



Policy Name:	STATEMENTS – VICTIMS AND WITNESSES		
Policy #:	OP 4.30.4	Last Updated:	2023-11-29
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
Version:	2.0	Review Frequency:	ANNUALLY

RELATED POLICIES

- OP 4.30.1 *Statements – Children*
- OP 4.30.3.1 *Statements – Adult Suspects*
- OP 4.30.3.2 *Statements – Youth Suspects*
- OP 4.30.5 *Use of Interpreters and Translators*
- OP 4.52.1 *Vulnerable Persons – Trauma Informed Practices*
- OP 5.1.2 *Digital Evidence Management*
- OP 6.1.1 *Victim Services*

1. PURPOSE

- 1.1. To ensure that statements obtained from adult Victims and Witnesses are taken using trauma-informed practices with respect for the Victims’ and Witnesses’ dignity and human rights.
- 1.2. To ensure that statements taken from adult Victims and Witnesses are taken in a manner that will allow them to provide a fulsome and accurate account of an incident in question.

2. SCOPE

- 2.1. This policy applies to all Surrey Police Service (SPS) Members.
- 2.2. This policy is specific to statements taken from adults aged 19 years of age and over. For considerations regarding statements obtained from children and youth, see OP 4.30.1 *Statements – Children* and OP 4.30.2 *Statements – Youth Suspects*.

3. POLICY

- 3.1. In this policy, “Victim” and “Witness” refer to people who have been a Victim of, or Witness to, an apparent criminal act or incident requiring police investigation.
- 3.2. Victims and Witnesses and their families will be treated with courtesy, compassion, and respect.
- 3.3. All SPS Members are trained in Trauma-Informed Practices and will use this training when obtaining statements from Victims and Witnesses.
- 3.4. Whenever practicable, statements from Victims and Witnesses will be audio recorded or audio and video recorded.

4. PROCEDURE

Member/Investigator

- 4.1. The effects of trauma can influence the behaviour of a Victim or Witness during a statement. Memory loss, lack of focus, emotional reactivity (or lack of reactivity), and multiple versions of a story can all be signs of trauma which might be exhibited during an interview. Members should be aware of these and other signs of trauma. As memory may be adversely affected by the recency of trauma, when feasible it may be beneficial to take a preliminary statement to advance an unfolding investigation, then take a more fulsome statement from a Victim or Witness later.
- 4.2. Members must use trauma-informed practices when obtaining statements from Witnesses and Victims to minimize potentially retraumatizing the person (see OP 4.52.1 *Vulnerable Persons – Trauma Informed Practices*). Where practicable, Members should:
 - i. use a comfortable, private space for the interview, (e.g., a “soft” interview room);
 - ii. offer breaks, water, tissues, etc.;
 - iii. use Victim-centered language and open body language;
 - iv. avoid asking direct or leading questions;
 - v. avoid language that may be perceived as judgmental (e.g., “why didn’t you...”);
 - vi. ask about the Victim’s thought processes and feelings before, during, and after the incident;
 - vii. avoid asking for a specific chronology of events as this is often difficult for a traumatized person to provide. Rather, ask what they can remember;
 - viii. when asking questions that may be perceived negatively by the Victim or Witness (e.g., what a Victim was wearing, or about their alcohol/drug consumption), explain first why the information is relevant; and
 - ix. use culturally appropriate language and address any language barriers, such as the need for an interpreter or sign-language interpreter.

Note: do not use an interpreter who is a family member or anyone personally acquainted with the Victim/Witness, or who may be a witness to the same matter under investigation, or who may not be impartial to the victim, witness, or accused.

- 4.3. If the Victim or Witness of a traumatic event expresses a preference to speak with a police officer of a specific gender, Members will attempt to accommodate their request if practicable.
- 4.4. If the Victim or Witness expresses a request to have a Supportive Accompaniment(s) with them during their statement, Members will:
 - i. assess the nature of the connection, relationship, or rapport between the Victim or Witness and a potential support person (e.g., whether a requested support person has prior involvement or knowledge of the event or the investigation), and the potential for a support person to be called as a Witness;
 - ii. discuss with the support person the interview process and expectations, taking into consideration the support person's skills, training or experience and ways to mitigate the impact their presence may have on the interview and investigative process;
 - iii. make a recommendation to the Victim or Witness the role, benefits, risks, and expectations related to the presence of the support person, and that the Victim or Witness may decide at any point in the process not to include a support person in the interview or ask the support person to leave during the interview;
 - iv. ensure the Victim or Witness has an opportunity to ask questions and discuss their preference related to Supportive Accompaniment(s) during the interview; and
 - v. document on the file the course of action and the steps taken with regard to Supportive Accompaniment(s) related to the interview, including a synopsis of the discussions required above.
- 4.5. Members must not attempt to obtain a fulsome statement from a Victim or Witness if they are exhibiting symptoms of intoxication. If practicable, postpone obtaining a complete statement until the person is sober.
- 4.6. When an audio or audio/video recorded statement has been obtained, the statement should be downloaded, stored, and secured as evidence as required by policy OP 5.1.2 *Digital Evidence Management*.
- 4.7. If the statement will be used for criminal prosecution, a copy of the recording must be submitted for transcription.
- 4.8. A written statement may be taken from a Victim or a Witness for minor, non-traumatic offences or incidents (e.g., minor motor vehicle collisions, mischiefs, thefts). A follow-up statement may be required if the written statement does not contain sufficient information.

- 4.9. In very limited circumstances, and for non-serious offences, a Member may take a statement over the telephone provided they can articulate their rationale for not obtaining an in-person statement. A statement taken over the telephone will be audio recorded and cannot be used for interviewing Victims of persons offences (e.g., assault, sex crimes).
- 4.10. Recorded statements should begin with an introduction from the Member including the date, time, and location of the statement, the police file number, the Member's name, and the name of the person being interviewed. No other identifying personal information (address, phone number, date of birth, etc.) is to be included on the recording, as it will need to be redacted prior to disclosure.
- 4.11. Members may offer Victims and Witnesses referral to police-based Victim Services and be provided with information about the *Victims of Crime Act*, as described in OP 6.1.1 *Victim Services*.
- 4.12. If during a statement, the nature of the investigation changes and the Victim or Witness is identified as a possible suspect in the investigation, the person must be notified of the change in their jeopardy and must be provided with the police caution before proceeding. See policies OP 4.30.3.1 *Statements – Adult Suspects* and OP 4.30.3.2 *Statements – Youth Suspects*.

Supervisor

- 4.13. A Member's Supervisor will periodically review Victim and Witness statements taken by the Members under their supervision to ensure that statements obtained comply with this policy. Supervisors will provide guidance and arrange for supplementary training (e.g., in Trauma-informed Practices) as needed.

APPENDIX A: DEFINITIONS

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Statement” means a recorded or written recollection of events or incidents provided to the police by a Victim or Witness.

“Supportive Accompaniment” means a person, service animal, or object to provide emotional (or other) support before, during, and/or after the police interview with the Victim.

“Trauma-Informed Practice” - means understanding the prevalence and effects of trauma in all aspects of service delivery and prioritizing the individual’s sense of safety, choice, empowerment, and connection. It is grounded in an understanding of and responsiveness to the impact of trauma and emphasizes physical, psychological, and emotional safety. Trauma-Informed Practice means making sure that people feel safe around police and are not re-traumatized by their contact with police.

“Victim” means an individual who has suffered physical or emotional harm, property damage, or economic loss as the result of the commission or alleged commission of an offence or of a traumatic event.

Exception: a person is not considered a Victim if they are the individual charged with the offence, found guilty of the offence or found not criminally responsible on account of mental disorder or unfit to stand trial in respect of the offence.

“Witness” means an individual who observed or has knowledge of a specific criminal act or incident, or a specific traumatic event.

APPENDIX B: REFERENCES

British Columbia Provincial Policing Standards, standard 5.4 *Sexual Assault Investigations*

Canadian Victims Bill of Rights, S.C. 2015, c. 13, s. 2

Crime Victim Assistance Act, S.B.C. 2001, c. 38

International Association of Chiefs of Police – *Successful Trauma Informed Victim Interviewing*, 2017.

Victims of Crime Act, R.S.B.C. 1996, c. 478

Youth Criminal Justice Act, S.C. 2002, c. 1