

**INFORMATION
FOR
WOMEN**

*When your partner has
been charged with a
sexual offence*

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**There is no set description
of a sexual offender.**

An offender can be anyone. Sexual offenders come from all walks of life - religions, races, backgrounds, economic status, employment status, and can be male or female.

You can't tell by looking at someone whether or not they are a sexual offender or are likely to offend. Often sexual offenders are the people you would least expect to abuse children or others.

Sexual offending is very much a power issue. 85% of abusers are known to their victims. They have, or build, a relationship with the victim and from this basis the abuser exerts power and control to sexually abuse.

Sometimes false accusations of sexual abuse occur but this is fairly rare. It is important that everyone involved seeks some kind of help to deal with the allegations and the effects the allegations have had on them.

No one except the sexual offender is in any way responsible for their offending - not the offender's partner, the victim, the offender's parents or anyone who may have abused the offender as a child. No one except the offender is responsible for his/her behavior.

Sexual offenders need professional help. The first step to their getting help is to admit that they have a problem.

STOP is an organization which runs groups for men who are ready to stop their sexual abuse of children and others. STOP is a non-profit organization that is independent of the prison system or governmental agencies.

For more information contact:

**S.T.O.P Phone 374 5010
CHRISTCHURCH**

- ◆ You and the public have the right to be present at any court hearings, except when the victim has been granted a 'closed' court and usually when the complainant is giving evidence.
- ◆ You have the right to ring the police or the courts to find out court dates and information. (They may not give you the information you ask for).
- ◆ You have the right to seek legal advice. Unless you are being accused of a crime, you can't have a lawyer take an active role in court. Likewise the victim of a crime can't have a lawyer take an active role in the court, as the police act for the victim.
- ◆ Police can only search your place if:
 - (a) They have you or your partner's consent; or
 - (b) They have obtained a legal search warrant.

You have a general right to refrain from giving self-incriminating answers to questions, but in some circumstances you may be required to give your name, address and date of birth, or other details required under specific enactments. If you are required by law to answer certain questions the police should inform you of this. If you refuse to answer such questions you may be arrested.

- ◆ Police and/or Social Welfare can only remove children from your care if they have obtained a legal "Care and Protection Order".
- ◆ You have the right to choose whether or not to go to court, unless you are being accused of a crime, or are issued with a "witness summons". If you are legally married it is your choice as to whether or not you give evidence against your spouse.
- ◆ Everyone who is arrested or who is detained under any enactment:-
 - (a) Shall be informed at the time of the reason for it; and
 - (b) Shall have the right to consult and instruct a lawyer without delay and to be informed of that right; and
 - (c) Shall have the right to have the validity of the arrest or detention determined without delay and to be released if the detention is not lawful; and
 - (d) For any offence or suspected offence the person shall have the right to refrain from making any statements and to be informed of this right.

**A BILL OF RIGHTS FOR WOMEN
YES! WE DO HAVE RIGHTS!!**

1. You have the right to be treated with respect.
2. You have the right to have and express your feelings and opinions.
3. You have the right to be listened to and taken seriously.
4. You have the right to make your own decisions.
5. You have the right to make your own mistakes and be responsible for them.
6. You have the right to say 'NO' without feeling guilty
7. You have the right to ask for what you want and need.
8. You have the right to change your mind.
9. You have the right to feel safe.
10. You have the right to set personal boundaries.
11. You have the right to information
12. You have the right not to participate in things suggested to you.
13. You have the right to trust your feelings.
14. You have the right not to answer other people's questions.
15. You have the right to be different than others expect you to be.
16. You have the right to set your own priorities.
17. You have the right to love and be loved.
18. You have the right to have personal needs, including time for yourself.
19. You have the right to feel good about yourself.
20. You have the right to make changes in your life.
21. You have the right to relax, laugh, have fun, be happy and enjoy life.

REMEMBER, OTHERS HAVE THESE RIGHTS

The police's role is to investigate crime and reported crime. The police act for the victim with the aim of prosecuting the offender.

FACTS

Immediate facts are obtained at the time of any report for the purposes of gathering evidence and to ensure the victim's safety. The offender may still be in the area.

GATHERING EVIDENCE

The police need to establish that a crime has been committed.

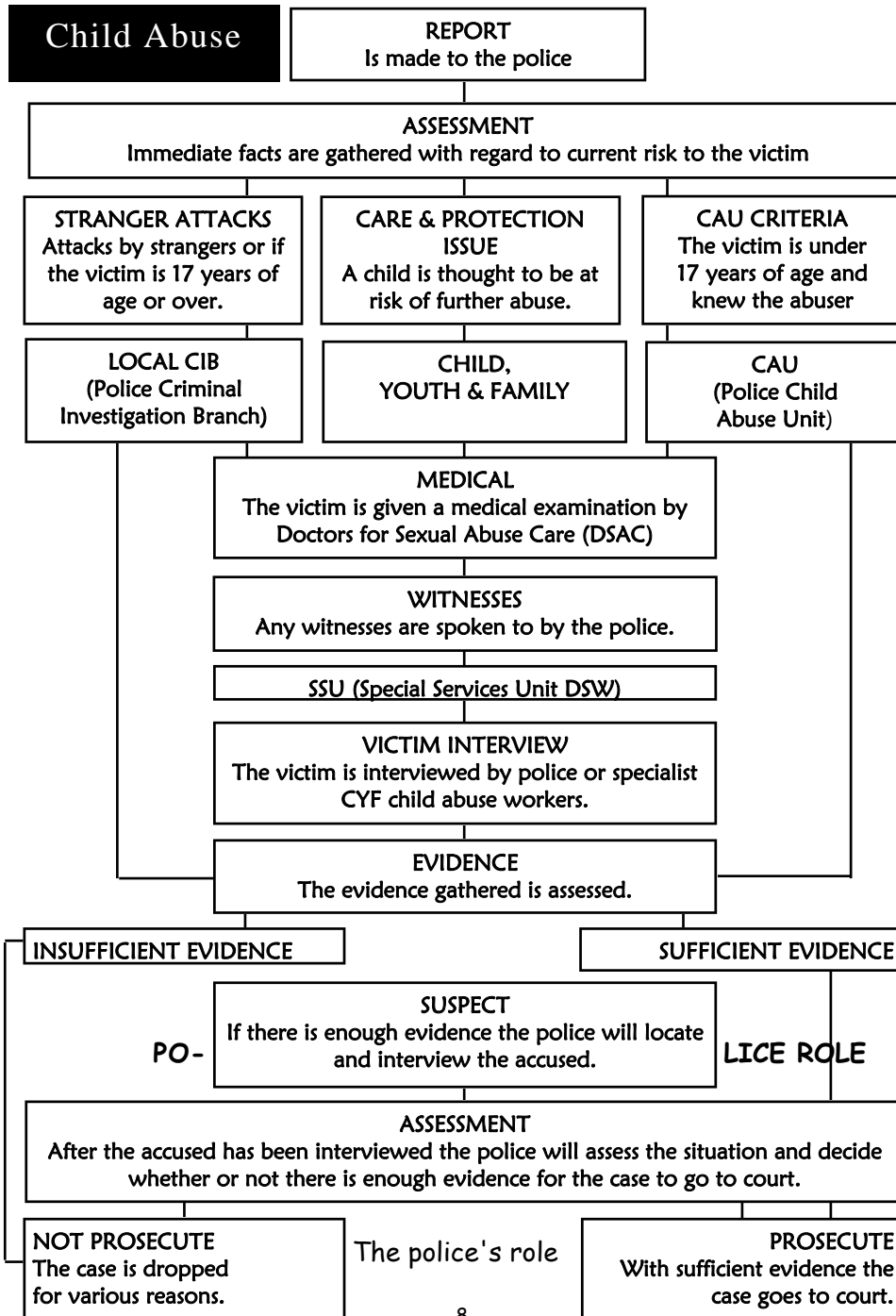
Statements will be taken and be used for further investigation and to aid the legal process. All witnesses will be interviewed and if the offence is recent the scene may be examined.

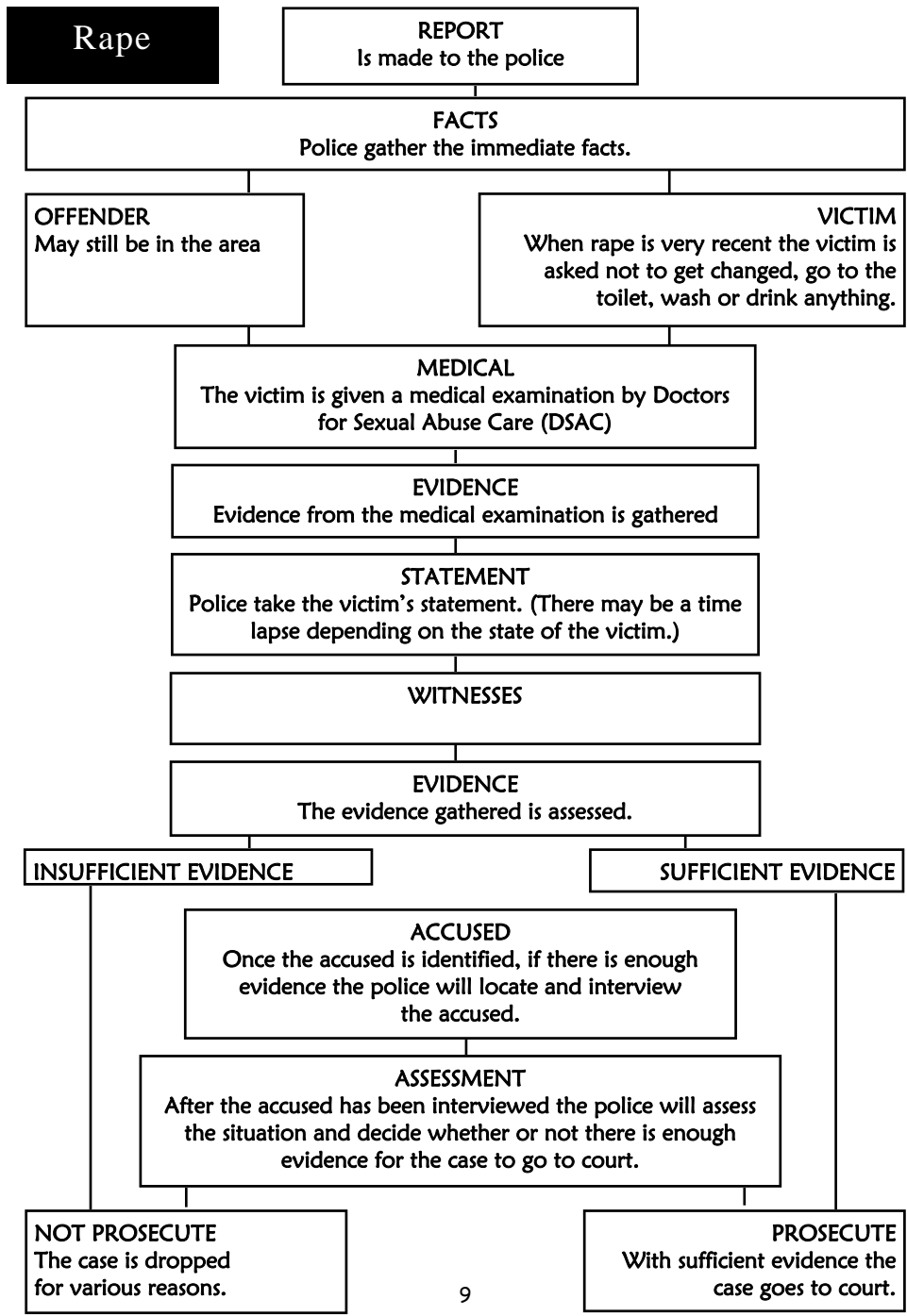
MEDICAL EXAMINATION

Where a medical examination is indicated, D.S.A.C. (Doctors for Sexual Abuse Care) will be called in. The main purpose of the medical examination is to ascertain the health of the victim and to gather and report on any evidence of abuse.

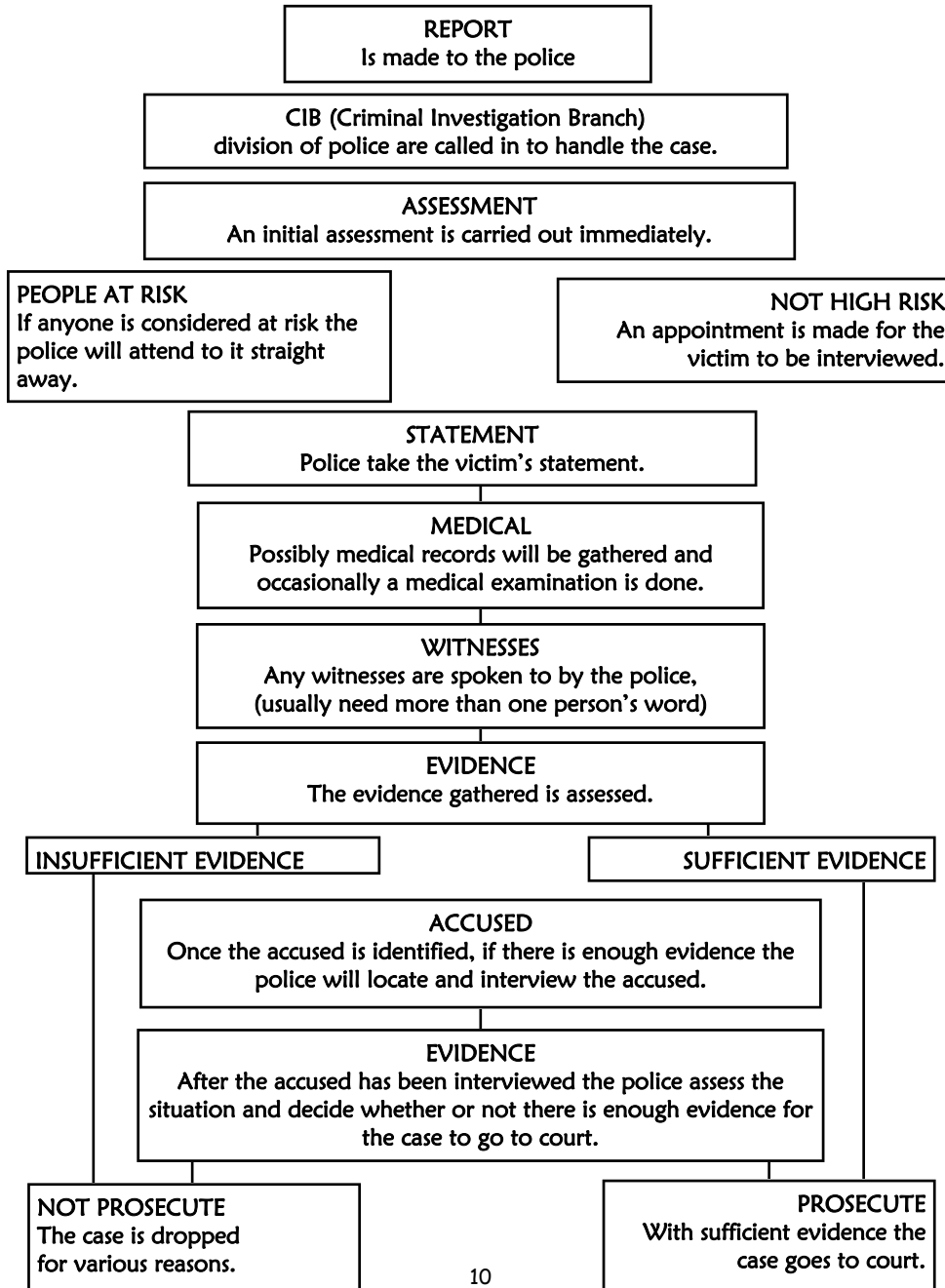
ASSESSMENT

As much evidence as possible will be gathered prior to the interview with the suspect. A decision whether or not to prosecute is dependent upon the weight of evidence. Experience indicates that Court ordered intervention offers the best assurance that the abuse will stop. However decisions are made with the interest of the victim as paramount.





Historical Sexual Abuse



STAGE 1 - Appearance on Arrest

The first court appearance for the accused is on the day of the arrest, or the following day.

STAGE 2 - Guilty or Not Guilty

The second time the accused appears in court is usually one or two weeks after the first court appearance. If the accused chooses to plead guilty (which is usually done in writing) he will be remanded for sentencing and no trial is necessary. The accused does not have to enter a plea. The accused may choose whether he wants a Judge alone, or a Judge and jury trial. In serious cases, the Judge may order a jury trial. This court appearance usually takes only a few minutes.

STAGE 3 - Pre-Depositions Conference

AT the Pre-Depositions Conference the Judge decides when the case is to be heard, how long the case will take, and sets a date for the Depositions Hearing. This conference usually takes place about four weeks after the second court appearance and takes only a few minutes.

STAGE 4 - Depositions Hearing

Also known as a 'Preliminary Hearing'. Usually this takes place between one and four weeks after the Pre-Depositions Conference. At this hearing the judge will decide if there is enough evidence to put the accused on trial. The police or the Crown Prosecutor put forward their case. Sometimes Depositions Hearing the defense can choose whether or not to give any evidence. If the Judge decides that there is not enough evidence to put the accused on trial, the case is dismissed and the accused is free to go. If there is enough evidence the Judge will ask the accused how he pleads (guilty or not guilty). This hearing is usually completed in a day, but can vary a lot.

STAGE 5 - Pre-Trial Conference

At the Pre-Trial Conference, which usually takes place about a fortnight after the Depositions Hearing, any disputes or legal matters between the Prosecution and Defense are brought to the judge's attention. Sometimes the Judge will make a decision on a dispute at this conference; but if it is likely to be a lengthy matter to resolve, the Judge will set a date for a 'Pre-Trial Hearing'. The Pre-Trial Conference only takes a short time.

STAGE 6 - Pre-Trial Hearing

A Pre-Trial Hearing is only necessary when there are legal disputes between the Prosecution and Defense. Some witnesses may be called to give evidence at this stage. The Judge may decide that some evidence cannot be put before the court at the trial for various reasons.

STAGE 7 - The Trial

The trial usually takes place one to three months after the Pre-Trial Conference. Trial lengths vary depending on the case, but usually last about two days.

The Jury Trial Process

1) The charges are put to the accused by the court registrar and the accused pleads 'guilty' or 'not guilty'. If the plea is 'guilty' the trial does not proceed and the accused is remanded for sentencing.

2) The Jury members are chosen. The prosecution and defense can challenge the people called for Jury duty (can stop a person from becoming a Jury member). They can challenge six people each. Twelve Jury members are selected. Each of the jurors has to make either a promise of affirmation, or swear on the Bible, that they will give consideration to the case to the best of their ability. The Jury is sent out to choose a foreperson (a juror who speaks on behalf of the jury) and on its return the registrar reads the charge or charges to the Jury.

3) The Crown Prosecutor starts with an opening speech and calls the first witness to the witness box. The Crown Prosecutor then proceeds to question the witness. The defense lawyer may cross-examine the witness. If the Prosecution or the Judge has no further questions for the witness the witness is allowed to stand down and the Prosecution's next witness is called. When all Prosecution witnesses have been heard the defense lawyer opens his/her case.

4) The Defense lawyer starts with an opening speech then calls the witnesses whom he questions and who are in turn cross-examined by the Crown Prosecutor.

5) Once all the evidence has been heard the Crown Prosecutor addresses the Jury and summarizes the case. Then the defense lawyer addresses the Jury and summarizes the case.

6) Addressing the Jury, the Judge then summarizes the evidence and outlines the law in regard to the charge or charges.

7) The Jury is sent to the Jury room to consider its verdict. All jurors must agree on a verdict before returning to the court room.

8) The foreperson stands and informs the court of their verdict - 'guilty' or 'not guilty'. If the accused is found not guilty he is free to go. If the accused is found guilty he is remanded for sentencing.

STAGE 8 - Sentencing

Sentencing usually takes place one or two weeks after the trial, or after the accused has pleaded guilty. The Judge decides what the sentence will be, taking into account a number of factors such as: a report from Community Correction (formerly Probation); the victim impact statement; maximum sentence allowed by law; and the defense lawyer's statement (plea in mitigation). The sentencing is usually over within half an hour.

The Trial... Who will be there?

All of the following people may be present at a jury trial...

Accused	The person who is standing trial for a crime but who has not been found guilty. Also called the defendant.
Complainant	The victim
Court Attendant	A person employed by the court to help the court, e.g. hands papers to the Judge etc.
Crown Prosecutor	A lawyer who works on behalf of the police in court (police work on behalf of the victim).
Defense Lawyer	A lawyer who works for the accused person by trying to prove their innocence.
Foreperson	A member of the Jury who addresses the court on behalf of the Jury.
Judge	In charge of the court room. The Judge is addressed as "Your Honor" or Sir/Ma'am".
Jury	Twelve people who decide if the accused is guilty or not.
Juror	A member of the Jury.
The Press	Members of the news media.
Prison Guard	A prison guard is there to escort the accused in and out of court.
The Public	Members of the general public who have come to watch the case.
Registrar	A court employee who is responsible for the organization of the courtroom, calls witnesses and tells people to stand etc.
Stenographer	A person who records all the evidence in court.
Witness	A person who gives evidence in court about what they saw or heard in relation to the case.

Acquittal	When the jury finds the accused not guilty.
Adjourn	When the trial is delayed until another date or time, or stopped for a break.
Bail	Money or security that is required as security against the temporary release of an alleged offender pending trial.
Challenge	e.g., challenge the Jury. The prosecution and defense lawyers each have the right to stop six people from being on a jury by challenging them.
Charge	When the police formally accuse a person of committing a particular crime, e.g. assault.
Closed Court	When the general public are not allowed in the court room.
Conviction	Where a person is found guilty or admits a crime and it is recorded against their name on official records.
Cross Examination	When the opposing lawyer asks the witness questions.
Defense	Reasons why the defense lawyer says the accused should be found not guilty.
Expert Witness	A person who didn't see or hear what happened but tells the court special, or technical information, e.g. a doctor or psychiatrist.

Evidence	What is placed before a court to prove a charge. Can be something seen, heard or said; or something physical, e.g. blood, ripped clothing, etc.
Examination in Chief	When the lawyer questions one of his own witnesses.
Offence	Something that is against the law.
Plea in Mitigation	The speech made by the defense lawyer to the judge about the guilty person's background and circumstances. This helps the judge decide on the sentence.
Prosecution	The person/s taking the accused to court, e.g. the crown prosecutor, the police.
Remand	When the court tells the accused person to come back to court another day or time. The person can be remanded on bail or remanded in custody.
Sentence	The court's punishment for a person found guilty.
Statement	What a person tells the police. This is usually written down, typed and then signed by the person making the statement.
Witness	A person who saw or heard what happened.
Witness Brief	A statement written by the police about what the witness saw or heard.

If you are subjected to any violence, threats or harassment from anyone, get in contact with the police straight away.

People accused of a sexual offence can get out on bail depending on whether the Judge considers the accused likely to re-offend, and whether the Judge thinks the accused will turn up for the trial. The Judge or the police may set certain bail conditions, e.g. that the accused is to stay away from certain people.

If police consider the partner and/or children of the accused to be at high risk of violence from the accused, the police will discuss options with the partner.

Terms of parole may offer some protection for the family when the accused is released from jail.

DOMESTIC PROTECTION ACT 1982

If you are fearful of your partner, you may be eligible to apply for one or more of the following orders -

- Non-Molestation Order
- Occupation Order
- Furniture Order
- Non-Violence Order
- Tenancy Order

You will need to contact a lawyer to obtain any of these orders. For further information you can contact the Community Law Centre listed in the 'Support and Information' section.

SAFETY CONTACTS: Police Emergency Phone 111

Christchurch Police Central Station Non Emergency,
Cnr Hereford Street and Cambridge Terrace. Ph 379.3999

For emergency accommodation
refer to 'Support & Information' section

If you think you are going to need financial assistance contact your local branch of WINZ straight away.

You do not have to tell anyone at WINZ why your partner has been arrested or put in jail nor should they ask.

When someone is arrested and held in custody WINZ stops their benefit from the day they were taken into custody. When someone is sentenced to jail their benefit is cancelled. If you are on a married couple's benefit this will mean you will get no money until you apply for another benefit.

If you are already on a benefit all you should need to take in to WINZ to start with is some form of identification (I.D.) to prove who you are.

If you are not already on a benefit it would help to speed up the process if you took all of the following that are applicable to you into WINZ as soon as possible:

1. Bank account details, bank book or bank statement.
2. A birth certificate or passport, and one other form of identification, e.g. driver's license.
3. Proof of your Inland Revenue tax number. This can be a letter or form from IRD which has your name and IRD number on it.
4. Income details - details of your income for the last 26 weeks, including investments, part-time jobs, ACC payments etc.
5. Your last pay slip.

6. Full birth certificates for your children and/or any children you support and care for.
7. Notice of enrolment from WINZ (only if applying for the Unemployment Benefit).
8. Verification of any name change.
9. Proof of what you pay for your house or flat - rent book, receipts or tenancy agreement. Or if you own your own home you need to bring in proof of how much you pay for your mortgage, council rates, house insurance, repairs and maintenance (any bills and receipts from trades people or shops during the last year) . Emergency payments are available for accommodation, food etc. If you are working or on a benefit you may be eligible for the following supplements: Accommodation Allowance, Disability Allowance, Special Benefit, Family Support, Childcare Subsidy, Community Services Card and Training Incentive Allowance.

For more information you can visit your local WINZ Office
or contact:

Work & Income New Zealand
Phone 0800 559 009

Most wives/partners experience a multitude of emotions when their husband/partner is accused of sexual abuse.

Some of the most common reactions are shock, anger, fear, disbelief, guilt, disgust, shame, hurt, confusion and doubt.

It is very common for women to blame themselves, thinking "I should have known, what did I do wrong?" etc. The blame lies with the abuser and only with the abuser.

Women often experience strong feelings toward their husband/partner such as anger, fear, love, ambivalence, doubt, disgust, numbness, hurt and concern.

Friends and family may not be supportive of you. It is important that you find someone you can trust to talk to. Confidentiality is really important. If you don't have someone, there is help available (see Support and Information section in this booklet).

Remember there is no right or wrong way to feel!

Some women get a negative reaction from other people for believing their partners are innocent and for standing by them.

Other women get a negative reaction because they believe their partner did abuse, often from people who believe the partner could never do such a thing.

Some people in the community can't handle the fact that although a man is guilty of a sexual offence his partner stands by him.

The important thing is to take care of yourself and find someone non-judgmental and supportive to talk to.

TELEPHONE COUNSELLING

LIFELINE - 24 hr telephone counselling service - 366 6743

PARENTLINE - 381 1040

COUNSELLING AGENCIES

(If you are on a benefit or low income, you may be able to get a disability allowance from Income Support to cover the cost of counselling)

SEXUAL ABUSE SURVIVORS TRUST, The Monarch Centre,
6 Wilsons Rd, St Martins, Ph 337 5701

RELATIONSHIP SERVICES, 249 Madras St, Ph 366 8804

HOME & FAMILY SOCIETY, 221 Manchester St, Ph 379 5645

PETERSGATE, 29 Yaldhurst Rd, Riccarton, Ph 343 3391

PRESBYTERIAN SUPPORT, 46 Bealey Ave, Ph 366 5472

TE PUNA ORANGA Inc, 180 Manchester St, Ph 365 5715

THE SEXUAL ABUSE CENTRE, Cranmer Centre, Ph 364 7324

S.T.A.R.T. Sexual Abuse Therapy & Rehabilitation Team,
144 Westminster St, Ph 355 4414

WOMEN'S CENTRE, 134 Manchester St, Ph 379 7047

Some medical centres have a free counselling service. If you have a friendly G.P. he/she may have a listening ear.

ACCOMMODATION

BATTERED WOMEN'S TRUST Emergency accommodation and support for women in violent situations (children welcome)
Ph 364 8900

CHRISTCHURCH WOMEN'S' REFUGE Emergency accommodation and support for women in violent situations (children welcome)
Phone 364 7306 (24 hours)

HELP!! Finding Support

HOME & FAMILY SOCIETY Emergency accommodation/support for women and families for up to three months. You will have help finding another place. Ph 379 5645

HOUSING FOR WOMEN TRUST Assistance for women to find suitable, safe, long term housing. Phone 377 2145

NEWELL HOUSE Temporary accommodation for up to three months for women alone or with families. Phone 377 6048

YWCA WOMEN'S NIGHT SHELTER & EMERGENCY FAMILY ACCOMMODATION Phone 365 8720.

OTAUTAHI MAORI WOMEN'S REFUGE Phone 381.2310

OTHER AGENCIES

BARNADOS Supervised access of children (low fee involved). Pick up/drop off service. Ph 365 2217

COMMUNITY LAW CENTRE - Free legal advice, 281 Madras St. Ph 366 6870

S.T.O.P. ADULT PROGRAMME A group of men who are ready to stop their sexual abuse of children and others.

S.T.O.P. ADOLESCENT PROGRAMME Programmes for adolescent males who are ready to stop their sexually abusive behaviour. 4th floor, 160 Manchester St. Ph 374 5010.

(S.T.O.P. is independent of the prison system and government agencies)

FACE TO FACE A service to help survivors and/or families of sexual abuse confront their abuser in a safe environment. A Support Network/S.T.O.P. joint initiative.

CANTERBURY PUBLIC LIBRARY The library has a large selection of books related to sexual abuse. Central Library, cnr Gloucester St and Oxford Tce, Ph 379 6914.

The Monarch Centre offers these services

- ACC Counselling
- General Counselling
- Parent/Caregiver support
- Family Support
- Groups
- Telephone counselling
- Community Education & resources

**SAFECARE
24 hour
RAPE & SEXUAL
ASSAULT CRISIS
SUPPORT
Emergency Phone
364 8791**

- Telephone Support
- D.S.A.C
- Police Statement
- Court



Home of The Sexual Abuse Survivors Trust
Hai āwhina i kā pāureka taitōkai me te whānau

**We would like to give special thanks to
Newman's Own Foundation Fund
for without their support we would not have been
able to update this booklet 2009**

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