



Family violence policy and procedures

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Overview

Purpose

This chapter:

- sets out the policy and principles guiding the "whole of Police" response to [family violence cases](#)
- provides information about the [dynamics of family violence](#) and the relationship between family violence offending and other serious offending such as adult sexual assault, child abuse and homicide
- details procedures and guidance for:
 - [responding to](#) and [investigating](#) family violence occurrences, including those where serious offending is present
 - [assessing risk](#) to support effective decision making about [arrest](#), [charging](#), [bail](#) and [Police safety orders](#) to ensure victims' safety and that family violence offenders are held accountable for their actions
 - ensuring [ongoing safety](#) of victims and support including the provision of information about protection, Police safety and other orders under the Domestic Violence Act 1995
- includes a model for [active case management](#).

Statutory references in this chapter

Unless otherwise stated, all statutory references in this chapter are to the [Domestic Violence Act 1995](#).

Who do the policies and procedures apply to?

These family violence policies and procedures apply to any situation where Police attend a [complaint](#) / occurrence and the parties involved in that situation are in a [domestic relationship](#) for the purposes of the Domestic Violence Act 1995.

The guidelines apply to all front line staff including CIB and specialist response teams.

Introduction

Family violence occurrences are consistently the most dangerous situations Police attend.

Family members can be under a great deal of stress that affects their ability to respond rationally. Extreme violence can occur where the parties are separated and there is conflict over child custody, occupancy of premises, property issues or court orders, or when one of the separated couple feels that there is nothing left to live for. The volatility of these situations will be exacerbated where there are aggravating factors such as mental illness, intoxication or periods of intense emotional distress.

These guidelines ensure you are prepared in order to protect the safety of victims of family violence, the public and Police.

Related information

- [Family Violence Prosecution Policy](#)
- [Prosecuting Family Violence desk file](#)
- [Police service to victims of crime and crash](#)
- [Family violence death review: Commissioner's circular 2008/10](#)
- District Family Violence Coordinator Desk file
- [Family Violence Court Protocol](#) (Ministry of Justice)
- Australasian Prevention and Reduction of Family Violence Strategy



- Te Rito

Your district or local family violence coordinator can also provide further information.



Definitions

Defining family violence and other terms used in this chapter

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

Term	Meaning
Active case management	The actions undertaken from initial attendance at a family violence incident by Police, through inter-agency assessment and the subsequent integrated response to the incident by relevant agencies.
Adult	A person aged 17 years or older at the time of a reported occurrence.
Bound person	A person against whom a Police safety order has been issued.
Child	A person aged 16 years or under at the time of a reported occurrence.
Child Protection Team (CPP)	A specialist CIB team that investigates allegations of child abuse and neglect.
Close personal relationship	<p>A person is not regarded as having a close personal relationship with another person by reason only of the fact that the person has with that other person:</p> <ul style="list-style-type: none">• an employer-employee relationship, or• an employee-employee relationship. <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">• nature and intensity of the relationship, and in particular:<ul style="list-style-type: none">- amount of time the people spend together- place or places where that time is ordinarily spent- manner in which that time is ordinarily spent (it is not necessary for there to be a sexual relationship between the persons), and• duration of the relationship.
Complaint	An application made to the court by Police when a bound person is to appear for a breach of a Police safety order .
District/Area family violence coordinators (DFVC /AFVC)	Every district has a dedicated family violence coordinator (FVC) who has an oversight of family violence issues in the district. They review Pol FVIRs and risk assessments, assist families with safety plans and are actively engaged in the FVIARS process . They are supported in many areas by area FVCs who are usually portfolio holders.



Domestic relationship	<p>A person is in a domestic relationship (defined in s4 Domestic Violence Act 1995) with another person if the person:</p> <ul style="list-style-type: none">• is a partner of the other person• is a family member of the other person• ordinarily shares a household with the other person, or• has a close personal relationship with the other person. <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">• the person has with that other person:<ul style="list-style-type: none">- a landlord-tenant relationship, or- an employer-employee relationship, or- an employee-employee relationship, and• they occupy a common dwelling house (whether or not other people also occupy that dwelling house).
Family Safety Teams (FST)	<p>Specialist multi-agency teams led by Police that focus on complex risk cases of family violence. FST 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).</p>
Family violence	<p>Family violence is violence against a person by any other person with whom that person is, or has been, in a domestic relationship.</p> <p>The term 'family violence' includes violence which is physical, sexual, and psychological, and includes property damage, intimidation, or threats of violence.</p> <p>The term 'family' includes such people as parents, children, extended family members and whānau, and other people involved in family, domestic or close personal relationships. Examples of such relationships include partners, caregivers, boarders, and flatmates. The statutory definition does not usually include neighbours, although it may do in some circumstances, for instance where neighbours are related or have a close personal relationship.</p> <p>This definition has the same meaning as sections 3 and 4 of the Domestic Violence Act 1995 relating to the meaning of 'domestic violence' and 'domestic relationships'.</p>
Family violence offence	<p>There are no specific family violence offences (except breach of protection orders). Offences are as for other criminal offending and are found in a range of statutes, but are identified as having occurred within the context of a domestic relationship as defined by the Domestic Violence Act 1995.</p> <p>(See also Offences in this chapter)</p>



<p>Family Violence Interagency Response System (FVIARS)</p>	<p>Multi-agency intervention meetings. Information is shared initiated from the Pol FVIR. Regular meetings (usually weekly) are held nationally across districts (and some areas) between Police and key crisis agencies such as CYFS and Women's Refuge. Risk assessments are completed, at risk cases identified, case management and safety plans are agreed and implemented.</p>
<p>Key Process Points</p>	<p>The key points within the investigative and intervention processes for a family violence occurrence. These are rudimentary to best practice, but are dependent on individual case circumstances which may warrant appropriate process adjustment.</p>
<p>Person at risk (PAR)</p>	<p>A person whom Police have issued a Police safety order to protect. Also includes children that ordinarily reside with that person.</p>
<p>Pol FVIR</p>	<p>Police Family Violence Investigation Report (used to be known as the Pol 400)</p>
<p>Police safety orders (PSO)</p>	<p>Short term (up to 5 days) safety orders issued by Police attending a family violence occurrence where no family violence offending has been identified but concerns remain for the safety of the people involved.</p>
<p>Protection orders</p>	<p>Issued by the Family Court either on application or on their own account 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>
<p>Psychological abuse</p>	<p>Behaviour which does not involve actual or threatened physical or sexual abuse may fall within the definition of psychological abuse. Psychological abuse is an emotional rather than a physical attack on an adult and/ or child. It includes name calling, constant criticism and put downs, restricting who the victim contacts, where they go and what they wear, and blaming the victim for the violence. (s3(2)(c))</p> <p>Psychological abuse of children The Act specifically recognises the damage done to children by witnessing any form of family violence. A person psychologically abuses a child if they:</p> <ul style="list-style-type: none"> • cause or allow the child to see or hear the physical, sexual, or psychological abuse of a person with whom the child has a domestic relationship, or • put the child, or allow the child to be put, at real risk of seeing or hearing that abuse occurring. <p>(s3(3))</p> <p>The person who suffers the abuse is not regarded (for the purposes of s3(3)) as having:</p> <ul style="list-style-type: none"> • caused or allowed the child to see or hear the abuse, or, • put the child, or allowed the child to be put, at risk of seeing or hearing the abuse.



Risk assessment	A multi risk assessment tool is included in the Pol FVIR to assist officers identify risk and put in place appropriate interventions. These assessments are reviewed by the D/A FVC and through the FVIARS process to target high risk/high repeat relationships.
Safety Plans	These are completed by Police at an occurrence where high risk victims are identified. However, these may be completed later by the DFVC / FST or as a result of a decision during the FVIARS process.
Sexual assault	Sexual assault includes but is not limited to: <ul style="list-style-type: none"> • sexual violation by rape or unlawful sexual connection • indecent assault • any form of unwanted or coercive touching or actions of a sexual nature or in circumstances of indecency • any sexual abuse or exploitation by way of coercion, deceit, power of authority or mistaken belief • incest (See Adult sexual assault investigation guidelines and Sexual offences in the Police Manual for further information).
Victim	Person who an offence has been committed against. Also includes children who see or hear physical, sexual or psychological abuse of a person with whom the child has a domestic relationship .
Violence	Violence means: <ul style="list-style-type: none"> • physical abuse • sexual abuse • psychological abuse, including, but not limited to: <ul style="list-style-type: none"> - intimidation - harassment - damage to property - threats of physical abuse, sexual abuse, or psychological abuse - in relation to a child, see Psychological abuse of children. The abuse may be either: <ul style="list-style-type: none"> • a single act, or • 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 (s3(4)(b)).



Policy and principles

Police policy statement

The most dangerous place for some New Zealanders is their own home. Police recognise the significant impact that family violence has on our communities.

Family violence is a high priority for Police, requiring a principled approach guided by policy. Police are committed to a prompt, effective and nationally consistent approach to family violence occurrences in conjunction with other agencies and community partners. Reducing the number and impact of family violence occurrences is a key Police strategy.

Family violence is criminal offending usually affecting the most vulnerable members of the community, who are often victimised over a long period of time. We know that most family violence involves a pattern of behaviour and that reported cases do not occur in isolation.

High risk cases and repeat occurrences (high risk/repeat) result in particularly vulnerable victims and require special follow up and active case management. These cases are often ultimately manifested in family violence and child homicides, or in serious cases of sexual or physical [child](#) and [adult](#) abuse.

Children exposed to family violence are more likely than other children to grow up to be victims of violence, to perpetrate violence or be involved in other criminal offending.

Family violence incidents are highly charged situations where there may be extreme risks to victims, offenders and Police. Police policy must follow standard procedure in all cases. Thorough investigation and referral to the family violence coordinator will lead to appropriate follow up action tailored to the specific needs in each case.

Core principles guide Police practice

The [characteristics of family violence](#) require a tailored response that may be multi dimensional and may need to involve long term interventions for all involved.

An effective Police response to family violence is based on three core principles:

Principle	Police actions
Safety	<ul style="list-style-type: none"> Ensuring all parties are safe, particularly victims, whose safety is paramount. Children are especially vulnerable (though they may not be the primary victim) and attending officers must ensure they have no concerns about any child's safety before leaving the premises. Officers must also be aware that attending family violence occurrences is one of the most dangerous parts of their job and that precautions may be necessary to secure their own safety.
Accountability	<ul style="list-style-type: none"> Holding offenders to account for their actions, by activating a prompt and comprehensive response. This includes a thorough investigation and where evidence of criminal offending exists, and filing a charge that reflects the nature of the situation and/or the offending. In cases where offenders may benefit from supportive interventions to change their behaviours, directing them into programmes that will stop violence should be encouraged.



<p>Working collaboratively</p>	<p>Police must:</p> <ul style="list-style-type: none"> • coordinate responses to family violence through family violence coordinators across relevant internal work groups, including District and Area Family Violence Coordinators, Family Safety Teams, Child Protection Teams, Adult Sexual Assault Teams, Youth Aid and Youth Education Teams, CIB, and other frontline staff. • be part of a coordinated inter-agency FVIARS response that aims to enhance risk assessment, information sharing and meet the multiple and varied needs of families • apply the principles and processes associated with active case management. <p>Agencies and service providers:</p> <ul style="list-style-type: none"> • use statutory powers and contracted authority to support and manage victims and offenders to minimise the risk of further family violence • engage with victims and offenders to plan for and implement actions that change their lives for the better.
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The importance of an effective Police response

Family violence is a large and growing part of Police work

Increased community awareness due to high profile media campaigns (i.e. "It's not ok") and a willingness of communities to recognise that family violence needs to be addressed have played a significant part in increasing the number of family violence occurrences brought to Police attention.

Police attended over 91,000 family violence-related occurrences and offences in 2009.

The power to issue [Police safety orders](#) provides additional opportunities for Police intervention where a family violence occurrence does not disclose sufficient evidence for an arrest.

Family violence involves serious criminal offending

Family violence occurrences include the most serious occurrences Police attend:

- about half of homicides and serious violent crime in 2009 were family violence-related
- other offending may involve serious physical or sexual assault in a family/domestic context. For example, in cases of [intimate partner violence](#), statistics indicate that there is also a high incidence of child abuse within the family.

Police may deter further and more serious abusive behaviour by:

- charging offenders with crimes reflecting the seriousness of their offending
- issuing Police safety orders to people believed to present a risk to the safety of others through family violence where there is insufficient evidence of an offence being committed, whilst providing people at risk with resources and support to address underlying issues.

Family violence has profound impacts on children

Children are present at about half of all family violence occurrences Police attend and in 2009 approximately 70% of child abuse was also family violence. At family violence occurrences, children may be victims and/ or witnesses of family violence in several ways. Children may directly experience physical assault, sexual abuse or psychological violence (for example put downs or verbal abuse) by family members.



Children are also harmed by witnessing family violence and are at risk of long term negative effects by being exposed to family violence, such as intimate partner violence occurring between their parents / caregivers. A key predictor of juvenile delinquency and young adult criminality is children witnessing family violence and/or suffering child abuse directly.

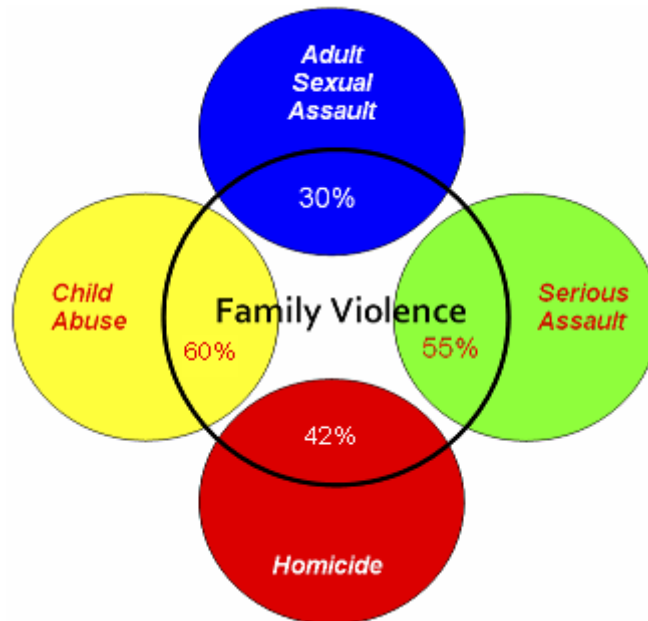
Calls to Police to intervene in family violence represent a vital opportunity for Police to ensure effective child protection.

Reducing family violence can reduce other crime

Family violence should not be treated in isolation. There are links between family violence and other offending. Perpetrators of family violence may be involved in other offending and young people in the house may be at risk of offending. An effective response to family violence can therefore reduce other offending and alert Police to people at risk of committing crime.

Relationship between serious violence and family violence

This diagram (with percentages captured in March 2010) clearly shows the relationship between serious violence and family violence (49.5% of all serious violence).



Reducing family violence makes a positive difference for Māori

Māori are over represented as both perpetrators, victims and witnesses of family violence.

For victims, Māori women:

- are almost three times more likely than non-Māori women to experience violence by someone well known to them
- make up almost 50% of women using Women's Refuge
- are more likely to be physically injured and to report their partners to Police
- have higher rates of re-victimisation.

The patterns of family violence experienced by Māori women affect their children.



Records show that Māori offenders are more likely to be affected by drugs or alcohol at the time they offend.

Given this over representation, it is especially important that Police and other agencies focus resources effectively to prevent and manage cases and wherever possible engage Maori service providers for additional support. Districts have district Iwi Liaison officers and they should be used to guide support for dealing with these family violence cases. (Refer to [Iwi and ethnic liaison contacts](#) in the Police Manual).

Specialist Police roles improve Police response

Every district has a district family violence coordinator (DFVC) who maintains oversight of family violence occurrences in their district. Many areas also have area family violence coordinators who report to the DFVC.

Some districts also have Family Safety Teams (FSTs) which are specialist multi-agency teams led by Police who respond to complex family violence cases. These teams focus on meeting complex safety needs of families identified through risk assessment and the [FVIARS process](#).

District family violence coordinators provide the 'hub' of all family violence responses by Police. They work closely with Family Safety Teams (FST), district CIB, Child Protection Teams, Adult Sexual Assault Teams (ASA) and other relevant specialist Police portfolio holders.

Family violence coordinators and FSTs also form and strengthen relationships with relevant agencies that assist in responding to family violence incidents so that a coordinated, active and planned response is available to help family violence victims on referral. (See also [Monitoring, evaluation and training](#) in this chapter for more information about the role of family violence coordinators).

Working with other agencies

Ongoing support for victims and offenders is vital and Police work closely with other government and community agencies to meet the multiple and varied needs of families. This inter-agency approach of FVIARS including CYFS, iwi, family violence networks, other NGOs and providers, endeavours to ensure the needs of families are met.

Detailed capture of information by Police on the POL FVIR, a thorough and accurate risk assessment in each case, followed by the right inter-agency response and active case management is essential to:

- reducing family violence
- supporting people to change behaviours that have led to family violence occurring
- sharing information and identifying patterns and issues among families.

The effectiveness of other agencies' response is reliant on good risk assessment and information from Police. This allows other agencies to prioritise their response to victims.

Working with other agencies also involves campaigns to change community attitudes. For example, Police actively support [White Ribbon Day](#) on 25 November each year. This is the international day where people demonstrate their opposition to violence towards women. Police also actively support the public education campaign "It's not OK" and other significant national and local events.



Characteristics of family violence

Understanding Family Violence

Understanding the characteristics of family violence is crucial to an effective Police response.

Where family violence involves a pattern of behaviour it results in breaches of trust, abuse of power and the creation of fear. This is known as the cycle of family violence. It includes a period of calm which is a precursor to periods of tension building that then escalates to more intense violence. Victims are at heightened risk when:

- violence increases in frequency and severity
- a partner is pregnant
- couples separate
- new partnerships are formed
- there are other aggravating factors such as mental illness and intoxication
- strangulation has occurred.

The dynamics of family violence makes these occurrences complex and sometimes difficult for Police responding to them. In particular, due to victim vulnerability from the offender in family violence situations, victims may often withdraw their assistance to Police at the scene or at some point after the occurrence, making a successful prosecution more difficult in some cases. This makes gathering corroborating evidence at the scene and as soon as possible afterwards a particularly important focus for investigators. Attending Police should be aware that they must not blame the victim for this occurring. There are many reasons why victims recant evidence, most of which stem from deep seated issues that have been manifested from the violent relationship.

The occurrence to which you are called may in itself appear minor. However, this could represent the beginning of the tension building phase. The Domestic Violence Act (s3(4)) recognises that acts that seem minor or trivial in isolation may form part of a pattern of behaviour that may amount to abuse.

Currently, the repeat victim rate is high at 40%. It can take many occurrences (on average 21) before victims are able to seek help. Victims of family violence 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. It is highly likely that the occurrence you are called out to is not the first incident of violence in the home experienced by the victim.

Attending Police must use care and judgement when assessing each case on its merits, including checking information held by Police and others agencies in relation to any other calls for service and considering appropriate referral and active case management in relation to the particular facts and issues that are apparent.

Family violence is a gendered crime

In instances of [Intimate partner violence](#) (IPV) by definition the offender and victim in family violence occurrences will not only know each other, but they will be or will have been in a [domestic relationship](#). In most instances in heterosexual relationships the man in the relationship will be the aggressor. In this respect offenders and victims are likely to function within a family violence dynamic characterised by behaviours that have been learned and reinforced over a period of time. Both parties require help to change this and positive outcomes often require intensive long-term follow up.



Women also commit acts of family violence. In 2008, 17% of recorded family violence apprehensions were for females. However, women are much more likely to be victims and men are much more likely to be perpetrators. In recent years the percentage of male respondents to protection orders has remained constant at 90%.

Note that while women are more likely than men to be victims of family violence, women commit a significant percentage of offences (including homicides) against their own children (particularly young children).

Different types of family violence

Family violence is found in all parts of the community and takes various forms, including:

Type	Description
Intimate partner violence (IPV)	<p>Intimate partner violence takes place between two adults in an intimate relationship, including those in same sex relationships. Rates of IPV in gay and lesbian relationships are similar to those in heterosexual relationships. IPV rates of physical violence are higher than those of sexual violence, but sexual violence frequently also involves physical violence.</p> <p>The highest rates of IPV are among young, cohabiting adults of low socio-economic status, with children.</p> <p>Women with attachment issues and pregnant women are at increased risk of IPV. There is also a high correlation of child abuse in families where IPV occurs. There is an increasing trend of women using violence against men.</p> <p>Care is required in determining the primary aggressor.</p>
Violence towards children	<p>Children may be assaulted, intimidated or suffer verbal abuse. They may suffer enduring damage by witnessing family violence between adults in the house.</p> <p>Family violence is an inter-generational issue, with links between child victimisation and victimisation as adults, as well as with later offending. For this reason, it is not always safe to assume that a female victim's children are safe with her, because of the links between victimisation and offending and because of the high rate of family violence against children by women caring for them.</p> <p>International research shows that up to 70% of intimate partner violence occurrences also include child abuse.</p>
Teen dating/teen violence	<p>This is a growing and recognised area of concern in New Zealand where young people in relationships are engaging in more violent behaviour. This also includes increasing cases of young people using violence against parents and caregivers.</p>
Elder abuse	<p>A crime often concealed by the victim's shame or inability to speak out and most often perpetrated by children of the victim. Family violence 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.</p>



Honour based violence (HBV)	As New Zealand becomes more and more a multi-cultural society. HBV is becoming more prevalent. HBV is a crime or occurrence 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 HBV, which is used to assert male power in order to control female autonomy and sexuality. It is generally inclusive of forced marriages and may also include domestic abuse, dowry, kidnap, forced repatriation, female genital mutilation, acid attacks, blood feuds, honour killings, self-harm (suicide), and sexual attacks.
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Ethnicity

Family violence is found across the community, in all ethnic and socio-economic groups. Particular challenges are presented when attending call-outs to families of different ethnic and linguistically diverse groups.

Some cultures (and in some cases including the victim's family) will protect the perpetrators of family violence due to their cultural values.

Consult your family violence coordinator when you think honour based violence has occurred. Police resources such as the language line, the appropriate Ethnic Liaison Officer must be used, and specialist community supports called on.

Further information

For further information about the characteristics and dynamics of family violence, see www.nzfvc.org.nz



Offences

Family violence offences

There is no special category for family violence offences that cover a range of offences but which are categorised as family violence due to the nature of the relationship between the offender and the victim(s). However, family violence offences may range from homicide as the most serious, through various assault related offences (e.g. male assaults female, assault with intent to injure (s193 Crimes Act 1961) or injuring with intent to injure (s189(2)) to offences under the [Domestic Violence Act 1995](#), the [Summary Offences Act 1981](#) and the [Harassment Act 1997](#).

The [How and when you charge makes a difference guide](#) is readily available as posters in all custody and other work areas for frontline and family violence teams. It best demonstrates the range of offences that may, depending on the evidence, constitute a family violence offence. (Refer to [Appendix 1](#) in this chapter for a copy of the guide).

See also [Breaches of protection and other orders](#) and [Breaches of Police safety orders](#) in this chapter for offences under the Domestic Violence Act 1995.



Police powers relevant to family violence offences

To enter and search for firearms

If you have reasonable grounds to suspect that:

- a person has in their possession or control any firearm, airgun, pistol, restricted weapon, ammunition or explosive, and
- there are grounds under the Domestic Violence Act 1995 for making an application for a protection order against that person, or
- such an order is already in force against them

you can:

- enter the premises
- search (without warrant) the person and the place
- detain the person for the purposes of the search
- seize and detain any such weapon.

[s60A](#) Arms Act 1983

Duties

You must:

- identify yourself to the person searched and the occupant of the premises searched
- tell those people you are authorised to conduct the search under [s60A](#) Arms Act 1983
- if you are not in uniform, produce evidence of identity on entry and whenever requested thereafter that you are a Police employee, and
- report in writing to the Commissioner within three days on the circumstances and reasons for the search. (Send a Firearms Search & Seizure form, accessed through the Create Notification feature in the Lotus Notes Bulletin Board).

[s60\(3\) & \(4\)](#) Arms Act 1983

To enter for the purpose of preventing an offence

You and anyone you have called to your assistance can enter without warrant and by force, if necessary, into any premises:

- if you have found a person committing any offence punishable by imprisonment and you are in fresh pursuit of that person, or where you have good cause to suspect that the person has committed any such offence on those premises ([s317\(a\)](#) Crimes Act 1961)
- to prevent the commission of any offence that would be likely to cause immediate and serious injury to any person or property, if you believe on reasonable and probable grounds that the offence is about to be committed ([s317\(b\)](#) Crimes Act 1961)
- if you are not in uniform, you must produce your evidence of identity before entering the premises if any occupant requests ([s317\(c\)](#) Crimes Act 1961).

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)
- enforce a court order for 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](#) Children Young Persons and Their Families Act 1989)

To enter to remove child

Under [s42](#) of the Children, Young Persons and Their Families Act 1989, Police may enter and remove a child without a warrant and place the child into the care of the Chief Executive of CYF where it is critically necessary in order to protect that child from injury or death.



Under s39 of the Children, Young Persons and Their Families Act 1989, Police may apply to the court for a place of safety warrant, where Police believe 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.

To enter to bring person before Court for an order under s124N (breach of safety order)

You can enter for the purpose of executing a warrant issued under section [124O](#) Domestic Violence Act 1995, at any time onto any premises, by force if necessary if you have reasonable grounds to believe that the person against whom the warrant is issued is on those premises.

You must:

- have the warrant with you and present this on initial entry and if requested at any subsequent time
- if you are not in uniform, produce evidence of identity that you are a constable
- bring any person arrested before the a District Court as soon as possible so that it can exercise its jurisdiction under section [124N](#).

Take into custody for the purpose of bringing before the court for an order under section 124N (breach of a safety order)

Where a person against whom a safety order is issued refuses or fails to comply with the order or any condition of it you may take the person into custody by using such force as is reasonably necessary (or by executing a warrant - see above).

A person who has been taken into custody under section [124L](#) must be brought before the court within 24 hours. You must make a complaint to the Court for an order or direction under section 124N. If the person cannot be brought before the court within 24 hours you must summons the person to a future date.

To enter and search for drugs

For information about your powers to enter and search for drugs, refer to the [To search](#) section of the "Drugs" Police Manual chapter.

Executing warrants

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



Key process points in family violence investigation

Key process point

This table outlines the key process points to be followed when responding to and investigating complaints of family violence. These key steps work within the overarching case management process which guides Police workflow.

Not all steps will apply in every case and the order may vary depending upon the circumstances of the matter and local agreements and crisis agencies in place. Some steps will be ongoing or will apply more than once during the process.

Stage	Description	Actions
All stages	Active case management	Case management commences from the time of initial response through to closure of each case. For each occurrence Police must continually assess the resources and interagency assistance that will provide the best response and help prevent further occurrences.
1	Initial response	Planning your initial actions, including a focus on safety for Police and all of those involved. Obtaining and analysing relevant information prior to arrival.
2	Investigation and crime scene examination	Conducting preliminary interviews, gathering information, examining crime scenes, seeking and recording corroboration of allegations. Completing an initial risk assessment.
3	Referral to CIB and Child Protection Teams and notification to relevant crisis agencies (e.g. CYFS - Tier 1 crisis response for child safety)	Contacting relevant Police and external specialists urgently when risk assessment shows potentially serious offending has occurred (e.g. sexual assault or child abuse).
4	Interviewing witnesses, victims and suspects	Conducting interviews remaining sensitive to the context of the situation and any family violence dynamics.
5	Assessing risk and completing the POL FVIR	Continually assessing risk to all parties and the safety of children (if any) determining what support services and safety planning is required for all involved.
6	Considering arrest	Arresting the offender if there is sufficient evidence of family violence or other offending.
7	Issuing Police safety orders	Issuing Police safety orders when the investigation does not disclose sufficient evidence to arrest for a family violence offence but assessment indicates a risk of future violence.
8	Ensuring safety, support and intervention	Arranging for appropriate support and information to be provided to victims before leaving the address. Ensuring support for all parties when Police safety orders are issued.



9	Charging	Laying charges with reference to the Solicitor General's Guidelines to reflect the nature and seriousness of the offending.
10	Bail	Ensuring Police bail is only granted where appropriate in the circumstances and that opposition to bail and bail conditions reflect the needs of the case.
11	Prosecution or case disposition	Preparing for prosecution or otherwise disposing of the case.
12	Sharing information with other agencies	Sharing relevant information including prosecution and intervention outcomes internally and with partner agencies to identify high risk cases and opportunities for prevention, and to monitor the success of interventions.
13	Monitoring and evaluation	Monitoring and evaluating trends and data locally and through PNHQ. Identifying gaps and issues and opportunities to improve response.



Initial response

Preparing to respond

Safety awareness and preparedness is crucial to [family violence responses](#) (word doc, 32 KB). It is good practice for occurrences to be attended by a minimum of 2 staff. Single unit responses should be avoided for emergency responses where possible.

It is important to keep an open mind when attending a family violence occurrence. These situations are often complex and it is important not to pre-determine the nature of the situation. Treat the matter seriously and take actions focusing on:

- protecting victims (including children who may have witnessed the violence or who normally reside at the address)
- ascertaining early if there are firearms or weapons at the address, and seizing these
- identifying and investigating offences - remember that a wide range of offences may have been committed, all of which must be investigated.

Procedures when approaching and entering the scene

Follow these initial steps if you are called to attend a family violence occurrence.

While completing all your initial actions, your safety and that of any victims is paramount.

Step	Action
1	As when attending other jobs where criminal offending may have occurred always remain alert and apply standard Police procedures. Plan your approach (word doc, 44 KB) to the address and how you intend to engage with those present. Be ready to use tactical options if necessary. Look for the offender en route.



2	<p>The dispatcher will transmit relevant information to you covering specific hazards. This may include:</p> <ul style="list-style-type: none">• whether the incident is still occurring and the exact location• who is involved, whether there are children at the address, and where people are at the property• the property and its surrounding area• the offender and their mental and physical state, including any indication or history of intoxication or mental illness• vehicle details if offender has decamped• injuries that may have been sustained, to who, and whether medical assistance is required• current status as to threats, particularly whether firearms or weapons are or may be involved. <p>If relevant, the dispatcher should also advise:</p> <ul style="list-style-type: none">• of previous occurrences or events• whether there are any orders (e.g. Police safety orders, parenting orders or protection orders) in place• other relevant criminal history• about the offender's or relevant other's access to firearms or weapons• if the offender is known to Police, including whether they have a firearms licence• current family violence risk scores. <p>Request information about previous history at the address and of any known occupants if it is not provided.</p> <p>Note: These are safety imperatives.</p>
3	<p>Consider using a Iwi Liaison Officer (ILO), Pacific Liaison Officer (PLO) or Ethnic Liaison Officer (ELO) to liaise with families where language and cultural issues may be a factor.</p>
4	<p>Analyse all the information provided and use it to inform future decisions. The information is also important for forming and justifying (where relevant) the belief that it is necessary to enter an address without warrant under s 317(a) or (b) Crimes Act 1961.</p>
5	<p>Anticipate that:</p> <ul style="list-style-type: none">• drugs, alcohol, firearms or weapons may be involved• violence may be continuing• the parties may be non-compliant and are likely to be in an agitated and highly emotional state which may effect their ability to think rationally• the offender or other parties may be mentally unstable• children and young people are likely to be traumatised and /or highly agitated.
6	<p>Ensure you have sufficient resources to deal with the situation as you perceive it and request further assistance if required. Arrange a safe place to meet others. Be clear about your plan of action.</p> <p>Consider parking out of sight and be cautious and observant as you approach on foot. Don't make excessive noise to announce your arrival. Don't rush in. Use your common sense.</p>



7	<p>Enter the premises, thinking especially about your own safety, that of your colleagues and the protection of any victim(s). Quickly assess the situation, and determine an appropriate response. Remember that this is a crime scene and that you are also gathering evidence.</p> <p>Treat the scene as you would any other type of serious offending. The first 10 minutes are critical as they present the best opportunities for gathering evidence. Pay attention to:</p> <ul style="list-style-type: none">• your observations• comments or spontaneous utterances made by all parties• damage to property• injuries to persons or torn clothing. <p>If you are delayed or denied entry to the dwelling, remain on the property, unless your safety is at risk or you believe an offence is being committed inside the house. (See Police powers in this chapter for information about your entry powers).</p>
8	<p>Follow standard procedures to:</p> <ul style="list-style-type: none">• preserve life and property• control, freeze and preserve the scene• separate the parties• account for all persons and ensure children are safe• assess any injuries and call for medical assistance if required. In particular check for signs of strangulation present in relation to any of the victims.• secure the offender, complying with your obligations under the Bill of Rights Act (see NZ Bill of Rights Police Manual chapter).
9	<p>Check for firearms or other weapons and secure these. See Attending situations when firearms may be present for additional procedures. If an offender is a firearms licence holder this must also be surrendered to Police.</p>
10	<p>If there is evidence of a serious criminal offence, call the CIB as soon as possible according to your local procedures.</p> <p>Note: All occurrences involving adult sexual assault must be referred to the CIB for investigation in accordance with the Adult sexual assault investigation guidelines. All occurrences involving possible child abuse must be referred to CIB as soon as possible for investigation by a Child Protection Team. Pass all relevant information to those employees and inform your family violence coordinator.</p>
11	<p>The O/C case must complete a Police Family Violence Investigation Report (Pol FVIR) in every case.</p>



Investigation and crime scene examination

Variations to standard investigation practices

When investigating family violence, follow standard Police practices for investigating serious offending.

However, you must also be aware of the [characteristics of family violence](#) and the stress that various family members are under during your initial response and investigation. Victims may also be uncooperative and/or distressed. They are also often under pressure not to report offences. Some victims can minimise the effects of the violence as part of a subconscious defence to the harm that is being inflicted on them and from fear of future reprisal for making a disclosure or involving Police.

Consider using a Iwi Liaison Officer (ILO), Pacific Liaison Officer (PLO) or Ethnic Liaison Officer (ELO) to liaise with families where language and cultural issues may be a factor.

Although the parties may be reluctant to engage with Police, be aware of the possibility, and be ready for, spontaneous admissions being made to Police on arrival when emotions are running high.

It is Police who decide what action to take under the circumstances, including whether to prosecute an offender. The victim's consent is not required.

Gathering preliminary information

Use this table as a guide to the gathering of preliminary information.

Step	Action
1	<p>Initiate preliminary interviews of the parties to determine what has happened and if an offence has been committed. Ask the victim to identify the offender and the nature of their relationship, e.g. is it a domestic relationship?</p> <p>Record:</p> <ul style="list-style-type: none">• your observations when you arrived and the parties' behaviours• spontaneous/contemporaneous statements made by either party.
2	<p>If it is safe and you have the means available to do so, consider recording the victim outlining the allegations to the offender for evidential purposes. Note the offender's responses. This may become important evidence in court proceedings.</p>
3	<p>Establish the identity of everyone:</p> <ul style="list-style-type: none">• present during the occurrence or who may have seen or heard it (e.g. neighbours)• who normally lives at the property. <p>Gather and record as much information from them as possible. It is also very important to ascertain:</p> <ul style="list-style-type: none">• the details of all children present, whether or not they reside at the address and who is their parent / caregiver• whether there are any protection, Police safety, trespass or parenting orders in place relating to those involved in the occurrence• whether the offender has or may have access to firearms.
4	<p>Look for evidence to corroborate the victim's or another person's allegations. Always assume the victim cannot or may not give evidence in a subsequent court hearing.</p>



5	<p>Where possible, document all visible injuries to each person involved in the investigation. Record cuts, red marks or welts, bruises and other evidence on the diagram in the Injuries Record Form (section A3 of the Pol FVIR). Note any attempts at strangulation. (Use the "Aide Memoir" in the Pol FVIR to assist your investigation of suspected strangulation.)</p>
6	<p>If strangulation is suspected, ensure you:</p> <ul style="list-style-type: none">• complete accurate written documentation (in your notebook and by completing the POL FVIR)• obtain high quality photographs at the time of the occurrence and again after a delay of 24 - 48 hours. Because 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). <p>Ask appropriate questions about how the strangulation took place and the physical impacts on the victim. Encourage and assist victims of strangulation to seek urgent medical attention as the physical effects (including death in some cases) may not take effect for some hours after the event.</p>
7	<p>If children were at the scene:</p> <ul style="list-style-type: none">• check their whereabouts now and whether they saw anything• speak to the children to confirm their safety and to ascertain if they can corroborate statements made by the victim or other witnesses. Remember that children are also victims.
8	<p>Use all three risk assessment tools in the Pol FVIR to assess the risk to the adult and child victims, and others. A risk assessment must be undertaken at the time of attendance at all family violence occurrences.</p> <p>The Aide Memoir in the Pol FVIR contains prompts for all the vital information that must be collected to assess risk.</p> <p>For further information about completing risk assessments see Assessing risk in this chapter.</p>
9	<p>Use the results of your assessment and other preliminary information gathered to decide what further action to take, for example:</p> <ul style="list-style-type: none">• whether an offence has been committed• whether to warn a person, arrest the offender or issue a Police safety order• what support and information the victim requires. Do not leave the property without ensuring that inter-agency support is arranged, where appropriate.
10	<p>If you arrest an offender, ensure that the POL 1060 "Police Record of Victim Contact form" and all the requirements outlined on the form are fully completed. This is important, as completing this aide memoir form in full ensures Police' statutory obligations under the Victims Rights Act are met. This form is also audited by Police.</p> <p>For further information see the Police service to victims of crime and crash Police Manual chapter.</p>

**When the offender is not located at the scene**

Follow these steps if the offender is not located at the scene.

Step	Action
1	Consider: <ul style="list-style-type: none"> the victim's and children's safety and whether they should be relocated whether Women's Refuge or another support agency should be called whether a scene guard is necessary and if a scene of crime officer should attend.
2	If offending is disclosed to justify arrest, alert other officers and obtain assistance to locate the offender. If not located immediately, escalate the matter to your supervisor who must ensure the supervisor of the next shift is made aware of the situation. Enter the offender into NIA as a person of interest.
3	If no offending is disclosed but reasonable belief remains that there are people at continuing risk of family violence: <ul style="list-style-type: none"> determine whether a Police safety order should be issued, and if so, take urgent steps to locate the offender to ensure it is served within 48 hours.
4	Consider whether an alarm should be placed at the victim's home.

Attending situations when firearms may be present

Use this table as a guide when attending family violence situations to determine if firearms may be involved and if so, the appropriate action to take.

Step	Action
1	Always consider firearms may be involved and try to establish if the offender has access to these. Directly ask the victim and others present whether there are any firearms in the home and if the offender has access to firearms or other weapons. Have NIA checked.
2	Check whether a Police safety order or a protection order is in place. If a Police safety order 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. Check any licence endorsements, including any in relation to secure storage.
3	Consider whether there are sufficient safety concerns to warrant the issuing of a Police safety order or, in a situation where there is sufficient evidence to arrest, making an application for a protection order (if one is not already in place). In either case all firearms, ammunition, or explosives in the possession or control of the offender must be surrendered to Police or seized pursuant to s60A (b)(i) Arms Act 1983 .
4	If you exercise the power to seize, report to the Commissioner within 3 days by submitting a Firearms Search and Seizure form accessed via Lotus Notes Bulletin Board using the "Create" and "Notification" feature.
5	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. In appropriate cases, take revocation action pursuant to s27 and s27A Arms Act 1983 . This may include informing and/or seeking assistance of the Police Arms Officer.

For further information see [Conditions relating to weapons](#) in the 'Protection order' section of this chapter.





Crime scene examination

This table outlines the procedures for examining the crime scene.

Step	Action
1	<p>Following the normal procedures for any crime scene examination, thoroughly examine the scene to corroborate what has occurred and to link parties to the occurrence and scene. (Refer to the Crime scene examination Police Manual chapter for more information).</p> <p>From the outset investigate the matter as a potential "not guilty" (i.e. as though the victim will recant and the offender will defend).</p>
2	<p>If there is any evidence of:</p> <ul style="list-style-type: none"> • a sexual assault, follow the Adult sexual assault investigation guidelines and refer the matter to the CIB as soon as possible • sexual or serious physical abuse of children, follow the Policy and guidelines for the investigation of child sexual abuse and serious physical abuse (1995/12) and contact a Child Protection Team. <p>Call the CIB in any other case where serious offending is involved. If you are unsure whether an occurrence requires specialist team involvement check with your supervisor and / or district family violence coordinator.</p>
3	<p>Consider whether the scene requires in-depth examination and whether forensic specialists need to be contacted.</p> <p>Note: You must collect all evidence as soon as possible before it is lost, as many victims will be reluctant to give evidence or will want matters withdrawn from court processes.</p>
4	<p>There is usually corroborative value provided by information at the scene. Even for minor incidents it adds value to make a notebook summary of the scene details, a sketch / photos if possible along with details of any exhibits that have been removed. This may only take 10 minutes but may be crucial in corroborating evidence at a later stage.</p> <p>Refer to district policy for use of digital cameras. However, note that photographs taken on cell phones can provide valuable evidence.</p> <p>Do not photograph the offender and the victim together.</p>
5	<p>Seize exhibits. Remember that notes, letters, text messages and emails can be important evidence.</p>

Corroboration

Corroboration is particularly important if any key witness, including the victim, becomes a reluctant witness. Because of the dynamics of family violence and fears for their own and their children's safety, it is not uncommon for victims of family violence to recant or ask for charges to be withdrawn. You must collect evidence that will support prosecution should this occur.

Check for sources of information that may corroborate a victim's allegations, such as:

- medical examinations and doctor's reports (of suspect and victim)
- photographs of injuries
- scene examination evidence, including any photographs and scene diagrams
- clothing
- witness statements (neighbours, friends, colleagues, emergency medical staff) – obtain full details and obtain statements. Exhaust all lines of enquiry.



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- 111 call - obtain a copy from Comms for court
- observations of arresting officer
- previous Pol FVIRs
- emails, text messages, phone records
- admissions or other corroborating or damaging statements by a suspect.



Interviewing victims, witnesses and suspects

Interview early

It is important to interview victims and other important witnesses early in family violence cases as it is common for witnesses to recant evidence or to later minimise the violence. Some victims are pressured to withdraw by the perpetrator. Obtain a statement at the time or you may lose the opportunity.

Note that the [Evidence Act 2006](#) enables Police to get evidence sworn which can later be used if a witness cannot be found. In cases where you believe it is likely that the victim may recant their allegations you should consider maintaining momentum with the victim on the day of the offence / complaint. Their evidence can be sworn the same day thus lessening the likelihood that they will change their evidence later.

Statements

All interviews should be recorded in statement format and signed by the witness. You should assume the victim cannot or will not give evidence. (Refer to [Account: Notes and statements](#) in the "Investigative interviewing witness guide" for detailed information about taking statements).

Ensure that the witness's statement includes the statutory declaration required by section [162\(2\)\(a\)\(ii\)](#) of the Summary Proceedings Act at the end and that it is signed by the witness.

Seek victim's consent to release information

Obtain written consent from the victim authorising Police to:

- obtain medical details related to the investigation (completed in section A3 of the [Pol FVIR](#))
- release their information to support people (found in section D1 of Pol FVIR).

Complete a Victim Impact Statement (Refer to the [Victim impact statements](#) section of the "Police service to victims of crime and crash" for further information).

Victims and other witnesses

When formally interviewing family violence victims and other witnesses, follow the [Investigative interviewing witness guide](#). Note in particular the family violence-specific guidance in these sections of the guide:

- [Family violence victims](#)
- [Difficult to interview or reluctant witnesses](#)
- [Witnesses requiring special consideration](#)
- [Investigatively important witnesses](#)
- [Children and young persons](#)

Establish rapport with children, and explain why Police are there. Exercise patience, skill and care during interviews with children, taking into account their age and maturity and the nature of their relationships with the offender and the victim. Appreciate that children will be under a great deal of stress. Arrange for a specialist child forensic interviewer with assistance from a Child Protection Team if appropriate.

Suspects

Follow the [Investigative interviewing suspect guide](#) when interviewing suspects in family violence cases. Note these sections of the guide in particular:

- [Family violence](#)



- [Interviewing special consideration suspects](#)

Establish if any other offences have been committed. Consult with CIB if there is evidence of serious offending.



Assessing risk and completing the Pol FVIR

Always assess risk at family violence occurrences

A risk assessment:

- **must** be undertaken for **all** family violence occurrences
- allows you to determine the appropriate course of action, i.e. attend but no action, warn, issue a Police safety order, or arrest and charge.

The risk assessment tools are found in the [Pol FVIR](#) and must be completed at the scene.

Reasons for risk assessment

Responding to family violence often involves understanding patterns of behaviour. Risk assessment at every family violence event allows for patterns of behavioural abuse to be seen over time. Where the pattern is of increasing violence and frequency, escalation of risk will alter your response. Around 40% of homicides in New Zealand are family violence-related crimes. Correctly gauging risk may be a matter of life and death. The assessment alerts you to matters of particular concern, such as strangulation.

Research shows that victims are at heightened risk when they attempt to leave the relationship, within the first 2 months after separation, when there are custody or access issues relating to children or when stalking occurs.

Risk assessments lead to correct support being provided for victims and important information coming to the family violence coordinator. The information feeds into the inter-agency response, where Police meet with other relevant agencies, e.g. Women's Refuge and Child Youth and Family, to ensure a coordinated, proactive and preventative response.

Risk assessment and scores are also recognised by and are important to the judiciary particularly when considering oppositions to bail.

Completing the risk assessment

The risk assessment comprises three tools (all found in the POL FVIR). All three of the tools need to be completed to obtain an accurate risk profile:

- Risk Assessment Questions for Adult Victims (Part B1)
- Identifying Red Flags - Risk Factors (Part B2)
- Risk and lethality Assessment Worksheet (Part B3).

You must also assess the [risk to child safety](#) (Part C1).

Using the risk assessment tools:

- allows you to discuss safety and risk related issues with the victim giving them a better understanding of the risks they may face
- enables you to better understand risks to the victim and others
- helps you predict very serious harm to the victim or others
- quantifies the level of risk. This will determine the appropriate risk management plan and identify whether information needs to be shared with other agencies (see [Active case management](#) in this chapter).

Fundamental to the effective completion of the risk assessment tools is the rapport and empathy demonstrated by attending Police. Your judgment and experience, and your knowledge of the family are valuable tools as well.



After completing the risk assessment and deciding about the support to be arranged, have the victim sign the record of victim contact in section D1 of the POL FVIR.

Additional risk factors when considering need for a Police safety order

If you do not arrest the person for a family violence related offence, consider additional risk factors detailed in the [Police safety orders](#) section of this chapter to decide if it is necessary to issue a Police safety order.

Assessing risk to child safety

Assessing the risk to the safety of children present, residing at the address or children of either party while not present is crucial. Sixty percent of reported child abuse cases involve family violence. Children may be psychologically abused from witnessing family violence and may also be victims of abuse themselves. Take time to assess the risk to children in each case, and consider whether they have signs of being abused.

Complete section C1 of the POL FVIR, using the chart found in the inside back cover of the form to guide your assessment of child safety and to determine appropriate Police actions.

Urgency of Police action

This table summarises the actions required by Police to ensure child safety following family violence attendances.

Urgency level	Description	Police action
Tier One Critical	Tier one cases include any situation where it is critically necessary to protect a child from serious deprivation, injury, abuse, neglect, harm or death. Any risk score of 17 or above is a Tier one case. These cases justify Police removing a child with or without a warrant under s39 or 42 of the Children, Young Persons and Their Families Act 1989.	<ul style="list-style-type: none"> Notify the CYF National Call Centre on 09 912 3820, followed by faxing details to 09 914 1211. Contact a Child Protection Team.
Tier Two Urgent / Non Urgent	Urgent cases are those where there is cause for concern for children, but where an immediate response (such as removal) is not required. They are, however, potentially serious situations which will require early attention. Non-urgent cases do not give rise to concern about a child's safety and require noting and information sharing only.	Record all relevant information on the POL FVIR and forward to the family violence coordinator. The coordinator will share this information with our FVIARS partners, which include Child, Youth and Family. The FVIARS process may lead to Notification.
All cases		Notify Youth Services so a Risk Screening Assessment (YORST) can be completed.

Note: The categories above should be measured against the test for seriousness in the [Child Protection Protocol](#) agreed with Child, Youth and Family Services.



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See [the Risk assessment flowchart](#) (word doc, 30 KB).



Deciding whether to arrest

Arrest if sufficient evidence of offending

As with all other offending, after establishing the immediate safety of everyone present, securing the scene and thorough investigation, determine:

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

If there is [sufficient evidence of an offence](#), offenders who are responsible for family violence related offences or breaches of protection orders should, except in exceptional circumstances, be arrested.

In cases where offending is disclosed and actions other than arrest are contemplated (e.g. where a breach of protection order is historic and you are speaking to the person for other reasons), you must consult your supervisor before proceeding.

Take particular care where prima facie evidence indicates violence by both parties. Understanding the [dynamics of family violence](#) 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 this table as a guide when deciding whether there is sufficient evidence of an offence.

Step	Action
1	<p>Complete your enquiries to:</p> <ul style="list-style-type: none"> • identify possible offences • determine whether they constitute family violence offences. <p>(Use the How and when you charge makes a difference guide (Appendix 1) to assist you identify appropriate offences for the offending).</p> <p>Remember that:</p> <ul style="list-style-type: none"> • any charges laid in relation to the offences should reflect the totality of the offending disclosed and the facts to be alleged at trial • the full range of offences is available to you. It is the context, i.e. the family, domestic or close personal relationship in which it occurs, which makes it a family violence offence. Do not minimise behaviour that has occurred.
2	<p>Consider the ingredients of relevant offences and whether any defences such as self defence, may apply. (Refer to the Assaults Police Manual chapter for guidance on the ingredients of assault charges).</p> <p>Once an offence(s) has been established, decide on an appropriate charge(s).</p> <p>No formal complaint is required from the victim. Evidence that an offence has been committed is sufficient. However, the victim's response and wishes should be listened to and noted. If Police actions are not consistent with the victim's wishes Police should explain the reason for their decision to the victim. Many victims experience further violence. Police should act in a way that will encourage future reporting of incidents.</p>



3	The same considerations apply for a breach of a protection order as for other family violence offending. Arrest if there is sufficient evidence of a breach. Remember that protection orders continue to be effective until discharged by a Family Court. Where there has been an historical breach, action should still be taken.
4	Consult your supervisor or family violence co-ordinator if you are uncertain about whether there is sufficient evidence to charge.
5	If there is: <ul style="list-style-type: none"> • sufficient evidence of an offence, arrest the offender (unless your supervisor has confirmed this is not appropriate in the particular circumstances of the case) and consider further procedures in the Charging and Bail sections of this chapter • insufficient evidence to arrest, follow the steps in the table below.

Insufficient evidence to arrest

Where there is insufficient evidence to arrest, follow these steps.

Step	Action
1	<p>If there is insufficient evidence to arrest, but you have victim and/or child safety concerns following a risk assessment, follow the procedures in this chapter for deciding whether it is appropriate to issue a Police safety order. The order must be on the prescribed form.</p> <p>If you do not arrest or issue a Police safety order, follow the remaining steps in this table.</p>
2	<p>Ensure the victim and children are safe before departing, e.g. that the aggressive party leaves the address for a cooling down period or the victim is taken somewhere safe. Consider placing an alarm in the victim's home and/or notifying Comms.</p> <p>Ensure victims are linked to appropriate support services – see Safety, support and intervention in this chapter. For example, consider discussing a safety plan, which will include matters such as collecting emergency numbers and important documents, car and house keys, planning a safe place to go to and telling friends and neighbours. Women's Refuge can also assist with making a safety plan. (For further information see http://www.womensrefuge.org.nz/)</p> <p>Note that completing documentation and advising the family violence coordinator (see step 4 of this table) are essential components of your role in ensuring the victim and any children are safe.</p>
3	<p>Where appropriate, discuss a safety plan for the offender with the offender.</p> <p>Do not give any warnings to repeat or high risk offenders at the scene. You may advise that they are likely to receive a warning but that the file will be reviewed by a family violence coordinator first so that the collective nature of the offending is taken into consideration before a decision is made.</p> <p>If a warning is given after a file review, it must be in writing and a copy of the warning letter attached to the file.</p> <p>Make a NIA alert noting the warning and zero tolerance to further offending.</p>



4	<p>Before the end of your shift:</p> <ul style="list-style-type: none">• complete and enter the Pol FVIR and other documentation. See Recording and reporting requirements in this chapter• document your recommendations on the family violence file and submit it to your supervisor (a sergeant or senior sergeant)• notify the family violence coordinator if there are any concerns.
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Police safety orders

What are Police safety orders?

Police safety orders are immediate orders issued by a [qualified constable](#) (or a constable authorised by a qualified constable) under [s124B](#) Domestic Violence Act.

Safety orders provide an additional tool for Police when attending family violence occurrences where an investigation fails to establish full evidence of an offence.

The orders do not need to be [issued by a court](#) (although they can be in some circumstances). Nor do they require the victim's consent to be issued. The orders must be issued in the prescribed form.

Who is a qualified constable?

A qualified constable is a constable of or above the position level of sergeant. They must hold the substantive position level or otherwise be formally appointed or authorised under section [63](#) Policing Act 2008 to the appropriate position level.

Orders issued by a court

A constable can issue a PSO, including issue on judicial direction ss124B(1) and 124N(a) (b).

An Officer of the Court is a court registrar or similar role-holder within that forum who can only serve the order.

When issuing orders on judicial direction, the prosecutor will arrange to have the court directed PSO issued by a role-holder in the following order:

- Court Orderly; if not present, then
- A constable of a district within the vicinity of the court (it's likely that the nearest station will be called to send a constable to the court); if this is not possible, then
- The prosecutor.

The officer who issues the court directed PSO must follow the [procedures when orders are served](#).

The effects of a safety order

Immediate effects

Police safety orders:

- require a person to:
 - surrender any weapon in their control or any firearms licence held to a constable
 - vacate any land or building occupied by a person(s) at risk regardless of whether the person(s) against whom the order is issued has a legal or equitable interest in the land or building
- provide a cooling down period where the person at risk has time and space to seek support and assistance, including applying for a temporary [protection order](#) if desired.

Longer effects

In addition to the immediate effects of the order, the same [standard conditions](#) apply to safety orders as to protection orders issued under section [19](#) Domestic Violence Act 1995, which are that the bound person must not:

- physically or sexually abuse the person at risk
- threaten to physically or sexually abuse the person at risk
- damage, or threaten to damage, property of the person at risk



- engage, or threaten to engage, in other behaviour, including intimidation or harassment, which amounts to psychological abuse of the person at risk
- encourage any person to engage in behaviour against a person at risk, where the behaviour, if engaged in by the bound person, would be prohibited by the order.

The only modification to these standard conditions (apart from terminology - the safety order refers to "a person at risk" rather than a "protected person") is that contact with the person at risk (whether by way of telephone, electronic message, correspondence or otherwise) is restricted to that which is reasonably necessary in an emergency.
[s124E\(2\)](#)

Effect on parenting orders

If a safety order is issued against a person who is a party to a parenting order or agreement, that parenting order is suspended. Any day to day contact or care of a person provided for in the parenting order has no effect and the provisions of the safety order apply. (See further information below about [issues to consider relating to parenting orders](#)).
[s124E\(3\)](#)

Consider using a Iwi Liaison Officer (ILO), Pacific Liaison Officer (PLO) or Ethnic Liaison Officer (ELO) to liaise with families where language and cultural issues may be a factor to explain Police safety orders, if [issued](#).

When can a safety order be issued?

A [qualified constable](#) or a constable authorised by a qualified constable may issue a safety order against a person (who becomes a bound person) who is or has been in a domestic relationship with another person (the person at risk) if the constable:

- does not arrest the bound person for an offence involving the use of violence against the person at risk (a family violence offence), but
- has reasonable grounds to believe (taking specified matters into account -see [Factors to consider when deciding to issue a Police safety order](#) below) that the issuing of an order is necessary to ensure the immediate safety of the person at risk.

([s124B\(1\)](#))

When can a safety order not be issued?

Safety orders can not be issued if the alleged violent person is:

- arrested for a family violence offence (remember that family violence offences include intimidation, threatening behaviour and other forms of psychological abuse). In these cases, bail conditions may be set which essentially serve the same purpose as a Police safety order
- the subject of a protection order issued by the Family Court and the applicant is the person at risk. In these cases, it is likely that the behaviour complained of will constitute a [breach of the protection order](#) and an arrest should be made.

Factors to consider when deciding to issue a Police safety order

In addition to the standard [risk assessment tools](#) contained in the POL FVIR, when assessing whether it is appropriate and necessary to issue a Police safety order, you must consider:

- whether it is likely that the alleged violent person has used, or is using domestic violence against:
 - the person you perceive to be at potential risk, and /or
 - any other person with whom the alleged violent person has a domestic relationship



- whether it is likely that the alleged violent person will use or again use domestic violence against the person at risk
 - the welfare of any children residing with the person at risk
 - the [hardship](#) that may be caused if the order is issued, and
 - any other matter that may be considered relevant.
- (These factors are listed in [s124B\(2\)](#)).

You should also take account of:

- previous interactions with Police
- history of mental illness
- presence or history of abuse of alcohol and/or drugs
- propensity for violence
- family violence history
- [parenting](#), protection and/or Police safety orders previously in force.

Hardship

For the purpose of a Police safety order, consider hardship caused to any person including the family.

When deciding if hardship may be caused, consider such things as:

- who will have the family car
- who is in charge of family finances and holds Eftpos cards/money
- the financial ability for the removed person to find alternative accommodation and transport.

Be mindful that the dynamics of family violence mean that in some cases the use and control of family money and other assets may be part of the power and control dynamics used by the offender to continue the family violence.

Parenting orders

You must take reasonable steps to establish whether any adult family member of the household holds, or is in the process of obtaining, a parenting order in regards to the children of the household. The bound person you intend to remove may have had a parenting order made against the person at risk you intend to protect and a violence finding may have been made against that person by the Family Court. Be aware of dangers to the children for reasons not immediately apparent.

If a parenting order is in place, this information should be provided to the family violence coordinator for follow up.

Commencement and duration of the orders

Safety orders come into force immediately after they have been served and continue in force for the period specified in the order.

The issuing officer decides on the duration of the order, which can be for a period not exceeding 5 days.

Be aware that there is the potential for continued risk to people at risk despite a safety order being issued. Upon service of the order Police should take all practicable steps to ensure that relevant and appropriate specialist support has been contacted for people assessed as being at risk and that their immediate safety is assured. In addition all practicable steps should be taken to ensure that support and a temporary place to reside is available to the bound person.



Deciding the duration of the order

When deciding on the duration of the order, the issuing officer must:

- have regard to the factors set out in section 124B(2) (see [Factors to consider when deciding to issue a Police safety order](#) above)
- carefully consider the impact of the safety order on the family (e.g. [hardship](#) to any person, including the alleged violent person, and the welfare of the children).

As a starting point, you should begin with considering a 24 hour duration and then factor in other relevant considerations, for example:

- weekends, public holidays, and an individual's ability to access the courts, if necessary (e.g. the person at risk may wish to seek a Family Court' protection order)
- how long it will take for the family to access appropriate [support services](#) and make ongoing arrangements for their safety.

Do not limit safety considerations to those existing or apparent at the time Police were in attendance. Consider risk to safety over the next hours or days.

Note that the longer the duration of the order, the more complex the decision making is likely to be and the greater the likelihood that there will have been an offence.



Authorising, issuing and serving safety orders

Prescribed form for Police safety orders

Police safety orders must be in the prescribed form.

Obtaining authorisation for a Police safety order

Follow these steps to authorise or obtain authority to issue a Police safety order.

Step	Action
1	<p>Complete all enquiries to identify possible offences. Where no offences are disclosed:</p> <ul style="list-style-type: none">ensure that you have completed the POL FVIR form including the full risk assessmentconsider whether it is necessary to issue a Police safety order. (Take into account all the factors to consider when deciding to issue a Police safety order detailed in the 'Police safety orders and when they can be issued' section of this chapter. These factors will also help you determine the appropriate duration for the order (up to 5 days).
2	<p>If you are not a qualified constable and consider that a Police safety order should be issued, seek authority to issue an order from a constable who is qualified. Note that without a formal appointment under section 63, a constable who is relieving as an acting sergeant is not "qualified" and cannot issue, or authorise the issue of, a Police Safety order.</p> <p>If you are asked to issue a safety order but are not a qualified constable, direct the person to your communications centre or the O/C station.</p>
3	<p>To document discussion about authorisation at the time it was given, the authorising constable should either:</p> <ul style="list-style-type: none">sign the completed POL FVIR (if they are present with the issuing officer), ormake a notebook entry recording the circumstances of their authorisation (this also applies to authorising constables from Comms Centres). <p>These records could be important if the issuing of the safety order is later challenged.</p>
4	<p>You may:</p> <ul style="list-style-type: none">detain the person against who the order is to be issued for up to 2 hours to allow you to obtain the necessary authority and to issue and serve the order on that person. The 2 hour period commences when the constable decides that a Police safety order is necessary (and seeks authorisation from a qualified constable if required).remove the person from the premises and to a Police station or place used as a Police station (e.g. a patrol car) during the period of the detention. In some situations and for short periods, detention within the home may be appropriate. <p>A person who refuses to remain at the place where they are detained:</p> <ul style="list-style-type: none">commits an offence and is liable on summary conviction to a fine not exceeding \$500may be arrested without warrant. (Refer to the 'Arrest and detention' Police Manual chapter for further information).



5	If you are unable to issue and serve the order within 2 hours, you must release the detained person. You will then have a period of 48 hours to issue and serve the order on that person. The safety order will expire if it has not been issued within that time period. The 48 hour period commences from the time a qualified constable authorises issue of the Police safety order.
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Procedures when orders are served

Take these steps when and after serving a Police safety order.

Step	Action
1	Follow as appropriate, the procedures for serving protection orders in this chapter, including the seizure of any firearms held, when serving Police or Court issued safety orders. Then take the additional steps below.
2	Fully explain to the person at risk and the bound person the nature, duration and effect (conditions) of the order. This explanation can happen prior to, at the time of serving or, in the person at risk's case, as soon as possible after the safety order is served. Note: Consider using a Iwi Liaison Officer (ILO), Pacific Liaison Officer (PLO) or Ethnic Liaison Officer (ELO) to liaise with families where language and cultural issues may be a factor.
3	Upon serving the safety order (and after explaining its effect and consequences for breach) you must ensure that the bound person: <ul style="list-style-type: none"> • immediately surrenders all firearms or weapons (and a firearms licence if held) in their possession or control • vacates the land or building occupied by the person at risk. It is irrelevant whether this person has a financial interest in that place.
4	Contact the appropriate agency to ensure appropriate assistance and support services are in place for the protected person (including any children residing with them). See Safety, support and intervention in this chapter.
5	Before the end of your shift: <ul style="list-style-type: none"> • complete and enter the POL FVIR and other documentation (see Recording and reporting requirements in this chapter) • ensure copies of the Police safety order are on file and are submitted with the POL FVIR and that the appropriate alert is in NIA (see Alert details held in NIA below). • notify the family violence co-ordinator.
6	Contact CRL via 0800 NZP PSO

Alert details held in NIA

These alert details must be entered and held in NIA against the person bound by the Police safety order created from an e-form (via CRL), immediately after it is issued. If not then, the process is not automated and the officer should create all NIA objects (occurrence with PSO details, persons, alert) manually.

Category /Alert type

Alert type	Comment
Wanted for service of PSO	Enter when the person bound by the order is not present for the order to be served. This will: <ul style="list-style-type: none"> • automatically expire after 48 hours if no action is taken • be expired automatically if the person is found within 48 hours and a PSO Served Alert is created manually on the person



	bound. The issuing officer must then enter the alert expiry themselves within NIA.						
PSO served	<p>Enter when the person bound by the order is present for the order to be served.</p> <p>This will be:</p> <ul style="list-style-type: none"> • created automatically if no "Wanted for Service of PSO" alert is in place • automatically expired if it is not breached in the meantime, after the duration of the order. 						
PSO breached	<p>Enter when:</p> <ul style="list-style-type: none"> • the order has been served, and • is not yet expired, and • the person bound by the order breaches any of the order's conditions. <p>This will not expire automatically and you must manually record the action to be taken. The PSO served alert on the person bound is expired automatically when a PSO breached alert is created and a complaint has been laid. There are two breach alert types:</p> <table border="1"> <thead> <tr> <th>Breach alert</th> <th>Comment</th> </tr> </thead> <tbody> <tr> <td>Breached and bound person taken into custody</td> <td>You have 24 hours to make a complaint (on the prescribed form) for an order under s124N. If the bound person cannot be brought before the court within 24 hours, you must serve a summons to appear.</td> </tr> <tr> <td>Police safety order breached and bound person wanted</td> <td> <ul style="list-style-type: none"> • Police have 10 days from the time of any breach to bring the bound person into custody and before the court • will automatically expire either after the 10 days period or when a complaint is laid • if Police safety offer issued on direction of court - act in accordance with s 124N. </td> </tr> </tbody> </table>	Breach alert	Comment	Breached and bound person taken into custody	You have 24 hours to make a complaint (on the prescribed form) for an order under s124N . If the bound person cannot be brought before the court within 24 hours, you must serve a summons to appear.	Police safety order breached and bound person wanted	<ul style="list-style-type: none"> • Police have 10 days from the time of any breach to bring the bound person into custody and before the court • will automatically expire either after the 10 days period or when a complaint is laid • if Police safety offer issued on direction of court - act in accordance with s 124N.
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Other details

Alert detail	What is entered? / Comment
Start date / time	<p>The date and time the PSO was issued, served or breached, depending on the alert category:</p> <ul style="list-style-type: none"> • If the person bound by the order was: <ul style="list-style-type: none"> - not present (category: "Wanted for Service of PSO") this will be the date and time of issue - present (category "PSO served") this will be the date and time of service. • If the order was breached (category "PSO breached") this will be the date and time the order was breached.



Expiry date / time	The date and time the PSO expires. This will be automatically entered for the category "Wanted for Service of PSO" as 48 hours after the start date/time. PSO breached will automatically set to 10 days after the start date/time. For other categories, enter the expiry date/time manually according to the duration of the order.
Narrative	This is a text to list the person bound by the order, protected person and children of the protected person. Also, enter the conditions of the order here.



Charging offenders

Choosing the right charge

How and when you charge makes a difference. There is a huge range of offences available to you when charging, from homicide as the most serious, through various assault related offences (e.g. male assaults female, assault with intent to injure ([s193](#) Crimes Act 1961) or injuring with intent to injure ([s189\(2\)](#)), to offences under the [Domestic Violence Act 1995](#).

In determining the appropriate charge, answer three questions:

- what was the offender's intent?
- what was the degree of force used?
- what was the result or degree of injury received?

Charging must always reflect the:

- seriousness of the offence
- essential nature of the offending
- continuing risk the offender poses to their victims
- provable evidence.

It is important when considering what charge(s) is appropriate that you do not minimise violence that has occurred and that charging is aimed at making the offender accountable for their actions.

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

Guides for determining charges

Use these guides containing descriptions of family violence behaviour that might amount to an offence to assist you determine the most appropriate charge:

- [How and when you charge makes a difference](#) (see Appendix 1 in this chapter)
- Determining the right charge for assault offences

The guides are readily available as posters in custody areas and other work areas for frontline and family violence teams.

Also refer to these Police Manual chapters for comprehensive advice about selecting appropriate charges, including the jurisdiction in which they should be laid and for reviewing charges filed:

- the [Charging decisions and accepting pleas](#) section of the "Family violence prosecution desk file"
- [Charging indictably or summarily](#)

You must also be aware of the rules around disclosure in family violence related cases. The [Family violence prosecution desk file](#) provides guidance around best practice in this area.

If you need advice in any case about charging decisions, contact your supervisor, a legal advisor, family violence coordinator or a prosecutor in your district.

Assaults and breaches of protection orders

When a protection order has been breached **and** an assault has also occurred, you must:

- charge the offender with the assault and the breach



- not release the offender on bail for 24 hours, provided there is no court hearing before that period has elapsed.

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, refer to the [Charging decisions and accepting pleas](#) section of the "Family violence prosecution desk file".



Bail

Police bail for family violence offences

The procedures for considering whether to keep a person charged with a family violence offence in custody awaiting their first court hearing or to grant Police bail are the same as for any person charged with that offence. 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 pending a court appearance the primary consideration is the safety of the victim, 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.

If a person is held in custody and a bail hearing is pending, a Iwi Liaison Officer (ILO), Pacific Liaison Officer (PLO) or Ethnic Liaison Officer (ELO) may be used to address further issues that are relevant to the court hearing.

Restrictions on Police bail if a protection order is breached

Note that if the person has been arrested under section [50](#) of the Domestic Violence Act and charged with an offence against section 49 of that Act they must not be granted Police bail during the 24 hours immediately following the arrest. 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.

Once the defendant appears in court, the need to protect the victim of the alleged offence is the paramount consideration for the court when determining whether to grant bail ([s8\(5\)](#)).

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 2000, which is whether there is a risk to the victim.

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](#) that may be in place. A wide range of factors will be relevant to this consideration and the information gathered during the investigation and risk assessment will be critical.



Bail conditions

Bail conditions for family violence defendants must reflect the need to ensure the victim's safety. They may include for example, clauses requiring non-association with named persons, that the defendant must reside at a named address (only in exceptional circumstances should a defendant be bailed to the victim's address), curfews, no consumption of alcohol or drugs.

The court may impose the same bail conditions imposed by Police.

Electronic Monitoring (EM) bail

A constabulary member attending an incident of domestic violence at an EM bail residence may consider that an EM bailee:

- has used, or is using, domestic violence against a person at risk;
- has used, or is using, domestic violence against any other person with whom he or she has a domestic relationship;
- is likely to use, or will again use, domestic violence against a person at risk, and may issue a PSO against the EM bailee. The constable may detain the bailee for a period of up to two hours in order to issue the PSO.

Among the effects of a PSO are that the bound person must not be present on any land or building, enter or remain on that land or building in circumstances that constitute a trespass; or make any other form of contact with a person at risk, except such contact as is reasonably necessary in any emergency. A PSO comes into effect immediately on being served on the bound person and may remain in force for up to five days. An EM bailee served with a PSO relating to the address at which they are residing on EM bail will thus not be able to remain at the address for the duration of the PSO.

The effect of a PSO will therefore be that an EM bailee, in accordance with Standard Condition 5, will, for any reason, be unable to remain at the address listed in the bail bond and will be required to surrender to Police custody. The authority and procedures cited above will apply.

EM Bail Assessors should take steps to ensure that constabulary members serving a PSO on an EM bailee are aware of the authority and the requirement to immediately take the bailee into custody, either by way of voluntary surrender in accordance with Standard Condition 5 or in terms of section 35 of the Bail Act 2000.

Once the bailee has been taken into Police custody, EMBAAs must ensure that they are brought back before the Court as soon as can be arranged, for reconsideration of their bail status. Since the defendant is unable to return to the specified EM bail residence until the expiry of the PSO, the Court should be invited to revoke the grant of bail to that address, either for the duration of the PSO or permanently.

Note: When an EM bailee is in custody while subject to a PSO, Assessors must assess the circumstances of the domestic violence incident and the risks that may pertain to continuing EM bail at that residence. If the incident identifies or highlights risks on bail at the designated address that cannot be mitigated to an acceptable level by electronic monitoring, Assessors should oppose continuation of EM bail to that address.

Rights of some victims to have their views on bail put to court

Many family violence victims fall within the categories of victims set out in section [29](#) of the Victims Rights Act 2002 who are entitled to have their views on bail put to the court. They include victims of:

- sexual offences or other serious assaults



- offences resulting in serious injury
- other offences that have led to the victim having ongoing fears on reasonable grounds for their physical safety or that of their immediate family.

Police must determine whether the offence is one that comes under s29 as soon as practicable after they come into contact with a victim. If it does:

- the victim **must** be informed of their right to be on the [victim notification register](#) and to be notified about the bail, release, escape and death of an offender and accused
- all reasonable efforts **must** be made to ascertain the victim's views about bail and for the prosecutor to convey these views to the court
- the victims **must** be notified of release on bail.

These are requirements of [Part 3](#) of the Victims' Rights Act 2002.

Breaches of bail

Treat all bail breaches as serious. Arrest for breach and detain in custody until the next available court hearing.

Further information about the Victim Notification Register and bail

Refer to the [Bail](#) section in the [Family violence prosecution desk file](#) 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 "Police service to victims of crime and crash" Police Manual chapter for more detailed information about the rights of victims to be advised about bail when section [29](#) applies.



Safety, support and intervention

Always display courtesy, compassion and respect the dignity and privacy of the victim. As well as being good practice, these are Police obligations under the Victim’s Rights Act 2002. Show respect for culture by providing them with opportunity to liaise with Iwi Liaison Officers (ILO), Pacific Liaison Officers (PLO) or Ethnic Liaison Officers (ELO) and consider the needs of the victim. Offer reassurance.

Safety plans

Safety plans are an essential part of responding to the needs of victims and managing ongoing risks. They also can help victims gain some control over their situation.

A safety plan must be completed for all high risk repeat victims, i.e. where red flags show several risk factors are present or risk score is 17+, repeat victim or it is high risk situation. In these situations, a safety plan for the victim must be completed following initial attendance at a family violence event. The plan may be completed in conjunction with Women's Refuge at the scene.

Follow the Family violence interagency process flowchart (Appendix 4).

What can safety plans cover?

Safety plans could cover staying in the relationship, leaving the relationship or may relate to the victims needs after they have left the relationship. It may cover a few days, weeks, or even months after the time of initial attendance by Police.

Risks to consider when initiating a plan include:

- offender whereabouts and behaviours
- severity of this incident and previous occurrences
- likelihood of further interference
- concerns about children and others.

Consider using safe houses, safety alarms, and call out processes to manage safety.

Initiating a safety plan at the scene

Follow these steps when initiating a safety plan at the scene.

Step	Action
1	Complete the Pol FVIR at the scene, particularly the risk and lethality sections. Include details for activating a safety plan on the supplementary page of the Pol FVIR. Use the Checklist for Police initiating a safety plan (Appendix 2) to assist you prepare the plan.
2	Contact Comms for further information about the offender's background, violent history, use or access to weapons, gang affiliations or other red flags.
3	Assess the victim's vulnerability and work through with the victim options to mitigate risks. Consider the issuing of personal safety alarms, a Telecom landline or cell phone (these can be arranged at no cost from Work & Income).



4	Record a set of actions that the victim and other parties need to follow to manage the risks identified. If possible: <ul style="list-style-type: none"> • have the victim sign this (use the POL FVIR where possible) • ensure that responsibility for actions to be completed are clearly stated. <p>(The plan should always be agreed and put in writing).</p>
5	Contact your local Women's Refuge following agreed local procedures, to attend scene. Provide details of the risk assessment and safety plan to the Refuge support worker to help the victim action the plan. (The plan may be developed in consultation with Women's Refuge). Women's Refuge may consider relocating the victim if necessary.
6	Where applicable, issue a Police safety order or apply for other court orders if the victim does not have a protection order.

Back at the station

Step	Action
1	If the offender has absconded, place a "wanted" alert in NIA immediately.
2	Keep the original of the safety plan in the watch house alongside other court issued orders and Police safety orders.
3	Enter an alert into NIA under the victim's name - "a safety plan exists for the victim - contact (station) for further details."
4	Fax Pol FVIR to Women's Refuge and CYFS Call Centre (if subjects have children). In all cases, forward the Pol FVIR to the FVC by end of shift so that the safety plan can be re-assessed at the earliest opportunity and modified where necessary.
5	The victim should receive a copy of the "Safety Plan" from the family violence coordinator the next day or as soon as possible. The coordinator must ensure the plan has no specific details in it in case the offender obtains it but that it is discussed and agreed with the victim.

Reviewing plans

Victim safety may change as circumstances do and should be considered and reviewed at regular intervals from the time of attendance through to case management. Changes to the safety plan may occur at anytime with the involvement of Women's Refuge or as part of the FVIARS process.

Further information about plans

For further information about safety plans refer to [Women's Refuge](#) website or "Fresh Start" book produced by Women's Refuge pages 48-54 - safety planning.

Victims must have access to appropriate services

Attending Police must provide the victims of family violence with appropriate and timely support and information about services and remedies. Support for victims is critical to breaking the cycle of family violence and an interagency approach is an essential element of the Police approach to reducing family violence-related crime.

Police response will vary depending on resources available in each area and local agreements will reflect this. You must be aware of the arrangements in your area and maintain good relationships with providers.



Procedure for obtaining initial support

Follow these steps to ensure initial referral to support services for family violence victims.

Step	Action
1	Ensure victims are safe before you leave the scene and a safety plan has been prepared in appropriate cases in conjunction with any support service called to the scene. Consider removal of the victim if the offender has not been located.
2	Follow the procedures agreed between Police and local support services on time frames for advising the service provider. Victims can be suffering from trauma and are often distressed and upset. If the victim says no when you ask them if they want support, simply advise them that you will be calling the agency you work closely with (Women's Refuge or Victim Support) and that the agency will arrange for a worker to provide them with information and give them early assistance.
3	Follow local procedures for agency notification and endorse POL FVIR accordingly. Enter notations about the safety plan into NIA. Where appropriate this should be placed as an alert on the summary screen.

Local agreements with support services

The Women's Refuge is the primary agency delivering support for victims of family violence. In areas where no Women's Refuge is available, Police and Victim Support will work with specialist agencies to clarify local responses to victims of family violence, which may include referral to Victim Support. (Note that due to resource constraints it has been agreed that Victim Support will only provide direct support to family violence victims in regions where there is no viable specialist agency available).

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

All agencies responsible for the delivery of local community family violence services must negotiate protocols establishing responsibilities, expectations and boundaries for service delivery. (See [Family violence interagency process](#) (word doc, 30 KB)).

FVIARS follow up support

The primary follow up process for subjects of family violence will involve [FVIARS](#). Details of occurrences will be sent through for initial assessment by the family violence coordinator. FVIARS will assess cases referred onto them by the family violence coordinator and decisions will then be made using a tiered response approach to actively manage cases. Ongoing assessment of risk and safety issues will also occur simultaneously.

Use the [FVIARS referral form](#) (Appendix 3) to refer a subject to FVIARS for follow up case management.

Privacy of victim's information

Local protocols must take into account the rights of victims to privacy under the Privacy Act 1993 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



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second or subsequent support agency is permitted in certain circumstances, e.g. the agency giving initial support has reasonable grounds to believe that such further disclosure is necessary to ensure the victim receives the highest level of support.



Supporting victims and witnesses to give evidence

Full information about [supporting victims and witnesses](#) to give evidence is provided in the "Family violence prosecution desk file". See also the [Investigative interviewing witness guide](#).

Rights of victims

Refer to the [Police service to victims of crime and crash](#) Police Manual chapter for detailed information about:

- [responding to incidents involving victims](#)
- [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](#).



Prosecution or case disposition

Prosecution

Refer to the [Family Violence Prosecution Policy 2007](#) and the [Prosecuting family violence deskfile](#) for information about prosecuting family violence cases.

Although Police should listen to and note the victims view on whether or not to prosecute for any offending, do not be influenced by the victim's view on prosecution. The decision to prosecute is a Police decision, based on facts and evidence and also 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 evidential test considers whether:

- there has been the commission of an offence
- there is an identifiable individual (offender)
- credible evidence exists
- that evidence will be accepted by the court
- likelihood of conviction (defences to be put forward)
- finding - beyond a reasonable doubt

The public interest test considers matters such as:

- seriousness of the offence
- position of trust (abuse of that)
- whether the offending was premeditated
- the hostility of the offending and impact on human rights
- whether the victim suffered a personal attack
- the fear felt by the victim
- the vulnerability of the victim

In family violence related cases, the guidelines state that the following factors 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 (i.e. the offending indicates a repeated pattern of conduct).

Prosecution files

The prosecution file should consist of:

- A report covering:
 - brief circumstances
 - charges defendant is appearing on and whether further charges are likely (this should include reference to the Sentencing Act 2002 in relation to Serious Violence Offences and Warnings, s 86A). **(LINK)**
 - if offender made admissions
 - whether offender remanded in custody or bailed
 - Police recommendations on bail, and any conditions or opposition to bail
 - the victim's views on bail
 - victim's attitude/cooperation
 - any other relevant information for the prosecutor, including whether a complaint against Police actions is likely and the likelihood of guilty or not guilty plea
 - estimated costs of restitution



- Police Record of Victim Contact form (POL 1060)
- Grounds for Opposing Bail form (POL 128)
- Caption sheet
- Summary of facts
- any corroborating evidence
- Victim impact statement (POL 392). This must be current and updated 28 days after being made, usually as a result of information from Women's Refuge or other relevant support agencies.
- Job sheets, witnesses' statements etc
- A completed Pol FVIR - including risk assessment, body maps showing injuries, medical release forms, children's details, audio recordings from Comms, POL 1065 (victim request to be notified of offender bail, release, escape and absence)
- Informant's copies of informations filed
- Details of any protection orders, restraining orders or other court orders issued against the offender. For a breach of protection order include a certified true copy of the order (obtained from the court) and details of service including a copy of the affidavit of service and a witness brief for that person
- A copy of the family violence database record involving the offender
- Application for Victim Notification Register (where appropriate).

Withdrawals or amendments of informations

Officers in charge of a family violence prosecution must ensure the appropriate charge is filed and evidence is obtained or available to assist the prosecution.

Prosecutors should as best practice discuss amendments or withdrawals of informations with the district or area family violence coordinator before amending or withdrawing and family violence related charges. (Refer to [Public 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.

A victim or a member of a victim's family who has welfare, health, counselling, medical or legal needs arising from the offence should be informed of and have access to programmes, remedies or services that are responsive to those needs (s8 Victims' Rights Act 2002). This includes being given appropriate advice for their protection and access to actions a court can take to help them. (Most family violence victims will be assisted through Women's Refuge or other victim support group identified through local agreements).

(For further information see [Police service to victims of crime and crash](#)).

Diversion

The majority of family violence offenders will appear before the court and will not be eligible for Police diversion. However, there may be cases when diversion is considered. Check that a NIA alert has not been entered relating to previous diversions.

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

Note: The district prosecution manager and family violence coordinator must jointly authorise a decision to offer diversion in relation to family violence, ensuring that diversion is appropriate and to recommend that where available, a suitable local



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stopping violence programme with a code of practice and an appropriate monitoring mechanism should be a condition.



Restorative justice

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

Restorative justice should only be an option for first time offenders on very minor matters. This may be appropriate in cases where power and control issues are less evident, for example family violence between siblings and cousins. Always check with your family violence coordinator and ensure the victim is consulted.

Family violence coordinators and PPS must be involved in discussions to ensure restorative justice is not offered to a person who has since re-offended. Enter an alert in NIA if restorative justice is used.

For further information refer to the [Ministry of Justice's Restorative Justice in New Zealand Best Practice](#) guidelines.

Case clearance

Family violence cases can be cleared only as K3, K5, K6 or K9. They must not be cleared as K1.

This table provides details of clearance codes.

Code	Situation when code is used
K3	No offence disclosed. This code should only be used to clear an offence originally coded as a crime but upon further investigation it has since been "discovered" that there is no credible evidence to suggest a crime did in fact occur. Consider K5 to ensure the incident is statistically present in district results.
K4	Offender has been warned. Warnings must not be given at the scene.
K5	All family violence calls for service that are recorded as incident codes must be cleared K5.
K6	Offence reported. Use in two circumstances: <ul style="list-style-type: none"> • as a holding code for clearances yet to be determined • where you are satisfied an offence has been committed but for some reason prosecution cannot proceed. This will ensure the crime is cleared and statistically recorded.
K9	Offender arrested. A report results in identification and arrest of offender, and usually results in a prosecution.

Warnings

Warnings are not to 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 intervention fails and safety issues or re-offending occurs causing harm.



Recording and reporting requirements

Police Family Violence Investigation Report (Pol FVIR)

A Family Violence Investigation Report (Pol FVIR) must be completed and submitted (whether or not an arrest is made) for every family violence occurrence attended. These are events where there is a domestic relationship between the parties and:

- an alleged act of family violence occurs, or
- an offence is committed, or
- there has been a breach of a Police safety order, or
- there has been a breach of a protection order.

A Pol FVIR must be completed in cases of domestic related child sexual abuse, adult sexual abuse and serious offending up to and including homicide. Where referral is made to CIB or Child Protection Team, the responsibility for completing the POL FVIR rests with the O/C file.

These reports are a key source of information and should be used as an investigation guide. Information should be recorded in the POL FVIR professionally and accurately.

Later, the Pol FVIR becomes an essential source of information for inter agency case management meetings, providing information to agencies such as Victim Support, CYFS, and Women's Refuge in order to:

- support the victim, and
- guide appropriate intervention including therapeutic intervention to the offender.

The Pol FVIR is also essential for vital information sharing across relevant groups within Police.

Components of the report

The Pol FVIR includes:

- a family violence report and supplementary sheet for recording as much information about the event as possible. Note that a POL FVIR completed contemporaneously is identical in effect to your notebook entries – all notes made can be later used in court as you would use your notebook.
- a record of injuries - noted on the diagrams on the form
- a risk assessment which includes:
 - three key questions to put to the victim (and recording the answers)
 - identifying the presence of any of the '12 red flags' which are designed to alert Police that the situation may be high risk and that the person may be at risk of suffering serious injury and
 - completing the risk assessment worksheet.(All three parts of the risk assessment must be completed at the scene to inform decision making).
- a child safety form recording details of children present or associated with either of the parties and identifying actions to take in particular risk situations.

Note: All interviews should be recorded as formal written statements. Notebook statements should be avoided unless there is no other option.

When making up the case file:

- include Pol FVIR coversheet report, statements and job sheets or exhibit sheets as relevant
- make Pol 2010 request for 111 recording
- record any notifications to CYFS



- endorse file that Women's Refuge or Victim Support have been contacted
- complete Family Violence Summary.

Recording Police safety order decisions

When documenting discussion about authorisation at the time it was given, the authorising constable (including any at Comms Centres who provide authorisation) should make a notebook entry recording the circumstances of their authorisation.

These records could be important if the issuing of the Police safety order is later challenged on the basis it was not necessary, or that it would have been issued had a proper risk assessment been carried out.

Submitting the Pol FVIR

Attending Police must complete the Pol FVIR, using relevant data obtained at the scene and from other sources (e.g. NIA, witnesses) and submit to their supervisor (sergeant or senior sergeant) before the end of their shift.

The supervisor will:

- submit the original Pol FVIR with a copy of the Police safety order attached to the family violence coordinator before the end of their shift
- make a copy available to Women's Refuge or other agreed local victim support agency
- retain a copy on the file.

NIA entry

Every family violence occurrence must be entered in NIA as soon as practicable and always within 72 hours, in accordance with the [National Recording Standard](#).

Details of Police safety orders must be entered in NIA immediately the order is issued due to the short time frames for serving the orders. (For further information see "Alert details held in NIA" in the [Authorising, issuing and serving safety orders](#) section of this chapter.

Prosecution file

A completed prosecution file must be forwarded to the family violence coordinator for filing. This is so that a file review can be undertaken and family violence trends identified.



Active case management

What is active case management?

"Active case management" is the process of managing a family violence occurrence from beginning to end. It is also a process that sits within the wider case management model that guides Police workflow.

Active case management can be best described as a process used by the family violence interagency response service (FVIARS) to reduce or eliminate the recurrence of family violence by actively supporting a change in behaviour from one or both parties using structured interventions.

Principles

- Family violence cases are behavioural in nature. To manage the risk around case occurrences they need to be seen in series rather than in isolation.
- 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 those matters receiving urgent and serious consideration. They should be structured to meet the needs of each subject and wherever possible, be seen as a collaborative effort.
- FVIARS has the mandate to coordinate and manage family violence cases and is accountable for the results achieved.

FVIARS

FVIARS is the principle accountability group for screening, prioritising and managing the tiered response for family violence cases referred to them. These cases should not be seen as exclusive to Police. FVIARS partners all have clients that disclose family violence and information on these should be freely shared. Each location will have its own FVIARS group. Core members should be drawn from Police, Child Youth and Family and Woman's' Refuge.

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.

An [example](#) of the structure of FVIARS is attached.

Tiered response

It is acknowledged that not all family violence cases are the same. Some will be new or present as low level abuse or violence 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.

Refer to an [example](#) of tiered active case management in this chapter.

FST involvement



Following the FVIARS process, Family Safety Teams (in districts where they are available), will be referred those cases that are assessed as having complex safety needs. These teams will work with appropriate specialist internal groups and community networks to provide safety and support to those complex risk families.

Assessment

Family violence victims and offenders often share a history of family violence together or with past partners. Their lives are complex and in many cases they have learned behaviours and poor life skills requiring a tailored intervention approach. Assessment of their histories, including past intervention methods, help support the best approach to putting in place change plans.

Each district or area lists their top 20 highest risk domestic violence families. The top 20 is an essential focus area and should be used to inform active case management processes using other agency and community based support.

Subject profiles

The assessment of family violence subjects is critical to understanding and planning for the right type of case management to meet positive outcomes. Police have products and expertise to create profiles that bring together the right information to inform these assessments.

Case plans

Case plans are an essential part of managing subject referrals. Without case plans it is difficult to keep track of intervention activities and check whether or not they are being effective or not. Case plans are particularly essential when they involve high risk/repeat subjects due to the increased special needs of these persons and the increased potential for plans not to be followed through.

Case plans should, where possible, be 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

There is no perfect structure for active case management. However using the basic tools and processes provided above, subjects should be in a good position to make real life changes that will benefit them and lead to lives with reduced risk of family violence occurring.

A basic structure surrounding case management is essential to reach positive outcomes for subjects.

The following key elements should be present for case management to succeed:

- A referral process that brings all relevant information together into a collection area for assessment and eventual allocation dependent on a tiered response.



- A [FVIARS](#) that is timely, meets consistently and is able to screen and prioritise cases based on risk and repeat using 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 that 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 FVIARS require close monitoring and close off. FVIARS is designed to be active and solution based. Family violence 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.

In each case 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. The summary should follow on from a detailed account of all actions taken during the progression of the case management process. This is done on the basis that many high risk repeat victims may reappear, that this cohort is also often highly mobile, and that FVIARS may have to manage these subjects again in a different location.

Death reviews

Where a death has occurred as a result of a family violence incident the provisions of Commissioners Circular 2008/10 - [Family Violence Death Review](#) apply.

A death review is owned and driven by the CIB. Death reviews must be commenced within seven days of the notification of an event and must be completed within sixty days of commencement of the review. It must then be forwarded without delay to the district commander for assessment.

Family violence coordinators must not be appointed to conduct such reviews, but may be used in a support role where their expertise can add value to the review.



Example of tiered active case management

Definition

"Tiered response" refers to a process that supports the prioritisation of cases. It uses assessment criteria to position each case for further action. Agency resources can then be deployed to best affect to ensure victim and child safety through active case management and the future reduction of occurrences.

Overall, there needs to be flexibility if the circumstances change with the ability to reposition if required.

Operating process

The tiered response has been divided into three main categories:

Tier 1: Crisis response - mandatory intervention

These are occurrences requiring immediate case management to minimise issues of risk and ensure the safety of victims and children. They may also require urgency regarding offender accountability.

Requirements	Description
Entry	Where the risk of harm has been assessed on seriousness, escalation, repeat calls for service, and imminent risk to children.
Intervention time	Commenced immediately within the first 24 hours.



Action	<p>There is a 2-step process to crisis response:</p> <p>Step 1 This step is about immediate response and victim safety, dealing with the circumstances of both subjects and their children if applicable, urgent communication with relevant agencies and urgent information gathering for assessment.</p> <ul style="list-style-type: none"> • Police respond • FVIARS is activated • Information is shared between agencies • Priorities and agreed actions established <p>Step 2 This step involves further development of those specific actions to address the risks identified, implementation, and delivery by agencies/providers, monitoring progress and reviewing the actions.</p> <ul style="list-style-type: none"> • Further information is obtained • Preparation for draft case plan • Referral agency meeting • Draft case plan and background of problem discussed • Case plan is prepared for implementation • Lead agency is identified as case plan owner and timeline established • Lead agency progresses the plan • Progress of the plan is reported back to weekly meetings • If there is any issues in meeting agreed actions the plan is re-assigned back to FVIARS for reviewing agreed actions, developing, implementation and assigning new case plan to lead agency • Case outcomes are feedback to FVIARS • Agencies keep records of their own data.
Monitor	FVIARS and Signatories on Letter of Agreement.
Performance Indicators	<ul style="list-style-type: none"> • total number of Pol FVIRs • number of cases: <ul style="list-style-type: none"> - referred as crisis - referred to case management - resolved • resolved and have re-offended.

Tier 2: Non-critical but potentially serious

These are occurrences that indicate a worsening trend moving towards crisis. These cases require an acute assessment of safety needs, development and implementation of case management by involving multiple agencies.

Requirements	Description
Entry	Where the risk of harm is of a serious, repeat nature and escalating, and imminent risk to children, family history, and intuition that risk is greater than that presented.
Intervention Time	As soon as possible within 7 days.
Action	As per Step 2 in Crisis response.
Monitor	FVIARS and Signatories on Letter of Agreement.



Performance Indicators	<ul style="list-style-type: none"> • total number of Pol FVIRs • number of cases: <ul style="list-style-type: none"> - referred as non critical/crisis - referred to case management - resolved • resolved and have re-offended.
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Tier 3: Low level

Events where a level indicates preventative or referral measures could be applied, i.e. providing family violence information pack about legal advice and services or specific programmes.

Requirements	Description
Entry	Where the risk is minimal, seriousness and calls for service.
Intervention Time	Within 10 days.
Action	As per Step 2 in Crisis response, modified as appropriate. <ul style="list-style-type: none"> • Assessment • Baseline response • Record and resolved
Monitor	FVIARS and Signatories on Letter of Agreement.
Performance Indicators	<ul style="list-style-type: none"> • total number of Pol FVIRs • number of cases: <ul style="list-style-type: none"> - referred as low - referred to case management - resolved • resolved and have re-offended.



Monitoring, evaluation and training

Compliance monitoring

To achieve and maintain an effective and appropriate response to family violence, local services and protocols will need to 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).

[consider adding performance measures here]

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

Compliance with recording processes means that family violence trends and improvements in Police's response can be measured.

Family violence coordinators

District commanders must ensure a person with suitable communication skills and family violence training is appointed to the position of district or area family violence coordinator.

Family violence coordinators have responsibilities for local inter-agency liaison, problem resolution, monitoring staff compliance with local protocols, and family violence-related training. They are also a valuable resource to contact if you have any particular concerns about any individual or family, or if you have any questions about how family violence occurrences should be addressed or processed.

Although the position of family violence coordinator may not be full-time, district commanders must ensure the coordinators 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 will take overall responsibility for family violence issues.

Family violence coordinators must be in close and regular contact with district CIB, CPT, or relevant portfolio holders to ensure that all child abuse within family violence contexts are flagged and dealt with appropriately and that relevant information is shared amongst relevant groups.

Family violence coordinators are also responsible for prosecution liaison and ensuring family violence prosecution files meet the required standard.

Training

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



Protection orders

About protection orders

The Domestic Violence Act 1995 provides for one protection order to cover a wide range of situations for an extended group of applicants. Protection is afforded to "specified persons" who may include the applicant's children. The order may also be stated to specifically provide protection to a particular person with whom the applicant has a [domestic relationship](#).

Note that once a child turns 17, they will no longer be protected by the order and will need to apply to the court for an order as a protected person, or be identified on an order as a specified person. Best practice is to ensure young people not living at home are listed on the order as a specified person.

Protection orders are a civil remedy issued by the Family Court. Protection orders can only be discharged by the court (section [45](#) Domestic Violence Act 1995).

Parents cannot take out a protection order against a child or young person. Violent children or young persons should be dealt with under the provisions of the Children and Young Persons and Their Families Act 1989.

Standard conditions

It is a condition of every protection order that the respondent must not:

- physically or sexually abuse the protected person
- threaten to physically or sexually abuse the protected person
- damage, or threaten to damage, property of the protected person
- engage, or threaten to engage, in other behaviour, including intimidation or harassment, which amounts to psychological abuse of the protected person
- encourage any person to engage in behaviour against a protected person, where the behaviour, if engaged in by the respondent, would be prohibited by the order.

[s19\(1\)](#) Domestic Violence Act 1995.

Non-contact conditions

Standard non-contact conditions in every protection order (listed in section [19\(2\)](#)) also apply except while the protected person and respondent are, with the express consent of the protected person, living in the same dwellinghouse. The non-contact conditions are automatically suspended during this period but may be revived if the protected person subsequently withdraws their consent to the respondent living in the same dwellinghouse.

Special conditions may formalise ongoing contact.

Consent and withdrawal of consent may be given on behalf of the protected person by the person specified in a special condition of the protection order as the person entitled to do so. For example, the order may specify who can consent to contact on behalf of a child that is protected by the order.

Associated respondents

Where a protection order has been made against an associated respondent, standard conditions with all necessary modifications, apply equally in relation to that person.



Conditions relating to weapons

It is a condition of every protection order that the respondent must not:

- possess, or have any weapon (firearm, airgun, pistol, restricted weapon, ammunition or explosive) under their control
- hold a firearms licence.

The respondent must surrender to Police any weapon in their possession or under their control (whether or not it is lawfully in their possession or under their control) and any firearms licence held by them:

- as soon as practicable after the service of the protection order on them (and within 24 hours of the service), and
- on demand made, at any time, by any member of the Police.

[s21\(1\)](#) of the Domestic Violence Act 1995

These requirements also apply on the issuing of a Police safety order.

Suspension and revocation of licences

Where a temporary protection order is issued, any firearms licence held by the respondent is deemed to be suspended. The licence is deemed to be revoked when order becomes final ([s22](#)).

In the case of Police safety orders, the person against whom the Police safety order is issued has their firearms licence suspended for the duration of the safety order and they are deemed not to hold a firearms licence for that period.

Police must retain any weapons that are surrendered to them upon the issue of a Police safety order or protection order for the period of the suspension and, except in circumstances where the weapon may be lawfully retained, return the weapon to the person as soon as practicable after the suspension ceases to be in force ([s25](#)).

Protection orders and Arms Act 1983 responsibilities

As well as the Domestic Violence Act 1995 provisions, you have the power to independently consider whether or not any person is deemed to be 'fit and proper' to hold a firearms licence. (Refer to the [Arms](#) chapter in the Police Manual for further information.

When Police receive a copy of a temporary protection order where the respondent or associated person holds a firearms licence, the O/C station must arrange for an employee with the position level of Inspector or above to consider immediately whether the powers conferred under:

- sections [27\(1\)](#) and [27A](#) Arms Act 1983 (relating to revocation of a firearms licence) should be invoked
- section [60A](#) Arms Act 1983 (relating to the seizure of firearms in cases of domestic violence) should be exercised in that case. (A report must be sent to the Commissioner within 3 days if this power is exercised).

Police must take appropriate action when they receive information that may disclose unlawful possession of a firearm by the respondent or any associated person.

Consider consensual seizure until the family violence matter is concluded in the court. Refusal to cooperate may provide further evidence of unfitness to hold a licence and that revocation is appropriate.



Where a safety order has been issued and firearms have been surrendered or otherwise seized under section 60A, the same considerations should apply. However, it will be relevant to consider the history of the alleged violent person, including whether they have been convicted of any family violence offence and/or had any safety orders issued in the past.

Firearms licences may not be issued when there is a protection order

Under no circumstances should Police approve the issue of a firearms licence while there is a protection order applying to the applicant for such a licence. Where an applicant for a firearms licence has had one or more safety orders issued against them, this is a relevant factor to be taken into account when considering whether or not the applicant is a fit and proper person to be issued with a firearms licence.

Records of orders in the computer system

Once written confirmation of a protection order has been received from the court, the details of the respondents are entered into a NIA Person Alert (recorded as a "Domestic Violence Protection Order").

Upon receipt of protection orders, all names of the respondent and applicant and any children must be entered.

Protection orders include non-molestation and non-violence orders

Non-molestation and non-violence orders issued under the Domestic Protection Act 1982 and still in force when the Domestic Violence Act 1995 came into effect are treated as protection orders issued under the new Act. The only difference is that they do not contain the conditions relating to weapons.

Breaches of these orders are prosecuted under appropriate provisions in the Domestic Violence Act 1995. (If prosecuting, ensure orders were still valid when the Domestic Violence Act 1995 came into force ([s133](#))).

Court ability to issue protection order

The District Court can now issue protection orders that have the same effect as those created by the Family Court. The District Court, after it has determined that a temporary protection order is to be issued, can detain the person for a period not exceeding two hours for the purpose of issuing and serving the temporary protection order.

Additionally, the District Court can now issue a final protection order when sentencing an offender convicted of an offence involving domestic violence to issue a protection order if the court is satisfied that the order is necessary for the victim's protection and the victim does not object to the order.

Procedures for serving protection orders

This table outlines the procedures for courts and Police for the service of protection orders and seizure of firearms.

The procedures also apply, where appropriate, to the service of Police and court issued [safety orders](#). Due to the compressed time frame of a Police safety order and the time limitations on service (48 hours before expiry) these must be served as soon as possible, with both parties and Comms advised once this has occurred. (Refer to [Procedures when orders are served](#) in the "Authorising, issuing and serving safety orders" section in this chapter for further procedures relating to serving safety orders.

Step	Action
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1	<p>The Family Court:</p> <ul style="list-style-type: none"> • decides on the application for a protection order • determines (using local protocols between Police and the Family Court) whether or not the respondent holds a firearms licence (s 90) or has control or possession of weapons.
2	<p>Courts deliver a copy of the order to the nearest Police district commander without delay.</p>
3	<p>Police enter the details of the protection order and make relevant firearms checks. Safety of applicants (and Police) must not be compromised by undue delay.</p>
4	<p>The district commander (or people identified in local protocols) sends copies of the order without delay to the O/C station nearest to where:</p> <ul style="list-style-type: none"> • the protected person(s) resides • the respondent resides. <p>If the respondent is a Police employee, the copy must be sent to the employee's district commander or national manager (or the General Manager: HR if the employee is of a superintendent's level or above) for appropriate action to be taken.</p>
5	<p>If a copy of a temporary protection order is received, the O/C station nearest to where the respondent resides must:</p> <ul style="list-style-type: none"> • assess all relevant information, and • if the respondent holds a firearms licence, consider invoking the provisions of ss27 and 27A of the Arms Act 1983 (revocation of licences) and s60A of the Arm Act 1983 (seizure of firearms). <p>If the respondent does not hold a firearms licence, the O/C station must consider whether or not to search the respondent's address pursuant to s60A.</p>
6	<p>Police must serve protection orders, or accompany bailiffs to serve, if the respondent holds a firearms licence or is believed to be in possession of a weapon (whether or not they have a licence).</p> <p>At the time of service, Police must demand surrender of all firearms and the firearms licence. Respondents who fail to surrender all firearms in their possession on demand or their firearms licence, may be arrested for breach of the protection order.</p> <p>(Where the respondent is not a licensed firearms holder, the court registrar is responsible for serving copies of protection orders).</p>
7	<p>Provide suitable storage for all weapons seized under the Domestic Violence Act 1995 or Arms Act 1983 for the period of the suspension of the firearms licence.</p> <p>Dispose of firearms according to s28 Arms Act 1983 when a final order is made.</p>
<p>Notes:</p> <p>Staff safety is of paramount importance when determining appropriate methods to seize firearms or firearms licences.</p> <p>To ensure safety of victims and Police, service of protection must be afforded priority and carried out without delay.</p>	



Withdrawal of protection orders

Dynamics of family violence indicate that the aggressor in the relationship may coerce the protected person to seek a discharge of a protection order. Police should be aware of this and oppose the application when history of the parties indicates the protection order should stay in place.



Orders relating to property

Police safety order

See [Police safety orders](#) in this chapter for information about the purpose and effects of such orders.

Occupation order

An occupation order is a court order entitling the applicant, to the exclusion of the person against whom the order is made, to personally occupy the dwellinghouse to which the order relates, together with any land, buildings and the like that would normally be used for the purposes of a household.

Tenancy order

A tenancy order is a court order allowing the applicant to become the tenant of the dwellinghouse according to terms and conditions of the tenancy. The other party ceases to be a tenant.

Furniture order

The court may, independently of any occupation order or tenancy order, issue a furniture order, entitling the applicant to possession of the furniture, household appliances and household effects, so long as the furniture order is in force.

Ancillary furniture order

The court may, on or after making an occupation order or tenancy order, grant the applicant the right to use all or any of the furniture, household appliances and household effects in the dwellinghouse specified in the order.

An 'ancillary furniture order' is therefore made in conjunction with a tenancy or occupation order. A 'furniture order' may be granted where no tenancy or occupation orders are made.

See sections [52-75](#) Domestic Violence Act 1995.



Orders made without notice

When can orders be made without notice?

Protection orders may be made without notice to the other party if the court is satisfied that the delay caused by proceeding by way of notice would or might entail undue hardship or a risk of harm to the applicant, or a child of the applicant's family, or both. (s13)

Occupation and tenancy orders may also be made without notice if the court is satisfied that:

- the respondent has physically or sexually abused the applicant or child of the applicant's family, and
- the delay caused by proceeding by way of notice would or might expose the applicant or the child to physical or sexual abuse.

(s60)

In urgent situations of risk, an applicant can apply to the Family Court for a protection order. A without notice application may be granted under urgency without the respondent's knowledge.

Temporary orders

If the court agrees the situation fulfils the criteria, it will make temporary orders in the first instance. The orders and applications are then served on the respondent who will have an opportunity to apply to discharge them or oppose final orders being made.

While orders made under the Domestic Violence Act 1995 are usually served promptly, there will be some time delay between an order being made without notice and a respondent being served with that order. Therefore, if an order has been issued without notice, the respondent may not be, or claim not to be, aware of its existence immediately.

Lack of knowledge does not affect order's validity

Whether the respondent knows of the order's existence does not affect its validity. Once signed by a judge, it is in force. However, the respondent must know of its existence if criminal charges are to be filed for breaching that order. They do not necessarily have to be formally served with the order to know of its existence.

Temporary orders become final after three months

The respondent can seek a hearing but, if they do nothing, the temporary order becomes final after three months. Non-service of the final protection order is not fatal to a prosecution for breaching that order (Police v Graham [2000] DCR 569).

In all cases involving applications for temporary orders, you must ensure the applicant is linked to appropriate support agencies.



Breaches of Police safety orders and related powers

Actions for breach of Police safety order

Breaching a Police safety order is not an offence, but still triggers specific powers for Police. As it is not an offence, the bound person cannot be arrested. However, they may be taken into custody using such force as is reasonably necessary if they refuse or fail to comply with the order or a condition of the order.

If a bound person is taken into custody for breaching a Police safety order, you must:

- bring the person before the Court within 24 hours
- make a complaint to the Court requesting that the Court make an order under section [124N](#) of the Act (discussed below)
- if the person cannot be brought before a court within 24 hours, at or before the expiry of the period, you must release the person and summons them to appear. The person can be arrested and brought before the court if they fail to appear as summonsed.

Where the bound person has absconded after breaching the Police safety order, you must advise Comms (CRL). You have one month from the time of the breach to [locate the person](#) and to bring them into custody. You then have 24 hours to bring them before the Court. A complaint is filed and an order sought under s124N.

Warrants to arrest (WTA)

You may also apply to the court for a warrant to arrest (WTA) to be issued under section [124O\(1\)\(a\)](#) Domestic Violence Act 1995 and it must be recorded in as an alert NIA. This warrant provides for a power of entry using reasonable force if you have reasonable belief that the bound person is at a specific address. You must then:

- bring the person before the Court as soon as possible
- make a complaint to the court in the prescribed form so that the court can exercise its jurisdiction under section 124N.

If a warrant to arrest has been issued for a breach of a PSO and the bound person has not been located and brought before the courts within one month, the matter must be brought back before the court to seek leave to withdraw the warrant (Employees should note that over time the significance of the PSO breach and the sanctions available to the Court become less relevant).

Locating the bound person

If the bound person is not at the specific address or has absconded and a warrant to arrest is sought, it is recommended to look for the bound person for one month (depending on the case) after the expiry of the Police safety order.

The WTA Alert expires automatically after ten days in NIA but the warrant will remain active in court. The warrant must be withdrawn. This can be done with some coordination at area level within ten days to one month after the issue of the warrant.

Filing complaints for breaches

An information is not filed for the breach of an order, as a breach not an offence. Instead a complaint is filed within NIA, and printed out on a standard SP1 (information) form with modified wording to comply with the Summary Proceedings Act 1957.

The complaint must be sworn in the same manner as for an information.

Powers of the court



If the court is satisfied that a person has refused or failed to comply with a Police safety order, the court may:

- direct that another order be issued for a period not exceeding 5 days. This must be served as soon as practicable. (If the current order has not yet expired, the new order replaces it).
- adjourn the proceedings so that a District Court judge can consider whether a temporary protection order should be issued.

[s124N](#)

If a new order is instructed to be issued by the court

If the judge or judicial officer determines that a new or substituted Police safety order is to be issued, the Police prosecutor will arrange to have the court directed PSO issued by a role-holder in the following order:

- Court Orderly; if not present, then
- A constable of a district within the vicinity of the court (it's likely that the nearest station will be called to send a constable to the court); if this is not possible, then
- The prosecutor.

The officer who issues the court directed PSO must follow the [procedures when orders are served](#). Section 124N(6) provides for a two hour holding period, in custody, for the new order to be completed and served.

A phone call should then be made to **0800 697 786** so that the new NIA alert can be created.

Prosecutors must advise Person at risk (PAR) of the court decision and any subsequent action. If the PAR is not present at Court, then the Prosecutor, Court Orderly or constable of a district must try to contact PAR to advise them of the court outcome.

If the Prosecutor, Court Orderly or constable of a district can not advise the PAR of the court outcome, then request the Crime Reporting Line (CRL) to contact the PAR by:

- making 3 attempts of telephone calls within 1 hour
- then send local unit and complete a 4Q follow up event
- update NIA record to reflect action taken.

The onus is on the District to be responsible for advising the PAR while the CRL will only provide assistance. It is the District's accountability to maintain this function.

File standard for safety order breaches

Court decisions following safety order breaches are based on the nature, quality and extent of the information provided by operational Police. To support the charges, Police must:

- conduct a competent investigation
- submit all available and relevant admissible evidence and information. As much of this information as possible should be available before the first appearance.

Police safety order breach file should contain:

- Police copy of the Police safety order - officer notes on rear of Police safety order form
- summary of facts
- complaint (equivalent to an information)
- Family Violence Investigation Report (Pol FVIR)
- Family Violence Summary from NIA
- officer notebook entries taken at time of attending the occurrence, including reference to authorisation from a qualified constable if required



- POL 258
- whether the victim objects to a temporary protection order being issued.

Victim views can be brought out in the summary of facts or provided on the POL 258.

Failing to remain while a safety order is issued

This table details the only offence relating to Police safety orders.

Offence	You must prove the person...	Powers	Penalty
Failing to remain while a safety order is issued s124I(2)(a)	having been detained by a constable who is proposing to issue a Police safety order refused or failed to remain at the place where they were detained or any other place taken to during the detention.	You can arrest without warrant any person who has failed or refused to remain in Police custody for the two hour time period in which you can detain for the purpose of issuing a safety order.	a fine not exceeding \$500. (Summary juris)

Note it is not an offence to breach a safety order (see [Actions for breach of safety order](#) above). However, if other offending occurred at the time the Police safety order was breached, the bound person should be charged with the appropriate offence, if supported by the evidence.



Breaches of protection and other orders

Breaching a protection order

The following may constitute breach of a protection order:

- physical abuse
- sexual abuse
- psychological abuse
- threats of the above
- watching, loitering, following, accosting
- unwanted contact, phone, letters or otherwise
- text messages
- entering or remaining on premises occupied by the applicant
- non attendance of a stopping violence programme
- property damage.

Breach of a protection order should be entered as first code on POL FVIR.

What should the statements include?

When interviewing the...	the statement should include:
victim	<ul style="list-style-type: none"> • date order filed • type of breach alleged • confirmation of the offender’s knowledge of the existence of the protection order
offender	<ul style="list-style-type: none"> • offender’s knowledge of the existence of order • knowledge of service • alibis • sound basis that breach has occurred and the offender is responsible for that breach. <p>Also:</p> <ul style="list-style-type: none"> • check offenders cell phone if used in the commission of the offence (photocopy any text messages/ outgoing calls and numbers) • consider phone traces where phone breaches are alleged. Think about this option early and due to costs involved, obtain permission first from a supervisor with the position level of sergeant or above.

Offences and Police powers relating to protection orders

This table details offences relating to protection orders and Police powers in respect of those.

Offence	You must prove the suspect's identity and that they...	Powers



<p>Breaching a protection order s49(1)</p> <p>(Note: s49 also applies to final non-molestation and non-violence orders made under the Domestic Protection Act 1982 in force at 1 July 1996).</p>	<p>without reasonable excuse:</p> <p>a) did any act in contravention of a protection order, or</p> <p>b) failed to comply with any condition of a protection order</p>	<p>You can arrest without warrant any person whom you have good cause to suspect has breached a protection order. (s50)</p> <p>This rule is now the same as for any arrest without a warrant.</p>
<p>Failing to attend a programme s49A</p>	<p>Without reasonable excuse, failed to attend a specified programme as directed by the court</p>	<p>You can arrest without warrant any person whom you have good cause to suspect has failed to attend a specific programme as directed by the court. (s50)</p> <p>Note that the 24 hour delay before release does not apply.</p>

Penalties for breaching a protection order

Every person who commits an offence against [s49\(1\)](#) of either contravening or failing to comply with a protection order, is liable if convicted on indictment, to imprisonment for a term not exceeding 2 years.

Every person who commits an offence under [s 50](#), of failing to comply with a direction to attend a specified programme, is liable on summary conviction to up to six months imprisonment or a fine not exceeding \$5,000.

Every person who commits an offence under [s124I\(2\)\(a\)](#) of failing to remain while a safety order is issued is liable to a fine not exceeding \$500.

Breaching occupation and tenancy orders

This table outlines offences relating to occupation and tenancy orders and Police powers in respect of those.

Breaching ...	The right to personally occupy ...	Powers
<p>an occupation order</p>	<p>the household residence is held to the exclusion of the other party. A person who violates the order commits an offence against s3 Trespass Act 1980 or, if a warning is given, s4.</p>	<p>You can:</p> <ul style="list-style-type: none"> • arrest (s315(2)(a) or (b) Crimes Act 1961) • when lawfully assisting anyone in peaceable possession of a property, use reasonable force to: <ul style="list-style-type: none"> - prevent any person from trespassing on the property, or - remove any person from it as long as you do not strike or do bodily harm to the person. <p>s56(1) Crimes Act 1961</p>
<p>a tenancy order</p>	<p>the rented property is held to the exclusion of the other party.</p> <p>A person who violates the order commits an offence against s3 Trespass Act 1980 or, if a warning is given, s4.</p>	



Note: It is also possible that any offender who has breached an occupation or tenancy order has also breached a protection order. These offenders may be charged with both offences.

It is important that offenders are convicted of breaches of protection orders so they are included in their criminal history lists. Police have zero tolerance to breaches and Police policy is to prosecute breaches wherever possible.

If a person breaches a Police safety order this is not an offence, but does allow Police to exercise powers such as taking the person into custody using reasonable force, or seeking a warrant to arrest which will provide for a power of entry in certain circumstances (see [Actions for breach of safety order](#) in this chapter).

Breaching a parenting order

Breaching a parenting order is an offence under s [78](#) Care of Children Act 2004 with penalties of up to 3 months imprisonment or a fine of up to \$2500. Resisting or obstructing a parenting order is an offence under s [79](#) Care of Children Act 2004, also with penalties of up to 3 months imprisonment or a fine of up to \$2500.



Appendix 1 - Guide: How and when you charge makes a difference

How and when you charge makes a difference This guide, displayed as posters in all custody and other work areas for frontline and family violence teams, best demonstrates the range of offences that may, depending on the evidence, constitute a family violence offence.

INTENTION	BEHAVIOUR	CHARGES
Tension building(i)		
<p>Offenders will often initiate the cycle of abuse by using tactics to disable the victim emotionally; this will often involve children. These abusive techniques along with inappropriate sexual activity and economic control are used to create a sense of helplessness in the victim. This helplessness maintains the offender's control by weakening the victim's ability to leave or seek respite from the offending.</p>	<p>Persistent verbal abuse including offensive/obscene/menacing direct communication or by devices such as telephone, email, text message or letter.</p>	<ul style="list-style-type: none"> ▪ Summary Offences Act s4 - Offensive behaviour or language ▪ Harassment Act s8 - Criminal harassment ▪ Crimes Act s306 - Threatening to kill or do grievous bodily harm, s307 - Threatening to destroy property ▪ Telecommunications Act s112 - Misuse of telephone device
	<p>Excessive contact e.g. numerous telephone calls to check someone's whereabouts creating a sense of intimidation.</p>	<ul style="list-style-type: none"> ▪ Harassment Act s8 - Criminal harassment ▪ Telecommunications Act s112 - Misuse of telephone device
	<p>Neglecting, abandoning, ill-treating or enforcing sexual activity against a child.</p>	<ul style="list-style-type: none"> ▪ Summary Offences Act s10A - Ill treatment or wilful neglect of a child ▪ Crimes Act s194 - Assault on a child, s195 - Cruelty to a child, s130 - Incest, s128B - Sexual violation (Rape), s131 - Sexual conduct with dependent family member, s132 - Sexual conduct with a child under 12, s134 - Sexual conduct with young person under 16, s135 - Indecent assault,
	<p>Taking or keeping the children or leaving New Zealand with the children</p>	<ul style="list-style-type: none"> ▪ Care of Children Act s80 - Taking child from New Zealand, s78 - Contravening a parenting order ▪ Crimes Act s210 - Abduction of young person under 16, s209 - Kidnapping
	<p>Enforced financial dependence or unreasonably depriving someone of money through controlling, coercive and/or threatening behaviour.</p>	<ul style="list-style-type: none"> ▪ Summary Offences Act s21 - Intimidation ▪ Harassment Act s8 - Criminal harassment ▪ Crimes Act s237 - Blackmail, s239 - Demanding with intent to steal, s307 - Threatening to destroy property, s308 - Threatening acts.
<p>Many offenders may already be the subject of a protection order - remember to charge for the breach as well as any other offending behaviour!</p>	<p>Using threats or violence to prevent someone from dressing as they choose or forcing them to wear particular make-up, jewellery and hairstyles.</p>	<ul style="list-style-type: none"> ▪ Summary Offences Act s4 - Offensive behaviour or language, s9 - Common assault, s21 - Intimidation ▪ Crimes Act s196 - Common Assault, s306 - Threatening to do grievous bodily harm, s307 - Threatening to destroy property, s308 - Threatening acts.
	<p>Breaching a protection order or not attending a court ordered anger management programme.</p>	<ul style="list-style-type: none"> ▪ Domestic Violence Act s49 - Breaching a protection order or failing to attend a therapeutic programme.

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The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Tension building (ii) escalating behaviour		
<p>Offenders build on their dominant position often using a social or gender power imbalance to control their victims. Offenders will commonly control a victim's movements and social interaction, thereby creating a sense of isolation.</p> <p>When these measures become ineffective offenders will increase the intensity of their behaviour, using intimidation, property damage and coerced sexual activity to reassert their dominance.</p>	Coerced sexual activity.	<ul style="list-style-type: none"> ▪ Crimes Act s129A - Sexual conduct with consent induced by certain threats, s135 Indecent assault
	Creating, publishing or selling intimate pictures or video of a person.	<ul style="list-style-type: none"> ▪ Crimes Act s216H - Prohibition on making intimate visual recording, s216J - Prohibition on publishing, importing, exporting, or selling intimate visual recording.
	Secret or enforced administration of drugs.	<ul style="list-style-type: none"> ▪ Summary Offences Act s9 - Common assault ▪ Crimes Act s196 - Common assault, s197 - Disabling, s209 - Kidnapping.
	Checking private phone messages or accessing computer system to check emails where there is an expectation of privacy.	<ul style="list-style-type: none"> ▪ Harassment Act s8 - Criminal harassment ▪ Crimes Act s252 - Unauthorised access to computer
	Forcefully preventing someone from visiting relatives or friends, tying them up, locking someone in a room or house or preventing them from leaving.	<ul style="list-style-type: none"> ▪ Summary Offences Act s9 - Common assault ▪ Crimes Act s196 - Common assault, s209 - Kidnapping
	Preventing someone from seeking aid eg medical attention.	<ul style="list-style-type: none"> ▪ Crimes Act s151 - Duty to provide the necessaries of life, s152 - Duty of parent or guardian to provide necessaries of life, s204 - Impeding rescue.
	Threatens seriously to damage or undermine social status, "outing" (eg sexual orientation or HIV status) or publish intimate visual recordings.	<ul style="list-style-type: none"> ▪ Harassment Act s8 - Criminal harassment ▪ Crimes Act s237 - Blackmail
	Unlawfully taking, damaging or destroying property or threatening to take, damage or destroy property.	<ul style="list-style-type: none"> ▪ Summary Offences Act s11 - Wilful damage ▪ Harassment Act s8 - Criminal harassment ▪ Crimes Act s222 - Theft by spouse, s226 - Conversion of a vehicle, s239 - Demanding with intent to steal, s269 - Intentional damage, s307 - Threatening to destroy property, s308 - Threatening acts
	Harming or threatening to harm a pet.	<ul style="list-style-type: none"> ▪ Animal Welfare Act s12 - Animal welfare offences ▪ Crimes Act s307 - Threatening to destroy property
	Interference with, unlawful or forced entry into a house.	<ul style="list-style-type: none"> ▪ Trespass Act s3 - Trespass after warning to leave, s4 Trespass after warning to stay off ▪ Summary Offences Act s11 - Wilful damage, s21 - Intimidation, s29 - Being found on a property, etc, without reasonable excuse, s30 - Peeping or peering into dwelling house ▪ Crimes Act s231 - Burglary, s232 - Aggravated burglary, s269 - Intentional damage
Pressuring a victim/witness to "drop the case" or not to give evidence.	<ul style="list-style-type: none"> ▪ Summary Offences Act s21 - Intimidation ▪ Harassment Act s8 - Criminal harassment ▪ Crimes Act s116 - Conspiring to defeat justice, s117 - Corrupting juries and witnesses, s306 - Threatening to kill or do grievous bodily harm, s307 - Threatening to destroy property, s308 - Threatening acts 	



Violent incident		
<p>Threats leading to physical and sexual abuse are the public face of family violence. These actions should not be seen in isolation as they are the most violent phase in a spiralling cycle of offending, which becomes increasingly acute if the offender is not brought to account. <u>How and when you charge makes a difference!</u></p> <p style="background-color: orange; color: black; padding: 5px; text-align: center;">Strangulation can indicate even more severe violent or homicidal offending is imminent - charge appropriately!</p>	Spitting at or urinating on a person.	<ul style="list-style-type: none"> ▪Summary Offences Act s9 - Common assault ▪Crimes Act s196 - Common assault
	Throwing articles e.g. crockery, even if they miss their target.	<ul style="list-style-type: none"> ▪Summary Offences Act s11 - Wilful damage ▪Crimes Act s193 - Assault with intent to injure, s196 - Common assault, s202C - Assault with weapon.
	Threatening with an article used as a weapon e.g. a knife, tool, telephone, chair or firearm.	<ul style="list-style-type: none"> ▪Arms Act s45 - Unlawful possession of firearm, s52 - Presenting firearm/restricted weapon at person, ▪Crimes Act, s198 - Discharging firearm or doing dangerous act with intent, s202C - Assault with weapon, s306 - Threatening to kill or do grievous bodily harm.
	Threats to cause injury or kill someone.	<ul style="list-style-type: none"> ▪Crimes Act s306 - Threatening to kill or do grievous bodily harm
	Physical violence, with or without weapons, including punching, slapping, pushing, kicking, head butting and hair-pulling.	<ul style="list-style-type: none"> ▪Arms Act s52 - Presenting firearm/restricted weapon at person, s45 - Unlawful possession of firearm ▪Crimes Act s192 - Aggravated assault , s194 - Assault by male on a female, s196 - Common assault, s198B- Commission of crime with firearm, s202C - Assault with weapon
	Choking, <u>strangling</u> or suffocating.	<ul style="list-style-type: none"> ▪Crimes Act s173 - Attempt to murder, s192 - Aggravated assault, s194 - Assault by male on a female, s196 - Common assault.
	Violence resulting in serious injury.	<ul style="list-style-type: none"> ▪Crimes Act s188 - Wounding with intent, s189 - Injuring with intent, s190 - Injuring by unlawful act, s191 - Aggravated wounding or injury, s192 - Aggravated assault, s193 - Assault with intent to injure,
	Sexual violence perpetrated to harm, defile and/or humiliate.	<ul style="list-style-type: none"> ▪Crimes Act s128B - Sexual violation (Rape), s135 - Indecent assault, s142A - Compelling indecent act with animal.
	Throws acid or other toxic/inflammable substance on someone.	<ul style="list-style-type: none"> ▪Crimes Act s173 - Attempt to murder, s188 - Wounding with intent, s189 - Injuring with intent, s199 - Acid throwing.
	Violence resulting in miscarriage.	<ul style="list-style-type: none"> ▪Crimes Act s182 - Killing unborn child, s183 - Procuring abortion by any means
Violence resulting in death.	<ul style="list-style-type: none"> ▪Crimes Act s167 - Murder, s171 - Manslaughter 	



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Appendix 2 - Checklist for Police initiating a safety plan

Download the [checklist for Police initiating a safety plan](#) (word doc, 40 KB).



Appendix 3 - FVIARS referral form

Download the [FVIARS referral form](#) (word doc, 44 KB).



Appendix 4 - Flowcharts

Click here to download these family violence flowcharts:

- [Family violence response overview](#) (word doc, 32 KB)
- [Family violence initial notification](#) (word doc, 30 KB)
- [Family violence interagency process](#) (word doc, 30 KB)
- [Family violence risk assessment process](#) (word doc, 30 KB).