



ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND

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Our Ref:  
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Public Petitions Committee  
The Scottish Parliament  
Edinburgh

Dear Sir or Madam

**PETITION BY PETER MORRIS CALLING ON THE SCOTTISH PARLIAMENT TO URGE THE SCOTTISH GOVERNMENT TO CONSIDER THE NEED FOR NEW LEGISLATION AND PROVISION TO PROTECT, SUPPORT AND ASSIST VICTIMS OF CRIME**

I refer to your correspondence dated 5 October 2011 in connection with the above subject, which has been considered by members of the Crime and Criminal Justice Business Areas, and can now offer the following by way of comment.

In general, ACPOS supports the view of the petitioner that ,while rehabilitation of criminals is necessary, support for victims of crime and their families should not be treated as secondary and that emotional support for victims should be available not only at any stage in criminal proceedings but also following the conclusion of proceedings. ACPOS aims to improve the service provided to victims of crime by all agencies involved in the process.

**Support to victims of crime**

In relation to a lack of support available to victims of crime 'post-trial', ACPOS acknowledges that historically this perception has not been helped by the approach of the police and COPFS in not always communicating effectively with victims when the obligations of the agency in a particular case have been met. Agencies such as Victim Support Scotland (VSS) have an increasingly important role to play in providing the kind of emotional support to which Mr Morris refers. What we aim to do, along with our partner agencies, is to integrate VSS more formally into the criminal justice process to ensure that victims can always receive the kind of help they need throughout the process. The ethos we wish to foster is that the needs of the victim will be considered to be as important as the need to gather evidence and prosecute the offender. Mr Morris refers to a minimum level of support that victims of crime should be entitled to expect and suggests that this standard should be a statutory right. We agree, and indeed expect, that the planned Victims' Rights Bill will address this proposal directly. In very traumatic cases, such as that in which he was involved, it is to be expected

that it will be 'post-trial' before some victims make significant recovery and that of course some support may be appropriate during that period. While police may no longer be directly involved in the case by then, ACPOS agrees that such support should continue where assessed to be necessary. Victims will require continued support in many cases; however, it should be recognised that other agencies are better equipped to provide additional support in these circumstances.

Mr Morris wishes to see an integrated service in which victims do not have to seek out support. Again, we agree with this and are improving our rates of referral of victims of crime to support agencies. Ultimately, we would like to see as near as possible to 100% of victims of crime having contact with someone trained to provide practical and emotional support. They can thereafter receive an assessment and a programme of support designed to meet their needs and can opt out at any stage should they wish to do so. One obstacle to achieving this is the concern, in some quarters, about the potential to breach data protection rules by sharing the relevant information freely between agencies. ACPOS is engaging with the Scottish Government and supports the proposed Victims' Rights Bill. It would be helpful if the new legislation gave VSS the statutory framework to enable them to carry out their role more effectively as a partner of Police and COPFS, without current impediments relating to information sharing and data security.

### **Family Liaison Officers**

The term 'Family Liaison Officer' (FLO) is criticised as being overly official and off-putting for families. Mr Morris felt that FLOs were only deployed to families to 'take statements' on behalf of the investigation team. While the use of such a formal title for the role could be reconsidered it is important that the title accurately describes the role, to avoid false expectations.

There was a suggestion to consider changing the title to 'Case Companion', to reflect a role for 'someone who is on their side, who is a friend and who does not work just for police purposes'. The concept of a 'single point of contact' for a victim throughout their involvement in the criminal justice system is a good one in principle but not something we have managed to achieve up to this point. The police, COPFS, SCRA etc have responsibility for one aspect of the case for a specific part of the process. Victim support agencies, on an improved statutory footing, may be best placed to fulfil a form of this role, as indeed suggested by Anna Robertson of the Aberdeen Law Project at the Committee. In England and Wales the Victim Support Homicide Service provides the 'case companion' role to families from the outset of the investigation through to post-trial.

The title Family Liaison Officer has been recognised since 1999, when Scottish Police College ran the first training courses. It is a specialist investigative role for officers selected by their forces. It should be emphasised that the primary role of all FLOs is that of an investigator rather than provision of emotional or physical support during the investigation. Naturally, they will be sensitive to the stress and trauma of the situation and will steer families to appropriate counselling and other support agencies through Victim Support Scotland. They can also assist by ensuring the families receive the Scottish Government pack, '*Information for Bereaved Families and Friends following Murder or Culpable Homicide*'.

Mr Morris also suggested that families could assess officers assigned to them in the FLO capacity; that they should be changed if not liked by the family and that families should be

involved in the selection of FLOs. The responsibility for the deployment of specific FLOs to any investigation rests with the Senior Investigating Officer (SIO), who will be advised and guided by their Family Liaison Coordinator (FLC) as to the availability and skills of the available FLOs. All FLOs in Scotland are trained to the same standard and it would be impractical for forces to include families in the selection process for deployment. Where the family experiences difficulties with FLOs deployed to them this would be a matter for the FLOs to negotiate initially and, if this cannot be resolved, the SIO and FLC would review the situation. Ultimately, the FLOs could be replaced by another FLO team to ensure the investigation is not compromised.

### **Malcolm Webster investigation**

Mr Morris was critical of the lack of information being offered by the investigating force, given that the matter took several months to resolve to the point where Malcolm Webster was charged with murder. He felt that weekly updates would have been more appropriate and refers to 'questions left unanswered' during the course of the investigation.

The specific circumstances of this case are a matter for the force concerned but, in general, during any protracted homicide investigation it is essential that the victim's family are kept informed of developments in the investigation. However, there will be times when there may be no new information to provide and in this situation the SIO and FLOs would manage family expectations. The FLOs should explain when they will make contact with the family and, where a lull in contacts is anticipated, the reasons should be explained. This should be in line with the investigation policy of the SIO and FLO, with details recorded in a FLO log.

Unresolved questions addressed to the FLOs would be addressed by giving advice on the options available and by referring to Victim Information and Advice (VIA) if appropriate.

### **Communication with victims**

There was criticism of communication between police and victims, and access to information. At present, all forces manage differently the requirement to make contact regularly with victims of crime and provide information. Current work in ACPOS is intended to establish a standard of service across Scotland by combining current ideas on best practice from across the country and establishing a national policy. The first stage of this work has been a policy on repeat victims, which is being reviewed in draft at the moment. Similarly, we are engaging with COPFS and working towards a better interface between the two agencies to ensure victims can get the information they need.

In conclusion, ACPOS supports what Mr Morris wants to achieve and we are already on the way to making many of the required improvements through work with partners and Scottish Government.

I trust that the foregoing is of assistance to you.

Yours sincerely

Ruaraidh Nicolson  
Secretary, ACPOS Criminal Justice Business Area