

Court Guidance for the Retail sector

MPS Business Crime Hub

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Whilst this guide is aimed primarily at witnesses employed within a business, it applies equally to witnesses for other types of crime, and also victims of violence within a business setting.

We understand that having to potentially appear at court as a witness can be nerve wracking & understandably cause anxiety & concern.

This is generally due to –

- Concerns about potentially seeing the suspect again
- Not knowing what happens at court or how a court operates
- Hearing anecdotal stories from others, seeing court cases dramatised on television/film or on social media

In this booklet we aim to dispel common myths & give a clear, short & simple guide on the process, what happens & why, plus the support in place for all witnesses & victims of crime.

1. Providing evidence to the police - why are witness statements important and needed?

The majority of crimes require a witness who can provide a statement as otherwise police are unable to investigate.

Not all suspects go to court as police have a number of alternative judicial outcomes they can deliver (only if appropriate & will depend on the circumstances of the offence and the suspect's criminal record history) – these outcomes can include but not be limited to Cautions, Community Protection Warnings or Notices, Penalty Notices (Fines) etc.

A statement is a factual written record of events given by a witness or victim and written down at the time. Statements can also include ones where pieces of evidence (such as CCTV) are exhibited - these need to be presented (exhibited) to police & the court as evidence by someone involved (i.e. employed by the business affected by the crime).

The account given in any statement simply needs to be the honest held belief of the person giving it.

Whilst CCTV can provide fantastic evidence, it cannot be used alone, every crime also needs a person to describe what has happened, a snapshot of any footage can easily be taken out of context without it.

Once your statement is complete, you should read through it to ensure it is an accurate & truthful account of what has happened/what you witnessed. Once correct it requires you (the witness) to sign and, by doing so, confirming you approve of it as it is your witness statement.

Statements will usually be written by Police, however it is generally accepted for a short pro-forma (fill in the blanks) statement to be completed by retail staff where the only offence committed is shoplifting.

2. What, Why and When would I need to go to Court?

What

There are three types of Court people may be required to attend.

- Magistrates Court – these generally deal with lower level crimes
- Crown Court – these generally deal with more serious crimes
- Youth Court – these deal with young offender (under 18) cases

Why

If a witness is required to attend Court this is because the defendant has entered a Not Guilty plea so a trial is needed.

All (suspects) defendants have a first hearing date at Court (which witnesses or victims do NOT need to attend) where they have to enter a Guilty or Not Guilty plea.

If they plead Guilty, you will NOT be required to attend Court.

Some suspects, despite clear & good evidence of them committing the offence (including CCTV), decide to plead Not Guilty at their first hearing.

Disappointingly & irrespective of the potential impact on the victim(s) & witnesses, suspects sometimes do this in the hope that on the day of their Court hearing the witnesses may not turn up, in which case there may be a chance the case against them could be dropped.

When all witnesses do attend Court on the trial date, frequently suspects then change their plea to Guilty at the very last minute. This means witnesses who have arrived at court are NOT required to give evidence or appear in the courtroom (though will still be paid for their attendance).

The Crown Prosecution Service (CPS) say that if CCTV is provided & clearly shows the offence, it will often lead to a defendant pleading guilty & avoid the need for trial. Only a small number of cases end up in Court, but as a victim or witness of a crime, if you're asked to attend & give evidence in Court, you must attend.

The defendant can change their plea up to the trial starting on the day & if this happens then a witness or victim will not be required to give evidence.

When

You will be contacted by the witness care officer via the contact details you provided to police when reporting the crime or providing your statement.

They will confirm with you the date, time & location to attend Court.

3. Who can I contact for help, advice & support?

In addition to the police officer dealing with your case, you can also contact the Metropolitan Police Victim Focus Desk on 0207 484 6700 - this is open seven days a week, 8am to 8pm Monday to Friday and 8am to 4pm on Saturday and Sunday.

The Victim Focus Desk provides accessibility for victims of crime in -

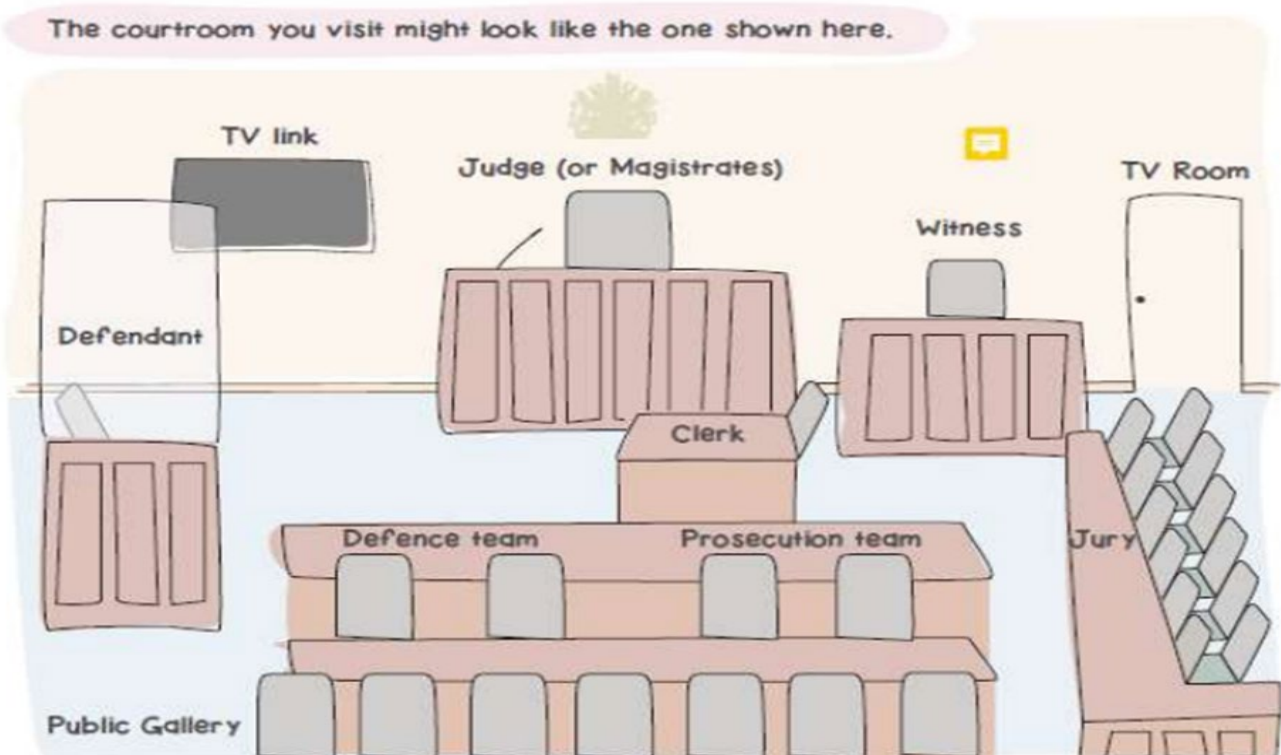
- Obtaining updates or providing information on their crime reports
- Giving access to a dedicated team of officers & police staff for simple updates or providing support or guidance to a vulnerable person
- Providing the latest updates on their crime, provide crime prevention advice and signpost people to support from partner agencies
- Aiming to reassure & resolve any initial victim queries & address any concerns

For more detail on the support available & other contacts, please see links below -

[Witness Charter- easy read](#) [Victim Support](#) [Code of Practice for Victims of Crime](#)

[Support for victims and witnesses of crime | Metropolitan Police](#)

4. What does the inside of a Court look like?



5. Is there a way I can give my evidence without going to Court?

It is generally expected that victims & witnesses will attend Court in person, however if the Court is satisfied that it is in the interest of justice for the person concerned to give evidence through a live video link, an application can be made by police for you to give evidence remotely. This can include circumstances where your attendance at Court may impact on the operation of your business.

A Court live link is similar to Teams or Zoom and can be done from within your home or at work. In essence it is the same as any online meeting and can take place anywhere that is private, quiet and where you won't be disturbed.

Special Measures

Going to Court is not something to be worried about. What you have to say is important to everyone so you need to be looked after.

The Court have the ability to put special measures in place for intimidated or vulnerable witnesses & victims in certain circumstances that will ultimately help the witness give evidence.

This may include -

- **Giving evidence behind a screen** - this prevents you seeing the defendant whilst you give evidence
- **The members of the Court removing their wigs and gowns** - this may help the Courtroom feel more comfortable & less formal
- **Live Link from another room** - this means giving video evidence from another room if a witness has serious concerns about being inside the Courtroom
- **Witness enters through an alternative entrance** - this is for a witness who has concerns about the layout of the Courtroom
- **Clearing of the public gallery** - clearing the public gallery of members of the public and the press
- **Witness supporter** - someone to accompany you to Court

All of these can be discussed with either the police officer in the case, the witness care officer or the Victim Focus Desk. From this, an application to put in place whichever of these measures may be appropriate can then be made, on your behalf, to the Court by the Crown Prosecution Service.

6. What is expected of me at Court?

Simply -

- Be on time
- Tell the truth, the whole truth and nothing but the truth

If you are required to give evidence the Court Usher will ask you to swear to tell the truth on a religious book (the oath), or promise to tell the truth (an affirmation).

7. Expenses

You can claim expenses from the Crown Prosecution Service when you go to Court if your employer does not pay you for your time away from work. If you are a victim or witness in a crime directly involving your place of employment or it occurred as part of your work, some businesses pay employees directly – please check with your employer if this is the case.

See below some of the expenses that can be claimed to assist you

- Day subsistence (meals & refreshments)
- Overnight allowance (it is rare this occurs)
- Loss of earnings – employed persons & self employed
- Travel Expenses
- Employing someone to work in your absence, as a locum or childcare costs
- Other Costs (up to a maximum set figure)

[Witness Expenses and Allowances](#)

8. Court Orders (if defendant found Guilty)

The Court have the power to issue a Criminal Behaviour Order (CBO) to the most prolific and repeat offenders & these will be completed & submitted by police to the courts beforehand. This is an order set by the Court which details specific conditions that the offender has to abide by & if they fail to adhere to them they are liable for arrest.

An example may be a prolific shoplifter the Court may issue a CBO which could instruct the offender not to enter either certain stores, or specific geographical areas.

The Court must be satisfied, beyond reasonable doubt, that the offender has engaged in behaviour that caused, or was likely to cause, harassment, alarm or distress to any person & that the Court considers making the order will help in preventing the offender from engaging in such behaviour.

9. After the trial

After the trial you should be informed of the outcome by the witness care team.

10. FAQs

What do I do when I get to Court?

When you arrive at Court, go through security (this is similar to going through airport security). Once through you will see signposts to the Witness Service who can assist you & will also tell you which room the Court is in.

What facilities are available at Court?

Faith rooms or quiet rooms & toilets, with some Courts having a canteen or vending facilities.

What should I wear?

Smart business type attire, should you have, is always the most appropriate dress code for Court, however you will not be criticised by the Court for what you wear.

11. Impact Statements for business

Under the Victims' Code, all businesses or enterprises (such as charities) that have had criminal offences committed against them are entitled to make an Impact Statement for Business (ISB) to set out how the offence(s) have affected the business. This document provides additional guidance for businesses that wish to make an ISB.

An ISB is intended to provide businesses that have had criminal offences committed against them with a voice in the criminal justice process. Where it considers it appropriate, the court can take account of the ISB when it decides what sentence to impose on the offender(s). Sentencing decisions re-main the responsibility of the court.

You do not have to limit the information to the direct cost of the crime (e.g. the value of any goods stolen), you can also provide information on the wider costs and impact on your business (e.g. staff morale, reputational damage etc.)

You should not include information about how other offences have affected your business unless those crimes are part of a pattern of repeat offending by the same criminal or an organised gang.

More information on impact statements is available here

[Impact Statement for Business \(ISB\) \(nbcc.police.uk\)](https://nbcc.police.uk)

[Impact Statement for Business | Police.uk \(www.police.uk\)](https://www.police.uk)

