



# VICTIM AND WITNESS STANDARD OPERATING PROCEDURE

## STANDARD OPERATING PROCEDURE

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## VICTIM AND WITNESS - STANDARD OPERATING PROCEDURE (SOP)

### 1 INTRODUCTION

- 1.1 This procedure effects and is subject to the conditions of policy [Victims & Witnesses Support Policy](#).
- 1.2 This procedure applies to England and Wales.
- 1.3 This procedure applies to all police officers, police staff and Special Constables.

### 2 KNOWLEDGE

#### 2.1 Terms and Definitions

PNLD	-	Police National Legal Database
CRC	-	Crime Recording Centre
VSS	-	Victim Support Scheme
JAS	-	Justice Administration System
WMS	-	Witness Management System
CMU	-	Crime Management Unit
NCRS	-	National Crime Recording Standard
CPS	-	Crown Prosecution Service
CICA	-	Criminal Injuries Compensation Authority
CICAP	-	Criminal Injuries Compensation Appeals Panel
CCRC	-	Criminal Cases Review Commission
WCU	-	Witness Care Unit <sup>1</sup>
JU	-	Justice Unit (Area/Central Justice Unit)
IO	-	Investigating Officer

#### 2.2 Responsibilities

##### Overview

- **Police officers and staff** who have initial contact with a witness or victim, whether in person or by phone, will make an initial assessment as to whether the witness or victim may be vulnerable or intimidated, and will initiate the relevant referral or response. The [BTP Crime Screening Policy \(PNLD Ref:](#)

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<sup>1</sup> In London the term Witness Care Unit refers to the Justice Unit due to amalgamation of both Units.



[Policy/001/06](#)) will be applied at the earliest opportunity, once there is sufficient information to make an assessment as to the solvability of the crime in accordance with the policy. This will normally be carried out by the CMU in each Police Area.

- **Officers in charge of investigations (OIC)** will be responsible for ensuring the standards of The Witness Charter and Victims Code of Practise are complied with up to and including the point of charge or report for summons.
- **Officers in charge of JUs** will be responsible for ensuring the standards of The Charter and Code are complied with for each case following receipt of a proposed prosecution file until the point a summons is issued or any other decision is made by the JU.
- **Officers in charge of WCUs** will be responsible for ensuring the requirements of The Charter and Code are complied with for each case following the laying of a charge or the issue of a summons, up to the point of final disposal.

Key nominal	Key Actions
Initial report made to Control Room	<ul style="list-style-type: none"> <li>▪ Assess response required including an initial assessment as to vulnerability of Witness/Victim.</li> <li>▪ Deploy officer or transfer to CRC.</li> </ul>
Attending officer	<ul style="list-style-type: none"> <li>▪ Pursue all relevant lines of enquiry.</li> <li>▪ Assessment as to vulnerability of Witness/Victim.</li> <li>▪ Consider solvability factors as per <a href="#">Crime Screening Policy (PNLD Ref: Policy/001/06)</a>.</li> <li>▪ Report to CRC and advise 'screened in' or 'screened out'.</li> </ul>
CRC Cardiff	<ul style="list-style-type: none"> <li>▪ Assess vulnerability of Witness/Victim and if necessary refer back to Control room for deployment.</li> <li>▪ Consider immediate referral to VSS.</li> <li>▪ Raise crime report on CRIME with appropriate Witness/Victim markers.</li> <li>▪ Send initial Witness/Victim letters.</li> </ul>
CMU at Area	<ul style="list-style-type: none"> <li>▪ Review Crimes 'screened out' by officer.</li> <li>▪ Allocate Crimes requiring mandatory investigation and those 'screened in'.</li> <li>▪ Manage investigative process and ensure police activity is recorded on CRIME.</li> <li>▪ Ensure compliance with the <a href="#">Minimum Standards of Investigation (PNLD Ref: D55270)</a>.</li> </ul>
Investigating Officer	<ul style="list-style-type: none"> <li>▪ Pursue all relevant lines of enquiry</li> <li>▪ Notify the Witness/Victims of progress in accordance with The Charter and Code, up to the point of charge or report for summons.</li> <li>▪ Record this action on CRIME</li> </ul>

Victim Manager	<ul style="list-style-type: none"> <li>▪ Monitor Witness/Victim contact and notifications using the Victim/Witness Management Console within CRIME.</li> <li>▪ Provide support and advice to Investigating Officers to ensure The Charter and Code are complied with.</li> <li>▪ Provide relevant management information in relation to compliance with The Charter and Code.</li> </ul>
JU	<ul style="list-style-type: none"> <li>▪ Ensure effective case progression.</li> <li>▪ Notify the witness/victim on progress in accordance with the Charter and Code up to the point of summons being issued if the decision to prosecute was made by JU.</li> <li>▪ Record this action on JAS/CuCase.</li> </ul>
WCU	<ul style="list-style-type: none"> <li>▪ Notify the Witness/Victim of progress in accordance with The Charter and Code, from Charge/Issue of Summons to the final disposal at Court.</li> <li>▪ Record this action on JAS/CuCase.</li> </ul>

This approach is the simplest and most effective means of providing timely and accurate information to witnesses and victims. It also ensures ownership rests with the IO who has possession of the most accurate information in respect of each case.

### **3 PROCEDURES**

#### **3.1 Introduction**

3.1.1 The Witness Charter (hereafter referred to as The Charter) applies to police and other criminal justice agencies, within England and Wales, in relation to witnesses of criminal conduct that occurs within England and Wales.

3.1.2 Witnesses help ensure that law abiding people are able to live in safety and that offences are brought to justice. They need and deserve the full support of the criminal justice system. What witnesses have seen and what they know informs the police investigation and at court helps to ensure the conviction of the guilty and the acquittal of the innocent.

3.1.3 The Charter is built on the new Code of Practice for Victims of Crime which governs the minimum services provided to victims of crime. It sets out the standards of service which all witnesses can expect to receive at every stage in the process. The Charter creates a non-statutory requirement in relation to the type and level of service that witnesses should receive once an allegation of crime is made.

3.1.4 The Victim Code was established by Section 32 of the Domestic Violence, Crime and Victims Act 2004, and creates a statutory requirement in relation to the type and level of service that victims must receive, once an allegation of crime is made.

3.1.4 This policy will ensure BTP has an effective and corporate process for ensuring compliance with the Witness Charter and the Victim Code. It will provide the best possible service to victims and witnesses of crime; ensuring they stay engaged in the prosecution process to conclusion, thereby ensuring offences are brought to justice.

3.1.6 The level of contact required with Victims and Witnesses is identical in both cases with the exception that the frequency of contact with Witnesses is reduced to occurring on a monthly basis, and limited to Indictable only offences.

### **3.2 Crime Reporting, Assessment and Witness Support**

3.2.1 Following the report of a crime to which the NCRS applies where a decision not to investigate is taken, the CMU will advise the Witness/Victim of that fact as soon as possible and within five working days at the latest.

3.2.2 The CRC must ensure that the Witness/Victim can access information about local support services and contact details as soon as possible after an allegation of criminal conduct is made and no later than five working days after an allegation is made. The CRC will send the Witness/Victim a leaflet explaining this.

3.2.3 The Investigating Officer (IO) must ensure that the back of the MG11 is thoroughly completed with details of the Witness/Victim in all cases. In the 'streamline process' (not suitable for Indictable only offences), the Witness/Victim information must also be recorded on the MG9 and/or MG6.

3.2.4 The IO should clearly explain to the Witness/Victim that their details will be automatically passed on to their relevant Support Service unless they ask them not to be; this notification is automatically generated within 48 hours. Victims are

referred to Victim Support<sup>2</sup> and Witnesses are referred to the Witness Service.

3.2.5 If the investigation is still ongoing after six months, BTP will seek to agree with the witness the frequency of future updates. Witnesses and victims can choose to opt out of receiving an update on progress at any stage, with victims being able to opt back in at any time during a live investigation. The Witness Charter does not specify whether a witness who has opted out of the procedure can at some future point re-engage with the process. Where re-engagement is sought a common sense approach should be adopted, with the assumption being that such a request will, in the normal course of events, be accommodated.

### **3.3 Indication of vulnerable or intimidated victims or witnesses**

3.3.1 The IO must take all reasonable steps to identify vulnerable or intimidated victims/witnesses and, where appropriate, ensure that special measures are put in place to meet their specific needs. This includes help to give best evidence in court such as the use of a live link or a screen around the witness box. It also includes the use of an intermediary if vulnerable victim/witnesses suffer with a communication difficulty.

3.3.2 Where a vulnerable or intimidated victim/witness may be called as witness in criminal proceedings, they may be eligible for assistance by way of Special Measures (Chapter 1, Part II Youth Justice & Criminal Evidence Act 1999) BTP must explain to the victim/witness special measures and record any views the victim/witness expresses. An application for special measures must be made on the MG2 and included in the initial file submission. (please refer to [Appendix A](#) for a definition of what constitutes special measures).

### **3.4 Investigation**

3.4.1 If no suspect is arrested, charged, cautioned, reprimanded, given a final warning or subject to other non-court based disposal in respect of relevant criminal conduct, the IO must notify the victim/witness, on at least a monthly basis, of progress in cases being actively investigated, up until point of closure of the investigation. In

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<sup>2</sup> Excluding Victims of Sexual Offences or Domestic Violence (where explicit consent must be sought from the Victim) or Theft from vehicle, minor criminal damage and tampering with motor vehicles (unless repeat victims).

relation to witnesses this applies to indictable only offences (see [Appendix B](#) for a list of indictable offences).

- 3.4.2 Where an investigation into a serious crime is concluded with no person having been charged with the offence, the police must advise the Victim, or family if bereaved, and witness, the reason for it. At this time, the fact that the case will be subject to periodic review must be discussed with the Victim or family representative and witnesses and they must be given the opportunity to decide whether they wish to be advised of any review procedures which take place. The decision must be recorded by the senior IO at the time of the discussion.
- 3.4.3 If the Victim or family representative or Witness expresses a wish to be advised of any review procedures, the IO must ensure that information about the review is passed on to the Victim or family representative or witness within one working day of the review procedure commencing.
- 3.4.4 The Victim or family and witnesses must also be given the opportunity at this stage to say whether they wish to be advised of the reopening of the investigation due to new evidence or changes in forensic procedures. This decision must be recorded by the senior IO at the time of the discussion. If an enquiry is reopened, BTP must consider the expressed wishes of the Victim or family and witnesses before making contact with them and record the reasons for any decision made in this respect.

### **3.5 Arrest, Charge and Bail**

- 3.5.1 Like most provisions of the Victim Code of Practice and the Witness Charter, a decision to lay a charge, request a court summons or no further action in a particular case, requires the victim or witness to be notified of these events within a specific time-frame. For ease of clarity therefore these specific functions, time-frames and responsibilities have been incorporated into the below table:



Activity	Notification Period [Working Days]	Responsibility of
Suspect Arrested	1 Day Vulnerable: 5 Days Others	I/O
Suspect Released NFA	1 Day Vulnerable: 5 Days Others	I/O
Suspect Released on Police Bail	1 Day Vulnerable: 5 Days Others	I/O
Change of Police Bail Date etc	1 Day Vulnerable: 5 Days Others	I/O
File Submitted for Decision	3 Days	I/O
Decision to Issue Summons	5 Days from Receipt of Summons	WCD
Decision to No Further Action	5 Days from Date of Decision	Decision Maker
Suspect Charged	1 Day Vulnerable: 5 Days others	I/O
Bail to Court with Conditions	1 Day Vulnerable: 5 Days others	I/O
Bail Conditions Changed	1 Day Vulnerable: 5 Days others	I/O
Remand Application by Police	1 Day Vulnerable: 5 Days others	I/O
Remand Custody by Court	1 Day Vulnerable: 5 Days others	I/O
Conditional Court Bail Given	1 Day Vulnerable: 5 Days others	WCD

### 3.6 Other disposal methods

3.6.1 If a suspect is cautioned (simple or conditional), reprimanded, given a final warning, issued a penalty notice for disorder, or given any other non-court disposal method, in respect of relevant criminal conduct, the IO must notify the Victim/Witness of this event no later than one working day after the day of the event in the case of vulnerable or intimidated Victim/Witnesses and within five working days after the day of the event in the case of other Victim/Witnesses. In cases where the JU makes the decision to give a non-court disposal then it will be the responsibility of the JU to advise the Victim/Witnesses.

### 3.7 Youth Offending Teams (YOT)

3.7.1 In cases where the perpetrator of relevant criminal conduct is under the age of eighteen, the JU must pass the Victim/Witness's contact details to the YOT (unless

the Victim/Witness asks the police not to) to enable Victim/Witnesses to have access to reparation or other restorative justice initiatives.

### **3.8 Requests from the CICA (Criminal Injuries Compensation Board)**

- 3.8.1 The JU must respond to requests for information from the CICA or the CICAP to enable a Victim/Witness's claim for compensation to be assessed with the most accurate information available at that time.
- 3.8.2 In the case of the initial request for basic information from the CICA the JU must pass this information on within 30 days of the police receiving the request.
- 3.8.3 In the case of subsequent requests for information from the CICA following the agreement between ACPO and the CICA, the JU must pass this information on within 60 days of the police receiving the request.
- 3.8.4 In the case of requests for information from the CICAP, the JU should pass on this information within 30 days of the police receiving the request.

### **3.9 Information about the CCRC (Criminal Cases Review Commission)**

- 3.9.1 If a conviction or sentence in respect of relevant criminal conduct is being reviewed by the CCRC and, taking all the circumstances of the case into account, it is likely that the review will come to the Victim/Witness's attention, the WCU must notify the Victim/Witness no later than 10 working days after the day the police receive notification of the review.
- 3.9.2 If the CCRC decides not to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court, and the Victim/Witness has been informed of the review, the WCU must notify the Victim/Witness no later than two working days after the day the police receive notification of the decision.
- 3.9.3 If the CCRC decides to refer a conviction or sentence in respect of relevant criminal conduct to the Court of Appeal or the Crown Court, the WCU must notify the Victim/Witness no later than 10 working days after the day the police receive

notification of the decision.

### **3.10 Needs assessments**

3.12.1 The WCU/WCUs must conduct a full needs assessment with all non-professional Victim/Witnesses if required to attend court. A mini needs assessment may be conducted where a 'not guilty' plea is entered and considered necessary by WCU.

### **3.11 Contact with witnesses**

3.11.1 The WCUs must notify Victim/Witnesses of any requirement of them to give live evidence, and any subsequent amendment to this requirement, within one working day of receiving the notification from the CPS.

3.11.2 The WCUs must notify Victim/Witnesses of the date of all criminal court hearings, including any set down for consideration of an amendment to the sentence originally passed, and any subsequent amendments to that date, within one working day of receiving the date from the court.

### **3.12 Witness in Court leaflet and Young Witness pack**

3.12.1 The WCUs must provide Victim/Witnesses who are to be called as witnesses in criminal proceedings in respect of relevant criminal conduct with a copy of the 'Witness in Court' leaflet, or current equivalent national information leaflet.

3.12.2 Where Victim/Witnesses under the age of 17 are to be called as Witnesses in criminal proceedings the WCU must ensure that the Victim/Witnesses and their parents or guardians are provided with the relevant information 'Young Witness' information pack (or equivalent).

### **3.13 Court outcomes**

3.13.1 Where a criminal trial is held in respect of relevant criminal conduct, the WCUs must notify any vulnerable or intimidated Victim/Witness of the outcome of all pre trial hearings (including applications for special measures directions under section 19 of the YJ&CE Act 1999) and the verdicts of the trial, including the sentence if the suspect is convicted, no later than one working day after the day of receipt of these

decisions from the court for vulnerable or intimidated Victim/Witnesses and must notify other Victim/Witnesses of the sentence (or any not guilty verdict) no later than four working days after the day of receipt of the sentence or not guilty verdict from the court.

3.13.2 The WCUs must explain to Victim/Witnesses the meaning and effect of any sentence given to the offender in their case, and respond to any questions the Victim/Witness may have. If either the WCU or a member of JU staff is not able to answer the questions asked by the Victim/Witness, they should contact the CPS, on behalf of the Victim/Witness, to ascertain the relevant details.

3.13.3 If there is a significant amendment to the sentence originally passed, the WCU must notify the Victim/Witness of this amendment within one working day of receipt of the information from the court.

### **3.14 Warrants**

3.14.1 If a warrant is issued for the arrest of a defendant in relation to relevant criminal conduct following their failure to attend court on the appointed day, the WCU must notify the Victim/Witness of this fact within one working day of receipt of the information from the court in the case of vulnerable or intimidated Victim/Witnesses and no later than four working days of receipt of the information for all other Victims/Witnesses.

3.14.2 Following the arrest of a defendant on a warrant issued by a court for failure to appear in relation to relevant criminal conduct, the WCU must notify the Victim/Witness of the arrest, next court date and result of the appearance, if known, within one working day of receipt of this information from the court in the case of vulnerable or intimidated Victim/Witnesses and no later than four working days from receipt of the information for other Victim/Witnesses.

### **3.15 Appeals from Magistrates' to Crown Courts**

3.15.1 If a person who has been convicted of an offence at the Magistrates' Court in respect of relevant criminal conduct appeals against conviction or sentence to the

Crown Court, the WCU must inform all Victims/Witnesses of the appeal no later than one working day after the WCU are notified by the courts that an appeal notice has been lodged. When giving this information, the WCU must make all Victims/Witnesses asked to give evidence, aware of the Witness Service and explain that they will refer their details to the Witness Service unless they ask the police not to do so.

### **3.16 Appeals from Crown Court to the Court of Appeal**

3.16.1 If a person who has been convicted of an offence at the Crown Court in respect of relevant criminal conduct appeals against their conviction or sentence to the Court of Appeal, the WCU must inform any vulnerable or intimidated Victim/Witness and the Probation Service Witness contact team of the appeal no later than one working day after the WCU are notified by the Appeal Court that leave to appeal has been granted and a hearing in a designated format will occur, and must inform any other Victims/Witness no later than five working days after that day. When giving this information, the WCUs must make both vulnerable and intimidated Victims/Witnesses and other Victims/Witnesses asked to give evidence, aware of the Witness Service and explain that they will refer their details to the Witness Service unless they ask the police not to do so.

3.16.2 The WCUs must inform any vulnerable or intimidated Victim/Witness and the Probation Service Witness contact team of the result of an appeal in respect of relevant criminal conduct no later than one working day after the day the WCU is notified by the court of the result, and any other Victim/Witness no later than four working days after that day.

### **3.17 Information about National Probation Service Witness Contact scheme**

3.17.1 In cases where an offender is convicted of a sexual or violent offence, as defined in section 45 of the Domestic Violence, Crime and Witnesses Act 2004 in respect of relevant criminal conduct and given a sentence of imprisonment or detention of 12 months or more, or hospital order with a restriction order (also must be 12 months or more), the WCU must provide the Victim/Witness with a copy of the 'National Probation Service Witness Contact Scheme' leaflet or equivalent updated leaflet.

The WCU must refer the Victim/Witness's details to the Probation Service no later than 10 working days after the expiry of the period in which Victim/Witnesses may opt out of the National Probation Service Witness Contact Scheme. Both of these actions must be completed no later than a total of 20 working days after the day on which the WCU is notified of the sentence by the court.

#### **4 MONITORING AND COMPLIANCE**

- 4.1 New witness functionality has been incorporated into the victim management console within CRIME and JAS to provide victim managers, WCU and CMU staff with the necessary overview and controls to track compliance with The Charter.
- 4.2 Performance management information will also be available at Force level through the Strategic Services and may be subject to report in the monthly FMI data.
- 4.3 All targets will be monitored and reviewed on a regular basis by the Victim Care and Witness Care managers using the Victim/Witness Management Console within CRIME and JAS.
- 4.4 The BTP Crime Recording Management Steering Group will review performance in relation to the code and Charter and make any recommendations in relation to changes in process or systems that may be required in the future.

#### **5 APPENDICES**

- 5.1 [Appendix A](#) – Special Measures.
- 5.2 [Appendix B](#) – List of indictable offences for which the Charter targets are mandatory.