

**MINUTES OF THE SCRUTINY REVIEW - SUPPORT FOR VICTIMS OF CRIME
THURSDAY, 26 NOVEMBER 2009**

Councillors Aitken (Chair), Davies and Egan

LC11. APOLOGIES FOR ABSENCE

None.

LC12. DECLARATIONS OF INTEREST.

None.

LC13. LATE ITEMS OF URGENT BUSINESS.

None.

LC14. MINUTES

AGREED:

That the minutes of the meeting of 2 November 2009 be approved.

LC15. SUPPORT TO VICTIMS OF CRIME - EVIDENCE FROM STAKEHOLDERS

The Panel received evidence from the following:

- Pete Dickson from the Police Service
- Hywel Ebsworth from the Crown Prosecution Service;
- Stephen Carroll from the Courts Service.

Mr Dickson reported that, together with the Crown Prosecution Service, he led an integrated prosecution team. This was based in Lymington Avenue, Wood Green. A range of support was provided. This included crime prevention advice, specialist assistance and support from Victim Support. Support could also be co-ordinated by specialist teams for victims of particular crimes such as sex offences. It was available right through the criminal justice process and could continue afterwards.

The Victims Charter had set time limits for keeping people informed of progress with cases and the service strived to comply with these. Victims were informed within 24 hours if an arrest was made. There were also particular timescales for informing victims if an individual was charged or pleaded guilty. Efforts were made to arrange court dates that were convenient to victims and witnesses, who were informed as soon as a date was set.

There were strong links with the CPS, with whom they jointly ran the Witness Care Unit (WCU). They aimed to develop an ongoing relationship with victims and witnesses. One particular purpose of this was to determine whether witnesses were getting more nervous. In such circumstances, they could put them in touch with the Witness Service. Special measures could be applied for if the witness was vulnerable or intimidated. This was done by application to the court. The Witness Service could arrange a pre trial visit to the court so that witnesses could familiarise themselves with the surroundings. Whilst it was possible for witnesses to bump into defendants, there

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were separate facilities for them so that the chances of contact could be minimised. One particular problem was that there was only one entrance to the Crown Court at Wood Green so it was not possible to separate victims and witnesses on their way in.

A wide range of assistance could be provided such as transport to court, taxis, childcare, hotels and even flights. However, these could constitute a cost pressure on the Police. Sometimes they did not become aware that a witness was required until a comparatively late stage. The service had a good record on getting witnesses to court – only two to three were lost, on average, every month. The service was supported by Victim Support PCSOs would undertake general administration duties. The prosecution team took over once an individual had been charged. Before this stage, it was the responsibility of the Detective Inspector to liaise with witnesses. Merely attending court was a hugely important step as it was a common defence tactic to see if the prosecution were able to get their witnesses to court. This was especially common in domestic violence cases. If the defendant saw evidence that the witness had the courage to go to court, they often caved in. However, they lost the opportunity to gain the maximum discount on their sentence by pleading guilty at this stage.

The Witness Care Unit was the single point of contact for the witnesses and they coordinated all aspects of witness care. Additional support could be brought in by them, if necessary.

Mr Ebsworth stated that the service dovetailed into the services provided by the CPS. All victims should be given a copy of the code of practice for victims of crime which included a list of duties that agencies were expected to fulfil. The CPS first became aware of cases when they were required to provide charging advice. A decision was made after reviewing the evidence and considering whether the public interest would be served. A lesser test was applied if the case was so serious that the offender was in custody. The time that it took to reach a decision depended on the complexity of the case. The decision was made by the prosecutor together with the investigating officer. The decision was required to be communicated to victims/witnesses within 24 hours.

Police officers established whether a witness was vulnerable – this could be due to physical or mental health issues – or intimidated. If they were, an application could be made to the court for special measures, such as the giving of evidence through a video link and screens. The process was intended to be victim led – they had to be asked and the decision was theirs to take from a position of knowledge. People varied in how they responded to being a witness. Some people started off as being resilient but then became more nervous. Victim Support and the Witness Service offered a personalised service that was geared to providing emotional support. In cases of domestic violence, there were currently Independent Domestic Violence Advocates (IDVAs) available to assist victims and witnesses. These were funded by the Council and had been effective in providing support. In addition to providing support during the judicial process, they could provide assistance even when a decision was made to not proceed with the case. The monies to fund the scheme had come from a delay in recruiting to a post in the Safer Communities team. The scheme had currently only got short term funding.

It was noted that it was not always the case that witnesses failed to turn up at court for good reason. There were a number of costs associated with cases collapsing due to

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witnesses not giving evidence. It was difficult to quantify the overall cost but there were costs associated with court, police and CPS time.

Mr Carroll reported that the magistrates court currently had 150 magistrates that it worked with. The Courts Service was responsible for the legal advice that they were given. Magistrates came from a range of different and diverse backgrounds. The Court Service did not directly assist victims and witnesses but responded to what they were asked to do by other agencies. The Witness Service had its own office and waiting room at the magistrates court. Professionals did not always know beforehand that witnesses were vulnerable. Although they might appear willing to assist at first, they could become reluctant. The CPS could still make an application for special measures even at a comparatively late stage. However, the defence had to be given notice and could object. It was possible to put the defendants bad character to the court in certain circumstances. Exceptions to the hearsay rule could be made in domestic violence cases where the alleged victim was too frightened to give a statement. In such circumstances, the fact that the assault had been witnessed could be sufficient evidence.

Witness Care Units provided information for witnesses prior to them attending court. The Witness Service could, in theory, also provide assistance to defence witnesses but they were less likely to be made aware by the defence that such assistance was required. There were separate entrances to the court for defendants and witnesses and security within the court building. If it was not felt that this was sufficient, they could inform the Police, whose presence could act as a deterrent. This was particularly when the Youth Court was sitting and gang members were being tried.

The longest that magistrates courts cases lasted was a day. Waiting times were currently within LCJB targets and there had been no issues of people being dissatisfied with the length of time that they had been forced to wait. The situation at Crown Court was different as they often had "floaters" – cases that had not been allocated to a specific court but were instead waiting until one became free. Crown court time was hugely expensive and therefore the use of courts had to be maximised. Judge Lyons, the resident judge at Wood Green Crown Court, was keen to ensure that cases were ready and was particularly proactive in managing cases. All magistrates were trained in case management. If it was inevitable that a case would not proceed, efforts were made to ensure that witnesses were alerted so that they did not have to attend court. Weekly case management meetings were held and strenuous efforts were made to avoid ineffective trials.

Special measures were undertaken when children were required to give evidence including the provision of video links. The Court House wished to improve the CCTV in operation at the Court and their estates service was currently addressing this. However, there was no CCTV outside the court. This could help to deter trouble in the area nearby. Problems could particularly occur when the Youth Service was sitting. The local Safer Neighbourhood Team had adjusted their hours to ensure a presence when the court was sitting. There was regular liaison with the police, including risk assessment.

CCTV tapes were often encrypted which meant that it was not possible for the court to view them. Whilst CCTV could sometimes provide useful evidence, it needed to be in a format that was viewable by the Court. Fortunately, the Police had provided the

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magistrates court with a machine called Pluto that enabled which could de-code the tapes. However, not all courts had this facility.

It was noted that Victim Support received a large number of referrals that were classified as “no crime”. Mr Dickson stated that this was probably due to the initial investigating officer classifying the incident as a crime but it later being re-classified as “no crime”. It had also been noted from evidence from Victim Support that it appeared that victims were not always asked before being referred. Mr Dickson stated that front line officers needed to be educated about the need to do this and it could be included in officer development. However, the Police needed to be appraised of such issues so that they could address the matter.

Possible improvements could be made through the provision of additional funding to ensure better separation of defendants and witnesses, such as different toilets. As previously mentioned, additional CCTV around the vicinity of the Court House, that was also linked into the local authority system, would also be of help. The location of the court house was not ideal and the Court Service would like, in the long term, to re-locate to a more central locations.

It was noted that there was a general presumption that trials would proceed if a defendant failed to appear without giving a good reason. If the sentence imposed was likely to be greater than a fine, a warrant could be issued for the arrest of the defendant. There was a statutory definition of vulnerability which was inclusive of physical and medical impairment. Children were automatically considered to be vulnerable witnesses.

Mr Dickson stated that any contact between the defendant and the witnesses had to be reported and could be considered to be witness intimidation, which was regarded as a serious matter by the courts. This could include merely loitering in the vicinity. 73% of cases resulted in a guilty plea. 98% of cases were dealt with in the magistrates court.

The Panel thanked Mr. Dickson, Mr Ebsworth and Mr Carroll for their assistance.

AGREED:

1. That further information on the future funding of the IDVA scheme be sought from the Domestic Violence Coordinator.
2. That further information be sought from the Council's Urban Environment directorate regarding the feasibility of siting CCTV cameras in the vicinity of the Magistrates Court.

**Cllr Ron Aitken
Chair**