



**METROPOLITAN
POLICE**

Brought to justice



Crime in my Community

Going to Court



**METROPOLITAN
POLICE**

**MORE
TRUST**

**LESS
CRIME**

**HIGH
STANDARDS**

- 1.** Providing evidence to the police
- 2.** What, When and Why would I need to go to Court?
- 3.** How will I be notified? | Preparing for Court

Is there a way I can give my evidence without attending Court?

- 4.** What is expected of me at Court?
- 5.** Criminal Behaviour Orders and Business Impact Statements
- 6.** Special Measures
- 7.** Expenses for attending Court
- 8.** Expenses for attending Court
- 9.** Expenses for attending Court
- 10.** After the Trial | Returning Property | CPS | Unavailability | Refreshing my memory
- 11.** FAQs

Providing evidence to the police

A statement is a written record of events given by a witness or victim and written down by the police that requires the witness's signature once they have read through what the police officer has recorded and confirm they approve of it, a statement is that of the witness providing it and not the police officer.

Providing a statement to the police is a person providing their belief of what they understand to have happened, what they saw or heard and at times to hand over evidence such as a receipt, CCTV or stolen property. It is important that the witness is comfortable with what is recorded in the statement against what they remember.

Providing a statement to police following the reporting of a crime means the police can secure a person's account as part of an evidential package to help them investigate that crime to help bring the offender(s) to justice.

There may be instances where CCTV captures a crime, this would need to have a statement included alongside the CCTV provided by an employee. Perhaps a person representing the victim organisation to explain the circumstances within the footage or to simply produce the CCTV to the police.

The statement is important because most crimes have to have a voice of a person saying that a crime has taken place, even if there is clear CCTV of a person(s) breaking the law, the police require the evidence to investigate and also because police are victim led and need to take into account the views of victims and witnesses. This is also an opportunity to say how an incident made you feel such as intimidated or frightened etc.

The police need supporting statements to bring offenders to justice.

What, When and Why would I need to go to Court?

There are three types of Court people may be required to attend.

The Magistrates Court: The Magistrates Court deal with low level crime such as low value shoplifting.

The Crown Court: The Crown Court deal with more serious crime such as high value shoplifting.

The Youth Court: The Youth Court deal with young offender cases. Special measures are put in place to protect young people, such as not releasing their details.

If a witness is required to attend Court this is because the defendant has entered a not guilty plea so a trial is needed to establish if this is the truth or because the defendant pleads guilty but denies part of the offence.

A witness may then be asked to attend because they have told the police something they saw or heard, or about something that happened to them. The Court may want to hear what happened for themselves and ask questions about it, perhaps to clarify something or check the person is sure of what they said. It may be that they want to run through the events in chronological order to compare what a witness says happened with that of the defendant, especially if the defendant has entered a plea of not guilty. These questions may be asked by the Prosecution who are trying to prove the defendant is guilty or by the Defence who are acting on the defendants wishes.

The Crown Prosecution Service say that if CCTV is provided, and shows the offence, it will often lead to a defendant pleading guilty and avoid the need for trial. Only a small number of cases end up in Court, but as a victim or witness of a crime if you're asked to give evidence in Court, you must attend.

The defendant can change their plea at the last minute up to the trial starting on the day, if this happens then a witness will not be required to give evidence.

Only a small number of cases end up in Court, but as a victim or witness of a crime if you're asked to give evidence in Court, you must go. The police will support you.

How will I be notified?

After the defendant's first hearing date where they have to enter a guilty or not guilty plea, the witness care officer will contact you within 1 working day of receiving the outcome by the Court where they will also confirm your preferred method of contact going forward. This can be by letter, text, phone call or email.

If you are a victim they will confirm with you

- Date and location to attend Court, within 1 day
- Outcome of any bail (restrictions of the defendant)
- If you are required to give evidence, within 1 day

These are all victims' rights and must be abided by.

Preparing for Court

The best way to prepare for Court is to have regular contact with the police officer in the case and/or the witness care officer to ask them any questions you may have and talk through concerns. You can also speak to them about visiting a Court room before the trial to have a look around so you know what to expect on the day and help you prepare.

Is there a way I can give my evidence without going to Court?

It is ordinary and expected that a witness will attend Court in person, however, if the Court is satisfied that it is in the interest of justice for the person concerned to give evidence in the proceedings through a live link, an application can be made for you to give evidence remotely. This can include circumstances where your attendance at Court may impact on the operation of the store/shop. A live link is similar to Teams or Zoom and can be done from within the home or perhaps at the back of a store.

If a case does go to trial and the statement is agreed not in dispute by the Prosecution and the Defence then the statement can be read in Court by the Prosecution meaning no need for the witness to attend.

What is expected of me at Court?

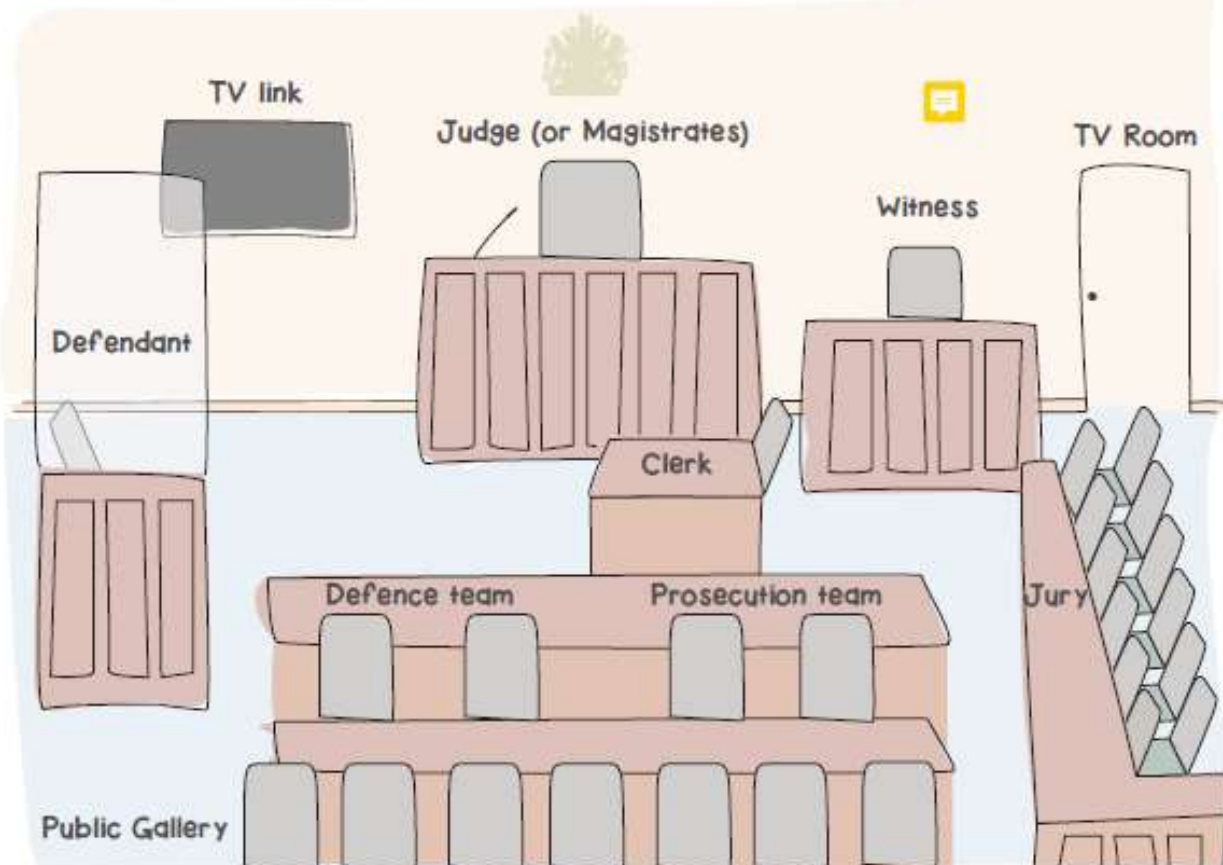
There are not many things expected of a witness when attending Court

- Be on time
- Tell the truth

The main thing when attending Court is to tell the truth, if you are required to give evidence the Usher will ask you to swear to tell the truth on a religious book (the oath) or promise to tell the truth (an affirmation).

Who else may I see in Court?

The courtroom you visit might look like the one shown here.



Criminal Behaviour Orders

The Court have the power to issue a 'Criminal Behaviour Order' (CBO) to the most prolific and repeat offenders. This is an order set by the Court which details conditions that the offender has to abide by. If for example an offender is a prolific shoplifter the Court may issue a CBO which could restrict the offender from entering certain stores, certain geographical areas that can be detailed with a map or ban them being drunk in a public place are a few examples. There are many conditions that can be issued depending on the specifics of the offending history.

This comes with a power of arrest for the police and breaching the orders of a CBO will usually result in arrest and the offender being put before the next available Court to be dealt with.

A CBO can be obtained by applying to the Court through statements and through the police who can detail the need for a CBO due to the offender's prolific and repeat behaviour.

The Court must be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person and that the Court considers making the order will help in preventing the offender from engaging in such behaviour.

Implementing a CBO is an escalated method of preventing a prolific offender from repeat offending and is proven to work well. Businesses play a crucial part in providing the information needed to get a CBO in place.

Business Impact Statements

If the defendant is found guilty and subsequently sentenced, the Court will read a 'Business Impact statement' (BIS) if one is provided. This details the affect the crime has had on the business financially, physically, emotionally or in any other way it has had an impact. This is not evidence of the offence, however, the Court will consider the details of the BIS when sentencing the offender. This can be provided by a representative of the business to the police.

Special Measures

Going to Court is not something to be worried about, at no point will you have a conversation with the defendant. At the end of the day what you have to say is important to everyone so you need to be looked after.

The Court have the ability to put special measures in place for intimidated or vulnerable witnesses in certain circumstances that will ultimately help the witness give evidence.

This may include

- **Giving evidence behind a screen**

This prevents you seeing the defendant while you give evidence

- **The members of the Court removing their wigs and gowns**

This may help the Courtroom feel more comfortable and less formal

- **Live Link from another room**

This means giving video evidence from another room if a witness has serious concerns about being inside the Courtroom

- **Witness enters through an alternative entrance**

This is for a witness who has concerns about the layout of the Courtroom

- **Clearing of the public gallery**

Clearing the public gallery of members of the public and the press to feel less pressure.

- **Witness supporter**

Someone to accompany you to Court, perhaps the person who has supported you through the trial.

This is sorted by discussing with the police officer in the case or the witness care officer. An application can then be made to the Court by the CPS.

Expenses

You can claim expenses from the Crown Prosecution Service when you go to Court as your employer does not pay you for your time away from work.

See below some of the expenses that can be claimed to assist you

Day subsistence

- Attendance not exceeding 5 hours **£2.25**
- Attendance exceeding 5 hours but not exceeding 10 hours **£4.50**
- Attendance exceeding 10 hours **£9.75**

These are fixed allowances towards the cost of meals and refreshments and the appropriate amount will be paid automatically. The period of attendance includes time spent travelling to and from Court as well as the time spent at Court. You may only claim for time when you had to attend. If you stayed at Court after you had been released from giving evidence, no payments can be made for this time.

Overnight allowance

It is quite rare an overnight stay is needed, however, in a case where this is required it will include overnight stays in London and different subsistence allowances. This can be arranged with your witness care officer.

Loss of earnings – employed persons

The maximum amount of earnings lost that may be repaid is:

- For an absence from work not exceeding 4 hours **£33.50**
- For an absence from work exceeding 4 hours **£67.00**

These payments are not subject to income tax or other statutory deductions. To claim loss of earnings, you must get your employer to complete their section of your claim certifying the earnings you have lost. This is completed after you have attended Court.

Loss of earnings – self-employed persons

The maximum amount of earnings lost that may be repaid is:

- For an absence from work not exceeding 4 hours **£42.95**
- For an absence from work exceeding 4 hours **£85.90**

Travel Expenses

- Public transport

Rail, bus, coach and tube fares at standard (second class) rates will be reimbursed in full.

- Motor car

If you use your own motor car, you will be paid **25p** for each mile. In addition, if you give a lift to another witness who is required to attend Court or other person authorised to accompany you, a further **2p** per mile will be paid for the first passenger and **1p** per mile for each additional passenger. Exceptionally, if you can show that you had to use your own car instead of public transport (for example, because there was no public transport, or there was a considerable saving of time and money, or because you are disabled or infirm), then a higher rate of **45p** per mile may be paid. You will need to justify using your own motor car to be eligible for the higher rate.

- Motorcycles

Similar rules apply if you use your own motorcycle. The rate per mile that will be paid is **23.8p**. Exceptionally the higher rate of **25.4p** per mile may also be paid if you can show it was necessary to use your own vehicle instead of public transport.

- Bicycle

If you travel by bicycle you will be paid **20p** per mile.

- Car parking and congestion charges

Reasonable car parking charges will normally be paid. Congestion charges will normally be reimbursed in full.

- Taxis

The cost of taxi fares or other hired vehicles (including any reasonable tips) will only be paid in cases of emergency, illness, infirmity, or where no other reasonable means of transport was available. The cost of waiting time will not be paid. You must provide receipts.

Employing someone to work in your absence, as a locum or childcare costs

The maximum amount that can be repaid if you employ someone to work in your absence or as a childminder is **£67** for each day of attendance. You must ask them to complete this section certifying the amount you have paid them. You may not claim for employing someone to work in your absence if you are also claiming loss of earnings.

If you are a professional witness and wish to claim for employing a locum you should ask the locum to complete their section on your claim. The maximum amounts payable are:

- | | |
|---|----------------|
| • Absence from practice for up to 2 hours | £89.00 |
| • Absence from practice between 2 and 4 hours | £125.00 |
| • Absence from practice over 4 hours or where | £250.00 |
| • Locum necessarily covers more than 4 hours | |

Other Costs

If you incur any other costs not covered by other sections of the claim full details should be given and receipts provided. The maximum payable is **£67.00** for each day of attendance. For more information on other expenses available, for questions and queries please speak to your witness care officer.

After the trial

After the trial the victim or business victim will be told the outcome by the witness care team, a brief summary of the reasons for that decision within 1 working day of them receiving the information from the Court, which will be within 5 working days of the outcome of the case.

Returning property

When the trial is concluded you can contact the officer in the case to discuss property being returned. They should be able to give an early indication if the property can be returned or not and if it can they can organise this once the trial is over. It is important to make a detailed note of property early on to assist with any returns later on.

CPS (Crown Prosecution Service)

The CPS are an independent body of Solicitors and Lawyers that review evidence collated by the police and decide if it is sufficient enough to take to Court. They are independent from the police and the Courts.

Unavailability

Before anything goes to Court they will ask the police for your unavailability dates. You can let the police officer in the case know this early on and it can be included on the back of your statement.

Refreshing your memory

You can speak to the prosecutor or witness care officer about reading your statement before you go into the Court room or having it in front of you whilst giving evidence.

FAQs

What do I do when I get to Court?

When you arrive at Court go through security, you will see signposts to the Witness Service who can assist you or alternatively you can look at the schedule TV screens which will tell you your case and Court room. You can wait outside the Court room until the Usher calls you in, between the Usher and the Prosecutor they should be able to tell you a rough time you will be called in.

What facilities are available?

The Courts have many facilities available for all

- Most have a canteen or restaurant that sells hot and cold meals
- Faith rooms or quiet rooms are well displayed and available
- Toilets on each floor
- Seating is located on each floor in all the corridors

What should I wear?

Smart attire is always the most appropriate wear for Court and you will see upon arrival most parties attending Court will be dressed smartly in a suit, however, you will not be criticised by the Court for what you wear.

Who can support me?

It is very normal to feel nervous and everyone will support you.

- The police officer in the case
- Witness care officer
- CPS representative

