



# Victim and Witness Support Protocol

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April 2012

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## **Victim/Witness Support**

### **Introduction**

Victims/witnesses often need additional support as a result of Anti-Social Behaviour, crime or any other situation which causes a person to feel vulnerable. This document aims to provide information about how this support is provided which allows a victim/witness to remain involved and engaged in the process. Witness intimidation is a crime and witnesses should be made aware of this. Burnley Borough Council's Streetscene Unit takes a harm based approach to tackling ASB.

### **Definition of Vulnerability**

"A person is vulnerable / at risk if as a result of their situation or circumstances they are unable to protect themselves from harm".

Some people may be less able than most to manage social relationships required for living without issues and disputes within their local neighbourhoods and communities. This may include:

- People with mental health problems
- People with drug and alcohol problems
- Young people leaving care
- People with learning disabilities.

### **The Response**

When a person who is a victim of ASB on repeat occasions (making contact about the same or similar incidents either on 2 occasions in a 14 day period or 5 occasions in a 180 day period) a risk assessment will be carried out on that person to assess their level of vulnerability and their own perceptions of how the incidents are affecting them.

All repeat victims will be offered multi agency support no matter what level of vulnerability the risk assessment shows.

It is important to note that individuals classed as vulnerable are no more likely to cause ASB than people who are not classed as vulnerable; nor does being classed as vulnerable mean that the individual does not have to take responsibility for their own actions. Being identified as vulnerable simply means that the individual requires, and is offered, an additional level of help and support to enable them to live in a socially acceptable manner.

If there are any concerns about anyone who is subject of ASB, deemed vulnerable, or a high risk as a result of any crime, or there are concerns about safeguarding we will take the following actions:

- Check with all relevant agencies to see if they have any details of needs, support or agencies working with them.
- Make contact with support providers to arrange a meeting, offer support and agree a way forward.
- Organise a case conference if applicable to determine the support required.
- Follow procedures that we would for anyone involved in ASB but take into account any unusual or special circumstances that may require an alternative response to resolution.

We also want to ensure that communities in Burnley are able to understand how their behaviour may impact on other people. We work closely with faith groups and neighbourhood groups to ensure that everyone can live together and understand other people's views, thus promoting community cohesion. We do not want to become complacent in this and will continue to work and develop this area to meet the changing needs of our communities and neighbourhoods.

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### **Assessing Risk**

An initial Risk Assessment is carried out by whoever has first telephone contact with the victim/witness. A set of four questions are asked to determine whether an immediate response from an officer is required. A full Risk Assessment is carried out at the earliest possible stage, either by a Council officer or an officer from one of the partner agencies such as the Police or a Registered Social Landlord. This will help identify which category the witness falls into and to identify their relevant needs. All actions should be discussed with the witness to ensure appropriate needs are met and partner agencies should be included in the process to fully support the witness. All agencies involved should be consulted and kept up to date with actions taken. A high risk score will be referred to the ASBRAC meeting however on occasion a medium risk score will also be referred to ASBRAC. Judgments are made depending on the individual case.

Where victim/witness support is required this can generally be split into 3 categories as follows:

### **High Risk: Life threatening – intimidation and harassment (Risk Assessment score of 26+)**

Those who are deemed high risk will immediately receive a full multi agency response including a “Gold” standard witness support package.

This will include:

1. A target hardening assessment of their property where cameras, door locks, window locks etc. can be provided free of charge to the victim if deemed necessary.
2. An offer of a 24 hour monitored panic alarm for a minimum 60 day period which provides an immediate police response if activated.
3. Contact rota where the victim can be contacted daily including out of office hours by police officers or street scene ASB team to provide reassurance.

The high scoring cases will be discussed at a monthly Anti-Social Behaviour Risk Assessment Conference (ASBRAC). A multi-agency panel will review the cases and resources will be directed appropriately to solve the problem and reduce the vulnerability of the victim. The victims’ vulnerability will be reassessed 4 weeks following the conference and work will continue until this is reduced to a level that is satisfactory to the victim. Regular re-assessments will be carried out to determine how the risk is reducing.

Action: Report to police for them to be the lead agency and consider support as below.

In light of the severity of the risk, maintaining contact will be proactive on the part of the ASB Officer. This contact will take place at a frequency and in a way that is agreed with the witness/victim. This contact will be maintained, before, during and after any court process.

Support: Out of hours contact

National Monitoring alarm

Professional witness

Target hardening assessment of property

Vulnerable marker from police

Personal Safety alarm

Fire risk assessment and equipment (where arson threat exists)

CCTV/Surveillance

Victim/Witness support referral

ASBRAC referral

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The ASB team has access to a number of different target hardening measures and upon receiving a high risk case, will assess whether an alarm or additional security is relevant. If this is deemed to be the case the ASB Officer will obtain police log numbers and arrange with the witness and the alarm company to have one fitted. If an alarm is not required an assessment will be made to determine whether other target hardening measures are appropriate, for example the fitting of a dummy camera, additional locks for doors and/or windows, security lighting or a fireproof letterbox, etc.

### **Medium Risk: Non-threatening to life but serious intimidation/harassment (Risk Assessment score 15-25)**

Action: Report to police and consider support as below

Support: Regular contact with case officer

Target hardening assessment of property

Professional witness

Special measures for court

Support re giving evidence

CCTV

Victim/Witness support referral

### **Low Risk: Low level intimidation or none at all to witness (Risk Assessment score under 15)**

Action: Report to police and consider support as below

Support: Regular contact with case officer

Orientation visit to court

Support re giving evidence

Referral to additional agencies where appropriate

There is no requirement to follow these stages in order as decisions will be made by the lead officer as to what is relevant in each individual case. It is also the responsibility of all members of the ASB team to support witnesses regardless of areas covered etc.

ASB officers will make regular contact with the victim/witness to keep them informed of what is happening. The process should be explained on a regular basis to ensure the witness understands when things will take place. Ask the witness what they expect from the process and manage those expectations honestly and be realistic about the situation; do not promise anything you cannot deliver.

Where CCTV is to be installed at a property for a witness a disclaimer should be signed by the witness stating they take full responsibility. Intrusive surveillance should be explained to the witness and that any intrusive surveillance obtained will not be used by the team in court as evidence. A disclaimer should also be signed when other Council equipment is provided, e.g. voice recording apparatus, dummy camera.

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A re-risk assessment should be conducted by the person who completed the initial risk assessment. At this point a decision can be made about closing the case. A Satisfaction Survey is then carried out by the ASB Officer.

### **Court Procedure**

Where a victim/witness will be attending court, orientation visits should take place to allow the witness time to familiarise themselves with not only the building but actual courtroom procedures. These should be explained by the ASB officer. In the situation where the victim/witness has a disability appropriate provisions should be made with the court to facilitate this. Support should take place before, during and after going to court as witnesses often know the perpetrator and/or their associates so ASB may continue following enforcement action.

Any enforcement action that is taken including any orders granted should be appropriately publicised and passed out to members of the local community and the local neighbourhood policing team.

Professional witness duties should be carried out by the lead agency in the case which would normally be the ASB officer. However additional statements can be submitted on behalf of the community in the form of an impact statement by other relevant partners where necessary.

### **Supporting Domestic Violence**

The ASB team currently supports victims of domestic violence through referrals from the IDVA. Where a referral is made then consideration is given as to whether an alarm system and/or camera will be required at the property. Target hardening is not generally required in these cases as this is covered under the Sanctuary Scheme. Any victim contacted as part of these referrals should be treated with sensitivity however the primary support will already be in place for the individual.

### **Lancashire Probation Trust**

Lancashire Probation Trust works with offenders to reduce the risk to the public and to achieve a reduction in victims. Much of their work focusses on the issue of offenders attitude and behaviour to victims and they work to change those attitudes. The focus is on the perpetrators of crime, however the trust has a policy in relation to victims and have staff who are Victim Liaison Officers. Their role is to keep the victim informed of offenders' progress through their sentence. There are also women's support workers who maintain contact with victims of domestic violence. They keep in touch with victims and liaise with IDVAs and with the Offender Managers.

### Victim/Witness Support Process

