

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

A report published today by three Criminal Justice Inspectorates finds that the general level of service provided to prosecution witnesses has improved significantly. It also finds that there is considerable scope for further improvement.

The review was undertaken jointly by Her Majesty's Crown Prosecution Service Inspectorate (HMCPPI), Her Majesty's Inspectorate of Constabulary (HMIC) and Her Majesty's Inspectorate of Court Administration (HMICA). It examined the effectiveness of services provided to victims and witnesses and whether they maximised the likelihood of witnesses attending court and improved the confidence of victims and witnesses in the criminal justice system (CJS).

Inspectors found that a key factor in the improvement had been the establishment of over 150 dedicated witness care units (WCUs) across England and Wales, jointly staffed by the police and Crown Prosecution Services (CPS). Other initiatives on the part of the criminal justice agencies, both individually and jointly, have contributed to a shift in attitude and created far greater awareness of the importance of considering and acting on the needs of victims and witnesses at each stage of the justice process.

Key findings of the report include:

- Inspectors found positive evidence of the impact of the establishment of WCUs, a major part of the No Witness No Justice (NWNJ) initiative, in that:
 - there has been a slow but steady increase of around 10% in witness attendance rates from a baseline of 77.3% (before WCUs were established) to 85.1% by August 2008;
 - the proportion of cases fixed for trial which could not go ahead on the scheduled day due to witness issues has reduced overall; and
 - a Witness and Victim Experience Survey undertaken by the Office for Criminal Justice Reform (OCJR) showed that the proportion of victims and witnesses who express themselves as "completely", "very" or "fairly" satisfied with the contact they had had with the CJS improved from 75% in 2005-06 to 81% in the first quarter of 2008-09. It is not possible to specify the extent to which the improvement is attributable to WCUs as opposed to other initiatives.
- Compliance with the Prosecutors' Pledge (which sets out the level of service victims can expect from prosecutors) by CPS prosecutors was generally found to be good.
- Court staff that witnesses came into contact with were generally helpful and courteous and witnesses were well supported by the Witness Service.

Inspectors found that 85.7% (72 of 84) of the witnesses interviewed as part of the review would be prepared to give evidence again should they be a witness of crime in the future, but 14.3% would not. Inspectors comment that this still leaves a significant minority who would be unwilling to participate again in the criminal justice process. This is likely in part to reflect the variations in the level of service provided to victims and witnesses from area to area.

Despite the focus given to victims and witnesses in recent years, the review also found that there is considerable scope for improvement in a number of respects, in particular:

- The understanding and operation of the Victim Personal Statement Scheme by both front line police officers and the prosecution.
- The understanding on the part of front line police officers of which special measures are available to support vulnerable and intimidated victims and witnesses, who they apply to, and how they work in practice.
- Weaknesses in the arrangements for timely identification of the need for special measures and applications to the court by the prosecution.
- The needs of victims and witnesses are not always assessed as fully as they should be at the charging stage.
- The thought given to the effect on witnesses when scheduling trials, particularly those involving vulnerable witnesses.
- Waiting times at court continue to be too long for a large proportion of witnesses. Inspectors saw some innovative practices aimed at reducing waiting times but more needs to be done.
- Some witnesses have concerns about their safety. This is particularly when entering the courthouse and while in public parts of the building, where they can inadvertently come into contact with the defendant and his or her family and supporters. Much is already done to protect victims and witnesses from potential intimidation but further work is needed.
- The support and guidance given to WCUs to ensure structures, staff numbers and procedures are organised in the best possible way to enable them to meet their many responsibilities.
- The oversight by Local Criminal Justice Boards (LCJBs) of arrangements to ensure the improvement and development of local services provided to victims and witnesses.
- There is some way to go for all WCUs to meet all the minimum requirements set out for them and to do so on a consistent basis. Many are still struggling to ensure that a full needs assessment is carried out for all witnesses - a key requirement.

Alongside NWNJ and the Victims' Code a range of other initiatives have been introduced to improve the service to victims and witnesses, both within individual agencies and jointly. There is a tendency to layer new commitments and initiatives on top of existing ones without any review and rationalisation. The review found that many staff involved in supporting victims and witnesses were struggling to keep up with these, and for victims and witnesses it can be difficult to find out what they are entitled to. There is an urgent need for rationalisation and simplification. A recommendation about this is addressed to the OCJR.

Stephen Wooler, HM Chief Inspector of the Crown Prosecution Service, said on behalf of himself and his fellow Chief Inspectors (Denis O'Connor, HMIC and Eddie Bloomfield, HMICA):

“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 assist them.”

This press release is accompanied by an executive summary.

Notes to Editors

- 1 This joint review by HMCPSI (leading), HMIC and HMICA has been undertaken as part of the Joint Inspection Programme for 2008-09 run by the Criminal Justice Chief Inspectors' Group.
- 2 The Programme has been drawn up in accordance with the requirements of Part 4 of the Police and Justice Act 2006. It reflects the commitment of the five Criminal Justice Inspectorates (which also includes Her Majesty's Inspectorate of Probation and Her Majesty's Inspectorate of Prisons) to operate in an increasingly joined up way and demonstrates their ability to continue to develop the capacity to inspect end to end business processes that span two or more of the criminal justice agencies.
- 3 In 2007-08 in England and Wales a total of 228,545 trials were listed to be heard in the Crown Court and magistrates' courts involving hundreds of thousands of witnesses, a large proportion of whom were also victims. Actual figures are not collated at national level, but in 2007 alone it was estimated that nearly 300,000 witnesses (excluding police and expert and professional witnesses) were called to give evidence for either the prosecution or the defence. Of those it is estimated that just 50% actually gave evidence, 39% attended but did not give evidence and an estimated 11% of witnesses did not attend.
- 4 This is because, in practice, less than half of all trials (44% in 2007-08) go ahead on the scheduled day and proceed to a result. This may be for good reason, for example when a guilty plea is entered on the day of trial, but can also be because a trial is ineffective and is adjourned to another date.
- 5 *No Witness No Justice* An initiative launched on a tri-partite basis by OCJR in 2003-04 which was to be implemented and delivered by LCJBs. This established 14 minimum requirements (subsequently revised to 16) to support witnesses through the CJS process, underpinned by a number of primary and secondary performance measures. The scheme is based on two main principles, a needs assessment approach for all witnesses in cases where there is a not guilty plea and the introduction of dedicated WCUs which are responsible for providing access to support and information from the point of charge to case completion. The initiative was signed over to LCJBs by the national project team in autumn 2006.
- 6 *Special measures* The Youth Justice and Criminal Evidence Act 1999 provides a range of special measures to enable vulnerable or intimidated witnesses in a criminal trial to give their best evidence. These include video recorded evidence in chief, a live link, screens around the witness box, evidence given in private, removal of wigs and gowns by those in the courtroom, video recorded cross-examination, examination of the witness through an intermediary and aids for communication through a communicator or interpreter. Some measure have been available

for many years, for example screens, whilst others only more recently such as intermediaries.

- 7 *Prosecutors' Pledge* A ten point pledge introduced in October 2005 which details the level of service victims can expect from prosecutors. The Pledge mainly relates to the prosecutor's role at court. There is also a synergy with some of the minimum requirements that are delivered through NWNJ.