



**Te Tari Ture
o te Karauna**
Crown Law

Glossary

Kuputaka

As at 1 January 2025

This glossary defines certain terms that are used throughout the guidelines. It is subject to the definitions in the glossary of individual guidelines, where applicable.

Amicus / Amicus curiae

A lawyer appointed to assist the Court. Amicus may be appointed to represent the *defendant's* interests as well as, or instead of, defence counsel. In cases where the *defendant* does not have a lawyer and is not allowed to cross-examine certain witnesses personally, amicus will be appointed to cross-examine on their behalf.

Attorney-General

The senior *Law Officer* for the Crown. The Attorney-General is a Government Minister who provides advice to Cabinet on legal issues and has ministerial responsibilities for the *Crown Law Office*. The Attorney-General has several statutory functions in relation to prosecutions, such as giving consent for certain prosecutions to be commenced. In practice those functions are almost always carried out by the *Solicitor-General*.

Charging document(s)

The document(s) filed in court by the *prosecuting agency* which sets out the charge against the *defendant*.

Child witness

Defined in the Evidence Act 2006 as a witness who was under the age of 18 when the proceeding was commenced, including complainants but not defendants.

Complainant

See: *Victim*

Communication assistance

Defined in the Evidence Act as meaning oral or written interpretation of a language, written assistance, technological assistance, and any other assistance that enables or facilitates communication with a person who for any reason (for example, insufficient proficiency in the English language, age, or a disability) requires assistance to understand court proceedings or give evidence.

Court victim advisors

Employees of the Ministry of Justice who are appointed to provide support, information and advice to *victims* through the court process. In some courts there are specialist court victim advisors such as sexual violence victim advisors. Some prosecuting agencies may also employ staff to support victims in the cases they prosecute but they are not court victim advisors.

Crown entity

An organisation defined in s 7 of the Crown Entities Act 2004.

Crown Law

The Crown Law Office (usually known simply as “Crown Law”) is a *government department*. The *Solicitor-General* is its Chief Executive and the *Attorney-General* its responsible Minister.

Crown prosecution

A *public prosecution* which meets certain criteria set out in the Crown Prosecution Regulations 2013. If a matter is, or becomes, a Crown prosecution the local *Crown Solicitor* will assume responsibility for it on behalf of the *Solicitor-General* and it will be conducted independently of the original *prosecuting agency*.

Crown Prosecutor / Crown Solicitor

A Crown Solicitor is a lawyer in private practice who holds a warrant of appointment from the Governor-General to prosecute within a particular geographic area. A Crown Solicitor will employ other *prosecutors* to assist them in their role, and they may undertake any task on behalf of the Crown Solicitor except where a guideline specifies that something must be done by the Crown Solicitor personally. Any *prosecutor* conducting a *Crown prosecution* on behalf of the *Solicitor-General*, including prosecutors on the Serious Fraud Office Prosecution Panel, is a Crown prosecutor. Where the guidelines refer to the “local” Crown Solicitor, it is a reference to the Crown Solicitor in whose warrant area the charges have been, or would be, filed. In respect of prosecutions commenced by the Serious Fraud Office, a reference to the Crown Solicitor means the Director of the Serious Fraud Office.

Defendant

A person who is being prosecuted in court. The person may also be described as a suspect or offender depending on the context. In general, the term suspect is used to refer to the person under investigation prior to charges being filed. From that point on they are referred to as the defendant. The term offender is used when neither of those terms is apt, and means “alleged offender” if guilt has not yet been established.

Disabled person

A person with long-term physical, mental, intellectual or sensory impairment(s) which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others. Disability has a corresponding meaning. See also *Mental health issue* and *Mental and intellectual impairment*.

Evidential Test

See the guideline on Decisions to prosecute | Te whakatau ki te aru.

Fact-finder

The person or group who will decide the facts of the case in court, and determine whether the *defendant* is guilty or not. It may be a jury or a judge sitting alone.

Government department

An organisation listed in Part 1 of the Second Schedule to the Public Service Act 2020.

Independent victim advocate

A person who is supporting a *victim* and advocating on their behalf, who is not appointed by a government agency.

Informant

A person who provides information to an enforcement agency, sometimes on a confidential or anonymous basis.

Investigator

A person who investigates possible criminal offending. There is usually a lead investigator in charge of an individual file, who may be referred to as the “*officer in charge*”, particularly in Police prosecutions. Investigators may make prosecution decisions where it is not practical or expedient for a *prosecutor* to do so. Investigators may not be in a position to take into account all the factors set out in the guidelines, but those decisions will be reviewed by a *prosecutor*, who will be better placed to do so, at a later date.

Law Officer

There are two Law Officers: the *Attorney-General* is the senior Law Officer and the Minister responsible for the *Crown Law Office*. The *Solicitor-General* is the junior Law Officer and the Chief Executive of the *Crown Law Office*.

Marginalised communities

Marginalised communities comprise people who share one or more particular characteristics (such as ethnicity, religion, national origin, gender identity, sexual orientation, age, disability, language, and/or immigration status), who may have been denied the full opportunity to participate in aspects of everyday life, or who have been historically under-served or otherwise discriminated against, and as a result have been adversely affected by persistent inequality. Members of marginalised communities may have experienced unconscious bias, discrimination, and mistreatment. These experiences may affect how marginalised communities engage and interact with the criminal justice system.

Mental health issue

This refers to a mental health condition, that may be short-term or long-term, that impacts a person’s thoughts, perceptions, mood and behaviour. See also *Disabled person* and *Mental or intellectual impairment*.

Mental or intellectual impairment

These are distinct types of impairment but are used in these guidelines to refer to impairments which limit a person’s ability to undertake normal daily activities. See also *Disabled person* and *Mental health issue*.

Non-Crown prosecution

A *public prosecution* which does not meet the criteria for becoming a *Crown prosecution* under the Crown Prosecution Regulations 2013. Non-Crown prosecutions may be conducted

by *prosecutors* employed or instructed by the *prosecution agency* which commenced the prosecution. That may include *Crown Solicitors* and their staff, but the matter does not become a *Crown prosecution* simply because the *prosecuting agency* has instructed them. The *prosecuting agency* is the decision-maker at every stage of a non-Crown prosecution.

Offender

See: *Defendant*

Officer in charge

The lead *investigator* in charge of the file within a *prosecuting agency*.

Plea arrangement

An agreement between a *defendant* and a *prosecutor* that the *defendant* will plead guilty to one or more charges in exchange for one or more charges being withdrawn, amalgamated or reduced.

Prosecutor

Any person who makes a prosecution decision or conducts a prosecution, including representing the *prosecuting agency* in court. A public prosecutor is the prosecutor in a *public prosecution*, unless it has become a *Crown prosecution* in which case it will be conducted by a *Crown prosecutor*. The guidelines use the term public prosecutor and prosecutor interchangeably but only apply to public prosecutors. *Investigators* may make prosecution decisions where it is not practical or expedient for a prosecutor to do so. *Investigators* may not be in a position to take into account all the factors set out in the guidelines, but those decisions will be reviewed by a prosecutor, who will be better placed to do so, at a later date.

Prosecuting agency

The entity which has commenced the prosecution. If the prosecuting agency is a *government department* or a *Crown entity* the prosecution is a *public prosecution*. Other public bodies (such as local authorities and other statutory bodies or boards) which bring prosecutions are properly described as prosecuting agencies, but those prosecutions are not *public prosecutions*, and those agencies are not subject to the guidelines.

Public prosecution

A prosecution commenced by the Police, a *government department* or a *Crown entity*. A public prosecution may become a *Crown prosecution* if it meets the criteria in the Crown Prosecution Regulations 2013. Prosecutions commenced by other public bodies (such as local authorities and other statutory bodies or boards) are not public prosecutions, but they are not private prosecutions either. These non-public, non-private prosecutions may become Crown prosecutions if they meet the criteria in the Crown Prosecution Regulations.

Private prosecution

A prosecution brought by a private individual or organisation. They cannot become *Crown prosecutions*.

Public Interest Test

See the guideline on Decisions to prosecute | Te whakatau ki te aru.

Senior manager

The person within a *prosecuting agency* who is nominated in the agency's prosecution policy as having the authority to approve certain important decisions.

Solicitor-General

The junior *Law Officer* for the Crown and Chief Executive of the *Crown Law Office*. The Solicitor-General has statutory oversight of all *public prosecutions*, and is directly responsible for all *Crown prosecutions* conducted by *Crown Solicitors* on their behalf. The Solicitor-General has statutory functions and may perform the functions of the Attorney-General (such as granting consent for certain prosecutions). The Solicitor-General's functions in the criminal jurisdiction may be delegated to a Deputy Solicitor-General.

Stay of proceedings

A written direction from the *Attorney-General*, under s 176 of the Criminal Procedure Act 2011, that no further steps can be taken in a prosecution.

Summary of facts (SOF)

A document prepared by the *prosecuting agency* which sets out the factual basis for the charges filed against the *defendant*. Sometimes called a "Caption Summary" or simply "SOF".

Support person

Any person who is supporting a *victim*, whether in court or more generally, including *court victim advisors* and *independent victim advocates*. A victim may nominate someone they know as a support person, or they may choose to engage with publicly funded support services (such as those contracted to the Ministry of Social Development to provide Court Support Services in sexual violence cases). A *prosecuting agency* may also employ staff to support victims. A victim may choose to nominate a support person in writing who will receive information on their behalf (instead of the victim themselves). In this guideline, references to victims includes reference to support people who have been so nominated.

Suspect

See: *Defendant*

Under-served populations

Under-served populations are populations who face barriers in the criminal justice system for a variety of reasons. Reasons include geographic location, religion, sexual orientation, gender identity, ethnicity, or other particular needs (such as language barriers, disability, immigration status or age). In some cases, victims of specific crimes, while not being inherently more vulnerable, may be under served because the system has not been designed for them. For example, adult male victims of family or sexual violence may have difficulty finding specialised support because most specialised services are designed for women and children.

Victim

This term has the same meaning as in the Victims' Rights Act. Broadly, it means a person who has suffered harm¹ as a result of an offence. In the case of a child or young person, or a victim who is deceased or otherwise unable to participate in the prosecution, it includes their parents, guardians, and other whānau (unless they are alleged to have harmed the victim themselves). The terms *complainant* and survivor are not used in these guidelines because many victims do not support their use, but they may be used in other contexts to refer to a victim; with the exception that *complainant* is used in the guideline on Prosecuting sexual violence | Te aru i te taitōkai in order to distinguish between victims who are the subject of charges and victims who are giving propensity evidence only. For some types of offending there is no defined victim, such as regulatory offending which impacts on the general public or a particular sector. A *prosecuting agency* may choose to engage with specified groups of people as if they were victims, but are not required to do so. Similarly, a *prosecutor* may choose to take into account the impact of offending on local iwi or hapu although they do not meet the definition of victim.

Victim Notification Register (VNR)

A register maintained by Ara Poutama Aotearoa | the Department of Corrections. Certain *victims* are entitled to be placed on the register. *Victims* who are on the register will be notified if the *defendant* leaves custody.

Witness

A person who gives evidence in a proceeding, whether in person, in writing or by pre-recorded video.

Young person

In these guidelines, unless otherwise specified, the term “young person” has its ordinary meaning and is not restricted to those under the age of 18. Depending on the circumstances it may include young adults.

¹ The statutory definition requires either physical injury or property loss/damage.