

**ORIGINATOR: CHIEF CONSTABLE**

**PAPER NO: AP17/18**

**SUBMITTED TO: ACCOUNTABILITY AND PERFORMANCE PANEL –  
28 APRIL 2017**

**SUBJECT: VICTIMS' CODE OF PRACTICE (VCOP) COMPLIANCE**

**SUMMARY:**

1. The Code of Practice for Victims of Crime places statutory responsibilities on Criminal Justice agencies, a number of which fall to the police. These include completing a needs assessment to highlight any support needs; inviting the victim to make a Victim Personal Statement; providing information about what to expect from the criminal justice process; referring the victim to appropriate support services; getting explicit consent from victims before passing details of any support services; providing information regarding Restorative Justice; to advise how to make a complaint if a victim feels any entitlements have not been received; provide information about the police investigation, such as to whether the suspect has been charged or bailed and whether the suspect is going to be prosecuted or not, or if the crime is going to be dealt with outside of court proceedings. The list is not exhaustive and will be based on individual needs of the victim.
2. This paper will provide an overview of how Suffolk Constabulary is complying with the code and what work is being undertaken to ensure compliance and rectify any issues identified.
3. It is important to highlight that the Constabulary Joint Performance and Analysis Department (JPAD) is currently completing a detailed strategic profile to measure compliance of Suffolk Constabulary with the Victims' Code of Practice (VCOP). This will be completed by early June 2017. This work will provide a more detailed overview of the current issues in Suffolk and will provide data for analysis and review.

**RECOMMENDATION:**

1. The Accountability and Performance Panel is asked to consider the contents of this report, and note the work to comply with the Victims' Code.

## **KEY ISSUES FOR CONSIDERATION**

### **1. PERFORMANCE**

- 1.1 Confidence currently stands at 80.9%, which is 2.5% above the national average and places the Force at a national ranking of 16.
- 1.2 In terms of Victim Satisfaction, this currently stands at 83.3%. The national average is 83.2%. We have continued to stabilise in terms of our performance.

### **2. TRAINING**

- 2.1 Training on the Code of Practice for Victims of Crime has been completed across the Constabulary. One of the key areas now is to check how the training has embedded; the Strategic Profile will assist us in measuring compliance and any action that needs to be considered for improvement/learning.

### **3. HOW COMPLIANCE IS CURRENTLY AUDITED IN SUFFOLK**

- 3.1 All teams or departments that deal with crime investigations are included in the Athena investigation audit process. The responsibility for audits sits with Inspectors and Chief Inspectors. Inspectors currently dip sample 10 investigations per month in order to monitor compliance with the code. Audit review forms are completed and made available to reference for compliance auditing purposes. Superintendents ensure compliance with the process via checking the audit records.
- 3.2 If there are any specific areas identified for action or amendment, the Inspector or Chief Inspector discuss this with the Officer and their Sergeant.
- 3.3 Data from Professional Standards Department (PSD), in respect of complaints that are assessed to be linked to failure to comply with the Victims' Code, will be assessed through the strategic profile and recommendations made for improvement and learning.
- 3.4 Feedback at this time shows that operational officers are adhering to the VCOP, however, there is a lack of consistency in terms of where the updates are recorded on Athena which creates a challenge when auditing compliance. The Constabulary currently await results of work being completed by the Corporate Development and Change Department who are completing a review of the Victims' Code tasks in Athena. This report will make recommendations to ensure compliance.

### **4. VICTIMS' STRATEGY**

- 4.1 The Victims' Strategy was successfully launched in autumn 2016. The focus of the strategy is about improving the service that is provided to victims. The Victims' Strategy clearly sets out what victims can expect from organisations dealing with victims, from first point of contact, which is usually reporting a crime, through to charge and/or outcome, including a court case. The code also sets out individuals rights as a victim.
- 4.2 Delivery of the Victims' Strategy will also ensure that the Constabulary meets the statutory responsibilities placed on it with regard to victim care, effectively and efficiently.

- 4.3 To promote the strategy, work was completed with Corporate Communications to develop a countywide briefing for officers and staff.
- 4.4 Externally, a media announcement was made launching the Victims' Strategy via traditional and social media; furthermore it is available on the Suffolk Constabulary website. The Victims' Strategy has been shared with key partners.

## **5. FILE QUALITY ASSESSMENT – VICTIMS AND WITNESSES**

- 5.1 The National File Quality Assessment model was introduced by the Police and Crown Prosecution Service (CPS) in September 2016 to focus on the quality of police files being prepared for court, in accordance with the National File Standard.
- 5.2 Police file quality is assessed against 3 key criteria by a CPS Prosecutor at the time they review the file, and where the criteria are not met, a short assessment will be completed by CPS to identify which of the criteria was not met, and the reason why.
- 5.3 The 3 criteria are:
  - a. Does the case contain the material (as required by the national file standard NFS) that is needed to make the next hearing fully effective?
  - b. Does the case meet the appropriate evidential standards in line with the Code for Crown Prosecutors?
  - c. Was sufficient information provided to meet the relevant victim and witness requirements?
- 5.4 Regarding the domain c) relating to victim and witnesses, the assessment criteria include whether a Victim Personal Statement (VPS) was offered; whether the victim's wishes to read, or have read out, a VPS in court have been recorded; special measures application for vulnerable victims and witnesses properly recorded; application for restraining order included.
- 5.5 The national file assessment process is complemented by an internal monitoring system undertaken by CJS.
- 5.6 Issues identified by police or CPS monitoring relating to individual cases, are referred back to the officer and supervisor for attention, and any themes arising are addressed corporately.
- 5.7 Police and CPS meet monthly at the Prosecution Team Performance Management Meeting (PTPM) to discuss cases by exception.
- 5.8 Regarding the victim and witness domain, a common theme for further improvement is recording whether a victim has made a VPS or been offered one.
- 5.9 In February 2017, a sample of 42 NGAP (anticipated not guilty plea) Magistrates' files, had 16 cases (38%) where this information wasn't recorded; a sample of 15 Crown Court cases only has 1 case (7%) where the information wasn't recorded.
- 5.10 The compliance with the victim and witness domain is improving but will continue to be monitored closely by CJS and CPS file reviews.
- 5.11 National results from the first quarter of file quality assessment are expected soon, but early indications for Suffolk show that total performance (across all 3 domains) is better than the national average.

## 6. CASE FILE INFORMATION – VICTIMS

- 6.1 The following information regarding Victims' Code compliance is recorded by the Police Criminal Justice Victim and Witness Care Unit (WCU) in relation to the court files they manage. (Please note that WCU is a joint team and data is combined for Suffolk and Norfolk).

|                            | Feb/Mar/Apr 16 | May/Jun/Jul 16 | Aug/Sep/Oct 16 | Nov/Dec/Jan 16 |
|----------------------------|----------------|----------------|----------------|----------------|
| VPS made                   | 287            | 251            | 304            | 310            |
| VPS offered                | 929            | 759            | 1079           | 994            |
| VPS read out by victim     | 7              | 9              | 3              | 6              |
| VPS read out by prosecutor | 113            | 127            | 86             | 127            |

### Post-Trial Notification

- 6.2 The Victims' Code of Practice specifies that Victim and Witness Care Units (WCU) must notify victims of the outcome of the trial hearing within 1 working day of receiving the information from the court. The WCU must also notify victims of the sentence given to the suspect, if convicted, within 1 working day of receiving the information from the court.
- 6.3 Performance in relation to these two requirements is as follows:

|  | Feb/Mar/Apr 16 | May/Jun/Jul 16 | Aug/Sep/Oct 16 | Nov/Dec/Jan 16 |
|--|----------------|----------------|----------------|----------------|
| % of victims receiving notification of outcome of trial within 1 day | 79.4           | 96.8           | 94.9           | 95.9           |
| % of victims receiving sentencing notification of trial within 1 day | 79.4           | 99.7           | 90.1           | 91.4           |

## 7. VICTIMS' RIGHT TO REVIEW

- 7.1 A Victims' Right to Review Scheme (VRR) was implemented by Suffolk and Norfolk Constabularies in April 2015 and complements a similar scheme which is operated by the Crown Prosecution Service (CPS).
- 7.2 The principle of the police VRR scheme is that it relates to the right of a victim to ask for a review of a decision not to prosecute a suspect. The scheme relates to crime cases (as defined by NCRS) and applies where the police make a decision not to

bring proceedings in a case where the police have authority to charge or make a decision that the case does not meet the Threshold Test for referral to CPS for a charging decision

- 7.3 In qualifying cases, the victim is entitled to ask for a review of the decision by an officer/ police staff decision maker at least one rank / grade higher than the original decision maker. The scheme is co-ordinated by Criminal Justice Services (CJS) for both Constabularies.
- 7.4 In the past year (to 31.3.17) there have been 12 applications in Suffolk by victims for a review of the (NFA) decision in their case. Three cases did not meet the criteria for the scheme, and for the remaining 9 cases, the outcome was to uphold the original decision.

## **8. LOCAL CRIMINAL JUSTICE BOARD**

- 8.1 The Norfolk and Suffolk Local Criminal Justice Board (LCJB) has an established Victim and Witness Sub Group, which is independently chaired by the LCJB Business Manager. Statutory and voluntary agencies, including the PCCs offices, are represented on the sub group.
- 8.2 Following a 'Victims' Walkthrough' event held in December 2015, attended by 34 members of staff from statutory and voluntary agencies, a detailed action plan was developed and the focus of the work over the past year in relation to the Victims' Code has been:
- Special measures applications
  - Live Links (remote evidence)
  - Complaints from victims – how they are managed inter agency
  - Lessons learned from victims' complaints
  - Victim Personal Statements
- 8.3 The sub group regularly reports progress to the LCJB.

## **9. OTHER AREAS FOR CONSIDERATION**

### Changes to the Pre Charge Bail

- 9.1 On Monday 3 April 2017, new provisions regarding police (pre-charge) bail come into effect under provisions of the Policing and Crime Act 2017. The presumption is now that detainees under police investigation will be released from custody without bail unless conditions are satisfied (is it necessary and proportionate), with the period of bail being authorised by an inspector for a maximum period of 28 days. A further extension of up to 3 months must be authorised by a superintendent and further extensions authorised by magistrates.
- 9.2 Where a detainee is released without bail, but further enquiries are necessary, the suspect will be informed that s/he remains under investigation. When the investigation is concluded, the suspect will either be required to attend court, or be informed that no further action will be taken. The fact that a person has been released under investigation (i.e. without bail) does not imply judgement as to the integrity of an allegation, the quality of investigation is unaffected.
- 9.3 Victims will continue to be notified of developments during the investigation, for example released on bail or released under investigation, as a requirement of the Victims' Code.

- 9.4 Suffolk Constabulary has been training officers across the Constabulary in the changes to the law and how to support victims in understanding what it means for them.
- 9.5 Corporate communications have developed key messages for officers and staff, and furthermore, information will be provided to the public via the Constabulary website with Frequently Asked Questions (FAQ's) to support members of the public in understanding what the changes to police bail mean for them.

## **10. NEXT STEPS**

- 10.1 The Constabulary will continue to audit crimes for compliance and address any issues/learnings that arise. The Constabulary awaits the outcome and recommendations of the strategic profile and review of the Victims' Code task in Athena.

## **11. FINANCIAL IMPLICATIONS**

- 11.1 There are no financial implications in respect of this report.

## **12. OTHER IMPLICATIONS AND RISKS**

- 12.1 The Victims' Code of Practice (VCOP) is a statutory document which places obligations on the police and other criminal justice agencies to provide services to victims of crime, setting out the minimum standards they can expect.

| <b>ORIGINATOR CHECKLIST (MUST BE COMPLETED)</b>   | <b>PLEASE STATE<br/>'YES' OR 'NO'</b> |
|---|---------------------------------------|
| Has legal advice been sought on this submission?  | No                                    |
| Has the PCC's Chief Finance Officer been consulted?   | No                                    |
| Have equality, diversity and human rights implications been considered including equality analysis, as appropriate? | Yes                                   |
| Have human resource implications been considered?   | Yes                                   |
| Is the recommendation consistent with the objectives in the Police and Crime Plan?                                  | Yes                                   |
| Has consultation been undertaken with people or agencies likely to be affected by the recommendation?               | Yes                                   |
| Has communications advice been sought on areas of likely media interest and how they might be managed?              | Yes                                   |
| Have all relevant ethical factors been taken into consideration in developing this submission?                      | Yes                                   |