24/7
victimsupport.org.nz

Women's Refuge

0800 REFUGE (733 843) 24/7
womensrefuge.org.nz