



<b>POLICY</b>	<b>Issue: 1.0</b>
<b>Dealing with vulnerable witnesses and others</b>	<b>Date: 11/06/2008</b>

## Policy Statement

The Civil Nuclear Constabulary (The Constabulary) recognises its obligations and requirements to meet the needs of vulnerable witnesses and others such as witnesses experiencing intimidation. In order to meet these obligations and requirements, the Constabulary will:

- Identify persons who qualify as vulnerable witnesses as defined by Section 16 of the Youth Justice and Criminal Evidence Act 1999,(or Criminal Procedure (Scotland) Act 1995 Sec 271, Civic (Scotland Act) 1982 and Vulnerable Witnesses (Scotland) Act 2004) and where appropriate inform the various Criminal Justice Agencies of those witnesses eligible for the use of Special Measures when delivering evidence to Court. (The Special Measures available and factors to be taken into account, are detailed in this Act)
- Consider how the special needs of the witnesses can best be addressed with reference to a range of options including key or support workers, specialist help with communication (e.g. video interviews), using non-uniformed officers, selecting a non- threatening familiar environment to carry out interviews and providing support where abuse is disclosed.
- Where there is any issue concerning diversity, ensure reference is made to the Hate Incidents policy (CNC/POL/18.6).
- Ensure that vulnerable witnesses receive advanced service levels consequent of the provisions of the Victims Codes of Practice (VCOP)(Criminal Justice System 2005), which ensures victims are informed of any major developments in their case immediately or in any case within 24hours.In Scotland via Victim Information and Advice within the Crown Office and Procurator Fiscal service – contact to be made with the victim within 2hrs and in any case within 24hrs
- Take heed of the wishes of the victim/witness via the Victim Personal Statement, and be mindful that vulnerable people are not a homogeneous group, and not all those with a disability will be vulnerable or wish to be regarded as such.
- Where early Special Measures are contemplated, the Crown Prosecution Service (CPS) should be consulted in accordance with the practice guidelines set out in *Early Special Measures Meetings between the Police and CPS and between the CPS and Vulnerable or Intimidated witnesses* (Home Office 2002). Scotland under the Vulnerable Witnesses (Scotland) Act 2004.
- Ensure addition social support is considered for the vulnerable witness (Interview supporter, appropriate adult, pre-trial supporter, victim volunteer supporter, Court witness supporter)

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- Ensure victims are given a 'Victim of Crime' leaflet, and are informed of the Victim Support Scheme, and referred to this scheme, unless there is a specific objection.
- When dealing with intimidated witnesses, be guided by the documents published nationally in 2006 by the Criminal Justice System, entitled '*Working with Intimidated Witnesses*' and '*Actions Dispel Fear*', which provide information specifically on dealing with intimidated Witnesses. These documents offer a system of witness intimidation categorisation and potential responses to the level of Risk assessed. Scotland via Victim Information and Advice within the Crown Office and Procurator Fiscal Service.
- Recognise, that the Constabulary has limited training and capacity to comprehensively deal with Vulnerable, and associated categories of witnesses, and should seek to utilise the expertise, experience and facilities of host Forces and Constabularies at the earliest opportunity.

### **Aims of the Policy**

To provide guidelines and direction when dealing with vulnerable witnesses, whilst understanding the Constabulary's limited capacity and expertise in dealing with such witnesses, the policy provides a platform from which the best possible service and support can be given to these vulnerable witnesses.

This policy is not enacted by further management system documents:

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