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Ethics and Values:

Victims and Witnesses

Version 2.5

College of Policing Limited
Leamington Road
Ryton-on-Dunsmore
Coventry, CV8 3EN

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Authorised Professional Practice

These notes are aimed at learners completing their Initial training to meet the learning outcomes specified on the National Policing Curriculum. The primary source of content is the Authorised Professional Practice (APP) and the supporting evidence based research of “what works” in policing.

APP can be found at: <http://www.app.college.police.uk/>

1. Victims and Witnesses

These notes are for Pre-Join, Police Officers, IL4SC Phase 1 and PCSOs. You should consider how the content applies in relation to PCSO powers, 'any person' powers of arrest under Section 24A of the Police and Criminal Evidence Act 1984 (PACE) and local force policy.

This chapter provides an introduction to supporting victims and witnesses, including how to identify vulnerable or intimidated victims and witnesses. The initial contact and support that is provided to individuals at this stage will depend on their needs and wishes, but is likely to include both practical and emotional support, most often through listening and reassuring. The importance of accurately and legibly recording information regarding victims' and witnesses' needs and wishes is explored. This initial contact and support may be all that some individuals need, but others may need further support over time. Part of your role, therefore, is to assess with the individual the further support that they or their family may need, and identify and discuss the possible sources of such support. Your actions should be guided by the needs and wishes of the individual, within available resources.

They cover some essential crime solving techniques - which are basically ways to gather, use and manage information in order to trace witnesses and suspects - and the broader aspects of information and intelligence handling. This includes the meaning and management of police information and intelligence, and how the National Intelligence Model works.

1.1 Definitions

Victims

A 'victim' in the Black's Law Dictionary Ninth Edition (2009) is defined as:

"a person harmed by a crime, tort or other wrong."

The term includes bereaved relatives or partners (including same sex partners) in homicide and fatal road traffic cases, as well as parents or carers where the victim is a child or a vulnerable adult. Small businesses are included, but large retailers or corporations do not come within the definition of victim.

Witnesses

A 'witness' is defined in Black's Law Dictionary as:

“One who sees, knows or vouches for something. One who gives testimony under oath or affirmation, in person, by oral or written deposition or by affidavit. A witness must be legally competent to testify.”

A witness is someone who stands up in court to state what they know after taking an oath to tell the truth (unless they are under 14 years of age, in which case their evidence is unsworn). Witnesses play a vital role in bringing criminals to justice. An individual can be both a victim and a witness.

Vulnerable Witnesses

Section 16 of the Youth Justice and Criminal Evidence Act 1999 defines vulnerable witnesses as:

- children under 18 years of age at the time of the hearing, or
- people whose quality of evidence is likely to be diminished because they:
 - have a mental disorder (*as detailed under the Mental Health Act 1983), or
 - otherwise have a significant impairment of intelligence and social functioning, or
 - have a physical disability or are suffering from a physical disorder.

*The term ‘mental disorder’ has been used to correctly reflect the Mental Health Act 1983. Outside of legislative use, the term ‘mental ill health’ is preferred.

The quality of a witness’s evidence is considered in terms of completeness, coherence and accuracy: ‘coherence’ refers to the witness’s ability to provide answers addressing questions put to them which can be understood both individually and collectively.

The definition of a vulnerable witness excludes an accused person, as suspected offenders are felt to be adequately protected by the Police and Criminal Evidence Act 1984.

Not all adults with a disability will necessarily be vulnerable witnesses, nor would they wish to be treated as such. It will depend on the nature of the person’s disability and whether it affects the quality of their evidence.

Intimidated Witnesses

Intimidated witnesses are defined by Section 17 of the Youth Justice and Criminal Evidence Act 1999 as witnesses in criminal proceedings (other than the accused) whose quality of evidence:

‘...is likely to be diminished by reason of fear or distress on the part of the witness in connection with testifying in proceedings.’

Intimidating a witness is an offence under Section 51 Criminal Justice and Public Order Act 1994, as is any threat or act of intimidation against a witness. The act also covers threats or acts against friends and relatives of the witness. The threats or acts can be physical or financial, for example, threatening to withhold payments such as child maintenance if they give evidence or go to the police. In all cases, the intention of the intimidation must be to deter the witness from reporting an incident to the police or giving evidence in court.

Hate Crimes

A hate crime is any criminal offence perceived by the victim or any other person as being motivated by prejudice or hate. Hate crime can be based on a number of factors, for example the race, religion or belief, sexual orientation, gender reassignment, age or disability of the victim. Some people may be the victim of hate crime based on more than one identifying factor.

Hate Incidents

Hate incidents are incidents not treated as crime that are committed for the same reasons as hate crimes; they can manifest themselves in a variety of ways, for example, Anti-Social Behaviour (ASB).

Repeat Victimisation

The definition of repeat victimisation is given in the Home Office Bulletin (“Crime in England and Wales 2009/10”) as:

“...a victim of the same type of crime more than once in the last year”.

Some individuals and communities are more likely to experience repeat victimisation:

- Areas where a high proportion of older people reside (including council owned properties and sheltered housing organisations)
- Areas where young people congregate, for example, skate parks or a village green
- High density housing estates, either council or privately owned
- Industrial and/or business areas
- Parade(s) of shops.

Certain types of criminal activity are more common in cases of repeat victimisation, for example, criminal damage/vandalism, burglary (both dwelling and commercial), theft (including theft of or from motor vehicles), assaults, domestic abuse, robbery, sexual offences and fraud.

Special Measures

The Youth Justice and Criminal Evidence Act 1999 lists a number of special measures intended to help vulnerable and intimidated witnesses, both adults and children, to give their best evidence in criminal proceedings. It is very important that witnesses who are entitled to special measures are identified as soon as possible so that they can be supported whilst giving their evidence, helping to ensure its coherence, completeness and accuracy. Special measures include:

- screening the witness from the accused
- giving evidence by means of a live TV link
- giving evidence in private in cases involving sexual offences or intimidation
- the removal of wigs and gowns
- the use of visually recorded interviews to be admitted as evidence-in-chief (evidence-in-chief is the evidence that a witness gives in response to examination on behalf of the party who has brought the person forward as a witness)
- visually recorded cross-examination or re-examination (when the section is enacted - however, it was brought into force in limited justice areas, namely Kingston-upon-Thames, Leeds and Liverpool, on 30 December 2013)
- examination of the witness through an intermediary*, and
- aids to communication*.

*The last two bullet points are only available for vulnerable (not intimidated) witnesses.

1.2 The Importance of Victims and Witnesses in the Criminal Justice System

The difference between the number of recorded crimes and the number of convictions is known as the justice gap. Ineffective trials are one reason that a case may not lead to a conviction, and the most common cause of ineffective trials is witness non-attendance. A

witness might decide not to give evidence in court for a variety of reasons, including (but not limited to):

- Intimidation
- Underestimating the importance of their evidence to the trial
- A lack of the support needed to enable them to attend court; or
- Unwillingness to be involved in the criminal justice system.

To succeed, the criminal justice system must ensure that victims and witnesses feel safe and able to give evidence. In 2005, the government initiated changes to the criminal justice system to improve the level of care provided to victims and witnesses, bring more offenders to justice and so increase the delivery of justice by:

- Reducing the time between point of charge and trial
- Improving witness attendance at court
- Providing special measures, enabling witnesses to give the best evidence
- Setting up a single point of contact to provide focussed help and support for witnesses
- Improving victim and witness satisfaction with the criminal justice system.

1.3 The Code of Practice for Victims of Crime

The criminal justice system relies on victims of crime to help identify offenders and give evidence. A better level of service from the police means a victim is more likely to stay engaged with the system and help bring the offender to justice. The Code of Practice for Victims of Crime sets out the minimum level of service that victims can expect to receive, and failure to comply with it can be taken into account in civil or criminal proceedings. The code ensures that this information is clearly set out and accessible to those who need it. The main aims of the code are to:

- inform and protect victims of crime and their families
- ensure they receive appropriate support
- put victims at the heart of the criminal justice system.

In particular, the code ensures that all victims will be updated about their case at key points (e.g. arrest and bail of suspected offenders).

People entitled to services under the Victims' Code are:

- Direct victims of crime where an allegation has been made to the police
- Bereaved close relatives of a victim of crime
- The family spokesperson for families bereaved by crime
- The family spokesperson for victims of crime who have a disability or who have been so badly injured as a result of criminal conduct that they are unable to communicate
- The parent or guardian of a victim who is under 18 years of age
- All businesses that are victims of crime (with the exception of public sector bodies, their agencies or other subsidiary organisations).

There are three 'priority categories' of victims who are automatically entitled to enhanced services under the code:

- Victims of the most serious crime (e.g. those who are close relatives bereaved by criminal conduct, victims of domestic abuse, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm with intent. Additional enhanced entitlements that are available for bereaved close relatives are identified separately at various stages of the Code)
- Persistently targeted victims (e.g. those who have been targeted repeatedly as a direct victim of crime over a period of time, particularly if they have been deliberately targeted or are a victim of a sustained campaign of harassment or stalking)
- Vulnerable or intimidated victims (as defined by sections 16 and 17 of the Youth and Criminal Justice Act 1999).

The final decision on whether a victim falls into one or more of these three categories is the responsibility of the relevant service provider.

A victim may opt out of receiving services under the code. Victims have the right to complain if they feel that their rights under the code have not been met. The code applies to anyone who has been a victim of criminal conduct, regardless of whether they report it themselves, or whether someone else reports it on their behalf. If the criminal conduct was carried out against a business, a nominated representative of the business is entitled to services under the code.

The following organisations are required by the code to provide support services to victims:

- The Criminal Cases Review Commission
- The Criminal Injuries Compensation Authority
- The Crown Prosecution Service
- The First-tier Tribunal (Criminal Injuries Compensation)
- Her Majesty's Courts and Tribunals Service
- Her Majesty's Prison Service
- National Offender Management Service (NOMS)
- The Parole Board
- Police and Crime Commissioners
- All police forces in England and Wales, the British Transport Police and the Ministry of Defence Police
- Providers of probation services, hereafter referred to as probation trusts
- The UK Supreme Court
- Witness Care Units
- Youth Offending Teams.

The nature of the service depends on both the provider and the needs of the victim, however, the support must always be timely and of sufficient quality to meet the needs of the victim, including those victims who require specialist support.

Your role in ensuring that victims are offered the services they are entitled to receive under the code includes:

- conducting a needs assessment at an early stage to decide whether victims fall into one of the three priority categories
- explaining Special Measures where appropriate to vulnerable and intimidated priority category victims
- sharing the outcome of the needs assessment with Witness Care Units and the CPS

- providing all victims either with the “information for victims of crime” leaflet or referring the victim to a website which contains the same information as soon as possible and within five working days of the victim making an allegation of criminal conduct
- informing all victims about the Victims’ Code and how they can find out more about it
- explaining to all victims that their details will be passed to victims’ services unless they ask the police not to
- seeking explicit consent from victims of sexual offences or domestic abuse, or bereaved close relatives, before sending their details to victims’ services
- automatically referring all victims to appropriate victims’ services within two working days of the allegation being reported unless they ask not to be referred
- informing all victims that they can choose to refer themselves to victims’ services at a later date and providing information about victims’ services, including contact details
- explaining that any witness statement that is taken may result in the victim having to give evidence in court at a later date.

The police have a duty to inform the victim of key events in the progress of their case.

Victims must be informed within five working days (or one working day in the case of priority category victims) if a suspect is:

- arrested on suspicion of the offence
- interviewed under caution
- released on police bail to return to the police station (the police must notify the victim, giving reasons for bail and any relevant bail conditions)
- charged with an offence and released on police bail to appear at a court (the police must notify the victim of the event, the date of the court hearing and any relevant bail conditions)
- released with no further action being taken (the police must notify the victim of this event and the reasons why).

The police also have a duty to help certain priority category victims prepare for a trial by:

- allowing victims under the age of 18 years old who made a video recorded statement to view it again before the trial in order to refresh their memory

- allowing victims under the age of 18 who made a written statement to view it shortly before the trial to refresh their memory, and have a copy made available to them in court.

When an investigation into a serious crime is concluded with no person charged for the offence, the police must advise the victim (or the bereaved family) and the reasons why. The victim must be advised that the case will be subject to periodic review, and they must be given the opportunity to decide whether they wish to be advised of these procedures. If no suspect is arrested, charged, cautioned or subject to another court-based disposal with respect to the criminal conduct, the police must contact the victim to notify them on a mutually agreed regular basis until the case is closed.

Following a trial, the police have a responsibility towards priority category victims of sexual offences to:

- contact victims who have opted into the Victim Contact Scheme to inform them if an offender who is subject to life notification has applied to have these removed
- provide information to the victim about the notification requirements review process where appropriate
- take representations from the victim into account when reviewing the offender's application where appropriate.

The police also have a duty to respond to requests for information from the Criminal Injuries Compensation Authority (CICA) or the Criminal Injuries Compensation Appeals Panel (CICAP), to enable a victim's claim for compensation to be assessed. For the initial request from CICA (a 'TB1'), the response should be made within 30 days of receipt. For subsequent requests from CICA (a 'TB2'), the response should be made within 60 days of receipt. For requests from the CICAP, the information should be passed on within 30 days.

Whilst individual officers are not liable to legal proceedings if they fail to provide a victim with the minimum standard of statutory service, there is a clear complaints procedure for victims to follow if they feel that their entitlements under the code have not been delivered. Their first step is to use the internal complaints procedure of the service provider e.g. the police force or WCU.

1.4 The Witness Charter

Every witness's personal experience may be relayed to others, who might themselves be called upon to give evidence in another case. Therefore, increased witness satisfaction

improves public confidence in the criminal justice system and reduces the justice gap.

Witnesses who are not the victim of crime are entitled to minimum standards of care, which are set out in a document called the Witness Charter. In summary, the key standards of care for witnesses are:

- To be treated with dignity and respect at all times by all of the service providers within the criminal justice system (standard 1).
- To have a Single Point of Contact (SPOC) at all stages of the process. As well as keeping the witness informed of the progress of the case, the SPOC will support them through the process or refer them to relevant support agencies (standards 7 and 19).
- The police, Witness Care Unit or relevant lawyer will conduct a needs assessment, and in some cases a follow-up needs assessment, to identify any help the witness may need to give evidence during the investigation or in court. This includes any special measures for vulnerable or intimidated witnesses (standards 3 and 8).
- Applications for special measures should be made on the witness's behalf to the court in good time and, if approved, should be available when they give their evidence in court (special measures section).
- The court date should be arranged with the witness's availability in mind. Their waiting time to give evidence in court should be kept to a minimum and not normally last over two hours (standards 9 and 13).
- Measures will be taken in court to ensure that it is a safe environment for all and to ensure that prosecution witnesses, defence witnesses and supporters wait in separate areas (standard 14).
- Witnesses will be given information (or the details of where information can be found) about the court and court process in advance of giving evidence so that they know what to expect (standard 11).
- Witnesses can visit the court before the trial and will be shown around by the Witness Service. Pre-trial visits are particularly helpful for witnesses who have been granted special measures as they will be able to get a feel for these measures beforehand (standard 11).
- Witnesses can refresh their memory of what they said in their statement or in video-recorded evidence in advance of giving evidence in court (standard 5).

- Witnesses can claim expenses for travel to and from the court and for loss of earnings incurred as a result of attending court. This does not apply to defence character witnesses (standard 20).
- Prosecution witnesses will be informed of any appeal against a conviction and/or a sentence. If they are requested to provide further evidence, they will still be covered by the relevant standards in the Witness Charter (standard 18).
- Witnesses can complain if they are unhappy about the level of service received from any service provider referred to in the Charter (standard 21).

1.5 The Effects of Crime and Anti-Social Behaviour on Individuals

Crime and ASB can affect people in many different ways. Although a crime may take only a relatively short time to commit, the effects on the victim can be long-lasting; in some cases for the rest of the victim's life. The majority of people will need support, assistance or reassurance. Many people are surprised by how emotional they feel after being the victim of a crime, which can make them feel even more unsettled and confused. People around them, such as friends, partners and children, may also be affected. Individual reactions may depend on:

- The type of offence
- Whether they knew the perpetrator
- The support they get from their family, friends, the police and other people they come in contact with
- Their vulnerability
- Their past experiences.

An individual may have a strong reaction, even if other people do not think of the crime as very serious. For example, domestic burglary can affect someone's life as severely as an assault, even if nobody was physically hurt. Most victims of crime do not experience any long-term harm; however, some may develop long-term problems such as depression or anxiety-related illnesses. The knowledge that a crime was probably committed deliberately can make the victim feel powerless and vulnerable. This can be especially difficult to deal with if the offence is repeated or ongoing, which is often the case with domestic abuse, racially or religiously motivated crimes, or ASB.

The Effects of Hate Crimes and Hate Incidents on Individuals

Hate crimes and incidents can have a devastating effect on the victim, families and communities, particularly if part of a campaign lasting months or even years. Hate crimes and incidents emphasise feelings of difference, rather than focussing on what people have in common. The result can be mistrust and fear which, unless effectively countered, can create barriers between the police and the community.

It is important that victims of hate incidents and hate crime are offered support from very early on. However, while you can give immediate help, it is difficult for you to maintain support over a long period. There are agencies within the community who can offer services which the police service, because of other commitments, sometimes cannot.

Why Victims of Repeat Victimisation May not Report Crimes

Repeat Victimisation (RV) is often not reported to the police, or alternatively, the victim may report the crime but not give the full picture. A victim's reasons for not reporting (or under-reporting) crimes may include that they may:

- not fully comprehend what has happened
- be too embarrassed or afraid to tell anyone
- believe their loss to be trivial (e.g. in the case of sweets from a shop)
- believe the police would not or could not do anything
- wish to maintain their privacy or deal with the matter themselves (e.g. in the case of 'minor' assaults or verbal abuse)
- find the reporting process inconvenient
- have already reported the crime to other authorities
- be desensitised or resigned to crime as 'a common occurrence'
- fear reprisal (e.g. in the case of sexual assault by a family member)
- dislike or fear the police
- be discouraged, following a negative previous experience of police or courts.

1.6 First Responder Actions to Support Victims and Witnesses

Initial Actions

Under the Code of Practice for Victims of Crime, your role is to:

- Identify whether a victim falls into one of the priority categories
- Discuss with vulnerable and intimidated victims which special measures would be most appropriate to assist them in giving evidence
- Provide victims with a copy of the Victim of Crime leaflet (or ensuring that they can access the information in another format)
- Ensure that details of the victim's needs are passed on to other agencies (i.e. the CPS and Witness Care Units)
- Inform victims about the progress in their case
- Refer victims to Victim Support.

Under the Witness Charter, when dealing with a witness who is not the victim, your role is to:

- Identify whether a witness is vulnerable or intimidated
- Discuss which special measures may be available to them.

A victim or witness will be more likely to discuss their immediate needs, fears and concerns with you once you have established a rapport. You must treat each person you encounter as an individual; harbouring stereotypes can affect your communication style and make it difficult to be sensitive to the other person's needs. Ensure that you show consideration and courtesy throughout, by communicating clearly and listening attentively - this will help encourage victims and witnesses to be more forthcoming and express their views about what has happened to them. If a person feels that the police are uncaring and insensitive to their problems, it may be more difficult to build up a rapport with them. Some people only require simple words of advice, others need more practical action. Officers should:

- Reassure
- Advise
- Recommend.

You should find out the individual's immediate support needs and ensure that you have advised them what resources are available so that they can make informed requests and

decisions. Wherever possible, people should be communicated with in the language of their choice - an interpreter may be required if a person is bilingual, or if English is not their first language. The interpreter should be from the National Register of Interpreters. As you become more familiar with the area and communities that you are policing, you will gain knowledge of which languages may be more commonly spoken and your local force procedures for obtaining the services of an interpreter when required.

It is important that you clearly explain your force's confidentiality policy and explain to them how the Data Protection Act 1998 affects them. Inform them of how the information you are taking will be recorded, how it will be stored and who will have access to it. This will be particularly important to people who feel threatened by the perpetrator(s) of a crime or ASB, as they may be worried about who will have access to the information. They may be afraid that the perpetrators of the crime will find out what they have told you and of any potential repercussions. Build upon the relationship of trust you have established and reassure them that their information will be handled securely.

Support may also be provided by deploying specially trained officers, for example:

- Family Liaison Officers (FLO)
- Sexual Offence Liaison Officers (SOLO/STO)
- Domestic abuse officers and coordinators
- Staff at Sexual assault referral centres (SARC).

Initial Support for Victims and Witnesses of Anti-Social Behaviour

Victims and witnesses of ASB face different problems and have different needs to victims of other criminal behaviour, because:

- ASB occurs both inside and outside the coverage of the criminal justice system
- There may be repeated incidents
- There may be a close proximity between victim and perpetrator
- The combination of repetition and proximity of occurrences leads to an intensity of experience
- There may be more than one victim and more than one witness - whole communities may be affected by the behaviour
- Multiple agencies have responsibility for tackling ASB.

One of the key themes of ASB is the fear of intimidation and reprisals, and it is not unusual for people to try resolving problems themselves before seeking help from the police. When you receive a report of ASB, ensure that:

- Clear local information is provided to victims and witnesses on how to report incidents, what action will be taken to deal with different types of incidents and the availability of sources of help
- People reporting incidents are confident that the incident will be investigated and that their complaint will be taken seriously
- Victims and witnesses are provided with a single point of contact, from the reporting stage to court
- At the first point of contact, a victim and witness 'needs assessment' is undertaken to establish what type of support is required. In particular, you should address witnesses' and victims' fear of intimidation and retaliation.

Initial Support for Victims and Witnesses of Hate Crime

It is important to be able to empathise with the experiences of victims, witnesses and families in relation to hate crimes or hate incidents. You must be able to show an understanding of the range of emotions that the victim or witness could be experiencing, even if they appear extreme to you. By correctly identifying hate crimes and hate incidents as soon as possible, you will be able to provide the most appropriate support to the victim or witness. As a result of a lack of clarity surrounding what constituted a hate crime or incident, many past cases may not have been identified. However, all hate incidents must be documented as they often lead to hate crimes. Evidence of previous activity by an alleged offender is excellent evidence to put before a court.

True Vision is an online reporting system for victims of hate crime. It provides information for victims and the public generally about hate crime, the importance of reporting it, and the different ways in which it can be reported, including online. True Vision is supported by all police forces in England, Wales and Northern Ireland.

The Home Office requires that reported hate crimes and incidents are recorded on force crime systems and allocated a unique reference number. The minimum information required is:

- Personal details for each victim including full name and address, date of birth, gender, religion or belief (if any), ethnic group, sexual orientation (this information is voluntary)

- Status (if applicable), occupation, school (if applicable)
- Language spoken, whether a repeat victim and whether a previous incident was reported
- Details of the type of incident. The crime or details of the behaviour that led to the report should be recorded
- Description of the location including home, place of worship or education, street, leisure facility, workplace, licensed premises, public transport, internet or other as appropriate
- Geographic position, e.g. house number, street name, postcode or map reference.
- Description of incident to include whether the incident is part of a series, if an extremist organisation is involved and who identified the incident as a hate crime.

These are the minimum details, but you may feel that other important facts also need to be recorded. You should always be aware of your responsibilities regarding equality, diversity and human rights. If you are unsure, speak with your line manager who should be able to advise you on your force's approach. You should tell the victim as soon as possible that the incident has been recorded as a hate crime or incident and will be thoroughly investigated.

You can improve awareness of the problems affecting the community that you police by investigating all hate incidents. In order to support this, forces should collate information about hate incidents that have been reported to other agencies. By monitoring hate incidents, patterns of tension in an area or patterns of behaviour can be identified.

Anyone can be the victim of a hate incident. It is your duty to recognise the groups within our communities who are likely to be victimised and we must ensure they receive the standard of policing that is appropriate to their particular circumstances. This may involve extra protection or preventative measures, additional support for victims or careful liaison to ensure that all sections of the relevant group are consulted.

1.7 Identifying Priority Category Victims and Vulnerable or Intimidated Witnesses

Priority category victims and vulnerable or intimidated witnesses must be given the maximum help and opportunity to enable them to act as witnesses and obtain justice. All efforts should be made to avoid them receiving a poor service. To ensure fair and lawful treatment, the requirements of the Equality Act 2010 and the Human Rights Act 1998 should be observed at all times. These people may remain vulnerable in other parts of their lives,

and a poor experience of the criminal justice system may increase their vulnerability as a result of discontentment, under-reporting of crimes or further crimes.

You may be the first person that a victim or witness speaks to about an incident. You must be able to make an early identification of priority category victims and vulnerable or intimidated witnesses, and establish whether that person needs special consideration during their involvement with the criminal justice process. However, your own force policy will determine whether or not you interview these people.

Individuals may be able to cope better with being a victim of crime if they feel that they have some control over their environment, especially priority category victims and vulnerable or intimidated witnesses. It is important to keep them fully informed and take their wishes into account where possible.

You need to think about what you are going to say to the individual and how you are going to say it. You will obviously need to ask some preliminary questions to gain an understanding of what is alleged to have happened, and determine your initial action. However, you must balance finding out what you need to know with the prospect of contaminating the witness's evidence on an individual basis. How much you need to know will depend on the circumstances of the case as they are presented to you. It is important that you make a written record of any discussion with a priority category victim or vulnerable or intimidated witness as soon as possible. This might help any other officer who subsequently takes over responsibility for the investigation and may be required at any later trial. You must then inform a supervisor, who will ensure that all appropriate action has been taken and that the investigating officer or a specialist interviewer is aware of all the circumstances.

You should always bear in mind the possibility that the witness will be interviewed on a more substantive basis. This may be essential to gain a clearer account of events, or for the purpose of obtaining documentary evidence by way of a statement or visually recorded interview. To enable this process to run more efficiently, it is important to find out as much information as possible regarding the witness, their capabilities, needs and fears. The information you provide at this stage will be made available to the CPS to assist them in the decision making process, and eventually to the Witness Support services within the courts. It is vital that you provide accurate information, as it will be instrumental in enabling the witness to give the best evidence of which they are capable.

All victims and witnesses must freely participate in the interview and not merely comply with the request from an adult authority figure. You may also need to consider any adults who have parental responsibility for child priority category victims and vulnerable or intimidated

witnesses. In such circumstances, the person with parental responsibility should be given enough information to help the child witness make informed decisions. It is generally presumed that the parents or carers of a child witness will be informed of any interview before it takes place; this presumption is independent of consent. However, in exceptional circumstances it may be necessary to interview a potential priority category victim or vulnerable or intimidated witness without the parent or carer's knowledge, for example if:

- the victim or witness would be threatened or otherwise coerced into silence (for example where children are at risk of honour-based abuse or forced marriage. This must be carefully managed in interventions with the family by the local children's services authority)
- there is a strong likelihood that important evidence would be destroyed; or
- the victim or witness in question did not wish the parent or carer to be involved at that stage, and is competent to take that decision.

You may have to consider some vulnerable adults' capacity to make certain decisions, for example, it may be difficult to obtain consent for a video interview from some groups of vulnerable adults, such as those with a learning disability or experiencing mental ill health. The principles set out in Mental Capacity Act 2005 and accompanying Code of Practice should be taken into account. In circumstances when a decision is required from a person over the age of 16, but that person lacks capacity to make the decision, Section 1 of the Act provides 5 principles to assist:

1. A person must be assumed to have capacity unless it is established that he lacks capacity
2. A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success
3. A person is not to be treated as unable to make a decision merely because he makes an unwise decision
4. An act done, or decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests
5. Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

It is imperative to acknowledge that a person's capacity to make a decision is dependent on the particular decision to be made at a specific time. For example, a person who lacks capacity to deal with their own finances does not necessarily lack the capacity to make decisions about being video interviewed for the purpose of obtaining evidence in chief.

Intimidated Victims and Witnesses

Early identification of a victim or witness who may be subject to intimidation is vital so that the most appropriate support can be provided. The following list of prompts may help you to identify intimidated witnesses, but is neither exhaustive nor a definitive means of diagnosing intimidation.

The witness:

- tells a police officer or other member of the criminal justice system that intimidation has occurred or is likely to occur
- is reluctant to give a statement despite giving information about the offence
- resides on a medium to high-density housing estate that has a history of ASB and conflict with the police, or is in a small close-knit community, which may result in the witness living in close proximity to the alleged offender or relatives of the alleged offender
- is a vulnerable witness by definition who might perceive an increased risk of intimidation or victimisation
- is a member of a cultural, ethnic or religious group where there is evidence that intimidation might occur as a result.

The incident/alleged offence:

- occurred in or around the witness's home (although this is not likely to be sufficient on its own)
- by its nature, indicates an increased likelihood of intimidation. Research suggests that sexual assaults, physical assaults, especially domestic abuse, vandalism and racially motivated and homophobic crimes are more likely to give rise to intimidation
- is one of a series of incidents and there might be evidence of repeat victimisation.

The alleged offender:

- has some authority over the witness due to the nature of their relationship, for example, a carer in a residential home
- has previous history of intimidation or there is intelligence that intimidation has occurred in the past
- has a violent nature (also applicable to the alleged offender's relative or associates)
- has the intention and ability to influence or interfere with the witness (also applicable to the alleged offender's family or associates)
- has influence in the criminal world, although this should not be based solely on anecdotal evidence.

These indicators can be found in "Ministry of Justice (2011) Vulnerable and Intimidated Witnesses - A Police Service Guide".

The levels of intimidation are:

Category 1 - Life-threatening intimidation

Category 2 - Non-life-threatening but serious intimidation

Category 3A - Witness is experiencing low-level harassment/intimidation

Category 3B - Witness fears intimidation might occur at some point

Category 3C - Witness is intimidated by the system/court procedure.

An intimidated witness has three key needs:

1. **Safety** - They need to feel secure and protected, knowing that everything has been done to minimise the risk of intimidation to themselves and their families
2. **Information** - They need to be kept informed about the case and its progress. This is also required under the Code of Practice for Victims of Crime
3. **Support** - They must not feel isolated; they need easy access to people and services that can support them and keep them engaged with the process.

When considering the significance of these indicators, it is always important to take the context into account. Classification as an intimidated witness does not rely solely on the

witness's views, but the court will need to take them into account when determining the witness's eligibility for special measures.

Some witnesses may be vulnerable as well as intimidated, for example; a movement impaired victim of vandalism on an inner-city estate. Others may be vulnerable but not intimidated, for example, a child who witnesses a robbery in the street.

Vulnerable Victims and Witnesses

Possible behavioural indicators of vulnerability include:

- difficulty in communicating without assistance or interpretation
- difficulty in understanding questions and instructions
- speech is difficult to understand or the witness seems to have no or limited speech
- uses signs or gestures to communicate
- responding inappropriately or inconsistently to questions
- appears to focus on what could be deemed irrelevant small points, but not the important points
- appears to have a short attention span
- unable to read or write
- difficulty in telling the time
- difficulty in remembering their date of birth, age, address, telephone number
- difficulty in knowing the day of the week, where they are and who they are
- appears eager to please or to repeat what you say
- over excited or exuberant
- appears uninterested or lethargic
- confused by what is said or what is happening
- appears physically withdrawn
- physically aggressive or violent
- expresses strange ideas

- does not understand common everyday expressions.

Possible physical characteristics which may indicate vulnerability include:

- unusual appearance of the eye
- angling head/eyes for viewing
- failing to search visually for people
- hesitant in movement or reluctant to move in an unfamiliar environment
- uncontrollable muscle movement.

The source of this information is “Ministry of Justice (2011) Vulnerable and Intimidated Witnesses - A Police Service Guide”.

A person’s social circumstances may also help to indicate vulnerability, for example, if they live in a group or residential home, take certain prescription medicine or live with a carer. However, it must be emphasised this is not always the case. It is not recommended that you question the individual in detail about these matters; whilst you need to find out their views, you should not make the witness feel as though they have to ‘account’ for their social circumstances. You may need to make some discreet enquiries in order to obtain this information, for example by speaking to a carer or contacting social services.

Some of the indicators mentioned will be easily identified, however, others may not be immediately apparent and the behaviour may not always mean what you may assume. There are often some common misconceptions, for example, the misconception that people who cannot read must have a learning disability. It is important to take the context into account when you consider the significance of an individual’s behaviour, physical characteristics and social circumstances. Some individuals’ behaviour may be affected by outside influences, such as drugs, alcohol, anger, fear or frustration. A distressed person trying to communicate by sign language may appear aggressive to the unaware.

You will need to consider whether the individual has willingly identified themselves as vulnerable, or is hesitant to accept that label. An identification of vulnerability does not rest solely on a person’s views about their own potential vulnerability, but the court will need to take the individual’s views into account when determining whether they are eligible for special measures.

Communicating with Vulnerable Victims and Witnesses

You must be open to different methods of communication, and may need to seek advice on the best method of communicating with some vulnerable people. Key points to remember include:

- Ensuring that you watch people carefully to see how they are communicating with you
- Facing people when speaking (as they may need to see your mouth clearly in order to lip read)
- Having pen and paper ready for either of you to use
- Being patient - it may take more time than usual to gather information
- Remembering to reassure the victim or witness.

Some people may use electronic communication equipment (such as speech software on computers). The individual should operate such equipment themselves whenever possible. In some cases, you may need to simplify your language, or use non-verbal language to supplement your speech. An intermediary capable of using an appropriate alternative communication system may be required. Alternative communication systems include:

- Sign language (such as British Sign Language and Sign Supported English)
- Symbol systems (such as Makaton, Rebus and Bliss).

If a person has an idiosyncratic speech or communication pattern, a basic initial vocabulary including 'yes', 'no', 'don't know' and 'don't understand' should be worked out and explained to all personnel present at the interview.

When dealing with anyone, vulnerable or non-vulnerable, you should always be patient and allow the person to tell their story in their own words.

1.8 The Importance of Making Records

The need to fill in forms and obtain information for records can affect the success of an encounter. It may reduce the available time for you to talk with a member of the public. If you open your notebook at the outset, a person may feel inhibited. However, if you do not record sufficient information, the person may feel that you are not taking the matter seriously, or you may omit essential evidential details. You must strike a balance, depending on the person you are dealing with and the circumstances of the incident. Experience will help you to

develop your skills. There is nothing wrong with asking someone to repeat information so that you can ensure it is recorded.

Written records of a person's needs, any agreements reached and support offered is vital for the smooth progress and in case of an inquiry. Accurately documenting this information increases the individual's confidence that their needs are being taken seriously. Records of any agreements reached with the individual regarding meeting their needs also provides a record that you can refer to later to ensure nothing is overlooked - if there are further support needs in the future, you may forget about them without the reminder of a written record. A written record is also important if a complaint is made by the individual that their needs were not addressed.

Although you may need to record information at speed, you should ensure that your records are legible, accurate and complete. Potential consequences of illegible, incomplete or inaccurate records could include (but are not limited to):

- inappropriate treatment of victims and witnesses as a result of confusion about their needs
- wasted police time spent deciphering illegible handwriting; and
- potential evidence being ruled as inadmissible in court.

1.9 Form MG2

If you have identified a witness who is vulnerable or intimidated, you must complete a form MG2. This provides CPS with the information required to make an application for a special measures meeting, and indicates the views of the witness. One form must be completed for each vulnerable or intimidated witness, as each person's circumstances will be considered separately.

The form must be completed by an officer who knows the witness's circumstances, in accordance with the guidance contained in "Ministry of Justice (2011) Achieving Best Evidence in Criminal Proceedings". Explain on the MG2 why the vulnerability or intimidation identified is likely to diminish the quality of that witness's evidence, what special measures are available that are likely to improve the quality of their evidence, and what special measures or combination is likely to maximise the quality of their evidence in the proceedings (except in the case of regarding evidence in chief and live link for a witness under 18 years of age or a witness to a sex offence, where such an explanation is not

required). Your file must be submitted promptly to the CPS to allow sufficient time to address these considerations at the trial.

1.10 The Witness Statement Form (MG11)

The Witness Statement form, or MG11, is the form on which victims' and witnesses' statements are recorded. These statements form part of the prosecution case. The MG11 is more than a written record of the witness's statement - it also records the witness's personal details, preferred mode of communication, consent to disclose medical records and allow contact with Victim Support, and willingness to attend court. Requirements regarding special measures for vulnerable or intimidated victims and witnesses are also captured on this form.

MG11s capture essential information about victims and witnesses that is required by the criminal justice system. If MG11s are not completed properly, witnesses are less likely to attend court. When they do give evidence in court, their needs may not be catered for and so the quality of their evidence may be compromised. As a result, cases will be more likely to fail.

1.11 Victim Personal Statements

The purpose of the Victim Personal Statement (VPS) is to enable a victim to make their legitimate interests known (such as their wish to seek compensation, or express concerns about intimidation or the alleged offender being granted bail). A VPS gives victims the chance to tell the criminal justice agencies and services dealing with their cases how the crimes have affected them physically, emotionally, psychologically, financially, or in any other way. It provides the criminal justice agencies with a ready source of information on how the particular crime has affected the victim involved, supplementing other sources of information available, for example form MG19 detailing compensation, or the Case File Information form MG6. The VPS is a two-stage process.

Stage One

The VPS is an add-on to the MG11 witness statement form or a video recorded interview. Having taken the evidential witness statement (signed in the usual way) or videoed the witness interview, you must ask the victim if they want to make a VPS. Emphasise that this is entirely voluntary and that no inferences will be drawn whether the victim chooses to make a VPS or not. Priority category victims can make a VPS even if they decline to provide a witness statement. The victim should be given a copy of the VPS leaflet. Should they want to make a VPS, it should be clearly identified on the MG11 witness statement form by ruling a

line under the evidential section of the form. Where the interview is visually recorded there must be a clear break between the evidential interview and the VPS. This can be achieved by either editorial insertion of the force logo, or a clear verbal acknowledgement that the evidential interview has concluded and the VPS will begin.

The following caption is then added:

“I have been given the Victim Personal Statement (VPS) leaflet and the VPS scheme has been explained to me. What follows is what I wish to say in connection with this matter. I understand that what I say may be used in various ways and that it may be disclosed to the defence.”

Some victims may then use the VPS to register their wish to be kept informed about progress in their case, to obtain support from Victim Support or any other agency, and identify whether they have any special requirements. If so, you should record this. Some victims may choose to use the VPS for the above purposes only and choose not to make a statement about how the crime has affected them, which is perfectly acceptable. The victim may wish to discuss with you what information to put in the VPS. You can give general advice, but must not lead the victim in a way that might subsequently prejudice the integrity of their evidence. Make it clear that it is ultimately for the victim to decide what information to include in their VPS. You should then record the VPS in the victim's own words. Victims are entitled to either read their VPS out in court, or to have it read or played for them.

You should draw attention to the section that explains how victims can make an updated VPS at a later stage if they wish to. This is Stage Two of the scheme.

Stage Two

Stage Two allows victims to provide a further VPS describing any longer-term effects the crime may have had on them. The Stage Two procedure is also appropriate where the victim chooses not to make a VPS at Stage One, but subsequently wishes to do so. It is also appropriate where the victim wishes to add to; clear up or change something said in a VPS made earlier and where the victim did not have the option at Stage One, or if, for any reason, a witness statement was not taken. If a victim chooses to make a VPS, the statement will form part of the case papers. It will therefore be available to all the criminal justice agencies subsequently dealing with the case. The use made of the statement is a matter for those agencies. A VPS will be disclosable to the defence if someone is charged with the offence to which the statement relates.

Victims who choose not to make a VPS

You must remember that the VPS scheme is entirely voluntary. Some victims may choose not to make a VPS. You must assure the person that no inferences will be drawn if they choose to make a VPS or not. If the victim chooses not to make a VPS, you should:

- record this fact on the witness statement form
- complete the section on the back of the Home Office VPS leaflet, giving details of the police contact
- ensure the victim has a copy of the Home Office leaflet and explain that the victim can always make a VPS later if they wish.

1.12 'Victims of Crime' Leaflet

Every victim of crime should be given a copy of the Home Office leaflet 'Victims of Crime' (available from your station stores) by the initial investigating officer. The leaflets are available in Bengali, Cantonese, Gujarati, Hindi, Punjabi, Urdu, Somali, Vietnamese, Greek, Turkish and Arabic. It is also available in the form of a Welsh/English bilingual leaflet. Additionally, it is available in Braille, large print and audio tape format. You should carry some of these leaflets around with you. The last page of the 'Victims of Crime' leaflet informs victims about Victim Support. It explains that certain kinds of crime are automatically referred to Victim Support, unless the victim objects. You should note whether the victim has objected to the automatic referral. You will need to obtain explicit consent from the victims of sexual offences, domestic abuse or the relatives of homicide victims before passing their details on to Victim Support.

1.13 Identifying Repeat Victimisation

After extensive research into repeat victimisation, the Home Office has found that:

- Victimisation is the best single predictor of further victimisation
- Recurrences of repeat victimisation tend to happen in quick succession
- Repeat victimisation significantly contributes to high crime rates and crime hot-spots
- Some offenders tend to return and re-offend
- Those who repeatedly victimise the same target tend to be more established in criminal careers than those who do not.

The following sources of information can be used to help identify repeat victimisation:

- Computer technology (such as crime records or Command and Control incident recording)
- Manual spotting and recording
- The detailed questioning of a victim, their friends, family and community
- Crime Pattern Analysis
- Information from other agencies.

Database searches may help to identify details and patterns of re-offending (i.e. names, addresses, times, locations etc.) which may result in some form of crime reduction initiative (including crime prevention measures).

Successful policing relies upon the use of your discretion, knowledge and personal experience. In many repeat victimisation cases, a common sense approach can be adopted by applying the personal and physical security measures you would employ to protect yourself, considering how you would wish to be treated and what you would expect someone in authority to do on your behalf. The National Decision Model (NDM) also lays out a template upon which to base thought processes and subsequent actions.

In addition to the NDM, the 5WH questioning tool (commonly used in investigative interviewing) can be useful when carrying out general enquiries and problem-solving activities. By deliberately asking several of the following questions, you may unlock dimensions that you (and others) may not have previously considered:

1. Who:

- is the victim?
- is the offender or offenders?
- may know something about it?
- may be able to provide evidence or other assistance?
- needs to know (within the bounds of Data Protection) so they can help?
- is responsible for carrying out any given intervention: the police, partner agencies or both?

2. What:

- has happened (the crime and its surrounding facts)?
- do we already know (examine intelligence systems)?
- has been done previously (past interventions) and did they work - if not, why not?
- else do we need to know?
- is the aggregated body of evidence?

3. Where:

- did it occur and is there any significance regarding the location (e.g. bad lighting, poor security, poor construction - for example, rotten window frames that are easy to force)?

4. When:

- did it occur (time of day or night)?
- will an intervention be carried out?

5. Why:

- did it happen (causal factors)?
- is there a high prevalence of offending in the area (for example, known or developing 'hot-spots')?

6. How:

- did it happen?
- can I help?
- can other police departments and agencies help?
- can other agencies help?

Aside from helping individual victims, addressing repeat victimisation may help solve previously unsolved crimes, reduce the further commission of crime and provide a level of reassurance to communities and society as a whole. The help and reassurance you can give will depend on both your role and the nature of the crime. You may be tasked by your supervisors to:

- Provide regular, high-visibility patrols in the general area
- Provide regular patrols in a specific, targeted location
- Work with other agencies like the local council and their various departments
- Visit victims, to provide reassurance and ensure, where possible, that they are taking steps to reduce the incidence of repeat victimisation (i.e. better locks, internal CCTV, alarms systems and other simple security measures)
- Make referrals to partner agencies (like the Victim Support Service and the Local Safeguarding Children Board).

Such tasking may even arise out of Crime Pattern Analysis conducted as part of the National Intelligence Model's formal tasking and coordination processes. However, in departments like Neighbourhood Policing Teams, initiatives like these could well be self-generated.

1.14 Further Support for Victims and Witnesses

The needs of an individual who has been affected by crime or ASB may change over time, but their long-term needs are as equally important as their initial requirements. Help may involve dealing with underlying problems, either related or unrelated to the crime or ASB. In such cases, a Victim Support scheme would usually attempt to refer the victim to the appropriate (often statutory) service.

When a case comes to court, a witness may need further support. The prospect of attending court can be a daunting and challenging experience; witnesses often fear that they will not understand the court process and legal jargon, or that they may not be believed. There is a need to address these fears and empower witnesses to tell their story.

There is also a need to recognise that for the witness the court hearing, however successful, is not the end of the event. Support is still required to ensure that there is no further intimidation and that victims and witnesses are able to regain any confidence that has been lost. Attending court and giving evidence can be a traumatising experience and some witnesses and victims value ongoing contact and support to move forward and put the process behind them.

1.15 Special Measures

To determine whether a witness is eligible for special measures the court needs to consider a range of factors relating to the witness, the alleged offence and the alleged offender, in particular:

- the nature and alleged circumstances of the offence to which the proceedings relate
- the age of the witness
- factors that appear to the court to be relevant, namely:
 - the social and cultural background and ethnic origins of the witness
 - the domestic and employment circumstances of the witness, and
 - any religious beliefs or political opinions of the witness
- any behaviour towards the witness on the part of:
 - the accused
 - members of the family or associates of the accused, or
 - any other person who is likely to be an accused or a witness in the proceedings.

In cases where an adult reports that they have been the victim of a sexual offence, they are automatically classed as intimidated.

It is important that the witness is given enough information about the nature, relative benefits and limitations of each special measure, so they can come to an informed judgement about their wishes. The witness should also be made aware that whilst they are being given a choice of options, they may not necessarily be granted the option(s) of their choice. Special measures should only be made available if they are likely to positively affect the quality of the witness's testimony. For example, if a witness uses a combination of British Sign Language, lip reading and Makaton signs to communicate, the only way to record exactly what the witness has to say and preserve the integrity of the interview process is to visually record their testimony. Under such circumstances, this would be done with the assistance of an intermediary to ensure that there is no miscommunication.

Section 19 of the Youth Justice and Criminal Evidence Act 1999 provides the threshold test for whether or not special measures are appropriate: child witnesses and victims of sexual offences tried at Crown Court are exempt from the threshold test, as the law presumes they will give their best evidence when assisted by specified special measures.

Once a witness is identified as being eligible for assistance, the court must decide if any of the available special measures would be likely to improve the quality of the witness's evidence and if so, which one(s). The court must consider all the circumstances of the case, particularly any views expressed by the witness and whether the measures in question might tend to inhibit such evidence being effectively tested by a party to the proceedings. The court must then give a direction under Section 19 providing for the identified measure(s) to apply to the witness's evidence.

Section 21 of the Youth Justice and Criminal Evidence Act 1999 specifically relates to the use of special measures during proceedings for children under 18 years of age. The court must provide for any relevant recording (the visually recorded police interview) to be admitted as video recorded evidence in chief and must provide a live link.

The witness can completely or partially opt out of these special measures, as long as the court is satisfied that the quality of their evidence will not be diminished - to assess this, the court will consider the nature and alleged circumstances of the offence to which the proceedings relate, and the witness's:

- age and maturity
- ability to understand the consequences of giving evidence without the assistance of live link and/or playing recorded evidence in chief
- relationship (if any) with the accused
- social and cultural background and ethnic origins.

Section 22 of Youth Justice and Criminal Evidence Act 1999 extends the provisions of Section 21 so they are also applicable to witnesses who have their 18th birthday after the date that the police video interview was recorded, but prior to proceedings.

1.16 Investigation Anonymity Orders

The purpose of the investigation anonymity orders (under section 76 of the Coroners and Justice Act 2009) is to give informants in gang-related gun or knife homicide investigations greater reassurance that their identity will be protected throughout the investigation and permanently thereafter. However, if the protected person wishes to give evidence at trial anonymously, an application to the court for a witness anonymity order will still be required. For the purposes of investigation anonymity orders, gangs are defined as groups, the majority of whose members appear to be aged between 11 and 30.

It is a criminal offence for anybody to disclose in any way that a person covered by one of these orders is (or was) able or willing to assist a relevant investigation. The offence can apply to anyone (including police officers). However, there are safeguards to enable law enforcement agencies to disclose the informant's identity internally where it is required for the purposes of the investigation or prosecution.

The CPS guidance states that applications can be made to a justice of the peace by police officers or prosecutors, and your supervisors will be able to provide you with direction on this matter.

1.17 Support Agencies

There are a number of community and charitable organisations that provide valuable services to witnesses.

Victim Support

Victim Support is an independent national charity. Trained volunteers, based in local schemes, contact people following a crime to offer free confidential support and advice. People are referred to Victim Support by the police and other organisations, or make direct contact themselves to ask for help. Victim Support aims to offer a comprehensive service to all sections of the community, and is committed to ensuring that minority groups are welcomed and involved throughout the organisation. Victim Support works for the rights of victims and their families and for greater awareness of the effects of crime. Three general categories of help are catered for (however, this is not an exhaustive list):

1. Practical: Practically, they are able to give advice on how to:

- Replace broken windows etc.
- Strengthen door locks etc.
- Obtain information with regard to the criminal justice process, which may help a victim who has to attend an identification parade or go to court.
- Claim compensation through the Criminal Injuries Compensation Authority or other compensation factors.

2. Crisis Intervention: This is the main area of the scheme and Victim Support volunteers are specially trained to cope with this aspect of their work. Crisis intervention is certainly associated with serious crimes such as rape. However, a victim may experience a crisis following some other event that necessitates intervention by Victim Support, for example,

a sudden, unexpected incident like a road traffic collision, accident, or sudden death. It need not be restricted to crimes.

3. The community's responsibility: At times of distress, many victims are shocked to discover that no statutory or voluntary agency is responsible for checking that people are coping or know where to go for advice. The perceived neglect or sense of isolation can increase someone's feelings of vulnerability, and natural anger about the crime may develop into bitterness towards the authorities and wider community. Victim Support is the only agency to which police can automatically refer victims. It provides the structure within which the needs of victims of crime can be met through existing resources within the community, as far as possible. Volunteers are selected and trained to visit the victim at home soon after the crime, and to offer support and advice. Victims can be referred on to other specialist agencies where necessary.

Victim Support offers:

- someone to talk to in confidence
- information on police and court procedures
- advice on compensation and insurance matters
- liaison with other organisations on behalf of victims
- contact with other sources of help
- volunteers who will accompany people to the police station and to court.

Victim Support's Crown Court Witness Service helps victims, witnesses and their families before, during and after the trial. Trained volunteers, based in crown court centres, offer emotional support and practical information about court proceedings. All Victim Support volunteers carry a plastic ID card, which should be encased in a sealed plastic case and can be endorsed with the stamp of the relevant police station for additional security. The details of all volunteers in any police division are held at the relevant divisional stations.

Victim Support is a confidential service. Information given by victims will not be passed on or used in any way without the victim's consent. If dilemmas arise over confidentiality, Victim Support volunteers and staff follow consultation procedures which may involve a senior police officer, if appropriate. In most cases of crime the names, addresses of the victim and details of the crime will be passed to Victim Support on a daily basis. If someone has been

bereaved by violence, whether or not the charge is murder, there is help available through a variety of methods, such as the offer of bereavement counselling.

Victim Support contacts all victims referred to them by means of a leaflet relevant to the crime suffered, and in some cases by visiting them. These are offers of help which the victim may accept or refuse.

Victims who live in a different area from the one in which the crime was committed will be referred on by the Victim Support scheme which originally received the referral. Victims of crime being dealt with by British Transport Police will be referred centrally by the force to Victim Support National Office, who will pass on the referral to the appropriate region's scheme.

The police service's concern for a victim's welfare does not end once they have been referred to the Victim Support scheme. It is the duty of the police service to answer any queries about the case and give any further advice necessary.

Witness Service

There is a Witness Service in every Crown Court centre and Magistrates' court in England and Wales. The Witness Service is run by Victim Support and is independent of the court, police and CPS. They support witnesses and their families by arranging a visit to a courtroom and providing information on court proceedings before the witness gives evidence. If a witness wishes, it can be arranged for someone to accompany them into the courtroom. Victim Support will be able to put the witness in touch with the Witness Service. The witness will receive the Witness Service leaflet 'Going to Court' or a letter when called to give evidence. Copies are also available from the local Victim Support scheme or the national office of Victim Support. The Witness Service is available to all witnesses, whether they appear for the prosecution or defence. The Witness Service will ensure that an intimidated witness is kept separate from the alleged offender and their supporters during any court proceedings, and if necessary arrange a separate entrance and exit.

Anti-Social Behaviour Units

Local Authority ASB units are primarily responsible for tackling the more serious cases of ASB. As this often constitutes a key form of intimidation, the unit's help in reducing or removing it is paramount to supporting the witness. The services offered by the ASB unit will vary from area to area, but it can be used as both a preventative and enforcement measure to help make the witness feel less vulnerable and more secure.

Housing Associations

Housing associations will help to ensure that a witness's accommodation is secure, by providing door and window locks, fitting fireproof letterboxes etc. and in the most serious cases relocating a witness to an alternative location.

Witness Care Units

Witness Care Units (WCUs) are set up throughout England and Wales. Each unit brings together police and CPS staff to provide a single point of contact for witnesses. The units are responsible for keeping witnesses informed about their case and for arranging tailored support to help attendance at court.

The WCUs will continue to provide a service to witnesses in the event of any appeal against conviction or sentence, or a referral to the Court of Appeal Criminal Division for review of an unduly lenient sentence. In order to tailor their response to the victim or witness's needs, Witness Care Officers should communicate with the victim or witness by whichever means and at the ideal time recorded on the MG11 form when the statement was taken. It is crucially important to the WCU that the MG11 form is completed properly and the relevant information recorded.

Crown Prosecution Service

The CPS will assist the police in choosing the correct charge, securing bail conditions and where necessary applying for a remand in custody in order to prevent any intimidation taking place.

Prison Service

When provided with relevant information, the prison service will ensure that no contact takes place between the alleged offender and the witness whilst they are on remand. This includes intercepting letters and telephone calls which may be directed towards witnesses involved in the case.

National Emergency SMS Text (ESMS)

Emergency SMS (ESMS) is a national service initially aimed at those with a hearing and/or speech impairment who are unable to use the 999 voice service. ESMS-registered users can send a text message to the UK 999 number which is then passed to the relevant emergency service i.e. police, ambulance, fire rescue or coastguard. Emergency services operators must:

- acknowledge the ESMS upon receipt
- consider the user's vulnerability when determining the right response
- provide reassurance at the earliest opportunity i.e. that the police are on their way and where possible provide an Estimated Time of Arrival (ETA). It may be necessary to provide continuing reassurance depending upon the individual call circumstances.

ESMS users are required to pre-register. The registration process will explain to the user how the service works and its limitations. The service's priority is to identify the nature and location of the problem - further information can be obtained upon arrival. If necessary, you should ascertain the best method for future communication with the individual once you have responded to the emergency situation. Appropriate responses to users of the ESMS service can improve hearing and/or speech impaired communities' confidence in the police service.

Other Organisations

Voluntary organisations will vary from region to region, but can offer specialised support in areas such as domestic abuse and sexual violence. There are other voluntary organisations that specialise in supporting minority groups with specialist support and advice. Some organisations have a long history, like the Salvation Army. Others are relatively new, like Support after Murder and Manslaughter (SAMB) which provides help to the family and friends of murder and manslaughter victims. You will not be expected to remember all of these organisations. However, it is important that you know where to look if the person you are dealing with needs to contact one of them. Often the Victim Support volunteer will be able to assist. Other organisations which support victims and witnesses may include:

- Social services
- Health services
- Lesbian, Gay, Bisexual and Transgender (LGBT) support groups
- Religious organisations or groups.

Supporting Agencies for the Victims of Hate Crime and Hate Incidents

In addition to the agencies already mentioned, the following agencies can support victims of hate incidents and hate crime:

- Local Authority Probation Service
- Local Education Authority

- Social Services department
- Local Safeguarding Children Board
- Primary Care Trusts
- Voluntary community groups
- Race Equality Councils (RECs) and other local bodies that address equality issues
- Equality and Human Rights Commission.

1.18 Further Support Considerations

Post-traumatic stress disorder

Most people who experience a traumatic and stressful event (such as crime) will feel emotional about it. These feelings are usually very strong, but normally decrease and disappear as time passes. A few people may find that their signs and behaviours do not improve, and may even worsen. A severe, long-lasting reaction after the event is known as post-traumatic stress disorder. This is a medical term used to describe a pattern of signs and behaviours found in a person who has been traumatised. The signs and behaviours are different for everyone, but may include nightmares and flashbacks, sleeping problems, depression, and other physical and mental ill health. Many people affected by post-traumatic stress disorder find it helpful to talk to a medical expert, such as their GP, who might be able to arrange some specialist counselling or help. However, there can be a waiting list for counselling, so they may find it helpful to contact Victim Support for help and support in the meantime.

Crime Prevention Advice

When dealing with victims you always need to consider ways in which you can help to restore their confidence and prevent them from becoming a repeat victim. Depending on the incident you may be able to seek advice from experts in the field, both within the police service and externally or direct the victims to relevant support organisations and networks that would equip them not only materialistically but emotionally for the future.

Remember, crime prevention is not a 'one-size fits all' but it also doesn't need to be expensive or overt. However, each piece of advice will have to be unique to the victim's situation. You will therefore need to work with them closely to discover what measures would suit them and their situation best. Remember also that we have access to partner agencies

who can provide advice and guidance in these situations; find out who they are and be prepared to use them.

Compensation and Insurance

Victims may be able to get compensation from two sources. If someone is found guilty, the court must consider ordering the offender to pay compensation for any loss, injury or damage suffered by the victim. The offender has to pay compensation before any fine. Compensation is limited to what the offender can reasonably afford, so may not cover a victim's loss or injury in full. The compensation is often paid in instalments.

If the victim was injured as a result of a violent crime, they may be able to get compensation under the Criminal Injuries Compensation Scheme, which is a government funded scheme. Someone does not have to be caught and found guilty for a victim to be able to claim compensation in this way. The rules of the scheme and the value of the payments are set by Parliament and administered by CICA. To apply, victims must complete an application form either online or via telephone. The onus is on the victim to prove that they are eligible for a payment and they will need to provide any evidence necessary to support their case, which will include confirmation from the police that the incident was reported and that the victim's behaviour did not contribute to the incident in which they were injured.

Having insurance can help reduce the financial impact of crime on a victim. Insurance can also help some people to recover emotionally, as knowing that they do not have to worry about finding the money to replace stolen or damaged items reduces one source of potential stress. Most policies require people to report a crime to the police before they can make a claim. If a person is having problems making a claim under their insurance policy, Victim Support can help with filling in forms or dealing with the company over the phone.

Information about the release of detainees

In life sentence cases and other cases involving serious sexual or violent offences, the probation service will get in touch with the victim within two months of the sentence being passed to ask if they want to be told about any plans for releasing the detainee. The Probation Service will explain what happens during the sentence, and how any decision to release the offender will be made. No life sentence detainee will be released until they have served the period set for retribution and deterrence and the Home Secretary (in the case of murderers) or the Parole Board (for other life sentence detainees) is satisfied that it is safe to do so. All prisoners sentenced to life imprisonment who have been released by the Parole

Board will remain on licence for the rest of their life and will be subject to recall at any time if they breach the conditions of their licence.

1.19 Revision Questions

- Who would be considered a vulnerable witness under Section 16 of the Youth Justice and Criminal Evidence Act 1999?
- Who would be considered an intimidated witness under Section 17 of the Youth Justice and Criminal Evidence Act 1999?
- What are the levels of intimidation?
- What are an intimidated witness's three key needs?
- Which form should you complete when you identify vulnerable or intimidated witnesses?
- What are the 'Special Measures' listed under the Youth Justice and Criminal Evidence Act 1999?
- How could you identify a pattern of Repeat Victimisation?
- Why might a victim not report Repeat Victimisation to the police?
- What are the main aims of the Code of Practice for Victims of Crime?
- Who is entitled to receive services under the Code of Practice for Victims of Crime?
- When is a victim entitled to enhanced services under the Code of Practice for Victims of Crime?
- Under the Code of Practice for Victims of Crime, what should your initial actions be as a first responder?
- What information must you record when a hate crime or incident is reported?
- What are the potential consequences of illegible, incomplete or inaccurate records?

2. Key Legislation

- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Data Protection Act 1998
- Freedom of Information Act 2000
- Police and Criminal Evidence (PACE) Act 1984
- Sections 16 and 17 Youth Justice and Criminal Evidence Act 1999.

3. E-learning

In addition to this book the following e-learning is available via the College of Policing Managed Learning Environment (MLE):

- Tackling Intimidation.

The MLE is regularly updated with new learning programmes and materials.