



# Scrutiny findings

The new Victims' Code of Practice (VCoP), which came into force in April 2021 is a charter of rights that dictate the minimum level of service victims can expect at every stage of the justice process. The Code, enshrined within 12 rights, sets out the services that must be provided to victims of crime by organisations.

## Victims Code of Practice - Scrutiny Panel –22<sup>nd</sup> May 2024.

### What are the 12 victim rights?

- |   |   |   |
|---|---|---|
| 1. To be able to understand and to be understood.   | 2. To have the details of the crime recorded without unjustified delay.               | 3. To be provided with information when reporting the crime.                |
| 4. To be referred to services that support victims. | 5. To be provided with information about compensation.                                | 6. To be provided with information about the investigation and prosecution. |
| 7. To make a Victim Personal Statement.             | 8. To be given information about the trial, trial process and your role as a witness. | 9. To be given information about the outcome of the case and any appeals.   |
| 10. To be paid expenses and have property returned. | 11. To be given information about the offender following a conviction.                | 12. To make a complaint about your rights not being met.                    |

### Why the panel scrutinises the service given to victims?

It is important that the Criminal Justice partnership continues to focus on the needs of victims and by reviewing cases we can identify:

- Good practice
- Any gaps in service
- Lessons which we could learn
- Where we can influence positive changes is policy and working practices
- Opportunities for improved engagement across the criminal justice system
- Demands on services and how services are performing
- How public money is spent
- Where feedback can be provided.



It is the Police and Crime Commissioners legal responsibility to hold the Chief Constable to account on behalf of the residents of Devon, Cornwall, and the Isles of Scilly for delivering a police force that works well and meets the needs of its communities. To do this the LCJB 'scrutinises' certain issues and activities including the compliance of the Victims Code of Practice. The scrutiny of VCoP is about reviewing cases and working practices, to recognise and promote good practice, identify any areas for development and support the police as an organisation to learn and improve.

By giving the public this information openly as part of good governance, they can form their own informed views about whether or not they have confidence in the criminal justice system.

### **How the Local Criminal Justice Board (LCJB) scrutinises the rights of victims and compliance to the Victims Code of Practice?**

The LCJB has a scrutiny panel which is made up of representatives from the Courts, Youth Justice Service, the Police, Probation, and the Crown Prosecution Service. The panel 'dip-samples' criminal cases that have been finalised through the criminal justice system. The panel scrutinises 8 cases which are selected at random and any personal information of individuals are removed.

The panel review the cases at each panel meeting using anonymised data retrieved from each agency, which provides information on the progression of a case through to its conclusion. They can then identify the services offered to the victim and discuss the 12 victim rights in order to explore whether or not the rights have been fulfilled and a good service given to the victim in the case. Based on the information that the panel members have available to them; they will then place each case into one of seven categories:

1.	Fully compliant
2.	Partially compliant
3.	Non-compliant
4.	Victim did not engage
5.	Panel failed to reach a decision
6.	Information not recorded
7.	Not applicable



The panel met on 22<sup>nd</sup> May 2024 and scrutinised 6 cases relating to Stalking or Harassment.

Stalking or harassment both involve a pattern of unwanted and unwarranted behaviour by someone towards another person. The pattern of behaviour may cause the victim to feel harassed, alarmed, distressed or fearful that violence might be used against them. The impact on victims can be substantial, suffering psychological and emotional trauma because they have little control over the stalker's behaviour and victims often feel helpless.

The panel were presented with the National Statistics Year to September 2023.

- The total figure in England and Wales was the highest since comparable records began in 2002-03, with 271,000 cases of harassment reported by all police forces.
- Harassment cases recorded across England and Wales, resulted in 9,594 being charged, 3.5%.
- Home Office figures show Devon and Cornwall Police dealt with 4,983 harassment cases in the year to September 2023 – slightly down from 5,135 the year before.
- This was equivalent to an average of 14 cases reported every day in Devon and Cornwall and a more than threefold increase compared to nine years ago.

### The findings from the panel's meeting

The panel identified all **2 cases were deemed to be overall compliant** with the 12 Victims Rights and included good practice such as:

- Good cross system engagement.
- Positive and regular engagement with victims and within VCoP timescales.
- Victims Needs Assessment (VNA) completed promptly and regularly reviewed.
- Information about the trial process were fully explained and the victims notified about key decisions throughout the course of the investigation.

The panel identified **3 cases which were deemed to be overall Partially compliant with** the 12 Victims Rights:

- Whilst some cases were compliant, in some instances insufficient information was recorded to determine full compliance.
- Once case was recorded on police systems as a Breach of Restraining Order however, following CPS assessment this was charged as a Stalking offence. The panel were not clear when the victim had been updated of this key decision.



- In a number of cases the panel could not be assured the Information and Support for Victims of Crime leaflet was provided to the victim, which contains information around the victims' rights under VCoP.

The panel identified **1 case which was not applicable** under VCoP and therefore was except from scoring:

- This offence concerned a Breach of Protection of Harassment Order whereby the offender was ordered not to enter a shop, due to harassing staff. This offence is a 'Rex' offence (offence against the state. In these instances, victims' rights are not applied. The panel continued with the assessment of this case for learning purposes, but due to the nature of the offence it was not subject of a formal grading.
- The panel discussed the concerns raised in cases when this type of offence impacts victims, witnesses, members of the public, or company employees, and considered opportunities for still ensuring support is provided.

### Using the panel's findings to make a difference:

- The panel noted the Victim Care Unit have implemented dedicated Stalking Advisors to provide specialist support to victims of this crime.
- The police representatives at the panel will review the process for cases that are offences against the state as to what support services can be offered for those who will be impacted by the incidents.
- The panel noted missed opportunities in offering victims Restorative Justice and this will be raised through the RJ Coordinator.

### The panel was provided with the following information:

- The panel were provided with information contained in the Fixated, Obsessed Unwanted, Repeated video: which can be accessed [HERE](#) and provides information around stalking and harassment crimes.
- The panel noted the objectives of the new Victims Notification Scheme (VNS) which are:
  - to ensure victims of stalking and harassment, where the current sentence is not covered by the Victim Contact Scheme, and in particular those where the sentence is less than 12 months, are informed of an offender's release from custody;
  - to direct these victims to available support services;
  - to notify victims about licence conditions prior to release in cases of stalking and/or harassment, and for those cases where there is sufficient time left on the licence, to enable the victim to request licence conditions.

- **[Criminal Justice and You](#)** is a new product which aims to transform the experience of victims and witnesses in the criminal justice system and is a multimedia resource developed by victims for victims, it brings all aspects of the criminal justice system into one place, helping to demystify every step of the process.



Information for victims and the support services which are available locally can be found on the Police and Crime Commissioners website: [Home - Victim Care Devon & Cornwall \(victimcare-dc.org\)](#)

## Support organisations

The public can get advice from the National Stalking Helpline.

National Stalking Helpline

Telephone: 0808 802 0300

Monday to Friday, 9:30am to 4pm (except Wednesday 9:30am to 8pm) [National Stalking Helpline](#)

[Find out about call charges](#)

If you have suffered harm, including physical, mental or emotional harm or economic loss, as a direct result of witnessing a crime, you are a victim of crime for the purposes of this Code and are able to access services that support victims. You do not need to have provided a statement to or been interviewed by the police or be required to attend court as a witness. All other witnesses can access services provided under the Witness Charter,<sup>6</sup> rather than under this Code.

The panel report their findings to the agencies who contributed to the panel and those who have statutory responsibilities as detailed within the Victims Code of Practice. Devon and Cornwall Local Criminal Justice Board review findings and agree themes for future panels.

Panel findings may be raised with individual officers, staff and relevant departments across the Criminal Justice partnership and may also cascade learning from the panel throughout their respective agencies.

Find out more about our scrutiny at [www.devonandcornwall-pcc.gov.uk/about-us/scrutiny](http://www.devonandcornwall-pcc.gov.uk/about-us/scrutiny).

Signed off by: Julie Dickson BA (Hons) PgDip M.Ed – LCJB Business Manager

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