



Witness Service Jersey

Helping people in court

A service provided by Victim Support

Information for witnesses going to court



Useful telephone numbers

Witness Service.....	440496
Victim Support	440496
Women’s Refuge	08007 356836 (freephone)
Citizen’s Advice Bureau	08007 350249 (freephone)
Judicial Greffe.....	441300
Police Headquarters.....	612612
Magistrate’s and Youth Court	440080
Probation Service	441933
Children’s Services.....	443500
Childline CI (Jersey).....	08 001111 (freephone)
Royal Court	441110
Criminal Injuries Compensation Board.....	441028
Customs and Immigration	448000
Prison	441800

The Witness Service

You can talk to a trained volunteer from the Witness Service before you go either to the Magistrate's Court or the Royal Court. Volunteers cannot discuss evidence or give legal advice but they will provide a friendly face who will show you around either of the two main courthouses in the Island. They will explain who the principal people are in a trial and also the court procedure. You can contact the Witness Service on 440496.

Information for witnesses attending court

If you are asked to be a witness in a trial or hearing in court, you play an important 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. Witnesses are the people who provide that evidence.

In Jersey most criminal trials take place in the Magistrate's Court. The Magistrate listens to all of the evidence and decides whether the person accused of the crime is guilty or not. If the accused is found guilty the Magistrate will decide on the sentence. The prosecution will start the trial, presenting their evidence first. The defence will be given an opportunity to ask questions and the Magistrate may wish for parts to be clarified. The defence may or may not be represented by an advocate.

More serious cases are dealt with at the Royal Court. Again, Witness Service volunteers may show witnesses around the court beforehand and also accompany witnesses into the courtroom on the day of the trial.

In both the Magistrate's Court and the Royal Court trained Witness Service volunteers provide a free and confidential service including:

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

There are also a number of witness waiting areas in both courts and you don't have to attend court alone, you can bring a friend or relative with you.

Different courts

As well as the Magistrate's Court and the Royal Court, you may also be asked to give evidence at the Youth Court. The investigating officer will tell you which court you will be attending. The Youth Court is for defendants under 18 and a panel, chaired by a Magistrate with two appointed members

of the general public, who will hear the case. There is a difference inasmuch as the Youth Court is a closed court. Members of the public are not generally allowed into the room. A fourth kind of court in Jersey is the Civil or Matrimonial Court. If you are giving evidence in civil proceedings you should ask for guidance from the advocate who has asked you to attend. Again, even in civil matters you may ask for a volunteer from the Witness Service.

Magistrate's Court

In the Magistrate's Court the Centenier (an honorary police officer who does not wear uniform and is elected by the parish) will present the case. Also in court will be the Greffier, who is the Magistrate's Clerk, Ushers, one or more members of the States Police, the Viscount's Officer and possibly someone from Probation. There may also be other witnesses, a defending advocate or lawyer, someone from the press and members of the public.

The Magistrate, however, is the person who controls the court's proceedings. He or she will be legally qualified and will sit alone, assisted by the Greffier or a Deputy Greffier.

Royal Court

Trials held in the Royal Court are usually only for more serious crimes. In Jersey the Bailiff or Deputy Bailiff usually presides and sits with two Jurats who tell the judge whether they find the defendant guilty or not guilty and later decide the sentence. Occasionally certain cases will be heard before the Assizes when guilt will be determined by a jury of 12 members of the public.

As in the Magistrate's Court, the same officials plus members of the public can appear in the courtroom although instead of a Centenier the Attorney-General, or his representative, will present the case.

What happens before you go to Court?

If you are appearing as a witness in the Magistrate's Court, the States Police will telephone you with the time and place. This will normally be at least three weeks before the trial is due to begin. At the Royal Court the Viscount's Department will let you know when you are expected to be a witness, by serving a summons on you. However, you will normally have been given an informal warning of the court date by the Law Officers' Department.

If, for any reason, you are unable to attend court contact whoever warned or summoned you straight away. A summons is a legal requirement, which you

must obey, although the date of a trial can be changed if there are circumstances which mean that you cannot reasonably be expected to attend. 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 somewhere separate for you to wait. You may like a member of Witness Service to sit in with you.

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 whom to tell at court, tell the court usher. In some trials a witness may be allowed to give evidence to the court by a video link from another room. This normally only happens when the court decides that the witness is vulnerable and may be intimidated if he or she is asked to stand in the witness box in court.

Help and information

Being in court should not be a frightening or pressurised experience. Help and support are available.

Normally the receptionist or usher 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 to the police and would like to see it again before giving evidence, tell the usher or a police officer. You will not, however, be allowed to take this into court.

It is not always possible to predict exactly when a case will be heard or when you will be asked to give evidence. The usher will tell you when it is time to go into court. Because court cases are unpredictable in how long they will last, you are advised to take a book or magazine with you to read while you are waiting for your turn in court. At no time, however, may you discuss your evidence with anyone else until you are told that 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 except in certain cases including sexual assault. Also the media will not be able to report your name if you are under 18 except 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 the case starts all those asked to give evidence will be sworn in and then separated.

After that you will not be 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 until the case has been concluded.

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, which means you simply 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.
- Ask for a question to be repeated if you do not understand or did not hear it clearly.
- You can only say what you personally saw or heard, not what someone

else has told you (known as hearsay evidence).

- You can ask the Magistrate or judge for advice.

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

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 might not happen straight away. If you wish to be informed of the outcome of the trial the 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.

Compensation

If you have been injured through a crime of violence you can apply for compensation under the Criminal Injuries Compensation scheme. It does not matter whether the offender has been caught or not. You can also make a civil claim for injuries or damages.

If you have suffered personal injury, loss or damage resulting from the offence, you may make an application to the court for the accused to pay compensation to you, currently up to a maximum of £5,000 per offence, in the Magistrate's Court. Please produce any receipts or documents you may have to support your claim. If such an order is made, this is paid to you before the court collects any fines that it may impose. Any award will be taken into account if there is an application under the Criminal Injuries Compensation scheme or if a civil claim is made afterwards.

Expenses

If you are a witness for the prosecution, you can claim back expenses incurred by travelling to court by public transport or, if you have had to travel from the UK, your air fare will also be refunded and you can also claim a meal allowance. You may also be granted an allowance to compensate for lost wages.

If you have incurred any expenses, please inform the Greffier who, with the

Magistrate's permission, will issue a Witness Costs Claim Form before you leave the court. Again, save receipts or documents in support of your claim although the maximum amount that you can claim is set by law.

If you have any other queries or fears, make contact with the Police Officer in charge of the case or contact the Witness Service.

A Message from Sir Philip Bailhache, Bailiff of Jersey

Witnesses perform an essential function in the administration of criminal justice. Without the evidence of witnesses, no offender could ever be convicted and punished. That is why everyone has a duty to give evidence when called upon to do so, and to play his or her part in ensuring that the law is upheld.

Many people are nervous about speaking out in a courtroom, particularly if they are giving evidence for the first time, but it should not be a frightening experience. The judge or magistrate is there to make sure that witnesses are treated fairly and with due consideration.

This booklet contains much useful information as to what happens in court and the vital part played by witnesses. More importantly, it explains how the Witness Service can help in providing advice and support to witnesses, especially to those who are worried or concerned about the whole process. The volunteers working in the Witness Service have been specially trained to ensure that those called to give evidence are aware of court procedures and what is expected of them. I am sure that this booklet, and those volunteers, will play an important part in de-mystifying the criminal process and in making the giving of evidence in court a less stressful experience.

