

# **The Victim's Journey through the criminal Justice System**

## **Address to the conference**

**by**

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### **Opening**

1. Bore da. Croeso i'r gynhadledd bwysig hon sydd i wneud a taith y dioddefwr drwy'r system cyfiawnder troseddol
2. Fel y gwelwch ar eich rhagenni, i'ch hanerch heddiw ac i ateb eich cwestiynau mae nifer o siaradwyr profiadol ei mhaes a phob un yn cynrychioli un o'r teithwyr bydd yn cadw cwmni i'r diodeddfwr ar ei - neu hei - siwrna o'r digwyddiad cyntaf ac o fan hono drwy'r sistem.
3. Good morning. Welcome to this important conference and, I believe, the first of its kind in north Wales. This conference is about the victim's journey through the criminal justice system from the moment he or she suffers the crime.
4. I am pleased to have the opportunity to participate in this conference as the Police and Crime Commissioner for north Wales. As you can see from your programme, addressing the conference and to answer your questions during the panel sessions are speakers who are experienced in their respective fields and who will be representing one of the agencies who will be accompanying the victim on his or her journey through the criminal justice system.

## Why this title?

5. Why did I choose the title “*the victim’s journey through the criminal justice system*”? There are a number of reasons including the need to acknowledge the fact that there are a number of separate stages to the victims’ experience starting with the commission of the crime, followed by the discovery and reporting of it by or to the police, the investigation of it by the police, the prosecution of it by the Crown Prosecution Service and the trial of it and the conduct of that latter stage by Her Majesty’s Court and Tribunal Service and the Judiciary. Also, as that list makes plain, they may be separate stages in the sense that responsibility for each of them falls on a separate agency, each part of the journey is joined to at least one other part of it. So the title, I hope, tells you that it is not a series of separate journeys or separate stages but is a case of one unbroken journey in which each stage might have a different driver taking the victims to where they need to get to.

6. Of course, I accept that the journey does not end when the court case ends. The victim’s journey **begins** at an identifiable point, the commission of the crime, but it does not end **at any point**. The victim will always be the victim of that crime. The **memory** of it might fade in time, the **effects** of it might lessen with time but that is the best the victim can hope for. So the journey continues long after the police or the CPS’s part in the journey has ended. For the remainder of the journey, the victim will be driven by one or other of our other partners and by members of the family and by neighbours. What I can say with some confidence is that if any one of the drivers involved in the **criminal justice part of the journey** falls down on the job, this will compound the effects of the crime on the victim. The early stages of the journey **are the most sensitive stages of the whole journey**. Poor and inadequate treatment of the complainant by the police, poor or insensitive treatment of the witness by the courts system or by the judiciary can seriously compound the effects on the victim.. To the police, the CPS, HMCTS and the judiciary I say – please be alive to the consequences of not getting it right. It is your duty to write these risks into your risk registers.

## Supporting victims

7. What is the measure of the need for support? The MoJ’s consultation document, which led to the making of the revised code, had the following passage in it

“Crime affects different people in different ways. For some victims the impact may be practical and short lived. For others, such as victims of the most serious crimes, the impact can be distressing or life-changing. In around 80%<sup>1</sup> of all cases, victims say they do not want any information, advice or support from the state or from other sources. But around 20% say they do, and the Government strongly believes victims should receive the assistance they need”.

8. The original code was introduced in 2006 with the aim of setting out consistent standards of service victims of crime could expect to receive from criminal justice agencies across England and Wales.

9. Last year, the Government carried out a consultation called ‘*Getting it right for victims and witnesses*’. This consultation dealt with the principles behind the code and concluded that the code developed in 2006 was out of date and **not sufficiently victim-focused**. We now have the revised code.

10. It is separated into four sections:

- Entitlements for victims
- Duties for criminal justice agencies
- Entitlements to children and young people under 18
- Duties for criminal justice agencies for children and young people

11. Victims of the most serious crimes, vulnerable or intimidated victims and the most persistently targeted victims will be entitled to an enhanced service, which will enable criminal justice agencies to target their resources to support those most in need and provide additional assistance

12. The revised code has 9 key principles. These are

- Victims are to be treated with dignity and respect.

- Victims, their reports of crime and their concerns are to be taken seriously.
- Families bereaved by murder or manslaughter are to receive the specialist support they need.
- Information on their case is to be readily available to all victims and offered pro-actively.
- Victims, who must attend court as witnesses, and need practical help to do so, receive the help and support they need upon arrival.
- Victims who want to complete a Victim Personal Statement are to have the opportunity to do so and can expect it to be considered by the court.
- Vulnerable and intimidated victims will be supported to feel safe and protected.
- Victims have the right to ask to participate in restorative justice and this should be provided when available and subject to resources.
- Businesses which have been the victims of crime are to receive the information and support they need.

13. The revised Code will also transpose part of the EU “Victims’ Directive” which lays down the minimum level of support member states must provide to victims. The Directive comes into force in November 2015.

14. A revised witness charter was published alongside the revised code. It is very important that the police and victim support agencies should familiarise themselves with this.

### **The commitment of my office**

15. I am committed to supporting the victims of crime. I have made that commitment clear from what I have said in my police and crime plan, by holding this conference and by what I say here today

16. **The Plan** states that I shall be drawing up plans for the future commissioning of victims' services to provide victims with the appropriate support services. One of the matters I am seeking to develop arises out the point made to me personally by many members of the public who have been affected by a crime namely that they are not kept sufficiently informed of the progress of the investigation eg have you found the items stolen from us, or have you charged anybody with the burglary of our home. I am looking into developing an on line scheme to enable victims to keep abreast of the progress of the ir case “ Track my crime”

17. The deputy chief constable of NWP, Mr Gareth Pritchard, will tell you in the course of his presentation what NWP have done and will do to facilitate the victim's journey through the criminal justice system..

The reason for revising the code

18. Before I move on, can I remind you that the reason for the change from the original to the revised code was that the 2006 code was **not sufficiently focussed on victims**. If you are concerned with a victim whose evidence is very important to the prosecution case and on whose continued support the prosecution and police rely, when the case is taken out of the list on the application of the prosecution or the initiative of HMCTS at the last minute, ask yourself what was the application to take the case out of the list focussing on – was it on the interests of the victim or those of the CPS and the court's? Ask yourself, what difference, if any, did the revision of the code make to that particular decision?

### **Partnership working**

19. There are, as I have already mentioned, many agencies, groups, committees and other bodies whose business it is to deal with the causes and consequences of crime and in particular with the victims of crimes but it is of the highest importance that

they work together in partnership and that each partner demonstrates an acceptance of the importance of working in partnership. Nowhere within the criminal justice system is this principal more important than in the treatment of victims. When one of the agencies loses sight of this principal, the whole partnership underperforms and the victims suffer needlessly.

20 I have demonstrated my commitment to the principal of partnership working and the importance I attach to it in two principal ways. First, although my Police and Crime Plan has only four police and crime objectives, working in partnership is one of them.

21. On that matter, what I say in the Plan is

“The police service is not alone in working to prevent crime, deliver appropriate responses, and reduce harm and the risk of harm. Working in partnership enables lasting impacts and differences to be made to our communities. I will be working with partners through the North Wales Regional Leadership Board, the Safer Communities Board, Substance Misuse Area Planning Board and the Local Criminal Justice Board to identify means of working together more effectively in these challenging financial times. This will assist me with my broader responsibilities to improve community safety and enhance the delivery of criminal justice in our area and enable me to ensure that all relevant agencies and bodies are discharging their responsibilities in these regards.”

Recent examples of the difficulties which face the victims and the courts.

22. There are number interests within the criminal justice system which compete strongly against one another. To mention but three of them, the first are the interests of the defendant, in whose favour the law of England and Wales makes and should make all presumptions, Then you have the interests of the witness without whom justice cannot be done but who has vulnerabilities on account of his or her unfamiliarity with the criminal justice process . The third interest is that of the free press which is very important to a free and democratic state. . Balancing these can be very difficult if you are a judge but the law is quite clear and long may it remain so, the paramount interest is that the trial shall be fair to the defendant and that the

prosecution shall prove the case. The presumption of innocence is all important to the quality of our democracy. None of this means that the trial need not be fair to prosecution and defence witnesses and there are clear rules to guide the courts and the advocates on this. Being a prosecution witness is a civic duty but it is one which takes considerable courage. I am not referring to the courage that the victim needs for making a complaint to the police that he or she has been the victim of a crime but to what it takes to go through the process from beginning to end as a witness as well as making the complaint. I doubt if Nigela Lawson would ever volunteer to perform that civic duty again. In the course of that trial, the courtroom became “a wonderfully entertaining circus for the media”. Her reliability as a witness of truth became a central issue and it had to be tested in open court. That was an unusual case, but it serves to demonstrate the need for these interests to compete. It is our duty to explain these duties to the victims so that they come to understand them as best they can and come to accept them as the price we need to pay to secure the conviction of the guilty and for securing the safety of our communities and their people.

### **Conclusion**

23. The work and influence of the partnerships in providing support will be strengthened by the appointment of the victims’ commissioner and by the localisation of victim support services from March 2015 when we in north Wales will be able to design and implement a service that better meets the needs and circumstances of north Wales and its people.

24. My aim as commissioner is to ensure security at home and safety in public places. The security of the people is the highest law is my driving motto. The prevention of crime is paramount. Thanks to the efforts of the police and their partners in the public safety arena including many of the agencies represented here today, north Wales is known as a safe place in which to live. But, there is still too much crime and too many victims of crime and whilst that remains the position we all have a very real duty to support the victims of those crimes.

Winston Roddick QC

3<sup>rd</sup> march 2014