



Coastline housing

Victim and Witness support In partnership with



Devon & Cornwall Police
Building safer communities together



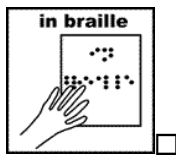
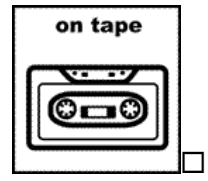

Action for a
**SAFER
CORNWALL**

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This document is available in the following languages on demand.

Do you need information in a different format?

<p>Cantonese <input checked="" type="checkbox"/></p> <p>本文件可以應要求，製作成中文(繁體字)版本。</p> <p>English <input type="checkbox"/></p> <p>This document is available in English on request.</p> <p>Cornish <input type="checkbox"/></p> <p>An skrifenn ma a yllboskevysynKernewekdrewovynn</p> <p>Filipino <input type="checkbox"/></p> <p>Angdokumentongito ay may interpretasyonsawikang Tagalong kung kailanganninyo.</p> <p>French <input type="checkbox"/></p> <p>Ce document estdisponible en françaisur simple demande.</p> <p>Lithuanian <input type="checkbox"/></p> <p>Šįdokumentapaprašęgalitegautilietuviųkalba.</p> <p>Polish <input type="checkbox"/></p> <p>:Dokument ten jest na życzenie udostępniany w języku polskim.</p> <p>Portuguese <input type="checkbox"/></p> <p>:Este documento encontra-se disponível em Português, a pedido.</p> <p>Russian <input type="checkbox"/></p> <p>По отдельному запросу настоящий документ предоставляется также на русском языке.</p> <p>Spanish <input type="checkbox"/></p> <p>Este document puede solicitarse en español.</p> <p>Turkish <input type="checkbox"/></p> <p>IstersenizbubelgeninTurkçe'sini size gonderebiliriz.</p> <p>Vietnamese <input type="checkbox"/></p> <p>Tài liệu này có sẵn bằng tiếng Việt khi được yêu cầu.</p>	<p>Large print <input type="checkbox"/></p> <p>in braille <input type="checkbox"/></p>  <p>on tape <input type="checkbox"/></p>  
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Other - If someone you know needs information in another language, please state which language they require here:

Name ☺	
Address 	

Witness and victim support

Anti-social behavior can be a stressful experience for all involved, and witnesses and victims play an important role in helping us to deal with reported issues.

For many witnesses, the idea of going to court can be a scary and confusing experience. This document may help you to understand the terminology and processes involved, and the support that we can offer you through this period.

The decision to proceed to Court or not will depend on whether there is enough evidence to provide a realistic prospect of a conviction or eviction and whether it is in the public interest to proceed.

Our Tenancy Management Team is fully trained to:

- Provide emotional support;
- Assist in completing diary sheets;
- Take witness statements;
- Provide information on the court process;
- Provide support throughout the case;
- Provide full aftercare support.

We will:

- Provide one-to-one support for you and your household;
- Arrange a visit to the court and, where possible, a look around a courtroom before the hearing if requested to do so;
- Refer you to other support agencies who can answer specific questions;
- Accompany you to court if requested to do so;
- Listen and discuss your concerns in confidence;
- Arrange transport for court hearing;
- Provide information on court procedures and discuss concerns in confidence;
- Give support after the trial.

Going to court

In most cases, defendants plead guilty and so you will not have to go to court to give evidence. However, in some cases defendants plead not guilty, or they plead guilty but deny an important part of an offence that could make a difference to the type of sentence they could receive.

In these situations, the case will have to go to trial and the court will usually have to hear evidence from witnesses in order to decide if the defendant committed the offence.

Who are the people in court?

Barrister or counsel: puts forward the case against the defendant and will ask the witness questions about their evidence.

Court clerks: Ensure proceedings are conducted within the proper legal framework. They also have a duty to assist anyone who appears before the court who is not being represented by a solicitor.

Crown Prosecution Service (CPS): A CPS representative explains its case against the defendant.

Defendant: The person who has been accused of an offence and brought to trial. There may be more than one defendant at a single trial.

Defence solicitor: Represents the defendant and will question witnesses about their evidence.

Magistrates: Listen to the evidence and decide on appropriate sentencing. They sit in a bench of three. Cases in Magistrates Court can also be heard by a District or Circuit Judge.

Members of the press: Journalists are entitled to attend court to report on proceedings. Photographs cannot be taken in court.

Members of the public: People can observe proceedings from the public gallery but must not speak and cannot attend youth court.

Probation officer: Prepares a pre-sentence report on the defendant to help magistrates decide on an appropriate sentence.

Usher: Prepares the courtroom ready for the day's business and ensures the smooth running of the proceedings.

Victim: Person who suffered as a result of the alleged offence. The victim will usually be asked to give evidence in the trial and will be questioned by solicitors representing both sides.

Witness: Person giving evidence for either the prosecution or the defence. The Witness Service, which is run by Victim Support and Community Safety Team, is on hand to provide practical and emotional support to victims, witnesses (both prosecution and defence), their families and friends. This support is available before, during and after the court case.

What happens if I am threatened or fearful?

It is a criminal offence to intimidate a witness, a member of the jury or anyone helping the police in an investigation. If you are harassed or threatened in any way before, during or after the trial, you should tell the police, the person that asked you to go to Court or the Crown Prosecution Service representative.

If you are a defence witness, you should tell the defendant's solicitors or their representative at court. If you are not sure who to tell at court, tell the Usher.

If you are worried about meeting the defendant, a witness, anyone else involved in the trial, or a friend or relative of any of these people, tell the police, someone who works in the court, or the lawyer who has called you as a witness. You should then be able to wait in a separate room before and during the trial.

Special Measures (see page 5) are available to help 'vulnerable or intimidated witnesses', such as children or people who feel frightened or confused by the court, to give their evidence in the least upsetting way possible.

Being a witness can be a worrying experience. Everyone involved in tackling crime understands this and will support you. Remember, you play a vital role in ensuring that justice is done.

If someone tries to frighten you or you feel intimidated in court, tell the person who asked you to come to court, or the Usher or the police.

Witness Service representatives or volunteers will also be available and they may be able to show you to a separate waiting room.

What is the Witness Service and what does it offer?

The Witness Service is an independent and impartial service run for the benefit of witnesses attending Crown Court and Magistrates Court.

It helps and supports all witnesses, both defence and prosecution, to enable them to give their best evidence in court.

It provides assistance in the following ways:

- Someone to talk to confidentially, about how you're feeling before a trial;
- Accompany you to visit the court before the trial;
- Information about what to expect in court, including a chance to see the court beforehand and learn about court procedures;

- A quiet place to wait before you are called to give evidence;
- Someone to go with you into the courtroom if you want, to help you feel more at-ease;
- Practical help (for example with claiming your expenses);
- Easier access to people, such as court staff, who can answer specific questions about the case;
- A chance to talk over the case when it has ended and to get more help or information;
- Arrange an interpreter or facilities for people with disabilities or other special needs;

What are Special Measures?

The Youth Justice and Criminal Evidence Act 1999 (YJCEA) introduced a range of measures that can be used to facilitate the gathering and giving of evidence by vulnerable and intimidated witnesses. The measures are collectively known as “Special Measures” and are subject to the discretion of the court.

The special measures are:

- **Screen surrounding the witness box:**
A screen is placed around the witness box to prevent the witness from seeing the defendant.
- **Evidence via live link:**
The witness can sit in a room outside the courtroom and give their evidence via a live television link to the courtroom. The witness will be able to see everything that goes on in the courtroom and those in the courtroom can see the witness via the link.
- **Video recorded evidence:**
An interview with the witness is video recorded before the trial and played to the court as evidence.
- **Removal of wigs and gowns:**
The judge and lawyers in the crown court do not wear gowns and wigs.
- **Evidence given in private:**
This is when the public gallery is cleared.
- **Use of communication aids:**
For example, an alphabet board.

Who can use these special measures?

Special measures are available to help vulnerable and intimidated witnesses. The court may offer you extra support as a vulnerable witness if you are under 17, or if it is difficult for you to give evidence because you have a mental health disorder, a learning difficulty, or a physical disability. The court may offer you help as an intimidated witness if the quality of your evidence is likely to suffer because you are scared or distressed.

Video recorded cross-examination Special Measures are gradually being introduced in criminal courts in England and Wales. Most of the measures are available in the crown court for both vulnerable and intimidated witnesses (where applicable). The exception being, video recorded evidence, which is only available for vulnerable witnesses.

Evidence via live TV link and video recorded evidence, for child witnesses in cases involving sexual offences or violence, including threats, are available in Magistrates' Courts.

What are there different types of courts?

Magistrates' courts

Most cases that go to court are dealt with in the Magistrates' courts. In the Magistrates' court, the case will be heard by either three 'lay' Magistrates (people who have volunteered their time) or one district judge.

A clerk sits in front of the Magistrates. The clerk gives the Magistrates legal and procedural advice and deals with the general administrative work. Wigs are not worn in Magistrates' courts and gowns are only worn by the Usher.

The Magistrates, or the District Judge, will listen to all of the evidence and decide whether or not the defendant is guilty. If the defendant is found guilty, or pleads guilty in court, the Magistrates or District Judge will usually decide on an appropriate sentence.

Crown courts

More serious cases are tried in the Crown Court. A trial in the Crown Court takes place in front of a judge and a jury. The jury of 12 members of the public will listen to all of the evidence and decide if the defendant is guilty or not.

Youth courts

Young people aged between 10 and 17 are dealt with mainly in the Youth Courts by specially trained Magistrates.

The judge is there to make decisions on legal issues and decide on the sentence. An Usher helps out at the court and will bring you into the courtroom when you have to give evidence. The judge and the barristers may wear gowns and white wigs in crown court.

A child or young person is tried in the Youth Court unless:

- they are charged with murder or manslaughter;
- are over the age of 14 or;
- charged with a grave crime (e.g. indecent assault) and the Magistrates decide that, if convicted, the appropriate sentence will be more than they have the power to give. In these circumstances, the young person will be sent to Crown Court. A young person will be sent to Crown Court if jointly charged with another person who is aged over 18.

How is the Youth Court different?

The Youth Courts tend to have a more informal setting than the other courts, which is aimed at engaging young people and making sure that they understand the process.

In the Youth Court, no person is allowed to be present unless authorised by the Court, except court officials, people involved in the case (normally including parents and guardians), their legal advisors and witnesses.

Authorised journalists are also allowed to be present so that they can report on the proceedings, but the defendant is not normally identified in their reports.

Witnesses are normally only allowed to be present when they give their evidence. If you want to stay longer you will need to get special permission from the court.

What happens after charge and before the case gets to trial?

Before the trial is fixed the prosecutor will ask the witness care officer, who works for the police, to contact you and find out when you would be unable to come to court to give evidence.

They will also serve all the evidence including copies of the statements to the defence lawyer. Where possible the prosecutors will try to 'agree' your evidence with

the defence lawyer. This means that defence do not want to question your evidence and agree that your statement can be read out in court instead of you attending.

If the defendant pleads not guilty, the defence will serve a statement outlining their defence to the prosecution. The defence will also start to build the defence case by evaluating all the prosecution evidence against the defendant and investigating to see if there are any witnesses that could help their case in court.

There may be a number of hearings to deal with legal issues before the trial begins. As a general rule the more complicated cases will take longer to get to trial and have more hearings before the trial because the prosecution and defence have more preparation to do. You do not have to attend these hearings.

Fixing a date for trial

At a special hearing, known as a Pre-Trial Review in the Magistrates' Court, and a Plea And Directions Hearing in the Crown Court, the prosecutor and the defence lawyer will tell the court how long they think the trial will take and how many witnesses will have to come to court to give evidence.

If the case is long and complicated, it may not be possible to list it for trial at that hearing because more work has to be done. If this is the case it will be listed for trial at another court hearing after everyone has done the work and is ready. The court will then fix a date for the trial. The court will do its best to find a date that is convenient for all the witnesses (for instance, courts will try to avoid fixing trials when you are on holiday). This may not be always possible especially if it will result in a long delay until the trial date.

The Warned List

It is not always possible to fix a specific date for the trial. This is partly because Crown courts are very busy and some serious cases can go on for a longer time than expected. Therefore, cases will be put in a list of cases to be tried during a certain period in time (usually two weeks). This means that the case can begin at any time during that period. If this happens, you will be told about it and you should keep the time available.

If a case is in the Warned List for a period of time, you should make sure that you are available to attend court during that period but you do not need to go to court every day during that period.

If there is a slot at some time during that period when the case can be heard, you will receive a call from the witness care or defence lawyer (if you are a defence witness) telling you that you should attend court. Quite often you will only receive call the night before you are needed to attend court.

When and how will I be informed about going to court?

After the trial date has been fixed or put in the Warned List, the prosecutor will tell the Witness Care Team of the trial date or, if it is in the Warned List, the period of time in which the case will start. The Witness Care Officer will then let you know, both verbally and in writing, which court you need to attend and the date of the trial or period of time in which the case will start. If you are a defence witness, the defence lawyer will let you know.

You should also receive a copy of the Home Office leaflet 'Witness in Court', and Victim Support's leaflet 'Going to Court', plus information about how to get to the court and the facilities available there. Each Crown Court will also have a Witness Service which you can ask about facilities.

You should receive enough notice of the date of the trial but it is possible that you will be informed at short notice. Although this may be inconvenient, it is very difficult to change court dates. Going to court to give evidence should take priority so you may have to rearrange things to make sure that you can attend.

Can I decide not to go to court?

No. If you are required to go to court you must do so. If you do not turn up, the court can issue you with a witness summons. This means that you will receive an official document requiring you to attend court at a certain date and time. If you ignore the summons, a warrant can be issued for your arrest.

If you are worried about giving evidence, tell the Witness Care Officer (or the defence solicitor if you are a defence witness) so that they can offer you support and help.

What should I take with me to court?

You should take the letter asking you to go to court (if you received one) and any other information you have been given about the court hearing. You will need the address of the court and public transport details. Some courts do not have parking spaces. So, if you are taking a car, allow time to find a place to park and remember you may be staying several hours. You may also need money to cover car parking.

You might also like to take something to keep you occupied in case you have to wait until it's your turn to give evidence, for example something to read. You may need to bring money to buy refreshments. Not all courts sell refreshments so you may need to bring your own.

Travel costs

You are entitled to travel expenses. If you cannot afford to get to court and need the money in advance, you should let your Witness Care Officer know and they will try to help you.

Can I take someone with me to court?

If you like, you can take a friend or relative to keep you company. They will not be able to get expenses (such as travel costs) unless the court agrees that they have to be there. For example, you may need someone to look after your child while you give evidence, or to assist you if you are disabled or if you are aged under 17. You should check this with the person who asked you to come to court. The Witness Service is also available to your family and friends.

Where possible, seating in the courtroom can be arranged for anyone going with you. If you are going to a Magistrates' Court, you can ask the police or the person who asked you to come to court to put you in touch with the court or the Witness Service who will try to arrange the seating for you or you can contact the court directly yourself. Crown Courts have Customer Service Officers who may be able to help. If you are going to the Youth Court, you can take a friend but they will not be able to go into the courtroom with you.

Childcare arrangements

Childcare can be arranged by your Witness Care Officer. If you have to arrange childcare because you have to attend court to be a witness, you can claim a financial loss allowance to meet the cost of this. If you cannot arrange any childcare and you need to bring your children or dependants with you, you should contact the court to find out what facilities they have to help you. Although you can bring your children into the court, you will not be able to take your children into the courtroom to sit with you whilst you give evidence.

Facilities for people with disabilities

If you have a disability that may make it difficult for you to travel to court, move freely around the court building or make use of the court facilities, you should check with your Witness Care Officer or defence solicitor, what facilities the court has for disabled people.

If the facilities are inadequate, you should tell the person who called you to court and see what alternative arrangements can be made. Courts are subject to the provisions of the Disability Discrimination Act 1995 and must provide a reasonable alternative method of making services available to disabled people where a physical

feature makes it impossible or unreasonably difficult for disabled people to make use of them.

What if I need time off work?

As it is not your choice whether to go to court and you are fulfilling a public duty, your employer should normally give you time off work to go to court. You should let your employer know in advance that you are going to be called as a witness. If you are a prosecution witness, you can show your employer the letter you received from the police informing you that you are required to attend court as proof that you have to attend.

If you are a defence witness you can show your employer the letter you received from the defence solicitor informing you that you are required to attend court as proof you have to attend.

If you cannot persuade your employer to give you time off, you should let your Witness Care Officer (if you are a prosecution witness) or the defence solicitor (if you are a defence witness) know as soon as possible. The CPS, the police or the defence solicitor will try to contact your employer and sort things out. As a last resort, the court may issue a Witness Summons which means you are legally required to attend court. You can then show this summons to your employer as proof of your duty to go.

Although an employer is generally entitled to deduct pay from an employee who takes time off work, if you lose pay you can claim a witness allowance for loss of earnings.

What if I am ill or going on holiday?

If you are ill on the day of the hearing or trial you should contact your Witness Care Officer who has asked you to appear, explaining that your illness is serious enough to prevent you attending. You should also obtain a medical certificate. If the illness is likely to be prolonged, you should tell the solicitor and ask them to make alternative arrangements for your evidence to be made available to the court.

You should be asked if you have any holiday plans when you give your statement. If you arrange a holiday after you have given a statement, you should let the Witness Care Officer (or the defence solicitor if you are a witness for the defence) know straight away so this can be taken into account when a trial date is set. If you do not let the appropriate person know, a trial day could be set which clashes with your holiday plans. In these circumstances you will be expected to go to court. You could try to re-arrange your holiday and a travel insurance policy may cover any loss for late cancellation of a booking.

What if there is a problem I cannot sort out?

If there is a problem that you really cannot sort out and you are unable to attend, you need to contact the person who asked you to appear as soon as possible in advance of the court case. You should allow them enough time to make the necessary alternative arrangements.

In this situation, if your evidence is not crucial to the case, you may be excused from attending. If your evidence is essential to the case, the lawyer may ask the court for an adjournment. This means that the case will be heard at a later date. This is difficult to do, especially if the accused person is in custody. You should remember that your attendance in court could make all the difference to the outcome of the case.

The trial

Under the legal system we have in England and Wales, the prosecution must prove beyond all reasonable doubt that the defendant committed the alleged offence. The trial begins with the prosecution explaining the facts of their case to the court. The prosecution will then call each of their witnesses in order.

Once the prosecution has presented their case, the defence lawyer (or the defendant if they are representing themselves) assesses the prosecution's case, argues against it and, where necessary, provides their own evidence and calls their witnesses.

What do I do when I arrive at court?

You will find clear signs to help you find your way around. All cases are listed under the defendant's name. Give the receptionist or Usher the name of the defendant and show the letter asking you to come to court if you received one.

You will be able to wait in the Witness Service Room. If you are a prosecution witness, a representative from the Crown Prosecution Service (CPS) will introduce themselves. If you are a defence witness, the defence lawyer or representative should be at court to meet you.

Viewing your statement

If you have made a statement and you want to see it before you give evidence, you will be allowed to. The lawyer will give you a copy to read while you are waiting to give evidence.

Waiting to give evidence

The courts try to make sure you do not have to wait more than two hour before you are called to give evidence but some cases are delayed or even put off until another date. This may be because an earlier case has gone on longer than expected or someone else in your case has not arrived.

Sometimes a defendant pleads guilty on the day of the trial so you cannot be told until the last minute that your evidence is not needed. If you have any questions about what is happening you can ask a member of the Witness Service who will provide as much information as possible.

If you need to wait, the courts have a separate waiting room away from the courtroom that you can use. These rooms are often more comfortable and may have refreshment facilities.

Witness Service representatives or volunteers will be able to explain whether there is a private room for you to wait in.

Am I allowed to watch the trial before I give evidence?

No. You will not be allowed into the actual courtroom before you have given your evidence unless you are an expert witness who has been called to give your professional opinion.

What happens if I start to feel anxious about giving evidence?

It is common for people to feel worried about giving evidence in court. Trained volunteers from the Witness Service are aware of this and will be at the court to help you. Other people who work at the court will also know that you may be nervous or afraid and will do what they can to make sure you are treated with respect and sensitivity.

Can I talk to other witnesses?

You must not talk to anyone about the evidence you will be giving before you go into the witness box. If you have discussed the evidence with other people, you might find when you get into the courtroom that your evidence is doubted.

After your court appearance please do not talk about your evidence with anyone else until the end of the trial. You can, of course, speak to police officers and both the prosecution and defence lawyers dealing with the case.

How long will the trial go on for?

There are many things that influence the length of a trial so it is not possible to say. Some larger cases, where the offence is serious and there are many witnesses, go on for several weeks. Even if the case goes on for a long time you will not be expected to attend court for that whole time, you will normally only have to attend court on the day you have to give evidence.

What about breaks for meals etc?

The court will break for lunch and may have other breaks during the day. During a break you should not speak to anyone about your evidence and you may be asked to have lunch separately from other witnesses in your case.

What if I need to leave the court?

You should not leave the court until you are told that you can do so. If you have an important reason to leave early, tell the person who asked you to come to court or their representative at court before the case starts. If you cannot find them tell the Usher, it may be possible for you to give evidence out of turn. However, this cannot always be arranged. If you leave the court building for any reason please remember to tell the Usher.

Giving evidence

When you are called, you will be brought into the courtroom and shown to the witness box. If you are a witness for the prosecution, the prosecution lawyer will ask you questions first, then the defence lawyer will ask you questions.

If you are a witness for the defence, the defence lawyer will ask you questions first, then the prosecution lawyer will ask you questions. This is known as cross-examination.

Once you have given your evidence, the court will let you leave the witness box. You will usually be free to leave the court but you should not leave until you are told to do so. You may prefer to stay and watch the rest of the trial. If you want to do this, check with the clerk or Witness Service first and they will let you know if that is alright.

After both sides have presented all their evidence, the prosecution lawyer and the defence lawyer will give closing arguments to sum up their cases. Depending on where the case is heard, the jury, the magistrates or the district judge will then decide whether or not the defendant is guilty.

Where will the defendant be?

In the Magistrates' Court, the defendant will either be sitting in the dock or on a bench near to their solicitor. In the Crown Court they will be sitting in the dock.

Will I have to say my name and address in court?

Normally you will be asked to say your name in court but you will not have to say your address. If there is a very good reason and the court agrees, you may be allowed to write down your name instead of saying it aloud. If you are really worried about saying your name aloud, you should speak to the Witness Care Officer or the clerk before you give your evidence.

What happens after I have given evidence?

Once you have given evidence the court will release you from the witness box. You may be allowed to leave the court building but you should not leave until you are told you can.

If the defendant is not a youth, you may be allowed to stay and watch the rest of the proceedings. You will not normally have to give evidence again but you may be asked to stay if something new comes up whilst you are giving evidence.

Outcome of the trial

There are several possible outcomes to the trial.

Not guilty - the police will continue to investigate the crime and try to find who did it if they think there is more evidence to be found.

Guilty - the offender is sentenced.

Retrial - it is possible that a retrial may be called. There are a number of reasons this could happen and the judge will outline these at the time.

To find out about the outcome of the trial, you should contact the person who asked you to attend court and they will tell you the result.

Sentencing

If the defendant is found guilty or admits that they are guilty, the Magistrates, District Judge or Judge decide on the sentence.

If a defendant is found guilty of an offence, they might be given any number of sentences. They might be sent to prison, fined or given one of the many community sentences that are available. A wide range of factors will influence what sentence is given.

Useful contacts:

Cornwall Council Community Safety Team (anti-social behaviour)
0300 1234 100

www.cornwall.gov.uk/housing/council-housing/anti-social-behaviour/

Safer Cornwall Partnership
Phone - 0300 1234 232 (Ask for a Community Safety Officer)
Email - mail@safercornwall.co.uk

<http://safercornwall.co.uk/what-we-do/anti-social-behaviour/anti-social-behaviour-and-incident-reporting/>

Victim Support
0845 30 30 900

Carnon Building Wilson Way **Pool Redruth Cornwall**; Postcode: TR15 3RS
Telephone: 0845 0567 999; Email: enquiries.**cornwall@victimsupport.org.uk**

www.cornwall.gov.uk/community-and-living/community-advice/witness-support/

<http://www.victimsupport.org.uk/>

Domestic Violence
0300 1234 100

www.cornwall.gov.uk/health-and-social-care/domestic-violence-help-and-advice/

www.cornwall.gov.uk/community-and-living/domestic-violence/

Truro County Court
01872 267460

<https://county-courts.co.uk/truro-county-court/>

Devon and Cornwall Police
Non emergency 101
Emergency 999

www.devon-cornwall.police.uk/

Witness Care Unit (WCU)

Camborne 01209 611341

WCU Truro

01872 227181, 01872 227182, 01872 227183, 01872 227184, 01872 227185