Purpose of Report

To consider how victims and witnesses of crime are supported to have the confidence to participate in the criminal justice system and also in contributing to initiatives to combat anti-social behaviour.

Recommendations

The Committee is asked to:

i) Note the content of the report.
ii) Consider areas in which the committee can add value to work to support victims and witnesses.

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INTRODUCTION

The success of the Crime Reduction Strategy 2005-08 means that Manchester has fewer victims of crime than previous years with a 22% reduction in crime equating to 14,000 less victims.

This report will review current arrangements to deliver support services to Victims and Witnesses in Manchester, giving recognition to links with other workstreams and having appreciation of the fact that while the criminal justice system differentiates between anti-social behaviour and criminal behaviour, victims and witnesses do not.

For the purposes of this report, a victim is defined as somebody who has had a crime committed against them. A witness is somebody who has been asked to provide evidence, based on this first hand account either as a victim or otherwise, to a court of law.

The British Crime Survey 2005/06 showed that there is a 23% risk of becoming a victim of crime for the general population. Approximately half of all crime is reported to the police and of those crimes reported, very few victims see their case go to court and an offender brought to justice.

The Criminal Justice System (CJS) relies on victims and witnesses of crime having sufficient confidence in the criminal justice system to engage with it, in reporting crimes and helping the police and the courts to deliver justice.

Because a significant proportion of the population in Manchester will have been a victim or witness of crime or know somebody who has, public perception of and confidence in the way the CJS delivers services to victims and witnesses is a prerequisite to the delivery of effective justice.

For those members of the public who continue to be victims and witnesses to crime there have been a number of new schemes introduced in recent years which have brought improvements to levels of support offered.

National reviews such as the recent Casey Report highlight that there should be no complacency on this issue and that, if public confidence is to be won, there is a significant way to go in delivering fully effective services to meet the needs of victims and witnesses of crime.

FINDINGS OF THE THE CASEY REVIEW

‘Engaging Communities in Fighting Crime’, published in June 2008, is the result of a study headed by Louise Casey, former head of the Government’s Respect Task Force. It aims to provide an examination of how to better engage communities in the fight against crime and raise public confidence in the CJS.

The review contains more than 30 proposals aimed at reducing crime, creating safer communities and increasing public confidence. The findings are influenced by the views of nearly 15,000 members of the public and front-line staff.
The conclusion of the review is that change is needed to get the public more engaged in tackling crime and to halt the erosion of community spirit.

The report looks at five broad areas:

1. putting victims, witnesses and other law-abiding citizens first;
2. fighting crime and delivering justice for communities;
3. a new approach to crime statistics;
4. the citizen's role in tackling crime; and
5. freedom's and accountability.

Focusing on the review as it relates to victims and witnesses. Key area’s of concern addressed in this review were:

- Helping victims families avoid intimidation and harassment
- Ensuring that victims and witnesses get the support they deserve.

In relation to the former, Casey reviewed whether courts provided a suitable and safe environment for victims families. Audit commission findings 2007 evidenced that the vast majority of courts did take the needs of families into account, for example by providing separate waiting areas. However Court users survey for 2006-7 showed that only 61% of court users were satisfied that the needs of victims families had been sufficiently taken into account. Although there were clear positives to be observed, Casey concluded that many courts are not sufficiently developed to avoid feelings of intimidation and harassment between families and friends of the victims and the accused.

Reviewing whether victims and witnesses get the support they deserve Casey recognises the developments made in terms of standards of service resulting from the Victims Charter and a new Witness Charter. However, she highlighted three key areas of concerns:

1. Whilst recognising that government bodies monitor adherence to the victims code in a number of ways she found that there is no straightforward monitoring process that the public can see or understand.
2. Concerns were raised regarding the need to provide tailored support for the most vulnerable victims to ensure they get the extensive and ongoing support they need. Deprived areas where crime is highest and people feel most vulnerable to intimidation should likewise be given priority focus.
3. The review identified that there is no standards to govern the quality of service provided to victims taking part in civil proceedings, which is of particular significance in relation to domestic violence and anti-social behaviour cases.

Key recommendations, as they relate to victims and witnesses, arising from the review were:
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- The appointment of a Public Commissioner on Crime to be the independent voice of victims of crime and to champion crime issues on behalf of the wider public.
- Greater protection for vulnerable victims and witnesses including special measures for older or disabled people.

The government has not formally responded to the report as yet. Their detailed response to the report will come in a number of areas over the coming weeks, including the Policing Green Paper, the Youth Crime Action Plan, and further announcements by the Ministry of Justice.

The issues raised by the Casey review, of the need to engage communities in the issues that matter to them and the importance of developing public confidence in the CJS are linked to a number of new and developing workstreams within Manchester Crime and Disorder Partnership (CDRP) as will be outlined in the following section.

LINKS TO OTHER WORKSTREAMS AND FUTURE DEVELOPMENTS.

Manchester CDRP recognises that it is only by engaging citizens and developing their confidence in the criminal justice system will victims and witnesses will feel confident at coming forward in support of that system. The below three workstream’s illustrate the strategic direction that is being taken by partnership agencies working in collaboration to achieve this aim.

**Citizen Focused Policing**

Citizen Focused Policing is a new way of policing being driven forward nationally which builds on work being done by Greater Manchester Police to re-connect with its communities. Citizen Focused Policing involves the needs and expectations of individuals and local communities being clearly and consistently reflected in police decision-making and service.

Greater Manchester Police want to change the way people experience policing and community safety services on the ground, by focusing on the needs of the individuals and communities that receive and use police services. It believes that citizens must feel that the police and the criminal justice system put them first.

There are five key workstreams to the citizen-focused policing programme:

- improving the experience of those who have contact with the police.
- embedding neighbourhood policing into local communities.
- effective community engagement – which includes consultation, marketing and communications, and public involvement.
- public understanding and local accountability of policing.
- organisational and cultural change to bring about increasingly responsive services where feedback from frontline staff and the public is used continuously.
This strategy builds on existing work done within GMP building greater commitment to community engagement and responsiveness, such as:

- National Quality of Service Commitment
- Public Contact
- Victims Code of Practice
- Neighbourhood Policing

**CDRP and Community Engagement**

The Neighborhood Policing initiative has given the partners in the CDRP an opportunity to widen its engagement with local people, to improve communication between communities and agencies involved in crime and disorder reduction and to make the CDRP more responsive to the needs of local communities.

This engagement is being used to:

- Identify local concerns
- Collect intelligence about problems experienced in the community
- Identify actions to address local problems
- Feedback activity of the Neighborhood Policing Teams
- Reassure local people and improve perceptions of crime
- Measure the impact of Neighborhood Policing Teams

A number of different methods of community engagement have been introduced and are being developed further to ensure the CDRP is engaging with the diverse population of Manchester; including:

- Regular interviews with local people who have a good knowledge of the local area called a Key Individual Network
- Regular meetings held in every ward for local residents, businesses and Councillors to raise their concerns about crime and disorder issues in the area and find out about how the issues are being addressed.
- Local contacts in areas to look at area specific issues such as door-knocking exercises and partnership patrols

This engagement gives local neighborhood officers the tools to ensure that they are not only responding to the needs of local people, but also have an ongoing and consistent dialogue with all sections of communities, listening, acting and reporting back on actions taken.

**Community Justice**

Strengthening community justice is a key priority of the new crime strategy 2008-11.

Manchester CDRP recognises the importance of close partnership working with the CJS in assisting it to deliver justice that is modern, visible and accountable.
To facilitate effective delivery of this priority, a joint group has been established between key members of the CDRP and the LCJB. This group has tasked members to develop a work programme that capitalises on existing work to accelerate development of work around the following key principles:

- Community Engagement
- Offender Management and Reducing Re-offending
- Partnership Working
- Performance

An action plan will be presented to the Project Board in August 2008 that will contain recommendations for moving forward on each of the above priorities.

**SUPPORT SERVICES FOR VICTIMS**

Even relatively minor crimes can be traumatic, but the most serious crimes cause enormous emotional harm and practical disruption to peoples lives. Victims of crime therefore need practical assistance as well as emotional support.

A vast array of individuals, agencies, government departments and regulatory bodies can be involved in victim care. Key Criminal Justice Agencies such as the Police, Probation Service, Crown Prosecution Service and Her Majesty’s Courts are guided by delivery targets and standards in key documents such as the Victim Charter 2006. These standards protect the rights of victims where a crime has been brought to justice in the courts.

Other types of services such as those provided to victims outside the Criminal Justice Service, particularly by small local voluntary organisations while vital, are more ad hoc and less regulated.

The following section will highlight the role of key agencies in supporting victims and witnesses of crime in Manchester.

**Greater Manchester Police, Crime Reporting and Investigation**

Once a crime has been reported the police are obliged, under the Victims Charter, to inform the victim as to whether the crime is being investigated further or if the investigation is closed and if so, the reason why.

The victim should be told if a suspect is arrested, charged, bailed or the subject of an out-of-court resolution such as a caution or reprimand. If the offender is identified and is under 18 years of age, the victim may be contacted by the Youth Offending Service about participating in a restorative process.

Where an individual has had a crime committed against them, the police will refer all cases to Victim Support.
Victim Support

Victim Support is a national charity which is currently in the process of moving from being a network of local schemes to becoming one body, with the goal of offering a greater consistency of service. Victim Support provides trained staff and volunteers to deliver the organisations two main aims:

1. To provide support and assistance to individual victims, witnesses and their families and friends.
2. To raise public awareness and recognition of the effects of crime and to promote victims rights.

The service provided by Victim Support is free, independent of the criminal justice agencies and available to everyone, whether or not the crime has been reported and regardless of when it happened.

Victim Support work with the large proportion of victims who’s crime does not result in court proceedings and therefore do not receive attention from support services within the CJS.

Resources do not allow Victim Support or any other agency to proactively seek out and offer help to all victims of crime. Therefore, crimes or victims where greatest need has been identified take priority.

In addition to the support provided centrally by generic volunteers and paid workers there are a number of specialist projects delivered by victim report which include:

- Outreach services
- Serious Crime Worker
- Child witness support worker
- Counselling Services
- Domestic Violence Workers

In the 2005/06 financial year, the service dealt with 38,707 referrals.

Dedicated Domestic Violence Courts

These courts went live in January 2007 and were established with the aim of providing better support for victims and more effective, streamlined ways of dealing with domestic violence. They are intended to facilitate multi-agency co-ordination between criminal justice agencies and voluntary sector groups such as Women’s Aid. Government research has shown that such courts have a real impact on prosecutions and convictions.

Criminal Injuries Compensation Scheme

If a victim has been injured in a violent crime, they can apply for a payment under the Criminal Injuries Compensation Scheme from the Criminal Injuries Compensation Board. Victim Support assists victims in making claims for compensation that can range from £1,000 to £250,000. Such payments can provide vital assistance in coping with practical difficulties facing victims, such
as losing employment, attending hospital appointments or having to move home.

**Victim Contact Scheme**

The Probation Service has a legal obligation to contact victims when an offender has received a custodial sentence of 12 months or more (or a hospital order) for sexual or violent offences.

In Manchester City District this work is undertaken by a specialist unit staffed by 2 Victim Liaison Officers who work solely with and for victims. This unit deals with between 30 and 40 new referrals each month in addition to maintaining contact with over a thousand victims of serious crime on an ongoing basis, at significant points through the course of the offender’s sentence.

Victim liaison officers have a responsibility in all cases to:

- Contact the victims or next of kin within 8 weeks of sentence and offer a face-to-face appointment, normally at the victim’s home address.
- Provide the victim with basic details of the offender’s sentence.
- Explain the Criminal Justice Process to them.
- Provide the victim with the opportunity to say what impact the crime has had on their lives and to express concern regarding re-victimisation and risk to the community.
- Keep the victim updated of significant stages in the offender’s sentence throughout the time they are in custody and while on licence until the sentence expires.
- Provide information to offender managers to help inform the risk assessment and planning process, such as suggestion of exclusion conditions and no contact conditions on offender’s licences.

**Additional Support Services.**

There are a large number of additional voluntary and statutory services in Manchester that run alongside and provide vital complementary support in addition to the above key provisions.

Victim Support compiles a directory of services that are used to signpost victims to more specialist support. The content of the 2006 directory is broken down into 23 sections of specialist need such as Domestic Violence, Bereavement, Ethnic Minorities, Sexual Assault and Young People. Over 200 services are listed in this directory, indicating the valuable support that is being provided by a wide range of services across Manchester.

**SUPPORT SERVICES FOR WITNESSES**
A Witness Charter has recently been developed to offer a similar standard of service to witnesses who are not also victims. This is being implemented in 10 ‘Beacon’ areas first, including Greater Manchester LCJB, with the aim of a national role-out by the end of 2009.

An inspection of the quality of services for victims and witnesses provided by Her Majesty’s Courts in Greater Manchester was undertaken in 2005 and looked at whether everything was being done to make witnesses feel safe and supported during the court process. Overall, they found that the quality of service provided was very good. However, HMCS was urged to ensure that they remain proactive in their approach to improving and enhancing services further.

Witness Care Unit

Witness Care Unit (WCU) is provided by the Crown Prosecution Service in partnership with the police. The WCU manages the care of victims and prosecution witnesses from the point at which the defendant is charged through to the conclusion of the case. In Manchester WCU 14 case workers provide the following services:

- A single point of contact for victims and witnesses, with a named officer.
- A full needs assessment for all victims and witnesses where defendants have pleaded not guilty. This helps to identify specific support requirements, such as language difficulties, and to highlight areas of concern, i.e. if a witness feel that they may be subject to intimidation.
- Greater communication about their case including informing witness of the outcome.
- A continuous review of needs throughout the duration of the case; and greater communication about their case including informing witness of the outcome.

If a person is required to give evidence, they will be offered support from Witness Service that is confidential and free.

Witness Service

Victim Support provide a Witness Service. This offers information and support to witnesses, victims, their families and friends in every criminal court in Manchester. Trained staff and volunteers offer:

- someone to talk to in confidence
- a visit to the court and a look round a court room (where possible)
- information about court procedures
- a quiet place to wait before and during the hearing
- someone to accompany you into the court room when giving evidence
- practical help, for example, with expense forms

In the 2005/06 financial year, the service supported 3000 witnesses and supporters within the Magistrates Court.
Legal Measures to protect Witnesses while at Court

When informed that a witness is fearful of giving evidence, prosecutors must liaise closely with police to consider the range of options available to them at common law and by virtue of statute. Prosecutors should seek to ensure that, wherever possible, the witnesses fear is allayed and that they are given the requisite protection. Some of the key options which prosecutors must consider include:

- Special Measures
- Reporting Restrictions
- Application to Hold a Crown Court Hearing in Camera (in private)
- Concealing the Name of Witnesses
- Full Anonymity
- Witness Protection

Witness Protection Programme (GMP)

In some very serious cases the risk to witnesses is so great that they need to relocate to another part of the United Kingdom and even change their identity. Witness protection is the means of providing protection measures for people involved in the criminal justice process who find themselves at risk of serious personal harm as a result of that involvement. Witness Protection is generally directed to those persons who have provided crucial evidence against whom there is a substantial threat. This does not preclude police forces and law enforcement agencies from offering protection measures to witnesses and others at risk. Many forces, including Greater Manchester Police, have a Witness Protection Unit that is staffed by specially trained officers.

The ramifications for individual witnesses who have to participate in Witness Protection are immense and it should only be used sparingly.

The reader may be aware that the issue of witness anonymity is currently a politically contentious issue. The government has given a commitment to change the law to allow anonymous witnesses where intimidation is an issue after a key Law Lords ruling effectively halted the practice. Those working to support and protect witnesses will be keen for the government to succeed in this endeavour.

Witness Support from the Anti Social Behaviour Team (ASBAT)

Anti-social behaviour (ASB) is a widespread problem that is more prevalent in deprived neighbourhoods that are often already fragile and where services are often already overstretched.

Manchester City Council has a special Anti-Social Behaviour Action Team (ASBAT) which works with local communities to tackle anti-social behaviour.

The team works in partnership with the CDRP, with housing providers and with local community groups to encourage members of the community to
report anti-social behaviour and then to work supportively with witnesses of that behaviour to resolve the problem.

ASBAT recognises that the Community is its the eyes and ears and that only by working to encourage the engagement of the community can such problems be combated.

Witness support and protection is at the heart of their casework and caseworkers are trained to consider the support and protection needs of witnesses of ASB before, during and after legal action has taken place. ASBAT provide an out of hours service to identified vulnerable witnesses and will, in addition, signpost witnesses to additional services for more specialist and/or ongoing support.

ASBAT publicises its successful legal action cases and believes in a positive media strategy to ensure that members of the public know about their casework and how to report cases of ASB. ASBAT will produce ASBO leaflets when appropriate and deliver these to those households directly affected by the person causing the ASB.

CONCLUSION

This report has provided an overview of some of the positive work that is being undertaken in Manchester, by statutory and voluntary organisations, to consider and support the needs of victims and witnesses of crime and anti-social behaviour. Reference to the Casey report in particular highlights that agencies should not be complacent in their endeavour, public opinion indicating that proactive improvement of services needs to continue.

Ensuring that victims and witnesses receive the support and protection they deserve is an important issue for Manchester. It is important firstly because the City Council and its partnership agencies have a civic duty to do whatever if can to protected and support its citizens. Secondly, it is important because unless people have confidence that they will be properly looked after, members of the public will disengage with authorities resulting in an erosion of the delivery of effective justice.