



Family violence policy and procedures

Version : 20.0

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Summary

This section contains these topics:

- [Purpose](#)
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Purpose

This chapter:

- sets out the key [principles](#) guiding the Police response to family violence occurrences
- provides information about the [characteristics of family violence](#) and the relationship types in which family violence is most likely to occur
- details procedures and guidance for:
 - [responding to](#) and [investigating](#) family violence occurrences, including those where serious offending is present
 - collecting [risk information](#) and [assessing risk](#) to support effective decision-making about offender management and [victim safety planning](#) including [arrest](#), [charging](#), and [bail](#) 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. (For more detailed information, see the [Police safety orders](#) and [Protection and property-related orders](#) chapters)
- 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](#).

When do these policies and procedures apply?

These family violence policies and procedures only apply to situations where Police attend a complaint / occurrence **and** the parties involved in that situation:

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

They apply to all front line employees including CIB and specialist response teams.

When do they not apply?

These policies and procedures **do not** apply to violence complaints / occurrences when the parties involved are:

- flatmates
- in a [close personal relationship](#) but are not current or former "[intimate partners](#)", except where it is necessary to issue a Police safety order.

While these relationships fall within the definition of a "domestic relationship" in the Domestic Violence Act 1995, Police will apply a business as usual response to these wider domestic violence occurrences, rather than family violence procedures.

Related information

- [Prosecuting family violence](#)
- [Victims \(Police service to victims\)](#)
- [Police Family Violence Death Reviews](#)
- [Family Violence Court Protocol](#) (Ministry of Justice)

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



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Definitions

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.
Child	A person aged 16 years or under at the time of a reported occurrence.
Child Protection Team (CPT)	A specialist CIB team that investigates allegations of child abuse and neglect.
Child Risk Factors (CRF)	A part of standard Police FV reporting that is completed whenever Police attend a family violence occurrence where children are present. The CRF form (Pol 1313) lists a number of risk factors that individually and collectively indicate possible risk of future harm or lethality to the children about whom the information is collected. This information is shared with key partners including CYF.
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 they have 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(s) 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.
Family violence coordinators	<p>Every area has a dedicated family violence coordinator (FVC) who has an oversight of family violence issues. They review Police FV reports and risk information, assist families with safety plans and are actively engaged in the FVIARS process.</p> <p>Each district has a lead for family violence – either as a full time District Family Violence Coordinator, or as part of the District Victim Manager role.</p>

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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>Note - The Police family violence response only applies to bullets 1 and 2 above. Business as usual response applies to wider domestic violence occurrences.</p> <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 member	A "family member" includes people such as parents, children, extended family members and whanau.
Family Safety Teams (FST)	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).
Family violence	<p>Family violence is violence against a person by any other person with whom that person is, or has been, in an intimate relationship, or who is a family member of that person.</p> <p>The term 'family violence' is a subset of domestic violence and includes:</p> <ul style="list-style-type: none"> • violence which is physical, sexual, and psychological, and • property damage, intimidation, or threats of violence. <p>Note: This definition has a narrower meaning than sections 3 and 4 of the Domestic Violence Act 1995 relating to the meaning of 'domestic violence' and 'domestic relationships', but includes both current and ex-intimate partners.</p>
Family violence offence	There are no specific family violence offences (except breach of protection orders, or failing to accompany for issue of a Police safety order). 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 an intimate partner or family relationship. (See also Offences in this chapter).
Family Violence Interagency Response System (FVIARS)	Multi-agency intervention meetings. Information is shared initiated from the relevant FV report. Regular meetings (usually weekly) are held nationally across districts (and some areas) between Police and key crisis agencies such as CYF and Women's Refuge. At risk cases are identified, case management, safety plans and other actions are agreed and implemented.



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<p>Family Violence Reports (Pol 1310)</p>	<p>The Family Violence Form Set (Pol 1310) records the outcome of the attendance. There are three reporting outcomes depending on the type of occurrence attended. Employees only complete the parts of the form set that are relevant to the occurrence:</p> <ul style="list-style-type: none"> • Family Violence Response (where there is no intimate partner violence, but there is violence between family members) • Intimate Partner Violence Response (where there is 'violence' between intimate partners, but it does not meet the threshold of physical and or sexual violence and/or threat of harm with a weapon) • Intimate Partner ODARA Response where there is violence between intimate partners and it meets the ODARA threshold of physical and / or sexual violence and / or threat of harm with a weapon.
<p>Intimate Partner Violence (IPV)</p>	<p>IPV is violence by one person against another person who is or was their partner or spouse. IPV occurrences can relate to physical, sexual and psychological violence and include property damage, intimidation, or threats of violence. Occurrences can involve males against females, females against males or same sex.</p>
<p>Intimate partners</p>	<p>Intimate partners can be heterosexual, homosexual, transgender or bisexual.</p>
<p>Intimate Partner Vulnerability Factors (IPVF)</p>	<p>Factors derived from research that give an indication of potential risk of future harm in IPV relationships. These are collected in the Intimate Partner Vulnerability Factor form (Pol 1314) and are used in IPV situations where ODARA does not apply.</p>
<p>ODARA (Ontario Domestic Assault Risk Assessment)</p>	<p>ODARA is an actuarial risk assessment tool scientifically developed to predict recidivism of assault in intimate partner relationships. ODARA contains 13 items, each of which is scored dichotomously and each of which adds incrementally to predictive accuracy. The higher the score, the higher the likelihood of recidivism, and the sooner, the more frequent and the more serious the violence is likely to be.</p>
<p>Pol FVIR</p>	<p>Police Family Violence Investigation Report used until 1 July 2012. Pol FVIRs were replaced by the family violence form set (Pol 1310) referred to in these procedures.</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 arrest can be made but concerns remain for the safety of the people involved. (For more information see the Police safety orders chapter).</p>
<p>Protection orders</p>	<p>Issued by the Family or District Court either on application or on sentence on a family violence charge. Can also be issued as a temporary protection order following breach of a PSO, where the court believes the standard (and other conditions) of the order are necessary for the safety of a victim (including their children).</p>



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Psychological abuse	<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 and where they go, and extends to extremely controlling behaviour that creates an environment of fear and isolation.</p> <p>Psychological abuse of children 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 family 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.
Safety plans	<p>Written plans completed with the victim to identify potential risks and actions to manage safety including:</p> <ul style="list-style-type: none"> • identifying places of safety and people to contact • packing clothing, passports and money should immediate departure be required • compiling a list of emergency phone numbers • talking with children about what to do if violence occurs. <p>They are usually completed by Women’s Refuge or another support agency. They may be completed by Police at an occurrence where high risk victims are identified, as part of a Victim Intervention Plan (Police Forms> Victims>Victim Focus – Intervention Plan), later by the FVC / FST, or as a result of a decision during the FVIARS process.</p>
Sexual assault	<p>Sexual assault includes but is not limited to:</p> <ul style="list-style-type: none"> • sexual violation by rape or unlawful sexual connection • indecent assault / sexual conduct • 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 <p>(See Adult sexual assault investigation (ASAI) policy and procedures and Sexual offences in the Police Manual for further information).</p>
Situational response to family violence	<p>A situational response is sensitive to family violence by relationship type and seriousness of the occurrence. It is tailored to the occurrence type to ensure relevant information is collected and that decisions about both the offender and the victim are evidence based and as accurate as possible on the known information at the time.</p>



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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 family relationship.
Victim Information Form	The tear off information form contained in the Pol 1310 must be provided to victims at family violence occurrences. The form sets out general information about accessing services and support and also informs victims about Police sharing relevant information as part of the family violence response.
Violence	<p>Violence means:</p> <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. <p>The abuse may be either:</p> <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)).



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Background

This section contains these topics:

- [Family violence is a high priority for Police](#)
- [Principles that guide Police practice](#)
- [Characteristics of family violence](#)
- [Different types of family violence](#)

Family violence is a high priority for Police

Family violence is a high priority for Police and reducing the number and impact of family violence occurrences is a key Police strategy. Police is committed to a prompt, effective and nationally consistent approach to family violence occurrences in collaboration with other agencies and with community partners.

Principles that guide Police practice

An effective Police response to family violence is based on four 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 before leaving the premises, attending officers must ensure they have no concerns regarding any child's safety.• 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.
Collection of risk information	<ul style="list-style-type: none">• Collecting specific risk information to enable decision makers to assess, plan and manage risk to victims and to guide decisions around offender management. Family violence reporting processes provide 3 specific mechanisms to achieve this: the Child Risk Factor form (CRF), the Intimate Partner Vulnerability Factor form (IPVF), and ODARA.
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, filing a charge that reflects the nature of the situation and/or the offending.• Where offenders may benefit from supportive interventions to change their behaviours, directing them into programmes that will stop violence should be encouraged.



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Working collaboratively	<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, Iwi/Pacific and Ethnic Liaison Officers and other frontline employees • 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 active case management principles and processes. <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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Characteristics of family violence

The majority of family violence investigations Police record are intimate partner violence (IPV) and the perpetrator is mostly male and the victim female. However Police attend other types of family violence occurrences and must have an understanding and awareness of the tools available and the variations in the types of relationships between victim/perpetrator and their interactions in order to be effective in their responses (situational policing).

Children are typically present at half of all family violence occurrences. Children can be victims in various ways, either as witnesses to family violence and/or as victims of the abuse themselves (physical, psychological, emotional or sexual). As such when Police attend family violence occurrences they are in a unique position to ensure the protection and safety of children and gather relevant information for child protection agencies.

It can take many occurrences 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 instance of violence experienced by the victim even if it is the first recorded attendance by Police. It is also important not to underestimate the impact that psychological abuse on its own can have on the victim and to ensure that the incident is not minimised or trivialised in any way.

Different types of family violence

As well as intimate partner violence and violence towards children, there are other recognised types of family violence.

Type	Description
Teen dating/teen violence	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 family violence against parents and caregivers.

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Elder abuse	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.
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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Family violence offences and relevant Police powers

This section contains these topics:

- [Family violence offences and incidents](#)
- [Search and Surveillance Act powers relevant to family violence offences](#)
- [Powers under the Children Young Persons and Their Families Act](#)
- [Powers relating to breaches of Police safety orders](#)
- [Executing warrants](#)

Family violence offences and incidents

Any offence or incident code can be flagged as family violence. Family violence offences and incidents 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](#). They can include damage, theft, disorder offences and any incident code. (Refer to the [National Recording Standard](#) for further information).

The [How and when you charge makes a difference guide](#) (available 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.

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

Search and Surveillance Act powers relevant to family violence offences To enter to prevent an offence or respond to risk to life or safety

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

Note: 'take any action' means any action that is reasonable in the circumstances. (s14 Search and Surveillance Act 2012)

To search people in possession of arms

If you have reasonable grounds to...	you may without a warrant...
<p>suspect a person is carrying arms, is in possession of them, or has them under their control, and:</p> <ul style="list-style-type: none"> • the person: <ul style="list-style-type: none"> - is in breach of the Arms Act 1983, or - by reason of their physical or mental condition (however caused) is incapable of having proper control of the arms, or may kill or cause bodily injury to any person, or • that, under the Domestic Violence Act 1995: <ul style="list-style-type: none"> - a protection order or Police safety order is in force against that person, or 	<ul style="list-style-type: none"> • search the person • search any thing in their possession or under their control (including a vehicle) • enter a place or vehicle to carry out one of the above • seize and detain: <ul style="list-style-type: none"> - any arms found - any licence under the Arms Act 1983 that is found. <p>(Unless impracticable in the circumstances, obtain approval from</p>

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<ul style="list-style-type: none"> - there are grounds to apply for a protection order against them 	<p>a sergeant or above before exercising any of these powers).</p> <p>Note: Arms are "in a person's possession or under their control" if they have access to them.</p>
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(s18(1)&(2)) Search and Surveillance Act 2012)

To enter places or vehicles to search for firearms

If you have reasonable grounds to...	you may without a warrant...
<p>suspect that there are arms in any place or vehicle:</p> <ul style="list-style-type: none"> • in respect of which a category 3 or 4 offence or an offence against the Arms Act 1983 has been, is being, or is about to be committed, or • that may be evidential material in relation to a category 3 or 4 offence or an offence against the Arms Act 1983 	<ul style="list-style-type: none"> • enter the place or vehicle • search it • seize and detain any arms or licence under the Arms Act 1983 found there. <p>(Unless impracticable in the circumstances, obtain approval from a sergeant or above before exercising any of these powers).</p>

(s18 (3) Search and Surveillance Act 2012)

To enter and search for drugs

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

Duties when exercising powers under the Search and Surveillance Act

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

Powers under the Children Young Persons and Their Families Act

To enter to enforce warrants in respect of children

You may enter to enforce warrants issued to:

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

To enter to remove child

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

(s42 of the Children, Young Persons and Their Families Act 1989)

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

If you have reasonable grounds to...	you may...

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<p>suspect that a child or young person has suffered, or is likely to suffer, ill-treatment, neglect, deprivation, abuse, or harm</p>	<ul style="list-style-type: none">• apply to the court for a 'place of safety' warrant, and then -• with a warrant:• enter and search, by force if necessary, any dwellinghouse, building, aircraft, ship, carriage, vehicle, premises or place• if you 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:<ul style="list-style-type: none">- remove or detain, by force if necessary, the child or young person and place them in the custody of CYF's chief executive], or- where the child or young person is in a hospital, direct the Medical Superintendent of that hospital to keep that child or young person in that hospital.
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(s39 of the Children, Young Persons and Their Families Act 1989)

Powers relating to breaches of Police safety orders

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

Executing warrants

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



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Key process points in family violence investigations

Key process points

This table outlines key process points when responding to and investigating family violence complaints. They 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 and local agreements and crisis agencies in place. Some steps will be ongoing or apply more than once during the process.

Stage	Description	Actions
All stages	Active case management	Case management commences at initial response through to case closure. 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 involved.
2	Investigation and crime scene examination	Conducting preliminary interviews, identifying parties and the relationship type, gathering information, and examining crime scenes. Completing an initial risk assessment where relevant to determine whether ODARA qualifying criteria is met.
3	Referral to CIB and Child Protection Teams and notification to relevant crisis agencies (e.g. CYF - Tier 1 crisis response for child safety)	Contacting relevant Police and external specialists urgently when information indicates potentially serious offending has occurred (e.g. sexual assault or child abuse) and ODARA applies.
4	Interviewing witnesses, victims and suspects	Conducting interviews.
5	Formally assessing risk and completing the relevant parts of the Pol 1310	Continually assessing risk to all parties and the safety of children and determining what support services and safety planning is required.
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 there is insufficient 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 for victims before leaving the address if possible, or as soon as practical. Ensuring support for all parties when Police safety orders are issued.
9	Charging	Filing charges with reference to the Solicitor-General's Prosecution Guidelines to reflect the nature and seriousness of the offending.
10	Bail	Ensuring Police bail is only granted where appropriate and that opposition to bail and bail conditions reflect the needs of the case.

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Family violence policy and procedures, Continued...

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11	Prosecution or case disposition	Preparing for prosecution or otherwise disposing of the case.
12	Sharing information with other agencies	Sharing relevant information 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.



Family violence policy and procedures, Continued...

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Initial response

This section contains these topics:

- [Preparing to respond](#)
- [Procedures when approaching and entering the scene](#)

Preparing to respond

Keep an open mind. Family violence occurrences 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 the relevant parties and the nature of their relationship
- identifying the nature of the occurrence and if ODARA qualifying criteria is met
- investigating offences.

Procedures when approaching and entering the scene

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

Your safety and that of any victims is paramount.

Step	Action
1	<p>Safety awareness and preparedness is crucial. Obtain from the dispatcher information about:</p> <ul style="list-style-type: none"> • previous occurrences or events • whether there are any Police safety orders, parenting orders or protection orders in place • old FVIR ratings of risk and / or any ODARA scores. <p>Ensure you have sufficient resources to deal with the situation and request further assistance if required. If possible, occurrences should be attended by a minimum of 2 staff and single unit responses in emergencies avoided.</p>
2	<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 affect 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.
3	<p>Enter the premises and treat the scene as you would any other type of serious offending. See Police powers in this chapter for information about entry powers.</p>
4	<p>Follow standard procedures at the scene and call for medical assistance if required. In particular, check for signs of strangulation in relation to any of the victims, and secure the suspect.</p> <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>
5	<p>Check for firearms or other weapons and secure these. See Attending situations when firearms may be present for additional procedures. If a suspect is a firearms licence holder this must also be surrendered to Police.</p>

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6	<p>If there is any evidence of:</p> <ul style="list-style-type: none">• a sexual assault, follow the Adult sexual assault investigation policy and procedures and refer the matter to the CIB as soon as possible• sexual or serious physical abuse of children, follow the Child protection investigation policy and procedures and contact a Child Protection Team. <p>Call the CIB as soon as possible according to your local procedures if there is evidence of any other serious criminal offence. Inform your family violence coordinator.</p>
7	<p>The O/C case must complete a Pol 1310 in every case.</p>

Refer to [Police employees and family violence](#) in this chapter for guidance on responding to occurrences when Police employees are involved in family violence.



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Investigation and crime scene examination

This section contains these topics:

- [When the suspect is not located at the scene](#)
- [Attending situations when firearms may be present](#)
- [Corroboration](#)

Gathering information and examining scenes

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

Step	Action
1	Follow the normal procedures for investigating serious offending and for crime scene examination. From the outset, investigate the matter as a potential "not guilty" (i.e. as though the victim will recant and the offender will defend).
2	Initiate preliminary interviews to determine: <ul style="list-style-type: none"> • the relationship between the parties • what has happened and if an offence has been committed • whether ODARA qualifying criteria is met. This information is essential to apply relevant family violence processes and tools.
3	If there is any evidence of: <ul style="list-style-type: none"> • a sexual assault, follow the Adult sexual assault investigation policy and procedures and refer the matter to the CIB as soon as possible • sexual or serious physical abuse of children, follow the Child protection investigation policy and procedures and contact a Child Protection Team. Call the CIB in any other case where serious offending is involved.
4	If it is safe and you have the means to do so, consider recording the victim outlining allegations to the offender for evidential purposes and note the suspect's responses. This may become important evidence in court proceedings.
5	Gather and record as much information as possible including: <ul style="list-style-type: none"> • details of all children present, whether or not they reside at the address and their parent / caregiver. Check their safety and whereabouts, and complete the CRF form. (Remember that children are also victims) • whether there are any protection, Police safety, trespass or parenting orders in place relating to those involved in the occurrence • whether the suspect has or may have access to firearms.
6	Look for evidence to corroborate allegations and consider whether forensic specialists need to be contacted. Collect all evidence as soon as possible before it is lost, as many victims are reluctant to give evidence or want matters withdrawn from court processes.
7	Where possible, document all visible injuries to each person involved in the investigation. Note cuts, red marks or welts, bruises and other evidence in respective statements and in the supplementary sheet. (Photographs taken on cell phones when Police cameras/ photographers are not available can also provide valuable evidence. Do not photograph the suspect and the victim together. (Follow the Digital imaging guidelines for downloading and securing images ensuring they will be accepted as reliable evidence).

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8	<p>If strangulation is suspected:</p> <ul style="list-style-type: none"> • accurately document this in your notebook and the Pol 1310 • take high-quality photographs at the time and again after a 24 - 48 hours delay. Strangulation can be used as a repetitive control technique. With a time lag before bruising appears, photographs revealing signs of strangulation can become important evidence. (There is a link between the act of strangulation, further serious violence and homicide). <p>Note: strangulation victims should seek urgent medical attention as the physical effects (including death in some cases) may not take effect for some hours after the event.</p>
9	<p>Use the relevant family violence form to collect risk information and / or to score ODARA if applicable to ensure potential risk to victims and others is considered. Collecting risk information or the raw scoring of ODARA should be done at the time of attendance at all family violence occurrences.</p> <p>(The Aide Memoir in the Pol 1310 contains prompts for all the vital information that must be collected to complete ODARA.</p>
10	<p>Decide what further action to take, for example:</p> <ul style="list-style-type: none"> • warn or arrest a person, or issue a Police safety order • what support and information the victim requires. (As a minimum, give them the Victim Information Form (Pol 1316) and explain the potential use of information collected at the occurrence). <p>Do not leave without ensuring inter-agency support is arranged, where appropriate.</p>
11	<p>If you arrest a suspect complete a Victim Impact Statement (see Victim impact statements in the "Victims (Police service to victims)" chapter for further information).</p>
12	<p>Ensure the Victim Information Form (Pol 1316) is provided.</p> <p>If applicable, obtain the victim's written consent for Police to obtain medical details related to the investigation.</p> <p>Note: Police do not need the victim's consent to disclose information gathered during the occurrence, as long as it is disclosed for a related purpose for which it was collected, e.g. sharing with a family violence service provider).</p>
13	<p>Enter victim contact/s in NIA to record prevention information given, referrals made and any updates given to victim.</p>

When the suspect is not located at the scene

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

Step	Action
1	<p>Consider the victim's and children's safety and whether:</p> <ul style="list-style-type: none"> • they should be relocated • Women's Refuge or another support agency should be called • a scene guard is necessary.
2	<p>If no offending is disclosed but reasonable belief remains that there are people at continuing risk of family violence:</p> <ul style="list-style-type: none"> • determine whether a Police safety order should be issued, and if so, • take urgent steps to locate the suspect to ensure it is served within 48 hours.
3	<p>Log the address as a special address with Comms.</p>
4	<p>Consider whether an alarm should be placed at the victim's home.</p>



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Attending situations when firearms may be present

Step	Action
1	Always consider firearms or other weapons may be involved or that the suspect has access to these. Check NIA.
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, where there is sufficient evidence to arrest, making an application for a protection order. In either case all firearms, ammunition, or explosives in the possession or control of the suspect must be surrendered to Police or seized pursuant to section 18 Search and Surveillance Act 2012.
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 the 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. If appropriate, take revocation action pursuant to s27 and s27A Arms Act 1983. This may include informing and/or seeking assistance of the Police Arms Officer.

Corroboration

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

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

Even for minor occurrences a notebook summary of the scene details, a sketch / photos if possible along with details of any exhibits removed may be crucial in corroborating evidence at a later stage.



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Interviewing victims, witnesses and suspects

This section contains these topics:

- [Interview early](#)
 - [Statements](#)
- [Victims and other witnesses](#)
- [Suspects](#)

Interview early

Interview victims and important witnesses early in family violence cases as they commonly recant evidence or later minimise the violence. Some victims are pressured to withdraw by the suspect. Obtain a statement at the time or you may lose the opportunity.

Under the [Evidence Act 2006](#) and section [82](#) Criminal Procedure Act 2011, Police can get evidence sworn which can later be used. If it is likely that the victim will recant their allegations, maintain 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 it later.

Statements

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

Victims and other witnesses

When formally interviewing family violence victims and other witnesses, follow the [Investigative interviewing witness guide](#).

All forensic interviews of child abuse victims or of child witnesses of serious crime must be carried out by specially trained child forensic interviewers according to the [Video recorded forensic interviews with at-risk children and young people](#) (a schedule to the Memorandum of Understanding between CYF and NZ Police).

Suspects

Follow the [Investigative interviewing suspect guide](#) when interviewing suspects in family violence cases.



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Collecting risk information and using ODARA

This section contains these topics:

- [Why collect risk information?](#)
- [How and when Police collect and assess risk information?](#)
- [Risk assessment tool \(ODARA\)](#)
- [Child risk assessments](#)

Why collect risk information?

Collecting risk information at family violence occurrences:

- assists you determine the appropriate course of action to take
- shows the presence or not of risk indicators which individually or collectively indicate the level of potential future risk
- alerts you to matters of acute concern, such as strangulation, or a combination of circumstances that suggest harm may be imminent
- allows for patterns of behavioural abuse to be seen over time. Increasing violence and frequency and the escalation of risk will alter your response
- enables you to more accurately summarise the risks to victims leading to correct support being provided
- informs meetings between Police and relevant agencies, e.g. Women's Refuge and Child, Youth and Family ensuring a coordinated, proactive and preventative response.

Risk summaries and ODARA scores are also recognised by the judiciary particularly when considering oppositions to bail and other decisions around offender management.

How and when Police collect and assess risk information?

Risk indicators and assessment tools are specific to relationship type and cannot be applied generically across all family violence relationship types.

Police **must collect** risk information in all family violence occurrences attended:

- involving intimate partner violence ([IPV](#)), and/ or
- when children are present.

Risk information is **not collected** in other family violence cases.

NZ Police has one [risk assessment tool \(ODARA\)](#) (Pol 1315) to predict re-assault in IPV and two forms for collecting risk information:

- Child Risk Factor form (CRF) (Pol 1313) - to be completed in all cases where children are present or reside at the address, and
- Intimate Partner Vulnerability Factor form (IPVF) (Pol 1314).

When the family violence occurrence is IPV, ODARA applies if the qualifying criteria are met. If not, the Intimate Partner Vulnerability Factor form must be completed.

Risk forms

The risk forms collect information relating to factors (derived from research and specific to their application):

- which give an indication of the potential harm or lethality for children living where family violence is occurring
- relevant in IPV situations and which are also indicators of potential future harm.

Note: The risk forms (Pol 1313 and Pol 1314) and ODARA assessment tool (Pol 1315) are included in the family violence form set (Pol 1310) and are available in Police Forms. **They must, as far as is practicable, be completed at the scene.** Use one CRF form only to record the information for **all** children who normally reside at the address.



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The [FV Risk Information aide memoir](#) sets out all the relevant questions that must be asked to ensure the Pol 1310 can be completed accurately and will be particularly useful where the Pol 1310 cannot be completed at the scene.

Additional risk factors when considering need for a Police safety order

Additional risk factors apply if you do not arrest but are considering if it is necessary to issue a Police safety order. See [Deciding whether to issue a Police safety order](#) in the "Police safety order" chapter for further information.

Risk assessment tool (ODARA)

ODARA is a scientifically developed actuarial (gives a score) risk assessment tool developed to predict the likelihood of future IPV assault. As it predicts re-assault it is predicated on an assault having occurred, or a very real threat of an assault. Accordingly, there is qualifying criteria that must be met to score ODARA. This is that a physical (including sexual) assault has occurred and / or threat of harm with a weapon in hand in the presence of the victim.

Applying ODARA

There are 13 items that must be scored '1' if present, '0' if absent, or 'unknown' if there is information suggesting that the item may score '1' but the information is incomplete or unclear. The higher the score, the higher the likelihood of re-assault and also the sooner, more frequent and the more serious this is predicted to be.

Frontline employees should apply ODARA mechanically and if possible score on the basis of known information. Scoring an item as 'unknown' if further enquiries are required or possible is preferable to scoring '0'. However, ODARA must be completed as soon as possible after attending the occurrence and the raw score can not be changed once completed. A maximum of 5 unknown items is permitted to score ODARA. If there are 6 or more unknown items, no score can be reached.

Police family violence practitioners are trained and certified as ODARA users and each district has also identified and trained other employees as ODARA registered users. Only employees who are certified and registered as ODARA users can validate raw ODARA scores.

ODARA scores may be used for a variety of purposes including opposition to bail, sentencing, parole and also victim safety planning. For this reason it is crucial that the information used to score ODARA is accurate and that you indicate the source of your decisions when completing ODARA in the check boxes provided.

Child risk assessments

See [Child risk information and Reports of Concern \(ROC\) to CYF](#) in this chapter.



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Child risk information and Reports of Concern (ROC) to CYF

This section contains these topics:

- [Family violence child risk information](#)
- [When must reports of concern be made to CYF NCC?](#)
- [CRF priority factors](#)
- [How to report and with what urgency to ensure child safety](#)
- [Overview of the family violence process for referring a ROC to CYF](#)

Family violence child risk information

Ensuring the safety of children present or who normally reside at an address where family violence has occurred is crucial.

The Family Violence Child Risk Factors (**CRF**) form (Pol 1313) is used to indicate potential risk or lethality risk for children living in a family violence context.

Complete the CRF (Pol 1313) using:

- one form for all children aged under 17 years (including unborn children) regardless of the number in the family group. You do not need to collect risk information for children who were only visiting the address at the time of the occurrence
- a supplementary CRF form if there is more than one family group sharing an address, to ensure that one form is completed for the children of each family group (including any unborn children).

When must reports of concern be made to CYF NCC?

There are three situations in which a report of concern (ROC) **must** be sent to the CYF National Contact Centre (NCC):

1. Where there is serious child abuse, the Child Protection Protocol (CPP) applies. The Pol 350 referral process must be used. (See [Making referrals to CYF](#) in the Child protection policy and investigation procedures)
2. Where one or any combination of the CRF [priority factors](#) are indicated as being present. The family violence related Pol 351 referral process applies.
3. A situation where the Child Protection Protocol does not apply, none of the priority factors are present, but an assessment of all the circumstances indicates to you that it is still appropriate for a report of concern to be made for an 'other risk indicated case'. The family violence Pol 351 referral process applies. **Note:** A report of concern to the NCC can only be made with the authority of a supervisor or family violence co-ordinator (FVC).

Where staff attend a non-family violence occurrence (e.g. drug / disorder) and there is a concern for the children residing at or present at the address, a report of concern can be made to the CYF National Contact Centre using the Pol 351, with a supervisor's approval, as an 'other risk indicated case'.

When are reports of concern made to local CYF sites?

When none of the above three situations apply, a report of concern should be made by the Family Violence Coordinator to the closest local CYF site, attaching the Pol 1310, in all other family violence cases involving children.



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See the [How to report and with what urgency to ensure child safety](#) table below for details of how, and with what urgency, to make reports of concern to CYF in all the above situations.

CRF priority factors

Of the 20 child risk factors on the family violence CRF, three are identified as 'priority factors'. These are the shaded items in the CRF:

- previous or current evidence of child abuse and / or neglect
- basic needs of child/ren not being appropriately addressed (e.g. lack of food, nappies, heating, cleanliness)
- breach of protection order or family court order or PSO.

How to report and with what urgency to ensure child safety

The [Child protection investigation policy and procedures](#) apply to all cases where there are child safety concerns. This table summarises the actions required by police to ensure child safety following family violence attendances.

Situation	Action												
<p>Critical Assessment is that urgent steps are critically necessary to protect the child (or children) from injury or death.</p> <p>Test Critical means child is at immediate risk of serious harm and the need for immediate protection may be necessary. ("Harm" means physical injury or death).</p>	<p>The Child Protection Protocol applies.</p> <p>Take these steps.</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Step</th> <th style="text-align: left;">Action</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Take enforcement action as appropriate.</td> </tr> <tr> <td style="text-align: center;">2</td> <td>If necessary, remove or detain the child (by force if necessary) and place in the custody of the Director General (s42 CYPF Act). If removal is pursuant to section 42, no CPP referral is required.</td> </tr> <tr> <td style="text-align: center;">3</td> <td>If child is not removed and is safe, contact your local CPT as soon as possible. During normal working hours (Mon-Fri 8am - 4pm), complete Pol 350 (CPP Referral Form) and send electronically to local CPT as soon as possible. The CPT will forward the ROC and Pol 1310 to CYF. If the occurrence has taken place outside of standard working hours, on weekends or holidays, ring the CYF National Contact Centre (phone 0508 family) as soon as possible to advise them of the ROC. Then forward the Pol 350 and Pol 1310 to the CYF National Contact Centre. (See How to send a ROC below)</td> </tr> <tr> <td style="text-align: center;">4</td> <td>Complete case file and notes and forward to CPT if required.</td> </tr> <tr> <td style="text-align: center;">5</td> <td>CPT will complete a tasking to the Area FVC / FST to review the case occurrence. Once reviewed the tasking will be updated.</td> </tr> </tbody> </table>	Step	Action	1	Take enforcement action as appropriate.	2	If necessary, remove or detain the child (by force if necessary) and place in the custody of the Director General (s42 CYPF Act). If removal is pursuant to section 42, no CPP referral is required.	3	If child is not removed and is safe, contact your local CPT as soon as possible. During normal working hours (Mon-Fri 8am - 4pm), complete Pol 350 (CPP Referral Form) and send electronically to local CPT as soon as possible. The CPT will forward the ROC and Pol 1310 to CYF. If the occurrence has taken place outside of standard working hours, on weekends or holidays, ring the CYF National Contact Centre (phone 0508 family) as soon as possible to advise them of the ROC. Then forward the Pol 350 and Pol 1310 to the CYF National Contact Centre. (See How to send a ROC below)	4	Complete case file and notes and forward to CPT if required.	5	CPT will complete a tasking to the Area FVC / FST to review the case occurrence. Once reviewed the tasking will be updated.
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<p>Serious Child Abuse Assessment is that the child (or children) have suffered serious child abuse.</p> <p>Test One of the following has occurred: serious physical abuse, sexual abuse, serious wilful neglect, serious family violence where child is present and/ or is a witness, ODARA indicates current or previous child assault, serious allegations of child abuse involving CYF caregiver or member of Police.</p>	<p>The Child Protection Protocol applies.</p> <p>Take these steps.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Take enforcement action as appropriate.</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Follow steps 3-5 as for critical assessments above.</td> </tr> </tbody> </table>	Step	Action	1	Take enforcement action as appropriate.	2	Follow steps 3-5 as for critical assessments above.				
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<p>Family violence occurrence - CRF indicates priority factors</p> <p>Test One or more priority factors are present on Pol 1313.</p>	<p>The Child Protection Protocol does not apply.</p> <p>Take these steps.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Take enforcement action as appropriate (consider s59 Crimes Act 1961 – see the Parental control (section 59 Crimes Act) chapter).</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Make a report of concern to CYF NCC as soon as possible, with supervisors / FVC consent by email using the Pol 351 and attaching the Pol 1310 formset.</td> </tr> <tr> <td style="text-align: center;">3</td> <td>Complete case file and notes.</td> </tr> <tr> <td style="text-align: center;">4</td> <td>The Pol 351 and Pol 1310 are evaluated and prioritised by Area FVC for the FVIARS process.</td> </tr> </tbody> </table>	Step	Action	1	Take enforcement action as appropriate (consider s59 Crimes Act 1961 – see the Parental control (section 59 Crimes Act) chapter).	2	Make a report of concern to CYF NCC as soon as possible, with supervisors / FVC consent by email using the Pol 351 and attaching the Pol 1310 formset.	3	Complete case file and notes.	4	The Pol 351 and Pol 1310 are evaluated and prioritised by Area FVC for the FVIARS process.
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<p>Other risk indicated case</p> <p>Test No priority factors are identified but the circumstances indicate potential risk to child/ren.</p>	<p>The Child Protection Protocol does not apply.</p> <p>Take these steps.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>Discuss child risk information with the Area FVC / supervisor.</td> </tr> <tr> <td style="text-align: center;">2</td> <td>If approved for a report of concern (ROC), forward to CYF NCC following steps 2 - 4 in the table immediately above.</td> </tr> <tr> <td style="text-align: center;">3</td> <td>If not approved for a ROC to CYF NCC, FVC will make a ROC to the closest local CYF site attaching the Pol 1310</td> </tr> </tbody> </table>	Step	Action	1	Discuss child risk information with the Area FVC / supervisor.	2	If approved for a report of concern (ROC), forward to CYF NCC following steps 2 - 4 in the table immediately above.	3	If not approved for a ROC to CYF NCC, FVC will make a ROC to the closest local CYF site attaching the Pol 1310		
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<p>Children present</p> <p>Test No priority factors are indicated and no other circumstances indicate risk</p>	<p>The Child Protection Protocol does not apply.</p> <p>Take these steps.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Step</th> <th>Action</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td>FVC to make ROC to the closest local CYF site attaching the Pol 1310.</td> </tr> <tr> <td style="text-align: center;">2</td> <td>Complete case file and notes.</td> </tr> <tr> <td style="text-align: center;">3</td> <td>The Pol 351 and Pol 1310 are evaluated and prioritised by Area FVC for the FVIARS process.</td> </tr> </tbody> </table>	Step	Action	1	FVC to make ROC to the closest local CYF site attaching the Pol 1310.	2	Complete case file and notes.	3	The Pol 351 and Pol 1310 are evaluated and prioritised by Area FVC for the FVIARS process.		
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1	FVC to make ROC to the closest local CYF site attaching the Pol 1310.										
2	Complete case file and notes.										
3	The Pol 351 and Pol 1310 are evaluated and prioritised by Area FVC for the FVIARS process.										



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

How to send a report of concern to CYF NCC

A report of concern is made to CYF NCC by completing either a Pol 350 (serious child abuse) or a Pol 351 where the above family violence criteria is met and attaching a complete copy of the Pol 1310 formset. Both documents are then e-mailed to cyfcallcentre@cfy.govt.nz

Contact the National Contact Centre by phone when required on “**0508 family**”.

Reports of concern should be made by the FVC to local CYF sites in all other cases where children are present but reporting to the CYF NCC is not required.

Overview of the family violence process for referring a ROC to CYF

[Download a flowchart](#) providing an overview of the family violence process for referring a report of concern to CYF.



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Deciding whether to arrest

This section contains these topics:

- [Arrest if sufficient evidence of offending](#)
- [Insufficient evidence to arrest](#)

Arrest if sufficient evidence of offending

As with all other offending, determine whether:

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

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

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

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 the [How and when you charge makes a difference guide](#) to identify possible offences and determine whether they constitute family violence offences. Consult your supervisor or family violence co-ordinator if you are uncertain about whether there is sufficient evidence to charge.

Note: It is the context, i.e. the intimate partner relationship or family relationship, which makes it a "family violence offence". Do not minimise behaviour that has occurred.

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

Insufficient evidence to arrest

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

Step	Action
1	If there is insufficient evidence to arrest, but you have victim and/or child safety concerns following a risk assessment, consider if it is appropriate to issue a Police safety order in accordance with the issuing criteria (the "necessity" test in section 124B of the Domestic Violence Act 1995). If you do not arrest or issue a Police safety order, follow the remaining steps in this table.
2	Before departing, ensure the victim and children are safe, linked to appropriate support services, and receive the victim information form.
3	Do not give any warnings where there is insufficient evidence to prosecute.

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Charging offenders

This section contains these topics:

- [Choosing the right charge](#)
- [Assaults and breaches of protection orders](#)
- [Dual defendants](#)

Choosing the right charge

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

- do not minimise violence that has occurred (e.g. consider the range of assault related offences and those under the [Domestic Violence Act 1995](#))
 - aim the charges at making the offender accountable for their actions
 - consider any continuing risk the offender poses to the victim.
- (See also [Prosecution](#) in the "Prosecution and case disposition" section of this chapter).

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

Note: Where there has been an assault or threat with a weapon in hand in the victim's presence, ODARA must be completed (whether or not there is evidential sufficiency to prosecute or lay charges).

Guides for determining charges

These guides (available in custody and other relevant work areas) contain descriptions of family violence behaviour that might amount to an offence and may assist you determine the most appropriate charge:

- [How and when you charge makes a difference guide](#)
- Determining the right charge for assault offences.

See also "Charging decisions" in the [Prosecuting family violence](#) Police Manual chapter.

Contact your supervisor, a legal advisor, family violence coordinator or a prosecutor in your district if you need advice about charging decisions.

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, see "Charging decisions" in the [Prosecuting family violence](#) Police Manual chapter.



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Bail

This section contains these topics:

- [Police bail for family violence offences](#)
- [Opposing court bail](#)
- [Bail conditions](#)
- [Electronic Monitoring \(EM\) bail and PSOs](#)
- [Breaches of bail](#)
- [Further information about bail and bail notices to victims](#)

Police bail for family violence offences

The procedures for considering whether to grant Police bail for a person charged with a family violence offence are 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, 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.

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. ODARA scores and risk summaries are important information to consider when opposing bail.

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

When deciding whether to oppose bail in family violence cases, the prosecutor must consider, in addition to the factors detailed in section 8(1) and (2) of the Bail Act, the need to ensure the victim and their family's safety and any safety plans in place. A wide



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range of factors will be relevant and the information gathered during the investigation and the collection of risk information is critical.

Bail conditions

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

Electronic Monitoring (EM) bail and PSOs

If a person on EM bail is served with a Police safety order relating to the address at which they are required to reside, they will be unable to remain there for the duration of the order and therefore unable to comply with standard condition 5 of their bail bond. In these circumstances, follow the "EM bailee served with Police Safety Order (PSO)" procedures in the Bail chapter > EM bail - Breaches and unsuitable addresses.

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

Breaches of bail

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

Further information about bail and bail notices to victims

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

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

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



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Safety, support and intervention

This section contains these topics:

- [Safety plans](#)
- [Victims must have access to appropriate services and information](#)
- [Procedure for obtaining initial support](#)
- [Local agreements with support services](#)
- [FVIARS follow up support](#)
- [Privacy of victim's information on referral](#)
- [Rights of victims](#)

Safety plans

Safety plans are an essential part of responding to victims' needs and managing ongoing risks. They also can help victims understand their level of risk and take some control over their situation.

As a minimum, a safety plan must be completed for all high risk repeat victims, e.g. where ODARA applies, and in other cases as necessary given the context and surrounding circumstances / history. When required, a safety plan must be completed following initial attendance at a family violence event and may be completed in conjunction with Women's Refuge at the scene.

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 initial Police attendance.

Risks to consider when initiating a plan include:

- suspect's 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 1310 at the scene. Include details for activating the plan on the supplementary page of the report. (Use the Checklist for Police initiating a safety plan to assist you to prepare the plan).
2	Contact Comms for further information about the suspect'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 FV report where possible) • ensure that responsibility for actions to be completed are clearly stated. (The plan should always be agreed and put in writing).

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5	Contact your local Women's Refuge following agreed local procedures, to attend scene. Provide details about the risk information / ODARA score 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 who 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	Enter an alert into NIA under the victim's name - "a safety plan exists for the victim - contact (station) for further details." If the suspect 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	Fax the Pol 1310 to Women's Refuge and also contact the CYF Call Centre if subjects have children, sending the CRF form and the FV report. In all cases, forward the Pol 1310 and all relevant information to the family violence coordinator (FVC) by end of shift so that the safety plan can be re-assessed at the earliest opportunity and modified where necessary.
4	The victim should receive a copy of the safety plan from the FVC the next day or as soon as possible. The coordinator must ensure the plan has no specific details in it in case the suspect obtains it but that it is discussed and agreed with the victim.

Reviewing plans

Victim safety may change as circumstances do and should be reviewed at regular intervals from attendance through case management. Changes to safety plans may occur at 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 and information

Attending police must provide family violence victims with appropriate and timely support and information about services and remedies. (This is an obligation on Police under the Victims Rights Act 2002). 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 reflect this. You must be aware of the arrangements in your area and maintain good relationships with providers.

Victim Information Form

As a minimum, after collecting relevant information and deciding about the support to be arranged, give the victim the Victim Information Form (Pol 1316) which contains general information about services and discuss what happens next, including the sharing of relevant information with key partners to ensure effective collaborative case management.

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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 leaving the scene and that a safety plan has been prepared in appropriate cases in conjunction with any support service called to the scene. Consider removing the victim if the suspect has not been located. Give the victim the Victim Information Form.
2	Follow the procedures agreed between Police and local support services on time frames for advising the service provider. Victims are often distressed and upset. If the victim says no when you ask if they want support, simply advise 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 information and give them early assistance.
3	Follow local procedures for agency notification and endorse the Pol 1310 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 family violence victims which may include referral to Victim Support. (Note that due to resource constraints, Victim Support will only provide direct support to family violence victims in regions where there is no viable specialist agency available).

Support and services also varies depending on the type of occurrence involved. 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](#)).

FVIARS follow up support

The primary follow up process for subjects of family violence involves [FVIARS](#). Details of occurrences are sent for initial assessment by the family violence coordinator. FVIARS assesses cases referred by the family violence coordinator and makes decisions using a tiered response approach to actively manage cases. Ongoing assessment of risk and safety issues occurs simultaneously.

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

Privacy of victim's information on referral

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

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Rights of victims

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

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



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Prosecution or case disposition

This section contains these topics:

- [Prosecution](#)
- [Diversion](#)
- [Restorative justice](#)
- [Case clearance](#)
- [Warnings](#)

Prosecution

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

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

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

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

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

Withdrawals or amendments of charges

Prosecutors should discuss amendments or withdrawals of charges with the district or area family violence coordinator before amending or withdrawing any 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. For further information see [Victims \(Police service to victims\)](#).

Supporting victims and witnesses to give evidence

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

Diversion

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

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

Authorising diversion in family violence cases

Diversion can be offered for **low level non-intimate** family violence events without the approval of the District Prosecution Manager. However, it is recommended that you consult with the District Family Violence Coordinator before offering diversion to ensure that diversion and any diversion conditions are appropriate.

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Authorisation must be obtained from the District Prosecution Manager and the FVCFVC must be consulted before any offer of diversion can be made in relation to intimate partner violence where the offender has any ODARA score contained in NIA. (Note: the ODARA score is still within NIA - it is just not used in the court environment).

Note: Diversion cannot be offered for a breach of protection order.

Restorative justice

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

The district prosecution manager must approve any decision to offer restorative justice in a family violence case as part of diversion, following consultation with the family violence coordinator.

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

Case clearance

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

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

Warnings

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



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Reporting outcomes - family violence occurrences

This section contains these topics:

- [Situational Police family violence response](#)
- [Using supplementary forms \(Pol 1310\)](#)
- [Recording Police safety order decisions](#)
- [Submitting the Pol 1310](#)
- [NIA entry](#)
- [Making up case files](#)
- [Prosecution file](#)

Situational Police family violence response

The family violence situational response model only requires certain forms to be completed according to the relationship type and nature of the violence.

The relevant parts of the Pol 1310 must be accurately completed and submitted (**regardless** of whether an arrest has been made) for every family violence occurrence attended. These are events where there is an intimate partner relationship or a family relationship between the parties and:

- an alleged act of family violence occurs, or
- an offence is committed (including all cases of family related child sexual abuse, adult sexual abuse and serious offending up to and including homicide), or
- there has been a breach of a protection order.

Where referral is made to the CIB, ASA or Child Protection Team, the responsibility for completing the relevant reporting rests with the O/C file using case management functionality.

Relationship type and nature of the family violence

Family violence occurrence	Family violence occurrence not involving an intimate partner
IPV occurrence	Intimate partner violence occurrence not involving an index assault (physical assault and/or threat with weapon in hand and/or sexual assault)
IPV ODARA occurrence	Intimate partner violence occurrence involving an index assault (physical assault and/or threat with weapon in hand and/or sexual assault)

Which parts of the Pol 1310 should be completed?

This form....	is to be completed ...
Family Violence Report (Pol 1311), and Family Violence Report Supplementary Sheet (Pol 1312)	for all family violence occurrence types.
Child Risk Factor (CRF) (Pol 1313) form	for all family violence occurrence types where children under the age of 17 years are or are not present but do normally reside with the parties where the family violence has occurred. when the family violence involved does not include an index assault. (No ODARA required).
Intimate Partner Vulnerability Factors (IPVF) (Pol 1314) form	It is additional to the Family Violence Report/ Supplementary Sheet / CRF. when an index assault has occurred. (No IPVF required).

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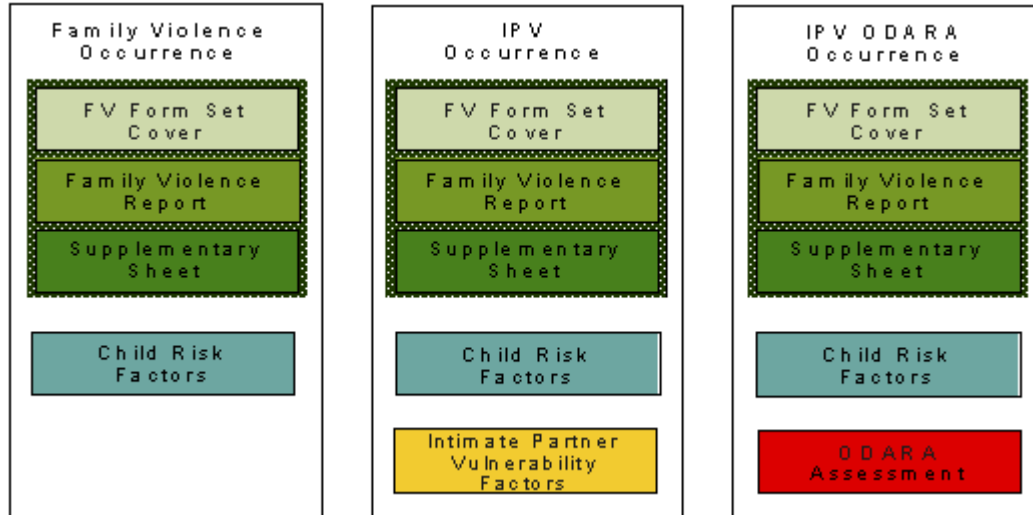


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Intimate Partner Violence Risk Assessment ODARA form (Pol 1315)	It is additional to the Family Violence Report/ Supplementary Sheet / CRF.
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The forms to be completed are represented in the table below:



Using supplementary forms (Pol 1310)

There are two supplementary forms available to be used in conjunction with the Pol 1310:

- Pol 1317 - Supplementary FV Person Report
- Pol 1318 - Supplementary Child Form

When should the Pol 1317 be used?

The Pol 1317 must be used in occurrences where:

- there are more than two main parties involved, or
- the two parties involved have more than one role type in the occurrence.

For example, the form must be used where a suspect assaults an adult and a child, where a domestic dispute is between three parties, or where two family members assault each other, meaning they are the victim for one offence, and the suspect for another.

You must record on the Pol 1317:

- the Event number or DOCCLOC case number
- the role types of the parties
- the relevant offence and/or incident codes identified for these two parties, and
- the persons names. Other person information is recorded on the POL 1310 and does not need to be repeated on the POL 1317.

When is a new Pol 1310 used?

A new POL 1310 must be completed in occurrences where:

- there are multiple IPV relationships, or
- both IPV parties require risk information or ODARA to be completed.

For example, a new POL 1310 must be used where both parties are identified as suspects against each other.



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In the additional POL 1310, record the Event number or DOCLOC case number on all Pol 1310s, but do not repeat information on the second Pol 1310 if it is the same as in the first.

When is a Pol 1318 used?

The Pol 1318 is used to record additional children who are present or normally reside at the location. Do not record child victims on this form - use the Pol 1310, or a Pol 1317.

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 more accurate consideration of risk been completed.

Submitting the Pol 1310

Attending Police must complete the relevant documents in the Pol 1310 and submit to their supervisor (sergeant or senior sergeant) before the end of their shift.

The supervisor will:

- submit the original Pol 1310 with a copy of any Police safety order issued 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](#).

A Police safety order must be entered in NIA immediately through the Crime Reporting Line (CRL) 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 the "Police safety order" chapter.

Making up case files

When making up the case file:

- include the Pol 1310, statements and job sheets or exhibit sheets as relevant
- make Pol 2010 request for 111 recording
- record any notifications to CYF and the CRF
- endorse file that Women's Refuge or Victim Support have been contacted and the Victim Information Form provided to the victim
- complete Family Violence Risk Summary (front page of the Pol 1310).

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.



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Active case management

This section contains these topics:

- [What is active case management?](#)
- [Principles](#)
- [FVIARS](#)
- [FST involvement](#)
- [Assessment](#)
- [Subject profiles](#)
- [Case plans](#)
- [Structure, coordination and monitoring](#)
- [Evaluation and close off](#)
- [Police Family Violence Death Reviews](#)

What is active case management?

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

Active case management is used by the family violence interagency response system (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 matters receiving urgent and serious consideration. They should be structured to meet the needs of each subject and if possible, be seen as a collaborative effort.
- 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 has its own FVIARS group. Core members should be drawn from Police, Child Youth and Family and Women'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.

Tiered response

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

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on changing circumstances including fresh notifications and non-compliance or difficulties with completing actions set in plans.

Download an [example of tiered active case management](#) if required (word document, 66 KB).

FST involvement

Cases assessed following the FVIARS process as having complex safety needs will be referred to Family Safety Teams where they are available. These teams work with appropriate specialist internal groups and community networks to provide safety and support to those complex risk families.

Assessment

Family violence victims and offenders often share a history of family violence together or with past partners. 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 should list their top high risk family violence families. They are 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 essential for:

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

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

Case plans are designed to be reviewed and amended as circumstances change. Some subjects will benefit from a very structured approach, while others, because of their unique circumstances, will need more flexibility to reach desired goals. Plans should be time bound and benchmarks for review should be regularly set. How long a plan lasts depends on the circumstances of each individual case.

Structure, coordination and monitoring

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

- A referral process that brings all relevant information together for assessment and eventual allocation dependent on a tiered response.
- A FVIARS that is timely, meets consistently, and is able to screen and prioritise cases based on risk and repeats using a tiered response.
- Coordination of activities to follow up on the tiered response process.
- Active management of high risk repeat subjects using case plans, monitoring and review processes.

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- Ownership of support and service provision by organisations that are allocated a case and ensuring they are held accountable for outcomes.
- Meaningful and informed dialogue with subjects ensuring they become a part of the solution and not one where the solution to their problems is imposed.

Evaluation and close off

All cases referred through 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.

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

Police Family Violence Death Reviews

Where a death has occurred as a result of a family violence occurrence, the FVC and O/C case must jointly conduct a Police family violence death review. This is intended to highlight areas where Police practices can be improved and ultimately, to assist in the prevention of future family violence deaths. It is not a review of the criminal investigation.

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

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



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Police employees and family violence

This section contains these topics:

- [Purpose of this section](#)
- [Policy](#)
- [When do these policies and procedures apply?](#)
- [Employees engaged in family violence occurrences - no offence](#)
- [Employees charged or convicted of family violence offending](#)
- [Employees who are respondents of a protection order](#)
- [Leave to attend programmes or counselling](#)
- [Confidentiality](#)
- [Further assistance](#)

Purpose of this section

This section of the family violence policies and procedures:

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

Policy

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

Family violence is a serious and growing problem for New Zealand communities and an increasingly large part of front line Police work. It causes serious damage done to young children who witness it and trauma to victims who experience it. It also has a high inter-relationship with serious crime.

Family violence is therefore unacceptable conduct and will not be tolerated or condoned by the NZ Police. Employees who perpetrate such conduct will be subject to the processes of the Code of Conduct.

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

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

- where there is offending, the normal Police response applies
- welfare considerations are important for both parties and the shift supervisor should where appropriate, refer the matter to the local Welfare Officer.

Police must carefully consider:



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

When do these policies and procedures apply?

The policies and procedures detailed in this section apply when:

- it comes to a supervisor's attention that an employee may be experiencing or be involved in family violence (as either a victim and / or aggressor). This includes any anecdotal evidence that may suggest this is the case.
- Police attend a family violence occurrence and although no offending is disclosed a Police safety order or warning has been issued and / or Police are concerned about the possible continuation or escalation of family violence.
- Police attend a family violence occurrence and offending is disclosed where an employee is a victim or an offender.
- Police become aware that a temporary or final protection order has been issued relating to an employee (as either a protected person or as a respondent).

District commanders and national managers are responsible for ensuring that these policies and procedures operate within their district or place of work.

Employees involved in family violence are encouraged to seek support

Where employees (as a victim or aggressor) fear or experience family violence they are encouraged to seek support by:

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

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

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

Employees who suspect or are aware of another employee being either an aggressor or victim of family violence are encouraged to report this confidentially by:

- ringing the Crime Stoppers number, or
- reporting it to their own supervisor or welfare officer so that a discrete and confidential approach can be made to that person and support provided.

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

Employees engaged in family violence occurrences - no offence

Where Police attend any family violence occurrence but no offence is determined, it is crucial that appropriate support and advice is provided to those involved. If a Police employee is identified (as the aggressor or vulnerable party) attending officers must report this confidentially to their supervisor who will contact a welfare officer to arrange



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for appropriate Police contact as soon as possible and oversight of referral to appropriate support groups.

Employees charged or convicted of family violence offending

Police have a pro-arrest policy for family violence offending. Employees who commit a family violence offence must be treated as any other member of the public.

The fact of an employee's arrest or charging for family violence offending must be reported immediately by the shift supervisor to the District Employee Practice Manager and Professional Standards Manager who will advise the relevant district commander or national manager. Code of Conduct procedures will apply.

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

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

Employees who are respondents of a protection order

Protection orders may be issued against a Police employee without any prior offending. With or without a prior criminal history a protection order must be treated as a serious matter.

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

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

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

Possession or use of weapons and firearms

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

Applications to vary protection order conditions

The Family Court hears applications to vary standard conditions of a protection order. It is important to note that victim' safety is the paramount consideration (s23 Domestic Violence Act 1996), and the court must have regard to the victim's views in making any variation.

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Police may in rare cases consider assisting an employee with an application to vary orders under section 22 of the Domestic Violence Act 1996. Before supporting such an application Police must conduct their own enquiries to determine whether or not such a variation is appropriate. These enquiries must consider the nature, duration and type of family violence disclosed, any offence history, the employee's role and the views of any person protected by the order.

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

Leave to attend programmes or counselling

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

Confidentiality

Family violence issues are sensitive and highly personal. Care must be taken to ensure that all employees involved (as a vulnerable party or aggressor) are treated sensitively with regard to privacy as appropriate in the circumstances.

Further assistance

The National Coordinator: Welfare Services, National Manager: HR, or Manager Violence Reduction Unit (all based at PNHQ) may provide further information if required.



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Monitoring, evaluation and training

This section contains these topics:

- [Compliance monitoring](#)
- [Family violence coordinators](#)
- [Training](#)

Compliance monitoring

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

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

Family violence coordinators

District commanders must ensure people with suitable communication skills and family violence training are appointed to the positions of district or area family violence coordinator.

Family violence coordinators are responsible for validating ODARA scores, 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 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 should take overall responsibility for family violence issues.

Family violence coordinators must be in close and regular contact with district CIB, CPT, youth services, iwi/ethnic/pacific liaison officers and other relevant portfolio holders to ensure that all child abuse 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.