

Appendix 1

Probation Circular No. 61/1995: Probation service contact with victims



PROBATION CIRCULAR

Probation Service Division

Home Office 50 Queen Anne's Gate London SW1H 9AT

Direct line: 0171-273-2498

Switchboard: 0171-273 3000

Fax: 0171-273 3944

23 August 1995

To: Chief Probation Officers
Secretaries to Probation Committees

Probation Circular NO 61/1995: PROBATION SERVICE CONTACT WITH VICTIMS

Purpose

This circular gives services guidance about the arrangements for contact with victims of serious offences or their families.

Summary

2. The attached guidance covers the purpose, timing and nature of contact with victims and victims' families.
3. It aims to assist the probation service to fulfil the requirement of paragraph 13 of the 1995 National Standard for Supervision Before and After Release from Custody, and brings the arrangements for life sentence prisoners into line with that Standard.

Action

4. Chief Probation Officers are asked to ensure that the guidance is drawn to the attention of all relevant staff.

Previous relevant circulars

5. The guidance supersedes CPO 41/91 and Probation Circular/77 1994.

Contact for queries

6. Any queries about this circular should be directed to Caroline Rowe (0171 273 2498) or Angela Colyer (0171 273 3882) at the above address.

CAROLINE ROWE

CONTACT WITH VICTIMS AND VICTIMS' FAMILIES

Application of guidance

This guidance supports the provisions of:

- paragraph 13 of the 1995 National Standard for the Supervision of Offenders Before and After Release from Custody which calls for the victim or victim's family, in cases involving serious sexual or other violent offences, to be contacted within two months of sentence; and
- the Victim's Charter under which the probation service contacts the victim or victim's family when the possible release of a life sentence prisoner is being considered.

2. The guidance applies to all cases where offenders in future are sentenced to 4 years or more for such offences, or to life imprisonment for any offence. The procedures recommended should also be followed in any cases where the probation service is responsible for supervising an Offender given a shorter custodial sentence where the sexual or violent nature of the offence and its circumstances are such that the provisions of paragraph 13 of the National Standard apply.

3. Paragraphs 20-22 deal with the application of this guidance to cases in which offenders are already serving life sentences and to cases involving hospital orders.

Purpose of contact

4. The purpose of making contact with the victim is twofold: to provide information to the victim about the custodial process, and to obtain information from the victim about any concerns he or she may wish to be taken into account when the conditions (but not the date) of release are being considered.

Initial contact

5. The victim should initially be contacted by or on behalf of the supervising probation service within two months of sentence being passed.

6. It may in exceptional circumstances be sensible for this Contact to be made at court immediately after sentence or when a post-sentence interview report is being completed. More usually, the interests of the victim will be better served if the approach is made subsequently by way of letter or telephone call to offer a face-to-face meeting and outline the purpose of the contact.

7. At this stage, victims should be offered general information about the custodial process and post-release supervision; and the likely timescale for consideration of release on licence or temporary licence in the case concerned. They should then be offered the opportunity of being contacted at key points in the custodial process and of expressing their views and any anxieties they might have about the prisoner's release. They should be provided with a contact point within the probation service. If they wish to be kept informed, it should be made clear that they will need to notify the probation service contact point of any changes of address, and that they may at any time change their mind about involvement.

8. If the victim or victim's family wishes to know the tariff of a life sentence prisoner, the probation service should seek this information in writing from:

- the Tariff Unit of Lifer Group, Prison Service HQ (mandatory cases only); or
- the Discretionary Lifer Unit of Lifer Group.

Subsequent contact

9. Where the victim has indicated a wish to be kept informed, contact should be initiated at key points in the sentence which could have an impact on victims, for example if the prisoner is to work out or is to be considered for release on licence or temporary licence.¹ Information about the prisoner's precise location or treatment programme while in custody should not be disclosed.

10. Where release is to be considered, the victim should be offered the opportunity of expressing any anxieties he or she may have so that these may be included in the probation officer's report and inform any recommendations regarding licence conditions. It needs to be made clear that the victim is not being invited to comment on whether a prisoner should be released but on the conditions under which release might take place. It should also be made clear that release plans are determined by many factors, and that it may not always be possible to act on the victim's views.

11. It should be made clear to the victim that, in general, prisoners are entitled to know the grounds on which release conditions are decided and concerns expressed by the victim may therefore have to be disclosed to the prisoner. However, every effort will be made to protect the position of the victim. For example, where the supervising officer shares the victim's concerns and is able to include them as his or her own in the report to the prison, it should not be necessary for those concerns to be attributed to the victim unless he or she wishes this to be done. But in any event the victim should be asked on each occasion that his or her views are sought whether he or she is content for them to be disclosed to the prisoner.

¹ *If the prisoner is to be released on temporary licence on a number of occasions in succession in similar circumstances, it is not expected that contact will be made each time, but the victim should be made aware of the likely pattern of releases.*

12. If the victim does not consent to his or her concerns being disclosed to the prisoner, but nevertheless still wishes them to be considered, an application should be made to the Governor in the first place for the victim's concerns to be withheld exceptionally from the prisoner.

13. The victim should be reassured that, whether or not his or her concerns are disclosed to the prisoner, any licence condition which may subsequently be imposed can in law be based only on the Secretary of State's concerns and will be presented as such to the prisoner.

14. Victims are entitled to see that part of the parole assessment report which represents their views, if they so wish.

Contact before release

15. When it is known that the prisoner is to be released on licence or temporary licence, the victim should be given notice of the month and locality in which that release will take place.

Definition of "victim" and "victim's family"

16. In this guidance reference to victims includes their families in cases where the offence has resulted in the victim's death or incapacity, and in other cases where the victim's age or personal circumstances makes it sensible to approach a family member or friend in the first place.

17. In cases where the prisoner has committed offences of the type covered by this guidance against more than one victim, each victim should be contacted separately.

Interpreters

18. If the language of the victim or victim's family is other than **English**, an accredited interpreter should be used who should remain impartial and professional and, where possible, have an understanding of the criminal justice system. It is inappropriate to use family members, particularly children, for this purpose. Similar considerations should apply where the victim or family has hearing difficulties.

Victim support schemes

19. In carrying out these arrangements, probation services should liaise closely with local Victim Support schemes with a view to meeting victims' needs in the most efficient way.

Existing cases

20. Early contact should ease some of the difficulties now experienced by probation services in contacting victims at the pre-release stage. However, there are already a large number of life sentence prisoners still to be released with whom contact is required under the Victim's Charter. With such cases the prison will ensure that the home probation officer is made aware of the need to make contact at one or more of the following key stages of sentence:

- the interim F75 stage;
- when a prisoner is likely to be applying for escorted absences or release on temporary licence;
- the Parole Board review stage;
- when a move to open conditions or a PRES hostel takes place.

21. The fact that an offence may have taken place many years ago or in a distant part of the country does not excuse the obligation to make reasonable efforts to contact the victim. For this purpose, enquiries of the police and local Victim Support schemes in the area of the victim's last known address (or, if different, the prisoner's home area) should be undertaken.

Offenders subject to hospital orders

22. Where probation officers are involved with the throughcare of offenders subject to hospital orders, whether or not with restrictions, no steps should be taken to contact the victims of offences except as directed by the responsible medical officer.

Appendix 2

Definition of samples for file reading

Sample 1

Files/records on the last 50 offenders sentenced back from 30 September 1998 to four years or more for any of the following offences:*

- attempted rape
- rape
- assault with intent to commit buggery
- buggery
- buggery with male patient (by guardian)
- unlawful sexual intercourse (whether under 13 or under 16)
- indecent assault on female (whether under 16 or 16+)
- indecent assault on male (whether under 16 or 16+)
- incest
- gross indecency with child
- inciting child to commit act of gross indecency
- attempted murder
- conspiracy to murder
- murder/infanticide
- manslaughter
- causing bodily injury by explosion
- causing explosion with intent to do grievous bodily harm
- grievous bodily harm (S18) with intent
- poisoning endangering life/grievous bodily harm
- grievous bodily harm (S20) unlawful wounding
- child abduction (Child Abduction Act 1984)
- cruelty to children (indictable Children & Young Persons 1933 S1)
- neglect of children (Children & Young Persons 1933 S1)
- aggravated burglary in a dwelling
- arson with intent to endanger life
- kidnap/false imprisonment

along with all the files/records on any associated victims. Cases of offenders sentenced prior to 30 September 1996 were not included. (If there were fewer than 50 relevant cases as above since 30 September 1996 the sample was left at less than 50.)

*NB: This was not intended as a definitive list of what constitutes a “serious sexual or other violent offence”.

Where it was clear from the offender file that there were multiple offenders and that the case selected was not the “main” offender (i.e. that another offender had received a longer prison sentence for the same or more serious sexual or other violent offence in respect of the same event), the file for the “main” offender, and corresponding files on any associated victims, were extracted and used in the sample instead of that of the “subsidiary” offender.

The file/records on offenders for this sample, and similarly also Samples 2 and 3 below, included PSRS(s) and other reports, risk assessment (if available), supervision plan and reviews (if available), contact logs and any other information related to the case.

Sample 2

Files/records on the most recent 20 victims (of any offences covered by victim contact work) to have had initial face-to-face contact with the service, along with the corresponding offender files.

Cases where the (initial) contact was earlier than 31 January 1997 were not included. (If there were fewer than 20 relevant cases since 31 January 1997 the sample was left at less than 20.)

Where it appeared from an initial look at the victim file/records that the offender file was held by another service the case was not to be included, and the victim case with the next most recent initial contact selected instead.

Where it was clear from the offender file that there were multiple offenders and that this was not the “main” offender (i.e. that another offender had received a longer prison sentence for the same or more serious sexual or other violent offence in respect of the same event), the file for the “main” offender was also extracted and included in the sample alongside that of the “subsidiary” offender.

Sample 3

Files/records on the last 25 offenders – sentenced earlier to four years or more for offences described in Sample 1 – released back from 30 September 1998, where there had been (at least) some (face-to-face) victim contact, along with the files/records on the associated victims. Cases released prior to 30 September 1996 were not included in the sample. (If there were fewer than 25 relevant cases since 30 September 1996 the sample was left at less than 25.)

Where it was clear from the offender file that there were multiple offenders and that the case selected was not the “main” offender (i.e. that another offender had received a longer prison sentence for the same or more serious sexual or other violent offence in respect of the same event), the file for the “main” offender, and corresponding files on any associated victims, were extracted and used in the sample instead of that of the “subsidiary” offender.

Appendix 3

Background characteristics of cases sampled in file reading

Sample 1

(Records of last 50 offenders sentenced back from 30 September 1998 – see Appendix 2)

489 cases were scrutinised.

Background information on offenders

97 per cent were male.

In 20 per cent of cases there were indications of multiple offenders.

In about a half of cases there was evidence of an aggravating issue to the offence. Of these (about 250) where there was evidence of an aggravating issue, issues were (numbers, not percentages):

- racism in 2 cases
- sexism in 25 cases
- sexual harassment in 26 cases
- domestic violence in 47 cases
- “other” in 153 cases

On offence, in:

- 10 per cent it was murder
- 2 per cent attempted murder
- 6 per cent manslaughter
- 24 per cent wounding or other violence
- 21 per cent rape
- 21 per cent other sexual offence
- 4 per cent robbery
- 2 per cent arson
- 4 per cent burglary
- 6 per cent “other”

In 97 per cent of cases, the offender was an adult at the time of sentence.

84 per cent of the offenders had been sentenced to four years or over (determinate); 2 per cent to under four years (though strictly these should not have been included in the sample); and 14 per cent had been sentenced to life.

21 per cent of the cases were “high profile”, attracting noticeable media attention.

Sample 2

(Records of last 20 victims to have had initial face-to-face contact, and corresponding offender files – see Appendix 2)

198 cases were scrutinised.

Background information on victims

62 per cent were female.

On victim's apparent race/ethnic origin: in 44 per cent of cases this was "not clear". Of those where it was clear, 90 per cent were white, 8 per cent were South Asian, 2 per cent "other" minority ethnic group and none were black.

In 28 per cent of cases the victim was a child at the time of the offence, in 69 per cent not, and in 3 per cent this was not recorded or not clear.

In 47 per cent of the cases other victims were identified for this offence.

Background information on offenders

In 14 per cent of cases it appeared there were multiple offenders relating to the victim.

In 46 per cent of cases there appeared to be factors aggravating the offence relating to the victim: in the cases concerned (totalling about 90) the aggravating factors were:

- racism in 0 cases
- sexism in 11 cases
- sexual harassment in 7 cases
- domestic violence in 30 cases
- other aggravating factor in 48 cases

On offence, in:

- 8 per cent it was murder
- 7 per cent attempted murder
- 7 per cent manslaughter
- 14 per cent it was wounding or other violence
- 16 per cent rape
- 18 per cent other sexual offence
- 14 per cent robbery
- 3 per cent arson
- 3 per cent burglary
- 11 per cent "other"

In 98 per cent of the cases the offender was an adult offender at the time of the sentence.

In 20 per cent of the cases the sentence was under four years. In 68 per cent it was over four years (determinate) and in the other 12 per cent it was life.

Sample 3

(Records of last 25 offenders released back from 30 September 1998 where there had been some victim contact, and corresponding victim files – see Appendix 2)

80 cases were scrutinised.

Background information on offenders

98 per cent of the cases were male.

61 per cent of the cases were retrospective cases (i.e. where the offender was sentenced before Probation Circular 61/95 was fully implemented in the service, and victim contact was not made at or soon after the time of sentence).

15 per cent of the cases were “high profile”.

In 25 per cent of the cases there were indications of multiple offenders (i.e. that more than one offender was sentenced at the same time in respect of the same offence[s]).

In about a half of the cases there was evidence of an aggravating factor to the offence. In the cases involved, the aggravating issues were:

- racism in 1 case
- sexism in 7 cases
- sexual harassment in 4 cases
- domestic violence in 12 cases
- “other” factors in 14 cases

On offence, in:

- 6 per cent it was murder
- 1 per cent attempted murder
- 6 per cent manslaughter
- 30 per cent wounding or other violence
- 12 per cent rape
- 18 per cent other sexual offence
- 9 per cent robbery
- 4 per cent arson
- 2 per cent burglary
- 11 per cent “other”

All but one of the offenders were adult offenders at the time of sentence. 6 per cent were sentenced to less than four years, 88 per cent to over 4 years (determinate) and 6 per cent to life.

Appendix 4

Victim satisfaction questionnaire – definition of sample and background information on victims who replied

Definition of sample

Services were asked to send the questionnaire to each of the first 50 victim cases (“direct” or “indirect”) whom the service had contacted initially – i.e. had sent an initial letter offering an initial face-to-face meeting (whether that meeting took place or not) – after 1 January 1998. Where initial letters had been sent separately to several victims of one offender, the questionnaire was sent to each separately (and was counted each separately against the 50). Services were asked to exclude from the sample the following:

- any victims who had replied to the service’s initial contact offer letter saying they wanted no contact. (However, victims to whom the service had sent an initial contact offer letter, but from whom no reply had been received, were to be included in the sample)
- any victims that had been interviewed in recent research on victim issues
- any victims that had been interviewed directly by inspectors in the inspection.

If any of the first 50 cases contacted initially after 1 January 1998 came into the above categories, they were excluded from the sample, and the next case (chronologically) that had been contacted initially was selected instead. However, the questionnaire was not sent to cases who were contacted (initially) after 1 January 1999. If in total less than 50 victims were contacted (initially) in that service in 1998 (aside from the above exceptions), the questionnaire was sent just to those cases.

Background information on victims who replied

83 replies were received.

25 per cent of victims were male, 71 per cent female and in 4 per cent (three cases) a joint (male/female) return.

On ethnic origin:

- 94 per cent (78 cases) were White
- 2 per cent (2 cases) Black (Caribbean, African or other)
- 2 per cent (2 cases) were Chinese
- 1 per cent (1 case) was from “other” minority ethnic group
- 0 per cent were South Asian

On age:

- 35 per cent were 30 or under
- 44 per cent 31-60
- 22 per cent over 60

On offence,* in:

- 20 per cent it was murder
- 4 per cent attempted murder
- 4 per cent manslaughter
- 12 per cent wounding or other violence
- 8 per cent rape
- 11 per cent other sexual offence
- 18 per cent robbery,
- 1 per cent burglary
- 22 per cent "other" offence

* (based on textual description by victim)

In 70 per cent of the cases the respondent was the person on who the offence was actually committed.

Appendix 5

Inspection schedule standards and criteria

(a) POLICY

Standard:

NATIONAL STANDARDS 1995 Chapter 7 paragraph 13

Criteria:

- A policy is in place which commits the service to the work and explains the rationale for it.
- It defines “serious sexual and other violent offence”.
- It defines victim/victim’s family.
- It specifies categories of offender in which victim contact will apply.
- It states who in the organisation has responsibility for this work.

(b) GUIDELINES

Standard:

NATIONAL STANDARDS 1995 Chapter 7 paragraph 13 and Probation Circular 61/95

Criteria:

- The service should have guidelines in place which clearly describe the model chosen.
- Process for identification of the victim is clearly described.
- There are procedures for tracing the victim which address the requirement to contact within two months of sentence and at other critical stages.
- Limits on the lengths to which staff are to go to trace victims are delineated.
- Relationship with Victim Support outlined/Procedures for joint visits.
- Equality of access addressed.
- Arrangements for outstanding work with lifers which pre-date the Victim’s Charter are in place.
- Method of contact is clearly outlined.
- Content of initial meetings is covered and meets the criteria in Probation Circular 61/95, confidentiality should also be covered.
- Procedure for further meetings.
- Instructions for informing relevant offenders of the requirement to contact victims.

- Guidelines for the preparation of reports.
- Risk assessment and post-release work defined.
- Requirements of record keeping are clear.

(c) **INITIAL CONTACT**

Standard:

Probation Circular 61/95. Initial Contact

Criteria:

- Was contact initiated within two months and if not why not?
- How was contact initiated, numbers contacted by letter and numbers contacted by telephone/or other means, specify which.
- Rate of take-up/how measured and where not taken up reasons.
- Confidentiality was explained and the limits of it.
- Role of worker is clear, to give and receive information, not counselling or challenging the victim's perspective.
- The four specific guidelines covered in the circular adhered to.
- Requirements for recording the process of contacting the victim and the initial interview are in place.

(d) **SUBSEQUENT CONTACT**

Standard:

Probation Circular 61/95. Subsequent Contact

Criteria:

- The victim is clearly informed at the relevant points in the offender's progress through the sentence, does the service specifically determine these.
- How contact is maintained through sentence.
- Purpose of the contact clear.
- If making representations about concerns how are they recorded, separate report or included in PO report, if confidentiality requested how dealt with.
- Procedure for informing victim about appeals against conviction or sentence, abscondees.
- Contact is ongoing as appropriate with the families of victims involving liaison with other probation services, who supervise the offenders.
- If there was a multi- agency risk meeting before release did it take full account of victims' concerns/conditions asked for in the POs report?
- Does the final pre-release visit cover:
 - (a) month of release;
 - (b) general area offender released to;
 - (c) conditions if known;
 - (d) enforcement of licence explained;
 - (e) ensuring/check linking with other support;

- (f) information regarding future contact/end of contact;
- (g) how the victim contacts/re-opens contact.

- Clear position taken regarding contact after release, particularly in lifer cases, covering points at which case would be reviewed, closure of victim case and victim right to re-open contact and under what conditions.
- How subsequent contact recorded.

(e) **PRE-RELEASE REPORTS**

Standard:

Victim's Charter and Probation Circular 61/95

Criteria:

- All types of reports should have victim/family views addressed.
- How the information is obtained, contact with the victim unit/ relevant staff should be clear.
- Visit to victim at all appropriate points in the sentence.
- Is the victim information transmitted to the throughcare officer in writing.
- Is the victim offered a separate report as a standard practice.
- The report should effectively convey the victim concerns.
- Consideration for release, including temporary release includes a victim perspective, risk assessment and plan for managing identified risks.
- Does the victim see the report or part of the report containing their views as a matter of policy.
- What is the system for dealing with confidentiality.

(f) **PSRs, SUPERVISION PLANS IN PROBATION ORDERS AND WORK WITH THE OFFENDER**

Standard:

NATIONAL STANDARDS 1995

Aims of national standards, paragraph 1.5

PSRs, paragraph 2.15

Probation Orders, paragraph 3.14

Supervision before and after Release from Custody, paragraph 7.34

Criteria:

- All reports and supervision plans clearly reflect victims' concerns and contain a risk assessment covering both the risk of harm and reoffending.
- Conditions in licences are reflected in the supervision plans.
- Objectives in supervision plans identify work to be done to make offenders aware of the impact of the crimes they have committed on their victims.

- All reviews include an updated risk assessment and plan for managing identified risks both before and after release from custody.
- Systems are in place for the exchange of information of issues relevant to risk, both within the prison and in liaison with the probation service.
- Information relevant to the assessment and management of risk is easily accessible on case files.
- Systems are in place, both within the probation service and on a multi-agency basis, to continue to assess and manage identified risks during the licence period, including the enforcement of conditions.
- Guidance has been given to throughcare staff concerning involvement of victims/family in life sentence cases and any other case when conditions are breached or reviewed.

(g) DIFFERENT NEEDS

Standard:

NATIONAL STANDARDS, general introduction paras 16 and 17

Criteria:

- Attention has been given regarding access to the service.
- Gender differences are recognised especially in relation to sexual offences and the need to offer a female worker.
- Needs of minority ethnic offenders are identified and addressed and there is recognition and understanding of cultural differences.
- Where necessary the use of interpreters is offered, systems are in place to recognise the need.
- Young offenders and child victims are recognised as in need of specifically trained staff.
- Managers promote equal opportunities and anti-discriminatory practice.

(h) STAFF SKILLS, SUPERVISION AND SUPPORT

Standard:

Managers are clear about the skills and competences required by staff, performance of staff is appraised and appropriate training provided

Criteria:

- The roles and responsibilities of staff carrying out victim enquiries have been identified and there is a staff development strategy.
- Staff working with victims possess the requisite skills and have appropriate supervision, appraisal and support.
- All staff involved in work with victims are well inducted and clear about the purpose of their work and receive appropriate ongoing training.
- Managers can demonstrate that staff are competent to deliver services and work effectively with other organisations.

- Managers can demonstrate that systems are in place to support staff involved in work with victims.

(i) **MONITORING AND EVALUATION**

Standard:

A system for monitoring and evaluating the work with victims was in place

Criteria:

- Aggregate statistical data about the number and type of victim contact (e.g. by gender, ethnic groupings, tariff length, etc.) and projected workload is collected, readily available and used by managers.
- Work with victims is subject to review in relation to policies, plans and practice guidance.
- Evaluation of effectiveness.
- Work is being undertaken towards establishing outcome measures and includes seeking feedback from victims.

