



Victim Care Policy

Policy

1. Introduction

This document outlines Surrey Police's commitment to victim care, providing victim support services and outlines the Force's statutory obligations to victims of crime.

2. Scope

Surrey Police is committed to ensuring that every victim of crime has timely access to appropriate support services which meet their individual needs in their local area and receives all statutory entitlements.

3. Policy Statement

Surrey Police is committed to the provisions of the Victims Code of Practice as outlined in the Victim Care Procedure. Victims of criminal offences, including bereaved close relatives, will be signposted, and given information on the range of victim support services.

Procedure

1. Introduction

1.1 The Victims Code of Practice (VCoP) places statutory obligations on the Police Service in relation to how they deal with victims of crime. The Code was revised in November 2020 and went in April 2021, pursuant to section 33 of the Domestic Violence, Crime and Victims Act 2004.

1.2 The 'Victim Care' procedure has been designed to ensure that from the point at which an allegation is received through to the conclusion of the investigation, a procedure is in place which complies with and enhances the obligations set out by the Victim's Code.

1.3 In all cases, obligations under the Victim's Code and this procedure remain with the originating officer/department, until such time as the investigation is officially handed over to the receiving department.

1.4 The definition of 'victim' for the purpose of this procedure is as stated in VCoP.

A victim is:

- A person who has suffered harm; including physical, mental, emotional harm or economic loss, which was directly caused by a criminal offence.

1.5 All victims of crime are entitled to the Rights of VCoP, whether they support police investigation or not.

1.7 The following are also entitled to Rights under VCoP:

- A close relative of a person whose death was directly caused by criminal conduct.
- A family spokesperson for victims with communication difficulties
- Parents/Guardians for victims under 18 years of age (**or someone in loco parentis**)
- Businesses who have provided a named point of contact.

1.8 Victims are entitled to opt-out, and subsequently opt-into, VCoP Rights and entitlements at any time.

2. Procedure – Point at which a crime is recorded, and a victim identified

2.1 Following the report of any crime that is notifiable under the National Crime Recording Standard System (NCRS), the reporting and/or Officer in Case (OIC) will establish whether the victim is entitled to an enhanced service and Rights through a needs assessment.

The enhanced service categories are;

- **Victims of most serious crime:** domestic abuse, hate crime, terrorism, sexual offences, human trafficking, attempt murder, kidnap, false imprisonment, arson with intent, wounding or causing GBH with intent (sec 18 offences only), modern slavery, any crime resulting in the death of the victim.
- **Persistently targeted victims:** those who have been targeted repeatedly as a direct victim of crime over a period of time, particularly if they have been deliberately targeted or are a victim of a sustained campaign of harassment or stalking.
- **Vulnerable and Intimidated victims** as defined by Section 16 & 17 Youth Justice and Criminal Evidence Act 1999 (outlined below.)

Officers and Staff should also use their discretion and can consider other victims who may fall out of the definition of the above referenced Act to be vulnerable, for example the elderly who may not consider themselves vulnerable or victims of particular crime types e.g. fraud or distraction burglary victim.

2.2 A victim is deemed a vulnerable victim if:

- they are under 18 years of age at the time of the offence, or
- the quality of their evidence is likely to be affected because:
 - i. they suffer from mental disorder within the meaning of the Mental Health Act 1983;
 - ii. they have a significant impairment of intelligence and social functioning.
 - iii. they have a physical disability or are suffering from a physical disorder; or
 - iv. they have a mental impairment or lack of mental capacity.

2.3 A victim is deemed an intimidated victim if it is considered the quality of their evidence will be affected because of fear or distress about testifying in court. When assessing whether a victim is intimidated, you must take account of:

- any behaviour towards the victim on the part of the accused, members of the family or associates of the accused, and any other person who is likely to be an accused or witness in a potential court case.
- the nature and alleged circumstance of the offence to which a potential court case relates. Victims of a sexual offence or human trafficking will automatically be considered to be intimidated.
- the victim's age and, if relevant, the victim's social and cultural background, religious beliefs or political opinions, ethnic origin, domestic and employment circumstances; or
- any views expressed by the victim.

2.4 If an enhanced victim is identified the crime report will then be endorsed on the Victim/Witness Contact Management Report ('Victim Report') by completing the Priority Category field and the MG6 updated accordingly where applicable.

2.5 Victims have the Right to '*be able to understand and be understood*' (Right 1, VCoP 2020), as such all officers/staff have the responsibility to establish the language, whether verbal or other communication method, the victim speaks and endorse the crime report; updating the person report and Victim Report, where appropriate, the language and need for a translator.

2.6 Victims should be informed or signposted to their Rights under the Victims Code and the service they can expect, as well as provision of a written acknowledgement or signposted to VCoP information on the Surrey Police website. Victims must be informed no later than 72 hours after the crime was reported when first contact is made unless they are an enhanced service victim. Enhanced service victims should be informed within 24 hours.

3. Procedure – Victim Care where decision is made to file the report on first submission

3.1 At the 'Report/Allocation' stage, if the decision is made to file the report at the point of first submission or initial contact, or after primary investigations, then the following actions must be completed by the reporting officer/staff:

3.2 Victims of all crimes to receive an explanation of what actions have been taken, and why the crime will not be investigated further as a prime event under the Victims' Code.

3.3 Victims are to be provided with a written acknowledgement that their crime has been recorded, containing information required in compliance with the Victims' Code (section 5.1, subsection 8 of this procedure refers).

3.4 Victim support referrals to the Victim and Witness Care Unit (VWCU) are automatic however victims should be notified that their personal details and details of the crime will be automatically passed to the VWCU in order to make contact and offer support. The victim should be informed of the option to decline this service and Victim and Witness Care Unit are notified.

4. Procedure – Victim Care where decision is made to allocate the report for investigation process

4.1 On initial report of a crime, the victims will be automatically referred to the Victim and Witness Care Unit via data transfer on Niche. If the victim declines support the VWCU must be notified, but if they subsequently do require the support, then their details will be passed to the VWCU to offer support.

4.2 If the victim is victim of a sexual offence, domestic abuse or homicide, then the victim's details must only be passed to external and third-party victim support agencies, with the explicit consent of the victim or family spokesperson in compliance with Data Protection Act 2018 (DPA18) and UK General Data Protection Regulations.

4.3 Once the crime has been allocated, the investigative officer and their line manager will be responsible for ensuring all VCoP Rights and the requirements of Victim Contact are complied with, within the appropriate timescales, throughout the investigation and victims' expectations are managed. Until such a time the report is allocated for investigation, responsibility will remain with the originating officer/department, until such time as the investigation is officially handed over to the receiving department.

5. Initial Victim Contact

5.1 The following process outlines the VCoP Rights that must be provided at initial contact with the victim to complete First Contact (FiCon):

- 1) Immediate contact must be made with the victim (and in any case within 72 hours of the crime being reported and within 24 hours for enhanced service);
- 2) Investigative strategy and actions completed must be discussed with the victim;
- 3) Discuss and agree a contact contract with the victim, the frequency and method of contact, ensuring that this has been led by the victim and endorse the Victim Report;
- 4) Completed an initial needs assessment to ascertain whether victim is entitled to an enhanced service (this must be an on-going process throughout the investigation).
- 5) Manage expectations and give realistic timelines;
- 6) Establish if a victim wishes to provide an evidential statement, the victim must be explicitly informed that that by providing a statement they may have to attend court.
- 7) Ask the victim if they wish to provide a Victim Personal Statement, if providing a witness statement – this can be done at any point before sentencing but should be explained at the point of FiCon. The MG3 and MG6 must be updated, where applicable.
- 8) Inform the victim of their entitlement to compensation and signpost to further information, including the Criminal Injuries Compensation Authority when the victim has suffered physical or mental harm as a result of a violent crime.
- 9) A written acknowledgment must be provided which includes the contact details of the officer/staff and the basic elements of the offence as outlined in VCoP. This can be in the form of a letter, electronic notification (email or SMS text or automatically via Pronto leaflet or handwritten. It must include:
 - i. Name of officer/staff responsible.
 - ii. Contact details – i.e. phone number and email address.
 - iii. Date incident was reported.
 - iv. Date of incident (if different than report);
 - v. Crime reference number.
 - vi. Brief description of the incident / crime type.

5.2 On completion of FiCon, victim contact pages on Niche must be completed utilising the 'Initial Victim Contact...' Occurrence Enquiry Log (OEL) template entry to create a record that the Rights have been provided. Where applicable, the contact contract must be recorded on the Victim Report.

5.3 FiCon must be completed by telephone or face-to-face, unless in exceptional circumstances, the victims preferred contact method is already recorded, or sufficient attempts have been made.

6. Ongoing Victim Contact (ViCon)

6.1 The Surrey Police standard for ongoing victim contact is that the victim must be given an update in relation to their case as per the agreed contact contract to a maximum of 28 days plus prime events. The victim can opt-out of frequent contact and a contact contract can be set for Prime Event updates only if this has been led by the victim. The victim also has the option to opt-out of any further contact altogether from police, which must still be recorded on the Victim Report.

6.2 ViCon is a process that will be ongoing throughout the investigation. Good Victim Care can increase overall Victim Satisfaction with police and the criminal justice process, despite disappointing criminal justice outcomes. An example of good victim contact can be found in the best practices below:

- Listen to customers & take their concerns seriously.
- Inspire confidence & help people to feel secure.
- Support with info, including ref number & contact details.
- Take ownership and deliver on our promises.
- Explain what we can & can't do.
- Notify people of progress regularly & the final outcome.

6.3 All linked crime victims as part of an incident or series must receive an update in line with their separately agreed contact contract, not just the master crime victim.

6.4 In cases where the victim is 16-17 years old with no vulnerability aspect, both the adult spokesperson and the victim must be fully updated (unless specifically agreed with the victim in the contact contract).

6.5 Where crime has been recorded against a rented dwelling (e.g. Burglary or Criminal Damage), both the landlord and the tenant must be fully updated as potential victims (unless specifically agreed with the victim in the contact contract).

6.6 ViCon remains the responsibility of the OIC and their line-managers to ensure any applicable VCoP Rights are fulfilled, and the contact contract is complied with throughout the investigation until filing or first hearing, where applicable.

6.7 All victim contact must be updated on victim contact entries on the Niche OEL using the 'SUCCESSFUL/UNSUCCESSFUL' victim contact templates.

6.8 The victim MUST also be notified when any of the following significant/prime events occur during the investigation, as required by VCoP:

- No Further Action (NFA) being taken and reason why.
- Decision to conclude investigation and reason why.
- Suspect is arrested.
- Suspect has been interviewed under caution, whether in custody or in voluntary attendance.
- Suspect has been released on bail, including conditions where applicable and what to do if broken.

- Suspect has been Released Under Investigation (RUI), either from custody or cancelation of bail.
- Suspect bail conditions have been varied or cancelled.
- Suspect has been charged; -
- Date of First Hearing.
- Any outcome resulting in caution/reprimand/warning/PND/Community Resolution (CR) or any other non-court disposal methods; -
- Suspect is being held on Remand; -
- When a suspect is reported for an offence by postal requisition/summons; or
- If an offender absconds from lawful custody (once aware of the escape or notified of it by the prison, Youth Offending Team, hospital, or immigration detention centre) and explain any measures taken for the victims' protection.

6.9 Priority victims must be informed of the above within 24 hours. In all other cases, the victim must be informed within 72 hours.

6.10 You must inform victims of police decisions not to prosecute where a suspect has been identified and interviewed under caution and give the reasons for this.

All victims should be notified of their right to ask for a review under the Police Victim Right to Review (PVRR) scheme at the point they are informed of the decision not to prosecute or that the case is being filed. Victims must be told about their eligibility when the decision is made not to prosecute the suspect, and this must be recorded in the OEL in Niche.

6.11 Where CPS decide not to prosecute you must:

- inform the victim and give a reason for decision (e.g. Insufficient evidence) within 72 hours, or 24 hours for priority victims.
- tell the victim how they can access further information from CPS and seek a review of their decision where dissatisfied. This is called the CPS Right to Review Scheme. The prosecutor should give you the necessary information on the returned MG3.

6.12 Where victim reports a breach of bail and a decision is made not to place suspect before the court, the police should notify the victim and explain reasons why.

7. Unsuccessful Victim Contact

7.1 In order to demonstrate commitment to providing ongoing victim care, engagement and fulfilment of Rights as entitled under the Victims' Code where contact with victims is unsuccessful, contact must be suitably attempted and recorded appropriately.

7.2 As a minimum, two attempts to contact the victim must be made on two separate days/times, when required, where contact needs to be completed by telephone or attendance.

7.3 To provide the victim maximum opportunity for engagement, ensure that the following is done:

- Leave a voicemail, if safe to do so, introducing yourself and request a call-back.
- Follow with an email or SMS text outlining an update and next steps.
- In absence of contact details, consider attendance or providing justification why attendance is not appropriate.
- Consider contact both inside and outside of core working hours taking account the victim's availability.

7.4 Record any contact attempts on the Niche OEL as 'Victim Contact – UNSUCCESSFUL' in a timely manner.

8. Definitions – Vulnerable and Intimidated Victims

8.1 The definitions specified in the Victims Code will be applied, as outline above in section 2 of this procedure.

8.2 Once a victim has been identified as vulnerable or intimidated this should be updated on Niche, by completing the 'Priority category' field on the Victim/Witness Contact Management Report.

8.3 Victims identified vulnerable or intimidated may be entitled to special measures to assist them in achieving best evidence in court. Special measures must be explained to vulnerable/intimidated victims when determining if they wish to provide a statement so they can make an informed choice about which measures may assist them to give their best evidence and ask their views about preference of measures. Further information on Special Measures can be found on the CJ Guidance Hub.

8.4 In the first instance, record initial needs regarding special measures on the 'rear' of MG11, then complete an MG2 for requesting special measures thereafter.

9. Review and Finalisation Process

9.1 Supervisors will ensure that final victim contact has been completed on finalisation review, prior to approving an occurrence for filing, providing that the victim is aware of the outcome and any reasoning why.

9.2 Once a crime report has been allocated, the report will not be filed unless the victim has been informed of the outcome of the investigation and victim contact recorded on a victim contact entry in the OEL. It is the responsibility of the OIC and their line manager to ensure that this is done.

9.3 Where eligible, victims will be informed of the police Victim Right to Review scheme at the conclusion of the investigation as per the Police Victim Right to Review Procedure.

10. Victim and Witness Care Unit

10.1 The Victim and Witness Care Unit (VWCU) will comply with all obligations set out in the Victim's code.

10.2 In addition victims will be signposted to the online version or sent a printed version of the 'Witness in Court' CJS leaflet.

10.3 If a victim is under the age of 17 and are to be called as witnesses VWCU will offer a Referral to the Citizens Advice Witness Service.