

Focus Group Meeting 2

July 23, 2024, 12:40PM

1h 23m 5s

- **Researcher** started transcription

Researcher 0:09

OK. I'm going to start playing the video now.

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.

So that's the introductory material, any thoughts or feedback so far?

P9 1:31

Umm, I thought the colour scheme was a bit sad, sorry. I don't know whether it's meant to reflect the process or, but it made me feel kind of like it was heavy.

Researcher 1:49

So the colours used in this video are orange and blue and are meant to be pastel to be calming. Things that are represented in blue are when we talk about what's happening at the police stage and then things that are depicted in orange shades are meant to refer to the court stage.

P11 2:51

It was really difficult to read the first slide initially.

I don't know whether it had just not buffered in properly, but just the contrast of those colours was difficult for me.

P8 3:04

I agree with P9. Actually, they did seem, I suppose I'd use the word drab, but yeah, they just, yeah, quite depressing.

P11 3:12

I think we're used to pink and purples generally in our sector, so that might be why.

Researcher 3:30

OK, right. I'm going to carry on now.

Normally there are two parts to giving evidence. First when you explain what happened and give your side of the story, and later if the case goes to trial, when you're asked questions about the defendants side of the story, this is called cross examination.

Let's look at the first part.

P11 3:51

I just shoot in straight away. Use of the word defendant without any explanation as to what that means.

If we're considering people that aren't in the criminal justice process that are coming fresh in, I think it's to be really mindful about those words from the get go.

And if you are using that word, maybe just have like a pop up to say what that means or to use a word that's totally different. I think that would be my immediate thought there.

Researcher 4:24

Would you have any suggestions for what word you would use?

P11 4:30

So generally when I'm trying to explain the process, I would say the person who harmed you or the other person and that's type of words I would use and then say they're also known as the Suspect or a defendant and that's how I kind of introduced that usually. But it's just trying to break it down as much as possible, because this is it's overwhelming naturally. So I think just getting rid as of as much jargon without removing information would be helpful.

P8 5:09

I think it needs to be clear that the police use the word suspect and they're not a defendant until they're in court as well.

P11 5:23

I wonder whether it's worth having kind of a separate element that says, you know, in this video we'll be using these words. This is what they mean. And then we're kind of cover that little bit.

P11 6:23

What about person?

Who was accused of the crime?

I mean, that's a very straightforward way of saying it.

P9 6:35

OR the person you reported, also known as the suspect in the police, you know context and then the person accused of the crime in the court context, also known as the defendant.

Researcher 6:49

Should we move on?

You'll give your side of the story and a police interview you 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 live link.

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 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.

Does anybody want to say anything about any of that?

P10 8:21

Where it says it might be better to do video evidence before because your memory at the time might be better, might be also good to add that it's, you know, takes off the potential aspect of retraumatization, having to give evidence again in trial like it saves you. Just you know, from repeating yourself and hopefully like reduces the amount of like stress and everything will be under on the day of trial.

P8 8:45

There's also an assumption they'll know what live link means, so that needs explaining as well, because they'll have no idea what that is and the fact that it's not always in the court building. Certainly in [place name] we use the SARC. So I think there needs to be some explanation of what is live link.

P7 9:13

Yeah, we have two remote sites as well for the live links instead of actually going into the court.

P11 9:22

You could even just I suppose have like a general that it could be in the court or a different place and the police or whatever can talk you through this.

Researcher 9:40

Did you want to say something else, P6?

P6 9:41

Yeah, when you said about the written statement, our police... have not been forthcoming with going with the case if they won't do video interview.

Like so, so probably, there are a lot of police forces where the written statement probably wouldn't be enough.

P11 10:13

I would piggyback on that actually and say I've come across a lot of cases where they've done a written statement, but then it's got to CPS and CPS have said actually, no, we need to do a video before we can consider it.

P6 10:24

Yeah.

P11 10:26

So it's almost like, yes, you get a choice initially, but that might be overridden. So I think that's another thing to bear in mind.

P8 10:38

Yeah, it needs to be clear written statements are rare.
I've not had any so.

P9 10:41

Yeah, I haven't had any either.

Researcher 10:46

Yeah, I think there's a push to get all of the evidence recorded at that initial stage. Do you think it's problematic to refer to the alternative way of giving evidence?

P10 11:40

I've definitely got a few with written statements at the moment, so like it definitely is still happening, so I think it is definitely still worth mentioning.

P11 11:45

Yeah, I think I've had over the last year five that were written and they were all then asked by CPS. We're not considering it until you do video interview basically.
So it was almost like, you know, we do a written statement right at the beginning. We're now months to a couple of years down the line and we're having to do another interview essentially in video form.
So I think we have to be really careful in terms of it isn't kind of one or the other

because it could be both. I think it might be better to say, you know, there are ways you can do it and it's always best to talk to the officer to discuss your options and just keep it quite open. I suppose if you are giving that information.

P9 12:38

I was just gonna say that really, I suppose, the only benefit I can see with the written statement is that [later in the video]You kind of explain that ...if somebody has a written statement and it goes to trial, that could possibly be the only way they kept out of the eyes of the public if they if they go to court behind a screen. So maybe that's a consideration for some people, but it's kind of pointless if the CPS then turn around and say we won't accept the written statement and you still need to do a video interview. So we need to be careful not to mislead people into thinking that they can do something and it turns out that they are unlikely to be allowed to go forward with it. And the other thing to mention, for me, it's just that when you talk about the screen and then a few screens appear on the slide, it's not obvious to me and I wondered whether when the screen suddenly appears cause like whether it could be in a different or heavier sheet or something because there's nothing that shows you that's what the screen is meant to be. Suddenly you see a few slats turning up, and then it's not very noticeable really.

And then when it goes to mentioning live link, suddenly the box kind of shows up, but it's all very subtle and like, if I didn't know to look up for it, I'm not sure I would have really noticed it, and it's quite fast.

Researcher 14:08

Do you mean it's difficult to see when the screen is drawn?

P9 14:15

Well, yeah. It's quite brief. It's not really striking. You hardly notice it. If I didn't know to look for it, I might not have even realized the difference.

P9 14:43

Because it's all sort of the same colour. And I don't know how, but you can do something to make it more striking or, I don't know, put arrows pointing at it or something.

P11 15:00

I think to add on to P9's point as well about being really specific about the screen is a lot of clients will ask me where is the screen? Like, who does that go around? And I think it's helpful to talk about what that looks like in terms of the space. And I mean, there are sometimes when the defendant will be behind the screen if they are watching live link for example. So I think it's good to give a visual as much as possible, but again it's so different across all of the courts that it's so difficult to give really, really solid, consistent information. I think we have to be careful to avoid that.

Researcher 15:39

Yeah, some courts don't have curtains, do they? I'm trying to not front load things too much or overexplain everything at the start to try to keep it moving and keep people engaged.

P11 18:15

...if you are putting it on YouTube, you could always put the time stamps in the description as well, so that that's another way for people to navigate.

Researcher 18:27

Are there any other points?

P6 18:40

I noticed where it said about the video evidence called for a jury to understand, so I'm not sure that part's needed. It almost feels as if it's like putting extra pressure on the person.

P9 19:05

Actually, I agree with that, yeah.

P11 19:08

And I think in my experience, there's a lot of police officers will use that as a reason to dissuade someone from doing it and say, oh, you know, it's not the best evidence, it's not great. The camera's rubbish and I think even if someone really wants to do it, you hear that and you think, Oh well, I shouldn't do it because it won't be very

good and I think ultimately the video should be as factual and kind of detached as possible and then more of the detail can be discussed with the support worker or the police officers and things like that. I think otherwise as a base material, your brains automatically going, video links not very good, so I shouldn't do it anyway.

P11 20:04

Is that kind of what you were thinking, P6 as well?

P6 20:06

Yeah. Yeah, it's same. Yeah.

Researcher 20:10

The idea is to try and go through some of the pros and cons. So there will be, they may be told these kind of things, as you said already. So the idea is to try and put across a number of different perspectives to try and allow people to make more of an informed decision. The quality of some video evidence isn't that great. If people aren't told this in advance, they may then think, well, if I'd have known, it would have looked like that or sounded like that... they might be quite disappointed with the outcome. I personally think, on balance, that it should be in there as well as exploring some of the benefits of video evidence.

P11 21:52

I was just going to say to that point, then, I didn't see any comment on what's beneficial about that, just the negatives about that in terms of the video, it might be very good. So if that's kind of the thought process, I think pros and cons need to come at the same time.

P9 22:07

Yeah, it's a similar point to P11 that for consistency, then, you should be exploring each special measure with a quick pros and cons thing for each of them just for consistency.

P6 22:16

Yeah.

P9 22:18

And then you'll also reinforce what these special measures are really about, because the whole the whole section goes by really quickly.

P6 22:22

Yeah.

P9 22:25

I don't think someone watching it can really absorb and fully appreciate what you know sort of how useful they are or not.

P6 22:34

No, and I think if you want to keep it in, that's good, but try and rephrase it because you're almost saying you can do your video interview, but the jury might not be able to understand it, whereas if you just rephrased it and said, you know, you might not come across how you want to on that video, you know your voice could be different or there could be IT issues. I think if you want to keep it in that's fine, but I think you're putting a lot of pressure on that client and they may be thinking, so what if the jury doesn't understand me? They shouldn't be at that point when they're watching this, I don't think.

P11 23:17

What if they come across this video after the fact and then they see? Oh well that's it. Now they haven't understood me. You know, there's no point.

P6 23:27

Yeah. So we got found not guilty because the jury didn't understand me on my video. I think I think it's definitely the wording. If I was watching this, I would think, oh, my videos got to be perfect so the jury can understand it.

Researcher 23:51

Thanks.

Did do you want to add anything P10?

P10 24:00

No, nothing.

Researcher 24:01

OK, right. So we'll move 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.

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.

P8 24:59

Sorry, just one thing that just came up. It's a bit confusing because we were talking then about the police because now we've said moving on to trial, but yet you've just shown them in the trial when they're giving their initial statement, they can't give that in court anyway.

Researcher 25:39

Well, the reason why that's there is to show that if you don't video record the police interview, then you'll have to give your evidence in chief and repeat what you said in your statement at trial.

P8 25:55

Yeah, but you're not actually doing it again. It's just that you're gonna be asked more questions on it. Yeah, it's just a bit confused. It implies that you're gonna have to talk through the whole thing again, whereas it's more a case there'll be more questions.

Yeah, I think if I'm confused, they're gonna be confused, to be honest.

Researcher 26:26

OK, let's move on.

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.
The courtroom is cleared before you enter or leave, and you may be able to use a separate entrance if you don't want.

P11 26:51

Sorry. Can I just interrupt when it says about the screens?

Researcher 26:53

Yeah, please do.

P11 26:57

It says that only court staff and judge stuff. But what about the jury?

Researcher 27:30

Yes, noted.

Should we 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.
If you don't want to give live evidence at trial or go into the courtroom.
You can video record the cross examination.

P11 28:21

There needs to be referenced to remote live link as well.

Researcher 28:26

Yeah. Although, I don't think that's happening as much for pre-recorded cross examination is it?

P11 28:44

It does. I think it did in [place name]. It doesn't at [another place name], but I've had it at [place name] before. Are they still remote P8 at [place name]? Yeah.

P8 29:05

Yeah, mine have all been at the SARC, and I've had one that's actually at the court. So yeah, again, everything depends on the judge, doesn't it? But they're turning against them anyway at the moment, judges don't like them anymore.

P10 29:27

And can I just add that it might be useful to have a couple of examples why somebody might not want to do these particular methods. For example, like if the abuse happened when the witness was a child, they might not want the perpetrator to know what they look like as an adult. Things like that. Just so that there's examples of why people might choose to do or not to do certain methods.

Researcher 29:53

Yeah, about who can see you in the courtroom. I think that needs to be really obvious here as well. The video does discuss it later on, but I think it needs to be front and centre here as well.

P9 31:07

Umm I I think it was the option for a screen in court going behind the screen in court and it very briefly showed it briefly said, you could come in through a special entrance and the court could be cleared or something, but it doesn't explain why, which is the main advantage with this special measure is that if you don't want the defendant or any members of the public to see you physically, to know what you

look like, this is probably the best special measure. ...if it said something like, you know, if you don't want the public or the defendant to see you then link it to this special measure because that's the only one which is the most straightforward to guarantee that cause it mentions like coming in from a separate entrance but doesn't say what for.

P11 32:15

I know you've mentioned that pros and cons kind of comes a bit later, but for me I feel like it should come at the same time. So you talk about a measure and then we go through the pros and cons because otherwise I forgot and I'm actually watching this and I'm thinking OK, OK.

P6 32:34

Yeah.

P11 32:39

...I just, for me, want it all at the same time so that I can go OK screens, OK. This is the good things, the bad things. Next one these are the good things is the bad things and I don't know if that's just me, but that's what I think would be best.

P8 32:59

It's not just you, I would agree.

P9 33:02

Yeah.

Researcher 33:04

The video's designed to show the link between the police stage and the court stage, and is meant to be a sort of linear route through the process, if you like.

OK, so I'm gonna press play again.

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.

P8 34:27

Can I say something on that? I got a lot say on that right. So the one thing that that doesn't do, and most officers don't do, is make it clear that when that Section 28 recording is happening, the perpetrators watching - that needs to be clear that they are there live. I've rarely had a client who understood that, and it needs to be clear that it's officially almost the start of the trial, that it's basically everyone except the jury, but yeah, they need to understand and you need to add that it could happen in a separate building as well.

P9 34:52

Yep, and that the public gallery is actually open as well. And I've had police officers actually told my client that the defendant wouldn't be there, so.

P8 35:04

Yeah.

P6 35:08

Yeah, we've experienced that a lot. And also there was some courts by us, where we have screen [the] screen and so perhaps it'd be a good thing if you could put screen over that telly as that's another option in some courts.

P9 35:29

I think that that is so difficult to get, like some of these special measures ...the judge is unlikely to agree. I think one of the issues I have with how this bit is introduced is that I think it's so difficult for an adult survivor to be given a Section 28. It's so rare, but it's been presented as if it's another option of equal availability and it's not.

P6 36:08

The majority of police, especially in our area, if clients ask for a Section 28, it will be refused point blank. Then they're left disappointed because they've heard about this Section 28 and then they're refused.

P8 36:26

Certainly in [place name], all my clients have had Section 28 until recently [but] things are definitely changing and judges are not saying yes anymore. I would say every client in the past has had it, but not now. And also it needs to be made clear in this video that these are options to choose, but that you may not get them and that is not clear at all and it's happening more and more that judges are refusing anything and that has to be clear. This is not just a choice. You don't pick one and that's it. It really needs to be clear.

P6 37:02

Yeah.

P11 37:04

Yeah, that's what I was going to say.

Researcher 37:11

I think it's dependent on where you are in the country as well. There is pushback for adults and I take on board everything you say.

P7 38:03

We've had a case where a client has been recalled once they have done a Section 28

P6

Yeah, that isn't mentioned in there at all.

Researcher 38:23

Sorry, did you say that people have been recalled to do another Section 28?

P6 38:32

No, during the trial, they've been called back to give more evidence, to answer more

questions. So three of my last clients who had s. 28 all three of them were called back.

Researcher 38:48

What special measure did they use when they were called back?

P6 38:53

Screens...one of them had video link, yeah.

P9 39:05

So were these adults or young people?

P6 39:06

Adults.

Researcher 39:12

Was this because it was very close to the trial?

P6 39:20

No, these [s. 28 hearings] were done awhile before, so there was a big gap. But it seems as if more and more, people we speak to, other ISVAs, that clients are getting called back so they do need to be made aware that once they've done this, that's not always the end of it.

P8 39:44

Yeah. We've had a couple, I haven't personally, but within [] we've had some the same recently where they've done Section 28 and then they've been called to court. So we do make it clear now that that could happen because before I was saying, well, that's it, you won't have to attend, but now we're saying you could still be asked to attend.

P6 39:57

Yeah.

Researcher 40:10

Does anybody else want to add anything about that before we move on?

P11 40:19

I just wanna be super super clear that, as a minimum, I think you absolutely do need to include that any measures have to be approved by a judge and I think that's something you just can't leave out.

Researcher 40:31

Yes of course, thanks.

Whichever way you're cross examined.

The defendant is normally always in the courtroom.

Some things to consider.

I'd waited until explaining all of them before mentioning about the defendant always being in the courtroom instead of saying it for each one.

P11 41:22

The highlight around the defendant there. I don't think was clear at all. I think there needs to be a better way of highlighting that.

Researcher 41:31

OK. Thank you. OK, so this part of the video is the Q&A. This, for example, could be where there is a question about, 'Can I have whatever special measure I want?'

Some things to consider.

Which special measures can I use together?

If you video record your police interview, you can pre recorded 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.

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

Anybody want to add anything about that?

OK, I'll carry on.

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.

P8 43:44

That needs to say rarely, not might not. I've never had any granted, I think it needs to be really clear that that's highly unlikely to happen.

P11 43:54

And I've had it where they're screened the defendant themselves rather than the screens, or maybe that's worth mentioning as well.

P8 44:03

Was that just was that in [place name] P11 because of COVID though? The post COVID. All right.

P11 44:07

It's [place name].

P8 44:09

OK. Yeah.

P11 44:11

I only had it once, mind, so I don't know if it was just a one off.

Researcher 44:17

I don't think courts have a uniform system about how to do this. It depends on the setup of the courtroom.

P8 44:34

Umm.

P11 45:40

I've never had a case where a [TV] screen has been screened and there's been people in the public gallery, but has anyone else? How does that work in terms of space?

P10 45:52

I've had that, they screened off the public gallery. So you couldn't see.

P11 45:57

Oh might be worth mentioning that as well then, because obviously it doesn't mention the public gallery at all.

Researcher 46:39

So you've actually seen somebody take a mobile screen and screen off the public, have you P10? The public gallery but not the defendant.

P10 46:56

Yeah, yeah, so the screens were behind where the defence and prosecution barristers were sitting, so hiding the defendant, hiding the public, so that they [the complainant] could still see the jury, the prosecutor and the judge. ...So the screens were blocking the public gallery and the defendant.

Researcher 47:24

So they couldn't see anything. Essentially, they could just hear.

P10 47:34

They would be able to see the jury, but yeah, I don't think they could see much else.

Researcher 47:37

OK, that's interesting. Any other comments on this? I take your point, P9, that it doesn't that it doesn't really look like it's been screened very much.

P9 48:02

Yeah, it's not obvious ...the screen just looks very minimal.

Researcher 48:10

I could remove it altogether on the shots where somebody's not using a screen, that might be one way of doing it, but the curtain is always there, isn't it, at the side of them?

P11 48:28

I never registered that that was a curtain. I thought it was a column, so for me I didn't even register until you were talking about it. So and I'm just thinking from a neurodiversity point of view, having some point of reference is always super helpful. So, you know, you mentioned about having those words. I think having those remain on the screen in a softer way would be so helpful, and I'm speaking from obviously not an LD perspective, but more so just in terms of ADHD and low-level autism. Like just having that constant point of reference I think would be really helpful. Obviously, I think in terms of LD, you're gonna have to develop something else if you were going to.

P8 49:21

Out of interest, would you consider sharing this to an adult who's no idea about the criminal justice process and see if they understand it? I feel it's written from the point of view of people that understand. And you know ..say, is this all clear? Can you understand this because I really don't think it says enough at all. I really don't. We're struggling and I think, yeah, I'm just interested in someone that's never approached the criminal justice system. Would they have a clue what's happening here?

P9 50:06

I mean, it's very succinct and very short, ... but I wonder whether for it to be more

useful, it should be a bit longer because the people that really need to see this will be prepared to put the time [in], to understand it better.

P6 50:15

...For me, it's the colours, so they just very dull and I think it could have been doing with more interaction and maybe more moving people around or where you've got the Section 28, remove the jury out of the picture.

P8 51:09

Yeah, I had no idea that the two on the left were in the public gallery at all.

P11 51:14

No, it just seemed like the press.

P8 51:14

Yeah, just no idea who they were.

P6 51:17

Just looks like they're sat with the defendant.

P8 51:18

...You've set yourself a difficult challenge, haven't you?

P11 51:43

I know. Just another point and I don't know if I've just not observed, but is the defendant always presenting as masculine in these pictures?

Researcher 51:54

Yes.

P11 51:56

OK, that's is an issue.

P8 52:08

Yeah, ...the survivor changes.

P11 52:10

Sorry, were you asking what I meant by that?

Researcher 52:21

Is it just the defendant?

P11 52:28

I think there's, I mean it's all the same colours, so it's not super diverse, but you can see that there is some kind of stereotypical diversity there and I think. You can't really gain anything else from it other than think there was one shot where the survivor was portrayed in a masculine way, but other than that it's always been in a feminine way and then the defendant has always presented in a masculine way.

And that's just what I've noticed, and obviously from an LGBTQ plus perspective or even just generically, you know, we know that perpetrators and survivors are from all walks of life and all genders and all identities.

I just think that is a major point that needs to be sorted.

And actually, maybe some visual disability, just as much as you can possibly get to make it more diverse, because we've got, you know, 3 white legal professionals there.

Researcher 53:38

The prosecutor's black.

P11 53:43

Yeah, but there's the clerk, and then there's the judge, so 3 white people.

Researcher 53:51

In a different shot, the judge's black and female. I have varied the defendants also. Black male, older white male.

P9 55:00

Just wanted to say that I agree with P11.

Researcher 55:07

OK. Thanks for your input. Shall I carry on?

The court will consider your request but does not have to grant it.
Some people make a written statement and give both parts of their evidence at trial behind a screen to prevent either part of the evidence being captured on video or being shown to the defendant.

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 advisor or ISVA but it's easier for them to sit near you in the witness suite than in the witness box.

P8 57:08

We're not allowed. You have to be behind.

P9 57:12

Yeah, that's not accurate for [place name]. We wouldn't be allowed in the witness suite to sit next to, yeah, so.

P11 57:22

Yeah, I was so shocked that [place name] are so archaic. But even in the most liberal of courts, I've only ever been able to sit behind out of eyesight.

P8 57:36

Yeah, [place name] is the same, we are well and truly tucked away behind and in the corner.

Researcher 57:43

Is it easier, though, to sit nearer them in the witness suite than in the courtroom?

P6 57:52

There's no difference.

P11 58:01

You're not like, bring in any particular difference because in terms of space, yeah, you're far away as they can put you basically. So in the court, they'll put you in press

generally and in the live link rooms they'll put you in the very back corner regardless of how big that room is. So it might actually be the same distance you know, mathematically you're just in a different area. So I don't think it makes any difference.

P8 58:29

There's an implication there that you're almost implying they should make the choice to do it in the [witness suite] room because they'll have support easier, and that is not the case. We're rarely allowed in anyway, so no, that's totally inaccurate, I would say.

P10 58:46

I agree with P8.

P9 58:47

Yeah.

P6 58:48

Yeah.

P9 58:56

Yeah, because in practice it doesn't happen like that. I think maybe in theory it's supposed to, but not in practice for most of us.

Researcher 59:07

So what do you think a better choice of words might be? That they can go with you into the witness suite or into the courtroom. Do you think that is more accurate?

P11 59:22

Or maybe just, maybe just that you're like, we can apply to be near to you while you're giving evidence but that's not always possible, like I think you, you can't be too solid about it because I know that so many clients have it in their head that you can sit right next to them and like hold their hand and you're not allowed.

Researcher 59:41

Umm.

P11 59:44

And so I think it's better to be more cautious on this point, particularly because of how difficult it is for it is for us to get close.

Researcher 59:56

P8, did you want to say something?

P8 59:58

Just make it clear they can request, but that it's not often granted, and certainly that picture needs to be out because there's no way we'd be that close. And take out the implication that it's easier to have this for live link than in court, because that's not true either.

P9 1:00:16

Yeah.

Researcher 1:00:19

P7, did you want to add anything?

P6 1:00:25

I think I agree with what's being said, yeah.

Researcher 1:00:29

OK, alright, let's 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.

Is there any feedback on that?

P9 1:01:04

I think it was so quick where it showed the five images come one after another that I think someone without our background and understanding wouldn't have been able to compute, like understand fully the implications of that process. And I think again, the chances of someone being able to prerecord their Section 28, it's so rare, but that's just my concern.

P11 1:01:39

And I think as well from what P6 mentioned earlier, there's always a chance that there will be required again. So saying, you know, like that's it, it's done. I think is setting up some people to fail really.

Researcher 1:01:53

I think I think the emphasis here is on that they can't change their mind as in, if closer to the trial they thought actually I want to be in that courtroom and I want to give some more evidence and go into court, that's not something that you can decide.

P11 1:02:26

And I understand that, but I think someone watching this for the first time in such a emotive space wouldn't read into that that the court could request them to come back, they would just take that as I won't go back. ...So I think it is important to even just include a very small line in that if the court decides they do need any more evidence from you, you might be called back and just something very, you know, short and sweet about it.

P9 1:03:32

I just think that if you use more words to explain and place more emphasis because it's so brief and succinct that it's just whizzing past really. And I think more words just explain each image as it pops up and the implications would be helpful so that you know people could understand.

Researcher 1:03:57

P10, do you want to come in at this point or say anything?

P10 1:04:08

Nothing more to add.

Researcher 1:04:10

OK, alright. So at this point, we're just looking at what happens if they pre-record all their evidence.

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 comments?

P6 1:04:50

I think it would have been good to explain the guilty or not guilty first, whereas you've gone straight into if it's a hung jury, so you haven't really explained ...

P11 1:05:06

Yeah, I was going to say that like, if the jury can't decide what?

P6 1:05:17

The police and CPS don't explain the possibility of a hung jury, it's either guilty or not guilty.

Researcher 1:05:29

Hmm.

P6 1:05:30

So they see this for the first time, they think you know what's that?

Researcher 1:05:34

Umm.

Researcher 1:05:40

OK.

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

P11 1:06:33

With the Rape Crisis information, I think it would be helpful to sign post to where they can find their local ISVA, because it obviously refers to SARCS, the rape crisis helpline and live chat on it, but it doesn't include any information on ISVAs.

Researcher 1:06:54

Right.

P8 1:07:02

I think also, I think all the orange needs to be sharper, all the type in orange cause it's orange on orange and it just has to be sharpened. That's for everybody. All the orange type sharper.

P8 1:07:23

It's not easy to read at all.

Researcher 1:07:35

Thank you. Thanks very much for the all your feedback. It is really, really helpful.

...

Researcher 1:13:25

Does anybody else want to add anything?

Researcher 1:13:59

P7. You're breaking up a little bit there. Sorry, would you mind repeating that?

P7 1:14:03

So when it's at, 'everybody's different' they were female, and that didn't look that diverse.

P11 1:14:18

So maybe like a graphic, where... like a few people would pop up and say, like, everyone's different and it would have a few different visuals instead of that one survivor. I would agree with that.

P8 1:14:29

Yeah.

P6 1:14:29

Yeah.

P8 1:14:30

Yeah, male survivor. Definitely in that last one.

P11 1:14:33

Yeah. Disabled survivors like there are so many demographics that we need to just try and make it as inclusive and possible. But I think for this type of resource to do what it should do, it needs to be as inclusive and diverse as possible.

P6 1:14:53

If you are going to be distributing this, I can only talk for myself, but I would want it to be absolutely perfect before I would even be comfortable showing it to clients or I just I wouldn't.

P11 1:15:16

I would agree.

P6 1:15:18

Yeah.

Researcher 1:15:21

I think I think there's a question of getting it right, so that it doesn't raise expectations unnecessarily and it's informative and it brings in different viewpoints, but there will be obviously gaps. The video won't be able to cover everything otherwise you'd need at least an hour-long plus video, so I don't think it's going to be perfect. But I'm hoping that it will raise questions and help people to ask those questions because it will at least provide a starting point, whereas at the moment they don't have a starting point. It's very difficult to provide something that goes through all the different possibilities and without pushing one measure over another, and that's certainly not something that I would want to do. So, it's not going to be perfect, but I'm going to try and make it as good as it possibly can be. It may be that the video works to help point out things that aren't in the video. So for example, you can stop it and go into it with them in more detail. It could be used as a way of highlighting what's not included there as well. ...special measures provision is very patchy [but] we do need to say that, you know, Section 28 is an option because in law it is an option. Whether or not it's happening right now, in this particular court centre, you know, is another issue. Are you aware the Law Commission have suggested making certain special measures as of right, including s. 28? The issue is also future proofing the video, how current and accurate is it going to be in 12 months' time or 24 months' time, but I think it's better to have something than nothing and if there's a possibility of updating the video in due course, editing it and changing, I'd like to be able to do that as well. It's by no means perfect at the moment, hence why it's really valuable to show you and get your feedback, I think.

P11 1:19:34

I was just going to comment that I think this is an incredibly difficult piece of work. It would be really good to amend [the credits] to include 'find your ISVA' so that

people can be sign-posted to ISVA services so they can find those and say that an ISVA can discuss things in more detail with you. I would hope that these resources will also act as a springboard for services to develop their own, to start conversations and things like that. So I think it's really good that you are doing it. I think you're never going to please everyone, but there are the core things I think we've all agreed on that kind of need to be looked at. So it's really good that you gonna be doing that.

P8 1:20:27

Yeah, I was gonna say similar. I just feel, I hope we haven't been too challenging an audience for you, but I think that shows how difficult the task is that you've set and how, how challenging it is to explain this. And I feel with police officers they kind of gear them to what they think they should do anyway. So this kind of tells them a little bit more and but yeah, I think it's a very, very hard task you've set yourself to do and you know, we do appreciate that. But yeah, it's a difficult thing to navigate, isn't it?

Researcher 1:21:03

Yeah, it is. I've found that some groups want me to take things out while other groups want me to leave it in. But, thanks so much for your time. I do appreciate it.

P11 1:22:50

Thank you for letting us all ...bang our drums for an hour and a half. ...Take care everyone.

● **Researcher** stopped transcription