



Criminal Cases Review Commission Procedures

As at 1 July 2020

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Case Handling Procedures

Under section 15 of the Criminal Cases Review Commission Act 2019 (the Act), the New Zealand Criminal Cases Review Commission (CCRC) must make its procedures publicly available, in the manner it considers appropriate.

Here you will find information relating to how the CCRC undertakes its processes for the following procedures:

1. How applications are received and processed by the CCRC;
2. The CCRC's initial analysis and collation of an application;
3. How the CCRC carries out its investigations;
4. Referrals by the CCRC to an appeal court;
5. Procedure for engaging with victims; and
6. Complaints procedure.

The CCRC's primary function under section 11 of the Act is to investigate and review convictions and sentences and decide whether to refer them to an appeal court. The CCRC may refer a conviction or sentence to an appeal court if it considers that it is in the interests of justice to do so.

As a guide to the way in which the Commission will apply the statutory test of "interests of justice", the Commission (while having regard to the statutory criteria (in s 17(2) of the Act)) will identify cases where the potential unreliability of a conviction or sentence is so apparent to the Commission that those cases, on analysis, represent a possible miscarriage of justice which ought to be considered by an appeal court.

These procedures were developed in consideration of the CCRC's statutory obligations including the requirement in the Act for the procedures to be consistent with the principles of the Treaty of Waitangi (te Tiriti o Waitangi). The CCRC will adapt to the different cultural backgrounds of applicants and their whanau and wider family groups.

These procedures will be reviewed at least every 12 months and will continue to be developed over time as the CCRC is established and carries out its primary function.

Glossary

Applicant – a person convicted of a criminal offence in New Zealand who is the subject of an application. If the Applicant would like to keep others updated on the progress of their application, this definition extends to include a whānau or family member, friend, supporter, advocate or a lawyer.

Board – the Commissioners in their governance capacity of the CCRC.

Case Review Panel – the Commissioners assigned to a case, with responsibility for overseeing and directing it.

CCRC – New Zealand Criminal Cases Review Commission.

Commission – the Commissioners in their decision-making capacity in respect of an application for review of a conviction, sentence or both, or in their capacity to initiate and conduct inquiries into general matter provided under section 12 of the Criminal Cases Review Commission Act.

Days – This document refers to calendar days, unless otherwise stated.

Decision – A decision made by the Commission under section 24 of the Criminal Cases Review Commission Act to take no action in relation to an application or under section 17 to refer a conviction or sentence to an appeal court. The decision must be unanimous and be made by all Commissioners who do not have a conflict in relation to an application.

Decision Letter – a letter to the Applicant that accompanies the Statement of Reasons giving written notice of a Decision.

Initial Assessment Report – a report prepared by the Investigation Team which records the findings of the initial assessment process and recommends whether to progress with the case to a full review.

Investigation Report – a report prepared by the Investigation Team which records the findings of the investigation process and recommends whether to refer or not to refer a case to an appeal court.

Investigation Team – CCRC staff and/or outside contractors who are responsible for undertaking the initial assessment and investigation of a case.

Investigation Workplan – a document which outlines key aspects of an investigation, tasks, roles in the Investigation Team, engagements of external providers and a timeline. The Investigation Workplan will be a document which is developed and built on as an investigation proceeds.

Legal Aid - government funding to pay for legal help for people who cannot afford a lawyer.

Preliminary Statement of Reasons – A preliminary statement prepared in cases where the Commission has agreed that a case will not be taken further or further investigated, which sets out the Commission’s reasons or summary of reasons for its decision. This is sent to the Applicant to ascertain whether there are any further matters that the Commission should consider before finalising and before publishing its decision.

Representative – a person authorised by the Applicant to act on their behalf.

Statement of Reasons – the reasons or summary of reasons provided to the Applicant and later published on the CCRC website which sets out the Commission’s reasons for either referring, or not referring, the case to an appeal court.

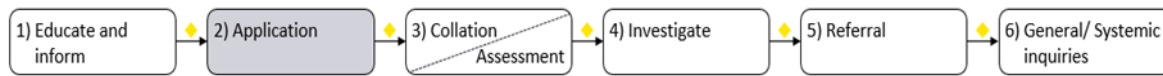
Supplementary Statement of Reasons – an additional statement prepared in cases where the Commission has received further submissions from an Applicant after being sent the Preliminary Statement of Reasons, which sets out the Commission’s reasons or a summary of reasons for its Decision, based on the further submissions received.

Unanimous – this means that a Decision is agreed by all Commissioners who do not have a conflict in relation to an application.

Victim – As defined in the Victims’ Rights Act 2002.

Waiver – A notice signed by the Applicant authorising CCRC staff to obtain confidential information in relation to the application from third parties and including an authority to uplift the Applicant’s files from the Applicant’s previous lawyers.

Application Process



1. Introduction

- 1.1. This sets out the CCRC's procedures during the application process and how an application is received and processed by the CCRC.

2. Initiate application process

- 2.1. If a potential Applicant or Representative is thinking of making an application to the CCRC, they are welcome to contact the CCRC for an initial discussion:
- phone - 0800 33 77 88 (this is a freephone call, please call Monday to Friday, 9am-5pm)
 - e-mail - info@ccrc.nz
 - letter - New Zealand Criminal Cases Review Commission, PO Box 9168, Hamilton 3240
 - website - send us a message through the Contact us page on the CCRC's website
- 2.2. CCRC staff will answer any questions about the CCRC's work and the application form.

Who can make an application?

- 2.3. An application may be made to the CCRC by a person convicted of a criminal offence in New Zealand (the Applicant), or through a Representative selected by the Applicant, such as a whānau/family member, friend, supporter, advocate or lawyer.

Making an application in a representative capacity

- 2.4. The CCRC may accept an application made by a person in a representative capacity if CCRC staff are satisfied that the person is authorised to act as the convicted person's representative.

What information does an application need?

- 2.5. The information sought by the CCRC is covered by the questions in the [application form](#). It includes questions seeking:
- personal information about the Applicant;
 - conviction, sentence and appeal information;

- information on past and present legal representatives; and
 - the Applicant's belief as to why they have been wrongfully convicted or sentenced.
- 2.6. If an Applicant is unable to answer all the questions in the application form, the information can be obtained at a later date.

3. Submitting an application

- 3.1. When an Applicant and/or Representative has completed the application form they can deliver it by post or by email.

Post: New Zealand Criminal Cases Review Commission
PO Box 9168
Hamilton 3240

Email: info@ccrc.nz

4. Assistance to complete an application

- 4.1. If an Applicant and/or Representative would like assistance completing the application form, or have any queries, CCRC staff are available to help. The Applicant and/or Representative can get in touch with the CCRC by:
- calling 0800 33 77 88 (this is a freephone call, please call Monday to Friday, 9am-5pm)
 - e-mail – info@ccrc.nz
 - letter – PO Box 9168, Hamilton 3240
 - website – send us a message through the [Contact us](#) page on the CCRC's website
- 4.2. If English is not the Applicant's preferred language, CCRC staff can assist the Applicant with finding a translator to help them with the application process.
- 4.3. The application form is available on the CCRC's website in te reo Māori, Samoan and Tongan. These can be mailed out by CCRC staff if required.

5. Initial inquiries by the CCRC

- 5.1. The CCRC has the power to make initial inquiries into a conviction or sentence on its own initiative, if it is satisfied that those inquiries are in the public interest.
- 5.2. In instances where the CCRC begins making initial inquiries, CCRC staff will need to contact the potential applicant to notify them of the inquiries and ask for their consent to continue.

6. Privacy and access to information

- 6.1. In order to review a case fully, CCRC staff need to obtain information from:

- any lawyers who represented the Applicant at trial or on appeal;
 - any advocates who supported the Applicant at trial or appeal; and
 - any other lawyer or advocate who represented or supported the Applicant at any other stage of the case (including on any prerogative of mercy application to the Governor-General).
- 6.2. This information may include details of confidential discussions the Applicant had with their lawyer or advocate.
- 6.3. The application form includes a waiver for the Applicant to sign to provide CCRC staff with access to important information held by third parties, such as any lawyers or advocates who represented or helped the Applicant in the past; and includes an authority from the Applicant to uplift all files from the Applicant's previous lawyer(s).

7. Lawyer and Legal Aid

- 7.1. An Applicant does not need a lawyer to apply to the CCRC or to handle their case during the CCRC's investigation process. An Applicant may like to ask a lawyer to assist them in completing the application form as a lawyer will be able to help with the grounds for requesting a review and may be able to point to, or supply, materials in support of the application.
- 7.2. An Applicant can apply for legal aid to make an application to the CCRC. A link to finding a legal aid lawyer with the appropriate approval is available [here](#).
- 7.3. The criminal legal aid application form is available [here](#).

8. Eligibility – who can apply?

- 8.1. When the CCRC receives an application, CCRC staff will make an eligibility assessment.
- 8.2. An Applicant must be a living person, who has been convicted of a criminal offence in New Zealand.

9. Appeal History

- 9.1. CCRC staff will also look at the appeal history of the Applicant. If the Applicant has not used all rights of appeal through the court processes, it is unlikely that their application will be accepted by the Commission, unless the Applicant and/or representative can provide reason or reasons why the application should be accepted. A decision as to that will be dependent upon, and based on, the facts of each application.

10. Acknowledgement of receipt of application

- 10.1. Within two working days of CCRC staff receiving the application, CCRC staff will respond to the Applicant and/or Representative, in writing. This will be either by post or email, to acknowledge receipt of the application. CCRC staff will also advise the proposed date of the meeting at which the application first will be considered by the Commission for acceptance.

11. Conflicts of interest

- 11.1. It is an important part of the decision making to make sure that Commissioners do not have a conflict of interest in relation to the application. Each Commissioner must consider whether they have a conflict of interest in relation to the application.
- 11.2. CCRC staff record any conflicts in the conflicts of interest register. Any Commissioner who has a conflict of interest with respect to an application, will not take any part in the CCRC's procedures and processes in relation to that application.
- 11.3. If a Commissioner does not become aware that they have a conflict of interest with respect to an application until a later date, they must notify CCRC staff immediately; and that Commissioner will take no further part in relation to that application.

12. Accepting an application

- 12.1. Each application to the CCRC will be put forward to the Commission during their monthly meeting with a recommendation on whether to accept the application.
- 12.2. If an application is accepted by the Commission, CCRC staff will write to the Applicant or their Representative as soon as practicable, advising them of its decision. CCRC staff will also inform the Applicant and/or Representative of the next steps, including how it will engage with the Applicant and/or Representative as the review proceeds.

What happens when an application is not accepted?

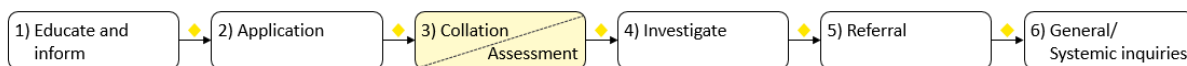
- 12.3. If the Commission decides not to accept the application, either because the Applicant is not eligible (see paragraph 8) or the Applicant has not used all their rights of appeal (paragraph 9), the Applicant and/or Representative will be advised as soon as practicable by letter or email of the reasons for not accepting the application at this time.

13. Engagement with Applicant (and other parties)

- 13.1. The effects of an event can have far-reaching, intergenerational impacts for the Applicant's whānau or family. The CCRC recognises this and allows for the Applicant to involve their support networks during all engagement, should they wish. This means that at the request of an Applicant, updates on the progress on an application can be provided to a whānau or family member, friend, supporter, advocate or a lawyer.

- 13.2. Each Applicant will be assigned CCRC staff who will explain the review process to the Applicant and act as their primary contact. The role of the CCRC staff is to provide support, and to ensure the processes are culturally appropriate.
- 13.3. CCRC staff and the Applicant will agree a preferred method of communication, the frequency of updates and how their case will progress through the initial assessment phase and review phase, should the case warrant a full review. The CCRC staff so assigned will not be part of the Investigation Team.

Collation and Assessment Process



1. Introduction

- 1.1. This process sets out the CCRC's procedures during its collection and collation of information and its initial assessment of a case.

2. Creation of a case file

- 2.1. When the application has been accepted by the CCRC, staff will assign the application a case number and create a case file (the case).

3. Assignment of case to Case Review Panel

- 3.1. The case will be assigned to a panel of Commissioners referred to as the Case Review Panel, consisting of a minimum of two and a maximum of three Commissioners. In making this assignment, the workload and skillset of Commissioners, and any conflicts of interest that have been identified, will be taken into account.
- 3.2. The Case Review Panel will oversee progress and provide direction on the case. The Case Review Panel does not undertake the investigation.

4. Initial assessment of the case

- 4.1. The initial assessment of the case has two phases, (i) collection and collation; and (ii) assessment.
- 4.2. The CCRC will aim to complete the initial assessment within two months from the date of the collection and collation being completed.

5. Collect/Collate

- 5.1. The CCRC staff will review the information the Applicant has provided and contact the relevant court(s), Police, Crown and defence lawyers who may hold papers related to the case, from the date of the incident through to the end of all judicial processes (including any applications made for the exercise of the Royal Prerogative). The CCRC will request the originals or copies of papers these parties hold in relation to the Applicant's case.
- 5.2. The CCRC staff will also ask that materials in relation to the Applicant's case, including transcripts, exhibits, documents, reports, working papers and evidence, are preserved for the duration of the CCRC's review of the case.

- 5.3. The CCRC staff will assemble a case file both electronically and physically.
- 5.4. All physical papers and documents provided to the CCRC will be recorded and securely stored for the duration of its investigation.

6. Assessment

- 6.1. After reviewing the collated documents and those provided by the Applicant, the CCRC staff will draft the Initial Assessment Report. This report will include the following information:
 - details of the Applicant's conviction and sentence;
 - the potential scope for a CCRC investigation;
 - the case history;
 - victims as defined by section 2 of the Victims Rights Act 2002;
 - the identity of all parties relevant to the case;
 - recommendations in respect of victim notification and as to proposed disclosure to any affected parties, as appropriate.
 - the skills and experience of the Investigation Team and resources required to complete an investigation, should one be undertaken;
 - how the scope of the investigation should be addressed;
 - the information and documents required to be gathered if such an investigation were to be undertaken;
 - any other matters the Investigation Team considers relevant;
 - an estimate of the cost and time to complete the investigation, noting that if the case proceeds to an investigation, this may be subject to change and will need to be reviewed throughout the investigation; and
 - a recommendation on whether to proceed to a full investigation.

7. Initial Assessment Report Review

- 7.1. There are two possible recommendations in the Initial Assessment Report – to proceed with the case to a full investigation, or to not take any further action.
- 7.2. The Initial Assessment Report will be presented to the Case Review Panel for critique and questioning. This is a quality assurance process.
- 7.3. The Case Review Panel will approve the Initial Assessment Report and refer it to the full Commission for approval.

8. Initial Assessment Report Approval

- 8.1. The Initial Assessment report is presented to the full Commission for a decision on whether to move forward to a full investigation.

9. Decision to proceed with full investigation

- 9.1. Notwithstanding the recommendation in the Initial Assessment Report, it is the Commission's decision on whether to proceed with a full investigation.
- 9.2. The Commission will decide unanimously in favour of a full investigation.
- 9.3. CCRC staff contact the Applicant and/or Representative to inform them of the decision to move the application to a full investigation.

10. Decision to take no further action

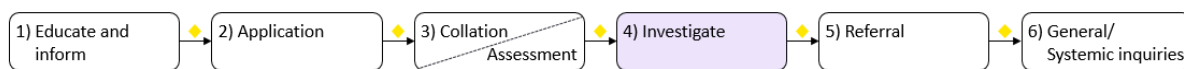
- 10.1. If it is recommended that the CCRC should not take any further action (that is not move to a full investigation), then the CCRC staff will prepare a Preliminary Statement of Reasons for its decision.
- 10.2. The Initial Assessment Report, the Preliminary Statement of Reasons and any supporting documents will be sent to the Case Review Panel for recommendation to the Commission.
- 10.3. The Commission will make a unanimous decision to take no further action and agree the preliminary Statement of Reasons.
- 10.4. Where the Commission decides not to take the application to a full investigation, CCRC staff contact the Applicant and/or Representative to inform them of the decision.
- 10.5. The Applicant and/or Representative are provided with the Preliminary Statement of Reasons as soon as practicable after being informed of the decision.
- 10.6. After the Preliminary Statement of Reasons is issued, the Applicant is permitted a period of 28 days in which to consider the Preliminary Statement of Reasons and to make any further submissions and/or provide any further materials that they believe are appropriate. However, the Applicant may, on cause shown, have the 28-day period extended.
- 10.7. Where the CCRC does not receive any further submissions in that 28-day period, or within any extended period, the Investigation Team prepares a Decision Letter, for approval by the Commission, to be signed by the Chief Commissioner, informing the Applicant and/or Representative of the Commission's decision not to proceed further with the case.
- 10.8. Once signed, the Decision Letter and Statement of Reasons is sent to the Applicant and/or Representative.

- 10.9. When the CCRC issues the Decision Letter, its review of the case is completed. The Decision is published on the CCRC's website together with the Statement of Reasons.

11. Further submissions

- 11.1. Where the CCRC receives further submissions and/or further materials in that 28-day or any extended period, CCRC staff contact the Applicant and/or their Representative to acknowledge the receipt of the further submissions and/or materials.
- 11.2. The further submissions and/or materials are put to the Case Review Panel during its next monthly update meeting. Where the Case Review Panel considers that further lines of inquiry are required, the CCRC staff carries out those inquiries.
- 11.3. Following the further inquiries being conducted (if required), the Investigation Team drafts a Supplementary Statement of Reasons to refer or not refer the case to the appeal court.
- 11.4. The Supplementary Statement of Reasons is provided to the Case Review Panel which determines whether the draft Supplementary Statement of Reasons is suitable to be put to the Commission for its consideration.
- 11.5. If the Supplementary Statement of Reasons results in an altered recommendation, i.e. to proceed to a full investigation and the Commission decides (unanimously) for such an investigation to proceed, CCRC staff contact the Applicant and/or Representative to inform them of the decision to move the application to a full investigation.
- 11.6. If the Supplementary Statement of Reasons results in an unchanged recommendation, i.e. not to proceed to a full investigation and the Commission decides not to so proceed, CCRC staff contact the Applicant and/or Representative to inform them of that Decision and they are provided with the Supplementary Statement of Reasons as soon as practicable after being informed of the Decision. The CCRC's review of the application is then completed.
- 11.7. The Decision is published on the CCRC's website together with the Statement of Reasons.

Investigation Process



1. Introduction

- 1.1. This process sets out the CCRC's procedures during the investigation process.

2. Establish and brief Investigation Team

- 2.1. An investigation team is appointed by the Chief Executive in-line with the Commission's decision on the case.
- 2.2. The Investigation Team may be supplemented from time to time by other appropriate persons where necessary, and whether such persons are staff and/or specialist experts (contractors).
- 2.3. The investigation is initiated with a full briefing on the assessment previously undertaken (and any Supplementary Statement of Reasons) and a setting of the overall timeframe and specific reports that the Case Review Panel will require.

3. The Investigation Workplan

- 3.1. Every investigation will be different.
- 3.2. An Investigation Workplan is developed outlining key aspects of the investigation, task, roles in the team, engagements of external providers and a timeline. The Investigation Workplan is shared with the Case Review Panel for its agreement. The Investigation Workplan will be considered as a "living" document at all times, being capable of alteration and amendment – the Investigation Workplan will be expected to be developed and built on as the investigation proceeds.

4. The investigation

- 4.1. The Investigation Team will carry out the investigation in accordance with the Investigation Workplan.

5. Case Review Panel update meetings

- 5.1. The Case Review Panel will meet monthly with the respective Investigation Team to be kept informed and to discuss the progress of the case.

Reporting progress

- 5.2. The Investigation Team will update the Case Review Panel at each meeting on the progress of the review and all particular lines of inquiry. The Case Review Panel will give direction and advise the Investigation Team on strategic matters (including whether

expert witnesses need to be instructed), as well as suggesting further lines of inquiry. Should the Investigation Team identify a difficult or complex issue, the Investigation Team may consult with the Case Review Panel who may request the assistance of a particular Commissioner or a Specialist Expert Adviser (Section 10, Criminal Cases Review Commission Act).

- 5.3. Procedural, advisory and directional decisions of the Case Review Panel are to be noted in the meeting minutes. After each meeting with the Panel, the Investigation Team will update CCRC staff who will convey any new information to the Applicant and/or Representative about the progress of the case.

6. Investigation Report

- 6.1. At the end of the investigation process, the Investigation Team prepares an Investigation Report that outlines all of the inquiries made in, and the findings of, the investigation. The Case Review Panel will provide guidance and direction as required. The Investigation Report is sent to the Case Review Panel for consideration and, if there is agreement with it, for the Panel's endorsement of the Investigation Report.

7. Natural Justice Processes

- 7.1. If the contents of an Investigation Report contain adverse findings about a party or parties connected to the case, they will be provided with the relevant section of the Investigation Report that pertains to them and be given a chance to comment and/or provide evidence that may change the findings of the investigation.
- 7.2. When the Case Review Panel is confident that all parties have had adequate opportunity to provide comment they will meet to consider finalising the Investigation Report and determine its recommendation.

8. Recommendation

- 8.1. There are two possible recommendations arising from an investigation – to refer the case to an appeal court, or not to refer.
- 8.2. The Investigation Report will contain a draft recommendation from the Investigation Team on whether to refer the case. The Case Review Panel must satisfy itself that a full investigation has been completed and that the contents of the Investigation Report adequately cover the findings of the investigation and agree the recommendation.
- 8.3. The Case Review Panel will agree to refer the Investigation Report to the full Commission for a decision.

9. Statement of Reasons

- 9.1. Together with the Investigation Report, a Statement of Reasons is prepared by the Investigation Team, for the Case Review Panel to consider

9.2. The Preliminary Statement of Reasons will set out:

- the history of the case;
- the scope and course of the investigation;
- a draft of the Case Review Panel's proposed findings;
- why the Case Review Panel considers it is in the interests of justice to refer or not to refer the case back to an appeal court.

9.3. The Case Review Panel will agree to refer the Statement of Reasons with the Investigation report to the Commission for decision.

10. Decision

10.1. The Investigation Report and the Statement of Reasons are sent to the full Commission for agreement. The Commissioners will assure themselves that a full and adequate investigation has taken place.

10.2. The Commission must unanimously agree to the final decision and with the formulation of the Statement of Reasons.

11. Decision to refer

11.1. The procedures for when the Commission unanimously decides to refer the case to an appeal court are dealt with in the operating procedures for [Referral Process](#).

12. Decision not to refer

12.1. Where the Commission decides not to refer the case, CCRC staff contact the Applicant and/or Representative to inform them of the decision.

12.2. The Applicant and/or Representative are provided with the Preliminary Statement of Reasons within as soon as practicable after being informed of the decision.

12.3. After the Preliminary Statement of Reasons is issued, the Applicant is permitted a period of 28 days in which to consider the Statement of Reasons and to make any further submissions and/or provide any further materials that they believe are appropriate. However, the Applicant may, on cause shown, have the 28-day period extended.

12.4. Where the Commission does not receive any further submissions in that 28-day period, or within the extended period, the Investigation Team prepares a final decision letter for the Chief Commissioner to sign informing the Applicant and/or Representative of the Commission's decision not to refer.

12.5. Once signed, the Decision Letter and Statement of Reasons is sent to the Applicant and/or Representative.

- 12.6. When the CCRC issues the Decision Letter, its review of the case is completed. The Decision is published on the CCRC's website together with the Statement of Reasons as soon as practicable.
- 12.7. Where the Commission considers it is appropriate to do so, CCRC staff write to any other affected parties identified during the initial assessment, which may include the victim, their family or other witnesses, to tell them that the Commission has received an application but has decided not to refer the case to the appeal court.

13. Further submissions

- 13.1. Where the CCRC receives further submissions and/or further materials in that 28-day or extended period, CCRC staff contact the Applicant and/or their Representatives to acknowledge the receipt of the further submissions and/or materials.
- 13.2. The further submissions and/or materials are put to the Case Review Panel during its next monthly meeting. Where the Case Review Panel considers that further lines of inquiry are required, the Investigation Team carries out those inquiries.
- 13.3. Following the further inquiries being conducted (if required), the Investigation Team drafts a Supplementary Statement of Reasons to refer or not refer the case to the appeal court.
- 13.4. The Supplementary Statement of Reasons is provided to the Case Review Panel which determines whether the draft Supplementary Statement of Reasons is suitable to be put to the Commission for its consideration.
- 13.5. If the Supplementary Statement of Reasons results in an altered recommendation, i.e. to refer the case and the Commission decides (unanimously) for such a referral to proceed, CCRC staff contact the Applicant and/or Representative to inform them of the decision to refer the case to an appeal court.
- 13.6. If the Supplementary Statement of Reasons results in an unchanged recommendation, i.e. not to refer the case and the Commission decides not to so proceed, CCRC staff contact the Applicant and/or Representative to inform them of that decision and they are provided with the Supplementary Statement of Reasons within two working days after being informed of the decision. The CCRC's review of the application is then completed.
- 13.7. The Decision is published on the CCRC's website together with the Statement of Reasons.

14. Timeframes

Conviction Review Cases

- 14.1. Where it is a conviction (or conviction and sentence) case, the Investigation Team will aim to have the final Investigation Report to the Commission for its consideration within eight months from the date the Investigation Team is formed.
- 14.2. If eight months is not considered sufficient, the Investigation Team will advise the Case Review Panel why it will take longer, and it will agree to a new timeframe. CCRC staff will communicate the amended timeframe to the Applicant and/or Representative(s).

Sentence Review Cases

- 14.3. In a sentence-only case, the Investigation Team will aim to have the final Investigation Report to the Commission for its consideration within four months from the date the Investigation Team is formed.
- 14.4. If four months is not considered sufficient, the Investigation Team will advise the Case Review Panel why it will take longer, and it will agree to a new timeframe. CCRC staff will communicate the amended timeframe to the Applicant and/or Representative(s).
- 14.5. If for any reason the cases are going to take longer than the expected timeframes the CCRC will write to the Applicant and their Representative with an expected timeframe.

Referral Process



1. Introduction

- 1.1. This process sets out the CCRC's procedures during the referral process and how an Applicant's case is referred by the CCRC to an appeal court.

2. Referral documentation

- 2.1. Following the Commission's decision to refer a case to an appeal court, the final documents are prepared to reflect the unanimous decision of the Commission.
 - Investigation Report
 - Statement of Reasons
 - Notice to the Head Judge of the court of appeal

3. Release preparation

- 3.1. Following a decision to refer, the Commission discusses how it wishes to manage the public release of the decision. Each case will be considered individually, and the public release will depend on the nature of the case.
- 3.2. CCRC staff will prepare a media plan and media release.

4. Notice to the Head of Bench of the relevant appeal court

- 4.1. The Chief Commissioner will write to the Head of Bench of the relevant appeal court to advise them that the Commission has made a decision to refer a case back to an appeal court. They will be provided with the Decision together with the Statement of Reasons. The statement of reasons for the referral decision, required under section 19 of the Act will be sent to the court as soon as practicable.
- 4.2. The statement of reasons required under section 19 and covering letters are sent to the relevant appeal court.

5. Informing the applicant of decision to refer

- 5.1. As soon as practicable after the Commission decides to refer or not to refer, CCRC staff provide the Applicant and/or Representative with written notice of the Decision together with the Statement of Reasons and Investigation Report.

- 5.2. The CCRC may have to respond to media inquiries about the Decision. CCRC staff will ensure that the Applicant and/or Representative are kept informed.

6. Informing victim(s) as defined by section 2 of the Victims Rights Act 2002

- 6.1. Notification of a referral decision to victims is covered under the CCRC's Victims policy.

7. Informing relevant parties of decision to refer

- 7.1. As soon as practicable after the Commission agrees a decision to refer and the Applicant and/or Representative has been notified, CCRC staff will inform other relevant parties of the Commission's decision to refer the case back to an appeal court. The affected parties will be provided with the reasons or the summary of reasons for the decision.

8. Informing other justice stakeholders of decision to refer

- 8.1. The Commission has the discretion to notify other criminal justice sector stakeholders who could be affected by the decision, such as Police and lawyers involved in the Applicant's case.
- 8.2. As soon as practicable after the Commission agrees a decision to refer and the Applicant and/or Representative has been notified, CCRC staff will inform the relevant justice sector stakeholders of the Commission's decision to refer the case back to an appeal court. These stakeholders will be provided with the Statement of Reasons.

9. The referral release

- 9.1. Written notice of the Decision will be made publicly available on the CCRC's website, together with the Statement of Reasons. A short media announcement will also be made.

Complaints procedure

1. Introduction

- 1.1. The complaints procedure enables us to both identify areas for improvement in our practices and policies but also ideally ensures that all applicants and affected persons are satisfied with how an application was processed. The Criminal Cases Review Commission (CCRC) therefore welcomes your feedback and aims to achieve a good resolution for all people involved with an application.
- 1.2. If you would like to make a complaint, please follow the steps set out below.

2. Step One: Send us a letter, email or get in touch through the contact us portal on our website

- 2.1. For all complaints in the first instance, you should make your complaint in writing by:
 - emailing us at info@ccrc.nz or through the contact us portal on our [website](#).
 - Or by post
New Zealand Criminal Cases Review Commission
PO Box 9168
Hamilton 3240
- 2.2. You can expect to hear back from us within two working days, acknowledging the receipt of your complaint. We aim to provide a full response from an appropriate staff member within a further ten working days.

3. Step Two: Send your complaint directly to the Chief Executive

- 3.1. If you are unsatisfied with the response to the Step 1 contact process, you can make a complaint directly to the Chief Executive. The Chief Executive can be contacted by:
 - email info@ccrc.nz
 - or by post
Chief Executive
New Zealand Criminal Cases Review Commission
PO Box 9168
Hamilton 3240
- 3.2. You can expect to hear back from the Chief Executive within two working days, acknowledging the receipt of your complaint. The Chief Executive will aim to provide a full response within a further five working days.

4. Step Three: Send your complaint to the CCRC Board, care of the Chief Commissioner

- 4.1. The CCRC aim to resolve complaints or concerns through either the Step 1 or Step 2 approaches. However, even following those steps, you may remain dissatisfied with the CCRC's response. In this instance, you should refer your complaint to the CCRC's Board.
- 4.2. Your complaint will be tabled at the next Board meeting and the Chief Commissioner will respond to your complaint within ten working days, following the Board meeting. You will be advised within two days of getting in touch with the Chief Commissioner about the expected dates of response, given that the dates of Board meetings may be variable.

5. Step Four: Mediation

- 5.1. In the event you still remain dissatisfied after following the complaints procedures set out above, your complaint may be referred to mediation. You may initiate mediation by writing to us and identifying the dispute which is being suggested for mediation. We will either agree to proceed with mediation or agree to attend a preliminary meeting with the mediator to discuss whether mediation would be helpful in the circumstances. Mutual agreement on a suitable person to act as mediator will be made, or we will ask the Arbitrators' and Mediators' Institute of New Zealand Inc. to appoint a mediator.
- 5.2. The mediation will be in accordance with the Mediation Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc.
- 5.3. This proposed process for responding to and resolving complaints does not of course prevent any person pursuing alternative legal remedies in order to reach an outcome satisfactory to the person(s) making the complaint.

Procedure for engaging with victims

1. Introduction

- 1.1. The CCRC will treat victims with courtesy and compassion and respect their dignity and privacy, consistent with the principles in the Victims' Rights Act 2002.
- 1.2. For the purposes of this procedure 'victim' has the same meaning as defined in the Victims' Rights Act 2002

A victim of crime is anyone who has:

- had a crime committed against them, or
- suffered physical harm because of a crime committed by someone, or
- had property taken or damaged because of a crime committed by someone.

A victim of crime is also:

- a parent or legal guardian of a victim who is a child or young person, as long as the parent or legal guardian has not been charged with the crime, or
- the immediate family members of someone who dies, or can no longer take care of themselves, because of a crime committed by someone.

2. When will the CCRC engage with a victim?

- 2.1. The CCRC is required, under section 12(2)(f) of the Victims' Rights Act 2002, to notify a victim when it decides to refer a case back to the appeal court. However, the CCRC intends to contact victims when the decision has been made to undertake an investigation into an application (at decision point 2 in the CCRC's operating procedures).

3. Why not earlier?

- 3.1. The CCRC is aware that some people try to use processes like making appeals or laying complaints as a tool to retraumatise their victims. Even if this is not the aim of an applicant, hearing about an application may cause unnecessary distress to a victim. Therefore, the usual approach of the CCRC is to not contact a victim until there has been an opportunity to assess whether an investigation is required.

4. What are the exceptions to the usual approach?

- 4.1. Where the CCRC is contacted by the media and believes that an application is highly likely to become public and/or the media may contact a victim for comment, the CCRC will make its best endeavours to contact the victim, and explain the situation, as soon as possible.
- 4.2. Alternatively, if you have been the victim of a crime and you would like to be contacted earlier in the CCRC's process if an application is made in relation to the case you were involved in, you can contact the CCRC by email info@ccrc.nz, phone 0800 33 77 88 (Mon-Fri 9am-5pm) or by mail PO Box 9168, Hamilton 3240. You may also have a support person to do this on your behalf.

5. What kind of support is available for victims?

- 5.1. There is a range of services to help victims at each stage in the criminal justice system and youth justice system. Victims can also get personal support to help them deal with the effects of the crime.
- 5.2. Find out about these services by calling the Victims Information Line on 0800 650 654. The Information Line staff can provide information about services that are available and can provide information on the agency or service that can provide the appropriate support. The Information Line staff can also provide an interpreter if necessary.
- 5.3. More information can be found about the services at victimsinfo.govt.nz under 'Support and Services'. The information is on the website in a range of languages.
- 5.4. The Victims Code is in full at the Victim Information website, or a printed copy can be requested by calling the Victims of Crime Information Line on 0800 650 654 or emailing victimscentre@justice.govt.nz.

6. If you have any other questions

- 6.1. You can contact the CCRC:
 - Email: info@ccrc.nz
 - Phone: 0800 33 77 88 (Mon-Fri 9am-5pm)
 - Mail: PO Box 9168, Hamilton 3240