

## **VICTIMS AND THE LAW**

The media makes much of criminals, their crimes and their sentencing but little attention is given to the victims of the criminals. To try to give the victims of a crime some rights and input into the process we have a Victims Rights Act 2002 which replaced a former outdated Act of Parliament.

The Act provides that you are classified as the victim if an offence has been committed against you or your child or your property has been damaged or destroyed by another person. It also provides that if an offence is committed and as a result a member of your immediate family has died, or is unable to make decisions about his or her welfare as a result of the offence, then the legislation covers that situation as well.

Police investigations take time but during the process a victim of a crime should be updated from time to time including details of the charges which will be laid against the criminal, the time tabling of Court appearances and hearings. The Court may grant the criminal bail pending further Court hearings and the conditions of bail will be made available to the victim. If the victim is required to give evidence the police will cover the victim's role as a witness with the victim.

Where a criminal pleads guilty to the charges it is not necessary for the victim to give evidence at the Court hearing but if the offender is released on bail it is most likely that the Judge would make a condition of the bail that the offender did not associate at all with the victim of the crime.

Frequently a Judge will call for a victim impact statement which he or she will take into account at the sentencing of the criminal. The victim impact report is a statement which includes details of how the crime which has been committed has affected the victim. These reports are generally read out in open Court so that the offender, and any of his supporters, are fully aware of the damage he or she has caused. The Judge will take into account the effect that the crime has had on the victim who has been affected by it.

Where the crime is serious and the criminal is sentenced to a long period of imprisonment the victim is entitled to receive notification of parole board hearings and is entitled to make submissions for the board's consideration at the hearings. The media has given publicity to the continuing input by the Smith family of Southland whose daughter was murdered some years ago and no doubt their submissions have been instrumental in keeping the criminal in prison for longer than he would otherwise have been incarcerated. .

There are also other orders which a Judge may make to try to alleviate the harm which has been caused to the victim. In some cases a Judge may order a criminal to pay reparation which would occur particularly where property has been damaged. Sometimes it is appropriate to have a meeting between the victim and the criminal to help to resolve issues relating to the crime which has been committed. This recent innovation is called restorative justice and is encouraged by the Courts in appropriate cases.

There are a number of agencies who will help victims. Apart from the police most of the Courts have an advisor, Victim Support has an 0800 number, Womans Refuge, Citizens Advice Bureau, WINZ and any number of other agencies. So if you are the victim of an offence your first port of call should be the local police who will put you in touch with an appropriate agency.

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