



INFORMATION / FACT SHEET

PREPARING TO ATTEND A TRIAL (ADULTS)

For many people, attending a criminal trial is both an unfamiliar and stressful experience.

For victims and witnesses required to give evidence at a trial, it is important that you prepare to attend trial well in advance.

The following *Fact Sheet* is intended to provide you with a 'check list' of the things you may consider **Before, During** and **After** attending a trial.

The fact sheet is intended to be used as a general guide only and includes a number of handy 'tips' and 'hints' to make the experience of attending a trial somewhat easier for you.

Where you have more specific questions you may have about attending trial, it is important you raise these with either the *Investigating Officer, DPP Prosecutor or Witness Assistance Officer* (if one has been allocated to you)

BEFORE THE TRIAL

- ✓ Advise your employer (or other relevant persons) well in advance of the days that you may be absent from work (you may consider how much information you want to provide).
- ✓ Ask the Investigating Officer or DPP staff to provide a letter for you to give to your employer (or other relevant persons) detailing the time away from work you will require.
- ✓ Make sure you know the address of the Court and exactly where it is located.
- ✓ Have a suitable plan or arrangement in place for getting to the court (don't leave this to the last minute)
- ✓ Ensure you have appropriate child care arrangements in place if required (SAPOL, DPP or Court Staff are not able to provide child care support).
- ✓ Dress comfortably and appropriately for a court environment (neat and casual is best)
- ✓ Arrange to arrive at the court at the time you are given. Avoid rushing where you can.
- ✓ If driving, plan where you might park in advance (there is plenty of secure (paid) parking close to the court).
- ✓ Check timetables for trams, trains or buses and allow additional time should there be delays with public transport.
- ✓ Arrange a support person to arrive and leave from the court with you (particularly if you are worried about seeing the accused).
- ✓ Have a good breakfast and prepare some snacks to bring with you (in the event that you are required for longer than expected).
- ✓ Bring a book or magazine or something else to keep you occupied (in the event that you have to wait around longer than expected).
- ✓ Make sure you take (or bring) required prescribed medications. It is not recommended that you cease taking prescription medications before trial (unless advised by your doctor or specialist).
- ✓ Make appropriate plans for after the trial (see below)
- ✓ Ask the Investigating Officer or DPP staff about dealing with the media (if this is likely to occur)
- ✓ Ensure that family members, counsellors and other support people know when you are giving evidence.
- ✓ Read through your *Witness Statement* before the trial to refresh /assist with your memory of the offence(s).
- ✓ Ensure you have completed a *Court Tour* before the trial.
- ✓ Ensure you have discussed special provisions for giving evidence with the *DPP Prosecutor* or *Witness Assistance Officer* (where these are available to you).

- ✓ Take time to raise relevant questions or concerns with the *Investigation Officer* or *DPP staff* well in advance

DURING THE TRIAL

Before Giving Evidence

- ✓ Make yourself known to the *Sheriff's Officers* (in white) when you arrive.
- ✓ Wait quietly in one of the designated *Witness Waiting Areas*.
- ✓ If you can, remain calm while you are waiting.
- ✓ Inform the *Investigating Officer* or relevant staff if you need to go outside the court building for a quick break whilst you wait.
- ✓ Don't 'hang around' the very front of the court building during breaks
- ✓ Make sure you know the length of morning, lunch and afternoon breaks and exactly when you are required to return.
- ✓ Let relevant staff know if you are becoming anxious or distressed.

When Giving Evidence

- Remember that it is normal to feel apprehensive and nervous about court.
- The *Sheriff's Officer* will come and get you when you are required to enter the court.
- If the *Judge* is already present (sitting at the 'bench'), bow your head as you enter and leave the court room (this is a sign of respect).
- When it is your turn to give evidence, the *Sheriff's Officer* will lead you to the witness box and then the *Judge's Associate* will ask you to *State Your Name* and *Swear on the Bible or Quran*; or *Give an Affirmation (promise) to Tell the Truth*. Then you can sit down.
- If you are giving evidence from a separate room via CCTV, the *Sheriff's Officer* will set up the relevant technology and let you know when the court is ready to begin.
- The *Prosecutor from the ODPP* will ask you questions first and assist you in telling the details of what happened. This is called "*Examination In Chief*".
- Following the *ODPP Prosecutor*, the *Defence Lawyer* will ask you questions about your evidence. This is called "*Cross Examination*".
- When you are under *Cross Examination*, the *DPP Prosecutor* is not allowed to speak with you during breaks (this is for legal reasons and they are not ignoring you).
- Following "*Cross Examination*" the *ODPP Prosecutor* may ask you a few additional questions if required. This is called "*Re-Examination*".
- When giving evidence in court room remember to:
 - ✓ *Tell the truth*;
 - ✓ *Speak clearly and take your time (try not to speak too softly or quickly)*;
 - ✓ *Speak to the Judge if he or she asks you a question.*
 - ✓ *Always refer to the Judge "Your Honour"*;
 - ✓ *Wait to be asked a question before you speak or respond*;
 - ✓ *Avoid using gestures only in your responses (i.e. nodding, shrugging, pointing, etc)*;
 - ✓ *Only answer the questions you have been asked*;
 - ✓ *Say so if you do not understand a question asked of you*;
 - ✓ *Say so if you do not know (or cant remember) the answer to a question*;
 - ✓ *State the facts, giving your opinion only when asked*;
- Also be reminded of the following:
 - ✓ *Turn off your mobile phone whilst in the court room*;
 - ✓ *Do not chew gum, eat or drink (apart from the water provided) whilst in the court room*;
 - ✓ *Ask if you need some more water*;
 - ✓ *Ask for a break if you are becoming tired or require a toilet break*;
 - ✓ *Do Not swear or use obscene language*;
 - ✓ *Do Not write anything down unless you have been given permission to do so*;
 - ✓ *Remain calm during you evidence even if you are being asked uncomfortable or difficult questions*;
 - ✓ *Do Not leave the court room unless the Judge has given you permission to do so*;
 - ✓ *Do Not discuss your evidence with anyone during the breaks.*
- Remember that the *Jury* cannot know you and do not receive a copy of your *Witness Statement*, so it is up to you to tell them what happened.
- Court sessions are normally between **10am - 1pm** and **2:15 - 4:30pm** each day. The courts will generally break during these hours.
- The same court should be used for each day of the trial, however check with the *Investigating Officer* or *DPP staff* about this (if you are required to return the following day).

After Giving Evidence

- After you have given your evidence and you have been dismissed you are free to leave the court building.
- Have a plan to leave the court premises promptly. It is not advisable to 'hang around' the court building.
- Do Not speak to any other persons involved in the trial (i.e. other witnesses, the accused person/s, defence lawyer, jury or Judge) while it is in progress. This will be viewed unfavourably by the court and may lead to a 'mis-trial' (which means the trial will have to start over).

AFTER THE TRIAL

- Have someone to debrief with after giving evidence (where necessary).
- **IMPORTANT:** It is essential that you do not discuss your evidence (or questions asked of you during trial) with others until after the trial is completed.
- Have a plan in place to distract you after giving evidence.
- Try not to worry, stress or 'over-analyse' what happened during trial.
- If you have a counsellor, it may assist to book an appointment with them.

OTHER GENERAL TIPS

- ✓ Always prepare well in advance to attend trial.
- ✓ It is normal for people to feel worried and nervous about attending court.
- ✓ Where you have a *Witness Assistance Officer* allocated to you, they can assist in discussing these feelings with you.
- ✓ Organise relevant support persons in advance.
- ✓ Be on time.
- ✓ Speak with the *Investigating Officer* or relevant *ODPP Staff* in advance where you have particular concerns.
- ✓ Remain calm.
- ✓ Remember that you are not on trial.
- ✓ Seek professional support or advice if you are distressed or not coping.