

Dealing with victims and their families

Investigation of serious crimes involving offenders under probation supervision

This document addresses concerns for the victims and/or their families in cases where an offender under the current supervision of the National Probation Service goes on to commit a serious, further offence.

In such cases the needs of the victim and/or their family to know how such an incident happened have to be met, as well as reassurance provided to the wider community. These needs have all to be balanced with the need to carry out an objective and thorough investigation and not to compromise a fair and transparent prosecution process.

This document sets out the differing roles of the Police and the Probation Service in meeting the needs of victims, and how they can work together to do so.

It has been written and endorsed by the National Probation Service (NPS) and the Association of Chief Police Officers (ACPO). Thanks for their contributions are due to Jo Thompson (NPS), Detective Superintendent Chris Grant (Norfolk Constabulary), Detective Constable Duncan McGarry (Centrex), National Police Family Liaison Adviser, Detective Chief Superintendent Phil Davies, and the Nottinghamshire Constabulary.



Liz Hill

Head of Public Protection and Courts Unit
National Probation Directorate



Commander Andy Baker

Metropolitan Police
New Scotland Yard



The Probation Service Role

The National Probation Service has a statutory duty to provide services to victims of sexual or violent offences where the offender has received a custodial sentence of 12 months or more. This duty is set out in Section 69 of the Criminal Justice and Court Services Act 2000. Guidance for Probation Areas on the Victim Contact Scheme is contained in Probation Circulars.

Under the 2000 Act a victim is defined as "an appropriate person" i.e. any person in relation to an offence who appears to the local Probation Board to be, or to act for, the victim of the offence. This includes the families in cases where the offence has resulted in the victim's death or incapacity, and in other cases where the victim's age or personal circumstances make it sensible to approach a family member in the first place.

Following sentence the Probation Service Victim Contact or Liaison Team will receive notification from the Court or the Police. At this stage the Victim Liaison Officer will write to the victim asking if they wish to receive services under the Victim Contact Scheme. Although the statutory duty applies to sexual or violent offences where a custodial sentence of 12 months or more has been imposed, the Probation Service has the discretion to offer contact in other cases.

It is important to understand that the Probation Service's work with a victim begins at the point of sentence, not during the investigation and criminal justice process.

The purpose of the Probation Service Victim Contact Scheme is to:

- Provide regular information to victims about the criminal justice process and the offender's progress through his/her sentence
- Provide information for victims at key stages in the offender's sentence, i.e. tariff changes, release on temporary licence, work placements in the community
- Provide the opportunity for victims to give their views on proposed conditions surrounding the offender's release

- Inform the victims of any conditions of release which relate to the victim
- Inform and seek the victim's agreement to any special victim protection arrangements which are proposed
- Receive and act upon information from victims and their families about breaches of release conditions

Victim work is carried out by probation staff specially trained to act as victim liaison officers. The victim liaison officer does not have any direct involvement with the offender but does work closely with the probation officer supervising the offender concerned.

In working with victims the Probation Service has to operate within the European Convention on Human Rights (ECHR). The ECHR restricts the amount and detail of information that can be given by the Probation Service to victims. Disclosure of a "base level of information" is compatible with ECHR. Examples of base levels of information would include the month and general area of release but would not include the exact date or address. Full details about the type of information that can be released are found in the Probation Service guidance documents. Disclosures of more than a base level of information only take place in closely defined circumstances and on a case by case basis.

Victims' views relating to the release of offenders will be submitted by the victim liaison officer to the offender's case supervisor (probation officer). The case supervisor has a statutory duty to ensure that representations on behalf of the victims are forwarded to the person responsible for making the decision (i.e. the Parole Board or prison governor). Generally, victims' views taken into account by the Parole Board or prisons about an offender's release are disclosable to the offender. The victim liaison officer will ensure that victims are made aware of and understand this before providing their views. In certain circumstances victims' views can be non-disclosable.

The Police Role

One of the most important considerations throughout the investigation of a homicide or other serious offence is the relationship between the Police and the family of the deceased.

The way the Police meet the needs of the family has developed over a number of years and is set out in guidance issued by the Association of Chief Police Officers (ACPO). It is not subject to any legislative requirements.

It is the responsibility of the Police Service to provide appropriate family liaison in order that the information needs of the family are met and in order that all relevant material, which could assist the investigation, is gathered from the surviving family members.

Families should be treated as partners in the investigation and treated appropriately, professionally, with respect and according to their diverse needs.

The Police Service regards the family as including partners, parents, siblings, children, guardians and others who have had a direct and close relationship with the victim.

The liaison function should be a two-way, documented flow of information, which is reviewed with the family regularly in order to ensure its effectiveness.

The key practitioners within the Police Service in delivering an effective family liaison are the Senior Investigating Officer (SIO), the Family Liaison Co-ordinator or Advisor (FLC, FLA) and the Family Liaison Officer (FLO).

The SIO will set the overall investigative strategy, which will include the family liaison strategy.

The FLC or FLA will work with the SIO and the FLO to ensure that the environment is created which will allow the FLO to work effectively with a family in order that the overall aims of the strategy are met.

The FLO will work directly with the family to make sure that the family have a single, dedicated point of contact, thereby avoiding the duplication of effort.

The position of the Police Service is that the family will be provided with all possible information regarding the investigation unless its disclosure could prejudice in some way the outcome of the enquiry.

Even when information cannot be disclosed for some reason, families will be told this and the reasons for its non-disclosure explained to them.

Working together

In cases where this guidance is applicable, a Police Senior Investigating Officer (SIO) will be appointed. They will be responsible for directing the investigation and will usually be supported by a Gold Group.

A Gold Group comprises officers and staff who are able to give the SIO advice and guidance on how they direct their investigation. The Gold Group will usually be chaired by a Chief Officer.

In cases where an offender under the supervision of the National Probation Service is charged with a serious further offence a senior member of the Probation Service will be invited to join the Gold Group at the outset. This will allow both agencies to work together to meet the needs of the victim and families and will be crucial in drawing up a strategy for the release of information to the family, via the Family Liaison Officer, including an explanation of the agencies' different roles.

Because of the differing roles and responsibilities of both agencies, and to ensure a clear audit trail for decision-making, it is suggested that any information the Probation Service provide to the Police for passing to the family is provided in writing. Similarly, it is suggested that any information provided by the Probation Service, which is not to be passed to the victim and/or their families, is passed to the Police in writing, with an explanation of why it should not be passed to the victim and/or their families.

If no Gold Group has been convened it is the responsibility of the SIO to ensure an effective relationship with the Probation Service, and that the passing of information follows the above guidance.

The Probation Service will ensure that there is an allocated senior manager to be the reference point for the local police force in all cases of serious further offences committed by offenders under their supervision.

Information Reader Box	
Title	Dealing with victims and their families – Investigation of serious crimes involving offenders under probation supervision
Description	Guidance for police and probation staff on meeting the needs of victims without jeopardising the investigation
Primary Audience	Police and probation officers, victim liaison officers and managers
Action required	To note
Timescales	N/A
Contact	Publications are available from the NPD Communications Team. Tel: 020 7217 8409 or Email: NPSpublications@homeoffice.gsi.gov.uk www.probation.homeoffice.gov.uk
Publication ref no.	NPD/092/2004
For reader use	