



A response to
Victim and Witness policy – draft for
consultation

Public Prosecution Service NI

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24 Hour Domestic & Sexual Violence Helpline

Call: 0808 802 1414

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Text **support** to 07797 805 839

Freephone from all landlines and mobiles. Translation service available.

Open to *all women and men* affected by domestic & sexual violence

Women's Aid Federation Northern Ireland welcomes the publication of the PPS Victim and Witness Policy, and the opportunity to comment on it on behalf of our 9 local Women's Aid groups.

1. Introduction

- If this document is intended for victims and witnesses, support information should be included at the earliest possible stage, alongside the explanation that the PPS is not a victim's legal representative. While it is useful to explain the reality of a victim's position in our criminal justice system, it is not particularly helpful if the document does not provide any information on how victims can get practical and emotional support at this very difficult time.
- During consultation on issues relating to criminal justice, women in our focus groups opined that the 'journey' presented in many government documents does not match their experience of the process, as they do not give enough prominence to the support victims receive from voluntary agencies like Women's Aid. To many women who have experienced domestic violence and have been witnesses in court cases, the emotional and practical support they received from Women's Aid support workers was one of the most significant aspects of their journey. Women felt that if there was more joined up information provided by government, and more recognition of the importance of support throughout the criminal justice process, their experience would be much more positive.
- Information should include links to the Victim & Witness Care Unit, links to generalist support services like Victim Support NI and NSPCC, and also links to specialist support services for vulnerable victims of crime, such as victims of domestic and sexual violence. This may include information on the 24 Hour Domestic & Sexual Violence Helpline, Women's Aid, Men's Advisory Project, and NEXUS.

2. Receipt of investigation file

- This section should include a commitment from the VWCU to signpost to specialist support organisations such as Women's Aid where domestic and sexual violence are a factor in the case.
- As stated in the Victims Directive on which our Victim Charter is based, *"Violence in close relationships is a serious and often hidden social problem which could cause systematic psychological and physical trauma with severe consequences because the offender is a person whom the victim should be able to trust. Victims of violence in close relationships may therefore be in need of special protection measures."*

Women are affected disproportionately by this type of violence and the situation can be worse if the woman is dependent on the offender economically, socially or as regards her right to residence.”

- In focus groups and in the course of our work generally, women have told us how their dealings with police, solicitors, barristers and support workers who are not experts on domestic violence has left them feeling isolated and misunderstood, how they have been given advice which wasn't appropriate to victims of domestic violence, and how important it is to have support from a person or organisation who understands their situation and is able to advice and advocate on their behalf.
- If victims of crime that require specialist support are signposted swiftly to that support, their overall experience of the criminal justice process will be improved and they will be able to give best evidence. The PPS has an important role in doing this.
- It would be useful to include contact details for the VWCU at this point in the document as this would be practical for victims reading at the policy.

3. Support pre-decision

- If this document is intended for victims and witnesses, it would be helpful if it was written in simple language that everyone can understand. For example, it may be helpful to explain what the “evidential test” is, as this would not be common public knowledge.
- While it is reassuring that the policy commits to taking into account the views of the victim at all stages, it would be useful if there was practical explanation as to how this happens. Many women we have supported through the criminal justice system were not aware that they could ask for their views to be taken into account. They are not experts at navigating the criminal justice system and are already dealing with the stress of the case being deliberated on. Therefore firm, unambiguous procedures for how and when victims can give views and express their interests are needed and should be written into this document, along with a commitment from the PPS that they will give all victims the opportunity and time to give their views.
- Some wording is non-committal and doesn't offer any assurance to victims. For instance “you will be informed of this without unnecessary delay where possible” is

a very qualified statement that does not offer a robust enough commitment from PPS to inform victims about alternatives to prosecution without unnecessary delay.

- More straightforward language around contact with the VWCU would be helpful at the last paragraph of page 9. For example “if you need more information about your case or about alternatives to prosecution, contact your case officer at the VWCU. If you do not have a case officer, or know their contact details, you can get in touch with the VWCU at [add details here]”.

4. When a decision is taken

- If any decision is taken which would affect whether a perpetrator is to be released, it is important that a victim of domestic violence is informed immediately. 5 days is too long a delay and could place that victim in danger if a perpetrator is released and then seeks to make contact with the victim.
- In domestic violence cases it is essential that appropriate contact details and safe times to contact are established between case officers and victims. The phrase “where possible” is cause for concern as this does not reflect a robust commitment from case officers to ensure that they will establish safe means of contacting victims.
- In the bullet point outlining special measures, we urge that domestic violence is specified as a reason for granting special measures. We have experience of women who were not offered special measures or only found out about the existence of these measures after it was too late to apply. Any literature aimed at victims of crime engaging with the criminal justice process should specify that these measures exist and are appropriate for victims of domestic violence, who are by nature likely to suffer intimidation from their perpetrator if he is the offender in question.
- In the section on ‘Cases where a no prosecution decision is made’, it is disappointing that the letter informing of a decision not to prosecute is not supplemented by a phone call. Being told that no prosecution is going ahead is extremely difficult news to receive for victims. This is especially the case where the crime committed was particularly traumatic and required a great deal of strength to come forward and report, such as domestic and sexual violence crimes. In such cases, the VWCU should make phone contact with victims to explain the letter and offer emotional support, or signpost to an organisation who can provide emotional support. It is also important to note that many domestic violence crimes do not *per se* fit the criminal justice definition of ‘serious crime’ as on their own each incident may itself only constitute a ‘minor’ crime. However, this does not reflect the true

extent of domestic violence, or the cumulative and devastating impact of such abuse. Therefore, where a case has a domestic violence element, we urge that the PPS treats these victims as they would victims of 'serious' crimes.

- In cases where victims wish to request further explanation of a decision not to prosecute (page 12), the VWCU should provide assistance with such applications. Not all victims are capable of making such requests without assistance, for reasons of literacy, disability or vulnerability, so the policy to "explain how to make such a request" may be inadequate.

5. Early court proceedings

- **Bail:** We urge that the policy includes a commitment for someone to inform victims of domestic violence as soon as bail conditions or changes are granted, in the interests of their safety and that of their children.
- **Delay:** While we understand that some degree of delay is an unfortunate part of our criminal justice system, we would like to see a stronger commitment from PPS to let victims know in advance of any delays. The women we support are often the sole carers for children, and have to make sometimes costly arrangements to manage the care of their children and their own travel to court, often all via public transport. These women, having escaped domestic violence relationships, simply cannot afford to pay for unnecessary childcare and travel, only to find that a court hearing is not in fact going ahead.
- **Special Measures:** Victims of domestic violence should be expressly included as an example of a vulnerable or intimidated witness.

6. Attendance at court

- We recommend that this section specifically mentions that victims are able to bring someone with them to court for emotional support, such as a Women's Aid support worker, including to meetings with the PPS.
- The policy should also include a commitment that the prosecutor or PPS representative will explain what is happening in language that the victim will understand.

- Women's Aid note that some barristers will set up meetings a few days before hearings with vulnerable victims, including for domestic violence cases. This has been a very positive development, which puts victims at ease and gives them more confidence and better understanding of the court process and their case. Such a practice is especially helpful where high risk victims are concerned, as they are likely to be very afraid of being in the same building as their violent perpetrator, and that fear will most likely be exacerbated by any confusion regarding what is going to happen in court. It would be useful if this practice was included in the policy and replicated more widely.
- It would be helpful if there was better explanation of adjournments and a stronger commitment from the PPS to keep victims updated on these developments. In our experience, one of the most traumatic elements of the court process for many of the women we support is when their case is adjourned multiple times. This is a frequent occurrence, and its impact is often exacerbated if victims were not prepared or forewarned about this likelihood. If there was stronger acknowledgment of this negative element of the criminal justice system within the PPS policy, the document would better reflect the real-life journey and experience of victims in the criminal justice process.

7. Trial outcome, sentencing and appeals

- We would query why the commitment to make victims aware of the sentencing outcome only exists if that victim is present at court for the sentencing process.
- Women in our services have reported that they received no information about the outcome of sentencing, changes of date of hearings etc, resulting in our staff having to contact PPS, police, and victims support services to get that information for her. However not all victims have a Women's Aid support worker to do this on their behalf. Better processes should be put in place to ensure that victims are adequately informed about outcomes in a timely manner, and while this may not be the sole responsibility of the PPS they do have a role in this.

8. Further comments

- Languages / accessibility of information – If it is anticipated that victims and witnesses will read or reference this policy, it should be available in other languages for victims and witnesses whose first language isn't English, and should

be easy to read with minimal legalese or technical language. Inaccessible legalese and information which is difficult to understand is a major barrier to justice for the women we support.

- Victim & Witness Care Unit – According to this policy, the VWCU are to be the pivotal point of contact for victims throughout the entire process, providing assistance on a wide range of issues. In practice we have not seen this level of interaction between the VWCU and women in our services who have engaged with the criminal justice system. For this policy to work in practice, the VWCU will need to continue to make improvements to how it engages with victims, particularly how it communicates in simple, plain English, and how its staff respond to the complexities associated with vulnerable victims such as victims of domestic and sexual violence.

9. Contact details

For further details please contact:

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