



Prifysgol Cymru
Y Drindod Dewi Sant
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Victims & Witnesses

V12

By the end of this lesson, you will be able to:

1. **Demonstrate** their knowledge of the how the police service works with victims and witnesses, the importance of providing a quality service for victims and witnesses.
2. **Explain** the statutory responsibilities they have as officers and the partner agencies the police works with
3. **Explain** police responsibilities and procedures to support victims and witnesses through the criminal justice system
4. **Discuss** appropriate policing approaches to dealing with vulnerable victims or witnesses in a criminal investigation

Victim

A person who has suffered harm including physical, mental or emotional harm or economic loss which was directly caused by criminal conduct



A close relative of a person whose death was directly caused by a criminal offence



QTS – What makes someone a victim? - Boardblast

Under the revised (2020) Victims' Code, a 'victim' is defined as:

The term **close relative** 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.

It is important to note that the victim can also be the complainant i.e a person who makes a formal complaint in a court of law.

Witness



“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”



QTS – what does the term ‘witness’ mean to you? - Record answers on whiteboard

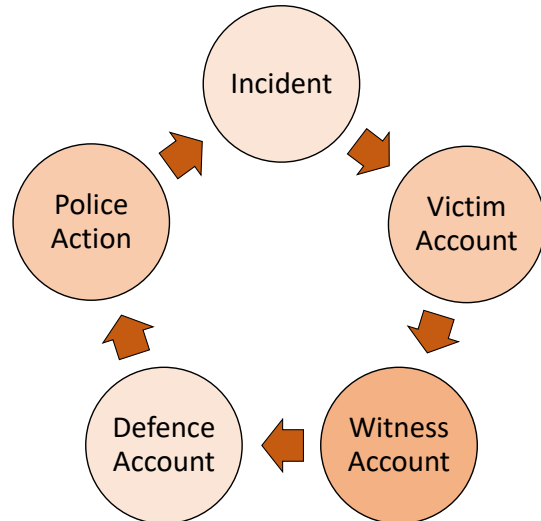
A witness is someone who stands up in court to state what they know after taking an oath to tell the truth (unless they are under 14 years of age, in which case their evidence is unsworn). An individual can be both a victim and a witness.

Witnesses play a vital role in bringing criminals to justice. In general, being a witness is a voluntary process (the person is prepared to make a statement and possibly go to court to give evidence).

The Criminal Justice System (CJS) has to categorise victims and witnesses so that the best evidence can be presented to the court, which leads ultimately to a fair and balanced trial

QTS: What does the term ‘witness’ mean to you? (Record answers on white board)

Victim, Witness & Defence Accounts



QTS – Why are victims and witnesses important? – Record answers on whiteboard

Trainer to open discussion into obtaining accounts in order to carry out a balanced, unbiased investigation:

Some of the answers can highlight the following:

In relation to obtaining best evidence from Victims, Witnesses and Defendants, it would be best practice where you can to separate all involved to take accounts, which will help assist you in making decisions.

There are some areas for consideration:

- There will be a variance in accounts – each person will see things from a different perspective i.e. angle of viewpoint.
- Are there any other information sources that can be obtained? – CCTV
- It is important to keep the defendant/suspect from the victim and witnesses where possible, to prevent an escalation of the situation
- It is also important that the accounts are taken separately in order to obtain the accounts as sterile as possible and can prevent ideas being planted by over hearing accounts, whereby a witness who did not see something may turn around and say 'I saw this happen...' when they did not, but said it because the victim or another witness had said it. Even if this is not malicious, it can happen.
- Depending on the course of action you will take e.g. arrest, PCR, PND, the defendant will

give an account either in a PACE custody based interview, or on the street whereby you will issue the correct disposal.

- Incident – what has happened; to whom; timings;
- Victim account - note injury, damage or theft etc.
- Witness account – what have they seen, where were they when it happened, is there any CCTV
- Defence account – Interview in Custody; contemporaneous account; Body Worn, EPNB
- Police Action – Examples can be: Report for prosecution; arrest and charge; No further action. In essence, we must use the necessary legislation that is applicable at the time, or if other issues arise. Remember unconscious bias and try not to react on it

QTS – What is an expert witness and how do they become involved in policing?

Trainer to open discussion:

- How other agencies/specialists contribute to the proceedings e.g Europol, NCA International Liaison Officers etc. Can other agency workers be witnesses? And what sort of witnesses would they be?

Family Liaison Overview

How Family Liaison can provide additional information regarding support to officers in providing victim care

Reducing the potential for victims to become dependent on police

Creating an exit strategy

Managing complaints, sharing good practice & lessons learned



Family Liaison is a very in depth process and there is a course to attend in order to become a FLO. This slide is just a brief overview to allow for further reading by the student. The National Policing Improvement Agency has a FLO Guidance document available.

How the FLO can provide additional information regarding support to officers in providing victim care

The primary role of the FLO is that of an investigator to assist the SIO/SIM to achieve their aims and objectives. This will include the day-to-day management of the interaction with the family in the investigation and close liaison with the SIO/SIM to ensure families are treated appropriately, professionally and with respect for their needs. It may involve working in a range of different situations in demanding and often stressful conditions over sustained periods of time. Those performing the role of FLO must always act with the highest degree of professionalism and integrity and carry out their duties with sensitivity. Careful consideration should, therefore, be given to the suitability of the officers to be trained to work with the family. Good practice to be considered includes occupational health screening prior to selection for the FLO Development Programme. Officers should be volunteers and have a clear and reasoned motive reflecting genuine commitment for wishing to train and operate as a FLO.

In addition the FLO should establish:

- A breakdown of the victim's daily routine in the weeks leading up to the attack
- Any variations to that routine which may be of interest
- Precursor events no matter how unimportant or unrelated the victim may have thought

them to be (e.g. unusual phone calls, altercations at the bus stop).

- Names and details of associates and their relationship with the victim.
- Whether a Personal Descriptive Form should be completed on these associates.
- Hobbies and activities (eg, if the victim jogs, goes to the gym or is a member of any clubs).
- Methods of transport (eg, which routes the victim takes and how often, what public transport the victim takes and how often, any vehicle regularly driven by the victim, where and when any vehicle owned or regularly used by the victim was acquired, where any vehicle owned or used by the victim is serviced, where any vehicle owned or used by the victim is parked).
- Social activities (eg, pubs, clubs, wine bars, coffee shops or restaurants visited by the victim, how often the victim visits them and with whom).
- Whether the victim was young, disadvantaged or elderly, or vulnerable in any other way.
- Whether there is an explanation for the victim's presence at the scene

Reducing the potential for victims to become dependent on police

The process can help victims to liaise with other support organisations e.g. SAMM (Support After Murder or Manslaughter) Victim Support etc.

Creating an exit strategy

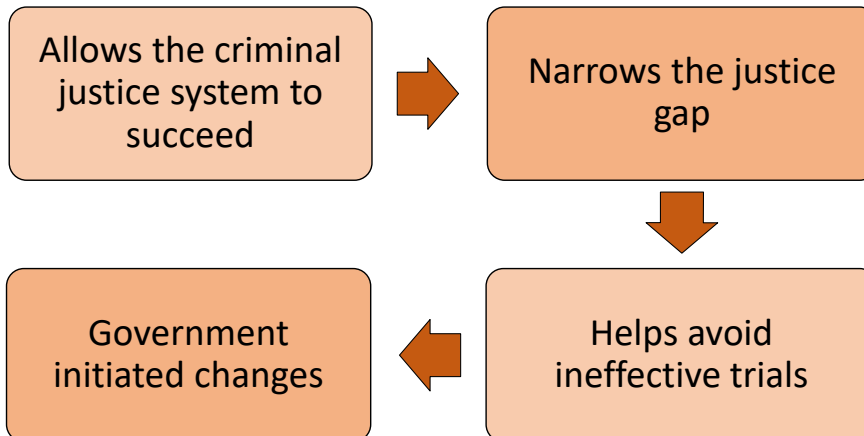
FLOs must remain focused on their primary role as an investigator throughout the investigation. Where the FLO has developed a good relationship with the family, there is potential for the family to become over reliant on the FLO and the FLO becoming over reliant on the family. The implications of this could have a long-term detrimental effect on both the family and the FLO. Exit strategies must be well timed, caring and considerate when implemented. A personal visit by the FLO, accompanied by the SIO/SIM, to explain the procedure would be appropriate. A successful interaction with a family will mean that the FLO's objectives have been achieved. In cases where it is necessary to maintain contact with a family over a long period of time, consideration should be given to replacing the original FLO

Managing complaints; sharing good practice and lessons learned.

The FLO may need to liaise with the IOPC, and therefore it is essential that the FLO keeps accurate records and that objectives that had been set by the SIO have been met. A prolonged case or repeated interaction to the victim/s, the SIO may need to replace the original FLO with a new one.

The IOPC will investigate where necessary, and form recommendations in order that the process is constantly developing to provide best practice, as will debriefs.

The Importance of Victims & Witnesses in the Criminal Justice System



QTS - Why are victims and witnesses important? (record answers on white board)

Victims & witnesses provide information, intelligence & evidence which enables offenders to be brought to justice. The criminal justice system relies on them to help identify offenders and give evidence. They are essential to successful prosecutions.

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.

Justice gap - the difference between the number of recorded crimes and the number of convictions.

Ineffective trial - Witness non attendance at court is the most common cause of an ineffective trial (ineffective trials are one reason that a case may not lead to a conviction).

A witness might decide not to give evidence in court for a variety of reasons, including:

- 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.

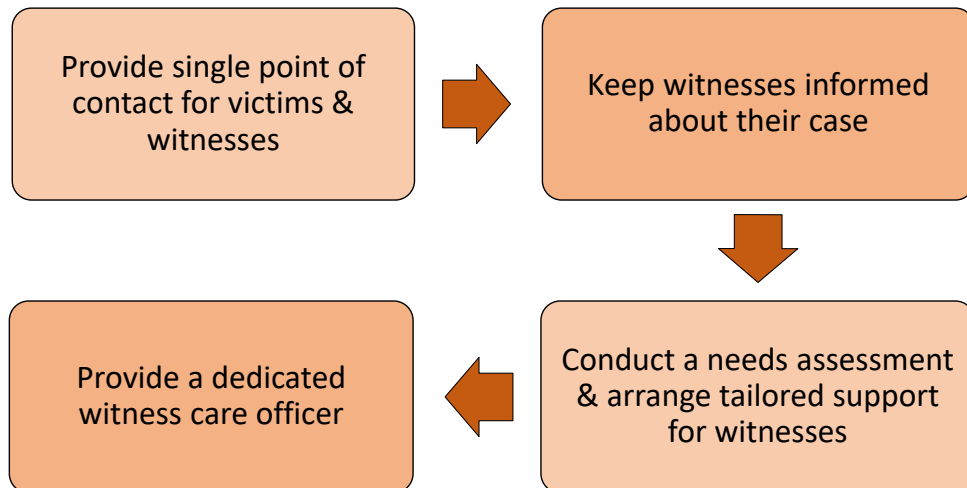
A better level of service from the police means a victim is more likely to stay engaged with the system and help bring the offender to justice.

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.

QTS: What is an expert witness and how do they become involved in policing? (Open in discussion)

Witness Care Units (WCUs)



QTS - What do you think the Witness Care Units provide for victims and witnesses? – Group discussion

The aim of witness care units is to provide a single point of contact for victims and witnesses for information about the progress of their cases and to minimise the stress of attending court.

Witness Care Units are in place across England and Wales and are jointly staffed by the police and the Crown Prosecution Service.

Witness Care Units manage the care of victims and witnesses from the charging of the defendant(s) through to the conclusion of a case. The service to victims and witnesses includes:

- a single point of contact for victims and witnesses
- communication with victims and witnesses to inform them of the case outcome or trial result, thanking them for their contribution to the case and offering post case support from the relevant support agency.
- a full needs assessment for victims and witnesses with particular support needs, who are required to attend court, to ensure they are able to get to court and give their best evidence;
- dedicated witness care officers to guide and support individuals through the criminal justice process and to co-ordinate support and services;
- continuous review of victim and witness needs throughout the case

Under the Code of Practice for Victims of Crime, which came into force on 1st April 2021, the Witness Care Unit has a **legal obligation** to:

- tell them if they will be required to give evidence and give them a copy of the 'Witness in court' leaflet or other relevant leaflet
- tell them the dates of the court hearings
- tell them about court results and explain any sentence given within one day of receiving the outcome from the court.

Impact of Crime and ASB

Victims may:

Suffer short term & long term effects

They may have friends, partners & children who may also be affected by the crime

They may have a strong reaction to the crime even if others do not think of the crime as very serious

Most victims do not experience any long-term harm, however, some may develop long-term problems



QTS – What do you think the impact of crime and ASB has on victims and witnesses? – Group Activity 1, groupwork

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.

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.

Short Term Impact of Crime

Initial emotional impact such as trauma, fear, shock & anger is likely to give way to a period of:

Nervousness,
anxiety,
sleeplessness

Powerlessness,
vulnerability & self
blame

Fear of a repeat
attack

Vulnerability to
repeat attack

There may also be:

An increase in fear
of crime

A lack of faith in the
police



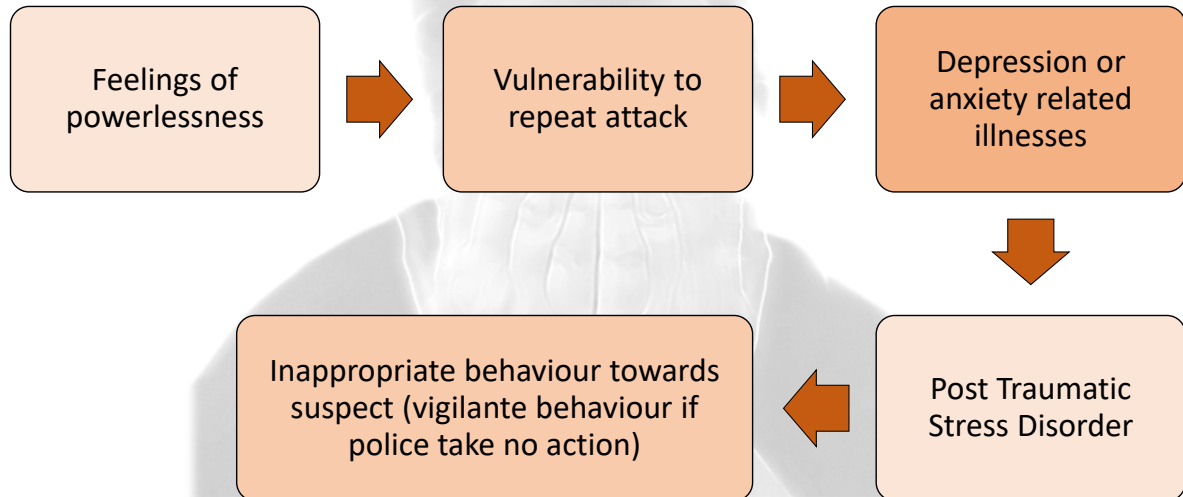
QTS – How might this manifest itself within communities? – Activity 1, groupwork

Crime can be hard to cope with as there is the knowledge that it was probably committed deliberately, unlike an accident where there is normally no harm intended. This 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.

Trainer to highlight that vulnerabilities may change and there will need to be a process of review and ongoing assessment of needs

Longer Term Impact of Crime



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, whilst a few experience a severe, long lasting reaction referred to as **Post Traumatic Stress Disorder**.

This is a medical term to describe a pattern of signs and behaviours found in a person who has experienced a traumatic event and can be characterised by:

- Re-experiencing the traumatic event
- Feeling more numb to the external world beginning sometime after the event

Impact of proceedings

What is the potential impact of proceedings on victims & witnesses?



QTS – What is the potential impact of proceedings on victims and witnesses?

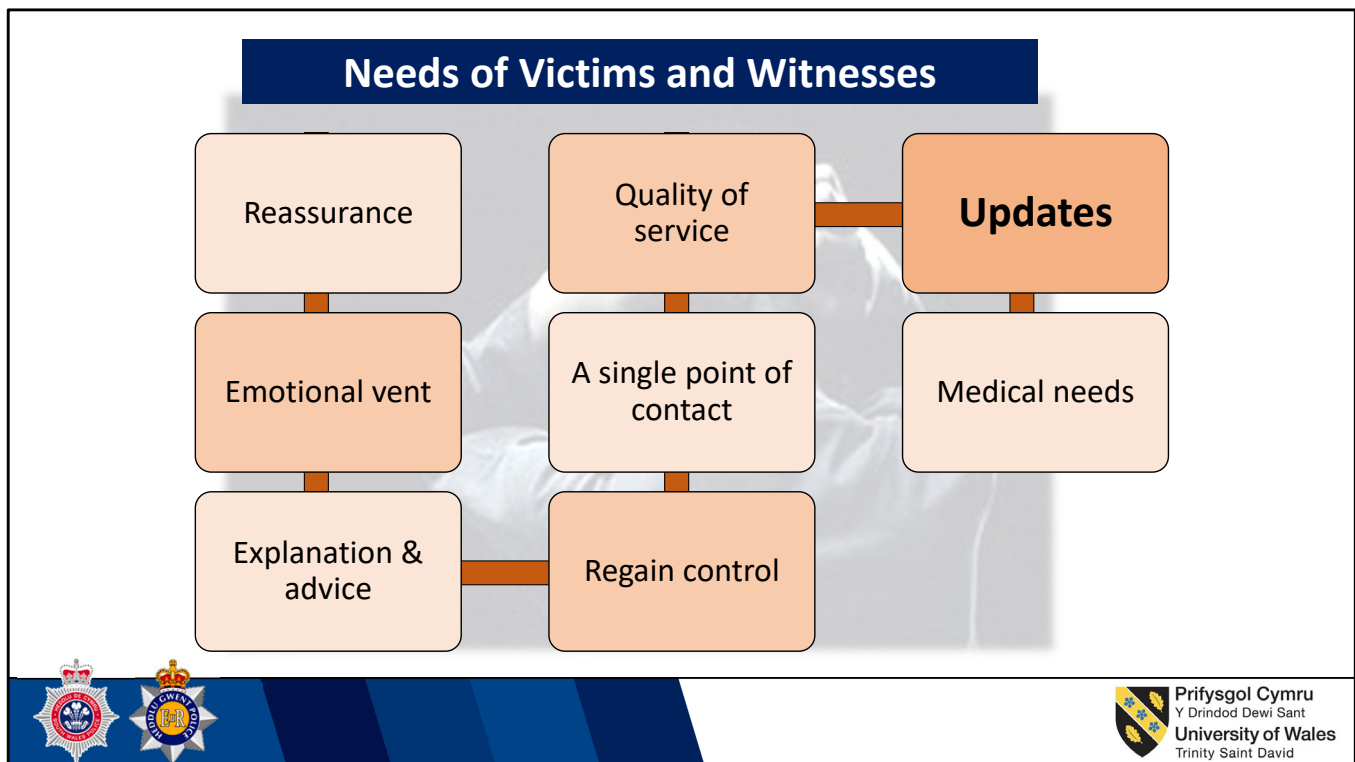
Group activity

Trainer choice whether boardblast/flipchart/ group work

Students to record potential impact. Trainer to emphasise any added impact in relation to coroners court/family proceedings i.e the emotive nature. EG, a bereavement or custody battle.

Expected responses:-

Denial, detachment, anxiety, panic, irritability, minimisation, avoidance, withdrawal, loss of memory, withdrawal, disorientation, confusion and so on.....



QTS – What needs might victims and witnesses have? - Boardblast

Reassurance: the victim or witness may feel vulnerable or unsafe. They may need reassurance regarding their personal safety and regarding any unreasonable fears they have in terms of their personal vulnerability and fear of repeat attacks.

Emotional Vent: They may feel angry and need to express their feelings - allow them to talk and 'let off steam'.

Explanation: An explanation regarding the police role and functions will help them to gain confidence in the police and an understanding of the processes should the matter go to court.

Regain feeling of Control: Confirming their ability to make decisions related to their case will help them to feel in control but at the same time the officer must assess their needs regarding the level of support needed

Single Point Of Contact: Providing a name and telephone number is important for any follow-up.

Quality of service: The service they are given at this stage will set the scene for any later involvement in the CJS – for instance whether they will eventually be prepared to give evidence.

Victims can be advised about the **Victim Support Scheme** and any further appropriate support agencies recommended.

*******Updates: The Code of Practice for Victims requires the police to ensure regular communication – every 5 days if required. They want to know what is happening even if it is not good news. This is still a problem and has been highlighted by the ACC Gilmer as unacceptable. In one instance a victim of Domestic Abuse was updated by the suspect!*******

Medical needs – these will depend on the type of crime, but can include physical injury, possible STD's, fear of pregnancy, psychological injury.

Recognising and Addressing Needs

Victims & witnesses are dealt with in the most appropriate manner

Allows them access to **appropriate** support agencies

Allows them access to crime prevention, safety & security advice

More crime/ASB & community intelligence reported

Helps identify signal crimes

Helps narrow 'reassurance gap'



QTS – why is it important that these needs are recognised and addressed? - Boardblast

It is important to recognise and address the needs of victims and witnesses:

If victims and witnesses feel safe and recognise that the police are taking them seriously they will report more and public safety & confidence in police will be maintained. This encourages more crime/ASB & community intelligence to be reported

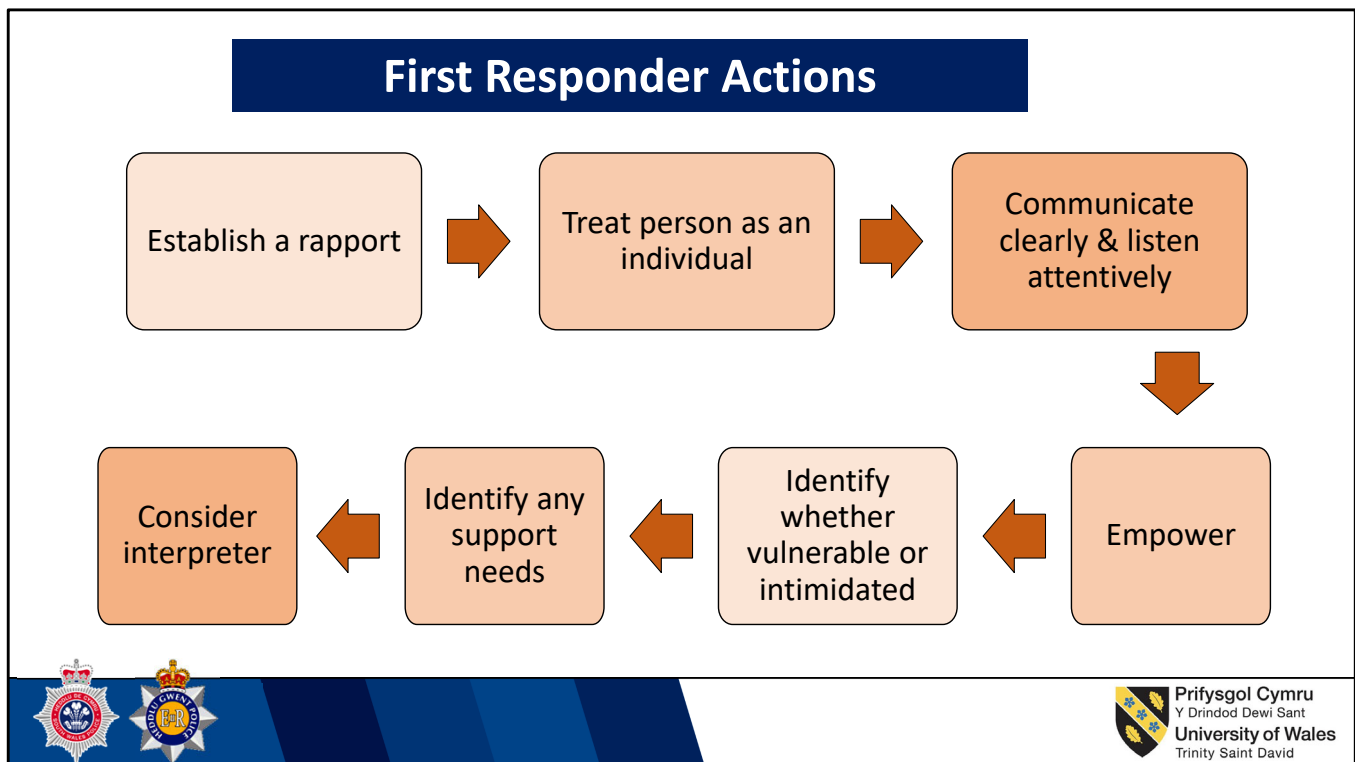
Every victim of crime should be given a copy of the Home Office leaflet '**Victims of Crime**' by the initial investigating officer. The 'Victims of Crime' leaflet informs victims about Victim Support.

Allows them access to **appropriate** support agencies: helps explain the processes to both witnesses and victims should the matter come to court along with any compensation claim that could be made

A signal crime is defined as an incident that has a disproportionate impact in terms of causing a person to perceive themselves to be at risk in some sense.

It can allay any unreasonable fears the victim may have in terms of personal vulnerability and repeat attacks.

Reassurance Gap - the gap between the community's perceptions and the good work the police are achieving. To close this gap the police need to deal with things that will effect people's sense of security and address the reassurance gap.



Establishing a rapport will encourage a victim or witness to discuss their immediate needs, fears and concerns. Establish if there is any relationship between witnesses, victim and offender, which will need to be recorded accordingly e.g. a DV incident in public, whereby victim and offender are known to each other, a witness may not be known to victim/offender and will be classed as an independent witness.

Rapport is the foundation of a meaningful relationship between two people. When you're good at building rapport, you're practiced at establishing a connection between yourself and someone else. Good rapport can make the other person feel respected, heard, and seen. It's a great way to understand another person's needs and support them. Building rapport is about driving a meaningful connection between you and another person. It isn't enough to feign interest—instead, practice openness and honesty in order to establish mutual trust.

QTS: How do you build rapport?

A:-

1. First, understand yourself

The first thing to do, before you even begin a conversation, is to focus on yourself. Building rapport isn't about faking it. You don't have to be the most outgoing or extroverted person in order to build this skill. Anyone can build rapport, regardless of your communication skills.

2. Practice active listening

Listening plays a key role in building rapport. Active listening, or listening to understand, is

the practice of focusing on what the other person is saying—instead of thinking about what you're going to say next.

3. Use positive body language

Almost equally important to how you listen is how you look while you're listening. Even if you're paying attention, distracted or disinterested nonverbal communication can unintentionally put people off. During a conversation, check in with your facial expressions and body language. Are your arms crossed? Are you making eye contact? These small things make a big difference.

4. Look for commonalities

One of the easiest ways to build rapport is to look for similarities between you and someone else. Do you have any shared interests? A similar past? Oftentimes, it's much easier to forge a connection with someone when you have something in common. You can use that common ground as a jumping off point to a deeper conversation.

5. Grow your empathy

Even if you don't have a lot in common with the other person, use empathy and curiosity to build rapport. Part of this is focusing on the other person's needs, and how you can help them.

6. Ask open-ended questions

If you can't find anything in common, use open ended questions to allow the other person to share their passions. Open-ended questions prompt the other person to share more about their past.

Treating each person as an individual and not harbouring stereotypes which can affect an officers' communication style allows sensitivity to the person's needs. Some people only require simple words of advice, others need more practical action.

Empowerment is the act of helping or giving someone the tools or power to gain their freedom or do what they want or control what happens to them. As Police officers this is huge thing we can do for victims and witnesses. Empowering is important as it gives them control back of their lives, which can lead to increased motivation to help us and achieve justice.

Communicate clearly and listen attentively showing consideration and courtesy throughout will help encourage victims and witnesses to be more forthcoming and express their views about what has happened to them. If a person feels 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.

Vulnerable or Intimidated - discuss with vulnerable and intimidated victims which special measures would be most appropriate to assist them in giving evidence

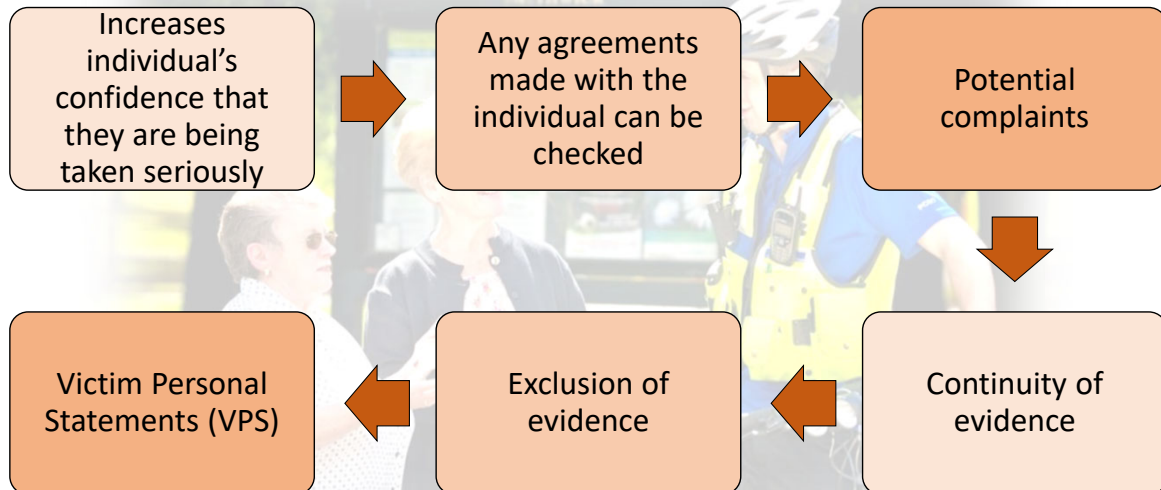
Immediate support needs should be identified and the person advised regarding what resources are available so that they can make informed requests and decisions.

Sources of Support may come from: Parents/Guardians, Social Services/Youth Services, Appropriate Adult, Voluntary sector – eg MIND, Victim Support, Legal advice, Medical practitioner,

Trained specialist interviewer, Special Measures

Interpreters should be considered so that wherever possible, people will be communicated with in the language of their choice.

The Importance of Making Records



QTS – Why is it important to document your actions at the scene of an incident/crime?

Accurately documenting written records of a person's needs, any agreements reached and the support offered is vital for the smooth progress and in case of an inquiry.

Records of any agreements reached with the individual regarding meeting their needs provides a record that can be referred to later to ensure nothing is overlooked.

If a **complaint** is made by the individual that their needs were not addressed, this written record will be important.

A written record will also assist in ensuring that essential evidential details are not omitted.

Continuity: a number of persons may be involved in the enquiry so to ensure that everyone understands exactly what has happened it is important to record the decisions that have been made so the job can be done efficiently.

Continuity of Evidence: some interviews with vulnerable people can take place over a number of sessions/days because of communication requirements. Accounts from previous interviews

need to be summarised so the interview can start where it left off.

Exclusion or Inadmissible Evidence: the police/CPS need to demonstrate that they followed the rules regarding vulnerable/intimidated witnesses from the beginning – potential evidence may be excluded by the court if they don't.

Victim Personal Statements (VPS): statements made by the victim at the end of their evidential statements to tell the court the impact of the crime on the individual. They are read out in court after a finding of guilt and help the magistrate/judge determine the

severity of the sentence – **they must not be left out.** (VPS is covered in more detail in the following slides)

It is important that the person is made aware of the force's confidentiality policy and how the Data Protection Act 2018 affects them. They should be informed how the information they are giving will be recorded, how it will be stored and who will have access to it. This will be particularly important to people who may feel threatened by the perpetrator(s) of a crime or ASB, as they may be worried that the perpetrators will find out what they have said and of any potential repercussions.

It is important to build upon the relationship of trust that has been established and reassure them that their information will be handled securely.

The Consequences of Inaccurate Records

Inaccurate, illegible or incomplete records could result in :-

Inappropriate treatment of victims & witnesses due to confusion about their needs

Wasted police time spent deciphering illegible handwriting

Potential evidence being ruled as inadmissible in court



QTS – What are the possible consequences for victims and witnesses if this is not done?

Accurately documenting 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.

QTS – What actions would you record?

Victim Personal Statements

Enables victim to say how the crime has affected them physically, emotionally, psychologically, financially or in any other way

A voluntary process

VPS leaflet should be given

Can be made at the time of the crime or any point afterwards



QTS – What is a Victim Personal Statement VPS?

The Victim Personal Statement (VPS) gives victims an opportunity to describe the wider effects of the crime upon them, express their concerns and indicate whether or not they require any support. It

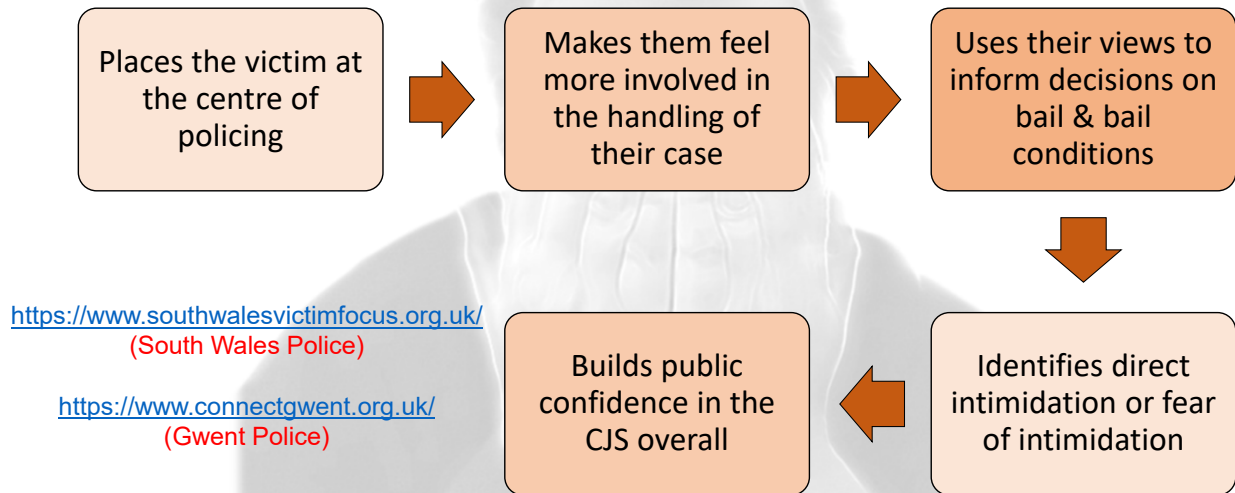
provides the criminal justice agencies with information on how the crime has affected the victim.

Provisions relating to the making of a VPS and its use in criminal proceedings are included in the Code of Practice for Victims of Crime (Victims' Code), which was revised in November 2020.

It is entirely voluntary and no inferences will be drawn whether the victim chooses to make a VPS or not. The judge or magistrate will consider the VPS when passing sentence.

Business Victims must be offered the opportunity to make a **Impact Statement for Business** (ISB). It outlines how a crime has affected businesses eg. loss of earnings or damage to reputation.

Making a Victim Personal Statement



QTS – What are the benefits of a VPS?

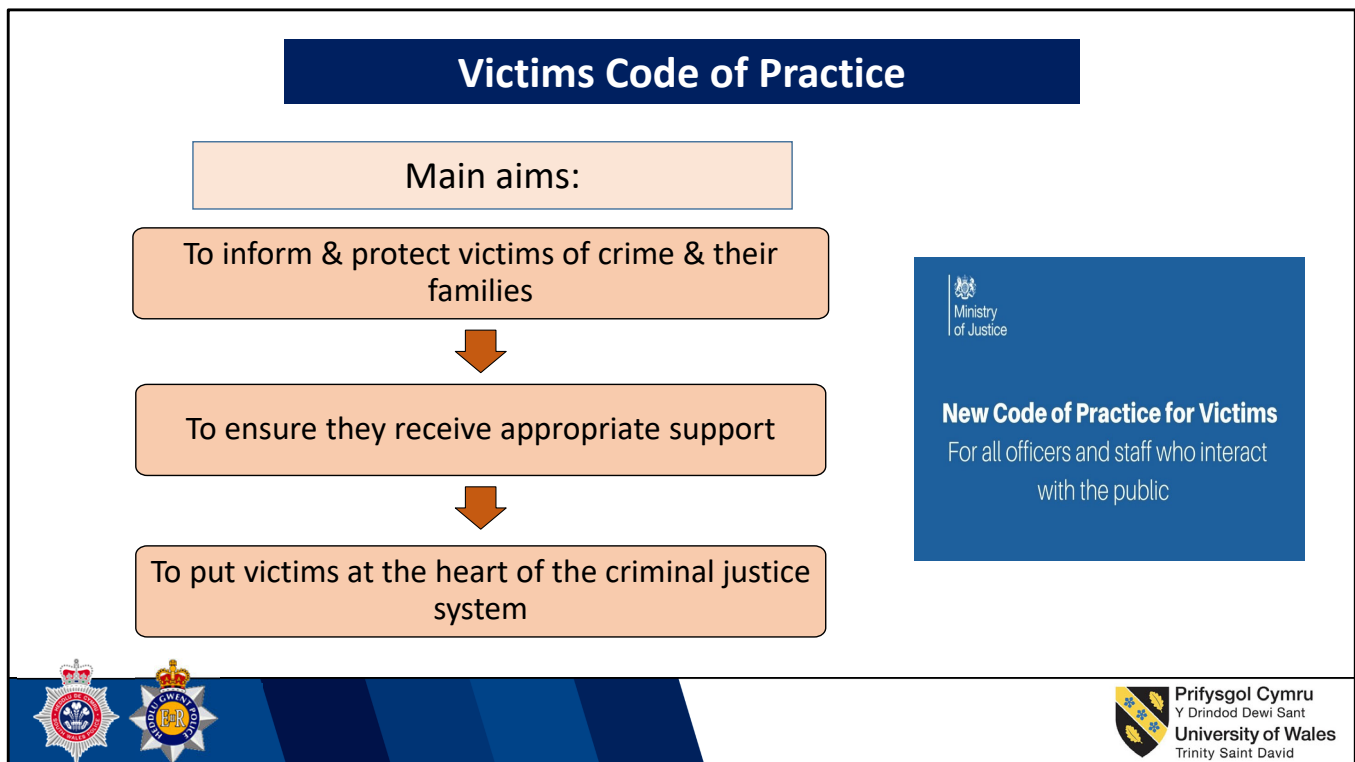
Traditionally the Police handed a victim a leaflet explaining the support available to them by Victim Support. An electronic referral is now made to Victim support (via Niche) with the victims permission, and Victim Support will contact the victim directly.

Website details can be offered to the victim, to show what support is available to them

<https://www.southwalesvictimfocus.org.uk/> (South Wales Police)

<https://www.connectgwent.org.uk/> (Gwent Police)

Trainer to click on to view...



The Code of Practice for Victims of Crime (Victims' Code) will come into effect on Thursday 1st April 2021. There is an up to date copy on Moodle.

The Victims' Code sets out the minimum standards that must be provided to victims of crime by the police and other organisations working within the Criminal Justice System.

The revised code simplifies and shortens the code to make it clear, concise, and easy to understand. It outlines twelve clearly defined **rights** for victims.

All officers and staff who interact with the public should read and understand the Victims' Code, to ensure that we meet the rights of victims.

Remember to:

Keep victims updated regularly throughout the investigation

Use the Victim Contact Codes on Niche – they will guide you through your obligations under the Victims' Code

Conduct a Victim Needs Assessment – which will be recorded on the Victim Contact code VU01.

Refer victims for support. Referrals can be made to South Wales Victim Focus through the link on the VU02 code.

Offer victims the chance to make a Victim Personal Statement

The Code of Practice for Victims of Crime (revised November 2020 and instigated April 2021) sets out the minimum level of service that victims can expect to receive from the criminal justice system. Failure to comply with it can be taken into account in civil or criminal proceedings.

Victims of crime should be treated in a respectful, sensitive and professional manner without discrimination of any kind. They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. It is important that victims of crime know what information and support is available to them from reporting a crime onwards and who to request help from if they are not getting it.

People entitled to services under the Victims' Code include:

- **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).

Victims have the right to complain if they feel that their rights under the code have not been met

Victims Code of Practice

The full Victims Code can be accessed on the following link

**[www.gov.uk/government/publications/
the-code-of-practice-for-victims-of-crime](http://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime)**



Benefits of Victim's Code

Helps in 'Achieving Best Evidence' in criminal proceedings

Ensures victims & witnesses feel confident to go to court

Complies with legislation



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.

Complying with legislation - the Victim Code assists officers to avoid disciplinary action, secures convictions and ensures officers are complying with their role.

Categories of Victims & Witnesses



QTS – what types of victims/witnesses will we come across? – Group Activity 2, groupwork (PPT slides 22 – 28)

Identifying and assessing the needs of victims and witnesses allows them to receive an enhanced level of service.

Alpha Victim The alpha victim is **complicit** in the **exploitation of others -their conditions may improve despite remaining a victim themselves OCGs frequently** have commonalities between members, such as nationality, an ethnic minority

Repeat Victim

Significant or key witness. These witnesses are seen as important to the case, and are defined during serious or major crime enquiries involving an indictable offence. The witness may have witnessed the offence or may be in a particular relationship to the victim.

Reluctant witness is a witness who declines to cooperate or who makes a statement but then refuses to attend court. They may fear repercussions or reprisals or simply might not want to assist police.

Anonymous witness - some witnesses are granted anonymity in the interest of justice. This may be to protect their safety or prevent serious damage to property or protect real harm to

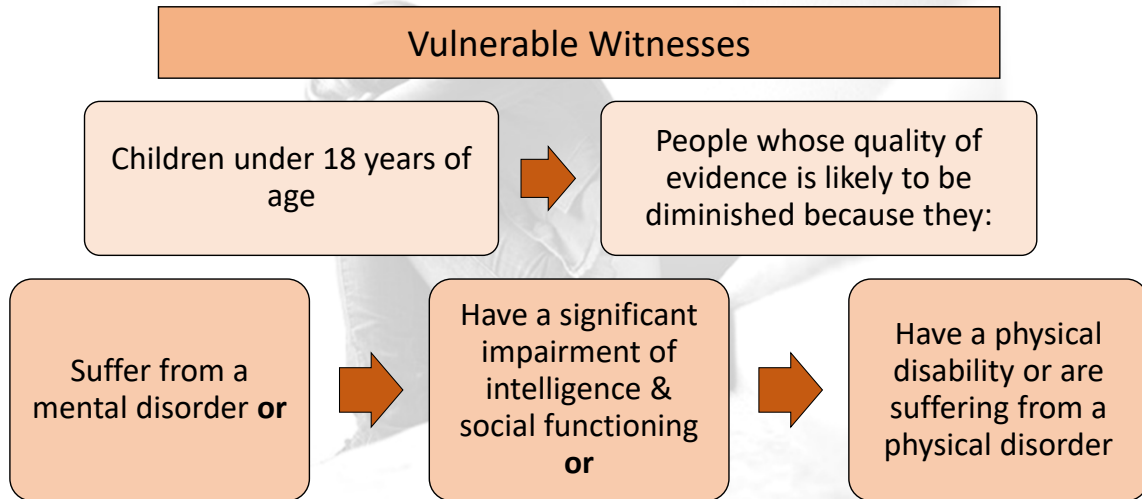
the public interest.

Defence witness is a person who the accused is going to call to give evidence at the trial in relation to an alibi or to other matters. Some defence witnesses may be intimidated or reluctant to assist.

Hostile Witness – a barrister can ask for a witness to be deemed ‘hostile’ by a judge. This is when a witness has made a statement previously but declines to confirm details in court, and is assumed that they are deliberately not telling the truth

Cooperative Witness If a person is declared a "cooperative witness", he or she is immune from prosecution in exchange for testimony against an accused person at trial. A common scenario for declaring a cooperative witness involves the apprehension by police of a low-level criminal, who subsequently testifies against a high-level organized crime leader in exchange for immunity from the crime at hand.

Youth Justice & Criminal Evidence Act 1999 (Section 16)



Vulnerable witnesses

- Children under 18 years of age at the time of the hearing

Anyone whose **quality of evidence** is likely to be diminished because they are:

- suffering from a mental disorder (as detailed under the Mental Health Act 1983) - People with a psychopathic or any other personality disorder, schizophrenia or any other *mental disorder*. This this might include a clinical diagnosis of depression

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.

- have a significant impairment of intelligence and social functioning, - people with learning disabilities, people with Alzheimer's Disease or other forms of dementia
- have a physical disability or are suffering from a physical disorder - people suffering from impairments of their hearing or speech (someone with a stammer likely to

become more severe under stress), people who have limited mobility, for example, users of wheelchairs and other aids to assist their movement.

Quality of evidence refers to a witnesses ability to give relevant answers in terms of completeness, accuracy and coherence (ability to provide answers to any questions put to them)

The 1999 Act was brought about following the publication of '*A Guide to Achieving Best Evidence*' which sought to change the attitude of those involved in the police, CPS, defence & courts regarding evidence that may be given by someone with learning difficulties. Until the Act a person was more likely to be excluded from the process as the justice system didn't have skills or facilities to cope with hearing their evidence.

Not all adults with a disability will necessarily be vulnerable as a witness or would wish to be treated as such. It will depend on the nature of the disability and whether it affects ability to perform the functions of a witness.

Note: The YJ&CE Act 1999 originally defined a 'child witness' as being under 17 years. The Coroners & Justice Act 2009 raised it to 18 yrs.

Behavioural Indicators of

Could include :-

Difficulty in communicating without assistance or interpretation

Difficulty in understanding questions & instructions

Speech is difficult to understand & there is no or limited speech

Responding inappropriately or inconsistently to questions

Appears to focus on irrelevant small points, but not important ones

Unable to read or write

Appears eager to please or to repeat what you say

Confused by what is said or what is happening



Early identification of a victim or witness who may be subject to intimidation is vital so that the most appropriate support can be provided.

This is not a definitive list

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”.

Youth Justice & Criminal Evidence Act 1999 (Section 17)

Intimidated Witness

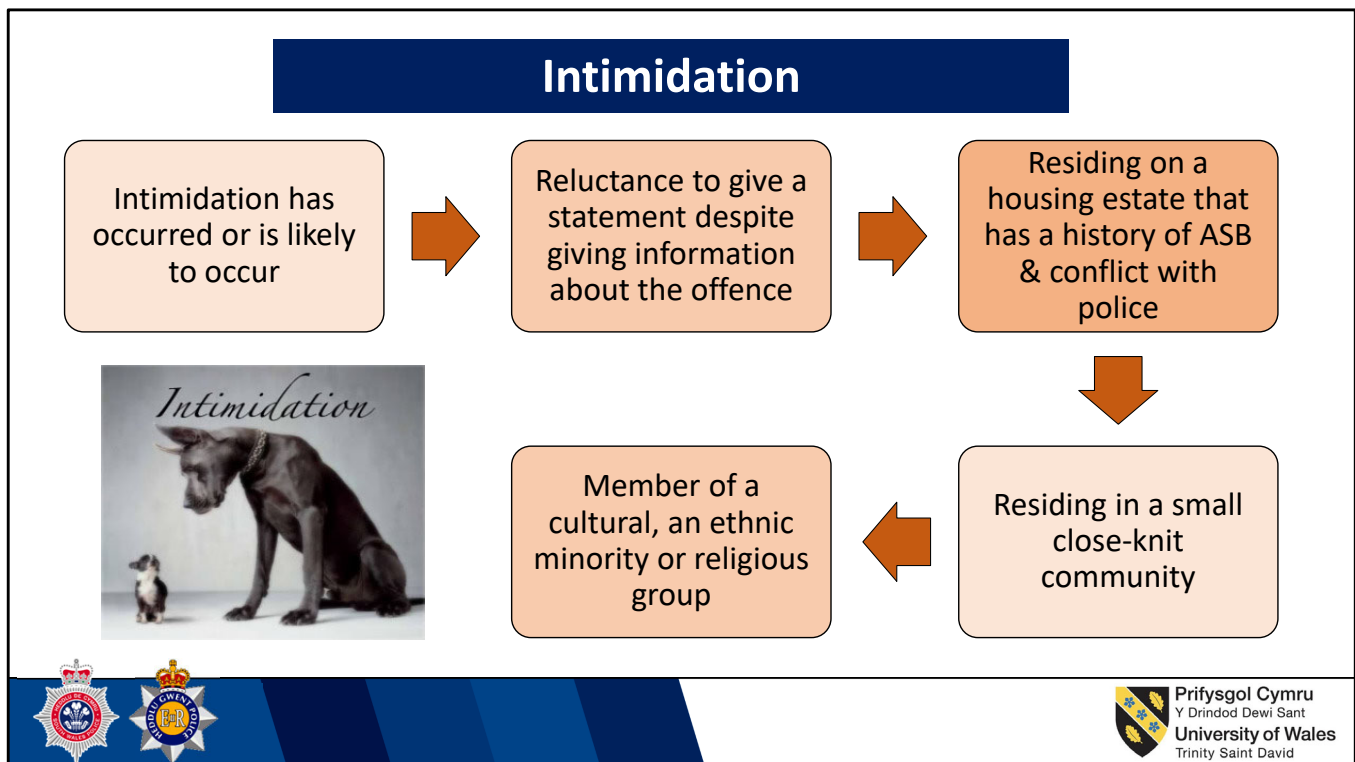
Witnesses in criminal proceedings (other than the accused) whose quality of evidence is likely to be diminished by reason of fear or distress in connection with testifying in proceedings



The threats or acts can be physical or financial, e.g. threatening to withhold payments for a child if the witness reports an incident to the police or gives evidence.. The intention of the intimidation must be to deter the witness from reporting an incident to the police or giving evidence in court and any threats or acts made against friends and relatives of the witness are also covered

Witnesses who might be regarded as intimidated include those involved in:

- domestic violence
- crime motivated by reasons relating to race, religion or disability
- homophobic and transphobic crime
- violent crime, particularly that involving guns or knives
- gang related violence
- Victims and witnesses who have experienced past or repeat harassment or bullying
- Victims and witnesses who are elderly and frail
- Complainants to sexual offences automatically fall into this category unless they wish to opt out
- An offence under S1 (slavery, servitude and compulsory labour) or 2 (Human Trafficking) of the Modern Slavery Act 2015



Early identification of a victim or witness who may be intimidated is vital so the most appropriate support can be provided. The following list is not definitive but may help;

The witness:

- tells a police officer or other member of the criminal justice system that intimidation has occurred or is likely to occur
- resides on a medium to high-density housing estate that has a history of ASB and conflict with the police, or resides 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 member of a cultural, an ethnic minority 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 violence, 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, eg 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".

Repeat Victimisation (RV)

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

Home Office Bulletin
“Crime in England & Wales 2009/10”



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

- Residential areas where a high proportion of older people live (including council owned properties and sheltered housing organisations)
- Areas where young people congregate, eg local parks
- High density housing estates, either council or privately owned
- Industrial and/or business areas
- Areas with a collection of shops eg shopping centres

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

Repeat Victimisation 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:

- be too embarrassed or afraid to tell anyone
- wish to maintain their privacy or deal with the matter themselves
- believe the police would not or could not do anything
- 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.

Poly- victimisation

This refers to having experienced multiple victimisations such as sexual abuse, physical abuse, bullying & exposure to family violence. The definition emphasises different kinds of victimisation rather than multiple episodes of the same kind of victimisation



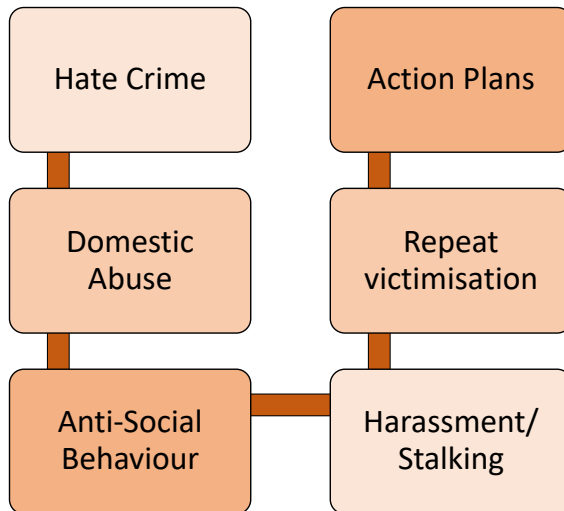
Secondary victimisation

The **1999 Stephen Lawrence Inquiry** highlighted that a victim or complainant may suffer further harm because of insensitive or abusive treatment from the police service or others. This may include, for example, perceived indifference or rejection from the police when reporting a hate crime or incident. This harm may amount to secondary victimisation.

Secondary victimisation is based on perception & it is immaterial whether it is reasonable or not for the victim or complainant to feel that way. An open & sensitive policing response can prevent escalation.



Specific Crimes & Incidents



QTS – What types of crimes can be especially difficult for victims/witnesses? – Group Activity 2, groupwork

Some crimes and incidents because of their nature can have a devastating effect on the victim, families and communities, particularly if part of a campaign lasting months or even years.

Crimes associated with Domestic Abuse, Anti-Social Behaviour, Harassment and Stalking can be particularly distressing for victims.

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.

‘Hate crimes and incidents are taken to mean any crime or incident where the perpetrator’s hostility or prejudice against an identifiable group of people is a factor in determining who is victimised’.

‘Hate’ can be based on any one of the protected characteristics under the Equality Act 2010, but the most vulnerable victims of crime are those who become victims because of their Age, Disability, Gender reassignment, Race, Religion or belief, or sexuality. This is not to discount the others (Marriage and civil partnership and Pregnancy and maternity) but the most common form of hate crime is directed at the others...

In each of the crimes/incidents listed on the PP, attending officers are required to identify early on whether or not the victim is a repeat victim or a vulnerable victims to make sure they receive the best service.

They must then ensure a Repeat Victim Action Plan (RVAP) or a Vulnerable Victim Action

Plan (VVAP) is put in place.

We've looked at vulnerability – but in terms of *repeat victims*, partners will have developed a *threshold* for identifying repeat victimisation – this could be in terms of the crime – e.g. victim of a dwelling burglary twice within 12 months, or hate crime/incident in a similar period. Some forces adopt a different threshold for ASB – e.g. 3 incidents in a 12 month period and 2 incidents in the same period for domestic abuse.

Whatever the threshold, the requirement will be the same – **identifying repeat/vulnerable victims at the first point of contact**, then providing a quality service, prompt investigation and specialists to assist with an Action Plan asap.

The action plan will include liaison internally (with specialist departments) and externally (with specialist partners).

It is important that such victims 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 – some of these are on the next slide...

Of course, in almost all of these cases, there will also be a crime to deal with; therefore, officers must be able to gather information and evidence to effectively investigate the offence.

Communicating with Vulnerable Victims & Witnesses

Observe them carefully – how do they communicate with you?

Face people when speaking (for lip reading)

Have a pen & paper ready for either of you to use

Be patient & avoid interrupting (the incident may take longer than you expect)

Listen & allow the person to use their own words

Use language that is appropriate to the person

Avoid police jargon or abbreviations

Use open questions & the 5WH tool

Remember to reassure the victim or witness

Consider whether a friend/relative may be able to assist



QTS – How can we ensure effective communication with victims and witnesses? – Group Activity 2, groupwork

Effective communication is important for **all** victims and witnesses, but extra effort must be made for those who are vulnerable.

- Different methods of communication may be required and advice may be needed on the best method of communicating with some vulnerable people. Key points to remember include:
- 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).
- Emergency SMS (ESMS) is a national service 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.

5 WH Questioning Tool

Use open questions whenever possible



Effective communication is important for all victims and witnesses, but extra effort must be made to **identify** and **communicate** with those who are **vulnerable, intimidated** or **repeat** victims.

The 5WH questioning tool can be useful when carrying out general enquiries and problem-solving activities.

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?

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?

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)?

When:

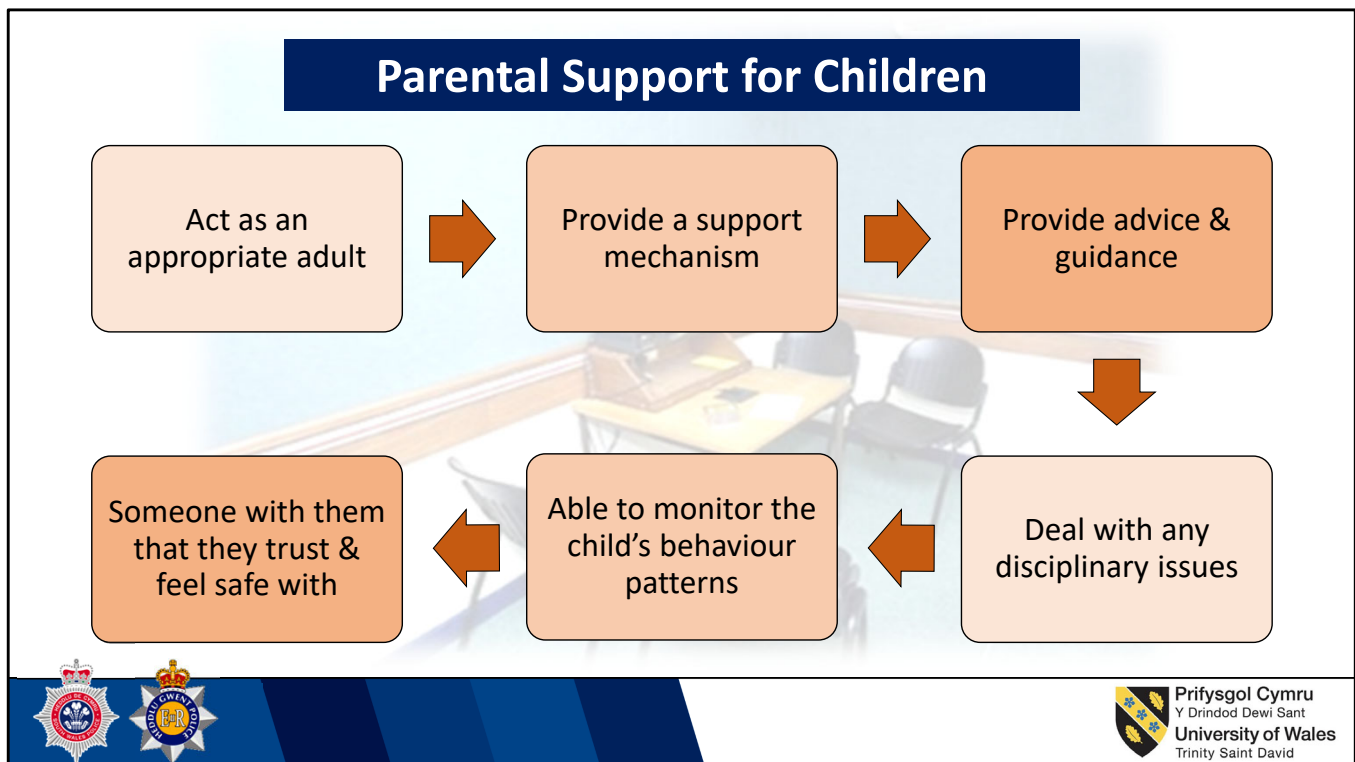
- did it occur (time of day or night)?
- will an intervention be carried out?

Why:

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

How:

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



QTS – How can parents support their children when they are victims/witnesses? – Group Activity 2, groupwork

There is no legislation that demands that parents must be present when interviewing children as victims or witnesses.

Practically it is best practice to consider involving a parent or a person with parental responsibility:

- They can act as an appropriate adult
 - They have someone with them that they trust and feel safe with.
 - They can provide a support mechanism which can be ongoing for restorative justice initiatives/youth cautions
 - They are able to understand and support any restorative justice initiatives.
 - They can offer advice and guidance
 - They can take responsibility for the child's behaviour & deal with any disciplinary issues
 - They can monitor the child's behaviour patterns
 - They can be encouraged to take an active role in any solutions
 - They can understand impact of crime on individual or their property
-
- They can assist/engage in any multi-agency approach linking into legislation such as Children Act 1989 & Anti Social Behaviour Crime & Policing Act 2014

There is a legal responsibility for parents to look after the welfare of children under the Children Act 1989

Impact of Investigative Activity on Victims



QTS – What is the potential impact of the investigation process on victims and what support can the police offer them? – Group Activity 2, groupwork

Areas to facilitate discussion:

Expert witnesses: who are they? Are the police experts – if so, what in? what can they offer the investigation?

What about difficult messages to the victim? What does this mean e.g. CPS have stated that they will not be going forward with the case; NFA decision by police; other issues that come to light e.g. CCTV shows victim's behaviour lead to the him being assaulted.

How would you manage a victim or witness who is hostile to the police e.g. a DV victim who does not want their partner prosecuted; a victim who is constantly saying the police are not helping when you are taking a statement? Victims or witnesses who refuse to give a statement or refuse to sign EPNB to say they don't want any action to be taken?

Expert witnesses would include medics; forensic officers; people who specialise in a particular field e.g. technology.

Sign post students for further reading in Blackstones or College of Policing

Victim Care

Victims can feel vulnerable & may go through life changing incidents

It is important that we offer the correct care & sign-posting to third party agencies where necessary

Make referrals or seek advice from Victim Support, Witness Care Unit's, PPU, Comm Safety Depts, Neighbourhood Watch, social housing providers, crime reduction officers/NPT

Seek consent from the victims where needed

Take age of victim into account. Children or elderly victims may be extremely nervous about the process



Police Duties

The police have a number of duties under The Code of Practice for Victims of Crime, arising from the first point of contact. Police officers must fully acquaint themselves with the content of the Code and their obligations.

Support to victims and witnesses

When involved in the prosecution process, a victim or witness is entitled to support through different measures and from organisations which form part of the criminal justice system. Victim Support provides information and counsel to victims and witnesses through services including the Supportline and the Witness Service.

Witness care units

Witness care units (WCUs) exist across England and Wales. Witness Care Units are predominantly police staffed units who provide information and support to victims and witnesses in cases progressing through the criminal justice system. The units are a single point of contact for victims and witnesses, and provide support and information after charge, tailored to the needs of the victim or witness. WCUs will ensure the needs assessment of victims are updated and shared with wider criminal justice agencies. By being

better supported and equipped, witnesses are more likely to feel confident and be willing to support the prosecution process. WCUs aim to achieve positive outcomes for the criminal justice system, by having fewer failed cases due to known victim issues, striving to reduce attrition, and in improving the experience for victims and witnesses.

WCUs do not affect the responsibilities placed on the police and prosecutors to keep victims updated and informed about key decisions pre-charge, as set out by the Code of Practice for Victims of Crime

WCUs oversee the provision to the Crown Prosecution Service (CPS) and court, relevant documentation relating to victims and witnesses, for example, the victim personal statement. They also work closely with partner agencies who can support victims even those who are abroad. The witness care officer (WCO) is the central point of contact in a WCU for a victim/witness, from the time an offender is charged to the end of the court case. Arrangements for managing contact should be clarified and agreed by the WCO with the officer in the case on a case-by-case basis.

The WCO:

- informs a victim/witness of trial dates
- monitors dates that victims and witnesses cannot attend court
- carries out a detailed needs assessment to identify the support needed to enable witnesses to attend court and to give their best evidence
 - this includes managing any requirement for special measures for vulnerable and intimidated witnesses

The WCO communicates the outcome of any special measures application to the victim/witness once notification is received from the Court. If help is required on the day of trial, for example, with transport to the Court the WCO help the witness to manage arrangements for this. They also update victims/witnesses of the trial outcome within timeframes defined within the Code.

WCU also can provide advice to Police Officers to help them manage victims through the court process.

Special measures options (Covered on Slide 36)

These include, but are not limited to:

screening a witness from the accused

giving evidence by live link

giving evidence in private in a sexual case or where the court considers that the witness may be vulnerable or intimidated

ordering the removal of wigs and gowns

video-recorded evidence in chief

witness intermediaries to enhance witness communication (available only to eligible vulnerable witnesses)

aids to communication, eg, alphabet boards (available only to eligible vulnerable witnesses).

Very young witnesses

Very young children are particularly vulnerable within the criminal justice process. They may find the process frightening and stressful and they are likely to forget details more quickly

than other witnesses. Special measures may not be sufficient to enable them to give their best evidence.

In recognition of this, ACPO, the CPS and Her Majesty's Court and Tribunals Service have adopted a protocol to expedite cases involving witnesses under 10 years. It applies to cases charged on or after 1 April 2015 where a witness is under 10 at the time the incident is reported to the police and that witness has provided an evidential statement or ABE interview about the incident. The child can be a witness for either the prosecution or the defence. The protocol sets out the signatories' obligations to be expeditious at all stages of the investigation and prosecution.

Statement of withdrawal of support

This should contain:

confirmation of whether the original statement given to the police was correct (if the account given in the original statement has to be amended, an application for this should be included)

whether the victim has been put under pressure to withdraw or has been subjected to threats or intimidation

nature of the original allegation (if not fully covered in a previous statement)

victim's reasons for withdrawing support for the prosecution

with whom the victim has discussed the case, particularly anyone who has advised them (a solicitor, for example)

whether any related civil proceedings have been or are likely to be instigated (this is particularly relevant in domestic serious sexual offences)

the likely impact on the victim's life and that of other witnesses or people affected if the case continues.

Statements of withdrawal of support can be used as evidence in current or future criminal proceedings, or as evidence within the family court system. These statements should be retained as information that might be relevant to future investigations.

Witness summons

In some cases a witness summons may be necessary to compel a witness to give evidence. If this is required a summons will be issued under section 97, Magistrates' Courts Act 1980. The Criminal Procedure Rules 2020 set out how to apply for a witness summons.

Compensation

Victims of a violent crime can be compensated for physical or mental injury either through the court or by application to the Criminal Injuries Compensation Authority (CICA).

Court award

Further information

The Prosecution Team (2011) Manual of Guidance: For the preparation, processing and submission of prosecution files

The court may order a defendant to pay compensation for any injury, loss or damage resulting from an offence for which he or she has been convicted. The police should supply the victim with an MG19 compensation claim form as soon as possible after a defendant has been charged, so that the victim can provide details of any financial loss or injury. In cases where a defendant pleads guilty at the first hearing, the court may make an order based on

information contained in an MG5 police report.

Criminal Injuries Compensation Authority

Further information

Criminal Injuries Compensation

The Criminal Injuries Compensation Scheme is a government funded scheme administered by the Criminal Injuries Compensation Authority (CICA).

Victims should be told about and offered in writing, information about their rights and entitlements in accordance with the victims Code, including compensation, from their first point of contact with the relevant telecoms operators (see section 1.24 of the Code of Practice for Victims of Crime), the Ministry of Justice produces materials to help fulfil this duty, although your force may have its own local procedures. If you are unsure please check. Forces should be aware that often the police are the only source for some of the information which CICA needs to verify an applicant's eligibility in terms of the rules of the Schemes. There is a protocol between NPCC and CICA which set out these requirements entitled 'Compensating Victims of Violent Crime – A Working Protocol Between Criminal Injuries Compensation Authority and National Police Chiefs Council'.

Through the compensation scheme CICA can consider claims for:

mental or physical injury following a crime of violence (as defined by the scheme)

sexual or physical abuse

loss of earnings – where the victim has no or very limited capacity to work (for more than 28 weeks) as the direct result of a criminal injury

a fatality caused by a crime of violence, including bereavement payments, payments for loss of parental services and financial dependency, and funeral payments

special expenses payments – these cover certain costs incurred as a direct result of an incident, these are however limited to the expenses specified within the scheme. CICA will only consider special expenses if the victim has been unable to work or has been incapacitated to a similar extent for more than 28 weeks.

Not all claims for compensation will be successful. A victim must be eligible under the rules of the scheme. The scheme is intended to be a last resort. Victims are also entitled to seek compensation through the civil courts. If they wish to do so they should seek their own legal advice. Where the opportunity exists for the victim to pursue compensation elsewhere they should do so. Claims under to CICA must be made within two years of the date of the incident (exceptions apply). CICA do not have to wait for the outcome of any criminal trial to make an award under the scheme.

The rules of the scheme and the value of the payments awarded are set by Parliament and are calculated by reference to a tariff of injuries. Although the size of the award varies to reflect the seriousness of the injury, it is acknowledged that this will never fully compensate a victim for what they may have suffered or lost.

It should be noted that vulnerable and intimidated victims are entitled to assistance in making their application. Such assistance should be provided by suitably qualified and trained personnel in the circumstances, such as independent sexual violence advisers, for example.

Investigators' Responsibilities

Investigators must not discourage a victim from making an application for criminal injuries compensation as this may affect their eligibility under the time limits.

Concerns have been raised that applications for compensation may be cited in subsequent

court proceedings to undermine a victim's credibility, particularly in cases relating to allegations of sexual abuse. In all cases, however, victims should be offered information about their rights and entitlements in accordance with the Victims' Code, including compensation, from their first point of contact with the relevant service provider this is a positive duty to provide information (see sec 1.24 of the Code of Practice for Victims of Crime). Victims should be advised that claims must be made as soon as possible and should not be delayed until the conclusion of an investigation or trial.

CPS prosecutors will manage any challenges in relation to compensation claims during the trial if this is raised by the defence.

Investigators should refer victims to Victim Support where they can obtain independent advice about making a claim.

Time limits for making applications

Victims must apply for compensation as soon as it is reasonably practicable to do so. If they were an adult at the time of the incident, this should not normally be any later than two years after the incident occurred (exceptions apply).

Time limit for applicants under 18 years of age on the date of the incident

Special provision is made in the scheme for victims under 18 at the time of the incident. Although CICA will consider later applications in those circumstances, it is better to apply as soon as possible.

If the incident or period of abuse **was reported to the police before the victim became 18**, and no one made a claim on their behalf, they can make a claim up until the day of their 20th birthday.

If the incident or period of **abuse took place before the victim became 18 but was not reported to the police at the time**, they can apply within two years from the date of reporting the incident or abuse to the police.

If the victim wishes to extend these periods, they will need to provide evidence that shows why the application could not have been made earlier.

Victim Support can provide victims with free independent advice on how to make a claim although they no longer formally represent applicants.

Victims and witnesses in court

Victims and witnesses involved in an investigation may be required to attend court and provide evidence against or in defence of the accused. In court, victims and witnesses are informed and protected by staff of Her Majesty's Court and Tribunals Service (HMCTS), which is an agency of the Ministry of Justice. HMCTS is responsible for the administration of criminal courts in England and Wales.

Further reading on the College of Policing Website or Blackstones

Special Measures



Screening the witness from the accused



Giving evidence by means of a TV link



Removal of wigs & gowns



Video recorded interview



QTS – what does the term ‘special measures’ mean in the context of witnesses giving evidence at court? – Record on whiteboard

The Youth Justice and Criminal Evidence Act 1999 sets out a number of special measures that assist vulnerable and intimidated witnesses (both adults & children) to improve the quality of their evidence.

(Achieving Best Evidence). It applies to both prosecution and defence witnesses (but it does not apply to the accused).

Consideration as to which, if any of the special measures should be made available will be made by the investigating officer, the Crown Prosecution Service and the Court.

Child witnesses under the age of 18 will automatically be eligible for special measures

Screens: the witness sits behind a screen and can be seen by the judge/jury but not the accused (or the public depending on how intimidated they are)

Live TV link: enables the witness to give evidence during the trial through a televised link to the courtroom. Can be from a remote location with evidence being given as though they were actually in court.

Removal of wigs or gowns by judges and barristers: usually for children to appear less formal

Video recorded interview: a video-recorded interview with a vulnerable or intimidated witness before trial may be admitted by the court as witness evidence-in-chief - for adult

complainants in sexual offence trials in the Crown Court.

****NEW – 2021 – SWP ONLY at present **** (Gwent locations are being added and will be added to presentation once technology installed/available)

Safe video link - evidence facilities

Cadoxton house in Barry has been run by HMCTS as a place where witnesses can give evidence from a site other than a Courtroom. Because of its location it has not been used much.

In attempt to get better usage of the facility - more locations in more accessible places. The advent of HMCTS IT technology that allows evidence via internet link also changed things. This led to Welsh Govt funding for sites across Wales that could offer a safe place for individuals to give evidence. They arranged for funding at the sites usually in DV third sector locations.

We will have 9 Safe video link – evidence facility sites in the SWP area (exact locations will be available through PPU/Hub once operational).

Barry
Swansea
Neath
Maesteg
Tonypany
Aberdare
Merthyr
Cardiff x 2.

Special Measures



Giving evidence in private



Examination of witness through intermediary



Aids to communication



Using video recording for giving evidence



Giving evidence in private – members of the public and press (except for one named person to represent the press) may be excluded from court in cases involving sexual offences or intimidation by someone other than the accused.

Examination of witness through intermediary - accredited specialists who help with communication difficulties. Can assist victims when being interviewed by police & at court. They explain questions & answers to help witness without changing substance of evidence. Might be used to help young children or adults who have suffered a stroke or other brain injury.

Aids to communication – This can include computers, voice synthesisers, symbol boards and books. *The case of R v Watts [2010] EWCA Crim 1824 is a leading example of the use of this special measure, which was granted in combination with a number of other special measures to enable non-verbal witnesses with severe communication needs to give evidence.*

Video recorded cross examination/re-examination – Section 28 (pre-recorded cross exam) is now available to all S17 witnesses (inc 17.4 and 17.5 etc). Please bear in mind that S28 cannot be used without S27 (VREIC). It is only applicable in Crown Courts cases.

National Association Victim Support Schemes (NAVSS)



Practical



The community's responsibility



Crisis intervention



QTS – What support can victim support agencies provide to victims when they are going through through the Criminal Justice process?

NAVSS – National Association of Victim Support Schemes

Victim Support is an independent national charity. Trained volunteers, 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):

Practical

Practically, they are able to give advice on how to

- replace broken windows or strengthen door locks etc.
- obtain information with regard to the criminal justice process
- claim compensation through the Criminal Injuries Compensation Authority.

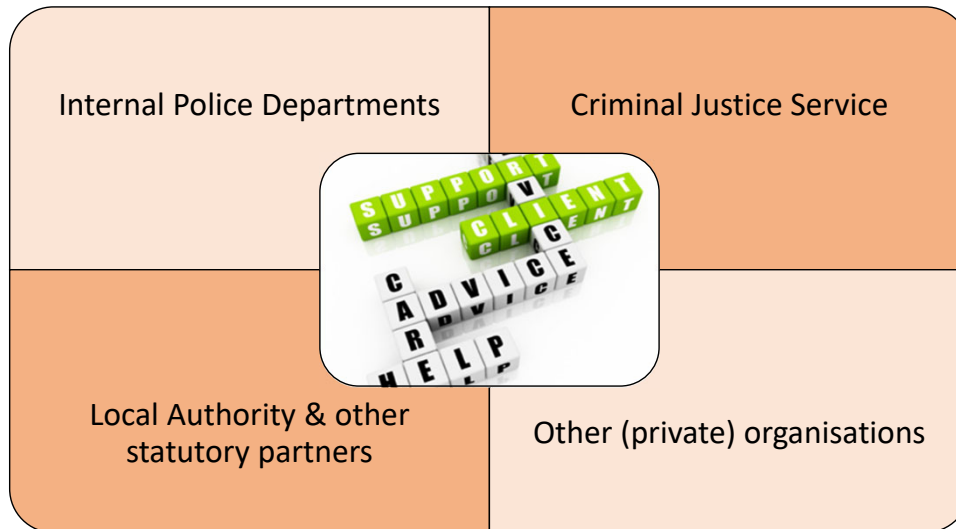
Crisis intervention

This is the main area of the scheme. 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, such as a sudden, unexpected incident like

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

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 their anger about a crime may develop into bitterness towards the authorities and the 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.

Sources of Advice and Support



We can also give advice to a victim of crime in respect of seeking compensation

- Criminal Injuries Compensation Authority (administers Criminal Injuries Compensation Scheme for England, Wales & Scotland)
- Courts: Civil and Criminal

Internal Police Departments

ASB, DV, Hate Crime co-ordinators etc

CJS:

Crown Prosecution Service (CPS)

Witness Care Units (police and CPS)

Victim Support Service

Witness Services provide support to persons having to attend court

Local Authority/Other Statutory Partners

Anti-Social Behaviour Units

Housing Departments

Social Services

Health Service

Education

Community Safety Units

Other (Private) Organisation

Race Equality Council

Housing Association

Women's Aid: support for victims of domestic violence/abuse

Childline: advice and support for children

National Domestic Violence helpline

Citizens Advice Bureau

Shelter: advice in relation to the homeless

Men's Advice Line: Support and advice for men in abusive relationships

MIND: Empower anyone experiencing mental health problem – campaign to improve services, raise awareness and promote understanding.

Neighbourhood Watch

Charitable Organisations

What else can we do?



What are our responsibilities to victims after criminal justice system outcomes?



QTS – what are our responsibilities to victims after criminal justice outcomes?

Trainer to discuss the process of feeding back and offering after care to victims of crime.

There is no exhaustive list, and officers may need to explain that outcomes can be down to other agencies to deal with, as well as ourselves:

1. Youth Offending Teams
2. Courts- magistrate and crown, as well as court of appeal, witness care should be feeding back, however, not always the case
3. 18 – 25 scheme
4. Caution system
5. Restorative Justice system
6. No further action
7. Probation system

The victims may not be happy with some outcomes e.g. not guilty in court; victim may want a harsher sentence in court, at this point, it must be explained that we are powerless towards sentencing by the courts, even if we offer the best ever evidence to have a

defendant to be found guilty.

Further Information

Code of Practice for Victims of Crime
'A Guide for Victims'

<http://www.victimsupport.org.uk>

<https://www.victimsinformationsservice.org.uk>



April 2015: The Ministry of Justice launched their **Victims' Information Service**, a website containing information about reporting a crime and going to court.

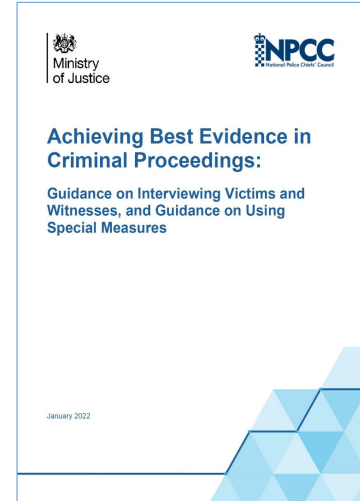
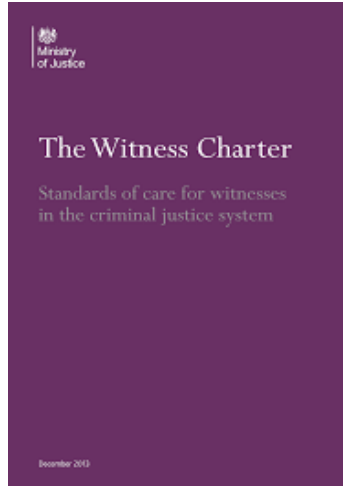
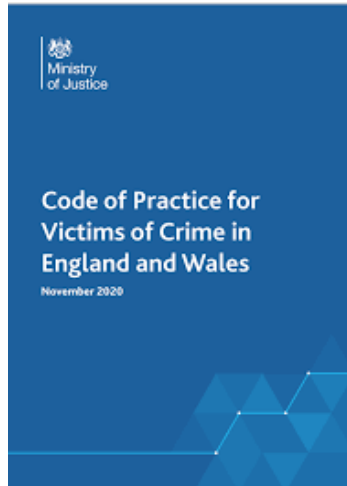
The site offers victims support in two specific areas:

- What happens after a crime which includes reporting a crime, the police investigation, going to court, and after an offender is sentenced and
- The support a victim should receive as their case progresses from making a Victim Personal Statement to extra help in court.

There is a helpline number that victims can ring to obtain similar information over the phone.

The helpline number is 0808 168 9293.

Further Reading



These are available on the Ministry of Justice website as well as the 2022 version of *A Guide to Achieving Best Evidence*.

The Code of Practice for Victims of Crime (the Code for Victims) is the statutory code which sets out the minimum level of service victims should get from criminal justice agencies. The Code for Victims applies to all criminal justice agencies, including the police, Crown Prosecution Service, Courts Service, and the Probation Service.

The Code stipulates what each criminal justice agency must do for victims, and the timeframe in which they must do it. It tells victims exactly what they can expect from the criminal justice system, and allows them to hold the system to account if they don't get the service to which they are entitled.

The Witness Charter was revised to bring it in line with the Victims' Code and best practice, especially in regard to raising awareness of the use of special measures by the police, CPS and the courts to support vulnerable and intimidated witnesses. The Witness Charter sets out the standards of care that all witnesses should expect to receive from all CJS agencies from the point of reporting a crime to the police to the court trial.

Victims Right to Review - On **1st April 2015** a new system to deal with the Victim's Right to Review (VRR) was introduced in all police forces across the UK. The VRR relates to the right for a victim to ask for a review of a decision not to prosecute.

