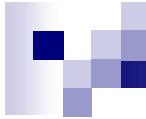




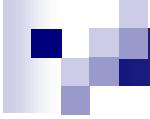
## JOINT THEMATIC REVIEW OF VICTIM AND WITNESS EXPERIENCES IN THE CRIMINAL JUSTICE SYSTEM

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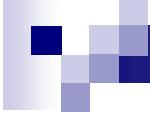
# The challenge

- Provide in 20 minutes a synopsis of what a team of inspectors found over several months and 'condensed' to 126 pages.
- Exercise led by HMCPSI with team drawn also from HMIC and HMICA.
- Try to deliver that by looking briefly at:
  - background; and how we approached the review
  - key findings
  - overarching messages
  - what do they mean in practical terms?



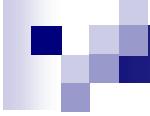
# Background

- Importance of witness care shrieks out from the numbers: In 2007-08
  - 228,545 trials listed in the magistrates' courts and Crown Court
  - estimated number of witnesses called to give evidence (excluding police and experts) - 300,000
- 50% of witnesses gave evidence; 39% attended but did not give evidence; 11% did not attend.
- Fundamental reason: less than half of all trials go ahead on scheduled day (44% in 2007-08)
- Puts a premium on good witness care at all stages of the process



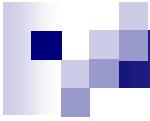
# What has been/is being done?

- Special measures
- Victim personal statements
- Direct communication with victims
- No Witness No Justice
- Prosecutors Pledge
- Code of Practice for Victims of Crime
- Police Quality of Service Commitment
- HMCS Every Witness Matters strategy
- Witness Charter:
- Others include: Pre-Trial Witness Interviews; Witness Advocates and Focus Schemes; Victim Support Plus; & Enhanced Witness Scheme.



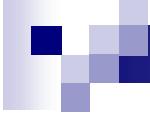
# Our approach

- Questions we posed are exactly the same as criminal practitioners should be asking themselves. Am I good enough about ensuring that:
  1. Victims are supported and kept properly informed throughout the life of their case;
  2. The continued involvement and commitment of witnesses is ensured through early consideration of their needs and regular receipt of information throughout their case;
  3. Victims and witnesses of the most serious crimes are supported by appropriate liaison arrangements;
  4. Arrangements at court enable victims and witnesses to participate fully; and
  5. Criminal justice agencies work together and co-operate to meet the expected standards of service for both victims and witnesses



# The evidence we gathered:

- Sources
  - Examination of case files: police, CPS and WCU files
  - Observations at court
  - Interviews with victims and witnesses after they had given evidence
  - Interviews with CJ practitioners and representatives of relevant departments and national agencies
- We included lay inspectors to ensure broad perspective
- Did not focus on any particular category of victims, witnesses or crimes
- Included consideration of service provided to victims and witnesses of serious crime; as well as support for children & young persons who are victims or witnesses



# What we found: the positives

- Although pre-trial witness care historically was limited, the many initiatives had contributed to a shift of attitude and raised awareness
- Single most important factor: establishment of WCUs
- WAVES (OCJR): improvement from 75% to 81% of those 'completely', 'very' or 'fairly' satisfied with their experience of CJS. (Between 2005 and 2008-09 Q1)
- Slow but steady increase in proportion of witnesses attending trial: 77.3% pre WCU to 85.1% (Aug 2008)
- Generally good compliance by prosecutors with Prosecutors' Pledge
- Court staff helpful and courteous: good support by Witness Service

**Even so:** 14.3% of witnesses we interviewed would not do it again



# The not so good

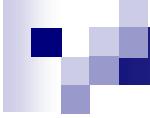
## 1. Victim personal statements

- Majority of cases we examined where a VPS would have been appropriate, it simply had not happened
- Some good examples of comprehensive VPS; but
- Many were skimpy and not fit for purpose
- This is a position being confirmed by HMCPSI's current work in London



## 2. Assessing witnesses needs at early stage

- Important to capture needs at the earliest possible moment - should be part of process of taking statement
- Full witness details and needs - variable performances. Only 77% had proper details. Frequently the very basics missing e.g contact details. What chance does WCU have?
- What about the prosecutors who have a duty to consider the needs of witnesses at charge stage. We found these were generally not assessed in any depth
- Prosecutors say not enough time: detailed work on charging suggested a need to be more alert
- Having said that, they start at a disadvantage if no information, but could use the action plan to get police to do the necessary work.
- It can be done: see what we say in report about Merseyside,<sup>9</sup>



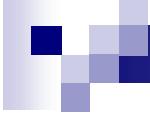
### 3. Special measures

Why do we speak of 'special measures'? All witnesses should have needs assessed and be supported - some may need more support than others.

Our findings as to 'special measures':

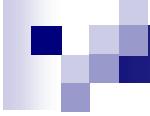
- Often fall at the first hurdle
- Simply because of a lack of understanding on the part of front line officers about the basics:
  - what measures are available
  - to whom they apply
  - how they work in practice

Results may be promises made which cannot be kept; special measures not used when should be; or application too late.



## 4. Identifying the need for 'special measures' and applications

- System is fragile at every stage
- Have already referred to lack of understanding on part of front-line officers. In file examination vulnerable victims/witnesses identified correctly in 60% of cases and intimidated victims/witnesses in 58%
- Views of victims and witnesses: recorded in 32.7% cases. VERY IMPORTANT because not all want 'special measures' – a tendency to assume.
- Prosecutors not always alert. They identified vulnerable/intimidated in only 55% and 24% of cases respectively where they should have done.



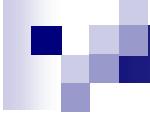
## Case study

In one case, a witness had been described by police as having “mild learning difficulties”. At the trial it became apparent that those difficulties were far more severe and it was a case where special measures in the form of an intermediary would most likely have facilitated better communication with the witness.

This was not identified by police at the initial interview, the only face to face interaction with the witness, nor was it subsequently identified by the charging lawyer or WCU officer.

## 5. Arranging trials

- Key role of WCUs is to obtain and update witness availability details (providing police have obtained contact details) and notifying of requirement to attend
- We found in some places trial dates being set before witness availability established: CJSSS cases in magistrates' courts some Crown Courts set trial dates at preliminary hearing
- Even when witness information available: not always taken into account. Indeed, we found the impression that on occasion it was the needs of the professional court users which took precedence
- Scheduling: guidance and protocols not always observed-especially in relation to double listing: an evil necessity. Examples included cases with vulnerable witnesses
- Many witnesses observed waiting long periods and then being required to attend another day.



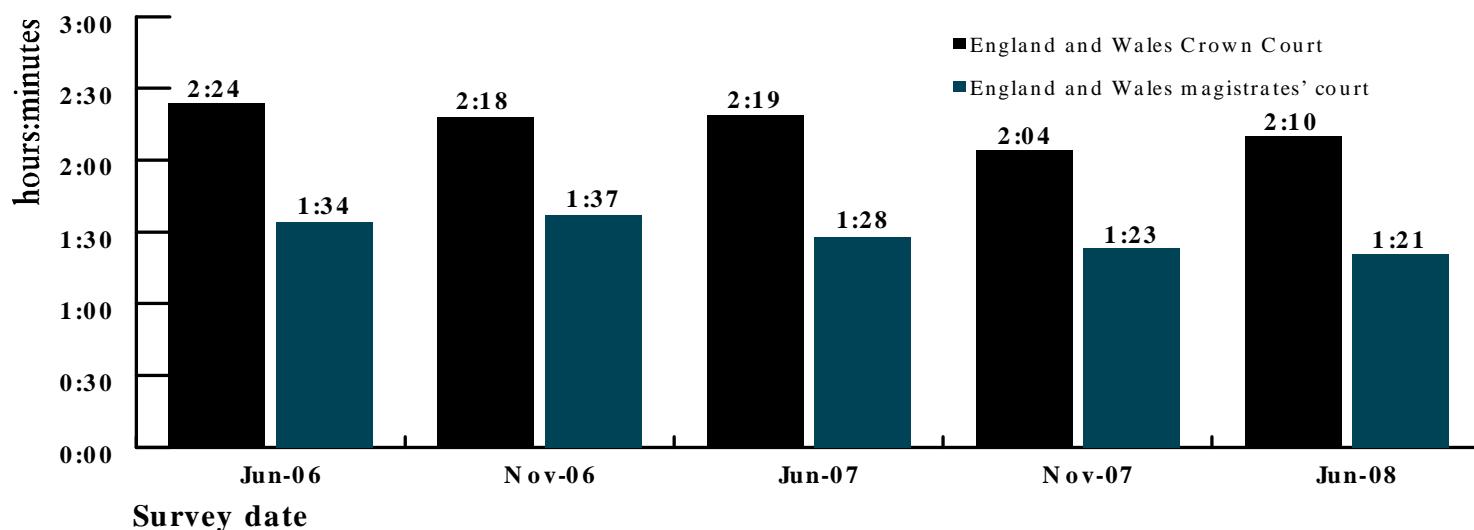
## Case study

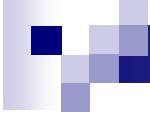
One witness interviewed had been provisionally warned for a full week commencing on a certain date. He worked full time and travelled for work. He had requested that if the case were to be listed during the week, that it was listed on any day but the Tuesday because he was working four hours travelling time away from the court area on that day. He then received a telephone call from WCU at 4pm on the Monday evening stating the trial was listed for the following day, Tuesday, and he was required to attend. This caused a great deal of inconvenience which could have been avoided by a fixed date being given much sooner.

## 6. Witnesses waiting at court

- Waiting times still too long for a large proportion of witnesses
- We found average waiting times: 1h 10m (magistrates') 3h 46m (Crown), which compared with 1h 21m and 2h 10m respectively in the court survey at the time

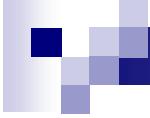
### Court survey





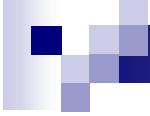
# Waiting times (continued)

- Whatever the views of HMCS, those supporting witnesses at court had real concerns
- Inspectors regard HMCS figures as understating position: calculated from time court sits and not time witness required to attend



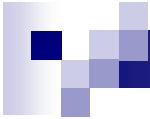
## 7. Witness fears about safety

- Majority felt safe in or around the court, a sizeable minority did not – 16.7% of those interviewed did not feel safe
- The immediate vicinity of some courts could be intimidating- not just for witnesses
- Nearly all courthouses have a separate secure waiting area for witnesses: standard of separation not always acceptable
- But on the positive side 95.6% of witnesses we spoke to comfortable with the facilities when waiting



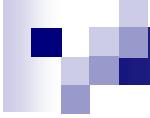
## 8. The workings of WCUs

- Whilst all victims and witnesses are entitled to the same level of service, it varied substantially between CJS areas and within areas.
- Generally weak governance arrangements. NWNJ implemented bilaterally (police/CPS). WCUs passed to LCJBs in 2006. In practice still bilateral albeit CPS contribution usually nominal
- Self assessment supposed to be 6 monthly: in practice not sufficiently robust and WCU managers often not involved
- Most not meeting all minimum requirements consistently
- Staff in WCUs found to be highly committed and wanted to do the best they could- although often uncertainty around roles and problems with communication and information



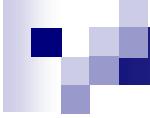
# Key messages

- Alongside NWNJ and the Victims' Code a range of other initiatives has been introduced to improve service to victims and witnesses, both within individual agencies and jointly. A tendency to layer new commitments on top, of existing ones without any review or rationalisation.
- Many staff involved in supporting victims and witnesses were struggling to keep up with all the initiatives
- For victims and witnesses it is equally confusing. It can be difficult to find out what they are entitled to and who should supply it
- We do not need new policies or initiatives. The major requirement is that all criminal justice practitioners should understand their role and execute it 100%
- Not always as easy as it seems



# How do we get improvement?

- Better performance management. With a gap between the aspiration of policy and the delivery it is essential that managers know just what is not being delivered.
- Unacceptable that with so many WCUs still falling short of minimum requirements there is no monitoring and many staff in WCUs simply have no information to tell them whether or not they are doing a good job.
- Need to make the policies more cohesive and more readily accessible and understandable for victims and witnesses as well as for staff.
- More ownership by LCJBs. Ensure problems tackled jointly at local level with emphasis on communication and more thought as to how contact is co-ordinated.



# Summing up:

Our press release said it all:

*“Overall a great deal has been achieved, but by the same token there is still some way to go if victims and witnesses are to be placed at the heart of the system as the Government has pledged. It is particularly important that vulnerable and intimidated witnesses should be identified at an early stage so that they may give evidence with the full benefit of the special measures now available to them”*

You are all here because you care. Well done for what you have achieved. Keep at it. There is more to be done.