

# **PUBLIC CONFIDENCE COSTS – CRIMINAL JUSTICE FROM A VICTIM’S PERSPECTIVE**

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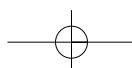
## **Abstract**

This paper draws on evidence arising from three separate studies to illustrate the gap which currently exists between political rhetoric and the reality of victims’ experiences in relation to the stated aims of the government to improve the services and support provided to victims of crime. Recent years have seen a significant shift in criminal justice policy from an offender focused criminal justice system to an unprecedented focus on victims, evident in populist political soundbites and the announcements of numerous reforms. However, victims and witnesses remain dissatisfied, as reflected in declining public confidence in criminal justice agencies despite overall falling rates in crime. Acknowledging now that victims and witnesses are vital participants in the criminal justice process, this paper examines current government attempts to improve public confidence, with the responsibility now being placed upon local Criminal Justice Boards to improve services locally. Essentially, it concludes that if reforms are to be successful, they must be supported by sufficient resources and implemented within a framework that recognises the reciprocity of obligations by offering something back to the victims and witnesses who take part.

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Statistical evidence published by the British Crime Survey (BCS) indicates that overall reported crime has fallen in each BCS survey since 1995, and that the risk of becoming a victim of crime has fallen from 40 per cent in 1995 to 26 per cent in 2003/04. However, contrary to these findings, the measures of public confidence undertaken by the same survey indicate that levels of public confidence in the criminal justice system have steadily declined over this period (Dodd, Nicholas, Povey and Walker, 2004).

The BCS reports on public confidence in six different aspects of the criminal justice system (CJS). These include whether the system respects the rights of people accused of committing a crime and treats them fairly; is effective in bringing people who commit crime to justice; deals with cases promptly and efficiently; is effective in reducing crime;



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meets the needs of victims of crime; and deals with young people accused of crime. However, despite some relatively small improvements, the proportions of people who were confident in these aspects of the CJS were lower in 2003/04 compared with 2001/02 (Dodd et al, 2004). In particular, whilst confidence that the CJS respects the rights of people accused of committing a crime has improved marginally during this period, from 76 per cent to 77 per cent, confidence that it meets the needs of victims has decreased from 34 per cent to 32 per cent (Dodd et al, 2004). In fact, findings from the BCS suggest that:

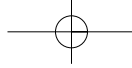
Having been a victim of crime reported to the police at some time is highly related to a lack of confidence that the criminal justice system meets the needs of victims or delivers justice. Generally having had contact with the system at some time appears to decrease confidence.  
(Mirrlees-Black, 2001: 6)

Further evidence of this was found in interviews conducted by the BCS in March 2003 (Page, Wake and Ames, 2004), with those who had been victims (52%) and witnesses (55%) demonstrating lower levels of confidence when compared with those who had not had any contact with the CJS (63%). Findings from a report by the Audit Commission (2003: 7) also found that: 'over two thirds of the public are not at all or not very confident that the CJS meets the needs of victims'.

In further support of these findings, research undertaken by the Institute of Public Policy Research (2001) entitled *Reluctant Witness*, revealed a shocking apathy towards the CJS. The study found that one in ten Britons claimed they would not even bother to report a murder they had witnessed, 69% would not call the police if they heard screaming from their neighbours and 70% would not report a street brawl. The report stated that people are frightened of retribution, anxious about how police and the courts would treat them, and did not actually fancy the inconvenience (Institute of Public Policy Research, 2001).

Whilst not entirely surprising, these are not the findings one would expect given the heightened politicisation of victims' issues during the 1990s and the subsequent plethora of reforms and initiatives aimed at improving the services provided to victims of crime. However, despite the publication of two Victim's Charters, introducing new roles and responsibilities for the criminal justice agencies (Home Office, 1990; 1996), a Charter for Court Users (The Court Service, 1995), increased government funding for Victim Support and the Witness Service, recommendations to improve the treatment of vulnerable and intimidated victims and witnesses (Home Office, 1998) and the introduction of Victim Personal Statements (Home Office, 2001), research demonstrates that the populist political rhetoric pledging to 'rebalance the criminal justice system in favour of victims' (Home Office, 2002:2), has yet to be converted into the reality of victims' experiences (Tapley, 2003).

This paper discusses the findings of three separate studies undertaken by the author, exploring the effectiveness of reforms upon victims' experiences and current government

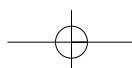


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attempts to restore public confidence in the criminal justice system. The first study formed part of a PhD thesis and involved a qualitative, longitudinal study, focusing on the experiences of victims of violent crime in a southern county of England (Tapley, 2003). The research essentially re-visited an earlier study undertaken by Shapland, Willmore and Duff (1985) and the original aim was to evaluate the impact of reforms upon the actual experiences of victims as their cases progressed through the criminal justice system. However, despite the plethora of initiatives introduced to improve the services to victims of crime, the findings of the research were strikingly similar to those of the earlier study. Whilst the majority of victims were satisfied with their initial contact with the police, levels of satisfaction steadily declined as their cases progressed, the major cause of this being the lack of information provided regarding criminal justice procedures and the progress of their cases. Disappointingly, the study found that there was a failure to fulfil even the lowest expectations of victims by denying them access to the basic entitlements outlined in a variety of Home Office documents. This left the majority of the respondents feeling unsupported and alienated by the whole process, particularly when required to give evidence in court as a witness (Tapley, 2003).

Paradoxically, the most fundamental problem identified by the study, and supported by the earlier research (Shapland et al, 1985), was the unrealistic expectations placed upon victims by the criminal justice agencies. Little consideration appeared to be given by the professionals to how much knowledge victims had about the criminal process and procedures, and little consideration was given to the physical and psychological effects being suffered by the victims when responding to them. Whilst the majority of this was unintentional, it reflected a lack of understanding of the impact of victimisation and demonstrated instead how the system functions according to its own organisational priorities, without extending to victims respect or recognition of the vital role they play and the harm they have suffered. Contrary to popular belief, evidence from the research found that victims’ expectations of the criminal justice system were not unrealistically high and that what is crucially required is an increased responsiveness from the relevant agencies towards victims (Tapley, 2003).

However, in fairness to the criminal justice agencies, a major criticism arising from the research has been the haste with which the various reforms have been imposed by the centre, with little or no consultation with the relevant agencies and without the adequate provision of resources. This haste reflects the overt political purposes and motivations attached to the introduction of initiatives specifically for victims. It demonstrates an attempt to be seen to be doing something for those affected by crime in order to appease public anxiety and growing public dissatisfaction with the CJS, but is unsubstantiated by a coherent theoretical framework in which practices can effectively operate. This has resulted in the failure of reforms to keep up with the political rhetoric and has led to the expectations of victims being unrealistically raised when services promised have not been delivered (Tapley, 2003).



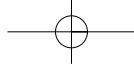
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Subsequently, this lack of theoretical coherence underpinning the introduction of reforms, and the failure to consult with and resource adequately the criminal justice agencies responsible for their implementation, has resulted in the introduction of initiatives being ambiguous, slow and inconsistent across England and Wales (Crawford and Enterkin, 1999). Instead, implementation has depended upon the individual discretion of chief officers in the criminal justice agencies, and their ability to balance scarce resources between achieving organisational goals under new managerialist principles and attending to the needs of victims and witnesses, which are often in conflict with these principles (Tapley, 2003).

Whilst the original intention of the research had been to evaluate the effectiveness of reforms, recurrent themes began to emerge relating to the nature of the relationship between the state and victims of crime. Through the development of a theoretical framework, these relationships were analysed utilising the notion of citizenship as the conceptual tool. The concept of citizenship re-emerged politically as a possible panacea for society's ills during the 1980s (Heater, 1990). Strongly linked to the New Right's concern with reducing welfare dependency and eschewing the values of social citizenship, an emphasis was placed upon citizenship obligations over rights, heralding the concept of 'active citizenship' (Douglas Hurd, 1988, cited by Heater, 1990: 299). The advent of Thatcherism imposed a shift from Welfarist to Free-Market principles and impacted upon the relationship between the state and its citizens, with an increasingly influential 'duties discourse' replacing the dominant social rights paradigm in the late twentieth century' (Lister, 1997:19). As observed by Zedner (1994, cited by James and Raine, 1998: 79):

Debates about citizenship became less about rights and more about obligations; less about state responsibilities than personal failure to protect oneself from crime. Examples include the advertising of 'active citizenship' to promote crime prevention campaigns such as Crime Stoppers, and Neighbourhood Watch, which effectively transferred responsibility from the police to local communities.

An intended consequence was a shift in the balance between the responsibilities of the state and the rights of citizens, with greater emphasis being placed on the responsibilities of individuals (Rose, 2000), whilst the obligations of the state were reduced (Braithwaite, 2000). Whilst victims of crime had a duty as 'active citizens' to report crime to the police, co-operate with the investigation and attend court as a witness, if required, the responsibilities of the state towards victims were less defined. The responsibility for crime victims had been passed to the criminal justice agencies in the shape of promised reforms and initiatives. However, these were unsupported by the relevant resources and legislation, and the absence of clear rationales underpinning the reforms, displayed a reluctance to clarify the state's relationship with and responsibilities towards its citizens should they become victims of crime (Tapley, 2003).



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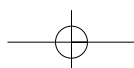
Instead, victims of crime were constructed as consumers of the criminal justice agencies, as framed in the statements of the Victim’s Charter (Home Office, 1996). However, Williams (1999: 394) argues that victims are more than ‘mere consumers’ and that ‘a narrow, consumerist definition of citizenship creates a situation in which citizens are provided only with limited information about the choices available to them, while government-promoted charters employ a misleading rhetoric of choice and empowerment.’

Whilst originally the political discourse of the New Right, the notion of individual responsibility for both crime and victimisation has continued under the Labour government, transferred without difficulty into ‘New Labour’s rights and duties communitarianism’ (Driver and Martell, 1997: 38). This increased ‘responsibilization’ (Rose, 2000: 186) has only served to bring into sharper focus distinctions between the ‘deserving’ and ‘undeserving’ victim, a complex process proven to be essential in gaining access to the criminal justice system. However, as the study found, even once the initial transition from ‘good citizen’ to ‘deserving client’ has been achieved, a victim’s status is continually redefined and challenged as their case proceeds through the CJS, thus often denying them access to justice (Tapley, 2003).

Tapley (2003) concluded that the redefinition of victims as consumers has resulted in victims being denied the status of ‘active citizens’ with rights, and instead rendered them ‘passive consumers’ of criminal justice services. Lack of sufficient information and effective communication with victims demonstrated the need for information to be provided by one point of contact. One of the main recommendations arising from the research was the need for a single point of contact to provide all victims and witnesses with accurate and timely information regarding the progress of their case from the very beginning of the process. It would consist of a unit based in either a police or Crown Prosecution Service department and would be operated by individuals specifically trained to work with victims, with both an understanding of the impact of victimisation and knowledge of the criminal justice system. This would provide victims with the two types of information identified by the study – information regarding the criminal justice process and information relating specifically to the progress of their case.

As a result of the findings, the police service in the research area created the post of a Victim Information Officer in March 2003. The role of the Victim Information Officer was to work in the police Witness Liaison Unit and contact victims of serious personal crime when an arrest had been made and a ‘not guilty’ plea entered. The purpose of this was to keep the victims who would be required as witnesses informed of the progress of their case and to offer one point of contact, thus ultimately improving victim and witness satisfaction.

The findings of the above study have been supported by an ACPO initiative which describes the culture of the criminal trial as a tactical game played between lawyers rather than a search for the truth with the cumulative effect of providing a hostile environment



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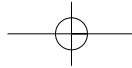
for victims and witnesses (ACPO, 2002). These findings indicate that the system continues to view victims primarily as just another source of information to assist in the ultimate goal of achieving a successful conviction, whilst all the advantages of the process remain in favour of the defendant. Obviously the rights of the defendant as a citizen must be protected, but as confirmed by the Auld Report (2001), the current system pursues this without due consideration for the rights and protection of the victim. It is this emphasis within the courts and legal culture that is blocking current attempts to integrate a victim perspective, and thus contributing to the implementation failure of reforms.

In recognition of the crisis in public confidence and the continued dissatisfaction of victims and witnesses, the Government undertook a review of the Victim's Charter in 2001 (Home Office et al, 2001). Professing 'greater awareness of the rights, duties and expectations of victims of crime' (Home Office et al, 2001: 4), the document set out what the Government believes should be the guiding principles of the new charter together with the responsibilities of the criminal justice agencies. Following a consultation period, this review contributed to a number of reforms being introduced in the Domestic Violence, Crime and Victims Act, which received royal assent in November 2004. This Act provides for the appointment of an independent Commissioner for Victims and Witnesses, whilst Section 13 requires the Home Secretary to publish a Code of Practice for Victims. The code, still currently in draft form at the time of writing (November 2004), outlines the obligations of the criminal justice agencies and, where a victim's rights under the code are breached, it details the complaints procedure and referral to the Ombudsman, if necessary. However, concerns are already being voiced by criminal justice professionals regarding their ability to meet some of the code's proposals within existing resources and, whilst these concerns have been brought to the attention of the centre, little response has been received.

Despite this lack of reassurance to the agencies concerned, political rhetoric continues to reiterate the Government's commitment to victims and witnesses. In 2003, the Home Office published a national strategy promising to deliver improved services, entitled *A New Deal for Victims and Witnesses* (Home Office, 2003a: 3), acknowledging that:

Supporting victims and witnesses is a worthwhile end in itself. It is also fundamental if justice is to be achieved. The public cannot be properly protected, offenders convicted or the innocent acquitted, unless victims and witnesses are prepared to report crimes and to give evidence confidently and effectively in court. (Home Office, 2003a: 3)

This strategy is supported by two overarching Public Service Agreement (PSA) targets for the criminal justice agencies, which focus on improving the delivery of justice by bringing more offenders to justice and improving public confidence, both of which directly affect victims and witnesses (Home Office, 2003a). The stated aims and objectives of the strategy are to reduce the adverse effects of crime and prevent secondary victimisation, to encourage more victims and witnesses to come forward and to offer more options to



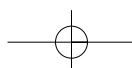
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victims and witnesses, including alternatives to attendance at court (Home Office, 2003a). Responsibility for achieving these targets has been given to the forty-two local Criminal Justice Boards (CJB). These Boards were set up in April 2003 and replaced the forty-two local Trials Issues Groups. Their membership is made up of the chief officers of the criminal justice agencies, including the police, the Crown Prosecution Service (CPS), probation, prisons, Magistrates and Crown Courts. The purpose of the CJBs is to improve local performance through better communication and co-operation between the different agencies.

A major responsibility of the local CJB has been to achieve the PSA target to improve public satisfaction and confidence, as outlined in the framework document *Improving Public Satisfaction and Confidence in the Criminal Justice System* (Home Office, 2003b). This requires CJBs to develop action plans to improve locally five specific areas: victim and witness satisfaction; staff engagement; community engagement; communications, and, increasing public confidence in bringing offenders to justice (Home Office, 2003b: 4). In order to assist the local CJB in this task, the author was asked to undertake two pieces of research. The first was an audit of victim and witness services and the second a witness satisfaction survey, in order to evaluate current practices and procedures.

The main findings of the audit, undertaken in October 2003, revealed a need for greater communication between the different agencies and for the roles and responsibilities of each to be clearly outlined, in order to improve accountability. Particular areas of concern were identified and four of the main ones are discussed in this article. The first was identifying whose responsibility it is to inform victims when an arrest or caution has been made. It is often assumed that it should be the officer in charge of the case (OIC), but this is not always the officer that is involved in the arrest. As a result, for some victims, contact made by the Victim Information Officer or the Witness Liaison Unit was the only contact the victim received since making the initial statement, unless the victim had contacted the police themselves. This is inconsistent with the requirements under the Victim’s Charter (Home Office, 1996: 2) and demonstrates that following the initial contact with the police, very little information is provided to victims unless a decision to prosecute is made and the victim is subsequently required as a witness. These findings are similar to those found in the first study (Tapley, 2003).

A second area of concern was the early identification of intimidated and vulnerable victims and witnesses so that the appropriate level of support and services can be offered, including appropriate bail conditions and applications for special measures, as introduced under the Youth Justice and Criminal Evidence Act (1999). The audit revealed that although there were plenty of opportunities to identify these at the early stages of the process, the needs of some intimidated and vulnerable victims were being missed until the later stages of the process or not being met at all. There are obvious indicators, such as the age of the victim and the type of offence, but it should be the responsibility of the OIC to begin the process when taking the initial statement and when offering the opportunity for the victim to make a Victim Personal Statement. This information then needs to be





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passed on to the custody officer, if an arrest is made, and the CPS should be informed. Guidelines on the identification of vulnerable and intimidated witnesses and early meetings between the police and the CPS have been published under the Action for Justice initiative, which is responsible for implementing the recommendations of the *Speaking Up for Justice Report* (Home Office, 1998). The audit also found that Victim Personal Statements were not being offered to victims on a consistent and regular basis. This failure was due to a lack of resources and inadequate training for those responsible for implementing it, thus once again reflecting the political haste with which the initiative was introduced.

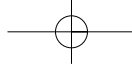
A third concern was the timely provision of results to victims. The audit found that results could take at least a week to be sent to victims. A fundamental problem appeared to be communication between the courts and the results section of the police. The audit identified an urgent need for a change in current practices to speed up the process of providing results, including changes to bail conditions, particularly in cases involving vulnerable and intimidated victims and witnesses, and those cases heard on a Friday.

The fourth concern was the apparent lack of training and education provided for the increasing number of staff required to undertake specific work with victims of crime. This included staff working in all the agencies, including police, CPS, the courts and probation. It was also evident that these members of staff were not aware of the other specialist staff working in the different agencies or had insufficient knowledge of the new initiatives and reforms being introduced. A direct consequence of this is that misinformation is given unwittingly to victims and witnesses, which can then either unrealistically raise expectations or result in victims not being made aware of their entitlements at all.

The audit found the role of the Victim Information Officer (VIO) already proving to be a pivotal one in keeping victims up to date with the progress of their case and in improving victim satisfaction. However, the VIO was only able to assist those victims of the most serious offences following a decision made to prosecute, as there was only sufficient funding for one VIO for the whole of the county. Accordingly, recommendations were made to develop and expand the role, as it appeared to be improving inter agency communication with both statutory and voluntary agencies, and offered a better continuity of services and support for victims. Recommendations were also made to monitor and evaluate this role in order to provide sufficient evidence to bid for further resources in the future.

The main conclusions drawn from the audit included the need for a CJS champion for victims and witnesses in each local CJB. This role should be undertaken by a senior member of one of the agencies who should also be a member of the CJB. A structured training programme also needs to be developed in order to improve awareness and understanding of the impact of victimisation and the introduction of new reforms, with a view to improving the responsiveness towards the needs of victims of crime.



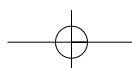


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Whilst the audit found ample evidence of a willingness and enthusiasm amongst professionals and volunteers to work with and support victims and witnesses, these attempts were continuing to be hampered by a lack of resources, including the appropriate knowledge and training to implement new reforms. The audit concluded that in order to make significant improvements to the services offered to victims, current structures needed to be revised to ensure that policies and initiatives are implemented correctly and monitored. To assist in ensuring the accountability of the agencies a Service Level Agreement needs to be developed outlining the roles of each agency and protocols agreed to ensure that each agency is able to fulfil its responsibilities under current local and national guidelines.

In the meantime, in support of the research findings above (Tapley, 2003), the idea of providing victims and witnesses with one point of contact was being developed by an initiative launched in March 2003 involving ACPO, the CPS, the Home Office and the Prime Minister’s Office of Public Services Reform. The initiative was called the *No Witness, No Justice Project* and five pilot areas were set up to offer a more customer focused service to victims and witnesses. The objectives of the pilots were to set up a Witness Care Unit which would enable more victims and witnesses to give evidence, reduce the rate of ineffective trials and increase victim and witness satisfaction (Criminal Justice System, 2004). The Government announced national funding for this initiative in February 2004, although an evaluation of the pilot projects was still pending, thus demonstrating again the political haste underlying the purposes of the initiative. In addition, whilst the scheme outlines a set of minimum requirements, the major criticism is that the Units will only be contacting victims and witnesses at the post-charge stage, when research has demonstrated that information is required at the earliest stages following the initial contact. This is essential for victim satisfaction, as weeks or months can pass before a decision to prosecute is made and victims need to know that they have not been forgotten during this period (Tapley, 2003).

Due to the pro-active approach already adopted by senior officers, the local CJB was in a good position to set up a Witness Care Unit in the research area. Following Recommendation 13 of the Glidewell Report (Review of the CPS, 1998: 19), the police and CPS had set up a co-located Criminal Justice Unit consisting of CPS and police staff in January 2003 and, as outlined above, had a VIO working within the Witness Liaison Unit. National funding available to the local CJB for setting up the Witness Care Unit was confirmed in June 2004 and would be approximately £114,000 per annum for the first three years, but it was not clear what funding would be available after this period. Since this announcement, the police and the CPS have co-operated well to develop the Witness Care Unit and it was officially opened in October 2004 by the Attorney General. However, the national funding has yet to be received thus causing some concern, as additional staff have had to be recruited and training provided by an independent source, as the training package being developed by the centre has not yet been completed. Despite this, the level of co-operation and swift implementation of the Witness Care Unit reflects the area’s commitment and willingness to improve the services provided to



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victims and witnesses locally. The success of the Unit in improving the satisfaction of victims and witnesses will be monitored and can usefully be measured against the findings of the second study undertaken by the author, a Witness Satisfaction Survey, during the first four months of 2004.

The Witness Satisfaction Survey involved a postal questionnaire sent out to the victims and witnesses of a wide range of offences who were required to attend court as witnesses across all the Magistrates' Courts and Crown Courts in the county. The research achieved a response rate of 23% and consisted of the views of a total of sixty-eight respondents. Despite the relatively small sample, an even spread of ages, types of offence and cross section of courts was achieved. The research also involved twelve qualitative telephone interviews with respondents who indicated on the questionnaire that they wished to speak to the researcher further about their experiences.

As the Witness Satisfaction Survey was undertaken in the same county as the earlier longitudinal study it was interesting to observe the improvements that had been made since this time. These included more information regarding going to court provided by the VIO and the Witness Liaison Unit. Sixty-four per cent stated that the information provided was good and 32% adequate. The Witness Service was also now operating in both the Magistrates' and Crown Courts, with 35.5% finding this support very good and 28.3% finding it good. Another improvement was the increased contact by the CPS with witnesses when attending court, with 81% stating that a representative from the CPS had introduced themselves and 59% stating that the CPS was able to address their concerns. Waiting times had also been reduced with 35.8% waiting under an hour and 37.7% waiting between one to two hours. Although 9.4% waited three hours and 7.5% waited four hours and more, these were only related to cases in the Crown Court. Interestingly, none of the respondents mentioned waiting times as a cause of dissatisfaction. This finding could be linked to improvements made by the courts to reduce waiting times (for example, staggering witness times), but could also be because 68% stated that they were kept informed of what was happening whilst waiting at court to give evidence, thus reducing the frustration of being kept waiting and not knowing why. However, despite the introduction of Victim Personal Statements (VPS) since the previous study, these were not being used as intended. Only 41.5% of respondents made a VPS, with 18.9% left feeling that it had not been taken into account, 13.2% not knowing if it had been and only 7.5% feeling that it had.

The main causes of satisfaction stated by the respondents in the survey included the provision of information before, during and after the trial, and also information regarding other services and sources of support available. Victims and witnesses who had contact with the CPS whilst at court found this reassuring, and the majority of victims and witnesses who received support from the Witness Service also found this helpful. A small proportion of the victims and witnesses were also provided with special measures to assist them in giving their evidence and this helped in reducing their anxieties, particularly concerning seeing the defendant at court. A more in depth study of the effectiveness of

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special measures has been published and indicates that the provision of special measures has improved the overall satisfaction of those witnesses who have had access to them (Hamlyn et al, 2004).

However, the survey found that despite some improvements in the provision of information, this was still a cause of dissatisfaction. Changes to the court hearings were also a cause of dissatisfaction, with 43% experiencing a change in date, some with very short notice, and 11% having a change made to the venue. Sixteen respondents experienced at least one change, whilst three respondents experienced two changes, and four experienced three changes. A further twenty-one per cent had a different charge put before the court as a result of plea bargaining, 15% were changed before the trial and 6% changed on the day. Not all victims were advised of the change or given an explanation, resulting in further dissatisfaction and frustration.

However, the survey revealed the greatest cause of dissatisfaction to be feelings of intimidation and vulnerability, both inside and outside of the court. This related to breaches of bail conditions and injunctions, applications for special measures being denied, and feeling intimidated and humiliated whilst giving evidence. In fact, the survey revealed that when asked about their experiences of giving evidence, 26.4% found it 'intimidating', 24.5% 'terrible' and 18.9% 'frightening'. When asked if they would be prepared to give evidence again, only 66% of the total sample, both victims and witnesses, said that they would. This percentage also varied depending on the type of offence, with only 44% of victims of domestic violence stating they would be prepared to go to court again. This reflected the lack of protection domestic violence victims felt the process offered them, from the failure to enforce bail conditions and injunctions, the failure of the charges to reflect the seriousness of the offences suffered and the lenient sentences given to those perpetrators finally convicted. Whilst the audit and the survey found that the treatment of domestic violence victims was an area that had achieved far greater prominence both locally and nationally during recent years, there was a need for practices to be continually developed and reviewed. Local statistics demonstrated that whilst more incidents were being reported, resulting in more arrests, rates of successful convictions remained relatively low. Also, at the time of the research, no perpetrator programme was available for offenders from the local probation service, although funding was being sought for the development of a Domestic Violence Intervention Project by the local Domestic Violence Forum.

In summary, the survey found that what victims and witnesses want is accurate and timely information, advice on Victim Personal Statements and special measures, the enforcement of bail conditions and injunctions, more information about what is required of witnesses and to feel less bullied, intimidated and vulnerable when giving evidence. The recommendations arising from the survey are similar to those arising from the audit, including training for criminal justice staff, development of a new Service Level Agreement for victims and witnesses, and the development of protocols between the criminal justice agencies. It also identified the need for closer monitoring of the use of

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special measures, ensuring that all those entitled to these were identified at the earliest stage in the process and applications made and granted in appropriate cases.

In conclusion, what the research indicates is that improving public confidence in the criminal justice system will cost. For the implementation of new initiatives to be successful and have a positive impact upon the reality of victims' experiences, they need to be adequately resourced. It is also crucial that the underlying tensions which exist between achieving organisational needs, as required by the principles of managerialist justice, and meeting the needs of victims is addressed by making the satisfaction of victims and witnesses a performance target for all criminal justice agencies.

Victims and witnesses are vital participants of the criminal process, and as 'active citizens' are relied upon to report offences, assist with the investigation and attend court to give evidence. However, evidence suggests that the relationship between victims and the criminal justice agencies is not a reciprocal one, as the system still fails to recognise the impact of victimisation and fails to protect victims and witnesses from ongoing intimidation, both in the community and at court. Victims and witnesses are also left feeling dissatisfied with the outcome of the process, with cases being withdrawn, charges being reduced and sentences not reflecting the level of harm suffered.

It needs to be acknowledged that victims and witnesses suffer a great deal of inconvenience and anxiety by participating in the criminal process and of greatest importance is the managing of expectations by the provision of accurate information regarding their entitlements and the provision of appropriate levels of support. An important paradox arising from all three studies is the common belief that victims and witnesses expect too much of the criminal justice system, when in reality it is the criminal justice system that expects too much from them, whilst still offering very little in return.

If the Government is serious in its commitment to improving public confidence in the CJS, it will need to ensure that sufficient resources are allocated in order to enable the criminal justice agencies to fulfil their obligations under the new Code of Practice, as introduced by the Domestic Violence, Crime and Victims Act (2004). This will then go some way to ensuring that the criminal justice agencies and victims and witnesses are finally involved in a reciprocal relationship which is of mutual benefit to both.

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