Centre for Justice Innovation

Exploring data gaps on the victims of crime

BACKGROUND AND CONTEXT

Background

Over the past twenty years, we have seen the establishment of a Victims' Code, which sets out the minimum standard that organisations must provide to victims of crime (first created in 2006 and updated in 2021), the enshrining in law of the power for courts to offer restorative justice as part of a deferred sentence (Sentencing Act 2020, Part 2 Chapter 1), and an entitlement for all victims who report a crime to make a Victim Personal Statement, amongst many other measures. We even have a Victims' Bill[1] going through Parliament as we write.

And yet, despite all this legislative and policy activity, a recent survey of victims of crime (Victims' Commissioner, 2021) found that only a quarter of respondents agreed that they were kept regularly informed or received all the information they needed about the police investigation.[2] The right to make a victim personal statement is only offered to one in six people (Victims' Commissioner, 2019). Moreover, the backlog of court cases is resulting in increasing numbers of victims of crime withdrawing from the criminal justice process.[3] This has been particularly true for victims of rape with almost two thirds (63%) of adult rape investigations being closed between July and September 2021 because the victim no longer wished to continue (Home Affairs Committee, 2022).

As the Victims Commissioner said, at the very least "victims should not come away from the justice process having been made to feel worse". And yet, in 2023, it is hard to conclude that we are delivering even that humble goal. It is important to underline the scale of the problem; in the first quarter of this year more than one quarter (29%) of police investigations were closed because the victim did not support further police action and nearly one in six (16%) prosecutions were halted because a victim did not provide evidence or withdrew.[4]

The importance of data

At the heart of our failure to provide an effective, supportive and humane justice system that works for victims is our failure to invest in comprehensive and co-ordinated data recording within the criminal justice system . Without good data on victims of crime, our criminal justice agencies cannot fully identify victims, who they are and what their differing and diverse needs are; they cannot provide them with the right support and information; they cannot share information about them with other agencies to avoid repetition and enable seamless transition; policymakers cannot adequately identify weakness in the system and provide effective

---

[1] Renamed the Victims and Prisoners Bill since the original research conducted for this briefing.
[2] Wedlock & Tapley (2016) conducted a rapid evidence assessment of what works in supporting victims of crime and concluded that the basic provision of timely information can assist victims in coping with the impact of victimisation and that a lack of information makes surviving the experience even harder and in many cases can result in victims disengaging with the criminal process and withdrawing their co-operation.
[3] There were 58,653 outstanding Crown Court trials on 31 March, 2022, the most recent official figures at the time of writing.
[4] HM Government. (20203). Criminal justice system delivery data dashboard. Available at: https://criminal-justice-delivery-data-dashboards.justice.gov.uk/victim-engagement/police

Putting practitioners and evidence at the heart of justice reform

solutions; and, ultimately, our criminal justice system cannot win their trust and ensure justice is served.   .

Purpose of the paper

Justice Lab, a policy and research centre within The Legal Education Foundation (TLEF) commissioned the Centre for Justice Innovation (in partnership with Russell Webster) to produce this briefing paper. The paper explores current systems for recording data about victims of crime within the criminal justice system, analyses their shortcomings and highlights the impact of these shortcomings on victims. We have focussed particularly on groups who are disproportionately affected by crime. Finally, we make recommendations to improve the system. This paper is in line with TLEF's strategic objective to improve the quality and availability of data about the justice system.

Methodology

The briefing is based on a rapid review of the literature and interviews with key stakeholders in the victims' sector. Interviewees[5] included representatives from victims' organisations and data specialists within the criminal justice system. All the boxed quotes in this briefing are reproduced by the Victims' Commissioner 2021 annual survey of victims' experiences.

---

[5] Interviews were conducted with twelve individuals from nine different organisations: Better Outcomes through Linked Data (BOLD) Project; Domestic Abuse Commissioner; His Majesty's Courts and Tribunal Service; His Majesty's Inspectorate of Constabulary and Fire and Rescue Services; His Majesty's Inspectorate of Probation; the Mayor's Office for Policing and Crime; the Parole Board; the Suzy Lamplugh Trust, and the Victims' Commissioner.

CURRENT VICTIM DATA

This chapter provides an overview of how we currently collect data relating to victims of crime in England and Wales. It looks at:

- How we record and report on overall levels of crime: crime reported to and recorded by the police; and our national victimisation survey;
- Administrative data on victims: The data that different agencies collect and use about victims of crime, including those systems which attempt to provide system-wide administrative data;
- Performance data that justice agencies use to measure how well or not they work with victims.

RECORDING CRIME

Many jurisdictions, including England and Wales, use two main methods to understand crime levels – crimes which are reported to (and recorded by) the police and victimisation surveys. The major reason for this dual system is that there is a gap between the number of reported crimes and the actual crime level comprising offences which go undetected and unreported to the police.[6]

Police recorded crime

Once a crime has been committed, it should be reported to the police (see section on administrative data). Currently, all recorded crime data comes from police force recording systems using the Notifiable Offence List and according to Home Office Counting Rules (which are updated regularly). When an incident is reported to the police, the police should record crime victims' personal information (see section on administrative data) as part of its duties to register all incidents (whether they are crimes or not). This personal information generally includes personal details such as name and address and contact details, alongside the incident details, in line with country-   wide incident report guidance.[7] The incident is then recorded as a crime (notifiable offence) if – on the balance of probability – the circumstances as reported amount to a crime defined by law, and there is no credible evidence to the contrary, and is done so in line with the National Crime Recording Standard (designed to promote consistency between police forces in how to record crime).

In 2014, the continued lack of reliability and consistency in police crime recording led the UK Statistics Authority to remove the National Statistics designation due to concerns about the quality and consistency of police crime recording practices. Since then, police forces have made improvements to their crime recording processes and practices, but issues remain which continue to affect the quality of the statistics.

Crime Survey of England and Wales

The Crime Survey for England and Wales (CSEW), formerly known as the British Crime Survey (BCS), is a face-to-face victimisation survey in which people resident in households in England and Wales are asked about their experiences of a range of crimes in the 12 months prior to the interview. Respondents to the survey are also asked about their attitudes towards different crime-related issues, such as the police and the criminal justice system, and perceptions of crime and anti-social behaviour. The CSEW are based on face-to-face

---

[6] For instance, Build-Gil and colleagues (2020) found that crime reporting rates vary among different groups in society. Female victims are more likely to report crime than male ones and elderly citizens are more likely to report crimes than young people. Victims from suburban areas report crimes less frequently than urban and rural residents and the neighbourhoods' economic disadvantage, concentration of immigrants and social cohesion all affect crime reporting rates.

[7] National Police Improvement Agency. (2011). The National Standard For Incident Recording. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116658/count-nsir11.pdf

Putting practitioners and evidence at the heart of justice reform

interviews with people aged 16 years and over as well as a much smaller survey of children aged 10 to 15 years. To provide a sense of scale, for CSEW estimates for the year to March 2020, 33,735 adults participated with a further 2,398 children.

ADMINISTRATIVE DATA ON VICTIMS

The criminal justice process

Once a crime has been reported to the police, an investigation process should commence, in which the police identify an offender and collect evidence. Where the evidence has been gathered, the Crown Prosecution Service (CPS) decide whether to charge and move forward with a prosecution. Where those cases go to court, the courts (administered by Her Majesty's Courts and Tribunal Service (HMCTS)) schedule and hear the case. Witness Care Units manage the care of victims and witnesses who are due to attend court. They will get involved when someone is charged and will continue to support victims and witnesses until the end of the case. They are staffed by people from the police and the CPS and guide people through the criminal justice process. If there is a plea or finding of guilt, the courts shall pass sentence. Where a community sentence or prison is ordered, Her Majesty's Prison and Probation Service (HMPPS) supervise the offender. Where an offender is released from prison, either following a decision by the Parole Board or as an automatic release, they will be supervised by the probation service for their licence period.

All victims of a violent or sexual crime whose perpetrator is given a custodial sentence of 12 months or longer are invited to join the Victim Contact Scheme (VCS) which is run by the Probation Service. A Victim Liaison Officer (VLO) keeps in contact with the victim of such a crime and provides information when a perpetrator is moved to an open prison or is being considered for release. VLOs also ask if the victim wants additional conditions to be added to a release licence (for example preventing the perpetrator being in the vicinity of their home). The VCS relies on victims opting in to the scheme via a letter received eight weeks after sentence.

Aside from these statutory agencies, a range of other organisations may be involved in this process, including, from a victims' perspective, a number of crucial support agencies, such as the Victims and Witness services (which are often commissioned by the state but provided by voluntary sector organisations).
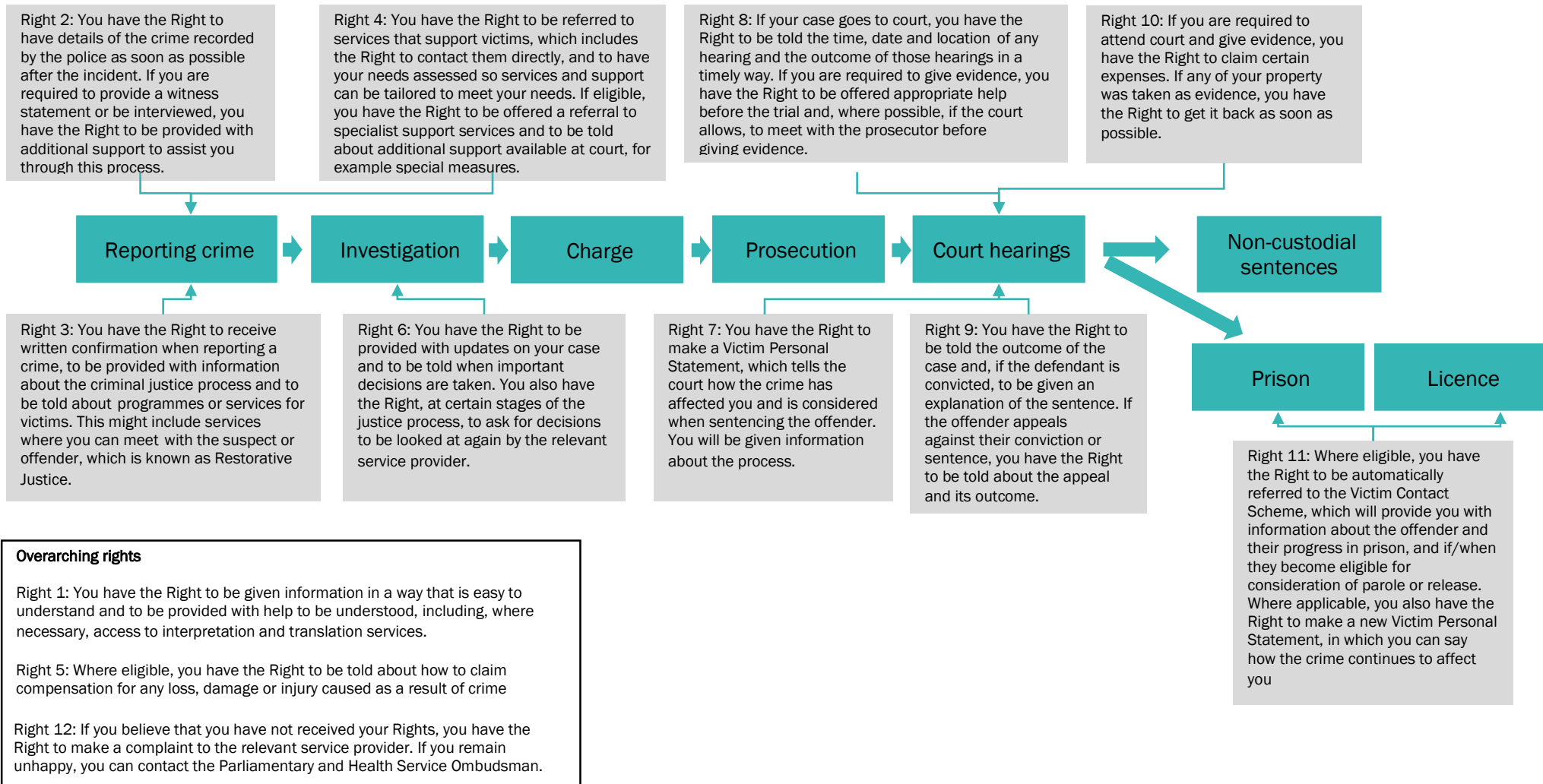
Victims' rights and entitlements

Throughout the criminal justice process, the Victims' Code makes it clear that victims should be informed and supported at every stage of the process. We have mapped these rights onto the criminal justice process in figure 1. The Code acknowledges that victims who are (i) considered vulnerable or intimidated; (ii) are a victim of the most serious crime (including a bereaved close relative) or; (iii) have been persistently targeted are more likely to require specialised assistance (some victims may fall into one or more of these categories). In these cases, the Code sets out, for each right, where 'Enhanced Rights' apply.

If a perpetrator is considered for parole, a Victim Liaison Officer informs the victim about their right to write and/or present a personal statement to be considered by the parole board and ensures that they receive a summary of the parole board's decision on whether to release an individual on parole. Victims also have a new right, introduced this year and currently being piloted in the South-West, to attend the full[8] parole hearing. Finally, if a victims wishes to contest the decision to release a person on parole, they may request the Secretary of State to apply for the decision to be reconsidered[9].

---

[8] Victims may be excluded from some parts of the hearing.

[9] For more, see: https://www.gov.uk/guidance/challenge-a-parole-decision

Figure 1: V Figure 1: Victims' rights and the criminal justice process

Right 2: You have the Right to have details of the crime recorded by the police as soon as possible after the incident. If you are required to provide a witness statement or be interviewed, you have the Right to be provided with additional support to assist you through this process.

Right 4: You have the Right to be referred to services that support victims, which includes the Right to contact them directly, and to have your needs assessed so services and support can be tailored to meet your needs. If eligible, you have the Right to be offered a referral to specialist support services and to be told about additional support available at court, for example special measures.

Right 8: If your case goes to court, you have the Right to be told the time, date and location of any hearing and the outcome of those hearings in a timely way. If you are required to give evidence, you have the Right to be offered appropriate help before the trial and, where possible, if the court allows, to meet with the prosecutor before giving evidence.

Right 10: If you are required to attend court and give evidence, you have the Right to claim certain expenses. If any of your property was taken as evidence, you have the Right to get it back as soon as possible.

Reporting crime → Investigation → Charge → Prosecution → Court hearings → Non-custodial sentences

Prison   Licence

Right 3: You have the Right to receive written confirmation when reporting a crime, to be provided with information about the criminal justice process and to be told about programmes or services for victims. This might include services where you can meet with the suspect or offender, which is known as Restorative Justice.

Right 6: You have the Right to be provided with updates on your case and to be told when important decisions are taken. You also have the Right, at certain stages of the justice process, to ask for decisions to be looked at again by the relevant service provider.

Right 7: You have the Right to make a Victim Personal Statement, which tells the court how the crime has affected you and is considered when sentencing the offender. You will be given information about the process.

Right 9: You have the Right to be told the outcome of the case and, if the defendant is convicted, to be given an explanation of the sentence. If the offender appeals against their conviction or sentence, you have the Right to be told about the appeal and its outcome.

Right 11: Where eligible, you have the Right to be automatically referred to the Victim Contact Scheme, which will provide you with information about the offender and their progress in prison, and if/when they become eligible for consideration of parole or release. Where applicable, you also have the Right to make a new Victim Personal Statement, in which you can say how the crime continues to affect you

---

Overarching rights

Right 1: You have the Right to be given information in a way that is easy to understand and to be provided with help to be understood, including, where necessary, access to interpretation and translation services.

Right 5: Where eligible, you have the Right to be told about how to claim compensation for any loss, damage or injury caused as a result of crime

Right 12: If you believe that you have not received your Rights, you have the Right to make a complaint to the relevant service provider. If you remain unhappy, you can contact the Parliamentary and Health Service Ombudsman.

Putting practitioners and evidence at the heart of justice reform

Administrative data

Through this process, information about individual victims should be appropriately and safely shared in order to (i) progress cases, where a victim's evidence is vital to the securing of a conviction; (ii) determine/shape the disposals and /or sentence, based on the impact of the offence on the victim; (iii) provide information to the victim about what is going on in their case (as set out above); (iv) provide support to victims to help them participate in the criminal justice process and to deal with the impact of the offence. This individual level data ought to also be useful in aggregate. It should provide criminal justice population data that allows agencies to identify trends and problems, and estimate future demand for the design of services.

The main sources of administrative data on victims are found in the following places within the criminal justice system:

- Police Record Management Systems (RMS): The 43 police forces in England and Wales have Record Management Systems (RMS). There are two large providers of RMS in UK policing—NEC Corporation (NEC) and Niche Technology Inc. (Niche), though we understand a couple of forces have systems different from these as well. Details about victims are recorded on these systems.
- CPS data: CPS data are available through its Case Management System (CMS) and associated Management Information System (MIS);
- HMCTS: In order to replace its legacy systems, HMCTS is rolling out a single online system (called Common Platform) that aims to enable the police, the Crown Prosecution Service, HMCTS and legal professionals to access and share all relevant information about a case. As of July 2022, Common Platform has gone live in 56% of criminal courts. The case information is available online to defence practitioners, the police, Crown Prosecution Service, National Probation Service, youth offending teams and the witness service.
- HMPPS (Probation): Probation uses a case management software, called NDelius, and an offender assessment system, called OAsys. The VCS database is held separately from these offender record management systems.
- HMPPS (Prison): Prison establishments record details for individual inmates on the prison IT system (PrisonNOMIS). The data from individual prison establishments then feeds through to a central computer database, called the Inmate Information System (IIS), from which data extracts are used to produce the various analyses of prison population.

In addition to this administrative data, the providers of the approximately 1,000 victim support services across England and Wales (most of whom are commissioned locally by Police and Crime Commissioners) collect information on the people they help. This information includes, frequently, useful details about victims themselves including their "protected characteristics".

Performance data

Administrative data collected by criminal justice agencies on victims is used to measure, report on and improve the overall performance of parts of the criminal justice system. Certain of these datasets[10] are aggregated in the Criminal Justice System Delivery Data Dashboard[11] which brings together data from the police, the CPS and the courts. Two separate dashboards are available; the first for all crime and the second for the specific offence of rape. The data are grouped in three stages: (i) Crime recorded to police decision; (ii) police referral to Crown Prosecution Service (CPS) decision to charge; and (iii) CPS charge to case completion

---

[10] Data include: crime recorded to police decision; police referral to prosecution by the CPS and charge to case completion at court
[11] https://criminal-justice-delivery-data-dashboards.justice.gov.uk/

Putting practitioners and evidence at the heart of justice reform

in court. The measures are categorised into the following priority areas:

- Improving timeliness;
- Increasing victim engagement;
- Improving quality of justice; and
- Additional volume metrics.

The dashboard enables comparisons between local areas and over time. The victim engagement data includes three specific measures:

- The percentage of police investigations closed because the victim does not support further police action;[12]
- The percentage of prosecutions that are stopped post-charge because the victim did not provide evidence or has withdrawn;[13]
- The percentage of cases in which prosecution offer no evidence because the victim or witness no longer supports prosecution.[14]

The purpose of this victim engagement data is to shine a light on key points where victims withdraw from the criminal justice process in order for researchers and policy makers to investigate the most common reasons and introduce changes in policy and practice to minimise victim withdrawals.

---

[12] 29% of police investigations were closed because the victim did not support further action in the January – March 2022 quarter.

[13] 16% of prosecutions were stopped post charge because the victim did not provide evidence or withdrew during the same quarter.

[14] The CPS offered no evidence in 1.6% cases because the victim or witness no longer supported prosecution (again the figure is for the first quarter of 2022).

GAPS, LIMITATIONS, AND PROBLEMS

From our literature review, and our interviews with experts, we have identified a range of gaps limitations and problems in how we collect data on victims in the criminal justice system.

Missing victims in our crime recording

The system of recording crime in the UK, through both police recorded crime and the CSEW, does mean that certain victims are continually missed from crime recording. For example, the CSEW excludes those crimes often termed as "victimless" (for example, possession of drugs). The CSEW does not cover the population living in group residences (for example, care homes or student halls of residence) or other institutions, nor people who are homeless, nor does it cover crime against commercial or public sector bodies. It does not include, for example, crimes against organisations, drug-related offences, sexual offences, or fraud (although some information on the latter two categories is gathered and presented separately).

And even taken together, there remain areas where our view of crime in society is only partial, especially the ability of both CSEW and police reported crime statistics to capture reliable information on crimes that tend to be hidden from public view: for example, domestic violence, sexual abuse, and drug dealing. Such crimes are less likely to be reported to the police, and victims are more reluctant to mention them to survey interviewers. CSEW has responded to these criticisms by a number of different initiatives including 'booster' samples which have been used to explore victimisation amongst ethnic minorities and computer aided self-interviewing which has produced better data on the prevalence of sexual assault, domestic violence, and stalking.[15]

Moreover, there are particular types of crime that are recorded in such a way that we miss patterns of persistence— for example, stalking is a pattern of behaviour and police may record individual low level offences such as individual incidents of malicious communication instead.

Recording victim data

Perhaps the biggest set of issues identified in our research focused on the recording of victim data within the administrative systems of the criminal justice process. We found a number of linked issues.

Poor recording of victim details by the police

Our research suggests that it is difficult to identify the names and personal details of victims especially within police data systems. They shared the view that police recording of victim information in particular varied considerably between forces and is often unreliable. One example of this is that only 27 out of 43 Police Forces supplied adequate data for inclusion in the most recent dataset on Domestic Abuse and the Criminal Justice System (ONS, 2021). Moreover, the Chief Inspector of Constabulary (HMICFRS, 2022) in his most recent annual report found that police forces did not always adequately recognise vulnerability or that someone was a repeat victim at the first point of contact. He said that in these cases, victims were not always offered the support they needed which, in turn, could have led them to withdraw from investigations.

The independent (Stanko, 2023) report into Operation Soteria Bluestone (a joint Police & CPS programme to develop new national operating models for the investigation and prosecution of rape) found that police records were missing or contained incorrectly entered data in all pathfinder areas, for example on victim ethnicity, the victim-suspect relationship and incorrectly applied outcome codes, in a "significant proportion of cases". It concluded that poor quality police data is a limitation to a solid grasp of any differences in justice outcomes that might impact some groups of victims.

---

[15] It should be noted that although these newer forms of data are published in full, they do not appear in the CSEW's main report which enables the headline figures to be compared over time.

Putting practitioners and evidence at the heart of justice reform

Lastly, because the police are the start of the criminal justice process, the lack of reliable data on victims impacts   the rest of the system. Our experts told us that the victims' data held by the CPS was essentially gathered by the police and therefore subject to the same limitations described above.

Lack of recording of protected characteristics across the system

The same experts were concerned that there was poor recording of victims "protected characteristics"[16] by statutory organisations. Data on protected characteristics of victims is essential for agencies' obligations under the Public Sector Equality Duty, and their commitment to monitor disproportionality. For example, probation inspectors have identified that, within the victim contact scheme, data relating to the protected characteristics of victims is described as frequently missing.

These failure makes it almost impossible to address the well-documented failures of victim support for particular groups, including those who are victims of serious crimes such as rape and domestic abuse, and impossible to research issues such as racial disparity in the treatment of victims. The routine recording of protected characteristics would be invaluable in identifying groups who are more likely to be victims of crime, those who withdraw from the justice process and those who do not receive proper information and support.

Different agencies record victim information in different ways and with different levels of priority

Where data is recorded, the different criminal justice agencies define and count key variables in different ways, a problem amplified by the fact that police data is governed by the Home Office and courts and probation data by the Ministry of Justice while the Crown Prosecution Service and Parole Board are independent bodies. We also found that victim support agencies are not required to record victim information in a consistent format and the range and quality of data recorded varies considerably.   Moreover, the agencies who are involved in victims' work (Witness Support Units and victim support organisations, most of whom are in the voluntary sector) are under-resourced, with the common consequence that they rarely prioritise data recording.

Low quality data hampers performance measurement

The poor quality of victim data in the criminal justice system means current approaches to performance measures miss who, when and why victims withdraw from the justice process. Even when victims can be identified, it is frequently impossible or very difficult to access the additional information (e.g. address/ location, gender etc.) necessary to investigate the performance of organisations in terms of fulfilling their requirements under the Victims' Code or to compare performance between areas. One expert recalled a recent example where two different statutory datasets provided conflicting views of victim attrition rates (the points at which victims withdraw from the prosecution of offence) for a specific category of offences with one set of data showing a rise in attrition rates and another a fall.

Poor data management leads to attrition

Our experts identified that the poor management of data within various administrative data systems was often a direct cause of victim attrition. For example, we heard experts raise issues where victims had requested special measures and they had not been provided. We also heard about regular examples in which the same information needed to be related repeatedly in order to access support services, requiring resilience and

---

[16] The Equality Act 2010 prohibits discrimination against someone because of a series of nine "protected characteristics" which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. https://www.equalityhumanrights.com/en/equality-act/protected-characteristics

tenacity during what was often a deeply emotional and traumatic process. Looking at an system like the victim contact scheme in probation, evidence suggests that even this opportunity is not offered to all eligible victims[17] (HMI Probation, 2019). Opt-in rates tend to be low, as illustrated by the notorious Worboys[18] case (HMI Probation, 2018) where only four out of twelve victims opted into the scheme, and over time contact was lost with one of these women.

Cases, not people

Many victims' organisations (e.g. Victims' Commissioner, 2022) and all the key stakeholders interviewed for this report make the point that our criminal justice administrative data systems put the criminal case at their heart, with the victim often being treated only as an accessory to that case. Following sentencing,   the focus becomes the management of the offender, where, again, the victim, is a secondary consideration to the management of the offender's sentence. This point seemed to have three dimensions:

- a focus on the criminal case, rather than the people involved;
- the consideration of the victim as one of many participants involved in the process; and a brigading of the victim solely as a passive recipient of information.

This struck us as a profound expression of some deep cultural and systemic values on which our present justice system is based. A consequence of our adversarial system of justice is that the primary focus of data systems is to meet the needs of the prosecuting and defence lawyers rather than those more directly affected by a criminal offence, in particular victims. This appears to be a key reason, for example, about why the very substantial investment in the Common Platform digital case management system did not include the collection of victims data in its design (see below).

Lack of clear system wide 'identifiers'

We also heard that there is a lack of unique identifiers across the criminal justice system (like an NHS number) that allows us to track individuals, let alone victims (and which prevents us from even tracking particular types of cases). For example, the development of the new Common Platform decided to focus on cases, and not people, meaning that it is not possible, for example, to identify where the same person shows up repeatedly (for example, a repeat victim of domestic abuse). This was despite TLEF (Byrom,N, 2019) urging HMCTS to "consider the benefits and risks of introducing unique identifiers for individual users of the justice system," which would have placed the focus of the new digital systems on individuals, as well as cases.

We are also aware that this lack of system-wide identifiers prevents understanding of what happens within particular types of crime, the most notable being domestic abuse. The lack of a flag for domestic abuse offences means that it is not possible to interrogate court data to explore important victim issues such as waiting times or cracked/ineffective trials for domestic abuse.

Lack of data sharing/lack of join up

The nature of victim data mitigates against data sharing. Identifying information relating to victims are, obviously, sensitive and confidential and should be securely stored. We heard this put a (perceived) barrier in

---

[17] A 2019 inspection of London National Probation Service found that one in five cases were not recorded on the national VCS database with the result that the victims in these cases had not been offered the opportunity to access the service.

[18] John Worboys was convicted in 2009 for rape and other sexual offences. He was given a sentence of Imprisonment for Public Protection (IPP) and ordered to serve a minimum of eight years in prison. Victims were wrongly informed at sentence that he was unlikely ever to be released from prison. However, the parole board decided initially to release him in 2017.

Putting practitioners and evidence at the heart of justice reform

the place of regular and reliable data sharing between agencies. We also heard about missed opportunities, not least with the Common Platform, where we have been told that information held on Common Platform is not shared with victim support organisations.

We are also aware that information on victims, even that held within the justice system, is often not integrated. In forthcoming research on the use of protection orders for domestic abuse, we found widespread concern among practitioners that, because protection orders sit within a 'liminal place' between civil and criminal justice, the data recording, reporting and transparency about their operation was poor. For example, literature has documented that there is no national central monitoring mechanism in place which tracks the use of DVPNs and DVPOs nationally. Consequently, it is difficult to understand the extent of variation in their use and their effectiveness.[19] Another example is the VCS database, which is held separately from offender records and there is no data linkage, meaning that manual linking is required in every case (which is subject to understandable human error).

Lack of performance measures about victim experience

In the past, the Government conducted comprehensive surveys about victims' experiences of the criminal justice system. In the Police Performance Assessment Framework in the mid-2000s, all police forces were measured on their performance, including on victim satisfaction, administered via police force victim surveys which had to include specific mandated questions. These results were part of comparative national measurement of police performance. Additionally, the Witness and Victim Experience Survey (conducted from 2005/06 to 2009/10) was a nationally representative survey that provided information about victims' and witnesses' experiences, the services they received, and their satisfaction with different aspects of the system in cases that resulted in a defendant being charged. There have been no national victims' surveys conducted in the last decade and although individual police services do conduct victim feedback surveys, these differ in form and scale with the inevitable consequence that they are not comparable.

---

[19] Lis Bates and Marianne Hester, (2020). No longer a civil matter? The design and use of protection orders for domestic violence in England and Wales.

CONCLUSION

It is clear that prior policy, administration and implementation choices by successive governments, and by criminal justice agencies themselves, have all contributed to the current criminal justice system failing to identify and address victims' needs. Despite the Victims' Code and detailed policy aspirations to put the victim at the heart of the justice system, in practice, the victim is a secondary consideration to the management of the offender.

In many parts of the justice system, victims' data is simply not recorded (or at least not in any accessible format). Where it is recorded, the information is incomplete and lacks the sort of detailed information (particularly protected characteristics) which would help policy makers improve the victim experience. Even where it is collected, it is not shared effectively, leading to victims falling through the gaps and losing trust in the system to support and protect them. A fundamental problem is that the different data sets have not been joined up throughout the criminal justice process and it is frustrating to note that even very recent systems (such as Common Platform) have not sought to address this widely acknowledged failing.

There is abundant evidence to show not only the impact on individual victims but also on the justice system itself with high numbers of victims (particularly of the most serious crimes) withdrawing from the criminal justice process to protect themselves from repeat victimisation. While we are aware, through our research, of some promising initiatives such as the BOLD victims pathway project,[20] too often this is the case of trying to fix a problem because systems were not designed with victims in mind. While we have no special foresight to augur its findings, the imminent joint[21] criminal justice inspection of victims' services is likely to make some fairly damning condemnations of our justice system.

By exploring the gaps and limitations of our current victim data collection, we hope we have provided a basis for addressing the problems. But that is easier said than done.

---

[20] The BOLD Victim Pathways Pilot project aims to better understand how government and third sector services can most effectively support victims of crime to cope and recover and to confidently seek justice. The ultimate goal is to use this evidence to improve victims' experience of the criminal justice system and support them to achieve a positive justice outcome. Currently, the pilot is seeking to link data across the police, CPS and courts systems. Although the pilot is currently in its early "discovery" phase, it aspires to publish linked data which highlights critical points which facilitate or hamper victims' journeys to successful justice outcomes on a dashboard.

[21] Conducted by Her Majesty's Inspectorate of Constabulary, Fire & Rescue Services (HMICFRS), Her Majesty's Crown Prosecution Service Inspectorate and Her Majesty's Inspectorate of Probation.

Putting practitioners and evidence at the heart of justice reform

AUTHORS

This paper has been written by Russell Webster, on behalf of the Centre for Justice Innovation and edited by Phil Bowen, Director of the Centre.

Putting practitioners and evidence at the heart of justice reform

ENDNOTES

1. Allen, Grahame & Zayed, Yago. (2021) Hate crime statistics. House of Commons Library.
2. Association of Police and Crime Commissioners (2019) Putting Victims First In Focus. Transforming the services provided for victims - putting them at the heart of the criminal justice system.
3. Buil-Gil, David, Medina, Juanjo & Shlomo, Natalie (2020) Measuring the Dark Figure of Crime in Geographic Areas: Small Area Estimation from the Crime Survey for England and Wales October 2020British Journal of Criminology 61(2) DOI:10.1093/bjc/azaa067
4. Byrom, N (2019) 'Digital Justice: HMCTS data strategy and delivering access to justice'. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835778/DigitalJusticeFINAL.PDF
5. Chakraborti, N., Garland, J. & Hardy, S-J. (2014a) The Leicester Hate Crime Project: Findings and Conclusions https://le.ac.uk/hate-studies/research/the-leicester-hate-crime-project/our-reports
6. Chakraborti, N., Garland, J. & Hardy, S-J. (2014b) The Leicester Hate Crime Project: Disablist Hate Crime https://le.ac.uk/hate-studies/research/the-leicester-hate-crime-project/our-reports
7. Chakraborti, N., Garland, J. & Hardy, S-J. (2014c) The Leicester Hate Crime Project: Gendered hostility https://le.ac.uk/hate-studies/research/the-leicester-hate-crime-project/our-reports
8. Chakraborti, N., Garland, J. & Hardy, S-J. (2014d) The Leicester Hate Crime Project: Homophobic Hate Crime https://le.ac.uk/hate-studies/research/the-leicester-hate-crime-project/our-reports
9. Chakraborti, N., Garland, J. & Hardy, S-J. (2014e) The Leicester Hate Crime Project: Racist Hate Crime https://le.ac.uk/hate-studies/research/the-leicester-hate-crime-project/our-reports
10. Chakraborti, N., Garland, J. & Hardy, S-J. (2014f) The Leicester Hate Crime Project: Religiously Motivated Hate Crime https://le.ac.uk/hate-studies/research/the-leicester-hate-crime-project/our-reports
11. College of Policing (2021) Victims' code for policing https://www.college.police.uk/guidance/victims-code/victims-rights-policing
12. Cooper, K. and Obolenskaya, P. (2021) "Hidden victims: the gendered data gap of violent crime" British Journal of Criminology https://oa.mg/work/10.1093/bjc/azaa100
13. Flatley, J. (2014). British Crime Survey. In: Bruinsma, G., Weisburd, D. (eds) Encyclopedia of Criminology and Criminal Justice. Springer, New York, NY. https://doi.org/10.1007/978-1-4614-5690-2_449
14. Matthew Hall (2022) Counting crime: Discounting victims? International Review of Victimology 2022, Vol. 28(1) 3–32.
15. Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (2022) State of Policing
16. The Annual Assessment of Policing in England and Wales
17. Her Majesty's Inspectorate of Probation (2019) An inspection of London division of the National Probation Service.
18. Her Majesty's Inspectorate of Probation (2018) Investigation into the policy and process followed by the victim contact scheme in the case of John Worboys
19. Home Office Counting Rules 2022/23 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1099880/hocr-complete-july-22.pdf
20. Home Office (2020) Hate crime, England and Wales, 2019 to 2020.
21. House of Commons Home Affairs Committee (2022) Investigation and prosecution of rape. HC 193.
22. Ipsos MORI (2010) Witness and Victim Experience Survey (WAVES) Technical Report of a research study conducted for the Ministry of Justice.
23. Jandl, M. (2017) The role and importance of crime victimization surveys in a system of crime statistics and their role in reporting on SDG 16. United Nations Office on Drugs and Crime.
24. H. Khalifeh, S. Johnson, L. M. Howard, R. Borschmann, D. Osborn, K. Dean, C. Hart, J. Hogg and P. Moran (2015) Violent and non-violent crime against adults with severe mental illness The British Journal of Psychiatry 206, 275–282. doi: 10.1192/bjp.bp.114.147843
25. Khalifeh H, Howard LM, Osborn D, Moran P, Johnson S (2013) Violence against People with Disability in England and Wales: Findings from a National Cross-Sectional Survey. PLoS ONE 8(2): e55952. doi:10.1371/journal.pone.0055952
26. Mayor of London Office for Policing and Crime (2022) A better police service for London. MOPAC London Surveys FY21-22 results.
27. Mike Maguire and Susan McVie: Crime data and criminal statistics: a critical reflection in Liebling, Maruna & McAra (eds) (2017) The Oxford Handbook of Criminology. Oxford: OUP.
28. Ministry of Justice and Office for National Statistics (2022) Criminal court statistics quarterly, England and Wales, January to March 2022.

Putting practitioners and evidence at the heart of justice reform

29. Ministry of Justice (2020) Code of Practice for Victims of Crime in England and Wales.
30. Molina, J. & Poppleton, S. (2020) Rape survivors and the criminal justice system. Victims' Commissioner.
31. Newburn T, Rock P. Urban Homelessness, Crime and Victimisation in England. International Review of Victimology. 2006;13(2):121-156. doi:10.1177/026975800601300201
32. Office for National Statistics (2021a) Domestic abuse and the criminal justice system, England and Wales: November 2021.
33. Office for National Statistics (2021b) Ethnicity facts and figures (data from 2020 edition of Crime Survey for England and Wales) https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/crime-and-reoffending/victims-of-crime/latest#download-the-data
34. Office for National Statistics (2019) The nature of violent crime in England and Wales: year ending March 2018.
35. Perry, Joanna. (2019) Connecting on Hate Crime Data in England and Wales. Brussels: CEJI.
36. Pettitt, B., Greenhead, S., Khalifeh, H., Drennan, V., Hart, T., Hogg, J., Borschmann. R., Mamo, E. & Moran, P. (2013) At risk, yet dismissed: The criminal victimisation of people with mental health problems. Victim Support.
37. Poppleton, S. , Lymperopoulou, K. & Molina, J. (2021) Who suffers fraud? Understanding the fraud victim landscape. Victims' Commissioner.
38. Adolphe Quetelet (1832) Recherches sur le Penchant au Crime aux Différens Âges.
39. Schweppe, J., Haynes, A. & Walters, MA. (2018) Lifecycle of a hate crime: Comparative report.
40. Tilley, N., & Tseloni, A. (2016). Choosing and Using Statistical Sources in Criminology: What Can the Crime Survey for England and Wales Tell Us? Legal Information Management, 16(2), 78-90. doi:10.1017/S1472669616000219
41. Stanko, B. (2023) Operation Soteria Bluestone Year One Report https://www.gov.uk/government/publications/operation-soteria-year-one-report/operation-soteria-bluestone-year-one-report-accessible-version
42. UK Statistics Authority (2014), Code of Practice for Official Statistics: Statistics on Crime in England and Wales, Assessment Report 268, London: UK Statistics Authority.
43. Victims' Commissioner for England and Wales (2022) 2021/22 Annual Report.
44. Victims' Commissioner (2021) Victims' experience Annual Survey.
45. Victims' Commissioner (2021) Victims Law Policy Paper: Victims' Commissioner's Proposals for a Victims Law.
46. Victims' Commissioner (2019) Victim Personal Statements 2018/19: Analysis of the offer and take up of Victim Personal Statements using the Crime Survey for England and Wales, April 2013 to March 2019.
47. Wedlock, E. and Tapley, J. (2016). What works in supporting victims of crime: a rapid evidence assessment. London: Victim Commissioner.

Putting practitioners and evidence at the heart of justice reform