

Perceptions of the Use and Effectiveness of Victim Personal Statements within West Yorkshire Police



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Declaration

I declare that this dissertation has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where states otherwise by reference or acknowledgment, the work presented is entirely my own.

Signed: SARAH BUTTERS

Date: 27/4/20

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Abstract

The most recent available data from the Crime Survey of England and Wales (2018/19) reveals that one in seven victims of crime were offered the chance to make a Victim Personal Statement – an invite to participate which should be made to every victim of crime under the entitlement of the Victims' Code (Ministry of Justice, 2015). The police are responsible for delivering the Victim Personal Statement however, police perceptions of the scheme in England and Wales have not been the focus of research when reflecting on the reasons for these disappointing delivery statistics. Using a series of semi-structured interviews with serving West Yorkshire Police officers ranging in rank and service length, this dissertation has assessed perceptions to purpose, delivery, effectiveness, victims' rights and improvements to Victim Personal Statements. The findings support previous studies in regard to confusion of purpose, use of a hierarchy of crime and success in offering 'therapeutic jurisprudence' (Erez, 1999). However, this research also suggests areas for further exploration – specifically the issue of timing of delivery, a challenge to universal victim participation and the suggestion of outsourcing such participation to civilian staff to deliver. The number of victims participating in the scheme reveals that the Victim Personal Statement, as it is currently delivered, is not working for the overwhelming majority of victims. This dissertation offers areas for further research and practical action which could result in meaningful participation for more victims of crime.

Keywords: Victim Personal Statements; Victim Impact; Victim Participation; Procedural Justice;

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Abbreviations

VPS: Victim Personal Statements

CJS: Criminal Justice System

INTRODUCTION

The Victim Personal Statement (VPS) scheme was launched in 2013 with the clear aim of giving victims a voice within the criminal justice system. That voice came in the form of a statement, taken by the police and presented to the court after the guilt of an offender had been determined but before their sentencing. It is an opportunity for a victim of a crime, often excluded from the process of justice, to share how that crime has affected them physically, emotionally or financially. While the invitation to participate was seen as a positive step in acknowledging the largely 'forgotten' voice of the victim (Edwards, 2004), the statistics reveal that it has been rather less successful in practice. Only a small minority of victims are ever invited to participate in the scheme with the most recent statistics making particularly disappointing reading. In 2018/19 just 14% of victims of crime were offered the chance to make a VPS (Victims' Commissioner, 2019). Given the police are responsible for the delivery of the VPS scheme, the perceptions of officers relating to use and effectiveness could offer an insight into the low invitation to participate.

This research aims to discover the views of serving officers in regard to purpose, delivery and effectiveness of the scheme in practice. Also, areas for both practical improvements will be discussed with the officers along with suggestions for further research. A sample of semi-structured interviews will be carried out with officers within the West Yorkshire force over a two-week period. Although access to interviewees will be largely coordinated by a gatekeeper, the participants will range in rank from Special Constable up to Detective Chief Inspector allowing for access to a breadth of

experience. The aim is to discover why all victims of crime are not being invited to participate in the VPS and explore practical areas of improving victim input.

There has been much written about victim impact statements around the world and most of the research has been focused on the US. However, there are important differences in delivery and purpose in England and Wales, specifically the ambiguity surrounding the impact it has. Much existing literature has been victim focused with concentration on the issues of impact on sentencing, confusion of purpose and the prioritisation of serious crime. However, there is little evidence of consultation with serving police officers in the UK discussing the practical use and effectiveness of the VPS scheme.

Although limited in scope, the review of the VPS scheme entitled *The Silenced Victim* (Victims' Commissioner, 2015) did invite the view of representatives from the police service and the College of Policing however their specific input into the research is unclear. Like many previous studies, the 2015 review focused on the views of victims and a broad spectrum of criminal justice agencies to address the issue of interest to this research – the poor levels of participation in the VPS and the practical reasons for that. What the 2015 review did not do was focus exclusively on the views of those within the CJS responsible for delivery of the VPS – the police. That is the area this research will specifically look at.

In addition to addressing established debates with the police participants, this research will seek to address a number of largely untouched areas including the issue of police discretion in the offer of VPS, the challenging of universal victim entitlement and the impact of timing of delivery. There will also be an invitation to those interviewed to reflect on ways to improve the current VPS scheme so this research can offer practical improvements to the victim experience. At the moment just one in seven victims of crime are being offered the chance to participate (Victims' Commissioner, 2019) so there is considerable room for such improvement.

Through interviews with a sample of serving police officers, the aim of this research is to understand police perceptions of the purpose, delivery and effectiveness of the Victim Personal Statement within the West Yorkshire force. There will be reflection as to whether the views and actions of the police have any impact on the low invitation to participate in the VPS scheme.

The specific questions this research will be looking at are

- How is the VPS delivered by West Yorkshire Police?
- What is the understanding of interviewed officers of the purpose of VPS?
- How effective is the VPS scheme?
- What improvement are needed?

The overall structure of this study takes the forms of four chapters. The first will examine existing academic literature to explore the history and origins of the VPS, its

role in the CJS and assess how the scheme is currently delivered by the police. The chapter that follows is concerned with the methodology used for this research. Chapter three analyses the results of the interviews undertaken and discusses the key themes to emerge before, in the fourth chapter, a conclusion is offered.

CHAPTER 1: LITERATURE REVIEW

Over the past 200 years the role of victims has changed from being at the very heart of the criminal justice process to, arguably, a “forgotten player” (Edwards, 2004, p967). Once the active prosecutors of 19th Century criminals, victims of crime have seen their conflicts taken from them by professionals such as the police and more latterly the Crown Prosecution Service. This chapter will look at the changing role of victims while paying particular attention to the use, delivery and effectiveness of Victim Personal Statements (VPS). The aims and purpose of the VPS will be assessed in addition to a reflection on the theoretical and practical problems facing the scheme.

FROM ACTIVE PROSECUTOR TO MINOR WALK ON ROLE - THE CHANGING ROLE OF THE VICTIM

The role of the victim over the past two centuries can be seen in three key phases. Firstly, the active prosecutor phase saw victims prior to the 19th century provide the evidence, the financial backing and the desire to prosecute criminals. At this time, victims’ rights were the preserve of the wealthy. Should a victim pursue a prosecution, the process of detection, arrest and committal was “expensive, time consuming and often complex” (King, 2000, p17). Victims were asked to fund travel to trial for witnesses, administration costs and officials’ fees. There was also much uncertainty attached to the process meaning pursuing prosecution was unattractive to those of even moderate means and so such action was abandoned by all but the most financially fortunate. As the public police force developed from 1840 onwards, it began to take over the role of prosecutor with the victim gradually disappearing from the

prosecution process by the end of the century. By 1880, the police were prosecuting criminals on behalf of the state in the public interest. Victims were consigned to a “very minor walk on role” (Godfrey, 2018, p19).

In his 1977 work *Conflict as Property*, Christie sees the professionalisation of prosecutions through the police in the late 19th Century as a theft of conflict. Victims, according to Christie, have a clear connection with the crime committed against them. It is *their* conflict. When that crime is taken away from them and placed into get hands of the state, they suffer a second victimisation. Not only are they a victim of the crime itself, but they have also had their conflict stolen by the state. “Something that belonged to him has been taken away from that victim” (Christie, 1977, p8). Christie’s argument came at a time when law and order was becoming increasingly politicised. Crime Control began to replace the more liberal Due Process model of law and order with a focus on punishing criminals and assessing the harm done to victims. As the 20th century concluded, political parties were battling to be ‘tough on crime’ and to recognise the people most effected by that crime - the victims. In 1990 the first Victims’ Charter was published, revised in 1996 setting out “a statement of service standards for victims of crime”. These public commitments were the beginning of the process of bringing victims back into the criminal justice system and reinstating their “right to participate” (Christie, 1977, p1). As far as victims’ rights supporters were concerned, they had been “outsiders” (Bibas in Erez et al, 2014, p170) for too long.

However, the introduction of victims’ rights has not been without controversy. The victim has no formal legal status within the adversarial system in England and Wales

even though the victim is the very reason the system exists (Rosetti et al, 2017). It is the state that, as Christie observed, steals the conflict and becomes the “surrogate victim” (Moynihan, 2015, p25). Introducing a ‘right to participate’ is problematic as it is effectively an attempt to find a role which doesn’t and opponents argue shouldn’t exist. However, participation was the motivation for the introduction of the Victim Personal Statement scheme in 2001. Although not theoretically available to all victims of crime until 2013, its aim was to give victims of crime a voice and to remind those within the criminal justice system that “behind the crime is a real person who is a victim” (Erez, 1999, p552).

VICTIM PERSONAL STATEMENTS

Victim Personal Statements allow victims the opportunity to explain the impact the crime has had on them. Until the introduction of the scheme, the only voice the victim was allowed was that of a witness. If that wasn’t a role open to them, then they were simply observers to their own ‘conflict’. Unlike an evidential statement, the VPS permits the victim to convey the physical, emotional, psychological and financial harm the crime has had on them. This re-personalisation of the crime takes the victim from passive observer, to active participant (Wemmers, 2009). While the guidance is that “all victims must be offered the opportunity to make a VPS” (Crown Prosecution Service, 2020), police discretion plays a part - an issue we will return to later when reflecting the effectiveness of the scheme in practice. The statements are presented to the court, either verbally or in written form, after the verdict but before sentencing. The timing of delivery raises the suggestion that victim input could impact on sentencing. However, this is a much-debated issue. The Ministry of Justice states that

Victim Personal Statements will be “taken into account” by the court when it comes to sentencing. What this means in practice has been unclear since the scheme’s launch (Hoyle et al, 1998)

EXPRESSIVE OF INSTRUMENTAL? WHAT IS THE ROLE OF VICTIM PERSONAL STATEMENTS

The question of impact on sentencing was an issue raised by the Victims’ Commissioner in her review of the VPS scheme (2015). In interviews with a range of criminal justice professionals and victims, the review found that there was no consistent message given to victims about whether a VPS makes a difference at sentencing (Victims Commissioner, 2015). For example, in the Ministry of Justice guide *Making a Victim Personal Statement*, victims’ expectations are initially raised with the guidance that “the court will take into account the impact when deciding the appropriate sentence” only to have that followed with the clarification that the court will only reflect on the statement “as far as it is considered appropriate when it determines sentence”. Finally, victims are told, “Your VPS will not dictate how the offender is to be punished as sentencing is for the court to decide.” This ambiguous guidance within one leaflet leads to victims’ confused expectations about the outcomes of the VPS scheme which can result in a form of secondary victimisation at the hands of criminal justice system. However, the ambiguity could, according to Roberts and Manikis, be helpful. A victim statement scheme which does not have any bearing on sentencing outcome is “counter intuitive” (2011, p28). By keeping the mission statement, VPS can arguably be used to give the illusion of inclusion while in reality changing very little in the court process. However, as the Victims’ Commissioner review concluded, if the

VPS scheme is to be truly meaningful for victims of crime, it must have a clear aim which is then understood by the criminal justice professionals who deliver it (2015).

Such ambiguity isn't an issue for Victim Statements in other jurisdictions such as the USA and Australia. Known as Victim Impact Statements, they invite involvement from the victims of crime in the sentencing of the offender. This instrumental model was ruled out in England and Wales as being incompatible with the objective nature of the sentencing process. Instead, the VPS is seen as expressive, allowing victims to tell their own story and convey their own harm. However, because of the ambiguity of aim when it comes to sentencing, there are victims who enter into the process with instrumental ambitions which aren't fulfilled. There is a danger that victims become 'embittered' because expectations have been poorly managed by the practical delivery of the scheme (Erez and Tontodonaro, 1992, p345).

Evidence offered by Hoyle et al's review of the VPS pilot (1998) and the Victims Commissioner's more recent review (2015) reveals that because the VPS is not being delivered as having a solely expressive function, users risk disappointing outcomes. However, as a tool of procedural justice the VPS has been found to be relatively effective (Erez and Tontodonaro, 1992; Roberts and Manikis, 2011). Procedural Justice focuses on the fair treatment of individuals through the process of seeking justice. It's argued that by giving all parties a voice, showing respect and dignity while displaying consistent decision making, victims are more accepting of the outcome even if it is unfavourable. According to Erez and Tontodonaro, the process of giving a VPS provides victims with the "psychological gratification of being heard" (1992,

p410). However, whether the scheme provides a “customer satisfaction” (Edwards, 2004, p979) role by allowing the victim to be seen to be involved in the process as opposed to playing a real part in the process is an issue explored within this research.

HOW EFFECTIVE IS THE VICTIM PERSONAL STATEMENT?

An evaluation of the effectiveness of the VPS scheme reveals there is much support for the aim of giving victims a real voice within the criminal justice system but much criticism of the ambiguity surrounding the scheme. Supporters recognise the expressive model used in England and Wales allows for a ‘cathartic’ experience for victims who take part in the VPS to share how they have been harmed and feel empowered by the system appearing to listen (Erez, 1999, p552). By taking the opportunity to play a part in a system where the victim has no legal role, it is also argued the VPS returns the conflict to the victim. When the statement is delivered, the focus of the system moves from the offender and the state - the surrogate victim - to the real victim. There are other perhaps unintended consequences to the VPS. Erez observes that the introduction of harm communicated first hand, re-sensitizes ‘legal actors’ who perhaps over time lose the link between court process and the individual victim. In a study of victim statements in Ireland, McGrath also asks if the statement has an effect on the offender. In a recommendation which addresses the issue of impact on sentencing, McGrath suggests any victim statement should be purely expressive and read after sentencing, forming part of the punishment (McGrath, 2008)

However, there are a number of criticisms of Victim Personal Statements. The first and most significant issue is its lack of clarity of purpose. 90% of those who took part in the VPS pilots in the late 1990s “didn’t know what if any use it was” (Hoyle et al, 1998, p30). That ambiguity continues today. In a 2019 paper entitled *The Role of VPS in Sentencing*, Bergstrom and Azmeh say the scheme is still “unclear in aims and jurisdictions with the victim left inexorably an ambiguous participant” (2019, p2). Without a clear purpose shared by all criminal justice agencies there will be confusion in delivery and likely disappointment on the part of the victims. If, for instance, victims are expecting to influence sentencing and find that their contribution has not had that impact they may feel let down. A single, clear purpose as called for in the 2015 Victims’ Commissioner’s review would avoid victims imposing their own purpose on the submission and giving a VPS in the hope of receiving an apology or explanation. Such unrealistic expectations, Erez observes, “are rarely met with a satisfactory outcome” (2014, p176)

The second criticism is the incompatibility of subjective submissions in an otherwise objective setting. While the issue of impact on sentencing is ambiguous, there is an argument that introducing individual harm into the pre-sentencing court is not compatible with justice for the offender or even equal justice for all victims. Should an individual be punished more harshly because a victim either felt more harm or was able to express that harm through a VPS?

There is also the issue of victim burden. There is a presumption that all victims want a voice. However, the statistics recording the take up of the VPS scheme do not reflect

that.. About half of all victims who are offered the chance to make a VPS go on to make one (Victims' Commissioner, 2019). That means half chose not to. Some, according to Erez, may feel burdened by their victimhood and the process of reflecting on the harm done to them can be a form of revictimisation (1999). Others chose to reject victim status because, either they want to minimize their interaction with the criminal justice system (Roberts and Manikis, 2011, p23) or they don't see themselves as victims.

Finally, is the lack of universality. While the guidance is that all victims of crime must be offered the chance to make a VPS, the reality is different. The 2015 Victims' Commissioner review revealed that despite the guidance, the chance to complete a VPS is not offered to every victim. This may be a practical response to the workload of the police and also a reflection of discretion. Arguably, not every crime will impact a victim and some victims of everyday crimes should perhaps not be offered the opportunity to make a statement. The latest figures from the Crime Survey of England and Wales reveals that only 1 in 7 victims were offered the chance to make a VPS (CSEW, 2019). The recently appointed Victims' Commissioner Dame Vera Baird said the figures were a reflection of victims being "deprived" of their opportunity "to make their voices heard in court" (Victims Commissioner, 2019).

VICTIM PERSONAL STATEMENTS AND THE POLICE

It is the attitudes of the criminal justice professionals who deliver the VPS that are of particular interest to this dissertation. While some consultation with the police was

carried out during the Victims' Commissioner's review of 2015, the focus was useful but limited. While it was acknowledged that the police must offer VPS to all victims of crime, officers surveyed revealed the use of discretion when it came to deciding who was given the opportunity to make such a statement. That decision was based on the seriousness of the crime, time pressures, the chance of an offender being apprehended and in some cases a lack of knowledge about the VPS on the part of the officer. Secondly, the issue of clarity was raised once again. For the process to be meaningful, the victim should understand what the purpose of the scheme is. At the time of the review, there was evidence that police did not have a clear understanding of purpose. Confusion on the part of those who deliver the VPS has an inevitable consequence on the expectations of victims. As Hoyle reflected after the review of the VPS pilots in 1998,

“When poorly trained officers give credence to the idea that sentencing will take account of a VPS disappointment will ensue,” (Hoyle et al, 1998, p45)

Given that the Victims' Commissioner recommended more training needed for police in 2015, this has continued to be an issue. There was also a recommendation for a single VPS purpose so that the police had a clear, unambiguous mission statement when engaging with victims of crime in the future. The research that follows will assess whether those recommendations have been put into practice.

CONCLUSION

The victim has regained some recognition within the criminal justice system but it is debatable how meaningful that role is. The victim statement schemes are perceived to be high in profile but “low in improving genuine respect for victims” (Ashworth, 1993, p506). To say it provides a role in the system for all victims would be inaccurate when so few victims are offered the chance to participate and even fewer go on to take up that offer. The low take-up may be a result of the discussed ambiguity of aim and the confusion surrounding their impact on sentencing which possibly leave victims asking, what is the point of making a VPS? As an expressive tool, the VPS has arguably been a success - allowing victims the chance to share their harm with the court. It is celebrated as a chance for the victims’ voice to be heard but perhaps it is more accurate to describe it as a chance for victims to speak. However, it is unclear who is listening. What is evident is as an instrumental tool both its aim and impact is confused - perhaps deliberately so. The research that follows will focus on how police officers in the West Yorkshire force offer Victim Personal Statements, what their understanding of the scheme is when they deliver it to victims and what purpose, in the views of the interviewed officers, VPS serve for both victims and criminal justice professionals. The research will pay particular attention to whether the recommendations made by the Victims’ Commissioner in 2015 regarding singularity of purpose and training of police officers in the delivery of the VPS have been acted upon.

CHAPTER 2: METHODOLOGY

The purpose of this chapter is to introduce the research methodology used to explore the current use and effectiveness of Victim Personal Statements within West Yorkshire Police. The methodological approach will be discussed along with the issue of access, ethics, a description of how the data was collected, how it was analysed and the limitations facing the research.

AIM

The police are at the forefront of delivering the VPS scheme and so the views of individual officers about purpose, use and effectiveness are valuable if we are to understand why so few victims go on to tell courts of the impact a crime has had on them. As highlighted in the previous chapter, a consistently low number of victims of crime make VPS and this research aims to discover what, if any, role the police have in that low take up rate.

The specific questions this research will be looking at are

- How is the VPS delivered by West Yorkshire Police?
- What is the understanding of interviewed officers of the purpose of VPS?
- How effective is the VPS scheme?
- What improvement are needed?

METHODOLOGICAL APPROACH

To decide on the best approach for the study, it was important to consider what the research is hoping to achieve. This is a study interested in the opinions, feelings and experiences of serving West Yorkshire Police officers on the particular topic of Victim Personal Statements. As a result, a qualitative approach was undertaken using interviews to collect data. While a quantitative approach would provide answers about the frequency of use of Victim Personal Statements, the research question requires a context and depth that can only be achieved through qualitative research. According to Tewksbury, data collected via such an approach will be “more informative, richer and offers enhanced understanding compared to that which can be obtained via quantitative methods” (2009, p38).

Qualitative research provides a depth of understand that the gathering of statistics through questionnaires and surveys would not. The nature of questioning allows for exploration of themes and the follow up of ideas which more structured, less personal methods do not. This can mean that the data collection can stray into areas that the researcher had not considered during the planning of the study simply because they listen actively and consequently respond. While those who favour the quantitative approach see the harvesting of such opinions and experiences as “anecdotal” and “marginally interesting” (Tewksbury, 2009, p40) it could also be argued that the flexibility of the qualitative approach allows for researchers to develop a deep

understanding of an issue through the most basic of human interactions - a conversation.

Within this study, the 'conversations' were face to face semi-structured interviews between serving West Yorkshire Police officers and the researcher. According to Tewksbury, such an approach is "the most productive way to learn about a person" (2009, p43). It follows that it is also the most productive way to learn about the participants opinions, feelings, attitudes and experiences. Through this conversation we learn what is important to them (Wincup, 2017, p98). While the data gathered will be "more in depth, more meaningful" (Tewksbury, 2009, P57), it will also be more time consuming and its success is largely reliant on the skills of the researcher.

There is a danger attached to conducting this kind of qualitative research. In its most basic form, it is about having a conversation with another individual about a topic of mutual interest. However, without a skilled approach to that conversation, the data collected will likely be disappointing. Tewksbury compares the skills required with learning to dance - the quantitative skill set is juxtaposed with line dancing and the qualitative approach with ballet. Anyone can learn to line dance but not everyone can learn to be a ballet dancer (2009, p56). A good interviewer should "modify his presentation of self at a moment's notice and identify actions and means of interactions that are likely to be positive and productive with those being studied" (Tewksbury, 2009, p48).

Qualitative research has its limitations. Firstly, the results of the data collected will not be generalisable. Qualitative data is not usually conducted using representative samples (Wincup, 2017) and that is true of this study. As a result, the findings can't be used to assume the views, attitudes and opinions of the wider police force of England and Wales or even West Yorkshire Police as a whole. Secondly, replication will not be possible. The researcher is the main instrument of data collection and brings along "his or her own preferences" (Bryman, 2016, p398). This researcher brings to each interview first-hand experience of the Victim Personal Statement - a bias that is acknowledged. Change the researcher and even with the same interview structure and sampling method, the data collection would go in a different direction. Qualitative data collection is by its nature subjective. However, these are limitations of the qualitative approach not of this research and despite them, it is an approach which is best suited to this study. "Qualitative interviews are best suited to projects which aim to understand the perspectives of interviewees and what is important to them" (Wincup, 2017 p98). It is the perspective of West Yorkshire Officers to the Victim Personal Statement this research is interested in.

ACCESS

Securing formal access to serving police officers is discouraged for the purpose of undergraduate dissertations because such a process is time consuming and often unsuccessful. As a result, an informal approach was made via a senior police officer known to the researcher. Through this gatekeeper, access to the majority of the participants was granted. A further two participants were identified through those original participants. Gatekeepers have "the powers to grant or withhold access to

people or situations for the purpose of research” (Burgess in Wincup, 2017, p62). While the access makes the research possible, it’s important to consider the role of the gatekeeper from an ethical perspective. Although participants took part in the interviews apparently voluntarily, it can be difficult to determine whether the gatekeeper’s role as a senior officer meant they felt compelled to participate.

According to Wincup, the role of the gatekeeper can be negated using the necessary skills of an interviewer. Observing that consent is “a process and not a one off” (Wincup, 2017, p50) Wincup invites interviewers to acknowledge the gatekeeper’s role in granting access, by using their own skills to assess consent throughout the course of the meeting with the participant. Non-verbal cues and willingness to engage in free-flowing conversation in the absence of the gatekeeper are to be observed. Further, informed consent was sought while the gatekeeper was not present allowing the researcher to assess the compliance of the participant. In all cases, that participation was felt to be voluntary and there was consent given by each individual. However, in the case of one participant, there was an initial irritation with the subject matter which disappeared once that individual began talking about her personal experiences. In this case it is the belief of the researcher that consent was not full until the interview was underway. Relying on the assistance of a gatekeeper is a compromise, however research at this level is about practical access. As Blaxter et al reflect, “Research is the art of the feasible” (1996, p160).

DATA COLLECTION

The data was collected using a series of semi structured interviews with police officers currently serving with the West Yorkshire Force. Five of the seven participants were accessed via snowball sampling. Contact was made via a senior officer - the gatekeeper - who agreed to be interviewed along with four colleagues. The final two participants were accessed by convenience sampling as a result of contact via the original participants. While it is acknowledged that this form of sampling is not random, it simply would not have been practical to access a truly random sample of police officers for the purpose of an undergraduate dissertation. However, those interviewed were from a range of ranks - from Special Constable up to Detective Chief Inspector - and represent a mix of male and female officers.

A semi structured approach was taken in order to allow the participants to signpost the direction of the interviews. An interview schedule was drawn up and utilized (Appendix 1). In this way, the researcher had the freedom to be able to respond to the answers given by the participants and keep an open mind about the emerging data and theories (Bryman, 2016, p10). Given the small number of interviewees, a semi structured approach allowed for a fluidity of questioning necessary to let participant points of view emerge. Each interview began with the participant describing their understanding of the Victim Personal Statement scheme and went on with the researcher exploring individual perceptions of delivery, understanding of purpose, force policy and reflections on problems with the scheme in practice. This approach provides 'rich, deep' data (Bryman, 2016, p401).

Some interviews were 'richer' than others, largely based on the individual officer's experience of the VPS scheme. Five of the interviews were conducted in a quiet room within the police station where the individuals were based. We were not disturbed during the course of the conversations. However, one interview was conducted in an open plan area and while there were useful insights within it, the conversation did not initially flow as freely. Using the experiences shared by previous participants - while protecting their anonymity - was useful in developing a rapport. Six of the seven interviews were face to face - the 'gold standard' of interview technique (Wincup, 2017, p103). Face to face interviewing allows for eye contact, non-verbal communication and active listening. One interview had to be undertaken over the phone and this was not as long or as detailed as it would have been had it taken place face to face.

Seven interviews were conducted, ranging in length from 14 minutes to 45 minutes. All were recorded on two devices to avoid any technical issues. All participants were informed of the recording process and advised that the equipment could be turned off at any time. None of the participants requested that happen. The decision was taken to record the interviews as it was felt that it would allow the researcher to listen actively as opposed to necessarily note take. The act of note taking can be off putting for both participant and interviewer. If you are writing, you aren't listening and if you aren't listening you aren't able to direct the interview in response to participants contribution. Arguably that will have an effect on the quality of data collected.

ETHICS

This study has used the key principles of Wincup (2017) as well as the consideration of Bachman and Schutt (2017). In addition, due consideration has been given to the ethical approval framework of the University of Leeds (Appendix 4). Wincup raises four ethical considerations - informed consent, confidentiality, privacy and data protection. The work of Bachman and Schutt adds voluntary participation and subject well-being.

While voluntary participation is seen as an issue for researchers taking part in observation studies, it also affects this study as access to most of the participants was through a gatekeeper. In this case, all the participants were informed of the nature of the research via a participant information sheet (Appendix 2) and asked to give informed consent through a signed declaration (Appendix 3). In the one instance where it was not possible to have the participant sign the informed consent form, consent was sought and provided verbally and recorded prior to the interview taking place. All participants were over 18 years old and were informed that they could withdraw from the interview at any point and thereafter, withdraw cooperation from the study up to the 22nd February.

The issue of identity disclosure and confidentiality is important to this study. Participants felt able to speak openly in the knowledge that their names would not be disclosed within the study but also in any future literature. Such anonymity leads to richer more honest data (Wincup, 2017). However, participants were informed that their contributions would be linked within the findings to their gender, their rank, their years of service and the department in which they serve if that information is relevant

to the study. For instance, one of the participants deals with the victims of rape. This part of her identity is important to contextualise her views on the VPS scheme. Wincup's observation that care needs to be taken in making sure that "sufficient context" is given to the input of the participants while "preserving anonymity" (2017, p55) was noted. In this research each participant was given an officer number and their contribution is referred to within this research by that number.

Avoiding harm or securing subject well-being is a key ethical principle and more of an issue in qualitative research. Informed consent is an important element of harm avoidance along with providing the right to withdraw or not answer a question during the course of the interviews. As discussed, informed consent was given in all cases and the right to withdraw was offered although not taken.

Data protection rules were respected throughout the process and after transcription, which included the anonymization of the contributions, the data was destroyed on the recording devices used. At all times throughout the process data collection abided by GDPR.

DATA ANALYSIS

After collection, the interviews were transcribed. Using thematic analysis, there was general familiarisation with the data before the coding process began. This is seen as a process of "reflection and thoughtfulness" (Wincup, 2017, p139) before an emergence in the data. The coding or labelling process allows for identification of

themes and the frequency of those themes across the individual transcripts. For instance, the theme of 'lack of clarity' emerged in all the transcripts as dominant along with 'victim voice'. The individual codes made it possible to categorise the data for analysis. The themes that emerged from the transcribed interviews are delivery, purpose, effectiveness, victims' rights and improvements.

REFLEXIVITY

Acknowledging the influence of the researcher on both the participants and the topic is vital for the credibility of the research. It is especially important in qualitative research because of its structure and the nature of the data. Researchers influence the focus of the study, the direction of questioning, the tone and delivery of that questioning, the analysis of the data and its reporting. Unacknowledged bias can threaten the accuracy of a study.

Having a background as a journalist had an impact on the way the interviews were structured and conducted. While there were undoubted benefits from the skills developed over 25 years interviewing people for radio, television and magazines, those ingrained skills led to a less formal more leading line of questioning than the academic process demanded. Coming to the study as a mature female gave a specific dynamic to the interviews. Younger police officers were respectful and cooperative in their approach and the more senior officers were of a similar age. This made the interview process less intimidating and also, in the view of the researcher, made the data collection process easier. The more challenging interviews - with a DCI and a DI

- were conversations between contemporaries and did not suffer from the age inequalities a younger researcher would face.

Finally, it is important to acknowledge that there was a lived experience informing the focus of the study, the interview process and also the analysis. Having been part of the VPS scheme with unsatisfactory conclusions, there was a desire to discover what improvements could be made to the scheme to make the experience more worthwhile for the victims that follow. Whilst every effort was made to be impartial, these personal biases must be acknowledged.

CHAPTER 3: FINDINGS

This chapter looks at the interview data collected and uses that data to progress discussion in key areas. The process of transcription and coding means the data has been arranged into themes - delivery, purpose, effectiveness, victims' rights and improvements. In the course of this chapter each theme will be defined and data from the interviews will be used to illustrate the themes along with discussion of any relevant existing literature.

DELIVERY

The 'best practice' delivery laid out in the Victims' Code (Ministry of Justice, 2015) is very often at odds with the practical delivery of VPS by frontline police officers. How and when victims of crime are offered the opportunity to make a VPS is important because the timing and manner of the invitation is thought to play a key part in individual take up. According to the Victims' Code (Ministry of Justice, 2015), every victim of crime is entitled to make a VPS, but exactly how necessary that entitlement is was discussed within the interviews. In addition, the practical delivery of VPS was a focus for officers with particular attention given to the issue of timing, crime type and likelihood of charge.

The Victims' Code (Ministry of Justice, 2015) informs officers that VPS must be offered to victims of crime at the earliest opportunity so in the majority of cases, that offer is made at the point of first contact by a uniformed officer (Victim Support

Guide; Joint Agency Guide). The timing of this delivery is called into question by frontline officers.

“It’s a bit too raw. It’s a bit too much in the here and now and they [the victim] are focusing on the fact they have lost property or suffered some sort of injury. The VPS is not a priority in their mind”

Officer 6

In the majority of cases, specifically in cases of less serious crimes, officers are told to take a VPS immediately following the evidential statement. Both Officers 1 and 3 describe being trained while undertaking uniform duties to draw a line under the evidential statement so as to take a VPS immediately. All officers interviewed recognise this approach does not serve the victim’s best interest as it is delivered to the majority at a time of convenience for the police, but at a time of preoccupation and trauma for the victim. Understanding the impact of a crime requires time. All interviewed officers acknowledge that when offered at the time of the evidential statement, it is an offer made too soon.

“The police need to be flexible and ask when the most effective time to take a VPS is. Is it at the end of court process before sentencing? That’s when the impact can hit home and yet we ask them as soon as the crime has happened”

Officer 3

Timing of delivery has long been an issue for the VPS scheme. In a study of the VPS pilot, Hoyle et al (1998) raised concerns that taking a statement about impact in the immediate aftermath of the crime does not serve the best interests of the victims as impact is often not immediate. The Victims' Commissioner further highlighted concerns in the 2015 review after finding that VPS were taken before the victim could understand or articulate impact. The evidence gathered for this study reveals that in the view of serving officers, those concerns remain today.

Flexibility of delivery is only offered to the victims of the most serious crimes. A number of the officers interviewed worked within CID. These officers deal with crimes such as domestic violence, rape, serious assault, burglary and robbery. In these cases, officers speak of a victim led delivery with the opportunity to follow up with individuals who initially reject the offer. The Victims' Code (Ministry of Justice, 2015) states that *every* victim of crime is entitled to make a VPS. This universal entitlement was accepted in principle but also challenged in practice by all of the officers interviewed. That contradiction is explained by Officer 4 as a battle between ideal policing and reality policing. Here, the issue of discretion is raised as an appropriate filter for sifting out those victims who because of their individual response or because of the crime itself are not appropriate candidates for the VPS scheme. For instance, Officer 3 spoke of not offering it to an individual who had had his car broken into whereas Officer 4 said all victims of serious crimes being

investigated by CID would be offered a VPS. There appears to be a hierarchy when it comes to delivery.

“Realistically having to manage budgets and time I think we have to draw a line and say its specific to a certain crime type or victims - especially vulnerable victims.”

Officer 7

This replicates the finding within the Victims' Commissioner's review (2015). Police officers interviewed as part of that research reported using their own judgement about when to offer the VPS, thus rejecting the idea of universal victim participation. It was recommended within that report that such discretion of delivery was not in line with the Victims' Code (Ministry of Justice, 2015) and it was recommended that training of officers was needed. The evidence from this study is that such discretion is continuing to be used today and no officer interviewed was able to give any evidence of retraining since 2015 to address the issue of VPS delivery.

The final area of focus within the delivery theme is the link to charge. There is a strong view within the police force, illustrated by the officers interviewed, that the VPS has a direct impact on sentencing - an understanding that is challenged in Chapter 1 and also an issue we will return to later in this chapter. Officers spoke of feeling that pursuing a VPS from a victim of crime whose case was destined for court had clear purpose. This instrumental view of the VPS is dominant within the police

force. It may be why the victims of more serious crime, which are more likely to end up before a court, are more likely to be given multiple opportunities to participate. If there is little chance of apprehension of a perpetrator of a crime and thus little chance of a court case, officers say there is a reluctance to 'waste' valuable police time on taking a VPS.

"If it's not going to get to court, what's the value? If there's not going to be a court case then half the reason for taking it is irrelevant."

Officer 7

This approach marginalises the idea of the VPS as a therapeutic tool (Erez 1999; Bergstrom and Azmeh, 2019; Edwards, 2004; Roberts and Manikis, 2011). Prioritising the victims whose cases are likely to end of before a court may be a practical use of police time however it removes the procedural justice role of the VPS - the idea that regardless of the outcome, victims of crime need to be heard even if it is only by the police officers taking their VPS. By prioritising the chance of instrumental participation, the opportunity to use the VPS as an expressive tool is taken away from a substantial number of victims. This leads us to consider the purpose of VPS as understood by interviewed officers.

PURPOSE

It is acknowledged there is confusion of purpose attached to the VPS (Roberts and Manikis, 2011; Erez et al, 2014; Bergstrom and Azmeh, 2019). As a result, interested parties within the CJS have sought to impose a purpose on the scheme to suit their own agenda. Within the interviews conducted, individual officers offered a number of suggestions of purpose including an expressive or therapeutic role for victims as well as the view of direct impact on sentencing decisions. There was also acknowledgement by some participants that the purpose of VPS was confused.

The majority of participants believed that the VPS has an impact on sentencing decisions. Of the seven officers interviewed, four communicated such a view. Officers 3 and 6 both understood that the VPS was created with an instrumental purpose that it did not deliver in practice. Officer 4's view differed slightly in that he acknowledged a generally held belief that the VPS can affect sentencing when in his view it could not. This confusion among rank and file officers inevitably creates a confusion of purpose in delivery which risks victim disappointment.

"I think some people misunderstand that it can impact on sentencing and I think the reality would upset some people. Me personally.... I would think, what's the point in me telling you how I feel because it's not going to do anything?"

Officer 3

The majority of academic literature on the VPS in England and Wales finds little or no evidence that a VPS impacts sentencing decisions (Roberts and Manikis, 2011; Moynihan, 2011; Hungerford-Welch et al, 2011; Erez et al, 2014). This sits alongside the ambiguous advice from the Ministry of Justice about the intended impact. Hoyle et al saw the problem as “poorly trained officers” raising the expectations of victims by telling them that their VPS would affect sentence (1998). The recommendations in that report was for more clarity. The communicated confusion from the interviewed officers in this research some 22 years on reveals that those recommendations have not been acted upon and the ambiguity is as prevalent today as it was at the scheme’s launch.

There was also a belief that the act of discussing the impact of a crime within a VPS was cathartic to the victims. For a number of the officers, the honest therapeutic expressive purpose was seen as more important than what McGrath calls the dishonest promise of impact on sentence (2008). Officer 6 spoke of the VPS giving victims a chance to put into words how they feel for their own mental well-being, not simply for the court. This extends the purpose of the VPS from expressive to supporting victim welfare. Officer 4 challenged the view that input should be linked to the chance of charge and appearance at court - the instrumental view.

“A lot of victims of crime equate justice with someone going before the courts don’t they? That’s closure for them. I don’t think that’s the case. I think a lot of the closure can be along that process and the VPS is a chance to get feelings out.”

Officer 4

The officers gave a number of examples where they had seen the VPS used as a therapeutic tool with success, specifically when linked with a court appearance.

Officer 1, a CID officer, described the experience of a victim of a serious sexual assault. She explained how important it was for the not only the victim to provide a VPS but also other members of her family. Speaking about the victim's daughter the officer said:

“It helped her enormously to have her say in court and be able to stand there with the defendant and the defendant's family, to say the effect the attack had had on them. I believe it was really cathartic for that family.”

Officer 1

The purpose of the VPS as a cathartic tool is well documented within academic literature (Roberts and Manikis, 2011; Bergstrom and Azmeh, 2019; Erez, 1999). Erez describes the idea of 'therapeutic jurisprudence' - the expressive element of the VPS as providing an example of procedural justice (1999, p552). Edwards speculates that participation in the scheme helps alleviate harm and assists with the recovery of victims (2004, p977). However, within the available literature the cathartic purpose of the VPS is linked to that input appearing in a court case. The idea, suggested by Officers 4 and 6, of the scheme providing therapy *without* giving

victims the chance to be heard in court is not something explored within available literature but one which arguably needs academic attention.

Finally, officers viewed the VPS scheme as having a victim recognition purpose. Officer 4 spoke of the VPS moving the focus from the crime and the offender to the victim, unlike the evidential statement which understandably maintains the focus on the crime. Another officer said the participation offered by the VPS was a way of rebalancing a criminal justice system which sometimes appears to sideline the victim.

“I feel that a lot of the time it is all about the defendant and we forget we have a victim of a horrendous crime here.”

Officer 1

The idea of restoring balance is one discussed by Erez (1999). The introduction of VPS has allowed victims to go from being a ‘forgotten player’ (Edwards, 2004, p967) to securing a form of participation. That participation in one’s own case, one’s own ‘conflict’ (Christie, 1977) is an important way of taking back some control and seeking empowerment. Victim recognition and empowerment is an issue which will be discussed later in this chapter.

EFFECTIVENESS

It is difficult to assess the effectiveness of the VPS when there is such confusion of purpose. However, the interviews highlight the circumstances in which VPS have been effective and the occasions when it falls short. The scheme is perceived to be particularly effective when offered to victims who have been the victim of serious crimes, crimes that are about more than loss of property and crimes against the vulnerable. Officer 2 works in proactive CID dealing with burglary and robbery. He describes victims being more engaged in the VPS process when there has been a clear threat against the victim during the criminal event. That personalisation of the crime is, according to Officer 2, a catalyst for seeking participation in proceedings.

"I have found them [VPS] to be more effective when there has been that physical confrontation, whatever the crime. People tend to be more keen to make a VPS when the crime has had an impact on social behaviour as well as simply the loss of property."

Officer 2

The process is also seen to be effective when the victim's participation has been heard by the court. Officers 1,2, 4 and 7 had examples of positive feedback from victims who had seen their input make it to court. However, there is seen to be an enhanced positive effect when that input is recognised by the Judge in sentencing remarks. This recognition within the court setting is seen as offering victims 'insider' status and, perhaps mistakenly, an instrumental role. Officer 7 discussed a particular

case in which the Judge made specific reference to the VPS during sentencing. The timing of that recognition was an indication to both the victim and to the police that the input may have impacted sentencing.

Roberts and Manikis (2011) and Mastrocinque (2014) give attention to the increased participation of those victims of serious crime, presenting the view that such victim input is perceived to be more effective. It could be argued that such hierarchy of victimhood is pragmatic. The most serious crimes are the most likely to go before a court, making the VPS relevant as the instrumental tool it is so often perceived to be. Acknowledgement by the presiding Judge is arguably the ultimate example of the “psychological gratification of being heard” (Erez and Tontodonaro, 1992, p410). This delivers a ‘customer satisfaction’ to the process even if, in reality, the victim’s input made little or no material difference (Erez and Tontodonaro, 1992; Edwards, 2004; McGrath, 2008).

All of the officers discussed how VPS can have an effect on legal actors, revealing the real victim behind crimes that many criminal justice professionals see regularly. Officer 4 reflected on how long serving officers can, as a defense mechanism to the challenges of their role, become immune to the lived reality of being a victim of crime.

“There is a danger you become desensitised and I think if you are going along to a job, someone has been raped, you take the evidential statement but you never

see the impact. The VPS is what really keeps you anchored to what policing is about. I think it helps us focus on why we are here. It reminds you.”

Officer 4

The resensitisation of legal actors is raised by Erez et al (2014) who found that victim input in the form of VPS can “humanise the justice process” (Erez at al, 2014, p178) by bringing the emotions of real victims into the view of those who deal with crimes and their consequences with a regularity that can desensitise them. This is more than a recognition of status, more a reminder that behind the prosecuting ‘state’ there is a real individual who has been the victim of a real crime with real consequences (Erez and Rogers, 1999)

However, there are a number of challenges to the effectiveness of the VPS scheme raised by the interviewees. Firstly, all officers interviewed oppose the idea of the VPS being a universal entitlement. However, there was no agreement as to which victims should qualify to participate and which should be excluded. Officer 3 reflected that the routine nature of the VPS meant that the whole process is approached in a routine way and without appropriate sensitivity. The issue of dilution of impact was raised a number of times by officers who argue that the impact of a VPS could be lost if every victim of crime was given the right to participate.

“If every case that made it to court has a VPS, that doesn’t really hit home. But if it meets certain criteria - and I don’t have all the answers as to what that criteria

would be - the victim should be able to make a VPS and when the Judge sees it they know the crime has had a clear impact.”

Officer 5

There is also an issue of training linked with effectiveness. Some of the interviewees discussed their skills in developing relationships with victims to help them share the best version of the impact had on them through their VPS. These officers were part of specialist teams who are concentrating on more serious crimes and so have more time to spend with crime victims. The experience of uniformed officers is different. Officer 5, a Special Constable, had concerns that his training to take evidential statements did not necessarily prepare him adequately to take a VPS. As a result, he felt that given the current training for response officers, they were not best placed to carry out the role of securing victim input.

“Police officers are good at taking witness statements which are fact based. There are no opinions. But you ask them to write down someone’s thoughts, feelings and emotions and they’re probably not going to be right good at that.”

Officer 5

Finally, a number of the officers felt that the VPS was not effective in giving victims significant recognition within the CJS. Phrases such as “box ticking exercise” (Officers 1, 5 and 6) and “lip service” (Officer 3) were used by interviewees in relation

to the VPS scheme. Officer 3 questioned the point of participation given, in her view, there is no recognition of the VPS when it comes to sentencing decisions.

“Me personally, if I was going through the process I would think, what’s the point in me telling you how I feel because it’s not going to do anything.”

Officer 3

At the moment there is a “mis-selling” of impact (Officer 6) going on as there is no clear understanding of purpose of the VPS. It has an ambiguous role which is convenient for many within the system as with no clear purpose, the VPS can’t disappoint in delivery. However, that ambiguity is not only failing to give victims the recognition they believe they are being promised according to Officer 5, it also demotivates the very individuals who are delivering it.

“If you work with a victim to create a VPS, then go to court and it has no impact on sentence, you might think what was the point? The victim is also going to be disheartened because other than giving them the opportunity to talk about their feelings, it’s a waste of time.”

Officer 5

These challenges to effectiveness have been acknowledged within previous research, particularly the issue of victim recognition. Analysis of the pilot project

observed that there was a need for officers to be realistic about the limitations of the scheme (Hoyle et al, 1998). The overpromising of impact, especially with reference to any influence on sentence, was also raised by Erez et al (2014) who observed that such mismanagement of expectations could lead to re-victimisation at the hands of the criminal justice system. The VPS is a scheme that promises much victim recognition. It invites the 'outsider' inside the system. However, it is argued that while the promise of inclusion is real, the effective delivery is illusionary (Erez and Rogers, 1999, p235).

VICTIMS RIGHTS

The Ministry of Justice guidance states that the main purpose of the VPS is to give victims a voice within the CJS. That's certainly a purpose recognised by the officers interviewed. Victims can become sidelined and seen as largely irrelevant to the criminal justice process once an evidential statement has been taken. The 'conflict' becomes the property of the state and as a result the victim has no real role.

Inclusion via the VPS is seen as a way of giving the victim back a role in their own conflict (Christie, 1977). That idea of ownership is seen within the interviews with officers. Officer 4 describes the VPS as "their story" while Officer 2 refers to "their victimhood". The idea of refocusing the criminal justice system from offender and crime to victim was also raised by Officer 4.

However, there were concerns raised by officers about the burden of victimhood as part of the VPS process. Officer 3 said she felt that on occasions the VPS was 'imposed' on victims making it more of a responsibility than an empowering entitlement. Officer 4 reflected on the use of the label 'victim' within the scheme and acknowledged that it may be that people want to share the impact of a crime while rejecting victim status. That experience of rejection was repeated by Officer 1 who described a victim fatigue attached to formal input.

"If they feel they have given enough information and they don't want to talk about it anymore".

Officer 1

This was a response reported by a number of other officers (2, 3 and 5). While it does not satisfy the expressive function of the VPS it is a practical response by victims of crime who may see no point in further participation or may feel providing input may cause them further trauma. Some victims want to minimize their interaction with the CJS and reject the victim 'experience' offered to them, however the VPS provides an expectation that the victim should want to take part. (Erez et al, 2014; Roberts and Manikis, 2011)

I

IMPROVEMENTS

Within the discussions a number of areas improvements were raised. First was the possibility of making the delivery of VPS the responsibility of a civilian or an external provider, thus removing it from overburdened frontline officers. There was a division of opinion within the interviewed officers - three who were opposed to outsourcing, three who felt it would be a practical solution to the issue of universal participation and one officer who had no view either way. Of the officers supporting outsourcing, Officer 5 felt that not only the quantity of delivery would improve, but also the quality.

“Civilian investigators cost a lot less and they can be more specialist. You are going to get a better statement than a busy officer will take. They would be able to take it at the right time for the victim and not the right time for the police.”

Officer 5

Officer 3 felt uptake would increase with civilian delivery, but preferred the idea of the police retaining the role in more serious cases. Officer 7, the most senior officer interviewed, reflected that outsourcing would reduce the workload on frontline officers and potentially improve the service for victims. All of the officers who rejected the idea of outsourcing saw the interaction with victims as vital to their role and the delivery of the VPS as part of their job. Officer 4 warned of a consequence of outsourcing victim participation would be to label such work as ‘soft’ policing. He also spoke of the value of officers seeing the impact of a crime through the VPS process. To date, this is not an area that has been explored by existing academic literature. It

is an issue that was raised by the former Chief Executive of Victim Support in 2014 (CCJS, 2014) but there is no follow up recommendation within Victim Support reports.

A second potential improvement raised was a change in delivery. The universal participation is, according to the officers interviewed, unrealistic. As a result, discretion is used to offer VPS participation based on seriousness of crime, chance of charge and nature of victim. As a general rule, victims of low-level crime are not offered the chance to make a VPS. Officers 3 and 7 proposed justifying why victims have *not* been offered the chance to make a VPS.

“The question should be asked whether within the process the officer has considered a VPS. If not, why not. Justify the decision not to offer.”

Officer 7

In this way there is no presumed entitlement and the discretion remains with the officers but it is a supervised discretion. Officer 3 also offered a similar proposal with the CPS asking at the point of charge if a VPS has been considered, with the police justifying the decision made. By doing this, the scheme is not diluted by mass participation and the practical delivery is more manageable. Again, this is not an area known to have been explored by existing research.

Finally, the range of perceptions of the officers in relation to the purpose of the VPS raises the issue of clarity of purpose. While none of the officers raise this specifically as an area of improvement, the fact that there is no clear single purpose understood by the officers interviewed, offers an area for future review. However, this is not the first time a lack of clarity of purpose has been highlighted in empirical research. The Victims' Commissioner's 2015 review of the VPS also discussed a lack of defined purpose and recommended the CJS work together to produce a common understanding of purpose. The fact frontline officers still lack clarity illustrates that there is more work to be done in the future.

CONCLUSION

This research set out to better understand police perceptions of Victim Personal Statements. Analysis of existing research revealed an absence of studies accessing the views of police officers in the UK. Using the first-hand accounts of a sample of serving officers in the West Yorkshire force, this research focused on individual understandings of purpose and delivery, their views on effectiveness and victims' rights and the identification of improvements to the current VPS scheme. At the heart of this research is the consideration that the perceptions of officers have an effect on how, when and if victims of crime take up the offer of participation in the form of VPS submission. These objectives were achieved by the research, allowing for recommendations for both areas of further exploration and practical action.

Firstly, this research found that there is a disparity of VPS delivery based on a hierarchy of crime and victimhood. According to interviewed officers, universal participation is an unrealistic aim and the practical delivery is based on ad hoc police discretion. Arguably, this calls into question whether all victims of crime should be eligible for the VPS scheme, as stated in the Victims' Code (Ministry of Justice, 2015). As evidenced in this research, this is a promise to victims that is not being delivered in practice.

Secondly, the perceptions of purpose by police officers revealed a lack of clarity which existing research has highlighted since the pilot of the VPS (Hoyle et al, 1998). Each officer interviewed had a slightly different interpretation of purpose attached to the VPS making the delivery of the scheme problematic for both officer and victim. If it is

delivered with the promise of impact on sentencing decision, there is the threat of victim disappointment and potential revictimization at the hands of the CJS. If the scheme is presented as simply expressive, there is the belief that victims may fail to see the point of participation. The confusion of purpose revealed by the research is a second point of action, but not a new one. This dissertation suggests that this finding serves as evidence that the recommendation of the Victims' Commissioner (2015) has not been adequately acted upon.

The interview data also provides this research with a useful debate about the effectiveness of the VPS scheme. On the one hand there is evidence of individual victims of crime being helped by participation in the scheme and acknowledgement by the court, however there are valuable points raised about the potential dilution of effectiveness a policy of universal victim input has. The scheme is so often presented to victims as a way of securing recognition within a system that has historically seen them as 'outsiders' (Erez et al, 2014). There is a belief among most of the officers interviewed that it has been successful in creating a form of superficial inclusion. Arguably, any effectiveness is difficult to measure when there is such a clear confusion of purpose.

There is much within this dissertation to support previous research and existing literature. The Victims' Commissioner's review *The Silenced Victim* found that delivery was focused on victims of serious crime with police using discretion to offer participation. That view is also supported by Rossetti et al in their paper *Victim of the System* (Victim Support, 2017). The findings related to confusion of purpose are also not original. From the review of the pilot VPS project (Hoyle et al, 1998) through Robert and Manikis

(2011) to the already cited Victims' Commissioner's review (2015), the lack of clarity about the VPS purpose is an established issue. Research has often linked it with the issue of sentencing impact and the confusion uncovered in the interviews conducted for this research, supports the majority view in existing literature (Ashworth (1993), Erez and Rogers (1999), Erez et al (2014), Erez and Tontodonato (1992) and Roberts and Manikis (2011). The work of Edwards (2004), Roberts and Manikis (2011), Moynihan (2011) and Erez et al (2014) support the argument that the VPS can embitter victims by promising more than it delivers. The fact that this research builds on these existing findings lends further support to the argument that these are areas in need of a more practical response.

However, there are findings that fall outside of existing research and so may be worthy of further academic attention. Firstly, the issue of timing of delivery was noted as a problem by all interviewed officers. The battle between the statutory requirement to offer a VPS to all victims is set against the best time of delivery for the victim. Exploration of the impact of this battle on participation take up is worthy of review. Secondly, all officers challenged the issue of universal delivery however this is not a discussion that has seen notable academic exposure. Linked to this are the concerns raised around dilution of message in the unlikely event of universal delivery being achieved. These findings invite future discussion about discretion of invitation to participation.

As discussed in Chapter 2, it was acknowledged there were limitations within this research. The sample size was small and most of the participants were sourced through a gatekeeper. Despite this, there are findings within the research which are worthy of

both further consideration and practical action. In the first instance the recommendation is for an agreed, clear purpose for the VPS that is communicated via training to frontline officers and then delivered with clarity to victims of crime. The experience of the officers interviewed allows for the argument that presenting the scheme as purely expressive would not discourage participation as long as the promise of involvement being instrumental was not made. This is all about the management of victims' expectations.

Secondly, participation can only be universal in the event of civilian involvement at some level. Universal victim participation is undeliverable with current police resources however, civilian involvement in supporting victims of low-level crime to participate in the VPS may be worthy of further exploration. Such involvement could extend to supporting victim input even without universal victim participate in those low-level crimes. However, it may be time to accept that the Victims' Code entitlement of a VPS for *all* victims of crime is neither deliverable nor desirable. The research shows that there are victims of crime who do not want to participate more than is legally necessary.

For those victims that do want their voice heard in a VPS, it is suggested that there is an opt in provision as opposed to a presumed participation. This opt in would be assessed by the attending officer and in discussion with the officer in charge. Using discretion, police would assess the victim, the crime and likely benefit to both victim and justice in the offer of participation. Any decision would need to be justified within the CJS. It is proposed that this is an avenue for further consideration.

While this research can not offer evidence of a clear correlation between police perceptions of use and effectiveness and the low number of victims participating in the VPS scheme, it does suggest that the invite to participate is the result of a necessary discretion based on time and resource limitations and a hierarchy of crime and victimhood. This discretion is, in part, driven by a confusion of purpose linking participation to the likelihood of an offence ending up in front of a Judge and impact on sentence. This confusion, supported not only by the findings in this research but also by existing literature, influences the decisions of police officers as to who is prioritised for participation and who is excluded. What is made clear by this research is the idea of universal victim participation in the VPS is currently unachievable. It is perhaps time equip the police with a clearly defined purpose and victims with an honest invitation to participate in the criminal justice process.

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APPENDICES

APPENDIX 1:

INTERVIEW SCHEDULE

17TH JANUARY 2020

Check: Consent – have you discussed it? Have you got it signed? Give clear guidance about opportunity to withdraw consent and the deadline for that.

Give: Info sheet

Explain: Background to the research and also personal interest in it.

Explain: Recording of interview and make sure it is visible on both machines.

Ask for:

NAME

RANK

YEARS OF SERVICE

AREA CURRENTLY eg, CID, Uniform

- What is your understanding of the VPS?
- What do you understand about the reasons for offering VPS? What do you understand as their purpose?
- Have you any experience of offering/taking a VPS? If you feel comfortable doing so, can you give me any examples?
- How, when and why is a VPS offered according to your training? Is there a national policy/ force policy? Is it routinely offered? How do you select who to offer it to?
- How important is your discretion?
- What do you understand force policy to be?
- What training have you had about the VPS?
- In your experience, how do victims of crime respond to the VPS offer?
- If you feel comfortable doing so, can you tell me about the broader views of your colleagues to VPS?
- Do you believe the VPS should be a priority?
- What would your response be to the suggestion that police should NOT take the VPS – that it should be outsourced and be a civilian task?
- Have your views on the VPS change during your service?

REMEMBER: Always ask for examples of their experiences.

APPENDIX 2:

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Participant Information Sheet

The [Privacy Notice for Research](#) should be provided alongside the Participant Information Sheet.

Further guidance is available at <http://ris.leeds.ac.uk/involvingresearchparticipants> and at <https://dataprotection.leeds.ac.uk/information-for-researchers>.

USE AND EFFECTIVENESS OF VICTIM PERSONAL STATEMENTS WITHIN WEST YORKSHIRE POLICE

You are being invited to take part in a research project. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask us if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

What is the purpose of the project?

The purpose of the project is to understand how victim personal statements are used within the routine duties of West Yorkshire Police officers.

Why have I been chosen?

You have been selected by Alan Burns to take part in the research

Do I have to take part?

It is up to you to decide whether or not to take part. If you do decide to take part you will be given this information sheet to keep and be asked to sign a consent form and you can still withdraw at any time without it affecting any benefits that you are entitled to in any way. You do not have to give a reason.

What do I have to do?

You will be required to talk to our researcher for no more than 30 minutes, perhaps with other participants. You will be asked questions about your personal experience using and viewing the use of victim personal statements within the West Yorkshire Force. You will be asked your personal opinions. At any point you can choose not to answer a question that has been asked of you.

What are the possible benefits of taking part?

Whilst there are no immediate benefits for those people participating in the project, it is hoped it will provide a better understanding on the purpose and effectiveness of victim personal statements and how they are currently offered and utilised.

Use, dissemination and storage of research data

The data collected will be used to form part of an undergraduate dissertation. All data collected will be stored on encrypted password protected devices and will be completely anonymous.



Will I be recorded, and how will the recorded media be used?

The audio of your activities made during this research will be used only for analysis and for illustration. No other use will be made of them without your written permission, and no one outside the project will be allowed access to the original recordings.

What will happen to my personal information?

While the researcher will take details of your rank, years of service and gender and the data will be anonymised for the purposes of use within this undergraduate research.

What will happen to the results of the research project?

All the contact information that we collect about you during the course of the research will be kept strictly confidential and will be stored separately from the research data. We will take steps wherever possible to anonymise the research data so that you will not be identified in any reports or publications.

The results will be published in Spring 2020 and we can make a copy of that research available to you. You will not, however, be identified within it.

What type of information will be sought from me and why is the collection of this information relevant for achieving the research project's objectives?

This interview will be about your personal experiences and lived reality as a West Yorkshire Police officer. You will be asked what you understand about victim personal statements and to explain your role, if any, in offering them. You will be asked about your experiences dealing with victims of crime and their responses to the victim personal statement

Contact for further information

Lead Researcher

Sarah Butters

School of Law

University of Leeds

Leeds

LS2 9JT

lw17sb@leeds.ac.uk

Thank you for agreeing to take part in this project

<i>Project title</i>	<i>Document type</i>	<i>Version #</i>	<i>Date</i>
	Eg consent form for...		

APPENDIX 3:

School of Law, University of Leeds



UNIVERSITY OF LEEDS

Consent to take part in research into the Use and Effectiveness of Victim Personal Statements within West Yorkshire Police	Add your initials next to the statement if you agree
I confirm that I have read and understand the information sheet dates 15 th January 2020 explaining the above research project and I have had the opportunity to ask questions about the project.	
I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline. For withdrawal contact SARAH BUTTERS on 07764943789 Upon withdrawal any data collected from me will be destroyed. Withdrawal after the 22 nd February is not possible.	
I understand that members of the research team may have access to my anonymised responses. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research. I understand that my responses will be kept strictly confidential	
I understand that the data collected from me may be stored and used in relevant future research in an anonymised form or I understand that the data I provide may be archived	
I understand that relevant sections of the anonymised data collected during the study, may be looked at by individuals from the University of Leeds or from regulatory authorities where it is relevant to my taking part in this research.	
I agree to take part in the above research project and will inform the lead researcher should my contact details change.	

Name of participant	
Participant's signature	
Date	
Name of lead researcher	Sarah Butters
Signature	
Date*	

*To be signed and dated in the presence of the participant.
Once this has been signed by all parties the participant should receive a copy of the signed and dated participant consent form, the letter/ pre-written script/ information sheet and any other written information provided to the participants. A copy of the signed and dated consent form should be kept with the project's main documents which must be kept in a secure location.

APPENDIX 4:

School of Law Module LAW3035 INTERNAL RESEARCH ETHICS APPLICATION

Dissertation Research Ethical Approval: Declaration

For students	<i>Please tick as appropriate</i>
Option 1: I will NOT conduct fieldwork with (data on) human participants for my dissertation.	
Option 2: I will conduct fieldwork with (data on) human participants for my dissertation.	x

For **options 1 and 2** - I confirm that:

- The research ethics form is accurate to the best of my knowledge.
- I have consulted the University of Leeds Research Ethics Policy available at <http://ris.leeds.ac.uk/ResearchEthicsPolicies>.
- I understand that ethical approval will only apply to the project I have outlined in this application and that I will need to re-apply, should my plans change substantially.

For **option 2** only:

- I am aware of the University of Leeds protocols for ethical research, in particular in respect to protocols on **informed consent, verbal consent, reimbursement for participants and low risk observation**. If any are applicable to me, signing this form confirms that I will carry out my work in accordance with them. (<http://ris.leeds.ac.uk/PlanningResearch>)

Student's signature: Sarah Butters

Date: 15th January 2020



For supervisors	Yes	No
<i>No further action required</i>		
I confirm that the dissertation is in line with the module's block ethical approval (Part A & question 7).		
I have discussed the ethical issues arising from the research with the student and agree that these have been accurately and fully addressed.		
<i>Further actions required</i>		
Refer to dissertation co-ordinator for further review/ discussion.		
The dissertation falls outside the module's block ethical approval and the student was advised to apply for full ethical review.		

Supervisor's signature:

Date:

For office use only	Yes	No
This application satisfies the conditions for block ethical approval.		

