

# Special Measures

In the past, vulnerable witnesses have found it difficult and stressful to tell a court what has happened to them. In order to help them, in 1999 the Government passed the Youth Justice and Criminal Evidence Act. In Northern Ireland this is called the Criminal Evidence (Northern Ireland) Order. This is an Act of Parliament. It is the law. It provides special measures to help vulnerable and intimidated witnesses give their best evidence in court.

People who are considered to be vulnerable witnesses are those:

- under 18 years
- with a mental disorder or learning and developmental disabilities
- with a physical disorder
- with a physical disability (this includes deafness).

People who are frightened or distressed about giving their evidence are called intimidated witnesses.

In this book the police officer helps Polly to choose the special measures that could help her give her best evidence. He then tells the court what she needs. The court decides which special measures Polly uses. If the court will not allow the use of a special measure, it must explain why.

**Special measures** are:

- using an intermediary to help the witness understand questions and to help the court understand the witness's answers
- live television link between the courtroom and another room where the witness gives evidence
- people in the court taking off their wigs and gowns

- screens used around the witness box so that the witness does not see the defendant
- the video recording of the witness's statement to the police – this is shown to the court.

Aids to communication can also be used to support witnesses in police interviews and in court. Aids include pencil and paper, pictures, symbol systems and signing.

Sometimes, members of the public are asked to leave the courtroom when the witness gives evidence. This measure can only be used in cases of sexual offences or when someone has tried, or might try, to frighten the witness.

## **Intermediary**



The intermediary helps witnesses when they speak to the police and when they answer questions in court.

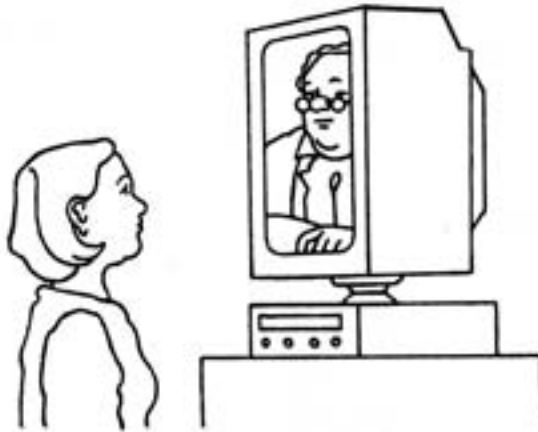
If the witness does not understand a question, the intermediary can ask for the question to be made simpler. If the witness's answers are hard to understand, the intermediary tells the court what the witness said.

If the witness needs a break, the intermediary asks the court.

Intermediaries are independent and do not ask their own questions or put forward their own views in court. They are not police, lawyers,

appropriate adults or supporters. Their duty is to the court.

## **Live television link**



A live television link means the witness can give evidence from outside the courtroom. The witness can sit in a private room away from the courtroom and give their evidence (tell their story) and answer questions through a live television link to the courtroom. The witness will be able to see and hear the person speaking in the courtroom and those in the courtroom can see and hear the witness on a television screen. The court usher sits with the witness in the television link room. The intermediary and/or a supporter may sit with the witness as well.

## **Video-recorded interview**

When the witness tells the police what they know, a video is recorded. The video will be shown in the courtroom at the time of the trial.

The video can be used as the first part of the witness's evidence in court. If some things are not clear in the video, the lawyers can ask the witness questions. A television link might be used for this.

## **Taking wigs off**

The judge and lawyers can be asked to take off their wigs and gowns. Some witnesses prefer to see these people without the wigs and gowns. Other witnesses want them to keep them on.



## **Screen used around the witness box**

Screens can be placed around the witness box. This way the witness does not see, and cannot be seen by, the person who is accused of doing the crime.

## **Evidence in private**

The court can be cleared of most people, but legal representatives and some other people must be allowed to stay.