



FREE SPEECH

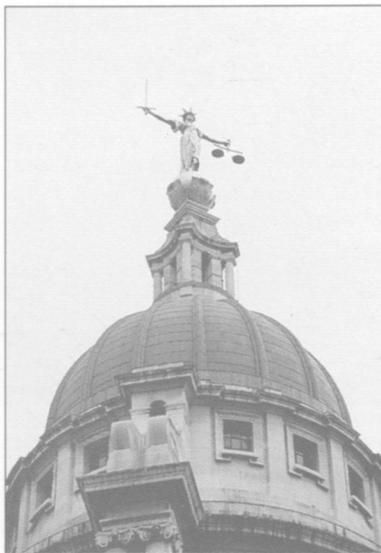
Witness intimidation: strategies for prevention

Warwick Maynard

A study of witness intimidation was commissioned by the Home Secretary during the summer of 1993 because of concern that the development of a constructive partnership between the police and the public was being hampered by the intimidation of witnesses. The type of life-threatening intimidation dealt with by the police by means of formal witness protection schemes, such as those run by the Metropolitan and Greater Manchester Police, was not looked at. The purpose of the study was to estimate how widespread less severe intimidation actually was, and to advise on how its incidence might be reduced. The lack of any comprehensive existing data on either the extent or the circumstances of intimidation dictated the need to carry out a large scale survey to estimate the former, and in-depth interviews to build up an accurate picture of the latter.

The main findings of the research can be grouped into two areas. Firstly, on the extent of intimidation on high crime housing estates, 13% of crimes reported by victims and 9% reported by witnesses lead to subsequent intimidation. However, 6% of crimes not reported by victims and 22% not reported by witnesses go unreported due to fear of intimidation. Secondly, on the circumstances in which intimidation occurs, a number of points arose. First, in many cases, before a suspect is apprehended, intimidation of the victim is difficult to prevent where the offender knows the identity of the victim. Secondly, minor changes in the way the police respond to an incident or proceed with the investigation would greatly reduce the incidence of intimidation of (non-victim) witnesses. This conclusion was reached only after ascertaining that in a large number of cases, intimidation began immediately after police contact with the witness.

Disclosure may be a problem in very serious cases, but this study found no evidence to support the commonly held view that disclosure is the cause of "low-level" witness intimidation found on high-crime estates. In none of the cases for which in-depth interviews were conducted was the timing of the intimidation linked to the disclosure of case material to the defence. Fourthly, other agencies - such as the courts, the Crown Court Witness Service, the Crown



Peter Dalrymple

Prosecution Service, the prison service, Victim Support, and local authorities - have roles to play in reducing the incidence of intimidation.

The report recommends that forces should consider:

- giving minimal information about witnesses' identities to officers over police radios;
- not visiting non-victim witnesses on the day of the incident, and always giving them the option of visiting a police station in order to give a statement;
- whether a street identification should be conducted immediately following an incident;
- using screened facilities as a matter of course in identification parades in police stations;
- ensuring that the custody officer never releases a suspect when the victim or a witness is in the vicinity of the police station;
- warning victims and witnesses of the possibilities of reprisals at the time of taking statements in a way that will not deter them from agreeing to give evidence;
- providing a contact other than the officer dealing with the case to all victims and witnesses, so that any intimidation can be reported immediately;
- utilising Victim Support's services as an early warning system so that potentially vulnerable witnesses can be identified;
- utilising knowledge about the likelihood of repeat victimisation to increase detection of subsequent crimes and/or intimidation on the same victims;
- increasing the use of informants,

surveillance operations and other intelligence gathering in high crime areas where intimidation is thought to be widespread, in order to reduce the necessity of gathering evidence from witnesses;

- working more closely with local authorities to bring and enforce civil injunctions, particularly with regard to their powers as landlords, where this represents a viable alternative to investigating and pressing criminal charges.

It also recommended that the prison service should consider:

- placing restrictions on telephone calls made by prisoners on remand to prohibit them from contacting victims or witnesses;
- making local police aware of the attitude of all prisoners on any type of release in order to identify potential reprisals or attempts to intimidate witnesses.

Finally, it recommended that the courts should consider:

- increased use of a live television link or screened facilities for vulnerable witnesses;
- re-designing courtrooms so that the witness box is not sited opposite either the dock or the public gallery;
- providing separate entrances and waiting facilities for prosecution and defence witnesses in all court buildings;
- experimenting with pagers or similar devices where the physical separation of prosecution and defence witnesses is not practicable;
- facilitating a uniformed presence in all court buildings, by the deployment of private security personnel.

Since the report was published, an increasing number of police forces and their criminal justice partners have implemented some or all of these suggestions locally; examples of particularly close co-operation can be found in Salford and in Newcastle. It is to be hoped that the incidence of witness intimidation can be drastically reduced over time. ■

Warwick Maynard is a member of the Home Office Police Research Group.

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