



CPS

**Crown Prosecution Service
Service to Bereaved Families**

Contents

CPS Service to Bereaved Families.....	3
Appointment of a police Family Liaison Officer	3
What types of case qualify for the service?	3
When does the case qualify?	3

The meetings

When will the meetings be held?	4
Do I have to go to the meetings?.....	4
Who will attend the meetings?.....	4
Where will the meetings take place?	4

The victim personal statement (VPS)

What is a VPS?	5
Do I have to make a VPS?	5
Can I still have a meeting even if I don't want to make a VPS?	5
When can I make a VPS?	5
Who can make a VPS?	5
Who will see the VPS?	5

The court procedure

What happens to the VPS?	6
When will the court hear the VPS?	6
What happens if the defendant is found not guilty?	6
What support will I have at court?.....	6

Who can I contact for more information?	6
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CPS Service to Bereaved Families

This document explains when and how we, the Crown Prosecution Service (CPS), can meet you and your family to explain some of the procedures relating to the prosecution of your case. This can include, if you wish, making a statement to the court about how your family member's death has affected you and your family. This statement is called a victim personal statement (VPS).

Appointment of a police Family Liaison Officer

You should always be appointed a police Family Liaison Officer at the beginning of the investigation into your family member's death. The Family Liaison Officer will explain the service offered by the CPS to you and your family. We will arrange any meeting with you through your Family Liaison Officer.

What types of case qualify for the service?

You and your family will be offered meetings with the CPS where the victim is a member of your family and if the suspect is charged with one of the following offences:

- murder;
- manslaughter;
- corporate manslaughter;
- familial homicide;
- causing death by dangerous driving;
- causing death by careless driving when under the influence of drink or drugs;
- causing death by careless or inconsiderate driving);
- causing death by driving whilst unlicensed, disqualified or uninsured;
- aggravated vehicle taking where death is caused.

When does the case qualify?

The police will collect all the evidence and then pass the evidence in a file to the CPS lawyer to review. He or she is called the prosecutor.

Sometimes, and more especially in large or complicated cases, where there is a lot of evidence, this can take a number of weeks to review, because the prosecutor will often need to ask the police to collect more evidence.

The case qualifies if, following the prosecutor's review, a suspect is charged with one of the above offences where the victim is a member of your family (family includes partners (including same-sex partners)).

The meetings

When will the meetings be held?

You and your family will be offered meetings with the CPS at key stages of the prosecution process.

The CPS will offer you and your family a meeting with the prosecutor shortly before or after the suspect has been charged to explain the role of the CPS, the charges on which the prosecution is proceeding, how the case will be handled by us and what to expect at each court hearing. The prosecutor will also explain the VPS scheme.

You and your family will be given the opportunity to meet the CPS prosecutor or trial advocate, if he or she is a different person,.

If we have made a substantial change to or discontinued a charge we will offer you a meeting to explain the reasons for our decision.

Following conviction we will meet you to make sure that a VPS has been made and/or to confirm that it is up to date (see later). This meeting will normally take place at court. We will also meet you at or following the sentence hearing to explain the sentence.

We will offer to meet you in cases which result in an acquittal or in a conviction on a less serious charge to respond to any questions you may have about the trial.

We will also offer to meet you where a defendant has been given leave to appeal to the Court of Appeal against his or her sentence or conviction to explain the nature of the appeal and the court process to you.

Very rarely, the police refer cases back to the CPS after an acquittal where new and compelling evidence has come to light ('double jeopardy' cases). In these cases, we will offer to meet you to explain our decision.

At these meetings the prosecutor will try and answer any questions you may have about the case, although depending on the stage of the proceedings, he or she might not be able to discuss the detail of the evidence.

Do I have to go to the meetings?

No. The meetings are entirely optional and you do not have to take up the offer of a meeting if you do not want one. Equally, even if you initially refuse, you can change your mind later on. In that case, you should let your Family Liaison Officer know and they will contact the prosecutor to arrange a meeting.

Who will attend the meetings?

The CPS and the police will attend the meetings. The trial advocate, if it is someone other than the prosecutor, may also be present depending on the reason for the meeting being held.

Where will the meetings take place?

The meeting will take place either in the CPS office where the prosecutor works or at a local police station where available. If this is inconvenient to you, you should let the Family Liaison Officer know so that the prosecutor can consider whether any alternative arrangements can be made.

The victim personal statement (VPS)

What is a VPS?

The VPS is your chance to tell the court, in your own words, how the death of your family member has affected you and your family.

Do I have to make a VPS?

No. You may decide you do not want to make a VPS. Your Family Liaison Officer, local victim support contact or other local support groups can help you understand the choices you have, so that you can decide what is best for you and your family.

Can I still have a meeting even if I don't want to make a VPS?

Yes. Discussing the VPS is only part of the service. Even if you do not want to make a VPS, you may want to know what is happening in the case or have questions you want to ask.

When can I make a VPS?

You can make a VPS if the victim is a member of your family. You are entitled to say whether or not you would like your VPS to be read aloud in court if the defendant is found guilty. You are also entitled to say whether you would like to read your VPS aloud or have it read on your behalf (usually by the CPS prosecutor or trial advocate).

You or other family members may already have made a VPS before the meeting takes place. However, if you wish, you or other family members can make a further VPS if you think the first statement does not include everything you wanted to say or if your feelings about the offence have changed since you made the first statement.

Who can make a VPS?

Close family members of the deceased are allowed to make a VPS. This usually means parents, guardians, spouses, civil partners, partners and children of the victim.

Who will see the VPS?

If you make a VPS, it will become part of the case papers. This means that it will be seen by everybody involved with your case, for example, the police, the CPS, the defence, and the magistrates and judges at the courts.

The court procedure

What happens to the VPS?

If the defendant is convicted (pleads guilty or is found guilty by the magistrates or jury), the prosecutor or the trial advocate, if he or she is a different person, will talk to you and confirm the content of your VPS. They will normally do this at the court immediately after the defendant is convicted.

If you would like to amend your VPS at that stage, your police Family Liaison Officer or other police officer who is present with you at court will take an additional statement to give to the court and the defence.

The VPS will be shown to the magistrates or judge, the defence and the prosecution before the defendant is sentenced.

The court has to sentence on the facts of the case, taking into account any relevant aggravating and mitigating factors and legal guidelines. (An aggravating factor is a feature of the case that means a higher sentence may be appropriate: a mitigating factor is one that means a lower sentence may be appropriate.)

When will the court hear the VPS?

If you have written a VPS, the magistrates or judge will read it in advance of the hearing.

The court will hear your VPS after the defendant is convicted, but before they are sentenced. It is for the court to decide whether and what sections of the VPS should be read aloud and by whom taking in to account your views. If you choose not to read your VPS aloud yourself, the CPS prosecutor or trial advocate will usually do so on your behalf.

What happens if the defendant is found not guilty?

The judge will not be able to take account of the VPS if the defendant is found not guilty because there will be no sentencing hearing.

What support will I have at court?

The CPS prosecutor will answer any questions you have about what happens on the day of the sentencing hearing.

The court staff and the Witness Service are also there to help you. Witness Service staff can arrange for you to visit the court before the trial and/or the sentencing hearing, so you can learn more about court procedures. On the day, they can give you a quiet place to wait and arrange for someone to go into the courtroom with you and other practical help.

Who can I contact for more information?

Your Family Liaison Officer can give you details of your local victim support group and other support groups in your area. They can also help you to arrange to talk to one of these groups if you want to discuss the service being offered.