



Special Measures for Vulnerable Witnesses: A real choice?

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Background

- Special measures are in place to help vulnerable witnesses give evidence in difficult court cases.
- Victims of sexual offences may use special measures for giving evidence.

Aim of research

This research aimed to evaluate the special measures that are in place and to identify which special measure(s) are being used and why.

Methods

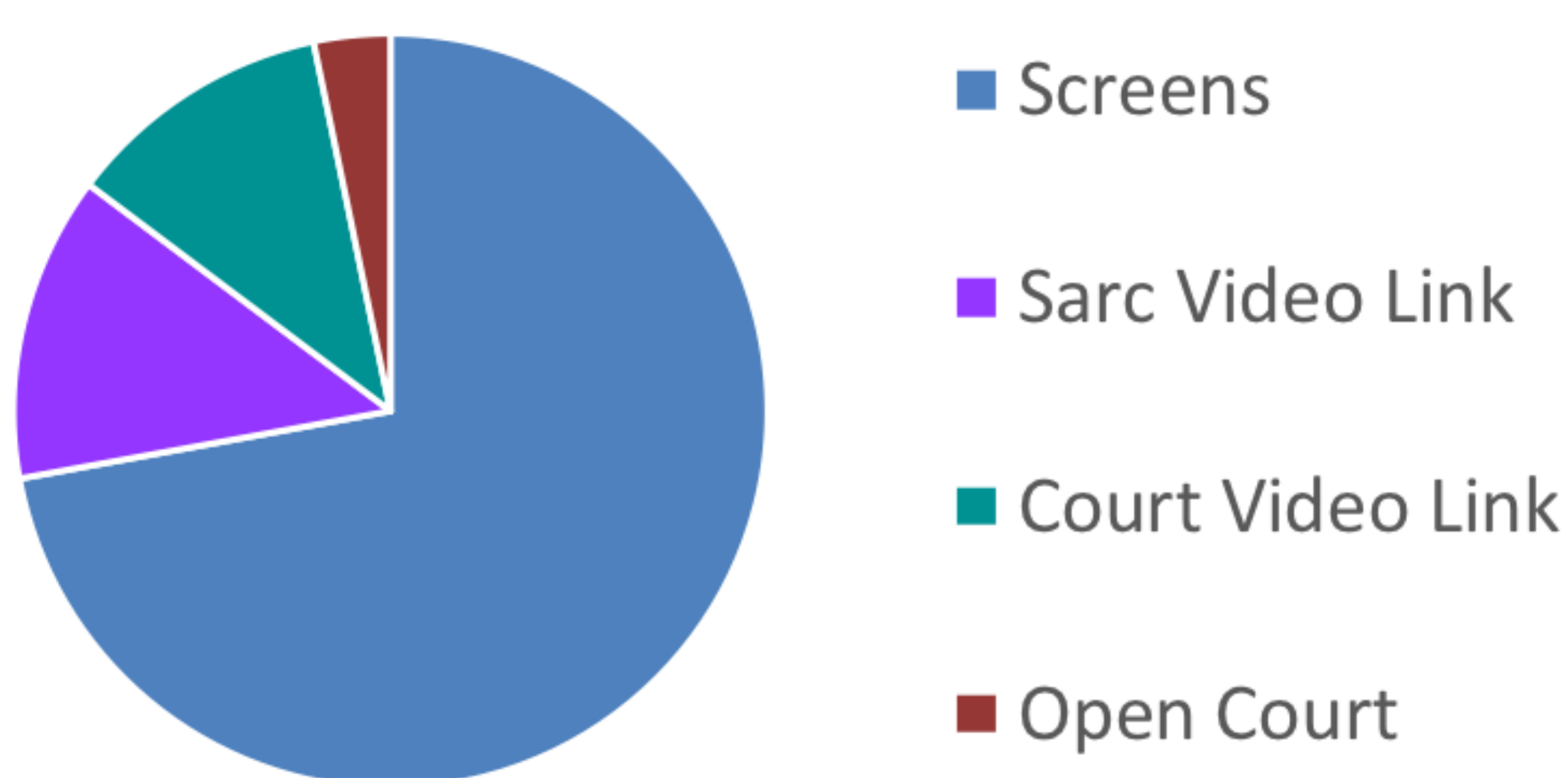
Adult witnesses in sexual assault cases were surveyed regarding their choice of special measure by their Independent Sexual Violence Advisor (ISVA) prior to giving evidence.

The survey included the following questions:

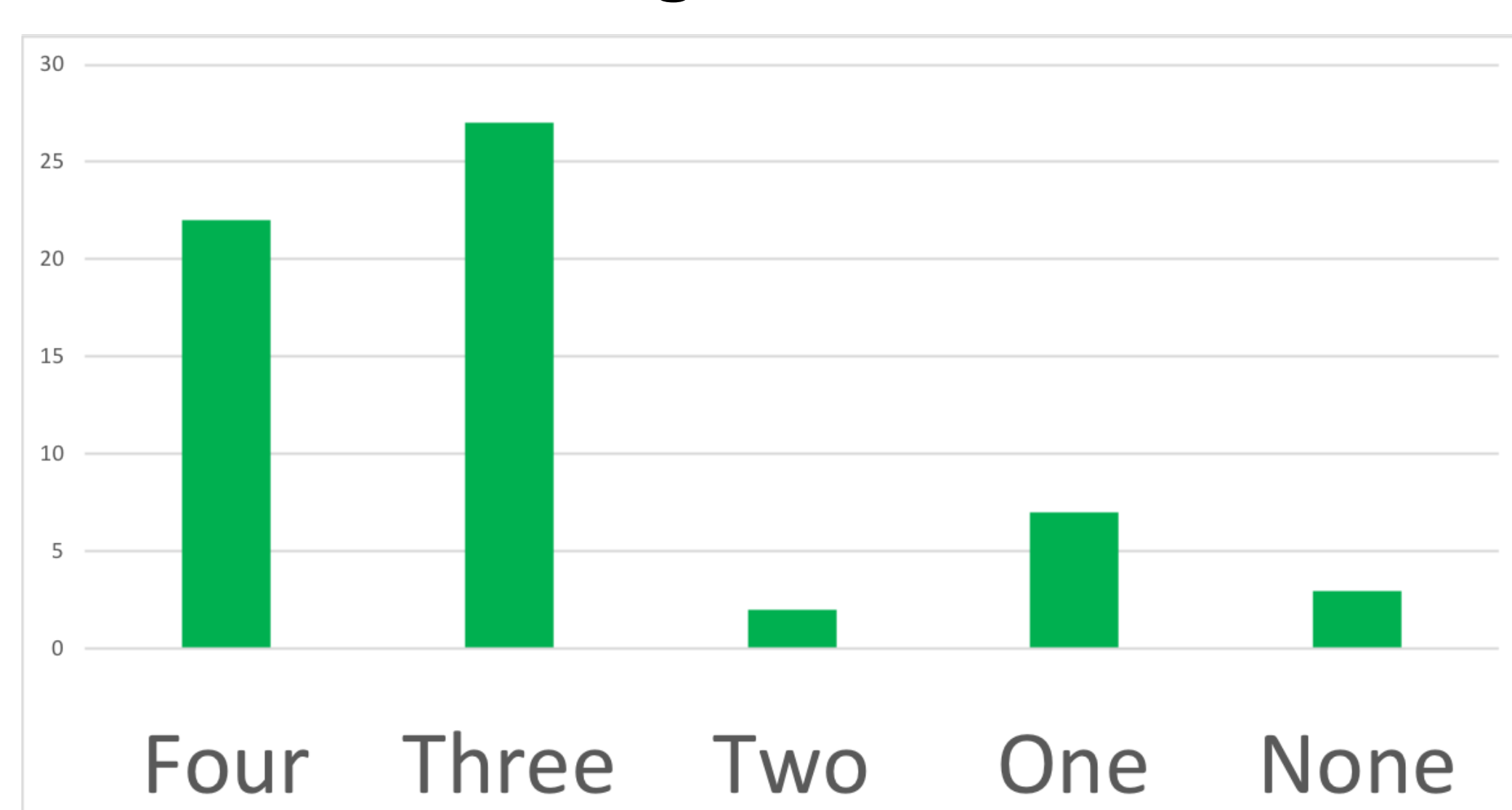
What option have you chosen for giving evidence in court? (tick box from list)
What were your reasons for choosing to give evidence in this way?
What options did you view before making a decision? (tick boxes from list)
Is there anything else you would like to comment on about your experience of choosing an option for giving evidence in court?

Findings

Methods chosen for giving evidence

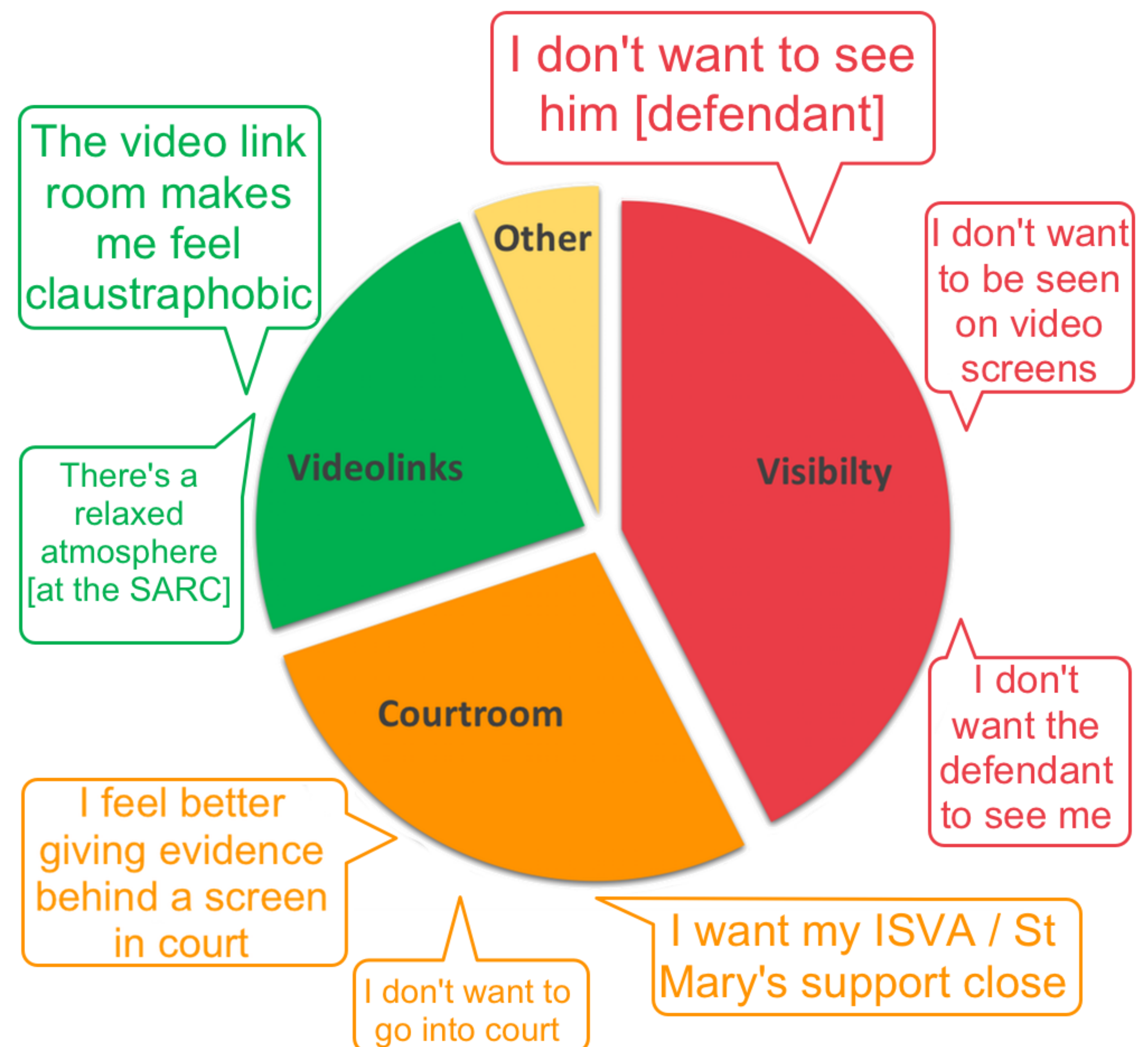


Number of options viewed when choosing how to give evidence



Witnesses who had the opportunity to see most or all of the options for giving evidence found the process useful.

Witnesses reasons when choosing how to give evidence



Individuals with specific needs, such as a witness needing a British Sign Language interpreter, had fewer or no choice in what method they used due to technicalities.

Implications

Not wanting to see or be seen are the most common influencer in witnesses decision making.

At present the only special measure that ensures that a witness will not see / be seen by either the defendant or the public gallery is screens in the court room.

This means that for the many witnesses for whom visibility is a priority **there is no real choice.**

There are known examples of judges allowing video link evidence to be presented such that it is heard but not seen by the gallery and defendant.

This research emphasises the importance of extending this consideration to all cases as it would increase the value of video links as a special measure.

While the majority of witnesses do not want to see or be seen, for some it is extremely important that they ARE seen. It is therefore essential that witnesses are offered **all** available special measures.

The authors would like to thank the ISVAs at Saint Mary's SARC for thier support in collecting this data.