

3. Things to consider

Q. Can I have whatever special measure I want?

A. No. The prosecution barrister must apply to the court to ask for special measures on your behalf. The judge will listen to your views and makes the final decision.

Q. Which special measures can I use together?

A. If you **video record your police interview**, you may be able to **video record the cross-examination** or be cross-examined live during the trial using a **screen** or a **live link**.

If you make a **written statement**, you'll give your main evidence and cross-examination live during the trial. You may be able to give both parts of your evidence using a **screen** or a **live link**, but you cannot **video record the cross-examination**.

Q. Can I have someone with me during cross-examination?

A. Yes, the prosecution barrister can ask the judge if you can have a supporter with you in the courtroom or the witness suite. This could be a supporter from the Witness Service or an Independent Sexual Violence Advisor (ISVA). See Further Information.

Q. Can I be seen by the defendant or the public if I record my evidence or use a live link?

A. Yes. There are TV monitors on either side of the courtroom that play the videos or link to the witness suite. The prosecution barrister can apply to screen the monitor so only the **judge, barristers** and the **jury** should see you. This is a 'combined special measures application' or 'screening the screen'.

Q. What happens if I record both my evidence in chief and my cross-examination before the trial?

A. You'll be cross-examined sooner but you'll still have to wait until the trial ends for the outcome. There's a small chance that you could be called to give more evidence near or during the trial if new information arises. But, if this happens, the prosecution barrister can apply for special measures to help you.

Glossary

Charged

A person can be charged with a crime by the Crown Prosecution Service (CPS) if there is enough evidence to prosecute them. If the person charged with a crime denies it (pleads not guilty) the case will normally go to trial.

Defendant

The defendant is the person charged with the crime.

Prosecution barrister

This is the lawyer who prosecutes the defendant and presents the evidence against them to the jury at trial.

Examination in chief or evidence in chief

This is your main evidence which is presented to the jury at trial. It normally takes place before the cross-examination.

Cross-examination

After you've given your main evidence, a defence barrister will ask you questions about your account to test the evidence against the defendant. They may also ask you about the defendant's version of events.

Defence barrister

This is the lawyer who represents the defendant.

Judge and jury

The judge makes decisions about the law and explains the law to the jury. A jury of 12 people must listen to all the evidence and decide if the defendant is guilty or not guilty. If they can't decide there may be a re-trial with a new jury.

Public

The court is a public building. Members of the public can normally watch the trial or the section 28 hearing unless the judge clears the public gallery during your evidence.

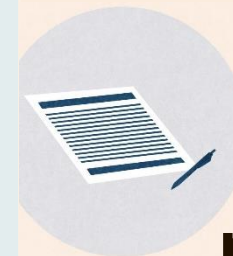
Further information

Call Rape Crisis free 0808 500 2222 or use their free online chat service: 247sexualabusesupport.org.uk/

Find your nearest Independent Sexual Violence Advisor (ISVA): thesurvivorstrust.org/find-an-isva/

Arrange a pre-court visit with the Witness Service: citizensadvice.org.uk/about-us/information/about-the-witness-service/

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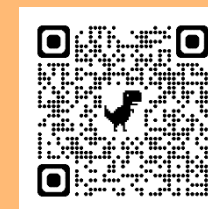
Which special measure?



A guide for adults giving evidence in cases of rape and sexual assault

England and Wales

For a **free information video** on giving evidence to the **police** or at **court** scan the QR code



or visit:

www.law.ox.ac.uk/which-special-measure-video-and-leaflet

Introduction

This leaflet explains the different ways you can give evidence to the **police** and later at **court**, if the case goes to trial.

When giving evidence, you may be able to use **special measures**. Special measures include:

- the **video recorded police interview**,
- **screens**,
- **live link**, and
- **video recorded cross-examination**.

Special measures may help you feel more comfortable when explaining what happened to you, but you don't have to use them.



Remember: special measures are not automatically available as of right. The judge must give permission for you to use special measures.



1. Giving evidence to **police**

When you first explain what happened to you, you'll do this in a police interview.

Your interview can either be **video recorded** or written up into a **witness statement**.

So what's the difference?

The way you give evidence to the **police** can affect the way you give your main evidence at **court** if the case goes to trial. Your main evidence is called **examination in chief** or **evidence in chief**.

1. If you make a **written statement**, you'll need to explain to the jury what you told the police in your statement. This means you'll give your main evidence live during the trial.



2. If you **video record the police interview**, you won't normally have to give your main evidence live during the trial. The video of the interview can be played to the jury as your evidence in chief instead.



This can be helpful. Your memory might be better at the time of the police interview than if you wait until the trial to give your main evidence.



Some people don't want their evidence captured on video, shown to the defendant, or played in court, where the defendant and the public will see it.

2. Cross-examination

If the person you reported to the police is **charged** and the case goes to trial, you will normally be asked further questions at **court**.

This includes **cross-examination**. There are four ways to be cross-examined:

1. without special measures,
2. behind a **screen**,
3. using a **live link**, or
4. **video recorded cross-examination**.

So, what's the difference?

1. You can be cross-examined in the courtroom live during the trial without special measures.



This means that the **defendant** and any members of the **public** who are in the courtroom will see you, as well as the **judge**, **barristers** and the **jury**.

2. You can go into the courtroom during the trial using a **screen** around the witness box.

This means only the **judge**, **barristers** and the **jury** should see you. You may also be able to use a separate entrance so only the **judge** and **barristers** should see you go in or out of the courtroom.



3. If you don't want to go into the courtroom, you may be able to give evidence during the trial using a **live link**.

You'll be in a different room inside the court building called the 'witness suite' or at a different location, such as a Sexual Assault Referral Centre (SARC).

The **live link** CCTV system allows you to see and speak to the **judge** and **barristers** in the courtroom and they can see and hear you via the TV monitors and speakers in the courtroom. The **defendant**, the **public** and the **jury** will also hear you and see you on the TV monitors in the courtroom, but you shouldn't see them.

4. If you feel unable to go into the courtroom or give live evidence during the trial, the prosecution barrister can apply for you to **video record the cross-examination**.



This takes place before the trial at a 'section 28 hearing'. You'll be in the witness suite or at a remote location but can communicate with the **judge** and **barristers** in the courtroom using the **live link**. During the section 28 hearing, the **defendant** and the **public** will be able to hear you and see you on the TV monitors in the courtroom, but you shouldn't see them. The **defendant** and the **public** will also watch the section 28 video at trial when it's played to the **jury**.



Remember: whichever way you're cross-examined, the defendant is normally in the courtroom.