



Scottish Courts and Tribunals Service

Criminal Hearings

Victim Support Unit Guide



Criminal Virtual Hearings

This guide provides information and step by step instructions for Vulnerable Witnesses giving evidence within a virtual criminal trial.

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Victim Support Unit – Vulnerable Witnesses

• **Information:**

It **must** be clarified and noted by both victim support and the court officer in advance of the commencement of the trial, what, if any, special measures have been granted in respect of the witness, by the court. Any special measures **must** be set up before the witness gives their evidence. For example: a supporter will be present and screening will be set up on the device the witness will be using to give their evidence.

It may be beneficial to reiterate to the witness, before they give their evidence, that if **no** special measures have been granted, then they will be able to see the accused on screen. They should already have been notified of this fact by the Procurator Fiscal.

- The designated Victim Support (VS) contact should have received the WebEx invitation details from the Clerk of Court in advance of the trial diet. These details should include the date, time and sign in details. **These will also be issued to the Court Officer attending at the external location to operate the IT equipment.**
- **Prior** to the Trial, the designated VS contact **must** ensure that:
 - the equipment they are using is in working order and that WebEx can be accessed on it;
 - That the internet connection being used is a secured and/or a wired connection. The use of Personal or open hotspots (i.e. BT Open Zone) **must** be avoided.

If there are any issues with IT equipment or internet connections, please advise the Clerk of Court immediately to make alternative accommodation arrangements for the witness to provide evidence.

• **Joining the Trial:**

- On the day of the trial, the Court Officer in attendance **must** ensure that:
 - ▶ There is sufficient charge in the IT device and a charging socket available if necessary;
 - ▶ The evidence will be given in a room where there will be no disturbances during the time witness is giving their evidence;
 - ▶ Throughout the period when giving evidence the witness will be alone in the room from which that is being done (with the exception of a supporter if one has been authorised by the Court, and of course the Court Officer);
 - ▶ The witness does **not** have access to any statement or other material relevant to the trial;
 - ▶ Any additional vulnerable witnesses due to give evidence at the same location (i.e. children) are checked on/updated at least once per hour.

- The PF/Defence agent will inform the Court Officer when the witness is to join the trial. **WITNESSES MUST NOT ENTER UNTIL THE COURT OFFICER HAS BEEN CONTACTED BY THE COURT.**

The Trial:

- The witness will appear on screen and will see a number of thumbnails on the screen, showing the trial participants. If the witness has **not** requested special measures, then one of the thumbnails will be of the accused.
- **Special Measures:** If special measures have been requested (i.e. screening), the Court Officer **must** ensure that the WebEx event is set to '**Active Speaker View**' *prior* to the witness entering the room to give evidence ([Refer to Court Officer Guidance for details](#)). When special measures are in place, the witness will only see who is addressing them at any one time (i.e. the Sheriff, Fiscal or Defence Agent). The only person that they will **not** see or hear is the accused, as the Clerk of Court will have them set to mute for the duration of the witness giving evidence.
- The Sheriff will address the witness (they may introduce the other parties shown on screen to advise who each person is) and then administer the oath or affirmation.
- The witness **must** ensure that they are positioned in such a way as to be seen clearly on the screen (i.e. ensuring that they are not too close to the camera so that their face is dominating the screen).
 - The witnesses' screen will automatically switch to the PF who will begin to examine the witness.
 - When the PF has finished with their examination, the witnesses' screen will switch back to the Sheriff before switching to the defence agent for any cross examination.

Conclusion of Evidence

- When evidence has been given the witnesses' screen will return to the Sheriff who will then release the witness from the trial. The Court Officer will be required to disconnect by leaving the Meeting, via clicking the **red exit button** at the bottom of the screen.

After being released from giving evidence the witness must have no contact with any other person who has yet to give evidence in the same trial. This aspect will be managed by the Court Officer whilst the witness is present at the external location.