



To: Business Coordination Board

From: Chief Constable

Date: 16 December 2015

HER MAJESTY'S INSPECTORATE OF CONSTABULARY– 'IDENTIFYING VICTIM AND WITNESS VULNERABILITY IN CRIMINAL CASE FILES' REPORT

1. Purpose

1.1 The purpose of this paper is to update the Business Coordination Board ("the Board") with the findings of Her Majesty's Inspectorate of Constabulary's (HMIC) Report 'Witness for the prosecution: Identifying victim and witness vulnerability in criminal case files'. This report will enable the Cambridgeshire Police and Crime Commissioner ("the Commissioner") to fulfil his statutory duty under Section 55 of the Police Act 1996 to comment on the HMIC report and send published comments to the Home Secretary, with a copy to HMIC.

2. Recommendation

2.1 The Board is invited to note the contents of the report.

3. Background

3.1 HMIC undertook their inspection of "the identification of vulnerability in criminal case files in Cambridgeshire Constabulary" ("the Constabulary") in April 2015. HMIC's report 'Witness for the prosecution: Identifying victim and witness vulnerability in criminal case files' was published on 12 November 2015.

3.2 This was the third in a series of inspections of case file quality conducted jointly by HMIC and Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI).

3.3 In this inspection HMIC examined practice in all police forces in England and Wales, with reports produced for individual forces, as well as a national thematic report which

drew together findings from the individual force reports to identify key themes, and highlight effective practice and areas for improvement across the police service as a whole.

3.4 The inspection examined whether officers had identified accurately the vulnerability of victims and witnesses in a selection of case files submitted to the Crown Prosecution Service, so that:

- the court was given accurate information of the circumstances of the case, particularly when determining sentence;
- risks to victims and witnesses were identified to the court; and
- victims and witnesses were able to give their best evidence.

3.5 HMIC examined ten finalised police case files from each force.

3.6 Five of the case files selected involved offences where the victim or witness may have been vulnerable by reason of the circumstances of the offence:

- two cases of domestic violence/sexual offences;
- two cases of racially and/or religiously aggravated offences; and
- one case involving a homophobic offence.

3.7 The other five cases were selected solely on the basis of offence type where the involvement of vulnerable victims or witnesses was not necessarily to be expected. These offences include, for example:

- assaults;
- burglary;
- robbery; and
- public order

4. Cambridgeshire Constabulary Findings

4.1 The HMIC findings were presented in two parts. The first section related to the overall quality of the case files examined and their compliance with the National File Standard¹. The second section focuses on the vulnerable victims and witnesses involved in these cases.

¹ The National File Standard (NFS) sets out a staged and proportionate approach to the preparation of case files. It specifies the material required for the first hearing and identifies how the file is to be developed at appropriate stages throughout the life of the case. The NFS was first published in July 2011.

4.2 File Quality

4.2.1 The results for Cambridgeshire Constabulary are set out in the following table:

Table 1: Summary of file quality findings from HMIC case file review

Quality of the police report	Number of cases
In how many cases was the summary of key evidence adequately presented in the police report?	7/10
In how many cases was the summary of the interview adequately presented in the police report?	8/10

4.2.2 HMIC considered that seven of the ten cases contained an adequate summary of the key evidence in the police report. In two case files, the summary could have been more succinct. In one case, there was insufficient detail included in the summary.

4.2.3 HMIC considered that eight of the ten cases files contained an adequate summary of the interview. In one case, the summary was not succinct, and in the other case, the key questions and answers that were required to prove the offence were not recorded accurately. This information would have assisted the prosecutor in presenting the case to the court.

4.3 Witness Care Information

4.3.1 In eight of the nine applicable cases, the witness care information was completed correctly and available for the information of the court. Inspectors also found that in addition to completing the witness care information on the witness statement, the Constabulary also used 'witness care contracts' setting out how victims and witnesses would be kept updated. They found evidence of these contracts in being completed in all nine cases.

4.4 Identifying Vulnerability

4.4.1 In relation to the question: '**Did the police provide accurate information to the prosecutor of the circumstances of the case?**' - HMIC found that vulnerable victims or witnesses were involved in five of the ten cases. In one of the five cases, the police identified correctly the vulnerability of the victim or witness in the case file. In four cases, victims or witnesses were vulnerable because they feared reprisals and intimidation from the defendant. In one case, the victim was vulnerable because of their young age.

4.4.2 In relation to the question: '**Did the police identify the risk(s) to the vulnerable victim(s) and key witness(es) to the court and, where applicable, manage that risk?**' – HMIC found that the Constabulary identified correctly the risk of harm to the victim or witness in three of the five cases, and in only one case subsequently managed that risk. This included acting upon requests for giving evidence in court through live links.

4.4.3 In relation to the question: ‘**Did the police enable the victim(s) and key witness(es) to give their best evidence?**’ - The Constabulary requested special measures or enhancements to ensure that the victim or witness could give their best evidence in one of the five cases where vulnerability and risk of harm to the victim or witness were identified.

5. Areas for Development

5.1 No recommendations were made to the Constabulary in the inspection report, and there were no specific areas of development identified.

6. Response to the HMIC Report

6.1 Although HMIC made no recommendations within the report, the Constabulary had already identified – through the Case File Quality Review - that there was a potential risk of vulnerability not being identified in case files, and had taken remedial action to respond to this.

6.2 The HMIC inspection reviewed a small number of case files dating from 2009 to Spring 2014, and found that five of 10 files were considered to have required special measures for vulnerable victims or witnesses highlighted on the relevant case paperwork. Since that time, the Constabulary has undertaken a Case File Quality Review and addressed this issue to the extent that over 90% of case files have the relevant case paperwork completed.

6.3 Recommendations from the national thematic report were all directed to the College of Policing and National Police Chiefs’ Council.

7. Recommendation

7.1 The Board is invited to note the contents of the report.

BIBLIOGRAPHY

Source Document	HMIC Report ‘ <i>Witness for the prosecution: Identifying victim and witness vulnerability in criminal case files – Cambridgeshire Constabulary</i> ’ https://www.justiceinspectorates.gov.uk/hmic/publications/vulnerability-in-criminal-case-files-cambridgeshire/
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