

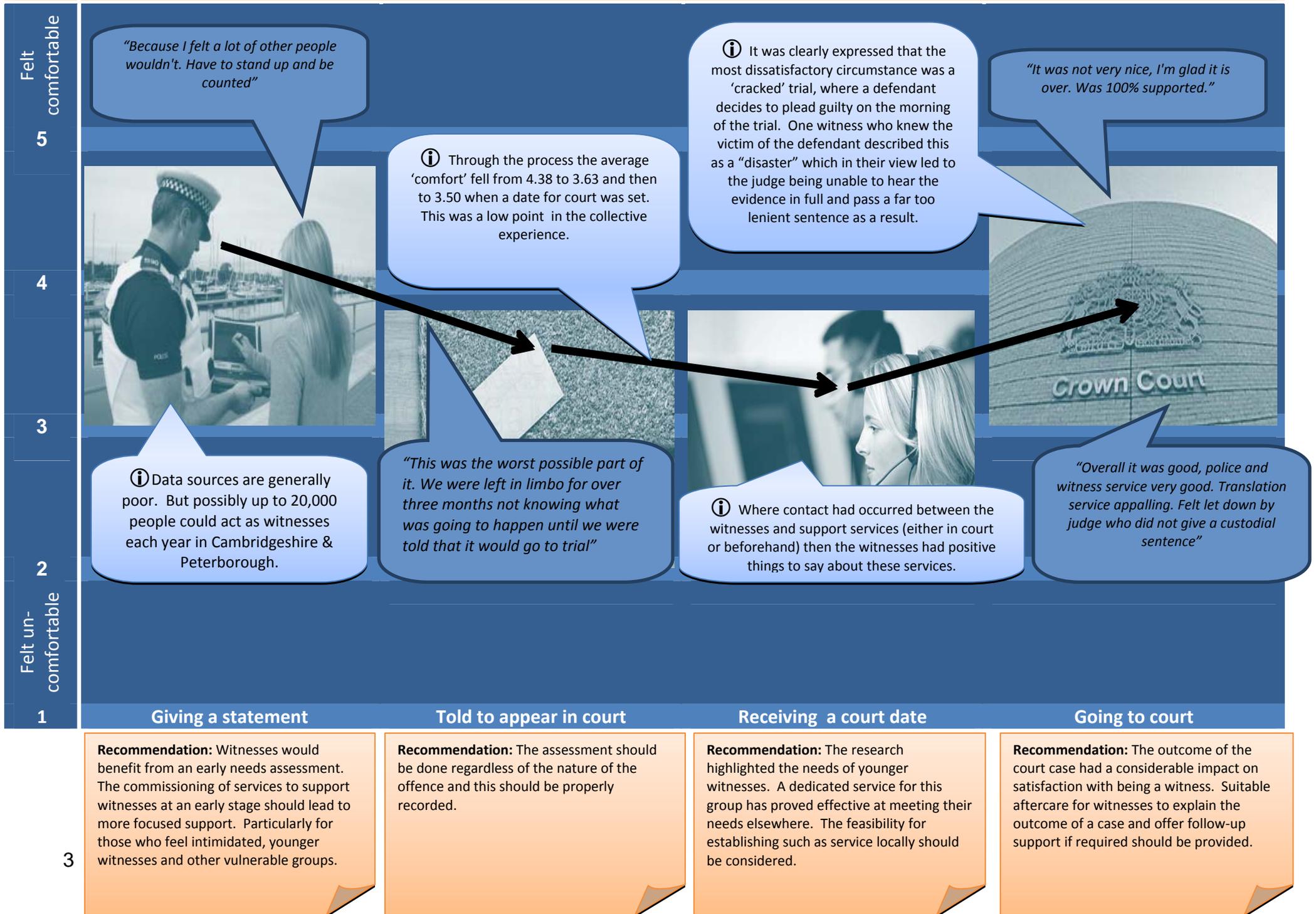
Supplementary Research for the Victim Offender Needs Assessment: Witnesses

"You've got to stand up and be counted as you might want someone to act as a witness for you one day" (Quote from an interview with a recent Cambridgeshire witness)

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The witness journey : The self-reported experiences of local witnesses, data analysis and a review of national studies



Executive Summary

Background

Cambridgeshire County Council's Research and Performance Team were commissioned by the Cambridgeshire Police Authority to carry out a piece of supplementary research to the Victim and Offender Needs Assessment. This work needed to focus on the experience and needs of witnesses.

The research was limited to ten days work covering four main areas:

- A literature review;
- An assessment of local data sources;
- Interviews with people who worked with witnesses;
- A sample of interviews with people who had recently been witnesses.

The witness interview sample was fitting given the limited scale and scope of this study; a total of eight full interviews were completed. These interviews served to add a 'local' voice to information from national studies that featured larger sample sizes. If further steps are taken towards testing the feasibility of commissioning a specific service e.g. for younger witnesses then it is suggested that further interviews are undertaken within the targeted subgroup.

Recommendations

Witnesses would benefit from an early needs assessment. The commissioning of services to support witnesses at an early stage in Cambridgeshire should lead to more focused support. Particularly for those who feel intimidated, younger witnesses and other vulnerable groups.

The assessment should be done regardless of the nature of the offence and this should be properly recorded.

The research highlighted the needs of younger witnesses. A dedicated service for this group has proved effective at meeting their needs elsewhere. The feasibility for establishing such a service locally should be considered.

The outcome of the court case had a considerable impact on satisfaction with being a witness. Suitable aftercare for witnesses to explain the outcome of a case and offer follow-up support if required should be provided.

The quality of local data concerning witnesses is poor and consideration needs to be given as to how this can be improved.

Key Findings

Witness needs assessment at an early stage

- An extensive national review of victim and witness experiences in the criminal justice system was published in 2009;¹ it concluded that a significant investment in support services over the previous two years, in particular setting up witness care units (WCUs), had led to a general improvement in the level of service provided to prosecution witnesses. However, recommendations for further service improvements were made.
- A follow-up inspection report published in 2012² identified that nationally only limited progress had been made against the 2009 recommendations. Of particular concern was the lack of early identification of the needs of both witnesses and victims. The report was clear that this individual needs assessment needed to be undertaken as early on as possible most probably by police officers.
- The interviews with professionals, for this research, identified that there are no typical witnesses and the type of case will not provide a clue to the level of support that each witness requires. This suggests that the needs of each witness should be assessed regardless of the perceived importance of the case or crime type. This need not be an onerous task but proper recording of the assessment should take place.
- In line with national best practice the assessment of witnesses needs should look holistically at each individual. It should not just be a tick-box exercise to decide if someone qualifies for a limited range of statutory measures. The Police and Crime Commissioner should consider commissioning additional support services to address witness needs identified through this process.
- Professionals also reported that a witness' attitude and confidence changes through the course of the criminal justice process and although they may be low risk at the start of proceedings anxiety can build. This suggests that there should be a needs assessment for each witness at more than one stage of the process.
- The witnesses interviewed were asked how comfortable they felt at different stages of the criminal justice process on a scale of 1 to 5 with an answer of 5 being very comfortable and an answer of 1 being very uncomfortable.
- Through the different stages the average 'comfort' level fell from 4.38 at the time of giving a statement to 3.50 when a date for court was set. This was the low point in the collective experience.
- An emphasis on early assessment and commissioning services to support witnesses at an early stage in Cambridgeshire could lead to more focused support services for specific groups of witnesses. This could include those who feel intimidated, younger witnesses and other vulnerable groups

Supporting younger witnesses

- The interviews with professionals highlighted the additional challenges of supporting younger witnesses to provide their evidence. In contrast the benefits of specialist support services for other groups such as those who were victims of domestic violence or serious sexual assault were also outlined.

¹ Joint Inspection Report of Victim and Witness Experiences in the Criminal Justice System, HMCPSI, HMIC and Her Majesty's Inspectorate of Court Administration (HMICA) May 2009

² Joint Inspection Report on the Experience of Young Victims and Witnesses in the Criminal Justice System, HMCPSI, HMIC, February 2012

- The interviews with witnesses included two cases that included younger witnesses. Both cases highlighted the stress (also noted in national research) that can be placed on both the young person and the wider family by the experience of being a witness.
- The wider literature^{3&4} identifies that whilst young people value the current services that they receive there is still a “*significant gap between the vision of policy and the reality of many children’s [those aged 5 – 19] experiences*”
- Specifically for younger witnesses the 2012 joint inspection report⁵ identifies that many of the difficulties related to enabling young people to give evidence without an adverse impact on them had been successfully overcome in a small number of areas with the establishment of a Young Witness Service. Cambridgeshire does not yet have this service, the feasibility for establishing such a service locally should be considered.

Maintaining good communications through out the criminal justice process

- According to interviews with witnesses, where contact had occurred between the witnesses and support services (either in court or beforehand), witnesses had very positive things to say about these services.
- However, for some of the small sample, there was a significant gap in time between when the incident occurred and when a court date was set when there was little communication or support available. This gap (described by one witness as “*being left in limbo*”) coincided with a decline in average self-reported score of ‘comfort’ from all the witnesses. Consideration should be given to how this gap can be addressed.
- The most recent Witness and Victim Experience Survey (WAVES) 2010 (now discontinued) showed that good communication with witnesses was associated with high satisfaction (in total 87 percent of witnesses reported being satisfied with their contact with the criminal justice system).
- The survey also reported that being provided with a named contact, being notified of a charge taking place, receiving relevant leaflets, talking to a witness care officer and being kept regularly informed were all associated with improved satisfaction.
- Professionals reported that a good service was being delivered to witnesses “*despite the system*”. It was clear from all our interviews that, as a whole, the complexity of the criminal justice system can work against the interests of both victims and witnesses. Whilst those who work within the system may have a good understanding of what is going on it can seem very daunting to an outsider.
- The professionals also highlighted that cuts in police witness care services in another police force area in the region had led to a direct impact on the quality of the witness experience.

Providing good aftercare for witnesses

- From the local witness interviews and from the national research it is clear that what happened in court on the day had the biggest influence on how satisfied someone

³ Measuring Up, Evaluating the Implementation of Government Commitments to Young Witnesses in Criminal Proceedings, The Nuffield Foundation, 2009

⁴ The Experiences of Young Witnesses in Criminal Proceedings in Northern Ireland, Dept of Justice (NI), 2011

⁵ Joint Inspection Report on the Experience of Young Victims and Witnesses in the Criminal Justice System, HMCPSI, HMIC, February 2012

was at the end of the process. The impact of ‘cracked’⁶ cases in particular requires further investigation.

- Professionals also reported that the approach of the judge at the hearing also had a major influence on how witnesses felt at the end of the process.
- It was clear from the sample that some people had significant issues of either anger or on-going concerns relating to their case after the trial hearing had been concluded. It was reported that little or no support was available at this time. Consideration should be given as to how this ‘debrief’ could be offered in Cambridgeshire.
- The Witness and Victim Experience Survey (WAVES) 2010 noted that case outcome also had a considerable impact, with many witnesses and victims regarding participating in the process ‘as too burdensome if the outcome were not satisfactory’. The conclusion of the 2010 WAVES included the observation that consideration should be given to how the outcomes of trials are explained to witnesses and victims and expectations managed.
- Wider evidence⁷ identified that both witnesses and victims were “often left without a full understanding of the sentence given to the perpetrator of their crime” for example if a sentence of five years really means three years spent in prison then people would rather know that.

Improved data relating to witnesses

- Cambridgeshire Constabulary was able to provide a download of people referred to as ‘witnesses’ on their ‘nominal’ database for the time period April 2011 to March 2012. This data had significant caveats attached to it which meant that it was not usable for analytical purposes. For example:
 - a mapping exercise was hampered with 2,345 records having no postcode information so no proper identification of the person’s location could be done.
 - In a significant proportion of cases people ‘labeled’ as witnesses on the system turned out not to be witnesses at all, but had a different role in the case.
- Downloads of data from other IT systems used to manage witnesses were not available.
- The Criminal Justice Management Information System (CJMIS) was terminated in March 2012 with no further access to the historic data or reports.
- The Ministry of Justice used to manage a ‘Witness and Victim Experience Survey (WAVES) but this was discontinued in 2010.
- Whilst the researchers were told that the needs of witnesses were assessed. Management information on this needs assessment process was not available.
- All the above are suggestive of the lack of priority given both locally and nationally to understanding the population of witnesses.

⁶ A ‘cracked case’ is one which does not proceed in the expected way on the day of the hearing. The most common cause is a late change of plea by the defendant.

⁷ Victims Justice, What Victims and Witnesses Really Want from Sentencing, Victim Support 2010

Introduction

Background

The Research and Performance Team of the County Council were commissioned by the Police Authority to carry out a piece of supplementary research for the Victim Offender Needs Assessment. This work needed to focus on the experience and needs of witnesses which the original assessment identified as being a group where there was a considerable gap in local information.

The research was limited to ten days work that covered four main areas:

- Interviews with people who worked with witnesses;
- A sample of interviews with people who had recently been witnesses.
- A literature review;
- An assessment of local data sources;

The aim of the research was to identify potential areas where new services for witnesses could be commissioned. The aim was not to review any particular service currently provided for witnesses or evaluate the extent to which standards such as the Witness Charter⁸ are applied locally.

Methodology

For the interviews with professionals a semi-structured interview schedule was devised. The interviews were carried out, in a group situation, with those who worked for the Police 'Witness Care Unit' and those who worked for Victim Support, 'Witness Service'.

The witness interview sample was fitting given the limited scale and scope of this study; a total of eight full interviews were completed. These interviews served to add a 'local' voice to information from national studies that featured larger samples of interviews. If further steps are taken towards testing the feasibility of commissioning a specific service e.g. for younger witnesses then it is suggested that further interviews are undertaken within the targeted subgroup.

The literature review was a 'light touch' review. It was used to identify contextual studies to compare our interviews with. The review also considered evidence, if available, about how willing community members are to come forward and act as witnesses.

The assessment of local data was a speculative exercise and dependent on what information was supplied by local agencies.

⁸ The Witness Charter, Standards of Care for Witnesses in the Criminal Justice System, Ministry of Justice, 2008

Findings

Interviews with people who work with witnesses

For the purposes of this report two groups of people were interviewed

- Three members of the Police Witness Care Unit. The Unit contacts witnesses prior to any hearing, offering support and helps to identify any special requirements that witnesses may have.
- Three Witness Care Managers from Victim Support. The 'Witness Service' they represented provides information and support to witnesses, their families and friends on the day of the court appearance. Their remit covered both magistrates court and crown court.

Collectively those who were interviewed had a considerable depth of experience with working in support of people acting as witnesses.

Services

Both groups described the services that they delivered. They supported 'victims' who would be appearing in court as well as 'witnesses' who were the focus of this study. The Police Witness Care Unit broadly acted as an intermediary between the witness/victim and a range of services. Ensuring the individual was kept informed and securing additional support if required. Victim Support provided the 'in court' support for victims and witnesses. Victim Support also ran an 'in community' service which individuals could be referred to.

Both groups who were interviewed felt it was important to emphasise that they did not provide all the support that was available. For example during specialist cases such as domestic violence or sexual assault other support workers are available such as the IDVAS⁹ service or OASIS Centre¹⁰ staff. In addition, services such as intermediaries are available to support vulnerable people to give evidence. It was considered important that these services are maintained in order to provide care for both witnesses and victims. It was also emphasised that not all witnesses required additional support and that often, those that did found their own support from friends or relatives.

Needs assessment

Witness needs, in terms of them being able to act as a credible witness in court, are initially assessed by the police and the Crown Prosecution Service. There was also a 'cursory' assessment of the victims needs against available interventions at the time of first contact with the Police Witness Care Unit. Steps had been taken¹¹ in the past to record this second assessment formally but this had been shelved due to limited resources and the information from these assessments were not available for analysis.

For all cases the need for a range of measures were assessed, for example a protective screen for the witness on the day of the trial, the need for a translator, a video link and so on. "Cases of concern" are also high-lighted to Victim Support for additional support on the day they come into court or for another intervention such as a pre-court visit.

⁹ IDVAS Independent Domestic Violence Advocacy Service

¹⁰ OASIS Centre is the Sexual Assault Referral Centre for Cambridgeshire and Peterborough.

¹¹ In response to the 2009 Review of Witness and Victim Experience.

The Victim Support group suggested that the needs assessment was not always effective and the 'worried well' could be missed. This was those who were not a witness to a serious offence, who therefore had limited access to support and who were still very anxious about the case and giving evidence in court. This concern was contradicted somewhat by the Witness Care Unit who showed considerable awareness and concern regarding this group of individuals.

The Victim Support group did identify that cuts in police witness care in Bedfordshire had led to a direct impact on the quality of the witness experience. On-going specialist training within police forces was thought necessary to identify and support the vulnerable.

Witnesses who were cause for concern

Both of groups were asked if there were any groups of witnesses who they felt were a particular cause for concern.

Young men were identified as being particularly hard to engage with. The perception was that this was a group who were often witness to offences but who were also reluctant to engage with the process of giving evidence or disclosing what concerns or needs they had. Citing one recent case as an example a young male witness was quoted as saying "I wish I never made a statement". This group also required considerable chasing in order to arrange court dates etc.

Young witnesses were mentioned as a group of concern. This was mainly in relation to the technical challenges of providing support for this group. For example, arranging effective intermediaries to help them give evidence or managing the practicalities with providing evidence by video link.

Those who had English as a second language were also mentioned although this observation was made in relation to the change in the 'in court' interpreter contract that had led to a considerable decline in service "they don't always turn up when they are supposed to" (interestingly one of the witnesses interviewed also described this service as "appalling")

There was also the general view are no typical witnesses and the type of case will not provide a clue to the level of support needed. It affects some people greatly. It was reported that even relatively experienced police officers can get very nervous prior to giving evidence in court.

Needs of all witnesses

On a very basic level there was a need to provide witnesses with the means of getting to court. There was discussion in one group regarding the pros and cons of upfront expenses / travel support as opposed to the 'claim back' method. It was pointed out that changes in court organisation led to people having to make longer, more expensive journeys and some witnesses could not afford the up-front costs. The journey between Fenland and Cambridge was particularly difficult by public transport and there were other examples of witnesses having to make lengthy, national and in one case international journeys. It was also noted that sometimes those witnesses who talked about having problems with the practical travel arrangements maybe reluctant to attend court anyway.

Both groups thought the number of witnesses suffering from serious emotional anxiety, stress or fear was relatively small but the need did exist. It was often the anticipation of the

court case that was the main problem and the deferral of court dates can make this worse. Witness Care Unit officers reported there were a small number of examples where witnesses had been given court dates and had these deferred up to six times.

Summing up

Both groups were asked for suggestions for improvement to the services available for witnesses. The following suggestions were made:

- Better training of police officers / personnel regarding the court experience so they understand and can communicate this to the witnesses and victims. Police officers do not go to court as often as people assume so they are not always experienced in explaining the process of giving evidence.
- Better access to witness statements by the witnesses themselves. Often a significant amount of time may have elapsed between the statement being made and the witness appearing in court. There are standards that are not necessarily adhered to about a witness having the time / access to their original statement prior to giving evidence and being cross-examined.
- The view was expressed that there needed to be some continuity of care from start to finish e.g. why couldn't a witness care officer who had built a rapport with a victim or witness in the lead up to a court case accompany them on the day of the trial?
- Judges and the outcome of the case on the day was described as 'mucking things up' in spite of the best efforts of everyone else involved. Aftercare for witnesses and victims in these circumstances was considered important.
- Communication between the various agencies involved in criminal justice was very important to ensure things ran as smoothly as possible and this is something that can always be improved.

Overall, effective support for witnesses and victims was described as working in spite of the criminal justice system not because of it. The system itself is set up to ensure "justice" in the widest sense of the word is served. The service values of those involved meant that victims and witnesses are supported. Given the number of different agencies communicating to ensure a successful court date it is unsurprising that things sometimes go wrong. This needs to be managed effectively when it does happen.

A sample of interviews with people who had recently been witnesses

Selecting the right number of witnesses to interview for this brief piece of research was tricky. Many of the studies below highlighted the diverse experiences of witnesses, so to conduct an independently robust study would have involved completing over 100 interviews.

Instead the approach taken was to conduct a small number to provide a much needed 'local voice' to the analysis of the witness data and to review the results of these interviews against the wider literature.

Supporting research

For the local interviews to be set in context they need to be compared and contrasted with national results that involved significantly larger samples. Through this section comparisons will be drawn with the following:

- Are Special Measures Working? Evidence from Surveys of Vulnerable and Intimidated Witnesses, Home Office Research Study 283, RDS, 2004.
- *This study involved interviews with 552 witnesses in phase one of the study and 569 interviews in phase two.*
- Are Special Measures for Vulnerable and Intimidated Witnesses Working? Evidence from Criminal Justice Agencies, Burton et al, 2006 (Home Office On-line Report 01/06) – Secondary analysis of the above study.
- Victims Justice, What Victims and Witnesses Really Want from Sentencing, Victim Support 2011
- *draws on the findings of the 'Victim Voice' survey carried out by IPSOS Mori with 1,134 victims and witnesses*
- Left in The Dark, Why Victims of Crime Need to be Kept Informed, Victim Support, 2011.
- *draws on the findings of the 'Victim Voice' survey carried out by IPSOS Mori with 1,134 victims and witnesses*
- Measuring Up? Evaluating Implementation of Government Commitments to Young Witnesses in Criminal Proceedings, NSPCC / The Nuffield Foundation, 2009
- *Findings based on 182 young witnesses and 172 parents of these young people.*
- The Experience of Young Witnesses in Criminal Proceedings in Northern Ireland, NSPCC / Queens University Belfast, 2011
- *A follow-up study to the 'Measuring Up' report that included 15 interviews with young witnesses.*
- Witness and Victims Experience Survey (WAVES), Ministry of Justice, 2010.
- *Survey results for 18,747 witnesses and victims.*

Methodology

The aim was to carryout 7 to 10 telephone interviews with those who had been asked to act as witnesses.

A semi-structured questionnaire was agreed between the Police Authority, the researchers and the Police Witness Care team. This is included as appendix 1 of this report.

The Witness Care Team for Cambridgeshire Police was asked to select a sample of criminal cases that had recently been completed through either the magistrate's courts or crown courts. Approximately 50 cases were selected.

The researchers then sorted through the details of the cases and selected a sample of witnesses to phone and request interviews. Some criteria were applied to those selected for interview.

- Professional witnesses were excluded e.g. police officers, police civilian personnel or others acting in an official capacity.
- Those who were the direct alleged victims of the accused were excluded as this group of people had been included in a previous project by the Victim Support Advocacy project.
- As far as possible those under the age of 18 were excluded (some dates of birth were missing from the data provided)
- In the cases that had multiple witnesses from the same household (based on the information provided) then only one person from each household was asked to be interviewed.

The resulting list of possible interviewees were then phoned and asked to take part in the interviews. Most calls were made in the late afternoon or early evening when people were most likely to be available. Whilst one or two declined the major barrier to contact was catching people when they were in. Some of the phone numbers provided was also of poor quality, numbers unattainable or unrecognised area codes and so forth.

Calls were scheduled to take approximately 15 minutes but on a couple of occasions the interviewees were keen to talk for longer to get their views across. Two others were happy to talk in general terms about their experiences but were reticent about taking part in a formal interview.

Results

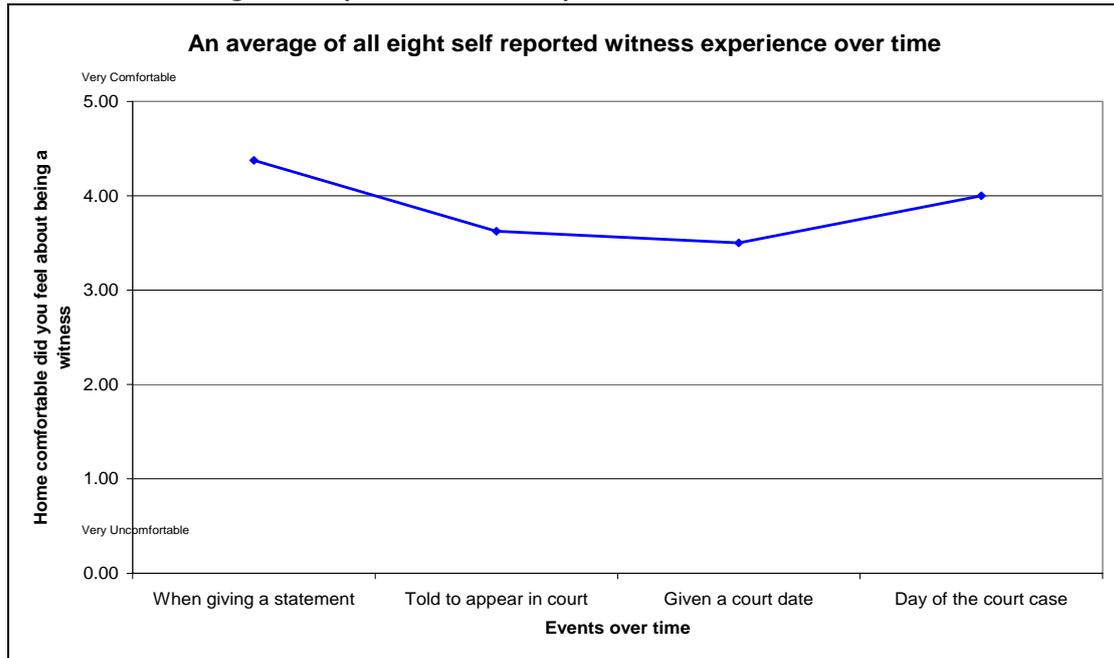
In total 8 full interviews were conducted with some additional comments provided by a ninth interviewee who declined to do a full interview.

The structure of the results starts with an overview provided by the journey mapping style question that was asked at four stages through the questionnaire. The report then follows the structure of the interview which sought to track an individual's experience through from first becoming aware they were a witness to a possible appearance in court and the final resolution of the case.

Overview

The interviewees were asked how comfortable they felt at different stages of the process on a scale of 1 to 5 with an answer of 5 being very comfortable and an answer of 1 being very uncomfortable. This style of questioning is consistent with a customer journey mapping methodology which seeks to assess how feelings change over time in reaction to events.

Chart 1: The average self-reported witness experience over time



- Through the stages the average ‘comfort’ fell from 4.38 to 3.63 and then to 3.50 when a date for court was set. This was a low point in the collective experience. The average ‘comfort’ then increased to 4.00 for the day of the court case. It is possible that interviewee’s scores reflect that in general the court process is worse in anticipation compared to actual experience.
- 2 out of 8 of the interviewees reported that they did not have a change of feelings through the process. They were generally very comfortable with the situation of being a witness throughout (it should be noted that this includes those who had the news that they were going to court and a court date at the same time)
- 3 out of 8 felt less comfortable than before when they were told that they would need to go to court.
- According to the Witness and Victim Experience Survey (WAVES) 2010, those witnesses who felt intimidated by an individual during the criminal justice process had higher odds of being dissatisfied, emphasising the importance of needs assessment to ensure that these individuals are identified as early as possible (one of our sample of eight reported having this experience)
- 2 out of 8 felt less comfortable than before when they were told their court date. This was the stage were people felt most uncomfortable (either a score of 1 or 2) One person felt more comfortable at this stage.
- The day of the court appearance did not change how people felt with most saying they felt “the same”. One person felt happier on the day of the case.
- On average for all those interviewed, they felt less comfortable at the last stage of the process, the court appearance compared to the start. But this was only a reduction of ‘1’ on the 5 point scale.

Becoming a witness

Those interviewed were asked about when they first knew they would have to act as a witness and provide a statement to the police. For two of the sample this was immediately after the incident they had witnessed occurred but for the rest the role that they would have to play did not become apparent until later. There was a disconnect between the event or alleged offence and when the interviewees knew for definite that they would have to be witnesses.

The interviewees were then asked how they felt at that point in time. The sample was split in response with some feeling perfectly comfortable, one to the extent that the process was just going to be a *"bit of a hassle"* (witness seven), to others who were stealing themselves up to go through the process; it was going to be something 'had to done' (witnesses three and four) or *"felt determined that this was what I had to do"* (witness eight). One person said that they felt nervous at this point but again they *"felt they needed to"* be a witness because of the circumstances.

When asked if any specific thing made them uncomfortable uncertainty about the process that they were going to have to go through was mentioned by two of the witnesses.

Finally for this section people were asked why they felt they had to act as a witness. Many of the comments focused on helping justice to be done.

"Because if I didn't then I guess it wouldn't go to trial and he wouldn't be sentenced"
(Witness Two)

"Because felt a lot of other people wouldn't. Have to stand up and be counted"
(Witness Three)

"Make sure justice is served"
(Witness Four)

Two others mentioned that they knew the victim in some way and that they were acting in support of them.

From interview to court date

People were asked about the period from after they were interviewed until they were told that the case had progressed and would be going to court.

"This was the worst possible part of it. We were left in limbo for over three months not knowing what was going to happen until we were told that it would go to trial"
(Witness Eight)

Others also pointed to this time being one when they received little communication and generally it was a lot later after an event that they received the information that the case would be going to court. For others in the sample the process was more straight forward and they heard that they would need to go to court, normally from a police officer, either when giving their statement or a couple of days after giving a statement. This reflects the diversity of the cases within the sample some were straight forward whilst others required extensive investigation.

For two witnesses in the sample this was a decline in their comfort to a low point which continued through to their appearance in court. This was put down to having to see the offender again and “face” them in court to say what happened.

Some of the witnesses talked about coming into phone contact with the police witness care team at this point and were complimentary of the service. They reported that things were clearly explained to them, they were informed of such things as travel expenses etc. (an issue of importance to two of the witnesses) and one of the witnesses who was less comfortable with the process was able to take up the offer of a pre-court visit so that they could have a clear idea of what was going to happen. All but one witness reported that the court process was clearly explained to them.

Two other specific needs were identified and met at this time. One person had concerns about being intimidated by the defendant and another person had English as a second language and the police were able to find a translator to assist in court on the day. Overall, all the witnesses felt that they were supported ‘well’ or ‘very well’ at this stage.

The analysis of the 2010 WAVES survey shows that being kept informed of developments in their case was strongly associated with higher levels of satisfaction for both victims and witnesses, with not being informed strongly associated with dissatisfaction for both groups. However, the results showed that the most strongly associated factors differed for victims and witnesses. The length of time between the first contact with the police and when they next heard anything official about their case was the strongest factor for victims’ satisfaction and dissatisfaction, whereas being informed early on that someone had been charged with an offence was the strongest factor for witnesses.

Appearing in court

The interviewees were asked how long it took for the case to come to court. This was variable (as we’ve already noted, the range of cases that they had been involved in was diverse and mixed between both magistrates courts and crown courts). The sample split approximately 50 / 50 between those who had to wait over six months or more and those who had a shorter wait of up to six weeks.

On the day of the court appearance those who had already reported earlier in the interview that they felt uncomfortable with the processes reported that they felt “*nervous*” on the day. However other who reported that they had felt that comfortable earlier on in the process carried this feeling with them into the court appearance.

“I’m really resilient and not the sort of person to get anxious about things like this”
(Witness Seven)

How the court process was managed on the day was significant in influencing how people felt about the whole process however good their care had been up to that point. It was clearly expressed that the most dissatisfactory circumstance was a ‘cracked’ trial, where a defendant decides to plead guilty on the morning of the trial. One witness who knew the victim of the defendant described this as a “disaster” which in their view led to the judge being unable to hear the evidence in full and pass a far too lenient sentence as a result. Another expressed dissatisfaction with not being able to give their evidence on the day even though they had prepared themselves for this.

“Arrived at court, during hearing defendant pleaded guilty so none of witnesses gave evidence.”

Witness Three

The other source of dissatisfaction was the sentencing. If the guilty person got what was considered a lenient sentence then that clouded all other views.

“Overall was good, police and witness service very good. [Negative] Translation service appalling. Felt let down by judge who did not give a custodial sentence even though there were prior convictions for violence”

Witness Six

The positive things that were reported related to the in court support from the Victim Support volunteers. The service was readily recalled by those who had been to court and praised.

“Supported very well and was informed about every hearing the next day”

(Witness Two)

“Volunteer service - very good”

(Witness Six)

“It was not very nice, I'm glad it is over. Was 100% supported. The children were very well supported”

(Witness Two)

Possibility of being a witness again

Those interviewed were asked if they would readily be a witness again if they had to. Most would but there were some caveats particularly from those who had links with either the victims or the offenders.

Others said that being a witness was something that needed to be done and there were very specific civic reasons for doing this.

“If you want to live in this society you have to stand up and be counted. People need to do this”

(Witness Three)

“You've got to stand up and be counted as you might want some to act as a witness for you one day”

(Witness Seven)

“If I see an incident, I would yeah”

(Witness One)

One of those interviewed felt as if the whole process was “a waste of time” he went on to say that “Felt badly treated by judge. No faith in the criminal justice system now.” (Witness six) These opinions were based on what was seen as a lenient sentence being given to someone who had been found guilty of a violent offence. Another witness who also thought the sentence awarded was lenient also expressed mixed feelings about deciding to be a witness again.

Conclusions from interviews

Where contact had occurred between the witnesses and support services (either in court or beforehand) then the witnesses had positive things to say about these services. But for some of our small sample, there was a significant gap in time between when the incident occurred and when a court date was set when there was little communication or support available. This gap in support coincided with a decline in average self-reported score of 'comfort' from the witnesses.

In addition it was clear from the sample that some people had significant issues of either anger or on-going concerns relating to their case after the trial hearing had been concluded. Again, little or no support was available at this time. This is not to say that outside support is always necessary as those in the sample who appeared to be more 'robust' had access to personal support networks such as family and friends.

Although experiences were generally positive during the process what happened in court on the day had the biggest influence on how satisfied someone was at the end of the process. The impact of 'cracked' cases in particular requires further investigation.

There was a sense in the interviewees that they were doing something that was necessary and had some form of 'civic' good. But the key message from them was that they were doing something in support of someone else, the victim.

Additional Literature Review

Introduction

Much of the recent literature regarding witnesses needs to be set against the context of continuing improvement in support services. An extensive national review of victim and witness experiences in the criminal justice system was published in 2009¹² and concluded that a significant investment in support services over the previous two years, particularly setting up of witness care units (WCUs) with the police, had led to a general improvement in the level of service provided to prosecution witnesses. However, recommendations for further service improvements were made.

A follow-up inspection report published in 2012¹³ identified that nationally only limited progress had been made against the 2009 recommendations. The lack of progress should be set against the background of funding cuts and reorganisation within public services. However, of particular concern was the lack of early identification of the needs of both witnesses and victims. The report was clear that this individual needs assessment needed to be undertaken as early on as possible most probably by police officers. It should be noted that our interviews with professionals identified that there are no typical witnesses and the type of case will not provide a clue to the level of support that witnesses needed. So proper needs assessment of witnesses is required regardless of the perceived importance of the case.

The importance of communication

The literature also casts light on the factors associated with the satisfaction and dissatisfaction of those who attended court to give evidence. The Witness and Victims Experience Survey (WAVES), Ministry of Justice, 2010 surveyed a significant number of people who attended court to give evidence (n=7,701). This group was asked questions about their experiences of preparing for and attending court. The findings indicate that the eight factors most strongly associated with both the satisfaction and dissatisfaction of victims and witnesses who attended court to give evidence were as follows:

- Leaflet: Those who recalled being given the Witness in Court leaflet had higher odds of being satisfied than those who did not, and vice versa.
- Charge: Those who were informed that someone had been charged with the offence had higher odds of being satisfied than those who were not, and vice versa.
- Complaints procedure: Those who were made aware of how to complain if they were dissatisfied with the service they received had higher odds of being satisfied than those who were not, and vice versa.
- Witness Care Officer: Those who had spoken with a Witness Care Officer about going to court had higher odds of being satisfied than those who had not, and vice versa.

¹² Joint Inspection Report of Victim and Witness Experiences in the Criminal Justice System, HMCPSI, HMIC and Her Majesty's Inspectorate of Court Administration (HMICA) May 2009

¹³ Joint Inspection Report on the Experience of Young Victims and Witnesses in the Criminal Justice System, HMCPSI, HMIC, February 2012

- Intimidated: Those who felt intimidated by an individual during the criminal justice process had higher odds of being dissatisfied than those who did not feel intimidated, and vice versa.
- Felt safe: Those who felt safe in the court waiting room had higher odds of being satisfied than those who felt unsafe, and vice versa.
- Court staff: Those who thought the court staff were helpful had higher odds of being satisfied than those who thought the court staff were unhelpful, and vice versa.
- Case outcome: Those whose cases resulted in a conviction (both guilty pleas and contested trials where the defendant was found guilty) had higher odds of being satisfied than those in cases where the charges were dropped. Conversely, those involved in cases which were dropped or resulted in a not guilty verdict had higher odds of being dissatisfied than those whose cases resulted in a guilty plea.

In addition, one further factor was strongly associated with satisfaction (although not with dissatisfaction); contact details. Those who were given the name or telephone number of someone they could ask about the progress of their case had higher odds of being satisfied than those who were not. Overall the WAVES study emphasizes the importance of maintain good communication with witnesses throughout the entire process from initial interview through to giving evidence on the day of trial. It also suggests, as does the interviews carried out with witnesses in Cambridgeshire, that there should be some sort of follow-up with those involved in a case to test if further support is needed particularly in the light of a 'negative' outcome, from the witness's point of view.

The effectiveness of special measures

The Home Office Research Study 283 'Are Special Measures Working?' (RDS, 2004) considered the evidence from surveys of vulnerable and intimidated witnesses. In the report vulnerable witnesses were described as all those aged under 17, those with a physical disability, mental disorder or learning disability, of those likely to suffer fear or distress including those reporting that they had been intimidated.

The report helpfully divides the concept of 'special measures' in two. Those measures that required a change in legislation and altered court processes and those that were 'non-statutory' although considered best practice. Special measures in –court are:

- screening the witness from the accused;
- the witness giving evidence by live television link;
- removal of wigs and gowns in court (for younger witnesses);
- video-recorded evidence-in-chief;
- video recorded cross- or re-examination;
- examination through an intermediary;
- clearing the public gallery;
- the provision of aids to communication.

Non legislative measures include:

- pre - court familiarization visits;
- the presence of a supporter in court;
- escorts to and from court;
- liaison officers;
- separate waiting areas;

The study consisted of interviews carried out pre-introduction of the 'special measures' (n = 552) and also post introduction (n = 569). The study showed that the experiences of witnesses, particularly those who felt intimidated, improved with the introduction of the measures. It was particularly the 'in court experience' that improved. Across both surveys, witnesses' satisfaction was particularly associated with the level of intimidation they received, the verdict, satisfaction with court facilities and how much information they received.

"The most commonly reported source of anxiety at both survey phases was "seeing the defendant or their associates" and the survey stated that *"The value of special measures is further highlighted by the extensive level of demand for measures among witnesses who were not given access to them."* Screens and/or a live TV link were thought to be particularly useful, with around three-fifths of all victims / witnesses who gave evidence and who were not allowed to use these measures stating that they would have found them useful."

Burton et al (2006)¹⁴ carried out a secondary analysis of the data collected within the Home Office Research Study 283 and also reviewed a range of other information. The report estimated that up to 54 per cent of all witnesses could be classified as vulnerable or intimidated and that 'on a very conservative estimate' some 24 percent might be eligible for special measures. The author's contrasted this statistic with the police nationally only explicitly identified 3–5 per cent of all witnesses as vulnerable or intimidated (during the course of Burton et al's research, a figure that rose to 9 per cent when the researchers examined the case files). In other words, in 2006, the police were only explicitly identifying a tenth of the witnesses who might be classified as vulnerable or intimidated leaving

Burton et al (2006) suggested that the reasons for this was due to the history of the classification and treatment of vulnerable and intimidated witnesses with identification only taking place against a narrow set of criteria. People only being identified as vulnerable due to the nature of the case or due to what service are available. No holistic needs assessment was taking place. It should be noted that this study was conducted before the introduction of police witness care units.

The attitude of victims to the courts

The Victim Support study, 'Victims Justice', What Victims and Witnesses Really Want from Sentencing, Victim Support 2011 draws heavily on the findings of the 'Victim Voice' survey carried out by IPSOS Mori with 1,134 victims and witnesses.

The survey was conducted by Ipsos Mori using their face-to-face omnibus method in June 2011. Survey interviews were held across England and Wales with 1,134 members of the public who had been a victim of crime in the previous two years. Quotas were set to ensure that a representative sample of the population was obtained, and final data was also weighted by age, gender, ethnicity, social class, working status and Government Office Region to reflect the population profile. This and the sample size means that findings are therefore a good indication of the experiences and views of victims in England and Wales.

- Almost two in five (37%) victims said that, overall, they were affected a great deal or a fair amount by the crime. Three in five (62%) say they were not affected very much or at all.

¹⁴ Are Special Measures for Vulnerable and Intimidated Witnesses Working? Evidence from Criminal Justice Agencies, Burton et al, 2006 (Home Office On-line Report 01/06).

- A third of those respondents who reported to the police did not know the outcome of the case as they had heard nothing further after reporting; 45% were not kept updated by police about progress on their case.
- One in three (32%) feel that the criminal justice system treats victims of crime fairly, compared to 42% who do not feel they are fairly treated. However victims do tend to feel they are treated with consideration and respect by criminal justice agencies (46% agree vs 27% in disagreement).
- The most commonly chosen priority for the criminal justice system in dealing with offenders is to punish the offender (chosen by 51%), followed by protecting the public (38%).
- The most commonly chosen priority for improving the criminal justice system for victims is to provide more clarity over sentencing decisions (48%).

The lack of reported communication with the victims of crime does provide context to the emphasis elsewhere in this report on the importance of communication with witnesses. If 45% of victims feel that police didn't keep them updated then what expectations should we have in regard to communication with witnesses?

The report also provides context to the impact of a 'negative' outcome in court on witnesses. This negative impact is also experienced by victims with only 16% reporting that they felt their views on how a crime affected them were taken into account by the court¹⁵. Victim Support also reported that victims were often left without a full understanding of the sentence given to the perpetrator of their crime¹⁶ and are calling for a strengthening of the current code of practice for victims of crime to include an explicit duties on criminal justice agencies to explain the verdict and sentence.

Community capacity to produce witnesses

As part of the study we were asked to look at any literature that touched on the capacity of communities in general to produce witnesses. Is there a link between poor community cohesion and a lack of witnesses coming forward? Unfortunately there was little of relevance that we were able to identify, beyond general themes of community engagement.

¹⁵ 'Victims Justice', What Victims and Witnesses Really Want from Sentencing, Victim Support 2011

¹⁶ As above, quoting a forthcoming study "Seeking the view of victims and witnesses", unpublished.

An Assessment of Local Data Sources

Possible information sources

There are only a limited number of data sources on witnesses. For this piece of research work, gaining access to systems used to manage witnesses as they passed through the court system and generating any meaningful management information proved to be too difficult.

- Cambridgeshire Constabulary was able to provide a download of people referred to as 'witnesses' on their 'nominal' database for the time period April 2011 to March 2012. This data has significant caveats attached to it which are discussed in more detail below.
- The Criminal Justice Management Information System (CJMIS) was terminated in March 2012 with no further access to the historic data or reports.
- The Criminal Justice Board Delivery Group regularly reviews 'ineffective trial' data for witness attendance issues. This performance information has been made available.

Cambridgeshire Constabulary data

There are considerable concerns as to the quality of this data and it is not consider good enough to provide information for this report.

- A search on the 'nominal' database for a person type labeled "witness" provided over 20,000 records,
- The person type "witness" doesn't necessarily mean that the person listed as such actually witnessed any offence.
- A detailed quality check on a random twenty people who appeared on the list showed that only five were independent witnesses and a further two were professional¹⁷ witnesses.
- The biggest source of error in the data are people who are actually 'informants' being listed as 'witnesses'. People who clearly did not see an offence. For example a caretaker reporting an overnight incident of criminal damage committed against his employer's property.
- Some records clearly have witnesses mentioned in the notes attached to the record but their details are not entered into the relevant field (so won't appear in the data download)
- Some people listed as a witnesses were actually there in proxy for the witness, for example parents of children are entered as witnesses but they are actually the informants for offences committed against those children.

In order to cleanse the data it would have meant someone carrying out a detailed read through of all 20,000 records to decide if the person was really a witness. This was clearly impractical so not further demographic analysis of the data was carried out.

¹⁷ In this case a 'professional' witness is someone acting as a witness due to their job role.

A limited mapping exercise was carried out to identify the neighbourhood areas that had a high rate of individuals defined as 'witnesses' according to this dataset. This was further hampered with 2,345 records having no postcode information to enable the proper identification of the person's location.

The results shown were unsurprising. Areas with high crime rates had a high rate of witnesses. Further analysis to look at the influence of deprivation on the figures was inconclusive as there were no clear patterns.

Ineffective trials

The Cambridgeshire Criminal Justice Board Delivery Group regularly reviews ineffective trial data for witness attendance issues. The volumes of witness nonattendance are considered to be very small and more common for defence witnesses than prosecution witnesses. The exceptions to this are cases of domestic violence.

Appendices

Appendix One: Witness Interview Script and Methodology

Methodology

- Telephone interviews will be solicited and carried out by two researchers from Cambridgeshire County Council's Research and Performance Team on behalf of Cambridgeshire Police Authority.

The two researchers are Michael Soper and Leigh Roberts. Both have been vetted to the level of civilian staff by Cambridgeshire Constabulary and have been allocated collar numbers. Michael Soper has a collar number of 9898 and Leigh Roberts of 9942

- The details people who have recently acted as witnesses in court will be passed to the researchers and the researchers will make initial contact to ask if people would like to participate in the research and answer some questions about their experiences.
- Interviews will be carried out in accordance with the following script.
- The aim will be to complete between 10 and 15 interviews from a sample of 50 possible participants.
- Cambridgeshire Constabulary will supply the names / numbers of the sample picked at random from recent witnesses (ideally they would have been called to appear in court within the last month and the case that they were participating in will have been completed).
- If a further sample of contact details are needed to complete the allotted number of interviews then this will be requested from the constabulary.
- In the event of the interviewee seeking further reassurance as to the efficacy of the research then Cambridgeshire Constabulary will provide the details of someone from within the Witness Care service to support.

Rows in grey indicate a question; those in white are additional instructions for the interviewer.

Introduction	
On First Answering	Hello, I'm [your name] could I talk with [their name]
Negative Answer	Check for a more convenient time, and then politely hang up. Do not disclose the nature of the call.
Positive Answer	<ul style="list-style-type: none"> • I'm phoning on behalf of Cambridgeshire Police Authority. We are carrying out research on the experiences of people who have recently acted as witnesses. <u>I understand you've recently gone through this experience?</u> • Would you be able to help us? • I would like to ask you some questions about this experience. • The interview will take no more than 15 minutes • The research is to help the Police and other agencies to decide how best to spend money on services for witnesses and possibly improve the support available for witnesses in the future. • Would you like to take part?
Negative Answer	Okay, thank you for time, goodbye.
Negative questions	<p>'Where did you get my details?'</p> <p>Your details have been provided to us by the Police Witness Care Team as someone who has recently acted as a witness. The details are for research purposes only. I've not been passed any details of the case you were involved in. The research is to talk about the experience of being a witness and improve our services.</p> <p>'Who are you exactly?'</p> <p>My name is xxx, I'm a researcher, employed by Cambridgeshire County Council and I'm working on behalf of the Police Authority. I can provide you with contact details of someone in the Police who will confirm this for you.</p> <p>We are working on this study because we can be independent from the Police and other agencies that you may wish to comment on as part of the research.</p>
Positive Answer	<p>Okay, I've got a couple of things to say prior to starting the questions.</p> <ul style="list-style-type: none"> • The survey will take 15 minutes at the most. • I do not wish to discuss the specific case that you were involved with. But we are interested in your experiences of the system and what you thought. • Firstly, I need to tell you that what you tell me will be treated as confidential, your name will not be used in the report, and will not be passed on to anyone else. (I will only make a disclosure if you tell me that either you or another person is at immediate risk of harm.)

Question 1:	When did you first know that you might have to be a witness, and provide a statement for the police?
	<input type="checkbox"/> Immediately after an event.
	<input type="checkbox"/> A couple of days later, during the course of an investigation.
	<input type="checkbox"/> A lot later.
	<input type="checkbox"/> At another time.
Question 2a:	How did you feel, when you first asked to be a witness and provide a statement?
	Open answer... Prompt: When did you have to give a statement? Who did you give your statement to?
Question 2b.	Can I ask on a scale of 1 to 5, <u>at this point in time</u> , how comfortable did you feel about being a witness (with <u>5 being very comfortable and 1 being very uncomfortable</u>)
	Very Uncomfortable 1, 2, 3, 4, 5, Very Comfortable
OPTIONAL Question 2c.	[1 or 2 Was there anything specific that you were particularly uncomfortable about?
	Open answer...
OPTIONAL Question 2c.	[If 4 or 5] Was there any specific reason why you felt comfortable / unconcerned?
	Open answer...
Question 3.	What were the main reasons why you felt you had to act as a witness?
	Open answer... Further Prompts: Did you feel it was your duty?

Question 4.	Were you told that you might have to go to court to be a witness? Yes/No When?
	<input type="checkbox"/> Immediately after an event.
	<input type="checkbox"/> A couple of days later, during the course of an investigation.
	<input type="checkbox"/> A lot later.
	<input type="checkbox"/> At another time.
Question 5.	Prior to this had anyone ever told you that you would have to appear in court?
	Yes / No If yes, who was this?
Question 6a.	Who was it who told you that you would need to go to court?
	Open answer How were you told?
Question 6b.	Can I ask on a scale of 1 to 5, <u>at this point in time</u> , how comfortable did you feel about being a witness (with <u>5</u> being very comfortable and <u>1</u> being very uncomfortable)
	Very Uncomfortable 1, 2, 3, 4, 5, Very Comfortable
OPTIONAL Question 6c.	[1 or 2 Was there anything specific that you were particularly uncomfortable about?
	Open answer...
Question 7a.	Was the court process that you would be part of clearly explained to you?
	Yes / No
Question 8a.	Did you have any concerns or needs at the time?
	Open answer
8b.	Prompts:

8c.	<p>Where you concerned about any practical arrangements e.g. travel / getting time off work / childcare?</p> <p>Did you feel that you needed extra support in order to appear in court? e.g. support from someone / screening or a pre-court visit.</p>
Question 9.	How do you feel your needs were met?
	<input type="checkbox"/> Very well <input type="checkbox"/> Well <input type="checkbox"/> Poorly <input type="checkbox"/> Very poorly Prompt: Poorly? What was poor...?
Question 10.	Did the case come to court straight away or did you have to wait?
	Open Answer
Question 11a.	How did you feel when you were given a date for the court case?
	Open Answer
Question 11b.	Can I ask on a scale of 1 to 5, <u>at this point in time</u> , how comfortable did you feel about being a witness (with <u>5 being very comfortable and 1 being very uncomfortable</u>)
	Very Uncomfortable 1, 2, 3, 4, 5, Very Comfortable
OPTIONAL Question 11.c	[1 or 2 Was there anything specific that you were particularly uncomfortable about?
	Open Answer...
Question 12a.	Was the court date that you were given rearranged at all?
	Yes / No
OPTIONAL Question 12b.	If yes, how do did this make you feel?
	Open answer...

	Prompt: Were there further rearrangements...how did it make them feel?
Routing Question	Can I just confirm that you did get to go to court and give evidence?
Question 13.	Did you have any difficulty getting to to court?
	Open answer...
Question 14	How well supported did you feel on the day?
	Open answer...
Question 15	Do you remember who provided you with that support?
	Open answer...
Question 16a.	Can I ask on a scale of 1 to 5, <u>at this point in time</u> , how comfortable did you feel about being a witness (with <u>5 being very comfortable and 1 being very uncomfortable</u>)
	Very Uncomfortable 1, 2, 3, 4, 5, Very Comfortable
OPTIONAL Question 16b.	[1 or 2 Was there anything specific that you were particularly uncomfortable about?
Question 17	How would you summarise you experience as a whole
	Open answer... Prompt: What was positive about being a witness? Prompt: What was negative about being a witness? Prompt: Where there any services that you felt were missing that could have helped?
Question 18	Would you be a witness again?
	Open answer...

Question 19	Is there anything else that you would like to add?
	Open answer...
CLOSE	<p>Thank you very much for your support and help with the research.</p> <p>The report will be written up and considered by the new Police and Crime Commissioner (the new person in charge of crime and policing in Cambridgeshire) and hopefully help us to improve services for people acting as witnesses in the future.</p>

Appendix Two: Witness Experience Tracker Graphs

