



Welcome to the eighth edition of Victims and Witnesses newsletter, Vital Voices. This regular newsletter will help us share with you, and keep you informed of, what's going on in the unit and encourage your interest and participation to help us meet our goal of bringing victims and witnesses to the heart of the justice system.

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Vital  
**VOICES**

## EXTENDING SUPPORT FOR VULNERABLE WITNESSES

From 1 April 2007, child witnesses in Sheriff Court summary criminal cases will be able to make use of a number of special measures to help them give their best evidence.

The latest phase of the Vulnerable Witnesses (Scotland) Act 2004 will include commencement of the following special measures:

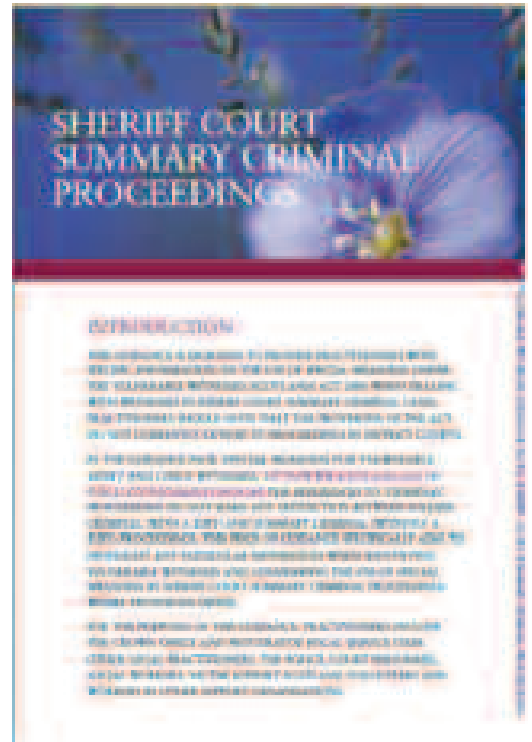
- provision of a supporter to sit beside a witness as a reassuring presence;
- use of a live TV link allowing the witness to give evidence from a place other than the courtroom;
- use of a screen so that the witness cannot see the accused and be intimidated by them;
- use of a prior statement as evidence in chief. This allows a statement made soon after an incident to be a witness's main evidence; and
- taking evidence by a commissioner in certain non-sexual offence cases. This allows evidence to be taken outwith the trial and normally without the accused being present in the same room.

Child and adult witnesses in High Court, Sheriff Court solemn cases and children's hearings court proceedings across Scotland are already taking advantage of this support. During the next twelve months the arrangements will be further rolled out to ensure that adults in Sheriff Court summary cases and child and adult vulnerable witnesses in civil proceedings can benefit from these measures.

This will mean that by April 2008, anyone called upon to give evidence in any court in Scotland with the exception of district courts will be able to call on a range of measures to help reduce the stress and anxiety associated with being a witness.

The latest piece of practitioner guidance, will form a new section 12 of the existing Special Measures for Vulnerable Witnesses guidance pack and covers both child and adult vulnerable witnesses. It aims to provide an understanding of where the procedures for identifying vulnerable witnesses and considering the use of special measures in sheriff court summary criminal proceedings differ from those in solemn proceedings.

Should you wish to order copies of this practitioner guidance, please contact Isobel Gifford by e-mail ([Isobel.Gifford@scotland.gsi.gov.uk](mailto:Isobel.Gifford@scotland.gsi.gov.uk)) providing your full postal address, stating how many copies you would like.



## Visual Recording Police & Social Service Joint Investigative Interviews (JIIs) with Children & Other Vulnerable Witnesses

Scottish Ministers have welcomed the findings of an independent evaluation report "**On The Record**" (by MorrisRichards, an Aberdeen-based company of researchers) on the work of two pilots that have been undertaking visual recording of JIIs with children. Ministers have also agreed that a new National Strategic Group (NSG) should be established to undertake work to test out the feasibility of a national scheme for possible rollout across Scotland. The NSG is to provide a report to Ministers with conclusions, firm recommendations and detailed costings by the Summer of 2007. The evaluation report was published on the Scottish Executive website on 12 January 2007 and can be found at the following link

<http://www.scotland.gov.uk/Publications/2007/01/10122102/0>

### Background

Historically in Scotland, there has been no visual recording of Police and Social Service JIIs involving child witnesses and for Court purposes, interviewers are required to manually record "verbatim and contemporaneous" notes of the interviews although some have been audio recorded.

The 2 pilot studies have been underway in Dundee and Glasgow with the key aim of replacing written note-taking as a record of the interview with a primarily visual record. The advantage of a visual recording is that it provides a more complete and accurate record of the interview which includes body language, demeanor and non-verbal communication by the interviewer and child, in detail that cannot not be captured in a manual record. It also increases fairness and transparency for all parties involved in any subsequent legal proceedings, showing how the information was obtained.

### Benefits

Visual recording would be a considerable advancement on current techniques and would also help to reduce the need for a child or other vulnerable witnesses to be re-interviewed at later stages of an investigation. It enables interviewers to focus on the child's welfare and on the interview process itself rather than on note taking. The system sits well with the aims of the Vulnerable Witnesses (Scotland) Act 2004 in that the visual recording could enable vulnerable witnesses, particularly child witnesses, to give their best evidence through the use of the special measure that allows prior statements to be used as evidence in chief.

The MorrisRichards report has supported the work of the pilots and made a number of recommendations including the possible rollout of the system across Scotland. The consultants also produced draft national good practice guidance developed from the research findings and informed by field visits to the Pilots and Courtrooms.

## The Way Forward

Further feasibility work is required to determine national standards for the technology (both visual and audio quality) as well as for accommodation and training. A scoping exercise is required of existing facilities, to prioritise the need for any new ones and to provide robust estimates of costs. The draft national good practice guidance will be tested and evaluated within the existing pilot areas and refined prior to any proposed national rollout. In addition, the NSG will identify and propose practical solutions to any potential legal or technical obstacles to fully utilising JII recordings in court proceedings. The NSG's work will be supported by two sub-groups.

The first meeting of the NSG took place on 6 March 2007 under the independent chairmanship of Professor Alexander (Sandy) Cameron CBE. Prof. Cameron is currently the Chairman of the Parole Board Scotland and is a former Director of Social Work at South Lanarkshire. Membership of the NSG comprises: The Association of Chief Police Officers Scotland, the Scottish Police Training College, The Crown Office and Procurator Fiscal Service, Scottish Courts Service, the Association of Directors of Social Work, The Scottish Children's Reporters Administration, the Law Society Scotland, the Scottish Legal Aid Board, Victim Support Scotland, an expert on Child Care and Protection from the Department of Social Work at the University of Dundee and the Scottish Executive. The Victims & Witnesses Unit will provide secretarial and administrative support to the NSG and its sub-groups and will also provide the chairperson for the sub-groups.

Contact: the contact for more information is David Fennessey in the Victims & Witnesses Unit, telephone 0131 244 2293 or e-mail at [David.Fennessey@scotland.gsi.gov.uk](mailto:David.Fennessey@scotland.gsi.gov.uk)

## New Publications - Translations

We have arranged for the recently revised information pack for families and friends following murder or culpable homicide, to be translated into various community languages. PDF versions of the pack are now available in Arabic, Cantonese, Hindi, Polish, Punjabi and Urdu. The pack and the translations are available in the information section of our website: [www.scottishvictimsofcrime.co.uk](http://www.scottishvictimsofcrime.co.uk).

Should you wish to contact us about this pack, please email [Michele.Aitken@scotland.gsi.gov.uk](mailto:Michele.Aitken@scotland.gsi.gov.uk)



## **LAUNCH OF DVD - "RACIALLY MOTIVATED CRIME - A GUIDE FOR VICTIMS AND WITNESSES"**

The Lord Advocate, The Right Honourable Elish Angiolini QC, and Sir William Rae, Chief Constable Strathclyde Police, launched, on 5 March 2007, a newly commissioned DVD on "Racially Motivated Crime" which has been prepared to provide information on the Criminal Justice System for Victims and Witnesses of Racist Crime.

The DVD aims to increase the confidence of ethnic minority communities in the criminal justice system and to encourage victims of racist crime to report incidents to the police. The 15-minute programme also provides details of the services available to victims and witnesses, including support services to help reduce the trauma of attending court.

There is footage from a real case, which graphically illustrates the negative impact that racist crime can have on victims (the footage shows a shocking verbal racist attack by two teenage girls on the staff in a takeaway restaurant involving acts of vandalism on the premises). Those who are interviewed are local residents and business people from the Lanarkshire area, talking about their experiences, either as victims or as representatives of local organisations.

In discussion with the Police, Crown Office and Procurator Fiscal Service explored how best to raise awareness of the criminal justice system within our ethnic minority communities. It was then decided that the best way to achieve this was to create a DVD, which would include interviews with victims of racist crime and those in the Criminal Justice System who deal with this type of case. The project grew out of the COPFS Lanarkshire Diversity Team meetings, which involve the Police, the Sheriff Clerk, a representative of the West of Scotland Racial Equality Council and the Lanarkshire Local Authorities.

Copies of the DVD are available in the following languages: English, Punjabi, Hindi, Urdu, Mandarin and British Sign Language. It will also be available shortly in Cantonese. The DVD and information packs can be obtained from Strathclyde Police's Community Safety Departments in Hamilton and Motherwell.

Community Safety - Hamilton - 01698 483339  
Community Safety - Motherwell - 01698 483010

A link to the DVD has also been placed on the websites of The Scottish Executive ([www.scotland.gov.uk](http://www.scotland.gov.uk)), Strathclyde Police ([www.strathclyde.pnn.police.uk](http://www.strathclyde.pnn.police.uk)) and Crown Office and Procurator Fiscal Service ([www.copfs.gov.uk](http://www.copfs.gov.uk)) allowing those with an interest to have easy access to it.

## A new Scottish Executive website for Witnesses in Scotland was launched in December 2006

### » Witnesses in Scotland

Welcome to the Witnesses in Scotland website

If you have been asked to be a witness in court, this website will help you.

The website tells you about going to court and being a witness.

Please choose the right section for you >>>



### HAVE YOUR SAY

Please let us have your comments about the way we keep in touch with you.

Are we joined up?  
Could we consult with you in a better way?

Do you have any comments on the issues raised in this newsletter?

We look forward to hearing from you.

Please contact us by e-mail:  
vitalvoicesfeedback@scotland.gsi.gov.uk or call 0131 244 3314.

Help us to help victims and witnesses.

The Witnesses in Scotland website [www.witnessesinscotland.com](http://www.witnessesinscotland.com) aims to provide information about being a witness at court.

Its development followed the success of the Being a Witness CD Rom and DVD and provides a further format to help widen the accessibility of the information.

The website has separate areas specifically for children, young people and adults with each section providing information on being a witness, going to court and what to expect when giving evidence. The site is intended as a useful resource to anyone being a witness in criminal proceedings or at children's hearing court proceedings.

Innovative virtual tours of a criminal court and children's hearing court proceedings, including short video clips of how each of the special measures available to help vulnerable witnesses give their evidence will operate, aims to help alleviate some of the anxiety about going to court and giving evidence.

Log on to [www.witnessesinscotland.com](http://www.witnessesinscotland.com)

### Staff Changes

We have a new member of the Unit following Sally Pendreigh's secondment to COPFS Victim and Diversity Policy and Development Division. Lynne Nicol joined us in early January from the Youth Justice Team in the Education Department. She works across the range of victims of crimes issues and you can contact her on 0131 244 3713 or at [Lynne.Nicol@scotland.gsi.gov.uk](mailto:Lynne.Nicol@scotland.gsi.gov.uk).