



**Police and Crime Plan Priority: *Supporting Victims of crime***  
**Title: *Delivering against the Victims Code***  
**Presented by: ACC Alex Murray**

**Purpose of paper**

1. The purpose of this paper is to describe the performance of West Midlands Police against the Police and Crime Plan priority 'Supporting Victims of Crime'.

**Background**

2. The Victims Code forms a key part of the wider Government strategy to transform the criminal justice system by putting victims first, making the system more responsive and easier to navigate. Victims of crime should be treated in a respectful, sensitive and professional manner without discrimination of any kind. They should receive appropriate support to help them, as far as possible, to cope and recover and be protected from re-victimisation. The code of practice governs the services to be provided in England and Wales by organisations in the criminal justice system.
3. The Victims Code assists the public and businesses to understand what they should expect from the police and partners if they are a victim of crime. Key responsibilities for West Midlands Police (WMP) and partners in supporting victims range from agreeing contact plans and providing updates during the investigation, supporting victims through the court process through special measures and witness care, providing a *voice* for the victim in the way of a Victim Personal Statement (VPS) and aftercare through the Victim Support Service and the Victim Contact Scheme.
4. WMP continues to place the victim at the centre of everything we do. Vulnerability and needs of the victim are assessed at the first point of contact and continuously through the criminal justice process. Mandatory training goes past the basic requirement to comply with the Victims Code and encourages staff to consider the quality of service they offer around vulnerability, safeguarding, referrals and pathways, managing expectations and delivering a service that is tailored to the individual.
5. WMP Investigation Model provides a proportionate response to investigations which allows us to focus resources on protecting the vulnerable and intervening at an early

stage, to prevent further incidents. Advancements in technology and the ability to report incidents of crime online, provides a flexible option for victims to report incidents at a time that is convenient to them. The reporting portal is Victims Code compliant and provides full details of what they should expect with useful links.

6. Governance for the Victims Code sits within the Crime Portfolio under Criminal Justice Services, but has a thematic lead who is responsible for reviewing performance, identifying and understanding issue and delivering effective solutions.

## **How WMP prioritises a victim's culture**

### Online Reporting

7. Online reporting provides a flexible reporting method, as victims can report a crime at a time convenient to them and from anywhere. This speeds up reporting times and frees up staff/officers to prioritise the response based on vulnerability.
8. Between July and November 2017, 1,584 crimes were reported using the online portal, including a variety of criminal damage and theft related offences. This accounts for approximately 3% of applicable recorded crime.
9. The reporting tool is compliant with the Victims Code, as it automatically provides the required information to the victim and has mandatory boxes to record responses.
10. The WMP website has a dedicated area for the Victims Code with all information a victim may require, plus links to the national Victims Code website and partner agency support.
11. An animated video titled 'Giving Victims a Voice' has been designed to provide a short and easy to understand overview that can be watched by victims when reporting online, but is also available to officers to show victims on their mobile devices. The video provides a standardised message for victims and is quick to watch.

The video can be viewed via YouTube or the force website.

<https://youtu.be/v1ZihA9CKi4>

<https://www.west-midlands.police.uk/services/code-of-practice-for-victims-of-crime>

Crimes reported online are allocated as they would be if reported via other methods in line with the Investigation Model.

### Investigation Model

12. The Investigation Model provides a proportionate response to investigations, whilst introducing the ability to intervene at the earliest possible stage. Vulnerability is managed through the application of THRIVE+ (a risk assessment tool used throughout WMP).

13. The model is designed to provide a better service at the front end, by conducting a proportionate investigation and informing the victim at the earliest stage possible about what is going to happen.
14. The Initial Investigation Team (IIT) receive most volume crime for initial investigation. Where there are no viable lines of enquiry or it would not be proportionate to investigate, cases are then filed. The remaining crimes are allocated for a more in depth investigation by the most appropriate team within FCID. This way, investigators spend their time on the cases that have the greatest opportunity of being solved.
15. It is important to be open and honest with the victim concerning the likely outcome of an investigation. The reasons for filing should be communicated to the victim so they have an understanding of why this has occurred.
16. Adult and child abuse offences are investigated by specialist investigators within the Public Protection Unit (PPU). Officers receive training concerning specific vulnerabilities that adults or children may have, so that support mechanisms can be put in place to assist with achieving best evidence and supporting the victim.
17. Specially trained intermediaries are often used with children and are now mandatory for investigations involving sexual abuse where the child victim is under 12. Intermediaries can follow the victim through the criminal justice process to offer consistency for the victim, increasing the chances of obtaining best evidence and the best outcome for the victim.
18. Where vulnerabilities are identified, officers and staff are also able to signpost or refer victims/witnesses for assistance.

#### Referral portals

19. Victims may be identified as having a vulnerability or be in need of some assistance. WMP aims to work more effectively with partner agencies by sharing problems and providing a service that caters for the victim's individual needs. Each department has a link to the referral portal, allowing the partnership team for the specific area to signpost individuals who are in need of additional support to a partner agency. By obtaining support at the earliest opportunity, WMP aim to reduce the risk of repeat victimisation and prevent crime through early intervention and partnership. Interventions include:
  - Mental Health
  - Substance Misuse
  - Domestic Violence
  - Elderly Care
  - ASB
  - Children & Young People

- Fire Safety
- Think Family/CAF
- Debt
- Restorative Justice

A recent example of the referral portal being used for multiple issues in one case is a neighbour dispute, which had resulted in a number of calls for service. Originally a good neighbour relationship had broken down due to noise from one of the premises. Officers identified a number of triggers including mental health, domestic relationship breakdown and financial difficulties. Referrals were made and support provided by partner agencies to assist with the identified issues. With the required support in place, a Restorative Justice conference was completed with both neighbours, where they were able to discuss their concerns and identify a way forward. Support was provided for the victim through BRAVE (Birmingham Residents Antisocial Behaviour Victim Empowerment), to improve the victim's wellbeing and provide ongoing support.

20. For the most serious of crimes/incidents, it may be appropriate for a Family Liaison Officer (FLO) to be assigned who will facilitate any referrals.

#### Family Liaison Officers

21. Family Liaison Officers (FLOs) are usually deployed in the event of an unexplained or violent death, particularly in respect of homicide, road death, mass fatality or any other critical incident where family liaison might enhance the effectiveness of the police response.
22. FLOs provide families with a single point of contact, building a trusting relationship where information can be exchanged both ways. Where the FLO acts in an investigative role, this is conducted sensitively in a manner that respects the dignity and needs of a bereaved family. FLOs are essential to the effective investigation of homicide, road death and mass fatalities, working in consultation with the Senior Investigating Officer (SIO) and providing support to families throughout the coronial and criminal justice process.
23. FLOs ensure that victims and families are signposted to support from partner agencies and probation, to continue a quality service post court procedures.
24. The service provided by FLOs complies with all aspects of the victim code and more. FLOs can assist victims and families with writing a Victim Personal Statement (VPS) and will read it out in court if requested, providing 'victims a voice'.
25. Force CID have a number of highly trained FLOs who provide support to investigations across the force. A dedicated FLO Co-ordinator oversees all deployments in consultation with SIOs.

26. WMP also has a dedicated Family Liaison Unit within the Regional Collision Investigation Unit (believed to be the first in the country), offering a dedicated and bespoke service to victims and their families after road traffic collisions (RTCs) involving life changing or fatal injuries.

#### Witness Care

27. When an investigation results in the suspect being charged to go to court, the Witness Care Unit take on the responsibility for contact with the victim or witness. The Witness Care Unit Mission is:

*'Assisting to achieve justice by providing tailored care to support victims and witnesses through the criminal justice system'*

28. It is acknowledged that going to court and giving evidence can be a daunting and frightening thought for many victims and witnesses. Victims may feel fearful of the defendant (or other attendees) and not want to re-live the original incident. Because of this, a dedicated collaborative unit with WMP and CPS, work together to support victims and witnesses in their attendance at court.

29. Services provided by Witness Care:

- Proportionate and tailored care – Liaise with victims and witnesses from the first hearing to establish the level of service they would like/require
- Regular updates – Provide updates after each court hearing within 24 hours of receiving results, including bail conditions
- Interpreters – Arrange for an interpreter on the day of trial for victims and witnesses
- Transport to and from court – In certain circumstances transport and suitable accommodation can be provided to victims and witnesses when required to attend court
- Pre-trial visits – Victims and witnesses are provided with the opportunity to visit the court prior to the day of trial, to enable them to have a look around and find out what is expected of them
- Assistance with Special Measures
- Support with Victim Personal Statements

#### Out of Court Disposals and Victims

30. As an alternative to entering the court system, intervening early with offenders can often reduce the risk of re-offending. The use of Out of Court Disposals (OCCD) assists to keep an offender engaged with the interventions they require, providing a positive outcome for all involved.

31. Obtaining the views and support of victims when considering OOC is essential to the legitimacy of the process. The Turning Point Project<sup>1</sup> was primarily about measuring reoffending rates in OOCs compared to standard prosecutions, but also measured satisfaction of victims with the two processes. Where an OOC was used, 54% of victims were satisfied with the outcome compared to 50% of cases that went to court. However, satisfaction rates for OOC rose to 72.5% where '*enhanced communication*' was used, which involved explaining the OOC process to the victim and the reduced likelihood of reoffending.<sup>2</sup> While victims have differing views on punishment and rehabilitation, they widely share the primary underlying goal of stopping the offence from happening again. This ground breaking work (and one of the first studies into victim satisfaction of OOCs) highlights that effective communication can change the perceptions of justice outcomes.
32. WMP has adopted the learning from Turning Point with the creation of Prisoner Intervention and Prevention Teams (PIPT) who look to use OOCs where appropriate. Bespoke training has been provided to all PIPT, on how to maximise victim satisfaction for OOC. Feedback from PIPT officers confirms that one of the main concerns of victims is that they (or others) won't be the victim of crime again.
33. One of the main OOC referrals for offenders is to the Victim Awareness Course, which focuses on raising the offender awareness of the impact of their behaviour on other people. The course is cost neutral to WMP as the offender pays the £60 to attend. An evaluation by Portsmouth University of the impact of the course on reoffending rates showed significant reductions in all age groups, drastically minimising the amount of people that went on to reoffend.

#### **Key responsibilities of WMP in relation to Victims Code and supporting victims**

34. Includes:
  - Being **kept informed** about the police investigation into the crime including if a suspect is arrested or charged and any bail conditions given
  - Being informed of **what to expect if required to give evidence in court**, including the help and support on offer through the **Witness Care Unit**.
  - The ability to make a **Victim Personal Statement (VPS)** to explain the impact of the crime, and to have it read out in court, with the permission of the court
  - The ability to apply for **special measures** in court (in certain circumstances) to help give best evidence if the victim is under 18 or an adult victim who is vulnerable or intimidated:
    - Giving evidence through a TV link

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<sup>1</sup> Turning Point Project – Joint project with WMP and Cambridge University,

<sup>2</sup> Victim Satisfaction with Diversion to a Police-Led Out-of-Court Disposal: A Randomized Controlled Trial. Molly Slothower, Department of Criminology and Criminal Justice, University of Maryland, USA

- Video recorded evidence
- Removal of wigs and gowns
- Evidence given in private
- Use of communication aids
- Examination through an intermediary
- Being referred to **Victims' Support Service**
- Being able to join a **Victim Contact Scheme** and be informed when an offender is released, if they have been sentenced to a year or more in prison for a violent or sexual offence
- Having the ability to apply for compensation under the **Criminal Injuries Compensation Scheme**
- Receiving information about **Restorative Justice** which brings together the offender and the victim giving the victim a chance to tell the offender what the real impact of their crime has been
- Being able **to complain** if you do not receive service under the Code and have the right for a complaint to be handled professionally and quickly.

### **How performance against Victims Code responsibilities is monitored and managed**

#### Victims Code Working Group

35. The Victims Code Working Group is a subgroup under the Crime Leaders Forum. Detective Chief Inspector Richard Agar is the designated Subject Matter Expert (SME) for Victims Code and chairs the board. The aims of the board are to:
- Review Performance against the Victims Code
  - Identify and understand Issues
  - Deliver more effective solutions

36. The board consists of SPOCs from a number of departments across WMP and includes representatives from the PCC's Office and CPS. The Departmental SPOCs are responsible for championing victim issues across their departments and offer a situation/role based approach as they are the practitioners who deal with victims.

#### Quarterly Performance Reviews

37. Assistant Chief Constables (ACCs) hold their departments to account through Quarterly Performance Reviews (QPRs), where performance is reviewed to identify learning and opportunities to improve the service provided to victims.

#### Scrutiny Panel

38. Within the next quarter DCI Richard Agar is bringing together a Victims Code Scrutiny Panel which will engage victims, witnesses and members of the

community alongside partner agencies to discuss the victim journey and give the 'victim a voice'. Victim involvement and feedback is key to identifying any issues and in providing the solutions.

#### Strategic Victims Meeting

39. The PCC's office, WMP and CPS meet to have an overview of the victim journey through the criminal justice process. This is key to identifying any gaps and what assistance is available from each organisation.

#### Dip Sampling

40. As part of the periodic investigation dip sampling, compliance with parts of the Victims Code is measured. The dip samples are completed by pairs of officers mixed up from force response, PPU and FCID. This allows the practitioners to be involved in the review process which creates a sense of openness and transparency amongst staff, whilst utilising the knowledge of the officer within their specialist field of work. Themes of the dip sample have included all primary investigations, domestic abuse and burglary investigations, with compliance measured against the VPS and voice of the child.

### **Assessment of performance against Victims Code**

#### Victims Code Compliance Audit

41. The PCC Internal Audit Service provided a report on Victims Code Compliance in October 2017. Specifically, the review focussed on:
  - Training
  - Recording crime, referral to support services and needs assessments
  - Victim Personal Statements and Business Impact Statements
  - Victim Satisfaction Surveys
  - Performance Monitoring
42. The audit provided data for recording if a VPS had been explained, if a Victims Code leaflet was provided and if a Contact Plan had been agreed. In 46% of cases the VPS had been explained, in 69% of cases the Victims Code leaflet had been provided (or signposted to online guidance) and in 89% of cases the Contact Plan had been agreed. There are a number of reasons why victims would not have been provided with the information.
  - Investigation filed at source – If there are no lines of enquiry (and no suspects), then the investigation may be filed at source. The victim will be made aware of this at first contact and the reasons for filing. As there is no likelihood of the matter going to court, a VPS is not explained as is not relevant and a Contact Plan is not required
  - The crime is reported via a 3<sup>rd</sup> party or the victim is not available

- No victim – If the offence is drugs or public order related, it is likely there is no identifiable victim
- Non-crime record – The Victims Code only applies to criminal offences and does not include non-crime incidents
- Updates recorded in the investigation log – Officers often record contact plans and other Victims Code information within the investigation log, so are compliant with the Code, but it is not possible to automatically abstract the information to measure performance.

#### Victims Right to Review

43. The right of a victim to request a review arises where the police have identified and interviewed a suspect and;
  - Made a decision not to bring proceedings in cases where the police have authority to charge; or
  - Made a decision that the case does not meet the Threshold Test for referral to the CPS for a charging decision.
44. The matter is referred to a more senior officer within the relevant department (not connected with the original investigation) to review the evidence.
45. WMP received 101 VRR appeals between April 2015 and October 2017 (approximately 3 a month) with 8% being upheld. Where a decision is made (after appeal) to refer a case to CPS, the decision to charge (or not) remains with the CPS

#### **What the force do to encourage adherence to Victims Code**

##### Training

46. With the creation of the Victims Code, an NCALT Victims Code e-learning package was created to provide training to police officers, PCSOs, Force Contact, Criminal Justice Services staff and Special Constables. Over 4,500 officers and staff received this face to face training. Individual departments have also provided bespoke training which is cascaded through teams.
47. The package was updated in 2016 by the College of Policing and made mandatory for all relevant WMP employees to complete one of the packages. The recent Victims Code compliance Internal Audit recorded that 54% of relevant staff and officers had completed the on-line training. This figure is likely to be much higher as many staff will have completed the training as a team and not individually.
48. The importance of placing the victim at the centre of what we do is enforced from the beginning of an officer's career. All new joiners (including Student Officers, PCSOs and PSIs) are required to complete the NCALT on line training package on the Victims Code. Student Officers also receive classroom sessions incorporating the Victims Code of Practice with the use of scenarios.

49. New investigators going through the Detective Academy are also required to complete the NCALT on line training package and there are a series of knowledge checks which need to be completed during the ICIDP modular course in which questions are posed from the Victims Code. There are also classroom sessions incorporating the Victims Code of Practice with use of scenarios.

### **Future plans/challenges**

#### Implementation of S28 (Youth Justice Criminal Evidence Act 1999)

50. S28 is the last in a series of special measures to be implemented and involves pre-recording cross examination of vulnerable and intimidated victims and witnesses.
51. S28 has been piloted in 3 area across the country with the main benefits being:
- An increase in guilty pleas (as the defendant is aware of what evidence is available prior to the trial and doesn't gamble on non-attendance of the victim or witness)
  - Better experience for the victims and witnesses, with their part of the trial process completed early
52. WMP is working towards implementing S28 in the West Midlands in the next four months.

#### WMP Corporate Branding

53. WMP is looking at incorporating the voice of the victim in its corporate branding. This will make it clear that the culture of the organisation is victim focused.

#### Witness Care

54. Originally created as a joint partnership with CPS, most of the CPS resources have now been removed. Staffing and location of the department will need to be reviewed to ensure continuation of a quality service.

#### Changes to bail legislation

55. Bail legislation has removed the presumption of bailing a suspect. This could have an impact on victims both for the length of time to investigate and their protection through bail conditions. However, WMP continue to use bail more than any other force in the country and as such we are confident we are maximising the protection of victims and witnesses through the use of bail.

### **Results of latest victim surveys and developments in victim surveys**

56. The development of the Force Victim surveys has progressed over the last few months. There are currently 2 live surveys for Victims of crime and ASB with one specialising for Domestic Abuse victims. The general force victim survey has been live since August with victims of crime receiving an e mail 6 weeks after the offence has been recorded. The DA survey commenced in December.

57. The next phase of surveying is planned around responding to 101 calls from members of the public who will receive a text in real time after they have finished their call with Force Contact.

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