

November 2006

Working with Intimidated Witnesses

A manual for police and practitioners
responsible for identifying and supporting
intimidated witnesses

CRIMINAL JUSTICE SYSTEM



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Introduction

This manual is designed for use by the police, Witness Care Units (WCUs), the Crown Prosecution Service and voluntary support organisations to help bring more cases to justice and improve confidence in the criminal justice system. It outlines strategies for effectively identifying, managing and supporting intimidated witnesses through the criminal justice system.

This guidance has been produced taking into account the Victims' Code and forthcoming Witness Charter and should help you meet your obligations under the Code for intimidated victims who are also witnesses.

Over the last decade, various pieces of research have consistently shown that intimidation occurs in just under 10 per cent of reported crime and 20 per cent of unreported crime. But in many more cases, witnesses will fear intimidation, and this will prevent them from reporting a crime, coming forward as a witness to a crime, or continuing to help in a prosecution.

The number of cases for perverting the course of justice (which includes witness intimidation) has increased significantly in recent years and convictions for witness intimidation offences rose by over 30% between 2000 and 2005, suggesting intimidation is on the increase.

Witness intimidation may involve

“Threats to harm someone, acts to harm them, physical and financial harm; and acts and threats against a third party (such as a relation of the witness), with the purpose of deterring the witness from reporting the crime in the first instance or deterring them from giving evidence in court.”

Home Office, *Speaking up for Justice*

Witness intimidation is an offence (see section 51, Criminal Justice and Public Order Act 1994), and can occur before the crime is reported, during the process of investigation, or even after the case is heard in court.

Key abbreviations

WCU – Witness Care Unit, **CJS** – Criminal Justice System

CPS – Crown Prosecution Service, **OIC** – Officer In Case

NWMS – National Witness Mobility Scheme, **BME** – Black and Minority Ethnic

The scope of this manual

This manual is primarily concerned with identifying and supporting witnesses experiencing the more common forms of intimidation included in **category 3** (see opposite), which you are likely to come across on a daily basis.

Witnesses include both witnesses and victims of crime.

The manual is particularly focused on:

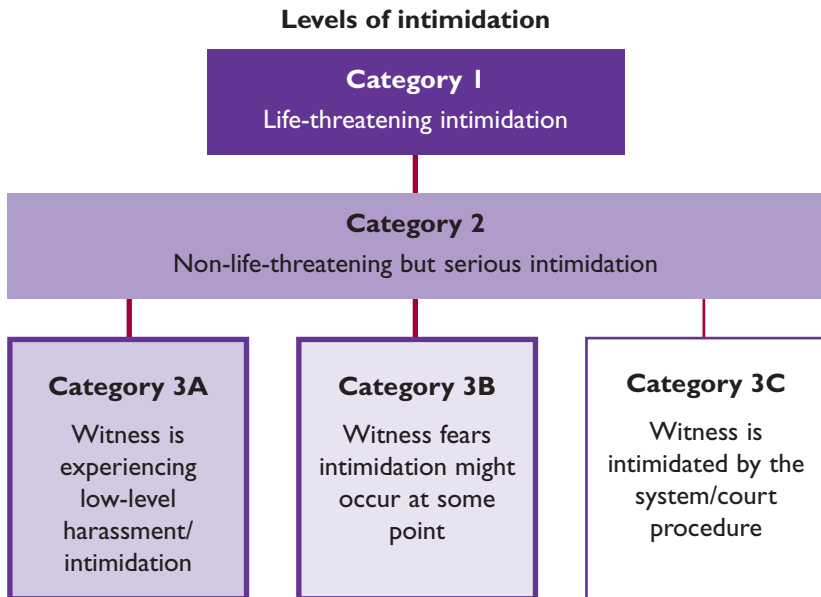
- > **category 3A:** witnesses **experiencing** low-level harassment, threats and anti-social behaviour by the offender or his/her family or associates; and
- > **category 3B:** witnesses who are **afraid** that they might be threatened or harassed at some point in the future as a result of speaking to the police/giving evidence in court.

Witnesses in categories **3A** and **3B** may be eligible for Special Measures.

This manual will also help you to identify and manage category **3C** witnesses – those who are simply intimidated by the criminal justice system. However, the primary purpose of this manual is to help you to support witnesses who feel intimidated by the perpetrator or their associates, rather than those who have more general concerns about the process.

Witnesses experiencing more serious levels of intimidation may be eligible for the support of special units within the police force, and will be managed in accordance with ACPO guidelines on witness support in addition to the practices outlined in this document.

Intimidation framework



Witnesses in categories **3A** and **3B** may be eligible for Special Measures.

This framework is described in more detail on page 13.

The nature of intimidation

Witnesses who fear or experience intimidation are more likely to either drop out of the process before a case reaches court, or fail to report a crime in the first place.

It is therefore vital that the police, WCUs and support organisations work together to understand the needs of each witness and the nature of any potential intimidation, so that they can take appropriate action and offer effective support.

Why do people feel intimidated?

Intimidation can take a number of forms, from assault and property damage to threats and verbal abuse, to simply staring at a person from across the room. Witnesses can feel intimidated by what they read or hear in the media. Even the smallest and apparently insignificant actions can make some witnesses feel uncomfortable, which could be enough for them to drop out of the process.

People can feel intimidated for a number of reasons:

- > They think the perpetrator or their associates represent a threat to them.
- > They fear reprisals or isolation from their friends or community for reporting the crime.
- > They do not have confidence that the police can help or protect them.
- > They, or their friends or family, have previously had a bad experience with the CJS, or have experienced intimidation in the past.
- > They simply feel emotionally vulnerable and at risk.
- > They have already experienced reprisals from the perpetrator or their associates.

Special Measures: intimidated or vulnerable witness?

While both intimidated and vulnerable witnesses may be eligible for Special Measures to make it easier for them to give court evidence (including giving evidence via video link, or having a screen around the witness box), it is essential to draw a distinction between intimidated and vulnerable witnesses.

Intimidated and vulnerable witnesses are not the same and do not have the same requirements. For instance, intimidated witnesses have specific needs for security and protection that vulnerable witnesses generally do not share. However, some witnesses, due to their individual circumstances will be both intimidated and vulnerable.

The Youth Justice and Criminal Evidence Act 1999 states that:

Vulnerable witnesses in any one of the following categories are eligible for Special Measures:

- > Children under 17.
- > Individuals suffering from a mental disorder or significant impairment of intelligence and social functioning.
- > Witnesses with a physical disability or suffering from a physical disorder.

Intimidated witnesses can be eligible for Special Measures either because:

- > they are victims of sexual offences; or
- > they are in fear or distress as a result of intimidation, which may reduce the quality of their evidence.

Witnesses eligible for Special Measures on the basis of potential intimidation will usually be category 3A or 3B witnesses.

- > For more information on Special Measures, please see guidance *Achieving Best Evidence in Criminal Proceedings* which is available at www.homeoffice.gov.uk

What can you do?

Every case is unique, and the reasons for fearing intimidation, as well as the appropriate means of stopping it, will vary from witness to witness.

Ultimately, however, an intimidated witness has three key needs:

- > **Safety:** they need to feel secure and protected, knowing that everything has been done to minimise the risk of intimidation to themselves and their families.
- > **Information:** they need to know what is happening with the case, and not be kept 'in the dark' about its progress.
- > **Support:** they must not feel isolated; they need easy access to people and services that can support them and enable them to stay engaged with the process.

Individual approach

It is vital to assess the needs of each witness on an individual basis, and take the appropriate measures to protect, inform and support the witness based on the unique requirements of each case. The intimidation scorecard included in this manual (page 16) is a guide to help you to do this, allowing you to assess the risk of intimidation for each witness.

Working together

The police, WCUs and voluntary support organisations all have a role to play in helping a witness to feel safe, informed and supported. By working together to manage the witness experience, more will stay engaged in the court process, and ultimately public confidence in the CJS will increase.

The various steps and measures available to manage intimidated witnesses are included in the witness journey section of this manual (page 20).

Identifying intimidation

Many witnesses will experience some sort of intimidation, even if it is just the fear that they might be harassed. Whether real or 'imagined', fear of intimidation can still be a major barrier stopping a witness from reporting a crime or giving evidence. It is also important to remember that just because a witness hasn't been intimidated yet, doesn't mean they won't be in the future.

A recent Home Office evaluation of Special Measures suggested that the proportion of possible intimidated witnesses involved in the research was estimated at around 54% yet only 3-6% were identified as such by criminal justice agencies.

Using the tools in this section of the manual will help you to identify witnesses who might feel intimidated. They will help you to offer witnesses a better service depending on their individual requirements, making it more likely that they will be willing to give evidence in court, if required.

Types of intimidation: a framework

There are many different types of intimidation. Some witnesses may be at serious risk of life-threatening intimidation as a result of reporting the crime or coming forward as a witness to a crime. Others might simply be intimidated by the experience of going to court.

The following framework outlines three broad categories of intimidation, each requiring a unique response from the range of organisations involved in witness management and care.

This manual is predominantly concerned with the more common forms of intimidation outlined in categories 3A and 3B. However, for every witness you work with, think about which category the witness falls into. The framework on the opposite page and the witness classification tool in this section will help you to do this.

Agencies need to be alert to the fact that circumstances could lead to an escalation in the threat to an intimidated witness at any stage of the process so that they become a category 1 or 2 witness and urgent action has to be taken.

Category 1

Life-threatening intimidation

Action: Witness Protection Schemes
Specialist Police Support (e.g. NWMS)

Category 2

Non-life-threatening but serious intimidation/harassment

Action: Specialist Police Support (e.g. NWMS), suspect remanded in custody, Special Measures in court, bail conditions, target hardening

Category 3A

Witness has experienced low-level harassment/intimidation

Objective: stop the intimidation, witness security and support

Involved parties:
Police, CPS, WCU,
Voluntary Organisations,
Housing and ASB Unit,
Victim Support

Includes (potentially):

Special Measures in court, ASB measures, charging the intimidators, suspect remanded in custody or subject to bail conditions, temporary house move, locks, alarms, CCTV

“They haven’t done anything drastic – a bit of name calling and staring, but it is getting to the point where I am frightened to leave home.”

Category 3B

Witness fears intimidation might occur at some point

Objective: help the witness feel secure and supported

Involved parties:
Police, CPS, WCU,
Voluntary Organisations,
Victim Support

Includes (potentially):

Special Measures in court, locks, alarms, plain-clothes police visits, police contact number, conditions on bail, etc

“Well, they haven’t done anything yet, but once word gets out – and it will around here – I’m not sure what they’ll do. I have to walk past their flat most days!”

Category 3C

Witness is intimidated by the process/system/court procedure

Objective: ensure the witness understands their role in the process and that they are valued

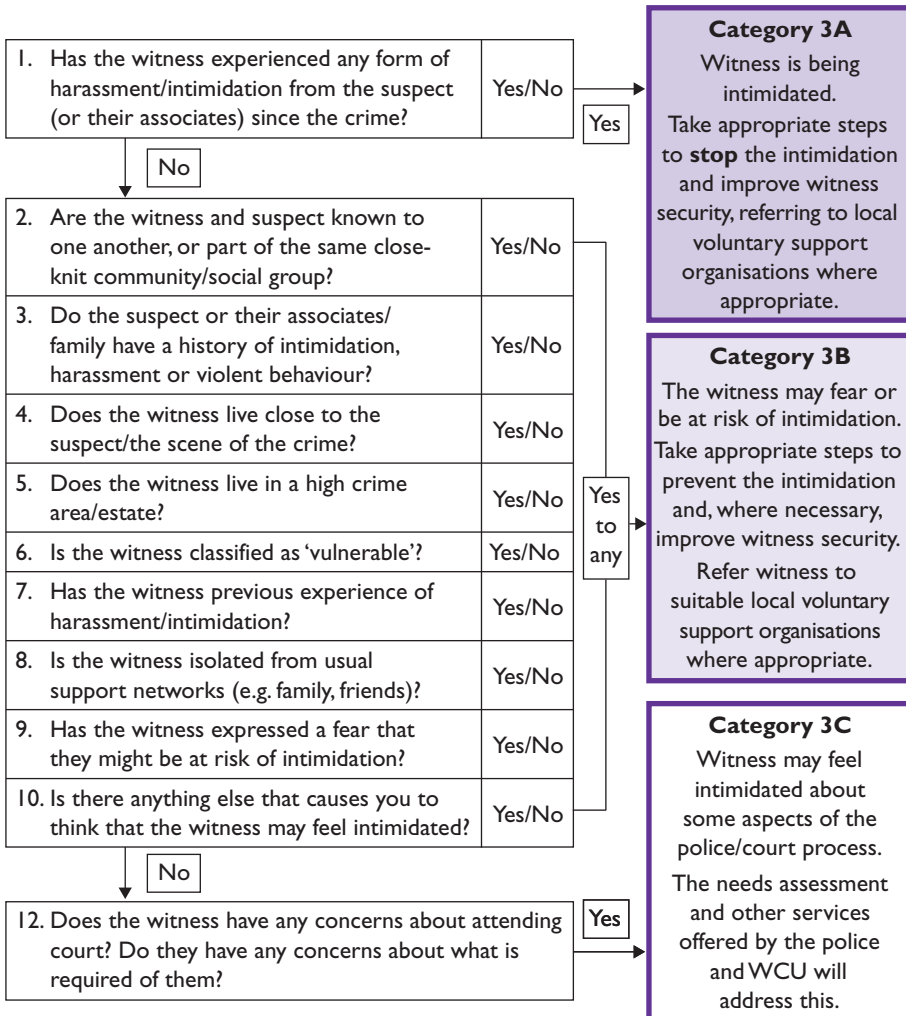
Involved parties:
Police, CPS, WCUs,
Courts, Witness Service,
Victim Support

Includes: pre-court visit, keeping up to date with relevant case information, explanation of the witness role, etc

“What is going to happen? I don’t really like the idea of standing up and talking in front of people, and the idea of cross-examination is pretty intimidating.”

Witness classification tool

The following questions will help you to identify the type of intimidation the witness is experiencing, enabling you to take appropriate action.



Risk assessment: intimidation scorecard

The following scorecard allows you to assess the extent to which a witness is at risk of experiencing intimidation. It takes into account a number of factors that are proven to increase the risk of intimidation. It will allow you to:

- > identify the factors that are putting the witness at risk; and
- > tailor the support you offer based on these factors in order to reduce the risk of intimidation.

This will help you to lower the risk of intimidation. The lower the risk, the more likely it is that the witness will remain engaged in the criminal justice system.

When to use

This scorecard can be used every time you encounter a witness to a crime, so that you may tailor your actions and support appropriately.

How to use

- 1) Using your understanding of the witness's case and circumstances, circle the answers that best match the witness's situation.
- 2) If you do not know the answer to any of the questions, try to gain this information from the witness, or use your own judgement.
- 3) Once you have completed the eight questions, add up the scores.
- 4) Using the score as a guide, use the scale to determine if the witness is at high, medium or low risk of intimidation.
- 5) Given this rating, combined with your own judgement, take appropriate action to reduce the risk of intimidation to the witness.

Important!

While this scorecard can be used when in front of the witness, care should be taken NOT to add to the witness's concerns by stating that they might be at risk of intimidation!

Focus on the fact that the scorecard will help to identify how best to support the witness through involving the relevant organisations throughout. It is designed to be used as a guide, and the assessment should be considered in combination with your own judgement.

The risk of intimidation

This scorecard is designed to help you identify witnesses who may be at risk of intimidation. Potential actions should be used as a **guide**, and should be used in combination with your own judgement of what support and protection is required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

1. History of intimidation		
a. Does the suspect (or their associates) have a history of or reputation for intimidation or harassment?	6	Suspect or their associates are currently harassing the witness
	4	Suspect or their associates have harassed the witness in the past
	2	Suspect or their associates have not harassed the witness, but have a history or reputation for harassment or violent behaviour
	0	Suspect or their associates have no history or reputation for harassment or intimidation
b. As far as you are aware, has the witness previously been a victim of harassment or intimidation (not from the suspect or their associates), or withdrawn from a previous case?	2	Yes
	1	Unsure
	0	No
2. Witness/suspect relationship		
c. How well do the witness and the suspect know one another?	2	They know each other well
	1	They are 'known' to each other
	0	They do not know each other
d. Are the witness and suspect part of a similar community or social group?	2	They are closely linked by family or friends
	1	They are part of the same community/social group
	0	They are not part of the same community/social group
e. Does the witness live/work close to the scene of the incident?	2	The witness lives/works at the scene of the incident
	1	The witness lives/works nearby
	0	The witness does not live or work near the scene of the incident
3. Witness vulnerability		
f. Has the witness expressed any fear that they might suffer intimidation or harassment as a result of being involved in the case (by reporting the crime, giving evidence in court, etc.)?	2	Yes
	1	No, but they appear nervous about being involved in the case
	0	No, there is no indication that they fear intimidation
g. How would you describe the witness's behaviour?	2	The witness appears nervous and/or traumatised and has concerns about being involved in the case
	1	The witness appears calm but has concerns about being involved in the case
	0	The witness has few concerns about being involved in the case
h. Does the witness have a good support network to draw on (friends, family, etc.)?	2	The witness is isolated from people who can offer support
	1	The witness has a few people to draw on for support
	0	The witness has a close network of people to draw on for support
RI Score (out of 20)		

4. Other factors – use this box to describe any other factors that might make it more likely that the witness will feel intimidated (e.g. language barriers, mental health, case history, etc.).

Based on these factors and your own judgement, adjust the scoring accordingly

Final RI Score



Risk of intimidation

Potential action

Potential actions should be used as a **guide**, and should be used in combination with your own judgement of what support and protection are required in any given situation. All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.

HIGH	20	<p>Police:</p> <ul style="list-style-type: none"> Take practical steps to safeguard the witness's safety and security, referring to Housing or ASB Units where appropriate, e.g. applying for the installation of alarms, CCTV. Apply to CPS for Special Measures on the basis of potential witness intimidation (if desired by the witness). Prioritise contact and support for this witness. Consider remanding the suspect in custody/arrange bail conditions – discuss with CPS. Consider referring to specialist police witness support units. Refer the witness to Victim Support and other support organisations where appropriate.
	19	<ul style="list-style-type: none"> Prioritise one-to-one support for this witness. Prioritise advocacy work with Housing and ASB Unit to improve witness security.
	18	<p>Voluntary organisations:</p> <ul style="list-style-type: none"> Prioritise meeting this witness's needs for support. Check that Special Measures have been applied for. If not, discuss with CPS.
	17	<p>Witness Care Unit (WCU):</p> <ul style="list-style-type: none"> Regularly contact the witness to monitor the situation, alerting the police if you think intimidation is occurring.
	16	<ul style="list-style-type: none"> Liaise closely with Victim Support and Witness Service, and other voluntary support organisations.
	15	
	14	
MEDIUM	13	<p>Police:</p> <ul style="list-style-type: none"> Discuss support options with the witness, referring the witness to Victim Support and other support organisations where appropriate. Take practical steps to safeguard the witness's safety and security – discuss with your supervisor and consider applying for the installation of alarms, CCTV, etc. Consider imposing conditions on bail that will keep the suspect from approaching the witness – discuss with CPS. Consider applying for Special Measures (if desired by the witness) – discuss with CPS.
	12	<p>Voluntary organisations:</p> <ul style="list-style-type: none"> Meet the witness's needs for support. Undertake advocacy work with Housing and ASB Unit to improve witness security.
	11	<p>WCU:</p> <ul style="list-style-type: none"> Offer standard WCU service, being conscious of any changes in circumstances that might give rise to intimidation. Make every effort to ensure that there is no opportunity for witness to be intimidated or harassed at the court.
	10	<ul style="list-style-type: none"> Liaise closely with Victim Support and Witness Service, and other voluntary support organisations. Re-contact the witness and adjust support offered if their requirements have changed (e.g. the risk of intimidation may increase).
	9	
	8	
	7	
LOW	6	<p>Police:</p> <ul style="list-style-type: none"> Where necessary, refer the witness to Victim Support and other appropriate local/national support organisations. Take practical steps to safeguard the witness's safety and security.
	5	<p>Voluntary organisations:</p> <ul style="list-style-type: none"> Offer any necessary support to witness.
	4	<p>WCU:</p> <ul style="list-style-type: none"> Offer standard WCU service, being conscious of any changes in circumstances that might give rise to intimidation. Liaise closely with Victim Support and Witness Service, and other voluntary support organisations.
	3	
	2	
	1	
	0	

Witness/ crime	Case study	Intimidation assessment
Shiri Johnson	Shiri has suffered continual physical abuse from her husband, and finally ended up badly injured in hospital. She was also traumatised after being threatened with a hammer. Shiri finally found the courage to leave her husband – she just couldn't live like that any more.	Witness category: 3A
Victim of domestic violence	<p>The local housing association has moved Shiri into her own flat on the other side of the city, but her husband's family have learnt where she is and often make nuisance phone calls to scare her. Her husband has three times come around to Shiri's flat and tried to forcibly drag her home. Shiri has no family in the UK, and no friends to turn to. When her husband came to drag her home for a third time, Shiri finally reported him to the police, and he has been arrested, but the phone calls from the family haven't stopped.</p> <p>While she wants to stand up to her husband, she has become incredibly depressed. Not only that, but she often questions the morality of what she is doing – is it really right for her to be doing this to her husband?</p>	Risk scorecard result: level 17 (high)
Mrs Greyson	Mrs Greyson is sixty years old and lives alone in her bungalow, though she has family in the area. A group of teenagers on Mrs Greyson's estate have a history of anti-social behaviour in the area, and often hang around in the playing fields at the back of her garden. One night she saw two of them exchange money and a small package, which was later found by the police to contain heroin.	Witness category: 3B
Witness to drug dealing	<p>Mrs Greyson thought it was only right that she come forward and tell the police what she saw, and on the basis of Mrs Greyson's eyewitness account the police were soon able to build a case and charge the dealer. However, Mrs Greyson is really quite scared – she sees the boys around the estate all the time, and had she known it would be her evidence that would lead to them being arrested, she would have never have got involved. She has never been involved in anything like this before.</p> <p>They haven't done anything yet and, in fact, they may not know who Mrs Greyson is, but that doesn't stop her worrying. It is getting to the point where she fears even going to the shop in case she sees them, or their families.</p>	Risk scorecard result: level 12 (medium)
James Taylor	James is from Birmingham, but while visiting friends in Newcastle James saw a fight break out between two men, one of whom pulled a knife. James and his friends had no qualms about getting involved and separating the two men. Unfortunately, they were too late, and one of the men had already been stabbed. James called the police and an ambulance, and pinned the man holding the knife to the ground until the police arrived.	Witness category: 3C
Witness to a stabbing	<p>Back in Birmingham, James has been told that he is likely to be called as a witness. He sees it as his duty to make sure this guy is put away, and he has a large circle of friends and family, so it's unlikely that anyone could seriously threaten or harass him. However, although he wouldn't like to admit it, he isn't very keen on the idea of standing up in front of a lot of people and speaking and he's never been in a courtroom before.</p> <p>If James could find a way to avoid attending court, he would. After all, they have his statement – that's enough, isn't it?</p>	Risk scorecard result: level 4 (low)

Action required

All actions listed are not intended to be an exhaustive list and are for guidance only. There may be other effective interventions that can be undertaken.

Police:

- Arrange for Domestic Violence Officers (or community safety officers) to pay Shiri reassurance visits.
- Remand the suspect in custody until the trial – discuss with CPS.
- Consult witness about suitable Special Measures. Apply to CPS for Special Measures in court.
- Refer to Victim Support.
- Charge perpetrators for witness intimidation offences, or impose an injunction.
- Refer Shiri to domestic violence support organisations, and other organisations that can help her build links in the community.
- Take practical steps to safeguard Shiri's safety and security.
- Consider referring Shiri to a specialist police witness support unit.

CPS:

- Ensure a properly-trained domestic violence prosecutor deals with the case.
- Consider an early Special Measures meeting.
- Apply to the court for Special Measures, if appropriate.

WCU:

- Ensure that CPS has applied for Special Measures.
- Prioritise meeting Shiri's needs in the court process.
- Ensure that Shiri has been referred to Victim Support and local support agencies.

Voluntary/other organisations:

- Prioritise one-to-one support for Shiri.
- Prioritise advocacy work with Housing and ASB Unit to improve witness security.
- Domestic violence support agencies: offer help, support and counselling.
- Housing association: Assess the security of Shiri's flat, e.g. replace the locks. Install ex-directory phone number.
- Local women's organisations: aim to put Shiri in touch with a network of people that can support her.

Police:

- Refer Mrs Greyson to appropriate local/national support organisations and the local Neighbourhood Watch scheme.
- Arrange for a visit by the local crime prevention officer to advise her on safety, checking the security of her house and locks.
- Arrange for a police officer/community safety officer to pay regular reassurance visits, where appropriate.
- Consider imposing conditions on the bail of the suspect that will keep the suspect from approaching Mrs Greyson. Discuss with CPS.

CPS:

- Consider an early Special Measures meeting.
- Apply to the court for Special Measures, if appropriate.

WCU:

- Offer standard WCU service, ensuring that there is no opportunity for Mrs Greyson to be intimidated at the court.
- Refer Mrs Greyson to local voluntary support organisations.

Voluntary/other organisations:

- Meet Mrs Greyson's needs for support.
- Undertake advocacy work with Housing (if it is social housing) and ASB Unit to improve witness security.

Police:

- Let James know that there are support organisations available to him if he needs them.
- Stress the importance of James' role in the case.

CPS:

- Consider an early Special Measures meeting.
- Apply to the court for Special Measures, if appropriate.

WCU:

- Use all standard measures to keep James informed about the case and to explain his role to him (including pre-court visit).

Voluntary/other organisations:

- Meet James's needs for support.

The witness journey

To keep an intimidated witness engaged, it is essential that their journey through the CJS is well managed. They should be supported, protected and kept informed throughout the process.

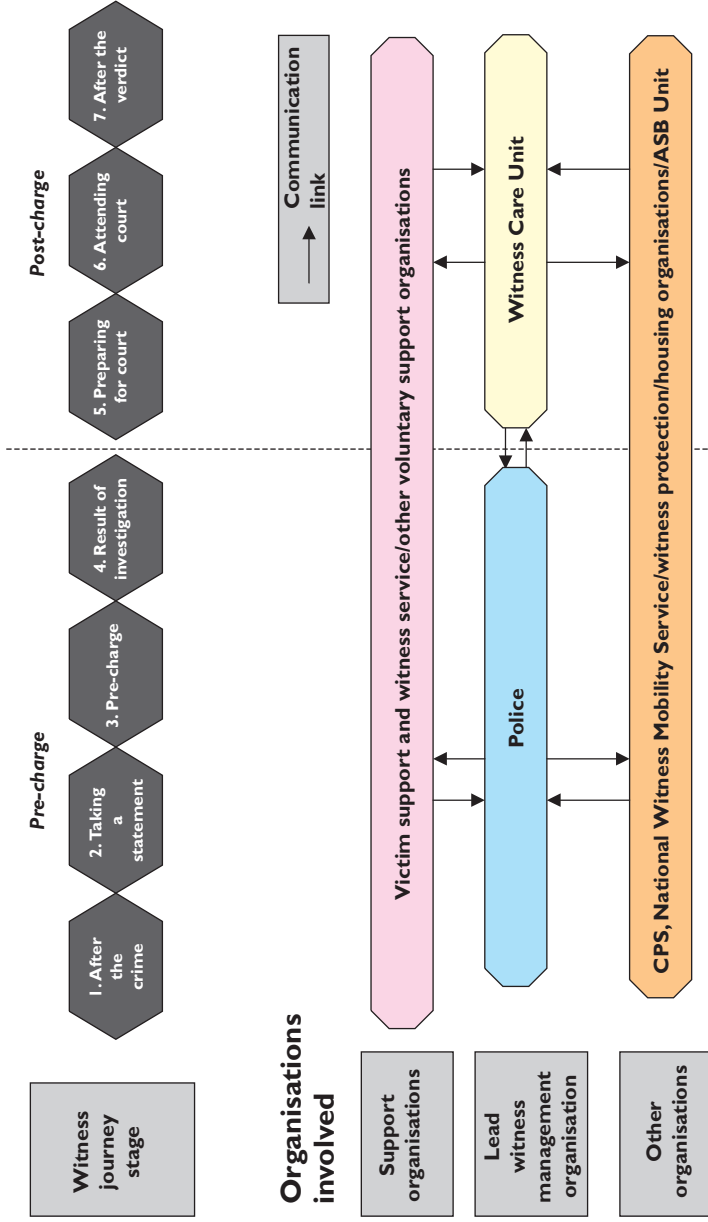
This section of the manual offers guidance for managing intimidated witnesses. It highlights the roles and responsibilities of the organisations involved at the different stages of the process.

Guidance in this manual is consistent with the Victims' Code and the forthcoming Witness Charter.

Colour coding

Police
Witness Care Unit (WCU)
Voluntary organisations
Crown Prosecution Service (CPS)
Probation Service

The witness journey



I: After the crime

“What if someone finds out it was me that grassed?”

“I have no idea what happens if I do speak to the police, maybe they would haul me into court – I don’t want to take the risk.”

It is essential that you work to gain the trust of the witness from the first meeting. Without this trust, why would an intimidated witness risk reporting the crime?

Milestone	Organisations involved	Action and advice
Approaching the witness	Voluntary organisations	Approach witnesses of crime with care and sensitivity, taking time to understand their specific needs and signposting all appropriate support, referring on where appropriate.
	Police	Approach witnesses at risk of intimidation with care and sensitivity, being aware of the possibility of cultural differences. Give the witness the choice of speaking to you in a neutral location, or, where possible, visit them in plain clothes to help protect their anonymity. Where appropriate, consider conducting door-to-door interviews so no one is singled out.
Supporting the witness	Voluntary organisations	Offer all appropriate support to the witness and make it clear that support is available regardless of their decision to proceed with the case. If the witness is reluctant to report the crime, remind the witness that reporting the crime to the police is always an option, how they can go about doing this, and the support available to them if they do.
	Police	In cases where the witness is reluctant to give a statement for fear of intimidation, refer the witness to appropriate local voluntary support organisations. For victims, police must clearly explain to the person that their details will be passed to Victim Support unless asked not to. The victim’s contact details must be provided to Victim Support within two working days (Victims’ Code).

Milestone	Organisations involved	Action and advice
Keeping the witness informed	Police	<p>Ensure that the witness understands their rights, how they can report the crime, and what will happen if they do make a statement. If the witness's statement is crucial to the investigation, ensure that they understand this.</p> <p>Be candid about the possibility of going to court, but ensure the witness is aware of the support available to them if this is required.</p> <p>Ensure victims are issued with the <i>Victims of Crime</i> leaflet.</p> <p>Inform the witness that they may be able to have someone from a voluntary organisation present (to give support) when they report the crime.</p> <p>Ensure the witness is provided with the OIC's contact details. Ensure the witness knows who they should contact if they are subject to intimidation and that intimidation is an offence.</p> <p>For victims, if no suspect is arrested, charged, cautioned, reprimanded, given a final warning or subject to other non-court based disposal in respect of relevant criminal conduct, the police must notify the victim on at least a monthly basis of progress in the cases being actively investigated up until point of closure of the investigation (Victims' Code).</p>
	Voluntary organisations	<p>Where possible, offer to be there when the witness speaks to the police. This may give them more confidence to eventually report the crime.</p>
Language barriers	Police	<p>If working with a witness whose first language is not English, refer to the list of national registered interpreters in order to access an interpreter as soon as possible. Voluntary support organisations may be also able to help you here. In this situation, be aware of cultural differences and sensitivities.</p> <p>Any interpreter must be completely independent of the witness. Ask the witness if they are happy with the choice of interpreter.</p> <p>Alternatively, call Language Line to help facilitate the initial conversation – 0845 310 9900. This is essential to ensure that the witness does not feel isolated or misunderstood.</p>
	Voluntary organisations	<p>Where the service is available, offer language support to the witness.</p>

2: Taking a statement

“I’m nervous about coming forward, and worried about what might happen to me if I do.”
“This is risky – what happens if they find out I have talked to the police?”
“The police are unlikely to help or protect me.”

This may be the first time the witness has engaged with the police. It is essential that their experience is a good one, leaving them safe in the knowledge that the police will work to support and protect them. These practices are consistent with the police Quality of Service Commitment (QoS) and the Witness Charter, which will be implemented in November 2006 and April 2008 respectively.

Milestone	Organisations involved	Action and advice
Meeting the witness	Police	Ask the witness where they would like to give their statement: somewhere that is convenient for them and where they are less likely to be recognised. If the witness lives near the suspect or crime scene, and the witness is unable to travel to a neutral location or the police station to give their statement, consider visiting the witness in plain clothes to help protect their anonymity.
	Voluntary organisations	Where possible, offer to be present to support the witness while the statement is being given.
Language barriers	Police	Ensure that an interpreter is available to assist in taking the statement. Refer to the list of national registered interpreters in order to access an interpreter as soon as possible. Voluntary organisations may be able to help you here. An interpreter must be independent of the witness, NOT a family friend or relative.
Discussing support options	Police	Inform the witness of the support available locally and nationally, and make appropriate referrals to Victim Support and other appropriate support organisations. Record requirements for Victim Support/Witness Service on the MG11 form. Consider the use of a Family Liaison Officer (FLO) in incidents deemed to be critical.

Milestone	Organisations involved	Action and advice
Intimidation and needs assessment	Police	<p>Using the intimidation scorecard, assess the likelihood of the witness being at risk of intimidation, or fearing intimidation. Ensure this is recorded on the MG11.</p> <p>Deal appropriately with any reports of actual intimidation, remembering that intimidating a witness is an offence.</p> <p>No Witness No Justice states that a witness statement should include an initial needs assessment (the MG11), covering the witness's preferred means of contact, and any needs that will have to be met in order for the person to be a witness.</p>
Special Measures	Police	<p>Discuss Special Measures with the intimidated witness and record requirements for any Special Measures in court – remembering that these are available to intimidated witnesses.</p> <p>Make an application to the CPS for Special Measures well in advance of the trial.</p>
Discussing security options	Police	<p>Where witnesses are at risk of serious intimidation (categories 1 and 2) police officers should consult their senior officer or the relevant specialist unit in their force, who will carry out a threat assessment and consider providing the witness with specialist protection or referring them to specialist services such as the NWMS.</p> <p>Give the witness your name and contact details (along with a secondary point of contact should you be unavailable) so they can easily contact you if they feel threatened.</p> <p>Consider installation of homelink alarm system for emergencies, and remind the witness that they can call 999 to report an incident of intimidation.</p>
What happens next	Police	<p>Explain what the likely next steps are and inform the witness of their probable role in the proceedings. Give the witness a <i>What Happens Next</i> leaflet.</p> <p>Where the witness is also a victim consider asking the witness to make a victim personal statement about the intimidation.</p>

3: Pre-charge

“So I’ve given a statement, but what happens next?”

“Do they know I’ve spoken to the police? Someone might find me and attack me or something.”

“Just knowing they’re out there makes me nervous. I wish I’d never got involved.”

Research shows that this period in the witness journey is a key point where witnesses may experience intimidation. Taking action to reduce the risk and fear of intimidation at this stage is essential in order to keep the witness engaged and safe.

Milestone	Organisations involved	Action and advice
Witness support	Police	Refer the witness to the appropriate support agency and record this on the witness statement. If the witness is a victim then they should be referred to Victim Support as per the ACPO-Victim Support Victim Referral Agreement and the Victims’ Code of Practice. There are likely to be a number of voluntary organisations in your area that are able to offer support to victims and witnesses of crime. See “Witness Support Services” pp. 38–41.
	Voluntary organisations	Offer all appropriate and necessary support and information to the witness. Refer the witness to other organisations where appropriate.

Milestone	Organisations involved	Action and advice
Maximising witness security	Police	<p>Check the intimidation status of the witness and address any incidents of actual intimidation (e.g. charging/warning the perpetrator(s), increasing the police presence in the area).</p> <p>Arrange for Community Safety Officers or Neighbourhood Watch projects to visit the witness, where appropriate.</p> <p>ASB cases: Refer the case to the local ASB Unit (where available) for action.</p> <p>Refer to supervisor in order to make applications for alarms, CCTV, etc. Where appropriate, contact the housing provider to discuss potential for increasing security in the area.</p> <p>Where witnesses are at risk of serious intimidation (categories 1 and 2) police officers should consult their senior officer or the relevant specialist unit in their force, who will carry out a threat assessment and consider providing the witness with specialist protection or referring them to specialist services such as the NWMS.</p>
	Voluntary organisations	<p>Where advocacy services are offered, and the witness is living in social housing, consider referring the case to the witness's housing organisation for installation of security equipment, e.g. fireproof letterboxes, panic alarms, additional lighting in stairwells. Separate arrangements can be made for those living in privately owned property.</p> <p>Where appropriate, offer help/advocacy support in helping the witness to find new housing.</p>
Keeping the witness informed	Police	<p>Ensure that the witness has the contact details of someone available to update them on the progress of the investigation.</p> <p>Keep the witness informed of key events in the investigation, explaining the outcome and what will happen next.</p> <p>For victims, if no suspect is arrested, charged, cautioned, reprimanded, given a final warning or subject to other, non court-based disposal in respect of relevant criminal conduct, the police must notify the victim on at least a monthly basis of progress in cases being actively investigated up until point of closure of the investigation (Victims' Code).</p>

4: Result of investigation

“I’ve gone through all of this and I’m not even sure if it has made any difference – have they been charged or not?”

“I’ve already been threatened because of all this. It is just not worth it.”

In order to support the witness and protect them from further intimidation, it is vital that they know if the suspect has been released or charged. Not knowing the result of the investigation only adds to the anxiety of an intimidated witness.

Milestone	Organisations involved	Action and advice
Keeping the witness informed	Police	Contact the witness with the result of the investigation, explaining the outcome and what happens next. Make efforts also to inform any voluntary support organisations involved (e.g. Victim Support). If the suspect is arrested, released without charge, released on bail, or if bail conditions are altered, intimidated victims must be informed within one working day (Victims’ Code). It is good practice to inform intimidated witnesses in the case at the same time. Inform the witness of any relevant police bail conditions. Inform them immediately if there is any change in these conditions.
	CPS	If the CPS decides there is insufficient evidence, or that that charges should be altered or dropped, intimidated victims must be informed within one working day (Victims’ Code). It is good practice also to inform any other intimidated witnesses at this stage.

Milestone	Organisations involved	Action and advice
Maximising witness security	Police	<p>Ascertain whether the witness is experiencing any intimidation or harassment and take appropriate action to stop the intimidation.</p> <p>Impose conditional police bail conditions (e.g. the suspect cannot go near the witness's house) in cases where the suspect will not be remanded in custody until the trial, and it is likely the suspect will intimidate the witness. Where possible, inform the witness of these, as well as any involved support agencies (if you have the witness's consent).</p> <p>Refer to supervisor in order to make applications for home link alarms, CCTV, etc.</p>
	Voluntary organisations	<p>Where the witness lives in social housing, refer the case to the witness's housing organisation for installation of security equipment, e.g. fireproof letterboxes, panic alarms, additional lighting in stairwells.</p> <p>Where appropriate, offer help/advocacy support in helping the witness to apply for new/temporary housing.</p>
Special Measures	CPS	<p>Make appropriate applications for Special Measures in cases where intimidation is a threat to the witness and their ability to give best evidence.</p> <p>Inform the WCU of any Special Measures granted or refused.</p> <p>Consider options for bail conditions and remands.</p>
Support	Voluntary organisations	<p>Offer all appropriate and necessary support and guidance to the witness. Consider referring to other organisations where appropriate.</p>
	Police	<p>If the witness has not yet been referred to Victim Support or another voluntary support organisation, discuss this with the witness and make the referral.</p>

5: Preparing for court

“The idea of going to court and standing up in front of all those people is really awful.”
“I can’t possibly go to court, there’s work to think of, not to mention the kids.”
“If there was a way of getting out of it, I would.”

Levels of intimidation and the fear of harassment can increase the closer the court date becomes. Effective support and communication with the witness are essential if they are to remain engaged.

Milestone	Organisations involved	Action and advice
Reviewing intimidation history	WCU	Review the witness’s file in order to: <ul style="list-style-type: none"> • determine if the police have recorded any history or risk of intimidation; and • determine if the police referred the witness to any local support organisations.
Intimidation assessment	WCU	Assess the witness’s risk of intimidation at the time of needs assessment. Consider using the intimidation scorecard. If the witness is at high/medium risk of intimidation; alert the police
BME witnesses	WCU/ Witness Service	Ascertain any religious or cultural issues that need to be addressed (e.g. avoiding court dates on religious holidays). Contact court Witness Liaison Officer to ensure provision is made on trial date.
Special Measures	WCU	If the witness is at medium to high risk of intimidation, ensure that Special Measures have been considered, contacting the CPS where appropriate. Ensure that witnesses eligible for Special Measures understand what the different options are, and what impact the preferred route is likely to have in terms of their comfort and safety. If the required Special Measure is not available, remember that it is possible to request a different court if it is convenient for the witness.

Milestone	Organisations involved	Action and advice
Keeping the witness informed	WCU	<p>Ensure that the witness has been informed of any bail conditions.</p> <p>Provide the witness with a single point of contact, ensuring that the witness understands that they can contact you if they feel harassed or intimidated.</p> <p>Contact the witness via their preferred means of contact with information on significant developments with the case (for instance, if the charges are dropped/changed) and information on any court dates, and whether the witness needs to attend.</p> <p>Ensure the witness understands that they may be cross-examined.</p> <p>Provide the witness with a <i>Witness in Court</i> leaflet, or current equivalent national information leaflet.</p> <p>The WCU must notify victims of any requirement of them to give live evidence and any subsequent amendment to this requirement within one working day of receiving the notification from the CPS (Victims' Code).</p>
Support	WCU	<p>Provide the witness with information on support available to them, including:</p> <ul style="list-style-type: none"> • pre-court familiarisation; • meeting with a prosecutor; • referrals to voluntary support organisations, Victim Support and the Witness Service; and • childcare, transport, letters to employers, etc. <p>Liaise with any involved voluntary organisations to ensure a joined-up approach to the care of the witness.</p>
Pre-court familiarisation	WCU	<p>Work with the Witness Service/other support agency/ Court Witness Liaison Officer to help to familiarise the witness with procedures and terminology used by the courts – this will help to put them at ease.</p>
Keeping the witness safe	Police	<p>Respond appropriately to any reports of harassment or intimidation, e.g. impose police bail conditions or remand the suspect in custody until trial.</p> <p>Ensure the witness has a named officer to whom they can refer any concerns, and ensure the WCU knows which OIC is taking responsibility for the management of the case.</p> <p>Ensure that the witness knows who to contact in the event of intimidation occurring outside of normal office hours of the WCU or duty time of the OIC.</p> <p>If the risk of serious intimidation escalates, seek advice from a senior police officer or relevant specialist unit to determine course of action.</p>
Supporting the witness	Voluntary organisations	<p>Offer all appropriate and necessary support/advice/counselling to the witness. Consider referring to other organisations where appropriate.</p>

6: Attending court

“I’m not happy about seeing him in court. What happens if he’s there with his family in the waiting room?”

“And what about the lawyers? What kind of things are they going to be asking me?”

Going to court can be an intimidating experience for anyone, but particularly for those people suffering from, or fearing, intimidation. Every effort should be made to reduce the risk of intimidation to ensure that the witness feels confident giving their evidence.

Milestone	Organisations involved	Action and advice
Special Measures	WCU	Work with CPS, Witness Service or other support agency and the Case Progression Officer to ensure that any Special Measures are in place, ensuring that the intimidated witness is able to give their evidence in a safe and comfortable environment.
	CPS	Ensure that any Special Measures are in place and that the intimidated witness is able to give their evidence in a safe and comfortable environment.
Facing the defendant	WCU	Work with the Witness Service and/or Victim Support, and the Court’s Witness Liaison Officer, to take all possible steps to ensure that the witness does not meet the defendant on the journey to court, or before the court appearance (e.g. using separate entrances at the court, waiting areas, etc.). Where possible, try to get specific times for the witness to attend court so that their arrival does not coincide with that of the defendant.
Encountering the defendant’s family	WCU	If you suspect the defendant’s family or friends/ associates are likely to intimidate the witness at the court, liaise with the Witness Service or other support agency and inform the Court Witness Liaison Officer so that Court Security can be made aware of the situation and can plan accordingly.

Milestone	Organisations involved	Action and advice
BME witnesses	WCU	Work with the Witness Service, other support agency or Court Witness Liaison Officer to ensure that cultural and religious requirements are met, e.g. taking an oath, full body searches, court dates that avoid religious festivals, prayer times and dietary needs.
Preparing the witness for trial	WCU	Where appropriate, try to get the prosecution lawyers involved with the witness early on to allow them to build a rapport – an intimidated witness is likely to be scared of testifying, so this will help to put them at ease and increase the effectiveness of their testimony. Work with the Witness Service to arrange a pre-trial visit.
	CPS	Where possible, ensure that prosecution witnesses are met at court by the prosecuting lawyer or caseworker.
Support	Voluntary organisations	Consider offering support to the witness on the court day through attending as a ‘friend in court’, having liaised with the Witness Service.
Thanking the witness	CPS	Ensure that the witness is thanked for their contribution.
	WCU	Ensure that the witness is thanked for their contribution.

HMCS Courts Charter	<p>These are some of the key standards of service for witnesses in the Crown Court. The courts:</p> <ul style="list-style-type: none"> • should arrange where possible for witnesses to wait apart from the other parties and their supporters; • will assist with arranging pre-court familiarisation visits; and • will seek to ensure that waiting times are not more than two hours and, if there is a delay, update the witness regularly. <p>The Witness Service will also give the witness the chance to talk over the case after it has ended.</p>
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7: After the verdict

“But how do I find out what the verdict is?”

“I keep phoning the court but I need some sort of reference number – it’s all so confusing.”

“How will I know when she’s been let out of jail – I could bump into her tomorrow for all I know.”

Just because the case is over does not mean the harassment will stop or the fear of intimidation will go away. To deliver a good witness experience, it is vital that intimidated witnesses continue to receive support and attention after the verdict has been given.

Milestone	Organisations involved	Action and advice
Verdict	WCU	<p>Inform the witness of the verdict. In the case of intimidated victims, inform them within one working day (Victims’ Code). It is good practice to do the same for intimidated witnesses.</p> <p>Where the witness’s safety may be in jeopardy, inform them of the result immediately.</p> <p>Ensure that they understand the implications of the sentence.</p> <p>Advise them to contact police for ongoing support if they still feel intimidated.</p> <p>The WCU must explain to victims the meaning and effect of a sentence given to the offender in their case, and respond to any questions the victim may have. If the WCU is not able to answer the questions asked of them by the victim they should refer the victim to CPS (Victims’ Code).</p>
	CPS	<p>Consider any additional measures to provide ongoing protection to the witness where necessary, e.g. ASBOs.</p> <p>Inform the police and WCU if a defendant appeals against any conviction and/or sentence.</p>

Milestone	Organisations involved	Action and advice
Appeals and amendments	WCU	<p>Inform the witness if the offender appeals against the verdict, explaining what this means for the witness in practical terms.</p> <p>If there is a significant amendment to the sentence, notify the victim within one working day of receipt of this information from the court (Victims' Code). It is good practice to do the same for witnesses.</p> <p>In appeals from the Crown Court to the Court of Appeal, the WCU must inform any intimidated victim of the appeal and the result of appeal, within one working day of notification by the Appeal Court (Victims' Code). It is good practice to do the same for all intimidated witnesses.</p>
Release date	WCU	Where possible, take steps to inform the intimidated witness of the release date of the offender, engaging any voluntary organisations involved where appropriate.
	Police	Where possible, take steps to inform the intimidated witness of the release date of the offender, engaging any voluntary organisations involved where appropriate.
	Probation Service	<p>In cases of sexual or violent crime where an offender is sentenced to 12 months or more, take all reasonable steps to inform the witness (where they are also a victim) of any release date or conditions of licence (Victims' Code).</p> <p>Where possible, also inform other witnesses and provide any necessary support.</p>
Support	Voluntary organisations	Continue to offer support to the intimidated witness after the trial as, whatever the verdict, this can be a traumatic time.
	WCU	<p>Ensure the witness knows who to contact in the event of intimidation after the trial.</p> <p>Inform the police if you suspect intimidation may continue to be an issue.</p>
	Police	Take any concerns about potential intimidation seriously, taking steps to stop the intimidation.

Witness support services

There is a wide range of organisations and services that have a role to play in managing and supporting witnesses.

This section gives a directory of the key organisations involved in witness care, and how to contact them.

Key organisations

1. Police

The police are often a person's first point of contact when they witness a crime. Their key responsibilities include taking the witness statement, conducting an initial assessment of the risk of intimidation, and taking appropriate steps to minimise any potential for intimidation. The police are also well positioned to refer the witness to appropriate support organisations.

The police response to a witness is often a key contributor to the witness's perception of the risk of intimidation. The witness wants to feel protected, secure, and valued. The police response is crucial to this – the more confidence witnesses have in the police, the less intimidated they will feel.

2. Witness Care Unit (WCU)

Local WCUs bring together police and CPS staff to provide witnesses with a single point of contact throughout the trial process, once the suspect has been charged.

The units are responsible for keeping victims and witnesses informed about their case, including details of progress towards any trial, and for arranging tailored support to help attendance at court. Witness Care Officers also ensure that witnesses are thanked for their contribution.

Witnesses will automatically be referred to the WCU once the suspect has been charged.

3. Crown Prosecution Service (CPS)

The CPS is responsible for prosecuting criminal cases investigated by the police in England and Wales. Their role includes advising police on Special Measures, bail conditions and remands, determining charges, preparing cases for court and presenting cases at court. The police will involve the CPS at the point of investigation and charge.

4. Victim Support and Witness Service

Victim Support Line: 0845 30 30 900

www.victimsupport.org.uk

Victim Support is a national charity which helps people affected by crime. The Witness Service provides the witness with information and support before, during and after giving evidence on the day of the trial. It also offers pre-court familiarisation visits. It is available for all witnesses, whether you are a witness for the defence or for the prosecution, or even if you are called as an 'expert'.

Witnesses can contact their local branch of Victim Support and Witness Service direct, but should be referred by the police (via the MGI I form).

5. National Witness Mobility Service

The NWMS offers a secure interface between social landlords, local authorities and police services, helping to relocate intimidated witnesses safely to sustainable tenancies.

This service is available to witnesses who suffer or are likely to suffer intimidation, to the extent that they cannot stay in their home and must be relocated quickly outside the local area.

Witnesses must meet the NWMS eligibility criteria, and be referred to the NWMS by the police or social landlords. For further information, contact the NWMS on witness.mobility@homeoffice.gsi.gov.uk.

6. Housing organisations

The role of a witness's housing organisation will vary from area to area. However, they are usually responsible for ensuring that the witness's home is secure. Some of the things they can do to support an intimidated witness include:

- fitting new locks;
- fitting fireproof letterboxes;
- installing additional lighting in stairwells and corridors; and
- taking steps to improve the local environment and tackle anti-social behaviour.

The witness can contact their housing organisation directly to find out what support is available.

7. Local Anti-Social Behaviour Unit (ASB Unit)

ASB Units are usually responsible for tackling the more serious cases of anti-social behaviour. Anti-social behaviour often constitutes a key form of witness intimidation, and the ASB Unit can sometimes be crucial in tackling the intimidation.

The services offered by the ASB Unit will vary from area to area, but usually it will use both preventative and enforcement measures to stop the anti-social behaviour and help the witness feel more secure.

These measures can include:

- installing alarms;
- providing a 24-hour telephone line for reaching ASB officers;
- surveillance and evidence gathering; and
- taking legal action against the perpetrators.

A case can be referred to the ASB Unit via the police, the WCU or social landlords. Private tenants and owner-occupiers can contact the ASB Unit direct.

Local support organisations

There will be many voluntary organisations in your local area that can offer support and information to people affected by crime. These organisations can offer valuable and ongoing support to witnesses who might feel intimidated, and can give them the confidence to remain engaged with the criminal justice process.

However, many witness do not know what support is available to them.

To make this process easier in your area, it can be useful to keep an up-to-date directory of the support organisations available, the services they offer, and how they can be contacted. Doing this can make the process appear much more seamless from the witness's perspective.

Please see pages 41 and 42 for national helpline numbers.

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- *HMCS Courts Charter – The Crown Court, AJ21*
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- *Standards for communications between Victims and Witnesses and the Prosecuting Advocate* (Bar Council/CPS, 2002)
- *The Victims' Code* (CJS, 2006)
- *National Service Standards for the Police* (ACPO/Home Office, 2006)
- *Victim Referral Agreement* (ACPO/Victim Support, 2003)

Training

- *Recognising Capability – a training programme for those working with vulnerable or intimidated witnesses in the Criminal Justice System* (Home Office)

National helplines

- **Victim Support and Witness Service. Victim Support Line: 0845 30 30 900**

- **24hr National Domestic Violence Helpline: 0808 2000 247**

Run in partnership by Women's Aid (www.womensaid.org.uk) and Refuge (www.refuge.org.uk)

- **NSPCC Child Protection Helpline: 0808 800 5000**
www.nspcc.org.uk

Also:

Textphone: 0800 056 0566

Bengali/Sylheti: 0800 096 7714

Gujarati: 0800 096 7715

Hindi: 0800 096 7716

Punjabi: 0800 096 7717

Urdu: 0800 096 7718

Asian Helpline Service in English: 0800 096 7719

- **Children's Legal Centre:**
www.childrenslegalcentre.com

General enquiries: 01206 872466, young people's free phone number: 0800 783 2187

- **Crimestoppers: 0800 555 111**
www.crimestoppers-uk.org

- **Shelter: 0808 800 4444**
www.shelter.org.uk

- **The Samaritans: 08457 90 90 90**
www.samaritans.org.uk

- **True Vision:**
www.report-it.org.uk

- **Jewish Women's Aid: 0800 59 12 03**

www.jwa.org.uk

- **Muslim Women's Helpline: 020 8904 8193/020 8908 6715**

www.mwhl.org

- **Chinese Information and Advice Centre:**

www.ciac.co.uk

Legal Service Line: 020 7462 1285, Women's Advice Line:
020 7462 1281



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