

# **THE SILENCED VICTIM: A REVIEW OF THE VICTIM PERSONAL STATEMENT**

November 2015

## FOREWORD BY THE VICTIMS' COMMISSIONER, THE BARONESS NEWLOVE OF WARRINGTON



This is the second of my reviews looking at compliance with the Code of Practice for Victims of Crime (the Victims' Code).

During my time as Victims' Commissioner I have met many victims and their families across England and Wales, who have been deeply affected by the crime(s) committed against them. Some victims will have been given the opportunity to make a Victim Personal Statement (VPS) to tell the criminal justice system about the impact of the crime – others will not. The impact of a crime on some victims, or their family, can be devastating. The impact can be emotional, physical, financial, and psychological – and might not be fully

recognised by the criminal justice system. The VPS is a way for victims to express this impact and has a very significant value to those who choose to make one.

What saddens me is just how many victims have not been given the opportunity to make a VPS. Furthermore, when victims and their families had been given the opportunity to make a VPS, some told me that they have not always felt listened to, or that their VPS was seen as 'not worth the paper it is written on'. Despite the intentions of the VPS to give victims a voice, many victims feel that their voice is not heard, not even as a whisper.

I have undertaken this independent review to see whether criminal justice agencies are delivering their obligations for victims to be offered the opportunity to make a VPS' and whether it is listened to. This review therefore focuses on finding out what happens in practice – how the agencies and criminal justice partners involved in the VPS process deliver their obligations and what victims say they are experiencing.

I have identified a number of recommendations for the Government and heads of the criminal justice agencies to improve the VPS process. I have also set out standards to assist agencies in meeting these recommendations.

I am very grateful to all the criminal justice agencies and partners who took the time to speak with my team, whether in person, or otherwise. I am particularly grateful to all the victims who participated in this review. I thank them for their time and their energy – it will have taken significant courage to relive not only the crime but also the way it has affected them since. I understand this as a victim of crime myself; I have personally experienced, and continue to experience, some of the things I have heard about. I hope that the victims who participated in this review will feel that their experiences have been acknowledged and that their bravery in recounting such personal information has helped to inform my recommendations.

This report highlights how more victims **can** be given the opportunity to make a VPS and how they can have a better experience if they choose to make one. I expect **all** agencies to work together to ensure this key entitlement for victims of crime is delivered effectively.

A handwritten signature in black ink, appearing to read 'Helen', with a long, sweeping underline.

## ACKNOWLEDGEMENTS

The Victims' Commissioner's Office would like to thank all the criminal justice agencies listed in the Victims' Code that have a role in providing the VPS to victims, for court and parole hearings, for their time. We would also like to acknowledge the magistrates, judges and Parole Board members who provided their views to complete the analysis of the criminal justice system's role in the VPS process. In particular, we would like to thank all the victims who told us about their experiences.

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## EXECUTIVE SUMMARY

The role of the Victims' Commissioner for England and Wales involves encouraging good practice by criminal justice agencies and regularly reviewing aspects of the Code of Practice for Victims of Crime (the Victims' Code) which set out victims' entitlements. This is the second review of compliance with the Victims' Code.

For too long, the VPS has had a rather ambiguous and unclear meaning for victims. Despite the Victims' Code setting out the VPS as a way for victims to have a 'voice' to express the way a crime has affected them, there is little information available about why this voice is needed, and how it will be used. Some victims who have made a VPS had positive experiences, but sadly, many more had negative experiences. In these cases, many victims will have had their expectations about what the VPS can offer built up, only to be let down, often with devastating results.

This review aims to assess the extent of this issue, identifying how the VPS is delivered to victims, and identifying if there are any gaps which prevent the VPS entitlement from being provided by the criminal justice agencies involved. In completing this review, the Victims' Commissioner's team spoke with all the criminal justice agencies listed in the Victims' Code that have a role in providing the VPS to victims, for court and parole hearings. They also consulted magistrates, judges and Parole Board members as those who would be making decisions at court and at parole hearings using the VPS. Most importantly, they heard from victims who had made a VPS. In total, 44 direct interviews were conducted, and feedback from 241 magistrates and 328 victims was received.

The review focused on whether the VPS system achieves its aim of giving victims a voice and being 'taken into account', as set out in the Victims' Code through:

- assessing how the use of the VPS in practice compares with what is set out in policies and guidelines for the criminal justice system;
- analysing what it means for a victim to feel that their VPS has been 'taken into account' or 'taken into consideration'; and,
- identifying what would need to be in place in criminal justice policies and practice for a VPS to be 'taken into account' or 'taken into consideration'.

The findings of this report show that there were varying levels of awareness and inconsistent delivery of the VPS process by the criminal justice system. Overall, the review found that the majority of cases at court and at parole were considered without a VPS. The majority of victims of crime were not offered the opportunity to make a VPS, and where they had taken up the opportunity, the majority were not clear about whether it made any difference to the outcome of their case.

Despite some decisions being made at court and at parole using a VPS, there was no consistent approach applied to make victims feel that their VPS mattered. The majority of victims were unclear about whether or not the VPS could influence an offender's sentence or whether a prisoner would remain in jail; however, the findings showed that victims still wanted to make a VPS and articulate how the crime had affected them. Magistrates, judges and Parole Board members acknowledged this, but many also suggested that the VPS did have an influence in their decision-making. One particular comment from the judiciary struck an important note and set the tone for the recommendations in this review:

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*"There is no doubt that VPSs have an impact. The harm of the case should be taken into account... if the victim is more affected by something then it could have an impact on the sentence. Emotional, psychological impact and harm can have an impact on length of sentence."*

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Victims reported that where they had been offered the opportunity to make a VPS and had taken up the offer, they had been treated with little empathy or sensitivity by staff in the criminal justice system. Some staff failed to recognise how traumatic making a VPS was, and that by not providing vital information about the practicalities of making a statement, agencies were compounding a victim's trauma. There will be some members of staff in agencies who are empathetic and sensitive but it is clear that this is not always the case. Staff need to understand that the impact of a crime on a victim will be different for each victim and the way victims will feel that impact will vary.

Alongside the VPS process being delivered in an effective way, victims have made clear that they want the system to recognise the impact of the crime too; it cannot be for the judge, magistrate or Parole Board in their decision-making alone to reflect on the impact – victims want the whole criminal justice system to acknowledge it.

Despite the intentions to provide victims with the right to 'voice' the impact of a crime – they are largely being denied this opportunity. Although there has been a formalisation of this right through the most recent version of the Victims' Code<sup>1</sup>, there is little evidence to show that the criminal justice system is carrying out its obligations effectively to enable this entitlement for victims to be realised. It is not enough to give victims a voice - this voice has to be heard.

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1 'Code of Practice for Victims of Crime' (2015): [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/470212/code-of-practice-for-victims-of-crime.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470212/code-of-practice-for-victims-of-crime.PDF)

## SUMMARY OF FINDINGS

### OVERALL FINDING:

Most cases at court and at parole are finalised without the inclusion of a VPS

### SPECIFIC FINDINGS:

- Most victims don't recall being offered the opportunity to make a VPS
- Most victims value the entitlement to make a VPS
- Victims are generally ill-prepared physically, emotionally or practically when providing their VPS
- Victims are generally not clear about how their VPS makes a difference in their case
- The timing of when a VPS is taken has an impact on the content and on the victim (in Court)
- Victims are not always treated with empathy and sensitivity when making their VPS
- Victims are not always clear why their request to read their VPS out loud was refused – however, courts/ Parole Board members feel confident that they have provided a clear explanation
- Judges, magistrates and Parole Board members say the VPS is included in their assessment of evidence and informs their decision-making
- Better utilisation of technology could be made to improve the delivery of victims' VPS entitlements
- There is no defined purpose for the VPS and what is meant by 'taken into consideration' or 'taken into account'
- There is no overall ownership of the VPS process to ensure that it works from beginning to end

Based on the above findings, the Victims' Commissioner has set out a number of recommendations and commitments that seek to improve victims' experiences of the VPS process when they make a VPS. The recommendations can be found at the end of this Report.

## INTRODUCTION

1. For victims, the opportunity to describe the impact of a crime may be the only personal contribution they feel they can make during criminal proceedings. Through no fault of their own, victims are immersed into processes and procedures of the criminal justice system and can often feel that they have no control over anything taking place around them.
2. The Victim Personal Statement (VPS) is the single key entitlement where victims are able to make a statement to explain how the crime affected them. It can be seen as a process that mirrors a victim's journey through the criminal justice system. The VPS process involves almost all of the agencies that will handle a victim's criminal case, whether at court or after a sentence has been passed. This means that all agencies have a responsibility to ensure that the VPS process works efficiently. Victims' rights to their entitlements need to be treated as seriously as an offender's right to a fair trial.
3. However, victims will not always know what these entitlements are and what to expect when they have been offered them. The experiences some victims suffer after taking up the opportunity to make a VPS can often result in them questioning why they chose to make a VPS in the first place.
4. The ability for victims to make a VPS was most recently formalised in the 2013 version of the Code of Practice for Victims of Crime<sup>2</sup> (the Victims' Code). An updated Victims' Code has been published by the Government<sup>3</sup> – the 2015 version includes the entitlement for victims to make a VPS<sup>4</sup>.
5. The Victims' Code states that the VPS is a key entitlement where victims are able to explain how the crime affected them. Victims are also entitled to read their VPS aloud, or have it read aloud on their behalf, if a defendant is found guilty. Victims have the same entitlement at a parole hearing where they have opted into the Victim Contact Scheme (VCS)<sup>5</sup>.

### Rationale

6. In order to identify the parameters of this review, an initial assessment of available literature was undertaken. The literature review identified a number of gaps around the VPS process. These are set out below<sup>6</sup>.
7. The Victims' Code sets out that the purpose of the VPS is to give 'victims a voice'. Despite this, the underlying reason for wanting to give victims a voice has been an ambiguous issue for some time. One particular opinion has seen the VPS process described as a "political imperative to do *something* for victims (which) has meant that the VPS Scheme is unclear in its aims and justifications, with the victim left inexorably an ambiguous participant"<sup>7</sup>. Despite the amount of time that has passed since this was written in 2004, anecdotal feedback given to the Victims' Commissioner by victims and by agencies alike, suggests that this ambiguity still exists.
8. Previous reviews on the VPS process have suggested that the VPS was developed as part of a government rhetoric that says victims' views are valued and that victims should be placed at the heart of the criminal justice system. The VPS is seen as a way to give victims a voice in the criminal justice system; however, the exact role appears ambiguous from the outset. This review will investigate the purpose of the VPS from the perspective of victims, courts and Parole Board members and criminal justice agencies.

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2 'Code of Practice for Victims of Crime' (2013): [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/254459/code-of-practice-victims-of-crime.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf)

3 'Code of Practice for Victims of Crime' (2015) *ibid*

4 The findings in this report have been assessed against the application of the Victims' Code 2013; the 2015 version of the Victims' Code was published in October 2015 and falls outside the time in which the evidence was captured

5 The VCS can only be opted into by victims where an offender is sentenced to 12 months or more for a specified violent or sexual offence

6 A brief literature review can be found at Annex A of this report

7 'An Ambiguous Participant: The Crime, Victim and Criminal Justice Decision-Making' – I Edwards (2004) *British Journal of Criminology* 44, 967 - 982

9. Similarly, little evidence is available regarding what it means for a VPS to be 'taken into account'. Again this study will examine what this means for judges, magistrates and Parole Board members, as well as for victims.
10. A good deal of evidence demonstrating that the majority of victims do not recall being offered the opportunity to make a VPS exists. There has been a statistically significant<sup>8</sup> decrease in the proportion of victims who recall being given the opportunity to make a VPS. The Crime Survey for England and Wales (CSEW) shows that the number of victims who recall making a VPS fell from 15% during April 2013-March 2014, to 13% during April 2014-March 2015<sup>9 10</sup>. This has fallen significantly even after the Victims' Code was revised in December 2013.
11. There is little evidence of whether victims are actually offered a VPS. The review aims to understand the underlying reasons behind this assertion and will investigate whether VPSs are offered and if not, why not.
12. There is some evidence available regarding the reasons why victims make a VPS; however, this has not been examined since the most recent provisions for reading a VPS in court and parole hearings were implemented in the Victims' Code (2013). This review aims to update the evidence and by understanding victims' reasons for making a VPS, will set out recommendations that can inform victims more effectively about their entitlements when making a VPS.
13. Writing a VPS may set an expectation for victims that they are able to influence the outcome of their case. The current evidence base however, does not inform us what victims are told to expect about the process. This study will assess what victims are told about the VPS process throughout the criminal justice system, and how their expectations are handled. These findings will make recommendations to agencies on how to make sure victims can make a properly informed choice.
14. There is currently no evidence available on how VPS processes are applied in practice. This study aims to investigate whether VPS processes are applied with the empathy and care victims need and deserve throughout their journey across the criminal justice system.
15. The Victims' Commissioner has heard from many victims who have made a VPS and who have had positive experiences. There are also many who have had negative experiences, including those which have been reported in the media. These victims seem to have their expectations built up about what the VPS can offer, only to be let down often with devastating results. Victims deserve to be treated in a fair and respectful way - where they are not, this should be challenged.
16. It is important that criminal justice processes do not cause victims to feel that they have been re-victimised, or that their trauma has been added to. As a result, the Victims' Commissioner has sought to work with criminal justice agencies and partners to identify what happens in practice with the VPS process and how victims feel.

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8 Statistically significant at 5% level

9 'Crime Survey for England and Wales 2013-14 and 2014-15' - Office for National Statistics

10 The data collected between April 2014 and March 2015 relates to victimisation in the previous 12 months (crimes that were committed between April 2013 and March 2014)

## METHODOLOGY

1. This review of the VPS process has been based on a systemic approach, examining the process as a whole system. This approach has covered all stages, from what happens when victims are offered the opportunity to make a VPS, their experiences of making an updated VPS, reading their VPS out loud in court or at parole hearings, to how they are taken into consideration by the court or by the Parole Board.
2. The focus of the review was to address the following overarching question:  
***Does the current VPS process achieve its aims of giving victims a voice and being taken into account (as set out in the Victims' Code)? If not – why not and what needs to change?***
3. In order to reach an answer to this question our fieldwork and data capture was broken down as set out in the following table:

Research Question	Related Research Tasks
How does the use of VPS in practice compare with criminal justice system policy and guidelines?	<ul style="list-style-type: none"> <li>• Conduct an initial review of available literature to establish the historical context of the Victim Personal Statement (VPS), how it was developed, and its role in the Victims' Code</li> <li>• Gather secondary data on guidance and procedures for VPS processes from all criminal justice agencies</li> <li>• Collate existing statistical data on victims' awareness of the VPS and prevalence of use</li> <li>• Gather primary data on how VPS policy is implemented by practitioners (magistrates, judges, Parole Board members, police, Crown Prosecution Service (CPS), Witness Care Units (WCUs) Her Majesty's Courts and Tribunal Service (HMCTS), National Probation Service (NPS), the Parole Board) and by victims</li> <li>• Carry out thematic analysis of qualitative data gathered through interviews and focus groups, and statistical analysis of survey data from victims' survey and magistrates' survey</li> <li>• Collate training procedures on VPS policy from College of Policing, Judicial College and all other training for criminal justice agencies</li> <li>• Analyse similarities and differences between criminal justice system guidelines and procedures; how VPS is implemented in practice; implications for victims</li> </ul>

<p>What does it mean for a victim to feel that their VPS has been taken into account?</p>	<ul style="list-style-type: none"> <li>• Conduct exploratory focus group with victims to establish what would have to happen in order for them to feel their VPS had been taken into account in the criminal justice process</li> <li>• Conduct survey of victims to gather quantitative and qualitative supporting evidence on views of what would have to happen for them to feel their VPS had been taken into account in the criminal justice process</li> <li>• Conduct stakeholder interviews with policy leads and operational staff in criminal justice agencies to establish their understanding of what having a VPS taken into account means</li> <li>• Examine secondary data provided of victims' experiences of the VPS process by Victim Support<sup>11</sup> – include anonymised case studies where appropriate</li> <li>• Collate criminal justice protocol and guidance (including practice directions) on taking a VPS into account</li> <li>• Analyse data to produce definitive, evidenced account of what victims need in order to feel their VPS has been taken into account</li> </ul>
<p>What would need to be in place in the CJS for a VPS to be taken into account in line with the findings above?</p>	<ul style="list-style-type: none"> <li>• Use results from research questions 1 and 2 to populate Critical Systems Heuristics (CSH)<sup>12</sup> model to reflect critically on motivation, control (ownership), knowledge and legitimacy of VPS as set out in policy, in practice, and as it ought to be</li> <li>• Use results from CSH model to identify what would need to be in place in the criminal justice system for VPS to be taken into account</li> <li>• Use these findings to develop key recommendations to improve victims' experiences of VPS at overall (thematic) level, at systemic level, and at operational level</li> </ul>

### Further details on primary data collection

4. A workshop was held with victims and a follow up workshop held with national representatives from the criminal justice agencies involved in the VPS process, in order to identify the key issues relating to the VPS process. The findings from these workshops were used to develop question schedules for qualitative interviews and focus groups and to develop survey questions for victims and for magistrates. Interview schedule questions were tailored to each agency's specific part in the VPS process, but also gauged their knowledge of VPSs overall.
5. Qualitative interviews were carried out with judges ranging in levels of seniority, Parole Board members and national policy leads from the College of Policing, police service, CPS, WCUs, HMCTS, NPS, Parole Board and Sentencing Council.
6. Qualitative focus groups were carried out with operational staff from the criminal justice agencies with a regional presence, in four areas across England and Wales, in: London, Gwent, West Midlands and Norfolk.

11 Victim Support Policy Evidence Tool (2015) Unpublished: Victim Support gathers examples of issues experienced by victims in all elements of the criminal justice system through their 'Policy Evidence Tool'. Cases related to the VPS were anonymised by Victim Support before the data was shared with the Victim's Commissioner's Office. Some of these case studies have been presented in this report for illustrative purposes

12 Critical Systems Heuristics (W Ulrich 1983) is a framework of 12 questions used to examine a situation as it is in reality and as it ought to be. It aims to investigate multiple perspectives on a given situation and reach suggestions for how a situation can be improved

7. Forty-four interviews and focus groups were carried out in total for the review between the beginning of April 2015 and end of June 2015.
8. In May 2015 a survey was distributed by the Magistrates Association on behalf of the Victims' Commissioner to a random sample of 10% of their 25,000 membership (2,500). The survey was delivered online and asked magistrates:
  - how often they encounter VPSs in their day to day work;
  - whether VPSs are read out in court and their perception of how often;
  - the training and guidance received on VPS processes;
  - how they take the VPS into account/consideration;
  - how well VPS processes work for victims and magistrates; and,
  - what changes might lead to an improvement for victims.
9. Magistrates were asked to answer the questions about VPS in relation to their experience from the previous 12 months. There were 241 magistrates who completed the survey (a response rate of 10%)<sup>13</sup>.
10. In June 2015 a survey for victims was hosted on the Victims' Commissioner's website. The survey questions were developed to test views which were gathered in the workshop with victims that had taken place in March 2015. Questions focused on:
  - VPS processes (such as being offered the opportunity to make a VPS, getting help to write it, reading out a VPS in court and at Parole hearings);
  - victims' motivations for making a VPS;
  - whether victims thought their VPS made a difference in their case;
  - what would have to happen for them to feel their VPS had been taken into account; and,
  - whether they would make a VPS if they were in the same position again.
11. A total of 328 victims took part in the survey with 50 victims<sup>14</sup> completing all questions<sup>15</sup>.
12. The findings presented in this report represent the views of the respondents that took part in the review and do not necessarily represent the views of all victims who have experiences of the criminal justice system. These views provided a good indication of the real life experiences victims have been through in relation to the VPS and also provide the ability to compare the lived experience with the criminal justice system's VPS policy.

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13 A 10% response rate is not unusual for an email survey of this type. There may however be some potential for non-response bias where the views of respondents who take part in the survey are over represented and the views of people who chose not to respond are underrepresented

14 The self selecting nature of this survey limits the generalisability of findings to all victims. We cannot say for sure that the views of the victims who responded to the survey represent the views of all victims. However, this methodology was considered the best way to gather views from as many victims as possible and is corroborated by views of victims who have written to the Victims' Commissioner or those who she has met in person

15 Questions in the Victims' Commissioner's online victim survey were a mixture of closed and open questions. In the findings, closed questions are reported as percentages. Findings from some open questions have been coded and quantified where many victims' responses fell into similar categories and some open questions have not been coded where victims' answers vary

## FINDINGS

1. Our evidence has shown that, overall, victims' entitlements as set out in the Victims' Code to make and read a VPS are not being delivered to their maximum potential. Magistrates see very few cases that they have seen in court which included a VPS and the majority of parole cases seen do not include a VPS.
2. In the last 12 months, 30% of magistrates said they have never seen a VPS, and 62% said they saw a VPS in less than half of cases<sup>16</sup>. Despite magistrates reporting that they do not see VPSs in many case files, they say they are important in understanding the impact of a crime upon a victim, in order to help them make an appropriate sentencing decision. For example, we heard:

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*"When they [VPSs] are available, they add tremendous value in helping the sentencer understand the emotional and psychological impact of the crime – not just the physical"*

*"They are very helpful and always considered, when available, during sentencing. They should be as up to date as possible"*

*"Even though magistrates are a diverse group of people, the impact as imagined by us may be different to that of the actual victim. We can all imagine what it may be like, but it's only the victim who can truly know"*

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3. More than a quarter of the magistrates said the VPS helps, or would help them to determine the impact or level of harm and effect of the crime on a victim. The same number said it would help if they were on file, and could refer to the VPS in their summing up. Magistrates would like to see more cases with a VPS, and said *"not enough statements are used"*, but where they are available, they should be highlighted on the case file when the file is served on the court. Some magistrates<sup>17</sup> suggested that the VPS should be made a mandatory part of criminal proceedings - magistrates and judges also echoed this sentiment. We heard that some thought that *"this knowledge is essential for effective sentencing"*.

### CASE STUDY

*Nathan\* was assaulted in his own home. He made a VPS so that the judge could hear about the impact of the crime in his own words. When the case was under way, it was discovered that the CPS was not aware that Nathan had made a VPS. The prosecutor described some of the impact of the crime on Nathan, but Nathan's own words were not heard by the court. Nathan has had to move home because of the attack and has been struggling to find work because of his injuries. These details of this personal impact were not heard by the court because Nathan's VPS got lost between the police and the CPS.*

*\*White, British, male: age unknown*

*(Victim Support 2015)*

4. Judges reported seeing a VPS in almost all serious cases. Additionally, police officers were more likely to recall offering the VPS to a victim, where a serious crime was committed.

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<sup>16</sup> Victims' Commissioner's online magistrate survey

<sup>17</sup> 16% of those that had responded to this question said that they thought the VPS should be made a mandatory part of criminal proceedings

5. Parole Board members also said that they do not see many cases with a VPS<sup>18</sup>. One particular Parole Board member estimated that around 25-30% of dossiers included a VPS. There were no official figures recorded by the Parole Board or the NPS on the VPS; however, this view was echoed by most of the Parole Board members and VLOs we spoke to. We heard the following comments:

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*"I suspect that there are a lot of VPSs we don't see.... The VPS does not seem to get from the court to the Parole Board"*

*"VPSs are infrequent – they tend only to be seen in more high profile cases"*

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6. We found that, processes relating to the VPS were not always explained properly and victims felt uncertain about what to expect when making their VPS or indeed when delivering it at court or parole. Just under 25% of victims said that they were not told anything about what might happen in court regarding their VPS<sup>19</sup>.
7. Feedback from agencies indicated that practices across the areas covered by the review were inconsistent. In addition, victims reported that the attitude displayed by some staff was akin to the VPS being a 'bolt on' to existing processes, rather being handled as a key entitlement for victims. One particular comment from a victim we heard included:

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*"The victim statement seemed to be just some paperwork that the police had to make sure was done"*

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## The VPS process

### 8 OFFER OF THE VPS

#### 8.1 Victim recall of being offered a VPS

8.1.1 The Victims' Code states 'the **police** must offer the opportunity to make a VPS to:

- any victim at the time they complete a witness statement about what has happened;
- **victims of the most serious crime** (including bereaved relatives), **persistently targeted victims, and vulnerable or intimidated victims**, irrespective of whether or not they have given a witness statement about what happened; and,
- a parent or carer of a vulnerable adult or young victim under the age of 18 unless it is considered not to be in the best interests of the child or vulnerable adult.<sup>20</sup>

8.1.2 Similarly, the Victims' Code states that 'where the release or transfer of the relevant offender will be considered by the Parole Board and the victim has opted into the Victim Contact Scheme ... (the NPS will) provide victims with information about the VPS, the Parole Board and their right to apply to attend a hearing, subject to the discretion of the Parole Board panel chair, and take all reasonable steps to establish whether a victim wants to make a VPS.'<sup>21</sup>

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18 The original VPS (or any updated statements) written during criminal proceedings at court will not usually be included on the parole dossier; a VPS will only usually be included on the parole dossier where the victim has provided a more recent statement, after the offender has been sentenced

19 Victims' Commissioner's online victim survey

20 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.7 (Part B)

21 'Code of Practice for Victims of Crime' (2013) *ibid* para 6.20 (Part B)

- 8.1.3. However, the Crime Survey for England and Wales (CSEW) found that between April 2013 and 2014 only 13% of victims recalled being given the opportunity to make a VPS by the police. Of these 13%, just under half of the victims accepted the opportunity to make a VPS after being offered<sup>22</sup>.
- 8.1.4 The Victims' Commissioner's VPS survey found that 39% of victims recalled being offered the chance to make a VPS for use at court or in a Parole hearing<sup>23</sup>. Of the remaining 61% of victims who reported that they were not offered the opportunity to make a VPS, 73% of them said that they would have liked to have been offered the opportunity to make one<sup>24</sup>. These findings were also corroborated by the Crown Prosecution Service's (CPS) survey which found that 35% of victims had provided a VPS to the police for the court's consideration, but almost the same number (34%) were not offered the opportunity to make one<sup>25</sup>.

## 8.2 Police offer of VPS to victims

- 8.2.1 Police officers reported using their own judgement to decide whether or not to offer a VPS, depending on the type of crime and type of victim. This is in contrast with the Victims' Code which states that a VPS should be offered to all victims<sup>26</sup>.
- 8.2.2 Reasons given by police officers for not offering a VPS include:
- the crime wasn't serious enough and didn't need a VPS to be taken;
  - the victim wouldn't be able to recognise the impact of the crime on them (at the time the witness statement was taken), and no further offer was made;
  - not having the time to record the VPS in addition to a witness statement;
  - unaware that VPS had to be offered; or,
  - there was no likelihood of a suspect being identified and arrested.

## 8.3 Police as the responsible agency for offering and taking the VPS

- 8.3.1 The possibility of another agency taking the VPS on behalf of the police is already a discretionary provision within the Victims' Code. The Code states that the police can arrange for a VPS 'to be taken by an organisation offering victims' services or another service provider',<sup>27</sup> subject to the statement being collected in the required format<sup>28</sup>. A number of staff across the criminal justice agencies (including police officers) suggested that the police might not be the only appropriate agency to record the VPS made by victims. Agencies suggested that the voluntary sector or other organisations could assist, which may be especially helpful for those police officers who reported that they are unable to offer the VPS due to resource or time constraints.

22 Crime Survey for England and Wales (2015) *ibid* The Crime Survey data is linked to the recall of the VPS that is offered by the police and does not include the offer of the VPS that is made for victims wanting to make a statement for the Parole Board's consideration

23 Victims were given the option to differentiate between whether the offer of the VPS was made for a court, or for a Parole Board hearing; some victims made the distinction, and others provided comments around the VPS process enabling identification of which VPS process they were recounting through the Survey. To note – not all victims who have opted in to the Victim Contact Scheme (VCS) will be eligible to make a VPS. Only in cases where the prisoner's release is determined by the Parole Board is it permissible for a victim to be eligible to make a VPS; therefore, not all victims who have opted into the VCS will be offered the opportunity to make a VPS

24 The 73% of victims who said they would like to make a VPS if they had been offered, said so after being told about the VPS being used to give victims a voice in the criminal justice process to tell the court or Parole Board about the impact of a crime on them physically, emotionally, financially, or in any other way

25 CPS Victim and Witness Satisfaction Survey - NatCen Social Research, IFF Research (Sept 2015) [http://www.cps.gov.uk/publications/research/cps\\_victim\\_and\\_witness\\_survey\\_sept\\_2015.pdf](http://www.cps.gov.uk/publications/research/cps_victim_and_witness_survey_sept_2015.pdf)

26 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.7 (Part B)

27 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.9 (Part B)

28 All VPSs should be taken in accordance with the requirements of section 9 of the Criminal Justice Act 1967

- 8.3.2 Other organisations may also be better suited to help victims realise the impact of a crime and help them to articulate what has happened to them<sup>29</sup>. Some victims reported that their Independent Domestic Violence Adviser (IDVA) or Independent Sexual Violence Adviser (ISVA) played an instrumental role in informing them of their rights to make a VPS or in taking it. For example, we heard:

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*“I would have liked to be able to write it with my domestic abuse worker instead of a police officer”*

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- 8.3.3 Additionally, agencies also thought the same. In particular, Her Majesty’s Courts and Tribunal Service (HMCTS) told us:

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*“Having a support agency deal with the VPS rather than the police would differentiate the factual part and the ‘impact’ part of the case. The police are more invested in the factual part, rather than the ‘impact’ part – the emotional state of the victim is not always the police’s priority. It may also not be the most appropriate use of resources to have a trained police officer taking a VPS, when it could be done more cheaply....”*

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## 8.4 Victims’ views of the VPS

- 8.4.1 Victims were found to be generally supportive of the VPS process and the ability to make a statement in order to provide an account of their experiences in their own voice. The survey conducted by the Victims’ Commissioner (via the website) found that 78% of victims who had made a VPS said they would make a VPS in the same circumstances, if they faced them again. In addition, 73% of victims who had not originally made a VPS in their case said they would make a VPS if they were to go through the experiences of a criminal case on another occasion.
- 8.4.2 Victims tended to feel that their VPS was taken into account by the criminal justice system (65% of victims who made a VPS reported this in the Crime Survey for England and Wales 2015)<sup>30</sup>.

### CASE STUDY

*Priya\* suffered from domestic violence and abuse over a period of 43 years, though only came to court for an isolated incident of assault. It was hard for her to digest that the criminal justice system could only be concerned about this one incident and that the previous 43 years were not significant. A Victim Support worker told her that she could include aspects of her whole experience if she made a VPS. Priya made a VPS and the District Judge referred to it in summing up. He acknowledged that this was not an isolated incident and acknowledged the psychological impact of 43 years of abuse. Priya felt validated and relieved. Although she was overwhelmed, she was pleased with the result. Priya felt that the way her case was handled by the District Judge was a significant part of her recovery.*

*\*Asian, Indian, female: age 46-65*

*(Victim Support 2015)*

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29 Specific references were made to Independent Domestic Violence Advisers (IDVAs) and Independent Sexual Violence Advisers (ISVAs)

30 'Statistical bulletin: Crime in England and Wales, Year Ending March 2015' - <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/year-ending-march-2015/stb-crime-march-2015.html>

8.4.3 Victims said they wanted to make a VPS for a number of reasons. For example:

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*"(I) needed to get across to the court the devastating impact that the perpetrator had on the whole family and the ripple effects..."*

*"Because it's important that the emotional impact of the crime on you is fully understood and this sometimes doesn't come across in court"*

*"So that I matter. I am not a statistic, I am a real person"*

*"I (felt) I mattered and that's the most important thing. I was taken seriously"*

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8.4.4 The Victims' Commissioner's online survey results found that 14% of victims did not know or had not been made aware that they were making a VPS.

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*"I didn't know what it was at the time. The officer was just asking me questions. I couldn't give a sufficient account of the impact as I was still in shock"*

*"I'm not too sure it was a victim statement..."*

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## **8.5 Support for victims**

8.5.1 Although the Victims' Code states that the VPS helps victims to have a voice in the criminal justice process, there is no explanation of how victims can be supported to make their VPS. Almost half of the victims who made a VPS received help with writing their statement, which was appreciated:

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*"I would not have been able to write it without help"*

*"The support I had to complete this was brilliant."*

*"I wouldn't have known how to start if it hadn't have been for my liaison officer...but once he had explained, I found it easier to do myself"*

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8.5.2 A third of victims who had made a VPS, wanted or needed help but did not receive it to a level where they felt sufficiently supported.

**CASE STUDY**

Maya\* reported that she was being harassed by a neighbour as a result of her transgender status – her case was handled as a hate crime. Maya had made a VPS to the police and had intended to read it out at sentencing. Maya had been sent a letter by the magistrates' court detailing when she would need to attend to do this. However, on her arrival at court, it was found that she was in fact at the wrong court – the sentencing hearing was taking place at a different magistrates' court. There were no details for how to contact the court on the letter, and there was no information that clearly indicated a change of court.

Maya had been identified as a vulnerable victim with mental health concerns and despite being in contact with a number of local agencies including a mental health charity, nobody had picked up that the sentencing would take place at a different court, either. The letter was not clear enough for the professionals working with the Maya to understand, and certainly not clear enough for Maya herself.

As a result, Maya did not attend the correct court, and therefore did not have the opportunity to read her VPS out loud as she had wished. She felt too fearful to return to her home and the stress of attending the wrong court left her feeling confused, distressed and upset.

\*Ethnicity unknown, age unknown, female

(Victim Support 2015)

8.5.3 Victims are not always informed by agencies of what happens when a VPS is made. For example:

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*"Whilst I knew what I wished to say and how to write a short and concise reflection of the impact on my life – there seemed to be little guidance on how to be effective in doing that.... That must add to the stresses that victims feel"*

*"(I) felt like it was an additional humiliation. I shared personal thoughts and feelings and then felt ignored. I would rather not have exposed myself"*

*"I think it is horrifying that the VPS is given to the press without the victims being told. I would never have done one if I had known this would happen"*

*"All that has happened is that it has made me feel completely violated. No-one told me it was a public statement – I thought it was for the judge. Instead, private details about the effect the crime had on me were splashed all over the papers"*

*"Prior to court I was informed it would be read by the judge. Perhaps because there were so many complaints the judge considered she did not have time to read (it).....I felt disenfranchised as a result"*

*"Wrong information was given to me and the Parole Board met without me knowing. I had originally been told that I could go to the hearing"*

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**CASE STUDY**

*Kate\* suffered from harassment at her work place. She was visited by a female police officer who helped her complete her VPS. The police officer told her not to worry about the content because she could change it later. In her VPS, Kate gave details about the emotional impact of the crime and details of her self-harming and feeling suicidal. After she had given the VPS, Kate changed her mind about providing one as she didn't want the offender to hear the severity of the impact. She wanted to instead focus on her strength despite the difficulty and trauma she has experienced. A Witness Liaison Officer and the police agreed that she could change the VPS and made an appointment for her to do so, but when she arrived to change her VPS she was told that they had made a mistake and she couldn't change the original VPS submitted. This has caused Kate a great deal of emotional distress and a loss of trust in the criminal justice system.*

*\*White, British, female: age 26 – 45*

*(Victim Support 2015)*

**8.6 Writing a VPS**

8.61 Some judges and magistrates reported that it occasionally appeared that the police had written the VPS on behalf of the victim; they expressed concern that the VPS did not reflect the true impact experienced by the victim. For example, comments from judges and magistrates included:

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*"... it must be only words of the victim and not police led. Most VPSs are almost certainly led by officers taking the statement and not directly from the victim"*

*"ask the victim to write down the statement in their own words without the help of an officer who only seems to be caring of a conviction and not the sufferer/victim"*

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8.6.2 This view was corroborated by victims, who told us:

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*"I had assumed that because it was a victim statement that I'd be able to write it. I'm articulate and I knew what I wanted to say. In effect it was written for me by the police officer and said what she thought it ought to say – it didn't feel like a personal statement"*

*"The whole process made me feel worthless, even the process of writing the statement where the SOIT<sup>31</sup> officer reworded me in a way I hadn't said – and gave it a meaning I didn't mean"*

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31 Sexual Offences Investigation Team – specialist officers within the police service. To note – police forces will not all have the same name for such a specialist

- 8.6.3 Where victims had made a VPS for the Parole Board's consideration, Victim Liaison Officers (VLOs), who work within the National Probation Service, said that little or no guidance is given to the victim to assist the writing of their VPS. VLOs gave us the following feedback:

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*"VLOs need clear guidance – victims actually ask, 'what difference will it make?'"*

*"VLOs believe victims should be entitled to support when writing the VPS. VLOs can signpost but they are not trained counsellors or advocates. They don't have the right training or resources to act as counsellors for victims"*

*"We explain what can and can't be put into a VPS, but victims still put stuff in that can't be read. For example – a lady who is now in her 80s and whose daughter was viciously murdered. I have to go back to her to get her to re-do her VPS, as they [Parole Board panel] won't accept it"*

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- 8.6.4 The VLO is able to help a victim to write their VPS to ensure, as far as possible, that the content relates to only the impact felt on the victim and does not stray into other areas, such as the potential risk if the offender is released. VLOs will try, as far as possible, to make sure the victim does not include information of these other areas in their VPS. This is to limit the possibility of the victim being called as a witness by the Parole Board and cross-examined about any additional information they have included.

- 8.6.5 There is no clear instruction available about how the police can support victims when writing or recording a VPS. There are instructions available to assist victims to make a VPS for the Parole Board's consideration but some victims reported that they did not know what to include<sup>32</sup>. VLOs and victims also said that having guidance available for them to follow would be useful, especially when updating their VPS at subsequent parole hearings. Victims' feedback included:

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*"I was asked to redact my statement [for the parole hearing], omitting a diagnosed medical condition as a result of the crime, saying it was 'of no relevance'. This seems heavily biased towards the offender and makes a mockery of offering the victim the opportunity of a VPS"*

*"We would need for our statement to be updated, given to the Parole Board and read out at any parole hearing. Also for those involved, not to pay lip service to this, but take it into consideration. It takes a huge amount of courage, energy and guts to fill out a VPS and this must not be underestimated by those involved. Guidance would also be needed when updating statements"*

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## **8.7 Cross-examination of victims (court proceedings)**

- 8.7.1 One of the key possible consequences of victims making a VPS and having it heard in court, is the potential that they could be asked questions about the contents, or cross-examined<sup>33</sup>. There is a requirement upon the police to communicate this to victims<sup>34</sup>.
- 8.7.2 Agencies thought that victims may be put off from taking up the offer to make a VPS as a result of the possibility of cross-examination. However, some victims said this would not put them off making a VPS and they would *"welcome the opportunity to be questioned about the impact of the crime"*.
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32 Guidance produced by the Parole Board for victims on the VPS process was published in late May. It is recognised that many victims that were consulted as part of this review will not have been made aware of this publication as their experiences had taken place before this date

33 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.19 (Part A)

34 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.10 (Part B)

**CASE STUDY**

*Anika\* was attacked and assaulted by a man she met on a social networking site, leaving her with extensive injuries to her face, with her scars visible at the trial which took place many months afterwards. Before the attack, Anika was sociable and outgoing, but since the incident has been left feeling imprisoned in her home from fear of going out or being stared at. The defendant in her case initially pleaded not guilty and at the trial he wanted to represent himself. Anika was told the case would be adjourned as she was identified as a vulnerable/intimidated victim and would be eligible for special measures; and, as a result the court would need to appoint a lawyer to cross-examine her. The court checked with her about being cross-examined, and Anika felt she was able to because she felt strongly about her experience.*

*However, after much delay the defendant pleaded guilty and Anika wasn't required to give evidence. Anika felt betrayed as she felt she wanted to go to court and make her voice heard - she wanted the judge and the court to see her physical scars and the non-visible impact those scars have left on her. Anika was very keen to still read her VPS out loud and this was agreed by the court. As a result, Anika felt she was more involved in the case and that her suffering would be acknowledged and not forgotten about.*

*\*Asian, Indian, female: age 26-45*

*(Victim Support 2015)*

- 8.7.3 Magistrates and judges reported that it was unlikely that victims would be cross-examined on the contents of their VPS. Of the magistrates and judges that we had spoken to, none were able to confirm any cases where they had received a request to cross-examine a victim. Magistrates and judges said it would be unlikely for defence representatives to make such requests; and in the event that they did, it would be unlikely that the judge or magistrate would allow it. For example, our feedback included comments such as:

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*"The defence could attempt to challenge something in it [the VPS] – though (I) have never seen it (happen)"*

*"(I am) not aware of a victim being cross-examined on a VPS ... it would be very unusual and a very high risk strategy by counsel"*

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## **8.8 Non-disclosure requests of VPS (parole hearings)**

- 8.8.1 The Victims' Code makes provision for those victims, who have submitted a VPS for the Parole Board's consideration, to have the option to request the statement is not disclosed to the prisoner: 'In exceptional circumstances, (victims) can make an application for (their) VPS not to be disclosed to the prisoner if ... such a disclosure might place (the victim or the victim's family) at risk of serious harm or have a very negative effect...'<sup>35</sup>
- 8.8.2 Of those victims who made a VPS for the Parole Board's consideration, the majority said they were not aware that they could have made a request for non-disclosure of their VPS. Parole Board members corroborated this finding when they told us that they rarely saw applications for non-disclosure requests. For example, we heard from one Parole Board member that they had *"not yet seen a case where the victim wants non-disclosure of the VPS"*.

8.8.3 VLOs and the Secretary of State's Representatives (SoSRs) reported that victims who had been made aware they could make an application for non-disclosure were not always granted it. Both VLOs and SoSRs separately said that victims are not always told about why their request for non-disclosure had been declined; they also reported that Parole Board members are not always consistent with their reasons for declining a request. We heard the following comments:

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*"There has been some concern in the way these [non-disclosure requests] are dealt with... (there needs to be) greater consistency"*

*"Information should be made available on how the Parole Board reached their decision on disclosure. Victims have a right to read this decision"*

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8.8.4 VLOs and SoSRs reported that many victims whose requests for non-disclosure have been declined often go on to withdraw their VPS entirely, losing the opportunity for their voice to be heard.

## 8.9 Treatment of victims

8.9.1 Victims are not always treated with sensitivity or respect when they are offered the opportunity to make a VPS and thereafter. For example victims who had given a VPS for the court's consideration reported that:

- they felt rushed when making their VPS (whether written or recorded)
- in some instances the VPS had been taken too soon (before the victim felt ready to write about or articulate the impact of the crime)
- they were not always told that they could update their VPS and some were not given the opportunity to do so
- they were not informed about media reporting on their VPS (heard at court) and the possible repercussions of this
- they felt 'ignored' or 'dismissed' by the attitude of some staff involved in the VPS process who appeared to be 'going through the motions' or undertaking a 'tick-box exercise'
- staff did not realise the energy and bravery that it took for some victims to write a VPS

### CASE STUDY

*Tamaya\* was walking her dogs with her two children, when one of her dogs was attacked by another dog being walked by a couple. Tamaya had asked the couple to move their dog away as her injured dog had just had an operation. The couple weren't happy with Tamaya's request and attacked her in front of her two children. The male threw a lit cigarette at Tamaya after which both the male and female physically assaulted her.*

*Tamaya requested to complete a VPS prior to the court case but was met with great reluctance from the police officer who told her that she could not see the point of completing the statement. Tamaya felt re-victimised and that her feelings and the impact of the assault did not matter. Tamaya was upset she was not allowed to have a voice, and that her feelings and the impact upon her and her family did not matter. This made her increasingly nervous for the pending court date.*

*\*Ethnicity unknown, female: age 26-45*

*(Victim Support 2015)*

## 8.10 Victims' understanding of the VPS purpose

8.10.1 An ambiguous description of the role and purpose of the VPS means that victims are not always clear about how to write their statement, what information would be helpful to include and what should be avoided. One victim said:

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*"It turned out that the first one [VPS] I wrote was completely wrong – I listed what he had done, with the dates of 50 previous crimes. They took it – but now I know it was invalid. Now I know, it is... the effect it had on you and you are not allowed to talk about them"*

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8.10.2 Some agencies reported that the name of the VPS, the 'victim personal statement' might be responsible for some of the lack of clarity of its purpose.

8.10.3 Some victims deliberately decided to not provide a VPS as they had no confidence in the criminal justice system and they thought their VPS would not make a difference. We heard the following comments:

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*"..... (I did not write a VPS because) it is pointless – it is just a piece of paper that has no real value"*

*"I believe it was totally redundant in my case as the charge against the woman was so petty in relation to the seriousness of what happened to my husband"*

*"I have lost faith in the criminal justice system, from the police to the courts"*

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8.10.4 Criminal Practice Directions<sup>36</sup> for the magistracy and judiciary, which are publicly available, set out how the impact on a victim could be considered. However, judges and magistrates are not given any other guidance or instructions on how they 'take into account' or 'take into consideration' the VPS and what it actually means for the victim when a sentence is given to the offender.

8.10.5 Parole Board Practice Directions<sup>37</sup> state that a VPS 'will always be read by the Parole Board panel' making a decision about a prisoner. This goes a little further than the Criminal Practice Directions applicable to judges and magistrates, as it sets out that a victim's VPS will be read in full.

8.10.6 The booklet published for victims, 'The Parole Board: Information for Victims'<sup>38</sup> can be widely accessed and does provide some information about how the decision is reached by the Parole Board panel. The booklet sets out that the VPS will be read and considered by the Parole Board panel. The booklet also states that the VPS will be considered alongside the most important information about how risky or dangerous the offender is at the time of the hearing. However, no specific information was available about how Parole Board members consider the VPS in their decision-making.

## 9. MAKING THE VPS: VICTIM TAKE UP

### 9.1 Victim motivation

9.1.1 Some victims said they took up the offer to make a VPS in order to make the criminal justice system believe that the crime had actually taken place or because they did not think criminal justice system understood the impact of the type of crime committed against them. For example:

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36 'Criminal Practice Directions' – 2015: Sentencing (Part F): <https://www.judiciary.gov.uk/wp-content/uploads/2015/09/crim-pd-2015.pdf>

37 The practice directions for Parole Board members are not available to the public

38 'Parole Board: Information for Victims' *ibid*

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*"... maybe the police and CPS may have understood how these kind of offences affect people"*

*"Because most people don't have a clue about the impact of being raped multiple times"*

*"Because the police didn't believe me, took no account of my state of mind, did not support me...I personally think they decided not to believe me from the very beginning"*

*"I wasn't believed or even listened to..."*

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9.1.2 In addition, some victims said that making their VPS provided a cathartic or therapeutic value;<sup>39</sup> these victims said:

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*"I'm glad Victim Support told me about the Victim Personal Statement.... It helped me"*

*"...don't underestimate the good that this does the family and friends of the victim. It is our one opportunity to express ourselves in an open way and gain strength from doing so"*

*"The experience of writing it, although difficult, employs thought and reflection which is part of the catharsis"*

*"Writing one was a good experience, if only to acknowledge just how badly I felt and why"*

*"Personal empowerment and to gain a sense of closure"*

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9.1.3 Some victims said that it would not have been useful to make a VPS in their case because there was no suspect identified or charged, or the defendant(s) was acquitted:

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*"I didn't feel like writing a personal statement made me feel any better. Whether this is because I knew that the culprits were not caught and others had just received a warning. I'm not sure what response I was expecting..."*

*"(it didn't matter) ... he was found not guilty any way"*

*"(I) felt the judge ignored it and gave him the benefit of the doubt..."*

*"... (He) is a repeat offender and got off very lightly yet again. He will never learn. (He has since breached (his) restraining order and mocked his punishment in front of me. I'm disgusted..."*

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39 5% of victims reported that they had made a VPS for cathartic or therapeutic reasons alone; 51% of victims reported making a VPS so that the full impact of the crime could be heard by the court; a further 14% of victims said that they wanted the offender to be made aware of the impact of the crime (Victims' Commissioner's online victim survey)

9.1.4 Some agencies also expressed concern for victims unable to make a VPS themselves. The Victims' Code allows for a third party to make a VPS on a victim's behalf at the police's discretion; they are able to make arrangements for a person who hasn't given an evidential (witness) statement to provide one<sup>40</sup>. Agencies told us that this was not seen in practice and the police could be more proactive in offering the VPS for those victims that may fall into this category.

## 9.2 Information given to victims

9.2.1 Although victims are supportive of the VPS process and appreciate the opportunity to have their voice heard, they were unsure about how their VPS was used in court and parole processes, and if it made any difference to their case:

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*"Because I felt it was only a 'paper exercise' on behalf of the police and CPS. I don't think that our son's life made a difference to them"*

*"(I) would like to have been told) how it was taken into consideration"*

*"I don't think it made any impact. I'd like to be told what impact if any, it made"*

*"I made a statement, and I am not sure what for, why, or where it was used. It wasn't a witness statement"*

*"I'm not sure how much it has contributed with regard to the legal process and certainly the Parole Board Process has been a real eye-opener. Actually, I don't seem to matter at all"*

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9.2.2 The majority of victims said they wanted information on how their VPS will be or has been taken into account and the only way this could happen would be if the sentence or parole decision met their expectations. For example, the VPS had made a difference because the offender received a sentence they thought was appropriate, or that the information they had given to the Parole Board resulted in restrictive conditions upon the offender.

9.2.3 Other victims said that formal acknowledgement or an explicit reference from the magistrate, judge, or Parole Board member informing them that their VPS had been read would be a helpful way to know that their VPS was used. It would also make them feel that the VPS had not been in vain. Some comments from victims included:

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*"a mandatory letter should be sent out to all victims confirming the VPS has been used in the court process"*

*"An acknowledgment of the impact (would make a difference)... it was all very clinical, just part of the process"*

*"I actually wrote: 'I hope that this statement is read by the judge'. The judge did comment, 'I assure you I have read your statement'"*

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40 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.16 (Part A)

*“The magistrates should have mentioned it – they didn’t. There would have been a restraining order (instead of a useless year’s conditional discharge). The police would have taken the harassment/ stalking seriously as the offending continued despite the conviction”*

*“The judge included this (VPS) in his summing up, both at the sentencing hearing and the Court of Appeal hearing. This was extremely important to us, for the perpetrator, media, public, family and friends to know the impact that (the victim’s) murder had on us”*

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9.2.4 Even reference to the length of the document, or the tone it was written in was shown to give victims confidence and comfort that their VPS had not been ignored:

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*“The fact that the judge had referred to my ‘five page document’ made me know that he had read it and knew how much I had told him about the impact of the crime”*

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## 10. TAKE UP OF THE VPS (IN COURT): TIMING

### 10.1 Victim take-up

10.1.1 The Victims’ Code sets out that victims are entitled to make a VPS ‘at the same time as giving a witness statement’.<sup>41</sup> The Code also explains that victims can ‘**choose** to make a statement at a later time – provided this is before the case comes to court or the suspect is sentenced.’<sup>42</sup> Victims can ‘submit a further VPS ... or add to or clarify’<sup>43</sup>, essentially allowing them to update the information provided about the impact of the crime.

10.1.2 Victims who want to make a VPS for the Parole Board to consider can usually<sup>44</sup> only do so if they have opted into the Victim Contact Scheme (VCS). Unlike at the court stage victims do not have as much choice and flexibility about when they can make their VPS. It is dependent on when they are informed the Parole Board is considering the prisoner’s case. Some victims may have already made a VPS for the court’s consideration and will have been through the processes involved; for others this may be a new experience, where processes will need to be explained to them.

### 10.2 Realising the impact of a crime on a victim

10.2.1 Every victim of crime will have a different experience and the impact will differ from one to another, often at different times. Some victims, given the nature of the offence against them, will experience the impact immediately; others may experience a continuing impact; while some victims may feel no impact at all. The Victims’ Code recognises these differences to an extent; however, some of this realisation was not always identified by agencies when dealing with the impact of a crime, in practice. For example, the varied comments we heard, included:

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41 ‘Code of Practice for Victims of Crime’ (2013) *ibid* para 1.12 (Part A)

42 ‘Code of Practice for Victims of Crime’ (2013) *ibid* para 1.14 (Part A)

43 ‘Code of Practice for Victims of Crime’ (2013) *ibid* para 1.17 (Part A)

44 Victims who want to make a VPS for the Parole Board to consider can usually only do so if they have opted into the Victim Contact Scheme (VCS). There may be occasions where victims not in the VCS are contacted to ask if they want to make a VPS or make representations for licence conditions if the offender is being managed under Multi Agency Public Protection Arrangements (MAPPA)

*“The police should have discretion about when to do a VPS”*

*“If there is a vulnerable victim it may not be appropriate for a VPS to be taken right away. But this needs to be balanced up with getting it done before court, as well”*

*“(it is) questionable whether it [the VPS] would be (taken) prior to trial or prior to sentence – it depends on which way you felt it was going to go”*

*“Judges have asked for the VPS to be used as part of the pre-sentence report. This can result in two VPSs being taken, or even more”*

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10.2.2 Some victims reported that they did not always feel emotionally ready to describe the full impact of the crime when the police were taking an evidential (or witness) statement from them.

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*“I wish I had been given more time to think and go away and write it. My SOIT officer came round and made me dictate it while she wrote. That statement did not reflect what I wanted to say”*

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### **10.3 Updating a VPS**

10.3.1 Victims reported that despite their entitlement to update their VPS, many were not given the opportunity to do so. This is an issue that victims experienced at both the pre-sentence stage at court, and when making a VPS for the Parole Board’s consideration:

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*“I was asked to give my VPS quite early on ... I’d have liked to have been offered to add or amend it later when I truly knew the extent of the effects of the crime on myself”*

*“Due to the continued anguish caused, I would have happily given a considered and updated statement which would give details of the longer term impact...”*

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10.3.2 An updated VPS can help the judge, magistrate, or the Parole Board ensure that when they are making their decision about the sentence or a prisoner’s circumstances, they are fully informed of the full affect of the offender’s behaviour on the victim. For example, judges, magistrates and Parole Board members told us:

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*“when the offender is being considered for release, we can use the VPS to consider measures to protect the victim”*

*“(The VPS) is most useful in terms of setting licence conditions and working out whether the risk management standards being proposed are feasible ... In terms of the decision having the impact emphasised to the panel members, (it) is very important as it really is registering the level of harm”*

*“VPS does affect the sentence when looking at culpability and harm. If the impact is not disputed then it is taken at face value...”*

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## 10.4 Guilty pleas

10.4.1 When a defendant pleads guilty the VPS is often not used or referred to, especially in the magistrates' court where cases can often be finalised very quickly. Victims who have made a VPS reported feeling frustrated that they had unnecessarily gone through the trauma of writing a VPS that was then not considered by the court.

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*"It was delivered after sentencing, outside of the court (and not during the sentencing hearing)"*

*"The assailant had pleaded guilty and it was deemed unnecessary"*

*"...the man who assaulted me pleaded guilty, so I wasn't asked to go to court or offered the opportunity to do so (after making a VPS)"*

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## 10.5 Acquittals and discontinued charges

10.5.1 Where a defendant has been found not guilty or is acquitted of the charges against them, the VPS cannot be used. Cases where the charges had been dropped or the prosecution case discontinued also saw victims reporting the same issue. Victims who had made a VPS in these circumstances expressed that they had also experienced unnecessary trauma to write a VPS which would then not be used by the court. For example, we heard that victims only knew their VPS was not being used because:

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*"(the case) didn't go to court"*

*"...never got to court. (The) CPS said no proof of assault"*

*"The offender was found not guilty"*

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10.5.2 Victims expressed anger and frustration about the time and energy that was taken to write a VPS which was not needed; victims reported that it had not been explained to them that this may be a possibility. For example, victims said:

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*"... (my VPS didn't make a difference because) he was found not guilty anyway"*

*"... (my VPS didn't make a difference because) the CPS dropped the case"*

*"(I) felt the judge ignored it [VPS] and gave him 'the benefit of the doubt'"*

*"Even if I had read it out I do not believe it would have made any difference ... I had already put all my arguments to the CPS, who disregarded them. By that time I was highly cynical about the whole process"*

*"... after the case had been 'disposed' there was nothing anyone could do. I'm still angry about it. I have no idea whether the CPS even made use of my statement"*

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## 10.6 Efficiency changes in the criminal justice system

- 10.6.1 Agencies recognised that sometimes victims were not given enough time to make a VPS (mainly in magistrates' court cases). This follows changes introduced for cases to be heard more efficiently at court. Recent work by agencies to 'Transform Summary Justice'<sup>45</sup> has enabled the criminal justice process to make sure checks are made for victims who have made a VPS. These checks have meant that the police and Crown Prosecution Service (CPS) can work better together to manage the VPS process.
- 10.6.2 As this approach in the magistrates' court relies on cases to be heard more quickly, there remains a concern that there is still not enough time for some victims to have fully realised the impact of a crime upon them and for them to make a meaningful VPS. Agencies also recognised this as an issue for victims when they told us:

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*"The VPS should be on file by the trial date but the victim may need to update it as the impact becomes clearer over time. Ideally the VPS should be available by the first hearing"*

*"They [victims] make the VPS straight after the crime, but the impact is not (felt) until some time later. Maybe a psychologist could assist the police to establish when is the best time to take a VPS. It shouldn't be at the start. It should be explained to victims that they can make a statement now, and then they can do another up to date one later"*

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## 11. READING THE VPS

### 11.1. Victim preparedness

- 11.1.1 Many victims reported that they were not always prepared for what would happen in court on the day of sentencing. Some reported that they were led to believe they could read their VPS themselves<sup>46</sup>, but were then disappointed or frustrated to learn that the prosecutor, judge or magistrate would be reading the VPS on their behalf. Some victims were surprised that although they had written a full statement, only parts of it were read out:

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*"I feel that the VPS should be allowed to be read out in court by the person who has made the statement (if they want to), and not by a group of people who don't know the victim and know what problems, upset and life changes the victim has had to go through"*

*"I think it would have been nice to read it out in court myself"*

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45 '2010 to 2015 government policy: criminal justice reform' – Appendix 1 <https://www.gov.uk/government/publications/2010-to-2015-government-policy-criminal-justice-reform/2010-to-2015-government-policy-criminal-justice-reform#appendix-1-swifter-justice-in-the-criminal-justice-system>

46 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.12 (Part A)

## CASE STUDY

*Pamela\* was a victim of verbal assault. The perpetrator pleaded guilty so the case went straight to sentencing hearing. Pamela expressed a preference to read out her VPS at the sentencing hearing. Pamela was not given any preparatory information or explanation about what would happen at the sentencing hearing and what would be expected of her during the day. For example, she was not told that she would be reading an edited version of her VPS or that there would be a possibility of being cross-examined by the defence barrister (which she was). She had no information about how her presence at the hearing would impact the judge's decision.*

*Additionally, the CPS was unaware that Pamela would be attending the sentencing hearing to read her VPS. The barrister did spend some time with Pamela to try and explain certain things, but this was only done on the day.*

*Pamela's case was adjourned for a few hours due to key evidence being unavailable, and as a result Pamela felt very angry, frustrated and distressed. The explanations she received about what would happen during the day had not covered this, and had a serious impact on her. She found it difficult to listen to the mitigation and began calling out from the public gallery; she also became angry during her cross-examination.*

*\*Ethnicity unknown, age unknown, female*

*(Victim Support 2015)*

- 11.1.2 Victims who had made a VPS for consideration by the Parole Board reported being given incomplete information about what would happen. Some victims expected to read their VPS at an oral parole hearing, but were subsequently informed the hearing would take place in a different format (through consideration of papers alone, rather than an oral hearing). These victims reported feeling let down as they had prepared themselves to possibly face the offender and no longer had the opportunity to do so. Some victims expressed that they wanted to see the offender, but were not prepared for the way they would feel if the offender chose not to be present when the victim or victim's family attended the parole hearing. This was an issue Parole Board members also recognised. It is clear from the following comments that this is not always an easy situation to manage:

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*"It is [sometimes] important to keep the victim away from the offender. The prisoner is kept in his cell and does not leave until the victim has read their VPS and has left prison. The victim can feel intimidated to think that they might come across the prisoner"*

*"The prisoner decides whether to attend.... if they didn't attend most of the time, they'll know what happens from the lawyer. The victim reads their VPS, leaves and then the prisoner will come in"*

*It is about managing expectations. There was a moving and awful case where the victim's family ..... travelled to the oral hearing. They wanted to see the prisoner at the hearing, but didn't want to read their VPS. The prisoner was due for release but seeing the family had a clear demonstrable effect upon him and he actually asked for a move to an open prison instead of being released. At the next hearing the prisoner was considered for release. The victim's family did not attend, and said it was too painful to attend last time and they didn't feel listened to"*

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11.1.3 Some victims who attended a parole hearing reported feeling unprepared for what they might experience – that they may have to see the offender; the offender would most likely read their VPS; they had not expected to be attending the hearing in a prison; or, their VPS had been edited more than they had expected. These issues were also raised by VLOs and the Secretary of State’s Representatives (SoSRs) as concerns from victims. For example, we were told:

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*“It should be made perfectly clear to all victims that the perpetrator will read your statement... and your feelings do not determine if he (or she) will be released”*

*“It should be explained that only approved text will be read. If the victim goes ‘off-piste’ there is a problem, and it can be emotionally fraught”*

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## 11.2 Reading the VPS

11.2.1 One of the key entitlements outlined in the Victims’ Code is the right for victims to ‘read their VPS aloud or have it read aloud on (their) behalf, subject to the court’s views where a defendant is found guilty’. Where victims have opted into the Victim Contact Scheme (VCS), they are entitled to ‘make a VPS for consideration by the Parole Board if the offender is considered for release or transfer and apply to the Parole Board to read it out at the hearing’.<sup>47</sup>

11.2.2 Judges and magistrates told us that they would not refuse a victim’s request to read their VPS aloud, or have it read on their behalf. However, 55% of victims said they were not allowed to read their VPS in court (25% wanted to in magistrates’ court cases and 47% in Crown Court cases)<sup>48</sup>. Victims gave a number of reasons why the VPS was not read aloud, and sometimes that no reason was given to them; some examples include:

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*“...because the CPS lost it, and then suggested I had not written (one)”*

*“the judge and defence said it was too long”*

*“No reason was ever given. It left me, my daughter and grandson who attended the trial feeling upset and let down”*

*“No reason was given”*

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47 ‘Code of Practice for Victims of Crime’(2013) *ibid* - Summary of Key Entitlements

48 Victims’ Commissioner’s online victim survey

## CASE STUDY

*Jonathan\* reported to the police that he had been sexually abused by a man in a position of trust, when he was much younger. Jonathan made a VPS and told the police that he wanted to read it out himself at court. The defendant pleaded guilty and so no trial was conducted. Jonathan was accompanied to court by Victim Support where an application was made by the CPS requesting that he be able to read out his own VPS. The judge was hesitant stating that he had 'already read it' and 'would take it into consideration' but Jonathan was insistent, and eventually convinced the judge he should be allowed to read it.*

*Part way through Jonathan's reading of his VPS, the judge stopped him from reading further expressing concern for his welfare. However, Jonathan replied that he wanted the perpetrator to 'know what he has done to me'. The judge allowed the prosecutor to read on from where Jonathan had stopped. The initial resistance by the judge caused unnecessary upset to Jonathan however he was pleased that he could say in his own words what the impact of the abuse has had on him and his wife, who had never known about it.*

*\*White, British, male: aged 46-65*

*(Victim Support 2015)*

- 11.2.3 Similarly, Parole Board panel members said they would not refuse a victim's request to read their VPS out loud, or have it read by someone on their behalf. The Parole Board has started to record some data about the VPS, but there is a need to improve the accuracy of this data so the number of victims who want to read their VPS aloud at an oral hearing, and those allowed to do so, can be easily identified.

## 12. INCLUSION OF THE VPS IN COURT/PAROLE DECISIONS

### 12.1 Assessment of the VPS

- 12.1.1 Magistrates and judges said the VPS helps to illustrate and very often provides supplementary information to existing evidence within the court file. *"(The VPS provides a) corroboration of the conditions"* which they said better informed them about the impact of the crime on the victim. They also said that the VPS refined their assessment of the level of harm caused, as the level of harm caused is a significant factor in determining a sentence.
- 12.1.2 However, magistrates and judges made clear that the VPS was by no means a sole factor in determining the sentencing outcome – they also made reference to the sentencing guidelines by which they are bound. They reported that by considering the VPS when sentencing in some instances sentences were increased, whereas in some instances sentences were not affected at all. For example we heard:

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*"There is no doubt that these statements can be very powerful and influential"*

*"There is no doubt that VPSs have an impact. The harm of the case should be taken into account..... if the victim is more affected by something then it could have an impact on the sentence. Emotional, psychological impact and harm can have an impact on length of sentence"*

*"(The VPS) is a part of the information that determines the sentence, but I don't think it would make the sentence longer or shorter"*

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12.1.3 At the parole stage, Parole Board members said the VPS is used as a means to assess harm that may be caused to the victim. It is also used to target questions to the offender to inform additional licence conditions. There seemed to be more information available of how the VPS is used at parole hearings compared to at court, however, few staff<sup>49</sup> were able to explain how the VPS could help with the questioning of an offender.

### 13. EFFECTIVE USE OF TECHNOLOGY

#### 13.1 Use of existing technology

13.1.1 The Victims' Code already allows for the use of technology when taking a VPS – 'the police may make arrangements for the VPS submitted online<sup>50</sup>.' However, it seemed that this was not well known, or that agencies think technology could be better utilised.

13.1.2 Agencies across the criminal justice system were supportive of the idea that different forms of technology and better use of existing infrastructure could be used to assist the police when taking a VPS:

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*"we could be more flexible with the use of technology and be more innovative with how it is used to ensure that the VPS can be better delivered"*

*"Technological infrastructure needs to be improved so that the immediacy of some situations can be realised. Agencies need to think how they can better use technology"*

*"body-worn cameras could be used to record a victim's VPS" (rather than the victim providing a written statement)*

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#### 13.2 Rethinking technology options

13.2.1 We heard suggestions for new ways to use technology – one example was the idea of victims being able to upload or submit their VPS themselves. Some individuals we spoke to, said:

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*"... (I) wonder whether the victim could write (and submit) it themselves"*

*"The technology shouldn't be too difficult – surely they could do it all online"*

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13.2.2 Agencies also reported that current VPS processes could be better managed through existing technology, by smarter deployment of the "digital tools and approaches already available". Agencies said that video live links to court and to Parole Board hearings could and should be better utilised. This is an especially prominent issue for victims who are providing a VPS for parole hearings. Both the NPS and Parole Board said that "victims should be told about the use of video links.... this would help victim attendance at hearings to be managed in a way that was helpful to (them)". Agencies also thought this would be particularly helpful for victims who find it difficult to attend a hearing in a prison, or who do not want to be in close proximity to the offender.

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49 National Probation Service Victim Liaison Officers (VLOs), particularly  
50 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.8 (Part B)

## Victims' Code – defining the VPS

### 14. DEFINITION OF VPS AND ITS PURPOSE

#### 14.1 Victims' Code provisions

14.1.1 The Victims' Code sets out the key entitlements that victims of criminal conduct are entitled to in relation to the Victim Personal Statement (VPS). The Code states that if you are a victim, you are entitled to:

- 'make a Victim Personal Statement (VPS) to explain how the crime has affected you';
- 'read your VPS aloud or have it read aloud on your behalf, subject to the views of the court, if a defendant is found guilty'; and,
- if you opt into the probation Victim Contact Scheme (VCS), 'make a VPS for consideration by the Parole Board if the offender is considered for release or transfer and apply to the Parole Board to read it out at the hearing'<sup>51</sup>.

14.1.2 The VPS is offered to give victims the opportunity to 'explain in their own words', how the crime has affected them 'physically, emotionally, financially or in any other way'. The Code explains that the VPS is different from an evidential (witness) statement given by a victim which would describe what happened at the time of the crime. The Code also sets out that the 'VPS gives (the victim) a **voice** in the criminal justice process'<sup>52</sup>.

#### 14.2 Victims' Code limitations

14.2.1 The Victims' Code does not provide any explanation of either what the VPS actually does, or any detail about how it will be used (except that it will be considered as part of the evidence before the court, or for use by the Parole Board to reflect a victim's current views or feelings). This is also an issue which remains to be addressed in the 2015 version of the Victims' Code<sup>53</sup>.

### 15. CLARIFYING THE VPS

#### 15.1 The purpose of the VPS

15.1.1 The lack of a defined purpose of the VPS has left agencies open to interpret its role in a way that they see as appropriate. Most agencies have policies and/or guidance in place, with varying levels of detail, setting out their own function relating to the VPS. None of this describes the purpose of the VPS in detail. Where policies and/or guidance are available, agencies detailed how they facilitate a victim's VPS through the criminal justice process rather than what it meant for their VPS to be taken into consideration. Agencies' guidance on how victims should be informed about the VPS varied, and in many cases it did not expand on the contents of the Victims' Code.

15.1.2 An example of good practice in identifying the role of the VPS through official guidance was seen in the National Probation Service (NPS) Victim Contact Scheme (VCS) Guidance Manual, replicated in practice directions for Parole Board members. The guidance describes the purpose of the VPS as providing a 'useful context and information about the impact of the offence on the victim for the Parole Board ... The VPS can contribute to a better, more informed hearing, as it may enable more open and robust questioning of the offender about the offence.....'<sup>54</sup> Although this guidance is available for NPS Victim Liaison Officers (VLOs), very few of the VLOs we interviewed were aware of the detail of the guidance.

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51 'Code of Practice for Victims of Crime' (2013) *ibid* - Summary of Key Entitlements

52 'Code of Practice for Victims of Crime' (2013) *ibid* – para 1.11 (Part A)

53 'Code of Practice for Victims of Crime' (2015) *ibid*

54 'Victim Contact Scheme Guidance Manual' – para 25.2.1 - [www.justice.gov.uk/downloads/offenders/probation-instructions/pi-48-2014-victim-contact-scheme-guidance-manual.doc](http://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-48-2014-victim-contact-scheme-guidance-manual.doc)

- 15.1.3 The Parole Board published an information booklet, 'The Parole Board: Information for Victims'<sup>55</sup> in May 2015, which provides victims with more detail about the VPS, including some practical guidance to help victims understand how they should write their VPS.

## 16. ACCOUNTABILITY AND OWNERSHIP

### 16.1 Establishing responsibility

- 16.1.1 There is no single body or entity identified as being responsible for the VPS process and, as a result, there is no ownership or accountability for the VPS process in its entirety. There is also no evidence of any over-arching guidance or training available, which demonstrates how the system should work from beginning to end.
- 16.1.2 It was not possible for any agency to say how well they fulfilled their obligations relating to the VPS.
- 16.1.3 This means that for example, where the police take a VPS, there is currently no process in place to see how the VPS has been included in the court's decision making when sentencing of the offender takes place. Similarly, where a victim makes a VPS to the Parole Board, the VLO will have no role to play in how the VPS is actually included in the Parole Board's decision making.

## 17. ENSURING THE VPS PROCESS WORKS

### 17.1 Guidance

- 17.1.1 The lack of an over-arching guide or document for all criminal justice agencies, responsible for delivering the VPS process, means that there is no information available on how they can work collectively to deliver victims' entitlements in relation to the VPS. Various documents exist which provide partial levels of information, but none provide a full picture of the entire process from beginning to end. The criminal justice agencies' practitioners' guide<sup>56</sup> sets out some operational duties for each agency when a victim has made a VPS. However, there is insufficient guidance for each agency about the process and how it operates from beginning to end.
- 17.1.2 The more recently published protocol for those who work in the courts, focuses on assisting a victim to read their VPS at court.<sup>57</sup> The protocol sets out 'the working arrangements between (all agencies involved in the VPS process at court)... for the reading of the VPS In criminal proceedings'. Whilst some staff from the agencies involved said this was a useful document which provided more information about the VPS compared to previous guidance material, we found a number of gaps. There was still an insufficient articulation and understanding of the VPS process overall, a lack of clarity about the purpose and objective of the VPS, and no evidence of the continuity of the VPS process across the criminal justice system. There appeared to be varying levels of awareness of the document by the operational staff we spoke to from the relevant agencies.
- 17.1.3 There was no protocol or similar document available to describe the process for a parole hearing in the same way. Many VLOs and Parole Board staff thought it would be useful to have a document similar to the court protocol to help standardise their working practices.

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55 'Parole Board: Information for Victims' - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/427392/Parole\\_Board\\_-\\_Information\\_for\\_Victims.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427392/Parole_Board_-_Information_for_Victims.pdf)

56 'Making a Victim Personal Statement: a guide for all criminal justice practitioners' - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/264622/practitioners-vps-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264622/practitioners-vps-guidance.pdf)

57 'Reading Victim Personal Statements in Court – A Working Protocol between ACPO, the Crown Prosecution Service (CPS), HM Courts and Tribunals Service (HMCTS), the Witness Service and the Senior Presiding Judge for England and Wales'

## **17.2. Training**

- 17.2.1 Most agencies have training and guidance in place, for their own functions in the VPS process, but this varied between agencies. Where training is available, its delivery to staff involved in the VPS function is inconsistent. Additionally, no training material appeared to be in place which covers the entirety of the VPS process.
- 17.2.2 Judges, magistrates, and Parole Board members receive some training about the VPS; however, this is included in wider victim-focused training or in practice directions. Practice Directions for magistrates and judges do not currently require any information to be asked about whether a VPS exists on file or not. Parole Board members, contrastingly, are provided with a checklist<sup>58</sup> when reviewing a dossier in preparation for a parole hearing, which includes an identification of whether there has been a VPS submitted by the victim(s).

## **18. KNOWING THAT THE VPS PROCESS IS SUCCESSFUL**

### **18.1 Monitoring**

- 18.1.1 There is currently no requirement on the criminal justice agencies to monitor how the VPS process works. However, some agencies were monitoring or planning to monitor certain aspects of their functions relating to the VPS for their own purposes.
- 18.1.2 There was little or no evidence of monitoring conducted by individual agencies to collect data on victims who have made a VPS, and the outcome at court or at the parole stage. As a result, it seems there is no way to track a victim's VPS through the journey of their case.

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58 This checklist is part of a form known as PAROM1 – 'Generic Parole Processes for Determinate Sentence Prisoners' - <https://www.justice.gov.uk/downloads/offenders/psipso/psi-2013/psi-19-2013-generic-parole-process.doc>

# ANALYSIS

## The VPS process

### 1. OFFER OF THE VPS

- 1.1 The evidence has highlighted that many victims do not recall being told about or offered the opportunity to make a VPS, and the police said that they do not always offer a victim the opportunity to make one. There were a number of reasons identified as to why this does not take place; but the police highlighted this may be partly influenced by resource issues, as did other criminal justice partners. They suggested that other organisations which support victims may be able to undertake this part of the VPS process. Many agencies were not aware that there is currently provision in the Victims' Code for other agencies to take a VPS. This should be considered as a possible alternative to help alleviate the resource pressures that some police and criminal justice partners reported.
- 1.2 Additionally, not all victims reported being fully informed of what to expect when making a VPS and the possible trauma and upset that may follow. This should not be underestimated. Victims need to be fully informed of the process so that they can be prepared for the journey ahead - agencies cannot and should not make assumptions about a victim's understanding. It is perhaps through dialogue with the victim that they can be better informed about the process and the practicalities of making a VPS.
- 1.3 Our evidence showed that victims generally wanted to make a VPS, but agencies needed to consider how they can be better informed about key issues relating to the VPS. The following (non-exhaustive) list sets out key issues which victims told us they were not informed about:
  - when a VPS should be offered;
  - support that may be available for the writing of a VPS;
  - what will happen when the VPS is read – who can read it, how this will take place etc;
  - media reporting and effects on privacy;
  - the likelihood of cross-examination or questions about the contents of the VPS;
  - the options of appearing via video link;
  - the availability of special measures and assistance when reading the VPS;
  - attendance at prison and the possibility of seeing the prisoner; and,
  - non-disclosure request applications at parole hearings and how they can be made.
- 1.4 The lack of a consistent definition of a VPS and its purpose also appeared to impact on victims. The failure to provide clarity around why the VPS was being offered, and what its purpose was, meant many victims were uncertain about the statement they were giving, why they were making it, and what would happen next. We also saw that agencies struggled when explaining the role and purpose of the VPS to victims.

## 2. MAKING THE VPS: VICTIM TAKE UP

- 2.1 Although a victim's motivation for wanting to make a VPS varied, most victims felt a sense of satisfaction after having made one. It was therefore a concern to discover that many victims were not told what they should include in their VPS and how the process may make them feel. Once victims had made the decision to make a VPS, they reported the following experiences:
- feeling rushed when making their VPS (whether written or recorded);
  - in some instances the VPS had been taken too soon (ie – the victim did not feel emotionally ready to talk about the impact, or they had not fully realised what the impact was, immediately after the incident);
  - they were not always told they could update their VPS, and some were not given the opportunity to do so;
  - an honest account of the likelihood of them being cross-examined on the content of their VPS; they were not informed about media reporting excerpts from their VPS (heard at court) and the possible repercussions of this;
  - feeling 'ignored' or 'dismissed' by the attitude of staff involved in the VPS process who appeared to be 'going through the motions' or undertaking a 'tick-box exercise'; and,
  - feeling the criminal justice system did not realise the energy and bravery that it took some victims to write a VPS.
- 2.2 For victims making a VPS for the Parole Board's consideration, some reported:
- receiving insufficient advice about focusing purely on the impact of the crime, rather than the offender's behaviour or likelihood of re-offending;
  - being unprepared for what they might experience if attending a hearing (for example, attending a prison, the possibility of seeing the prisoner, etc);
  - the possibility to read their VPS using video live link facilities; and,
  - the option to make a non-disclosure request and the options available if the request is not granted.
- 2.3 It was clear that victims were unhappy with the way agencies handled various aspects of the VPS process. Victims reported that agencies did not understand how it felt to tell someone else about their deepest feelings and that when they did, some agency staff did not appreciate the time it took to recognise the impact and the time it took to write about it.
- 2.4 We recognise that some communication takes place about what might happen after the victim has made their VPS, but there appears to be no meaningful sensitivity to the victim's circumstances. All victims are different and their feelings and understanding about the information they receive will vary. While agencies say they are sensitive to victims' needs and staff demonstrate empathy, it seems victims do not feel this is at an adequate level or sufficiently sensitive to their individual circumstances.
- 2.5 Staff working in agencies need to demonstrate emotional intelligence of a victim's support needs through the VPS process, and through the many stages of the wider criminal justice journey. Victims need to know what may happen, in order to help them prepare mentally, physically and emotionally.
- 2.6 Monitoring the offer of a VPS need not only be a police responsibility. We found other agencies who said that they could have a role to play in the process. For example, the CPS said that in some instances they may be able to check with the police whether the victim had been offered the opportunity to make a VPS, and whether that offer had been taken up. Equally, some magistrates, judges and Parole Board members also said that they check with relevant agencies to see if the VPS had been offered, if they could not see one on the file. Working collaboratively to deliver the VPS process is a proactive step

and should be supported. It may encourage more victims to make a VPS, and/or have their VPS read out loud during court or parole hearings. The contribution of all relevant agencies to ensure the VPS is offered should be maximised wherever possible.

### **3. TAKE UP OF THE VPS: TIMING**

- 3.1 Some victims felt that their VPS was taken before they had realised what the impact upon them was, and recognised that it may be better for their VPS to be taken at a later stage rather than when they made a formal, or evidential (witness) statement about the crime. This would need to be appropriately handled so that appropriate cases are identified and victims not disadvantaged in any way. For example, early guilty plea cases heard in the magistrates' court may be finalised too quickly for a VPS to be taken at a later stage – it would not be helpful to give victims the option to make a VPS at a later stage in this scenario unless the risks of doing so had been fully explained to them.
- 3.2 Victims were not always informed that they would have an opportunity to update their VPS, or in some cases they were not given the opportunity to do so. This prevented them from communicating any delayed impacts through their VPS.
- 3.3 Judges and magistrates also commented that the timing of when a VPS was taken could have an effect on the impact information a victim provided. A VPS taken at the same time as an evidential (or witness) statement would only detail the immediate impact. Judges and magistrates suggested the trial process could add to the impact a victim might experience, and as a result, some victims may benefit from having their VPS taken at a later stage so a fuller picture of the impact can be obtained.
- 3.4 Some victims described feeling frustrated and traumatised when the defendant was sentenced because their VPS was not referred to by judges or magistrates. These victims reported feeling that their VPS had been ignored. Some victims felt their VPS was made unnecessarily and that they felt dismissed.
- 3.5 Victims told us that their VPS was seen as unnecessary where the defendant was found not guilty (acquitted) by the court. They found it frustrating and traumatic to go through the process of writing a VPS which they felt was not considered by the court. Judges' and magistrates' views that some victims would benefit from having their VPS taken closer to the sentencing hearing is worth highlighting again. Giving victims the option to delay making a VPS until after a guilty plea has been entered, or a conviction has been secured, might relieve some of this trauma. Our findings showed little evidence that this flexibility was offered to victims in practice. Not only could a more flexible approach to when the VPS is taken reduce the adverse impact on victims if the case results in an acquittal, it may also help to alleviate some of the resource pressures that have been raised by the police when offering victims the opportunity to make a VPS.
- 3.6 It may be useful for the criminal justice system to consider whether the making of a VPS for victims in some circumstances can be offered at a later stage. At the least, sensitivity and discretion should be used in some circumstances to give the victim an informed choice about when to make their VPS. Where the case allows, the Victims' Code should be taken at its literal meaning, so that a victim can be given the opportunity to make or update their VPS at any time before a suspect is sentenced.

### **4. READING THE VPS**

- 4.1 A key entitlement for victims is the right to 'read their VPS aloud or have it read aloud on their behalf', at court where an offender is found guilty or at a parole hearing. Judges and magistrates told us they would not refuse a victim's request to read their VPS aloud, or have it read on their behalf. Parole Board members said the same. However, victims fed back that they were not always allowed to read their VPS in court, and we found that many victims were not given a clear reason why this was the case. In parole cases there was no recorded data on how often victims were offered the opportunity to attend a hearing to read their VPS aloud.

- 4.2 There is a gap between what victims are told about the VPS process and what happens at court and parole hearings, compared to what they have reported is happening in practice. For victims to be told they will have the opportunity to read their VPS aloud at court or at a parole hearing, then not to be allowed to do so, builds expectations for victims. For victims to have this expectation built up and then to be let down was seen as devastating, disappointing and frustrating.
- 4.3 We recognise that requests to read a VPS aloud at court and parole hearings may not be granted in some circumstances for legitimate reasons. Reasons for this refusal are however not being communicated effectively to victims. For many, the opportunity to read their VPS will be the only way for them to have 'their side' heard - if this is to be denied, the reasons need to be properly explained to victims so that assurances can be given that their statement was not made in vain. Many victims believe that because they were denied the opportunity to read their VPS that the court or Parole Board had not taken it into account. If the victim is denied the opportunity to read the VPS but it is still considered by the court or Parole Board, this should be communicated to the victim. Criminal justice agencies should consider how these decisions could be better communicated.

## 5. INCLUSION OF THE VPS IN COURT/PAROLE DECISIONS

- 5.1 Victims told us they were generally unclear about what happened when they had made a VPS, and whether or not it had any impact on the sentence or Parole Board decision. In May 2015, the Parole Board published a booklet<sup>59</sup> for victims. Despite this publication, there appears to be no meaningful information given to victims about the purpose of their VPS by agencies, nor is there any helpful explanation or information given at court or parole hearings. Victims told us that they wanted to know how their voice made a difference – especially as this was the only contribution they would be able to make to proceedings in their own words.
- 5.2 Victims questioned the value of making a VPS as a result of very little or no explanation about how it made a difference. It is easy to understand how and why victims might feel this way. They can feel incidental to the process with criminal proceedings taking place around them. The VPS is their one opportunity to have their voice heard, so for it to be meaningful victims must have a clearer understanding how it is used by both the courts and the Parole Board.
- 5.3 The lack of clarity about the purpose of the VPS and how it is used appears to be an issue across the criminal justice system as well as for victims. Victims specifically identified that they wanted information on how their VPS will be or had been taken into account:
- some victims thought they would know their VPS had been read by the court or Parole Board panel if the sentence or decision given to the offender met their expectations (ie - their VPS had led to the offender receiving a sentence they thought was appropriate/the prisoner had received appropriately restrictive conditions following the Parole Board's consideration);
  - the majority of victims thought that a formal acknowledgement from the magistrate, judge, or Parole Board member that they had read their VPS would be helpful and would make them feel their statement had not been made in vain;
  - several victims said an explicit reference, or repeating extracts from their VPS would be helpful;
  - some victims expressed that a reference to the length of the document, or the tone it was written in would give them confidence and comfort that their VPS had not been ignored; and,
  - other victims thought that the magistrate, judge, or Parole Board member's confirmation they had read the VPS and how the contents were linked to the decision made, would be helpful.

- 5.4 Despite victims' uncertainty of how they were used, magistrates and judges were very clear that the VPS assisted them when making sentencing decisions using the VPS. Parole Board members reported that they were doing the same at parole hearings. Magistrates and judges told us that the VPS helped to illustrate and often provided supplementary information to existing evidence within the court file which they said enabled them to be better informed about the impact of the crime on the victim; they also reported that the VPS refined their assessment of the level of harm caused.
- 5.5 Some magistrates and judges said that the VPS had a part to play in the sentencing outcome, but it was one of a number of factors they considered whilst determining the sentencing outcome, within the sentencing guidelines by which they are bound.
- 5.6 Parole Board members reported using the VPS as a means to assess harm that may be caused to the victim and to target questions to the offender to inform licence conditions. There is a slightly more informed understanding of how the VPS is used at parole hearings compared to at court.
- 5.7 Judges, magistrates and Parole Board members have made clear their understanding of what 'taken into account' and 'taken into consideration' means. We saw little evidence to show how this understanding is applied or articulated – the only exception was the Parole Board's booklet for victims<sup>60</sup>, which provides some information on how a victim's VPS can make a difference to the Parole Board panel's decision. However, feedback from victims demonstrated that no agency is able to convey to them and explain what 'taken into account' and 'taken into consideration' means so that victims can understand how their VPS will be used in court or at parole hearings.
- 5.8 It is for the criminal justice system as a collective group to ensure that victims are aware of how their VPS is used. This is the difference between giving victims a voice and demonstrating that their voice has been listened to.

## 6 EFFECTIVE USE OF TECHNOLOGY

- 6.1 There is already a provision within the Victims' Code which allows for the police to make arrangements for the VPS to be made and submitted online<sup>61</sup>. It seems, however, that this is not widely known about by the police or other agencies. This is surprising as all agencies were supportive of the effective use of technology.
- 6.2 Insufficient police time to dedicate to victims was also seen as a reason for technology to be used more efficiently. Agencies across the criminal justice system recognised this and were supportive of existing infrastructure to be used to assist the police. There was much support heard for the possibility of body-worn cameras, for example, which could be used to record a victim's VPS rather than the victim providing a statement which would then be written up.
- 6.3 Agencies also reported that existing technology could be deployed in smarter ways – such as video live links to court and Parole Board hearings. These methods are already being used, but not as often as agencies and victims may require. Some suggestions were also made for new approaches such as victims being able to upload their VPS themselves.
- 6.4 The fact that some victims are not ready to provide a VPS when offered by the police at the same time as their evidential (witness) statement is taken also strengthens the argument for victims self-uploading or submitting their VPS online. Enabling victims to upload their VPS when they are ready might help victims to better articulate the impact they have experienced, and provide a VPS at a time more appropriate to their circumstances. This approach will need to be scoped by criminal justice agencies to identify any limitations. To introduce new systems and new uses of technology may take planning and work, but agencies should be looking at how existing technological methods can better assist the VPS process as their first priority.

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60 Parole Board: Information for Victims' *ibid*

61 'Code of Practice for Victims of Crime' (2013) *ibid* para 1.8 (Part B)

## Victims' Code – defining the VPS

### 7. DEFINITION OF VPS AND ITS PURPOSE

- 7.1 The VPS is offered to victims of crime as an opportunity to explain in their own words how a crime has affected them. We have seen that the Victims' Code sets out how different agencies will interact with a victim when they have made the decision to make a VPS – but there is no explanation provided in the Victims' Code, or any other document we saw, which sets out why the victim is allowed to have 'a voice' in criminal proceedings, and how that 'voice' will be used. The only information provided is that the VPS will be considered as part of the evidence by the court, or by the Parole Board to reflect a victim's current views or feelings.
- 7.2 Our findings suggest that it would be helpful for there to be a single definition of the VPS' purpose that explains what it means for a victim to have a 'voice in the criminal justice system'. It would also be useful for there to be an explanation, agreed by relevant agencies, of what role the VPS actually plays when judges and magistrates, and Parole Board members make their decisions.
- 7.3 Criminal Practice Directions in place for the magistracy and judiciary, to some extent set out how the impact on a victim could be considered. However, judges and magistrates are not given any other guidance on how they 'take into account' or 'take into consideration' the VPS. Similarly, Practice Directions for Parole Board members who decide on the release and/or licence conditions of a prisoner, do not set out specific information on how the VPS is taken into account or consideration as part of the Parole Board's final decision. This can be quite confusing for victims, as no one can explain how their VPS will actually be taken into account or considered, in a way that can be clearly understood.
- 7.4 Consideration of a VPS will vary between each case (as a result of the way in which the VPS has been written) and will vary between judges and magistrates across the country. This suggests that the principle and purpose of the VPS is being interpreted and applied in different ways in every case that comes before a court.
- 7.5 A single description agreed by relevant agencies of how the VPS will be used and what it will be used for will give victims greater clarity. This single definition will also provide agencies with a clearer remit of their individual responsibilities and obligations, and how they can be carried out more consistently. Ultimately, a single defined purpose would enable victims to make a much more informed choice about whether or not to make a VPS.

### 8. CLARIFYING THE VPS – WHAT DOES IT MEAN

- 8.1 Some agencies reported that the name of the VPS might have a bearing on agencies' and victims' understanding of the VPS process and how successfully it is implemented. Some suggested a change in name to focus on the impact of a crime on the victim, might be better.
- 8.2 It is possible this change may help agencies to better understand the VPS' purpose and enable them to provide clearer explanations to victims.

### 9. ACCOUNTABILITY AND OWNERSHIP

- 9.1 This review has identified that no single entity or agency currently has the responsibility of ensuring how the VPS works, from the beginning (the offer of a VPS to a victim) to the end (the decision that is made by the court or Parole Board), and whether it is successful in doing so. As a result, there is no identifiable ownership or accountability for the VPS process in its entirety. It is not possible for any agency to say how well their function has been performed.
- 9.2 Identifying ownership within the criminal justice system for the VPS' entire process and how all the component parts work together could enable the VPS process to be delivered more effectively. This

could address some of the concerns raised by victims, and may also promote their confidence in the criminal justice system.

- 9.3 A responsible owner, (the Criminal Justice Board<sup>62</sup>, for example) would help agencies to work more collaboratively to make the VPS process work – and in turn better support victims through each step of the process. A single point of responsibility would help to ensure consistency of approach and would be able to:
- provide direction when agencies are faltering on their obligations;
  - challenge agencies to find out why they have failed in delivering their duties in relation to the VPS; and,
  - hold agencies to account where there are repeated failures.

## 10. ENSURING THE VPS PROCESS WORKS

- 10.1 There is no over-arching guide or document for all criminal justice agencies on the delivery of the VPS process, but agencies have operational guidance and policy documents in place to assist the delivery of their own specific functions. A victim's journey within the criminal justice system is not broken down by agency or by stages – so in order for agency staff and victims to understand the VPS 'journey', agencies should consider including how all parts of the VPS process fit together into their guidance and policy documents and how victims are supported within the process.
- 10.2 Agencies need training on their own specific functions in relation to the VPS and the overarching VPS process. Staff training is key to making sure that an agency's specific VPS functions are delivered effectively and consistently. Knowledge of the overall process could enable agencies to better work together to ensure a smoother delivery of the VPS process from start to end, making sure victims receive their VPS entitlements.
- 10.3 It may be helpful therefore for judges and magistrates to assist criminal justice agencies with their training. In any event all opportunities for joint or consistent training should be explored.
- 10.4 As many victims were not always aware if their VPS had been read by the judge or magistrate, there appears to be a role for the magistrates and judges to rectify this. Victims would find it helpful if magistrates or judges could indicate if they have read the VPS, refer to specific parts (where relevant) and explain how they had taken the VPS into account. Some judges and magistrates were already providing information to victims that went beyond existing practice directions, for example they made specific reference to parts of the VPS or acknowledged the victim's suffering/experience. If this could be standardised and included in practice directions for magistrates and judges, and for Parole Board members, more victims may feel their VPS had been taken into account.
- 10.5 Practice Directions for magistrates, judges and Parole Board members do not currently require there to be a question asked about whether a VPS exists on file nor do they specify how the VPS should be taken into account or how this is explained to the victim. If this information were to be included in Practice Directions, there would be an increase in the transparency of the process and ultimately provide a better experience for victims who have made a VPS, or who may want to make one in the future.

## 11. KNOWING THAT THE VPS PROCESS IS SUCCESSFUL

- 11.1 Criminal justice agencies are not required to monitor any information on how the VPS process works. It was therefore encouraging to see that some agencies were monitoring or planning to monitor certain aspects of their functions relating to the VPS. The purpose behind this appeared to be that agencies

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62 The Criminal Justice Board, chaired by the Secretary of State for Justice is the primary forum for setting direction for the criminal justice system and overseeing performance. It will improve the performance of the criminal justice system by setting objectives for swifter and surer outcomes; and, will bring together the most senior leaders of the criminal justice system to monitor performance, hold institutions to account and drive reform

wanted to assess the extent they were meeting some of their obligations in relation to the VPS.

- 11.2 Collection of this data would enable agencies to assess how the VPS process is working, and what works well. It is therefore suggested that some level of monitoring is undertaken to assist agencies in assessing the delivery of their obligations of the VPS process and identify any failings which need to be rectified.
- 11.3 The monitoring that is currently taking place is a useful starting point and will provide a good foundation for quality assurance of the VPS process. Only through monitoring will there be an opportunity to assess whether any elements of the VPS process need to change, and how these changes can improve victims' experiences.

## Conclusions

12. In conclusion, this review found that very few cases include a VPS but the judiciary, magistracy and Parole Board value their inclusion; and most importantly, the VPS holds a significant value to the victims that make them. We have seen from the feedback received that victims value the opportunity to make a VPS; however, there are gaps in how this entitlement is delivered.
13. Despite the intentions of the criminal justice system to deliver their obligations towards the VPS, not enough victims report a positive experience. A minority of VPSs are seen by magistrates, judges, and Parole Board members. Currently there is no data collected to establish the reasons behind this. This needs to change – the VPS is a key entitlement for victims and provides them with a voice in the criminal justice system.
14. The low number of cases which include a VPS at court and parole is worrying, especially as the VPS is the only opportunity for a victim to have their voice heard by the court or a parole panel. Most decisions at court and at parole are being made without a VPS, and essentially without an understanding about the true level of harm caused to the victim.
15. Ultimately, victims' entitlements to make a VPS under the Victims Code are not being delivered and they are being denied the opportunity to make a VPS; where victims have been able to make a VPS, many parts of the process are letting them down.

## Recommendations

16. These findings have led to a number of recommendations being identified to rectify some of the problems highlighted in this review. These will assist agencies in their delivery of their respective VPS obligations to victims. Based on the findings, a number of key standards have also been identified which will support agencies in their implementation of some of the recommendations made. They include standards which relate to agencies' processes and internal policies, and are known as the *Victims' Commissioner's Standards for Delivering the VPS Process*.
17. As with the previous Victims' Commissioner's review, 'A Review of Complaints and Resolution for Victims of Crime',<sup>63</sup> no comment has been made on whether agencies are meeting these standards and to what extent; rather agencies should review their own performance against these standards and make changes to their policies and procedures where necessary. Agencies meeting these standards, or the majority of them, will be more likely to fulfil their duties and obligations towards the VPS for victims.
18. In the longer term, these standards will enable agencies to establish a baseline upon which they

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63 'A Review of Complaints and Resolution for Victims of Crime' - [http://victimscommissioner.org.uk/wp-content/uploads/2015/01/A-Review-of-Complaints-and-Resolution-for-Victims-of-Crime\\_January20151.pdf](http://victimscommissioner.org.uk/wp-content/uploads/2015/01/A-Review-of-Complaints-and-Resolution-for-Victims-of-Crime_January20151.pdf)

can measure their own performance and quality of delivery of the VPS process.

19. The recommendations are set out in three categories as follows:

***Operational recommendations*** – for agencies to improve on current operating practices and procedures and to comply with the *Victims' Commissioner's Standards for Delivering the VPS process*

***Systemic recommendations*** – for the criminal justice system, as a collective body, to consider how the VPS process can be enhanced to achieve improved effectiveness

***Victims' Commissioner's Commitments*** – explains how the Victims' Commissioner will support the implementation of the operational and systemic recommendations.

## RECOMMENDATIONS

### *Operational recommendations*

Agencies should implement the following recommendations<sup>64</sup> to improve on current operating practices and procedures:

1. The **police (and relevant policing agencies)** should consider whether other organisations could assist them in taking a VPS. (The **Ministry of Justice** may want to conduct a cost analysis of the VPS to support this work).
2. **All relevant criminal justice agencies** should ensure that staff involved in the VPS process are properly trained (on the entire VPS process and the interpersonal skills required) to take a VPS effectively.
3. **All relevant criminal justice agencies** should set out how victims can be given better opportunities to update their VPS and monitor the reasons why a victim's request to read their VPS has been refused at court and/or at parole hearings.
4. If the VPS is not present on court or parole files – the **court** and **Parole Board panel** should ask whether the victim has been given the opportunity to make one, and offer that opportunity, if required, whilst being mindful to the timely continuation of proceedings.
5. The **court** and **Parole Board panel** should indicate whether they have read the VPS, including anything that they have read which is directly linked to their decision-making. Criminal justice agencies should consider how victims can be better informed of comments made about the VPS, whether or not the victim has attended court or the parole hearing.
6. **All relevant criminal justice agencies** should consider how they could better use technology to record, update and present a victim's VPS at court and at parole hearings.
7. The **National Probation Service** and **Parole Board** should consider whether a protocol to standardise working practices around the VPS should be created.

**All criminal justice agencies** should have processes and practices in place which meet the standards set out in the *Victims' Commissioner's Standards: delivering the VPS process*.

### *Systemic recommendations*

1. The **Secretary of State** (through the **Criminal Justice Board**) should consider if greater flexibility can be given to victims to make a VPS after a conviction has been secured (where a Not Guilty plea has been entered).
2. The **Criminal Justice Board**, **Victims' Commissioner** and other **relevant agencies** should produce an 'agreed script' for the entirety of the VPS process to establish a common understanding of its purpose, which will be used to support consistent application and training by all agencies. This should include agreed guidance on how to explain what 'taken into account/consideration' means to victims.
3. The **Ministry of Justice** should consider whether the name of the VPS should be changed to include 'impact'.

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<sup>64</sup> Whilst these recommendations are numbered, the numbering does not reflect a prioritisation of them

4. The **Ministry of Justice** should consider amendments to the Victims' Code to set out each agency's obligations to deliver the VPS process to victims. **Relevant agencies** should also amend their respective guidance to set out their own obligations.
5. **All criminal justice agencies** should monitor and quality assure their compliance to deliver the VPS process as set out in a revised Victims' Code and other guidance material.

### ***Victims' Commissioner's Commitments***

As Victims' Commissioner, I will:

1. Work with the **Criminal Justice Board** and **Ministry of Justice** to identify how relevant agencies can be held to account in their implementation of my recommendations and *Victims' Commissioner's Standards: delivering the VPS process*.
2. Work with the **Ministry of Justice** to identify how the findings of my review can be included in any future legislation for victims.
3. Encourage commissioners of victims' services to consider appointing victim care managers or co-ordinators who can support victims, with the various stages of the VPS, as well as other criminal justice issues.
4. Produce a guide for victims to advise them on how they can help themselves to receive their VPS entitlements.
5. Produce an analytical report investigating whether any particular types of victim are less likely to recall having the opportunity to make a VPS than others.

## VICTIMS' COMMISSIONER'S STANDARDS: DELIVERING THE VPS PROCESS

1. The findings of this review have highlighted that there needs to be an improvement in the way that criminal justice agencies carry out their obligations regarding the VPS process to victims. The recommendations I have made will go some way to help that happen and close the gap between what should be happening and what happens in practice for victims.
2. The way these improvements can be brought about will be through a number of changes that cannot all necessarily be measured, but are important to victims. I have therefore used this review to identify a number of standards which I think will assist agencies to carry out these recommendations.
3. Where agencies are able to demonstrate that they are meeting these standards, they will be more likely to be fulfilling their duties to victims under the Victims' Code.

### ***Victims' Commissioner's Standards:***

- All relevant agencies should ensure the VPS process is applied effectively and must put sufficient monitoring in place to demonstrate this. It is for each agency to determine which of the following they need to monitor to enable the Criminal Justice Board, and others, to accurately identify:
  - number (and percentage) of VPSs offered
  - reasons why a VPS was not offered or taken up
  - when the VPS was offered
  - whether (and how often) the victim was offered to update the VPS
  - number (and percentage) of requests to read a VPS aloud
  - number (and percentage) of requests to read a VPS aloud and whether the VPS was granted or refused (including reasons for refusal)
  - number (and percentage) of cases finalised where a VPS was considered
  - whether victims were told if (and how) their VPS was used
- Agencies should provide sufficient help to support victims throughout the VPS process and provide assurances of how this will be delivered.
- All agencies should commit to using a standard 'script' describing the purpose of the VPS once it has been produced and to reflect this in their training materials. In the meantime, agencies should set out how they will ensure that their staff provide accurate explanations to victims about the purpose and contents of a VPS.
- Agencies should ensure that staff (including staff commissioned to do this work on their behalf) are properly trained on the VPS process from beginning to end, as well as training regarding their own agency's specific VPS function.
- Agencies should demonstrate their commitment to ensure that all staff (including staff commissioned to do this work on their behalf) have in place a performance objective reflecting how they will be held accountable for treating victims making a VPS with **sensitivity, dignity and respect**.

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# ANNEX A

## VPS: A review of the current literature and evidence base

### Introduction

A literature review was carried out in order to critically assess the current evidence base on the use of VPSs in the criminal justice system, identifying any gaps in the literature and identifying how this study will address those gaps regarding how VPSs are offered, understood, taken up, how they impact upon the criminal justice system and what it really means for a VPS to be taken into account. In doing so, it provides the starting point of the in-depth review on VPS, setting out a basis upon which the primary research stage of the review was developed.

### VPS in the Victims' Code

The VPS is a statement given by the victim to the police or an agency/organisation assigned by the police to take the VPS on behalf of the victim. This statement has the purpose of informing the criminal justice system of the impact that the crime has had on the victim from their own perspective. This includes details about the physical, emotional, financial and psychological impact of the crime.

The Code of Practice for Victims of Crime (The Victims' Code) (2013 version) states that the VPS gives a **voice** to the victim in the criminal justice system. Its stated purpose is to help the criminal justice system understand how the crime has affected the victim both in the short term and the potential to impact on the victim in the future. The Victims' Code states that in the VPS, victims should not include their views on sentencing, though the impact of the crime as expressed through the VPS should be taken into account when an appropriate sentence for the offender is decided.

The VPS is also used to help inform the criminal justice system of the support and services that the victim and their family should receive and may be used to indicate whether a victim is open to a restorative justice intervention. The VPS forms part of the prosecution case, but is only considered by the court when an offender has been convicted of an offence either on a guilty plea or by a guilty verdict returned by a jury.

Provisions relating to making a VPS and its use in criminal proceedings were included in the revised Victims' Code published in October 2013 and which came into force in December 2013. The provisions remain the same in the more recently published version of the Victims' Code, of October 2015. The 2013 Victims' Code was revised from the original in 2006 established through the Domestic Violence, Crime and Victims Act 2004.

### The role of VPS

Despite the purpose of the VPS being set out in the Victims' Code as giving victims a voice, the underlying reason for wanting to give victims a voice has long been ambiguous. In his account of victims' participation in criminal justice decision-making, Edwards (2004) claimed that 'The political imperative to do *something* for victims has meant that the VPS Scheme is unclear in its aims and justifications, with the victim left inexorably an ambiguous participant.' Edwards found that the Government rhetoric that claims to put victims at the centre of policy and procedure may set an unrealistic expectation for victims who are led to think that they have a more significant participatory role than the VPS actually affords. The role of the VPS is actually limited to expressing the impact of the crime rather than being consultative or involved in decision-making.

The evaluation of the original pilot scheme for victim statements found that allowing or encouraging victims to tell their story in their own words may lead to a perception that their input will affect decisions. This in turn can lead to disappointment and dissatisfaction when the outcome is not what the victim hoped for (Hoyle et al 1998). This evaluation found that explaining the limitations of a victim statement clearly from the outset might reduce the disappointment that victims feel.

***This study aims to investigate whether the scope and limitations of VPS are now more clearly defined and explained to victims. Although the rhetoric around VPS is that it should not influence the decision making of sentencers, this study will aim to investigate the actual impact of a VPS on decision making by sentencers in practice.***

Given that the underlying purpose of the VPS has not been formally set out, it is not surprising that in a systematic review of empirical evidence on the VPS for the previous Victims' Commissioner Louise Casey, Roberts and Manikis (2011) found that there is confusion on the part of victims regarding the purpose of VPS. They report that victims are confused about the difference between a VPS and other documents submitted to the court and about how criminal justice agencies use a VPS.

***This study aims to investigate whether victims are still confused about the purpose of the VPS and to make recommendations to agencies on how they can ensure that victims are clear about the purpose of VPS so that they can make an informed choice about whether to make one.***

Despite the confusion about the official purpose of VPS, victims are clear about their own reasons for making one. Roberts and Manikis (ibid) found that most victims want to communicate the impact of the crime to the court or to tell the offender the impact of their actions, whilst some victims want to make a VPS because they think it will impact the severity of the sentence.

***This study aims to update this evidence base by investigating victims' reasons for making a VPS since provision to read it out in court was made in the Victims' Code in 2013.***

### **Notification and utilisation of victim personal statements**

The Crime Survey for England and Wales (Office of National Statistics) measures public perceptions on a number of crime related matters covering vehicle-related thefts, burglary, other household theft, vandalism, bike theft, theft from the person, assault, wounding and robbery.

In the survey, victims who said they had reported a crime in the preceding 12 months were asked whether they were given the opportunity to make a VPS in association with that incident. Respondents were asked the question related to the VPS for each incident reported.

In the year April 2014 to March 2015 only 13% of victims recall being given the opportunity to make a VPS. 47% of victims who were given the opportunity to make a VPS actually went ahead and made one. 37% wanted their VPS to be read out loud and 65% of victims who made a VPS felt that it was taken into account by the criminal justice system. (ONS 2015)

This finding is echoed in a recent survey of victims and witnesses carried out by the Crown Prosecution Service (CPS) who found that 35% of victims gave a VPS and a further third (34%) were not offered the chance to do this. They also found that 14% of victims surveyed said that they did not want to make a VPS. Out of those who had made a VPS, 56% of victims did not know whether their statement had been used in the case. (CPS 2015)

In a report for the previous Victims' Commissioner, Roberts and Manikis (2013) conducted an analysis of data from the Witness and Victims Experience Survey (WAVES) 2005 to 2010. The survey sampled victims of incidents of violence, robbery, burglary, criminal damage and theft / handling stolen goods. It only sampled crimes that resulted in a charge and did not include vulnerable victims, which includes victims of domestic violence and victims of crimes that resulted in fatality.

They reported that WAVES data from the most recent three years of the survey (2007 – 2010) indicates that 42% of victims recall being offered a VPS, 45% of victims said that they did not recall being told about the VPS and 13% did not know. The authors point out the potential for victim recall bias in that victims may have been told about the VPS, but because it is often taken at the same time as the witness statement and because victims may be distressed at the time they do not recall being told this at a later date. The authors also suggest that some victims may have made a VPS at the time but don't remember it at a later date.

Freeman (2013) suggests that the timing of when the police offer the VPS may have an impact upon victims' recollection of it being offered, however, this suggestion is not based upon empirical evidence.

***This study aims to investigate victims' awareness of VPS processes and rights and the underlying reasons for many victims not being aware that they can make a VPS. By gathering data from police officers directly the study will address a gap in the literature to investigate whether police officers routinely offer a VPS, and if not, why not. By surveying victims, this study asks them how they found out about VPS and at what stage in the process were they offered the opportunity to make one.***

Roberts and Manikis (ibid) found that in the same time period (2007–2010) just over half (55%) of those who recall being offered a VPS actually made one. In turn, of those victims that made a VPS 66% said they felt the VPS was taken into account in the criminal justice system. Though the authors found that in 2009-10, 10% of victims felt that their VPS was not taken into account at all and 14% said that they did not know whether it was taken into account. Roberts and Manikis (ibid) raise the issue of ambiguity in relation to this survey question. Unlike victim impact statements in other jurisdictions, the victim 'impact' or personal statement in England and Wales is not explicitly linked to sentencing and so 'taken into account' could relate to any stage of the criminal justice system.

***This study will aim to address this gap in the knowledge base by investigating what it means for a VPS to be taken into account both for victims and for sentencers.***

The statistics on take up of the VPS and victim satisfaction with it, mask quite considerable differences for certain types of victim. Roberts and Manikis (ibid) reported that in 2009-10 victims of burglary and violence were more likely to recall being offered a VPS than victims of criminal damage or theft/handling stolen goods. This is in line with other evidence on the links between severity of crime and recalling being informed about VPS (Mastrocinque 2014). Roberts and Manikis (ibid) found some regional difference in recall of being offered a VPS. In 2009/10, for example, 29% of victims in London recalled being offered a VPS compared with 63% in Northumbria. This may also be linked to Mastrocinque's (ibid) finding that victims in urban areas are less likely to recall being told about VPS. Participation rates in VPS also vary by region with 41% making a VPS in Cumbria compared to 71% in Cambridge. The authors suggest that 'taken together these statistics suggest variability across the country in the effectiveness of police to provide the VPS to crime victims' (Roberts and Manikis 2013 p255).

***This study will aim to take into account the potential for regional variation by collecting primary data from frontline agency staff in four areas with a range of demographics and a mix of rural and urban areas.***

Mastrocinque (ibid) conducted an analysis of primary data from four years of the British Crime Survey (Home Office refs 2003 and 2007). The British Crime Survey was the predecessor of the Crime Survey for England and Wales and followed the same methodology of reporting VPS by incident. Mastrocinque investigated which victims were more likely to recall being offered the opportunity to make a VPS and of those victims that were offered the opportunity, which was more likely to take it up and actually make a VPS.

Characteristics of the victim, the offender and the offence were included in the analysis. The research found that several characteristics of the victim, the offender, offence and jurisdiction have an influence upon whether a victim recalls being given the opportunity to make a VPS and whether or not they chose to make one. The victims' age was found to have a significant effect on reporting that they have been told about the VPS, with each extra year in age reducing the odds of the victim being aware of their right to make a VPS.

The victims' gender, ethnicity and socioeconomic status is not linked with them reporting that they were told about the VPS, but victims who knew the offender were 21.3% more likely to say they were told about their rights to make one. Also significant, was the severity of offence, the more serious the offence, the more likely the victim to say they have been told about the VPS. Victims in cases that related to stolen property were 50.6% more likely to know about VPSs than those that did not relate to stolen property. The research also found a significant difference between urban and rural areas, with victims in rural areas 20.3% more likely to say they were told about the VPS.

Mastrocinque (ibid) found that although gender had no influence on victims reporting that they knew about the VPS, the odds of female victims who did know about the VPS actually making one were 80% higher than male victims. She also found that Asian victims were more likely to provide a VPS than White victims. Whether or not the victim knew the offender did not have an impact on whether the victim provided VPS, though the seriousness of the crime did have an impact, the more serious the crime, the more likely that the victim will provide a statement.

Crimes that were thought to be racially motivated were less likely to result in the victim making a statement, with this type of crime being 69.4% less likely to result in the victim making a statement. Victims were also more likely to make a statement if the incident resulted in an injury. The odds of making a statement were also increased according to the year, with incidents occurring in 2006-07 more likely to result in victims making a statement than those reported in 2003-04.

Mastocinque (ibid) suggests that urban victims' lack of knowledge about VPS could be down to the lack of time available in busy urban police forces.

***This study will aim to ask frontline police officers directly whether they offer VPSs to all victims and the reasons for not offering the VPS to all victims should this be the case. It will investigate whether the VPS process is hampered by a lack of resources and whether organisations other than the police could usefully provide a VPS taking service.***

### **Summary of evidence gaps**

There is evidence to suggest that the VPS was developed as part of a government rhetoric that says victims' views are valued and they should be placed at the heart of the criminal justice system. This involves giving victims a voice in the criminal justice system; however the exact role of the VPS was ambiguous from the outset. This review aims to address this gap by investigating the purpose of the VPS from the perspective of victims, sentencers and criminal justice agencies.

Similarly, there is little evidence regarding what it means for a VPS to be taken into account and this study aims to fill this gap by investigating what this means for sentencers and for victims.

Overall there is a good deal of evidence to demonstrate that the majority of victims do not recall ever being offered the opportunity to make a VPS, however there is little evidence of whether victims are actually offered a VPS. This study aims to understand the underlying reasons behind these statistics about recall of being offered a VPS by involving all stakeholders in the criminal justice system to investigate whether VPSs are offered and if not why not.

Although there is some evidence regarding the reasons why victims make a VPS, this situation has not been investigated since the provision of rights to read out a VPS in court came into the Victims' Code in 2013. This study aims to update this evidence base and by understanding victims' reasons for making a VPS, recommendations can be made for informing victims more effectively about their rights to make a VPS.

There is evidence to suggest that writing a VPS may set an expectation for victims that they are able to influence the outcome of their case. The current evidence base does not tell us what victims are told to expect about the VPS process. This study aims to assess what victims are told to expect about VPS processes throughout the criminal justice system and in turn make recommendations to agencies to ensure that victims are able to make an informed choice.

Finally, the literature does not draw out the way in which VPS processes are applied in practice. This study aims to investigate whether VPS processes are applied with the empathy and care victims need and deserve in their journey through the criminal justice system.

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## GLOSSARY OF TERMS

Ancillary Orders	In certain situations, a judge or magistrate may also impose other orders in addition to the sentence. These are known as ancillary orders. Some ancillary orders are aimed at redressing the harm that an offender might have caused; other ancillary orders may be put in place to prevent the offender from re-offending
Bail conditions	Bail is the term used when a person charged with a criminal offence is released from police custody or a court until he/she next appears in court or at a police station. Conditions are often placed on a defendant by the police or court to safeguard a victim and to minimise the risk of the defendant going on the run
Body-worn cameras	A video recording system used by law enforcers (usually the police) to record interactions with the public or gather video evidence at crime scenes. They can be worn on helmets or on other parts of the body
Charge	A formal accusation made against an individual asserting that they have committed a crime
Compensation Orders	An order made by the court for the defendant to pay for any personal injury, loss or damage resulting from an offence
<b>Court</b>	
- Magistrates	Almost all criminal cases will start in the magistrates' court (the lower court) and more than 90% will be completed there. The courts have the power to sentence the imprisonment of an offender for up to 6 months for a single offence or fine the guilty person up to an amount of £5,000
- Crown	More serious offences are passed to the Crown Court for sentencing after a defendant has been found guilty in a magistrates' court, or for a full trial with a judge and jury. Judges can impose a fine of any amount and impose a maximum of a life sentence for the imprisonment of an offender
Criminal justice agencies	Statutory agencies set up by the Government to enforce the law and handle criminal matters. For the purposes of this report - they specifically refer to the police, Crown Prosecution Service (CPS), Witness Care Units (WCU), Her Majesty's Courts and Tribunal Service (HMCTS), National Probation Service (NPS) and Parole Board as a collective group of agencies
Criminal justice partners	Refers to the key partners which work with criminal justice agencies (described above), which do not hold a statutory responsibility. Examples include the judiciary, magistracy and Parole Board members, key voluntary sector organisations working with victims, etc
Criminal justice system	CJS: system of practices and statutory agencies focused on deterring crime and punishing those who violate the law
Crown Prosecution Service	CPS: independent body which prosecutes criminal cases investigated by the police in England and Wales; the CPS exists to ensure offenders are brought to justice

Evidential statement	A document recording the evidence of a person following a crime, which is signed by that person to confirm that the contents of the statement are true. This statement will usually record what the witness saw, heard or felt
Hearing	A proceeding before a court or other decision-making body or officer, such as a government agency. A hearing is generally distinguished from a trial in that it is usually shorter and often less formal
HM Courts and Tribunal Service	HMCTS: executive agency of the Ministry of Justice. It is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales.
Impact	Effect that the crime has had
Independent Domestic Violence Adviser	IDVA: Provides support to victims of domestic abuse and violence who are at the highest risk of serious injury or homicide. Support will cover a range of issues (such as housing advice, medical care, counselling etc)
Independent Sexual Violence Advisers	ISVA: Provides support to victims of sexual crime (including assaults and rape), providing information and advice of care and assistance available (such as medical care and attention, counselling etc)
Judge	Presides over court proceedings, either alone or as a part of a panel of judges. The judge is supposed to conduct the trial impartially and in an open court
Judiciary	Also known as the judicial system or court system is the system of courts that interprets and applies the law in the name of the state. Individual judges and the judiciary are impartial and independent of all external pressures and improper influence
Magistracy	The collective term for magistrates
Magistrate	Also known as justices of the peace (JPs), magistrates are volunteer judicial office holders who serve in magistrates' courts throughout England and Wales
National Probation Service	NPS: statutory criminal justice agency responsible for supervising high-risk offenders released into the community
Office for National Statistics	ONS: UK's largest producer of official statistics and responsible for collecting and publishing statistics related to the population, economy and society at national and regional levels
Offender risk status	The assessment made to establish how likely an offender is to re-offend
Parole	The term given to offenders who are released from prison or from custody before the end of their sentence
Parole Board	An independent body working to protect the public by risk assessing prisoners to decide whether they can be safely released into the community

<b>Parole Board</b>	
- dossier	Report considered by the Parole Board panel in their assessment of whether a prisoner can be released
- member	An individual who will sit on a Parole Board panel to consider whether a prisoner can be released into the community
- panel (and chair)	Group of 2 or 3 Parole Board members who will consider the dossier determining whether a prisoner can be released
<b>Parole Board hearing</b>	
- oral	These hearings will normally take place in prison, by a panel; some hearings may be conducted by video link. The prisoner and their legal representative may be present; and, the victim may also be able to attend to read their VPS
- paper	Panel members will sit to consider cases on the papers where there will be a decision made on the parole of the prisoner
<b>Practice directions</b>	
- criminal	The rules which govern the practice and procedure of the criminal courts in England and Wales. They provide the courts with explicit powers to actively manage how criminal cases are managed to prevent unfair and avoidable delays
- parole	The rules which govern the practice and procedure of the Parole Board in England and Wales. They provide Parole Board members with guidance on how to manage hearings and to prevent unfair and avoidable delays
Pre-Sentence Report	PSR: report prepared by the probation service to assist the court with sentencing
Prison categories	Prisons in England and Wales are divided into categories which determine the level of liberty a prisoner will have whilst serving a custodial sentence. Category A, B and C prisons are 'closed prisons', whereas category D prisons are 'open'
<b>Prisoner</b>	
- licence condition	Prisoners sentenced to more than 12 months in prison may be released early 'on licence'. This means that the prisoner is still serving a prison sentence but can live in the community instead of being in prison. Whilst on licence, prisoners will have certain rules or conditions to follow; how long these conditions will apply for will depend on the length of the original sentence given
- release	The end of a individual's time in prison
- transfer	Prisoners may be moved between prisons on what is known as a transfer. The move can be as a result of a change in the risk they pose (and may result in a move to a prison with more lenient conditions)
Proceedings	Refer to processes that involve either a criminal or civil court. Criminal proceedings will be started after a person has been accused of a crime
Secretary of State's Representative	A member of staff from the National Offender Management Service who represents the Secretary of State at Parole Board hearings

Sentencing Guidelines	Sentencing guidelines help judges and magistrates decide the appropriate sentence for a criminal offence
Transforming Summary Justice	TSJ: criminal justice system-wide initiative working towards reducing delays in the magistrates' court, holding fewer cases per court and increasing the number of trials that go ahead the first time they are listed
<b>Code of Practice for Victims of Crime (Victims' Code)</b>	
- victims of the most serious crime	Victims (or close relatives of those who have been killed by) domestic violence, hate crime, terrorism, sexual offences, human trafficking, attempted murder, kidnap, false imprisonment, arson with intent to endanger life and wounding or causing grievous bodily harm (GBH) with intent, are considered victims of the most serious crimes
- persistently targeted victims	Victims who have been targeted repeatedly as a direct victim of crime over a period of time, particularly if they have been deliberately targeted or are victims of a sustained campaign of harassment or stalking
- vulnerable or intimidated victims	Victims under the age of 18 at the time of the offence; or if the quality of evidence given by the victim is likely to be diminished by: <ul style="list-style-type: none"> <li>- suffering from a mental disorder within the meaning of the Mental Health Act 1983;</li> <li>- having a significant impairment of intelligence and social functioning;</li> <li>- having a physical disability or suffering from a physical disorder</li> </ul>
Victim Contact Scheme	VCS: statutory scheme which requires the National Probation Service (NPS) through Victim Liaison Officers (VLOs) to contact and offer key services to victims where the offender in the case has committed a specified serious violent or sexual offence, for which the offender has been sentenced to 12 months or more in custody or detained under the Mental Health Act 1983, with or without restrictions. The VCS allows for victims to opt in to receive contact from the NPS
Victim Contact Scheme Manual	Manual for Victim Liaison Officers (VLOs) which provides complete guidance on the Probation Victim Contact Scheme. It specifies duties on VLOs and provides guidance on all aspects of the criminal justice system
Victim Liaison Officers	VLO: works for the National Probation Service (NPS), but has a specific focus on the victim rather than the offender. The VLO will provide victims with key information
Victim Personal Statement	VPS: gives a victim an opportunity to describe the effect that the crime has had on them mentally, physically, emotionally, financially or in any other way
Voluntary sector/organisations	Provides additional services to that provided by the Government or the State. The services they provide are undertaken on a not for profit basis and usually by volunteers
Witness Care Units	WCU: will be passed the case file once a charge has been made against an offender. The WCU will manage the care of victims and witnesses from the point of charge through to the conclusion of a case

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