

# Working with victims and witnesses

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A witness is a person, other than a defendant, who is likely to give evidence in court. All victims are also witnesses and should be treated as such. All victims have 'Rights' set out in the [Code of Practice for Victims of Crime](#).

The success of any investigation depends largely on the accuracy and detail of the material obtained from witnesses. Investigators, whether tasked with a volume crime or major investigation, must recognise the individual needs and concerns of witnesses and treat them with dignity and respect. This can have a significant impact on how witnesses cooperate with the investigation and any subsequent prosecution.

## National support for law enforcement agencies

Call the [NCA Major Crime Investigative Support](#) on 0345 000 5463 and speak with an officer for advice and support regarding vulnerable and intimidated witnesses.

The Vulnerability Knowledge and Practice Programme team has introduced a new resource for officers and staff who work with children and young people – see [Voice of the child](#) for information. The team produce reports drawing police practice lessons based on a variety of credible sources: see [November 2022 – Voice of the Child Practice Briefing](#).

## Formal definitions

### Victim

The [Code of Practice for Victims of Crime in England and Wales, November 2020](#) defines a victim as:

- 'a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
- a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.'

A victim is also a witness.

## **Witness**

Black's Law dictionary defines a witness as 'one who sees, knows or vouches for something. One who gives testimony under oath or affirmation, in person, by oral or written deposition or by affidavit'. A witness must be legally competent to testify.

## **Significant witness**

According to [Ministry of Justice \(2022\) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures](#), significant witnesses, sometimes referred to as 'key' witnesses, are those who:

- have or claim to have witnessed, visually or otherwise, an indictable offence, part of such an offence or events closely connected with it (including any incriminating comments made by the suspected offender either before or after the offence) and/or
- have a particular relationship to the victim or have a central position in an investigation into an indictable offence

While significant witnesses are usually defined with reference to indictable-only offences, investigating officers may consider designating witnesses as significant in any other serious case where it might be helpful.

A police officer who has witnessed murder, manslaughter, road death, serious physical assault, sexual assault, kidnap, robberies in which firearms are involved or any criminal attempts or conspiracies in relation to these offences should also be considered a significant witness.

## **Vulnerable or intimidated witness**

The [Youth Justice and Criminal Evidence Act 1999 \(YJCE\)](#) allows special measures for certain groups of witnesses who may be vulnerable or intimidated.

## Section 16

**Section 16** allows special measures for witnesses who are under 18 years of age or in circumstances where the court considers their evidence may be diminished due to that witness experiencing mental ill health, a significant impairment of intelligence and social functioning or where the witness has a physical disability or is suffering from a physical disorder.

## Section 17

**Section 17** allows special measures to be provided on grounds of fear or distress about testifying.

### Special measures

These include the use of video-recorded interviews as evidence-in-chief. They are also eligible to use communication aids, such as computer-aided speech programs and symbols on boards or in books, where necessary.

For further information see:

- [\*\*Ministry of Justice \(2022\) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures.\*\*](#)
- [\*\*Victims' Guide - Support to give your evidence: 'special measures' | The Crown Prosecution Service.\*\*](#)

## Witness management in an investigation

Investigators should consider [\*\*Code of Practice for Victims of Crime in England and Wales, November 2020\*\*](#) when setting the victim and witness strategy.

Three interdependent strategies make up the victim and witness strategy in an investigation:

- [\*\*witness identification strategy\*\*](#)
- [\*\*initial contact strategy\*\*](#)
- [\*\*witness interview strategy\*\*](#)

Investigators should also consider the provision of [\*\*information to victims and witnesses\*\*](#).

## Witness identification strategy

The detection of a large proportion of offences can be attributed to information, intelligence and evidence provided by the public. It is important that investigators recognise this and take action to identify and locate witnesses at the earliest available opportunity.

## Identifying and locating witnesses

Some witnesses may self-present or be self-evident, whereas other witnesses may be more difficult to identify and/or locate. Investigating officers must, therefore, develop clear intelligence-led objectives for identifying witnesses. These will depend on the circumstances of the case but should include identifying settings and communities where witnesses are likely to be found. Communities may be cultural, religious, sporting, occupational, clubs, associations or societies. Resources can then be directed towards identifying witnesses.

Methods for identifying and locating witnesses:

- viewing CCTV
- media appeals
- house-to-house enquiries
- interviews with victims and other witnesses
- suspect interviews
- **financial investigation**
- open-source internet search tools
- social media
- anniversary appeals

## Initial contact strategy

The manner in which investigators approach witnesses, from the point of initial contact, during interviews and through to the conclusion of any subsequent prosecution case, can have a significant bearing on their perceptions of how the criminal justice system operates. Inappropriate or ill-considered methods of dealing with a witness may hamper the investigation and delay or prevent the supply of relevant material to the investigator.

Investigating officers should set objectives to ensure that the members of the enquiry team, and any other police staff who could have initial contact with witnesses, understand the action expected of them when they encounter a potential witness.

## Rewards

If a reward for information has been made public, it should not be highlighted to any potential witness who comes forward. There is a risk that this could be considered an inducement to provide information. Where a witness asks an unsolicited question about a reward, a record should be made of it and the possibility of a subsequent challenge to the integrity of the witness taken into account as part of the overall investigative strategy.

## Witness as a scene

In cases of physical or sexual assault, the investigator has an early opportunity to obtain forensic material from the victim or their clothing, and potentially other witnesses. This material may include body fluids or other cellular or fibre transfers. Early evidence kits ensure opportunities to capture forensic evidence are maximised in investigations into sexual offences.

In such cases, the investigator must balance the victim's medical and welfare needs with the recovery of uncontaminated material for the investigation. The victim may not recognise or understand the significance of the requests for this material.

### Support for investigators

Assistance from specially trained officers (STOs) and using specialist centres, where available, enable the investigator to recover material, while ensuring that victims receive appropriate support and counselling.

If a specialist officer is deployed to assist an investigator, an accurate record must be maintained on the crime report, policy log or file outlining the specific role of the specialist officer. The investigator and the specialist officer need to maintain close contact. This can be achieved by regular meetings to brief and debrief each other.

## Initial accounts

An initial account from a witness can provide material which is likely to progress the investigation and provide:

- the early identification or arrest of a suspect
- the recovery of material connected with the offence
- prevention of the imminent disposal or destruction of material connected with the investigation

- prevention of the commission of other offences.

An initial account can also help with the development of an overall **witness interview strategy** in terms of categorising witnesses as vulnerable, intimidated or significant, and prioritising formal interviews.

### Approach

By adopting a calm, reassuring interview style, investigators can establish the main points of what witnesses know about the incident.

The witness may require medical attention or the presence of a suitable adult and the investigator needs to address this. Common sense has to be applied and the initial account should be limited to obtaining sufficient information to progress the enquiry. The circumstances surrounding the initial account should be recorded, and if the witness is receiving non urgent attention, permission should be obtained from medical staff.

Suitable care and support can then be provided prior to an in-depth interview.

For further information see also:

- **Obtaining initial accounts**
- **Ministry of Justice (2022) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures, paragraphs 2.40 to 2.70**

### Initial risk assessment

Risk assessment begins the moment that the circumstances of the crime are notified to the police and must continue throughout the investigation. Potential risks should be identified and decisions made about how to minimise and manage them throughout the investigation and criminal justice processes. Some of the early risk assessment can be conducted through call taker actions.

The information provided to the call taker can be passed to the initial investigators so that they are fully informed and can continue assessing risk on arrival at the scene.

The [\*\*Code of Practice for Victims of Crime in England and Wales, November 2020\*\*](#) specifies that all victims have a right to be offered support when reporting a crime, this should include, and be linked to an initial needs assessment.

### **Potential risks:**

- the physical health and welfare of the victim or other witnesses
- the suspect(s), who may still be present or in the vicinity and posing a threat
- forensic or other relevant material which may be disposed of, destroyed or damaged
- risk to other potential victims or witnesses caused by the commission of further offences

### **Managing risks**

Having identified the potential risks and assessed the needs of the victim (where appropriate), investigators must manage the identified risks and provide appropriate support. In the early stages of the investigation, this may include providing first aid or access to medical treatment, security and protection. These decisions should be subject to continual review during the investigation. The initial management of risk depends on the scale and complexity of the investigation. In simple cases, risk may be managed by a single officer.

### **Call taker actions:**

- conduct an [\*\*initial victims needs assessment\*\*](#) where appropriate
- prioritise the safety of the victim and any other witnesses
- keep the victim fully updated of the deployment of officers
- if the suspect is still present at the scene, keep the caller on the line as this is a means of monitoring the incident and any background noise will automatically be recorded and can be used as evidence
- if the suspect has left the scene, advise the caller to lock and secure the premises and to return to the telephone. Obtain a full description of the suspect and circulate it to officers in the area

## **Witness reluctance to attend an interview or provide a statement**

A victim/witness may be reluctant to attend an interview or provide a statement. Where this happens, investigators should sensitively try to establish why they are reluctant and, where possible, take steps to mitigate these reasons and provide reassurance. This may include explaining the investigative process and the offences under investigation and emphasising that, if at any time they change their mind, they should contact the officer in the case or named contact. It may also be appropriate to sensitively explain the impact that not attending an interview or providing a statement may have on the wider investigation. This may include not being able to proceed with the investigation or court proceedings.

The investigating officer should agree a contact strategy with the victim/witness, or their nominated representative, to provide updates on the investigation and ongoing reassurance. Where appropriate, the victim/witness should be offered the opportunity to reconsider their decision not to provide an account and/or statement. They should not be put under any pressure to do so.

The investigating officer should make a record of the reasons why the victim/witness is reluctant, and any mitigating action. They should also record all contact with the victim/witness and the content of any discussions.

For further information, see [\*\*Ministry of Justice \(2022\) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures'\*\*](#)

## **Witness interviews**

Interviews are a means by which an investigator can both obtain and impart information. Many witnesses fear the consequences of providing information. They, therefore, need to be confident that the investigator will deal with the information they provide appropriately. If the investigator establishes trust with the interviewee beforehand, they are more likely to give a full and accurate account.

Witnesses should expect that they will be listened to and will receive fair treatment. It is the information provided by witnesses and victims that enables a suspect's version of events to be validated or challenged.

Under the [\*\*Code of Practice for Victims of Crime\*\*](#), victims have a number of statutory Rights, including being told about their role as a witness, and it is important that investigators ensure these

Rights are met.

Witnesses should be interviewed in accordance with the **PEACE model**.

For further information see:

- **Investigative interviewing**
- **NPCC Position Paper – Interviewing Child Witnesses in Major Crime Investigations**
- **Identification of suspects**
- **Code of Practice for Victims of Crime in England and Wales, November 2020**

Where information suggests that a victim or witness may have searched the internet or social media sites to assist them in identifying a potential suspect see **ACPO (2014) Internet Social Media and Identification Procedures**.

## **Witness assessment**

The investigator should assess the needs of the witness to support them to give their best evidence. This must be done prior to conducting an interview. This assessment is necessary to determine whether the witness needs additional support or the category of **vulnerable or intimidated witness** applies.

### **Achieving best evidence**

**Ministry of Justice (2022) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures** provides advice on conducting a witness assessment, which should include their:

- availability to attend court
- need for specific assistance
- need for support as a vulnerable or intimidated witness

In addition, the assessment should include details of any information provided to the witness under local agreements.

## **Witness interview strategy**

This should be developed at an early stage in the investigation. An interview adviser can help the investigator to develop a witness interview strategy, which should be proportionate to the crime and the witness's needs.

## Elements of the strategy

- Setting objectives – these should be meaningful and realistic, particularly in the case of vulnerable, intimidated and significant witnesses.
- Selecting interviewers – staff selected should be competent and appropriate to undertake the interview taking into account the needs of the witness.
- Victim's rights – ensure that the victim's Rights under the Code of practice for victims of crime are met.
- Briefing interviewers – they should be informed of their roles as soon as possible and given time to plan and prepare.
- Supporting the interview.
- Debriefing the interviews – if required, they should be debriefed to establish the information obtained, how the account fits in with other available material, whether any action needs to be taken and what further enquiries are necessary.
- Supplementary interviews – these should only take place when they are essential for the purpose of eliciting additional information or clarifying contradictory information of significance to the investigation. Consideration should be given to whether holding such an interview would be in the witness's best interest, and the Crown Prosecution Service (CPS) should be consulted where appropriate. The reason for conducting supplementary interviews should be recorded.
- Continued risk and needs assessment.
- Point of contact.

## Video of witness interview

Video-recording key or significant witness interviews should be considered in cases of:

- murder
- manslaughter
- road death
- serious physical assault
- sexual assault

- kidnap
- robberies in which firearms are involved
- any criminal attempts or conspiracies in relation to the above listed offences

For further information see [\*\*NPCC \(2015\) Advice on the Structure of Visually Recorded Witness Interviews \(Third Edition\)\*\*](#).

## Welfare issues

Investigators tasked with interviewing a witness should consider the welfare needs of the witness throughout.

Factors to consider:

- age and mental capacity of the witness (legal requirements dictate how material can be obtained from individuals)
- the emotional health and welfare of the witness
- the language skills of the witness (interpreters should be used in accordance with local guidelines)
- whether a witness intermediary is required through the [\*\*witness intermediary scheme\*\*](#)
- how to prevent further offences from occurring, such as [\*\*witness intimidation\*\*](#)

See also victim's Rights under the [\*\*Code of Practice for Victims of Crime\*\*](#).

Third-party support may be beneficial to some witnesses, provided that the support is unconnected with the investigation.

For additional advice when interviewing vulnerable witnesses with communication needs see [\*\*Advocates Gateway toolkits\*\*](#).

## Witness intermediary scheme

All witnesses considered to be vulnerable can obtain help from an intermediary. An intermediary can be appointed at any stage (but should be appointed as early as possible before the interview) if it becomes apparent that there is a communication issue, and appointing one will make the difference between a vulnerable witness giving their best evidence, or not communicating at all.

An intermediary is likely to improve the quality of the witness's evidence, and should be considered if the witness appears unlikely to be able to recognise a problematic question or, even if able to do

so, may be reluctant to say so to a questioner in a position of authority.

Intermediaries can provide advice to investigators to help achieve more productive interviews, including:

- how a witness communicates
- their level of understanding
- how it would be best to question them to get the best evidence
- types of questions to avoid
- how long the witness will need to answer a question

They are impartial, and can help a witness to understand the questions they are asked and can communicate the witness's responses, if required.

The scheme provides access to registered intermediaries. It offers:

- access to the national vulnerable witness and intermediary adviser
- a matching service to find the best intermediary for a witness

It can be accessed via the NCA [\*\*Major Crime Investigative Support\*\*](#).

For further information see:

- [\*\*Lexicon Limited \(2014\) Making the Most of Working with an Intermediary: Toolkit 9, November 2014\*\*](#)
- [\*\*Code of Practice for Victims of Crime, Right 4\*\*](#)
- [\*\*CPS \(2020\) Special measures\*\*](#)

## **Witness intimidation**

### **Ministry of Justice (2011) Vulnerable and Intimidated Witnesses A Police Service Guide**

considers witness intimidation and the potential responses to it. Early identification of actual or potential intimidation means that witnesses can be offered a service tailored to their requirements, making it more likely that they will give evidence in court.

Victims are also eligible for enhanced rights under the [\*\*Code\*\*](#), where the service provider considers that the quality of evidence will be affected because of fear or distress about testifying in court.

The table below lists a number of situations and potential actions to consider.

<b>1. Life threatening intimidation</b>	Formal witness protection scheme, application for special measures in court – for example, screens and live television link.
<b>2. Non-life threatening intimidation</b>	National witness mobility scheme, application for special measures in court.
<b>3a. Low level intimidation or harassment</b>	Witness security and support, application for special measures in court.
<b>3b. Fear of low level intimidation</b>	Witness security and support, consider application for special measures in court.
<b>3c. Fear of the court system or procedure</b>	Explanation of court system/procedure (possibility of applying for special measures in court in some instances – for example, elderly and frail witnesses.

Whatever action is taken, officers should be careful to avoid any suggestion that inducements have been offered in return for the witness's testimony.

## **Witness protection**

Where there are fears that a witness may be intimidated, investigators, working in conjunction with the CPS, can develop a witness care strategy designed to protect the witness from intimidation or harassment. This can include protecting the identity of the witness during the investigation, the early stages of the prosecution process and, in certain exceptional circumstances, through the trial itself.

### **Local measures**

There are a number of local measures which investigators can employ to improve security and provide protection. These include:

- providing a 'Homelink' alarm system

- upgrading security at the home address
- temporary relocation
- entries on briefing and intelligence systems

Investigators can obtain assistance with these interim measures from local crime reduction advisers and neighbourhood policing teams. Some local authorities also provide access to resources to deal with witness protection issues.

## Reluctant witnesses

These are people who are believed to have witnessed an offence, part of an offence or events closely connected with it, but are reluctant to become involved in the investigative process. Initial actions should try to establish the reasons for the witness's reluctance so that attempts to address the issue can be made.

Reasons for reluctance:

- adverse perceptions of the police or criminal justice process
- fear of an alleged perpetrator
- concern about the response from the community where they live
- worries about their identity being released
- uncertainty about the process

Reluctant witnesses should be given an outline of the offence(s) being investigated. The specific details of the allegation, or particulars about what the witness may have seen, should not be discussed. In addition, no pressure should be applied to encourage the witness to talk to the police or to give evidence. The function of the investigator in these circumstances is simply to provide enough information to allow the potential witness to decide whether to assist or not. Records should be kept of any contact and anything said.

The investigator should liaise with the CPS once they are aware that the witness is reluctant to attend court to give evidence, as the prosecutor may be able to apply for a witness summons to secure their attendance.

## Hostile witnesses

These are people believed to have witnessed an offence, part of an offence or events closely connected with it, but who are opposed to the investigative process and/or biased against the examining party. The reasons for their opposition might include their lifestyle or they may have a close relationship with the alleged perpetrator and intend to appear in court as a defence witness.

Some of these witnesses may simply refuse to cooperate with the police, others might provide false information intended to support the alleged perpetrator's account.

Records must be kept of all interactions with hostile witnesses, regardless of the reason for their hostility and the extent of their cooperation. Where hostile witnesses consent to an interview, it should be video-recorded, unless they object to this.

## **Witness refusal to make a statement**

Investigators should bring to the attention of the CPS details of any witnesses who have been interviewed but have refused to make a statement.

The investigator should outline the details of the material the witness has provided and copies of any notes made or statements compiled which the witness has refused to sign. The investigator should also provide the CPS with all the information provided by the witness which may account for their refusal to provide a statement. This may become crucial if the witness is later called as a defence witness.

## **Information to victims/witnesses**

Investigators must support witnesses by providing them with relevant information about the progress of the investigation and of any key decisions or significant developments throughout the investigation. Victims must be provided with information within specific timescales set out under the **Victim's Code**. Witnesses must always be provided with the following details:

- the name of the investigating officer
- contact details for the investigating officer
- crime or incident reference number

The Victims Code of Practice specifies that victims must be provided with information and where applicable explanations at each of the following key decision points within five working days (one

working day under enhanced rights):

- suspect arrested
- suspect interviewed under caution
- suspect released without charge
- suspect released on police bail or under investigation
- bail conditions changed or cancelled
- suspect charged
- decision not to investigate
- decision not to prosecute
- decision to administer an out of court disposal

## Victim and witness support

Investigators must recognise the impact that being a witness to a crime or event can have on an individual. They may feel shocked, traumatised, vulnerable or intimidated by the experience.

Invariably, all witnesses will require a degree of help from **sources of support** during any investigation.

Adopting a calm, reassuring approach and providing information about organisations that give support can assist in alleviating the witness's anxiety and fears. As the case progresses, the witness may receive additional help and support from the **Witness Service** (which includes **Victim Support**). This is run by volunteers and offers:

- information on what takes place at court
- emotional support and confidential advice
- a familiarisation visit to the court
- courtroom support for the witness

Police officers who are witnesses are not immune to similar fears and anxieties, especially when they have witnessed traumatic or unusual events. Force welfare departments can provide advice and guidance to officers in these circumstances.

For further information see:

- **Victim Support (2011) Left in the Dark: Why Victims of Crime Need to Be Kept Informed**

- [\*\*Getting support as a victim of crime\*\*](#)
- [\*\*Easy read victims' guides\*\*](#)

## Victim personal statement

A victim personal statement explains, in a victim's own words, how a crime has affected them, whether physically, emotionally, financially or in any other way. It can help service providers consider what additional support a victim and/or their family may require. A victim has the Right under the Victim's Code to make a Victim Personal Statement. See [\*\*Right 7\*\*](#) for further detail.

## Sources of support

In some circumstances, this support may be provided by verbal reassurances from a named investigator, family members or close friends.

In more serious investigations, support may also be provided by deploying specially trained officers, such as a:

- [\*\*family liaison officer\*\*](#) (FLO)
- sexual offence liaison officer/specially trained officer
- domestic violence officer and/or coordinator
- neighbourhood policing officer and/or police community support officer

There are also a number of organisations that provide valuable services to witnesses, including:

- Victim Support schemes – including the [\*\*witness service\*\*](#), [\*\*victim focus scheme\*\*](#) and [\*\*victim support homicide service\*\*](#).
- sexual assault referral centres
- social services
- health service
- race equality councils
- gay and lesbian support groups
- religious organisations or groups
- [\*\*Embrace child victims of crime\*\*](#)

For further information see:

- [\*\*Provision of Therapy for Child Witnesses Prior to a Criminal Trial\*\*](#)
- [\*\*Compensation\*\*](#)

## Witness anonymity

The [\*\*Coroners and Justice Act 2009\*\*](#) covers persons for whom anonymity is needed to protect their safety (including where intimidation is feared) or the safety of others, or to prevent serious damage to property, or in order to prevent real harm to public interest. It re-enacts the provisions of the Criminal Evidence (Witness Anonymity) Act 2008.

The Act allows the courts to continue to grant anonymity to witnesses (where this is consistent with a defendant's right to a fair trial and where certain conditions are met) through witness anonymity orders (WAOs). Further information is provided in [\*\*CPS \(2009\) The Director's Guidance on Witness Anonymity\*\*](#).

It also allows the courts to grant [\*\*investigation anonymity orders \(IAOs\)\*\*](#) to persons from the early stages of the criminal justice process (where certain conditions are met).

IAOs and WAOs serve different purposes at different stages of the criminal justice process.

## Investigation anonymity orders

Encouraging potential witnesses to come forward and provide a statement with a view to giving evidence at trial is widely acknowledged to be one of the most difficult aspects of successfully prosecuting crimes of murder/manslaughter, particularly where guns or knives have been used.

IAOs can be used during an investigation of a gang-related death caused by a gun or knife where potential witnesses are actively being sought. These orders are designed to reassure witnesses that their identity will be protected during and after the investigation.

For further information:

- [\*\*ACPO \(2010\) Criminal use of Firearms Briefing Paper Anonymity in Investigations: Investigation Anonymity Orders\*\*](#)
- [\*\*Witness protection and anonymity: The Crown Prosecution Service\*\*](#)

## Family liaison

The Stephen Lawrence Inquiry was a catalyst for a change in how the police support bereaved families of victims. Family liaison has developed substantially since its inception, and there have been some defining and tragic cases. Reviews of such cases have allowed the police service to reflect and continually improve its service to bereaved families.

Family liaison deployment is one of the most important aspects of an investigation. Family members should be engaged in a professional and compassionate way, with respect for their beliefs and customs, subject to the requirements of the investigation. Those performing family liaison roles should act with the highest degree of professionalism and integrity.

The principles set out in the [\*\*Code of Practice for Victims of Crime in England and Wales, November 2020\*\*](#) underpin the police service's commitment to families.

In this context, the word 'family' includes partners, parents, siblings, children, guardians and others who may not be related, but who have a direct and close relationship with the victim.

See also [\*\*College of Policing \(2021\) Charter for families bereaved through public tragedy.\*\*](#)

Family liaison can be used across a broad spectrum of investigations, including:

- murder and manslaughter
- fatal road traffic collisions
- mass fatality incidents
- rail fatalities
- critical incidents where family liaison might enhance the effectiveness of the police response

The deployment of a family liaison officer (FLO) is determined by a police investigation, not because a crime has been definitively determined.

## **Aims of family liaison**

The primary role of a FLO is as an investigator. The FLO will be responsible for gathering the evidence from the family that will assist the investigation.

The key aims are:

- to secure the confidence and trust of the family, thereby enhancing their contribution to the investigation (this can positively impact the wider issues of community trust and confidence, as well as bringing positive benefits to the investigation)
- to gather material from the family in a manner that contributes to the investigation and preserves its integrity
- to work with the family in order to comply with their Rights to receive all relevant information connected with the enquiry, subject to the needs of the investigation, in a way that is proportionate to their fundamental right to respect for their privacy and family life
- to ensure that the family are given information about support agencies and that appropriate referrals are made to:
  - the Homicide Service
  - victim and witness support
  - the NHS and social services
  - credible support charities, in accordance with the family's consent and wishes

## Family liaison strategy

The senior investigating officer (SIO) is responsible for setting the family liaison strategy. FLOs and family liaison coordinators (FLCs) should work to the strategy's aims and objectives.

In setting the strategy, the SIO should consider:

- the requirements of the investigation
- the needs of the family
- the selection, deployment, supervision and management of the FLOs

The SIO is responsible for the risk assessment of all FLO deployments. For further information, see the [NPCC \(2021\) Major Crime Investigation Manual \(MCIM\)](#).

Under [the Victims Code, Right 4](#) bereaved close relatives have the right to a family liaison officer.

## Objectives for a family liaison strategy

The trauma associated with a sudden and violent death places the family of a victim under immense personal pressure at a time when the investigation could be making significant demands

for detailed information. Family liaison is underpinned by sensitivity, compassion and respect for the family's needs and requirements. It should be understood that the family may be dealing with a range of very challenging issues at this time as well as their bereavement.

Initial priorities should be to establish the needs, requirements and communication channels with the family, to allow information to be gathered and to provide them with any information or help they require, taking the needs of the investigation into account.

The following objectives should be considered as part of the FLO strategy.

- Gather evidence and information from the family in a manner that contributes to the investigation and preserves its integrity.
- Provide information to the family, subject to the needs of the investigation, and in a way that respects their human rights and the need for dignity.
- Provide the family with information about support that is available and, where appropriate, make referrals to relevant support services with the consent of the family, in accordance with the Data Protection Act 2018 and General Data Protection Regulation (GDPR).
- Explain coronial and victim identification procedures, and criminal justice processes, to the family.
- Explain the police communication and media strategy, and assist the family in managing the potential impact that the media may have on them and the investigation.
- Ensure the health and wellbeing of family liaison officers.
- Manage the conclusion or withdrawal of family liaison deployments

The SIO should ensure that FLOs remain focused on achieving the strategic objectives set for them. It is only when these objectives are met that the FLO will conclude their deployment.

The FLO should meet the family at the earliest opportunity. They should clearly explain their role and introduce the most relevant agencies that can help a family, as early care is important. This will help to manage the family's expectations, help them to understand the point at which the FLO will conclude their deployment, and give them a route to support that is relevant to their bereavement.

In murder cases that result in an acquittal at court, the police and the Crown Prosecution Service (CPS) have agreed to comply with national standards of support to families and a review of the investigation (see the CPS publication '[\*\*Justice after acquittal – National standards of support\*\*](#)').

## Victimology

A key responsibility of the FLO will be to develop a full victimology or lifestyle information about the person who has died. Understanding the lifestyle of a victim may help the investigation to identify evidential opportunities, including any link between the suspect(s) and victim(s), and to establish the reason for their death. The level of detail required will determine the information sought from the family.

## **The roles within family liaison**

### **Strategic lead**

A senior leader in each force should take strategic leadership for family liaison. They should ensure an efficient and effective family liaison response, including the deployment of FLOs to bereaved families.

### **Senior investigating officer (SIO)**

The SIO is responsible and accountable for all aspects of the investigation. This includes setting the family liaison strategy, the selection and deployment of FLOs, and supporting and supervising the FLOs.

### **Senior identification manager (SIM) – In cases of mass fatality**

The SIM is responsible for overseeing the recovery and identification process. They will work closely with the coroner to prepare evidence for the Identification Commission and the SIO.

### **Family liaison coordinator (FLC) and family liaison advisor (FLA)**

The FLC manages the deployments of FLOs and FLAs within a police service, and is responsible for providing or arranging support, guidance and development opportunities for those involved in family liaison.

The FLA will be responsible for deploying FLOs and will report to an SIO, FLC or lead FLA.

### **Family liaison officer (FLO)**

The primary purpose of an FLO is to be an investigator and to secure the confidence and trust of families of victims of murder or manslaughter, road fatality, mass disaster, rail fatality or another critical incident. A FLO's role is to gather evidence and information from the family, to contribute to the investigation and preserve its integrity. The FLO also provides support in a sensitive and compassionate manner, ensuring that family members are given timely information in accordance

with the needs of the investigation, including timely referrals to relevant support agencies.

Professional role profiles for the FLC, FLA and FLO can be found on the [College of Policing website](#).

## Information and support for families

The [Code of Practice for Victims of Crime in England and Wales, November 2020](#) sets out the support and information that bereaved families should receive.

FLOs should also ensure that they comply with the requirements of the Code when obtaining evidence from families, and that they act in compliance with [Ministry of Justice \(2011\) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures](#).

When gathering information from the family, the FLO should consider the following questions.

- What is known?
- What do we want to know?
- Are the family entitled to enhanced rights under the [Victim's Code](#)?
- What special measures could the family be eligible for?
- How will the family be interviewed (for example, a statement, audio or visual)?
- What support will the family need after the interview?

Any interviews with a family member should be planned carefully. The plan should set out the objectives for the interview, who will conduct the interview, what support the interviewee will need during the interview and whether any supplementary interviews may be needed (see [Ministry of Justice \(2011\) Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, and guidance on using special measures](#)).

Families must be offered the opportunity to do the following.

- Make a [victim personal statement](#), so that the court understands how the crime has affected them as a family.
- Meet the case lawyer from the CPS, in accordance with the [Bereaved Families scheme](#).

- In cases of murder or manslaughter, bereaved families should be offered access to the [\*\*Homicide Service\*\*](#) to help them understand what to expect from the criminal justice system. This service is provided by Victim Support and is funded by the Ministry of Justice. The Homicide Service provides:
  - assistance with the funeral, childcare and/or transportation
  - help to access financial assistance, such as state benefits and compensation claims, and to inform other organisations that there has been a death
  - the offer or commission of specialist services, such as trauma therapy and bereavement counselling

Further victim support will be available through services commissioned by the local Police and Crime Commissioner. Please refer to the local police force website for further information.

In cases of road death, whether it occurred in the UK or abroad, bereaved families should be given the [\*\*National Road Victim Service \(NRVS\) Guide for bereaved families following a death on the road\*\*](#), which offers access to the NRVS through the helpline number referenced on the pack's cover.

Families should also be given additional information depending on their circumstances. These include the following.

- Explaining disaster victim identification – following a mass fatality incident, victim's families should be provided with a copy of the NPCC leaflet, '[\*\*Explaining disaster victim identification in major incidents\*\*](#)'.
- [\*\*Ministry of Justice Victim and witness information website\*\*](#) – for victims and witnesses of crime in England and Wales. It provides [\*\*information on what happens after a crime has been reported\*\*](#), the people they might meet, the support they should be given and how to complain if something goes wrong.
- [\*\*Brake Road Safety Charity\*\*](#) – in addition to the [\*\*NRVS\*\*](#), [\*\*Brake\*\*](#) provides information and advice for bereaved families following death on the road. A Freephone, confidential support service providing emotional support, information and advocacy is also available for families bereaved by fatal road crashes (helpline: 0808 8000 401).
- [\*\*RoadPeace\*\*](#) – [\*\*RoadPeace\*\*](#) provides information and support services to people bereaved or seriously injured in road crashes (helpline: 0845 4500 355).

- **Family Liaison and Co-ordination of Support Services (FLACSS) – FLACSS** is a network of organisations who help those affected by murder and manslaughter, fatal road collisions, mass disasters and terrorism.

## Further information

NPCC have produced a range of practice advice notes to support FLO delivery:

- [The roles and structures of family liaison](#)
- [Strategies, briefings, tasking and withdrawal](#)
- [Evidence gathering, victimology and information sharing/working with the family](#)
- [Identification, visiting, inquests, organ and tissue donation](#)
- [Risk management and assessment](#)
- [Supporting and welfare considerations](#)
- [Deployment to reports of child death](#)
- [Deployment to reports of missing persons](#)
- [Family liaison and independent legal advice](#)
- [Next of kin: glossary of terms](#)
- [Deaths abroad](#)
- [NPCC and Independent Office for Police Conduct Information for police family liaison officers and IOPC family liaison managers and co-ordinators](#) (you will need to log in)
- [NPCC Guide for family liaison: Ante mortem - DVI handbook](#) (you will need to log in)

## Family liaison strategy templates:

- [Family liaison initial strategy](#) (you will need to log in)
- [Family liaison strategy](#) (you will need to log in)
- [Family liaison strategy continuance](#) (you will need to log in)
- [Family liaison risk assessment](#) (you will need to log in)
- [Family liaison strategy for visiting or viewing material](#) (you will need to log in)
- [Family liaison withdrawal strategy](#) (you will need to log in)

The Crown Prosecution Service have published [guidance on working with witnesses](#) which provides further information on support.

## Tags

Investigation   Victim care