



## IMPORTANT

Please read and discuss the following information with the Victim or Witness *before* the statement taking process commences:

**You should understand that by providing a written statement you will have to attend court if you are required to give evidence at a later stage.**

This will of course depend upon a number of factors such as whether a person has been charged or reported for the offence and whether there is sufficient evidence or it is in the public interest to proceed to a court hearing. If Court proceedings are considered appropriate, it does not necessarily mean that you will be required to attend to give evidence. The defendant may plead guilty at any stage in the proceedings or the contents of your written statement may be accepted without the need for you to attend court.

If you are willing to make a written statement but have concerns regarding attending Court please discuss with the statement taker what support measures could be put in place to reassure you. This information will be recorded on the initial assessment and will be taken into account should you be required to attend Court in the future. The further information contained on reverse will also be of assistance to you in understanding what will happen next after you have made your statement. Please read through and discuss with the statement taker anything that you are still unsure of, or alternatively you can contact the Officer dealing with your case using the contact details provided on the reverse of this form at a later date.

## Intermediaries

Intermediaries are a Special Measure to support some of the most vulnerable victims and witnesses both during the investigation and attendance at court to give evidence under the Youth Justice and Criminal Evidence Act 1999.

The aim is to ensure victims and witnesses with communication difficulties, defined as vulnerable witnesses under the Code of Practice for Victims of Crime, have the same access to justice and the court system as people without such difficulties.

It is essential that the possible need for an intermediary is identified as early as possible. An intermediary should, ideally, be identified by the police officer during the course of the investigation and the intermediary engaged **prior to the witness being interviewed**. However, it is possible to engage an intermediary later in the process as this may still improve the quality of the witness evidence.

## Civil Proceedings

In certain circumstances the statement of evidence you have already provided as part of the police criminal investigation may be disclosed to third parties for the purpose of civil proceedings. Your signed authority permitting the police to do this is on the reverse of the first page of your statement. Please note that the rules of disclosure may place a legal obligation on the force to disclose your statement, with or without your consent, in the above circumstances. Civil proceedings under the Children Act 1989 deals with who is the best person to care for a child or who should have contact with a child. In road traffic collisions statements are required to assist in deciding who was at fault and whether payment for damage and compensation should be made.

## Victim Support

Victim support schemes operate in various places in the county. Their volunteers are specially trained to provide free and confidential information and advice. They can also obtain specialist professional help if you need it. If you urgently need support from this organisation, tell the officer who obtained the statement. Alternatively you can contact the main support line on:

National Victim Supportline 08 53 33 9000

Essential Victim Support 015 44 655 55

## Essex Police - Contact Details

The officer dealing with your case/taking this statement is:

Officer:

Rank & Number:

Station:

Telephone:

Contact E-Mail:

Incident Crime Reference No:

The officer dealing with your case can help but may not always be available.

## Giving a witness statement to the police - what happens next?

Thank you for coming forward. We value your help and we will do everything we can to help you. The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

### Is there anything else I need to do?

Yes. It is important to tell the police:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (travelling a lot every day because witnesses cannot be contacted)
- dates when you may not be able to go to court. Please contact your Witness Care Officer to update this information as soon as it changes. It is needed when the trial date is set.

### Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of this. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

### What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, the police and CPS are separate organisations.

### Who will read my statement?

Everyone involved with the case will read your statement (e.g. the police, CPS, defence and the magistrate or judge).

### What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the police in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately by calling Essex Police on **0300 333 4444**.

### Will I be told what is happening in the case?

You should be kept informed of progress in the case at regular intervals by the officer during the investigation. This role will be fulfilled by a witness care officer should your case go to court. You can contact the police at any time if you have questions or concerns. You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare).

Victims of crime should be told:

- if a suspect is charged
- about bail and your responsibilities
- If the case does not proceed for any reason

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court

- there is not enough evidence to prosecute the suspect
- no suspect is identified

### Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty'
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be asked to read your statement to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so. You will be sent:

- a letter telling you when and where to go
- an explanatory leaflet.

### What will happen if I don't go to court?

If you have any personal concerns about going to court, you must inform your local Witness Care Unit as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you. If you still fail to attend without good reason you may be found 'in contempt of court' and fined.

### Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

### Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible a look around a court room so you know what to expect.

Their telephone numbers are listed on the reverse of this sheet. The Witness Service does not discuss evidence or give legal advice. To find out about your local Witness Service, look in the phone book under the name of the magistrates' court or Crown Court. Or, you can phone **0845 30 30 900**.

Extra help is available to vulnerable people who are intimidated or harassed when they give evidence. If the CPS lawyer thinks that a witness qualifies for this extra help, known as 'special measures', he or she has to ask the magistrates or judge for permission to use them. The Witness Service volunteer, the police or the CPS will tell you what type of help is available and the police or CPS will be able to discuss your needs.

# SAMPLE ONLY

Statement of

Age

(if over 18 insert 'over 18')

Occupation

This statement (consisting of.....page(s) each signed by me) is true to the best of my knowledge and belief and I am aware that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully made any statement in it, which I know to be false, or do not believe to be true.

Signature:

Date:

Tick if witness evidence is used

☐

(supply witness details on rear)

Signature

Signature witnessed by:

## Witness Details

Home Address: ..... Post Code: .....  
Home Tel No: ..... Work Tel No: ..... Mobile Tel No: .....  
Email Address: .....  
Preferred means of contact: ..... Best time to contact: .....  
Sex: Male / Female Date & Place of Birth: ..... Former Name: .....  
Ethnicity (16+1): ..... Religion: .....  
Date of Witness Non-Availability to attend court: .....

## Witness Consent (Please tick or type in box provided)

Yes No

- a) Is the witness or has the witness been vulnerable or intimidated as defined by the Victims Code of Practice? ☐ ☐
- b) Does the witness have any concerns about attending court and if so what support measures can be offered to ensure attendance?
- c) Does the witness require a Vulnerability Assessment as a vulnerable or intimidated witness? (If Yes, submit MG2 with form) ☐ ☐
- d) Has an Intermediary assisted in making this statement? If yes please ensure that you enter the details onto the form MG6 ☐ ☐
- e) Does the witness have any particular needs? If Yes, what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

## Witness Consent For Witness Completion (Please tick)

Yes No N/A

- a) The Victim Personal Statement scheme (victims only) has been explained to me. ☐ ☐
- b) I have been offered the opportunity to make a Victim Personal Statement and have been handed the Victim Personal Statement information sheet. ☐ ☐
- c) I have been handed the "Giving A Witness Statement to the Police - What Happens Next?" information sheet. ☐ ☐
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice). ☐ ☐ ☐
- e) I consent to my medical record in relation to this matter being disclosed to the defence. ☐ ☐ ☐
- f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable: (eg. Child care proceedings, CICA). ☐ ☐
- g) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to **decline** their services: ☐
- h) **I understand that by making this statement I will have to attend court to give evidence if I am required to do so.**

Witness Signature: ..... Print Name: .....

Parent/Guardian/appropriate adult Signature: ..... Print Name: .....

Address and telephone number (if different from above): .....

Statement Taken By (print name): ..... Station: .....

Time and Place Statement Taken: .....