



Protective Marking	Not Protectively Marked
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Title	Vulnerable & Intimidated Witnesses Policy
Version	1A
Summary	The policy improves the quality of service given to vulnerable and intimidated witnesses by the Metropolitan Police Service by enhancing the quality of their evidence and trying to ensure that they are given greater access to justice.
Branch / OCU	SCD20
Review date	September 2007

Vulnerable & Intimidated Witnesses Policy

Introduction

This is the revised Metropolitan Police Service policy in relation to “Vulnerable” and “Intimidated” Witnesses. It replaces the policy set out in item 1 of Police Notice 35-02.

Application

This policy applies with immediate effect.

All police officers and police staff, including the extended police family and those working voluntarily or under contract to the MPA must be aware of, and are required to comply with, all relevant MPS policy and associated procedures.

However, this policy applies in particular to officers and staff in the following roles:

Awareness is needed by:

- ❑ All staff whose role brings them into contact with witnesses;
- ❑ Their supervisors;
- ❑ Investigating Officers (IOs) and Senior Investigating Officers (SIOs); and
- ❑ Training staff.

The following staff will have specific responsibilities:

- ❑ Police Officers and Police Staff who interview witnesses;
- ❑ SIOs working on major investigations (for example within Specialist Crime, Specialist Operations and the Directorate of Professional Standards);
- ❑ IOs working on investigations on boroughs including main CID offices, Crime Squads, Robbery Squads, Drugs Squads, Sapphire Units and Community Safety Units.
- ❑ SIOs and IO investigating road traffic collisions including those resulting in road death;
- ❑ Managers of Criminal Justice Units; and
- ❑ Training managers

Note: this list is not intended to be exhaustive.

Purpose

The purpose of this policy is to improve the quality of service given to vulnerable and intimidated witnesses by the Metropolitan Police Service by enhancing the quality of their evidence and trying to ensure that they are given greater access to justice.

Scope

Part 2 of the Youth Justice and Criminal Evidence Act, 1999 sets out a number of “special measures” that are intended to help “vulnerable” and “intimidated” witnesses to give their evidence.

“Vulnerable” and “intimidated” witnesses and the “special measures” for which they may be eligible are fully defined in the related Standard Operating Procedures.

In broad terms, “vulnerable” witnesses include all child witnesses under 17 and witnesses of any age with a mental disorder, significant impairment of intelligence and social functioning or physical disorder/disability. “Intimidated” witnesses refer to those in fear or distress of giving testimony including complainants to sexual assault, domestic violence, racially motivated crime, repeat victimisation and the elderly.

“Special measures” include the use of video-recorded interviews as evidence-in-chief and other measures such as the use of screens and live television link in court. It should be noted that these measures are being phased in as shown in the related Standard Operating Procedures and that as a result of this not all these measures have been implemented in respect of all these categories of witness to date. In particular, “intimidated” witnesses are not currently eligible for video-recorded interviews as evidence-in-chief and, with the exception of child witnesses to sexual or violent offences, the use of video-recorded interviews as evidence-in-chief in respect of “vulnerable” witnesses is confined to Crown Courts. However, “intimidated” witnesses are eligible for some other “special measures” in Crown Courts and some witnesses that fall into this category also come within the scope of policy in relation to video recorded interviews with “significant” witnesses as set out in item 1 of Police Notice 48-03.

Policy Statement

“Vulnerable” and “intimidated” witnesses should be identified as soon as possible and given the opportunity to access the “special measures” that are available to them to assist them to give evidence. A record of the decision to categorise a witness as “vulnerable” or “intimidated” together with the rationale for doing so and the views of that witness and the police in respect of “special measures” should be kept.

Benefits

- An improvement in the quality of the service given to “vulnerable” and “intimidated” witnesses;
- An increase in the number of witnesses able to give evidence;
- An increase in the quality of the evidence given by “vulnerable” and “intimidated” witnesses;
- Safeguarding the integrity of the interviewer and the interview process where the video-recording of an interview with a view to its use as evidence-in-chief is appropriate; and
- Increased opportunities for planning, supervision and officer training where the video-recording of an interview with a view to its use as evidence-in-chief is appropriate.

Responsibilities

The Diversity Strategic Committee owns the policy. The Vulnerable and Intimidated Witnesses Team (SCD20) will be responsible for reviewing the policy.

Associated documents and links

- Standard Operating Procedures for “vulnerable” and “intimidated” witnesses