



Ministry
of Justice

Making a Victim Personal Statement

You have a voice in the criminal justice system and have a right to explain how the crime has affected you



CONTENTS

About this leaflet

What is a Victim Personal Statement (VPS)?

The two stages of making a VPS

- The VPS considered by the courts
- The VPS considered by the Parole Board

MAKING A VPS FOR CONSIDERATION BY THE COURTS

Who can make a VPS?

What do I need to know before giving a VPS?

When to give the VPS

Changing your VPS

Making a VPS later on

What a VPS may contain

What a VPS must not contain

How your VPS will be used when it has been made

Your VPS and the sentence

Reading out your VPS in Court

The decision of the court on reading the VPS aloud

If you decide not to have your VPS read aloud or played out

- Victims under 18

MAKING A VPS FOR THE PAROLE BOARD

Information on the VPS and the Parole Board

Police contact

More information

About this leaflet – what the leaflet does

This leaflet explains everything you need to know about the Victim Personal Statement (VPS). It explains what it is, what you will need to do, how it works and what the police will do with the information you provide.

Your entitlement to make a VPS is outlined in the Code of Practice for Victims of Crime (the “Victims’ Code”). This is a Government document which sets out the services to be provided to victims of criminal conduct by criminal justice organisations in England and Wales. Under the Victims’ Code, you are entitled to make a VPS at the same time as you make a witness statement to explain what happened when the crime took place. More information on the Victims Code can be found online at <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>.

What is a Victim Personal Statement (VPS)?

A VPS is a statement that you can give to the police (or any agency or organisation assigned by the police to take the VPS on their behalf) if you have been a victim of crime. It is your way of telling the criminal justice system about the crime you have suffered and the impact it has had on you, whether physically, emotionally, psychologically, financially or in any other way. Your VPS is important and gives you a voice in the criminal justice process by helping others to understand how the crime has affected you.

A VPS is different from a witness statement which mainly focuses on the crime against you such as what was said or what you heard in the incident, rather than the impact of the crime on you.

If a suspect is arrested, tried in court and found guilty, the court will take into account the impact of the offence on you as set out in your VPS, as far as it considers appropriate, when deciding the appropriate sentence for the offender.

Your VPS will help the criminal justice system (whether it is the police, the prosecutor or the court), to make a decision on the support and services that you or your family may need.



The two stages of making a VPS

The VPS considered by the courts

The VPS can be made at any time prior to the sentencing of the offender. This VPS is used by the courts. The VPS can be made at any time prior to the sentencing of the offender. When a defendant is found guilty, the VPS is considered by the court as far as it considers appropriate when determining the sentence.

The VPS considered by the Parole Board

The VPS can subsequently be updated for submission to the Parole Board www.paroleboard.gov.uk as part of the offender's parole review. The purpose of this VPS is to tell the Parole Board the impact of a crime on the victim and to enable them to assess whether it is safe to release the offender or to move them to an open prison (see below).

MAKING A VPS FOR CONSIDERATION BY THE COURTS

Who can make a VPS?

The police must offer the opportunity to make a VPS to the following people:

- any victim at the time they complete a witness statement about what has happened;
- victims of the most serious crime (including bereaved close relatives), persistently targeted victims, and vulnerable or intimidated victims, irrespective of whether or not they

have given a witness statement about what happened;

- a parent or carer of a vulnerable adult or of a young victim under the age of 18 unless it is considered not to be in the best interests of the child or vulnerable adult.

In addition the police may offer the opportunity for a victim of crime to make a VPS whether or not they make a witness statement where it seems appropriate.

Victims under 18

If you are a victim of crime under the age of 18, then you, your parent or your guardian will be able to make VPS to explain how a crime has affected you.

Bereaved close relatives of victims

Bereaved close relatives of a victim who died a result of criminal conduct are also entitled to make a VPS at any time prior to the sentencing of the offender.

What do I need to know before giving a VPS?

Before deciding whether you would like to make a VPS, you will be advised by the police that if the case reaches court, your VPS will be seen by the defence and that you may be asked questions about your VPS during the trial.

The police will ask you whether or not you would like to read relevant parts of your VPS aloud, have it played in court or have someone (usually a Crime Prosecution Service (CPS) prosecutor) read your VPS aloud on your behalf if the defendant is found guilty in the case. There is no pressure on you to make a VPS or to have your VPS read aloud if you do not want to. More information on reading the VPS aloud is provided further on.

You will also be advised by the police that if the case reaches the court and your VPS is read out in court, your VPS could be reported on in the media.

When to give the VPS

Under the Victims' Code, the police will offer you the opportunity to make a VPS at the same time as you give a witness statement. However, if you decide not to at that point you can still make a VPS to the police or agencies or organisations assigned by them at any time before trial or sentencing.

Under the Victims' Code, victims who are assessed as being in one of three priority categories (victim of the most serious crime, persistently targeted and vulnerable or intimidated victims) are entitled to an enhanced service under the Code to make sure they get the help and support they need. If you are assessed as falling into one of these three categories, you can make a VPS to the police at any time before the trial or sentencing if you want to, irrespective of whether you make a witness statement about what happened.

Your VPS will normally be taken in the same format as your witness statement about what happened to you, and therefore may be video recorded if you have given your statement in that way.

Changing your VPS

You cannot change or withdraw your original VPS. However, you can make a further VPS to add to or clarify your original VPS at any time before the trial or sentencing. You can make a second VPS

if you want to describe the full impact of the crime, such as the longer term effect the crime has had on you, or any other issues that may not have been apparent at the time of making your original VPS.

Making a VPS later on

If you are unsure about making a VPS at the time of making a witness statement, you will be free to make a VPS later, provided that this is before the case comes to court or before the offender is sentenced. However, you should be aware that if you do not make a VPS at the first opportunity, you may not have another chance to do so later on as the case may be dealt with very quickly by the courts.



What a VPS may contain

Your VPS will explain the impact the crime has had on you.

For example, you might want to mention:

- any physical, financial, emotional or psychological injury you have suffered and/or any treatment you may have received as a result of the crime
- if you feel vulnerable or intimidated
- if you no longer feel safe
- the impact on your family
- how your quality of life has changed on a day-to-day basis
- if you need additional support, for example because you are likely to appear as a witness at the trial

Please be aware that the VPS is a formal witness statement and you will need to sign a declaration confirming that it is true to the best of your knowledge.

What a VPS must not contain

Your VPS must not include your thoughts or opinion on how the alleged offender should be punished – this is for the magistrate or judge to decide. Any inappropriate content, such as unsubstantiated claims against the alleged offender, may be removed from the final version of the statement before the court.

How your VPS will be used when it has been made

After you have made your VPS, it becomes part of the case papers. However, your personal information, like your contact details, will not be included.

Your VPS can be seen by everyone involved in the case, including the defendant and their lawyer(s), police, prosecution, and the judge or magistrate if the case goes to court.

However, your VPS will only be considered by the court if the defendant either pleads guilty or is found guilty by the court.

The court and/or the defence could cross-examine you about the contents of the VPS in order to clarify or challenge certain points. This may be reported on in the media.

Your VPS and the sentence

Your VPS will not dictate how the offender is to be punished as sentencing is for the court to decide. However, the judge or magistrate will consider your VPS and the level of harm caused to you by the offence – along with all the other evidence in the case and the relevant sentencing guidelines when passing the sentence. Your (or your close relatives') opinion on what you think the sentence should be will not be taken into account.

Reading out your VPS in Court

When you make a VPS you will be asked whether or not you would like to read it out or have it read aloud or played (where recorded) in court if the defendant pleads guilty or is found guilty by the court.

You will be advised on what you can expect to happen when you read out your VPS or it is read aloud or played in court, including the possibility of it being reported on in the media.

Your point of contact (which will either be a Witness Care Officer or police officer) will try to make sure you are kept up-to-date on the progress of the case, so you can attend the trial to read out your VPS when you have requested to do so. However, due to the speed at which some cases progress through the courts, this may not always be possible. Court hearings are highly unlikely to be adjourned solely to allow you to attend court to read aloud your VPS. Where this is the case, your VPS might be read aloud on your behalf by a CPS Prosecutor at the discretion of the court.

The decision of the court on reading the VPS aloud

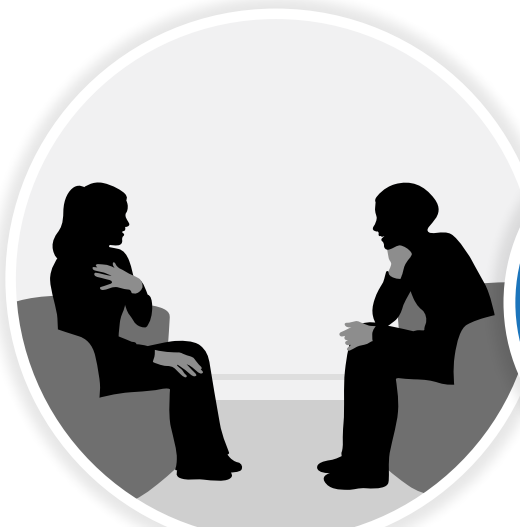
It is for the court to decide whether and what sections of the VPS should be read aloud or played in court and who will read the VPS aloud. In most cases some or all of your VPS will be read out, either by you or the CPS prosecutor in accordance with your wishes. However, the court may decide that there are good reasons not to do so, or that it is not in your best interests to do so. You will be notified of the court's decision on whether or not you can have your VPS read aloud.

If you decide not to have your VPS read aloud or played out

It is your personal choice whether or not to have your VPS read aloud or played out in court. Your VPS will still be taken into account by the courts whether or not you choose to have it read aloud or played out in court.

Victims under 18

If you are under the age of 18 you, your parent or your guardian are also able to say whether you would like to read out a VPS or have it read out on your behalf if the defendant is found guilty.



MAKING A VPS FOR THE PAROLE BOARD

Information on the VPS and the Parole Board

In some cases, near to, or at the end of the offender's minimum period of imprisonment, as specified by the court, the Parole Board may consider whether or not the offender should be released or moved to open prison conditions. This applies only to parole-eligible prisoners; those serving an indeterminate or life sentence and those serving certain types of extended sentences.

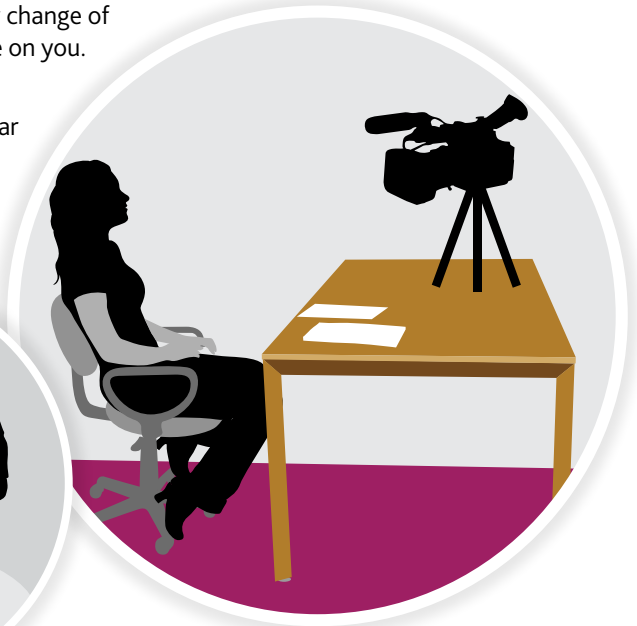
In a separate process from that outlined above for the VPS considered by the courts, if you are eligible for and have opted to receive contact under the Probation Victim Contact Scheme you will be provided with the opportunity to write a VPS telling the Parole Board about the impact this imminent release or change of custodial conditions might have on you.

At the discretion of the Parole Board, you may be able to appear before the Board for part of the hearing to read your VPS, if you so wish.

If you are aged 18 or under, the decision on whether you or your parent or guardian can attend a hearing will be made by the chair of the Parole Board panel.

Normally a request to attend in person will be granted, but this will be at the discretion of the Parole Board panel chair. However, you or your parent/s or guardian if you are under 18, will not be able to attend the whole hearing. You or your parent/s or guardian may be able to read your VPS via Live-Link or record it so that it can be played at the hearing, if these facilities are available.

More information about the Probation Victim Contact Scheme and the Parole Board can be found at: www.gov.uk



Police contact

This is the police contact for anything related to your VPS. The officer dealing with your statement will fill this in. Please keep the details safe.

Initial contact with the police

Name of police officer:

Telephone number of police station:

Police officer dealing with the case (if different from above)

Name of police officer:

Rank of police officer:

Telephone number of police officer:

Crime case details

Crime case reference number:

Telephone number of crime desk:

More information

If you have any further questions about the VPS, please get in touch with any member of your local police team. As you are a victim of crime, police officers will be more than willing to advise you and guide you to get the help and support you need.

You can find more information about the Code of Practice for Victims of Crime on the following website: <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>