

LAW & ORDER: VICTIMS

Building a Safer New Zealand



Putting victims first

National is building a safer New Zealand. We've embarked on a comprehensive programme of reform to protect communities, prevent crime, and put victims first.

We'll stay tough on criminals, keep record numbers of Police on the beat, and make sure the justice system focuses on the rights of victims.

Making the justice system more responsive to the needs of victims

Victims of crime are in the criminal justice system through no fault of their own. They have to deal with the financial, emotional, and physical effects of crime long after it has been committed.

National is reforming our criminal justice system to put a stronger emphasis on victims.

We're ensuring that victims are heard, that they get the support they need, and that they are not brutalised again when defendants are tried. We're also making sure they get better information and protection when offenders are released back into the community.

At the same time we're modernising court processes to make the justice system safer and more efficient. We're speeding up court cases, reforming legal aid, and improving civil justice.

Our changes are making justice more responsive to the needs of victims and helping to build a safer New Zealand for children, families, older people – and all New Zealanders.

"National will double the penalties for breaching a protection order, fund a programme of security improvements for the homes of family violence victims, and keep improving services for victims."

Key facts

- Imposed a \$50 levy on all offenders regardless of the crime they have committed.
- Used the new levy to expand services and support for victims of serious crimes and their families. More than 2000 victims or their families have received extra support in the first year of the levy.
- Ensuring victims have more say in their own Victim Impact Statements.
- Reforming the broken legal aid system.
- Setting up a Victims' Centre to improve the information and services victims receive.
- Improving the victim notification system.
- Directing prisoner compensation to victims.
- Speeding up and improving court processes.
- Reforming civil justice and the law of contempt.

Related documents

→ Tougher bail policy

National has...



Put victims at the heart of our justice system

Established a victim compensation scheme

- ✓ Imposed a \$50 levy on all offenders, regardless of the crime they commit. The levy is in addition to any sentence or court order.
- ✓ Funded 13 different services for victims of serious crime from this levy. These include:
 - Larger grants for families of murder victims, including a new High Court attendance grant of \$124 a day.
 - Funeral grants for families of murder victims.
 - Increases in travel, accommodation, and child care assistance.
 - Access for sexual violence victims to a trained advisor who has knowledge of the dynamics of sexual violence cases.
 - Expanded financial help of up to \$1,000 for victims attending case-related hearings.
 - New financial assistance and counselling for families whose loved ones have been killed through a criminal act that is not homicide (such as dangerous driving causing death).
 - A new court attendance allowance of \$100 a day for victims of sexual violence, and provision for an unpaid supporter.
 - A new means-tested emergency grant of up to \$2,000 for economically-disadvantaged victims of a serious crime who require special assistance.
 - Access to DVD support material and a redesigned victims' website.
- ✓ Set up a Victims' Centre in the Ministry of Justice to monitor how victims are being treated.

Reforming victim impact statements

- ✓ Introduced the Victims of Crime Reform Bill. This will allow victims to say more in their Victim Impact Statement, and allow them to be better informed through the victim notification system.

Directing prisoner compensation to victims

- ✓ Introduced the Prisoners' and Victims' Claims (Redirection Prisoner Compensation) Amendment Bill. This will ensure any compensation awarded to a prisoner and not paid to their direct victim will be used to fund general services for other victims.



Made our courts more efficient

Reforming the broken legal aid system

- ✓ Started essential reform of legal aid to improve quality and reduce costs, after eligibility and lawyers' fees were expanded by Labour with little regard for the cost.
- ✓ Passed the Legal Services Act which, among other measures, establishes performance standards for legal aid lawyers.
- ✓ Expanded the Public Defence Service to take on up to half of all criminal defence cases.
- ✓ Made victims of serious crime eligible for legal aid for coronial inquests and parole hearings.

Improved court efficiency

- ✓ Passed laws expanding the use of audio-visual technology for the appearance of defendants and witnesses, making court hearings quicker, safer, and less costly.
- ✓ Expanded the jurisdiction of the Disputes Tribunal to help reduce pressure on court workloads.

Our results so far

More services and support for victims

The Offender Levy has collected nearly twice the first-year target of \$2 million.

More than 2000 victims have received grants or services in the first year of our new \$50 Offender Levy.

In its first year the levy paid out \$1.64 million in services and entitlements for victims of crime and their families. These include:

More help for families affected by homicide

- 296 people received help from the Homicide Support Service.
- 96 grants were given to families to help with the loss of income and costs incurred after a homicide.
- 322 family members received \$124 per day High Court attendance grant.
- 33 families received assistance with funeral or memorial service costs.
- 319 family members received assistance for expenses to help them attend court proceedings and Parole Board hearings.

More help for sexual violence victims

- 298 victims received a discretionary grant to cover immediate costs after a sexual assault.
- 539 victims were assisted by the Sexual Violence Court Support Service.

More help for victims of serious crime

- 188 victims received assistance for expenses (such as travel, childcare, and accommodation) to help them attend court proceedings and Parole Board hearings.

What we will do next...



Further enhance the rights of victims

I. Improve services and support for victims.

→ Pass the Victims of Crime Reform Bill. This will:

- Give victims more say over what goes into their Victim Impact Statement.
- Introduce a Victims' Code to improve how government agencies interact with victims.
- Improve communication between prosecutors and victims.
- Improve the Victim Notification System.

Give victims more say over their own Victim Impact Statements

Victims have a major stake in our justice system. We want to improve their interaction with the criminal justice system, and make it easier for them to express how offending against them has impacted on their lives.

→ Pass the the Prisoners' and Victims' Claims (Redirection Prisoner Compensation) Amendment Bill to ensure any compensation awarded to a prisoner is paid to their victims or to the Victims' Services Fund.

Currently, if an offender receives windfall compensation in prison, their victims can claim against it. However, if no victims claim, or they don't claim or receive the full amount, the prisoner still gets to keep the money. This is inconsistent. Under our proposed law, any money left over will go to the Victims' Services Fund.

→ Fund the safe@home programme with \$500,000 a year from the offender levy.

The safe@home programme provides security improvements for the homes of family violence victims at risk of serious harm or death.

Safe@home helps these families stay safe in their own homes by strengthening doors, installing house alarms, smoke alarms and security lights, fitting deadlocks, repairing broken windows and doorframes, and installing silent monitored alarms that, when activated, lead to the Police Communications Centre being alerted.

It is run by Safer Homes In New Zealand Every Day (SHINE) – a non-government organisation focused on family violence prevention and safety.

Support from the offender levy will allow the programme to be rolled out to South Auckland, other urban centres in the Upper North Island, and then further afield as funding allows.

2. Double the penalties for breaching a protection order

- Increase penalties for breaches of protection orders to better protect victims of domestic violence.

In 2010, 976 people were convicted of breaching a protection order and, of these, 185 received a prison sentence.

National will double the maximum penalty for a single breach of a protection order to two years in prison or a fine of \$10,000.

Any subsequent breaches, regardless of the period in which they occur, will be punishable by up to three years imprisonment, rather than by the current maximum of two years in prison for two or more breaches in the space of three years.

This policy will send the clear message that breaches of protection orders will not be tolerated.

3. Better protect victims as witnesses

- Change the way evidence is heard to better protect vulnerable court participants – especially children.

It is not acceptable that child victims and witnesses have to wait 15 months for cases to go to trial. About 750 children give evidence in court each year – the majority of them in sexual offending cases. We must ensure they are not re-brutalised by the process.

We will change the law so that children under the age of 12 give their entire evidence in one go by video or CCTV. This will reduce the stress and potential waiting time for children giving evidence, and improve the quality of the evidence.

To improve the questioning of child complainants in court, we will also use funds collected from the \$50 Offender Levy to introduce specialist intermediaries trained in the development and language of children.

The exact nature of the model will be developed by the Ministry of Justice in consultation with legal and judicial experts and will be phased in over the next two years.

What we will do next...(continued)



Improve efficiency and safety in our courts

1. Speed up and improve court processes

- Put in place changes from the recently-passed Criminal Procedure (Reform and Modernisation) Bill. These include:
 - Streamlining procedures in criminal courts.
 - Reducing delays for victims and witnesses.
 - Saving up to 450 trials and 9000 court hours each year.
 - Shaving 6-9 weeks off the average time it takes for a court case to be completed.

Reduce the length of the average court case by 6-9 weeks

These changes are estimated to save taxpayers around \$23 million over five years.

- Review the Family Court to re-examine the role of the State in refereeing family disputes.

Since 2005, Family Court costs have gone up by 63 per cent while caseloads are largely unchanged.

We want to make sure the Family Court is efficient and that the government's investment is delivering value for money for families and taxpayers. Drawn-out, expensive litigation is not in the best interests of children. The review will focus on developing ways to help families find solutions to their problems without having to resort to the Family Court.

- Review state prosecution services.

National wants to ensure state prosecution services are efficient and effective. Some cost savings may be possible.

Continue to review courts legislation to ensure courts operate in an efficient and timely manner.

We are modernising the justice system for the benefit of those who find themselves there through no fault of their own.

National is bringing our courts into the 21st Century with legislation allowing for audio visual links in courts and prisons. We will continue to ensure courts keep pace with technological change.

- Pass the Juries (Jury Service and Protection of Particulars Jury List Information) Amendment Bill.

National will pass this bill to protect jurors' details from falling into the wrong hands.

2. Improve legal aid

- Continue to get legal aid spending under control, after eligibility and provider fees were expanded under Labour.

Legal aid costs increased by 55 per cent between 2006/07 and 2009/2010. This is completely unsustainable and would have led to a \$402 million blow-out in costs over five years if National hadn't brought spending under control.

- Improve the quality of representation.

Dame Margaret Bazley's review of legal aid identified glaring problems with legal aid in New Zealand.



Improve access to justice

1. Reform the civil justice system

→ Introduce a law providing for class actions. This will let different complainants bring similar claims to court at the same time rather than having to wait years longer for their individual claims to be heard.

→ Investigate setting up a commercial court.

→ Continue to make other reforms to the civil justice system to improve access to justice and speed up dispute resolution.

These reforms will improve access to justice, reduce delays and inefficiencies, and free up resources for the criminal justice system.

2. Reform the law of contempt

→ Update our contempt law for the information age to prevent abuses of the judicial process.

The internet has made it more difficult for the judiciary to control court processes, such as suppressing names – often for the protection of witnesses. National will ensure these remain decisions for judges to make, and that such decisions can be enforced.

3. Improve court administration

→ Reform the tribunals system to gain administrative service efficiencies and improve access to justice.

Our justice system includes many separate tribunals. These could be restructured to provide more efficient access to justice, as well as better use of taxpayer and levy-payer money.

Labour would take New Zealand backwards

Labour:

- ✘ Left behind a criminal justice system in disarray, lacking accountability and a focus on victims.
- ✘ Promised a victims' compensation scheme in 1994, 1996, 2005, and the beginning of 2008, but never delivered.
- ✘ Called National's offender levy and victim compensation scheme a cruel hoax, insulting, and a gimmick.
- ✘ Was too slow to change the law to allow legal aid entitlement for victims attending parole hearings and coronial inquests.
- ✘ Was too frightened of the legal profession to embark on the kind of reform of the criminal justice system that was necessary to make it work well.

We can't afford to go back to Labour.