

## **Special measures**

Extra support in court for victims of sexual violence

# Special measures for survivors of sexual violence

This guidance is to highlight the special measures available for victims of sexual violence. Having this overview will empower you to both provide and access support.

## What are special measures and why do I need them?

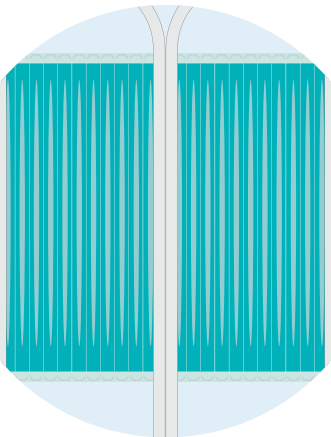
Special measures are available to all vulnerable witnesses as defined by law. They are available to enable you to give your very best evidence in court (Achieving Best Evidence (ABE)). The special measures can be combined, and your views will always be considered.

## What special measures are available to me?



### Video recorded interview (VRI)

A VRI is your statement taken in the form of a video recorded interview. This is usually the best way to take your evidence and will be played in court before the trial, so you don't have to go through everything all over again, but you will still be cross-examined on the evidence. The VRI will be automatically admissible upon application, unless this is not in the best interests of justice or would not maximise the quality of your evidence.



### Screens

Screens are usually placed around the witness box to prevent you from having to see the defendant. You will still be seen by the judge, jury, lawyers, and barristers and, in some courts, the public gallery. In very exceptional circumstances, an application can be submitted to clear the public gallery, but this will be at the judge's discretion.

### Live link

If you have decided to give evidence via a live video link, this will be carried out on the day of the trial outside the main courtroom, either from within the court building or from a remote location. You will be able to see the person asking questions from the court room. Everyone in the court room will be able to see the screen unless the court has allowed for the defendant to be screened off. If other witnesses in your case qualify as vulnerable or intimidated witnesses, they may be able to give evidence via live link too. You will be seated in front of what looks like a TV screen with a microphone in front of you. You will see a video recording device on top of the screen, so you can be seen live in the court room. If you have an Independent Sexual Violence Advisor (ISVA), they can apply to sit in the room with you alongside an usher but won't be allowed to speak. When you have finished giving evidence, you will sit in the waiting area or be told you can go home.



## Intermediaries

In cases where an adult witness has been identified as vulnerable and may have difficulty understanding questions, an intermediary can be requested via special measures and a conversation with the Crown Prosecution Service (CPS) will take place. Child victims are all eligible for an intermediary, but again this will depend on their level of understanding and whether an appropriate adult is sufficient. Where an intermediary is required, this will be requested as early as possible and is likely to be requested by the police at the interview stage.



## Removal of wigs and gowns

If a child is giving evidence in court, an application can be submitted to request the removal of all wigs and gowns to ensure the child feels comfortable giving evidence.

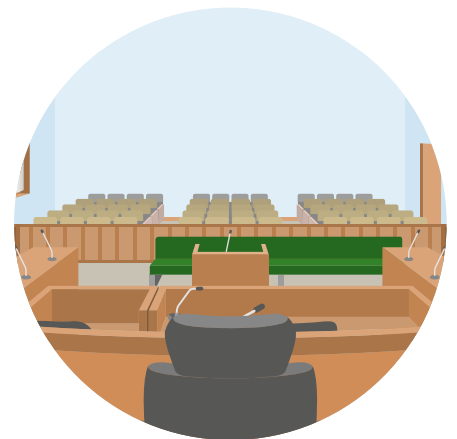


## Request to clear the public gallery (section 25)

This is requested in cases where the witness is subjected to intimidation. A request to clear the public gallery is not often agreed but can be requested. The media will still be allowed into the court room.

## Pre-trial recorded cross-examination (section 28)

Section 28 provides for video recorded cross-examination and re-examination. A ground rules hearing will take place first, which will mean the judge and all the court advocates discuss the nature and extent of any limitations, followed by a hearing at which the cross-examination and re-examination will be recorded. Before the witness is cross examined, the judge will inform the jury that limitations have been placed on the defence advocate. If any specific content has been identified that the cross-examiner cannot explore, the judge can inform the jury about them after the cross-examination has been completed. The defendant will be present in the court room to instruct their lawyer, but you will not see them on camera. For a child witness, the questions will be agreed before the section 28 hearing.



This forms part of a range of measures to support vulnerable or intimidated victims to give their best evidence. The pre-trial recorded cross-examination is carried out as soon as possible and tends to take place many months prior to the trial date. This can alleviate some of the anxiety you have about giving evidence in court. The pre-trial recorded cross-examination is not carried in the court room, but in another room like the live link. It will be recorded to be played on the day of the trial. Just like the live link, your ISVA can apply to sit in the room to give additional support but is not allowed to speak.



## Moving forward

Take a few minutes to write down anything you don't understand, so you can discuss it later with your ISVA or support worker.

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