



Force Policy

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Introduction

This policy outlines the commitment of Derbyshire Constabulary to providing a high quality of service to victims of crime.

1. Policy Statement

- 1.1. Derbyshire Constabulary will deliver a level of service to the public that meets their needs and expectations and ensure that those who are unfortunate to be victims of crime are provided with support in compliance with the Victims' Code of Practice. This will also apply to those witnesses who are entitled to support under the code. We will put the needs of the victim at the heart of what we do.
- 1.2. This policy explains the Force's responsibilities around the Victims' Code, utilising the victims needs assessment and obtaining consent where appropriate to refer victims to Victim Support, and the use of the Victim Personal Statement Scheme.
- 1.3. It also covers the use of special measures and intermediaries to enable vulnerable victims and witnesses to give their best evidence, and how as a Force it is our duty to ensure victims of crime are told about the ways they can apply for compensation.
- 1.4. The policy also covers how the Force will issue witnesses summonses and when and how to issue conduct money.

2. Scope

- 2.1. This policy applies to all police officers, special constables, police community support officers (PCSOs) and police staff.

Procedure

3. The Code of Practice for Victims of Crime (Victims' Code) Principles

- 3.1. The Victims' Code sets out the services and minimum standards that must be statutorily provided to victims of crime by criminal justice partners, this is enshrined within 12 rights. Rights are applicable to victims of all criminal offences whether they support a police investigation or not. Police officers whom are victims of crime when on duty will receive the full benefits of the code.
- 3.2. A victim as defined within VCOP is *'A person who has suffered harm; including physical, mental, emotional harm or economic loss, which was directly caused by a criminal offence.'*
 - Right 1 - To be able to understand and to be understood
 - Right 2 - To have the details of the crime recorded without unjustified delay

- Right 3 - To be provided with information when reporting the crime
- Right 4 - To be referred to services that support victims and have services and support tailored to your needs
- Right 5 - To be provided with information about compensation
- Right 6 - To be provided with information about the investigation and prosecution
- Right 7 - To make a Victim Personal Statement
- Right 8 - To be given information about the trial, trial process and your role as a witness
- Right 9 - To be given information about the outcome of the case and any appeals
- Right 10 - To be paid expenses and have property returned
- Right 11 - To be given information about the offender following a conviction
- Right 12 - To make a complaint about your Rights not being met

3.3. Victims are entitled to opt-out or in of their VCOP rights at any time.

3.4. Some victims are entitled to 'enhanced rights' under the code. These categories are;

- **Victims of most serious crime:** domestic abuse, hate crime, terrorism, sexual offences, human trafficking, attempt murder, kidnap, false imprisonment, arson with intent, wounding or causing GBH with intent (sec 18 offences only), modern slavery, any crime resulting in the death of the victim.
- **Persistently targeted victims:** those who have been targeted repeatedly as a direct victim of crime over a period of time, particularly if they have been deliberately targeted or are a victim of a sustained campaign of harassment or stalking.
- **Vulnerable and Intimidated victims** as defined by Section 16 & 17 Youth Justice and Criminal Evidence Act 1999 (outlined below).

3.5. Officers and Staff should also use their discretion and can consider other victims who may fall out of the definition of the above referenced Act to be vulnerable, for example the elderly who may not consider themselves vulnerable or victims of particular crime types e.g. fraud or distraction burglary victim.

3.6. A victim is deemed a vulnerable victim if (Youth Justice and Criminal Evidence Act 1999) – part II);

- they are under 18 years of age at the time of the offence, or
- the quality of their evidence is likely to be affected because:
 - they suffer from mental disorder within the meaning of the Mental Health Act 1983;
 - they have a significant impairment of intelligence and social functioning;
 - they have a physical disability or are suffering from a physical disorder; or
 - they have a mental impairment or lack of mental capacity.

3.7. A victim is deemed an intimidated victim if it is considered the quality of their evidence will be affected because of fear or distress about testifying in court. When assessing whether a victim is intimidated, you must take account of:

- any behaviour towards the victim on the part of the accused, members of the family or associates of the accused, and any other person who is likely to be an accused or witness in a potential court case;
- the nature and alleged circumstance of the offence to which a potential court case relates. Victims of a sexual offence or human trafficking will automatically be considered to be intimidated;
- the victim's age and, if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances; or
- any views expressed by the victim.

3.8. It is a requirement under the Victims' Code that victims of crime must be offered the opportunity to provide a Victim Personal Statement (VPS). This is a continual right and can be undertaken multiple times. [Giving a witness or victim statement | Derbyshire Constabulary](#)

4. Victim Needs Assessment

4.1. Every victim reporting a crime to Derbyshire Constabulary should undertake a victim needs assessment, this can be done in person or over the telephone.

4.2. The victim needs assessment should:

- Assess whether the victim is vulnerable or intimidated.
- Ensure victims are aware they will be automatically referred to Derbyshire Victim Services unless for Domestic or Sexual abuse whereby consent must be obtained. Where victims choose to opt-out of referrals, they can self-refer at any time in the future.
- Consider whether the victim is entitled to enhanced rights under the Code of Practice for Victims (VCoP)
- Victims of Domestic Abuse must be asked for their consent to refer to victim service, this must be recorded on the DASH PPN. On submission of the DASH PPN the victim will be automatically referred to victim services if they have agreed, they will also receive written confirmation of this referral if safe to receive. No referral will be made to victim services where the victim has declined however, they will still receive information on self-referrals and support agencies.

4.3. The assessment should also take the following into consideration when reviewing how to work together with the victim: age/ gender, language/ communication barriers, religious/ cultural influences, intimidation, were they persistently targeted? (Crimes do not have to have been recorded for this to apply), trauma, are they vulnerable – consider situational vulnerabilities and relationship to the offender (stranger or known etc), medical issues – including cognitive impairment (consider intermediary), safeguarding risks, practical concerns – work, dependents, finance.

5. Repeat Victims

- 5.1. A 'victim' is as defined by the [MoJ Victims Code 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) as – *"a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence"* or *"a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence"*. You can also receive rights under the Code if you are: a parent or guardian of the victim if the victim is under 18 years of age; or, a nominated family spokesperson if the victim has a mental impairment or has been so badly injured because of a criminal offence that they are unable to communicate or lacks the capacity to do so.
- 5.2. A 'repeat victim' is a victim who has been subjected to the same or similar offence two or more times within a 12-month (the offences are either the same offence type or similar in their nature).

6. Keeping Victims Updated

- 6.1. Victims will be updated as per their wishes, but it is expected that these updates will be every 10 days unless otherwise agreed and recorded. The minimum victims can be updated is every 28 days (10 days for those with enhanced rights) or within 24 hours of a significant / key event. The victim also has the option to opt-out of any further contact altogether from police, which also must be recorded.
- 6.2. Victim Contact remains the responsibility of the OIC and their line-managers to ensure the any applicable VCoP Rights are fulfilled, and the contact is complied with throughout the investigation in line with the victims wishes.
- 6.3. The victim MUST also be notified when any of the following significant/prime events occur during the investigation, as required by VCoP:
- No Further Action (NFA) being taken and reason why;
 - Decision to conclude investigation and reason why;
 - Suspect is arrested
 - Suspect has been interviewed under caution, whether in custody or in voluntary attendance;
 - Suspect has been released on bail, including conditions where applicable and what to do if broken;
 - Suspect has been Released Under Investigation (RUI), either from custody or cancelation of bail;
 - Suspect bail conditions have been varied, or cancelled;
 - Suspect has been charged;
 - Date of First Hearing.
 - Any outcome resulting in caution/reprimand/warning/PND/Community Resolution (CR) or any other non-court disposal methods;
 - Suspect is being held on Remand;
 - When a suspect is reported for an offence by postal requisition/summons.

7. Victim Right to Review

- 7.1. The Victims' Right to Review (VRR) Scheme gives victims the right to ask for a review of a police decision not to charge a suspect. VRR applies to cases where a suspect has been identified and interviewed under caution. This happens either after they've been arrested or because they've volunteered to be interviewed. For more information, please visit: [Victims' Right to Review Scheme | Derbyshire Constabulary](#)

8. Witness Care Unit (WCU) Responsibilities

- 8.1. Under Right 8 of the Victims Code of Practice, you have the right to be given information about the trial, trial process and your role as a witness. See more at: [MoJ Victims Code 2020 \(publishing.service.gov.uk\)](#). The WCU will take responsibility for this from the point of charge in Derbyshire (being implemented late 2023).

9. Victim Support Principles

- 9.1. Derbyshire Victim Services are an independent service commissioned by the Office of Police and Crime Commissioner, who offer a free, confidential service to anyone affected by crime.
- 9.2. Most victims reporting a crime in Derbyshire will automatically be referred to victim services, which can be opted out of, or in, at any point.
- 9.3. For any more information, please refer to: [Support for victims and witnesses of crime | Derbyshire Constabulary](#)

10. Restorative Justice (RJ) Principles

- 10.1. Restorative Justice (RJ) puts victims at the heart of the justice process; it gives them a chance to ask the offender any questions that they have and allows them the opportunity to share their thoughts and feelings about the impact of the crime with the perpetrator. Restorative Justice support is provided in Derbyshire by Remedi (Restorative Services). Trained Restorative Justice Practitioners will assess all cases referred for suitability and will arrange and facilitate any communication where agreed and safe to do so. For more information, please contact the RJHUB on: 0300 122 7553 or via www.DerbyshireVictimServices.co.uk

11. Special Measures Principles

- 11.1 We will assist vulnerable or intimidated witnesses by ensuring they can give evidence at court by use of 'special measures' in accordance with Part II of the Youth Justice and Criminal Evidence Act 1999. It is essential that officers and staff identify victims and

witnesses that are vulnerable or intimidated and complete an MG2. Further advice and guidance can be sought from the WCU.

12. Complaints

12.1. If a victim believes that they have not received any of their rights under the Victims' Code, they can make a complaint, which will be handled in accordance with the force policy on public complaints - [Complaints | Derbyshire Constabulary](#).

13. Additional Information Compliance

13.1 This policy complies with the following legislation, policy, and guidance:

- APP Investigation
- APP Prosecution and Case Management
- Code of Practice for Victims of Crime - [Guide to code of practice for victims \(derbyshire.police.uk\)](#)
- Youth Justice and Criminal Evidence Act 1999 – Section 18, 19 and 21
- Magistrates Court Act 1980
- Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO)
- Data Protection Act 2018
- [Complaints | Derbyshire Constabulary](#)

14. Supporting Information

14.1 The supporting information for this policy can be accessed. Further information Further guidance in relation to this policy can be sought from:

- The Ministry of Justice: Vulnerable and Intimidated Witnesses - Police Service Guide
- The Crown Prosecution Service - Special Measures | The Crown Prosecution Service (cps.gov.uk)

15. Monitoring and Review

15.1 The monitoring and review of this policy is the responsibility of the Head of Criminal Justice. Performance and adherence to this policy will be monitored through the Service to the Public Board.

15.2 The policy will be reviewed on a bi-annual basis.

16. Appeals Process

16.1 If any person takes issue with any aspect of this policy, they should contact the Head Criminal Justice.