



Families of Missing People as Victims of Crime

Background

Every year, approximately 250,000 people are reported missing to police forces and other agencies across the United Kingdom. Whilst most cases are resolved relatively quickly, other disappearances continue for prolonged periods, leaving family members to cope with the pain of not knowing where their loved one is, or what has happened to them.

Missing People's research report *Living in Limbo* reveals the range of impacts faced by families left behind when someone goes missing, including emotional, social, financial and legal issues. *Living in Limbo* informed the development of Missing People's **Missing Rights campaign**.

The same rights as victims of crime

The overarching aim of the Missing Rights campaign is to ease the heartache and confusion when someone disappears by asking the Government to give families of missing people the same basic rights as victims of crime. Phase one of the campaign has indicated a high level of public support for this.

In particular, Missing People is calling for police forces to be obliged to signpost every family of a missing person to the charity's free emotional and practical support services. Annual family feedback surveys undertaken by Missing People have identified strong support for increased awareness of the charity's activities, and for families to be signposted to Missing People soon after reporting someone missing. In the most recent survey, for example, 79 per cent of respondents felt that Missing People had added value to the services the police were able to offer, yet only 37 per cent found out about the charity from the police.

"The police should tell families to contact you. It's a lifeline."

"We understand the police offer counselling. Our friend's number plate was stolen and they were offered counselling by the police, but as [...] we've been offered no counselling, you feel there's no real back up or support."

"If you got robbed you'd get a counsellor or something, but if someone goes missing you don't really have that guidance."

The importance of Missing People in complementing the police response, and filling what would otherwise be a key gap in services, has also been acknowledged in various reviews and guidance documents (Compass Partnership, 2000; November, 2005; ACPO 2010).

Existing practice

The Code of Practice for Victims of Crime is set out under section 32 of the Domestic Violence, Crime and Victims Act (2004):

32(1): The Secretary of State must issue a code of practice as to the services to be provided to a victim of criminal conduct by persons appearing to him to have functions relating to (a) victims of criminal conduct or (b) any aspect of the criminal justice system.

However, the families of missing persons do not currently fall under the definition of a 'victim of criminal conduct'. This is because the provisions in the Code are restricted to a) specified descriptions of victims and b) specified persons or descriptions of persons appearing to the Secretary of State to have functions of the kind mentioned in subsection 32(1).



Although 'soft' policy exists around police practice in referring families of missing people to Missing People, its use is not consistent across the country. The charity's view is that this right must be enjoyed by *all* families of missing people and should therefore be statutory.

The policy ask

Missing People is asking the Home Secretary to expand the definition of a 'victim of criminal conduct' within the Code of Practice for Victims of Crime so that it encompasses the families of missing people.

This could be achieved by widening the family spokesperson category, which exists within the Code under 32(3), in cases where a person has died as a result of criminal conduct.

This is because:

1. The possibility that a missing person is a victim of crime is central to the ACPO/NPIA Guidance on the Management, Recording and Investigation of Missing Persons (4.3.1).¹

The Guidance states that the initial stages of any missing person enquiry should commence on the basis that the case may escalate into a serious crime enquiry. This is because 'missing' is now widely recognised as a key indicator in identifying victims of various crime types (5.4).

The Guidance confers a duty of positive action on the police and clearly states that if there is any doubt about a missing person case then the police should 'think murder' (2.1). Despite the low risk that the missing person may be a victim of homicide, the Guidance goes on to state that 'low risk does not equate to no risk', and reminds police officers that many homicide cases initially reported as missing persons fit the low risk classification (3.3.1).

2. The long-term negative impacts of bereavement (including ill health, unemployment, debt, relationship breakdown and housing problems) identified by the Victim's Commissioner, Louise Casey, in her 'Review into the Needs of Families Bereaved by Homicide' (July 2011) are very similar to those identified by 'Living in Limbo' – Missing People's own research into the impact of a 'missing' episode on families left behind. Furthermore, for both bereaved families and families who are 'left in limbo', these problems come at a time of despair and emotional trauma.

Such a change does not require new legislation. Section 32(4a) of the Domestic Violence, Crime and Victims Act (2004) provides scope for the change that Missing People is asking for. It states that the Code 'may make different provision for different purposes, including different provision for different descriptions of victims'.

In addition, section 33(8) of the legislation states that 'the Secretary of State may from time to time revise a code previously brought into operation under this section; and subsections (2)² to (7)³ apply to a revised code in the same way as they apply to the code as first prepared.

Progressing work in Westminster

In June 2011, the All-Party Parliamentary Group (APPG) for Runaway and Missing Children and Adults (to which Missing People is the Secretariat) ran the UK's first ever inquiry into support for families of missing people. The inquiry was led by APPG Chair Ann Coffey MP and the first of the four oral evidence hearings examined existing support provisions for families of missing people.

¹ There are three basic reasons for conducting searches into a missing person investigation: locate the missing person; identify any information that may lead to their discovery; and establish whether a crime has been committed against the missing person.

² 38(2): The Secretary of State must prepare a draft of the Code

³ 38(7): When he has laid the Code before Parliament, the Secretary of State must bring it into operation on such a day as he appoints an order.



“It is very clear to me that if your house is burgled you will get automatic support under the victim support scheme, but you are excluded from that scheme if your child goes missing or someone you love goes missing”

Martin Houghton-Brown, Chief Executive of Missing People (2011)

“We liken it to support given to victims...the Bureau definitely has a role to play in assisting forces get it onto the same kind of level of response to the type we see in victim support”

Sean Sutton, Head of the Missing Persons Bureau (2011)

The APPG went on to make a number of recommendations, including that: the Home Office and ACPO ensure, as a matter of urgency, that a statutory requirement is introduced so that family members who make a missing person report are signposted by the police to the appropriate services for free emotional, practical and legal support as standard.

Home Office Minister James Brokenshire welcomed the APPG Inquiry and endorsed the principles behind the Committee’s recommendations. He announced that the Government will develop a missing persons strategy over the summer to take forward work to protect vulnerable missing people and provide effective support to families.

Missing People is working hard to ensure that the strategy, due to be published in the autumn, will provide families with the victim status they deserve.

For more information, please contact Nicola Sharp (Director of Policy and Advocacy) at nicola.sharp@missingpeople.org.uk or on 020 8392 4525

Missing People would like to thank Tracesmart for supporting the work of the charity



August 2011

**missing
people**

Registered Charity No. 1020419