

## **Making a Witness Statement - What Happens Next?**

Thank you for making a statement - Southampton City Council values your support. Witness statements are essential when prosecuting those who have committed criminal offences and it is important that you read and understand the following.

### **Your personal details**

Your personal details (on the back page of your statement) are confidential and are restricted for Prosecution use only. Defendants and their legal representatives will not be provided with this part of the statement but in the event that your statement forms part of any prosecution all other information within the statement will be made available to them.

In the event that you are required attend court as a witness we will need to carry out a check to identify any previous convictions that might be relevant to your credibility as a witness. We will use your full name, date of birth and address to access this information. The information will only be made available to the court and defence legal representatives in accordance with the Criminal Court Procedural Rules.

### **DATA PROTECTION ACT 2018**

The council is a competent authority within the meaning of Section 29 of the Act and will process your data in accordance with Part 3 of the Act-Law enforcement processing. Law enforcement purposes are the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

We may need to instruct experts in order to carry out these purposes and in doing so we may provide them with copies of your statement and exhibits. We will only do this if the data is essential to enable the expert to carry out his or her instructions. Experts will not be provided with the information on the back of your statement but may be provided with your date of birth if your age is relevant to the matters being investigated.

Typically we engage experts to provide reports on building and building maintenance work, handwriting analysis, forensic accounting, analysis of food and drink, and safety of consumer goods.

We will also provide your data to counsel and others instructed by the council and persons within the judicial process

In the event that we intend to use your data for any other purpose we will tell you and obtain further consent.

### **Your statement**

A witness statement is an important document, it sets out your recollection of the events described in the statement and must be as complete as you are reliably able to remember.

We can help you write your statement but it is your statement and you should ensure that you have read, understood and agreed all the content before you sign.

***You must not sign a witness statement if you have any reason to believe that anything within it is untrue, it is incomplete or you are unable to read or understand it.***

There may be Exhibits attached to your witness statement. Exhibits are documents, emails, photos or other items which are referenced within the statement and will typically be identified by use of your initials and a number.

You may also have documents, emails, photos or other items which are linked to the matter described in the statement but which are not subsequently identified as Exhibits. It is important that we are aware of all such items, no matter how unimportant they may seem, as such items may fall within the definition of 'Unused material' and we are required to collect and record such material.

### **Signing and dating the statement and exhibit labels**

Once you are satisfied with the content of the statement it needs to be signed before it can be used. Signatures are required:

- On the top part of the first page in the box alongside the word 'Signature'
- On the bottom of each and every page
- On each and every exhibit label

Dates are required:

- On the top part of the first page in the box alongside date
- Alongside your signature on the bottom of each and every page

If at any time after having signed your statement it is important to let us know:

- that you now realise you have left something out of your statement or now realise it is incorrect
- that your address or phone number has changed

### **What next**

If a suspect is charged in relation to this incident, your statement and all the other evidence will be considered for inclusion in the Prosecution case. If your statement is included everyone involved in the case will read your statement (for example the prosecution and defence solicitors and barristers, the magistrates or judge).

Our aim is to keep all those involved up to date on what is happening with the case, but it can take a long time to prepare a case for court. This can be frustrating especially if you have been the victim of a crime; if you want to know about progress you can contact us at any time - see the contact details at the end of this document.

In preparing the prosecution case, and in particular the evidence we intend to put before the court to establish the offence or offences alleged, the council will decide which witnesses and witness statements are to be included. This is a decision for the council as the prosecutor and we may decide not to include your statement and not to require you to attend as a witness.

You will be contacted if you are needed to go to court and support is available for all witnesses throughout the process.

You will have to appear in court if the defendant:

- denies the charge and pleads 'not guilty'; or
- pleads guilty but your evidence is still required by either the prosecution or defence

If you are asked to go to court, the prosecution and defence lawyers will ask you questions about your evidence. You will be able to read your statement immediately prior to giving evidence to refresh your memory but generally will not be able to read from your statement.

If you have given a statement and are then asked to go to court to give evidence, **you must do so**. If you are asked to go to court, you will be sent:

- a letter telling you when and where to go; and
- an explanatory leaflet.

We recognise that giving evidence can be a stressful experience and we seek to provide support for witnesses. We can make special arrangements, for example if you have disabilities. If you have any problems or concerns about going to court, you must let the person who asked you to go to court know as soon as possible. If you have to go to court but there is reason to believe that you will not go voluntarily, the court may issue a witness summons against you, which means that you **MUST** then attend court.

If you have any questions or concerns about being a witness please get in touch with the contact(s) named on the attached sheet.

**Contact details for your case:**

Name of the officer taking this statement:
Position:
Contact phone number:
Email address:

Name of the officer in charge of this case:
Position:
Postal address:
Contact phone number:
Email address(es):
Case reference:

**Keep these details somewhere safe.**

The officer dealing with your case can help but may not always be immediately available. If you have any questions or concerns, you can also contact us as below

<b>Trading Standards</b> <a href="mailto:Trading.standards@southampton.gov.uk">Trading.standards@southampton.gov.uk</a>
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**Other Department/Officer**

Name/Position:

Phone:

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