

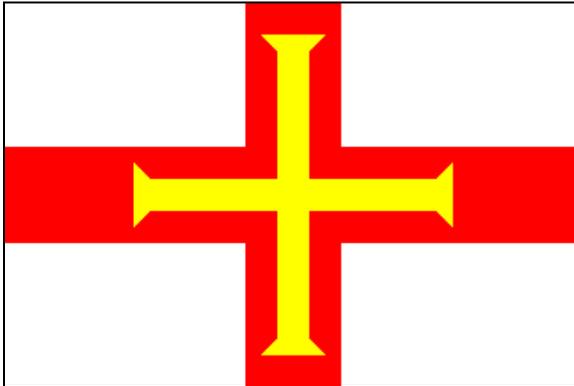


Witness Service Bailiwick Of Guernsey

Helping people in court

A service provided by Victim Support

# ***INFORMATION FOR WITNESSES GOING TO COURT***



## **Contacts**

- Witness Service – 713000
- Victim Support - 713000
- Greffe – 725277
- Family Protection Unit – Police - 719458
- Police - 725111
- Probation Service - 724337
- Customs & Immigration Service- 741400
- Children and Young Persons Services - 256923

## **Information for witnesses attending court**

### **Introduction**

If you are asked to be a witness in a trial or hearing in court, you play a vital part in delivering justice. Before the courts can find someone Guilty or Not Guilty of a crime, they need to hear and consider the evidence – and witnesses are the people who provide the evidence. In Guernsey the police and/or the Law Officers bring the case for the prosecution.

### **Being a witness**

If you are a witness to an offence you may be asked to give a statement to the Law Enforcement agencies (Police & Customs). The officer in charge of each case is known as the investigating officer and remains your main contact throughout the process. You will only be asked to give evidence in court if the person charged pleads Not Guilty or disputes certain facts.

### **The Witness Service**

You can talk to a trained volunteer from the Witness Service before you go to court and volunteers are also available in the court building to help you. They cannot discuss evidence or give legal advice, but will be a friendly face who will show you around the court and tell you what will happen. You can contact the Witness Service on 713000.

## **Witness Service Continued**

Trained volunteers provide a free and confidential service including:

- General information on court proceedings
- Personal support before, during and after the hearing
- Someone to go with you into the courtroom
- A visit to a court before you give evidence so it will not seem strange to you.

## **Witness waiting areas**

There are a number of witness waiting areas in the court. If you are unsure where to go, ask at reception and a member of court staff or Witness Service will show you where to wait. It is difficult to estimate when you will be called to give evidence but you will be kept informed.

You don't have to attend court alone; you can bring a friend or relative.

## **Different courts**

There are three kinds of criminal court where you might be called to give evidence, Magistrate's Court, Royal Court and Juvenile Court. Your investigating officer will tell you which one you will be attending.

## **Magistrate's Court**

Most criminal cases that come to court are tried in Magistrate's Court.

The Magistrate listens to all the evidence – including the statements that you or any other witnesses give – and decides whether the person accused of the crime (the defendant) is Guilty or not.

If the defendant is found Guilty or admits he or she is Guilty, the Magistrate decides the sentence.

The Magistrate is legally qualified and sits alone, assisted by the Greffier or a Deputy Greffier. In the Magistrate's Court the police or a Law Officer presents the prosecution case. In most cases an advocate speaks for the defendant.

## **Royal Court**

Trials before a judge in the Royal Court are usually only for the more serious crimes.

In Guernsey the Bailiff, Deputy Bailiff or a Lieutenant Bailiff sits as judge. They are accompanied by up to 12 Jurats who tell the judge whether they find the defendant guilty or not guilty and decide the sentence.

The Law Officers speak for the prosecution and the defendant will usually have an advocate speaking on his or her behalf.

## **Juvenile Court**

Where the defendant is 17 or under the case is heard in the Juvenile Court. This is similar to the Magistrate's Court. Juvenile Court is a closed court; it is not open to members of the public.

## **Civil/Matrimonial Court**

If you are giving evidence in civil proceedings you should seek guidance from the advocate who has asked you to attend.

## **What happens before you go to Court?**

You will usually be given at least 3 weeks notice of going to court. The investigating officer will contact you to arrange to serve the witness warning notice. You will be asked to sign the warning and you will be given a copy. If for any reason, such as holiday, you are unable to attend, you need to tell the investigating officer straight away. If you are a defence witness, the defence advocate should contact you to let you know when to go to court.

If you need to take time off work you should show your employer your warning notice as proof that you have to go to court.

## **What you need to do**

You should tell the investigating officer if any of the following apply to you: -

- You have a disability or other special needs which mean you will need help in getting to the court or moving about in the court building
- English is not your first language

If you would like to visit the court before the trial starts then you can ask the investigating officer to refer you to the Witness Service or you can contact them direct. You can contact the Witness Service at any point.

If you are worried about meeting the defendant, other witnesses, their friends or relatives or anyone else involved in the case tell the Witness Service and they will find you somewhere separate to wait such as the Witness Suite.

## **Intimidation**

It is a criminal offence to intimidate (frighten) a witness or anyone helping the law enforcement agencies in an investigation. If you are harassed or threatened in any way before, during or after a trial you should tell the police. If you are not sure who to tell at court, tell the court usher.

## **Help and information**

Being in court should not be a frightening or pressured experience, help and support are available.

The receptionist will tell you where to wait. If you are not already in touch with the Witness Service, you can contact them when you get to court.

If you have made a statement and you want to see it before you give evidence, you may be allowed to so you should ask your investigating officer to see a copy. You will not be allowed to take this into the Court.

It is not always possible to predict exactly when a case will be heard. The usher will tell you when it is time to go into court. You must not discuss your evidence with anyone else until you are informed the case is over. Once you have been released from court you are free to leave.

Anything said in court is in the public domain and can be reported by the media. The media will not be able to report your name if you are 17 or under, save in exceptional circumstances authorised by the Court.

## **Conduct of witnesses**

- Do not discuss the evidence you will be giving to the court with anyone without the prior agreement of the officer in charge of the case.
- When your case starts you are not allowed into the courtroom as you must not hear other witnesses' evidence.
- Do not leave the court until you are told that you are no longer needed.
- Once you have given your evidence you should not discuss it with anyone without first speaking to the officer in charge

## **When you give evidence**

When you are called into the court you will be shown to the witness box. You should stand, but if you find this difficult, ask to sit. You will then take the oath, which is to swear before God to tell the truth. If you prefer, you can affirm, that is to promise to tell the truth. If you want to affirm, tell the usher beforehand.

## **Remember**

- Your evidence will help the court to determine the facts.
- Address all your answers to the Magistrate or to the presiding Judge in the Royal Court.
- Take your time and speak slowly and clearly.
- If you do not know the answer to a question say so.
- You can only say what you personally saw or heard, not what someone else has told you (known as hearsay).

Having given your evidence you may be asked questions by the Magistrate or Judge. The accused's advocate can also ask questions; this is called cross-examination. When you have finished your evidence you may be told you are free to go, in this instance you are allowed to listen to the rest of the case from the public gallery if you so wish.

Sometimes you might be asked to stay after you have given evidence. This usually only happens when there may be a possibility of your being asked to give further evidence or clarify some matter. In such cases you will be required to leave the Courtroom but will not be permitted to enter the public gallery.

### **After giving evidence**

Once everyone has given their evidence it is up to the court to decide whether the defendant is Guilty or Not Guilty. Sentencing may not happen straight away, if you wish to be informed of the outcome your investigating officer or Witness Service will be able to tell you.

If you are the victim of a serious violent, or sexual offence, the Probation Service has a responsibility to keep you informed about the offender's release date.

### **Facilities**

- Dedicated witness waiting area
- Refreshments from vending machines are available
- Toilet facilities including disabled and baby changing are available on both reception and Courtroom levels
- Smoking is not permitted in the court complex

## **A MESSAGE FROM THE BAILIFF**

The Bailiff, Sir Geoffrey Rowland, would like to thank all witnesses who take part in Court proceedings.

*“I know that for many witnesses the attendance in Court to give evidence is their first visit to any of the Court rooms within the Royal Court Building. I would recommend the Witness Service to you if you have any questions or worries about your attendance at Court. The Service is free and completely confidential.*

*The Witness Service is able to help you if you want to know what to expect, what the layout of the court is or the role of the various people you will see when you come to court. The volunteers at the Witness Service are ready to answer your questions and to listen to your concerns and understand your feelings.*

*The Courts value the victims and witnesses of crime who are called to give evidence in the courts. The Witness Service is able to offer you much support and to lead to an improved experience of the criminal justice system.*

*Thank you for helping the Courts system to help you.”*

# Notes

# CUSTOMS CONFIDENTIAL DRUGLINE



Freephone  
**0800 318 318**



Guernsey Alderney Herm & Sark

**CRIMESTOPPERS**

**0800 555 111**

Working in partnership with the police