Victim and Witness Care

Standard Operating Procedure

Notice:

This document has been made available through the Police Service of Scotland Freedom of Information Publication Scheme. It should not be utilised as guidance or instruction by any police officer or employee as it may have been redacted due to legal exemptions

<table>
<thead>
<tr>
<th>Owning Department:</th>
<th>Safer Communities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Version Number:</td>
<td>1.00</td>
</tr>
<tr>
<td>Date Published:</td>
<td>24/08/2018</td>
</tr>
</tbody>
</table>
Compliance Record

<table>
<thead>
<tr>
<th>Equality and Human Rights Impact Assessment (EqHRIA)</th>
<th>08/08/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Completed / Reviewed:</td>
<td></td>
</tr>
<tr>
<td>Information Management Compliant:</td>
<td>Yes</td>
</tr>
<tr>
<td>Health and Safety Compliant:</td>
<td>Yes</td>
</tr>
<tr>
<td>Publication Scheme Compliant:</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Version Control Table

<table>
<thead>
<tr>
<th>Version</th>
<th>History of Amendments</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.00</td>
<td>Initial Approved Version</td>
<td>24/08/2018</td>
</tr>
</tbody>
</table>
Contents

1. Introduction

2. Victims of Crime
   2.1 Provision of Information to Victims
   2.2 Referral to Providers of Victim Support Services
   2.3 Victim Support Scotland (VSS)
   2.4 Rape Crisis Scotland
   2.5 Victims’ Code for Scotland
   2.6 Assisting a Victim to Communicate
   2.7 Certain Areas: Victims’ Right to Specify Gender of Interviewer
   2.8 Victim: Rights When Giving a Statement
   2.9 Victim: Assessment of Vulnerability
   2.10 Right to Avoid Contact between Victim and Offender
   2.11 Protection of Privacy
   2.12 Updating the Victim
   2.13 Where a Victim is a Child
   2.14 Where Victim’s Death is caused by an Offence

3. Repeat Victims

4. Victims and Witnesses of Crime
   4.1 Standards of Service
   4.2 At Court; Vulnerable Victims and Witnesses
   4.3 Disclosure of Information

5. Recording and Reporting
   5.1 Preparing a Standard Prosecution Report (SPR)
   5.2 Vulnerability Specifics
# Appendices

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix ‘A’</td>
<td>List of Associated Legislation</td>
</tr>
<tr>
<td>Appendix ‘B’</td>
<td>List of Associated Reference Documents</td>
</tr>
<tr>
<td>Appendix ‘C’</td>
<td>List of Associated Forms</td>
</tr>
<tr>
<td>Appendix ‘D’</td>
<td>Recording the Issuing of VCC on Crime Systems</td>
</tr>
<tr>
<td>Appendix ‘E’</td>
<td>Divisional E-mail Addresses – VSS Referral Data</td>
</tr>
<tr>
<td>Appendix ‘F’</td>
<td>Victim Support Scotland Referral Flowchart</td>
</tr>
<tr>
<td>Appendix ‘G’</td>
<td>Section 8 – Victims and Witnesses (Scotland) Act 2014</td>
</tr>
<tr>
<td>Appendix ‘H’</td>
<td>Section 6 – Victims and Witnesses (Scotland) Act 2014</td>
</tr>
</tbody>
</table>
1. **Introduction**

1.1 This Standard Operating Procedure (SOP) supports the Police Service of Scotland, hereafter referred to as Police Scotland, Policies for:

- Local Policing
- Criminal Justice

1.2 The purpose of this SOP is to ensure that victims and witnesses of crime receive a high standard of care during their contact with the police. The content takes cognisance of the Victims and Witnesses (Scotland) Act 2014 and the Victims’ Rights (Scotland) Regulations 2015 (hereafter referred to as ‘the Act’ and ‘Regulations’).

1.3 Part of this care is ensuring that the needs of all victims and witnesses of crime are considered, their safety ensured, they are kept informed, are able to participate effectively and that access to appropriate support services is made available throughout the criminal justice process, from the initial report to any subsequent court proceedings.

2. **Victims of Crime**

2.1 **Provision of Information to Victims**

2.1.1 Every victim of crime (whether an adult or a child) must be provided with a Victim Care Card (VCC) (Form 144-002) either at the time of reporting the crime or as soon as reasonably practicable thereafter (refer to 2.13 regarding exercising the rights of a child victim).

2.1.2 The VCC records the basic elements of the crime or offence reported along with the following information, some of which is required to be received by the victim under the Act:

- The name of the investigating officer
- That the victim can request to have a person of their choice or a legal representative with them while they give a statement
- Where Police Scotland’s Standards of Service can be accessed
- Where the Victims’ Code for Scotland can be obtained
- Information on referral to Victim Support services

2.1.3 The VCC also makes clear a victim may request a referral to victim support services at any stage in their journey through the criminal justice system from the Crown Office and Procurator Fiscal Service (COPFS), Scottish Prison Service (SPS), Parole Board for Scotland (PBS) and Scottish Courts and Tribunal Service (SCTS). Contact telephone numbers and web site details are provided for the aforementioned criminal justice partners as well as Victim Support Scotland (VSS), all of whom can be contacted directly by a victim.
2.1.4 In circumstances where an officer is dispatched to record a crime or offence, the attending officer is required to provide the victim(s) with a VCC as soon as reasonably practicable.

2.1.5 Where a crime report is recorded over the telephone directly from the victim (direct crime recording), with the exception of the North Public Assistance Desk (PAD), the person recording the crime must make efforts to email the VCC to the victim as soon as reasonably practicable using the Victims’ Care Card (Form 144-002).

2.1.6 If the VCC cannot be emailed by direct crime recording staff (e.g. email is returned as undeliverable, victim does not have an email address, does not provide an email address or crime recorded within North PAD), it will be the responsibility of the local policing division where the initial report was made to make arrangements to provide the victim with a VCC either by post or hand delivered.

2.1.7 The issuing of the VCC and by what means (hand delivered / email / post) must be clearly recorded using the VCC field on the divisional crime system where such a field is available or as a written update on the crime report where there is no specific VCC field available (Appendix ‘D’).

2.1.8 Where the VCC is not issued the reason for this must be clearly recorded on the associated crime report.

2.1.9 Local policing divisions and direct crime recording staff require to have a mechanism in place where the inability to email the VCC can be easily communicated to ensure no victims are missed.

2.1.10 If the victim’s first or preferred language is not English, officers / members of police staff can email / print the VCC in the language requested. At present, the VCC has been translated into 20 different languages which can be found on the Guidance site of the Intranet – Forms 144-001 (A) to (U).

2.1.11 In circumstances where the language required is not available, officers / members of police staff can request a translation via SCD Safer Communities Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 Prejudice to Effective Conduct of Public Affairs. In the interim, the victim should be provided with the English version and informed they will be provided with a translated version when it becomes available. The aforementioned action must be recorded in text within the relevant crime report and the report cannot be closed until the victim has been provided with the translated version.

2.1.12 If the victim is visually impaired, consideration may be given to recording the required information for them or requesting a Braille translation via SCD Safer Communities. This would be the same in circumstances where an individual requests an easy read version of the VCC.
2.2 Referral to Providers of Victim Support Services

2.2.1 Section 3D of the Act makes clear Police Scotland has a statutory obligation to inform victims of an offence or alleged offence, of the following rights (as per VCC), either at the time of the offence being recorded or as soon as practicable thereafter:

- the person may request a referral to providers of victim support services from Police Scotland or any competent authority, and
- the person may contact providers of victim support services directly without a referral.

2.2.3 Where a victim requests to be / or not to be referred to a victim support service, the request must be recorded within the officer’s official police notebook / PDA which the victim signs accordingly.

2.2.4 In circumstances where a crime is recorded over the telephone (i.e. by direct crime recording staff) there is no requirement for a physical signature as the telephone recording is sufficient for audit purposes.

2.2.5 Although there is no such statutory obligation under Section 3D of the Act in respect of witnesses, Police Scotland requires to have regard to the General Principles of the Act, one of which is providing both victims and witnesses with access to support. Therefore witnesses, considered to have been impacted by crime and would benefit from such a referral, should be provided with the same information as victims in relation to making a request to be referred to victim support services or to self-refer.

2.2.6 If a witness makes a request to be referred to victim support services, the officer / police staff should follow the aforementioned referral process.

2.2.7 Where a victim or witness does not request to be referred in respect of section 3D, this must be recorded within the officer’s notebook / PDA.

2.2.8 In this instance, their details cannot be shared with a victim support service as doing so would be a breach of Data Protection legislation. In such circumstances the officer or member of police staff must ensure the person is provided with the contact details of the relevant victim support service to enable them to self-refer (i.e. as per Victim Care Card (VCC) (Form 144-002) / Rape Crisis Scotland information leaflet).

2.3 Victim Support Scotland (VSS)

2.3.1 VSS is the main victim support service to which Police Scotland refer victims and witnesses for support.

2.3.2 Where a victim / witness requests to be referred to VSS this request must be recorded using the VSS field on the divisional crime system where such a field is available or as a written update where there is no specific VSS field available.
2.3.3 Each local policing division has a department who has responsibility of extracting VSS data from their respective divisional crime system whether manually or via automatic downloads.

2.3.4 In circumstances where a request for a referral is obtained later than the crime report being created, the enquiry officer must inform the department within their division with the aforementioned responsibility using the relevant divisional email address provided within Appendix ‘E’. This ensures the referral is captured and forwarded to VSS.

2.3.5 The extraction of VSS data must take place on a daily basis (with the exception of Saturday and Sunday) and forwarded to VSS secure email address. Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 Prejudice to Effective Conduct of Public Affairs ensuring the correct email descriptor is applied (OFFICIAL: POLICE AND PARTNERS). This secure email address must be used on every occasion where data is shared with VSS or when enquiring into individual cases.

2.3.6 VSS data collated each Monday must include the previous Saturday and Sunday VSS data.

2.3.7 The following information will be provided to VSS by Police Scotland:
- Name
- Address
- Telephone number
- E-mail address
- Age
- Any such information regarding the offence (or apparent offence) as the constable considers appropriate

2.3.8 The VSS data must be checked to remove any inappropriate referrals (i.e. victimless crimes) and telephone numbers must be added where they have been missed prior to forwarding to VSS Centre.

2.3.9 On any day where there are no requests for referrals, VSS must be informed of this via VSS secure email.

2.3.10 In addition to the aforementioned information, data protection legislation crime and taxation exemption allows Police Scotland to share certain information where there is reasonable cause to believe there is a real likelihood the safety of the victim / witness or VSS staff could be compromised if the information was not shared. Information provided under this legislation must be relevant, proportionate and necessary and must be assessed on the merits of each case. The additional information must be recorded clearly within the relevant crime report and brought to the attention of the department with ownership of sharing divisional VSS data.
2.3.11 Where the divisional crime system does not have the capability to retrospectively identify when an individual has requested to be referred to VSS (e.g. cannot identify VSS fields selected later than creation of crime report) the local policing division requires to have a process in place to identify and refer those individuals.

2.3.12 Responsibility for monitoring compliance and accuracy and subsequent submission of data to VSS will rest with each local policing division.

2.3.13 VSS referral flowchart is available to view at Appendix ‘F’.

2.3.14 VSS referral procedure as detailed in the Homicide Protocol should be followed in circumstances where a homicide is reported to the police.

2.4 Rape Crisis Scotland

2.4.1 Further information relating to the Rape Crisis Scotland referral process can be found within the Sexual Crime Investigation SOP and ACPOS / Rape Crisis Scotland MoU.

2.5 Victims’ Code for Scotland

2.5.1 Officers and members of police staff must inform victims, by highlighting to the victim the relevant section of the VCC, where to access information on their rights as a victim and that they may request from Police Scotland or any other competent authority a copy of the Victims’ Code for Scotland.

2.5.2 Where a victim requests a copy of the Code and does not have access to the internet at home, the officer or member of police staff should provide advice on other alternatives i.e. accessing the internet at their local library, support groups. Where the victim cannot access other alternatives a printed version of the Code should be provided.

2.5.3 The Victims’ Code for Scotland contains information on:
- Victims’ rights to information, participation, protection and support
- How to report a crime or offence
- How to make a complaint of suspected breach of victims’ rights
- Contact details for Police Scotland, COPFS, SCTS, SPS, PBS and a range of national support organisations

2.6 Assisting a Victim to Communicate

2.6.1 Where required, police officers / members of police staff must ensure that the victims they are dealing with are offered help to understand information given to them. If required they must also be given help to be understood.
2.6.2 To achieve this, communications should be clear, easy to understand and take into account any personal characteristics of the person which may affect their ability to communicate.

2.6.3 If a police officer / member of police staff considers a victim requires assistance to communicate, the person should be afforded the opportunity to be assisted by someone of the victim’s choice unless:
   - It is considered such assistance would be contrary to the interests of the person or prejudicial to any criminal proceedings or
   - The assistance is required for the purpose of the victim giving evidence in a hearing in a relevant criminal proceedings

2.6.4 Where it is considered such assistance would be contrary to the interests of the person or prejudicial to any criminal proceedings consideration should be given to the use of an Appropriate Adult.

2.7 Certain Offences: Victim’s Right to Specify Gender of Interviewer

2.7.1 Under Section 8 of the Act, a person who is, or appears to be a victim of the following offences, must be afforded the opportunity to specify the gender of the investigating officer who is to carry out the interview (deemed to be the officer noting a full statement):
   - A sexual offence
   - Trafficking for prostitution
   - Trafficking for exploitation
   - Domestic abuse
   - Stalking

2.7.2 When informing a victim of their aforementioned rights, any response made by the victim in terms of this must be recorded:
   - Within the officer’s police issue notebook / PDA
   - On the subsequent concern form on the interim Vulnerable Persons Database (iVPD)

2.7.3 Certain statutory exemptions apply if:
   - Complying with such a specification would be likely to prejudice a criminal investigation
   - It is not reasonably practicable for officers to comply with such a specification

2.7.4 It will be the responsibility of supervisory officers to monitor decisions made in this regard. The use of any exemption must be recorded on the associated iVPD concern form along with a supporting rationale.
2.7.5 A guidance flowchart in relation to this section is available to view at Appendix ‘G’.

2.8 Victim: Rights When Giving Their Statement

2.8.1 Officers must ensure the following during a criminal investigation into an alleged offence:

- A relevant interview to take statements is taken without undue delay after a complaint about an offence or alleged offence has been made
- The number of relevant interviews to take a statement are kept to a minimum
- Statement taking is only carried out where strictly necessary for the purposes of the criminal investigation
- Victims are permitted to be accompanied by their chosen legal representative and a person of their choice unless a reasoned decision to the contrary is made with the decision thereafter recorded within the officers’ police issue notebook / PDA
- Medical examinations of the victim are kept to a minimum and are carried out only where strictly necessary for the purposes of the investigation

2.8.2 There is no legislative requirement for Police Scotland to facilitate legal representation for victims. If an officer is unsure whether a person is suitable to accompany a victim, clarification should be sought from their line manager.

2.9 Victim: Assessment of Vulnerability

2.9.1 In terms of vulnerability, officers must ensure that they consider whether the victim is vulnerable to victimisation, intimidation or retaliation and would benefit from:

- Conducting the relevant interview in premises designed or adapted for that purpose (e.g. within fixed or mobile Video Recorded Interview Units)
- Conducting the relevant interview through professionals trained for that purpose (e.g. a Sexual Offences Liaison Officer or Joint Investigative Interview Technique trained officer)
- Ensuring that all relevant interviews are conducted by the same person

2.9.2 For the purposes of a vulnerability assessment (as per Section 9B of the Act), the person carrying out the assessment must consider:

- The views of the person being assessed
- The nature and circumstances of the alleged offence
- The evidence which the person is likely to give
- The relationship (if any) between the person and the accused
- The person’s age and maturity
• Any behaviour towards the person on the part of –
  ➢ the accused
  ➢ members of the family or associates of the accused
  ➢ any other person who is likely to be an accused or a witness in relation to the offence
  ➢ any other such other matters the person carrying out the assessment considers to be relevant

2.9.3 The following persons are also to be considered as vulnerable to victimisation, intimidation or retaliation:

• A person who is under the age of 18
• A victim of domestic abuse
• A victim of a sexual offence
• A victim of human trafficking for sexual exploitation or labour exploitation
• A victim of stalking

2.9.4 Any relevant information pertaining to vulnerability should be detailed in the ‘Civilian Witness Antecedent’ section, if applicable, and the ‘Remarks’ section of the SPR, as per current procedure.

2.10 Right to Avoid Contact between Victim and Offender

2.10.1 Reasonable steps must be taken to enable a person who is a victim, and that person’s family members, to avoid contact with the person who is either not officially accused, accused or convicted.

2.10.2 Exemptions apply where:
  • Such contact is necessary for the purposes of criminal investigations
  • The identity of the offender is not known
  • In relation to the giving of evidence by any person in a hearing in relevant criminal proceedings

2.11 Protection of Privacy

2.11.1 In any interaction with a victim, necessary steps must be taken to protect the privacy of that person, and where the victim is a child, to protect their identity. Where possible, steps must be taken to prevent the disclosure of any images of the person or any of the person’s family members.

2.12 Updating the Victim

2.12.1 In all cases, the victim must be updated with the outcome of the police enquiry. Details of this update must be clearly recorded within the associated crime report prior to filing.
2.12.2 Where a not officially accused / accused person is released from police custody the victim must be updated as soon as is reasonably practicable by the investigating officer.

2.12.3 Where the offender has been sentenced to imprisonment, it is the responsibility of COPFS to inform victims of their rights to receive information relating to the offender's release from prison i.e. through the Victim Notification Scheme.

2.13 Where a Victim is a Child

2.13.1 A child means a person under 18 years of age. A parent means any person holding parental responsibilities for that child within the meaning of the Children (Scotland) Act 1995.

2.13.2 Where a victim is a child, and it is in their best interests, their rights can be exercised by the following people:
- The victim themselves
- The victim and a parent
- Parent
- Such other person considered appropriate by the investigating officer having regard to the age, maturity, views, needs and concerns of the child

2.13.3 In relation to:
- Providing the victim a copy of the victims' code
- Referring the victim to victim support services
- Providing the victim with a VCC

Police Scotland may decide not to extend the right to the relative if they consider it inappropriate; and are not required to give victims' rights to a relative if, having taken reasonable steps to ascertain the relative's whereabouts, they cannot be established

2.14 Where Victim's Death is caused by an Offence

2.14.1 Certain family members of victims who have died are entitled to the rights of the victim where the victim's death was caused by a crime or offence. These relatives include:
- Anyone who was married to or was in a civil partnership with the person immediately before the person’s death
- Anyone who had been living together with the person, as if they were married, for a minimum period of 6 months immediately before the person’s death
- Children and step-children of the person and anyone whom the person cared for immediately before the person’s death
• Parents and step-parents of the person
• Siblings of the person
• Grandparents and great-grandparents of the person
• Grandchildren and great-grandchildren of the person

2.14.2 The elder of any two persons described in each category above are to be taken to be the higher listed relative regardless of gender i.e. children and step children of the person.

2.14.3 In relation to:
• Giving the relative a copy of the victims’ code
• Referring the relative to victim support services
• Providing the relative with a VCC

Police Scotland may decide not to extend the right to the relative if they consider it inappropriate; and not required to give victims’ rights to a relative if, having taken reasonable steps to ascertain the relative’s whereabouts, they cannot be established.

3. Repeat Victims

3.1 For the purposes of recording information, a repeat victim is classified as a person, place or organisation that fall victim to a second or subsequent crime during the twelve month period following the initial report of a crime (Audit Commission). As an example, an individual who experiences a housebreaking to their home in July and thereafter is assaulted in June the following year would be classified as a repeat victim. Even when there is no obvious link between the two crimes, it is important that the repeat element is triggered to allow careful analysis of each case to be undertaken.

3.2 Repeat victimisation matters will be managed and administered locally by the Local Policing Commanders. The priority at the outset is the early identification of a person subjected to repeat victimisation. Officers should ensure a repeat victim marker is added to the relevant crime report where a person is identified as a repeat victim of crime.

3.3 Local Area Commanders should ensure that appropriate audit mechanisms are in place to ensure decisions taken or direction given, in respect of repeat victimisation, are properly documented.

3.4 Responsibility for the identification and resolution of repeat victimisation issues rests with Local Area Policing and partner agencies. On a day to day basis this responsibility will fall to the Local Problem Solving Team (LPST) who through the daily tactical and tasking process, in conjunction with partners where appropriate, will ensure matters are appropriately prioritised and addressed.
3.5 Instances of repeat victimisation will be progressed and managed via a structured plan where this is deemed both appropriate and proportionate. Detailed plans will vary according to the nature of the victim and crime(s), however any plan should capture the following:

- Victim
- Nature of victimisation
- Offender(s)
- Impact on victim
- Risk assessment, if applicable
- Police response incorporating priorities / solutions agreed as well as relevant responsibilities
- Where applicable, partnership response incorporating priorities / solutions agreed as well as relevant responsibilities
- Desired outcomes within an identified timeframe
- Intelligence and enforcement
- Prevention advice and signpost / refer to victim support services

4. **Victims and Witnesses of Crime**

4.1 **Standards of Service**

4.1.1 The Standards of Service for Victims and Witnesses can be found here.

4.1.2 It is a single document for victims and witnesses which has been created by Police Scotland in partnership with the COPFS, the SCTS, SPS and the PBS. This document contains common standards of service along with standards specific to each organisation and is available for members of the public to view on Police Scotland’s website. It is important officers and police staff fully understand the common standards and the standards specific to Police Scotland and their part in upholding them

4.1.3 Police Scotland will prepare and publish a report every 12 months on how these standards are met.

4.2 **At Court: Vulnerable Victims and Witnesses**

4.2.1 If a victim or witness falls into one of the categories below, they are automatically entitled to standard special measures when they appear at court including a screen in the courtroom, a TV link to somewhere outside the courtroom and a supporter who can sit with the victim / witness while they give evidence:

- A person who is under the age of 18
- A victim of domestic abuse
• A victim of a sexual offence
• A victim of human trafficking for sexual exploitation or labour exploitation
• A victim of stalking

4.2.2 The following people may also be considered by COPFS and special measures may be put in place:
• A person whose evidence will be diminished because they have a mental disorder
• A person who is suffering fear or distress in connection with giving evidence
• Those thought to be at risk of significant harm because they are giving or are to give evidence

4.2.3 As these categories of witnesses automatically receive special measures at court, they may not be permitted to identify the accused person in the dock.

4.2.4 All officers must:
• Highlight witnesses falling into this category in the SPR ‘Civilian Witness Antecedents’
• Commence the summary of events section of the SPR with detailed information on how the victim / witness or police witnesses can identify accused

4.3 Disclosure of information

4.3.1 Police Scotland routinely give information to victims and witnesses when they request it. As a matter of course, victims and witnesses should be advised how they will be kept informed of the progress of the case and who they can contact should they need more information or want to discuss any information they have already received. This is business as usual.

4.3.2 However, if for any reason the following are unable to get certain information, they are entitled to request that information under Section 6 of the Act:
• A person who appears to be a victim of the offence or alleged offence
• A relative of such a person where the person’s death was caused by the offence or alleged offence
• Those who are to give or are likely to give evidence in criminal proceedings against a person
• Those who have given a statement in relation to a crime or offence
• A parent requesting information in respect of a child falling into one of the above categories
4.3.3 The aforementioned information refers to:

- A decision not to proceed with a criminal investigation and any reasons for it; or
- A decision to end a criminal investigation and any reasons for it

4.3.4 Two statutory exemptions may be applied when considering a disclosure of information requested under this section:

- Section 6(4) - where disclosure of the information would require disclosure of information supplied by a Minister of the Crown or a department of the Government of the United Kingdom that is held in confidence by the person
- Section 6(5) - where it is considered that it would be inappropriate to disclose any relevant information

4.3.5 A flowchart detailing the responsibilities of officers / members of police staff can be seen at Appendix ‘H’.

4.3.6 Section 45 Law Enforcement/Article 15 of the General Data Protection Regulation (GDPR) provides an individual with the right of access to their own personal data. Subject Access is the method used by an individual to obtain this information from Police Scotland. Upon making a request in writing and providing their identity, an individual is entitled to know if personal data is held about them and be provided with a copy of it, subject to certain exemptions. A full response will be made by the Data Protection team(s) within the legislated timeframe (30 days) from the date the completed application was received by Police Scotland.

4.3.6 Members of the public can either make a request direct to Police Scotland’s Information Management department or can make enquiries with officers / members of police staff on how to apply. Information on the application process is detailed in full within the Access to Information Section of the Police Scotland internet.

4.3.7 Where an officer / member of police staff receives a request for information under section 6 of the Act they should consider whether the request is business as usual. If so, information should be provided as per established procedures.
5. Recording and Reporting

5.1 Standard Prosecution Report (SPR)

5.1.1 In preparing any SPR, officers must consider and record their observations about:

- The victim or witness reaction to the crime and the accused
- The victims’ or witness’ fears in relation to the crime, or their involvement in the criminal justice process
- Any personal characteristics exhibited by a victim or witness that might suggest vulnerability

5.1.2 Officers must submit relevant information using the vulnerability fields in the witness section of the SPR. Any further information that becomes available to the police after an SPR has been transmitted to the Procurator Fiscal (PF) must be communicated immediately through an ancillary report.

5.1.3 The aim is to capture all relevant information that is available, or that becomes available, via the investigative process which can assist an assessment by criminal justice partners as to the requirement for standard or non-standard special measures.

5.1.4 The vulnerability fields can be used for two purposes namely to identify a witness as being vulnerable in terms of the Vulnerable Witness (Scotland) Act 2004 or to establish where a non-vulnerable witness has a characteristic that the PF should be advised of.

5.1.5 The initial field has three vulnerability categories available for selection:

- None
- Child
- Vulnerability

5.1.6 The Lord Advocate’s Guidelines and the Vulnerable Witness (Scotland) Act 2004 provide that an adult witness may be considered vulnerable and consequently, the vulnerable category should be selected where deemed appropriate by the reporting officer. The category ‘None’ should be used where the witness is not considered as vulnerable.

5.1.7 Further guidance can be found within the Case Reporting SOP.

5.2 Vulnerability Specifics

5.2.1 Vulnerability Specifics must be completed on the SPR where a victim has been identified as either ‘vulnerable’ or a ‘child’. Where the child category is selected, the Vulnerability Specific will default to ‘age’.
5.2.2 Where the vulnerable category is selected, the most relevant Vulnerability Specific should be selected from the pre-populated list of:

- Age
- Learning Difficulty
- Mental Health Issue
- Physical Disability
- Sensory Disability
- Sexual Orientation
- Sexual Victim
- Other

5.2.3 If necessary, further comments to provide background or care advice regarding vulnerability specifics should be included within the free text additional needs fields e.g. requirements for wheelchair access at court.

5.2.4 The vulnerability specific field can also be used where a witness is deemed not to be a ‘vulnerable witness’ but the reporting officer believes wider issues of vulnerability exist that fall out with the interpretation of the Act. In this situation the ‘none’ category would be selected, and a comment would be placed within the additional needs field to describe the relevant issues i.e. communication or access difficulties that may be encountered as a result of literacy, age or frailties of the witness.

5.2.5 An elderly person should not be categorised as vulnerable merely on grounds of age. Where it is felt appropriate to categorise an elderly person as vulnerable, information related to their frailty, stamina or known illness should be recorded within the additional needs free text section.
Appendix ‘A’

List of Associated Legislation

- Victims and Witnesses (Scotland) Act 2014
- The Victims' Rights (Scotland) Regulations 2015
- Children (Scotland) Act 1995
- Vulnerable Witnesses (Scotland) Act 2004
- General Data Protection Regulations (GDPR)
Appendix ‘B’

List of Associated Reference Documents

Policy

- Criminal Justice
- Local Policing

Standard Operating Procedures

- Appropriate Adults SOP
- Case Reporting SOP
- Interpreting and Translating Services SOP
- Sexual Crime Investigation SOP
- Subject Access Requests SOP
- Data Protection SOP

Guidance

- ACPOS / Rape Crisis Scotland MoU
- Homicide Protocol
- Scottish Crime Recording Standards
- Lord Advocates Guidelines to the Police Providing Information on Vulnerable Adult Witnesses
Appendix ‘C’

List of Associated Forms

- Victim Care Card (Form 144-002)
- Request for Access to Information (Form 052-002)
# Appendix ‘D’
## Recording the Issuing of VCC on Crime Systems

<table>
<thead>
<tr>
<th>Division</th>
<th>Recording the Issuing of VCC on Crime Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highland and Islands</td>
<td>No VCC field – written text</td>
</tr>
<tr>
<td>North East</td>
<td>VCC marker is completed on each nominal page when a VCC has been issued / declined or N/A.</td>
</tr>
<tr>
<td>Forth Valley</td>
<td>No VCC field – written text</td>
</tr>
<tr>
<td>Fife</td>
<td>No VCC field - written text</td>
</tr>
<tr>
<td>Tayside</td>
<td>IIF field utilised for this purpose with Y / N option</td>
</tr>
<tr>
<td>The Lothians and Scottish Borders</td>
<td>No VCC field - officers complete VCC section of “Disclosure Crime Finalisation” sheet which is pasted onto crime report</td>
</tr>
<tr>
<td>Edinburgh City</td>
<td>No VCC field – written text</td>
</tr>
<tr>
<td>Greater Glasgow</td>
<td>VCC field which requires to be completed on each nominal with an explanation from the officer if a VCC was not issued. This also requires to be confirmed in an Enquiry Update.* see note</td>
</tr>
<tr>
<td>Ayrshire</td>
<td>VCC field (Victim Support Slip Issued filed used for this purpose) which requires to be completed with an explanation from the officer if a VCC was not issued. This also requires to be confirmed in an Enquiry Update.* see note</td>
</tr>
<tr>
<td>Renfrewshire and Inverclyde</td>
<td>VCC field (Victim Support Slip Issued filed used for this purpose) which requires to be completed with an explanation from the officer if a VCC was not issued. This also requires to be confirmed in an Enquiry Update.* see note</td>
</tr>
<tr>
<td>Argyll and West Dunbartonshire</td>
<td>VCC field (Victim Support Slip Issued filed used for this purpose) which requires to be completed with an explanation from the officer if a VCC was not issued. This also requires to be confirmed in an Enquiry Update.* see note</td>
</tr>
<tr>
<td>Lanarkshire</td>
<td>VCC field (Victim Support Slip Issued) which requires to be completed with an explanation from the officer if a VCC was not issued. This also requires to be confirmed in an Enquiry Update.* see note</td>
</tr>
<tr>
<td>Dumfries and Galloway</td>
<td>VCC question is included in the crime report template which officers require to complete</td>
</tr>
</tbody>
</table>

*Note: Ghost suspect is added by direct crime recording staff to Crime Management system along with written text to assist divisions in identifying where a VCC could not be emailed.
Appendix ‘E’

Divisional E-mail Addresses – VSS Referral Data

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 30 Prejudice to Effective Conduct of Public Affairs
Appendix ‘F’

Victims Support Scotland Referral Flowchart

A person is or appears to be a victim of an offence or alleged offence

Issue with VCC (person / post / email)

Inform the person they may request a referral to VSS from Police Scotland or any other competent authority listed on VCC

and

They may self-refer to victim support services without referral (highlight helpline number for Victim Support Scotland on VCC)

Person makes a request to be referred (inform person they will be referred to VSS who will make contact)

Record referral request within police notebook / PDA and person signs accordingly. Update crime report as per local instruction

Police Scotland discloses the person’s details to VSS via the agreed national referral mechanism using data extracted from divisional crime systems

Person does not request to be referred

Officer or member of police staff record this on their divisional crime system as per local instruction
Appendix ‘G’

Section 8: Victims and Witnesses (Scotland) Act 2014

If incident involves a victim, or person who appears to be a victim of:
- Domestic Abuse
- Stalking
- Honour Based Violence
- Female Genital Mutilation
- Forced Marriage
- Section 22 Criminal Justice (Scotland) Act 2003
- Section 4 of Asylum and Immigration Act 2004

Officer must give victim / person who appears to be victim, opportunity to specify gender of interviewing officer and record response in police issue notebook (complying unless not reasonably practicable or if it would be prejudicial to any criminal investigation) - issue VCC.

Raise Concern Form on iVPD

Submit Crime Report

Accused

- Yes
  - Complete vulnerable victim / witness section of SPR2 with comprehensive information on vulnerability and impact of crime on victim / witness

- No
  - Update victim / person who appears to be victim. Actions then complete for the purposes of fulfilling the requirements of Section 8 of the Act

Officers must record their rationale for applying a statutory exemption on the iVPD:

1. Where the offer is not made because section 8 (4) (a) or 8 (4)(b) applies;
2. Where the offer is made, accepted and the officer is not able to comply because section 8 (4)(a) or 8 (4)(b) applies.
Appendix ‘H’

Section 6: Victims and Witnesses (Scotland) Act 2014

Officer or member of police staff receives request for information about an investigation / report of a crime from a victim, witness, prescribed family member, or a person who has given a statement in relation the investigation / crime (Not been reported to the Procurator Fiscal)

- Request made to Information Management
  - Request business as usual
  - Provide information as per normal procedure and update crime report or incident
  - Request meets requirement of Victims and Witnesses (S) Act 2014 Section 6(7) (a) & (b)
    - Advise of application process on Police Scotland internet site through accessing information section
    - Requester has no access to internet – print forms on their behalf
  - Request for information sent to SIO / enquiry officer by email from Information Management; officer to respond
  - Information management prepares Police Scotland response within 30 days
    - Information disclosed
    - Information not disclosed under statutory exemptions; Section 6(4) and (5) of Victims and Witnesses (Scotland) Act 2014