

# **Special Measures at Court for Vulnerable and Intimidated Witnesses**



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## Introduction

This leaflet gives you information about ‘special measures’, what they are and how they may help you to give your best evidence at court.

If you are a witness who is vulnerable and/or intimidated, there are ways to help you to give your best evidence and to help to relieve some of the stress and worry sometimes associated with giving evidence at court. These are called special measures. Special measures may be available for prosecution and defence witnesses and in some circumstances the defendant (the person standing trial).

Special measures are not automatically available. The court will have to be satisfied that granting special measures is likely to help you to give your best evidence.

## Who is a vulnerable witness?

The law says that you may be treated as a ‘vulnerable witness’ if you:

- are under 18 years of age at the time of the hearing of the application for special measures; or
- the quality of your evidence is likely to be reduced because you have:
  - a ‘mental disorder’;
  - a ‘significant impairment of intelligence and social functioning’;
  - a ‘physical disability’ or a ‘physical disorder’.

## Who is an intimidated witness?

The law says that you may be treated as an 'intimidated witness' if the quality of your evidence is likely to be reduced because of your fear or distress in relation to giving evidence at court.

When deciding whether a witness is intimidated, the court must take into account different factors including:

- The nature and alleged circumstances of the offence;
- Your age; and, if relevant, your:
  - social, cultural and ethnic background;
  - domestic and employment circumstances;
  - religious beliefs or political opinions;
- Any behaviour towards you by:
  - the accused;
  - members of the accused's family or associates;
  - people who are likely to be an accused or a witness in proceedings;
- Any views you have expressed.

## Special measures

More than one special measure may be granted. The special measures available are shown below.

**Video-recorded interviews** – If police have videoed your evidence, this will be played as your evidence in court. Everyone in the courtroom will see and hear your video but

you will not be there. You must then be available to answer questions from the defendant's lawyers. You can do this either in person in the courtroom or by live TV link from a room which is separate from the courtroom.

**Live TV link** – This means that you will give your evidence through a live TV link from a room which is separate from the courtroom. The television is linked directly to the courtroom so that everyone in the courtroom, including the defendant, will see and hear you as you give your evidence but you will not be actually in the room. You will be asked questions in the same way as you would if you were in the courtroom.

**Screens** – A screen or curtain is put around the witness box when you are giving your evidence. This means that when you are giving your evidence you will not be able to see the defendant and they will not be able to see you.

**Removing wigs and gowns** – Judges and lawyers involved in the case will remove their wigs and gowns to help create a less formal court setting.

**Giving evidence in private** – When you are giving your evidence, the judge will clear the courtroom of those who do not have to be there. Those who can stay in the courtroom are the defendant, all lawyers involved in the case, any interpreter or other person appointed to help you and one member of the press who has been chosen by the court. This measure can only be used in cases involving a sexual offence or in cases where you have been or are likely to be intimidated by someone other than the defendant in connection with giving evidence.

**Communication aids** (available to vulnerable witnesses)  
– these are devices used to help you to understand questions and give your answers, such as symbol books and alphabet aids.

**Registered Intermediaries** (available to vulnerable and/or intimidated witnesses) - these are communication specialists who can help victims, witnesses and defendants who find it difficult to understand questions and give answers. They can help you to communicate your answers during a police interview or when giving evidence at court. A pilot scheme of this measure will be introduced during 2013 for victims, witnesses and defendants giving evidence in cases at Belfast Crown Court with extension to other courts at a later date.

## Applying for special measures

Special measures are not automatically available. If the Police Service of Northern Ireland (PSNI) or the Public Prosecution Service (PPS) consider that you may be a vulnerable and/or intimidated witness, the police officer in charge of your case will discuss this with you. If you think that you are vulnerable or intimidated and you have not already been asked about this, please tell the police officer in charge of the case or, if the case is already at court, the prosecutor.

If you may be eligible for special measures, PSNI will usually ask you to make a written statement. This will set out the reasons why you are asking for special measures. The court may also need evidence to support

the application from a specialist such as a GP. The statement made by you and any specialist reports will be sent to a prosecutor in the PPS who will decide whether an application can be made to the court for a special measures direction on your behalf.

If an application is made, your statement and other evidence, including any report made by a specialist, will usually be given to the defendant or their lawyers.

## **The application**

The application for special measures will be made in court by the prosecutor. You do not have to go to court for this hearing. The judge must be satisfied that you are vulnerable and/or intimidated and that you need special measures before he or she will make a special measures direction granting special measures. To do this the judge will consider all of the evidence presented by the prosecutor and will listen to any objections which the defendant may make. The judge will then decide whether to grant you special measures.

The PPS will let you know the outcome of the application in writing.

## **Support available at court to all witnesses**

Support is available which may help to make your attendance at court less stressful.

**Support for witnesses** – Trained staff from the Witness Service (for adult witnesses) and Young Witness Service (for witnesses under 18) will be available at court to provide support and reduce your anxiety and stress.

**Court familiarisation visit** – Arrangements can be made for you to come to the court before the hearing. Trained staff from Victim Support NI (for adult witnesses) or NSPCC (for witnesses under 18) will provide a tour of the court building and explain the court process.

**Witness waiting room** – In most court buildings, arrangements can be made for you to sit in a waiting area known as the witness room. This means that you will not have to wait in the same area as the defendant.

**Using another entrance to the court** – If you are worried about meeting the defendant, it may be possible for you to enter and leave the court building through an entrance other than the main entrance.

## Change of circumstances

The police officer in charge of your case will have assessed your needs at the start of the investigation to identify whether you may be eligible for special measures. You may not be assessed as an eligible witness at that stage. However, if your circumstances change or you later believe that you need special measures or other support, you should contact the officer in charge of the case immediately to discuss this.

## Time limits

The law sets out time limits within which any application for special measures should be made to the court. It is important that you contact police immediately if you think you are a vulnerable and/or intimidated witness, so that the time limits are met.

## More information

We recognise that giving evidence as a witness can be a stressful experience. If you have any questions or concerns about going to court as a witness, please contact the police officer in charge of the case or your PPS regional office at one of the addresses below.

**PSNI – 0845 6008000** – this is a central exchange number. You should ask for the officer in charge of your case by name and police station.

## PPS Regional Offices

### **Belfast Region and Eastern Region**

Linum Chambers  
2 Bedford Street  
Belfast BT2 7ES  
Tel: 028 90 544797

### **Northern Region**

Ballymena Chambers  
4 Parkway  
Ballymena BT43 5ET  
Tel: 028 25 666563

### **Southern Region**

Newry Chambers  
1-43 Downshire Road  
Newry BT34 1EE  
Tel: 028 30 832568

### **Foyle Chambers**

35 Limavady Road  
Londonderry  
BT47 6LP  
Tel: 028 71 340600

### **Western Region**

Omagh Chambers  
Main Street  
Omagh BT78 1BL  
Tel: 028 82 248733/6

## Support organisations

### **Victim Support NI**

Annsgate House  
70/74 Ann Street  
Belfast BT1 4EH  
Tel: 028 90 24403  
Website: [www.victimsupportni.co.uk](http://www.victimsupportni.co.uk)

### **Witness Service**

Laganside Courts  
41-45 Oxford Street  
Belfast BT1 3LL  
Tel: 028 90 232523

### **NSPCC**

Jennymount Court  
North Derby Street  
Belfast BT15 3HN  
Tel: 028 90 351135  
Website: [www.nspcc.org](http://www.nspcc.org)

### **Young Witness Service**

Antrim Courthouse  
30 Castle Way  
Antrim BT41 4AQ  
Tel: 028 94 487533



