

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: [REDACTED]

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Immigration Officer

This statement (consisting of one page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:..... [REDACTED] (witness) Date: 30th April 2020

I am an Immigration Officer (IO) currently serving on the Immigration Enforcement Rapid Response Team. On Friday 23rd August 2019 I was on duty when as a result of information received, I attended SPICE OF LIFE, 8-12 WELLOWGATE, GRIMSBY DN32 0RA. Entry to the premises was under the power of Section 179 of Licensing Act 2003. My role was Arrest Officer and the Officer in Charge (OIC) was IO [REDACTED]. At approximately 18:50 hours I took up position at the rear of the restaurant with IO [REDACTED]. I was covering the exit on the left, IO [REDACTED] was covering the exit to the right. As officers entered the kitchen from the front, the right exit door opened and a male in chef's clothing ran out. He was stopped by IO [REDACTED] and arrested. IO Francis handcuffed the male in front stack and sat him on a chair in the rear yard. IO [REDACTED] radioed to say that he was in pursuit of a male who went upstairs to the first floor. I kept watch on the roof from the rear yard but did not see anyone come out onto the rear roof. I walked further back and saw a male squatting down on a low roof of a neighbouring building. I asked IO [REDACTED] for a description of the male he was pursuing but he could not give a description. I asked the male to stay where he was. He complied with my request. IO [REDACTED] went to a window on the roof and the male was brought back inside. I went upstairs with a fingerprint machine to help identify the male. He was upset but compliant. When the male was ready for taking to the cell van I searched his clothing before he changed and supervised him packing a small bag with his paperwork and belongings. I left the restaurant at approximately 20:00 hours and did not return.

Signature:..... [REDACTED]Signature witnessed by:.....n/a.....

Witness contact details

Name of witness: Home address: Postcode:

Home telephone No: Work telephone No:

Mobile: E-mail address:

Preferred means of contact (*specify details*):

Best time to contact (*specify details*):

Gender: Date and place of birth:

Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:

Witness care

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes ☐ No ☐
- b) I have been given the Victim Personal Statement leaflet Yes ☐ No ☐
- c) I have been given the leaflet "Giving a witness statement to the Home Office..." Yes ☐ No ☐
- d) I consent to Home Office Immigration Enforcement having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes ☐ No ☐ N/A ☐
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes ☐ No ☐ N/A ☐
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes ☐ No ☐ N/A ☐
- g) **Child witness cases only.** I have had the provision regarding reporting restrictions explained to me. Yes ☐ No ☐ N/A ☐

I would like CPS to apply for reporting restrictions on my behalf. Yes ☐ No ☐ N/A ☐
'I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court'.

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by: Office / station: Time and place statement taken:

This tear off section to be completed and handed to the witness

The Home Office (Immigration Enforcement) – Contact Details

The officer dealing with your case/taking this statement is:

Officer: Rank & Number:

Office:

Telephone:

Contact E-Mail:

Reference No:

The officer dealing with your case can help but may not always be available.

Giving a witness statement to the Home Office– what happens next?

Thank you for coming forward. We value your help and we will do everything we can to help you.

The criminal justice system cannot work without witnesses. They are the most important element in bringing offenders to justice. Now you have made a statement, you may be asked to give evidence in court.

Is there anything else I can do?

Yes. It is important to tell the Home Office:

- if you have left anything out of your statement or if it is incorrect
- if your address or phone number changes (trials collapse every day because witnesses cannot be contacted in time)
- dates when you may not be able to go to court. Please contact the officer dealing with your case to update this information as soon as it changes. It is needed when the trial date is set.

Will the suspect (the defendant) or the defence lawyer be given my address?

No, your address is recorded on the reverse of your witness statement and the defendant or their solicitor only receives a copy of the front. Also, witnesses are not usually asked to give their address out loud in court. The defendant or their solicitor is normally told the names of any witnesses.

What will happen to my statement?

If a suspect is charged over this incident, your statement and all the other evidence will be passed to the Crown Prosecution Service (CPS). CPS is responsible for prosecuting people who have been charged with a criminal offence in England and Wales. Although they work closely together, the Home Office, the police and CPS are separate organisations.

Who will read my statement?

Everyone involved with the case will read your statement (e.g. Home Office, the police, CPS, defence and the magistrate or judge).

What if someone tries to intimidate me?

It is a criminal offence to intimidate (frighten) a witness or anyone else helping the Home Office in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police immediately and inform the Home Office officer dealing with your case.

Will I be told what is happening in the case?

The Home Office and CPS are improving procedures to keep victims and witnesses up to date with what is happening but it is not always possible to do this in every case. Remember, you can contact the Home Office at any time if you have questions or concerns.

You will be contacted if you are needed to go to court (but it may be some time after you gave your statement, as cases take time to prepare). Victims of crime are usually told:

- if a suspect is charged
- about bail and what happens at court
- if the case does not proceed for any reason.

Witnesses who are not victims of the crime may not be contacted again if:

- the suspect admits the offence and is cautioned or pleads guilty at court
- there is not enough evidence to prosecute the suspect
- no suspect is identified

Will I have to go to court?

You will only have to go to court if the defendant either:

- denies the charge and pleads 'not guilty' or
- pleads guilty but denies an important part of the offence which might affect the type of sentence they receive.

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 to refresh your memory first. If you have given a statement and are then asked to go to court to give evidence, you must do so.

You will be sent

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

What will happen if I don't go to court?

If you have any problems or concerns about going to court, you must inform the officer dealing with your case 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. If you still fail to attend without good reason you may be found 'in contempt of court' and arrested.

Where will the case be heard?

Most cases are heard in the magistrates' court. More serious crimes are heard in the crown court before a jury.

Who can help?

Every court has a free and confidential Witness Service and you can contact them before the trial. Their trained volunteers offer:

- information on what happens in court
- emotional support and someone to talk to in confidence
- someone to be with you in court when you give evidence
- a visit to the court before the trial, including where possible, a look around a court room so you know what to expect.

The officer dealing with your case will be able to provide you with contact details.

The Witness Service does not discuss evidence or give legal advice.

Extra Help is available to support vulnerable or intimidated witnesses. If the CPS lawyer thinks that a witness qualifies for this help, known as 'Special Measures', he/she will ask the court for permission to use them. The Witness Service, police or Home Office will tell you what is available and the police or CPS will be able to discuss your needs.

Victim Support and Witness Service

The Victim Support scheme operates from a number of locations across the UK, and their volunteers are specially trained to provide free and confidential information, support and advice.

All victim and witnesses will be offered support from Victim Support's Witness Service, which is **independent**, confidential and free. This support will include someone to talk to, a quiet place in which to wait and a chance to see the court before the day of the trial. Although the Witness Service volunteers will explain the court process to you, they cannot discuss the specific details of the case.

Victim Support Helpline

0845 30 30 900

The Witness Charter

The Home Office Immigration Enforcement is not a signatory of the Witness Charter but adheres to the spirit of charter which sets out the standards of service that witnesses can expect to receive at every stage of the Criminal Justice process from:

- The Home Office, if you are a witness to a crime or incident
- Other Criminal Justice agencies and lawyers, if you are asked to give evidence for the prosecution or defence in a criminal court

The standards apply to all witnesses, regardless of whether you are also the victim. If you are a victim of a crime, you have rights that are set out in the Code of Practice for Victims of Crime.

Unlike the Victims Code of Practice, the Witness Charter is not set out in law, and there may be constraints which affect the ability of the Criminal Justice agencies to provide the service to all witnesses in all cases.

Being kept updated on progress during the investigation:

After you have given a statement, if the offence is of a **very serious nature** and the Home Office have told you that you are likely to be called to give evidence in court, the Home Office will seek to update you:

- at least once a month on the progress of the case until the point of closure of the investigation or
- at the point at which someone is charged, summoned, or dealt with out of court.

Being kept updated on progress after charge:

If you are a prosecution witness to any offence, the Home Office will seek to inform you:

- when the defendant has been charged
- whether the defendant has been released on bail to attend court , or help in custody until the first court appearance
- what relevant bail conditions apply.

Further information about being a witness can be downloaded from the Crown Prosecution Service website at www.cps.gov.uk/victims_witnesses