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Fiona O'Connell

Supplementary Briefing Paper on Victims and Witnesses and the Community

1 Introduction

This briefing paper is provided to assist the Committee for Justice in its inquiry on Victims and Witnesses. During a presentation to the Committee on three other papers related to the inquiry, two issues were identified for follow up information. They were as follows:

- Whether staff in Witness Care Units (WCUs) in England and Wales have legal powers to compel information to overcome difficulties in getting information from other agencies:
- Whether there are mechanisms to reassure or communicate to the wider community that a legal process has taken its course.

2 Witness Care Units

Witness Care Units provide support and information to victims and witnesses in cases where a charge has been brought. They work to a set of minimum requirements, many of which are

on a statutory footing under the Code of Practice for Victims of Crime. The Witness Care Units are jointly staffed by both the police and CPS personnel. Witness Care Officers working in the Witness Care Units do not themselves have any legal powers to compel information from other criminal justice agencies but would refer any issues they have in getting information to either the CPS prosecutor or the officer in charge for them to use their legal authority as appropriate.¹

3 Mechanisms to reassure or communicate to the wider community that legal processes have taken their course

This section provides information on mechanisms which meet the needs of communities by agencies. In particular there is information on guidance published in England and Wales issued to criminal justice agencies on publicising information on individual sentencing outcomes and some practical examples contained within the guidance.

Formal Structures enabling communities to raise concerns

There are a number of structures in place to gain information on community opinions. Community Safety Partnerships (CSPs) were established on a voluntary basis in 2003 and bring together police, local councils, voluntary, community and business sectors, the Housing Executive and other services such as youth justice and probation to develop and deliver action plans to tackle crime and disorder. Community Safety managers can explain local crime reduction schemes and provide information on what actions are being taken to tackle problems.²

District Policing Partnerships (DPPs) consult with the Community and establish in conjunction with the District Commander policing priorities and monitor police performance against the local policing plan. The main responsibilities of the DPP are to:³

- Provide views to the District Commander on any matter concerning the policing of the district.
- Monitor the performance of the police in carrying out the policing plan.
- Make arrangements for getting the views of the public on matters concerning the policing of the district and gaining their co-operation with the police in preventing crime.
- Act as a general forum for discussion and consultation on matters affecting the policing of the district.

From April 2012, Policing and Community Safety Partnerships (PCSPs) will undertake the responsibilities of the DPPs and CSPs across the 26 council areas.⁴

¹ Information obtained from the Crown Prosecution Service via email with thanks on 20/02/12

² <http://www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/crime-prevention/community-safety.htm>

³ <http://www.districtpolicing.com/index/int-roles.htm>

Community Impact Statements

Community Impact Statements were piloted in 12 areas in England and Wales for a six month test period in 2009.⁵ A Community Impact Statement is a report in a short, standard format that puts the offences in a wider context in which they are committed, highlighting their impact on the local community. An example of a Community Impact Statement can be found at **Annex A** of this paper. The statement is compiled and authorised by the police but it might be equally applied by a partner organisation or individual for example crime reduction partnerships or community safety partnerships.⁶ The community impact statement sets out clearly information about local crime statistics, anti-social behaviour data and summaries of community concerns. The statement covers a set geographical area and remains current for a set period of time, usually 3 months after which it will be updated. The community impact statement usually takes the form of a witness statement under section 9 of the Criminal Justice Act 1967.⁷ The statement can be used in the following ways:⁸

- (a) As a tool for police and CPS to inform the decision to charge a suspect with an offence, where relevant.
- (b) As a tool used by the police and other local partners to inform restorative justice interventions that contribute towards amending the harm inflicted upon the community, where relevant.
- (c) As a tool used by the police and CPS to inform decisions on possible conditions of a conditional caution.
- (d) As a tool used by Probation Officers to inform their proposals for sentences, including community payback and reparation, as part of the pre-sentence report.
- (e) As a tool for Community Safety Partnerships to inform activity to tackle issues raised by the community.
- (f) As a tool used by the court to inform sentence.

A Ministry of Justice document notes that a review of the evidence was undertaken on the current use of community impact statements.⁹ The UK Government in a response to a consultation document, whilst not making specific reference to community impact statements commits to “develop means by which decision makers can assess the impact of crime on

⁴ <http://www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/crime-prevention/community-safety.htm>

⁵ The 12 areas included: Birmingham, Bradford, Devon and Cornwall and Leicester Avon and Somerset, Bedfordshire, Derbyshire, North Yorkshire, Warwickshire, Gateshead and Merthyr Tydfil, see UK Government Green Paper “Engaging Communities in Criminal Justice”, April 2009, 23 . <http://www.official-documents.gov.uk/document/cm75/7583/7583.pdf>

⁶ UK Government Green Paper “Engaging Communities in Criminal Justice”, April 2009,21

⁷ UK Government Green Paper “Engaging Communities in Criminal Justice”, April 2009,21

⁸ http://www.cps.gov.uk/legal/a_to_c/community_impact_statement_-_adult/#what

⁹ <https://www.justice.gov.uk/downloads/publications/corporate-reports/MoJ/increasing-access-local-criminal-justice.pdf>

community life, gather views on community priorities then use the information as part of the justice process.”¹⁰

The Criminal Justice Inspection Northern Ireland (CJINI) reported in its report on victims and witnesses in 2011 that community impact statements are a vehicle to enable the voice of communities to be expressed in the process.¹¹ CJINI acknowledged that communities may be victims in the same sense that individuals are victims.¹² In a previous report by CJINI into the Donagh sexual abuse cases inspection, inspectors reported that it became apparent that communities wish to have a voice at an appropriate point in the criminal justice process.¹³

Community impact statements can be used by defined groups to provide courts with factual details of the impacts of crime in their communities and are applicable post- conviction.¹⁴ The Department of Justice (DoJ) has recently published a feasibility study on the use of community impact assessments. The study has concluded that “there is general opinion that providing a mechanism for communities to have a voice in the criminal justice system is desirable.”¹⁵ However the Department stated that it did not consider it appropriate to introduce community impact assessments universally as a response to recommendations made by the Criminal Justice Inspection Northern Ireland. Rather, the DoJ suggested a more realistic approach is the use of Community Impact Assessments for specific offences, triggered by public interest with set criteria for referral for an assessment to augment direct victim impact statements or reports.¹⁶ The DoJ suggested that the statement could be supplied to the court through the Public Prosecution Service or directly to the court at the discretion of the judge.¹⁷ The report referred to the current consultation on victim impact statements which represents a good opportunity to consider how the voice of the community could be best accommodated in an overall impact scheme.¹⁸

Publicising information on individual sentencing outcomes

A number of approaches have been adopted by criminal justice agencies in England and Wales when a verdict has been reached in a criminal case. Guidance has been produced in England and Wales for public authorities on publicising information about individual sentencing outcomes.¹⁹ The Government emphasises its commitment to increasing the transparency and accountability of public services.²⁰ The guidance suggests there should be

¹⁰ Ministry of Justice “Breaking the Cycle: Government Response”, June 2011, p 11

<http://www.justice.gov.uk/downloads/consultations/breaking-the-cycle-government-response.pdf>

¹¹ CJINI “The Treatment and Care of Victims and Witnesses in the Criminal Justice System” December 2011, 52

¹² CJINI “The Treatment and Care of Victims and Witnesses in the Criminal Justice System” December 2011, 54

¹³ CJINI “The Treatment and Care of Victims and Witnesses in the Criminal Justice System” December 2011, 54

¹⁴ CJINI “The Treatment and Care of Victims and Witnesses in the Criminal Justice System” December 2011, 52

¹⁵ Department of Justice “A Feasibility Study into the Introduction of Community Impact Assessments to Northern Ireland”, December 2011, 24. [http://www.dojni.gov.uk/index/media-](http://www.dojni.gov.uk/index/media-centre/a-feasibility-study-into-the-introduction-of-community-impact-assessments-to-northern-irelandstatements.pdf)

[centre/a-feasibility-study-into-the-introduction-of-community-impact-assessments-to-northern-irelandstatements.pdf](http://www.dojni.gov.uk/index/media-centre/a-feasibility-study-into-the-introduction-of-community-impact-assessments-to-northern-irelandstatements.pdf)

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Ibid, 24-25.

¹⁹ Criminal Justice System “Publicising Sentencing Outcomes: Guidance for public authorities on publicising information (including via the internet) about individual sentencing outcomes within the current legal framework”, June 2011

²⁰ Ibid, 2

a presumption in favour of publicising outcomes of criminal cases because this would help to:²¹

- Reassure the law abiding public that the CJS is fair and effective, by publicising successes;
- Increase public trust and confidence in the CJS;
- Improve the effectiveness of criminal justice e.g by encouraging victims to report crimes and witnesses to come forward; and
- Discourage potential offenders and reduce re-offending.

The guidance is in favour of publicising verdicts in Crown Court and magistrates' court cases in the great majority of cases. This includes fines, community sentences, absolute and conditional discharges, Financial Reporting Orders and Travel Restriction Orders where these are imposed as part of a sentence. However the guidance does not apply to out of court disposals such as cautions, conditional cautions, penalty notices for disorder and cannabis warnings.²² It is emphasised that care should be taken if disclosure of a sentencing outcome also reveals personal information about a person other than an offender.²³ Guidance is given on information on when disclosure may not be appropriate for example where the information could be used to identify victims and witnesses, where it could be used to identify the offenders' family or where the offender is known to have specific vulnerabilities such as mental health issues or physical ill health.²⁴ It is advised that the publication of information should be timely and time limited, recommending that convictions remain publicised for no longer than a month and that such publicity material for example, web page, posters and leaflets are removed within six months of the conviction being recorded.²⁵ The guidance highlights that this is not a specific legal requirement under the Data Protection Act 1998 but the Rehabilitation of Offenders Act 1974 is relevant in this context.²⁶ It also recommends that consideration is given to where hard copy formats such as leaflets and posters are placed as officials need to be confident that they will be able to remove these publicity materials in order to comply with legislation.

The guidance provides some examples on how some criminal justice agencies have communicated the outcomes of individual sentences in England and Wales. These are as follows:²⁷

- **Greater Manchester Police** have used one- off leaflets in Rochdale to provide information to the community on those who have been convicted of crime of particular concern. The guidance recommends that information about convictions relates to local priorities;

²¹ Ibid, 2

²² Ibid,4

²³ Ibid, 4

²⁴ Ibid,5

²⁵ Ibid, 5

²⁶ Ibid

²⁷ Ibid, 9

- **Hertfordshire Criminal Justice Board** has employed the South Bedfordshire News Agency to prepare short summaries of selected Crown Court case outcomes that are prominently displayed and regularly updated in the homepage of the police website;
- **West Midlands Police** tweets court results from Birmingham magistrates' court. The guidance states there is nothing to prohibit the use of social networking sites for the purposes of publishing sentencing outcomes;
- **Kent Police** regularly publicises magistrates' court results on the 'Justice Seen, Justice Done' part of its website. Details are also sent to local newspapers. In High profile cases at the Crown Court, details are also published on the website and sent to local media with photos of the convicted person where applicable.

Another example not referred to in the guidance is an initiative called '**Behind Bars Campaign**' which is a joint initiative between the Crown Prosecution Service and police in Dorset to inform the public of Crown Court convictions and sentences. Information is made available on Dorset Police service's website for a limited period in order to promote the openness, transparency and accountability of the criminal justice system to the people it serves.²⁸

4 Conclusions

This briefing paper provides information on two issues identified by the Justice Committee for further information. The first issue is whether staff in WCUs in England and Wales have legal powers to compel information from other agencies. Staff in Witness Care Units (WCUs) in England and Wales do not themselves have any legal powers to compel information from other criminal justice agencies such as the CPS, Court Service and Police but would refer any issues they have in getting information to either the CPS prosecutor or the officer in charge for them to use their legal authority as appropriate.

The second issue identified was whether there was anything available to reassure or communicate to the wider community that legal processes have taken their course. In Northern Ireland, DPPs and CSPs enable communities to raise concerns about issues that affect them. There are mechanisms in place which enable communities to express their voice in the criminal justice process. For example, in England and Wales, Community Impact Statements have been piloted in a number of areas which enable communities to express the impact of an offence on the local community. The DoJ has recently published a feasibility study on the use of Community Impact Statements in Northern Ireland which indicates the possibility of the use of such statements for specific offences.

There are some initiatives that have been undertaken by some criminal justice agencies in England and Wales which are set out in guidance on the publication of information about

²⁸ <http://www.dorset.police.uk/Default.aspx?page=2716>

individual sentencing outcomes. Such initiatives include using one- off leaflets, websites and social networking to publicise sentencing outcomes.

ANNEX A- An example of a Community Impact Statement²⁹**COMMUNITY IMPACT STATEMENT**

Area covered by the statement: St Ann's

Period covered by the statement: January–March 2008

Witness statement

This is the witness statement of Inspector Andy Townsend, stationed at St Ann's Police Station.

This statement consists of two pages, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated on it anything which I know to be false or do not believe to be true.

The following data reflects recorded crime in the area during the above period. The highlighted areas reflect the higher than average figures city-wide.

	St Ann's (4 beats)*					City-wide	
	Jan 08	Feb 08	Mar 08	Apr 07–Mar 08		Apr 07–Mar 08	
				Annual no.	Crimes per 1,000	Annual no.	Crimes per 1,000
All BCS crime	180	120	169	2,069	116.93	33,158	115.78
Theft from vehicle	21	15	20	231	13.06	5,601	19.56
Theft of vehicle	10	7	4	89	5.03	1,572	5.49
Vehicle interference	3	1	5	27	1.53	770	2.69
Burglary (per 1,000 households)	18	10	20	207	23.72	4,588	39.51
Theft of cycle	5	5	2	31	1.75	1,089	3.80
Theft from person	2	3	2	51	2.88	1,396	4.87
Common assault	6	3	6	97	5.48	1,693	5.91
Criminal damage	73	41	71	863	48.77	10,230	35.72
Wounding	22	26	24	316	17.86	4,950	17.28
Robbery	20	9	15	157	8.87	1,269	4.43
Drugs offences	36	33	23	258	14.58	2,106	7.35
ASB (core police incidents)	127	122	150	1,822	102.97	24,091	84.12

²⁹ Ministry of Justice "Green Paper Engaging Communities in Criminal Justice", pgs 24-25 <http://www.official-documents.gov.uk/document/cm75/7583/7583.pdf>

St Ann's 4 beat Population =	17,694
City Population (based on 2006 ONS Mid-year estimates) =	286,400
St Ann's 4 beat Households =	8,727
City Households =	116,112

* 4 St Ann's Beats:	Popl	Hseholds
St Ann's Well Road	3,915	2,065
Marmion	3,004	1,437
Marple Square	3,047	1,478
Wells Road	7,728	3,747
	17,694	8,727

Sources

Crime and Drugs Partnership combined partnership data

Concerns of the community

- Kingsthorpe Close – mini-motorbikes
- Brewsters Road – young people and drug dealing
- Duncombe Close – drug dealing/users in entrance ways

Local Area Group – meetings reflect the following areas for priority

- Anti-social behaviour of youths on the street, particularly around the junction of Botany Avenue and Wells Road
- Drug dealing and use in Sycamore Park
- Requirement for CCTV on Kingsthorpe Close
- Lighting for park area off Robin Hood Chase

Beat priorities as at February 2008

Marmion – Drug activities surrounding Stonebridge Centre
Wells Road – Autocrime and burglary hotspot Querneby/Blyth/Bennett Street
St Ann's Well Road – Drug dealing on Robin Hood Chase and Westville Gardens
Marple Square – Drug dealing on Beverley Square and Duncombe Close

Signed Insp Andrew Townsend

Dated 30 April 2008