

Identify and record needs and vulnerabilities

Accurate assessing and recording at initial contact, to ensure a quality account and follow the Victims' Code.

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Identify and record needs and vulnerabilities – guideline

Officers and staff should seek to identify and record any apparent witness needs and vulnerabilities, including reported and observed demeanour, reluctance and physical or communication needs, to inform future decision-making.

Evidence summary

Practitioners said they would consider witness needs or vulnerabilities when taking the initial account. They reported that identifying and recording witness needs enables any implications to be taken into account in their own immediate response. It also flags them so they can be considered in any subsequent contact or ongoing investigation. Practitioners and Guideline Committee members felt that the information recorded should include reported and observed demeanour, any indication of reluctance (and the reasons for it), and physical or communication needs that may require a specific course of action.

Conducting a needs assessment

The quality of officer and staff recording of initial accounts is important to any ongoing investigation, and accurate recording (especially of witness needs and vulnerabilities) is part of ensuring a quality account. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services has often raised the importance of identifying and recording witness needs and vulnerabilities at the earliest opportunity. Conducting a needs assessment at an early stage is also a requirement under the Victims' Code and is best undertaken at initial contact, to be amended later as required. A key consideration is to identify the steps required to enable effective communication, engagement with the investigative process and victim/witness safety.

Identifying and recording witness needs and vulnerabilities are important to inform subsequent action by others, but also help the practitioner decide what immediate action is required.

The person obtaining the initial account may have previous knowledge of the witness or needs may become apparent when speaking to them. The witness may not volunteer information about their needs for any number of reasons, which makes it important to record what is observed as well as what is stated by the witness. If more is disclosed than the current incident, this may also change assessment of needs.

Examples of needs that could be recorded and their implications

Hints and tips from the front line

Need/vulnerability recorded

- Intimidated.
- Learning difficulties.
- Age (very young / elderly).
- Gender (including where a person identifies as trans, non-binary or any other gender identity and/or has expressed a preference for a particular form of address or pronouns).
- Difficulties with expressive communication.
- Difficulties in understanding (including language barriers).
- Physical disability.
- Whether they can read and / or write.
- Dementia.
- Vulnerable because of living in close proximity to offender.

Considerations for now

- Are they able to provide an account?
- Are they able to understand?
- Do they need special questioning now?

- Are they able to read back the account and sign it (you may need to read it out to them if they cannot read)?
- Do I need to consult a family member (eg, dementia / capacity issues)?
- Does the gender of the officer need to be considered when deciding on deployment?
- Can I deal with this (designated powers, eg, PCSO or training)?

Implications for later

- Will they be able to provide a written statement?
- Will they need an ABE interview?
- Will they need an appropriate adult / interview supporter / intermediary / interpreter (including sign language)?
- Will they need special questioning?
- Will they be able to read and sign a statement?
- Might capacity need to be assessed?
- Do preferred pronouns or forms of address need to be flagged to maintain consistency in any future contact?

Recording witness demeanour

Recording a description of the witness' demeanour or behaviour can provide insight into the incident and flag potential effects on recall. It may also be key to determining the correct charge, for example, the level of charge for public order offences. It is important to record the behaviour as observed rather than an assumption of what might be causing the behaviour. For example, instead of saying the person seemed drunk, say their words were slurred.

Practitioners can record demeanour in the initial account itself (where they are recording the person's own words), and / or note their observations of the person's demeanour in their duty statement or PNB (police notebook), or as part of the witness assessment.

The introduction of body worn video (BWV) in many forces provides an opportunity to improve recording of demeanour. As highlighted by one practitioner: 'BWV recording of initial contact is fantastic. No one can argue with video ... BWV is another witness. It supports victimless prosecutions.'

Children and vulnerable adults

Children and vulnerable adults will be referred to specialist officers if they are to be interviewed, but first responders frequently come across such vulnerable individuals in a response situation. The priority in such circumstances is to:

- obtain an account, if necessary, to establish whether an offence has been committed and to obtain sufficient initial detail to address any immediate risk of harm
- assess if specialist involvement is required, for example if the person should be ABE interviewed, and follow relevant local processes

Where the child or vulnerable adult can communicate verbally and it is necessary to ask them questions, these should be limited to those required to achieve the above aims. Asking too many questions at this stage might result in the person experiencing unnecessary stress when they are asked to repeat their account in a formal interview later. It could also compromise their evidence at a later stage by generating trivial inconsistencies between their accounts, particularly if leading questions are inadvertently used.

Communicating with vulnerable individuals

Hints and tips from existing guidance

When taking initial details from a person who has difficulty in understanding, for example, a child or vulnerable adult, consider adapting your questioning style.

- Ask one question at a time and allow the person enough time to finish before asking another. Each question should be simple, focusing on one point.
- Use straightforward words and concepts the witness is likely to understand – avoid abstract words, double negatives and jargon.
- Check the witness understands what has been asked, by asking them to explain back to you what they understand by the question. Just asking 'do you understand' might prompt them to say yes even if they do not understand – for example to please you (if they think it is the answer you are looking for), or as a guess.

Managing and recording reluctance

Practitioners agreed that the first step when dealing with a reluctant witness is to find out why the witness is reluctant and note any information obtained. Recording the nature and reason for

reluctance helps the responding officer take steps to address its cause. It also helps those taking forward the investigation and any prosecution to make decisions about whether to seek a witness summons and whether there is a reasonable prospect of conviction without them.

Supporting a reluctant witness

Hints and tips from the front line

| Cause | What you might do |
|-------|-------------------|
|-------|-------------------|

| | |
|---|---|
| <p>General examples of approaches to reluctance</p> | <p>'Try to find out why. Encourage them. Demonstrate patience. If needs be, try to obtain the information required via another party. For example, they may have already told the call taker all the information that I need at this stage.'</p> <p>'I give them my business card and let them know I am interested in what they have to say. I let them know their information could prove valuable to the outcome of the incident/case. I also let them know I can see them when and where they prefer if it makes them more comfortable.'</p> <p>'Advise how you can help and encourage the witness. "What you are reporting is against the law. You have done the right thing." Don't promise what you can't do. Keep your voice soothing, encouraging, slowly ask them about what prompted them to ring. Talk about something else or yourself, as I find the witness will often talk about the offence if you throw in little questions.'</p> |
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|------------------------------------|---|
| <p>They do not like the police</p> | <p>'Be conscious not to be overbearing. You cannot force someone to be a witness. Remind them that they must have had a reason to call, that they wanted help and that you are now here to try and help.'</p> <p>'If it involves a family member, remind them they are helping their family as opposed to the police, and that they can help bring someone to justice.'</p> <p>'Ask yourself if there is another way of getting the information, for example, through a third party.'</p> |
| <p>They fear repercussions</p> | <p>'I am honest with them about the process they are entering and the fact that there are measures in place within the law to protect witnesses, but they do not always stop criminals from causing problems for the witness. But we would be here for them, should that happen.'</p> <p>'Tell them about special measures which may be available and are designed to protect the witness. For example, using screens in court.'</p> |

They have never been involved with the police before or are afraid of the police

'Tailor the approach to the individual. If a child thought the police were there because they had done something wrong, reassure them that they are not.'

'Familiarise them with the processes. Use explanatory leaflets. Victims and witnesses are not obliged to cooperate but don't take noncooperation at face value.'

Tags

Evidence-based policing