

# **Advocacy and the Vulnerable Witness**

# Topics

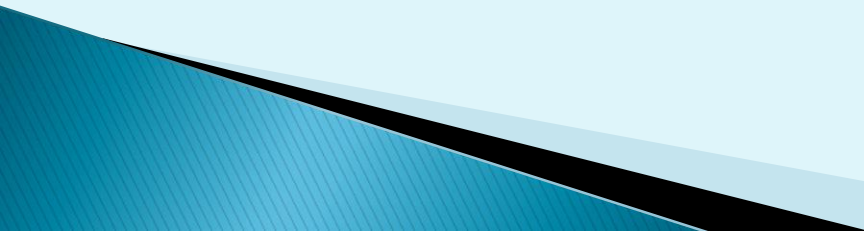
1. Purpose
2. Definitions
3. Jurisdictions
4. Memory Research
5. Techniques
6. Teaching
7. Future

# 1. Purpose

# 2. Definitions

- ▶ The Witness
- ▶ The pre-record
- ▶ Intermediaries
- ▶ Ground rules hearing

# The intermediary

- ▶ Facilitate communication between the witness and advocate.
  - ▶ Trying to ensure the witness and advocate understand each other.
  - ▶ Impartial. Not a support person.
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# The report of the intermediary

- ▶ A summary explaining how the witness communicates.
- ▶ Identifying the needs of that individual witness.

<b>Questioning Recommendation</b>	<b>Advice for Questioner</b>	<b>Rationale</b>
Use simple open questions at the start	Start with less linguistically challenging open questions (who, what, when, where etc.)	X will comply well with simple open questions while familiarising himself with the situation.



<b>Questioning Recommendation</b>	<b>Advice for Questioner</b>	<b>Rationale</b>
<p>Use reference to life experiences in discussing places and times.</p> <p>Consider using visual references (photos, drawing materials)</p>	<p>If word finding for places or times appears to be problematic, ask for a life-event e.g. ‘was this close to your birthday?’</p>	<p>X has difficulty with names of suburbs/streets and will need these referenced to his experience. X made good use of drawing to explain some locations during interview.</p>

# The GRH

- ▶ The mention after the report and before the pre-record.
- ▶ Intermediary may give evidence.
- ▶ Rules governing examination of witness determined.

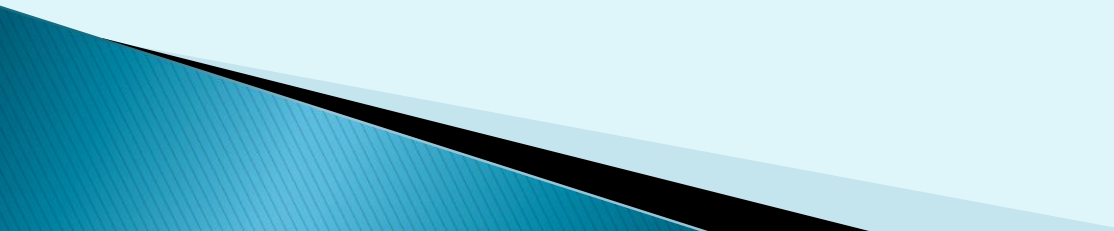
# 3. Jurisdictions



# R.C. Recommendations

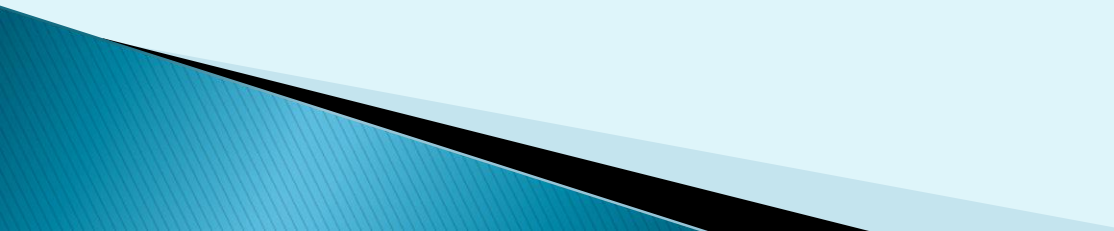
- ▶ Full pre-recording of the evidence of the witness
- ▶ The establishment of intermediary schemes
- ▶ The use of GRH to maximise initiatives
- ▶ Improved information for the profession and jurors
- ▶ Regular education programs for the profession

# 4. Memory Research

- ▶ Memory is not an exact replica of an event
  - ▶ How cognitive processes affect memory
  - ▶ Memory and recurrent events
  - ▶ Age and memory
  - ▶ Memory retrieval
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# 5. Techniques



- ▶ The Intermediary
  - ▶ The GRH
  - ▶ Our Questions
- 

# Techniques – Our questions

- ▶ Clarity
- ▶ Focus
- ▶ Actual questions
- ▶ No tags
- ▶ One fact per question

- ▶ Signposting
- ▶ Time
- ▶ Using aids
- ▶ Consistent labels

# 6. Teaching

# 7. Future

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