



CPS

Victim Focus Scheme

Crown Prosecution Service
Service for Bereaved Families

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The Victim Focus scheme

This document explains when and how we, the Crown Prosecution Service, can meet you and your family to explain some of the procedures in relation to the prosecution of your case. This can include, if you wish, making a statement to the court about how your family member's death has affected you and your family. This statement is called a victim personal statement (VPS).

Appointment of a police Family Liaison Officer

You should always be appointed a police Family Liaison Officer at the beginning of the investigation into your family member's death. The Family Liaison Officer will explain the Victim Focus scheme to you and your family.

Your Family Liaison Officer will be responsible for communicating prosecution decisions to you and your family.

What types of case qualify under the Victim Focus scheme?

You and your family will be offered a meeting, if you wish, with a Crown Prosecution Service lawyer where the victim is a member of your family and if the suspect is charged with one of the following offences:¹

- murder;
- manslaughter;
- corporate manslaughter;
- familial homicide;
- causing death by dangerous driving;
- causing death by careless driving when under the influence of drink or drugs;
- causing death by careless or inconsiderate driving (where case is heard in the Crown Court);
- causing death by driving whilst unlicensed, disqualified or uninsured (where case is heard in Crown Court);
- aggravated vehicle taking where death is caused (where case is heard in the Crown Court).

¹It is intended to include new offences of causing death by careless driving and causing death while unlawfully on a road in the scheme, when these offences come into force.

²Family includes partners (including same-sex partners).

When does the case qualify?

The case qualifies if a suspect is charged with one of the above offences where the victim is a member of your family.²

After the investigation, the police will pass all the case papers to a Crown Prosecution Service lawyer who is in charge of prosecuting the suspect. He or she is called the prosecutor.

The Crown Prosecution Service will contact you through your Family Liaison Officer to offer you and your family the opportunity of a meeting with the prosecutor.

What is the purpose of the meeting?

The purpose of the meeting is for the prosecutor to speak to you about the progress of the case and what is going to happen and for you and your family to ask any questions. The prosecutor will also explain the Victim Personal Statement scheme.

Do I have to go to the meeting?

No. The meeting is entirely optional. You do not have to take up the offer of a meeting if you do not want one. If you change your mind later on before the trial, you should let your Family Liaison Officer know and they will contact the prosecutor to arrange a meeting.

When will the meeting take place?

The police will collect all the evidence and then pass all the evidence in a file to the Crown Prosecution Service for the prosecutor to review. The meeting will take place after the prosecutor has had an opportunity to review all the evidence in the case file the police have prepared.

Sometimes, and more especially in large or complicated cases, where there is a lot of evidence, this can take a number of weeks to review, because the prosecutor will often need to ask the police to collect more evidence.

Who will attend the meeting?

The prosecutor and the appointed police Family Liaison Officer will attend the meeting. The prosecutor will manage the meeting and may be supported by a Crown Prosecution Service colleague.

Where will the meeting take place?

The meeting will usually take place in the Crown Prosecution Service office where the prosecutor works. If this is inconvenient to you, you should let the Family Liaison Officer know so that the prosecutor can consider whether any alternative arrangements can be made.

What will happen at the meeting?

At your meeting the prosecutor will:

- deal with any questions and concerns you may have;
- outline the court process;
- outline the progress of the case;
- explain to you the role of the Crown Prosecution Service; and
- the legal basis of the charges on which the prosecution is proceeding;
- explain the Victim Personal Statement scheme.

The prosecutor will try to answer any questions you have about the case, although he/she might not be able to discuss the detail of the evidence.

Do I have to make a victim personal statement?

No. You may decide you do not want to make a victim personal statement. Your Family Liaison Officer, local Victim Support contact or other local support groups can help you understand the choices you have, so that you can decide what is best for you and your family.

Can I still have a meeting even if I don't want to make a victim personal statement?

Yes. Discussing the victim personal statement is only part of what the meeting is for. Even if you do not want to make a victim personal statement you may want to know what is happening in the case or have questions you want to ask.

When can I make a victim personal statement?

You can make a victim personal statement if the victim is a member of your family.

The victim personal statement is your chance to tell the court, in your own words, how the death of your family member has affected you and your family.

You or other family members may already have made a victim personal statement before the meeting takes place. However, if you wish, you or other family members can make a further victim personal statement if you think the first statement does not include everything you wanted to say or if your feelings about the offence have changed since you made the first statement.

Who can make a victim personal statement?

Close family members of the deceased are allowed to make a victim personal statement. This usually means parents, guardians, spouses, civil partners, partners and children of the victim.

Who will see the victim personal statement?

If you make a victim personal statement, it will become part of the case papers. This means that it will be seen by everybody involved with your case for example, the police, the Crown Prosecution Service, the defence, and the magistrates and judges at the courts.

What is the procedure at court?

If the defendant is convicted (pleads guilty or is found guilty by the jury), the prosecutor or the trial advocate, if he or she is a different person, will talk to you and confirm the content of your victim personal statement. They will normally do this at the court immediately after the defendant is convicted.

If you would like to amend your victim personal statement, your police Family Liaison Officer or other police officer who is present with you at court will take an additional statement to give to the court and the defence.

The victim personal statement will be shown to the judge, the defence and the prosecution before the defendant is sentenced.

The judge has to sentence on the facts of the case, taking into account any relevant aggravating and mitigating factors and legal guidelines. (An aggravating factor is a feature of the case that means a higher sentence may be appropriate: a mitigating factor is one that means a lower sentence may be appropriate.)

When will the court hear the victim personal statement?

If you have written a victim personal statement, the judge will read it in advance of the hearing.

The court will hear your victim personal statement after the defendant is convicted, but before they are sentenced by the judge. Depending on the circumstances, the statement may be read out to the court by your Crown Prosecution Service prosecutor or the judge may read your statement either to themselves or to the court.

You should tell the Crown Prosecution Service prosecutor which of these you would prefer so that they can tell the judge.

What happens if the defendant is found not guilty?

The judge will not be able to take account of the victim personal statement if the defendant is found not guilty because there will be no sentencing hearing.

What support will I have at court?

The Crown Prosecution Service prosecutor will answer any questions you have about what happens on the day of the sentencing hearing.

The court staff and the Witness Service are also there to help you. Witness Service staff can arrange for you to visit the court before the trial and/or the sentencing hearing, so you can learn more about court procedures. On the day, they can give you a quiet place to wait and arrange for someone to go into the courtroom with you and other practical help.

Who can I contact for more information?

Your Family Liaison Officer can give you details of your local Victim Support group and other support groups in your area. They can also help you to arrange to talk to one of these groups if you want to discuss the scheme.

Further copies of this leaflet may be obtained from:

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