



VULNERABLE WITNESSES: A POLICE SERVICE GUIDE



IMPLEMENTING
THE SPEAKING UP FOR JUSTICE REPORT

VULNERABLE WITNESSES

A POLICE SERVICE GUIDE

The Government is committed to improving the treatment of victims of crime. This document is issued as part of *Action for Justice*, the implementation programme for *Speaking up for Justice*, the report of the interdepartmental review of vulnerable or intimidated witnesses. That report made a series of recommendations covering the investigation through to the trial and beyond, with the aim of assisting vulnerable or intimidated witnesses to give their best evidence.

The identification of vulnerable witnesses at the investigation stage is fundamental to the operation of the whole *Speaking up for Justice* scheme. This document is designed to assist the police in such identification, through a series of prompts, and to provide guidance on making an overall assessment of the needs of an individual witness. My particular hope is that its use will help to ensure that every vulnerable witness will be treated as an individual, consulted and enabled to give their evidence in the best way possible.

I am grateful to all those concerned for their contributions to this valuable document. I believe that the use of this guidance will help to enhance access to justice for all vulnerable witnesses.



Keith Bradley

FOREWORD TO VULNERABLE WITNESSES A POLICE SERVICE GUIDE

by Mr Tony Burden QPM BSc (Hons) – Chief Constable of South Wales Police and President of the Association of Chief Police Officers

Witnesses should receive as a matter of right a quality of service from the judicial system that meets their needs.

The operational police officer is invariably the first point of contact and often the one figure that provides continuity, from the initial reporting to the final disposal by a Court, and perhaps even beyond.

Witnesses may be vulnerable for a number of different reasons and the consequent challenges facing the Police Service need to be addressed. The Home Office publication “Speaking up the Justice” helped to identify the key issues. This document – “Vulnerable Witnesses – A Police Service Guide” is intended as a practical guide to operational police officers.

If we are to meet the diverse needs and realistic expectations of the most vulnerable members of our society we need to embrace and champion the contents of this guide. I commend it to you as a helpful working document.



AT Burden

5.6 Pace of Obtaining Information

Be mindful of the emotional process involved in reporting a matter to the police. Make allowances for time and adequate breaks when gathering information from a vulnerable witness. You will need to understand that to simply gather information may take much more time than usual.

5.7 Competence

Officers should not make early judgements on whether the witness is likely to be accepted as a competent witness by the courts and should act on the general presumption that they will be regarded as competent. [If the officer has concerns on this issue, this can be discussed with the CPS at the Early Special Measures Meeting (Recommendation 26)]. The Youth Justice and Criminal Evidence Act 1999 sets out the general rule that all people, whatever their age, are competent to act as witnesses unless they cannot understand questions asked of them in court and answer them in a manner which can be understood (with, if necessary, the assistance of special measures that the court has the power to grant). The legislation additionally provides that evidence must be given unsworn by children under 14 and may be given unsworn by those over 14 years in certain circumstances.

5.8 Carers

Carers are people who may fulfil different caring responsibilities, including those who devote their time to look after a relative, friend or neighbour. They can have an important role to play in the investigative process, by utilising their knowledge and understanding; officers can be greatly assisted. The officer involved will need to explain to the carer what role they are asking the carer to perform. There are a number of key issues for the officer to be aware of:

- A carer will have considerable knowledge of a person's history and needs, and may assist with communication and provide emotional support
- Carers may themselves be vulnerable
- It is important to remember that carers are often also service users (if they are family members etc.) so will have their own individual needs
- If carers have to be used to communicate with vulnerable witnesses it will be necessary to try and ensure that the real needs of the vulnerable person are being taken into account
- If the carer has been involved in any abusive relationship with the vulnerable witness it will be impossible to use them as a facilitator. The carer may also be a suspect or may be caught in a conflict of interest