

Online Focus Group Meeting 4

August 6, 2024, 1:47PM

1h 15m 47s

- **Researcher** started transcription

Researcher 0:10

OK, so I'm going to play the video now.

If at any point you want to comment on it, I'll I will stop it.

OK, so here we go then.

This video is for people aged 18 years or older who have experienced rape or sexual abuse in England and Wales.

Special measures can help you feel more comfortable when giving evidence to the police or in court.

This video explains the types of measures available and can help you decide which would work best for you.

Does anybody want to mention anything at this stage or have any comments about the icons or the introduction?

P18 2:00

When I watched it, I took notes as I went through it.

So my notes are kind of in order....

So when maybe when you next stop, I know I've got some around the initial bit, but also probably I can email you those after as well.

They're kind of in chronological order, so.

Researcher 2:53

Alright, OK.

P18 2:53

...I think the icons have are really nice, like the icons make sense definitely.

Researcher 2:57

So carry on.

Normally there are two parts to giving evidence.

1st when you explain what happened and give your side of the story, and later if the case goes to trial, when you ask questions about the defendant's side of the story, this is called cross examination.

Anybody want to say anything?

P18 3:33

Yeah, initially my first thought was, first of all, ...are you hoping that this is going to be like a one size fits all and I definitely think there would be scope for two videos, one for people at the point of reporting and one for people at the point of considering giving evidence at court. And, you know, that may or may not be feasible. And if it's not practical, then having one is better than none. So I wouldn't say it's like a deal breaker, but I think it is an interesting concept to give someone all of the information all at once.... You can't really talk about special measures and not mention court because of the problem with not being able to use certain special measures if you've done a written statement, but I think it's a lot right at the start and I think, UM, I think my feedback is when is it intended to be used? Because you could easily separate it out into one for people at the beginning and one for people later in the process and it can be quite problematic to talk too much about court to somebody right at the start because 99% of these people never sort of see court.

Researcher 4:54

Thanks for your feedback. I totally take your points... I can't control when somebody watches this video, but ideally it would capture somebody thinking about going into this or maybe have a police interview coming up or they've made a report. The fact that it goes right the way through will hopefully catch somebody at some point.... Is there any anything else about that first part?

P23 6:23

No, my note was actually exactly the same as P18. So you answered that.

Researcher 6:28

Is there any way to alleviate that? I've tried to use a dotted line, a bit like a timeline, and to mention 'if the case goes to trial'. But do you think there's anything else that I could insert here that might be helpful?

P18 6:50

I'll have a think.

Researcher 6:51

OK, let's move on then.

Let's look at the first part.

When you first explain what happened to the police, you'll give your side of the story and a police interview.

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

So what's the difference?

If you make a written statement, you'll need to explain your side of the story again if the case goes to trial. If this happens, you'll be guided through your evidence at trial by a prosecution barrister.

You'll also be able to use screens or a live link.

Anybody have any comments?

P18 7:45

Yeah, I think this was something I felt quite strongly about. The first bit is great and I think that ifs are helpful to be like *if* it goes to court so it doesn't feel like it's a given and just live link in itself doesn't mean anything to anyone. So, and I think you'll need to say, give your evidence via a video call or some other form of descriptive because live-link won't make any sense at the beginning of the process. But the main thing I would say is, it's almost like it's misleading to suggest that a written statement means you'll have to go through it all again at court and a video statement doesn't. So I think you need to be more descriptive about you'll talk through your evidence on the stand or something like that, because survivors who use ...a VRI or ABE video [as their] evidence in chief don't escape from talking through it all again on the stand during the cross examination. So I think it sounds too much like they'll kind of escape

from that if they go for the video evidence. I know exactly what you're saying..., but maybe just need to phrase it like 'you will give your evidence in chief or you will give your main evidence verbally on the stand and then contrast that with the video evidence, it will be played to the jury in advance of you then being cross examined, but I would just be cautious so it doesn't sound like you don't have to go through it again if you give a video, because they do.

Researcher 9:39

Thanks, that is feedback that I've also had in other focus groups. It could also be that a prosecutor might have some more questions by the time of the trial or it could be that even in cross examination they may feel like they're having to go through all their evidence again.

P18 10:09

They will not feel like they've not gone through it all again, and I think I've supported people that have given evidence both ways and I don't think there's lots of additional protection, like they're on the stand for longer and they talk through the events in chronological order, but they also talk through the events in cross examination because they're just brought back to the events by the defence barrister who can keep them talking about any part of the evidence for as long as they like. And I don't think the survivor will see the distinction or feel the distinction in that same way. So technically they're not going through it again, but they will be took back to it and they'll have to go through it again. So and you're right, the prosecutors themselves might want to add questions and stuff so.

Researcher 10:58

I think it's much better to talk about how this will be your main evidence or something along those lines, but with a caveat that you'll still be asked further questions at court...

P18 11:39

So because they do the Section 28 at court, they'll still, I think you can treat it like their day in court, even if it's not a trial... like, the distinction between going to court and going to a trial is kind of like a distinction that we understand, but not

necessarily [for them] ... all of the people that are on the [s. 28] video will still be there on the day other than the jury.

Researcher 12:12

Yeah. Is there anything else?

P18 12:16

And also so sorry, I've written notes, I'll just send them to you. But the other thing I think to highlight is just who its intended audience is... far fewer adults actually will have Section 28 anyway just cause of all the barriers and problems there are in people being able to access that special measure. So and we see that primarily used with children still, even though adults technically can apply for it. And the more vulnerable adults who do get it, like adults with significant learning difficulties or additional vulnerabilities might engage with the video in a different way anyway, so.

Researcher 12:58

Good point.

Is there anything else anybody wants to add before I move on?

P23 13:06

And yeah, and I think it does say it later on in the video and I can't remember the exact wording, but I just wondered if it's worth explaining the screen in these graphics here, like the average person doesn't know that the screen would actually be in place to block the perpetrator. So I don't know if it's worth including that maybe here, because I think it is mentioned briefly later on in the video. ...my other comment was just, and this is just my maybe my choice of language, but saying kind of 'your side of the story' versus your evidence or your account. The average person might not notice the kind of difference there, but the use of like 'a story' versus evidence might be worth considering.

Researcher 13:48

Some ISVAs have said they don't like the word 'story' because it sounds like they're making it up. Is that kind of what you were thinking, P23?

P23 14:33

Yeah, ...when I hear someone say well, that's your side of the story, it's like, OK, so you don't believe what I'm saying then... I think also when people are being spoken to by the CPS or by the police, they often use the word evidence or account so then to have that in a video that maybe they watch a few times, they're hearing the same language that's being used by the professionals around them might be helpful.

Researcher 15:34

Anything else? Maybe P20?

P20 16:07

My thoughts were quite similar, especially sort of around the word 'story' - explain what happened to you... is a gentler way of saying it. But yeah, it's sort of has different connotations sometimes...

Researcher 16:34

OK, great. Should we move on at this point?

If you video record your police interview, you won't have to repeat your side of the story.

If the case goes to trial.

The video of your police interview can be played to the jury as your evidence instead.

This can be good.

P18 17:04

You could just take out the bit that says you won't have to repeat your side of the story. You could literally just say this can be played to the jury, so you could go straight from if you prerecord it to this could be played to the jury.

Researcher 17:17

Yeah, that's what I was thinking. And the next part which talks about, 'this can be good because your memory can be better at the time of your police interview', I can

leave that.

P18 17:27

I don't see why not, and I think you could say this can reduce the amount of time you're giving evidence for. I think it's fair to say could.

Researcher 17:46

Yeah.

P18 17:51

Umm. I'm trying to think if there'd be anything else helpful to say about that, like because it can be good and it is good, I think, that the jury already have heard that before the survivor then goes on to answer questions about it. But you just don't want to give the impression that they won't have to speak about it, because that's all they have to speak about. It's just in a different order.

Researcher 18:16

Thanks for the feedback.

This can be good because your memory might be better at the time of the police interview. But video evidence can sometimes be poor quality or difficult for the jury to see or hear.

P18 19:18

I think we all thought it shouldn't be in there just because, it's true, but I don't think you would want someone to make their decision based on that. And I don't think it's true enough that all survivors will be impacted if that makes sense.

So I don't I think people could be put off selecting that as their special measure when actually, six out of 10 don't have any problem, if that makes sense like it, it is a significant problem when it does happen, but I don't think you can reliably say it happens to enough survivors to include it in a general resource like this. You're not wrong but I wouldn't even really raise that with the survivor at that stage, and I'm not sure how helpful it is to do so and also it really shouldn't... happen.

Researcher 20:12

No.

P18 20:15

Yeah, I don't think you'd want to include it in this resource. It might be a conversation, but I don't think it's helpful myself. I think for general information, particularly if it's early doors, I don't think it's worth scaring people with things that are really basic ...issues with the technology, but they should sort that out. There could be issues with the quality of the video, but they should sort that out... they're fixable things. I don't think it fits with what the resource is for. Does that make sense? You definitely don't want to give like a rose tinted [view] but I don't think it's helpful for survivors to have that in their head when they're making a decision about special measures, cause I think you kind of have to act in good faith that most basic things will [work]. No one's gonna justify that, whereas something like mentioning the judge could turn something down, that's true and they will justify being able to do so. So I think there are other things where, I think yes, that's realistic to make people aware that it might not be granted or it could be but I think with the technology. ... it jars with the purpose of the resource, and particularly if it's like a general resource that's going to be widely available where there's no caveats or follow up conversations I think you do need to keep it a bit more general. ...I think if we don't regularly direct people towards it when we're having the conversations in person, I think it just kind of jars, I just don't think it sits right with what it is that you're trying to present. And I think in terms of the pros and cons that people tend to care more about, it tends to be the fact that the perpetrator can see them when they're on screen, it tends to be between being seen and being shielded and then whatever the police have told them about how likely or not it is that they'll get a conviction. Those tend to be the deciding factors more so than like, will the technology work?

Researcher 24:27

Umm.

P18 24:37

I feel quite strongly that it doesn't sit well within the video.

Researcher 24:46

Hey, thanks.

Shall I carry on?

Some people prefer to make a written statement because they don't want their evidence recorded or played in court.

Some people think it's easier for the jury to understand your side of the story if they see a prosecution barrister ask you questions in court rather than watching a police interview.

I just wondered what your thoughts were about this part.

P23 25:46

I found this bit of the video a bit confusing when I was watching it, I think because well, correct me if I'm wrong, but what you're trying to say is that when people give a written statement and then they go into court and answer questions on their written statement, they might come across better than their ABE being played and then being cross examined on their ABE, but in both situations someone's got to represent themselves to a courtroom. But I had the CPS have said you will come across better if you're in the courtroom, UM, but you still have to come across in a certain way to the people anyway because they're looking at you anyway, but yeah.

P18 26:32

And that it does tend to be around cross examination rather than evidence in chief like, they definitely do say that and it might be helpful to reference to people saying it. And then what I always offset that with is that what's the most important thing and all of the special measures are designed for, is for you to give your best evidence. So it's important you make your decision based on what will allow you to be most comfortable and answer the questions clearly. I think that can be a helpful way of offsetting any benefit that someone may or may not give, but I don't see them [the police] trying to direct people towards a written statement for those reasons. It does

tend to be the cross examination rather than at this point, which is why, maybe it's confusing like to have it here, yeah.

P18 28:31

That's our colleague.

Researcher 28:41

Hi.

P19 28:43

I sorry I'm late.

Researcher 28:46

I'm delighted you joined us. Thanks for joining us. ...So we're about two minutes and a half through the video, talking about how people give evidence to the police and what impact that may have on when they go to court.

P19 29:35

OK.

Researcher 29:35

And so we're just going through the video, pausing it and seeing if anybody has any feedback, but if there's anything that you want to raise, then just please do shout out, is that OK?

P19 29:51

Yep. Thank you.

Researcher 29:52

So let's move on then.

Now let's look at what special measures are available for the second part of your evidence.

If the case goes to trial, there are four ways to be cross examined at court.

You can go into the courtroom during the trial without any special measures.

Or you can use the screen around the witness box.
This means only the court staff and barristers should see you.

Is there any feedback at this point?

P23 30:35

I think it does, maybe go on to say it in the next 10 seconds, but the screen, the jury can also see them. I don't know if it's worth saying that almost first, like the jury, the court staff and that, yeah.

Researcher 30:48

I missed that out, thank you. I need to put that in there.

P18 30:57

Just the volume, the volume changes and I didn't know if that was intentional.

Researcher 30:59

It's a draft voice over, just for the purposes of the consultation process, which is why it sounds like that. But once we've got a final script and we're happy with the wording then then we'll professionally record it with a professional voiceover artist. So here you can see the sight lines which is what you were talking about earlier, P23, about the use of screens. I don't get on to explaining screens until we start talking about the court stage. So, I take your point that it could come earlier. ...Are there any other points about this part?

Feedback from other focus groups has been that the screen is not obvious enough, when it's being drawn and it's not being drawn it doesn't look obvious enough.

P18 33:09

...I think that when you hear screen, I think you imagine something that really does cover and they often don't. I think it's quite helpful to see... we don't have curtains [place name], but I've been to other courtrooms where they do have curtains and I think it's helpful to see it's not this wonderful piece of technology. It's just a piece of wood at the end of the witness box or it just covers you. So I don't think it's bad personally.

Researcher 33:40

OK so I'll move on.

The courtroom is cleared before you enter or leave, and you may be able to use a separate entrance.

P18 34:01

Should be cleared.

P23 34:03

Yeah, I was gonna say should be. You actually still have the majority of people it.

Researcher 34:37

It's very difficult about talking about what ought to happen, compared to what may actually happen and, you know, trying to find a compromise between the two. OK, carry on then. So we're just, we're just going through the different ways of cross-examination which I might change to giving evidence at court. What do you think?

P23 35:46

...actually the majority of the time you are just cross examined when you're in court and if the prosecutor asks a few questions, it's a much smaller event and actually if you are then going to court, you'll have a pretrial visit, you'll have a sit down with someone and they will say to you it might be that the prosecutor asks you a couple of clarifying questions. So I guess if this is just kind of designed to give someone the broad idea of what court is like then cross examination is probably fine.

Researcher 36:26

Thanks.

OK, let's carry on.

If you don't want to go into the courtroom, you can give evidence at trial from a different room inside the court building using a live link.

This room is called the witness suite.

You can see and talk to the court staff and barristers in the courtroom, and they can see and talk to you.

Any feedback on this?

P18 36:56

May be able to rather than will be able to, but I think it's a good descriptor and I think the videos and this split screen is helpful.

P20 37:14

I was just gonna say is it worth mentioning that sometimes people can do it from another location rather than just another room in the court? And, but yeah, like what P18 said, like, *should* have been because it's not always guaranteed.

Researcher 37:31

Let me just double check what you mean. What wording do you think I should change to should?

P18 37:42

I think it's just the first bit where you said, if you don't want to go into the courtroom, you will be able to - I would just say might or *you may be able to*.

Researcher 37:52

OK, perfect, let's move on.

If you don't want to give live evidence at trial or go into the courtroom.

You can video record the cross examination.

This takes place before the trial at a separate hearing known as a Section 28 hearing.

You'll be in the witness suite and you can speak to court staff and barristers in the courtroom via the live link.

The Section 28 hearing is recorded.

And played to the jury at trial.

P18 39:55

...like Section 28, is definitely the least reliable thing that someone can have like, so I would say it's not if you don't want to. I would say maybe *if you don't feel able to* because even for intimidated witnesses it's not supposed to be a preference, so I would say you'll probably have less push back from other agencies if you focus on *not being able* to give their evidence and, I'd make it really clear at this stage, that this has to be applied for in advance of the trial and the judge has to approve it, it's not a given and nine times out of 10 they will either try and dissuade people from even applying for it or it won't get granted. So it needs to be really clear that it's not like they get to choose it. It should be in theory, but... the practice is reliably the other way. So I think it would be safe enough to say that if they do refuse it, they will justify refusing it. So it's not like something that's gone wrong so much as a considered decision that the court will be like. No, you can't have that.

Researcher 41:14.

...that's a really good point and definitely similar to feedback from other focus groups as well... you're talking about the possible options but actually the decision isn't really theirs.

...So really important to stress... how every special measure has to be applied for and ultimately, although the judge will take your preferences into account, it's their final decision on which special measure you'll have. I don't know whether to put that in at the end as one of the questions, for example: Can I have whatever special measure I want? and that might be one way of dealing with it rather than specifically highlighting that that special measure is hard to get at this stage.

P18 42:45

I'd make it clearer with Section 28, just because it's reliably less likely they'll get it. Whilst it's true of live link or screens, they're much more established and they're less likely to be refused. So I think it's worth highlighting for all of them, but I would build it in when you talk about, say, it can be applied for you to give your evidence in advance, you don't have to necessarily labour the point. I think just making sure it's not portrayed in any form of automatic way or choice based way.

P23 44:19

Could you even maybe say it earlier when you have the four options on the screen and then say in some cases *you can apply for a Section 28* and then go on to explain what a Section 28 is? And then as you say at the end have that question as well.

P18 44:38

I think that's a really good idea, P23. That's like a really nice place to put it.

Researcher 44:46

Let's carry on. It's the s. 28 hearing.

You'll be in the witness suite and you can speak to court staff and barristers in the courtroom via the live link.

The Section 28 hearing is recorded.

And played to the jury at trial.

Whichever way you're cross examined.

The defendant is normally always in the courtroom.

Maybe I could zoom in on the defendant here just to make it really obvious.

P23 45:47

I quite liked the graphic change. The 1234 like options, the recap was really nice and I also like that the defendant's a man. That brings me joy.

P19 45:58

And could I also mention maybe, I think it was on your earlier slide, and that when someone is giving their Section 28 that someone else can support them, whether it be an ISVA or a member of the witness service, maybe, just so that they're not on their own.

P20 46:18

And also with part when you sort of say you're able to talk to court staff, it is it able to be like give your evidence via that way because I just don't know if it makes it necessarily clear that you're giving your evidence in that instance, not just talking to the people in the court.

P18 46:40

Or like be seen and heard by the court staff.

Researcher 46:46

Thanks for your comment about the 1234, I just wonder whether it's obvious enough or maybe I need to have some wording that refers to each one.

P21 47:02

Yeah, I was gonna suggest that cause I personally didn't like the silence. ...it kind of like, you know, make me feel like maybe there is an error in the video. And yeah, I think that would be nice if you could like add some, I don't know either like a word or just like, read it again and just say like, live-link etcetera, screens.

Researcher 47:13

Also maybe have the words up as well. OK.

Shall I carry on then?

Some things to consider.

Which special measures can I use together?

If you video record your police interview, you can prerecord cross examination or be cross examined at trial using screens or a live link.

If you make a written statement, you'll attend trial to tell your side of the story to the jury and be cross examined.

You can give both parts of your evidence using a screen or live link, but you cannot prerecord the cross examination.

P18 49:02

I think it's good to include it and I think it feels clear to me but maybe just I already understand it, I don't know.

Researcher 49:11

OK.

So you must video record your police interview if you want to video record the cross examination.

P18 49:30

Just say *if you want to apply* to video record the cross examination.

Researcher 49:37

OK.

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

Yes, there were monitors either side of the courtroom that linked to the witness suite or play the videos.

You can ask the court to screen the monitor opposite the jury and turn any others off so only the court staff and the jury can see you.

The court will consider your request but does not have to grant it.

Any comments?

P18 50:16

Most police officers don't know you can screen the screen, so it's kind of I think it's good to include because I think sometimes we get put off from using particular measures because it's almost like nobody knows that you can use them. So it is almost good to include it, but I would I would make it sound less of a given cause it's. I don't think they screen the screen at all in [place name]. I think they do in [place name] and I think you could, I think you've said, like, you can apply for that and the judge may not, it's up to the judge, because I think it's a lot of the time, it's logistical, like, our screens are right up on the wall. There's not really any way to do that. I don't know.

Researcher 50:58

Yeah, if you have a courtroom set up so that it's possible to screen the monitor as opposed to screening the dock. There are issues with screening the dock because the defendant can't see the cross examination and they can't see the judge, they can't communicate with their defence representative, but if court rooms were set up so

that at least one had the monitor within the witness box with a curtain, or at a level which could be physically screened, then it would be possible.

P18 52:36

Yeah. And it's not right. If it doesn't impact fair trial for the number of screens that are used then it doesn't, it isn't impacting if you've allowed it for all those trials where someone's behind a screen, you can't argue that is different for Section 28 logically. But yeah, it's logistical and nine times out of 10, the court will just try and justify it on that because that's easier than saying, yeah, we just can't be bothered to get something to cover that or we can't afford to upgrade our technology, it's a more comfortable argument, isn't it?

Researcher 53:09

So it may be that I deal with the application process in other areas and here I talk about how each court room is different and therefore it may not be possible to accommodate this request or something along those lines.

P18 53:29

I would still include the application. I think that's helpful because that's the truth that you do have to apply for it and it may not be granted or the court may struggle to accommodate the request.

Researcher 53:42

Yeah. OK. I will carry on then, nearly finished.

People make a written statement and give both parts of their evidence at trial behind a screen to prevent either part of their evidence being captured on video or being shown to the defendant.

So any comments about this? OK.

Can I have someone with me during cross examination?

You can ask for a supporter to be with you, such as an independent sexual violence adviser or ISVA.

P18 55:13

I'd say professional supporter. Sorry, I thought two things like I think professional supporter like an ISVA or witness service cause they might think I can have my mum then. But this section that's not true in [place name] in terms of space, so I wondered if that was caught specific where that had been fed back in terms of it being easier to have someone sit with you in the live link room... that's not something we see or hear said here.

P18 56:06

We just sit behind them. It's not something that has ever, in 10 years, I've never heard it given as a reason [why an ISVA can't be there] ...they'll give every other reason, but not there's not enough space, for example. So unless that's a particular court where they have that problem, I'm not sure it warrants inclusion.

Researcher 56:24

OK. I think it's important to maybe refer to the other services that provide support.

P18 57:02

I think it's just witness service. I don't know of any others.

...

Researcher 57:17

Thanks.

What about the position of the ISVA? Some ISVAs have said there's no way I can sit that close, I have to sit the back or whatever.

P23 58:02

I don't know. I mean, if you were to include something like this, I wonder if it would also be helpful to include in the court room, the visual of an ISVA sat, you know, to the side of the person giving evidence as well for the full visual understanding of it.

P18 58:20

If you did that, you could have, cause you know the other representation that you've

got of, like the ABE suite, that's a wide pan shot of like the link room, and they sometimes will, if you've got a supporter, initially show, cause they've still got the two cameras they initially show the ISVA in the corner, so if you could, I mean we might be getting too technical [but] I appreciate what people have fed back about this person being too close, and I think P23's right about having a visual representation. If you had just the courtroom, you could have a visual, and you could almost draw the viewer to, this is what it look like if they're in there and then disappear that ISVA, and pan to the screen and then with the ISVA in the corner of the room.

Researcher 59:08

Well, you could zoom out of this picture more to show more of the room.

P18 59:15

Yeah, yeah. If you had a wider view, that would also work.

Researcher 59:18

And have them in the corner?

P18 59:21

Yeah, yeah.

Researcher 59:24

And then maybe have a split screen of showing somebody giving evidence in the courtroom. Would you have a chair behind the witness box?

P23 59:40

Yeah, just behind, like, you know, so that you can see it's like to the side.

Yeah, just kind of almost next to them.

P18 59:52

Just like back, and offset tends to be where we are and we tend to usually we're behind this screen as well. Sometimes they make us sit in the public gallery, but that again is where it's gone wrong and they don't want to let us and it could be witness service in those circumstances. They'd still let witness service sit there.

Researcher 1:00:07

So are you sat on the same level as the judge, but next to them on the witness box?

P18 1:00:15

Just behind, like a meter or so behind and just like usually behind and to the side there's usually space.

P20 1:00:30

Because the stand's usually raised and then obviously judge is a lot higher up, we're sort of lower, but just behind them because there's a gap that they walk through, to stand in the stand, we're sort of in that walkway, just on a chair.

P23 1:00:43

Yeah, like if they turned kind of like that, they could. They would be able to see us just like over their shoulder.

Researcher 1:00:50

But your lower than them.

P23 1:00:57

Well, it depends on the court. I mean, a lot of some courts, actually, you don't even step up onto something to give your evidence. But I mean, we're sat down throughout the whole thing. So there'd be, whereas there be stood up. So yeah.

P18 1:01:13

If you've got your court because you wanna keep the same layout, don't you? Maybe underneath that video screen?

P20 1:01:26

Under the screen, a bit behind the stand maybe.

P23 1:01:27

Under the screen would be perfect.

P18 1:01:38

The survivors left, behind her, so like half poking out from behind the corner of the stand.

Researcher 1:01:41

OK. Shall we carry on?

What happens if I record both parts of my evidence?

If you prerecord your police interview and cross examination, you cannot later change your mind and give live evidence at trial.

You'll finish giving evidence sooner or before trial, but you'll still have to wait until the end of the trial for the outcome.

Any comments about that?

If the jury can't decide and there's a retrial, you won't normally have to repeat your evidence.

The videos can be used again.

Any thoughts?

P18 1:03:07

I think no. No thoughts are usually good thoughts.

So like there's yeah, seems good.

Researcher 1:03:13

So I think I need to insert something in here where I talk about how the videos can be reused and but there's always the possibility that you could be asked to give further evidence again, but you should be able to use special measures if that happens.

P18 1:03:55

Yeah, I think you caveated it nicely as you introduced it. You could just be like there is, there is never a total guarantee that you won't be needed to attend court in

person, however, I think it's right, that's what it's designed to prevent, but obviously you don't want people to think that could never happen.

Researcher 1:04:13

Any other comments or feedback at this point? OK.

Ultimately, there are different ways of giving evidence because everyone is different so think about what might work best for you.

So that's the ending. I want to add information about arranging a pre-court visit and exploring more of your options at this point.

P18 1:05:49

What I will say, I think it is always helpful for people to understand as well... I think special measures are designed for someone to give their best evidence and I think that can be helpful for them to think about when you're making that decision, the decision isn't just like, what do I fancy? It's like what will help me to give my best evidence to the court. Do you know what I mean? I think that's often where the, UM, trade-off between being seen by the defendant, you might not want to be seen by the defendant, but actually, if you're so overwhelmed or so anxious that you can't hear the questions answered, the question it's about what's gonna allow you to give your very best evidence. I think it could be worth including that concept in that short section. I think it's like a helpful reminder as to what the purpose of them is.

Researcher 1:06:39

Yes. Just to add, there may be another slide here about how you can find your local ISVA service.

P18 1:08:44

I think the last slide was where ...you've linked to CPS... more information can be found - more information on what? Special measures? I would I would just put that. So it's clear that that's all special measures. It's not just more general information, because otherwise I wouldn't ever sign post anyone to CPS for general information.

Researcher 1:09:15

I'll make sure that's clarified. So that's the end of the draft video. So just wondered whether there's anything else that you wanted to mention that you don't think we've covered?

P18 1:10:08

The most helpful resource that we signpost to is the interactive courtroom. I think it's Victim Support, that's really good cause people can click through then like say if they watch this video and then they wanted to go back and revisit and click on the... that's something we use that most regularly with survivors. Have you seen that one?

Researcher 1:10:30

Yeah.

P18 1:10:33

I think I can't remember if it's Victims Support.

I always just Google it.

Researcher 1:10:36

Yeah.

No, I think it is, yeah.

P18 1:10:39

If that's a reliable link, I'd maybe sign post to that because I think people can go through that at their own pace.

P23 1:10:51

I really liked your idea to label the things in the courtroom, at least in the first instance, because especially the people who might be watching this because they may need special measures will probably pause it to take in the information. And that actually, yeah, just having the names of the judge or jury is so helpful.

Researcher 1:11:14

Yeah, definitely. ...

P18 1:11:34

And just to say, the concept of it, I think is really good because it democratises those conversations and it takes some of the power dynamics out if people can access that in a neutral way and when it is presented just by police and CPS, they absolutely do put their slant. So I think the concept is really, really sound and a nice idea. I think it's just making sure the information is that right balance and if there wasn't such a discrepancy between policy and practice, you would have a much easier job.

Researcher 1:12:04

Yeah.

P18 1:12:09

Welcome to our world. But it's a nice idea and generally very visually sort of pleasing.

Researcher 1:12:12

Well, I'm glad. Thank you. Thanks all. Thanks for your help.

● **Researcher** stopped transcription