



**HAMPSHIRE
AND
THE ISLE OF WIGHT
VICTIM AND WITNESS PROTOCOL**

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Preliminary

The first protocol was formulated by the victim and witness sub group and given formal approval by the Hampshire and Isle of Wight Criminal Justice Board on the 12 December 2003.

As a direct result of new initiatives, which includes 'No Witness, No Justice' / 'Victim Code of Practice' / 'Case Management Programme' - the Hampshire & Isle of Wight Victim and Witness protocol has been revised to reflect the new improvements that are being made in victim and witness care.

This Local Protocol on Victim and Witness care covers the geographical boundaries of the Police Force, Crown Prosecution Service Districts, Victim Support, Magistrates' Courts, Crown Courts and Hampshire and the Isle of Wight Probation Area.

Victim Support Hampshire & IOW is a charity and operates an independent, confidential and free service. Their community-based service provides information, support and assistance to victims, their families and friends. The court-based Witness Service is present in all Crown Courts and Magistrates' Courts and offers support to victims, prosecution and defence witnesses, and their family and friends. They also support people who may accompany a witness or be called as an expert witness. A vulnerable Witness Support Service provides additional support to children and vulnerable or intimidated adults.

The Crown Prosecution Service will, when reviewing files submitted by the police, consider the public interest test, take into account the consequences for the victim of the decision whether or not to prosecute, and any views expressed by the victim or the victim's family.





** Whilst this protocol is primarily directed to the CJS agencies (including the voluntary sector). A number of the actions / responsibilities apply equally to the defence and where applicable this is so indicated.*

SIGNATORIES TO THE AGREEMENT








<u>Hampshire Constabulary</u> Paul R. Kernaghan CBE QPM Chief Constable	Signed Dated
<u>Crown Prosecution Service</u> Nick Hawkins Chief Crown Prosecutor	Signed Dated
<u>Her Majesty's Court Service</u> Stephen Williamson Area Director Court Service	Signed Dated
<u>Probation Service</u> Barrie Crook Chief Officer	Signed Dated
<u>Youth Offending Team</u> Steve Crocker Head of Youth Offending Services	Signed Dated
<u>Victim Support Hampshire & Isle of Wight</u> Maureen Amos Chief Executive	Signed Dated


SIGNATORIES TO THE AGREEMENT

<u>Prison Service</u> Nick Pascoe Area Manager	Signed Dated
<u>Hampshire & IOW Law Society</u> David Melville-Walker	Signed Dated
<u>Bar</u> Philip Mott QC Leader, Western Circuit	Signed Dated


Key
 Agency responsible for generating the action
 Information flow direction
 Agency responsible for copying the action to another agency
 Vulnerable / intimidated witness action.
















Report of Crime


Action Number	Action	Responsibility
1.	Victim details will be passed to Victim Support, within 2 days of crime report being received - unless the victim objects to their details being passed on to Victim Support.	Police 
2.	The police will provide the victim with a 'victim of crime' leaflet / crime reference number / and contact details for the investigating officer or crime desk – no later than 2 working days.	Police 
3. 	Vulnerable and Intimidated victim must be informed if defendant is reprimanded, cautioned, final warning or no further action taken within 1 working day.	Police 
4.	Witnesses not designated as vulnerable or intimidated victims must be informed if defendant is reprimanded, cautioned, final warning or no further action taken within 3 working days.	Police 
5. 	If case is to be actively investigated, the police will provide an investigation update to the 'victim' on a monthly basis until the closure of the investigation.	Police 


6.	In cases where following discussions between an investigating officer and a CPS (hereafter referred to as the CPS) Crown Prosecutor, a decision is taken that there is insufficient evidence to bring any proceedings for a relevant criminal offence - the police will provide notification of this fact to the victim.	Police ☰
7. 	The CPS when taking a charging decision that there is insufficient evidence to bring any proceedings following receipt of a full evidential report and other than during a discussion with the investigating officer, will notify the victim of this fact within one working day for vulnerable or intimidated victims. [Direct Communication with Victims]	CPS ☰
8.	The CPS, when taking a charging decision that there is insufficient evidence to bring any proceedings following receipt of a full evidential report and other than during a discussion with the investigating officer, will notify the victim of this fact within five working day for all 'other' victims. [Direct Communication with Victims]	CPS ☰










Pre- Trial

9.	Victim and witness statements will be taken on form MG11 and the reverse of this form [initial needs assessment] to be completed in full – addressing all questions.	Police 📄
10.	If section (f) contained on the MG11, has not been ticked - the information recorded on the MG11 will be disclosed to the Victim Support so that they can offer support if required / or assistance with Criminal Injuries Compensation.	Police 📄
11.	At the time that the statement is taken, the frontline officer will provide all witnesses with the Home Office leaflet entitled ‘Giving a statement – what happens next’. http://www.cjsonline.gov.uk/downloads/application/pdf/giving_a_statement_to_the_police_-_english.pdf	Police 📄
12.	Witnesses will be warned to attend court within [3] working days of receipt of witness instruction by the Witness Care Unit (hereafter referred to as WCU). Witnesses attending court will receive the leaflet entitled ‘Witnesses in Court’ and ‘Witnesses Going to Court’ with the witness warning letter	WCU 📄
13. 	Communication with the CPS in relation to special needs will take place on form MG6, and the Police will communicate with the CPS on form MG2 if there is a request to cater for any special measures within 24 hours of identifying the special measure need requirements. A copy of the MG2 will be provided to the WCU by the CPS, within 24 hours of receipt of this document.	Police 📄 ⇔ CPS CPS 📄 ⇔ WCU
14.	The Police will inform the CPS using the form MG6 if an early special measures meeting is required between the investigating officer and the prosecutor to discuss the needs of a witness that may be considered vulnerable or intimidated.	Police 📄 ⇔ CPS
15.	The CPS and WCU will immediately be notified of witness concerns within 3 working days by the police. The WCU will provide notification to the Witness Service (herewith referred to as WS).	Police 📄 ⇔ CPS ⇔ WCU WCU 📄 ⇔ WS
16.	Victims will be supplied with Compensation forms [MG19] as appropriate.	Police 📄

17. 	Where a witness is unfit to attend court through fear of intimidation, this will be indicated on form MG6 and the Police will communicate with the CPS on form MG2 if there is a request to cater for any special measures within 24 hours. The CPS will provide a copy of the MG2 to the WCU within 24 hours. Preceding this, appropriate action will be taken to deal with any witness intimidation or fear of witness intimidation, and the CPS will make a timely application to the court for the appropriate special measures order within 5 working days, consulting with the police, the WCU and the victim/witness and for the WCU to then inform the Witness Service.	Police  ⇌ CPS CPS  ⇌ WCU WCU  ⇌ WS
18. 	Where appropriate a witness statement can be visually recorded.	Police 
19.	Any failure of victim or witness to respond to the witness warning will be followed up within 10 working days of contact being made.	WCU 
20.	Case files of the requisite standard will be supplied to the CPS and within prescribed time guidelines.	Police 
21.	Ensure MG7 Remand Application Form to include all necessary information.	Police 
22.	All witnesses will be sent a letter [or by preferred means of contact] in cases transferred to Crown Court requesting dates to avoid and special requirements within 3 working days from being notified of the transfer.	WCU 
23. 	Where there is any indication that the case involves a racial incident, the police will identify this aggravating factor to the Crown Prosecution Service on form MG1 and a copy to be supplied to the WCU.	Police  ⇌ CPS CPS  ⇌ WCU
24. 	The police will supply to the Vulnerable Witness Service (for the child or carer) the 'Child Witnesses' information pack.	Police  ⇌ Vulnerable Witness Support Service

25.	Where child witnesses are involved in cases of cruelty, sexual abuse or violence the WCU on the behalf of the officer in the case will make a referral to the Vulnerable Witness Support Service (formally known as the Young Witness Service) within 7 working days after the Plea and Case Management Hearing (hereafter called PCMH).	WCU 📄 ⇨ Vulnerable Witness Support Service
26.	In the Magistrates' Courts the Readiness for Trial Hearing will be undertaken 2/3 weeks prior to the trial to ensure that all witnesses have confirmed their attendance.	Magistrates' Court 📄
27.	The CPS & Defence will ensure appropriate interpretation facilities are provided, if necessary.	CPS 📄 Defence 📄
28.	The CPS and Defence will minimise the unnecessary attendance of victims/witnesses by fully utilising, where appropriate, the tendering of statements under Section 9 and the formal admission of facts under Section 10, Criminal Justice Act 1967.	CPS 📄 Defence 📄
29. 	The CPS will write to vulnerable and identifiable victims within 1 working day when a charge is discontinued or withdrawn or there is a substantial alteration to the charge. The letter will provide an explanation of the CPS decision, and also a meeting will be offered in cases involving a death, child abuse, sexual offences or racially aggravated offences. A copy letter will be supplied to the WCU [Direct Communication with Victims].	CPS 📄 CPS 📄 ⇨ WCU
30.	The CPS will write to 'other' witnesses within 5 working days when a charge is discontinued or withdrawn or there is a substantial alteration to the charge. The letter will provide an explanation of the CPS decision, and also a meeting will be offered in cases involving a death, child abuse, sexual offences or racially aggravated offences. A copy letter will be supplied to the WCU [Direct Communication with Victims].	CPS 📄 CPS 📄 ⇨ WCU
31.	Magistrates' Court will provide notification of PCMH dates to the WCU within 1 working day of the hearing date fixture thus enabling victims and witnesses to be advised when case will be given trial or sentence date.	Magistrates' Court 📄 ⇨ WCU
32.	WCUs will notify victims & witnesses of the PCMH within 2 working days of the date of the court fixture.	WCU 📄

33.	Collective witness availability dates to be submitted to the court when all received but no later than 5 days prior to PCMH.	WCU ☰ Defence ☰
34.	The CPS will notify the WCU / Witness Service / Court using a fully completed List of Witnesses to Attend Court (LWAC) of individuals required to attend court within 3 working days of a date being fixed.	CPS ☰ ⇨ WCU ⇨ Court ⇨ WS
35.	To keep waiting times to a minimum, if appropriate, a batting order or staggering time table will be provided.	CPS ☰ ⇨ WCU ⇨ Court ⇨ WS Defence ☰ ⇨ Court
36.	The WCU will undertake a full Needs Assessment for victims and witnesses required to attend court within 2 working days of receiving a CPS9 or LWAC.	WCU ☰
37.	The CPS or Police will inform the Witness Care Unit of the names of de-warned witnesses or cancelled trials so that any prior arrangements may be cancelled. The WCU will in turn provide notification to the Witness Service.	CPS / Police ☰ ⇨ WCU WCU ☰ ⇨ WS
38. 	At the PCMH or Directions hearing, issues relating to vulnerable/intimidated witnesses will be addressed.	CPS / Defence ☰ ⇨ Magistrates' Court ⇨ Crown Court






<p>39.</p> 	<p>At the PCMH or directions hearing details of any special needs of the witnesses will be addressed:</p> <ul style="list-style-type: none"> - Physical - Mental - Language needs - Travel difficulties 	<p>CPS / Defence </p> <p>⇒ Magistrates' Court</p> <p>⇒ Crown Court</p>
<p>40.</p>	<p>Time-tabling/Staggering/Standby arrangements for witnesses will be agreed at the PCMH.</p>	<p>CPS/ Defence  ⇒ Crown Court</p>
<p>41.</p> 	<p>CPS to identify if a meeting between the prosecutor and witness is required enabling special measure options to be discussed [http://www.cps.gov.uk/publications/prosecution/witnesseng.html].</p>	<p>CPS </p>
<p>42.</p> 	<p>The court will determine the priority of a trial in accordance with established guidelines currently Persistent Young Offenders', vulnerable witnesses, sexual cases, child witnesses, witnesses with a disability, multi day trials, trials previously adjourned, domestic violence cases, cases with interpreters are all treated with priority.</p>	<p>Court </p>
<p>43.</p>	<p>Court Lists will be time marked to ensure the amount of time witnesses wait is minimised and no longer than 2 hours in the Crown Court and 1 hour in the Magistrates' Courts.</p>	<p>Court </p>
<p>44.</p>	<p>When listing cases courts will give consideration to the availability of witnesses whose dates to avoid have been notified to the court. Police officers whose shift pattern would be adversely affected by attending court will be given at least 21 days notice of the hearing. Officers attending training courses outside the county and those on annual leave will only be called to court in very exceptional circumstances.</p>	<p>Court </p>

45. ▲	Cases involving children will be given a fixed date (Crown Court) and identified and referred to Vulnerable Witness Support Service.	Magistrates' Court ☰ ⇨ Vulnerable Witness Support Service Crown Court ☰ ⇨ Vulnerable Witness Support Service
46.	A copy of the completed PCMH form will be sent to the Trials Unit and the WCU within 24 hours.	Crown Court ☰ ⇨ CPS ⇨ WMS
47.	Firm lists will be produced 3-4 weeks in advance to cover a 1 week period. Reserve cases to be selected with special attention being given to witness numbers and location.	Crown Court ☰
48.	Cases transferred or withdrawn from the court list, notification will be provided immediately when known by the court to both the CPS & WCU. The WCU will in turn provide notification to the Witness Service on receipt of the notification.	Court ☰ ⇨ CPS ⇨ WCU ☰ ⇨ WS
49. ▲	When transferring a case to an alternative location the court will taking into account the interest (safety) of the victim and witness - especially for vulnerable and intimidated victims and witnesses.	Crown & Magistrates' Court ☰
50.	Changes to lists will be notified as soon as possible; additions will be made no later than 3 pm the day before.	Court ☰
51. ▲	The CPS will submit a copy of the special measures applications and details of vulnerable and intimidated witnesses to the court, Witness Service and the WCU.	CPS ☰ ⇨ WCU ⇨ WS
52. ▲	The Court Witness Liaison Officer [Crown Court] & the Court Case Progression Officer [Magistrates' Court] will communicate the results of such applications [special measures] within 3 days after the application has been considered.	Crown & Magistrates' Court ☰ ⇨ WCU



Trial

53.	CPS lawyers, Defence Lawyers & members of the Bar will attend court at least 30 minutes before the hearing to introduce themselves to their witnesses and deal with any non-case enquiries.	Bar / CPS / Defence ☰
54.	Magistrates will be advised of the names of witnesses before the case starts and where practicable have the opportunity to see the witnesses, in case they are known to the Magistrate.	Magistrates' Court ☰
55.	Upon arrival at Court, receptionist / security staff or court usher will inform witnesses of the availability and location of Witness Service within the court building.	Court ☰
56.	Court Witness Liaison Officer and the CPS will assist in keeping witnesses informed and arranging release if appropriate, particularly when a delay occurs. Witness Service will keep witnesses informed of the progress of the court hearing and the likely time the witness will be called into court by liaison with the Court Witness Liaison Officer and CPS. The Court Liaison Officer at each court centre will establish and agree lines of communication between the court and the WS in order to ensure that witnesses are kept informed.	Court / CPS / Defence ☰
57.	If a trial does not proceed the appropriate advocate will invite the court to call the witnesses into courtroom for an explanation.	Court / CPS / Defence ☰
58.	Witnesses arriving at court will be contacted and offered support at a Witness Service information desk / Witness Service facilities within court building /or by volunteers present in the foyer.	WS ☰
59.	Witness Service will endeavour to inform the defence when they are working with one of their witnesses. Where Witness Service has supported prosecution witnesses in that case a different volunteer will be assigned to support defence witnesses in the same trial.	WS ☰
60.	Witnesses will be offered separate waiting areas away from the defendants and supporters where court facilities allow, which will be facilitated by the Court Witness Liaison Officer.	Court ☰









61.	Witness Service, if required, will assist the officer / defence solicitor in obtaining or reviewing statements under the supervision of the OIC or defence solicitor. Volunteers will not discuss the statements or coach the witness in any way.	WS [police / defence] ☰
62.	Witness Service will offer to accompany the witnesses into court when they are called to give evidence, subject to availability and leave of the court.	WS ☰
63.	Witness Service will not discuss evidence or make statements on sentencing.	WS ☰
64.	Following the giving of evidence Witness Service will be available should the witness want to talk over their experience. The Court Witness Liaison Officer will encourage victims and witnesses to revisit Witness Service before leaving Court.	WS / Court ☰
65.	Witness Service will provide assistance with practical matters such as expense forms or referring the witness to the WCU to obtain the results of the case.	WS ☰
66.	Witness Service will provide information to defence lawyers so that defence witnesses can be made aware of the Service.	WS ☰
67.	The WCU will conduct a full needs assessment for all prosecution victims and witnesses within 3 working days after a not guilty plea has been indicated. Witnesses that are not required to attend the trial will also be contacted to offer any additional support.	WCU ☰
68.	The Witness Service in Crown Courts will contact prosecution witnesses who are due to attend court either by letter or telephone call to offer service - where the Witness Care Unit (WCU) have obtained authorisation from the victim or witness to pass their details to the Witness Service on either the initial needs assessment (MG11) or during the full needs assessment.	WCU ☰ WCU ☰ ⇒ WS















<p>69.</p> 	<p>When a young witness (17 and under) appears in a youth court the Witness Service will apply to the Bench for leave to be present in Court.</p>	<p>WS </p>
<p>70.</p> 	<p>Witness Service, subject to availability, will accompany a young witness or vulnerable adult (where appropriate) into the TV-link room when prior consent has been given by the Trial Judge and Youth Court.</p>	<p>WS </p>
<p>71.</p>	<p>The Prosecution Barrister must meet and explain to victims and witnesses families significant developments, consequences and outcomes in any case.</p>	<p>Bar </p>






Pre-Sentence

72.	Daily lists will be annotated with results and faxed to Trials Unit / CJU, WCU and WS on same day.	Court  ⇨ CPS ⇨ WCU
73.	CPS will supply Probation with a CPS/PSR pack or enable viewing of video evidence.	CPS  ⇨ Probation

Sentence

74. 	Witness Care Units will after prior consent from the victim, within 4 weeks of sentence, provide Probation with contact details for victims of sexual or violent offences where the perpetrator has received a minimum of 12 months imprisonment .	WCU  ⇨ Probation ⇨ Youth Offending Team (YOT)
75. 	Where a perpetrator of a sexual/violent offence has been sentenced to a minimum of 12 months imprisonment , then the Probation Service will make contact with the victim within 8 weeks of sentence – usually a letter with an offer to make an appointment for a face to face meeting at a later date.	Probation / YOT 
76.	Probation will advise victims about sentence length and the significant events occurring during a custodial period.	Probation / YOT 
77.	Probation will enable victims to have input to the parole process and express views on licence conditions.	Probation / YOT 
78. 	Probation will advise victims of the multi-agency public protection arrangements and sex offender registration.	Probation / YOT 

79. 	Probation will ensure any specific needs of victims from minority ethnic communities are addressed.	Probation / YOT 
80. 	WCU and Probation will ensure that victims are aware of other support agencies, for example, Victim Support, Rape Crisis.	Probation / WCU / YOT 
81. 	Record sheets and results for vulnerable victims will be sent on the same day 'where possible' as the court hearing date.	Court 
82. 	The Court will provide the WCU with a case outcome update for V&I witnesses on the same day as the sentence hearing 'where possible'.	Court  ⇨ WCU
83. 	On the same day of the case outcome update for V&I witnesses is received from the court, the WCU will inform vulnerable victims and intimidated witnesses of this outcome.	WCU 
84.	Record sheets and results for non-vulnerable victims will be sent within 3 working days of the court hearing dates.	Court 
85.	The court will provide the WCU with the case results for non-V&I witness cases within 3 working days of the sentence hearing.	Court  ⇨ WCU
86.	Results of bail applications relating to release from custody and or where bail conditions have been imposed will be sent to the trials unit/CJU/ WCU within 1 working day.	Court  ⇨ WCU ⇨ CPS
87.	WCU to notify victim and witness of results of bail applications on receipt.	WCU 

88.	Witness Service will on the trial day offer witnesses referral to other services in the community for ongoing support or assistance.	WS 
89. 	Vulnerable Witness Support Service will offer post-trial support to children and vulnerable and intimidated witnesses as required.	Vulnerable Witness Support Service 
90.	The WCU will inform all other witnesses of the outcome of the case, within 4 working days of the court hearing date, on being notified of the result.	WCU 
91.	The Youth Offending Team will offer victims of youth crime of whom it is notified by the Police, the opportunity to participate in a restorative process.	YOT 

Appendix A, Glossary

CASEWORKER	A member of CPS staff who deals with, or manages day-to-day conduct of a prosecution case under the supervision of a Crown Prosecutor and, in the Crown Court, attends court to assist the advocate.
CHILD WITNESS	A witness who is 17 years or under
CIVILIAN WITNESS	Person who is a victim or witness required to give evidence but not an employee of the police force who may also be referred to as a witness.
COMMITTAL HEARING	A procedure in the magistrates' court, where, in either-way cases, the defendant is committed to stand his or her trial in the Crown Court, provided the court is satisfied on the evidence that the defendant has a case to answer.
COURT WITNESS LIAISON OFFER	A member of the Her Majesties Court Service staff who will act as a dedicated point of contact, at each court, for all witnesses and external agencies. The individual will act as a communication link for the court and assist with addressing the individual needs of the witness that are able to be accommodated by the court.
CPS/PSR PACK	CPS/PSR pack will normally consist of the charge sheet or summons (MG4), the case summary, if appropriate (MG5), previous behaviour whilst on bail (MG8), relevant witness statements (MG11), records of interviews (MG15) or short descriptive notes (MG15), TIC sheets, if available (MG18) and previous convictions where appropriate.
CRIMINAL JUSTICE UNIT (CJU)	Operational unit of the CPS that handles the preparation and presentation of magistrates' court prosecutions. The Glidewell report recommended that police and CPS staff should be located together and work closely to gain efficiency and higher standards of communication and case preparation. (In some Areas the police administration support unit is called a CJU)
DIRECT COMMUNICATION WITH VICTIMS (DCV)	A procedure whereby the CPS notifies a victim of the reasons to why the original charges has been discontinued or reduced to a lesser charge.
LISTING	The system by which the officer of the court (the listing officer) arranges for trials to take place.
MG11	Form completed by police at point of statement, which the reverse of this form is used to make an 'initial needs assessment' providing a snapshot of victim and witness needs.

OFFICER IN THE CASE (OIC)	Police Officer who is in charge of the case.
PCMH	Plea and case management hearing. A procedure in the Crown Court at which a defendant is required to enter his or her plea and the judge may makes directions as to the progress of the case.
PRELIMINARY HEARING	Where the court so determines, this may be the first hearing of an indictable only case prior to the PCMH at the Crown Court.
s.51	Indictable only cases sent from the magistrates' court directly to the Crown Court under s.51 of the Crime and Disorder Act 1998.
SPECIAL MEASURES	Measures which can be put in place to provide protection and/or anonymity to a witness (e.g. a screen separating witness from the accused).
TRIALS UNIT	Operational unit of the CPS which prepares cases for the Crown Court.
<u>VICTIM SUPPORT-HIOW</u> VS-Community-based Services	An independent charity offering a free and confidential service to victims and witnesses of crime in the community and in the courts. The community-based service provides support, practical assistance, information, referral, help completing CICA forms to all victims, their families and friends, whether the crime has been reported or not.
<u>VICTIM SUPPORT-HIOW</u> The Witness Service The Vulnerable Witness Support Service	A service of Victim Support available in every Magistrates' and Crown Courts in the country. Attends to the needs of all witnesses (both prosecution and defence) before, during and after trial. The Witness Service does not discuss evidence but offers a secure, quiet place to wait away from the court floor and may assist witnesses who are giving evidence by 'live link'. They will normally arrange pre-trial familiarisation visits for the witness if asked. An enhanced service to that of the Witness Service. Young Witnesses are offered support and preparation sessions in their home or an appropriate venue. One worker is allocated to be with the child throughout the process from PCMH to post -trial if required. The service is available to Adult Vulnerable and Intimidated witnesses.
WITNESS CARE UNIT	A Witness Care Unit is a specialised Unit, which provides a range of measures to provide practical help and support to victims and witnesses during the prosecution process from charge to sentence.

YOUTH OFFENDING TEAM (YOT)	Comprised of at least one each of a probation officer; a social worker or a local authority social services department; a police officer; someone nominated by a health authority in the area; and someone nominated by the chief education officer for the area. Their duties are to co-ordinate the provision of youth justice services for those in the area who need them and to carry out the functions assigned to the team by the local authority.
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