

# **Family harm policy and procedures**

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## Policy statement and principles

### What

Family harm encapsulates a holistic view of the issues occurring within families and their ensuing detrimental effects. Family violence is a subset of family harm which includes physical, sexual or psychological abuse within family relationships. There may be behaviour that is coercive or controlling and causes cumulative harm.

Family harm is a high priority for Police and reducing the impact of family harm episodes is a key Police priority.

### Why

There are wide reaching societal consequences of family harm including crime, poor physical and mental health and poverty. The costs of failing to address family harm are extremely high. When attending family harm episodes Police aim to:

- slow and eventually stop the family harm cycle/cumulative harm across generations
- reduce serious harm such as the use of physical violence, sexual abuse and child abuse and neglect
- reduce family harm related deaths (homicides and other related offences and suicides).

### How

The family harm policy and procedures outline the steps Police will take when undertaking a quality family harm investigation.

#### Police will provide an effective response to family harm which involves:

- taking an 'eyes wide open' approach to all family harm investigations, recognising that early intervention helps to stop and prevent family harm
- being culturally responsive
- ensuring all parties are kept safe including victims, children and Police
- taking action with predominant aggressors/offenders through a prompt and comprehensive response
- collecting specific risk information to enable effective assessment, planning and risk management for and with victims and children and to guide decisions around appropriate action with an offender
- working collaboratively across Police
- working with partners as part of a multi-agency response.

## Overview

### Purpose

This chapter:

- sets out the key [principles](#) guiding the Police response to family harm episodes and provides information about the [characteristics of family harm](#)
- details procedures and guidance for the [initial response to family harm – family harm investigation](#) including:
  - establishing context and circumstances, identifying the parties involved and their roles and undertaking interviews
  - completing a dynamic assessment to help determine risk and 'total concern for safety'
  - completing a frontline safety plan which is in place for at least first 72 hours post initial attendance
  - recording a quality narrative
  - submitting and approving a family harm investigation
  - providing information to others/agencies
- details additional procedures and guidance at initial response, and later stages, where an offence is suspected including:
  - [investigation and crime scene examination](#)
  - [interviewing victims, witnesses and suspects](#)
  - [child protection protocol \(CPP\) referral/Pol 350 in OnDuty](#)
  - considering [arrest](#), [charging](#), [bail](#) and [prosecution](#) to ensure victims' safety and that family violence offenders

are held accountable for their actions

- includes information on [longer term safety, support and intervention](#), and a model for [active case management](#)
- includes information about [monitoring, evaluation and training](#)
- provides policy on [Police employees and family harm](#).

## Statutory references in this chapter

Unless otherwise stated, all statutory references in this chapter are to the [Family Violence Act 2018](#).

## When do these policies and procedures apply?

These family harm policies and procedures only apply in situations where Police attend a family harm episode **and** the parties involved in that episode:

- are in an [intimate partner relationship](#), or
- are [family members](#).

## When do they not apply?

These policies and procedures **do not** apply to family harm episodes when the parties involved are:

- flatmates, or
- in a [close personal relationship](#) but are not current or former intimate partners or family members.

While these relationships fall within the definition of a '[family relationship](#)' in the Family Violence Act 2018, Police will apply a business as usual response to wider family harm episodes, rather than these family harm policy and procedures. This is because the tools used in a family harm investigation (see below) have been specifically designed for a familial situation.

**Note:** Police safety orders (PSO) apply for all types of family relationships.

## Related information

- [Prosecuting family violence](#)
- [Police safety orders](#)
- [Protection and related property orders](#)
- [Victims \(Police service to victims\)](#)
- [Police Family Violence Death Reviews](#)
- [Family Violence Court Protocol \(Ministry of Justice\)](#)
- [TENR-Operational threat assessment](#)
- [Arrest and detention](#)
- [Bail](#)
- [Charging decisions](#)
- [Forced and underage marriage](#)
- [Information sharing guidelines – family harm](#)
- [Victim relocations](#)

Your Family Violence Coordinator/Family Harm Specialist can also provide further information.

## Definitions

This table outlines the meanings of family harm related terms and other terms used in this chapter.

Term	Meaning
<b>Active case management</b>	The actions undertaken from initial attendance at a family harm investigation by Police, through inter-agency assessment and the subsequent integrated response by relevant agencies.
<b>Child/young person</b>	A person aged under 18 years at the time of a family harm investigation. ( <a href="#">s8</a> )
<b>Child abuse and neglect</b>	Intentionally ill-treating or neglecting a child or causing or permitting a child to be ill-treated in a manner likely to cause the child actual bodily harm, injury to health or any mental disorder or disability. In the context of the <a href="#">Child Protection Protocol (CPP)</a> , the ill-treatment must be serious and avoidable.
<b>Child or young person exposed to family harm (CYPeFH)</b>	A child or young person present at a family harm episode including children and young persons who normally reside with the participants in the episode. This term also includes where a child or young person is present and no offence has occurred, or where an offence has occurred but they have not witnessed the episode or could not act as a witness due to age.
<b>Child Protection Protocol (CPP)</b>	The joint operating procedures between Police and Oranga Tamariki (OT) in cases of criminal offending against children.
<b>Child Protection Team (CPT)</b>	A specialist Criminal Investigation Branch (CIB) team that investigates allegations of child abuse and neglect.
<b>Close personal relationship</b>	<p>When considering whether a person has a close personal relationship with another person, the court must have regard to the:</p> <ul style="list-style-type: none"> <li>• nature and intensity of the relationship, and in particular: <ul style="list-style-type: none"> <li>◦ amount of time the people spend together</li> <li>◦ place(s) where that time is ordinarily spent</li> <li>◦ manner in which that time is ordinarily spent (it is not necessary for there to be a sexual relationship between the persons), and</li> </ul> </li> <li>• duration of the relationship (<a href="#">s14</a>).</li> </ul> <p>A person is not regarded as having a close personal relationship with another person by reason only of the fact that they have with that other person:</p> <ul style="list-style-type: none"> <li>• an employer-employee relationship, or</li> <li>• an employee-employee relationship (<a href="#">s14</a>).</li> </ul>

<p><b>Coercive and controlling behaviour</b></p>	<p>Coercive behaviour involves the use of force or threats to intimidate or hurt people at risk and instil fear. Control tactics are designed to isolate the <a href="#">person at risk</a> and foster dependence on the <a href="#">person posing risk</a>. Together these abusive tactics inhibit resistance and escape.</p> <p><b>Coercive behaviour:</b></p> <ul style="list-style-type: none"> <li>• violence – assaults, strangulation, sexual violence, etc.</li> <li>• intimidation – threats, jealousy, surveillance, stalking and destruction of property. Includes violence directed at children and pets/animals.</li> </ul> <p><b>Control tactics:</b></p> <ul style="list-style-type: none"> <li>• isolation – restricting the person at risk’s access to family, whānau, friends and support networks and monitoring their movements</li> <li>• deprivation and exploitation of survival resources for everyday life – e.g. limiting access to food, money and cell phones or controlling how the person at risk dresses.</li> </ul>
<p><b>Cumulative harm</b></p>	<p>Refers to the compounding effects of on-going neglect or abuse that diminish safety, stability and wellbeing. Patterns of neglect or abuse may not on their own appear serious, but can have very serious consequences for people at risk over time. Children and young people are particularly vulnerable, especially if they are under five years old.</p>
<p><b>Dynamic assessment</b></p>	<p>Ten questions that are asked in all family harm investigations. The questions are asked of the <a href="#">person at risk</a> (or another person at the scene) about the behaviour of the <a href="#">person posing risk</a>, designed to gauge concerns for safety. There are an additional two questions in cases of intimate partner violence and an additional four questions if children usually reside at the address.</p>
<p><b>Family harm</b></p>	<p>Encapsulates a holistic view of the issues occurring within families and their ensuing detrimental effects. Family harm is the damage caused by adverse circumstances, vulnerabilities and/or negative behaviours that often lead to long-term negative consequences. Family violence is a subset of family harm.</p>
<p><b>Family harm graduated response model (GRM)</b></p>	<p>Is the tool used during a family harm investigation that uses the <a href="#">static assessment for family violence recidivism (SAFVR)</a> measure and <a href="#">dynamic assessment</a> results to produce the ‘<a href="#">total concern for safety</a>’ in bands of high, moderate or low. This calculated band defines a set of actions for officers to consider when creating the frontline safety plan.</p>
<p><b>Family harm investigation</b></p>	<p>The investigation that takes place when Police are dispatched to (or attend) a family harm episode.</p>
<p><b>Family Intervention Teams (FIT) or High and Complex Risk Teams (HCRT)</b></p>	<p>Specialist multi-agency teams led by Police that focus on complex risk cases of family harm. FIT/HCRT responses include engaging with complex risk families, facilitating effective interventions in partnerships with the community and working to preserve the safety of those families. (Only located in some districts and have now become part of Whāngaia Ngā Pā Harakeke).</p>
<p><b>Family member</b></p>	<p>A ‘family member’ means:</p> <ul style="list-style-type: none"> <li>• any person who is or has been related to a person by blood, marriage, civil union, a de facto relationship or adoption</li> <li>• any person who is a member of a person’s whānau or other culturally recognised family group (s8).</li> </ul>

<p><b>Family relationship</b></p>	<p>A person is in a family relationship (<a href="#">s12</a>) with another person if the person:</p> <ul style="list-style-type: none"> <li>• is a partner of the other person</li> <li>• is a <b>family member</b> of the other person</li> <li>• ordinarily shares a household with the other person, or</li> <li>• has a <b>close personal relationship</b> with the other person.</li> </ul> <p>A person is not regarded as ‘sharing a household’ with another person by reason only of the fact that:</p> <ul style="list-style-type: none"> <li>• the person has with that other person: <ul style="list-style-type: none"> <li>◦ a landlord-tenant relationship, or</li> <li>◦ an employer-employee relationship, or</li> <li>◦ an employee-employee relationship, and</li> </ul> </li> <li>• they occupy a common dwelling house (whether or not other people also occupy that dwelling house).</li> </ul> <p>To assist with the interpretation of ‘ordinarily shares a household’ see <i>Henry v Bishop</i> (1999) 18 FRNZ 285. The applicant and the respondent lived in the same boarding house. The courts ruled that they were not in a domestic relationship, as they were neither sharing a household nor did they have a close personal relationship.</p>
<p><b>Family violence</b></p>	<p>Family violence is a subset of family harm. It is violence against a person by any other person with whom that person is, or has been, in a family relationship.</p> <p>Violence means:</p> <ul style="list-style-type: none"> <li>• physical abuse</li> <li>• sexual abuse</li> <li>• <b>psychological abuse</b> (<a href="#">s9</a>).</li> </ul> <p>Violence includes a pattern of behaviour that is made up of a number of acts that can be all of or any of the above kind and may include features of:</p> <ul style="list-style-type: none"> <li>• it is coercive or controlling</li> <li>• it may cause cumulative harm (<a href="#">s9(3)</a>).</li> </ul> <p>The abuse may be either:</p> <ul style="list-style-type: none"> <li>• a single act, or</li> <li>• a number of acts forming part of a pattern of behaviour, even though some or all of those acts, when viewed in isolation, may appear to be minor or trivial (<a href="#">s10</a>)</li> </ul>
<p><b>Family Violence Coordinator/ Family Harm Specialist</b></p>	<p>Every area has a dedicated Family Violence Coordinator/Family Harm Specialist who has an oversight of family harm and violence issues. They review family harm investigations, assist families with longer term safety plans and are actively engaged in <a href="#">multi-agency tables</a> (eg. the <a href="#">FVIARS process</a>).</p> <p>Each district has a lead for family harm – either as a full time district Family Violence Coordinator/Family Harm Specialist, or as part of the District Victim Manager role.</p>
<p><b>Family Violence Interagency Response System (FVIARS)</b></p>	<p>Regular meetings (usually weekly) are held across districts (and some areas) between Police and key crisis agencies such as OT, Corrections and Women's Refuge. Family Violence Coordinators/Family Harm Specialists share information from family harm investigations. At risk cases are identified, longer term safety plans put in place and other actions are agreed and implemented using a case management approach. These meetings are sometimes called ‘multi-agency tables’.</p>

<b>Family violence offence</b>	There are specific offences in the Family Violence Act 2018 (breach of protection orders or related property orders; failing to accompany for issue of a Police safety order; failing to comply with a direction to undertake an assessment and attend a non-violence programme/prescribed service). Other offences are found in a range of statutes and are defined as a family violence offence when the victim and offender have a familial relationship (as defined by the Family Violence Act). (See also <a href="#">Family violence offences and incidents</a> in this chapter).
<b>Family violence reports (Pol 1310)</b>	The family violence form set (Pol 1310) was used to record the outcome of attending family violence episodes from July 2012 to May 2018.
<b>Frontline safety plan</b>	<p>A plan formulated by frontline staff before leaving a family harm investigation to ensure safety actions have taken place or are put in place to keep victims, tamariki and vulnerable people safe (and appropriate action taken with the aggressor) for at least 72 hours. The frontline safety plan should be in place for enough time to enable a <a href="#">multi-agency table</a> response or for a Police team to review the investigation and safety actions to determine next steps for further longer-term safety.</p> <p>Officers will be guided by the total concern for safety and use the safety actions suggested by the <a href="#">family harm GRM</a> (as a minimum) and will also put into place any other safety actions they deem necessary for at least 72 hours.</p> <p>See the <a href="#">Frontline Safety Plan handout</a> for more details.</p>
<b>Integrated Safety Response (ISR)</b>	<p><a href="#">Integrated Safety Response (ISR)</a> is a multi-agency response to family harm that is being piloted in Christchurch and Waikato, in place of FVIARS.</p> <p>Multi-agency partners meet on a daily basis and assess the collective information to ascertain the level of risk whānau are exposed to as the basis of a safety plan. The safety plan includes actions with victims, offenders and children; one agency is assigned as the lead agency.</p>
<b>Intimate partner violence</b>	Intimate partner violence is violence by one person against another person who is or was their partner or spouse or with whom they are in an intimate or consensual sexual relationship.
<b>Intimate partner</b>	Intimate partners can be heterosexual, homosexual, transgender or bisexual.
<b>Multi-agency tables</b>	A term some districts use for multi-agency meetings held to plan for longer term safety.
<b>Mutual participant</b>	<p>Mutual participants can be used to describe the roles in a family harm investigation where:</p> <ul style="list-style-type: none"> <li>• no offence has occurred</li> <li>• there is no history of family harm, and</li> <li>• you cannot establish a pattern of coercive and controlling behaviour.</li> </ul>
<b>Ontario Domestic Assault Risk Assessment (ODARA)</b>	ODARA was the risk assessment tool used to predict recidivism of assault in intimate partner relationships. It was decommissioned in May 2018.
<b>Offender</b>	A person who has been charged with or convicted of a family violence offence.

<b>OnDuty</b>	The mobile application running on a Police mobile device providing the core information and interfaces required for policing activities and tasking systems. A family harm component assists the family harm investigation by allowing completion of much of the investigation, including risk measures and the frontline safety plan, at the scene. It replaced the Pol 1310 family violence report series in May 2018.
<b>OnDuty FMC</b>	A web interface for File Management Centres (FMC), enabling FMC to 'grab' and fix conflicts in family harm investigation reports (before going through to NIA) and return reports to officers if further information is required.
<b>OnDuty Office</b>	A desktop version of OnDuty to be used by front counter staff when family harm is reported at the station, staff completing family harm investigations, Supervisors and Family Violence Coordinators/Family Harm Specialists when compiling reports for multi-agency tables.
<b>Person at risk</b>	This is the person at a family harm episode who, taking into account context and circumstances, is deemed to be most at risk of being harmed once officers have left a scene – regardless of whether they are considered to be the predominant aggressor, primary victim, offender or victim. The person at risk (and any vulnerable people or tamariki) is the person who is asked the dynamic assessment questions and for whom safety actions will be completed prior to officers leaving the scene.
<b>Person posing risk</b>	This is the person at a family harm episode who, taking into account context and circumstances, is most likely to cause harm once officers have left the scene – regardless of whether they are considered to be the predominant aggressor, primary victim, offender or victim. The person posing risk is the person who the dynamic assessment questions are asked about. Officers will take appropriate action with the person posing risk prior to leaving the scene as part of the frontline safety plan if required, regardless of whether an offence has occurred or not.
<b>Pol FVIR</b>	Police family violence investigation report used until 1 July 2012.
<b>Police safety orders (PSO)</b>	Short term (up to 10 days) safety orders issued by Police attending a family harm episode where no family violence charge can be made but concerns remain for the safety of the people involved. (For more information see the <a href="#">Police Safety Orders</a> chapter).
<b>Predominant aggressor</b>	The most significant or principal aggressor who has a pattern of using violence (not necessarily physical) to exercise coercive control in the abuse history of a relationship. This is usually the person posing risk but can also be the primary victim (eg. some intimate partner violence homicides are committed by the primary victim using resistive violence).
<b>Primary victim</b>	The person in the abuse history of a relationship who is experiencing coercive and controlling behaviours from a family member or intimate partner. Where an offence has occurred this person is often referred to as the victim.
<b>Protection orders</b>	Issued by the Family or District Court either on application or on sentence on a family violence charge. Can also be issued as a temporary protection order following breach of a PSO, where the court believes the standard (and other conditions) of the order are necessary for the safety of a victim (including their children).

<p><b>Psychological abuse</b></p>	<p>Psychological abuse includes:</p> <ul style="list-style-type: none"> <li>• intimidation or harassment (eg. watching, loitering near, or preventing access to places; following about, stopping or accosting; trespassing)</li> <li>• damage to property</li> <li>• ill-treatment of household pets or other animals to affect a person’s wellbeing</li> <li>• financial or economic abuse (eg. denying or limiting access to money or preventing/restricting employment opportunities and education)</li> <li>• hindering use of or removing access to devices, medication or other support</li> <li>• threats of physical or sexual abuse or of the kind described above. (s11).</li> </ul> <p><b>Psychological abuse of children</b></p> <p>A person psychologically abuses a child if they:</p> <ul style="list-style-type: none"> <li>• cause or allow the child to see or hear the physical, sexual, or psychological abuse of a person with whom the child has a <a href="#">family relationship</a>, or</li> <li>• put the child, or allow the child to be put, at real risk of seeing or hearing that abuse occurring. (s11(3))</li> </ul> <p>This does not apply to the person who suffers the abuse.</p>
<p><b>Static assessment for family violence recidivism (SAFVR)</b></p>	<p>A statistical model that calculates a person’s likelihood of committing a crime against a person within the context of a familial relationship within the next two years. It is based on a range of data police have access to (eg. previous history and convictions). The likelihood will be high, moderate or low. This measure can be found in OnDuty and NIA. This measure is used at the family harm investigation to assist in determining the <a href="#">total concern for safety</a>.</p>
<p><b>Sexual assault</b></p>	<p>Sexual assault includes but is not limited to:</p> <ul style="list-style-type: none"> <li>• sexual violation by rape or unlawful sexual connection</li> <li>• indecent assault/sexual conduct</li> <li>• any form of unwanted or coercive touching or actions of a sexual nature or in circumstances of indecency</li> <li>• any sexual abuse or exploitation by way of coercion, deceit, power of authority or mistaken belief</li> <li>• incest.</li> </ul> <p>(See <a href="#">Adult sexual assault investigation (ASAI) policy and procedures</a> and <a href="#">Sexual offences</a> in the Police Manual for further information).</p>
<p><b>Suspect</b></p>	<p>A person who is suspected of committing an offence.</p>
<p><b>Total concern for safety</b></p>	<p>The <a href="#">SAFVR measure</a> and answers to the dynamic assessment questions are combined in OnDuty to determine the ‘total concern for safety’. This can be high, moderate or low. It guides officers towards the <a href="#">family harm GRM</a> to determine what safety actions the officer(s) will take to create the frontline safety plan.</p>
<p><b>Whāngaia Ngā Pā Harakeke</b></p>	<p><a href="#">Whāngaia Ngā Pā Harakeke</a> (WNPH) describes the way Police are deploying Police resources (alongside iwi, community and multi-agency partners) for support to whānau post initial attendance. This model has been piloted in Counties Manukau, Tairāwhiti (Gisborne) and Te Hiku (Kaitaia).</p> <p>Police, Iwi, agency partners and non-government organisations use a collaborative approach to prevent ongoing family harm. WNPH comprises a daily triage, a Kaiāwhina team, FIT and HCRT.</p>

<b>Witness</b>	A person who has witnessed a family harm episode and is capable of making a statement to Police. If the family harm investigation proceeds to a prosecution, a witness means a person who gives evidence and is able to be cross-examined in a proceeding. ( <a href="#">s4</a> Evidence Act 2006)
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## Background

### Family harm is a high priority for Police

Family harm is responsible for approximately 17% of Priority 1 calls for Police service and approximately 40% of Police time. The New Zealand Crime and Safety Survey (2014) identified 76% of family violence is not reported meaning the amount of family harm in New Zealand is significant. (See the '[Impact of family harm video](#)' – called the '**Not our Normal video**' - for more information).

Family harm is a high priority for Police and reducing the number and impact of family harm episodes is a key Police strategy. Police take every opportunity to prevent harm and reduce offending and victimisation. Police is committed to a prompt, effective and nationally consistent approach to family harm episodes in collaboration with other agencies/iwi and with community partners.

When attending family harm episodes Police aim to:

- slow and eventually stop the family harm cycle/cumulative harm across generations
- reduce serious harm such as the use of physical violence, sexual abuse and child abuse and neglect
- reduce family harm related deaths (homicides and other related offences and suicides).

Police support the purpose of the Family Violence Act 2018 ([s3\(1\)](#)) which is to stop and prevent family violence by:

- recognising that family violence, in all forms, is unacceptable
- stopping and preventing offenders from inflicting family violence
- keeping victims, including children, safe from family violence.

### Principles that guide Police practice

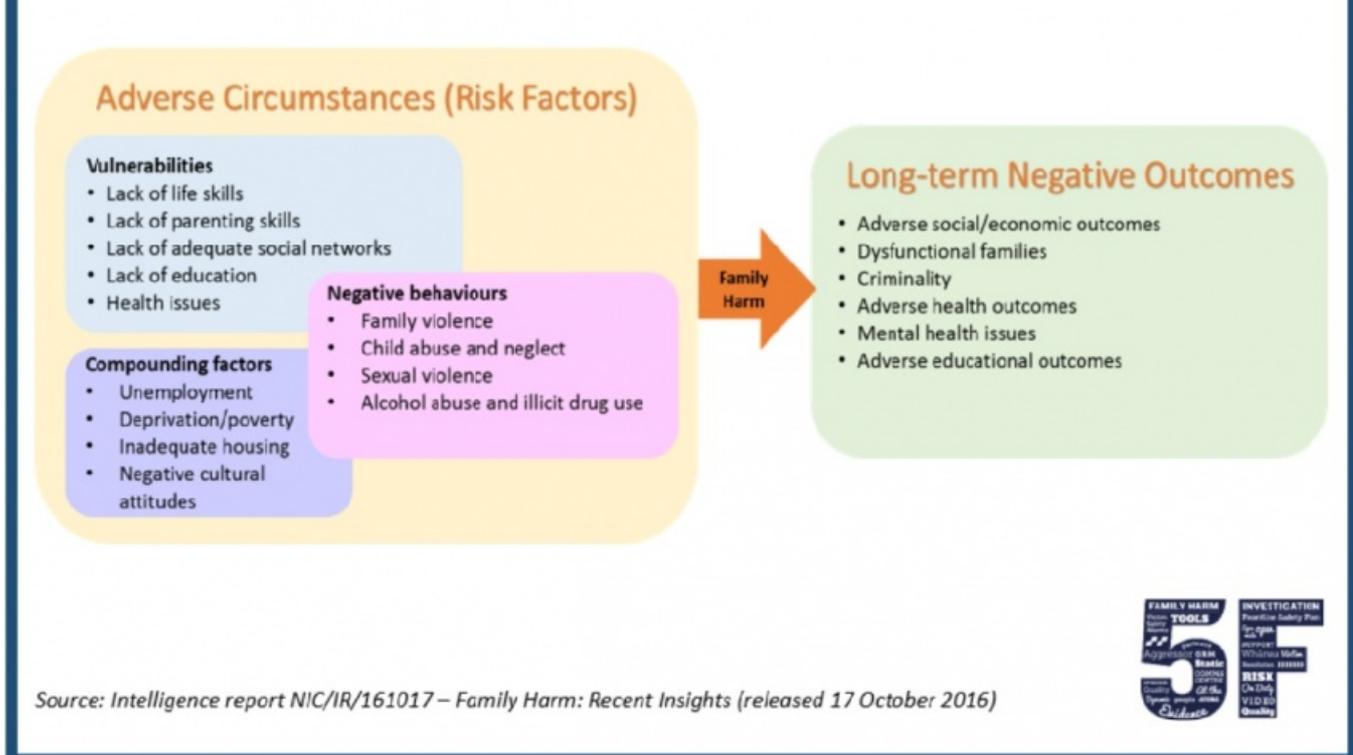
An effective Police response to family harm is based on the following principles:

Principle	Police actions
Early intervention	<ul style="list-style-type: none"> <li>Recognising that early intervention helps to stop and prevent family harm. This requires an eyes wide open approach at all family harm investigations. (See the <a href="#">‘Eyes wide open video’</a>)</li> </ul>
Culturally appropriate	<ul style="list-style-type: none"> <li>Responses to family harm should be culturally appropriate and, in particular, responses involving Māori should reflect tikanga. This requires a sensitive approach at all family harm investigations that acknowledges the culture of those involved and provides culturally appropriate solutions, as relevant.</li> </ul>
Safety	<ul style="list-style-type: none"> <li>Ensuring all parties are made safe and kept safe, particularly victims, whose safety is paramount. This may include facilitating access to support services to help secure safety.</li> <li>Children are especially vulnerable (though they may not be the primary victim) and before leaving the premises, attending officers must ensure they have no concerns regarding any child's safety.</li> <li>Officers must also be aware that attending family harm episodes is one of the most dangerous parts of their job and that precautions may be necessary to secure their own safety.</li> </ul>
Collecting risk information	<ul style="list-style-type: none"> <li>Collecting specific risk information to enable effective assessment, planning and risk management to victims and to guide decisions around appropriate actions for offenders. Family harm processes include the <a href="#">SAFVR measure</a> and <a href="#">dynamic risk assessment</a> at the scene which combined determine the <a href="#">total concern for safety</a>. The total concern for safety also contributes to a multi-agency risk score when combined with the risk assessed by other agencies.</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>Holding <a href="#">predominant aggressors</a> and <a href="#">offenders</a> to account for their actions, by activating a prompt and comprehensive response. This includes undertaking a thorough quality family harm investigation and where evidence of criminal offending exists, the decision to charge and filing of a charge will reflect the nature of the offending and be made in accordance with the Solicitor-General's Prosecution Guidelines.</li> <li>Where offenders may benefit from supportive interventions to change their behaviours, directing them into programmes that will stop and prevent harm.</li> </ul>
Working collaboratively	<p>Police must:</p> <ul style="list-style-type: none"> <li>coordinate responses to family harm through Family Violence Coordinators/Family Harm Specialists across relevant internal work groups, including FHTs, CPTs, ASA Teams, Youth Aid and Youth Education Teams, CIB, Iwi/Pacific and Ethnic Liaison Officers and other frontline employees</li> <li>be part of a coordinated collaborative multi-agency table response that aims to enhance information sharing and meet the multiple and varied needs of families</li> <li>provide quality information to multi-agency tables which enables the best support for families in need</li> <li>apply active case management principles and processes.</li> </ul>

## Characteristics of family harm

Family harm encapsulates a holistic view of the issues occurring within families and their ensuing detrimental effects. The harm generated within families is caused by multiple factors that tend to exist against a backdrop of adverse circumstances (vulnerabilities, compounding factors and negative behaviours).

## FAMILY HARM – A NEW APPROACH



There are [wide-reaching societal consequences from family harm](#) including crime, poor physical and mental health and poverty. The costs from failing to address family harm are extremely high. Māori are grossly over-represented in family harm statistics, both offending and victimisation, and across all areas of the vulnerabilities, compounding factors and negative behaviours in the diagram above. This in part stems from the historical trauma Māori suffered (refer to training on the legislative impacts on Māori through [colonisation](#) and the impacts of [urbanisation](#)).

It is important to remember family harm can impact anyone, including occurring in families who are affluent. All family harm investigations require an open mind.

Family violence is a subset of family harm. Family violence includes physical, sexual or [psychological abuse](#) within family relationships that may be [coercive or controlling](#) and cause [cumulative harm](#). It can be a single episode or a number of episodes forming a pattern of behaviour or series of events. An act of violence is often an escalation of an ongoing pattern of coercion and control.

One model used to understand coercion and control in family violence is the Duluth [power and control wheel](#) which highlights the tactics of abuse most universally experienced by battered women. Tactics include intimidation, isolation, emotional and economic abuse and using children to manipulate. An example of intimidation is abusers use of overt threats and actual harm to animals as a tool to control their family. 36.5% of intimate partner violence victims/survivors report a pet or animal had been injured or killed.

Another concept that helps to explain the complexity of family harm dynamics is [entrapment and resistance](#). Victims are trapped by an abusive partner's coercive and controlling behaviours. Victims of family harm commonly suffer from low self-esteem and isolation caused by the violent behaviour. Victims are unable to act or to leave the violent relationship for many reasons, including the fear of further violence. Victims often need external help to extract them and may use violence to wrench themselves free.

The majority of family harm investigations Police record are intimate partner violence and the predominant aggressor is mostly male and the primary victim female. Men's violence is more likely to result in serious injury and intimidation and

fear. Women are more likely to use violence in self-defence (resistive violence).

Children are typically present at half of all family harm episodes. Children can be exposed to family harm (CYPeFH), be witnesses of family harm and/or be victims of child abuse and neglect. Children are particularly vulnerable to family harm, including seeing or hearing harm against others. They are at risk of lasting harm to their current and future wellbeing. Some of the [impacts on tamariki](#) who have been exposed to family harm include difficulty learning, becoming an offender or victim, increased chance of mental illness and suicide, increased chance of alcohol and/or drug abuse and difficulty forming attachment. There is evidence that exposure to significant stress (such as ongoing family harm) whilst pregnant, can impact the development of babies in utero.

There is a high rate of co-occurrence between intimate partner violence and child abuse and neglect but these are not necessarily separate forms of violence. There can be a double level of intentionality where an act directed towards one individual is intended to affect another or others in order to keep and/or increase control over both.

It is important to note a family harm investigation could also identify children and young people in the role of predominant aggressor. For example, children exposed to family harm and who may have experienced a lack of stability through multiple placements as a result of state care may be more at risk of inflicting family violence on parents or caregivers as they get older.

People with disabilities and other people (eg. due to their age or health condition or to any other cause) may also be particularly vulnerable to family harm.

An area of increasing concern is the use of technology in family harm. Use of technology provides aggressors with a pervasive way to control, coerce, stalk and harass their victims. It includes a range of behaviours. These include sending abusive text messages or emails, making continuous threatening phone calls, spying on and monitoring victims through the use of tracking systems, abusing victims on social media sites, and sharing intimate photos of the victim without their consent ('revenge porn').

As well as intimate partner violence and child abuse and neglect, Police attend other types of family harm episodes and must understand the variations in the types of relationships between primary victims/predominant aggressors and their interactions in order to be effective in their responses. Other types of family harm include:

Type	Description
Teen dating/teen harm	This is a growing and recognised area of concern in New Zealand where young people in relationships are engaging in more harmful behaviour. It may include the use of technology to inflict harm. Teen harm also includes increasing cases of young people using family harm against parents and caregivers.
Elder abuse	This is a crime often concealed by the victim's shame or inability to speak out and is most often inflicted by children of the victim. Family harm towards older people usually involves breach of trust and most commonly, psychological and financial abuse. Elder abuse is known to be under-reported and our older population is growing.
Honour based harm/violence	As New Zealand becomes a more multi-cultural society honour based harm/violence is becoming more prevalent. Honour based harm/violence is a crime or episode which has or may have been committed to protect or defend the honour of a family and/or community. Women are predominantly (but not exclusively) the victims of honour based harm/violence, which is used to assert male power in order to control female autonomy and sexuality. It is generally inclusive of coerced marriages (including abduction for this purpose) and may also include bigamy, family violence, dowry, kidnap, forced repatriation, female genital mutilation, acid attacks, blood feuds, honour killings, self-harm (suicide), and sexual attacks. See <a href="#">Coerced and under age marriage/civil union</a> for more information.
LGBTQI (Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, and Intersex) harm	Statistics indicate that there is an increasing number of LGBTQI people involved in family harm episodes. Harm within LGBTQI relationships may include different features more specific to the LGBTQI community eg. making fun of gender or sexual identity and withholding hormones or gender affirming items. Those in LGBTQI relationships may avoid seeking help due to the concerns about the potential phobic assumptions of organisations and individuals.

## **Key process points in a quality family harm investigation and later steps**

This table outlines key process points when responding to and investigating family harm episodes. They work within the overarching case management process which guides Police workflow. Not all steps will apply in every episode and the order may vary depending upon the circumstances. Some steps will be ongoing or apply more than once during the process.

Stage	Description	Actions
All stages	<a href="#">Active case management</a>	Case management commences at initial response through to case closure. For each episode Police must continually assess the resources and interagency assistance that will provide the best response and help prevent further episodes.
1	<a href="#">Initial response – family harm investigation</a>	Undertaking a quality family harm investigation that involves: <ul style="list-style-type: none"> <li>• establishing context and circumstances, identifying the parties involved and their roles and undertaking interviews</li> <li>• completing a dynamic assessment</li> <li>• completing a frontline safety plan</li> <li>• recording a quality narrative</li> <li>• submitting and approving a family harm investigation</li> <li>• providing information to others/agencies</li> <li>• <u>appropriate coding of offences. See <a href="#">National Recording Standard</a> chapter.</u></li> </ul>
2	<a href="#">Investigation and crime scene examination</a>	Procedures in a family harm investigation where there is evidence an offence has been committed.
3	<a href="#">Interviewing witnesses, victims and suspects</a>	Advice on interviewing at a family harm investigation where there is evidence an offence has been committed.
4	<a href="#">Child Protection Protocol referral/Pol 350 in OnDuty</a>	Advice on when the CPP does and doesn't apply and the steps to take.
5	<a href="#">Considering arrest</a>	Where evidence of criminal offending exists, the decision to arrest will reflect the nature of the offending and be made in accordance with the Solicitor-General's Prosecution Guidelines.
9	<a href="#">Charging</a>	Filing charges where there is evidential sufficiency with reference to the <a href="#">Solicitor- General's Prosecution Guidelines</a> to reflect the nature and seriousness of the offending.
10	<a href="#">Bail</a>	Ensuring Police bail is only granted where appropriate and that opposition to bail and bail conditions reflect the needs of the case. Note: 'Primary consideration is the need to protect the victim of the alleged offence, and any particular person or people in a family relationship with the victim'.
11	<a href="#">Prosecution or case disposition</a>	Preparing for prosecution or otherwise disposing of the case.
12	<a href="#">Longer term safety, support and intervention</a>	Sharing relevant information internally and at multi-agency tables for longer term safety planning and action.
13	<a href="#">Monitoring and evaluation</a>	Monitoring and evaluating trends and data.

# Initial response – family harm investigation

## An overview

The focus for Police at initial response is to undertake a quality family harm investigation. This involves:

- looking at and documenting the context and circumstances of the episode (irrespective of whether an offence has occurred)
- considering any adverse circumstances, including vulnerabilities, compounding factors and negative behaviours
- identifying where there is a pattern of coercive and controlling behaviour
- spending time responding to the needs of children/tamariki
- taking appropriate action with the predominant aggressor
- taking safety action at the scene with the victim, tamariki and vulnerable people.

A family harm approach takes a comprehensive view of the issues occurring within families to address the underlying causes of harm. Police need to view the situation as a whole with eyes wide open, be able to recognise family harm dynamics, the context of the harmful behaviour and the circumstances, and get a greater understanding of what is really going on.

Tools that support a quality family harm investigation include [OnDuty](#), risk measures ([SAFVR measure](#) and [dynamic assessment](#) which determine the [total concern for safety](#)) and the [family harm GRM](#) which populates the [frontline safety plan](#).

## Terminology

The terminology used for the roles of people involved in family harm investigations describe the role each person has played in the **wider context of family harm** in that relationship or family. These roles are:

- [primary victim](#)
- [person at risk](#)
- [predominant aggressor](#)
- [person posing risk](#)
- [mutual participant](#)
- [CYPeFH](#).

Where an **offence has occurred** (family violence related or other), people involved in a family harm investigation can also be a witness, offender or suspect, or victim.

**Note: there is an important distinction in these roles, you will need to be conversant with the terminology.**

## Outcomes

A quality family harm investigation enables early intervention by:

- ensuring we have the best quality of evidence to put before the court
- substantiating the evidential sufficiency to make an arrest where required
- understanding the context of the environment for the whānau to take the best safety actions at the scene
- providing high quality information to other police and partners so the right help is given to whānau who need help. The safety action taken at initial attendance will be the basis for any ongoing safety action taken by Family Violence Coordinators/Family Harm Specialists or multi-agency tables (eg. [FVIARS](#), [ISR](#), [WNPH](#)).

It will also lead to better outcomes for the families we are helping. In some cases police can recognise coercive and controlling behaviour and act before violence has occurred thereby preventing harm.

## Process and procedures for a family harm investigation

A family harm episode can come to Police attention via:

- a victim or other person seeking help at the front counter or from the Comms Centre

- an officer coming across an episode while involved in another incident.

See Poster showing the [Family harm environment](#)

### Front counter staff

Where front counter staff provide the initial response they can refer the episode to the Comms Centre for dispatch, involve an officer or capture family harm report details themselves (completing the relevant steps below) using OnDuty Office. Completing as much detail in the report as possible themselves provides better customer service and enables victims to be attended to as early as possible. Each district may apply business rules differently regarding when non-constabulary staff should pass a family harm report to an officer for investigation.

Where the Comms Centre is involved in dispatching a family harm investigation, front counter staff use OnDuty Office to record relevant core details including people and vehicles involved and any known firearms and drugs history.

### All staff attending or involved in family harm episodes

The steps below outline procedures if you are called to attend or become involved in a family harm episode and the different roles of Police staff involved in the investigation.

**Your safety and that of any victims is paramount.**

Step	Action
<b>1 – Review information</b>	<p>The 5F (CARD event) arrives in <a href="#">OnDuty</a> and the officer/s is able to review information and be well prepared when arriving at the scene. Information includes:</p> <ul style="list-style-type: none"> <li>• location, including previous family harm episodes at that location</li> <li>• people involved, including previous family harm investigations involving those people and any <a href="#">SAFVR measures</a></li> <li>• whether there are any PSOs, parenting, protection or related property orders in place.</li> </ul> <p>Ensure you have sufficient resources to deal with the situation and request further assistance if required. If possible, family harm episodes should be attended by a minimum of two staff and single unit responses avoided except in emergencies. Apply <a href="#">TENR</a>.</p>
<b>2 – Create a family harm investigation</b>	<p>Once you have reviewed the CARD event details the first officer can create the family harm investigation in OnDuty. They become the reporting officer responsible for submitting the completed investigation.</p> <p>As soon as the occurrence details and event supervisor is entered, the investigation becomes live in OnDuty and OnDuty Office for your supervisor to monitor and provide guidance as useful. In OnDuty you can collaborate on a family harm investigation with your partner officer or add other officers in (eg. CIB) if required.</p>
<b>3 – Enter premises</b>	<p>When entering the premises, treat the scene as you would any other type of serious offending. See <a href="#">Investigation and crime scene examination</a> for information about entry powers. Anticipate that:</p> <ul style="list-style-type: none"> <li>• drugs, alcohol, firearms or weapons may be involved</li> <li>• harm may be continuing</li> <li>• the parties may be non-compliant and are likely to be in an agitated and highly emotional state which may affect their ability to think rationally</li> <li>• the primary aggressor or other parties may be mentally unstable</li> <li>• children and young people are likely to be traumatised and/or highly agitated.</li> </ul>

<p><b>4a - Undertake a quality family harm investigation to establish if an offence has occurred</b></p>	<p>NRS Core Data Principles and Rules relate to the use of incident and task codes as flags or as holding codes.</p> <ul style="list-style-type: none"> <li>• <b>In family harm situations, if an offence is disclosed, it must be recorded as an offence</b> in preference to using an incident code (5F). The exception is where a PSO is issued, whereby NIA forces entry of a 5F incident.</li> <li>• For child protection issues – if the initial report discloses an offence, record it alongside the 6C – Child Protection code</li> <li>• For sudden deaths – at the point in time where there is an allegation or suspicion that someone might be criminally liable for the death, record the relevant offence being investigated in addition to the 1S – Sudden Death code</li> <li>• <b>When information is received about an offence, it must be recorded as an offence</b>, not as a generic code such as 2I – Information, or 1Z – Other Incident.</li> </ul> <p>NRS Core Data Principles and Rules outline when victims must be recorded. For offences against the person:</p> <ul style="list-style-type: none"> <li>• the primary intent options are likely to be: kill, injure/hurt, threaten, neglect, gain (e.g. robbery and extortion), gratification (sexual assaults)</li> <li>• record the most serious offence against the person even when it is part of an offence against property</li> <li>• with the exception of threats (see below) - it will always be a person being targeted, the victim. In practice this means an offence needs to be recorded for each victim</li> <li>• record every person offended against as a victim. (See <a href="#">NRS Guidance 'offences against a person coding guide'</a>)</li> </ul>
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<p><b>4b – Undertake a quality family harm investigation (establish context and circumstances, identify the parties and their roles and undertake interviews)</b></p>	<p>Take an eyes wide open approach looking beyond the physical evidence for signs of family harm (including power and control and entrapment/resistance) or that an offence has taken place. Think about the <a href="#">characteristics of family harm</a> and <a href="#">different types of family harm</a>.</p> <p>Based on the information to hand and where no offence has occurred, decide who is the <a href="#">predominant aggressor</a> and <a href="#">primary victim</a>. Identify the roles of other parties at the scene. These may include <a href="#">CYPeFH</a> or <a href="#">mutual participants</a>.</p> <p>Investigate with a view to who did what, for example, the behaviour of the predominant aggressor and revealing the primary victim’s responses and resistance. Delve into the dynamics of the relationship and the wider context of what is happening in the family situation and environment. Capture the perspective of each party.</p> <p>Understand the difficult and harmful situation a primary victim is in and look for ways to establish their trust. Document the context of harm they are experiencing, remembering they are not to blame. This might be the time the primary victim opens up and feels strong enough to ask for help. Use non-judgemental language – the primary victim should not feel judged for not leaving the situation or treated poorly because you think they should leave.</p> <p>Predominant aggressors are often charismatic and manipulative and will often have excuses for their bad behaviour. Trauma in their past is not an excuse for bad behaviour.</p> <p>In relation to tamariki/children:</p> <ul style="list-style-type: none"> <li>• physically sight them</li> <li>• introduce yourself and describe your role in simple terms</li> <li>• sit or squat so you are physically at their level and able to make eye contact</li> <li>• acknowledge that something upsetting has happened</li> <li>• don’t ask them about or focus on details of the episode itself. You can be most helpful by giving them factual information as well as addressing questions and concerns they may have. Communicating directly to children shows you realise how upsetting the events and circumstances might be</li> <li>• explain to them why any use of force by police may have been necessary</li> <li>• describe in clear terms what is going to happen next (eg. what is going to happen to the parents, what is going to happen to them and where they will stay tonight, etc.)</li> <li>• be realistic. Do not say ‘everything will be okay’ or make promises you cannot keep.</li> </ul> <p>If you need assistance with language and cultural issues, consider using an Iwi, Pacific or Ethnic Liaison Officer to liaise with families.</p> <p>Where there is evidence of an offence having been committed, reassign the 5F to the appropriate offence code/s and refer to and follow procedures/advice outlined in <a href="#">Investigation and crime scene examination</a> and <a href="#">Interviewing victims, witnesses and suspects</a>. If an offence includes children, follow procedures in <a href="#">Child Protection Protocol referral/Pol 350 in OnDuty</a>.</p>
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<p><b>4c – Undertake a family harm investigation (complete dynamic assessment)</b></p>	<p>Regardless of the parties identified above, determine who is most at risk in the current episode and who is creating that risk. These will be the <a href="#">person at risk</a> and <a href="#">person posing risk</a> in the family harm investigation. This will most often be the primary victim and predominant aggressor. Sometimes the primary victim can be the person posing risk at episodes, eg. where they are using resistive violence.</p> <p>Undertake the <a href="#">dynamic questions</a> with the person at risk about the person posing risk. You can ask the person at risk the questions or they can answer these themselves using OnDuty in a guided view (eg. if talking out loud poses a risk). This is also available in Te Reo Māori. If a person at risk is unable to or refuses to answer the dynamic questions, you can:</p> <ul style="list-style-type: none"> <li>• ask other people at the scene if it is safe to do so</li> <li>• derive answers from what has been discovered throughout the investigation</li> <li>• use previous responses (if they exist) and it is appropriate for the circumstances</li> <li>• make a judgement based on the investigation as to the level of concern for safety.</li> </ul> <p>It is preferable that an adult answers the questions, however, a young person may be competent to respond when appropriate to do so. Before questioning the young person, consider whether there is any risk or ongoing safety concerns, should they answer and remain in the home.</p> <p>OnDuty will only present you with questions that need to be asked as part of the dynamic assessment based on the individuals and their relationship that you have already identified. There are 10 standard questions, an additional two questions in cases of intimate partner violence and an additional four questions if children usually reside at the address.</p> <p>Provide a contextual explanation to questions answered YES. (This information will not need to be repeated in the narrative as the dynamic assessment will make up part of the report).</p> <p>Some dynamic questions, when answered YES, will automatically determine there is a high risk as there are lethality factors present. There may still be a determination of high risk, whether or not lethality questions are answered YES.</p> <p>Any child related questions answered YES need to form part of your cumulative understanding regarding harm against the children and your consideration of <a href="#">whether or not a CPP referral/Pol 350 should be made to Oranga Tamariki</a> or OT involved in the investigation. Any concerns for child welfare where the threshold for neglect or intentional ill-treatment is not reached (as per the CPP) should be raised in the investigation report. The CPP referral is available to create from the frontline safety plan (see below).</p>
<p><b>4d – Undertake a family harm investigation (determine total concern for safety)</b></p>	<p>The <a href="#">SAFVR</a> measure and answers to the dynamic assessment will combine in OnDuty to give you your <a href="#">total concern for safety</a>. This can be high, moderate or low. The level calculated will influence which actions are recommended in the <a href="#">family harm GRM</a>. The safety actions you take at the scene from the family harm GRM and any other actions you take forms the frontline safety plan.</p>
<p><b>4e – Undertake a family harm investigation (complete frontline safety plan)</b></p>	<p>Once the total concern for safety is established, the <a href="#">family harm GRM</a> provides a range of safety actions to consider (see also the related <a href="#">Handout</a>).</p> <p>The family harm GRM identifies what can be done to create a window of safety for the primary victim, vulnerable people and tamariki and to take appropriate actions with the predominant aggressor: keeping in mind agency responsibility for safety actions. (Note: the higher our level of concern for a victim’s safety, the more difficult it is for them to take responsibility for their own safety, so the onus is on Police and other agencies to help).</p> <p>Consider green actions in the frontline safety plan, as a minimum, where there is a <b>low level of concern for safety</b> – here we consider that the person at risk is able to take a greater role in the</p>

responsibility for their own safety and that of vulnerable people at their address and tamariki. The majority of actions are to ensure the victim is able and willing to get help when and if they need it (eg. do they have a working phone; [will an arrest be made](#) and if so will bail be opposed and why; will a [PSO](#) be issued; does a [CPP referral/Pol 350](#) need to be completed or OT called if there are immediate safety concerns).

Consider orange actions in addition to green where there is a **moderate level of concern for safety**. Here we consider that the victim can take some responsibility for their own safety. The majority of additional actions are to ensure that whānau or friends not living at the address and neighbours are available to help (eg. have neighbours been spoken to; create an alert for a person, vehicle or location if required).

Consider red actions in addition to green and orange where there is a **high level of concern for safety**. Here we consider that the victim is unable to take much of a role in the responsibility for their own safety and look to physically remove them, vulnerable people and tamariki from the situation or, if the predominant aggressor has been removed, ensure that victims have a way to get immediate help from Police should they need it (eg. victim safety alarms; special situation report; phoning Women's Refuge to arrange placement; safety check within 72 hours).

**TRUST YOUR GUT** – if the family harm GRM options do not seem robust enough for the situation, you may add additional or more comprehensive actions into your safety plan. Multiple safety plans can be developed as required.

**VICTIM'S VIEWS ON BAIL** – when an arrest is made, it is important that victim's views on bail are obtained as part of the frontline safety plan. ([s8](#)).

Note: Primary consideration is victims safety.

Note: Leave the scene believing you have done what you can to keep the primary victim, vulnerable people and tamariki safe for at least 72 hours from the time you leave the scene. 72 hours provides time for a multi-agency table (eg. FVIARS, ISR, WNPH) or review by a Family Violence Coordinator/Family Harm Specialist to ensure sustainable safety for victims and ongoing action with the aggressor.

Safety plans are an essential part of responding to victims' needs and managing ongoing risks. They also can help victims understand their level of risk and take some control over their situation. Advise the people being protected by the safety plan about local and national support services and what happens next (multi-agency safety planning and information sharing with other agencies). Attending police must provide family harm victims with appropriate and timely support and information about services and remedies. (This is an obligation on Police under the Victims' Rights Act 2002).

<p><b>4f – Undertaking a family harm investigation (recording a quality narrative)</b></p>	<p>Once you've uncovered the full picture, record a clear, concise and complete summary of the situation in OnDuty. A good quality narrative can be used in many ways (eg. in court proceedings, in future family harm investigations involving the same people or locations).</p> <p>Note: the family harm report/investigation narrative reaches a wide audience across the sector. Apply the <a href="#">Police organisational values</a> and the <a href="#">SELF CHECK</a>.</p> <p>Include in your narrative/report things that may indicate vulnerabilities or compounding factors, for example:</p> <ul style="list-style-type: none"> <li>• lack of food, bedding or warm clothing</li> <li>• unsafe or unsanitary surroundings or conditions</li> <li>• any signs that may indicate a family is having trouble managing their finances</li> <li>• any health issues</li> <li>• any signs the family is struggling to cope</li> <li>• children presenting with symptoms related to post traumatic stress disorder such as aggressive outbursts, anxiety, self-destructive behaviour etc.</li> </ul> <p>Note down information about the children and what you spoke with them about.</p>
<p><b>5 – Submit family harm investigation</b></p>	<p>Submit the completed family harm investigation/report for approval. Ensure that offences accurately reflect your family harm investigation and comply with <a href="#">National Recording Standard</a>.</p> <p>Where an offence is identified the 5F is automatically replaced by a FV flag alongside the specified offence code.</p> <p>Other material relevant to the family harm investigation that is not able to be captured in OnDuty should be attached to the investigation in NIA. This might include statements, job/exhibit sheets, PSO form, photos etc.</p>
<p><b>6 – Approve family harm investigation and information provided to others/agencies</b></p>	<p>The Supervisor reviews and approves the family harm investigation. As soon as they click approve, the family harm investigation is:</p> <ul style="list-style-type: none"> <li>• sent to NIA or diverted to FMC to manage any conflicts (and then onto NIA)</li> <li>• updated in OnDuty Office as complete – Family Violence Coordinators/Family Harm Specialists and others use the information in OnDuty Office to inform multi-agency assessment and response (note incomplete investigations can also be shared)</li> <li>• sent to the ISR Family Safety System for daily multi-agency safety planning.</li> </ul> <p>If a CPP (Child Protection Protocol) referral has been completed in OnDuty, once approved by a supervisor an email is automatically sent to the Oranga Tamariki National Call Centre and to the Police Child Protection Team responsible for the location where the episode is recorded. The email contains a copy of the referral document and the Family Harm investigation.</p>

Refer to [Police employees and family harm](#) for extra guidance on responding to episodes when Police employees are involved in family harm.

# Investigation and crime scene examination

## Gathering information, examining scenes and calling in assistance

A thorough crime scene investigation and examination may require collection of additional material than what can be recorded in OnDuty. This should be attached to the investigation in NIA. Use this table as a guide when gathering additional information, scene examination and when calling for assistance as part of a family harm investigation where an offence is suspected or has occurred.

Step	Action
1	Follow the normal procedures for investigating serious offending and for crime scene examination. From the outset, investigate the matter with a view to being able to prove the charge without the victim's involvement.
2	Check for firearms or other weapons and secure these. See <a href="#">Attending situations when firearms may be present</a> for additional procedures.
3	<p>Call for medical assistance if required. In particular, check for signs of and symptoms of strangulation in relation to any of the victims.</p> <p>If strangulation or suffocation is suspected:</p> <ul style="list-style-type: none"> <li>• accurately document the signs and symptoms. Look not only for physical signs but ask about symptoms the victim may be experiencing including but not limited to: <ul style="list-style-type: none"> <li>◦ <b>neurological</b> – loss of memory, loss of consciousness, behaviour changes, loss of sensation, extremely weak, difficulty speaking, fainting, urinating, defecation, vomiting (check for change of clothing), dizziness, headaches</li> <li>◦ <b>eyes/eyelids</b> – petechiae, bloody red eye ball, vision changes, droopy eyelids</li> <li>◦ <b>face</b> – petechiae (small red spots) on forehead, scratch marks, facial drooping, swelling</li> <li>◦ <b>chest</b> – chest pain, redness, scratch marks, bruising, abrasions</li> <li>◦ <b>voice/throat changes</b> – raspy voice, unable to speak, trouble swallowing, clearing the throat, coughing, nausea, drooling, sore throat</li> <li>◦ <b>scalp</b> – petechiae, bald spots from hair being pulled, bump to the head from falling to the ground</li> <li>◦ <b>ears</b> – ringing in the ears, petechiae bruising behind ear, bleeding in ear</li> <li>◦ <b>mouth</b> – bruising, swollen tongue, swollen lips, cuts/abrasions, internal petechiae</li> <li>◦ <b>breathing changes</b> – difficulty breathing, respiratory distress, unable to breathe</li> </ul> </li> <li>• look for evidence to corroborate how long force was applied: <ul style="list-style-type: none"> <li>◦ 6 - 8 seconds – unconscious</li> <li>◦ anoxic seizures follow for 2 – 8 seconds (did a child witness the victim spasm?)</li> <li>◦ 15+ seconds - loss of bladder control (clothing/bedding)</li> <li>◦ 30+ seconds - loss of bowel function (clothing/bedding)</li> <li>◦ 1 – 2 minutes - death</li> </ul> </li> <li>• speak to witnesses to provide further detail as to what occurred as the victim may not know due to the nature of the offending</li> <li>• take high-quality photographs at the time and again after a 24-48 hours delay. Strangulation can be used as a repetitive control technique. With a time lag before bruising appears, photographs revealing signs of strangulation can become important evidence. (There is a link between the act of strangulation, further serious violence and homicide).</li> </ul> <p><b>Note:</b> Strangulation victims should seek urgent medical attention as the physical effects (including death in some cases) may not take effect for some hours after the event. (See Strangulation <a href="#">handout</a> and <a href="#">notebook</a> card)</p>

4	<p>If there is any evidence of:</p> <ul style="list-style-type: none"> <li>• a sexual assault, follow the <a href="#">Adult sexual assault investigation policy and procedures</a> and link the CIB to the investigation in OnDuty as soon as possible</li> <li>• sexual or physical abuse of children or neglect, follow the <a href="#">Child protection investigation policy and procedures</a> and link a CPT to the investigation in OnDuty.</li> </ul> <p>Link the CIB to the investigation early in OnDuty in any other case where serious offending is involved.</p>
5	<p>Look for evidence to <a href="#">corroborate</a> allegations and consider whether forensic specialists need to be contacted. Collect all evidence (ie. bedding, clothing) as soon as possible before it is lost, as many victims are reluctant to give evidence or want matters withdrawn from court processes.</p>
6	<p>Where possible, document all visible injuries to each person involved in the investigation. Note cuts, red marks or welts, bruises and other evidence in respective statements.</p> <p>Photographs taken on cell phones when Police cameras/photographers are not available can also provide valuable evidence. Do <b>not</b> photograph the suspect and the victim together. (Follow the <a href="#">Digital imaging guidelines</a> for downloading and securing images ensuring they will be accepted as reliable evidence).</p>
7	<p>If you arrest a suspect complete a Victim Impact Statement for use in court (see <a href="#">Victim impact statements</a> in the 'Victims (Police service to victims)' chapter for further information).</p>
8	<p>If applicable, obtain the victim's written consent for Police to obtain medical details related to the investigation.</p> <p><b>Note:</b> Police do not need the victim's consent to disclose information gathered during the episode, as long as it is disclosed for a related purpose for which it was collected, eg. sharing with a family violence service provider.</p>

## Attending situations when firearms may be present

Step	Action
1	<p>Always consider firearms or other weapons may be involved or that the suspect has access to these. This information will be available in OnDuty.</p>
2	<p>Whether a PSO or a protection order is in place will be available in OnDuty. If a PSO has been issued, any firearms licence held by that person will be suspended for the duration of the order. Where a protection order is in force, any firearms licence held by the respondent will be revoked. Any firearms also need to be surrendered. Check any licence endorsements and if there are any firearms in secure storage.</p>
3	<p>Consider whether there are sufficient safety concerns to warrant the <a href="#">issuing of a Police Safety Order</a> or, where there is sufficient evidence to arrest, making an application for a protection order. In either case all firearms, ammunition, or explosives in the possession or control of the suspect must be surrendered to Police or seized pursuant to section <a href="#">18</a> Search and Surveillance Act 2012.</p>
4	<p>If you exercise the power to seize, report to the Commissioner within three days by submitting a Firearms Search and Seizure form accessed via the Bulletin Board using the 'Create' and 'Notification' feature.</p>
5	<p>Following surrender or seizure of firearms, complete enquiries (including the views of the victim) to determine whether any licensed firearms holder is considered to be a 'fit and proper' person to hold a firearms licence. If appropriate, take revocation action pursuant to <a href="#">s27</a> and <a href="#">s27A</a> Arms Act 1983. This may include informing and/or seeking assistance of the Police Arms Officer.</p>

## Corroboration

Corroboration is important if the victim becomes a reluctant witness. Information that may corroborate a family violence victim's allegations include:

- medical examinations and doctor's reports (of suspect and victim)
- photographs of injuries
- scene examination evidence, including photographs and scene diagrams
- clothing
- witness statements (neighbours, friends, colleagues, emergency medical staff)
- 111 call - obtain a copy from Comms for court
- old POL FVIR ratings, previous family violence reports and ODARA scores
- emails, text messages, phone records, internet browsing history, bank records
- admissions or other corroborating or damaging statements by a suspect.

These should be attached to the investigation in NIA.

## Search and Surveillance Act 2012 powers relevant to family violence offences

### To enter to prevent an offence or respond to risk to life or safety

If you have reasonable grounds to...	you may without a warrant...
<p><b>suspect</b>, in relation to a place or vehicle:</p> <ul style="list-style-type: none"> <li>• an offence is being, or is about to be committed, that would be likely to cause injury to any person, or serious damage to, or serious loss of any property, <b>or</b></li> <li>• there is risk to the life or safety of any person that requires an emergency response</li> </ul>	<ul style="list-style-type: none"> <li>• enter the place or vehicle, <b>and</b></li> <li>• take any action you have reasonable grounds to believe is necessary to:               <ul style="list-style-type: none"> <li>◦ prevent the offending from being committed or continuing, or</li> <li>◦ avert the emergency.</li> </ul> </li> </ul>

**Note:** 'take any action' means any action that is reasonable in the circumstances.

(s14 Search and Surveillance Act 2012)

### To search people in possession of arms

If you have reasonable grounds to...	you may without a warrant...
<p><b>suspect</b> a person is carrying arms, is in possession of them, or has them under their control, <b>and</b>:</p> <ul style="list-style-type: none"> <li>• the person:           <ul style="list-style-type: none"> <li>◦ is in breach of the Arms Act 1983, <b>or</b></li> <li>◦ by reason of their physical or mental condition (however caused) is incapable of having proper control of the arms, <b>or</b> may kill or cause bodily injury to any person, <b>or</b></li> </ul> </li> <li>• that, under the Family Violence Act 2018:           <ul style="list-style-type: none"> <li>◦ a protection order or PSO is in force against that person, <b>or</b></li> <li>◦ there are grounds to apply for a protection order against them</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• search the person</li> <li>• search anything in their possession or under their control (including a vehicle)</li> <li>• enter a place or vehicle to carry out one of the above</li> <li>• seize and detain:           <ul style="list-style-type: none"> <li>◦ any arms found</li> <li>◦ any licence under the Arms Act 1983 that is found.</li> </ul> </li> </ul> <p>(Unless impracticable in the circumstances, obtain approval from a sergeant or above before exercising any of these powers).</p> <p><b>Note:</b> Arms are 'in a person's possession or under their control' if they have access to them.</p>

(s18(1) and (2) Search and Surveillance Act 2012)

## To enter places or vehicles to search for firearms

If you have reasonable grounds to...	you may without a warrant...
<p><b>suspect</b> that there are arms in any place or vehicle:</p> <ul style="list-style-type: none"> <li>in respect of which a category three or four offence or an offence against the Arms Act 1983 has been, is being, or is about to be committed, <b>or</b></li> <li>that may be evidential material in relation to a category three or four offence or an offence against the Arms Act 1983</li> </ul>	<ul style="list-style-type: none"> <li>enter the place or vehicle</li> <li>search it</li> <li>seize and detain any arms or licence under the Arms Act 1983 found there.</li> </ul> <p>(Unless impracticable in the circumstances, obtain approval from a sergeant or above before exercising any of these powers).</p>

(s18(3) Search and Surveillance Act 2012)

## To enter and search for drugs

[Subpart 7](#) of the Search and Surveillance Act 2012 details Police powers in relation to Misuse of Drugs Act 1975 offences. See the Drugs chapter - [Part 4 General searches in respect of drugs](#) for more information.

## Duties when exercising powers under the Search and Surveillance Act 2012

For more information about your powers and duties under the Search and Surveillance Act 2012 see the [Search](#) chapters, particularly Part 3 - [Warrantless powers to search places, vehicles and things](#) and Part 7 - [Searching people](#).

## Powers under the Oranga Tamariki Act 1989

### To enter to enforce warrants in respect of children

You may enter to enforce warrants issued to:

- enforce a court order for:
  - day-to-day care of a child (s72 Care of Children Act 2004)
  - contact with a child (s73 Care of Children Act 2004)
- prevent removal of a child from New Zealand (s77 Care of Children Act 2004 and s205 Oranga Tamariki Act 1989).

### To enter to remove child

If you have reasonable grounds to...	you may without a warrant...
<p><b>believe</b> that it is critically necessary to protect a child or young person from injury or death</p>	<ul style="list-style-type: none"> <li>enter any dwelling house, building, aircraft, ship, carriage, vehicle, premises or place, and</li> <li>remove or detain, by force if necessary, a child or young person and place them into the custody of the Chief Executive of OT.</li> </ul>

(s42 of the Oranga Tamariki Act 1989)

### To enter, search and place in safe custody (place of safety warrants)

If you have reasonable grounds to...	you may...
<p><b>suspect</b> that a child or young person has suffered, or is likely to suffer, ill-treatment, neglect, deprivation, abuse, or harm</p>	<p><b>apply</b> to the court for a 'place of safety' warrant, and then -</p> <p><b>with a warrant:</b></p> <ul style="list-style-type: none"> <li>• enter and search, by force if necessary, any dwelling house, building, aircraft, ship, carriage, vehicle, premises or place</li> <li>• if you <b>believe</b> on reasonable grounds, that the child or young person has suffered, or is likely to suffer, ill-treatment, serious neglect, abuse, serious deprivation, or serious harm: <ul style="list-style-type: none"> <li>◦ remove or detain, by force if necessary, the child or young person and place them in the custody of OT's Chief Executive, or</li> <li>◦ where the child or young person is in a hospital, direct the medical superintendent of that hospital to keep that child or young person in that hospital.</li> </ul> </li> </ul>

(s39 of the Oranga Tamariki Act 1989)

## Powers relating to breaches of Police safety orders

See breaches of PSOs and related powers in the [Police safety orders](#) chapter.

## Executing warrants

For details about executing warrants see 'Arresting with a warrant' in the [Arrest and detention](#) Police Manual chapter.

# Interviewing victims, witnesses and suspects

## Interview early

Interview victims and important witnesses early in family violence cases. They can and often become reluctant witnesses during the prosecution process or later minimise the violence. Some victims are pressured to withdraw by the suspect/offender. Obtain a statement at the time or you may lose the opportunity. Think 'how can police prove this case without the victim's participation?'

Under the [Evidence Act 2006](#) and section [82](#) Criminal Procedure Act 2011, Police can get evidence sworn which can later be used. If it is likely that the victim will minimise their allegations, or face pressure and become reluctant, maintain momentum with the victim on the day of the offence/episode. Their evidence can be sworn the same day thus lessening the likelihood that they will change it later. Given the nature of family harm, it is imperative to be in regular contact with victims and witnesses, providing as much support as possible, with the assistance of our partner agencies.

## Statements

All interviews should be recorded in statement format and signed by the witness. (Refer to the '[Investigative interviewing witness guide](#)' for detailed information about taking statements).

Section [106A](#) of the Evidence Act 2006 allows an adult family violence complainant to give evidence in chief by a video recording made before the hearing. The video recording must be made by a police employee, in accordance with the [Evidence Regulations](#), and no later than two weeks after the alleged family violence episode.

## Victims and other witnesses

When formally interviewing family violence victims and other witnesses, follow the [Investigative interviewing witness guide](#) and additional guidance for family violence victims and witnesses fearing intimidation in [Investigative interviewing - witnesses requiring special consideration](#).

All forensic interviews of child abuse victims or of child witnesses of serious crime must be carried out by specially trained child witness interviewers according to the [Specialist child witness interview guide](#). (This is an agreed guide between Police and OT). Note: this does not prevent a preliminary interview with a child occurring during initial attendance as part of identifying their role and the wider safety assessment.

## Suspects

Follow the [Investigative interviewing suspect guide](#) and additional procedures in [Investigative interviewing – suspects requiring special consideration](#) when interviewing suspects in family violence cases.

## Child Protection Protocol referral/Pol 350 in OnDuty

### When to follow the Child Protection Protocol

Ensuring the safety of children present or who normally reside at an address where family harm has occurred is crucial. The [Child Protection Protocol](#) (CPP) comes into play in cases of:

- urgent steps being critically necessary to protect a child from injury or death
- offending against children where there is physical abuse, sexual abuse or neglect.

### Urgent steps to ensure child safety

Where a child is at immediate risk of serious harm and the need for immediate protection may be necessary the officer should call OT National Contact Centre for assistance (phone 0508 family). A child can be removed or detained (by force if necessary) and placed in the custody of the Chief Executive (s42 Oranga Tamariki Act 1989). If removal is pursuant to section 42, no CPP referral is required. Refer to [Powers under the Oranga Tamariki Act](#).

If child is not removed you must complete the CPP referral/Pol 350 in OnDuty. This will be emailed to the OT National Contact Centre and the CPT once the family harm investigation has been approved.

### Offending against children where there is physical or sexual abuse or neglect

Within the CPP context physical abuse, sexual abuse and neglect are defined as:

- physical abuse – when the actions of an offender result in, or could potentially result in, physical harm or injury being inflicted on a child
- sexual abuse – an act involving circumstances of indecency with, or sexual violation of, a child, or using a child in the making of sexual imaging
- neglect - is when a person intentionally ill-treats or neglects a child or causes or permits the child to be ill-treated in a manner likely to cause the child actual bodily harm, injury to health or any mental disorder or disability. The ill-treatment or neglect must be serious, and avoidable. For example:
  - not providing adequate food, shelter or clothing
  - not protecting a child from physical harm or danger
  - not accessing appropriate medical treatment or care
  - allowing a child to be exposed to the illicit drug manufacturing process
  - allowing a child to be exposed to an environment where volatile, toxic, or flammable chemicals have been used or stored.

If any of these has occurred you must complete the CPP referral/Pol 350 in OnDuty. This will be emailed to OT National Contact Centre and the CPT once the family harm investigation has been approved. Refer to [Powers under the Oranga Tamariki Act](#).

### When the Child Protection Protocol does not apply

In situations where the CPP does not apply but an assessment of all the circumstances indicates to you that the children may be at risk, note this in the investigation in OnDuty and link in your Family Violence Coordinator/Family Harm Specialist. They will take this to the multi-agency table for consideration.

In situations where children are present but not considered at risk link in your Family Violence Coordinator/Family Harm Specialist to the investigation in OnDuty.

### Further advice

The [Child protection investigation policy and procedures](#) apply to all cases where there are child safety concerns. See [Making referrals to Oranga Tamariki](#) in the 'Child protection investigation policy and procedures' for further advice.

## Deciding whether to arrest

### Arrest if sufficient evidence of offending

As with all other offending, determine whether:

- there is sufficient evidence of an offence to arrest, and
- the tests for prosecution in the [Solicitor-General's Prosecution Guidelines](#) would be met (See [Prosecution](#) in the 'Prosecution or case disposition' section of this chapter for more information).

If there is sufficient evidence of an offence, suspects responsible for family violence related offences or breaches of protection and related property orders should, except in exceptional circumstances, be arrested. Protection orders continue to be effective until discharged by a court. Where there has been an historical breach, action should still be taken.

Where offending is disclosed and actions other than arrest are contemplated, you must consult your supervisor before proceeding. It is advisable to also consult with the Family Violence Coordinator/Family Harm Specialist who may have relevant information known through multi-agency tables.

Take particular care where prima facie evidence indicates violence by both parties. Understanding the [dynamics of family harm](#) is the key in determining if there is in fact a primary aggressor. Consider the possibility that some violence may be actions taken in self-defence. Seek guidance if necessary.

### Deciding if there is sufficient evidence of an offence

Use the 'How and when you charge makes a difference guide' to identify possible offences and determine whether they constitute family violence offences (note this guide does not provide an exhaustive list). Consult your supervisor or Family Violence Co-ordinator/Family Harm Specialist if you are uncertain about whether there is sufficient evidence to charge.

 [How and when you charge makes a difference \(July 2019\)](#)

24.11 KB

No formal complaint is required from the victim for you to arrest or file charges. However, their response and wishes should be listened to and noted. Explain the reason if Police actions are not consistent with their wishes. Many victims experience further harm and Police should act in a way that will encourage future reporting of episodes.

### Insufficient evidence to charge

Where there is insufficient evidence to charge but you have victim and/or child safety concerns following a dynamic risk assessment, consider if it is appropriate to issue a [Police Safety Order](#) in accordance with the issuing criteria (the 'necessity' test in section [28](#) of the Family Violence Act 2018).

Do not give any warnings where there is insufficient evidence to prosecute.

## Charging offenders

### Family violence offences and incidents

Any offence or incident code can be flagged as family violence in the family harm investigation. Family violence offences may range from homicide as the most serious, through various assault related offences (eg. strangulation or suffocation (s189A Crimes Act 1961), male assaults female, assault with intent to injure (s193), injuring with intent (s189), assault on a person in a family relationship (s194A), coerced marriage or civil union (s207A) to offences under the [Family Violence Act 2018](#), the [Summary Offences Act 1981](#) and the [Harassment Act 1997](#). They can include damage, theft, disorder offences and any incident code. (Refer to the [National Recording Standard](#) for further information).

The 'How and when you charge makes a difference' guide provides information on the range of offences that may, depending on the evidence, constitute a family violence offence.

 [How and when you charge makes a difference \(July 2019\)](#)

24.11 KB

See also 'Breaching a protection order or related property orders' in the [Protection and related property orders](#) chapter and 'Breaches of Police safety orders' in the [Police Safety Orders](#) chapter for offences under the [Family Violence Act 2018](#).

### Choosing the right charge

How and when you charge makes a difference. When considering what charge(s) is appropriate:

- do not minimise violence that has occurred (eg. consider the range of offences under the Crimes Act 1961 and those under the Family Violence Act 2018)
- ensure that an offender is charged and prosecuted in a way that reflects the essential nature of their offending
- ensure that there is evidence which can be adduced in Court that is sufficient to provide a reasonable prospect of conviction (the Evidential Test)
- consider any continuing risk the offender poses to the victim.

(See also [Prosecution](#) in the 'Prosecution or case disposition' section of this chapter).

When choosing appropriate charges and making decisions regarding negotiation of charges it is important to note the some of these offences will be 'serious violent offences' under the Sentencing and Parole Amendment Act 2010 and therefore qualify for a 'strike' under the [three stage warning regime](#).

### Guides for determining charges

The following 'How and when you charge makes a difference guide' (should be available in custody and other relevant work areas) contains descriptions of family harm behaviour that might amount to an offence and may assist you to determine the most appropriate charge:

 [How and when you charge makes a difference \(July 2019\)](#)

24.11 KB

See also 'Charging decisions' in [Prosecuting family violence](#) and the more general [Charging decisions](#) chapter.

Contact your Supervisor, a Legal Advisor, Family Violence Coordinator/Family Harm Specialist or a Prosecutor in your district if you need advice about charging decisions.

### Breaches of protection orders

When a protection order or related property order has been breached **and** there is evidential sufficiency to prove a charge, you must:

- charge the offender with the breach
- not release the offender on Police bail for 24 hours unless there is a court hearing earlier than this where court bail can be determined. The offender is not bailable as of right pursuant to s7(2) of the Bail Act 2000.

When considering Police bail for a defendant charged with a family violence offence, the **primary consideration is the need**

**to protect the victim**, their family members and all protected persons.

## **Dual defendants**

Dual defendants can occur when it is unclear who the actual aggressor or victim is, there are counter-allegations, and both parties are arrested and charged.

For information about charging and prosecuting dual defendants, see 'Charging decisions' in the [Prosecuting family violence](#) Police Manual chapter.

## Bail

### Police bail for family violence offences

The procedures for considering whether to grant Police bail for a person charged with a family violence offence are set out in the [Bail Act 2000](#). Part 1 of the Bail Act 2000 sets out the rules for bail generally and [Part 2](#) of the Act (sections 21 - 26) those relating to Police bail.

When deciding whether to grant Police bail, the primary consideration is the safety of the victim and their family members, linking the victim to appropriate support and services, and the possible need for the defendant to have a cooling off period to ensure the victim's safety. Any condition may be imposed on bail that a Police employee considers necessary to protect the victim and their family members.

### Restrictions on Police bail if a protection order is breached

Note that if the person has been arrested under section [113](#) of the Family Violence Act 2018 and charged with an offence against section [90-102](#) of that Act they must not be granted Police bail during the 24 hours immediately following the arrest unless there is a court hearing earlier than this where court bail can be determined (s7 Bail Act 2000). This also applies when the person is charged with another offence in addition to the breach offence. (s23 Bail Act 2000)

The arrested person must be brought before a court as soon as possible.

At the expiry of the 24 hour period and pending a court appearance, follow standard procedures for determining whether the person should be granted Police bail.

The need to protect the victim of the alleged offence and their family members, and all protected persons, is the paramount consideration for the court when determining whether to grant bail (s8 Bail Act 2000).

### Authorising Police bail

You must have the authority of a supervisor of or above the position level of sergeant before releasing a family violence defendant on Police bail.

### Opposing court bail

In most cases, there is a presumption that a defendant is to be bailed. Any opposition to bail must fit within criteria detailed in section [8](#) of the Bail Act, which includes whether there is a risk to the victim and their family members, and all protected persons.

Section 8(5) of the Bail Act also provides that the need to protect the victim of the alleged offending is the paramount consideration when deciding whether to grant bail for breaching a protection order.

When deciding whether to oppose bail in family violence cases, the prosecutor must consider, in addition to the factors detailed in section 8(1) and (2) of the Bail Act, the need to ensure the victim and their family's safety and any safety plans in place. A wide range of factors will be relevant and the information gathered during the investigation and the collection of risk information is critical.

### Bail conditions

Bail conditions should always be tailored so that they are specific and relevant to the defendant's identified risks and/or alleged offending. In family violence cases, conditions must reflect the need to ensure the victim's safety and that of their family members and all protected persons. This could include non-association with named persons or requiring the defendant to reside at a named address. (Only in exceptional circumstances should a defendant in a family violence-related case be bailed to the victim's address). See the [Bail](#) chapter for more information about bail and bail conditions.

### Electronic monitoring bail and Police safety orders

If a person on electronic monitoring (EM) bail is served with a PSO relating to the address at which they are required to

reside, they will be unable to remain there for the duration of the order and therefore unable to comply with standard condition 5 of their bail bond. In these circumstances, follow the 'EM bailee served with Police Safety Order' procedures in the Bail chapter>EM bail - Breaches and unsuitable addresses.

Note that an incident of family harm at an EM address is likely to bring to attention risks pertaining to continuing EM bail at that address. Consider opposing continuation of EM bail to that address in this situation.

## Breaches of bail

Treat all bail breaches as serious. See information on breach of bail conditions in the [Prosecuting family violence](#) chapter.

## Further information about bail and bail notices to victims

Refer to the Bail section in the [Prosecuting family violence](#) chapter for detailed information about:

- managing the court bail process in family violence cases
- the factors to be considered when deciding whether to oppose bail
- seeking appropriate bail conditions to ensure the victim and their family's safety.

Refer to the [Notification rights for victims of serious offences](#) in the 'Victims (Police service to victims)' Police Manual chapter for more detailed information about the rights of victims to provide their views on bail and be advised about bail when section [29](#) of the Bail Act 2000 applies.

## Prosecution or case disposition

### Prosecution

Although Police should listen to and note the victim's view on whether or not to prosecute, due to the nature and dynamics of the offending, do not be influenced by their view on prosecution. The decision to prosecute is a Police decision, based on facts and evidence and the accumulative nature of ongoing offending.

The [Solicitor-General's Prosecution Guidelines](#) require that prosecutions are only brought where there is a reasonable prospect of conviction (the 'evidential test') and where a prosecution is in the public interest.

The guidelines also state that these factors in family violence cases aggravate the nature and seriousness of the offending:

- previous relevant offending, and
- where there are grounds for believing the offence is likely to be repeated/continued (ie. the offending indicates a repeated pattern of conduct).

Refer to the [Prosecuting family violence](#) chapter for more information about prosecuting family violence cases, and the 'evidential' and 'public interest' tests.

### Withdrawals or amendments of charges

Prosecutors should discuss amendments or withdrawals of charges with the Family Violence Coordinator/Family Harm Specialist and District Prosecution Manager before amending or withdrawing any family violence related charges. (Refer to [Police Prosecution Service' statement of policy and practice](#)).

### Information about prosecutions to be given to victims

Victims must be kept informed of the progress of court cases. For further information see [Victims \(Police service to victims\)](#).

### Supporting victims and witnesses to give evidence

Full information about supporting victims and witnesses to give evidence is provided in '[Prosecuting family violence](#)'. See also the [Investigative interviewing witness guide](#) and [Investigative interviewing - witnesses requiring special consideration](#).

### Diversion

The [Adult diversion scheme policy](#) details the criteria to be met before diversion can be considered and offered and the conditions to be met.

Previous offending and family harm reports must be taken into account to ensure adequate consideration is given to the dynamics of the relationship when a decision is made.

### Authorising diversion in family violence cases

Diversion can be offered for a 'one off' **low level** family violence offence. Approval must be obtained from the District Prosecution Manager and the Family Violence Coordinator/Family Harm Specialist before offering diversion to ensure that diversion and any diversion conditions are appropriate and safety of the victim and any children is taken into consideration.

Low level family violence offences are those where there has been no serious physical or psychological violence between family members. Diversion should not be offered if the low level occurrence forms part of a continuing pattern or history of family violence occurrences.

**Note:** Diversion must not be offered for a breach of protection order.

## Restorative justice

Restorative justice should be used with caution as power and control issues could put the victim at further risk of abuse by using that process.

The District Prosecution Manager must approve any decision to offer restorative justice in a family violence case as part of diversion, following consultation with the Family Violence Coordinator/Family Harm Specialist.

For further information about restorative justice, see [Restorative justice \(RJ\) in diversion](#) in the Adult diversion scheme policy.

## Case clearance

Family violence offences can only be cleared as K3 (no offence disclosed), K6 (not arrested or cautioned, but proceeded against by some other means) or K9 (arrested). They must not be cleared as K1 (the event requires no further action following event closure. No NIA occurrence will be created).

Refer to the [National Recording Standard](#) for information on recording standards.

## Warnings

Warnings must not be issued without specific authority from a supervisor following full discussion of the particular facts of the case. **Note:** Proper justification for this course of action may be required later if the intervention fails and safety issues or re-offending occurs causing harm.

## Prosecution file

A completed prosecution file must be forwarded to the Family Violence Coordinator/Family Harm Specialist for filing. This is so that a file review can be undertaken and family violence trends identified.

## Longer term safety, support and intervention

### What happens after a frontline safety plan is in place?

The approved family harm investigation provides the basis for further action to be taken for longer term safety planning. Family Violence Coordinators/Family Harm Specialists download investigation information for use in multi-agency tables (eg. [FVIARS](#), [ISR](#), [WNPH](#)) where agencies assess cases and determine what further safety actions might be required. Longer-term safety actions are then agreed and assigned to agencies.

Support for victims is critical to breaking the cycle of family harm and an interagency approach is an essential element of the Police approach to reducing family harm and family violence offences. Victim safety may change as circumstances do and should be reviewed at regular intervals from attendance through case management. Changes to safety plans may occur at any time as part of the multi-agency table process, dependent on protective factors in place and changing circumstances.

Police response will vary depending on resources available in each area and local agreements for multi-agency tables will reflect this. You must be aware of the arrangements in your area and maintain good relationships with providers, community, iwi, other agencies and non-government organisations. Refer to the '[Victim relocation](#)' chapter.

### Local agreements with support services

[Women's Refuge](#) is the primary agency delivering support for victims of family violence. Other services include [Shakti](#), [Shine](#) and a range of kaupapa Māori services and family violence specialist support services. In areas where no Women's Refuge is available, Police and Victim Support will work with specialist agencies to clarify local responses to family violence victims which may include referral to Victim Support. (Note that due to resource constraints, Victim Support will only provide direct support to family violence victims in regions where there is no viable specialist agency available).

Support and services also varies depending on the type of episode involved. For example, where sexual offending has occurred, specialist sexual assault crisis response groups or counsellors may have been engaged.

### Privacy of victim's information on referral

Local protocols with multi-agency tables must take into account the rights of victims to privacy under the Privacy Act 2020 and the Victims' Rights Act 2002.

Support agencies must operate within the framework of 'one victim - one referral' (referral meaning 'actual contact with the victim'). Disclosure of victim information to a second or subsequent support agency is permitted in certain circumstances, eg. the agency giving initial support has reasonable grounds to believe that further disclosure is necessary to ensure the victim receives the highest level of support. Refer to '[Information sharing guidelines – family harm](#)'.

### Rights of victims

Refer to the [Victims \(Police service to victims\)](#) Police Manual chapter for detailed information about:

- treatment and rights of victims generally
- notification rights for victims of serious offences including the right to be registered in the victim notification system
- obtaining and submitting victim impact statements.

## Monitoring, evaluation and training

### Compliance monitoring

The Quality Assurance and Improvement Framework for family harm investigations (FH QAIF) is used to continuously improve:

- service delivery to people at risk and their families
- the quality of investigations
- the visibility of reports of family harm across all levels of management.

Refer to [Family Harm Quality Assurance and Improvement Framework](#) for further information.

To achieve and maintain an effective and appropriate response to family harm, local services and protocols must be monitored, evaluated and, where necessary, modified. Monitoring of compliance with protocols and policies must include standardised internal police performance measures (which may involve victim surveys).

External monitoring within the framework of the multi-agency table case management approach adds feedback and can lead to improvements in the management of information and of cases.

### Family Violence Coordinators/Family Harm Specialists

District Commanders must ensure people with suitable communication skills and family harm training are appointed to the positions of Family Violence Coordinator/Family Harm Specialist.

Family Violence Coordinators/Family Harm Specialists are responsible for local multi-agency tables and liaison, problem resolution, monitoring staff compliance with local protocols, and family harm-related training.

They are also a valuable resource to contact if you have particular concerns about any individual or family, or if you have any questions about how family harm episodes should be addressed or processed.

Although the position of Family Violence Coordinator/Family Harm Specialist may not be full-time, District Commanders must ensure the Coordinators/Specialists are available to respond promptly to requests from local agencies at appropriate times.

Due to geographical factors, it may be necessary to appoint several employees to take responsibility for coordination or monitoring functions within a district. For administrative purposes, one person should take overall responsibility for family harm issues.

Family Violence Coordinators/Family Harm Specialists must be in close and regular contact with district CIB, CPT, Youth Services, Iwi/Ethnic/Pacific Liaison Officers and other relevant portfolio holders to ensure that all child abuse and neglect within family harm contexts are flagged and dealt with appropriately and that relevant information is shared amongst relevant groups.

Family Violence Coordinators/Family Harm Specialists are also responsible for prosecution liaison and ensuring family violence prosecution files meet the required standard.

### Training

Family harm training is mandatory. All constabulary employees who engage in frontline policing must be trained to respond, assess, investigate and support quality family harm investigations. Supervisors must ensure that actions taken by their team meet the obligations and principles of these family harm policies and procedures.

Supervisors of Specialist Family Harm Teams should attend a Specialist Family Harm Course. These are held annually at RNZPC.

## Active case management of family harm cases

### What is active case management?

'Active case management' is the process of managing a family harm episode from beginning to end. It sits within the wider case management model that guides Police workflow.

Active case management is used by multi-agency tables to reduce or eliminate the recurrence of family harm by actively supporting a change in behaviour from one or both parties using structured interventions. Assessment of cases and possible responses should be undertaken using a clear process. There should be regular reviews of progress across all cases referred, as well as of the process itself.

### Tiered response

Not all family harm cases are the same. Some will be new or present as low level abuse or harm whilst others may be high risk repeats requiring urgent and intensive interventions.

Accordingly, a tiered response where cases can be assessed and categorised for action is required. Cases can be classified and reclassified during the time of referral dependent on changing circumstances including fresh notifications and non-compliance or difficulties with completing actions set in plans.

Download an example of tiered active case management if required.

 [Example of tiered active case management \(July 2019\)](#)

66.5 KB

### Principles

- Active case management is more than information sharing. It requires scanning, analysis, response options and assessment (SARA).
- Cases to be actively managed require coordination, ownership of set actions and regular feedback and assessment.
- Case plans are essential for matters receiving urgent and serious consideration. They should be structured to meet the needs of each subject and if possible, be seen as a collaborative effort.
- Multi-agency tables have the mandate to coordinate and manage family harm cases and are accountable for the results achieved.

### Family Intervention of High and Complex Risk Team involvement

Cases assessed following the multi-agency table process as having complex safety needs will be referred to FIT/HCRTs where they are available. These teams work with appropriate specialist internal groups and community networks to provide safety and support to those complex risk families.

Each district or area should list their top high risk family harm families. They are an essential focus area and should be used to inform active case management processes using other agency and community based support.

### Case plans

Case plans are essential for:

- managing subject referrals. Without plans it is difficult to keep track of intervention activities and check whether they are being effective or not
- high risk/repeat subjects. This is due to their increased special needs and the increased potential for plans not to be followed through.

Case plans should be, where possible, a collaborative process between the case coordinator and subjects. Subjects should always be asked to sign their plans as this leads to greater accountability and empowerment for completion of the plans' objectives.

Case plans are designed to be reviewed and amended as circumstances change. Some subjects will benefit from a very

structured approach, while others, because of their unique circumstances, will need more flexibility to reach desired goals. Plans should be time bound and benchmarks for review should be regularly set. How long a plan lasts depends on the circumstances of each individual case.

## **Structure, coordination and monitoring**

A basic structure surrounding case management is essential to reach positive outcomes for subjects. These key elements should be present for case management to succeed:

- a referral process that brings all relevant information together for assessment and eventual allocation dependent on a tiered response
- a multi-agency table that is timely, meets consistently, and is able to screen and prioritise cases based on risk using a tiered response
- coordination of activities to follow up on the tiered response process
- active management of high risk repeat subjects using case plans, monitoring and review processes
- ownership of support and service provision by organisations that are allocated a case and ensuring they are held accountable for outcomes
- meaningful and informed dialogue with subjects ensuring they become a part of the solution and not one where the solution to their problems is imposed.

## **Evaluation and close off**

All cases referred through multi-agency tables require close monitoring and close off. Multi-agency tables are designed to be active and solution based. Family harm subjects will often revert to past behaviours if left to their own devices and not supported.

Even when cases appear to be resolved, they may manifest again with new dynamics such as different partners or increased or changed levels of violence. Learning from past interventions and applying new ones that will be more successful is part of the case management process.

Where plans have been put in place and interventions have reached their end point, a summary of the intervention journey should be recorded in NIA followed by a detailed account of all actions taken during the case management process. This is done on the basis that many high risk repeat victims reappear, are often highly mobile, and that multi-agency tables may have to manage these subjects again in a different location.

## **Police family violence death reviews**

Where a death has occurred as a result of a family violence episode, the Family Violence Coordinator/Family Harm Specialist and reporting officer must jointly conduct a Police family violence death review. This is intended to highlight areas where Police practices can be improved and ultimately, to assist in the prevention of future family violence deaths. It is not a review of the criminal investigation.

Police must also participate with other agencies engaged with the parties involved in an independent review by the Family Violence Death Review Committee set up under the New Zealand Health and Disability Act 2000.

See [Police Family Violence Death Reviews](#) for more information about these reviews, timeframes and the templates and processes to be followed.

## Police employees and family harm

### Purpose of this section

This section of the family harm policies and procedures:

- details Police policies, principles and procedures for responding to episodes in which Police employees are involved in family harm as a person at risk or person posing risk
- ensures that Police balance its responsibility as an employer to support employees and their families with the need to act consistently and appropriately when responding to alleged family harm episodes
- assures Police employees that all family harm episodes reported involving employees will be thoroughly investigated
- acknowledges Police as an employer are in a unique position of having access to information that other employers do not. Once in possession of this information Police will act appropriately to facilitate support for its employees and their families.

### Policy

New Zealand Police is often judged by the way its employees represent it. It is therefore necessary to maintain a high standard of personal and professional conduct and for employees to behave in a manner consistent with the organisation's view that family violence in all forms, is unacceptable.

Family harm is unacceptable conduct and will not be tolerated or condoned by the Police. Employees who inflict family harm will be subject to the processes detailed in this chapter as well as the code of conduct.

When responding to family harm episodes involving its employees, Police must balance its responsibilities as an employer to support employees and their families and to act consistently and appropriately, with the public interest and the reputation of Police in mind.

There is added complexity for employees involved in a family harm episode due to the fact they work for Police. Two simultaneous actions should occur:

- the normal Police response applies
- welfare considerations are important for both parties and the shift supervisor should, where appropriate, refer the matter to the local Wellness Advisor.

Police must also carefully consider:

- the impact of any criminal offending on the ability of an employee to remain a Police employee
- the compatibility of an employee convicted or found guilty of a family violence offence and/or being the respondent of a protection order, to continue in a policing role.

### When do these policies and procedures apply?

The policies and procedures detailed in this section apply when:

- it comes to a Supervisor's attention that an employee may be experiencing or be involved in family harm (as either a person at risk and/or person posing risk). This includes any anecdotal evidence that may suggest this is the case
- Police attend a family harm investigation and although no offending is disclosed a PSO or warning has been issued and/or Police are concerned about the possible continuation or escalation of family harm
- Police attend a family harm investigation and offending is disclosed where an employee is a victim or an offender
- Police become aware that a temporary or final protection order has been issued relating to an employee (as either a protected person or as a respondent). [Refer to 'Protection and property related orders' chapter.](#)

District Commanders and National Managers are responsible for ensuring that these policies and procedures operate within their district or place of work.

Employees involved in family harm are encouraged to seek support by:

- ringing a confidential number (0800 327 669) to contact the [Employee Assistance Programme \(EAP\)](#), or
- discussing their concerns with their Supervisor and/or Wellness Advisor.

Such disclosure remains confidential unless the conduct disclosed is of such a nature that it should be investigated and/or prosecuted.

Wherever possible, Police should support and educate employees to assist them in dealing with issues to prevent and/or reduce the likelihood of family harm escalating and offending occurring.

Employees who suspect or are aware of another employee being either a person posing risk or person at risk of family harm are encouraged to report this confidentially by reporting it to their own Supervisor or a Wellness Advisor so that a discrete and confidential approach can be made to that person and support provided.

It is also important that Police recognise and support the family unit to best enable any changes that are needed to resolve the issues. In particular, Police must be aware of and sensitive to victims of family harm or complaints about family harm from spouses or partners of Police employees. These people are in a complex situation and alienating them from Police would isolate them and leave them with limited places to go for assistance. These cases or notifications should be responded to by Family Violence Coordinators/Family Harm Specialists.

## **Leave available for employees affected by family violence**

The [Domestic Violence – Victims’ Protection Act 2018](#) gives employees affected by family violence the right to:

- take up to 10 days a year of paid family violence leave after six months of continuous employment with Police. This is separate from annual leave, sick leave and bereavement leave.
- ask for short-term flexible working arrangements. This can be for up to 2 months.
- not be treated adversely in the workplace because they might have experienced domestic violence. This is discrimination.

See ‘Domestic violence’ in the ‘Definitions of types of leave and requirements’ section of the [Leave Management Policy](#) for more information on how to apply for these entitlements.

Note: It does not matter when the family violence took place. Employees still have these rights if they experienced family violence before they began working for their current employer or before the law changed on 1 April 2019. See Employment New Zealand – [‘Domestic Violence Leave’](#).

## **Employees engaged in family harm investigations - no offence**

Where Police attend any family harm investigation but no offence is determined, the risk measures within OnDuty will determine our level of concern for safety, which will then inform the frontline safety plan actions that you take, i.e. as a minimum, checking if someone has a working phone, confirming if we have the phone number, and if they are prepared to call us for help. If a Police employee is identified (as the person posing risk or person at risk) attending officers must also report this confidentially to their supervisor who will contact a Wellness Advisor to arrange for appropriate Police contact as soon as possible and oversight of referral to appropriate support groups.

## **Employees charged or convicted of family violence offending**

Employees who commit a family violence offence must be treated as any other member of the public.

The fact of an employee's arrest or charging for family violence offending must be reported immediately by the shift Supervisor to the District Employee Practice Manager and Police Professional Conduct Manager who will advise the relevant District Commander or National Manager. Code of conduct procedures will apply.

Welfare contact and counselling support through the EAP must be offered to the victims of the offending and if appropriate, the alleged offender, along with confidential contact numbers that they may use.

The Employee Practice Manager in consultation with the National Manager: Police Professional Conduct at Police National Headquarters (PNHQ) must consider the employee's suitability to continue working in their current role and if any variation in duties is appropriate.

## **Employees who are respondents of a protection order**

Protection orders may be issued against a Police employee without any prior offending. With or without a prior criminal

history a protection order must be treated as a serious matter. Officers who serve a protection order on a Police employee are required to send a copy of it to the employee's District Commander or National Manager (or the Deputy Chief Executive: People if the respondent is at superintendent level or above).

Employees who become a respondent of a protection order must immediately report the fact in writing, including details of the proceedings to their Supervisor, who must inform the Human Resources Manager and Police Professional Conduct Manager for their district or service centre. Code of conduct processes will apply.

Where employees fail to advise Police of the fact that they are a respondent of a protection order and this subsequently comes to Police attention, the non-reporting may be viewed as an aggravating factor when considering the nature of the conduct disclosed.

An employee who is an applicant or protected person under a protection order is encouraged to report this confidentially to a Police Wellness Advisor and/or their Supervisor so that appropriate support and advice can be provided through EAP.

## **Possession or use of weapons and firearms**

Protection orders contain a standard prohibition preventing the possession and use of any weapons including firearms. This means employees with constabulary powers cannot carry their appointments (batons/spray/taser) or be issued with a firearm, without being in breach of the order. These restrictions also apply to authorised officers or Police employees involved in training, Police weaponry or exhibit handling of firearms and weapons. Police must avoid being complicit in any such breach and must be extremely careful not to increase risk to any person protected by the order by allowing such a breach to occur.

## **Applications to vary protection order conditions**

The court hears applications to vary standard conditions of a protection order including those relating to weapons. It is important to note that victim safety is the paramount consideration and the court must have regard to the victim's views in making any such variation.

Police may in rare cases consider assisting an employee with an application to vary the standard condition relating to weapons in a protection order under section [108](#) of the Family Violence Act 2018. Before supporting such an application Police must conduct their own enquiries to determine whether or not such a variation is appropriate. These enquiries must consider the nature, duration and type of family harm disclosed, any offence history, the employee's role and the views of any person protected by the order.

The final decision on whether Police will support an application under section 22 will be made by the DCE People in consultation with the National Manager: Criminal Investigations Group upon receipt of the report from the district.

## **Leave to attend programmes or counselling**

Where any Police employee is directed or wishes to attend programmes or counselling to resolve issues relating to family harm, Supervisors should take all practicable steps to facilitate this.

## **Confidentiality**

Family harm issues are sensitive and highly personal. Care must be taken to ensure that all employees involved (as a person at risk or person posing risk) are treated sensitively with regard to privacy as appropriate in the circumstances.

## **Further assistance**

The National Manager Safer People, DCE People, or Manager National Family Harm Team (all based at PNHQ) may provide further information if required.



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