

Defendants as victims – a scoping review of vulnerability, victimhood and safeguards from charge to conviction

A scoping review of current law, policy and empirical research on defendants in criminal cases who are also victims of crime.

Key details

Lead institution	University of York
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Police region	North East
Level of research	Professional/work based
Project start date	October 2023
Date due for completion	October 2024

Research context

This project is a scoping review of current law, policy and empirical research on defendants in criminal cases who are also victims of crime. The project will inform the Law Commission's work on 'victims as defendants' by identifying gaps in the current framework of safeguards for vulnerable suspects and defendants who are also victims of crime. It will examine the case for law reform in this area and whether particular areas of law warrant further examination by the Law Commission.

The proposed project will go beyond the existing literature by exploring:

- how vulnerability and victimisation can affect a suspect's or defendant's ability to mount an adequate defence
- how the criminal justice process may exacerbate existing vulnerabilities or result in re-victimisation

It will examine whether there is value in viewing suspects and defendants through the lens of victimhood, or whether a broader concept of vulnerability is apt to capture the impediments to justice faced by suspects and defendants. The project will further investigate how far the concept of victimhood should extend in respect of defendants. Finally, it will identify priority areas for law reform.

Research questions

- What vulnerabilities are present at the different stages of the criminal justice system, from arrest to conviction?
- What safeguards are there for victims and vulnerable witnesses? How do these compare to the safeguards for vulnerable suspects and defendants?
- What gaps or shortcomings are there in current safeguards? Should the law extend further safeguards to suspects or defendants?
- How far should the scope of victimhood extend in respect of suspects and defendants? What temporal limits should be placed on victim status?
- Should the needs of vulnerable suspects and defendants be addressed through the lens of victimhood, or is a broader lens of vulnerability more apt?

Research methodology

The scoping project will be led by a postdoctoral research associate (PDRA), under the supervision of both lead investigators and in collaboration with the Law Commission. The PDRA will undertake a thorough review of the academic literature, including grey literature, and analyse existing policy, legislation and case law relating to safeguards for victims, vulnerable witnesses and vulnerable suspects or defendants. The PDRA and lead investigators will meet with external stakeholders to elicit views and evidence to support the team in shaping and answering the research questions.

Stakeholders include:

- His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)
- Ministry of Justice

- Home Office
- Crown Prosecution Service
- HM Courts and Tribunals Service
- providers of court intermediary services (for example, Communicourt, Triangle, Intermediaries for Justice)
- criminal justice charities and user groups (for example, the Howard League for Penal Reform, Prison Reform Trust, User Voice)
- mental health charities and user groups (for example, Rethink, Mind)

Tags

- [Criminal justice](#)