

3 August 2021

Targeted Supplements updating the Solicitor-General's Prosecution Guidelines

Crown Law has completed four targeted supplements to the Solicitor-General's Prosecution Guidelines that will be published on 6 August on Crown Law's website. These supplements were necessary in order to respond to developments in prosecution practices. The need for certain additional guidance had also been identified by the Courts. The targeted supplements cover:

- diversion;
- payments of reparation in the context of diversion or plea arrangements;
- the use of inmate admissions as evidence in prosecutions; and
- the practice of jury vetting.

The supplements form part of the Solicitor-General's Prosecution Guidelines and take effect immediately upon publication.

A further supplement to the Guidelines is currently being developed, covering the disposal of criminal matters pre-charge through non-statutory formal warning processes. The ability to warn an individual about the likely criminality of their conduct is an important mechanism to ensure charges are not filed unless that is strictly necessary in all the circumstances. In light of the High Court's decision in *S v Commissioner of Police* [2021] NZHC 743, Crown Law is preparing the supplement which will include a statement of the principles that should be reflected in all public prosecuting agencies' formal warning processes if warnings are to be lawful. The supplement should be finalised and published in the next few months. Individual prosecuting agencies will be required to ensure that their own formal warning processes are documented and satisfy the principles and requirements of the supplement and the Guidelines.

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