



Diversity Liaison Network

We have diversity liaison officers around the country who assist, support and work towards providing a safe work environment for Police staff who identify as gay, lesbian, bisexual, transgender and intersex.

DLOs help to break down barriers by:

- making links with GLBTI community groups and working with them to resolve any community issues
- assist GLBTI members with crime prevention and safety advice
- provide guidance to colleagues and management
- training and educating staff
- being a point of contact for GLBTI issues
- promoting their role and GLBTI within Police and the community.

How to become a DLO

The DLO is a voluntary role. Any member of staff who has approval of their supervisor can become a DLO.

[Position description](#) (Word) for DLO role.

Recently Updated Documents

Type	Name	Date Modified	Owner
	position-descriptions	19/12/2011 4:27:52 p.m.	

Contacts

Essential Links

- [Diversity Liaison Officers List](#)
- [Wellness and Safety](#)
- [Employee Assistance Programme](#)
- [Trauma Policy](#)

NEW ZEALAND POLICE - POSITION DOCUMENTATION

<u>JOB TITLE:</u>	<u>Diversity Liaison Officer (DLO)</u>
<u>STATUS:</u>	<u>Portfolio (part time)</u>
<u>RANK:</u>	<u>Open</u>
<u>LOCATION:</u>	<u>Open</u>

OBJECTIVE

- 1.1 Help to create and maintain an inclusive and safe work environment.
- 1.2 Contribute to the creation of mutual trust between police, gay men, lesbians, bisexuals, transgender, and intersex (GLBTI) persons so that they have increasing confidence in police through the provision of a fair and equitable policing service.

POSITION DUTIES

- 2.1 Work with Human Resources and Equity & Diversity staff to support GLBTI staff members.
- 2.2 Respond to requests for information relating to GLBTI issues in the workplace.
- 2.3 Establish effective communication and networking between police and the GLBTI communities; liaise and act as a contact point for GLBTI groups within the community.
- 2.4 Assist with the development of strategies regarding GLBTI victims of crime including victims of domestic violence and sexual assault; thereby assisting in the process of obtaining statements from victims and witnesses where appropriate and referral of victims to support services where necessary.
- 2.5 Participate in the education and development of policy regarding GLBTI issues and the delivery of police services to GLBTI communities.
- 2.6 Provide advice and regular performance and evaluation reports through the chain of command to the District Commander on duties performed, forthcoming events/meetings and GLBTI issues.

2.7 Represent New Zealand Police, as requested, at events and meetings that relate to GLBTI issues and assist in the development of local policies in relation to policing GLBTI community events.

2.8 Establish and maintain through the Human Resources Manager, a Regional resource library on information relating to GLBTI issues.

2.9 Contribute to the national DLO network.

KEY SELECTION CRITERIA

3.1 Relevant operational experience.

3.2 Understanding of the philosophies underpinning community policing, the Police Codes of Conduct and Ethics, and Equity and Diversity principles, in the provision of services to the New Zealand community.

3.3 Understanding of the history and current issues affecting gay, lesbian, bisexual, transgender and intersex communities.

3.4 Ability to liaise effectively with a diverse range of groups including lesbians, gay men bisexual, transgender and intersex individuals.

3.5 Respect for issues of privacy, confidentiality and individual's dignity.

3.6 Well developed analytical and problem solving skills in relation to sensitive issues.

3.7 Well developed interpersonal and written communication skills.

3.8 Attended the Human Rights Training.



Sexual Orientation and Gender Identity

Relates to	Training & Career, Planning & Administration, Operational
District	All
Owner	[REDACTED]

New Zealand Police has a vision to 'foster a culture of diversity, fairness and accountability, whilst maintaining high standards of conduct and ethics'.

This includes being responsive to staff and people of all gender identities and sexual orientation in our workplace and out in the community.

We have a range of information and support resources to help staff foster this vision.

In this section you will find information on:

- [Hate Crime](#)
- [Family Violence](#)
- [Transgender and Intersex Communities](#)
- [Beats and Cruising](#)

What does GLBTI mean?

GLBTI refers to people who identify as gay, lesbian, bisexual, transgender and intersex.

Hate Crime

Hate crime is identified as "an offender who commits an offence partly or wholly because of hostility towards a group of persons who have an enduring common characteristic such as race, colour, nationality, gender identity, sexual orientation, age or disability; and:

- the hostility is because of the common characteristic
- the offender believed the victim has that characteristic."

Often GLBTI people are targets of hate crime because of their sexual orientation. For more information see:

- [Policing Manhood; New Theories about the Social Significance of Homophobia](#) (PDF) - David Plummer
- [No Straight Answer](#) (PDF) - Homophobia as Both an Aggravating and Mitigating Factor in NZ Homicide Cases, by Elisabeth McDonald

- [Gay-Hate Related Homicides](#) (PDF) - An Overview of Major Findings in New South Wales - Jenny Mouzos and Sue Thompson (Australian Institute of Criminology)
- [The David McNee Homicide](#) (PDF) - Memo from Eugene Moore
- [Homophobic and Transphobic Hate Crime](#) (PDF) - Resource Document from Eugene Moore
- [Centre for Homicide Research \(CHR\)](#) (PDF) - 11 Indicators of Hate Crime
- [Attitudes Towards Reporting Hate Crime](#) (PDF).

Family Violence

People in GLBTI relationships are victims or offenders of family violence. There are particular ways of dealing with these sorts of crimes. We have a range of resources about what to do when responding to instances of family violence in GLBTI relationships.

For more information see:

- [The Second Closet](#) (PDF) - Domestic Violence in Lesbian and Gay Relationships: A Western Australian Perspective
- [Fair's Fair](#) (PDF) - A Snapshot of Violence and Abuse in Sydney LGBT Relationships, 2008
- [Domestic Violence Between Same-Gender Partners](#) (PDF) - Recent Findings and Future Research
- [New Zealand Family Violence Clearinghouse](#) - NZ based website for family violence related resources. Search on key words such as gay, lesbian or transgender. Click here for an information brochure
- [The Minnesota Centre Against Violence and Abuse](#) - based in the USA, has a comprehensive website of domestic violence related resources. Search on key words such as gay, lesbian, or transgender.
- [Ministry of Social Development Power Point for Police on GLBTI Family Violence](#) (PDF)
- [Diversity Liaison Officer Network GLBTI Family Violence Video Conference Notes](#) (PDF).

Transgender and Intersex Communities

Police play a large role in protecting transgender and intersex people from discrimination, harassment and crime.

Through the Diversity Liaison Officer network, Police have done a lot to engage with the transgender and intersex communities.

For more information see:

- [Agender NZ](#) - Provides support to transgender people throughout NZ. Local Agender contacts can provide advice on transgender issues to Police, and work in particular with DLOs.
- [GenderBridge](#) - an Auckland based incorporated society established in New Zealand to provide support for transgendered people and their friends & family
- [New Zealand Prostitute's CKollective](#) - an organisation comprising past and present sex workers and allies, the NZPC can provide advice and guidance on transgender street workers. NZPC works in particular with DLOs.
- [Explaining Gender Identity Handout](#) (PDF) (tool for explaining Gender Identity e.g., in training environment).
- [Sam's Story](#) (PDF).

Beats and Cruising

Cruising

Cruising is where people look for sexual partners in public places such as busy streets, secluded parks, beaches

and public toilets. This happens in the middle of the day or night. Cruisers may meet in public and have an encounter or go elsewhere to have sex. Some cruising spots are also known as "beats".

Beats

Men's toilets are often used as beats as they offer a men's only environment and some perceived privacy. In some cases the men do not identify as gay or bisexual, so would not enter a known gay premises. Or in some cases they do identify as gay or bisexual and visit these places for the thrill. Another possibility is that the male does not want to be seen in a gay premise such as a sex on sight venue for fear of being discovered by a friend or partner. This could come about due to shame, embarrassment or their partner's belief that the relationship is monogamous.

For more information see:

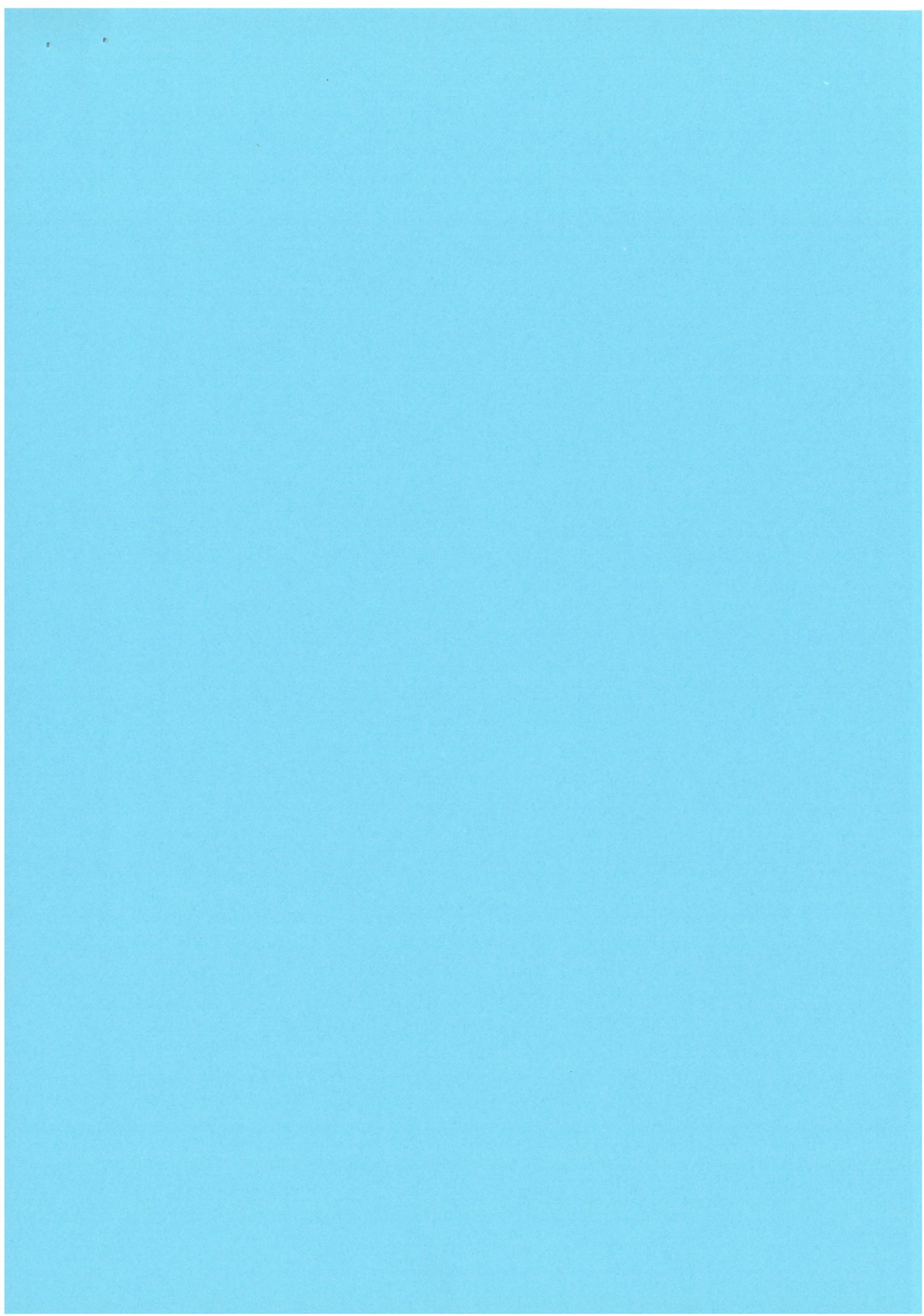
- [Beats and Cruising Good Practice](#) (Word)
- [NZ AIDS Foundation](#) - for advice and support about policing beats and cruising sites.

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Community Impact Assessments (CIAs)

Publication Number:

Community Impact Assessments (CIAs)

Summary

This chapter:

- describes [Police community impact assessments](#) (CIAs) and their purpose
- details the circumstances in which they [must be applied and documented](#)
- outlines [factors to be taken into account](#) when undertaking CIAs.

What is a community impact assessment (CIA)?

A community impact assessment is a risk assessment which identifies issues that may have an effect on community trust and confidence in police. Knowledge and understanding of the potential impacts can assist police to be 'proactive' in its response, actions and public messages, so as to minimise or mitigate any negative effects within the community.

The assessment looks at the planned incident, and the anticipated police response/tactics, to assess the likely impact or reaction of the community. The CIA assists in ensuring the police response is reasonable, proportionate and appropriate to the incident.

Completing a CIA and addressing any identified adverse impacts will assist police to demonstrate the 'reasonableness' of an operation or search, should that become an issue at later hearings or investigations. It will also assist to form key public messages from police or policing partners.

Definitions

This table outlines the meaning of terms used in this chapter.

Term	Meaning
Community	The community includes groups of people based on, for example, location, race or ethnicity, gender, faith, disability, or sexual orientation.
Interest groups	Interest groups include any discernable group of people resident or visiting the community who are united by identification to an issue or affiliation with others, e.g. environmentalists, the local football club or RSA.
Vulnerable people	Vulnerable persons include: <ul style="list-style-type: none"> • children and young people • elderly people (consider physical and / or cognitive abilities) • people with disabilities, especially those with physical, sensory, neurological, psychiatric, intellectual or other impairments • people with health/medical needs • ethnic, cultural or religious minorities • transgender and intersex people

When must CIAs be conducted?

Community impact assessments (CIAs) are designed as a tool to assist in planning and decision making.

As a minimum, carrying out a mental appreciation of possible community impacts should be a routine part of planning for **all** police operations or events that may have a potentially adverse affect on community trust and confidence in police.

A CIA **must** be conducted and documented when planning for:

- search executions (warranted and warrantless) including road blocks for search purposes (road blocks for traffic enforcement purposes are excluded)
- AOS / STG operations
- any major operation or significant event, for example:
 - demonstrations and rallies
 - outlaw motorcycle and other gang enforcement
 - exhumations

to minimise or eliminate the adverse impact of searches or operations:

- where vulnerable people are present
- on the community and interest groups.

See [Documenting CIAs](#) below for the expectations around the timing and documentation of your assessment.

Relationship to other risk assessments

A CIA is completed in addition to other operational risk assessments including:

- TENR-Operational threat assessment (applies to all operations)
- Pre- Search Warrant Risk Assessment (POL 240) and Post Warrant Intelligence Report (POL 243).

Documenting CIAs

For pre-planned events the planning officer must prepare the written CIA during planning using the [Community Impact Assessment Form](#).

Where in emergency situations time does not permit the completion of the CIA form, carry out a mental appreciation of the potential impact on vulnerable people and on the community and relevant interest groups. Record the considerations and decisions later in a notebook or a CIA form. This mental appreciation may identify some immediate post- event actions to be taken.

Written CIAs, when required, form part of the risk assessment process and should be prepared/ documented by the assessing officer in the case of search warrants, and by a designated person for the operation commander in major operations and other significant events.

(See [What must be included in a CIA](#) and [Consultation with others during preparation](#) below).

What must be included in a CIA?

A [Community Impact Assessment Form](#) should outline:

- the type of incident or event
- the particular community which might be affected
- the potential negative aspects
- whether the response may have a significant impact on the public perceptions of the police
- whether those negative impacts are justified or can be mitigated or eliminated
- measures to reduce negative impacts
- review notes
- time/date/author of original CIA and reviews.

A CIA may also include references, appendices, limitations (e.g. time) and sources.

Consultation with others during preparation

Consultation with specialist staff or partner agencies may be necessary or advantageous in the development of the CIA.

The [mitigating actions and response](#) options in community impact assessments should, where appropriate, be shaped by the advice of MPES liaison officers. MPES liaison officers are best placed to determine whether the presence of community leaders, Kaumatua/kuia, or influential staff in other agencies is most appropriate in any given situation. This is likely to minimise the negative effects of an operation involving Maori, Pacific and Ethnic peoples.

The security of the operation must be taken into account when considering appropriate persons to consult.

Mitigating actions and response options

Use the examples of [responses to possible community impacts](#) and the [factors to consider when planning for vulnerable people](#) below when considering how adverse impacts might be mitigated or eliminated.

Examples of responses to possible community impacts

Potential examples of mitigating actions that might be taken in response to a community impact assessment include:

- after considering the impact of the overt policing of a minority or vulnerable community, modification of the tactics or mitigation strategies to reduce those impacts using specialist staff
- involving community leaders or Kaumatua
- having a CYF social worker present where children are involved
- notifying schools in the area
- considering where the enforcement of outlaw motorcycle and other gangs should take place to minimise the effect on the community
- having Police or other agency staff (e.g. MPES liaison officers) present to deal specifically with potential concerns relevant to that community.

Factors to consider when planning for vulnerable people

Consider these factors and responses as part of the CIA when planning any operation where vulnerable people may be present or the operation may have adverse impacts on the community or interest groups. If the urgency of the operation precludes detailed planning, you must still be aware of these factors and take appropriate actions as soon as practicable in the circumstances.

Factor to consider	Action
Meeting medical requirements	Establish if anyone requires special medical care and ensure these requirements are met, e.g. medication for heart disease, asthma or diabetes. This is particularly pertinent to the elderly.
Providing for necessities	Plan and provide for human necessities such as food/water, toilet and warmth, particularly if it is anticipated that there will be a need to detain people for lengthy periods.
Nature and estimated length of operation	
Timing of operation	Consider the appropriateness of the time of day, or day of the week for conducting the operation. For example, is it necessary to carry out a search of premises used as a place of worship, while a religious service is underway or can the search wait until worshippers have left the premises?
Designated person responsible for vulnerable people	Assign someone to be responsible for: <ul style="list-style-type: none"> • establishing the presence of children, young people, elderly or other vulnerable people on arrival at the premises where a search warrant is to be executed, or the place where the operation will be conducted, and • making enquiries for an appropriate caregiver to care for children, young people, elderly or other vulnerable people, (in some situations it may be appropriate to have CYF staff present during the operation), and • locating the vulnerable people and their caregiver to a place of safety, and where the potential impact of the Police search or other operation is minimised, and

<p>The type of Police resource being used during the operation, e.g. AOS, clan lab staff etc</p>	<p>taking any other action to address any identified needs.</p> <p>Assess the risks and hazards arising from executing a search warrant or conducting the operation and select the appropriate level of Police resources and response required to reduce potential harm or adverse occurring to:</p> <ul style="list-style-type: none"> • Police employees • people present at the search scene • the property being searched.
<p>Privacy and confidentiality</p>	<p>Plan and preserve people’s privacy and confidentiality as much as possible.</p>

Approving CIAs

Depending on the situation, a written CIA may need to be approved by a supervisor or the operation commander and possibly a partner agency, and in the case of a search warrant, by the authorising officer.

Reviewing CIAs

A CIA must be reviewed during the operation at an appropriate level to ensure the CIA and police response is current, reasonable and appropriate in the particular circumstances.

Retention of CIA on operation file

The CIA, including [reviews](#), must be kept with the operation file and may be disclosable.

Community Impact Assessment Form

Download a [Community Impact Assessment Form](#) here as an interim measure until the form is available in Police Forms.



Part 5 - Carrying out search powers with or without warrants

Publication Number:

Planning searches and assessing risk and community impact

This section contains these topics:

- [Pre-search risk and community impact assessments](#)
- [Search warrant risk assessment procedures](#)
- [Warrantless search risk assessment procedures](#)
- [Community impact assessments – warranted and warrantless searches](#)

Pre-search risk and community impact assessments

Executing **any** search (with or without warrant) has inherent risks for employees. These risks must be identified, assessed and taken into account during planning in a consistent manner, to protect the safety of employees and members of the public.

Securing search scenes and conducting searches in the presence of [vulnerable people](#) and innocent members of the community can be intimidating, particularly if carried out by armed Police in full operational uniform. When planning and executing **any** search you must:

- consider the adverse impact on:
 - vulnerable people who are or are likely to be present
 - community and interest groups, and
- where practicable, try to eliminate or minimise the potential harm and trauma that executing the search warrant or search power may have.

Executing searches should avoid compromising or undermining wider community support, confidence and reassurance.

Learning for the future

It is also important that information learnt when executing searches that may be relevant to any future risk assessment is recorded and entered into [NIA](#) after the search. This will improve our ability to assess risks to the safety of employees executing future Police responses and to more effectively identify measures to reduce the risk of harm to Police and others.

Examples of vulnerable people

Vulnerable people include:

- children and young people
- elderly people (consider physical and/or cognitive abilities)
- people with disabilities, especially those with physical, sensory, neurological, psychiatric, intellectual or other impairments
- people with health/medical needs (these can be established on scene)
- ethnic, cultural or religious minorities
- [transgender and intersex](#) people.

Search warrant risk assessment procedures

When executing **any** search follow the guidance in the [Operational threat assessment \(TENR\)](#) Police Manual chapter for assessing:

- **threat** - includes intent, capability, opportunity and the physical environment
- **exposure** - includes safety (of Police and the public) and security of the operation
- **necessity** to act now, later or not at all
- **response** – the appropriate response including timing, tactics and options.

Pre-search warrant risk assessments and **post warrant** intelligence must be recorded in writing.

Step	Action
1	Using prompts on the 'Pre-search Warrant Risk Assessment' form (POL 240 is available in Police Forms) and the TENR process , the assessing officer completes the pre-search risk assessment. This should normally be done before the application is authorised. If necessary, the risk assessment may be delayed, for example if it is to be completed by staff in a different district who will then execute the search warrant.
2	Complete a community impact assessment (CIA).
3	The authorising officer (who must be a sergeant or above): <ul style="list-style-type: none"> • considers whether: <ul style="list-style-type: none"> - all known risks have been identified and considered - the recommended risk mitigation is appropriate in the circumstances - it is appropriate to execute the warrant at that time and date with the intended resources, and • endorses the "necessity" section of the form accordingly. <p>Any special instructions about the necessity of executing the warrant, the timing of execution or the proposed resources available to the search team must be recorded on the POL 240.</p>
4	The executing officer , whether or not they are also the assessing officer, confirms they are aware of the risk assessment and any requirements for mitigating risk by completing their details in the "necessity" section of the form.

	Note: The executing officer must notify the Communications Centre of all pending searches and the District Command Centre if executing a search warrant prior to conducting the entry and search. See the section titled, ' Mandatory notification of pending searches ' in this Part 5 of the Search chapter for the procedures relating to notification.
5	As soon as possible after the warrant is executed, the executing officer must complete and submit the Post Warrant Intelligence Report (POL243) to the Intel Section for entering on NIA .

Do not disclose search warrant risk assessment forms without advice

You must not disclose the search warrant risk assessment forms (the pre search [POL 240](#) or the 'Post Warrant Intelligence Report' [POL 243](#)) without legal advice. A refusal to disclose the assessment can be made under section 16(1)(a) and (c)(iii) of the Criminal Disclosure Act 2008.

Warrantless search risk assessment procedures

Follow the standard [TENR](#) threat assessment and the [community impact assessment](#) processes as closely as possible when conducting warrantless searches. If time permits, use your notebook to record your assessments. If this is impracticable due to situations of emergency or urgency, complete your assessments mentally and record your considerations and decisions later in your notebook or on the CIA assessment form.

After the search, record in [NIA](#) any information that may be relevant for the safety of employees conducting searches in the future.

Community impact assessments – warranted and warrantless searches

[Community impact assessments](#) (CIAs) must be a routine part of all risk assessments and be conducted before executing searches to eliminate or minimise the adverse impact of searches:

- where vulnerable people are present
- on the community and interest groups.

If the situation is urgent you may carry out a mental community impact assessment. You should also carry out an ongoing mental community impact assessment as the situation changes during execution of the search.

Completing a CIA and addressing any adverse impacts supports the contention of 'reasonableness' at later hearings. If vulnerable people are likely to be present, or adverse impacts on the community or interest groups are identified in your CIA:

- report the matter to your supervisor, and
- obtain approval to carry out the search powers before conducting the search unless in the circumstances it is impracticable due to situations of emergency or urgency.

If you are in doubt about managing the risks revealed from the assessment, delay the search until your supervisor or manager's approval has been obtained. If the supervisor is unsure how to manage the risks revealed from the assessment, the supervisor must raise the matter with their manager.

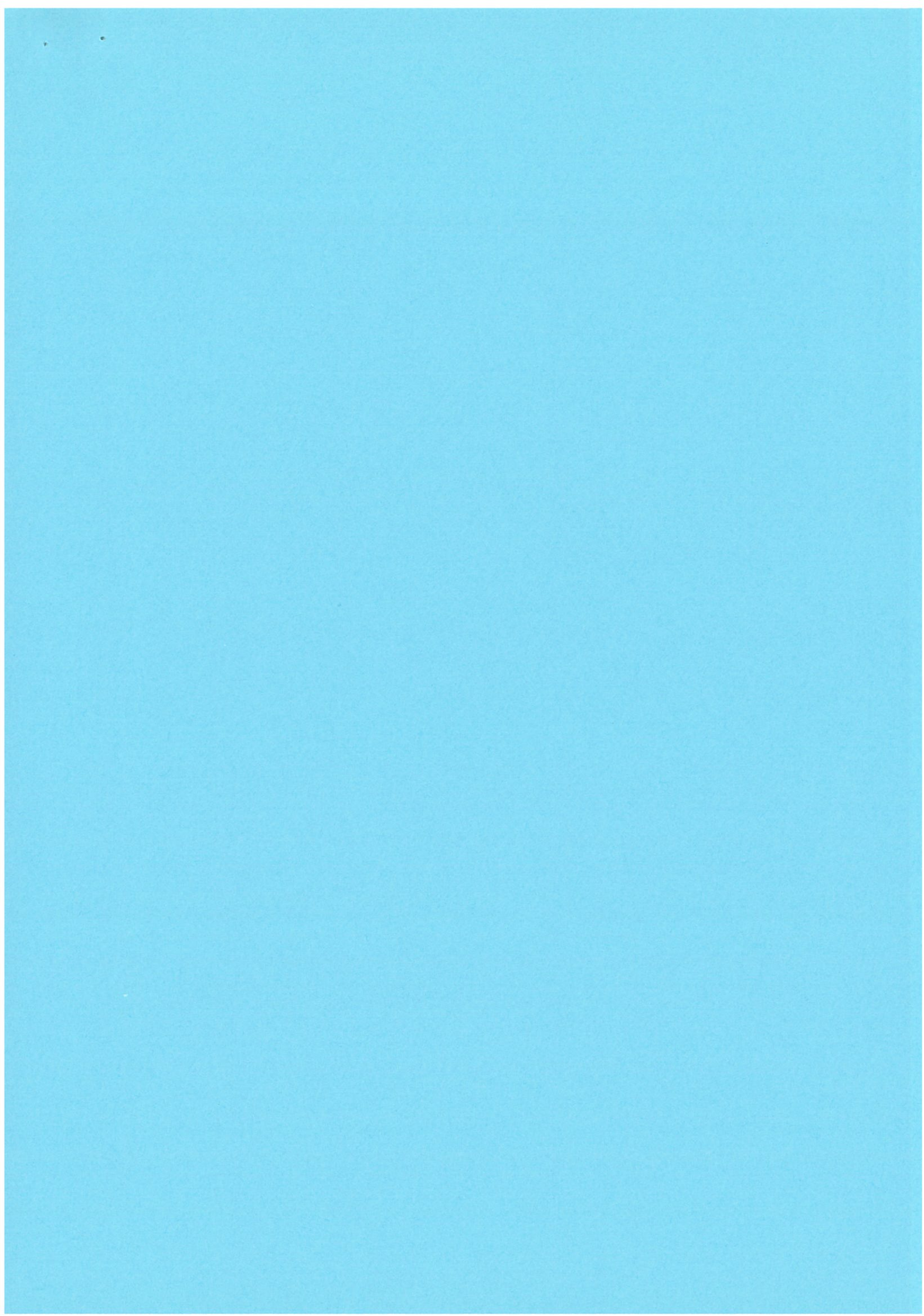
Further information

The [Community Impact Assessments \(CIAs\)](#) chapter provides guidance on carrying out and documenting a community impact assessment including:

- what should be covered in a CIA
- examples of possible responses to identified community impacts
- factors to consider (and suggested mitigating actions) when planning for **vulnerable people** as part of your CIA, e.g.:
 - meeting medical requirements and providing for necessities
 - having a designated person responsible for vulnerable people
 - nature and estimated length of the operation and its timing
 - the type of police resource being used to execute the warrant, e.g. [AOS](#), clan lab staff etc.

See also:

'Community impact assessment for establishing road blocks', in Search Part 6 – [Roadblocks and stopping vehicles for search purposes](#).





> [Part 8 - Searching people](#)

Searching people

Publication Number:

Searching transgender and intersex people

Who are trans (transgender) and intersex people?

A **trans** person is someone whose gender identity (their sense of being male or female) differs from their physical body at birth. Many, but not all, trans people take hormones or have surgeries to physically change their bodies. Some of the terms trans people use to describe themselves include transgender, transsexual, MtF (male to female), FtM (female to male), whakawahine, fa'afafine or Queen.

In these guidelines, the term "**transgender**" is used to cover all trans people.

An **intersex** person is someone who is born with, or naturally develops, a body that does not fit typical biological definitions of male or female. There is a wide range of differing intersex medical conditions and physical variations. The term 'hermaphrodite' was historically used to describe intersex people. It should not be used by police as it is considered to be derogatory.

Transgender and intersex people often, but not always, have bodies that are different in some ways from other men and women. For this reason:

- Respect the name, pronoun and sex / gender a transgender or intersex person uses to describe themselves. If you are not sure whether someone prefers to be called 'he' or 'she', politely and discretely ask.
- Do not automatically assume someone's sex / gender identity based on their genitals, breast / chest, or other physical features. (Note also in this regard, that some transgender women wear breast implants, and some transgender men bind their chest or wear a prosthetic in their pants. These might be felt during a rub-down search).

Who should search transgender and intersex people?

In general, searches should be carried out by persons of the same sex as the person to be searched. In the case of strip searches, they may **only** be carried out by a person of the same sex and no strip search may be carried out in view of any person who is not of the same sex as the person being searched.

These requirements can cause difficulty when the sex of the person to be searched is unclear.

Establishing who should conduct a search when gender is unclear

Follow these steps if you are aware that someone is transgender or intersex.

Step	Action
1	<p>Ask the person which sex they would prefer the searcher to be. Most transgender and intersex people will identify simply as male or female and will probably ask to be searched by someone of the same sex. For example, a trans woman (MtF) is likely to ask to be searched by a female Police employee.</p> <p>Have the person's expression of preference witnessed by more than one Police employee (if practicable) and record their preference in your notebook.</p>
2	<p>If the transgender or intersex person does state their preference for the sex of the searcher:</p> <ul style="list-style-type: none"> • select searchers of that sex to conduct the search. (Strip searches must be conducted by a person of the same sex but if a searcher of the same sex is not available for a rub-down search within a reasonable time and there is no practicable alternative, a person of the opposite sex may conduct the search) • follow standard procedures for conducting rub-down and strip searches.
3	<p>If a transgender person will not state a preference for the searcher's sex:</p> <ul style="list-style-type: none"> • make an assessment of their sex based on their gender presentation (e.g. preferred name, clothing) • use a searcher of the same sex as you have determined for a rubdown search unless there is no practicable alternative, or • in the case of a strip search, explain that based on the information available to you, the strip search will be conducted by two Police employees of the sex that the person presents. <p>Record your assessment and decision in the electronic custody module or custody/charge sheet, or if not available, in your notebook.</p>
4	<p>If only one person of the transgender person's preferred searcher's sex (or if they've not stated a preference, the sex you've determined best matches their gender presentation) is available for a strip search, consider options where the person is cooperative, for:</p> <ul style="list-style-type: none"> • conducting the search with a second searcher not of the same sex being within hearing but out of view of the person being searched (the person conducting the search must be of the preferred sex), or • requesting the assistance of a: <ul style="list-style-type: none"> - medical practitioner or nurse, or - parent, guardian, or other person for the time being responsible for the day-to-day care of the person to be searched.
5	<p>If an intersex person will not state a preference for the sex of the searcher, try to have a male and a female constable, authorised officer or searcher conduct the search. Note however, that one searcher will have to become the primary searcher, as it is never appropriate to have a female search one half of a</p>

	transgender or intersex person, and a male the other.
6	If searchers of both sexes are not readily available for an intersex person's search, choose what appears to be the most appropriate sex to you (e.g. based on the person's name, clothing etc) and consider requesting the assistance of a: <ul style="list-style-type: none"> • medical practitioner or nurse • parent, guardian, or other person for the time being responsible for the day-to-day care of the person to be searched.
7	Note when assistants are used for transgender and intersex person searches: <ul style="list-style-type: none"> • their role is to assist with and witness the search, not to medically examine the person or to ascertain their sex or whether they have had surgeries • the medical practitioner, nurse or parent etc does not have to be of the same sex as a transgender person.
8	Follow standard procedures for: <ul style="list-style-type: none"> • conducting searches once the gender of the person(s) to conduct the search is decided. Be mindful that many transgender or intersex people will be particularly uncomfortable about having their body touched or viewed and may have previously been ridiculed because of their body or gender identity • reporting strip or internal searches of people in custody. (See the "Reporting" chapter for further information).

Surprises during searches

If you only become aware that someone is transgender or intersex in the course of conducting a search:

Step	Action
1	Stop a strip search and ask the person which sex they would prefer their searcher to be. Follow the guidance in the table above depending on whether the person states a preference or not.
2	In the case of a rub- down search, complete the search limiting it to the extent necessary to eliminate danger or preserve evidence.
3	Record what has occurred in the electronic custody module, custody / charge sheet or your notebook and any steps taken to rectify any possible breaches of section 126(4) (i.e. strip searches must be carried out by someone of the same sex as the person being searched and may not be carried out in view of any person not of the same sex).

Internal searches

Internal searches are only conducted by medical practitioners. They do not have to be of the same sex as the person being searched.

Standard procedures and guidance in this chapter apply when considering [internal searches](#) of transgender and intersex people.



> [Part 8 - Searching people](#)

Searching people

Publication Number:

Rub-down searches

What is a rub-down search?

A rub-down search is a search of a clothed person in which you may:

- run or pat your hand over the body of the person being searched, whether outside or inside their clothing (other than the underclothing)
- insert your hand inside any pocket or pouch in their clothing (other than the underclothing)
- for the purpose of permitting a visual inspection, require the person being searched to:
 - open their mouth
 - display the palms of their hands or the soles of their feet
 - lift or rub their hair.

(s85(2))

Rubdown search may include visual examination

A rubdown search may include a visual examination (whether or not facilitated by any instrument or device designed to illuminate or magnify) of the mouth, nose, and ears, but must not include the insertion of any instrument, device, or thing into any of those orifices.

(s87)

Things that can be done to facilitate a rub-down search

To facilitate a rub-down search you may require the person being searched to:

- remove, raise, lower, or open any outer clothing (including, without limitation, any coat, jacket, jumper, or cardigan) being worn by them, except when they have no other clothing, or only underclothing, under that outer clothing, and
- remove any head covering, gloves, or footwear (including socks or stockings) being worn.

You may also search:

- any item carried by or in their possession, and
- any outer clothing removed, raised, lowered, or opened for the purposes of the search, and
- any head covering, gloves, or footwear (including socks or stockings) removed for the purposes of the search.

(s86)

Rub-down searches of arrested or detained persons

You may carry out a rub-down search when a person is arrested or detained under a statutory power of detention, to ensure that they are not carrying anything that may be used to:

- harm any person, or
- facilitate the person's escape.

(s85(1))

Searches after arrest or detention to be conducted as soon as practicable

Conduct a rub-down search for weapons or easily disposed of items as soon as practicable after a person's arrest or detention and before placing them in a vehicle or secure area. If possible, do this out of the public's view to give the person privacy and avoid interference from sympathisers and adverse public reaction.

If it is not practicable to complete a full rub-down search immediately after arrest or detention:

- conduct a visual examination of their head, torso, arms and legs as a preliminary check for weapons and evidential material, and
- remain with them and closely observe them to prevent them from:
 - using anything they may be carrying or have concealed to harm any person or facilitate their escape
 - hiding or disposing of any evidence.

If the suspect is transported in a vehicle, check the seat and surrounding area (e.g. floor, door etc) of that vehicle afterwards.

Rub-down search of all prisoners unless unjustified in circumstances

All prisoners must undergo a rub-down search as soon as they arrive at the custody area or station unless:

- it would be unjustifiable to search the person because, for example:
 - it is a minor charge
 - all evidence is located
- the prisoner is:
 - not placed into a cell or left unsupervised and is being immediately bailed, or
 - not at risk of harming any person or escaping before they are bailed, or
- there is justification in the circumstances to conduct a [strip search](#) instead.

Using metal detectors

If available, all searches must include the use of a metal detector wand or walk through metal detector immediately upon arrival in the cell block, regardless of where they have come from.

Prisoners taken into custody at court

Follow these steps when people are taken into custody at court.

If the person is...	then...
waiting for a bail bond to be completed	<ul style="list-style-type: none"> keep them separate from prisoners in custody being transferred to a custodial or health facility carry out a risk assessment to decide whether they need to be searched (rub-down search) to remove weapons, cigarettes, lighters or other material that may cause damage to a cell or injury to another person. <p>Note: If the person is unable to be kept separate from custodial prisoners, they must be rub-down searched as if they were a custodial prisoner.</p>
remanded into custody for transfer to a custodial or health facility	<ul style="list-style-type: none"> rub-down search them before placing them into a cell (if possible, the search should be witnessed by another constable, authorised officer or searcher), unless there is justification for a strip search instead record any articles removed (use POL48 or your notebook) complete subsequent processing and documentation after the prisoner is returned to the Police station.

Conducting a rub-down search

Preparing for the search

Follow these steps to prepare for the rub-down search and to satisfy the requirements of section [125\(1\)](#).

Step	Action
1	Identify yourself to the person being searched.
2	<p>Advise the person of the name of the Act under which the search is taking place and the reason for it unless it is impracticable to do so in the circumstances.</p> <p>You may detain the person to enable the search to be carried out (at the place of initial detention or while they are travelling to or at any other place where the search is carried out), but only for as long as necessary to conduct the search.</p>
3	<p>Obtain the assistance of:</p> <ul style="list-style-type: none"> a medical practitioner or nurse a parent, guardian or other person for the time being responsible for the day-to-day care of the person to be searched <p>if you consider that is in the interests of the person being searched.</p>
4	<p>If practicable, conduct the rub-down search and removal of any property:</p> <ul style="list-style-type: none"> in the presence of another constable, authorised officer, searcher in view of any surveillance cameras or video monitoring systems.

Carrying out the search

Follow these steps to conduct the rub-down search. (See also [Searching trans \(transgender\) and intersex people](#) when applicable).

Step	Action
1	Decide on a suitable search position following a risk assessment to ensure your own and that person's safety.
2	Search slowly and methodically, following a logical sequence to ensure nothing is missed. For detailed evidential searches, consider having the person stand on a clean sheet of paper, which can be examined for evidence.
3	Ask the person to turn out pockets, pouches or folds in their clothing. Search inside any pocket, pouch or fold if it is safe to do so. Consider the risk of needle-stick injuries and ensure you use safe working practices .
4	<p>Grasp the person's clothing. Do not pat it with the palm of your hands, as you may miss flat objects.</p> <p>Do not insert your hand under underclothing immediately covering the breasts of a female, intersex or transgender person, or the genitals or buttocks of any person.</p>
5	<p>Have the person being searched remove, raise, lower or open any outer clothing (except any clothing that may expose the breasts of a female, transgender, or intersex person or the genitals or buttocks of any person). This includes head covering, gloves, spectacles or footwear. Search those items separately.</p> <p>Do not remove or require the person to remove all outer clothing so that they are clad only in underwear.</p> <p>If a female being searched is required to remove a burqa, do this in the presence of a female if practicable.</p>
6	<p>Search from the right side, in this sequence, and then repeat from the left:</p> <ul style="list-style-type: none"> head back, from neck to waist right side, from armpit to waist right arm, from shoulder to hand chest, from collar to waist entire waist area groin area right leg, from hip to ankle right trouser cuff, sock and shoe. <p>Check hands.</p>

	In evidential searches, remember that there may be evidence, such as fibres and body fluids you cannot easily see.
7	<p>For the purpose of permitting a visual inspection, you may require the person being searched to:</p> <ul style="list-style-type: none"> • open their mouth • display the palms of their hands or soles of their feet • lift or rub their hair. <p>If you have any equipment or aid to facilitate the search (e.g. metal detectors) use it in a way that:</p> <ul style="list-style-type: none"> • involves no or minimal contact • is reasonable in the circumstances.
8	<p>Search anything carried, worn or in the immediate possession of the person being searched.</p> <p>Reasonable force may be used when necessary to conduct the search or take any money or property found on the person being searched or in their possession.</p>

Completing the search

On completion of the search follow these steps.

Step	Action
1	<p>Label and secure any property seized. Issue a Property Record Sheet (POL 268). If the person is placed in custody, follow the procedures for receiving prisoners' property in the 'People in Police detention' Police Manual chapter.</p> <p>If any property is seized as an exhibit:</p> <ul style="list-style-type: none"> • label and secure the exhibit and record it on a POL 268 • process it appropriately, e.g. by photography, fingerprinting, or scientific examination by ESR, a document examiner etc.
2	<p>Consider whether you are required to report the rub-down search to the Commissioner. This is not required if the search is in conjunction with the person's arrest, detention or being locked up in lawful Police custody. (See Reporting when people are searched in Part 14: Reporting for more information about when reports to the Commissioner are required by section 169).</p>



> [Part 8 - Searching people](#)

Searching people

Publication Number:

Strip searches

What is a strip search?

'Strip search' means a search where the person conducting the search may require the person being searched to undress, or to remove, raise, lower, or open any item(s) of clothing so that the genitals, buttocks, or (in the case of a female) breasts are:

- uncovered, or
 - covered only by underclothing.
- (s3)

When can strip searches be conducted?

A strip search may be carried out when there is a search power under the Search and Surveillance Act 2012 authorising a search for:

- arms
- offensive weapons
- drugs
- evidential material relating to offences punishable by imprisonment of 14 years or more
- evidential material in the course of an authorised search of a place or vehicle, when any person:
 - is found at the place or in or on the vehicle, or
 - who arrives at the place, or
 - stops at, or enters, or tries to enter or get onto the vehicle
- thing(s) incidental to arrest or detention that may be used to harm any person, facilitate the person's escape or that is evidential material relating to the offence in respect of which the arrest is made or the person is detained
- money or other property after a person is locked up.

All strip searches must be justified

The safety of the person to be searched and those conducting the search is of paramount importance. Strip searches must be justified by either necessity or risk assessment.

Justification by necessity

Strip searches may be justified by necessity when you have reasonable grounds to believe:

- evidential material may be concealed on the person, or
- any thing is on the person who is arrested or detained that may be used to:
 - harm any person
 - facilitate the person's escape

and a less intrusive search may not be sufficient to locate the evidential material or thing that may be used to harm any person or facilitate escape.

Justification by risk assessment

Strip searches may also be justified by an assessment of risk using principles of TENR (Threat, Exposure, Necessity and Response). This includes the risk assessment required for everyone locked up in Police custody that is used to identify risks such as suicidal tendencies, so that the care and safety of the person in custody can be appropriately managed.

A strip search may be carried out when a risk assessment gives you reasonable grounds to believe:

- things such as weapons may be concealed on the person, or
- any thing is on the person that may be used to:
 - facilitate their escape, or
 - harm any person

and a less intrusive search may not sufficiently reduce or remove that risk.

A strip search may also be undertaken following a formal risk assessment of someone to be locked up in police custody where their behaviour or previous incidents indicate that there is a risk of:

- harm to any person, or
- intentional damage to property

In this instance there need not be a reasonable belief that any item that may be used to injure themselves or others is on them. A strip search may be undertaken.

Customary strip searching must not be authorised

Each case must be considered on its own merits. No general policy to strip search a certain person or class of person can be authorised or adopted and there must be good reason(s) for such a search.

Conducting a strip search

You must carry out a strip search with decency and sensitivity and in a manner that affords to the person being searched the degree of privacy and dignity that is consistent with achieving the purpose of the search.

Preparing to conduct a strip search

After deciding a strip search is justified, follow these steps to prepare for the search and comply with section [125](#).

Step	Action
1	Obtain authority to conduct a strip search from a supervisor with the position level of sergeant or above. If a supervisor is not available, contact your Communications Centre to obtain authority from a supervisor with the appropriate position level.
2	Plan who should be present during and conduct the search. It should be conducted if possible, in the presence of another constable, authorised officer or searcher. You can also use an enforcement officer from another agency authorised under an enactment to conduct strip searches (e.g. a prison or customs officer).
3	<p>Note:</p> <ul style="list-style-type: none"> The person conducting the search must be of the same sex as the person being searched. The search must not be carried out in view of any person not of the same sex as the person being searched. (The second person may be within hearing but out of view). Avoid having more than two people present at the search (though this may be unavoidable if the person being searched is violently resisting - see step 1 in the table "Carrying out the search" below). <p>In extreme and urgent situations where sufficient same sex constables, authorised officers or searchers are not available, a constable, authorised officer or searcher not of the same sex may be out of view of the person searched, but within immediate call of the person searching. The out of view person can respond and protect the person conducting the search if the person being searched becomes violent.</p>
4	Identify yourself and the witness to the person to be searched. Advise them of the name of the Act under which the search is taking place and the reason for it, unless it is impracticable to do so in the circumstances.
5	<p>If you consider that it is in the interests of the person being searched, you may obtain the assistance of:</p> <ul style="list-style-type: none"> a medical practitioner or nurse and/or a parent, guardian or other person for the time being responsible for the day-to-day care of the person to be searched. <p>You may also seek assistance from an officer from another law enforcement agency who is authorised to conduct searches.</p>
6	<p>Ensure the search place is out of view of:</p> <ul style="list-style-type: none"> the public and Police employees (other than those involved in the search) any surveillance cameras or video monitoring systems.

Carrying out the search

Continue with these steps to conduct the strip search.

Step	Action
1	<p>You may use reasonable force when necessary to conduct the search or take any money or property found on the person or in their possession.</p> <p>Do not attempt a strip search with only one person of the appropriate sex (with a second person not of the same sex waiting out of view), if the person to be searched is likely to resist or be violent. Keep the person under observation until others of the same sex authorised to search are available to assist.</p>
2	<p>If you intend to use any equipment or aid to facilitate the search, use it in a way that:</p> <ul style="list-style-type: none"> involves no or minimal contact, and is reasonable in the circumstances e.g. metal detectors.
3	Conduct the search in as seemly a manner as is consistent with the necessity of discovering any concealed item. The extent of the search required, especially regarding the exposure of private parts, is a matter of careful judgement.
4	<p>In most cases, where it is necessary to conduct a search which exposes the bare skin of breasts, genitals or buttocks, the search should be carried out in sections. The upper part of the body should be stripped and re-clothed before the lower part of the body is examined or vice versa as appropriate.</p> <p>A person should only be required to strip completely naked in exceptional circumstances.</p>
5	<p>Use the wall position to search the person thoroughly but do not:</p> <ul style="list-style-type: none"> deliberately touch the bare skin of breasts, genitals or buttocks require them to bend over, lie down or adopt any other position for a visual examination of lower body orifices. The person may be required to squat so that any object clenched or hidden between the buttocks is released.
6	Search anything carried, worn or in the person's immediate possession.
7	<p>If circumstances arise requiring a person of the opposite sex who is present but not in view of the search to intervene to protect the person conducting the search, you must:</p> <ul style="list-style-type: none"> stop the search, and before resuming, keep the person under observation until other authorised persons of the same sex are available to assist with the search using reasonable force.
8	<p>If the person is placed in custody, follow the procedures for receiving prisoners' property in the 'People in Police detention' Police Manual chapter.</p> <p>If any property is seized as an exhibit:</p> <ul style="list-style-type: none"> label and secure the exhibit and record it on a POL 268 process it appropriately, e.g. by photography, fingerprinting, or scientific examination by ESR, a document examiner etc.

Reporting strip searches of people who are in Police custody

If you exercise a warrantless search power involving a strip search of a person, you must report it unless the search was conducted under section 11. (s169)

See the 'Reporting' chapter for more guidance on when strip searches must be reported, and how.

Police guidelines about strip searching to be publicly available

The guidelines in this chapter concerning the circumstances under which a strip search may be conducted must be made publicly available on the Police website.

A search of the person is not unlawful by reason only of failure by the person conducting the search to comply with a guideline issued by the Commissioner.

(s126)

Note: Any changes made to this strip searching topic **must be immediately notified to Public Affairs** by the National Manager Policy and National Manager Operations to ensure the guidelines published on the Police website are up to date.



> [Part 8 - Searching people](#)

Searching people

Publication Number:

Internal searches

What is an internal search?

An internal search is an internal examination of any part of the person's body by means of:

- an X-ray machine or other similar device, or
 - a manual or visual examination (whether or not facilitated by any instrument or device) through any body orifice.
- (s23)

What is not an internal search?

A constable, authorised officer or searcher may conduct a visual examination (whether or not facilitated by any instrument or device designed to illuminate or magnify) of the mouth, nose, and ears, but must **not** insert any instrument, device, or thing into any of those orifices.

A visual examination in these circumstances is not an "internal search" and is permitted as part of a [rub-down](#) search. (s87)

Who may conduct an internal search?

An internal search must be conducted by a registered medical practitioner.

When can an internal search be required?

A constable can only require a person to permit a medical practitioner to conduct an internal examination in circumstances listed in section 23 of the Act. They relate to people under arrest for some offences against the [Misuse of Drugs Act 1975](#) and when the constable has reasonable grounds to believe the person has certain property secreted within their body.

Section 23 does not limit or affect sections 13A to 13M of the Misuse of Drugs Amendment Act 1978. (See the 'Drugs' Police Manual chapter for information about your powers under these sections).

Restrictions on internal searching

A medical practitioner must not conduct an internal examination if they:

- consider that to do so may be prejudicial to the person's health, or
 - are satisfied that the person is not prepared to permit an internal examination to be conducted. The person being searched must **voluntarily consent** to an internal examination.
- (s23(3))

The examination must be immediately discontinued if the person being searched changes their mind and withdraws their consent or becomes violent.

Effect of not permitting internal search on bail application

If...	a court may...
<ul style="list-style-type: none"> • a person fails to permit an internal examination to be conducted, and • the court is satisfied the requirement to permit an internal examination by a medical practitioner was properly made on reasonable grounds 	<ul style="list-style-type: none"> • decline to consider the person's bail application, and • order that the person continue to be detained in Police custody, until the earlier of the following occurs: <ul style="list-style-type: none"> - the expiry of 2 days after the day on which they were required to permit an internal examination by a medical practitioner - they permit the examination to be conducted.

(s24)

Note: The effect of a person not permitting an internal search:

- does not limit a court's discretion to refuse bail
- overrides any contrary provisions about bail in:
 - the [Bail Act 2000](#)
 - the [Misuse of Drugs Act 1975](#)
 - the [Summary Proceedings Act 1957](#).

(s24(3) & (4))

Police employee presence at internal search

A constable or authorised officer of the same sex as the person to be internally examined may be present if both the medical practitioner and the person agree. Police employees not of the same sex, must **not** be present during the search.

Reporting exercise of power to require internal search

The exercise of a warrantless power requiring a person to permit a medical practitioner to conduct an internal search must be reported. See the [Reporting](#) chapter for guidance about how to report the exercise of the power to require internal search.



* NOT CURRENT
MOU UNDER REVIEW

Corrections, Department of

Publication Number: 2009/19

Schedule 10 - Segregation and transport of prisoners

1. This schedule provides national guidelines for the provision of safe, secure and humane transportation of prisoners in custody throughout New Zealand, and while they are held in Court cells. The Agencies apply different segregation standards because of different legislative requirements and available resources. Sub-contracting of transportation occurs in the Auckland Central, Waitemata, Counties Manukau and Northland Police districts.

2. The purpose of these guidelines is to detail the segregation standards each agency will apply to specific types of prisoners being transported or held in Court cells. Section 3.13 of this MOU refers.

Prisoner definitions

3. **Police prisoner** - Any prisoner from time of Police arrest or detention through initial court appearance to the time they are received by a Corrections employee or agent into their custody at any location.

4. **Corrections prisoner** - Any prisoner received into the custody of Corrections to the time they are released from custody by the Courts or on completion of any prescribed sentence.

5. Under a long standing administrative arrangement, the NZ Police transport Corrections prisoners as a matter of course in some regions. In those cases, NZ Police will make best endeavours to apply Corrections' segregation standards but this may not always be possible or practicable.

Segregation standards for NZ Police prisoners

If the Police prisoner. .	then the NZ Police. .
is male	must segregate/separate them from female prisoners.
is female	must segregate/separate them from male prisoners.
is a youth aged 16 years or less	must segregate/separate from adult prisoners
is at risk of harm from others or is considered a current violent risk	must segregate/separate them from other prisoners.
is arrested for sexual offences against children	must segregate/separate them from other prisoners if practicable.
is transgender	should place them with prisoners of the same gender they identify with or separate from all other prisoners.
is a youth aged 17 years	make best efforts to segregate from adults where practicable

Segregation standards for Corrections prisoners

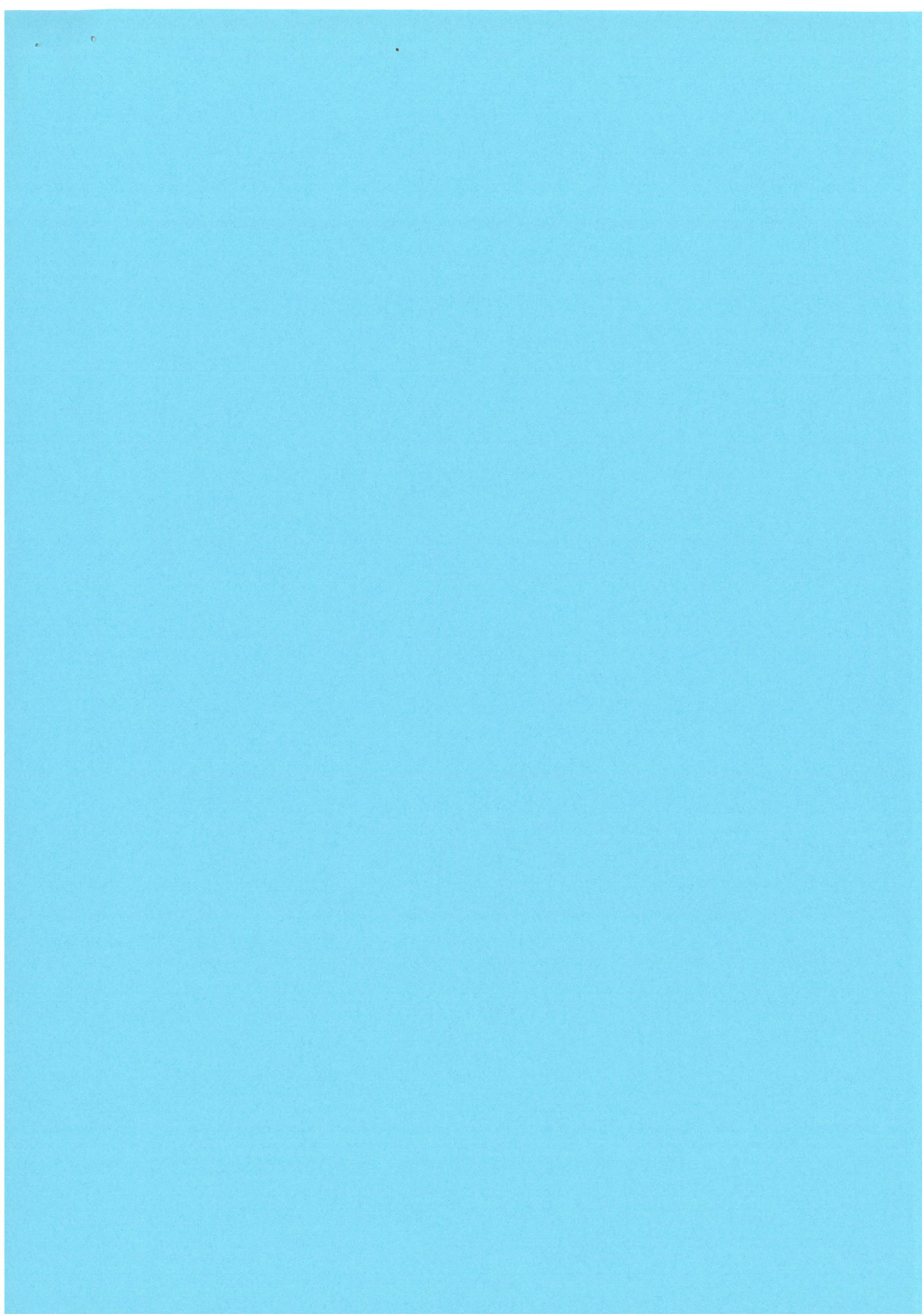
If the Corrections prisoner is...	then the NZ Police...	or Corrections...
is male	must segregate/separate them from female prisoners	must segregate/separate them from female prisoners.
is female	must segregate/separate them from male/prisoners	must segregate/separate them from male prisoners.
is a youth of 17 years or less	must segregate/separate them from other prisoners.	must segregate/separate them from other prisoners.
is at risk of harm from others	should segregate/separate them from other prisoners if practicable	must segregate/separate them from other prisoners.
is a vulnerable young adult of 18 or 19 years	should segregate/separate them from other prisoners if practicable	must segregate/separate them from other prisoners.
is remanded in custody and not serving a sentence of imprisonment	should segregate/separate them from other prisoners if practicable	must segregate/separate them from other prisoners.
is considered a violence risk	should segregate/separate them from other prisoners if practicable	must segregate/separate them from other prisoners.
is segregated under section 58 for the purpose of security, good order, or safety	should segregate/separate them from other prisoners if practicable, or place them with others segregated under section 58 of the Corrections Act 2004.	must segregate/separate them from other prisoners if practicable, but may place them with others segregated under section 58 of the Corrections Act 2004.
is segregated under section 59 for the purpose of protective custody	should segregate/separate them from other prisoners if practicable, or place them with others segregated under section 59 of the Corrections Act 2004.	must segregate/separate them from other prisoners if practicable, but may place them with others segregated under section 59 of the Corrections Act 2004.
is segregated under section 60 for the purpose of medical oversight	should segregate/separate them from other prisoners if practicable, or place them with others segregated under section 60 of the Corrections Act 2004.	must segregate/separate them from other prisoners if practicable, but may place them with others segregated under section 59 of the Corrections Act 2004.

has been arrested or sentenced for sexual offences against children	should segregate/separate them from other prisoners if practicable	must segregate/separate them from other prisoners.
is transgender	should place them with prisoners of the same gender they identify with or separate from all other prisoners.	should place them with prisoners of the same gender (as determined by whether the prisoner is post-operative or pre-operative transgender).

6. Where the NZ Police are unable to maintain segregation of those Corrections prisoners who NZ Police **must** segregate (e.g. male vs female, youth vs adult), Corrections are to be requested to provide assistance so that the required segregation standard can be met.

The NZ Police must secure these prisoners in a suitable location where they can be segregated awaiting transport. Corrections must then collect the prisoner/s, segregate them to the required standard and transport them to the agreed destination.

7. Where segregations in Court cells can not be maintained, the registrar and primary agency should review the need for that appearance and whether rescheduling is an option.





People in Police detention

Publication Number:

Placement in cells

This section contains the following topics:

- [Segregation of certain types of detainees](#)
- [Procedure for placing detainees in cells](#)

Segregation of certain types of detainees

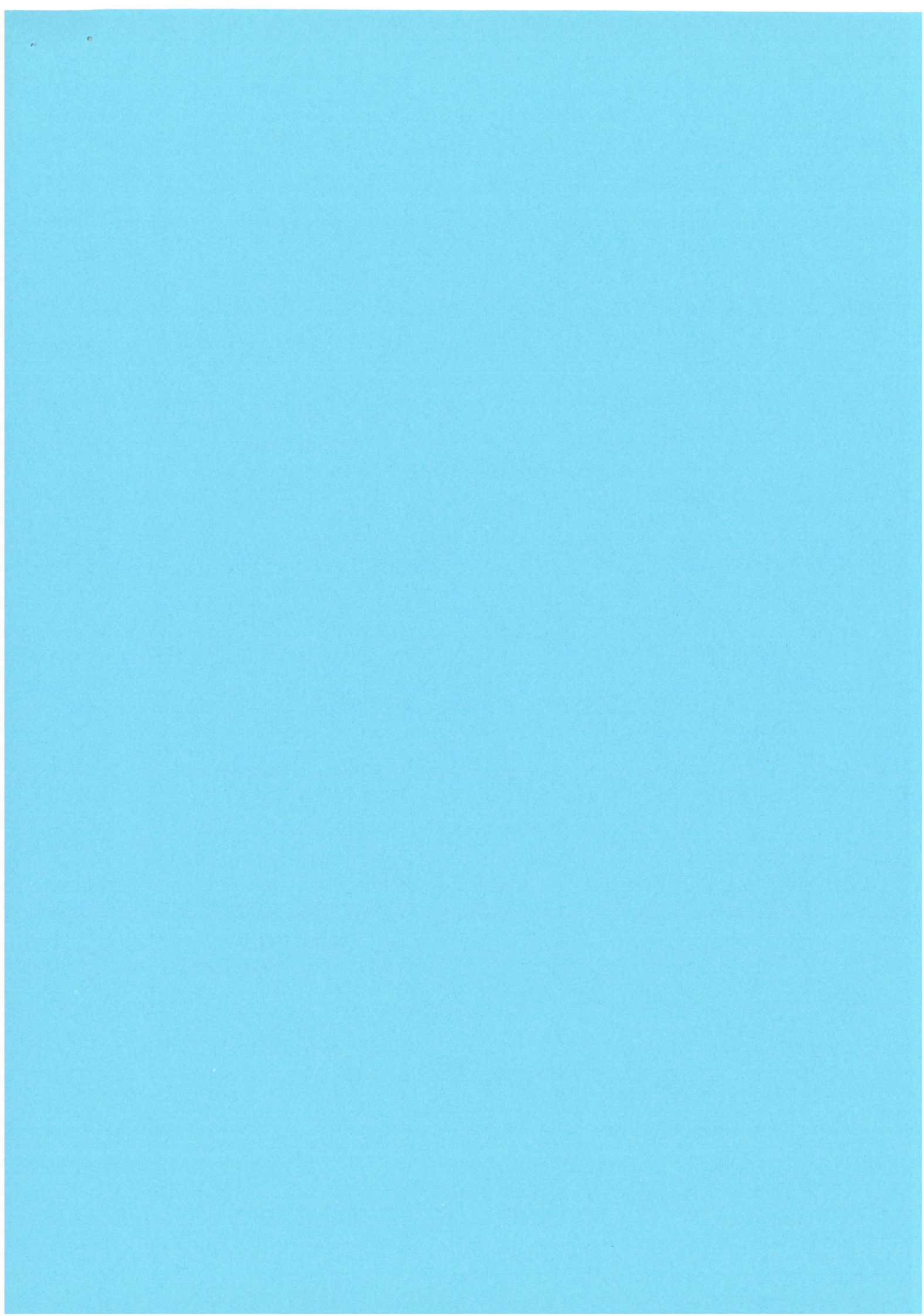
This table lists types of detainees who:

- must be segregated at all times from other detainees
- should be segregated if practicable.

You must segregate...	from...
any detainee	other detainees who represent an immediate threat to them
victims and/or witnesses	detainees
children 13 yrs and under	young persons (14 – 16) and adult detainees
children and young persons (16 years and under)	adult detainees
17 year old Corrections' detainees	other detainees
female detainees	male detainees
transgender detainees, where identified or made known	detainees whose gender they do not identify with
people who have been arrested for sexual offences against children	other detainees
detainees with infectious diseases	other detainees
detainees in mechanical restraints	unrestrained detainees
detainees with an intellectual disability or psychiatric disorder	other detainees
violent detainees	other detainees
If practical, separate...	from...
detainees who have committed minor offences	detainees who have committed serious crimes
arrested detainees	those who have been remanded and sentenced
gang members	opposing gang members

Procedure for placing detainees in cells

Step	Action
1	Decide what cell to place the detainee in by considering whether they: <ul style="list-style-type: none"> • need to be separated from other detainees (see criteria above) • are at risk from themselves or at risk from others.
2	Placing more than one detainee in a cell (double bunking) is a viable option for detainee placement. Double bunking must only occur after a risk assessment has been completed (TENR) and the detainee's preference has been considered. Detainee segregation must be maintained.
3	For your own safety, always advise another employee (if possible) when you enter or leave the cell block. If in the slightest doubt, always request assistance.
4	When escorting a detainee ensure they walk in front of you.
5	Give the detainees that are staying overnight sufficient clean bedding and others on a case by case basis. (Use tear resistant blankets for detainees to be frequently or constantly monitored)
6	Endorse the ECM.





Forced Marriage - Multi-Agency Response

Publication Number:

Forced Marriage - Multi-Agency Response to Reports of Potential and Actual Forced Marriage

This **Letter of Agreement** is made on the 12th day of December 2012

BETWEEN The signatories to this Letter of Agreement ("the Agreement") as set out in [schedule 1 \("the Parties"\)](#)

Statement of Intent

A. Forced marriage is not accepted or condoned in New Zealand. A forced marriage is defined as one where:

"...marriage is conducted without the valid consent of both parties where duress is a factor." Duress may include physical, psychological, financial, sexual and emotional pressure. Duress may occur during the arrangement of a forced marriage and continue once it has taken place".

B. In New Zealand a person under the age of 16 years old is unable to marry another person, whether or not they have parental consent. Any marriage of a person under 16 years old is not a legal marriage. Underage forced marriage is child abuse and will be dealt with as a care and protection concern.

C. The right to freedom of choice and an unfettered decision to marry is a fundamental human right. The Parties to this Agreement are committed to working together to provide support, information and a safe pathway for those people faced with or in a forced marriage and to protect those under the age of 16 years from abuse.

D. Forced marriage is an extremely complex issue and often involves parties that are young and vulnerable and their families. There are significant impacts and effects of being forced into a marriage and these impacts often occur over a sustained period of time.

E. The purpose of this Agreement is to record the commitment of the Parties to respond to reports of potential or forced marriage, underage marriage and to identify the roles and responsibilities of each of the Parties.

It is agreed:

General

F. For the collective response to forced marriage and underage forced marriage be successful all Parties agree to work together in a spirit of partnership developing a culture of trust, co-operation and collaboration, acting in good faith and with support for each other.

G. The parties recognise that due to the complex nature of forced marriage and underage forced marriage and the potential for significant damage if not dealt with appropriately, there will be specialist contact people with the experience and knowledge to deal with cases as they occur.

H. Public statements around the multi-agency response to forced marriage should reflect respect, trust and support for each other and will be made, when possible, in consultation with each other. It is acknowledged that not all parties will be 'relevant' to the particular case at hand and contact will be done accordingly.

I. Any public statements will be made cognisant to the Multi-Agency Statement to the Public (attached as [Schedule 2](#)), which will be published by each Party on their respective interactive media sites.

J. The parties will seek to resolve any matters of concern between themselves by regular and early communication between nominated representatives of the relevant Parties as specified in [Schedule 1](#).

K. A party may withdraw from this Agreement without cause by providing 28 days written notice to the other parties.

L. This Agreement is not a legally binding agreement, but is an expression of the purpose and intent of the parties concerned. Similarly this Letter of Agreement does not confer, grant or authorise any rights, privileges or obligations as to any other party.

Roles and Responsibilities

M. The Parties agree to implement policy and guidelines for their individual organisation to ensure compliance with the Multi-Agency Guidelines on the Collaborative Response to Forced Marriage cases, attached as [Schedule 3](#).

N. The Parties respective policies and guidelines and their implementation will encompass the following requirements:

- individual processes and guidelines will be developed and consulted internally and in accordance with agreed timelines
- each agency will be familiar with and include reference to other Parties in their policy and guidelines as appropriate
- guidelines will identify specialist points of contact for each Party to facilitate cross-agency communication
- guidelines will identify specialist staff who will be trained in the response to forced marriage and underage marriage
- the implementation of the new processes and guidelines will be managed to ensure sufficient understanding and knowledge across all staff in each organisation
- the processes and guidelines will be available to each of the Parties

O. All guidelines and processes implemented by the Parties must encompass the principles set out below.

All individuals who raise a concern about potential or actual forced marriage or underage marriage will:

- have their safety treated as paramount
- have their concerns treated with due confidentiality
- be treated with respect
- be listened to

SIGNED for and on behalf of the Parties

Each party confirms their commitment to the requirements and principles set out in this Agreement

New Zealand Police

Peter Marshall
Commissioner of Police
5 December 2012

Child, Youth and Family

Bernadine Mackenzie
Deputy Chief Executive
12 December 2012

Work and Income

Debbie Power
Deputy Chief Executive
11 December 2012

Family and Community Services

Murray Edridge
Deputy Chief Executive
11 December 2012

Ministry of Education

Jill Bond
General Manager: Regional Operations
7 December 2012

Immigration New Zealand

Steve Stuart
Acting Deputy Secretary
6 December 2012



> [Forced Marriage - Multi-Agency Response to Reports of Potential and Actual Forced Marriage](#)

Forced Marriage - Multi-Agency Response

Publication Number:

Schedule 3: Multi-agency response - Forced marriage guidelines

Statement of Intent

Forced marriage is not accepted or condoned in New Zealand.

A forced marriage is defined as one where "...marriage is conducted without the valid consent of both parties where duress is a factor." Duress may include physical, psychological, financial, sexual and emotional pressure. Duress may occur during the arrangement of a forced marriage and continue once it has taken place.

In New Zealand a person under the age of 16 years old is unable to marry another person, whether or not they have parental consent. Any marriage of a person under 16 years old is not a legal marriage. Underage forced marriage is child abuse and will be dealt with as a care and protection concern.

Partner agencies are committed to working together to provide support, information and a safe pathway for those people faced with forced marriage in New Zealand.

Agencies that are part of the agreed response to forced marriage detailed in these Forced Marriage Guidelines ("the Guidelines") have confirmed their agreement to work collaboratively and in accordance with agreed principles and requirements as set out in the Letter of Agreement between Multi-agency Parties committed to work together on reports of potential and actual forced marriage.

These agencies have also confirmed their collaborative commitment to the New Zealand public through the Multi-Agency Statement on Commitment to Address Potential or Actual Forced Marriage which is accessible through the web and internet (see [Schedule 2](#))

Purpose of Guidelines

The purpose of these Guidelines is to provide a summary of each agency's response (policy and process) for dealing with forced marriage and underage forced marriage. The Guidelines therefore provide a helicopter view of the collaborative response to forced marriage. In particular, the guidelines provide a point of contact and outline how each agency will manage cases, including referral as appropriate to ensure best practice response for forced marriage cases regardless of where they are initially reported.

Defining Forced Marriage and Relevant Terms

Forced marriage

A forced marriage is defined as one where:

"...marriage is conducted without the valid consent of both parties where duress is a factor". Duress may include physical, psychological, financial, sexual and emotional pressure. Duress may occur prior to, during the arrangement of a forced marriage and continue once it has taken place".

Forced marriage where the victim is underage is child abuse, while other forced marriage is considered part of a cycle of domestic abuse and violence against (mainly) women. It affects people from many communities and cultures.

In New Zealand a person under the age of 16 years old is unable to marry another person, whether or not they have parental consent. Any marriage of a person under 16 years old is not a legal marriage. Underage forced marriage is child abuse and will be dealt with as a care and protection concern.

Domestic Violence Act 1995 definitions used

The Domestic Violence Act 1995 definitions are used for the following terms:

- Child
- Foreign Protection Order
- Protected Person
- Protection Order
- Domestic Violence
- Domestic Relationship.

Honour Based Violence

The terms "honour crime" or "honour based violence" embrace a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder, where the person is being punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing this code, the person shows that they have not been properly controlled to conform by their family and this is to the "shame" or "dishonour" of the family.

Gender asymmetry

As with intimate partner violence the overwhelming majority of victims of forced marriage are female. International research indicates that approximately 90% of reported cases affect women.

However, there are still male victims of forced marriage and they must be treated with the same respect and offered the same support (as applicable) as women victims.

Background and Context

Consent is essential to all marriages and only spouses know if they gave their consent freely. If a family uses violence or emotional pressure to force someone to marry another person that person's consent has not been given freely.

Distinction between forced and arranged marriage

There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriage, the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the prospective spouses.

In forced marriage, one or both spouses do not (or, in the case of some adults with disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, sexual, financial and emotional pressure.

Motives prompting forced marriage

Parents who force their children to marry often justify their behaviour as protecting their children, building stronger families and preserving cultural or religious traditions. They often do not see anything wrong in their actions. Some parents come under significant pressure from their extended families to get their children married.

Some key motives identified are:

- Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being lesbian, gay, bisexual or transgender) particularly the behaviour and sexuality of women
- Controlling other unwanted behaviour such as drug and alcohol use, wearing make-up or behaving in what is perceived to be a 'westernised' manner
- Preventing 'unsuitable relationships' such as those outside the ethnic, cultural, religious or caste group and protecting family honour
- Responding to peer group or family pressure
- Attempting to strengthen family links
- Achieving financial gain
- Ensuring land, property and wealth remain within the family
- Protecting perceived cultural ideals
- Protecting religious ideals that are misguided
- Ensuring care for a child or adult with special needs when parents or existing carers are unable to fulfil that role
- Assisting claims for residence and citizenship
- Long standing family commitments

Impacts on victims of forced marriage

Victims trapped in, or under threat of, a forced marriage are usually faced with the dilemma of not knowing who to trust, who can help them, who to report their problem to and what options they have. Isolation is one of the biggest problems. International research indicates that victims will rarely disclose forced marriage and that when they do they are often in a state of distress. Like victims of other types of family violence, these victims are usually exposed to abuse and live in an environment of fear and isolation.

Victims will often be withdrawn from education leading to impaired social development, limited career and educational opportunities, financial dependence and lifestyle restrictions. Self-harm and suicide risks are also reported to be significantly higher for this group than for other women.

Some other consequences of forced marriage include:

- repeated rape (and often unwanted pregnancy)
- violence and abuse from the extended family
- physical and sexual abuse
- witnessing of abuse by children in the family group
- 'running away' and leaving family and friends - isolation
- social ostracism and harassment from family and community
- living in fear of being found by their families; and
- the potential consequences of being found - including violence and murder.

Agency Responses

Police Response - Safety First

Introduction

Police will develop operating guidelines around response to forced marriage. Specialist staff will be trained in the appropriate way to respond. The Guidelines will be published, implemented and communicated in accordance with official Police requirements as a part of the Family Violence Policy and Procedures Manual.

Point of Contact

The primary point of contact with regard to forced marriage issues should be made to the National Family Violence Coordinator at [PNHQ](#), contactable through the main phone contact number of (04) 474 9499.

A secondary point of contact is the Adviser: Ethnic Affairs at [PNHQ](#) also contactable through the above phone number.

Overview of Police Response

Immediate primary consideration needs to be given to the potential danger the victims face and to ensure that safety is maintained upon disclosure. In particular, Police staff will be trained to maintain confidentiality of information and to avoid contact with the victim's family members unless it has been deemed safe to do so.

The Police response will vary from case to case depending on the nature of the disclosure and the age of the victim. Where the disclosure is made from a child or young person under 17 years of age, the initial response will include

involvement by the Child Protection Team (CPT), Child Youth and Family (CYF's), Family Violence practitioner, and, as appropriate, advice from Maori Pacific and Ethnic Affairs (MPES).

Where the report is made by a person 17 years or older the initial response will include involvement by the local family violence practitioner with advice from MPES (as appropriate).

Key Points - Potential Danger of Involving Family and Community

The most important protective factor for the victim is Police understanding that involving families in cases of forced marriage is dangerous as it may increase the risk of serious harm to the victim. 'Involving the family' includes; visiting the family to ask whether they are intending to force their child to marry or making such an inquiry by letter.

Although there may be conflicting obligations in this situation, such as the family reporting the child as 'missing', Police can justify their decision not to contact the family on the basis of an internationally recognised risk to the victims of forced marriage. It is appropriate for Police to fully investigate and involve relevant support and safety precautions to accurately determine the circumstances before deciding whether contact is safe. In the interim it is crucial that the family is not contacted.

Contacting the family may result in:

- the victim being punished for seeking help
- the marriage being brought forward

It is also important to appreciate that relatives, friends, community leaders and neighbours should not be used as interpreters. Often the communities where forced marriage is more prevalent are small and close knit. The victim may feel embarrassed to discuss personal issues in front of people from their own community. In addition, crucially sensitive information may be passed back to the community and family group and place the victim in danger. The interpreter may also deliberately mislead the police and / or encourage the victim to drop the complaint and submit to their family's wishes.

Not appreciating these particular risks and thus inadvertently 'elevating the risk' also serves to undermine the protective capability of the Police to protect and help these victims.

First steps in all cases

The following steps should be taken:

- See the victim immediately in a secure and private place, preferably an interview room where they cannot be seen or overheard
- See the victim on their own, or if they are a child or young person, with an independent person in accordance with legislative requirements
- Inform them of their right to seek legal advice and representation

Contact relevant specialist people to assist and provide advice as agreed through the Multi-Agency Response.

Police Family Violence Practitioners should take the lead initially until it is determined which agency is best placed to lead the response. If the victim is under 17 years of age the case should be managed by Child Protection Team in consultation with the relevant FV specialist until contact with CYF's is made. All cases should be reported to the Family Violence Unit at PNHQ.

If it is an underage forced marriage case, the person taking the lead should contact the CYF contact point as soon as possible and follow appropriate steps.

Summary of initial investigation steps

- If necessary, record any injuries and arrange a medical examination
- Take a complete statement about the situation, also seek information about passport number and status, and friends who are safe to contact
- Identify any potential criminal offences
- Establish if there is a family history that may suggest or support the possibility of forced marriage, e.g. siblings forced to marry, family violence history, history of self-harm, family disputes, unreasonable lifestyle restrictions or missing persons within the family
- Make a risk assessment using appropriate tools in the POL 1310
- It is also important to note whether or not international travel with family is likely or imminent. If so, take precautionary steps and consider placing a CAPP's alert against the victims name.

Once the information is collected and fully documented. Contact relevant partner agencies as appropriate and involve them in decision and referral processes as appropriate. Share information in accordance with agreed protocols with partner agencies. Next steps are likely to include:

- Discussing safety and talking through a safety plan, including a safe place outside of the Police station and the victims address that Police could meet with the victim in future if necessary
- Decide a safe method of communication between the Police and the victim should it be needed in the future,
- In conjunction with key partner agencies explain their options to them in the context of the circumstances and / or advice about what service or support they should expect from other agencies and how this could happen.
- If the person is an adult with support needs, refer them to an agency with responsibility for safeguarding vulnerable adults.
- It is also important to note whether or not international travel with family is likely or imminent. If so, take precautionary steps and consider placing a CAPP's alert against the victims name

It is important to recognise and respect the victim's wishes as (as much as possible) and to reassure them about confidentiality - in particular that family and friends will not be contacted.

Deciding to prosecute

Police have an obligation to hold offenders to account. However in these cases, for many people prosecuting their family is something they simply will not consider, and this can pose a further barrier to seeking support from Police.

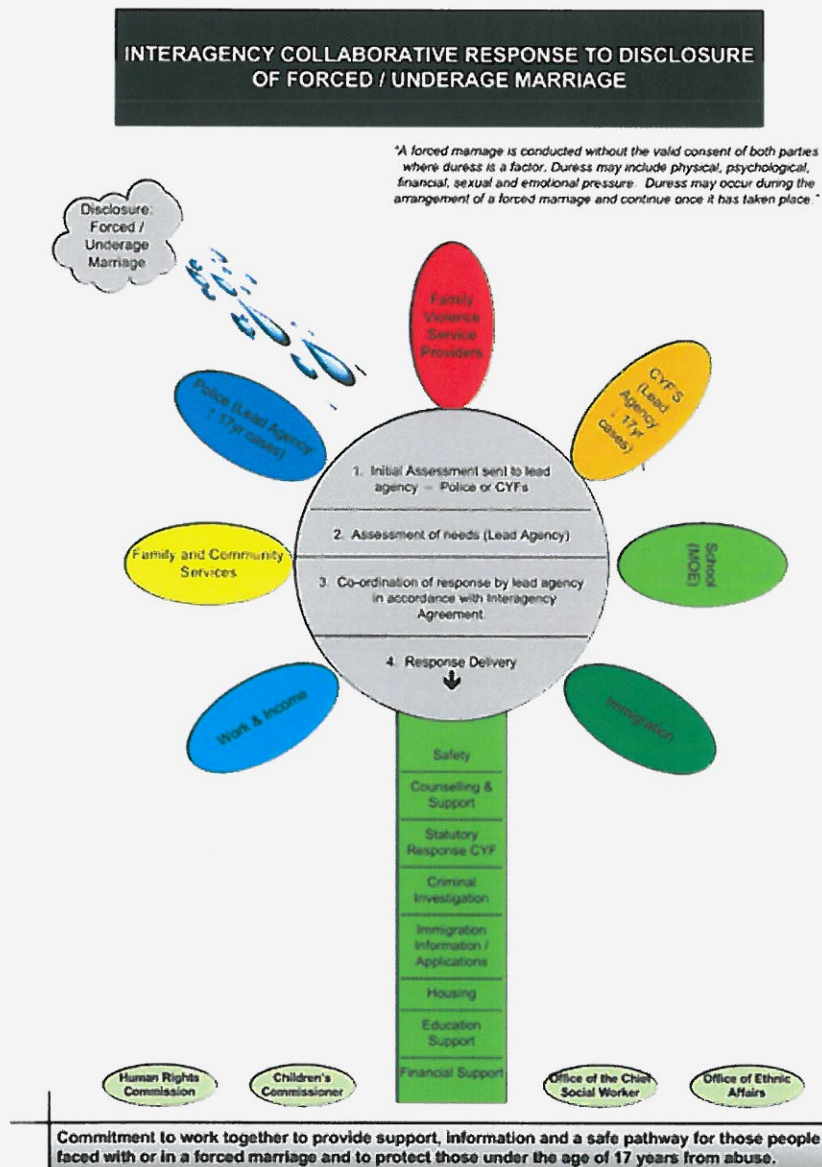
Victim safety, and their views on prosecution, must come first. If criminal charges may be possible careful thought should be given to the victims views. The public interest is also relevant. Not prosecuting family members if it is against the victim's wishes should be balanced against encouraging other victims to report potential or actual forced marriage.

Reporting

Reporting of forced marriage cases will be completed using the POL 1310 the Family Violence Report.

Police will communicate and work with partner agencies on a case by case basis to manage issues if they arise.

The Family Violence Unit will maintain a register of forced marriage cases reported to them. Analytical capability about these cases will be developed as appropriate.



Work and Income response – Family Violence Intervention Programme

Introduction

Work and Income will integrate forced marriages into the existing domestic violence response framework; The Family Violence Intervention Programme (FVIP).

<http://www.workandincome.govt.nz/community/a-z-grants-and-other-help/family-violence-intervention-programme.html>

Goal

Supporting Clients and Their Families towards a Violence-Free Future

Key Objectives

- All clients and potential clients of Work and Income identified as being in family violence situations receive urgent and appropriate income support.
- All clients and potential clients of Work and Income in family violence situations are able to discuss the violence, and their family relationships, with a supportive staff member who will clearly explain their options, including benefit entitlements and support available in the community.

- All clients and potential clients of Work and Income who request support will be referred to approved family violence agencies who will assist them with ongoing safety planning and assist them to identify supports to enable them to live safely.

How we will treat clients

All clients will be treated as per our [Service Charter](#).

Work and Income's Role in Family Violence Intervention

Work and Income's FVIP forms part of an integrated multi-disciplinary, whole-of-government and community approach to the prevention of family violence in New Zealand. It provides Work and Income clients in family violence situations with financial support and referral to family violence services with the intention of supporting clients to achieve a safe and violence-free future.

The programme is open to all Work and Income clients, and potential clients who are affected by family violence including Forced Marriage. This is regardless of their age, gender or sexual orientation. This can include men abused by women, parents abused by adult children or elderly people abused by younger family members.

The FVIP strengthens Work and Income's capacity to provide support to all clients identified as being in family violence situations. It will focus on the safety and empowerment of the client and any dependent children by:

- recognising the client's autonomy and right to choose to participate in any service or programme
- referring clients who seek assistance for their violent behaviour to an appropriate family violence agency for assistance to change their behaviour
- acknowledging and considering that the client may not be able to turn to family for support as they may be the perpetrators.

Clients may require income support to enable them to live apart from their violent partners. They may self-refer to the programme, or be referred from a number of sources, such as:

- community agencies
- MSD Fraud Investigators
- family members
- Multi-Agency Response to Reports of Potential and Actual Forced Marriage partners.

Family Violence Intervention Process

Staff at Work and Income can be approached by an existing client, potential client or by another agency or person on behalf of someone to get support and services in response to family violence. Because Work and Income staff deal with large numbers of clients, they will inevitably meet people who are living with violence. A timely and supportive response, including appropriate income support may save the life of a client.

Client may disclose family violence through:

- self-referral
- referral by a service provider / outside agencies
- response to screening questions from a case manager

All clients

If a client seeks help with, or discloses family violence the case manager will:

- talk to the client in an interview room or a place where they cannot be overheard
- discuss their safety including a safe place to stay if necessary

If the case manager identifies that the client has immediate safety needs they will refer them to an appropriate service such as Child, Youth and Family, Police, Refuge etc

Financial Assistance

If the client is already known to Work and Income we will ensure they are receiving the correct entitlement to benefit. If the person is not a client of Work and Income we will test their eligibility for financial support. The case manager will also identify other Work and Income services where the client can get help to address family violence.

Client support and services

Case managers will advise clients of options for safety and support. They will:

- assist clients to achieve safety and security through referrals to community based family violence and associated services specifically approved and contracted by Child, Youth and Family or the Ministry of Justice to provide family violence services or programmes
- provide people with family violence resource information
- refer clients to approved crisis services, including free services and programmes.
- always refer to approved services as indicated in the FACS National Directory.

Recording information and monitoring

Any clients referred to family violence prevention services will be sensitively monitored by the case management processes. All case manager meetings with the client will be recorded in current Work and Income client systems. Case managers will be responsible for:

- recording all subsequent assessments/referrals and interventions
- explaining reasons for recording disclosure, i.e. to enable their safety to be monitored and to ensure that they will not be asked the same questions in the future
- monitoring client circumstances to ensure appropriate ongoing support is provided
- explain that the recorded details remain confidential and are not linked to the partner's record (where the client shares a joint benefit record with a partner).

Reporting

Reporting of forced marriage will be included in information provided through current Work and Income reports on family violence and the Family Violence Intervention programme.

Family Violence Response Co-ordinators will continue to work cooperatively with family violence agencies, both government and non-government, and in conjunction with key partner agencies.

Point of contact

The Work and Income point of contact for Inter-Agency partners is the Manager Helpline, contactable through the Helpline general number (04) 916 3401m, or helpline_workandincome@msd.govt.nz (with Forced Marriage in the subject line).

Child Youth and Family**Introduction**

Child Youth and Family will work together with New Zealand Police to ensure that any young people (under the age of 17) who discloses a potential or actual forced marriage is able to access accurate timely information on their options. CYF will also ensure that they have specialist staff available who are aware of the specific risks and issues associated with forced marriages. Any complaint of underage marriage will be treated as a care and protection issue.

Point of contact

The CYF contact for Inter-Agency partners in Auckland is Sharon Thom, Operations Manager in the Northern Regional Office. Contact numbers are (09) 909 4507, or 0292005089. The Onehunga CYF site has specialist social workers available to deal with forced marriage complaints and can be contacted on (09) 299 5981.

For matters outside of the Auckland region, the contact point is: The Manager of the Protection Team, Care and Protection Service Support, CYF National Office (04) 918 9333 or 0292009937.

Overview of CYF Response

Where the disclosure is made from a child or young person under 17 years of age the initial response will include involvement by the Child Protection Team (CPT), Child Youth and Family (CYF), Family Violence practitioner, and, as appropriate, advice from Maori Pacific and Ethnic Affairs (MPES).

Where the report is made by a person 17 years or older the initial response will include involvement by the local family violence practitioner with advice from MPES (as appropriate).

Notifications of potential forced marriages are to be triaged through the Onehunga CYF site (if notification is Auckland based). This is because the Family Safety Team and Shakti are both located in Onehunga, as well as the site having an experienced practitioner who has worked on similar cases in the UK.

If the case occurs outside Auckland, contact should be made with the National Office Care and Protection Support team or National Office Operations team.

First steps

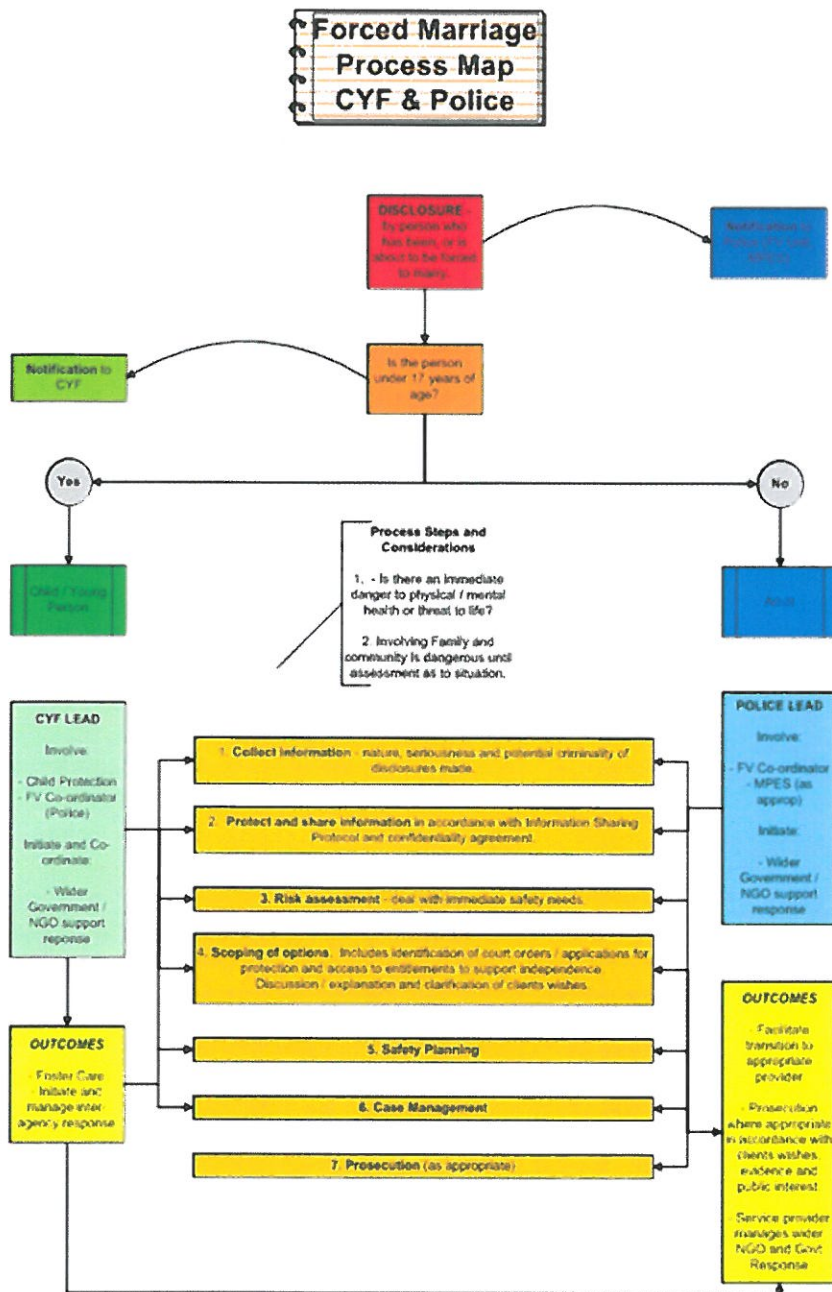
The first step for any CYF practitioner is to assess the young persons immediate safety. This may include removing the young person to a private room on their own to ensure they are able to speak freely. At this time, it is also recommended that a safe method of communication between CYF and the victim should be decided in case it is needed in the future.

As soon as possible, contact should be made with one of the trained forced marriage specialist practitioners at the Onehunga CYF site.

Next steps

One of the specialist practitioners will be able to explain the options the young person in the context of their particular circumstances and / or provide advice about what service or support they should expect and from whom. Young people should be made aware of the possible options, including CYF support towards independent living, or placement in care. They should also be made aware of the other assistance available in the community such as possible financial support from Work and Income, and support and advocacy from Women's Refuge or Shakti.

The flow chart below sets out the specific process that CYF will follow in these cases



Privacy

It is vital that the privacy of the young person is respected and maintained at all times. Information from case files and database files should be kept strictly confidential and preferably be restricted to named members of staff only

Involvement of family

Despite the principles contained in the Child Young Persons and their Families Act, in these situations, initial consultation with the family is not recommended. There are specific risks to the victim in involving family when they have sought help. Experience shows that the family may not only punish them for seeking help but may also expedite plans for the marriage to ensure it occurs before others can intervene.

In addition, in cases of forced marriage, it is important that **CYF** do not actively initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation – whether offered by community councils, religious or professional groups. Families may use the opportunity to subject the victim to extreme physical or mental duress. If a Family Group Conference is to be held, it needs to be very carefully managed to ensure the young person is not exposed to pressure from the family or community. Depending on the child or young persons age and wishes, it may be appropriate for their views to be represented by the social worker or by their Lawyer for Child (if appointed at that time), rather than them attending in person.

If the matter proceeds to the Family Court, **CYF** will need to ensure that the Court is aware of the specific issues involved and the inappropriateness of alternative dispute resolution methods.

Use of Interpreters

If a victim does not speak English, or English is not their first language, caution needs to be used in accessing interpreters (see issues as set out by Police). Interpreters are best accessed through Shakti or through a professional translation service. The young person should always be given the name of the interpreter prior to the meeting to ensure that they are

not known to the young person.

Court Orders and Placement

Consideration may be given to seeking Court orders placing the child in the custody of the CE or under the wardship of the Court.

The young person will need to have input into any potential placement within the community. Caution should be used in placing the young person within their wider family or ethnic community.

Family and Community Services (FACS)

Introduction

As one of the Ministry of Social Development's (MSD) service lines, FACS will work closely with other MSD service lines (Work and Income and Child, Youth and Family) to provide culturally-appropriate assistance at a local level to victims of forced marriage.

Point of contact

The primary point of contact on forced marriage issues is [REDACTED] Manager, Community Relations Team, Family and Community Services. Ph: [REDACTED]

FACS response

In the event that the need for coordination of support services is identified, FACS will use local networks to provide service co-ordination amongst relevant central government agencies, NGOs and community groups.

As part of its on-going work in community development and increasing the resilience of families and their communities, FACS will work to, to raise awareness of forced marriage and the associated issues, and human and legal rights in New Zealand.

Ministry of Education

If a young person discloses at a school a complaint of potential or actual forced marriage, processes and advice will be contained in the protocol agreement between Child, Youth and Family, the NZ Schools Trustees Association and the Ministry of Education, 2009. These processes will ensure schools notify Police or CYF. Enquiries will be treated confidentially and CYF and Police will work closely with the school when assistance is required for determining any potential or forced marriage issues.

Immigration New Zealand

Introduction

Immigration New Zealand (INZ) does not have a specific application category for victims of forced marriage however INZ does have a category for victims of domestic violence. INZ branches have immigration officers specifically trained to assess applications lodged under victims of domestic violence.

The following guidelines are for Victims of Domestic Violence. If an Immigration Officer receives an enquiry from a migrant or another agency they are encouraged to also look at other policies the migrant may be eligible for such as Essential Skills or Skilled Migrant Category.

Point of Contact

The first point of contact with regard to Forced Marriage issues should be made to the relevant contact at the nearest INZ branch (refer to attached contact list) If there is a case that needs to be escalated contact Lynne White, Visa Services, Operation Support.

Overview of Immigration New Zealand Response – Under Victims of Domestic Violence Instructions

As INZ does not have a specific category for victims of forced marriage, Immigration Officers (IOs) are advised to assess applications against the victims of domestic violence category (S4.5). If an IO has a case that does not meet the instructions, then an IO should raise this with Operations Support via the Sensitive Issues Mailbox.

Cases that are unlikely to meet instructions are cases that do not meet the definition of domestic violence as set out in section 3 of the Domestic Violence Act 1995 or domestic relationship as set out in section 4 of the Domestic Violence Act 1995.

IOs may get enquiries from any of the agencies included in the interagency Letter of Agreement or from the client directly.

Immigration Officers are to treat such enquiries and applications with priority.

Key points

Temporary Entry

People in New Zealand may be granted work visas valid for 6 months if they meet the following:

- are, or have been in a partnership with a New Zealand citizen or residence class visa holder; and
- had intended to seek residence in New Zealand on the basis of that partnership; and
- that partnership has ended due to domestic violence by the New Zealand citizen or residence class visa holder or someone with whom the applicant is living in a domestic relationship; and
- who show a need to work in order to support themselves;

This may be extended to nine months if the applicant applies for residence.

Residence

People in New Zealand may be granted a residence visa if they meet the following:

- are, or have been, in a partnership with a New Zealand citizen or residence class visa holder, and
- had intended to seek a residence class visa in New Zealand on the basis of that partnership, and
- the partnership has ended due to domestic violence by the New Zealand citizen or residence class visa holder or by someone with whom the applicant is living with in a domestic relationship, and

- are unable to return to their home country because:
 - They would have no means of independent financial support from employment or other means, and have no ability to gain financial support from other sources, or
 - would be at risk of abuse or exclusion from their community because of stigma, and
- meet health and character requirements instructions (see A4 and A5).

Evidence of domestic violence

- a final Protection Order against the New Zealand citizen or resident partner, or someone with whom the applicant is living in a domestic relationship under the Domestic Violence Act 1995, or
- a relevant New Zealand conviction of the New Zealand citizen or residence class visa holder partner, or someone with whom the applicant is living in a domestic relationship of a domestic violence offence against the principal applicant or a dependent child of the principal applicant; or
- a complaint of domestic violence against the New Zealand citizen or resident partner, or someone with whom the applicant is living in a domestic relationship investigated by the New Zealand Police where the New Zealand Police are satisfied that such domestic violence has occurred; or
- a statutory declaration from the applicant stating that domestic violence has occurred and two statutory declarations completed by persons competent to make statutory declarations that domestic violence has occurred.

Evidence that the principal applicant has been living in a partnership with a New Zealand citizen or resident may include, but is not limited to, original or certified copies of:

- an original or certified copy of a marriage certificate;
- evidence as to the duration of the relationship;
- correspondence (including postmarked envelopes) addressed to both principal applicant and the New Zealand citizen or resident
- evidence of communication between the couple;
- photographs of the couple together;
- documents indicating public recognition of the relationship;
- evidence of any specific arrangements and/or engagement ceremonies which have been carried out;
- communication between the parents of the couple and/or a person acting as a go-between or matchmaker;
- other documents indicating public recognition of the arrangement and/or engagement ceremony;
- confirmation from independent sources that such arrangements and/or engagement ceremonies are in accordance with the cultural custom of the parties concerned;
- a joint mortgage, tenancy agreement or rent book;
- birth certificates of their children;
- proof of joint assets;
- proof of shared income; and
- proof of shared bank accounts.

Evidence that the principal applicant has been living in a domestic relationship with the perpetrator of domestic violence includes:

- confirmation from the New Zealand Police that they are satisfied the domestic violence was perpetrated by someone living at the same address;
- a statutory declaration by the applicant that the perpetrator of domestic violence lived at the same address as the applicant;
- a statutory declaration by one of the professionals listed at WI7.30.6 or S4.5.2 stating that the perpetrator of domestic violence lived at the same address as the applicant;
- any other documentary evidence that the perpetrator of domestic violence lived at the same address as the applicant.

Principal applicants must provide evidence in the form of documents and/or information provided at an interview with an immigration officer, that if they returned to their home country they:

- would have no means of independent financial support from employment or other means, and have no ability to gain financial support from other sources, or
- would be at risk of abuse or exclusion from their community because of stigma.
- The INZ may refer to any relevant information when determining the ability to return to their home country.

Application forms:

Work visa application form

<http://www.immigration.govt.nz/migrant/general/formsandfees/formsandguides/work.htm>

Residence visa application form

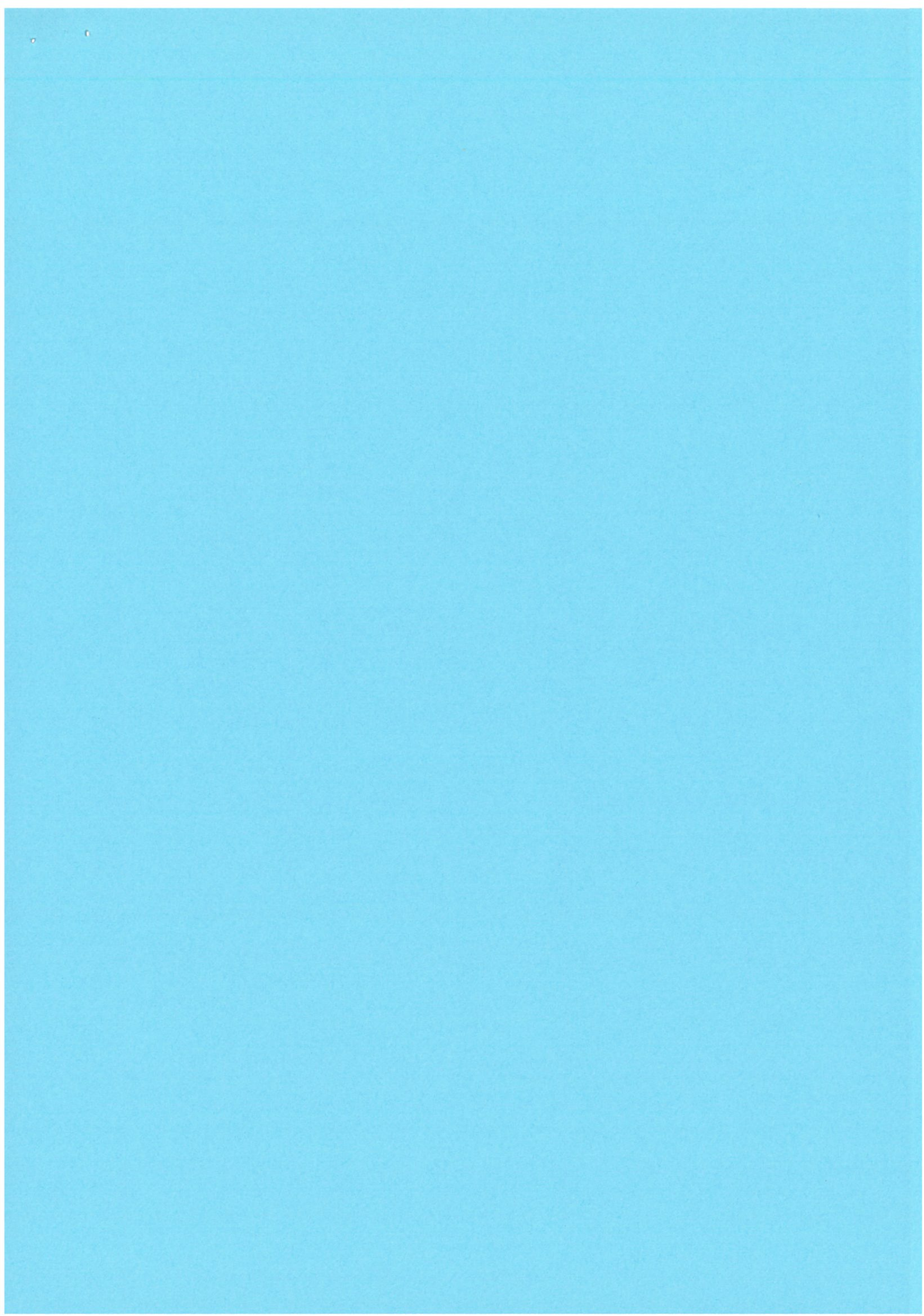
<http://www.immigration.govt.nz/migrant/general/formsandfees/formsandguides/residence.htm>

Immigration Officers - Domestic Violence Policy

Auckland Central Branch









Family violence policy and procedures

Publication Number:

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 (PoI 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>
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</p>

	Violence Act 1995 relating to the meaning of 'domestic violence' and 'domestic relationships', but includes both current and ex-intimate partners.
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.
Family Violence Reports (Pol 1310)	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: <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.
Intimate Partner Violence (IPV)	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.
Intimate partners	Intimate partners can be heterosexual, homosexual, transgender or bisexual.
Intimate Partner Vulnerability Factors (IPVF)	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.
ODARA (Ontario Domestic Assault Risk Assessment)	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.
Pol FVIR	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.
Police safety orders (PSO)	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).
Protection orders	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).
Psychological abuse	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>Psychological abuse of children</p> <p>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	Written plans completed with the victim to identify potential risks and actions to manage safety including: <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	Sexual assault includes but is not limited to: <ul style="list-style-type: none"> sexual violation by rape or unlawful sexual connection indecent assault / sexual conduct

	<ul style="list-style-type: none"> • 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	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.
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)).

