

WHAT HAPPENS NEXT?

A young person's guide to being a witness

Morgan Libeau



MINISTRY OF
JUSTICE

Tāhū o te Ture

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Other resources available:

Let's Talk Court - for young people aged 13 years and over

Being a Witness - video for young witnesses

Courtwise - activity book

For young witnesses and their parents, carers, family and whanau - factsheet

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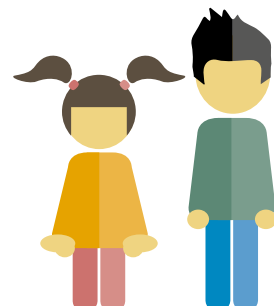
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Dear young person,



This is a book for you that explains all about going to court and being a witness.

Have you told someone about what happened to you?

Or what you saw happen to someone else?

Have the Police arrested an adult who you said hurt you? Or somebody else?

If you have, you may have to go to court and tell other people there what happened.

This is what's called being a witness.

A witness is someone who has seen something important or knows about something that happened.

Lots of young people go to court as witnesses.

It's not an easy thing to do for the first time. You'll feel better about going to court if you know what to expect before you get there.

The Victim Advisor, Police Officer in Charge, your parents/ carers, therapist or counsellor will make sure you know what to do by reading this book with you. They can also explain any bits you don't understand.



This book belongs to:

.....

The people who can help me are:

.....

.....

.....

.....

.....

.....



A court is the place where it's decided if people have broken the law or rules

You'll only have to go to court if the accused or defendant (the person the Police say has broken the law) says they didn't do what you or the Police say they did. This is called a *not guilty plea* or *Judge Alone Trial* (a *trial*).

There are a few things you'll need to know if you're going to court because it's a place where mostly adults go. It's a very big place and can be a bit scary or confusing for young people (and some adults).

If you know some things about the court, like how it works, who'll be there and what everyone's job is, then it helps a lot.



When you go to court

The Police Officer in Charge of the case will tell you and your parents/carers what day and time you need to go to the court.

It might be a long time after the Police arrest the person they say has broken the law before you go to court.

The courts are very busy. Everyone has to wait until there's time for their case to be listened to.

You'll either go to a District Court or a High Court.

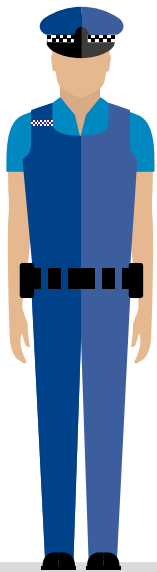
These are usually big buildings with lots of rooms and lots of people who look very serious and busy.

The people you choose to go to court with you (as well as your support person) will be able to sit with you in a room at the court while you wait to have your turn to talk.

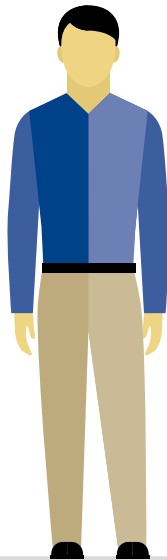
The Court Victim Advisor, Police Officer in Charge or counsellor will take you to see the court before the day you have to be a witness so you can see what it looks like.

The courtroom will look really big and empty, and you might find it hard to imagine how many people will actually be there on the day and where they will all sit.

You might get worried or nervous and think that you don't want to go, or you might think, "This is not so bad." – and not worry at all.



**Police Officer
in Charge**



**Court Victim
Advisor**

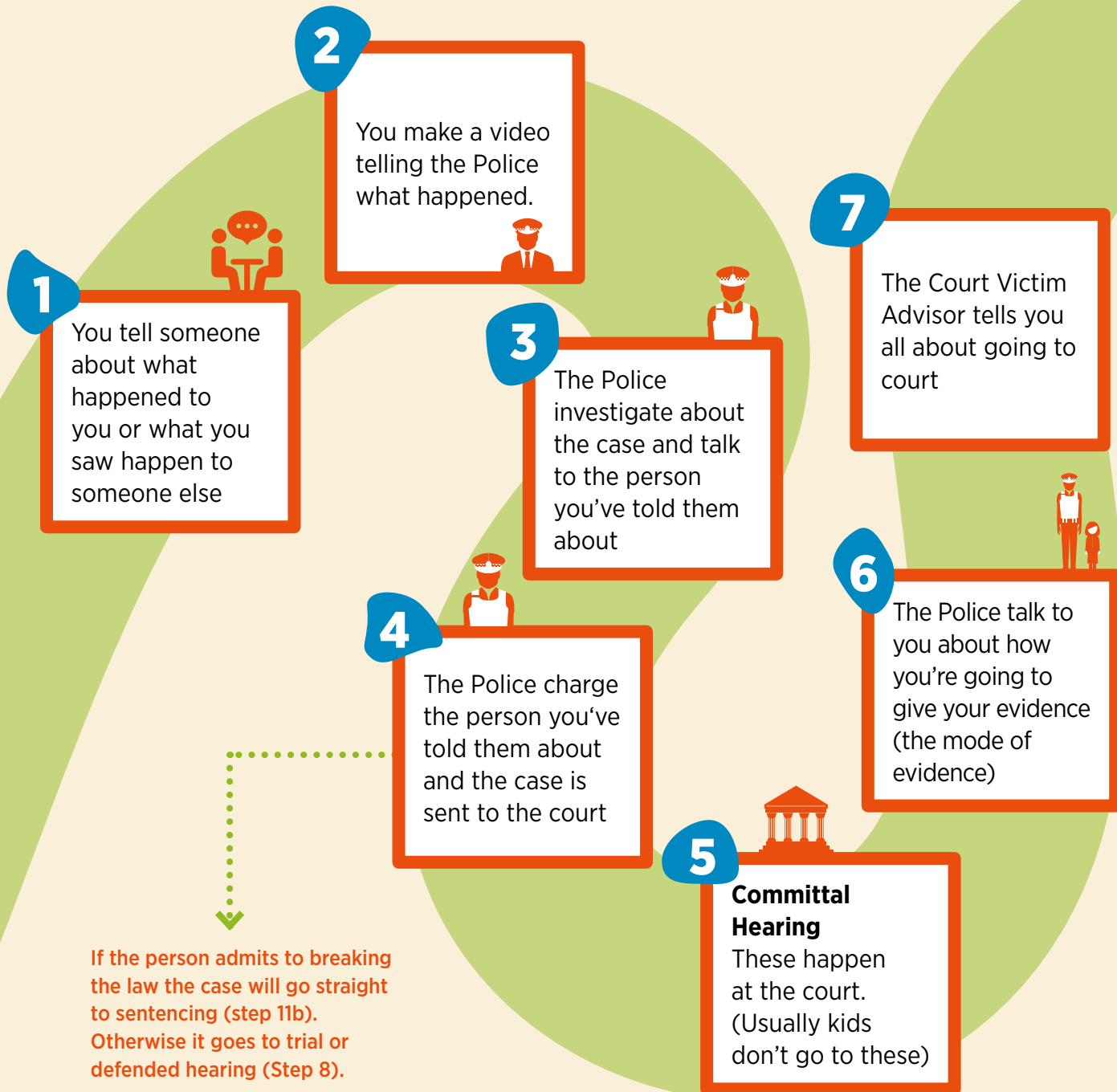


YOU



**Your support
person**

This shows the way that some cases go to court. There are lots of steps that happen after you tell someone. That's why sometimes it can take a long time.



8

Judge Alone Trial

Where everyone tells their piece of the story. Where you'll go as a witness



10a

NOT GUILTY
Verdict

11a

Victim Advisor explains about the verdict and you can talk to them about how you feel about what happened at court



9

Verdict

11b

Sentencing

When the judge decides the punishment - a few weeks after the trial



10b

GUILTY
Verdict

Who'll be there?

So let's make a list of all the people who'll be in the court to listen to the case, and what their job in court is.



The Judge

The judge is the boss and is in charge. They make sure everyone does their job properly. The judge will talk to everyone, including you. The judge always wears a black robe, like a cape, over their clothes. The judge sits at the front of the court. The judge is sometimes the one who decides if the laws have been broken after they've listened to everyone have their say.



The Prosecutor

The prosecutor is the lawyer for the Police. This person can be the Crown prosecutor or the Police prosecutor. In this book we'll call them both the prosecutor. The prosecutor's job is to talk about the case and ask people questions about what happened. The prosecutor will be the first lawyer to ask you questions.



The Defence Lawyer

The defence lawyer is the accused person's lawyer. The defence lawyer's job is to help the person who the Police say did something wrong. This lawyer will also ask lots of questions about what happened. This lawyer needs to hear all the pieces of your story. Both lawyers have to stand behind their benches when they ask you questions. The defence lawyer and the prosecutor wear black robes a bit like the judge's. Sometimes lawyers are also called counsel.

The Jury

The jury is made up of twelve adults who you won't know. They'll decide whether the accused has broken the law.

The people in the jury will sit and listen very carefully to all the witnesses. At the end of the trial, when all the people have had their turn, the jury go to a special room called the 'jury room' and have a meeting together to decide whether the accused has broken the law. Then they'll come back to the courtroom and tell the judge what they've decided. This is called the verdict.

If there's no jury for your case, then the judge will decide whether the accused has broken the law.





The Witness

(This is you!)

A witness is a person who, like you, is asked to come to court to tell what they know. This helps the judge or the jury to make their decision. They have to know everything. It's like a jigsaw filled with all the pieces of everyone's story and no bits missing. So try not to leave anything out.

At the beginning, each witness promises to tell the truth. The job of the witness is to answer any questions the lawyers or the judge ask. A witness needs to listen carefully and answer the questions clearly and truthfully.

Remember you're not there because you've done something wrong. You're there to tell the truth about what you know.



The Witness' Support Person

The support person is an adult who's not a witness. Your support person is someone you know who's been chosen to sit with you when you give your evidence.



The Accused or Defendant

These are names for the person you told the Police or the interviewer about. This is the person you said did something to you or someone else. This is the person the Police arrested. In this book we'll call this person the *accused*.

The accused isn't allowed to talk to you or ask you any questions and will be kept away from you.

The accused sits in the courtroom and listens to everything. The accused isn't allowed to say anything until later in the trial. If they do say anything without being asked, the judge will tell them off.

The accused won't be allowed to talk to you and you probably won't see them at all.



Prison Officer or Prisoner's Escort

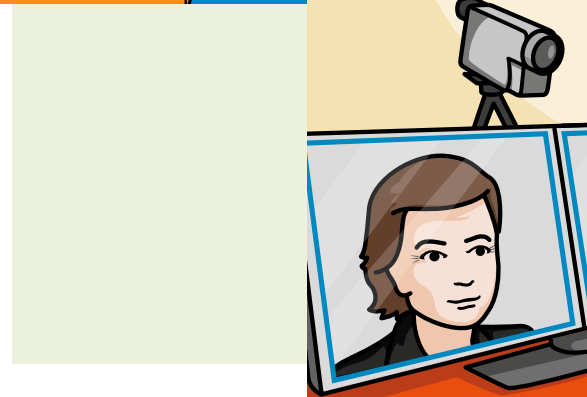
This person sits beside the accused and looks after them. When the accused goes for morning tea or lunch, the prison officer goes with them to make sure they stay in the court building and don't talk to any witnesses.

COURTROOM PEOPLE

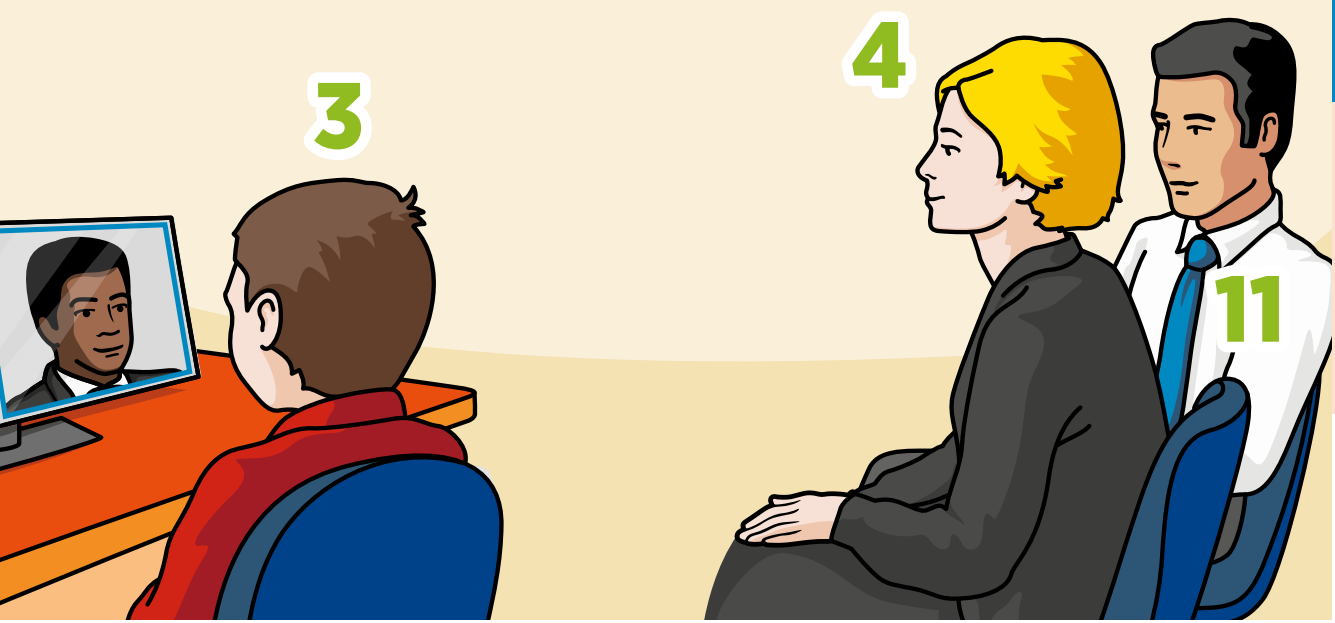
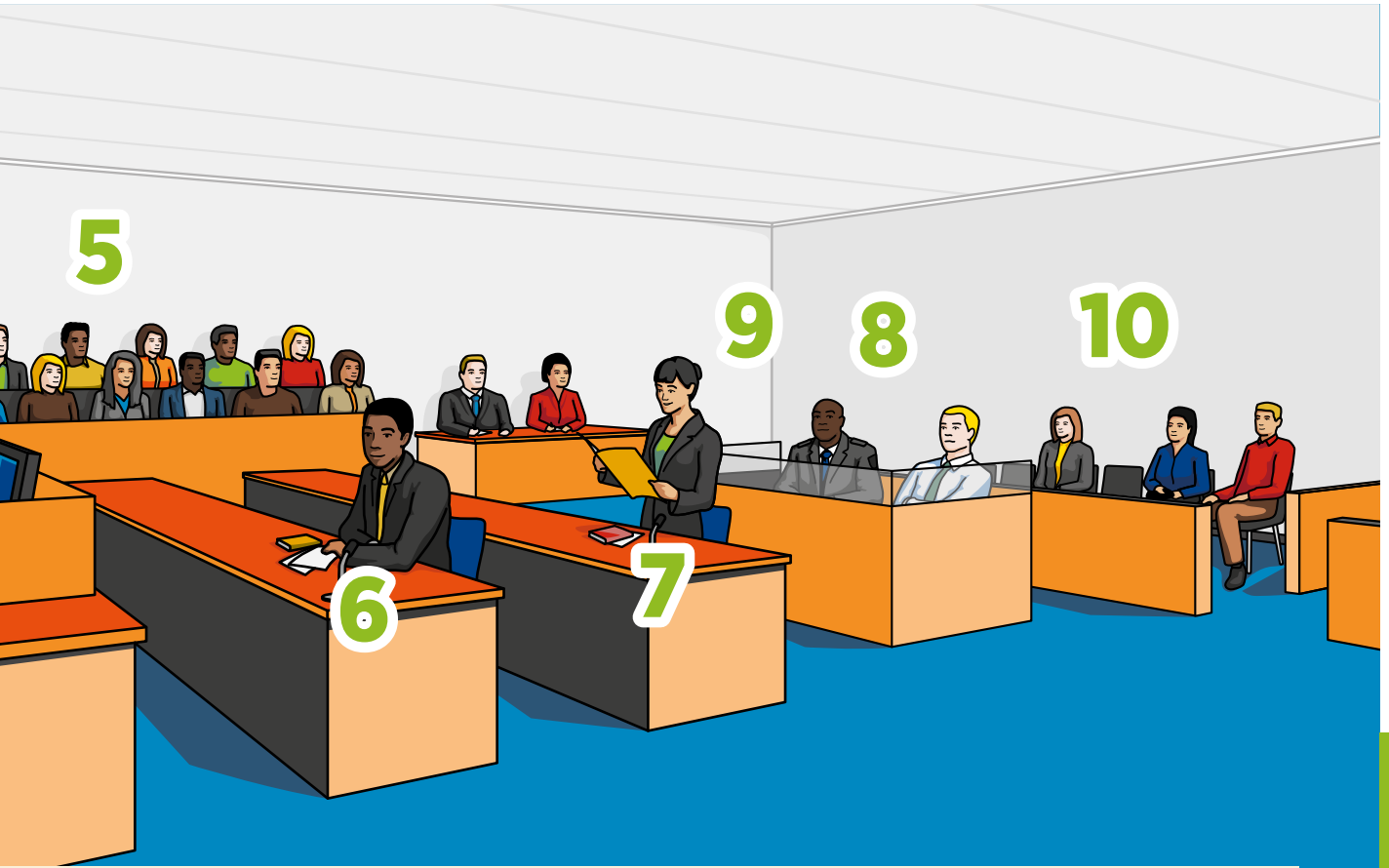
1. Judge
 2. Registrar
 3. Witness (you, in another room)
 4. Witness' Support Person
 5. Jury
 6. Prosecutor
 7. Defence Lawyer
 8. The Defendant or Accused
 9. Prison Officer
 10. Public gallery
 11. Court Registry Support Officer (CRSO)
- * Court Reporter (in another room)

2 WAYS OF GIVING EVIDENCE

- closed circuit TV
- video recording made before the hearing of the proceeding



closed circuit TV



Let's list some of the people who might come to court to be a witness

The support person is an adult who's not a witness. Your support person is someone you know who's been chosen to sit with you when you give your evidence.

Police Officer

Family members

Doctor

Video Unit Interviewer

The person you first told about what happened

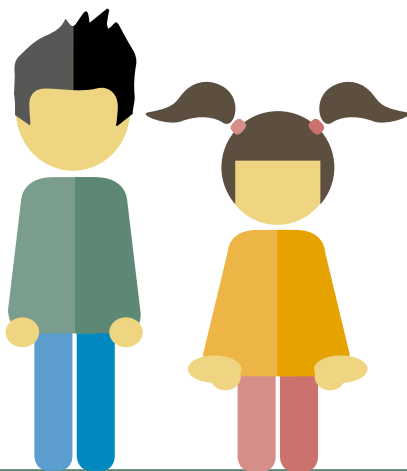
Anyone who saw what happened

Anyone who knows anything helpful

Answer the questions clearly and truthfully. Speak loudly if you can.

The judge, the jury and the lawyers have to listen to the witnesses. All the witnesses have to take their turn, and you might have to wait a long time before you get your turn. It can be a very long day of waiting.

You might see someone you know at the court who's going to be a witness too. You can say hello, but you're not allowed to talk to each other until you've both had your turn.



People sometimes get a bit grumpy and nervous when they have to wait for ages, so it's good to take some things to do while you wait. You could bring colouring books and pens, cards, puzzles or books to read. You could also take some juice and something nice to eat in case you get hungry. Wear comfortable clothes.



Feelings in Court

When you're a witness, you're asked lots of questions by lawyers. Some of these may be difficult or make you feel confused.

If you get confused, or you don't understand something, say so. If you don't remember things, say to the lawyer that you don't remember.

Speak loudly if you can. The people in court have heard lots of things that aren't nice or are scary. They're adults and can handle it. Don't worry about having to say bad words, swear words, sad words or silly words, or if you cry.

Tell the court all the pieces of the story even if it's been a secret.

Now, there are a few other people in the court who help too.

The Court Reporter

The court reporter may be sitting by the judge, or in another room. This person types the evidence on a computer. This is so the judge and lawyers can read it again later to make sure they haven't missed anything and to keep a record of everything that's said in court.

The Registrar

This is the person who sits in front of the judge and writes down what happens in the courtroom.

Court Clerk

This person calls out the names of the witnesses and hands things to the judge and other people in the court.

Security Officer

They stand at the door of the court. They make sure the court is a safe place. They keep order, keep people quiet, let people know when it's their turn to be a witness and look after the jurors. They usually wear a uniform so it's easy to tell who they are.

Telling your story

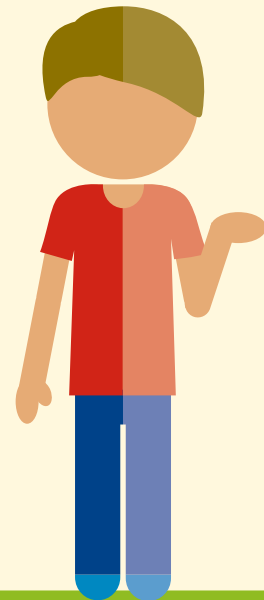
Wow! you might be thinking – what a lot of people! It may seem like heaps, but it's very important to have all those adults listen to what you and the other witnesses say the accused did. When adults go to court to be witnesses, they have all those people there too.



Giving evidence

Before you go to court, you'll be told how you'll give your evidence.

It may be by closed circuit TV, or you may already have given some evidence on a video and this may be shown to the court. The judge is the person who, at a special meeting before the trial, decides how your evidence will be given.



Closed Circuit TV (videolink)

You don't have to go into the courtroom to give your evidence. If you've already talked about what happened to you and this was recorded, then you may be asked to sit in another room and answer questions through a special closed circuit TV. Everyone in court will see you on the TV screen and hear your answers, but you'll only see the judge or lawyer who's asking the question. You won't see the accused.

You'll have a court person in the room with you as well as your chosen support person.

The two people in the room with you aren't allowed to say anything. Only you can answer the judge's and lawyers' questions.

Giving your evidence

So... let's go through what will happen in court. You'll be taken to the closed circuit TV room (make sure you go to the toilet first).

In the closed circuit TV room, you'll need to sit in front of the TV monitor and get comfortable and ready.

First of all the judge will say hello and introduce themselves. Then the judge will ask you some questions about telling the truth. They'll ask you to promise to tell the truth. If the video you made is going to be used, this is the part where the court and you will watch it.

Next the prosecutor (the Police lawyer) will have a turn at asking you questions. Then it's the defence lawyer's turn. Sometimes they have more than one turn each and sometimes the judge might ask a question too. If you're in the closed circuit TV room, the only person you'll be able to see on the TV screen is the one asking the questions.

Answering questions can make you very tired. Just remember, this is the time when you'll be able to talk about what happened. Your job is to listen carefully and answer the questions as best and as truthfully as you can.



If you feel unhappy, confused or tired, or if anything happens you don't understand, tell the judge.

This shows what will happen when you give your evidence.

1

Everyone is in their places in the court.

You are in the CCTV room.

2

The judge says hello to you.

3

The judge talks to you about telling the truth.

4

You promise to tell the truth.

5

Watch your evidence on the video, if you've made one.

6

The prosecutor asks you questions.

7

The defence lawyer asks you questions.

8

The judge might ask some questions too.

9

You're listening carefully and speaking clearly.

10

The judge says you've finished and says thank you.

11

It's finished!
You can have a rest.



WELL DONE!

When you've finished your turn

You and your support person can go back to the room you waited in before. You can play or draw or read or just have a rest until the person who brought you to court takes you home.

If there are other witnesses in the trial, then the judge and jury still have to hear what they have to say. Sometimes it takes a few days for all the witnesses to be heard.

After all the witnesses have had their turn, the next thing that happens is that the prosecution lawyer, the defence lawyer and the judge all have a turn talking to the jury.

After all that, the jury goes into their special room, the jury room.

The job of the jury is to decide if the law has been broken. They listen and watch all the witnesses very carefully. At the end of the trial, the jurors meet in the jury room and decide the verdict.

The jury has to agree about whether or not the accused has broken the law.

Sometimes in the District Court there's no jury and the judge alone will decide the verdict.

The jury or judge can decide that:

- **the accused is guilty, or**
- **the accused is not guilty, or**
- **they can't decide whether the accused is guilty or not guilty (no verdict).**

Verdict of Guilty

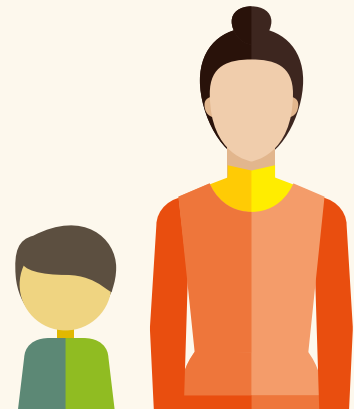
This means the jury or judge is sure that the accused has broken the law.

Verdict of Not Guilty

This means the jury or judge is not sure that the accused has broken the law.

No Verdict

This means that the jury can't agree on whether the accused is guilty or not guilty. If this happens another trial might be held, and you might be asked to give evidence again.



The Sentence

If the jury or judge decides the accused has broken the law, then it's the judge's job to say what will happen to the accused. This is called the *sentence*.

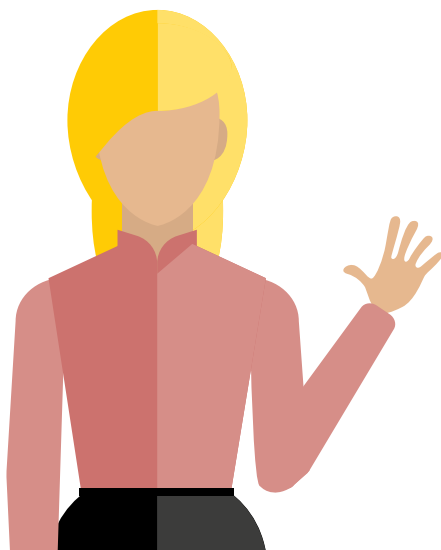
It will be a few weeks after the trial before you find out what sort of sentence the judge has decided on. The judge might send the accused to do some work that they won't be paid for, make them pay money (a fine), send them to counselling or send them to jail.

The judge will tell the lawyers what day to come back to court with the accused so they can tell them what the sentence will be. You don't have to go to court on this day unless you want to.

So...that's a lot to know about going to court and being a witness, but all of it is important stuff to know. You might think it's all a bit confusing and you might still have lots of questions. That's OK.

If you have any worries or questions, it's best to ask the Victim Advisor or Police Officer in charge of the case or the prosecutor. You could also get a grownup you feel good about to go through this book with you again and go over the hard parts. Try using the activity book also to help you understand about court.

At the back of this book is a list of words you'll hear the adults use around the court. If someone does say a word you don't understand, then ask them to explain it to you.



Victim Advisor



Police Officer

After your court day

When you've finished your witness job, the Victim Advisor will make sure that someone explains to you about the verdict and sentence and talks to you about how you're feeling.

It's important that you can talk to your parents/carers, therapist or counsellor about any feelings you have, whatever they are.



You might have lots of different feelings or worries about being a witness

You could feel nervous, embarrassed, upset or scared.

Or you could feel confident and OK.

Whatever your feelings or worries are, ask someone you trust to listen and help you.

You've probably seen court and lawyers on television programmes. Usually what you'll see is what happens in American courts. New Zealand courts and lawyers are different from the ones in America, so what you see on TV isn't always what happens here.

Lots of children and young people have been to court and been a witness. It's a hard thing to do sometimes. You'll feel better if you can talk about it all with other adults or your friends.

It's important to share and talk about your feelings.

Nobody should tell you what to say in court though. The people in court want to hear what happened in your own words.

It's ok to ask questions before you go to court. The adults have asked you lots of questions already and they'll ask you more in court. It's only fair that you can ask them questions and stuff too.

What some other young people have said about being a witness in court

- When I found out I was going to court I was really worried. I thought I had done something wrong, but I got told I was the only one who could tell, and that made me feel better.
- Finally we found out what day I was going to court, I found it hard to do my schoolwork and stuff, I think it was because I was so scared. I don't know why I was scared.
- The Victim Advisor really helped me to understand what would happen in court so I didn't feel quite so nervous.
- Some of my whānau helped me colour in the pictures in my book, and it looks really cool. It helped me understand what being a witness meant.
- The video was neat. I knew exactly what to take to court with me and what to expect.
- I didn't feel so weird about going to court after I found out that lots of other kids have to be witnesses in court too.
- I think I did a good job being a witness even though I was nervous, and I had to wait for ages.
- When all the court stuff was finished the Victim Advisor made sure I knew all about what the judge had said was going to happen to the accused, and checked how I was feeling.
- After it was all over we went to a counsellor. It was really good to tell her about what it was like and how I felt.



Belinda's Story

Making my video statement



When I went to the video unit I was very nervous. We walked in and I felt a bit better when I saw how bright and colourful it was there. I was told exactly what would happen and I met all the people. They were really friendly and nice.

The interviewer and I went into a room that had a small video camera in it, and the policewoman went into another room where she could see us on a TV monitor. When we were ready she started the video.

First of all the interviewer asked me some things to make sure I really understood about telling the truth. Then she asked questions about what had happened to me. I was allowed to colour in while we talked, and that made it quite easy to talk and answer the questions. I was surprised how much I could remember. Before I knew it, it was finished. There is no need to be scared when you make a video.

Six weeks later the offender was arrested, and pleaded guilty.

I will never forget this experience but I don't think about it much any more... What helped a lot was going to therapy and being in a girls' support group.



Remember these things: These can be your rules in court



- **Listen carefully**
- **Tell the truth**
- **Take your time answering questions**
- **Don't guess or make up answers**
- **If there's something you forgot to say, tell the judge**
- **If you made a mistake, tell the judge**
- **It's OK to say, "I don't know" or "I don't understand" or "I can't remember"**
- **Always ask the judge if you need help in court**

We hope this book has helped you to understand what happens in court and how you might feel. Colour in the pictures in the book, talk to friends, grownups, counsellors or therapists.

The 'Courtwise' activity book has more ideas and helpful information, or watch the video 'Kids in Court'.

Commonly used court words

Arrest

When someone is taken by the Police and is charged with breaking the law.

Acquittal

When the court finds the defendant not guilty of breaking the law.

Adjournment or recess

When a case is put off to another date and doesn't continue on the day. This also happens when the court takes a break, for instance for lunch, and everyone leaves the court room. Everybody returns after the break and the case carries on.

Affirmation

A promise in court to tell the truth (instead of swearing on the Bible or on a Holy Book).

Bail

The defendant is released from custody/the cells and is allowed to live at an address in the community. The Judge sets conditions that the defendant has to meet to be able to remain on bail (Bail is not a sentence).

Charge

When arrested the defendant is charged in court. They are told what the law is that the Police believe they have broken.

Closed court

When the Judge decides who can stay in the courtroom and who must leave the court room during a court process.

Community work

A court sentence or punishment where the person that has been found guilty has to do a number of unpaid work hours for the community.

Court Victim Advisor

The person at court who provides information to you and your family about court and who will help you when you come to court.

Courtroom

The room where the court hearing is held.

Closed Circuit TV (CCTV) Monitor (AVL/ video link)

The CCTV room is not in the court room where the trial is being held but still in the court building. The room has a camera and TV monitor you sit in front of while you give evidence. You will be able to see the Judge and the two lawyers, but not the defendant or anybody else in court.

Cross-Examination

When the defence lawyer asks you questions in court about what you say happened.

Defendant

The person who you say did something to you or someone else that is against the law.

Defence lawyer

The lawyer is the person who speaks on behalf of the defendant.

Evidence

When witnesses tell the Judge or Jury what happened.

Expert witness

A person that helps the court by giving special or technical information or evidence. E.g. a doctor, psychiatrist or psychologist.

Examination in Chief

When the Prosecutor helps you to tell your story and to say what happened.

Fine

When the Judge sentences the defendant to pay money for breaking the law.

Foreperson

A member of the Jury who tells the Judge when the Jury is ready to give their verdict/decision.

Guilty plea

When the defendant admits they broke the law.

Guilty verdict

When the Jury or Judge is sure the law has been broken and the defendant is guilty.

Hung Jury

When the Jury can't decide if the defendant is guilty or not guilty.

In chambers

This is when the Judge wants to talk only to the lawyers and everybody else leaves the courtroom.

Jury

A group of twelve people (jurors) who listen to the evidence and decide if the defendant is guilty or not guilty (the verdict).

Jury room

The room where the jurors have their meeting to discuss the evidence and decide whether the defendant is guilty or not guilty. They also wait there before they go to court and take the tea break and sometimes lunch break in the room.

Laws

The rules which everyone in New Zealand must obey. Laws are important rules. They tell us for instance not to steal from or hurt somebody else. When someone doesn't follow these rules, it's called breaking the law.

Legal Argument

When the lawyers have discussions about legal matters.

Not guilty plea

When the defendant says they didn't break the law.

Not guilty verdict

When the Jury or Judge find that the law hasn't been broken or are not sure if the law has been broken.

Oath

When a person puts their hand on the Bible or other Holy book and promises to tell the truth.

Offence

Something that is against the law. Offence is another word for crime.

Probation officer

Someone who works for the Department of Corrections who will talk to the defendant and write a probation report.

Probation report or pre-sentence report (Provisional Advice to Court or PAC report)

A report written by a Probation Officer to assist the Judge when deciding on an appropriate sentence.

Prosecutor

The lawyer for the Police.

Sentence

The court's penalty or consequence. The Judge decides what the sentence is. It could be a sentence in the community such as community work, or the defendant can be sentenced to pay a fine or be given a sentence of imprisonment.

Support person

A support person comes to court with a child or young person or adult witness when they are a witness in court. A support person must be over 18 years old and can't be a witness in the case.

Trial

The time at court when everyone says what happened or what they saw and at the end of the trial the Judge or Jury decides whether the defendant is guilty or not guilty (verdict).

Video statement or video evidence

A video of what you said on your video to the Police interviewer before the trial.

Victim impact statement

A statement written with help from the Police that tells the Judge how what happened has affected you. This statement is done before the defendant is sentenced and is different from your statement about what happened.

Feelings about my court day



A large white rounded rectangle containing ten horizontal dotted lines for writing.



Notes and dates



e.g. Met victim support person

A series of horizontal dotted lines for writing notes, starting below the example text and extending down the page.



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