

Bradley Jones
M Thomas
BSC Policing
Policing and the Criminal Justice system
BMPL4017

The journey through the criminal justice system can be a long and arduous affair often occurring at a victim's lowest point in life or after a serious tragedy. As shown by the need for a government sponsored company called "Victims Commissioner". As taken from Victims Commissioner (nd) "Every victim has a different experience of the criminal justice system". Navigating this system is difficult enough for those of us who have not just been the victim of a crime both great and small. This essay will cover both the hardships and experience of the victim as well as the process the suspect may go through in the criminal justice system. Attempting to find the correct balance between victims' support as well as protecting the rights of those who have been accused of crimes and those who have been suspected of crime. This essay will go into depth about the recognition of the victim's needs and the due process and legal protections of the suspect.

As seems appropriate this essay will begin with the victim's journey. The victim's journey begins just after the crime begins as shown by the Ministry of Justice (2013). The victim calls 999 or 101 and this begins the often long and structured as well as complex process that can span from weeks to years. It consists of 6 Major parts from the findings from HMICFRS, HMCPSP & HMI Probation. (2023) beginning with part 1, reporting the crime to 999 or 101. Victims are entitled and encouraged to take a written acknowledgement of their report including a crime reference number. This is the minimum standard of service that a victim who reports any crime regardless of the crime can expect to receive at this stage of the process. Next the victim would have to deal with the Police conducting an investigation. Depending on where the crime was committed that could mean the house of the victim would be taken over and turned into a crime scene. This can be a stressful time in the victim's experience and it is vital the police give support to the victim whether that be to referral to a separate organisation that can give them support they need or a support group for victims. During the investigation victims may be asked to provide a witness statement and can submit a Victim Personal statement taken from the Ministry of Justice and Green, D. (2013). The victim can write on a victim's personal statement to explain how the crime has affected them as an individual and may be brought up later in court. The next process the victim has to go through is the charging and bail process which includes finding out whether the CPS or in other words Crown Prosecution Service decides whether or not to charge the suspect. The Crown Prosecution Service. (2022) says "The CPS is fully committed to taking all practicable steps to help victims and witnesses through the experience of becoming involved with the criminal justice process.". Depending on the decision of the CPS the victim is entitled to an explanation from the CPS on why they have taken that decision and is given

the relevant support needed. If the CPS decides to take it to trial the victim next must begin to prepare for the trial. Leading up to the trial the victims may be given support from victim and witness services. These services provide information about procedure during a criminal trial as for most people this would be the first time they have ever been into a court setting with particularly strict rules. They are also given something called "special measures" extracted from the Crown Prosecution Service. (2024). These special measures are case by case situational measures taken to insure that the victim and witness are as safe and as comfortable as possible; this includes not having to show your face and not having your identity shown under certain circumstances. This is taken to the next level which is oftentimes the most stressful and difficult part for the victim that being the Trial itself. During the trial the victims may be required to be called up and offer evidence. The victim always has the right to be treated with dignity and respect throughout the entire questioning procedure during a trial. The court will then consider all evidence provided by the victim and then considered. Post trial the victim is entitled to the information about the outcome of the case including sentence that the suspect will now be facing. If the suspect is found guilty additional support services will be given to the victim to assist them through the impact that the crime as well as the trial has had on their personal lives. If the offender is sentenced to a custodial sentence then the victims are entitled to be informed about the potential parole hearings as well as the decisions of these parole hearings. Overall the experience of the victim is a stressful and long series of events following what could have been a quite terrible portion of their life. It is imperative the victim gets the support they need both before and after the trial is completed. This varies from the experience of the suspect which will be covered next.

The suspects journey begins with the Police encounter and subsequent arrest. Provided they match the identity of the alleged suspect and if the police have reasonable grounds to suspect involvement in a criminal offence. The suspect must be informed of the arrest and they have the right to stay silent and not answer any questions from police as well as have the rights to a lawyer taken from GOV.UK. (1) (n.d). After having been arrested the suspect begins a long cycle of due process beginning with detention and an interview. Post arrest the suspect may be kept detained in a police station for up to 24 hours or even longer for more serious crimes. It is important that the human rights of these individuals are kept and maintained throughout this entire process and they must be given the right to a fair trial under "Article 6 of the human rights act" - Equality and Human Rights Commission. (2021). Provided these rules are followed the CPS or Crown prosecution service will then make a decision on whether to charge the suspect or not. This depends on many things including lack of evidence etc. The charging decision will be either to release the suspect and take no further action, release the suspect under investigation or to refer to proceed to trial. Now the suspect must prepare for the first of potentially many court appearances. The suspect enters a magistrate court and is allowed to enter a plea of guilty or not guilty depending on this decision and the severity of the crime the suspect may be either kept in magistrate court or moved to the crown court. From this point on the suspect is now referred to as the defendant to begin the trial. The defendant much like the victim may be called up and required to answer questions to help their case. Evidence is presented by both the defence and Crown

prosecution service and then the verdict can be decided after what could be up to 6 months summarised from Victim and Witness Information. (n.d.). Next depending on the outcome and verdict of the trial the sentence for the defendant could include a fine, community order or potentially a custodial sentence. The defendant is then moved to a Prison or detention facility to serve the relevant sentence for whatever crime they have then committed. Then ideally the rehabilitation process is supposed to begin to try and bring back the offender into society so they do not reoffend. After the defendant has begun their sentence they may appeal their sentence they must apply to appeal their sentence before 28 days have passed from the date they have been convicted taken from GOV.UK. (2) (n.d.). After the defendant has completed or fulfilled whatever punishment was given by the courts. The defendant is then released from their custodial sentence and given support from the government and police on how to reestablish their life after having served a custodial sentence. Sometimes if released on parole. The defendant will then have a parole officer who will assist the defendant to get support.

Overall the journey between the victim and the suspect or defendant is very different. It is very important that Police and CPS work with both sides in order to ensure that justice is given but also to ensure every parties rights are maintained throughout the entire process. This has been a difficulty for the system as the legal frameworks must aim to protect both parties. Although the system has improved in recent years many still believe there is not enough support for the victim through this hard and emotionally devastating process. Achieving what could be called true legal balance will require ongoing reform and cultural change in the legal systems as well as increased investment in the justice system.

Reference list:

- Victims Commissioner. (n.d.). *Help for victims*. Available at: <https://victimscommissioner.org.uk/victims/help-for-victims/> [Accessed 27th April 2025].
- Ministry of Justice. (2013). *Victim's journey through the criminal justice system*. Available at: <https://mojdigital.blog.gov.uk/wp-content/uploads/sites/58/2013/04/Victims-journey-through-CJS.pdf> [Accessed 27th April 2025].
- Ministry of Justice and Green, D. (2013). *Victim Personal Statement*. Available at: <https://www.gov.uk/government/publications/victim-personal-statement> [Accessed 27th April 2025].
- HMICFRS, HMCPSI & HMI Probation. (2023). *Meeting the needs of victims in the criminal justice system*. Available at: <https://hmicfrs.justiceinspectors.gov.uk/publication-html/meeting-the-needs-of-victims-in-the-criminal-justice-system/> [Accessed 27th April 2025].
- Crown Prosecution Service. (2022). *Victims and Witnesses: CPS Commitments to Support*. Available at: <https://www.cps.gov.uk/legal-guidance/victims-and-witnesses-cps-commitments-support> [Accessed 28th April 2025].
- Crown Prosecution Service. (2024). *Special Measures*. Available at: <https://www.cps.gov.uk/legal-guidance/special-measures> [Accessed 28th April 2025].
- Victims Commissioner. (n.d.). *The trial*. Available at: <https://victimscommissioner.org.uk/victims/help-for-victims/the-trial/> [Accessed 28th April 2025].
- College of Policing. (2021). *Victims' Code for policing*. Available at: <https://www.college.police.uk/guidance/victims-code/victims-rights-policing> [Accessed 28th April 2025].
- GOV.UK.(1) (n.d.). *Police powers of arrest: your rights*. Available at: <https://www.gov.uk/police-powers-of-arrest-your-rights> [Accessed 28th April 2025].
- Equality and Human Rights Commission. (2021). *Article 6: Right to a fair trial*. Available at: <https://www.equalityhumanrights.com/human-rights/human-rights-act/article-6-right-fair-trial> [Accessed 28th May 2025].
- JMW Solicitors LLP. (n.d.). *What happens during an initial court appearance?* Available at: <https://www.jmw.co.uk/services-for-you/criminal-defence/criminal-justice-process/initial-appearance> [Accessed 28th April 2025].
- GOV.UK. (2) (n.d.). *Appeal a Crown Court decision*. Available at: <https://www.gov.uk/appeal-against-crown-court-verdict> [Accessed 2025].