



Home Office

BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

Measures to assist vulnerable or intimidated witnesses in the criminal justice system

Implementing the *Speaking up for Justice* Report



THE “SPEAKING UP FOR JUSTICE” REPORT

In June 1998 the Government published “Speaking up for Justice”, a report of an Interdepartmental Working Group on the treatment of Vulnerable or Intimidated Witnesses in the Criminal Justice System. It proposed a coherent and integrated scheme to provide appropriate support and assistance for vulnerable or intimidated witnesses.

Key recommendations

2. Key recommendations include:

- Improvements in the identification of vulnerable or intimidated witnesses;
- Greater communication within the criminal justice system about the needs of a witness; including consultation between the police and CPS on what special measures would assist a witness and a pre-trial meeting between the CPS and witness;
- Use of appropriate interview methods and pre-trial support including preparation of witnesses for court; and
- A range of special measures available for use at the trial including:
 - video-recorded statements to replace the evidence-in-chief;
 - video-recorded pre-trial cross-examination;
 - live TV links;
 - screens around the witnesses box so that the witness does not need to face the defendant in court;
 - removal of wigs and gowns;
 - assistance with communication if necessary, including the use of an intermediary; and
 - power for the judge to clear the public gallery in cases involving sexual offences or intimidation so the witness can give evidence in private.

- Discretionary reporting restrictions for witnesses who are intimidated;
- Discretionary ban on defendant cross-examination in person in cases other than sexual offences (where a mandatory ban has already been implemented).

Legislation

3. The measures requiring legislation were included in Part II of the Youth Justice and Criminal Evidence Act 1999.

Implementation

4. The ban to prevent defendants conducting the cross-examination in person in rape and serious sexual assault trials was implemented on 4 September 2000.
5. Further measures to restrict the admissibility of evidence relating to the victims previous sexual history were implemented on 4 December 2000.
6. Additional equipment is being installed in the courts, including the magistrates' courts, to enable vulnerable witnesses to give their evidence via TV links etc.
7. Last year a training needs analysis was conducted for those working with vulnerable or intimidated witnesses in the criminal justice system including an audit of training materials; and
8. A whole range of guidance and training materials for the criminal justice agencies have been published including:

Child Witnesses Pre-Trial therapy: Practice Guidance – aimed at childcare professionals and lawyers was published in February 2001;

Recognising Capability – a training programme for those in the criminal justice system working with vulnerable or intimidated witnesses was published on 24 January 2002;

Achieving Best Evidence in Criminal Proceedings: Guidance on vulnerable or intimidated witnesses including children was published on 24 January 2002;

Vulnerable Witnesses: A Police Service Guide was published on 24 January 2002;

Adult pre-trial therapy was published on 24 January 2002;

Early Special Measures Meeting between the Police and Crown Prosecution Service and Meetings between the Crown Prosecution Service and Vulnerable and Intimidated Witnesses: Practice Guidance was published on 24 January 2002.

9. Other material being prepared include:

An information leaflet for police officers,

Information leaflets for witnesses,

Guidance on the use of intermediaries.

10. Implementation of the special measures will be phased as we have an opportunity to see how they are working.

Crown Court

11. The implementation in the Crown Court will take place 6 months after the publication of related guidance and training material, to allow a lead-in for the agencies to conduct training and preparation. The guidance was published on 24 January 2002, and implementation in the courts will be in July 2002. All the special measures will be implemented for vulnerable witnesses, with the exception of intermediaries and pre-trial cross-examination which will be subject to pilot projects. The same measures, with the added exception of video-recorded statements, will be implemented at the same time for intimidated witnesses.

12. All other measures to be introduced in 2003/04 for all qualifying witnesses.

Magistrates' Courts

13. Implementation of special measures in July 2002 will be restricted to TV links and video recorded evidence for child witnesses in cases involving sexual offences, violence (including threats) and cruelty. This would provide protection for children in cases involving assaults, muggings and domestic violence. It would also bring the adult magistrates' courts into line with the current provision in the Youth Court.
14. Most of the measures to be extended to magistrates' courts by 2003–04 (after their evaluation in the Crown Court) to bring them in line with the Crown Court.

Pilot projects

15. Over the next year or so we will also be starting pilot projects on the use of intermediaries and video-recorded pre-trial cross-examination.

Training

16. Training to implement the special measures is for the agencies concerned, using the published guidance.

Further information/comments

17. We would welcome feedback on the guidance we have produced and the implementation of the special measures. Any comments you wish to make or requests for further information should be sent to:

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