

This factsheet explains what support you can get and who you can ask for help if you've been affected by homicide.

Losing a loved one to homicide is an extremely traumatic experience. The right support can help you and your family and whānau deal with the impact of the crime. There are agencies in your area that can offer specialist emotional and practical support.

To find out more, call the Victims Information Line on 0800 650 654. Also see the end of this factsheet for other key contacts and a guide to some of the words you'll hear in court.

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

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.

The investigation

A homicide investigation is very difficult for the family and friends of the victim. If someone in your family or whānau has been a victim of homicide, getting the right support is very important.

The Police will assign a victim liaison officer to your family. They'll make sure you know what's happening throughout the investigation and the court case. They'll also be able to answer any questions you have and put you in touch with specialist support agencies.

Although it's very hard for family, the deceased person may need to stay where they are until the evidence is gathered. A specialist doctor, called a pathologist, will also make an examination. This is to gather important evidence for the court case.

A homicide investigation is likely to take a long time. The Police need to show what happened, who was responsible and what their intentions were. Your police victim liaison officer will keep your family informed and help you while you organise the funeral or tangi, and make other arrangements.

During the investigation, the Police may interview members of your family and other people, as well as gather evidence like photos and forensic tests. If the Police have enough evidence, they'll arrest the person and charge them with a criminal offence.

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 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 bail (also see "You can tell the Parole Board how you feel about the offender's release" later 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, Te Ara Poutama Aotearoa – Department of Corrections or your support agency. To find out more, go to 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, Manaaki Tāngata – Victim Support or another support agency can help you write this. Also see "The verdict and sentence" later in this factsheet.

Support

There are many support services available to help you:

VICTIM SUPPORT HOMICIDE CASEWORKER SUPPORT SERVICE

This is a specialist service to help you and your family and whānau through the process, including after the case has finished. It'll ensure you get the emotional support you need. The Police will put you in touch with this service or you can call Victim Support on 0800 842 846.

SPECIALIST COUNSELLING SUPPORT

Family and friends of homicide victims, witnesses and the people who were first on the scene of a homicide can get up to 30 sessions of specialist counselling. Contact Victim Support to find out if you're eligible and how to apply.

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 coordinator 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 to find out how to apply, contact Victim Support on 0800 842 846.

- Up to \$5000 is available to reduce the impact of the homicide on the immediate family. Help covers loss of income and general costs.
- A grant of \$124 per day (\$62 per half day) is available for up to five adult family members attending High Court hearings.
- Financial support is available for travel, accommodation and related costs for up to six people to attend court and Parole Board hearings.
- Up to \$10,000 is available to help with funeral costs. Contact ACC to apply.

You may also be able to get other financial support from ACC. Ask your support agency to find out more or call the ACC Claims Helpline on 0800 101 996.

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 that you'll have to attend all of these hearings, but you can go if you want to. You're not required to be at court for the sentencing hearing.

If the defendant pleads guilty, it means they admit committing the offence they were charged with. The court will then decide what punishment (sentence) the offender will be given.

Depending on the seriousness of the charges, the court may sentence the offender straight away, or order a sentence report before sentencing the defendant on a later date. These reports are prepared by probation officers and usually take a few weeks to prepare.

In some cases, you'll be given the opportunity to attend a restorative justice conference.

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If the defendant pleads not guilty, a prosecutor will present the case to the judge and/or jury. The prosecutor works for the government and is responsible for prosecuting cases on behalf of the Crown, the Police and the public. You may need to be a witness for the Crown to help prove the case against the defendant – see “Being a witness” later in this factsheet.

The prosecutor will meet with you and your family and whānau and tell you what charges will be laid and why, and what’s likely to happen at court. Depending on the circumstances of the case, the charge may be murder or manslaughter. The prosecutor will explain this to you.

The court may make an order preventing anyone from publishing the victim’s name or any details that may identify the victim. The prosecutor will explain this to 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.

Sometimes the media may take a particular interest in the case and approach you and your family and whānau for comment. Your police victim liaison officer can give you advice on dealing with the media.

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 victim liaison officer, or your support worker are there to explain anything that’s unclear.

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

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 victim liaison officer.

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, police victim liaison officer or support worker to arrange this. Also, tell your court victim advisor or police victim liaison officer 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, unless you give evidence from behind a screen or via CCTV.

In most courts, there are separate waiting areas for people who have been called as 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.

The verdict and sentence

At the end of the trial, the defendant will be found guilty or not guilty. Sometimes the court may find the defendant not guilty by reason of insanity.

In some cases, for example, where a jury doesn’t reach a decision, there may be another trial.

If the person pleads guilty or is found guilty, they’ll be sentenced at a later date. Your police victim liaison officer, court victim advisor or prosecutor will tell you when the sentencing is scheduled to take place.

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If the defendant is found not guilty by reason of insanity, they may be detained for treatment in a secure mental health facility. A victim coordinator from the facility will contact you to explain what this means.

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 police victim liaison officer to ask the judge for you. The judge is required to consider your victim impact statement when sentencing the offender.

APPEALS

Both 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

Once found guilty, the offender will be sentenced. Understanding sentences isn't always easy. Your police victim liaison officer 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.

If the offender was found guilty of murder, they'll be subject to a minimum non-parole period of 10 years.

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.

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.

CORONER'S COURT

As well as the court case, a coroner will investigate the case and there may be a hearing in the Coroner's Court. This is a special court that looks at the causes and circumstances of someone's death and if there's anything that can be done to prevent deaths in similar circumstances.

Coronial Services will notify you before the hearing, and your police victim liaison officer will also talk to you about the hearing. You and your family can go to the Coroner's Court hearing, but you don't have to unless you've been asked to give evidence.

Support people can come with you to the Coroner's Court hearing. Call Victim Support on 0800 842 846 or the Victims Information Line on 0800 650 654 to arrange this.

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. 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

ACC

acc.co.nz

0800 101 996 Claims Helpline

0800 735 566 Sensitive Claims Helpline (for victims of sexual violence)

Court victim advisors

0800 650 654 Victims Information Line

Te Ara Poutama Aotearoa – Department of Corrections

04 460 3000

corrections.govt.nz

New Zealand Parole Board

0800 PAROLE (727 653)

paroleboard.govt.nz

Personal support

victimsinfo.govt.nz

Ngā Pirihimana o Aotearoa – New Zealand Police

You can find your local police station at police.govt.nz

Manaaki Tāngata – Victim Support

0800 VICTIM (842 846) 24 hours a day

victimsupport.org.nz

Ngā Whare Whakaruruhau o Aotearoa – Women's Refuge

0800 REFUGE (733 843) 24 hours a day

womensrefuge.org.nz

Some words you might hear in court

Bail

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

Coroner

The Coroner establishes when, where, how and why the death happened. They also work out if anything can be done to stop similar deaths.

Court victim advisor

A Te Tāhū o te Ture – 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 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 offender, such as where the case is in the court process, if there is a temporary release from prison and when the offender is up for parole.

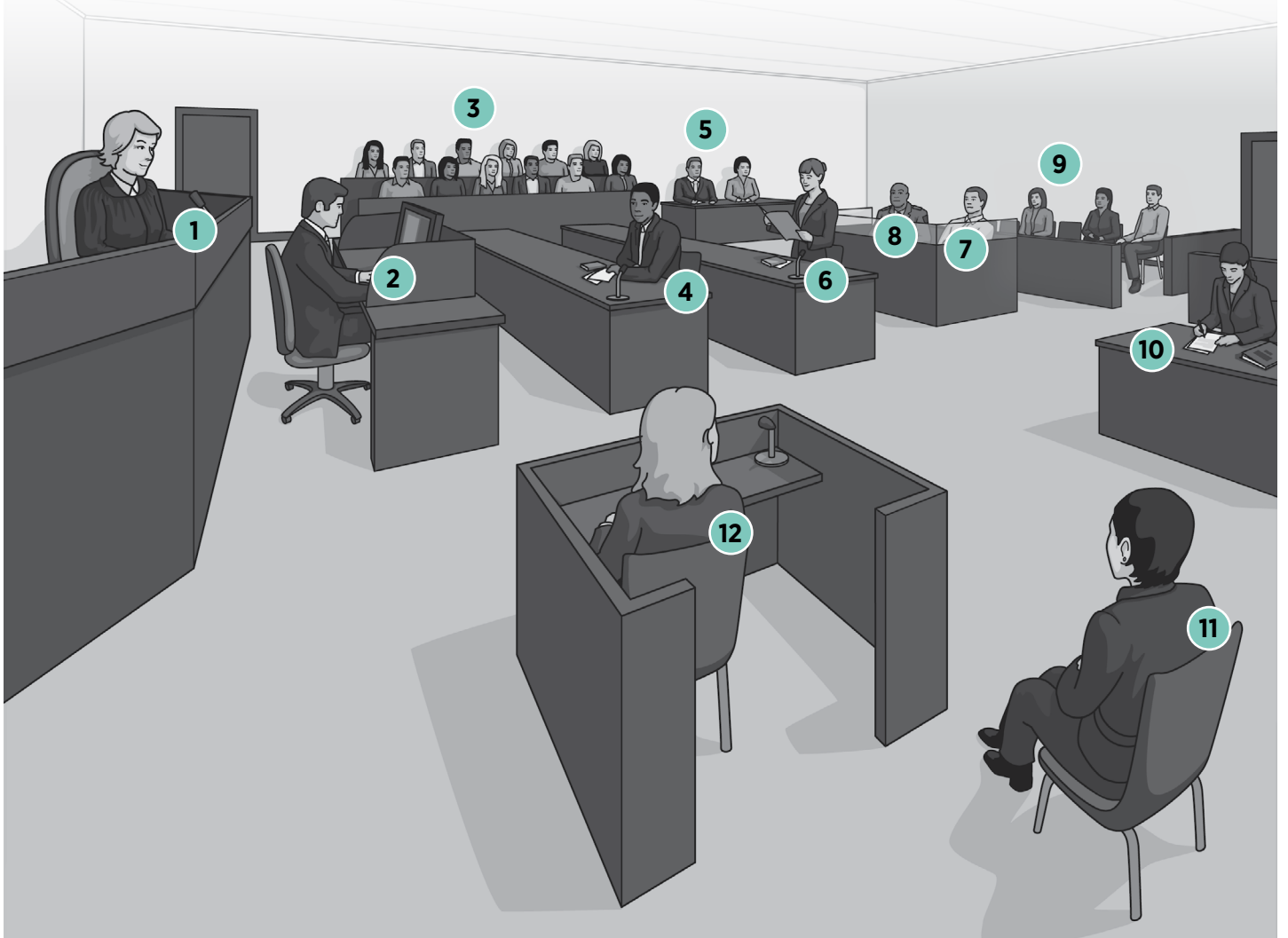
Register your details with the police officer in charge of the case.

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.

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 have given evidence.
10. The **court victim advisor** helps the witness understand the court process. They may not always be in the courtroom.
11. The **witness' support person** is the person who the judge has agreed can support the witness in court.
12. The **witness** gives evidence on what happened or what they know about the crime.