



The Inns of
Court College
of Advocacy

VULNERABLE WITNESSES AND DEFENDANTS IN THE CRIMINAL JUSTICE SYSTEM

INTRODUCTION TO THE TRAINING AND PRE-COURSE PREPARATION

INSTRUCTIONS

Purpose of the training

1. The purpose of this training is for you to learn to deal with different types of vulnerable witnesses and how to appropriately and fairly handle vulnerable witnesses and defendants within the criminal justice process.
2. Most islands either have enacted, or are in the process of enacting legislation which relates to the handling of vulnerable witnesses and the special measures that can be employed for them.
3. In addition, case management powers and rules are being brought in which give Judges the ability to make directions about the handling of vulnerable witnesses and defendants which will be binding on the advocates.

4. Intermediary Reports are not yet in use in the Caribbean but are being increasingly used in the UK. We predict that these reports will eventually be in use in the Caribbean and therefore this exercise includes training on using Intermediary Reports. PLEASE NOTE HOWEVER THAT INTERMEDIARIES SHOULD ONLY BE USED WHEN THEY ARE QUALIFIED, ACCREDITED AND APPROPRIATELY TRAINED.

Learning Points

1. Recognising and dealing with different types of vulnerability in a witness or defendant.
2. Case analysis and preparation in cases involving vulnerable witnesses and defendant.
3. Handling pre-trial Ground Rules Hearings and identifying issues to be dealt with at a Ground Rules Hearing.
4. Preparing to examine-in-chief and cross-examine vulnerable witnesses by drafting questions in accordance with the 20 Principles of Questioning.
5. Conducting appropriate examination-in-chief and cross-examination of vulnerable witnesses which comply with the 20 Principles of Questioning.

PRE-COURSE PREPARATION INSTRUCTIONS

1. IT IS VITAL THAT YOU COMPLETE THIS PRE-COURSE PREPARATION BEFORE THE COURSE STARTS. YOU SHOULD ALLOW TWO WORKING DAYS FOR PREPARATION TIME.
2. Please click on the following link:
<https://www.icca.ac.uk/international-training/>
3. This will take you to four podcasts and five films which you should listen to / watch in advance of the training course:

Podcasts:

- Vulnerable children with special communicative needs – Dr Eileen Vizard
- Cross examination of vulnerable persons – Dr Brendan O'Mahony
- Best practice when prosecuting vulnerable cases – Rosina Cottage QC
- Assisting witnesses with communication difficulties – Sue Thurman

Films:

- [Development of the Law – Professor John Spencer](#)
- [Ground Rules and Section 28 Hearings – HHJ Sally Cahill QC](#)
- [Children and the Court – Professor Michael Lamb](#)
- [The Principles of Questioning – HHJ Sally Cahill QC plus pdf of 20 Principles of Questioning document](#)
- [CBA Training Video – A Question of Practice](#)

4. Read the “20 Principles of Questioning” document.
5. Read the “How to Draft Questions for Vulnerable Witnesses” document.

6. You may also find it useful to look at section 20-1 of the UK Crown Court Bench Book which contains sample "Rape Myth" directions. <https://www.judiciary.uk/publications/crown-court-compendium-published/>

7. Conduct your own case analysis and read the toolkits on the Advocate's Gateway (<https://www.theadvocatesgateway.org>) as set out in the case study – The Queen v Darnel Holder.

8. Prepare your examination-in-chief and cross-examinations. You must write your questions out in full in advance of the course and your questions must follow the recommendations in the various Intermediaries Reports and the directions made at the Ground Rules Hearing:
 - a. Prosecutors prepare examination-in-chief of Ayanna Roberts, Tanice Roberts, Marissa Holder and Shavonne Haynes. Prepare cross-examination of Darnel Holder and Kenton Rowe.

 - b. Defence prepare cross-examination of Ayanna Roberts, Tanice Roberts, Marissa Holder and Shavonne Haynes. Prepare examination -in-chief of Darnel Holder and Kenton Rowe.