

JUSTICE COMMITTEE

VULNERABLE WITNESSES (CRIMINAL EVIDENCE) (SCOTLAND) BILL

SUPPLEMENTARY SUBMISSION FROM POLICE SCOTLAND

Following my recent attendance at the Scottish Parliament and the provision of oral evidence in relation to the Vulnerable Witness (Criminal Evidence) (Scotland) Bill, please find a written submission for the information of the Justice Committee Convener and other board committee members which gives an example of a “Victim Strategy”.

The specific question and request was made by MSP John Finnie and relates to the mention of “Victim Strategies” as highlighted in the Police Scotland written response to the Bill Consultation.

Since 31st December 2014 following consultation with the Crown Office and Procurators Fiscal Service (COPFS); the “Victim Strategy” as seen in the appendix below has been used to assist the judicial process when a victim of sexual offending is likely to appear as a witness in a future High Court trial.

It is felt that this process could be expanded upon and may be beneficial when police are able to provide COPFS with information at the earliest stage to identify or highlight the witnesses’ perceived vulnerabilities.

The information provided and process in place has the potential to assist in the consideration of how the witness could be assisted in their journey through the judicial process. This could include special measures, the use of a supporter in any format, or consideration during the “Ground Rules Hearing”

It is however noted that witnesses can often change their minds at different stages of the process. This can be due to the effects of trauma of any other combination of factors. The “Victim Strategy” is merely an early indication and summary of information available at the time of submission of the Police Standard Prosecution Report (SPR 2).

The attached Appendix was compiled by COPFS and the example text gives a clear indication of the information requested.

Should any further information or clarification be required in relation to the “Victim Strategy”, then please have no hesitation in contacting the author directly.

Appendix A**Victim Strategy Guidance**

Crown Office and Procurators Fiscal Office (COPFS) have developed a Victim Strategy which allows the Police to fully inform the Procurator Fiscal (PF) regarding a victim's background, any known vulnerabilities, any support mechanisms in place, their attitude to and awareness of the criminal justice process and their expectations in order that a vulnerability assessment can be conducted to support the victim through the Criminal Justice System.

The Victim Strategy must be used with immediate effect for every victim of rape and submitted as soon as the PF reference number has been appended to the SPR2.

It should be populated as follows;

The following is an **example** of the type of information which COPFS would be looking for the police to submit in order that an accurate assessment can be carried out to fully support a victim:

**CASE AGAINST: XXXXXXXX POLICE REFERENCE: XXXXXXXX
PROCURATOR FISCAL REFERENCE: XXXXXXXX**

1. The following information is provided in conjunction with the SPR2 submitted on (date) to inform the Victim Strategy relative to the aforementioned case.
2. **VICTIM NAME / AGE:** XXXXXXXX / XX
3. **SOLO NAME / CONTACT DETAILS:**
DC's name, Office, Telephone number
4. **VICTIM'S BACKGROUND:**
(Consider family circumstances / dynamics, children, relationship to accused (if applicable), support network)
Example: The victim is an unemployed single mother with two infant children. Domestic support is provided to her by her mother who resides nearby.
5. **DETAILS OF ANY VULNERABILITIES IDENTIFIED:**
Example: She has moderate learning difficulties and requires the assistance of an appropriate adult.

6. ATTITUDE TO POLICE INVESTIGATION AND CRIMINAL PROCEEDINGS:

Example: She has been supportive of the criminal proceedings but is demonstrably nervous of authoritative processes.

7. AWARENESS AND UNDERSTANDING OF PROCESS:

Example: She reports that she understands the process however the view is that this may be superficial and that she is consciously protecting herself by not fully absorbing information provided to her.

8. VICTIM EXPECTATIONS:

Example: From comments made it is assessed that the victim would welcome an opportunity to provide the court with her version of events.

9. VICTIM IN UNREPORTED / REPORTED CRIME:

(Consider iVPD / legacy systems / SPR2 submissions Specify date, nature of offence and outcome (if known))

Example: The victim was the complainer for a Theft by Housebreaking six months ago (CR/12345/14 refers – no identified suspect(s)) which has caused a considerable dent in her confidence, making her particularly vulnerable.

10. NAME AND CONTACT NUMBER OF PARENT / GUARDIAN / KEY WORKER / SUPPORTER IF APPLICABLE: Example: N/A**11. PREFERRED METHOD OF COMMUNICATION:**

Example: Mobile telephone contact.

12. ANY OTHER RELEVANT INFORMATION TO INFORM THE VULNERABILITY ASSESSMENT:

(Include SIO / SOLO observations).

Example: The victim has a limited personal support network and it is anticipated that, should this go to trial, she may struggle emotionally. She is however supported by a SWD Case Worker with whom she has built a level of trust and confidence. It is suggested that ongoing engagement with the victim will be more productive if arranged with the Support Worker present.

13. I respectfully request that this memo be forwarded for the information and attention of the:

**High Court Sexual Offences Unit,
Procurator Fiscal's Office,
XXXXXXXX**

**Reporting Officer: XXXXX
PSI: XXXXX
Station / Department: XXXXX
Contact Number: XXXXX**