



THE REP: POLICE

This education kit will help you facilitate a conversation with young people about their legal rights with the police and going to court. It includes classroom activities, workshop slides and background legal notes. This workshop is designed to last between 1-1.5 hours.



CL

community law

free legal help
throughout aotearoa



How to deliver a REP module

Use this information to inform your facilitation.

Kia ora! Thank you for being a REP volunteer. Your participation in The REP will help young Aotearoaans become more aware of their legal rights and responsibilities. By connecting young people with local support services, you will also help build a stronger community for all of us. So... what do you need to know about delivering a module?

Know your Community Law Centre

- The most important thing about The REP is the connection you can build between members of your community and your local Community Law Centre.
- If a class takes only one thing out of a workshop, it should be that if they have a legal problem they can get help from their local Community Law Centre or YouthLaw.
- Use The REP modules as a way of talking about how Community Law Centres, other community-based services and lawyers can actually help. Learn about local support services available for youth in your area.
- If anyone in your class asks for help or needs legal advice (which you are not allowed to give if you are not a lawyer), direct them to their local Community Law Centre.
- Consider going the extra step: go along with a student to a Community Law Centre so they feel supported.

Know the audience

- The second most important thing about The REP is that our education is meant to be interactive and fun. Getting your audience to relax and have a laugh is as important, if not more important, than talking about the law.

- Treat this resource as a guide only – try hard to deliver the material in a way that will suit your audience and that your audience will enjoy.
- REP modules are learner-led, so focus on what the class wants to talk about. There is no need to cover all the material in the time you have been given. See where the conversation goes, focus on what the class identifies as being important or relevant, and explore those ideas. Just to repeat: there is no need to get through all the material!

THE REP: POLICE

Opening	5
Icebreaker	6
SECTION 1	
Rights with the police	7
SECTION 2	
Youth Justice	12
SECTION 3	
Adult criminal court	17
SECTION 4	
Victims' rights	20
Closing	23
Activity printing materials	24

Copyright © Community Law Wellington and Hutt Valley 2021
info@wclc.org.nz

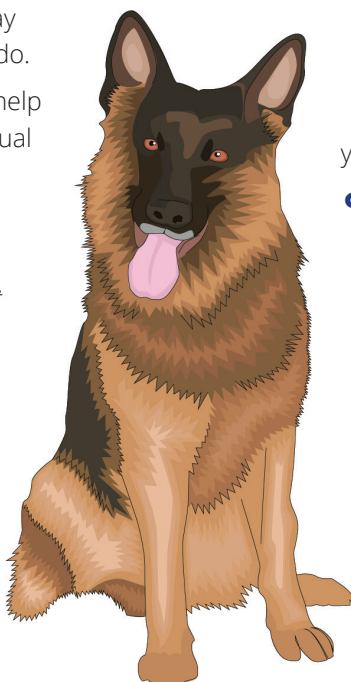
- Every group you work with will be different, with different levels of knowledge, different needs, and different expectations. Let the group both guide and teach you; work together to build a picture of how the law actually works in New Zealand.
- Try and get to the heart of the matter: talk about the real world, and the greater social implications of the law. You will get much more out of it, and so will your class.

Know the activities

- In general, everybody likes to know why they are here, whether it's relevant, and how long it will take. Take your time to signpost what the module is going to cover and the activities by explaining or perhaps writing up a short plan on the board.
- These modules are structured so that all the important information can be covered through running the activities. The activities aim to get your class thinking about the issues being discussed and engage with them in a practical way.
- It is important to know and understand the way the activities are run, so you can lead them smoothly and effectively.
- If you can think of more diverse, more engaging and more fun games and exercises, please do. Just make sure you feed these new improved activities to us at The REP.

Know the law

- You need to be up-to-date with the area of law this module covers.
- That said, you are not expected to know everything! If you don't know an answer, a good technique is to reflect the question to the whole class or say you will find out and let them know. Remember, if you say you will find something out, make sure you do.
- The background material in this guide is to help you learn the law. The Community Law Manual is also a fantastic guide to all the areas of 'community' law. Check out the manual online for the relevant chapters to this module here: www.communitylaw.org.nz.
- It's always helpful to have some relevant examples up your sleeve of how the law works in practice. If in doubt, check out the news, talk to your friends, family, teachers, or the lawyers and other kaimahi at your local Community Law Centre.



Know some different teaching styles

- Everybody learns differently. Very few people enjoy being lectured to!
- The activities in this module attempt to cater for different kinds of learners:
 - Some people like to visualise what they're learning (by seeing it written down, making a list or studying an image)
 - Other people need to hear things to take them in (maybe by listening to a story or using rhythm or sound as memory aids)
 - Some people learn by talking (by sharing with a neighbour or taking part in a discussion)
 - Other people prefer to learn while moving around (when up on their feet and active)
 - And others learn with their hands (getting creative, drawing or cutting things out)
- Work hard at improving your own facilitation practice so that everybody can get involved in the class.

From the outset, it is important to

- Establish a safe space. Be aware that the modules contain sensitive content. The key is how you leave the young people *feeling*, so make sure class members are comfortable at all times.
 - For example, if a young person blushes when answering a question, say "have a think about it" and move on to someone else or if a joke is made about a class member, divert the heat onto yourself
 - If you notice that a young person seems triggered, approach them quietly and one-on-one or flag it with their teacher
- Build rapport with the young people. Be respectful, honest and authentic. Young people have a lot of lived experience, so start with the assumption that they know more than you. If you give them the chance to step up, they will.
- Establish flexibility. There is no 'right' way to facilitate these modules. If the class is only interested in one topic, that's fine. Be responsive to your audiences' needs and their body language.
 - For example, if the energy is flat, mix the games up and start with an activity involving movement or with a pair exercise "talk to your neighbour about..."

- Make participation voluntary. Encourage everyone to be involved, but always ask for volunteers so no one is embarrassed by being singled out. Don't ask the young people to do anything you wouldn't do!
- Work with the teacher. Most classes are likely to have a teacher present during your session so check in before the class starts. If something disruptive happens, ask the teacher to step in.
- Have fun! If you're having fun, the class will have fun. Having funny anecdotes helps the class relate to the content and if the session is fun and interesting, young people are more likely to remember.

Evaluations

- Getting feedback is essential to improving The REP. Leave enough time at the end of the class to hand out and collect the evaluation forms. And remember to feed this back to us at The REP.
- Don't forget to fill in your facilitation evaluation form!

Last, but not least...

... Smile! Enjoy yourself, have a laugh, and thanks again for volunteering your time.

WHAT YOU WILL NEED

- Projector and laptop
- Slides (Ctrl+L for fullscreen)
- Facilitator notes
- Printing materials
 - Activity #1: 1 x per group
 - Activity #3: 1 x set per group
 - Activity #4: 1 x victim, witness & offender card
- Blu Tack & scissors 1 x per class member
- Evaluations 1 x per class member
- Chocolate
- Community Law Centre flyers

Opening



THE REP: POLICE



GREETINGS

- “Kia ora, talofa lava, nǐ hǎo, hello” (introduce yourself, your name, a bit about yourself).
- “This session is brought to you by the Community Law Centre and The REP: the Rights Education Project”.
- Introduce the Community Law Centre:
 - Community Law Centres provide free legal advice, on most topics. You can see a lawyer, for free, on anything to do with employment, family, criminal, tenancy, debt, and beyond
 - Make sure the class knows where to find their local Community Law Centre and how to contact YouthLaw. For example: “Your nearest Community Law Centre is in Wellington Central at 15 Dixon Street on Level 2 or Lower Hutt at 59 Queens Drive on Level 2. Come in and see us some time!” and “You can call YouthLaw on **0800 UTHLAW (0800 884 529)** to talk to someone who can help!”
 - Community Law Centres are situated throughout New Zealand and you can locate your nearest one at: www.communitylaw.org.nz/our-law-centres/
- Introduce The REP:
 - We are here to let you know your legal rights and responsibilities. We present the law on a number of areas, but if you have anything you are particularly interested in, we are always open to new ideas!

ICEBREAKER



INSTRUCTIONS

- This module begins with an 'icebreaker' to make it easier for participants to feel comfortable contributing to the workshop.
- The idea of this icebreaker is to encourage participation and to introduce the class members. Work hard to remember the names of everyone in the class.
- This icebreaker introduces The REP: Police module by asking the class members to say their name and answer a question.
- Ask the class: "What is your favourite police TV programme?"
- Start off by introducing yourself and what your favourite TV programme is about police (for example, Police Ten 7, Highway Cops, Making a Murderer).

SECTION 1

Rights with the police



ACTIVITY #1 INSTRUCTIONS

- Explain to the class that when you know what your rights are you can keep yourself safe. We're going to talk about what you can say if police want to stop, question, search or arrest you.
- Divide the class into groups and hand out a 'What can I say?' worksheet to each group.
- Ask for a volunteer to read out one of the scenarios on the worksheet. If no class member volunteers, one facilitator reads out the scenario in these notes (which the groups also have written on the worksheet).
- The other facilitator reads out a 'police wildcard' statement.
- Give the groups have an opportunity to brainstorm what they could say.
- After you have gone through all the scenarios, facilitate a discussion with the class about what worked and what they could do or say differently if a situation like this happened in real life.

ACTIVITY #1

What can I say?

QUESTIONED

I was waiting for my mate outside the dairy when I saw the cops staring at me from across the street. I get stopped all the time when I'm not even doing anything! I can't be bothered answering any questions today. Don't I have the right to remain silent or something?

Police wildcard: The police come up to you and start asking you all sorts of questions. What have you been up to today? Who is your Dad? Does your brother have gang affiliations?

What could you say?

- In most cases, you only have to tell police three things: your correct name, your DOB and your address
- It's always a good idea to stay calm and be respectful
- Police only need to formally advise you of your right to remain silent when you are arrested, but if you have told them the top three things, you still do not have to answer any other police questions
- It's really important you give the police correct information, or you could get in even more trouble

SEARCHED

I saw the cops start walking towards me. I remembered I have a tinny in my bag and started freaking out... What if they search me?!

Police wildcard: The police say they want to check your bag to make sure you don't have anything you shouldn't

What could you say?

- If police ask to search you, your bag or car and you don't agree, you must say so by saying something like: "I don't consent to the search". Silence is taken as agreeing
- If you are searched it's a good idea to ask for the section of the law you are being searched under, their reasons for doing so and their police identification numbers – make sure you write these down and have a witness if possible
- If you are female, usually only a female police officer can search your person

continued...

RECORDING

I came out of the dairy and saw my friend being talked to by two cops so I started recording on my cellphone. I can tell that the police aren't happy about it as they keep looking over at me. What if they come over and tell me to stop?

Police wildcard: One of the police officers approaches you and says you have to put the phone away or hand over your phone. And because you filmed them, you need to have your photo taken

What could you say?

- You are allowed to record the situation and police are not allowed to take your camera or force you to delete photos, but stay calm and respectful
- It is lawful to take photographs of anyone in public places without their consent, and this includes police officers. You can also film police on private property if you have the consent of the property owner
- Keep your friends near so they can witness what is going on – though not so close as to obstruct police
- Police can't take your photograph unless you are arrested

ARRESTED

The police confiscated our bags and phones, but I have no idea why! I guess we'll never know. They found the tinny in my mate's backpack. What if we get arrested?

Police wildcard: The police tell you that you have to come with them to answer some more questions at the station

What could you say?

- You can ask the police at any time "am I under arrest?" If the answer is 'yes,' do not run away or resist as this can get you into a lot more trouble
- You have to go with police if: you have been arrested, you're under 18 and drunk, high or at risk of being harmed or harming someone, you failed a breath screening test or you are wagging
- Some useful phrases:
 - "I've given you my details and now I would please like to leave"
 - "If I'm not under arrest I would like to go now"
 - "My mum told me not to speak to the police without her"
 - "I want to remain silent"
- The police have to tell you why you are being arrested
- They must also inform you of your rights under the New Zealand Bill of Rights – that you may remain silent, that anything you say or write down in answering the questions may be used as evidence against you, and that you have the right to speak to a lawyer and a trusted adult

LEGAL NOTES

Learn this information and integrate it into your facilitation. Don't read it out word for word!

Being stopped

- Police can only stop you in public for a relatively small number of things:
 - If you are driving a car or other vehicle, or riding a motorcycle, bicycle or other vehicle
 - If they think that you have committed a crime
 - If they think you should be at school (are truant)
 - If they think you are underage and drinking in a licenced venue
 - If you are under 18, and police think you are 'at risk'

Being questioned

- Police are allowed to come up and ask anyone questions.
- As a general rule, you don't have to say anything to police.
- But if you are stopped by police in a few situations you do have to give them information:
 - Driving: If stopped you must give police your name, address and date of birth
 - Committed a crime: If you are arrested you must give police your name, address and date of birth
 - Underage drinking: If you are on a licensed premises and police believe you are underage you must give police your name, address and date of birth
 - Wagging: Police can stop and ask you your name, address, school and reason why you're not at school. If they are not satisfied with your response they can take you home or to school
 - Under 18 and 'at risk': Don't need to provide any information
- It's always a good idea to remain calm and respectful as attitude only causes more problems.
- Some useful phrases:
 - "I've given you my details and now I would please like to leave"
 - "If I'm not under arrest I would like to go now"
 - "My mum told me not to speak to the police without her"
 - "I want to remain silent"
- After that, you have the right to silence and do not have to answer any other questions.
- You can talk to a lawyer before saying anything, and even after talking to a lawyer, you can still remain silent.

Police interviews & questioning

- If you are under 18 and the police think you have committed an offence, they must explain your rights (including the right to talk to a nominated adult or lawyer in private) before they question you.
- Police must explain your rights at any time before or during questioning if you ask them.
- If you are questioned by the police and suspected of being involved in an offence, the police officer must explain:
 - You don't have to make a statement to a police officer (that means you don't have to say anything to the police officer about it)
 - If you do talk to the police, you can stop talking to them at any time
 - Any statement you make can be used in evidence (that means it might be shown in court and to the jury or judge if you are charged)
 - You are entitled to consult with, and make or give any statement in the presence of a lawyer and any nominated adult you request (unless that adult cannot be located or will not be available within a reasonable amount of time)
- If you are being questioned at the police station and your nominated adult is not your parent or guardian, the police must inform your parents or guardians that you are at the station for questioning.

Being arrested

- You don't have to go anywhere with police unless you are under arrest. This means you don't have to go over if they ask you to come over for a chat. If the police want you to go with them it is best to ask if you have been arrested. Ask them "am I under arrest?" If the answer is 'yes' do not run away or resist as this can get you into a lot more trouble.
- No one has to go with the police unless:
 - You have been arrested
 - You are under 18 and drunk, high or at risk of being harmed or harming someone
 - You failed a breath screening test
 - You are wagging
- The police can arrest anyone if they have good cause to suspect they have 'breached the peace' (caused a disturbance) or committed a crime that is punishable with a prison sentence.
 - Phone: **0800 555 111**

- If you are under 18, the police also need good cause to think that arresting you is necessary to stop you committing another crime, to get you to court, or to stop you interfering with a witness or evidence.

Being searched

- The police can only search you, your bag or car if:
 - You let them – unless you're under 14 in which case you can't agree to a search
 - You have been arrested
 - They have a search warrant
 - They have reasonable grounds to think you have drugs or weapons
 - They have reasonable grounds to think you have stolen goods but they must tell you what legal power they're using
- If police ask to search you, your bag or car and you don't agree, you must say so by saying something like: "I don't consent to the search". Silence is taken as agreeing.
- The police have quite a lot of warrantless search powers. However, if you are searched it's a good idea to ask for the section of the law you are being searched under, their reasons for doing so and their police identification numbers – make sure you write these down and have a witness if possible.
- Tips if you are searched:
 - It is a good idea to take the police officer's name, rank and badge number (which are displayed on black disks located on their collars)
 - You can also ask them (in a polite and calm manner) for the reason they want to search you – although they are not legally obliged to tell you
 - Keep your friends near so they can witness what is going on – though not so close as to obstruct police
 - You are allowed to record the situation and police are not allowed to take your camera or force you to delete photos, but stay calm and respectful
 - Body searches may only be performed by a police officer of the same sex, for example, girls can only be searched by a female police officer
- See The REP: Drugs for more on police powers when searching you for drugs.
- Alcohol: The police can search you if you have entered an alcohol ban area and they suspect you are carrying alcohol.

In the car

- Police have more search powers in relation to drivers than in most other situations.

- Police can stop anyone at any time who is driving a car, other vehicle or riding a motorcycle for a random breath-test.
- If you are stopped, you **MUST** give the police your name, address, date of birth, the name of the car's owner (if it's not your car) and show your driver's licence. If you refuse, you can be arrested.
- Police can also search your car if they think you might have drugs or a weapon, or they have a search warrant. The police can also search your car if they have reasonable grounds to think it contains stolen goods, but they must tell you what legal power they're using.
- The police can also search your car if they think you're committing a crime, about to commit a crime, or have evidence that you have committed a crime.
- See The REP: Cars for more on police powers and cars.

The Police Detention Legal Assistance scheme (PDLA)

- Usually, no one has heard of the PDLA, the Police Detention Legal Assistance scheme.
- This is a free service that everyone has the right to access.
- This scheme offers free legal advice for people being questioned, arrested or held by the police. This means, if police arrest you or search you on the street, you can phone a lawyer, for free.
- The police must tell you that you have a right to a lawyer and that they have a list of lawyers you can speak to for free. They will give you a list of lawyers and their phone numbers.
- You have the right to talk to the PDLA lawyer in private.
- If your friends are in trouble, make sure they know about this! It's free and available at all times (day and night) to everyone.
- Advice is usually given over the phone, not in person. At home, in the street, at a police station, in a car. In short, pretty much anywhere.
- REMEMBER: No person has to answer the police's questions.

Independent Police Complaints Authority (IPCA)

- If you want to make a formal complaint about police misconduct, practices or policies you can make a complaint to the IPCA.
 - Check out the website to make an online complaint: www.ipca.govt.nz
- It is helpful to write down everything that happens as soon as possible after any incident with the police to make sure you have an accurate record.
- If a complaint is made during active proceedings they will put their investigation on hold.

SECTION 2

Youth Justice



ACTIVITY #2 INSTRUCTIONS

- Divide the class into groups and ask each team to come up with a team name.
- Write the team names up on the board so you can keep a live tally of which teams get the right answer.
- Explain to the class that you will read out some multi-choice questions. The groups have a couple of minutes to decide on their collective answer.
- When their time is up, you will count down 3, 2, 1... and all together the class members will reveal their group's answer by holding up one, two or three fingers.
- Keep a live tally and the team with the most points at the end of the six rounds wins chocolate!

ACTIVITY #2

Caught in Court

What is a Youth Advocate?

1. The lawyer for the police
2. A lawyer for youth
3. A community member

2. A Youth Advocate is a lawyer who is trained to represent you. They will explain the Youth Court process and will support you along the way!

.....

How much does a Youth Advocate cost?

1. \$500 per hour
2. \$250 per hour
3. Free

3. Youth Advocates are free!

.....

What's the age range for Youth Justice?

1. 5 – 10
2. 18 – 20
3. 10 – 17

3. The age range is 10 – 17

.....

What is the Police Youth Aid programme?

1. An after-school activity group
2. A programme for minor youth offending to keep young people out of court
3. A training programme for young people to become police

2. A programme for minor youth offending to keep young people out of court.

Through this programme, you'll come up with an Alternative Action Plan that could repair the harm caused including things like written or face-to-face apologies or a curfew!

.....

continued...

When do you get referred to a Family Group Conference?

1. You've committed a minor offence (for example, shoplifting)
2. You've committed a serious offence or repeat offences (for example, lighting a fire in a public place)
3. You've committed a very serious offence (for example, assault)

2. If you've committed a serious offence or repeat offences. FGC's generally involve a group of people (you, your whānau, the victim(s), support people and professionals such as a Youth Advocate, police or a counsellor) and everyone at the FGC has an opportunity to agree on what needs to happen going forward and when – including you!

.....

What will happen if you go to Youth Court?

1. A judge will make a decision about what you have to do if the case is proven
2. You have to publicly apologise
3. Your guardians will need to write a letter to the judge for you

1. A judge will make a decision about what you have to do if the case is proven. If you've committed a very serious offence you'll be referred to Youth Court. A judge will decide if the case is proven and can make orders such as mentoring, returning property to a victim, supervised community service or spending time in a youth justice residence.

LEGAL NOTES

Learn this information and integrate it into your facilitation. Don't read it out word for word!

What is Youth Justice?

- Youth Justice is the criminal justice system for most young people between 10-17 years old.
- The Youth Justice system recognises that young people who have gotten into trouble with the law should be treated differently from adults.
- It gives young people the opportunity to take responsibility for what went wrong without getting a criminal record.
- The process depends on the seriousness of the offence.

Police Youth Aid programme

- The Police Youth Aid programme is for minor offending.
- The aim is to repair the harm, consider the best interests and well-being of the young person, meet the needs of both the young person and the victim(s) and make a plan to address the offending and its underlying causes.
- If you commit a minor offence like shoplifting, you'll either get a police warning or a Police Youth Aid officer who is trained to work with children and young people will work with you on an Alternative Action Plan.
- An Alternative Action Plan can involve things like:
 - Written or face-to-face apologies
 - Counselling
 - Working with families and communities
 - Participating in projects, courses or pro-social activities
 - A curfew
 - And more!
- 70-80% of young people who come under the Youth Justice system use the Alternative Action Plan.
- Alternative Action Plans are like the adult 'diversion' process (see the next section for more on diversion).

Family Group Conference (FGC)

- Family Group Conferences (FGC) are for more serious or repeat offending.
- The aim is to repair the harm, consider the best interests and well-being of the young person, meet the needs of both the young person and the victim(s) and make a plan to address the offending and its underlying causes.
- You get referred to an FGC if the police think you've committed a serious crime or by a Youth Court Judge.

- FGC's generally involve you, your whānau, the victim(s), their support people and professionals (such as a Youth Advocate, police or a counsellor).
- Everyone at the FGC has an opportunity to talk about what happened and agree on what needs to happen going forward and when – including you.
 - Note: This can be a challenging process for victim(s) and their families. It's important that they know it's entirely their choice whether or not they attend an FGC
- FGC plans can involve things like:
 - Written or face-to-face apologies
 - Counselling
 - Paying money to the victim
 - Doing work for the victim or the community
 - Donating to charity
 - A curfew
 - And more!
- If a Youth Court Judge referred you to the FGC, they'll need to approve the plan (95% of FGC plans do get approved by the judge).
- If you do what the plan sets out, your case is "closed" and you won't get a conviction on your record.
- If a plan can't be agreed or you don't do what the plan set out, you could be referred to the Youth Court.

Youth Court

- Youth Court is for the most serious offending. Most young people who go to Youth Court are aged 14-17.
- Going to Youth Court involves a "hearing" where a judge makes a decision.
- Youth Courts are closed to the public which means that what happens is private.
- What ages do people go through Youth Court?
 - Under 10 years old: Cannot go through the Youth Court for offences
 - Between 10-13 years old: Can go to the Youth Court for murder and manslaughter
 - Between 12-13 years old: Can go to the Youth Court for serious offences (more than 14 years imprisonment) or for two or more moderate offences.
 - Between 14-16 years old: Can go the Youth Court for any offence. Murder or manslaughter will be sent to adult criminal courts

- 17 years old: Can go to the Youth Court for minor-to-moderate offences. Serious offences will be sent to adult criminal courts
- 18 years old: All offences will be sent to adult criminal courts

Going to Youth Court

- Before you go:
 - A Youth Advocate is a free lawyer who is trained to represent you and will explain what to expect. You can also choose to pay for a lawyer.
 - A Lay Advocate (someone with standing or mana in your community) is appointed for you by the court to represent your family's views and make sure any cultural elements of the case are considered
 - If you want to speak in te reo Māori, sign language or another language, your Youth Advocate can arrange a free interpreter
- At the hearing:
 - When your name is called for the hearing, you and your whānau enter the court room
 - The police read out a police summary of what they think happened
 - You'll get asked if you 'admit' or 'deny' the charge
 - If you admit the charge you're likely to be transferred to an FGC
 - If you deny the charge a date for a "defended hearing" against the police will be set
 - The police will try to prove the charge against you "beyond reasonable doubt"
 - If the police prove to the judge that you committed the offence you're likely to be transferred to an FGC
 - If they don't, your case is dismissed and nothing goes on your record

Youth Court orders

- When a judge makes a decision about the case, this is called an 'order'.
- For less serious offences a judge can order:
 - A discharge (but this is noted on your record)
 - The return of property
 - Mentoring or a special programme (for example, drug and alcohol support)
- For serious offences a judge can order:
 - Supervised activities (for example, community service)
 - Spending time in a youth justice residence

- For the most serious offences (such as murder or manslaughter) a judge can order:
 - A conviction and a referral to the adult courts for sentencing
- If you disagree with a decision made by the Youth Court, you may be able to appeal (speak to the Youth Advocate!).
- Remember: Unless you get transferred to the adult courts, Youth Court orders are not a "criminal conviction." This means that they won't show up on your criminal record.

Rangatahi and Pasifika Courts

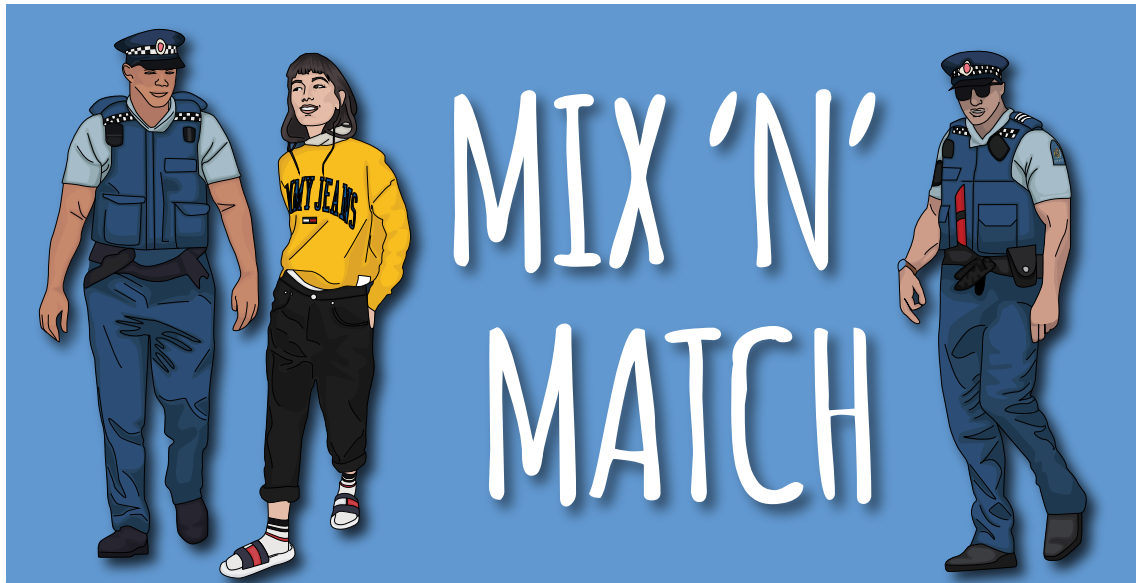
- Rangatahi Courts and Pasifika Youth Courts are courts which use tikanga Māori and Pasifika justice processes. Anyone can choose to go to Rangatahi and Pasifika Youth Courts.
- Evidence shows these courts are effective at decreasing repeat offending.
 - Young people who went through Rangatahi and Pasifika Courts committed 14 per cent fewer future offences than those who went through Youth Court.
- You can only go if you've admitted the charge.
- The aim is to guide rangatahi through repairing the harm and looking after the needs of both the rangatahi and the victim.
- Hearings are held on marae or Pasifika churches/ community centres.
- At the Rangatahi Court, the hearing is facilitated by a Youth Court Judge and kaumātua/kuia.
- At the Pasifika Court, the hearing is facilitated by a Youth Court Judge and community elders.
- Hearings follow Māori or Pasifika cultural processes (but the law is the same), with the aim of connecting Māori and Pasifika youth with their cultural identity, their families, elders and communities.
 - For example, you're supported to learn and do your pepeha after the pōwhiri at the Rangatahi Court

Tips for going to the Youth Courts:

- Give your Youth Advocate as much detail as possible about what happened (it'll help them represent you in court).
- You can ask for a female or male Youth Advocate if that's important to you.
- Ask your Youth Advocate and Lay Advocate questions if you don't understand what's going on at any point.
- Ask your whānau to come with you for support. They play a really big role in the Youth Justice processes.

SECTION 3

Adult criminal court



ACTIVITY #3 INSTRUCTIONS

- Divide the class into groups and hand out a “Mix n’ Match” worksheet and a couple of pairs of scissors to each team.
- Explain to the class that each group needs to cut out the cards and match the statements to the word they explain. If you want to run this as a speed test you can reward the group that finishes first with chocolate!
- After the groups have matched up the card sets, facilitate a discussion about diversion and the consequences of having a criminal record.
 - Remember to emphasise: never plead guilty just because it seems easier, or faster, or to protect others – it is your right to plead not guilty!
- Reward good contributions to the discussion with chocolate.

DIVERSION

- Admits responsibility (pleads guilty) for minor offence
- Conditions apply (such as writing an apology)
- Police decide who gets it and avoids conviction

DISCHARGE WITHOUT CONVICTION

- Consequences of having a conviction are worse than the offence
- Becoming harder to get
- Judge decide who gets it and avoids conviction

CRIMINAL RECORD

- List of convictions
- It can be difficult to travel overseas
- Can make it harder to find a job

CLEAN SLATE

- Minor convictions wiped after seven years
- No longer have to declare for employment
- Automatically applies

LEGAL NOTES

Learn this information and integrate it into your facilitation. Don't read it out word for word!

Police diversion scheme

- Never plead guilty just because it seems easier, or faster, or to protect others – it is your right to plead not guilty!
- Diversion deals with minor crimes “out of court” and allows first time offenders (and sometimes repeat offenders) to avoid a conviction. Diversion is available where:
 - An offence is minor (for example, minor shoplifting) or someone can explain why the offence was a one-off (for example, it was out of character due to stress)
 - It can be a first or subsequent offence
 - The person admits full responsibility (says they did it)
- But diversion is generally not available for:
 - Drink driving offences
 - Serious offences, for example, serious drug and traffic offences
- Diversion is not an automatic right – the police decide who gets diversion. They will take into account the victim's views and consider all the circumstances of the case.
- To get diversion, you will also need to agree to a number of conditions. Depending on your circumstances, these could include:
 - Paying money to a victim or writing them an apology letter
 - Meeting with the victim
 - Fixing damage done to property
 - Community service
 - Drug or alcohol counselling
- If you complete all the diversion conditions, the charges against you will be withdrawn.

Discharge without conviction

- If anyone is found guilty of an offence, but the judge decides that the consequences of a conviction would outweigh the consequence of the offence, the judge can discharge that person without a conviction. Consequences could include:
 - Loss of employment
 - Not being able to get security clearance
 - Being prevented from travelling to a certain place
- If a person is successful they will have no conviction on their record. However, discharge without conviction is becoming increasingly hard to obtain, especially for driving offences.

- If you are discharged, you will still have to pay compensation to the victim for the effects of the offence.

Restorative justice

- Restorative justice gives victims and offenders of crime the opportunity to talk to each other in a safe and supportive environment, and discuss how the harm might be repaired.
- It can only be used if the offender pleads guilty and both the victim and offender want to attend.
 - It gives those who have been harmed a way to have a voice and seek ways to have their needs met
 - It gives those who have committed an offence a way to take responsibility for the harm they have caused and start putting things right

Criminal record

- If you are convicted of a crime, this conviction will be listed on your criminal record.
- Having a criminal record means:
 - You are more likely to receive a harsher punishment if you go to court again
 - Your future plans will be affected, for example, it's difficult to travel overseas as most countries require travellers to state past arrests or convictions on immigration forms
 - Having a criminal record may make it harder to get jobs as sometimes job applications ask you to declare any convictions when applying for a job – if you don't, you can be fired for dishonesty down the track
 - Request a copy of your criminal record by filling in this form: www.justice.govt.nz/assets/Documents/Forms/request-by-individual.pdf

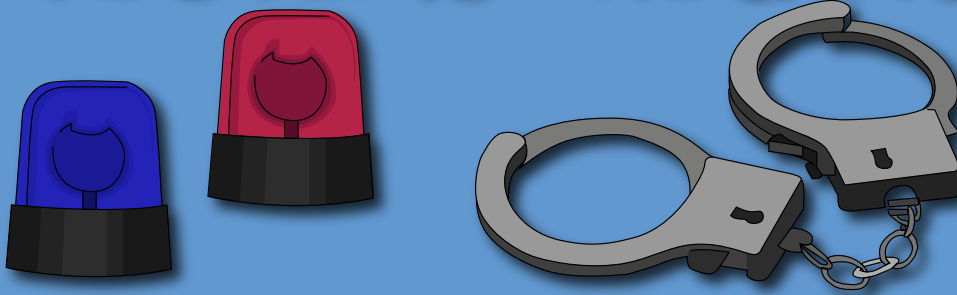
Clean Slate Act

- If you have been convicted of a less serious crime, after seven years that crime will be wiped from your criminal record.
 - This means you can answer “no” if you are asked whether you have a criminal record.
- However, you may still need to declare your convictions for other visa applications but it will depend on that country's law, not on New Zealand law.
- To find out if the clean slate has been applied to you, apply for a copy of your criminal record (see above) – if the conviction is not listed, you now have a ‘clean slate.’

SECTION 4

Victims' rights

VICTIMS' RIGHTS



ACTIVITY #4 INSTRUCTIONS

- Draw an imaginary line from one side of the room to the other.
- Blu Tack the 'Victims' card to the wall at one end, the 'Offenders' card to the wall at the other end and put the 'Witnesses' card in the middle of the imaginary line.
- Ask the class members to move to the place on the line that they think best answers the question.
- Read out the questions on the next page. After you ask each question, ask the class members to discuss why they chose to stand there with those around them.
- After a minute or two, ask for volunteers from different places on the line to share their answer with the class.
- Reward good contributions to the discussion with chocolate!

ACTIVITY #4 INSTRUCTIONS

Victims' rights



Who can access victim support services?

Witnesses & victims: Victims include people who've had crimes committed against them, other people affected by that crime (including family members, for example, if a loved one has been injured or killed) and witnesses to a crime

Who has the right to a support person when speaking to the police?

EVERYONE! Even though sometimes the police might prefer to speak to you without a support person

Who has the right to be kept updated about the progress of a criminal case?

Victims: Police must tell them about the progress of the investigation and court proceedings. They must also be given a chance to have a say about things like whether the offender should have name suppression

Who can be made to give evidence in court?

Witnesses: If you report something and make a statement and the police decide that you are an important witness, the police can make you give evidence in court

Who has the right to silence?

Offenders: You can talk to a lawyer before saying anything, and even after talking to a lawyer, you have the right to remain silent

Who has the right to be treated with respect by Police?

Trick question: **EVERYONE!**

LEGAL NOTES

Learn this information and integrate it into your facilitation. Don't read it out word for word!

Victims

- The law defines victims broadly. Victims are:
 - People who've had crimes committed against them
 - Other people affected by that crime (including family members, for example, if a loved one has been injured or killed)
 - Witnesses to a crime

Victims' rights

- The police will almost certainly want to talk with a victim of crime. When dealing with victims of crime, the police must:
 - Treat them with respect
 - Allow them to speak te reo Māori or New Zealand Sign Language
 - Give the victim back any property used as evidence
 - Allow them to have a support person
 - Make sure they know about services that are available to them, including Victim Support services and available medical, welfare, counselling or legal care
 - Tell them about the progress of the investigation, court proceedings and important events after sentencing (for example, a parole meeting)
 - Give them a chance to have a say about things like whether the offender should be granted name suppression, bail and/or parole
 - Allow them to make a victim impact statement which tells the court how the crime affected the victim
- Victims of serious crimes have additional rights under the Victims' Rights Act 2002. If you are in this position, visit your local Community Law Centre or contact YouthLaw for information and advice.
- If you received physical injuries as a victim of the crime or you suffered mental injuries from sexual abuse, you might be entitled to ACC cover.
 - Phone: **0800 101 996**
 - Website: www.acc.co.nz

- The Victims Information Line can give you information about the complaints process:
 - Phone: **0800 650 654**
- The Ombudsman can investigate complaints about an agency's conduct:
 - Email: info@ombudsman.parliament.nz
 - Phone: **0800 802 602**
- If the complaint is about the Police breaching your victim rights, you can contact the Independent Police Conduct Authority:
 - Phone: **0800 503 728**
 - Online complaint form: complaints.ipca.govt.nz/195

Witnesses

- If you have seen someone committing a crime, you can report it to the police and make a statement.
- But you do not have to report a crime.
- However, if you do report something and make a statement and the police decide that you are an important witness, the police can make you give evidence in court.
 - You can be fined \$1000 or be arrested and brought to court if you don't come to court
- If the police are asking you questions as a possible witness they do not have to read you your rights, but they do have to treat you with patience and sensitivity (see above). They can't threaten or bully you.
- You can contact the Police at 105 to report a crime in non-emergency situations:
 - Phone: **105**
 - Website: 105.police.govt.nz
- If you witnessed the crime while at work, you might be eligible for ACC cover for any mental injuries.
- If you are afraid to report a crime you can call CrimeStoppers.
 - Phone: **0800 555 111**
 - Website: www.crimestoppers-nz.org/report

What if my victims' rights aren't met?

- You should contact the agency which failed to uphold your rights first – issues can often be solved by talking to the person or going through the agency's complaint process.

THANK YOU!



WRAPPING UP

- Hand out the evaluation forms: make sure everyone fills one in.
- Thank everyone for participating. Find your own way to wrap up the class.
- Remember to link people in with their local Community Law Centre or YouthLaw if needed.
- Follow up on any questions or issues: bring the correct answers to your next class.
- Make sure to pass on any feedback you have about this module to: info@wclc.org.nz
- Have a rest!

What can I say?

QUESTIONED

I was waiting for my mate outside the dairy when I saw the cops staring at me from across the street. I get stopped all the time when I'm not even doing anything! I can't be bothered answering any questions today. Don't I have the right to remain silent or something? **What could I say?**

RECORDING

I came out of the dairy and saw my friend being talked to by two cops so I started recording on my cellphone. I can tell that the police aren't happy about it as they keep looking over at me. What if they come over and tell me to stop? **What could I say?**

SEARCHED

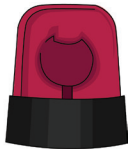
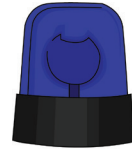
I saw the cops start walking towards me. I remembered I have a tinny in my bag and started freaking out... What if they search me?! **What could I say?**

ARRESTED

The police confiscated our bags and phones, but I have no idea why! I guess we'll never know. They found the tinny in my mates backpack. What if we get arrested? **What could I say?**



Mix n' Match



DIVERSION

- List of convictions
- It can be difficult to travel overseas
- Can make it harder to find a job

DISCHARGE WITHOUT CONVICTION

- Admits responsibility (pleads guilty) for minor offence
- Conditions apply (such as writing an apology)
- Police decide who gets it and avoids conviction

CLEAN SLATE

- Consequences of having a conviction are worse than the offence
- Becoming harder to get
- Judge decide who gets it and avoids conviction

CRIMINAL RECORD

- Minor convictions wiped after seven years
- No longer have to declare for employment
- Automatically applies

ACTIVITY #4

Victims' rights

VICTIMS

ACTIVITY #4

Victims' rights

WITNESSES

ACTIVITY #4

Victims' rights

OFFENDERS