

**Victim and Witness Intimidation:  
Findings from the British Crime Survey**

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## Summary

Several recent initiatives have been directed at helping, advising and protecting victims and witnesses of crime from subsequent intimidation. The 1994 Criminal Justice and Public Order Act brought into being two new offences. An intergovernmental working group on the treatment of vulnerable or intimidated witnesses has led to a range of new actions and procedures, some of which received legal force in the 1999 Youth Justice and Criminal Evidence Act.

In contrast, there is limited research evidence on the extent of intimidation though two recent sweeps of the British Crime Survey (BCS) have attempted to provide more authoritative estimates. In the 1994 and 1998 sweeps of the survey respondents were asked if they had been a victim of crime and, if so, whether they had experienced any subsequent intimidation. In addition, a randomly selected half of the sample were asked if they had witnessed a crime and, if so, whether they too had experienced any intimidation.

### Victim intimidation

- In the 1998 BCS, 390 incidents of criminal victimisation led to some form of intimidation. This represents eight per cent of all incidents. Confining the analysis to only those incidents where there was a potential for intimidation (that is, where the victim had some knowledge of the offender), 15 per cent led to intimidation.
- Intimidation was more likely to follow offences of violence and vandalism. Women were particularly likely to experience intimidation following a violent offence; a quarter of women did so. Many of these incidents involved domestic violence.
- In the vast majority of cases (85%) the harasser was the original offender. In other cases the harasser was the offender's family or friends. Where the harasser was the original offender, 41 per cent of women who experienced intimidation did so from a partner or ex-partner.
- The majority of incidents, approaching three-quarters, involved verbal abuse, 16 per cent involved physical assaults.
- Subsequent intimidation was more likely if the offence had been reported to the police.
- When asked, about a half of victims thought that the harasser's motive was to 'upset' or 'annoy' them. Only eight per cent thought that it was to prevent them from giving evidence to the police or at court.

## **Witness intimidation**

- About one-third of respondents said that in the last five years they had witnessed either an act of vandalism, a car-related crime or a serious fight or assault. Men were about one and a half times more likely to have witnessed these crimes than women.
- A third of those who witnessed an act of vandalism called the police, 41 per cent of those who had witnessed a vehicle-related crime had done so but only 15 per cent of those who had witnessed a serious fight or assault.
- Of those who witnessed any of the three crimes only eight per cent experienced some form of intimidation.
- Like victims, witnesses were much more likely to have been intimidated by the original offender. About three-quarters were. A fifth were intimidated by the offender's family or friends.
- The form of intimidation was also similar to that experienced by victims, and it is not uncommon for witnesses to experience more than one form of intimidation. Sixty-nine per cent of incidents involved verbal abuse. Threats were less common (33%) while physical assaults and damage to property were relatively unusual (16% and 13% respectively).

# 1 Introduction

The extent to which victims and witnesses of criminal offences are subject to harassment and intimidation, either from offenders or someone associated with them, has become a matter of increasing debate in recent years. Media attention has focused on criminal trials which have been jeopardised because witnesses have been afraid to appear. Concern has also grown that people's willingness to report to the police, either as victims or witnesses, may be undermined by fear of intimidation. As a consequence, efforts have been made to improve the provision of help and advice for those who have been intimidated, or who are afraid that they may be. The 1994 Criminal Justice and Public Order Act brought into being two offences (of intimidating a witness and of harming or threatening to harm a witness) to help combat the problem.

The most recent initiative has been the setting up of an interdepartmental working group on the treatment of vulnerable or intimidated witnesses in the criminal justice system. Its report, *Speaking Up For Justice* (Home Office, 1998), makes many specific recommendations regarding changes to practice and procedure in tackling intimidation and supporting witnesses who may be subjected to intimidation. Those recommendations requiring legislation were included in the 1999 Youth Justice and Criminal Evidence Act.

Intimidation, or the perception of it, comes in many forms. Most people envisage intimidation as the offender threatening, or actually inflicting, some form of violence on the victim or on a key witness. But people can be intimidated in ways other than by violence, and the harasser may not be the offender himself or herself but the offender's family or friends. The form of intimidation discussed so far relates to specific incidents and is sometimes referred to as 'case specific' intimidation. Commentators such as the American Bar Association (1981), Healey (1995) and Maynard (1994), have also identified 'community-wide' intimidation. In some communities or areas, offenders may create a general atmosphere of fear and non-cooperation with the criminal justice system. Thus while victims or witnesses of crime in that community may not be threatened directly, their fear of reprisals is such that it discourages them from reporting the crime in the first place or from providing evidence to the police or at court.

A further form of intimidation may be thought of as 'cultural intimidation'. This occurs where family or friends of the victim or witness try to dissuade him or her from assisting in an inquiry. There may be a variety of reasons for this including bringing shame on the victim's family. In addition, there may be norms of behaviour within a culture for dealing with criminal matters that do not involve the formal agencies of the criminal justice system.

Distinguishing these different forms of intimidation has important implications, not only for measuring the extent of intimidation and harassment, but also in devising strategies for dealing with it. The latter topic is outside the remit of this paper but a thorough discussion can be found in the interdepartmental working group's report *Speaking Up For Justice*. An annex to the report is a review by Elliott (1998) detailing the research evidence available at the time.

## Research and statistical evidence

Information on the extent of victim and witness intimidation and what form it takes in the UK is limited. *Criminal Statistics for England and Wales* indicates that about 520 persons were found guilty or cautioned in 1998 for the comparatively new offences of intimidating and harming or threatening to harm a witness, juror or a person assisting in an investigation of an offence. (It is not known how many of the 520 related to jurors as opposed to victims or witnesses.) A further 2,200 offenders were found guilty or cautioned in 1998 for perverting the course of justice. Similarly it is not known how many of these cases relate to victim or witness intimidation; many will involve bribery or supplying false information to the police.

Even if it is assumed that all 2,720 cases were for victim or witness intimidation, they still represent less than one per cent of offenders cautioned or convicted in 1998.

A similar estimate was obtained from an internal study conducted by the Crown Prosecution Service (CPS) and reported in Maynard (1994). Crown prosecutors completed a questionnaire whenever a case was discontinued in magistrates' courts during one month in 1993. In three-quarters of cases where the prosecution was unable to proceed, the reason given was that a key witness was missing or refused to give evidence. The number accounted for about one per cent of the cases dealt with by the CPS each year. This figure can be regarded as an upper estimate as not all these cases will have been the result of witness intimidation; there are often other reasons why witnesses fail to give evidence.

A finding of one per cent by both studies, while consistent, does not include instances where victims or witnesses do not report the offence in the first place because of direct intimidation or because of indirect 'community-wide' or 'cultural' intimidation. The estimates are thus limited to cases that 'come to light'. The true estimate of intimidation is likely to be much higher.

Another source of information about victim and witness intimidation is the British Crime Survey (BCS). The British Crime Survey, a large household survey conducted once every two years by the Home Office, asks around 15,000 members of the general public aged 16 and above about their experiences of crime.<sup>1</sup> If respondents have been a victim of a crime within a defined period<sup>2</sup> they are asked whether they reported the crime to the police and if not why not. In the 1998 BCS, 60 per cent of incidents were not reported to the police and the most common reasons given were that the offence was too trivial (44%) or that the police could not do anything about it (28%).<sup>3</sup> Fear of reprisals accounted for 3 per cent of all incidents not reported but this rose to 10 per cent for incidents of violence (Mirrlees-Black et al, 1998).

Further information is available from a more limited study of crime in five high crime housing estates and conducted by Maynard (1994). He found that of crimes experienced by victims but not reported by them to the police, 6 per cent were not reported for fear of intimidation. Witnesses said that of the incidents witnessed by them which they did not report to the police, 22 per cent were not reported for fear of intimidation. There may be some methodological reasons for

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1 The 2000 BCS will include around 20,000 respondents in the core sample and a further 4,000 in an ethnic boost sample. Interviews will be carried out between January and June 2000 and first key results will be available in Autumn 2000. There are plans for a further increase in sample size in future sweeps and moving the survey to an annual cycle.

2 The BCS asks about victimisation since 1 January of the preceding year. The 1998 BCS therefore includes incidents which happen between 1 January 1997 and the date of interview, a period of about 14 months.

3 Based on all BCS crime.

believing that this study overestimated the scale of the problem even in high crime-rate areas. In particular, stating that they were afraid of intimidation may have been a convenient excuse for not reporting a crime for some witnesses. Also, some victims seemed to interpret subsequent crimes against them as evidence of intimidation when it appeared more likely that they had been the unfortunate victim of another, unrelated, crime. These reasons may influence BCS respondents too, and the connection between intimidation and multiple victimisation is explored later in this report.

In addition to asking respondents whether fearing reprisals influenced their decision to report, the British Crime Survey addresses the extent of case specific intimidation and harassment by directly asking victims and witnesses whether they have experienced intimidation. In one part of the survey respondents were asked whether they have been a victim of crime. If so, they were asked a number of questions about what happened, including whether or not they had been harassed or intimidated following the initial incident. At a later part of the survey interview, half the sample, selected at random, was asked whether they had witnessed a crime and if so whether they had been harassed or intimidated as a consequence. The questions on intimidation were included in the 1994 and 1998 sweeps of the BCS. They are presented in full in Appendix A.

The BCS has some advantages but also some limitations in providing information on victim and witness intimidation. An advantage of the BCS is that victims are asked about all crimes that they experience, not just those that have been reported to the police. The BCS can thus provide estimates of the proportion of all incidents where victims experienced some form of intimidation. Furthermore, the BCS can estimate the proportion of the general public that witness crime, and whether they experience any subsequent harassment by the offender. However, a limitation is that the BCS picks up relatively few victims or witnesses of crime who subsequently become involved in the court process. It is not possible, therefore, to examine victims' and witnesses' experience of court proceedings.

The next two chapters of this report present the results of analysing the data from the BCS on harassment and intimidation. Chapter 2 considers the experience of victims of crime, and Chapter 3 the experience of witnesses of crime.



## 2 Victim intimidation

There are essentially two ways of estimating the risks of intimidation people face as victims of crime. First all victims of crime could be considered to be at risk. Every crime has a perpetrator or perpetrators who may or may not harass or intimidate the victim. However, it could be pointed out that in many incidents the victim does not know the identity of the offender, does not catch sight of him or her nor has any information that may lead to the offender's arrest or conviction. Typical examples might be burglary of the victim's house while they are on holiday or the theft of the victim's car from a public car park. In these circumstances the victim does not face any great prospect of intimidation, particularly if the crime is never solved and the perpetrator(s) never identified. Risk of being intimidated is usually only evident where the victim has some knowledge or information about the perpetrator(s). A second estimate of risk could thus be confined to those types of incident where there is more likely to be *potential* for intimidation.

Both approaches to estimating risk have been followed within the BCS. In the 1998 BCS all victims, regardless of the type of crime suffered, whether the crime was reported to the police or whether the victim had any information about the offender(s), were asked if they had been harassed or intimidated. However, the 1994 BCS adopted the more restricted approach to estimating risk. Victims of crime were asked about subsequent harassment or intimidation only if they (i) had come into contact with, or were likely to have any information about, the offender(s) concerned (irrespective of whether or not they reported the crime to the police); (ii) had no specific information about the perpetrator(s), but did not report the crime for fear of reprisals; or (iii) knew the police had identified an offender, even if the victim had no specific information about the offender.

Although different groups of victims were asked about their experiences in the 1998 BCS and in the 1994 BCS, the question posed was similar:<sup>4</sup>

*Have you or (anyone in your household) your family experienced any harassment or intimidation from the offender(s) or his/her/their family or friends since the incident occurred?*

*Yes, from offender*

*Yes, from family or friends of offender*

*Yes, from others*

*No*

This report presents findings from the 1998 BCS and, where possible, draws comparisons with the 1994 BCS.

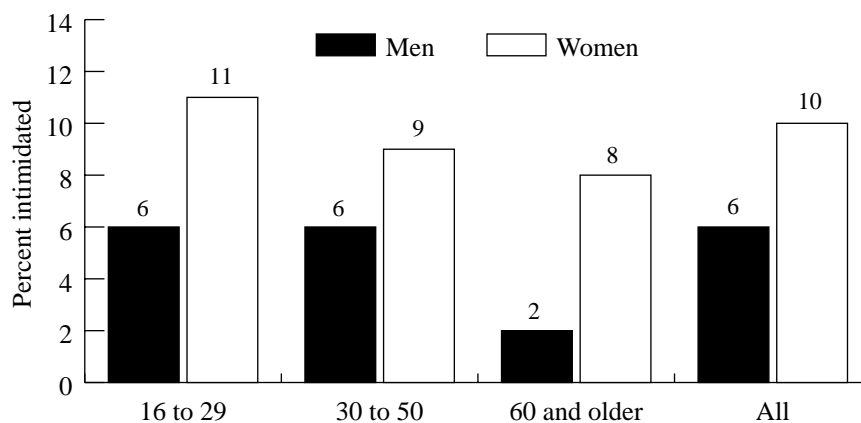
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4 The 1994 BCS asked about 'you or your family', the 1998 BCS asked about 'you or anyone in your household'.

## The extent of victim intimidation

Estimating the risk experienced by all victims, it was found that in the 1998 BCS, 390 incidents led to some form of harassment or intimidation. As a proportion of all incidents (and weighted to compensate for the design of the sample) eight per cent of incidents involved harassment or intimidation. There was a significant difference between men and women. Approaching twice as many women (10%) as men (6%) said they or someone in their household had been subjected to harassment or intimidation. Figure 2.1 shows the risk of intimidation by age and sex.<sup>5</sup>

**Figure 2.1: Percentage of incidents followed by intimidation, by age and sex: 1998 BCS**



In his study of five high crime housing estates, Maynard (1994) found that 13 per cent of victims had experienced intimidation. In the BCS too, the area in which the victim lived had a significant bearing on the likelihood of being intimidated. Risk of intimidation rose to 15 per cent for those living in council accommodation and to nearly 20 per cent for those victims living in the poorest council estates.<sup>6</sup>

Many victims, in particular those who had no knowledge of the offender(s), were not at risk of intimidation. The estimates presented in the rest of this chapter are based on those incidents where there was a potential for intimidation (following the definition used in the 1994 BCS). Confining the analysis of the 1998 BCS to only those incidents where there was a potential for intimidation led to a loss of 15 incidents of intimidation. Thus in 15 incidents the victim felt harassed or threatened by the offender even though the victim had no knowledge of him or her. As 15 is only four per cent of 390, their omission has little effect on the estimates produced or the inferences drawn.

Overall, 15 per cent of victims of offences where intimidation was identified as a possibility said they had experienced some form of intimidation since the incident.<sup>7</sup> Figure 2.2 reveals that female respondents reported significantly more incidents of intimidation than male respondents.<sup>8</sup> These results were very similar to those found in the 1994 BCS. Age of respondent did not have a marked effect on the likelihood of being intimidated.<sup>9</sup>

<sup>5</sup> It should be remembered that some respondents answer questions on behalf of other members of their household. Thus sex and age of the respondent will not, in every case, be the same as the sex and age of the victim – although in many cases it will be.

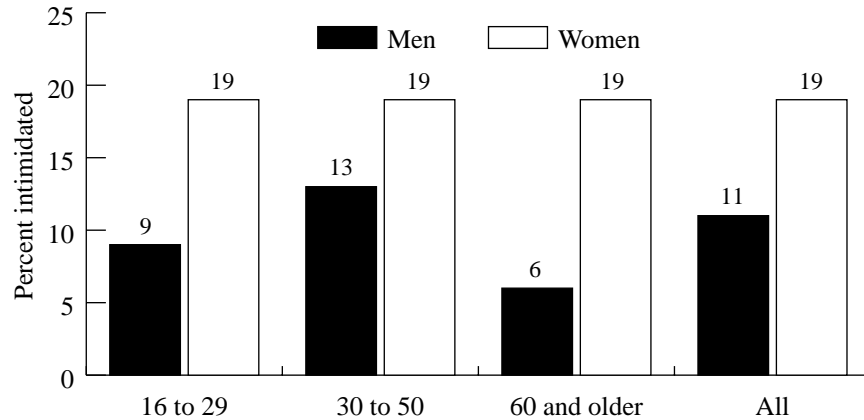
<sup>6</sup> ACORN group ‘Council estate residents, greatest hardship’. ACORN – ‘A Classification of Residential Neighbourhoods’ – classifies households according to the demographic, employment and housing characteristics of the surrounding neighbourhood. ACORN was developed by CACI Ltd.

<sup>7</sup> The analysis in this section is based on individual incidents of victimisation, rather than on individual victims, since some people were the victim of more than one incident.

<sup>8</sup> Wherever the term significant is used in this report it means that the results are significant at the 5 per cent level (two tail).

<sup>9</sup> See footnote 5.

**Figure 2.2:** *Percentage of incidents followed by intimidation (offences with potential for intimidation only), by age and sex: 1998 BCS*



**Risk of intimidation following different types of crime**

Table 2.1 shows the percentage of incidents that led to intimidation following a particular type of crime.

Generally intimidation is more likely following offences of violence, vandalism and burglary but less likely following offences of mugging, other household theft and vehicle theft. This pattern may reflect a difference between ‘expressive’ offences (where the offence, such as violence and vandalism is personally directed against the victim) and ‘instrumental’ offending (where the motivation is personal gain – as in mugging, other household theft and vehicle theft). At first sight burglary does not neatly fit into this classification. However, it should be pointed out that the base here was offences where there was potential for intimidation, that is where the victim had some knowledge of the offender. Burglaries meeting this criteria are not typical of all burglaries.<sup>10</sup>

**Table 2.1:** *Percentage of incidents followed by intimidation (offences with potential for intimidation only) by type of offence and sex: 1998 BCS*

Offence type	Men		Women		All	
	%	N	%	N	%	N
Violence <sup>2</sup>	12	440	26	358	18	798
Mugging <sup>3</sup>	10	80	5	70	8	150
Burglary <sup>4</sup>	16	129	15	248	15	377
Other household theft <sup>5</sup>	4	104	10	149	8	253
Vehicle-related theft <sup>6</sup>	3	141	4	183	4	324
Vandalism <sup>7</sup>	18	199	20	255	19	454

Notes:

1. Source: 1998 British Crime Survey. Weighted data. Unweighted N.
2. Violence comprises wounding and assaults including incidents with a sexual motive.
3. Mugging includes robbery, attempted robbery and ‘snatch thefts’.
4. Burglary includes attempted burglary and burglary with entry.
5. Other household theft includes theft from within and outside the dwelling and burglary and attempted burglary to non-connected garages, sheds and outhouses.
6. Vehicle-related theft includes theft and attempted theft of and from vehicles.
7. Vandalism includes arson and criminal damage of any value to the home or other property.

<sup>10</sup> Only a tenth of all burglaries involved an offender who was well known to the victim. For incidents with the potential for intimidation this rose to just over a quarter.

Another feature of Table 2.1 is the relative risks for men and women. For half the offences (burglary, vehicle-related theft and vandalism) the risk of intimidation was similar. Women were found to be at less risk following mugging but to experience greater risk following household theft, although in both cases the relatively small number of victims meant the differences were not statistically significant. However, women were found to experience more than twice the risk of intimidation than men following an offence of violence, and this difference was statistically significant. Furthermore, a quarter of all women experienced intimidation following an offence of violence. This finding in particular suggests that many of these incidents involved domestic violence. To examine this further, the group of violence offences was disaggregated into sub-groups defined by the victim's relationship with the offender. The results are shown in Table 2.2.

**Table 2.2: Percentage of incidents of violence followed by intimidation (offences with potential for intimidation only), by type of offence by sex: 1998 BCS**

Type of violence	Men		Women		All	
	%	N	%	N	%	N
Domestic <sup>3</sup>	31	43	38	152	36	195
Acquaintance <sup>4</sup>	14	208	21	140	17	348
Stranger <sup>5</sup>	4	185	1	65	3	250

Notes:

1. Source: 1998 British Crime Survey. Weighted data. Unweighted N.
2. Violence comprises wounding and assault including those with a sexual motive.
3. Domestic violence involves partners, ex-partners, household members and other relatives.
4. Acquaintance violence involves incidents where the victim knew the offender(s) at least by sight.
5. Stranger violence involves incidents where the victim did not know the offender.

Table 2.2 clearly shows that intimidation is more likely following incidents of domestic violence and this was the case for men too. The most notable difference between men and women was the risk of intimidation following violence by an acquaintance; 14 per cent for men and 21 per cent for women. If a stranger was involved the risks were low for both men and women.

The relationship between the nature of the offence and whether the victim suffered any intimidation was explored further. During the BCS interview, victims who had experienced several crimes are asked whether any of them were “very similar incidents, where the same thing was done under the same circumstances and probably by the same people”.<sup>11</sup> From the responses, it is possible to classify crimes as separate single incidents or as a series of similar incidents. It was found that whether the initial incident was a single incident or part of a series had a significant effect on whether intimidation subsequently followed. Intimidation occurred in only eight per cent of single incidents but in nearly a quarter (23%) of incidents that were felt to be part of a series.

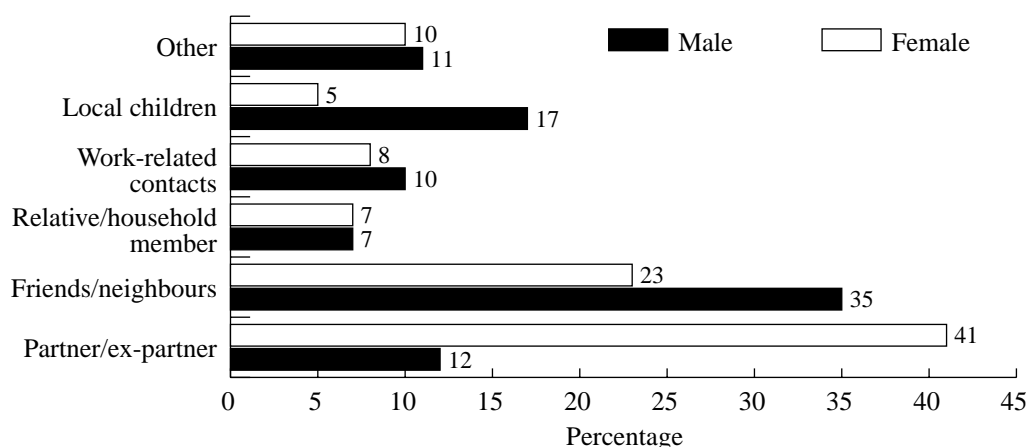
### **The harasser's relationship with the victim**

In the vast majority of incidents of intimidation (85%) the harasser was the original offender. In a quarter (27%) of incidents the offender's friends and family were involved (often with the offender). It was rare for any other person to be involved. In only three per cent of incidents was someone other than the offender or his or her family or friends harassing or intimidating the victim.

<sup>11</sup> Those who said they had experienced a 'series' of similar incidents were only asked the details of the most recent incident, including whether any intimidation subsequently occurred.

As information is collected on the relationship between the original offender (where known) and the victim, it is possible to shed light on the relationship between the harasser and the victim in those cases, the majority, where the harasser was also the offender. The results are shown in Figure 2.3.

**Figure 2.3: Relationship between harasser and victim (harassment incidents committed by the original offender): 1998 BCS**



Note: 'Other' is any other type of relationship, including people living in the same area but not 'neighbours' and previous partners of the respondents' current partner.

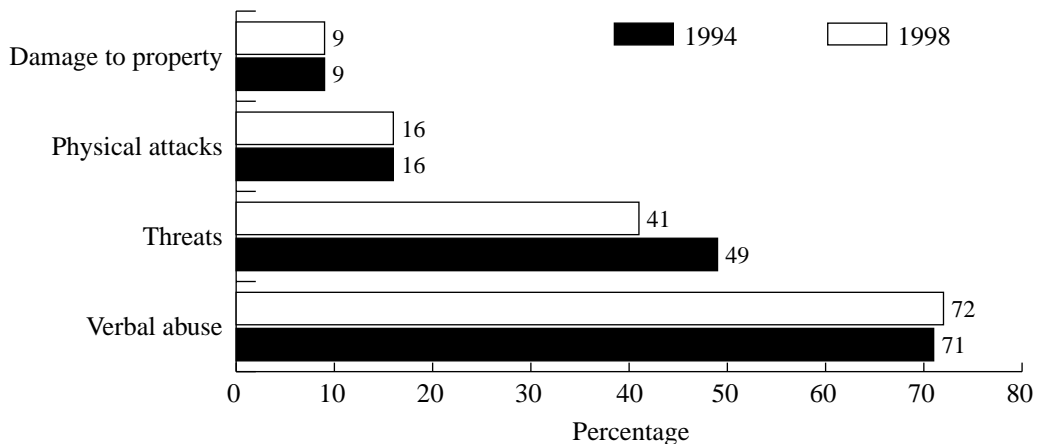
Figure 2.3 shows that 41 per cent of women who were harassed were harassed by their partner or ex-partner, a significantly higher proportion than for men (12%). This finding reinforces the point made earlier regarding the importance of domestic disputes in generating subsequent intimidation, in particular for women. In the 1998 BCS men were more likely to be intimidated by friends or neighbours or children living locally.

### Forms of intimidation

The majority of incidents of intimidation involved verbal abuse (Figure 2.4). The next most common form of intimidation was being threatened. Actions involving potential or actual criminal activity (physical assault or damage to property) were rare in comparison, though 16 per cent of all harassment incidents involved physical assault in both the 1994 and 1998 sweeps of the BCS.

The type of intimidation used against men and women was broadly similar and changed little between 1994 and 1998. While in the 1994 BCS women were more likely to be physically attacked than men, this difference was not so marked in the 1998 BCS. Closer examination of the 1994 BCS data was possible. It revealed that for incidents against women that involved a current or ex-partner, physical attacks and threats occurred more often.

**Figure 2.4: Forms of intimidation against victims (offences with potential for intimidation only): 1994 BCS and 1998 BCS**



Note: Some victims experienced more than one form of intimidation, hence percentages sum to more than 100.

### Reporting to the police

Is intimidation more likely if the victim reports the initial crime to the police? Table 2.3 shows that in both the 1994 and 1998 sweeps, there is a significantly higher rate of intimidation in cases where the victim had involved the police. This may indicate that offenders are more willing to take intimidatory action if they fear court proceedings. However, between 12 per cent and 14 per cent of victims who did not report the crime to the police were also harassed. Furthermore, around a third of victims who did not tell the police about their crime specifically because of their fears of reprisals suffered subsequent harassment. Much of this harassment may well have been in the form of threats of what might befall the victim should he or she report the offence to the police.

**Table 2.3: Reporting to the police and subsequent harassment (offences with potential for intimidation only): percentage harassed: 1994 BCS and 1998 BCS**

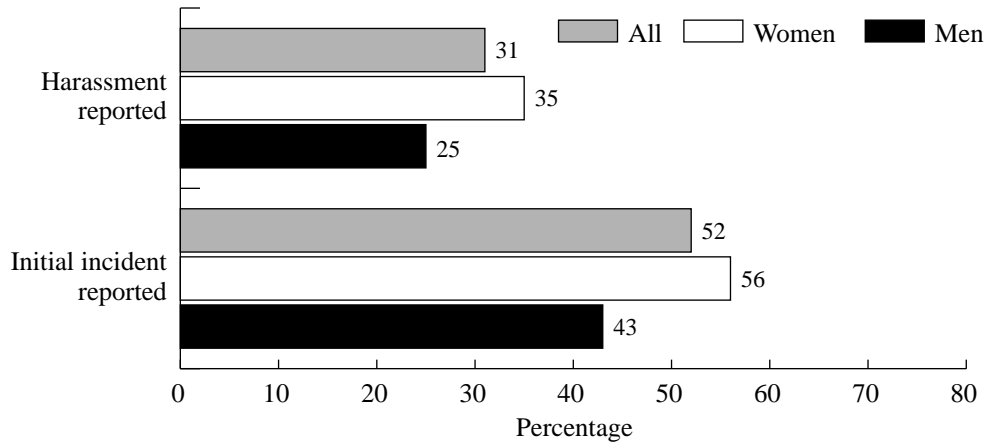
Initial incident	1994 BCS		1998 BCS	
	% harassed	N	% harassed	N
Reported	20	1,135	18	1,597
Not reported	14	1,155	12	1,750
Not reported because of fear of reprisals	28	91	36	120

Notes:

1. Source: 1994 and 1998 British Crime Survey. Weighted data. Unweighted N.

The analysis above examined what proportion of initial reported and unreported crimes led to intimidation. An alternative way of exploring the relationship between intimidation and reporting is to start with incidents of intimidation and consider what proportion of the initial crimes (which led to the intimidation) were reported to the police. The analysis can be extended to examine whether the *intimidation itself* was reported to the police. The results are set out in Figure 2.5.

**Figure 2.5: Reporting initial incidents and reporting intimidation to the police (offences with potential for intimidation only): 1998 BCS**



Of all those who experienced intimidation about half had reported the original incident to the police. Only a quarter of men and a third of women reported the later harassment. On the face of it, this indicates that harassment incidents are considered to be either less serious than the original offence, or that victims are frightened of involving the police about the harassment which followed. It was rare for victims to report the harassment if they had not already reported the previous incident – only six per cent of victims did so.

The type of offence seemed to have little bearing on whether victims reported to the police the intimidation they had experienced.

### The reason for intimidation

A shortcoming in the 1994 sweep of the BCS was that it did not ask victims what they thought lay behind the intimidation. This omission was rectified in the 1998 BCS. The explanations people gave are shown in Table 2.4.

**Table 2.4: The reasons for the intimidation (offences with potential for intimidation only): 1998 BCS**

	Men	Women	All
<b>Reason for intimidation</b>	<b>%</b>	<b>%</b>	<b>%</b>
Offender just malicious, wants to upset/annoy the victim	44	52	49
Incident was one of a series of similar incidents	25	28	27
To deter victim from giving evidence to the police	7	4	5
To deter victim from giving evidence in court	4	3	3
Racially motivated	1	*	*
Other	19	13	15
Unweighted N	130	233	363

Notes:

1. Source: 1998 British Crime Survey. Weighted data. Unweighted N.
2. Only one response was permissible.
3. \* denotes less than 0.5%.

It can be seen that nearly a half of intimidated victims said they thought they had been intimidated simply because the offender wanted to ‘annoy’ or ‘upset’ them. In a quarter of cases, victims said that the intimidation was one of a series of similar incidents. Only a minority said they were intimidated for evidential reasons. There was little difference between men and women in the reasons given and the type of initial offence had little influence on the reasons for the intimidation.

### 3 Witness intimidation

Questions in the 1994 BCS and in the 1998 BCS about whether respondents had witnessed a crime were relatively limited, but they do provide a sound estimate of how many people had witnessed certain types of crime and how many were subsequently intimidated by the offender, his or her family or by someone else. In each of the two sweeps of the BCS half the sample were asked whether they had witnessed different types of crime over the past five years, and what happened subsequently if they had. The questions are set out in full in Appendix A.

About a third of respondents in the 1998 BCS said that they had witnessed an act of vandalism, a car crime or a serious fight or assault. For each of these three crimes there was a significant increase in the percentage of witnesses between the 1994 and 1998 BCS. This is somewhat surprising given that the BCS indicates that there was actually a fall in the number of such crimes over the period (Mirrlees-Black, et al).

It is clear from both years that men and women were most likely to witness fights or assaults. A significant proportion also witnessed vandalism but respondents were less likely to have witnessed car crime or breaking into premises. The difference between offences not only reflects the relative incidence of these offences but also their nature. Offenders breaking into premises and cars will take steps not to be observed. Vandalism is a relatively prevalent crime, and, like fights and assaults, is often committed in public view.

**Table 3.1: Percentage of respondents who had witnessed a crime: 1994 BCS and 1998 BCS**

Percent witnessed	Men		Women		All	
	1994	1998	1994	1998	1994	1998
Vandalism to property/car	13	19	8	13	10	15
Someone breaking into a car/trying to steal from a car	6	11	4	7	5	9
A serious fight or assault	22	28	12	17	17	22
Someone breaking into premises <sup>2</sup>	4	-	4	-	4	-
Any of the above <sup>3</sup>	32	38	20	26	26	32
Unweighted N	3,153	3,248	4,083	4,193	7,236	7,441

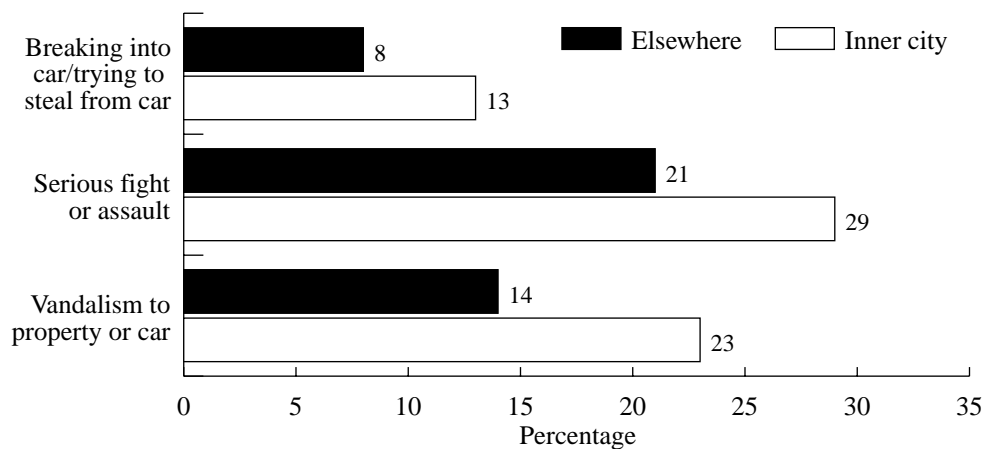
Notes:

1. Source: 1994 and 1998 British Crime Survey. Weighted data. Unweighted N.
2. This question was not included in the 1998 sweep.
3. In 1994 respondents were asked if they had witnessed any of four different kinds of crime. In 1998 they were asked if they had witnessed any of three crimes. The figures for 'Any crime' are thus not strictly comparable.

It is also clear from both years that men are considerably more likely to witness crime than women. The difference between men and women was highly significant. This was true for all crime types in each year (except breaking into premises which was only asked in the 1994 BCS and was the same for men and women). The difference was most pronounced for serious fights and assaults which is most likely explained by differences in lifestyles between men and women. This seemed to be confirmed when the age of the witness was taken into account. Generally, younger people were more likely to witness crime than older people, particularly fights or assaults. Fifty seven per cent of young men aged 16 to 29 had witnessed a fight, compared to 28 per cent of men aged 30 to 59 and seven per cent aged 60 or over. Young women were also more likely to witness a fight than older women (the figures being 36%, 16% and 4% respectively).

As expected, those living in high crime areas were significantly more likely to have witnessed a crime reflecting their greater opportunity for encountering such an incident. (They are also more likely to be victims of crime.) Thus 42 per cent of those living in inner-city areas had witnessed at least one of the three crimes in the last five years, compared to 30 per cent of people living elsewhere. Figure 3.1 shows the results for the different types of crime.

**Figure 3.1:** *Percentage of respondents who had witnessed a crime, by type of area: 1998 BCS*



### **The witness's response**

Just as the relationship between the victim and the offender can be complicated by a history of abusive interactions, so it would be a mistake to assume that witnessing events is entirely straightforward. Whatever the circumstances, it is rarely as simple as the scenario of: witness sees crime, calls police, offender intimidates witness. The literature on bystander intervention illustrates the ambiguity inherent in 'witnessing' situations: the witness must decide if an unusual event is 'criminal', and difficult decisions ensue as to whether to assume responsibility for action and intervention (Latane and Darley, 1970; Kidd, 1985). Without delving into the psychological studies on this topic, two points are worth noting; the first is the strong pressures not to get involved and/or call the police in such cases: the second is that if the witness does decide to take action, intervention is not restricted to calling the police. Direct confrontation with the offender is another possible course of action for the witness and this itself may result in harassment by the offender. The BCS question makes it quite clear that the interest is in harassment that occurred in the period after the incident. The question was:

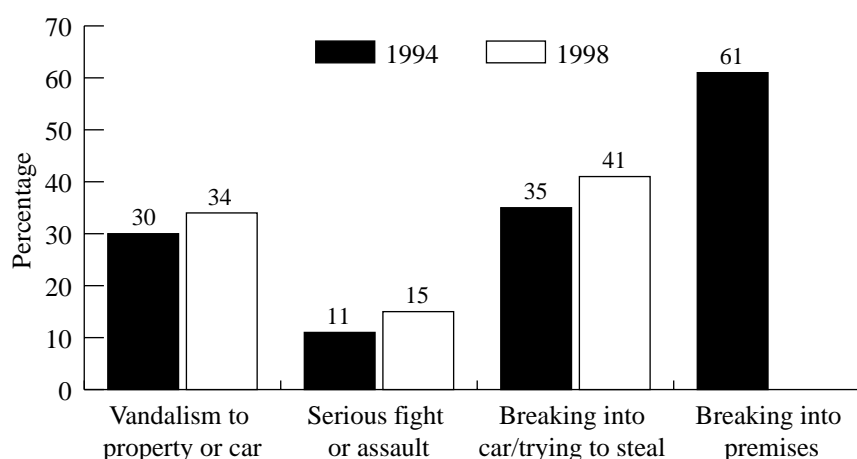
*Did you experience any harassment or intimidation after the incident from the person or people involved, or his or her family or friends?*

It is still possible of course that respondents could have interpreted this question as including an altercation immediately after the incident while all parties were still at the scene.

Before considering whether witnesses were harassed or intimidated Figure 3.2 presents information on the extent to which witnesses called the police. Witnesses were asked:

*The last time you saw this happening, did you call the police?*

**Figure 3.2: Percentage of those witnessing a crime who called the police: 1994 BCS and 1998 BCS**



Note: The 1998 BCS did not ask respondents if they had witnessed someone breaking into premises.

It can be seen from Figure 3.2 that not all witnesses saw it as their duty to call the police. Only in the case of breaking into premises did more than half of witnesses call the police (61%). Very few, only 15 per cent in the 1998 BCS, of witnesses of a serious fight or assault told the police. There was some small increase between the 1994 BCS and the 1998 BCS in the likelihood of the police being called by the witness.

Female witnesses are significantly more likely to call the police than male witnesses. In the 1998 BCS 29 per cent of men who witnessed an offence of vandalism called the police whereas 40 per cent of women did so. For offences of breaking into a car or trying to steal something from it the proportions calling the police were 35 per cent of male witnesses and 50 per cent of female witnesses. The pattern was repeated for witnessing a serious fight (12% of males called the police compared with 21% of women).<sup>12</sup> Thus despite being less likely to witness a crime, women were much more likely to tell the police of any incident they had witnessed.

In the 1994 BCS witnesses were asked who else they told in addition to the police. More than half (52%) of witnesses of fights or assaults told no one, but this figure was 38 per cent for vandalism, 39 per cent for car crime and 31 per cent for burglary. A large proportion of witnesses told another person, in many cases as well as the police. Those informed of the incident were often a neighbour or a member of another household (particularly so for breaking into premises) or simply 'someone else'.

<sup>12</sup> All the differences were found to be statistically significant.

The BCS interview does not probe why people call the police, tell someone else or tell no one. It is thus only possible to surmise what reasons witnesses may have had for their course of action. In some instances, and breaking into premises may be a prime example here, the respondent may have thought themselves to be the only witness (or were not aware of any other witness) and thus notified the police. If it was their neighbour's premises they would no doubt tell their neighbour what they had seen. In other instances the crime may have taken place in a public space where many people may have witnessed the offence. Only one witness would be required to call the police. More than any of the other three types of crimes, fights and assaults can cover a wide range of situations and circumstances. However, many fights and assaults occur amongst friends and associates of the witness. In such circumstances it may not be 'the done thing' to call the police.

### **Intimidation of witnesses**

Whatever way witnesses reacted to the event that they saw, the indications from the BCS are that subsequent intimidation was not widespread – although it may have been serious for a small number of people. Out of over 7,000 people questioned in 1998, only 191 incidents of harassment were uncovered – affecting 164 witnesses. Of those who witnessed any of the three crimes, only eight per cent experienced harassment.

Table 3.2 shows that intimidation rates in the BCS for those who reported witnessed events to the police were significantly higher than those who did not, although not contacting the police is no protection (as is the case for victims). Overall, 13 per cent of witnesses who called the police were subsequently intimidated. There was little difference between men and women. Seven per cent of all male witnesses experienced harassment, compared to 9 per cent of female witnesses.

**Table 3.2:** *Percentage of witnesses who subsequently experienced intimidation, by whether they called the police: 1998 BCS*

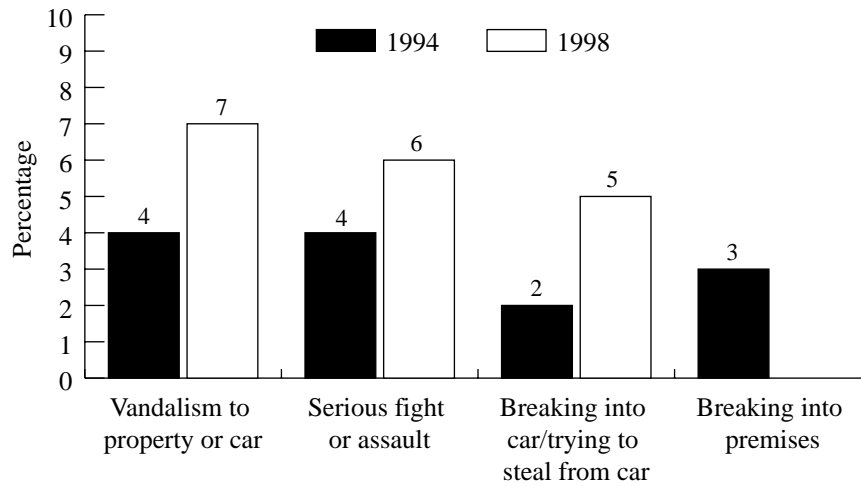
Percent intimidated	Called the police		Did not call the police		All witnesses	
	%	N	%	N	%	N
Vandalism to property/car	11	379	6	763	7	1,142
Someone breaking into a car/trying to steal from a car	7	260	4	368	5	628
A serious fight or assault	16	256	4	1,359	6	1,615

Notes:

1. Source: 1998 British Crime Survey. Weighted data. Unweighted N.

The 1994 BCS also asked witnesses of crime whether or not they were intimidated or harassed after the incident. Figure 3.3 shows that the proportion of witnesses who experienced harassment increased between 1994 and 1998.

**Figure 3.3: Percentage of witnesses who subsequently experienced intimidation: 1994 and 1998 BCS**



Note: The 1998 BCS did not ask respondents if they had witnessed someone breaking into premises.

Witnesses were asked who harassed or intimidated them. Like victims, witnesses were much more likely to be intimidated by the perpetrator(s) of the original offence – about three-quarters of incidents were committed by the perpetrator(s) and a further fifth by the perpetrator’s family or friends. It was very exceptional for any one else to harass or intimidate the witness.

Where intimidation did occur, it appeared to take the same form as harassment of victims. Information was not sought in the 1998 sweep but information collected in the 1994 BCS revealed that verbal abuse was most common, occurring in 69 per cent of incidents. Threats were less common (33%) while the more serious physical assaults and damage to property were relatively unusual (16% and 13%).

The 1994 BCS also asked witnesses whether they reported the harassment to the police. Of all harassment incidents that witnesses experienced, 39 per cent were reported to the police. Interestingly, this is somewhat higher than the proportion of incidents of harassment against victims reported to the police (23 per cent in the 1994 BCS). The difference may be because so many harassers and victims are known to each other.



## 4 Conclusions

This project has been undertaken at a time of continuing concern regarding the intimidation of victims, witnesses and jurors. The findings reported here indicate the level of intimidation among victims and witnesses immediately prior to the development of policy and the introduction of new procedures designed to protect those who may be at risk. As such this study serves as an important 'baseline' against which the new initiatives can be judged.

### **The extent of intimidation**

The report shows that according to the 1998 British Crime Survey the risk of intimidation is about eight per cent for all victims covered by the survey but increases to 15 per cent for victims who may be considered to be in a situation that gives rise to the potential for intimidation.

In terms of witnesses, the BCS shows that witnessing crime is fairly common. According to the 1998 BCS, a third of adults had witnessed at least one of three different types of incident in the last five years. Nonetheless, the indications from the BCS are that the intimidation of witnesses is relatively unusual. Only eight per cent of all witnessed incidents resulted in harassment, although the likelihood of intimidation rose to 13 per cent where witnesses had involved the police.

### **The nature of intimidation**

Whether considering the intimidation of victims or witnesses, much of the harassment reported to the BCS took the form of verbal abuse or threats, though a relatively small proportion of those intimidated experienced physical attacks or damage to property. Victims and witnesses are invariably intimidated by the original offender or their friends or family.

### **Why does intimidation occur?**

It is often thought that intimidation occurs because offenders want to deter victims or witnesses from contacting the police or providing evidence to support a prosecution case. However, the findings of the BCS suggest that intimidation is far more complex than this, and intimidation to deter victims giving evidence is relatively rare.

Only three per cent of all victims did not report their crimes to the police for fear of reprisals, though this rises to 10 per cent for victims of violent offences. Furthermore, when victims were asked what they thought lay behind the intimidation they experienced only eight per cent felt that the offender was seeking to avoid apprehension or conviction. Victims were more likely to say that the intimidation occurred to upset or annoy them (49%) or was linked to a series of similar incidents (27%).

These explanations serve to underline the complexity of intimidation. There are two inter-related findings which are particularly important in understanding this complexity. First, that intimidation is inextricably bound up with the phenomenon of 'multiple' or 'repeat' victimisation and second, that much of the intimidation arises in the course of domestic violence.

As discussed above, more than a quarter of intimidatory incidents were considered by victims to be part of a series of similar incidents. Analysis also revealed that intimidation was more likely following incidents that were regarded as part of a series (23%) than with incidents that were single events (8%).

Linked to this is the importance of domestic violence (which is often a series of related incidents). The risk of intimidation was particularly high following offences of domestic violence. In 41 per cent of intimidatory incidents against women in which the perpetrator was the original offender, the perpetrator was a partner or ex-partner.

One valuable piece of qualitative information which helps to illuminate the context in which intimidation occurs is the victim's description, recorded by the interviewer, of the original incident. A few illustrative examples are given below.

*My ex-boyfriend comes round and causes trouble because I won't take him back and I won't let him see his son. He loses his temper and starts thrashing out at me or anything. He's got a terrible violent temper.*

*Husband, whom the informant was divorcing, was under an injunction not to come near her. He told the landlord he had lost his key. He gained entry to the flat and took property which belonged to her.*

*There is an ongoing problem with my 15 year old son who is being bothered by a gang. They turned up at my house with a baseball bat and damaged the front door surround, threatened me and my daughter.*

*I was walking in the street when three men came up and attacked me using their fists and shouting at me because I had told the police about the previous assault.*

The findings on the link between repeat victimisation, domestic violence and intimidation warrant further consideration for policy development. In particular in considering policies to address domestic violence, attention should be given to the intimidation which many victims experience. The interdepartmental group on violence against women and domestic violence may be an appropriate forum for further reflection and discussion.

In terms of witness intimidation the BCS did not ask witnesses to speculate on why the intimidation they experienced occurred. However, it is likely that, as with victim intimidation, the reality is more complex than simply offenders wanting to deter witnesses from giving evidence.

## **Future research**

The BCS provides some basic information on the extent and nature of victim and witness intimidation. The 2000 BCS again includes questions on intimidation and will allow the monitoring of any changes since the previous survey. There is also scope in future sweeps of the BCS to explore in more detail experiences of intimidation. For example, why many of those harassed do not report incidents to the police or what lies behind experiences of witness intimidation.

However, given its inherent limitations it is not possible for the BCS to explore all aspects of victim and witness intimidation and other research is required to more fully address the issues.

In particular, the BCS is unable to provide information about the extent and nature of intimidation, how it arises and what form it takes, against victims and witnesses whose cases proceed to court (very few respondents in the BCS become involved in court proceedings). The Home Office is currently undertaking a witness survey of a sample of witnesses who attend court and this will allow further exploration of the intimidation of witnesses who reach the later stages of the criminal justice system.

Furthermore, neither the BCS nor the witness survey explore the experience of jurors – and this may well warrant further research.



# **Appendix A**

## **Victim/witness intimidation questions: 1994 and 1998**

### **British Crime Survey**

#### **Victim intimidation**

##### **Questions asked of all victims of crime**

###### ***1994 & 1998 BCS***

Have you or (your family) anyone else in your household experienced any harassment or intimidation from the offender(s), or their family or friends since this incident occurred? CODE ALL THAT APPLY

- Yes – from offender
- Yes – from family/friends of offender
- Yes – from other
- No

###### ***1998 BCS***

Why do you think this harassment or intimidation occurred?

- To deter victim from giving details of offence/offender to police
- To deter victim from giving evidence in court
- Offender just malicious/wants to upset/annoy me or the victim
- Racially motivated
- Incident was one in a series of similar incidents
- Other answer

###### ***1994 & 1998 BCS***

What forms did the harassment or intimidation take?

CODE ALL THAT APPLY

- Physical attacks
- Threats
- Verbal abuse
- Damage to property
- Other intimidation

###### ***1994 & 1998 BCS***

Did you report (any of) this harassment (or intimidation) to the police?

- Yes
- No

## **Witness intimidation**

### **Questions asked of a random half sample of respondents**

#### ***1994 & 1998 BCS***

Have you in the last five years seen any of these crimes actually happening?

Yes

No

[In the 1998 BCS the three crimes were (1) vandalising property or a car (2) breaking into a car or trying to steal something from a car (3) a serious fight or assault. In the 1994 BCS victims were also asked about a fourth crime 'breaking into premises'. If respondents answered yes they were asked the following questions about each of the three (four) crimes.]

#### ***1994 & 1998 BCS***

Have you seen [type of crime]

Yes

No

#### ***1994 & 1998 BCS***

The last time you saw this happening, did you call the police?

Yes

No

#### ***1994 BCS***

Did you tell anybody else about it apart from the police?

No, no-one else

No, not serious enough

Yes, Neighbourhood Watch co-ordinator

Yes, neighbour

Yes, other household member

Yes, someone else

Yes, other

#### ***1994 & 1998 BCS***

Did you experience any harassment or intimidation after the incident from the person or people involved or their family or friends?

Yes, from the person / people involved

Yes, from their family or friends

Yes, from other

No

***1994 BCS***

What form(s) did the harassment or intimidation take?

- Physical attack(s)
- Threats
- Verbal abuse
- Damage to property
- Other

***1994 BCS***

Did you report any of this harassment or intimidation to the police?

- Yes
- No



## **Appendix B**

### **Survey methodology: 1994 and 1998 British Crime Survey**

The 1998 British Crime Survey was conducted by the National Centre for Social Research (formerly Social and Community Planning Research). The 1994 BCS was conducted by the Office for National Statistics (formerly Office of Population Censuses and Surveys). The survey methodology was similar for both sweeps of the survey. Further details of the survey design and methodology can be found in the 1998 British Crime Survey Technical Report (Hales and Stratford, 1999) and the 1994 British Crime Survey Technical Report (White and Malbon, 1995).

#### **Sampling**

The BCS sample is designed to give, after appropriate weighting, a representative sample of both private households in England and Wales and adults, aged 16 or over, living in them. The Small Users Postcode Address file (PAF) was used as the sampling frame. The PAF, listing all postal delivery points in the country, represents the fullest register of household addresses as almost all households have one delivery point, or letterbox.

A stratified multi-stage random probability design was used to select the sample of addresses. Inner city areas were over-sampled by a factor of two.<sup>13</sup> Where an address represented more than one household a single household was selected using random selection procedures. One adult aged 16 or over in each selected household was identified for interview using a similar random selection procedure. No substitution was allowed. The sample size was 14,947 in 1998 and 14,520 in 1994.

#### **Fieldwork**

The interviews were conducted face-to-face in respondents' own home using CAPI (Computer Assisted Personal Interviewing). With CAPI the questionnaire is a computer program which specifies the questions, the range and structure of permissible answers, and the routing instructions. Responses to questions were entered directly into the laptop by the interviewer. In each sweep interviewing began in January and was substantially complete by April.<sup>14</sup>

#### **Response rate**

In all sweeps the BCS has achieved a relatively high response rate. In 1998 the response rate was 79 per cent, in 1994 77 per cent. The main reasons for non-response at eligible addresses were refusal, either by the selected person or by the household before the respondent was selected, and non-contact.

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13 Inner city areas were selected on the basis of classifying postcode sectors according to population density, level of owner-occupied tenure and social class profile.

14 A small number of interviews were conducted as late as the end of June, these mainly being re-issues to ensure a satisfactory response rate.

## Structure of the questionnaire

The BCS questionnaire is in several sections. The main section includes ‘screener’ questions in everyday language asking if the respondent or the household had been a victim of crime. Those individuals or households who had been a victim of crime since 1 January of the preceding year are then asked to complete a detailed Victim Form for each separate incident experienced.<sup>15</sup> In 1998 a maximum of six victim forms could be completed per respondent – three long and three short. In 1994 there were five victims forms – three long and two short. The information collected on the victim forms is used to classify the incident into a legal offence code. The long victim forms also collect fuller information about the nature of the incident, including in the 1994 and 1998 sweeps experiences of subsequent intimidation or harassment.<sup>16</sup>

The sample was then randomly split into two, with each half answering either Follow-up A or Follow-up B. The witness intimidation questions were in Follow-up B in both sweeps.

The questions in the Victim Form and Follow-up B are in Appendix A.

## Weighting

Weighting corrects for different sampling rates. In the analysis of witness intimidation three component weights were used:

- an *inner city weight* to correct for the over-sampling of inner city residents
- a *dwelling unit weight* to correct for cases where more than one household was at an address on the PAF file
- an *individual weight* to correct for the under-representation of individuals living in households with more than one adult (the chance of an adult being selected for interview is inversely related to the number of adults in the household).

In the victim intimidation analysis an additional weight was also used to account for victim forms which represented a series of incidents.

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15 In cases of ‘series’ incidents (where the same thing is done under the same circumstances and probably by the same people) the respondent is asked to complete a Victim Form about the most recent in the series.

16 The short victim forms are abbreviated versions of the full Victim Form and only collect the key information required for offence classification.

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