



Victim and Witness Charter

Standards of Care for Victims and Witnesses
in the Criminal Justice System

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Introduction

This Victim and Witness Charter is designed to set out the standards of care you can expect if you are a victim of a crime or witness to a crime in Jersey.

This Charter sets out what help and support you can expect at every stage of the process from each of the Criminal Justice Agencies committed to supporting the Charter.

Although the standards in this Charter are not legally binding they set out the level of care that you can expect as a victim or witness.

The Criminal Justice Agencies committed to supporting this Charter are:

The States of Jersey Police
The Law Officers' Department
The Judicial Greffe (Magistrate's, Youth and Royal Court)
The Viscount's Department
The States of Jersey Prison Service
The Probation and Aftercare Service
Justice and Home Affairs
Honorary Police

The work of the Bailiff, Deputy Bailiff, Jurats, Magistrate, Assistant and Relief Magistrates and Youth Court Panel members is not covered by this Charter, nor is the work of Tribunals.

The Charter is in the main applicable to prosecution witnesses only. If you are a defence witness you do, however, have access to support services as set out in standards 11 and 12.

Summary of key standards of care for victims and witnesses

- You will be treated fairly at all times by each of the Criminal Justice Agencies you have contact with and will be provided with additional support as may be required (standard 1).
- You will be able to report a crime by one of several ways to the police, an officer will explain what will happen next and you will be provided with support and updates (standard 2).
- You will have access to information as to how your case is progressing from the police and other Criminal Justice Agencies, including support and assistance in matters such as seeking compensation (standard 3).
- You will be kept informed of any prison transfer or release plans for a defendant if convicted and sentenced to imprisonment in respect of your case (standard 4).
- If English is not your first language or you have difficulty in understanding English, you will be provided with the services of an interpreter and additionally supported as may be required (standard 5).
- You will be able to request the gender of the officer recording your statement if this helps put you at ease, and such requests will be accommodated wherever possible (standard 6).
- You will be able, if you choose, to give a statement explaining in your own words how a crime has impacted you and your family which may be taken into account by the court at the time of sentencing should a defendant be convicted (standard 7).
- You will be supported and protected from victimisation, intimidation or retaliation, and given advice on how to protect your rights to privacy (standard 8).
- You will have access to advice on civil protection measures and guidance in respect of criminal proceedings (standards 9 and 10).
- You will have access to help and support from trained professionals, including practical advice and support in attending court if required (standards 11 and 12).
- Special measures may be permitted by the court in order to assist you in giving your evidence in certain circumstances (standard 13).
- You will be able to apply for expenses incurred in attending court, and be provided with advice and guidance in seeking compensation that you may be eligible for (standards 14 and 15).
- You will be advised on the return of any property seized evidentially from you once proceedings have concluded (standard 16).

A victim of crime under the Charter is a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence.

Receiving an appropriate standard of care (standard 1)

Standard 1: The care you can expect from Criminal Justice Agencies

Criminal Justice Agencies, working together and with victim and witness support organisations will treat you fairly throughout the process, regardless of your background, age, disability, gender, race, sexual orientation, gender reassignment, nationality, religion or belief. Where required, additional support will be provided for you and any reasonable adjustments will be made to ensure you have access to information and support services.

When you come into contact with Criminal Justice Agencies you should:

- i. be treated in a sensitive, professional and non-discriminatory manner;
- ii. be able, where appropriate, to obtain information about what is happening in the investigation or proceedings;
- iii. be able to understand information you are given and be understood in any information you provide;
- iv. have your reasonable needs taken into consideration;
- v. be able to participate effectively in the proceedings as set out in standards 5-7;
- vi. have access to appropriate support during and after the investigation and proceedings;
- vii. if you are under the age of 18 years, have your best interests considered, taking into account your age, maturity, needs and concerns.

Being kept informed (standards 2 to 4)

Standard 2: Reporting a crime

There are many positive reasons for reporting a crime. States of Jersey Police deal with a variety of different types of crime 24 hours a day. They treat everybody fairly and equally, and put your safety first.

You can report a crime in several ways:

- If it is an emergency and crime is still taking place, call 999 and ask for the police;
- If it is not an emergency do not call 999, please call 612612. This does not mean that the crime is not important, it just helps the police to make the best use of resources;
- You can report certain crimes online on the States of Jersey Police website, details of which are at the end of this Charter;
- You can go to the States of Jersey Police Headquarters at La Route Du Fort, St Helier;
- You can contact Crimestoppers on 0800 555111 if you wish to remain anonymous.

When you report a crime, the officer you speak to will explain what happens next. They will give you their contact details, or the details of the police officer who will deal with your case, and provide you with a crime reference number. The police officer will need to talk to you and collect as much information as possible from you about what happened. They will contact you and take your witness statement.

A witness statement is a document that sets out the facts of what has happened to you in your own words. Additionally, within 48 hours of reporting a crime you will be contacted by Victims First Jersey. This is a free service that, with your consent, will provide you with practical and emotional support. This service is also available to all prosecution and defence witnesses.

Standard 3: Requesting information

As a victim of a crime you will be given certain information about the progress of the investigation and any subsequent court case. Investigations and court cases can take some time. You can request certain information from the agencies involved in your case and can make a formal request for that information to be provided if it has not been given to you. Contact details for the agencies referred to can be found at the end of this Charter.

From the Police. The police will keep you regularly updated on progress during the investigation. You will be informed of the conclusion of the investigation and whether the defendant has been charged, released on bail to attend court and what relevant bail conditions apply, or whether the defendant has been held in custody.

From the Law Officers' Department. Decisions about whether a case will go to court are made in accordance with the Attorney General's Code on the decision to prosecute. A copy can be found on the webpages of the Law Officers' Department. The police will ordinarily explain the decision to you. If your case is not prosecuted you may request a review of that decision and the Attorney General has issued guidance for victims explaining the review process. A copy of that guidance can be found on the Law Officers Department's webpages.

From the courts. You can obtain information from the court about the dates of any court hearings; the final decision of the court in a trial; an appeal or sentencing of the defendant. They can also tell you if the defendant is subject to any conditions of bail.

From Victims First Jersey. If you are a victim or prosecution witness to any offence Victims First Jersey will contact you after the first court hearing to let you know the outcome. They will inform you about what happens next and any trial date. They will keep you fully informed of the progress of the case once the defendant has been charged. You will be given the name and contact details of a Witness Care Officer who will be your single point of contact for all enquiries or concerns that you have. Defence witnesses will be kept informed of progress by the defence lawyers.

Standard 4: Information on the release of an offender (Victim Notification Scheme "VNS")

If the defendant has been sentenced to a term of imprisonment, you will receive information from Victims First Jersey about their release date; any eligibility for temporary release; and, in the event the defendant is returned to prison, the date of return. You may also be informed, if relevant, of the defendant's date of death (if they die in prison); their transfer out of Jersey (should they be sent elsewhere to serve their sentence); and their escape from prison, if one occurs.

Participation in the case (standards 5 to 7)

Standard 5: Access to interpretation

You should be able to understand what is happening and to be understood. Where appropriate, while the States of Jersey Police take your statement, you can be supported by a person of your choice. The police officer should explain everything in clear language to ensure you understand. If you have difficulty in understanding English or English is not your first language, you can request an interpreter to help you. An interpreter will help you understand the questions the police may ask. They can also ensure you understand the information that the police give you and help you to ask any questions you may have.

In the event that you have to attend court to give evidence, the police can also assist in ensuring an interpreter is present at court to assist you.

Standard 6: Specifying the gender of the interviewing officer

You can request the police officer who takes your statement is a specific gender, should this make you feel more comfortable and at ease. The States of Jersey Police will try to meet your request wherever possible, however, there might be some occasions when it is not possible. If this is the case the police will explain to you why your request is not being met.

Standard 7: Victim Personal Statement

All victims who report a crime to the police can make a Victim Personal Statement (VPS) at the same time as giving their witness statement. A VPS is usually taken by the police but it can also be recorded by an organisation such as Victims First Jersey.

A VPS gives you the opportunity to explain, in your own words, the impact that the crime has had on you and your family. Once you have completed your VPS you are unable to change it. It is accepted that your feelings may change and you can give a further VPS at any time before the defendant is sentenced. If you want to give a further VPS you should contact the police who will arrange a convenient time to come and speak to you.

After you have made your VPS it becomes part of the case papers. Your VPS can be seen by everyone in the case, including the defendant and their lawyer, police, prosecution and the Judge if the case goes to trial.

Your VPS will, however, only be considered by the court if the defendant pleads guilty or is found guilty of the offence. The court and /or the defence could cross examine you about the contents of the VPS in order to clarify or challenge certain points. This may be reported on in the media.

Seeking protection (standards 8 to 10)

Standard 8: Access to support and protection

When you report a crime the police will take steps to support you and protect you from repeat victimisation, intimidation or retaliation. In terms of support these steps may include:

- Only interviewing you when necessary;
- Ensuring interviews are kept to a minimum;
- Using specialised facilities for interview.

Generally, criminal courts are public places. Reporters and other members of the public are free to attend. While some restrictions do apply, such as you cannot take photographs in the courtroom, cases are often reported in the newspapers, on the radio and on television. If you find yourself the subject of media attention, the police and Victims First Jersey can advise you on how best to deal with the media. As the victim of a crime it is important you are careful about anything you say publicly as it may affect the fairness of any court proceedings or investigation. If you are the victim of certain types of crime (such as rape and sexual assault), or are under 18 years old, there are legal restrictions on what the media can and cannot report, including your personal details. If you are worried about what the media might report you can speak to the police, the prosecutor or Victims First Jersey.

The court and the police may also impose special bail conditions on the defendant. You will be told by the police or Victims First Jersey about any bail conditions the defendant is given which are meant to protect you or your family, such as a condition preventing the defendant from contacting you or coming to your address.

Standard 9: Civil protection measures

Civil protection measures, such as injunctions, may also be available to you. A lawyer will be able to give you more information and advice on whether one of these measures might be appropriate for you.

Standard 10: Legal advice and assistance

There is no need for you to have your own lawyer if you report a crime. If, however, you need legal advice and assistance, perhaps in relation to seeking civil protection measures, you should contact an independent lawyer. As you may be a witness in court, it is not

appropriate to instruct the same lawyer who represents the defendant.

If you are contacted by the lawyer for the defendant who wants to speak to you or interview you after you have provided a statement to the police, you may speak to them, but only if you wish to do so. You do not have to speak to them and if you choose not to, they should not contact you further. The Attorney General has issued guidance to lawyers who wish to speak to victims and witnesses. The guidance explains how the lawyer should get in touch with you. It is designed to ensure you are given the benefit of making an informed choice, without any pressure being placed upon you. A copy of the guidance can be found on the Law Officers' Department webpages.

Requesting support (standards 11 to 13)

Standard 11: Access to support services

You do not have to report a crime to the police to get access to help and support. Victims First Jersey can be contacted through their helpline or via their website. Their service is free and supports both victims of crime and witnesses. They have trained professionals who can help you. They will provide you with practical and emotional support and help find the best services for you from a range of other organisations they work with.

There are a number of other organisations who can provide free and confidential support, practical help and essential information for victims, witnesses and others affected by crime. Further information and contact details can be found at the end of this Charter. If you are unsure about who might be best to speak to, then Victims First Jersey is your first point of contact to assist.

Standard 12: Support in attending court

Upon signing the statement you provide to the police, you are also agreeing you will attend court as a witness if required. This does not mean that you will have to attend every hearing of the case and you will not have to attend court if the defendant pleads guilty and no trial takes place. If, however, the defendant says they are not guilty of the offence and there is a trial, depending on the evidence you have provided in your statement, you may be called to give evidence. Some trials can take place quite quickly; others can take place a considerable time after the event. Victims First Jersey will let you know when and where to attend if required.

An officer of the Viscount's Department may deliver to you or serve you personally with a court summons, which is the formal document requiring you attend the court to give your evidence.

Attending court can be a daunting prospect. The police, the prosecutor, and Victims First Jersey will do all they can to put you at ease. Victims First Jersey can request for you to visit the courtroom before you give your evidence and they will arrange for the prosecutor to meet you in advance of the trial giving you the opportunity to ask any questions you may have. If you are very worried about giving evidence, you may be able to request some additional support when giving evidence, called special measures. Special measures are discussed in more detail below.

On the day you come to court to give your evidence you will be given somewhere safe to sit until you go into the courtroom. You may want

to bring a member of your family or a friend with you to support you when you attend. Victims First Jersey can also arrange for a member of their team to attend court and support you if required. It is not possible to tell you how long you might be in court, as every case is different, but the court usher will let you know when you can leave.

Standard 13: Support when giving your evidence in court (“special measures”)

There are different options available to help some witnesses give their evidence. They are called “special measures” and the Court may order them when they believe that assistance is needed to improve the quality of the evidence to be given by a witness. Special measures are tailored to the needs of a witness and can be anything that helps the witness to give evidence. They can include things, such as the use of live TV links, to give evidence away from the court building or the giving of evidence from behind a screen so that you cannot see the defendant and they cannot see you.

All children under the age of 18 are eligible for special measures if the Court decides special measures are appropriate.

Witnesses over 18 may be eligible for special measures if:

- they suffer from a mental disorder within the meaning of the Mental Health (Jersey) Law 2016;
- they have a significant impairment of intelligence or social functioning;
- they have a physical disability or are suffering from a physical disorder;
- they are expected to be off the Island at the time of the trial; or
- the court is satisfied that quality of the evidence to be given by them is likely to be diminished because of fear or distress about giving evidence.

When considering whether to allow special measures, the Court will take into account the views of the witness, along with many other factors. If you are concerned about giving evidence and believe you might benefit from special measures, it is important you tell the police as soon as possible so that an application can be made to the court on your behalf. The police will take some details and you may need to have a discussion with the prosecutor. If you are unsure whether you might be eligible for special measures, and would like to know more, the police and Victims First Jersey, are all able to answer any questions you have.

Applying for compensation and expenses (standards 14 to 16)

Standard 14: Payment of expenses

The procedure is slightly different depending on whether you attend Magistrate's Court or the Royal Court.

If you attend Magistrate's Court to give evidence you can request that the Magistrate authorises that you can claim certain expenses incurred in travelling to and from court and for subsistence throughout the day (meals and drinks purchased). You, or your employer, may also be able to claim for lost wages or earnings up to a limit fixed in law.

If you have incurred an expense and the Magistrate has granted permission for you to submit a claim, ask the representative of the Victims First Jersey at court for a Witness Costs Claim Form before you leave. Your claim should be supported by receipts (where claiming for subsistence and/or public or taxi travel). All claims will be subject to assessment by the Court and any payments made will be in line with the rates set out in the law.

If you attend Royal Court to give evidence you are automatically entitled to claim the expenses and should request the relevant form from the representative of Victims First Jersey at court.

If you are not a resident of Jersey and are required to attend court as a witness, Victims First Jersey will make contact with you in advance to arrange flights and accommodation. There will be no cost to you.

Standard 15: Compensation

There are two types of Compensation that you may be eligible to apply for.

1. Court awarded Compensation

The police will issue you a form for completion ahead of the court proceedings that will be kept on file once completed and returned. If the defendant pleads guilty or is found guilty the Court may order them to pay you compensation. If a Compensation Order is awarded the Viscount's Department will write to you to explain how you will receive any monies awarded to you.

2. Criminal Injuries Compensation

The Criminal Injuries Compensation Board is responsible for administering the Criminal Injuries Compensation Scheme. This compensation is independent of any criminal proceedings. You may make an online application directly to the Criminal Injuries Compensation Board. They pay compensation to eligible applicants who have been injured directly as a result of:

- A crime of physical or sexual violence;
- Trying to stop someone from committing a crime;
- Trying to stop a suspect after a crime; or
- Trying to help the police to stop someone.

If you have received compensation from the defendant as part of a court case, the Criminal Injuries Compensation Scheme will take that into account when assessing your claim and may reduce any payment made to you by the amount you receive from the court. Receiving money from the court case does not prevent you from making a claim for compensation from the Criminal Injuries Compensation Board.

The contact details for the Criminal Injuries Compensation Board can be found later in this Charter in the section "Support Contacts". You can also find further details of the scheme, its restrictions and how to apply online by searching on the gov.je website.

In Jersey you are unable to make any claim for compensation for road traffic accident related costs or injuries sustained. Any claim should be made to your insurance company or in separate civil proceedings. A lawyer will be able to advise you on a separate civil claim.

Standard 16: Return of property

When a case has been concluded (which may be after an appeal), and your property was taken to be used as evidence, it will, in most cases, be returned to you by the police. This may take some time, as the police have to keep all evidence until after an offender's right of appeal has passed. If you are unsure when you will get your property back then you can ask the police or Victims First Jersey.

In some cases you may be asked if you wish to have your property returned, for example, if it has been damaged. There may be occasions where the court orders that your property cannot be returned to you. If such an order is made the police will inform you of this as soon as possible.

If any property has been potentially contaminated during any forensic examination, as a safety precaution, the police will be unable to return the item to you.

Who to contact and how to complain

If you have any further questions about this Charter or would like more information please contact Victims First Jersey or the relevant Criminal Justice Agency listed below, if you prefer.

States of Jersey Police:

Maintain law and order, protect members of the public and their property and prevent, detect and investigate crime.

Police Headquarters, La Route du Fort, St Helier.
T - 999 (Emergency) or 01534 612612 (non-emergency)
<https://jersey.police.uk>

Law Officers' Department – Criminal Division:

Provide advice and assistance to the States of Jersey Police and the Honorary Police in relation to criminal prosecutions. Responsible for the prosecution of criminal cases before the Magistrate's and Royal Courts. Any complaints about the Honorary Police should be directed to the Attorney General.

Morier House, Halkett Place, St Helier. T - 01534 441200
<https://www.gov.je/government/nonexeclegal/lawofficers/Pages/index.aspx>

The Judicial Greffe:

Provide people and facilities to support the operation of courts and tribunals in Jersey.

Royal Court House, Royal Square, St Helier. T - 01534 441300
<https://www.gov.je/government/nonexeclegal/judicialgreffe/Pages/index.aspx>

The Magistrate's Court:

The majority of criminal cases are dealt with before the Magistrate's Court. The Judicial Greffe provides the people and the facilities to support the Magistrate's Court (see above).

Union Street, St Helier. T - 01534 440080

The Royal Court:

The most serious cases are dealt with at the Royal Court. The Judicial Greffe provides the people and facilities to support the Royal Court (see above).

Royal Court House, Royal Square, St Helier. T - 01534 441300

The Viscount's Department

Responsible for the enforcement of court orders, service of court documents and collection of court ordered compensation.

Viscount's Department, Halkett Place, St. Helier. T - 01534 441400

States of Jersey Prison Service (SoJPS):

HMP La Moye, La Rue Baal, T - 01534 441800

Jersey Probation & Aftercare Service

1 Lempriere St, St Helier T - 01534 441900

What can I do if I think the care described in this Charter is not being provided?

You should talk to the Criminal Justice Agency you are dealing with about the problem as often the problem can be fixed that way. If you are still not satisfied then you may make a complaint to the relevant Criminal Justice Agency. Each agency has a complaints procedure. You can ask for a copy of this or you can look on their website for information.

Support Contacts



Victims First Jersey

Freephone: 0800 735 1612

victimsfirst.je



Dewberry House, Sexual Assault Referral Centre

01534 888222

www.dewberryhouse.je



Jersey Domestic Abuse Support

01534 880505

www.jdas.je



Jersey Listening Lounge

01534 866793

<https://www.facebook.com/listeninglounge>



Jersey Women's refuge

01534 768368

www.jerseywomensrefuge.org



JAAR Jersey Action Against Rape

01534 482800

www.jaar.je

Out of Hours GP

01534 445445



Brook

01534 507981

<https://www.brook.org.uk/>

Support Contacts



YESS

01534 280530

www.yes.je

Criminal Injuries Compensation Board

01534 440399

www.cicb@gov.je

LIBERATE

Liberate

0800 138 1625

<https://liberate.je/>

NSPCC

NSPCC

01534 760800

<https://www.nspcc.org.uk/>



Jersey Mind

0800 7359404

<http://www.mindjersey.org/>



Jersey Recovery College

01534 505977

www.recovery.je



Citizens Advice Jersey

01534 724942

<https://www.cab.org.je/>

Victims First Jersey

Freephone: 0800 735 1612

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