

Violent Offender Orders (VOOs)

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Policy Statement

Summary

West Yorkshire Police complies with Authorised Professional Practice (APP), which contains information to assist policing, and has established a local policy on Violent Offender Orders (VOOs) to provide clear standards and guidelines.

VOOs are standalone civil orders. They are made on complaint by a chief officer of police and are intended to help protect the public in the UK, or any particular members of the public, from offenders who pose a current risk of serious physical or psychological harm.

VOOs are intended to manage *qualifying offenders* who:

- Have been released from prison;
- Are no longer subject to the statutory supervision available under licence or hospital or supervision order;
- Continue with violent offending behaviour after a term of imprisonment for a relevant offence; and
- Continue to pose a risk of *serious violent harm*.

This policy outlines best practice in relation to the preparation of VOO applications and provides a standardised procedure for progression of these high risk public protection cases.

Scope

Only the police can apply for a VOO. Any police officer can consider applying for a VOO for a suitable offender.

The evidential case supporting a VOO application is made by Legal Services on behalf of the chief officer. Case building will involve district and Safeguarding resources.

Prohibitions, Restrictions and Conditions

Principles

- Section 102 of the Criminal Justice and Immigration Act 2008 (CJIA) details what prohibitions, restrictions or conditions the VOO may contain to prevent the offender from:
 - Going to any specified premises or place, either at all or between specified times;
 - Attending any specified event; or
 - Having any, or any specified description of, contact with any specified individual.

- Any prohibition imposed must be proportionate and evidence based.
 - Home Office guidance encourages early consultation between police (in practice this is likely to be Legal Services) and CPS where the proposed terms of a VOO are particularly complex or novel. If the terms of the VOO are clear and unambiguous, it will be easier at a later date to establish a breach of the VOO and assist prosecutors in deciding whether to charge.
 - In order for an order to be easily understood by the defendant, prohibitions must be stated clearly and in plain English and must not contradict each other.
 - This will also assist police officers in determining whether the defendant has breached a prohibition.
 - Examples of suitable prohibitions can be found in the supporting information.
 - Any of the prohibitions, restrictions or conditions in a VOO can relate to conduct in Scotland and Northern Ireland, as well as to conduct in England and Wales (section 102(2)).
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Notification Requirements

Principles

- All offenders who are subject of a full or interim VOO are also subject to notification requirements (s107 CJIA).
 - The Criminal Justice and Immigration Act 2008 (Violent Offender Orders) (Notification Requirements) Regulations 2009 sets out the notification requirements for offenders.
 - A person subject to a full or interim VOO who has no sole or main residence in the UK must give notification under section 110 once a week.
 - The regulations also set out the notification requirements for offenders wishing to travel outside the UK for a period of three days or longer.
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Breaches

Principles

- Breaches of the terms of a VOO or failure to comply with the notification requirements of a VOO constitutes a criminal offence.
- The CPS will prosecute these offences and apply the Code for Crown Prosecutors.
- Section 113 of the CJIA provides for the following breaches:
 - A person commits an offence if, without reasonable excuse, they fail to comply with any prohibition, restriction or condition of a full or interim VOO (section 113(1) CJIA).

- A person commits an offence if they fail to comply with any of the notification requirements specified by section 113(2) of CJIA.
 - A person commits an offence if they provide information in purported compliance with notification requirements that they know to be false (section 113(3) CJIA).
 - The above offences are triable either way and are punishable:
 - On summary conviction six months' imprisonment or a fine not exceeding the statutory maximum; and
 - On indictment imprisonment not exceeding five years and/or fine. (section 113(6) CJIA).
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Applications

Principles

- A chief officer may apply for a VOO (or an interim VOO) on complaint to a magistrates' court in respect of a person who:
 - Resides in that area; or
 - The chief officer believes is in, or intending to come to, that area, because they believe the person:
 - Is a qualifying offender; and
 - Has since the appropriate date acted in such a way as to give reasonable cause to believe that it is necessary for a VOO to be made.
 - An application for a VOO:
 - Can be made while the offender is in prison, on licence or under a hospital or supervision orders, however, it cannot come into force while those conditions still apply;
 - Cannot be made ancillary to conviction so cannot be made at the same time as an offender is being sentenced;
 - Must satisfy the court that:
 - The subject of the VOO is a qualifying offender; and
 - Since the appropriate date that person has acted in such a way that it is necessary to make an order to protect the public, or any particular member of the public, from serious violent harm; and
 - Must be in writing, in the form approved by the Magistrates' Courts (Violent Offender Order) Rules 2009 (see example).
 - When deciding if it is necessary to make a VOO, the court must take into account whether the person would be subject to any other measures that would operate to protect the public from serious harm.
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Responsibilities

Officer in Case (OIC)

General	<ul style="list-style-type: none"> Any police officer can consider applying for a VOO for a suitable offender. However, if a person is identified and the police officer is not a Public Protection Officer (PPO), the matter must be referred to the local Safeguarding Unit as they will oversee the application process.
Initial application	<p>For the purposes of the application, the nominated PPO will be responsible for assisting the district OIC in preparing the application.</p> <p>The OIC must:</p> <ul style="list-style-type: none"> Start collating evidence and preparing a case in consultation with their detective inspector; Initiate a referral to the Multi Agency Public Protection Arrangements (MAPPA) meeting for consideration; Obtain MAPPA support for an Application for a Violent Offender Order; Complete a Precedent Report Form; Submit the Precedent Report Form to Legal Services via email along with supporting documents, including: <ul style="list-style-type: none"> Minutes of the relevant MAPPA meeting; Copies of any significant statements; and Any documents already obtained; Obtain witness statements and other documents as advised by the nominated solicitor; Personally serve the application, summons and file of evidence on the defendant; Prepare a CJA statement confirming these have been served; and Submit the statement to the nominated solicitor to be included with the file of evidence.
Court hearing	<ul style="list-style-type: none"> Before the court hearing, the OIC must read all the evidence thoroughly and be familiar with all aspects of the case. They must be able to give an update on the current circumstances of the defendant. If the application is successful, an interim order will be issued by the court.
Uncontested VOO	<ul style="list-style-type: none"> If an application for a VOO is uncontested, it is possible to obtain a full order at the first hearing. Therefore, whenever possible, the OIC must make all the required evidence available for the first court hearing.

Interim order issued	<p>Once the interim order has been issued by the court, the OIC must:</p> <ul style="list-style-type: none">• Personally serve it immediately on the defendant and, if possible, ask the defendant to sign a copy to confirm receipt;• Prepare a CJA statement confirming this has been served;• Hand delivery a copy of the interim order and the CJA statement to the Force ViSOR Registrar;• Liaise with the nominated solicitor regarding outstanding evidence; and• Obtain witness statements and other documents as advised by the nominated solicitor.
Full order issued	<p>If a further court hearing is successful, a full order will be issued by the court and the OIC must:</p> <ul style="list-style-type: none">• Personally serve it immediately on the defendant and, if possible, ask the defendant to sign a copy to confirm receipt;• Prepare a CJA statement confirming this has been served; and• Hand deliver a copy of the full order and the CJA statement to the Force ViSOR Registrar.

Legal Services

Responsibilities	<p>Legal Services will:</p> <ul style="list-style-type: none">• Respond to the OIC within five days of receipt of a Precedent Report Form, advising which solicitor is dealing with the case;• Consider the content of the report and, within four weeks, advise the OIC on whether an application for a VOO should be submitted;• Advise the OIC what evidence is required;• Obtain any necessary expert reports;• Prepare a file of evidence;• Liaise with the OIC to discuss and agree:<ul style="list-style-type: none">○ Prohibitions; and○ The length of the order (which can be between two and five years);• Draft prohibitions in consultation with the Force ViSOR Registrar and Safeguarding Unit detective inspector;• Complete Magistrates' Court Act application by complaint for a violent offender order and arrange for it to be signed by the Head of Protective Services Crime;• File the application for a VOO at court;• Arrange a suitable court hearing date and pay the court fee;• Once the interim order has been issued, immediately send an email to the Force ViSOR Registrar that:
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- Advises the position;
- Details the grounds for application; and
- Lists the prohibitions that have been granted;
- Liaise with the OIC regarding outstanding evidence;
- As previously, advise the OIC what evidence is required, obtain necessary expert reports, prepare a file of evidence and liaise with the OIC to discuss and agree prohibitions and the length of the order; and
- Once the full order has been issued:
 - As previously, immediately send an email to the Force ViSOR Registrar that advises the position, details the grounds for application and lists the prohibitions that have been granted; and
 - Provide a copy of the full file of evidence to the Force ViSOR Registrar.

Timescales

- A six-month time limit applies to VOO applications.
 - If the required evidence is not ready within this time, the application can still be filed, but the solicitor must request that the court allow further time to prepare the full file of evidence.
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Case Preparation

Previous convictions

Evidence obtained in relation to the defendant's previous convictions must include:

- A copy of the PNC record;
 - The prosecution file for each index offence, including:
 - The case summary;
 - Witness statements;
 - Interviews and transcripts;
 - Electronic and pocket notebook entries;
 - IBIS/Storm logs; and
 - A certificate of conviction; and
 - With regard to the qualifying offence:
 - If they pleaded guilty, then specify the charges to which they pleaded.
 - If they pleaded not guilty, then specify the details of the offence(s) proved.
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Previous behaviour of concern

Evidence obtained in relation to the defendant's previous behaviour must include:

- Copies of any pre-sentence reports;
- Probation reports;
- Reports provided by medical experts, in particular psychiatrists;

- Proof of any therapeutic work or other treatment received by the defendant while in prison;
- Proof of any expert psychiatric evidence used during the criminal proceedings by either party; and
- Confirmation of whether the defendant has ever been arrested for an offence but no further action was taken.

NB: It may be useful to see the defendant's custody index and any intelligence.

**Recent
behaviour of
concern**

Evidence obtained in relation to the defendant's recent behaviour must include:

- Witness statements from any individuals who can give evidence about the defendant's recent behaviour which is of concern;
- In exceptional circumstances, e.g. if the witness does not wish to be known for fear of reprisals, an anonymous statement, namely a CJA statement with the name and identifying features blacked out, can be used.
NB: The anonymous witness must have first-hand knowledge of the facts and the OIC must be able to say they know the anonymous witness;
- If the defendant has been interviewed about their recent behaviour, the transcript of the interview; and
- Documents regarding the defendant's recent behaviour, e.g. IBIS Storm logs, CCTV footage, crime reports etc.

**Overview
statement**

An overview statement from the OIC must be obtained. It must explain in detail the:

- Role which the OIC performs and their link to the defendant;
- Circumstances of the defendant's previous offending behaviour (index of offences);
- Defendant's recent behaviour and why it is of concern; and
- Risk that the defendant poses to society.

**Useful
questions**

In assessing the risk and formulating the reasoning, some useful questions to ask are:

- What level of engagement does the defendant have with any existing risk management procedures, e.g. what is their relationship with the Public Protection Officer and/or Probation Officer?
- Have the authors of any pre-sentence reports or previous psychiatric reports highlighted any concerns, especially if the same behaviour was to continue?

NB: These reports are often very useful as they may provide some insight into the defendant's behaviour, the reasons for it and the likelihood of reoffending.

- Do any parallels exist between the defendant's previous offences and their recent offending behaviour that may indicate an emerging pattern?
- Has the defendant ever indicated to anyone that they may reoffend?
- Is the defendant in contact with any other individuals of concern?
- Is the defendant in communication/contact with any vulnerable persons?
- Has the defendant had any counselling? If not, has it been offered but refused, thus demonstrating lack of insight?
- Has the defendant ever shown any remorse for their offending behaviour or lack empathy with their victims?
- According to the defendant's custodial history, have they ever been released on licence but been recalled to prison for breaching their conditions?

**Medical
evidence**

- While not always necessary, consideration must be given to the Force obtaining its own psychiatric evidence to strengthen the case.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Anti-social Behaviour, Crime and Policing Act 2014
 - Criminal Justice and Immigration Act 2008 – sections 98 to 117
 - Criminal Justice and Immigration Act 2008 (Violent Offender Orders) (Notification Requirements) Regulations 2009
 - Data Protection Act 2018
 - APP Intelligence management
 - APP Prosecution and case management
 - Home Office – Guide to Violent Offender Orders
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Supporting Information

The supporting information for this policy can be accessed online.
